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To My Mother and Father
ACKNOWLEDGEMENTS

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CHAPTER I

INTRODUCTION: INTEREST GROUPS AND THE STUDY OF U.S. FOREIGN POLICY

During my years of experience in Washington, D.C., I have developed an appreciation for the role of nongovernmental organizations in our government process. While working as a staff member for the House Education and Labor Committee's Subcommittee on Health and Safety, I was constantly reminded of the importance of interest groups to the functioning of the Committees of Congress. It was a rather common occurrence for our subcommittee to be visited by a lobbyist from an interest group to discuss an issue over which our committee had jurisdiction. These same people were responsible for arranging witnesses to testify at our hearings. We depended upon many of them for information and points of view. Having worked for one such interest group, I am even more cognizant of the inner-workings and complexity of these organizations. As a member of the American Mining Congress staff for roughly four years, I was exposed on a first hand basis to the activities of a major trade association which has been quite active on a wide variety of issues affecting the industry that it represents.

This leads me to my chosen topic of research, namely, the involvement of interest groups in the U.S. foreign policy process. This study is a systematic attempt to identify the political "laws of nature"
that govern the external behavior and internal policy decisions of interest groups actively involving themselves in a matter of U.S. foreign policy. The overriding purpose of all references in this study to actions of specific groups is to illustrate their general tendencies and regularities.

The involvement of these groups in a foreign policy matter is studied in the context of the United Nations Conference On The Law Of The Sea (UNCLOS) which embodies a wide variety of subjects such as: ocean mining, offshore petroleum exploration and mineral rights, fishing rights, ocean pollution, navigation rights and marine research. Each of these subissues have activated certain interest groups within the United States to become involved in the foreign policy process relating to this issue. On April 30, 1982, The Law Of The Sea Treaty was adopted by the United Nations with the United States voting against it. The reason cited by the United States for its rejection was dissatisfaction with the deep seabed mining provisions of the treaty. The different inputs of the interest groups into the foreign policy process are analyzed in terms of their contributions to positions taken by the U.S. throughout the history of the Conference leading up to the eventual rejection of the treaty.

My decision to study interest groups as well as their behavior in the particular case of UNCLOS is obviously influenced by my personal involvement in a group that has been very active regarding this issue and by my concomitant access to "inside" information. However, there are also some less subjective factors to warrant my study of interest group involvement in foreign policy questions. Following are three
major reasons calling for further research in this area. First, while the state-centric and bureaucratic politics approaches have dominated research on U.S. foreign policy, the pluralist approach, with its focus on groups in society, has typically been ignored in this area. This is most unfortunate since under certain conditions the pluralist approach may be highly applicable. Second, there has been very little research performed on interest group involvement in foreign affairs and an even smaller portion of this research can qualify as being empirical. Third, due to the lack of coordination and cumulation between the research that has been done, there is a need to pull the varied and disparate research that has been conducted into a coherent model. Thus, in this study, after discussing three approaches to the analysis of foreign policy and the research that has been done on interest groups, I have developed a conceptual framework for interest group involvement in the foreign policy process on which I have based my empirical research.

This empirical research involves a case study analysis of UNCLOS. While my conceptual framework serves as a guide in exploring interest group activity in this issue area, this does not mean that the entire framework is being tested in this study for its degree of "fit." Rather, certain portions of the framework have received more attention in the case study than others. Instead of undertaking any "profound studies" of the specifics of one or a few groups, I have chosen to conduct a broad comparative (and therefore somewhat general) investigation of a variety of groups.
A major source of data for this study is a series of interviews with interest group leaders who have been active in the debate surrounding UNCLOS. In addition to these interviews reliance has been placed on such data sources as Congressional Committee hearing records, U.S. Delegation Reports and Rosters from the various sessions of UNCLOS, speeches, articles, historical documents, and those internal documents and correspondence that I have been allowed to peruse. Additionally, as a check on verification of what I have learned from the groups themselves, I have relied upon the knowledge of outside observers that I gathered through a series of interviews as well as those documents that they were willing to provide.

These "outside observers" are primarily those policy-makers with whom the interest groups have "targeted" and interacted. These individuals provide another valuable perspective on the behavior of those interest groups studied. Furthermore, Chapter X of this study is devoted to a brief historical overview of UNCLOS and the involvement of these groups in its evolution. This overview serves to demonstrate the competing demands and interests of these groups over the course of the Conference. By historically analyzing the Conference one is able to see the ebb and flow of these groups in terms of their activity and influence as well as the arrival and departure of these groups during the different phases of the Conference. In fact, the Law Of The Sea Conference has been responsible for the creation of certain new interest groups. More will be said regarding these developments in later chapters. I will now turn my attention to three models that have been used to explain U.S. foreign policy.
THREE FOREIGN POLICY MODELS

The state-centric and bureaucratic politics approaches have dominated research on U.S. foreign policy to the detriment of a pluralist perspective on this process. In reviewing the literature in the field of international relations, I have found a striking paucity of research concerning domestic groups and their involvement in the foreign policy process and in international relations in general. While considerable attention has been given to the study of crisis situations, defense issues, international violence and so forth, little has been directed to the "grass roots" aspect of international relations -- the domestic groups which help set national and international agendas. While studies of conflict among nations may be interesting and exciting, it is the more mundane issues that may in the long run prove to be the most significant.

In 1967, while commenting on the scholarly treatments of foreign policy, James N. Rosenau stated that "...those few inquiries that do attempt to generalize across both sources and situations tend to minimize the domestic sources of foreign policy and to stress the process of governmental decision-making, the events abroad with which officials must contend, and the nonhuman realities -- such as geographical position, resource availability, and military or economic capacity -- which limit or enhance their choices. ... The literature is short on works that consider a wide range of nongovernmental variables and estimate how their interaction shapes the contents and conduct of foreign policy."
Not much has changed in this regard since Rosenau made this statement some 20 years ago. The number of studies on domestic interest groups and foreign policy can be counted on one's hands. Furthermore, among those few works that have addressed this subject there are even fewer that have taken an empirical approach.

But such has clearly not been the case in the field of American government. For indeed, in this field, studies of domestic interest groups abound. Perhaps this is best explained by the dominance of the Pluralist Model in the study of American politics following the publication of David Truman's *The Governmental Process* in 1951. The field of international relations, on the other hand, has traditionally been dominated by the state-centric model, which only recently has been challenged by the bureaucratic politics model.

It is not my intention to assert that the pluralist model is in any way superior to the state-centric or bureaucratic politics model in the study of American foreign policy — each approach has its place and each is more applicable than the others under certain conditions. One's interpretation and understanding of a nation's foreign policy and that nation's interaction with other actors in the global arena depends to a large extent on the perspective that is taken. What we see and what we do not see is determined by who we are, our position in society, our family background, what nation we live in, what region we live in and so forth. As political scientists, it is important when performing research in the field of international relations to identity whether we are studying the nation-states, national leaders, multinational corporations, interest groups, international governmental
organizations (IGOs), international nongovernmental organizations (INGOs) and so forth. In other words, the unit of analysis is vitally important to the conclusions of one's research. The perspective taken in this study will be that of the pluralist with the concomitant focus on the groups involved.

Domestic interest groups will be more predominant in certain foreign policy issues than in others. Typically, questions of national security and defense will be dominated by the executive branch and to a lesser extent by the Congress with minimal influence from interest groups. However, on issues involving international economic questions, the homelands of various ethnic groups, foreign aid, and global community questions (such as population, pollution, food, health, and athletics), domestic interest groups will become more dominant. Thus, it is not the purpose of this study to imply that the impact of interest groups is significant in all foreign policy issue areas. Rather, this study will draw some conclusions regarding the role of those interest groups active in a given issue area and to the extent that these conclusions may be helpful in analyzing the role of interest groups in other issue areas so much the better.

THE STATE-CENTRIC APPROACH

The state-centric approach has a long and established history in the study of international relations. Its dominance in the field is tied to the rise of the nation-state and the realist approach to international relations. Karl von Clausewitz in his classic work — On War — viewed the state as an autonomous actor consciously using war or the
threat of war as an extension of its diplomatic means. The state-centric approach focuses on the nation-state as the dominant actor using the various means at its disposal, including military force, in pursuit of its global endeavors. This approach assumes that there is such a thing as a "national interest" and that it can be identified. It also attempts to make determinations of relative power by analyzing the various attributes of the respective states. One of the prominent theorists employing the state-centric approach is Hans Morgenthau who, writing in the 1950s, popularized the balance of power theory.

One of the most recent defenders of the state-centric approach is Stephen D. Krasner. While noting that the state itself, as a subject of political study has become unfashionable, Krasner optimistically asserts that, in his estimation, concern with the state seems to be returning. He bases the conclusions of his study on a number of case studies concerning international raw materials investments where he analyzes the aims of central decisions-makers and their relationship with private corporations. Krasner's approach makes a critical assumption: that it is useful to conceive of a state as a set of roles and institutions having peculiar drives, compulsions, and aims of their own that are separate and distinct from the interest of any particular societal group.

Robert O. Keohane and Joseph S. Nye are among those scholars who have challenged the relevance of the state-centric approach to the study of international politics in the modern era. As they recognized, we live in an era of interdependence. The world has become
interdependent in economics, communications, and human aspirations. Scholars have begun to see our era as one in which the territorial state is being eclipsed by nonterritorial actors such as multinational corporations, transnational social movements, and international organizations. They have stated: "Yet balance of power theories and national security imagery are also poorly adapted to analyzing problems of economic or ecological interdependence. Security, in traditional terms, is not likely to be the principal issue facing governments. ...in the politics of interdependence, domestic, and transnational as well as governmental interests are involved. Domestic and foreign policy become closely linked. The notion of national interest -- the traditionalist's lodestar -- becomes increasingly difficult to use effectively." Interdependence in world politics refers to situations characterized by reciprocal effects among countries or among actors in different countries. These effects often result from international transactions -- flows of money, goods, people, and messages across international boundaries. Such transactions have increased dramatically since World War II. However, Keohane and Nye warned that rising interdependence does not necessarily create a brave new world of cooperation to replace the depraved old world of international conflict. In fact, the politics of economic and ecological interdependence involve competition even when large net benefits can be expected from cooperation.

Keohane and Nye stated that "Under complex interdependence we can expect the agenda to be affected by the international domestic problems created by economic growth and increasing sensitivity
interdependence.... Discontented domestic groups will politicize issues and force more issues once considered domestic onto the interstate agenda." Furthermore, "The nearer a situation is to complex interdependence, the more we expect the outcome of political bargaining to be affected by transnational relations.... The attitudes and policy stands of domestic groups are likely to be affected by communications, organized or not, between them and their counterparts abroad." Accordingly, as these writers pointed out, the existence of transgovernmental policy networks leads to a different interpretation of one of the standard propositions about international politics - that states act in their own interest. Under complex interdependence the questions became -- which self and which interest?

THE BUREAUCRATIC POLITICS APPROACH

Another approach which has sprung from dissatisfaction with the drawbacks of the state-centric approach is the bureaucratic politics model. The surge in literature on bureaucratic politics has accelerated consideration of the role of governmental structures and processes in foreign policy. The study of bureaucratic organizations (decision unit structures) and their processes (bureaucratic politics) provides one effort to explain how the configuration of individuals in organizations affects foreign policy outputs. Policy-makers, the bureaucratic perspective contends, normally work in the context of large and often competing bureaucratic organizations. With their outlook on international affairs shaped by their department or agency, these individuals struggle to establish policies that will protect, if
not advance, the basic interests of their governmental unit. Thus, the resultant (or content of policy) is not chosen as a solution to a problem but rather results from compromise, conflict, and confusion of diverse interests and unequal influence.\textsuperscript{8}

Ann Hollick has applied the bureaucratic politics approach to the study of the Law of the Sea Conference. She has contended that "Perhaps the most fruitful approach to understanding the formulation of ocean policy is that of bureaucratic politics. In this approach the actors or 'makers' of ocean policy are public officials and large bureaucracies engaged in a continuous process of bargaining which is influenced throughout by domestic as well as foreign interests. The ocean policies that result are a product of contention -- within the government and with domestic and foreign interests -- and not of a rational centralized decision-making process."\textsuperscript{9} Hollick stated that it is apparent that the ocean policy process involves a blend of domestic and foreign policy considerations. Accordingly, she noted that as domestic interests have become more involved in the process, the foreign policy latitude of both the State Department and White House has diminished correspondingly. Bureaucrats who initially interjected themselves in the range of oceans issues began to concentrate on those issues of direct relevance to their agency. According to Hollick, while decisions and policies on the oceans have remained a product of conflict and compromise, the active participation of domestic interests has restricted the process of tradeoffs.

While taking a bureaucratic politics approach, Hollick did recognize the importance of interest groups in the policy process. For
instance, she stated that "One cannot understand the U.S. position on these ocean issues without understanding the pressure and concessions produced by diverse national and commercial interests as they interact with these same kinds of interests in other countries." She continued by noting that "What emerges from an examination of the policy role of these and other ocean interest groups is the not too surprising fact that an interest's influence on policy is a function of its position within the government, of its economic and political power, of its access to contacts within the bureaucracy, the Congress and the White House, of its ability to glean information, and of the skill of its policy partisans."11

Yet Hollick did not attempt to systematically test, measure, and explore these determinants of an interest group's influence. Rather, she left her assertions of the influence of actors as presumptions rather than empirically supported relationships. For example, having stated that "The most powerful private interest in the seabed debate has been the petroleum industry," she offered no empirical support for her proposition nor any relative measure of the petroleum industry that would indeed confirm it as "the most powerful private actor." She also failed to explore the linkages that exist between private actors and their contracts or targets in government.12

Hollick's study was an insightful and enlightening description of the U.S. governmental and nongovernmental domestic interests that have taken active positions on Law of the Sea questions and issues as they relate to changes in U.S. policy that occurred up to the year 1972. But it is of considerably less utility in exploring the relative power,
role, and influence of private domestic interest groups in relation to the issues at hand. While Hollick recognized the significance of these actors, her study did not provide, and was not intended to provide, a detailed and comparative analysis of the domestic interest groups themselves. It is here that a pluralist perspective, focusing on the internal characteristics and constraints of interest groups as well as the constraints in their external environment, is necessary in order to get a more complete picture and better understanding of their activities.

The state-centric and bureaucratic politics approaches tend to emphasize the actions of governmental elites but tend to ignore the important role of nongovernmental elites. This provides a one-sided view of the entire policy-making process. By failing to analyze and explore the contributions and failings of these nongovernmental actors in the foreign policy process, scholars are ignoring a substantial part of the policy-making process.

THE PLURALIST THEORISTS

In 1950, Gabriel Almond noted in his seminal work *The American People and Foreign Policy* that there are quite drastic differences between expectations based on democratic norms and the way in which foreign policy is formulated in the United States. Almond recognized that the "general public" is only concerned with foreign affairs on occasion, whereas, a more sustained concern is to be found in the "attentive public" which is better informed and more interested in
foreign policy issues and is the primary audience for policy discussions among the various elites.

According to Almond, there are inherent limitations in modern society on the capacity of the public to understand the issues and grasp the significance of the most important problems of public policy. This is particularly the case with foreign policy where the issues are frequently remote and complex. He maintained that the function of the public in a democratic policy-making process is to set certain policy criteria in the form of widely held values and expectations. The public evaluates the effect of policies from the point of view of their conformity to these basic values and expectations. The policies themselves, however, are the products of leadership groups ("elites") who carry on the specific work of policy formulation and policy advocacy. While there are those who have criticized Almond for taking an overly elitist stance, he did provide an important delineation between the different publics involved in the foreign policy process. Almond noted, for instance, that the foreign policy interest elites are drawn from a variety of sectors of society including: labor, business, agriculture, veterans groups, womens' associations, religious organizations, and ethnic groups.

Despite the prevalence of groups in America, there has always been a deep and abiding suspicion and ambivalence toward interest groups on the part of the populace. To many, interest groups are an evil (albeit a necessary one in a democracy), with the potential to corrupt the process and distort policy away from the popular will. To others, interest groups express the best features of democracy; they are both
necessary and useful in translating the myriad opinions and interests in the society into representative policy. Several theories of groups focus on their alleged upperclass bias. Too many observers, groups with money and an ability to organize -- such as business-oriented interests -- will have access to policy-makers, and hence power. To others, the range of effective and active groups is much broader; groups without monetary resources but having noneconomic resources can and do compete on an equal basis in the policy arena with the traditional business-oriented groups.

This ambivalence toward interest groups and lobbying is shared by the mass media and by Congress. The American press has historically emphasized lobbying scandals and the insidious influence of groups over politicians. The primary response of Congress has been to launch investigations of corruption and illegality. But at the same time, Congress remains notably open to the entreaties of interest groups and lobbyists. The group theorists tend to reinforce this ambivalent feeling and the debate has continued largely unresolved.\textsuperscript{15}

Perhaps the source of this ambivalence is to be found in the classic theory of democracy, expressed in extreme form by Rousseau, that postulates an ideal in which each citizen involves himself as much as possible, and roughly equally, in deliberations on the general interest. Each citizen then votes for the general interest rather than for his own special interest. In this classic view, the public authorities also should represent as best they can the common good and resist special interests. In this view, citizen apathy, nonvoting,
ignorance on public affairs, and self-interests are all perversions of the democratic process.

From the eighteenth century onward, observers of America have been impressed by its strong group orientations. During the Jackson Administration Alexis de Tocqueville, one of the keenest foreign observers to write on American institutions, noted that "In no country in the world has the principle of association been more successfully used or applied to a greater multitude of objects than in America." De Tocqueville was impressed by the organization of such groups and by their tendency to operate sometimes upon and sometimes parallel to the formal institutions of government. James Madison was the first prominent American to emphasize the group connection in American politics. In several of The Federalist Papers Madison discussed the importance of groups, which he called "factions." Madison felt that factions or interest groups were inherently bad: they worked against the rights of others, or of the community as a whole. He maintained that the "mischiefs of faction" must be constrained, by setting the "ambition" of one faction against the selfish tendencies of other factions. Thus, Madison expressed the concept of checks and balances that underlies the American governmental structure.

In the 1840s, the Madisonian notion of factional checks and balances was turned around to become the basis of John C. Calhoun's defense of Southern states' rights. In a pair of "disquisitions" on American government, Calhoun set forth his theory of "the concurrent majority." Calhoun did not label factions as selfish by definition and contrary to the society's needs and views; he saw the existence of
varying groups views and positions as vital to the nation. Thus, he argued that each of the various interest groups of the society should be allowed a veto power over any major policy proposal that affected them. Conversely, a "concurrent majority" of all interest groups would have to support a policy proposal for it to be adopted.

Before the turn of the century, the predominant legal-institutional framework of nineteenth-century academic political science focused on the formal branches of government and ignored the interplay of groups. But Arthur F. Bentley shifted the focus. "Groups" argued Bentley, "are the raw materials of politics." Bentley was scornful of the concept of an overall public interest. To him, government and policy were merely the result of the interactions of groups within and outside government. In Bentley's view, the society is "nothing other than the complex of the groups that compose it." For some twenty years his major work — The Process of Government — went almost unnoticed by political scientists. However, today this book is recognized as one of the great classics of political science.¹⁹

Bentley's analysis served as the catalyst for an ambitious expansion of group theory presented in 1951 by David B. Truman. Truman's book was not ignored; rather it was received by political scientists as an important breakthrough. Truman described the institutions of government as aggregations of groups, interacting with one another and with the variety of outside groups. Truman also viewed individual citizens in terms of their group identification and membership. He pointed out that an individual is normally a member of several groups and that this overlapping membership helps control the "mischiefs of
faction." He focused on the importance to groups of **access** to political decision-makers. Much of his book explored how and why access is obtained.

According to Truman, the extent to which a group achieves effective access to the institutions of government is the result of a complex of interdependent factors. These may be classified in three somewhat overlapping categories: (1) factors relating to a group's strategic position in the society (e.g., the group's status or prestige, the extent to which government officials are "members" of the group, and the usefulness of the group as a source of technical and political knowledge); (2) factors associated with the internal characteristics of the group (e.g., the degree of cohesion it can achieve in a given situation, the skills of the leadership, and the group's resources in numbers and money); and (3) factors peculiar to the governmental institutions themselves (e.g., the operating structure of the governmental institutions; and the multiplicity of points of access in the U.S. governmental system).  

A major study of lobbyists following Truman's analysis was Lester Milbrath's *The Washington Lobbyists*. Milbrath suggested that the influence of groups and their lobbyist representatives was greatly constrained by the multitudes of other forces pressing on public officials.

But as political research moved toward the conception of "groups as benign" or "groups as beneficial," critics began to question these assertions. One of the most prominent was E. E. Schattschneider whose theories about groups appear in two classic books -- *Politics,"
Pressures and the Tariff and The Semisovereign People. In his study of the tariff, Schattschneider observed that groups able to afford experienced lobbyists in Washington has great advantages in influencing Congress. He noted that groups achieved access through campaign contributions and "inside" connections, not because of the size of their memberships. To Schattschneider, this pattern of influence badly distorted the process of representation. In a broader sense, Schattschneider attacked the operation of groups in the American political process on the basis of what he regarded as a profound upper class bias and a distortion by groups of the "public interest." He felt that not only was business far better organized than other segments of the American population, but that other groups in the society would also "reflect an upper-class tendency" because participation in these groups would be much greater among upper-income, educated, and high-status individuals. 21

Schattschneider in The Semisovereign People stated that "The central political fact in a free society is the tremendous contagiousness of conflict." 22 Every fight consists of two parts: (1) the few individuals who are actively engaged at the center and (2) the audience that is irresistibly attracted to the scene. As likely as not, the audience determines the outcome of the fight. That is, the outcome of all conflict is determined by its scope. The most important strategy of politics is concerned with the scope of the conflict. With the expansion of the conflict the original participants are apt to lose control of the conflict altogether. By definition, the intervening bystanders are not neutral. Thus, in political conflict every change
in scope changes the equation. The logical consequence is that the balance of forces in any conflict is not a fixed equation until everyone is involved. It follows that conflicts are frequently won or lost by the success that the contestants have in getting the audience involved in the fight or in excluding it, as the case may be. This raises the question of whether there is any evidence that politicians, interest group leaders, and government officials are actually aware of this factor? Schattschneider argued that men of affairs do in fact make an effort to control the scope of conflict and that it has always been a prime instrument of political strategy.

Schattschneider was answered most effectively by Robert A. Dahl in Who Governs? Dahl described the leadership of New Haven as consisting of a whole series of only partially overlapping elites, each of which might assume leadership on some special issue in their domain, but none of which had broad power over the city as a whole. His description of a process of fluid, dispersed power allocations contradicted the notion that there was a single local power elite.

However, in a broad-ranging book entitled The End of Liberalism Theodore Lowi took the criticism of interest groups in yet another direction. Lowi suggested that the prevailing ideology of "interest groups as legitimate and good" — what he called "interest group liberalism" — had, over time, resulted in a very dangerous situation in American society, in which government had lost its basic sense of legitimacy and authority. Government had constantly expanded its role and impact in the society, while simultaneously abdicating to private groups its powers over the direction of public policies. The result
has been distorted and ineffective policies and "corruption of modern democratic government."  

In sum, it can be seen that, in general, the various theories have centered on three questions: (1) Are interest groups good or bad forces in American politics and society? (2) Do groups, in the sum of their actions and interactions, provide some approximation of the "public interest," or is the public interest ignored or shortchanged by group behavior in the political process? (3) Do interest groups reflect a basic bias in favor of monied, upper-class or business oriented segments of the society, or are they a fair cross-section of all interests in the society? Truman stands out among these theorists as taking a more objective and empirical examination of interest groups by focusing on the problems of leadership, group cohesion, tactics, and public opinion.

However, this normative treatment of interest groups was gradually replaced by studies focusing on precise analysis and explanation concerning the nature and the activities of the groups themselves relatively free from the moral judgments that had preceded. This new wave of research corresponded with the "behavioral revolution" in the study of politics that began in the 1950s. The political interest group has been studied for several reasons: (1) It is argued that such groups can act as a major link between the citizen and his government. (2) The political interest group is viewed as a bargaining agent in the public allocation of material and human resources. (3) Some scholars believe that the interest group can orient the lone individual to a highly complex society.
Groups vary widely in their motivations, interests, memberships, leaderships, budgets, and scopes of activity. Moreover, groups operate differently. Some, for instance, have large Washington headquarters. Others operate through the offices of a Washington law firm. Some groups are involved in the gamut of policy questions, foreign and domestic, while others focus narrowly on a single issue.

However, despite the diversity of factors within the groups themselves, there are still some general patterns that pertain to the nature of their organization and its behavior. These patterns have been alluded to in much of the literature on interest groups and the domestic policy process. My purpose in the next chapter is to discuss different types of interest groups and the bases for their different classifications.
CHAPTER II
TYPES OF INTEREST GROUPS

The array of groups in the United States is dizzying. Handbooks of associations alone list over 10,000 separate groups. These groups, in turn, vary according to type, motivations, size, nature of membership, length of existence, degree of political involvement, resources, and level and scope of activity.

Because of this extreme diversity of interest groups, in attempting to understand their behavior it is helpful to distinguish between the types of groups that exist. I am referring here, of course, to "ideal types" of groups. However, as David Truman noted, cataloguing groups by type has numerous pitfalls. Groups change in nature, focus, and membership over time. A group may change as it achieves its major goals. A group's expressed reasons for existing may not coincide with its real purposes. Yet, despite its pitfalls, classifying groups can be a useful step towards understanding them.

In order to classify interest groups it is helpful to understand why they organize and persist. To form a group takes time, energy, money, and other resources. Consequently, for people to devote their valuable time and money to such a group requires a strong incentive. Groups must perform useful functions for their membership if they are to survive. The services groups provide for their members may or may
not be identical to the group's overall goals. A group's leadership may have freedom to use the group's resources for many tangential issues as long as it provides for the major needs of its members. For example, a labor union, if it continues to work for the provision of a larger wage and more benefits for the members and protects the working conditions of its members, will have the freedom to involve itself in foreign and domestic issues that are not of immediate concern to the membership. Thus, knowing the various motivations for group formation and the functions that groups perform for their members will tell much about the anatomy of group behavior.¹

ORGANIZATIONAL FORMATION, MAINTENANCE AND INCENTIVES

The behavior of interest group leaders can in large part be understood in terms of their efforts to maintain and enhance the organization and their position in it. Whatever else organizations might seek, they seek to survive. This survival, in turn, is dependent upon the leadership's ability to persuade individuals that their support for the organization is worthwhile. In order to accomplish this goal, the leaders offer individuals tangible and intangible incentives to encourage them to become or remain members and to perform certain tasks for the organization. The incentive system is vital to the maintenance of interest groups since members cannot be coerced into joining (except possibly certain labor unions) and most members do not earn their livelihood through their participation.

It was traditionally assumed by most pluralists that individuals joined interest groups in order to better pursue a common objective.
However, as economist Mancur Olson pointed out, unless certain special conditions are met, rational self-interested individuals will not join organizations in order to achieve their common interests. In any large organization seeking some general objective, the potential contribution of any single member will not significantly affect the organization's chances of attaining its objective. Also, should the objective be attained, the nonmember will receive the benefits equally with the member because they are a collective good. Thus, if there is any cost at all to the membership, in all probability, it would not be rational for the average citizen to join the group. A public park, for example, is a collective good because it can be enjoyed by everyone interested in using it and not just by those individuals who pay taxes to support the park. Also, expenditures on national defense work automatically to protect everyone in the nation, even though many individuals make no contributions at all.

Nonetheless, there are certain conditions that do make it rational for a citizen to join an organization. If the association is small or the potential member has substantial resources or power, then the individual's contribution may be significant and affect the strength of the organization. If an organization can employ coercion (as in the case with certain unions), then it is obviously rational for a person to join even though his membership cannot make a difference in the organization's chances of success. Finally, if an individual is offered some special inducement in exchange for joining then he may want to become a member. Thus, pluralists can no longer assume that
organizations will spontaneously emerge to represent a socially important interest.

However, it should be stressed that Olson's theory does not apply equally to all organizations but primarily to those that are "economic" associations which are expected to cover the material interests of their members. Olson did suggest that his theory could be extended to cover "religious and philanthropic organizations." But these other organizations, such as veterans' or church groups, attract their members because of the nonmaterial incentives they provide. One should also not overlook the fact that an individual may join an "economic" association not because he wanted to obtain material benefits but in order to associate with his peers.

Robert Salisbury in 1969 pointed out that a key to group formation and maintenance is the provision of selective incentives. These rewards can be withheld from nonmembers. Organizations in the best positions to offer such benefits are those initially formed for a nonpolitical purpose and which ordinarily supply material benefits to their membership. For example, the American Farm Bureau Federation offers very inexpensive insurance, which encourages individuals to join even if they disagree with the Farm Bureau's goals.

Salisbury noted that three types of benefits are available. First there are material benefits which are the tangible rewards of participation such as income or services that have monetary value. Second, there are solidarity incentives which are the socially derived, intangible rewards created by the act of association, such as fun, comaraderie, status, or prestige. Finally, there are purposive (also
known as expressive) rewards which are derived from advancing a particular cause or ideology. Groups formed around the abortion issue or nuclear disarmament illustrate the strength of purposive incentives.

Salisbury argued that politically-oriented groups utilize primarily purposive and material incentives. However, he maintained that primarily purposive-oriented groups tend to be unstable. They attract splinter groups and have difficulty maintaining membership interest. On the other hand, material benefit groups, while costly to establish, tend to be stable once established in that they are able to provide reasonable incentives to the membership. Thus, Salisbury has emphasized the inherent advantages of materially based groups such as business and labor organizations, and the inherent drawbacks of ideologically-motivated groups. Yet it is the nonmaterial incentives that may encourage the proliferation of highly politicized groups. As Terry Moe has stated:

"(Nonmaterial incentives) have the potential for producing a more dynamic group context in which politics, political preferences, and group goals are more centrally determining factors than in material associations, linking political considerations more directly to associational size, structure, and internal processes.

GROUP CLASSIFICATION

Groups can be classified according to their primary functions, type of membership, subject area and in many other ways. Probably the most common classification used by students of interest groups has been based on socioeconomic factors. The interest group community has typically been divided into such sectors as business, labor, agriculture, the professions, and others.
"Ad Hoc" or Single-Issue Interest Groups

Another "type" of interest group is the ad hoc or single-issue interest group. This type of organization is a temporary arrangement of persons interested in accomplishing a common purpose. When the purpose is accomplished, the group usually disbands or becomes dormant until another issue affecting the constituent group arises. However, some ad hoc groups develop into permanent organizations because of (1) the continuing nature of the issue, (2) development of common interest in the constituent groups, and (3) a dominant leader who desires to retain his power as head of the group.

Some writers have suggested that ad hoc groups have distinct advantages over other organizational forms. Ad hoc groups usually have a high degree of informality, an absence of parliamentary rules, and a sense of common purpose permitting open discussion, and rapid decisions. Also because these are single-issue groups they can devote all of their resources to this common purpose while other interest groups are forced to divide their limited resources between a wide variety of issues of concern to their organization. However, there are also disadvantages of ad hoc organizations that stem mainly from their informality. First, there is a lack of group discipline mainly because of the lack of a "punishment" mechanism for recalcitrant members. Second, although rapid decisions are possible, there are not binding "majority votes." Third, no real locus of responsibility exists in the membership. Thus, responsibility, like membership, must be voluntarily assumed and executed.
Economic and Noneconomic Interest Groups

Another basis for classifying groups lies in the distinction between tangible interests and intangible interests. This distinction is based on the motivations of group members rather than the policy objectives per se. For instance, governmental decision-makers will view an organization devoted to reducing tariffs in order to promote increased exports of cotton differently from a group of economists who are devoted to free trade but have no investments in firms that may benefit from their position. An organization such as the Cotton Growers Association, for example, with the tangible interests of reducing tariffs to promote increased exports of cotton might be considered to be an economic interest group. This distinction lies in the fact that the purpose of the organization is to promote the economic well-being and survival of its members. The group of economists, on the other hand, may have formed an association called Citizens for Free Trade which is devoted to promoting the values or ideologies of its membership but with no material benefit accruing to the members because of the association's stance. This group, in turn, might be considered as falling under the general heading of a noneconomic interest group. This classification centers around the fact that the motivating factor for continued membership in the group is noneconomic in terms of the benefits which the members might expect to receive in return for supporting the group. The distinction between economic and noneconomic interest groups is quite broad and general. But under each of these general categories further distinctions can be made in terms of socioeconomic factors.
Noneconomic Interest Groups

Organizations formed around the economic and occupational interests of their members by no means constitute the total universe of politically active interest groups in the United States. It appears that noneconomic interest groups are becoming increasingly important political actors. The growing activities of religious groups, ideological organizations, single issue interest groups, and environmental groups attest to the increasing importance of noneconomic associations in the political process. Nevertheless, it is unrealistic to infer that the interests which motivate all organizations in this category are devoid of economic content. But as noted earlier, what distinguishes such organizations from the purely economic ones is not so much the type of policies they demand from the political system as it is the goals and values that bind their members together. Included under the rubric of noneconomic groups would be such traditional organizations as: religious groups, ethnic groups, racial groups, womens groups, and ideological organizations.

Also included under this category would be groups that have been termed "public interest" groups. While there has been considerable confusion and debate over what a "public interest" group is, several writers have attempted to provide a useful definition for identifying these types of groups. Andrew McFarland defined a public interest lobby as:

"One that seeks to represent general interests or those of the whole public; does not chiefly represent some specific economic interest; and is not a lobby in one of the following traditional categories: religion, ethnic groups, race, regional interests, women's rights, avocational groups, and perhaps others."
Jeffrey Berry, while recognizing that "the public interest" is a much abused and ambiguous expression, offered the following operational definition:

"A public interest group is one that seeks a collective good, the achievement of which will not selectively and materially benefit the membership or activists of the organization."

Berry identified 83 such groups in 1973-74, including 21 environmental groups, 13 consumer, 11 general politics, 9 church, 5 civil rights/poverty, 16 peace/arms, and 8 miscellaneous. Thus, there appears to be some confusion between Berry and McFarland over what exactly constitutes a "public interest" group. McFarland excludes many of the traditional categories of religious groups, racial and civil rights groups and so forth from his definition, while Berry has found fit to include many of these in his. Thus, for purposes of clarification I wish to propose that public interest groups are distinguished from other group activity primarily by the absence of self-referring justifications. Public interest groups are those whose member-supporters have nothing in particular to gain from the policies they espouse. No selective, specific, tangible rewards are forthcoming. Consequently they may be said to fall under the general heading of noneconomic interest groups.

Under this definition such groups as Common Cause, the Nader organizations, the Sierra Club, Friends of the Earth, the Environmental Defense Fund and so forth may be considered public interest groups. This is so because they can be seen to be supporting such public goods as honesty and openness in government, consumer rights, and protection and preservation of the environment. On the other hand, it can be
argued that public interest groups such as the environmental groups are pursuing special interests. The efforts of the environmentalists to block the construction of the oil pipeline in Alaska is such an example. Thus, the terminology of public interest versus special interests can be misleading. The economic/non-economic distinction is more valid. For instance, it would be misleading to say that an environmental supporter has an economic interest in preserving the wilderness in Alaska. Rather, the motivation of the typical environmentalist appears to be a moral or ideological one. Consequently, it is fair to say that public interest groups do not always represent public interests and at the same time one can argue that special interest groups sometimes represent public interests. Perhaps a better term would be "citizens' groups" rather than public interest group. But because the term public interest group is commonly used by writers on this subject the same term will be employed in this study when referring to such groups.

It should also be pointed out that most of the so-called "single-issue" groups also fall under the heading of public interest group. These "single-issue" groups are defined by their uncompromising insistence on a particular position. What is most striking about these groups is that they are truly mass-based, deriving their strength from the mobilization of large numbers of citizens throughout the country. In part, their new prominence reflects the rapid growth of mass mobilization technology such as computer-based mailings for fund raising and communication.
Finally, in the literature on interest groups it has been argued that resources are unequally distributed between groups with advantages given to those of wealth, social status, or a strategic position within the system structure. Differences in interest group accessibility to decision-makers are a function of the relative legitimacy of the various groups in the political system. Frequently, the problem confronted by any newly formed group is how to legitimize the group and the interest represented rather than how to legitimize a particular issue position. The legitimacy of the group will be greatly enhanced by the status and community standing of its members. In other words, lower-income groups will have greater difficulty attaining legitimacy than their higher-income counterparts.

Economic Interest Groups

Labor, business, agriculture, and the professions comprise the more or less conventional sectors of interest group activity. Their presence in the American political system has a longstanding tradition and many of the existing organizations were established in the late 1800s and early 1900s.

Business Groups. The business community is by far the most highly organized segment of society. There may be as many business groups as there are groups of all other types combined. Many business groups, particularly the more narrowly based trade associations, are small in membership.

The business association universe is extremely diverse and ranges from the general business associations to trade associations to small
business associations. Many firms or corporations will also belong to a trade associations and possibly to umbrella groups like the National Association of Manufacturers. Business groups generally focus their lobbying activity as much towards regulatory agencies and the federal bureaucracy as toward Congress. Among the largest of the business associations in Washington are: The U.S. Chamber of Commerce; The National Association of Manufacturers; and certain trade associations such as The American Petroleum Institute. There is also the Business Roundtable, a group of the chief executive officers of approximately 190 major companies, which was set up to provide an active and effective voice for big business. Even though major corporations and "big business" generally tend to dominate and define business interests in Washington, small business can also have a considerable amount of clout. There are a number of small business associations and interests in Washington. Also, the Chamber of Commerce has a center for small business to service its smaller members.

**Labor Groups.** Today there are fewer labor unions then there were in 1960 and they comprise a significantly smaller fraction of the total work force. Labor invests substantial resources in its Washington representation and the AFL-CIO has been regarded as one of the best lobbies in Washington. Despite this fact, the unions have recently suffered numerous political defeats on issues of central importance to them and their membership. Also, labor has found itself allying with business on issues of mutual concern such as the plight of declining U.S. industries like steel and automobiles. Acting on its own, labor has generally been successful in fending off hostile legislation but
has been much less successful in attempting to initiate new legislation except when it has been part of larger coalition. Moreover, labor has not successfully explored new methods of gaining influence to counterbalance its relative loss of numbers and political clout.  

Professional Associations. The professions provide another diverse sector for analysis. In fact, this sector is so diverse that it may be impossible to speak of it in generalized terms. These differences not only exist between professions but within professions. For instance, the concerns and values of criminal defense lawyers are quite different from those of securities lawyers or specialists in tax law. Furthermore, in the educational field, public universities with substantial research programs differ from both public universities lacking these resources and from private universities and colleges.

While professional associations devote the bulk of their effort to localized matters directly affecting their membership's ability to successfully practice their occupations, they do on occasion become active on national issues, particularly those with a direct bearing on their membership. When they do become involved in national issues, frequently the prestige of many of their leading members will give these associations added political leverage.

SUMMARY

In this Chapter I have discussed the different types of interest groups that exist in the United States. It was also noted that in order to classify groups it is useful to understand why they organize and persist. In this regard, there was a brief treatment of the role
of collective goods and selective incentives in group formation and maintenance. The broadest classification of groups in this chapter was between economic and noneconomic interest groups. However, attention was also given to "ad hoc" interest groups, "public interest" groups and labor, business, and professional groups. These distinctions will be employed in the case study analysis that follows later.
CHAPTER III
A CONCEPTUAL MODEL FOR THE STUDY OF INTEREST GROUPS

Admittedly, there are significant differences between the domestic policy process and the foreign policy process, such as the central role of the President and the State Department in foreign policy decisions and the preeminence of the Congress in domestic politics. Yet much of the research that has been done on interest groups in domestic politics is applicable to their behavior on foreign policy issues. Of course, attention is given in this study to whatever differences in behavior, if any, interest groups exhibit when they involve themselves in the foreign policy process. Nevertheless, in my study I have adopted the working hypothesis that much of what has been said about interest group behavior in domestic politics is relevant to their behavior in foreign policy with certain modifications. Therefore, research on interest groups and domestic policy can be meaningfully applied to the study of their foreign policy behavior.

My purpose here is to develop a conceptual model that consolidates the various literature on this subject into a coherent set of relationships and concepts that provide some useful insights into the internal and external behavior of interest groups. Admittedly, in a strict sense, all groups are different in terms of their origin, membership, leadership, structure, external behavior, and so forth.
Nevertheless, this model is general in scope and broad enough to incorporate these distinctive traits but at the same time is able to highlight patterns of behavior in terms of the similarities and differences between various "types" of groups.

In the literature on interest groups there has been a clear interest in searching for data which could help explain the interrelationships between interest groups and the political process. In this vein there are three major relationships which are open for exploration: (1) the influence of changes in the governmental structure, the political system, and society on the nature and functioning of interest groups; (2) the influence of internal organizational form, structure, and processes on the external behavior of interest groups; and (3) the influence of interest groups on the policy process and institutional system. Of these three relationships, the most neglected approach in the research that has been conducted to date is the second. With the significance of the first relationship in mind, this study will focus its attention on the second and third relationships with particular emphasis being placed on the internal characteristics and external behavior of those groups explored. In this context, while individual studies have devoted their attention to certain internal characteristics such as group goals, the resources of groups, their bases of support, the relationship between leaders and members and so forth, little or not effort has been made to explore the interrelationships between them in a systematic and comparative manner. However, these internal characteristics and their relationship to the behavior
of the group is an integral part of the approach to be taken in this treatment of the subject.

INTERNAL CHARACTERISTICS AND EXTERNAL BEHAVIOR

Figure 3.1. shows that a group's internal characteristics have an important bearing on the group in terms of its strategies and tactics. The internal characteristics also have a significant impact on the access that groups are accorded in the political process.

Access

Groups continually monitor governmental activity that might affect them. They also attempt to initiate governmental action that will promote their interests. Additionally, they will work to block action that might have a detrimental effect on their organization. However, each of these types of activity requires access, i.e., access to key decision-makers and to information on what the government is doing or is in the process of doing. Carol Greenwald wrote in 1967 that "all political interests groups seek access to public decision-makers as a precondition to any other policy role." In order for a group to pursue its goals and promote its interests, it must have access to decision-makers. This access may take many forms. For instance, it can be direct by such methods as conversations or personal presentations to legislators or executive branch officials or testimony before a congressional committee or department or agency hearing. It can be quasi-direct through communications with staffs of legislators or other policy-makers. And it can be indirect through such means as
DOMESTIC INTEREST GROUPS

Internal Characteristics:
1. Goals
2. Organizational Structure
3. Decision-Making and Communication
4. Level of Democracy
5. Unity and Cohesion
6. Organizational Incentives

Resources
1. Physical
2. Motivational
3. Organizational
4. Political
5. Status & Prestige

EXTERNAL ENVIRONMENT

EXTERNAL GROUP BEHAVIOR

STRATEGIES & TACTICS

DECISIONMAKER COMMUNICATION WITH AND PERSUASION OF INTEREST GROUP LEADERS

INSTITUTIONAL STRUCTURE

PERCEPTUAL & ATTITUDBINAL SCREENS OF DECISIONMAKERS

POLICIES

1. NORMS OF POLICY-MAKING BODY
2. PERSONAL MOTIVES & ORIENTATIONS
3. GROUP AFFILIATIONS & REFERENCE GROUPS OF POLICYMAKERS

FEEDBACK

EFFECTS OF POLICIES ON GROUPS AND THEIR EXTERNAL ENVIRONMENT

Figure 3.1

INTEREST GROUP INTERACTION WITH DECISION-MAKERS
advertisements or articles in the mass media geared to reach and influence the general public. Thus, access to political decision-makers is a key to group activity and the nature of this access (i.e., the number of points of access, the ability to reach "key" players, and the receptivity of policy-makers) is directly related to the resources of the group and how it uses them.

However, the interest group literature has a tendency to assume that "access" is the critical problem. "Access" is practically equated with "influence." Nonetheless, the influence relationship is a much more profound relation than "access" implies. The influence of a political interest group is a product of such factors as: group organization and structure; leadership skill; cohesion; its symbolic public status; its power status and bargaining potential vis-à-vis other interest groups; its political strategy; its ability to enlist political support; and its ability to influence mass opinion. Groups will vary considerably in relation to these qualities and there is evidence in the literature that interest groups do have differential power status.

Roger Cobb and Charles Elder in 1972 noted in discussing differential access to institutional gatekeepers that the content of a formal agenda will tend to reflect structural and institutional biases found within the system. According to Cobb and Elder "these biases arise from differential resources among individuals and groups and concomitant differences in access. For an issue to attain agenda status, it must command the support of at least some key decision-makers, for they are the ultimate guardians of the formal
agenda. Political leaders are dynamic participants in the agenda-building process (i.e., the formation and development of various institutional agenda) and are not simply unbiased referees in the resolution of societal disputes. Bauer, Pool, and Dexter noted in 1963 that "Congress is not a passive body, registering already existent public views forced on its attention by public pressures. Congress second only to the president, is, rather the major institution for initiating and creating political issues and projecting them into a national civic debate."

The position of these leaders guarantees them the ear of the media when they want to promote an issue. Their position also puts them in an excellent situation to bargain with other decision-makers over the agenda content. For instance, they can insist that an issue of concern to them be placed on the agenda in return for their agreement to examine an issue that is important to another decision-maker. Thus, it is not difficult to see why access to key officials is a sine qua non to influential interest groups. Nevertheless, as I noted earlier, many political scientists have confused access with influence. But access does not necessarily translate into influence. For example, a congressman may be quite willing to listen to a spokesperson for an environmental group and may even be in some sympathy with the group's concerns. Yet, when required to vote regarding an environmental issue, the congressman may be forced to oppose the environmental group because he has an industry in his district that might be hurt if he did otherwise. Nevertheless, the environmental group does have good access to this decision-maker. In fact, many decision-makers indicated in
interviews conducted in this study that they felt it was important to give groups on both sides of an issue a hearing.

Still, it is fair to say that some groups do have a greater ease of access than others, and are thus more likely to get their demands placed on an agenda. For instance, to provide a group with an opportunity for presenting its case is to afford it only the shallowest form of access. Most groups encounter little difficulty in obtaining this type of access with the Congress since legislators recognize the legitimacy of group interaction the legislative process. All things being equal, unless an interest group is considered as being unrespectable or lacking legitimacy, its spokespersons will generally find access to some members of the legislative system.

However, access based upon a sympathetic attitude on the part of the legislator is much more useful, for it will determine whether the group's claims and its lobbyists are seen as friends and allies or as outsiders with no special claim to privileged treatment. The nature of the relationship between the interest group and legislator is different when the group is considered merely one among a number of claimants for attention and when the legislator views the group as a collaborator and a trustworthy source upon whom he can rely with confidence. He and his staff then will be more likely to grant the group time, consideration, and extra special assistance. It is on this basis that interest groups function best in the legislative process. Interest groups, too, require a variety of services from legislators. Lobbyists need the benefit of the insight, special information, legislative skills, and position which the legislator possesses. In other words, the
legislator possesses resources which the interest group does not have and which can be of tremendous value in advancing its cause.

Influence on Decision-makers

The ultimate focus, nevertheless, of nearly all political science discussion of interest groups is the effect of group activity on governmental decisions. The basic factor separating political lobbies from other forms of organized activity is their expressed intention to achieve policy goals by influencing governmental decision-makers. The influence of interest groups on policy-makers is a function of a complex variety of factors. For example, the decision-maker may be indebted to a particular group or may identify himself as a member the group. Some groups may have greater resources than others or be better at mobilizing those resources. Other groups may be strategically located in the social or economic structure of society so that their interest cannot be ignored, e.g. big business, labor, and agriculture. Some groups are held in greater esteem by the public than others and thus have greater access to decision-makers, e.g. church leaders, doctors, lawyers, scientists, and academics.5

Institutional Structure

A group may encounter different types of responses from different levels or branches of the government. Thus access and influence is also a function of the institutional structure with which they must interact. Whether these groups are interacting with the Congress, the White House, or the State Department will affect their choice of
strategies and tactics as well as their penetration into these institutions. Group efforts to exert influence on policy-makers are arranged, in part, according to the institution, or set of decision-makers toward which their influencing efforts are directed. Adaptations in group tactics are influenced by differences in rules, norms, and procedures of the particular institution. For instance, efforts to influence the American Judiciary require very different methods than do efforts to influence the legislature. Additionally, interest groups tend to gravitate toward the effective centers of power in a political system. Also, groups do not always have equally effective leverage in every institutional area.

Perceptual and Attitudinal Screens of Decision-makers

Once penetration is made into these institutions the perceptual and attitudinal screens of the decision-makers poses the next barrier for interest group influence in the decision-making process. The attitude and perception of the decision-makers themselves may directly benefit or harm the group depending on the particular individual. For instance, one decision-maker in a particular department may be quite sympathetic to a group's pleadings either because he is familiar with the group or endorses its goals or because goals of the group are congruent with his set of political values. This same decision-maker may also be quite hostile to another group, question its motives, and view the goals of the group as being hostile to his political values.

As noted in the model in Figure 3.1, the perceptual and attitudinal screen is a function of: (1) the norms of the
policy-making body; (2) the personal motives and orientations of the individuals themselves; and (3) the group affiliations and reference groups of the individual policy-makers. By the norms of the policy-making body I mean the set of accepted procedures and behavior that have evolved over the lives of the various governmental institutions. For example, in the U.S. Senate and House of Representatives there are informal codes of behavior that govern how members should interact with each other, their staffs, and outside interested parties. Legislative rules range from the formal codified precedents and rulings of the chair to informal, unwritten expectations called norms.

Among the most important rules from the perspective of outside groups are those relating to policy development relationships. In this regard, the unwritten rules governing individual work patterns stress committee work as the way to internal prestige and influence, and require specialization in various subjects. Normally members specialize in something important to their constituency as well as subjects within the purview of their committee that interests them.

Between 1964 and 1974, roughly two thirds of the House and over one half of the Senate membership was new. These new freshmen became determined to reform the seniority system. By 1975 their efforts resulted in a system of widely distributed institutional bases of power. For instance, committee chairmen were forced to defend their records before the party caucus every two years thus removing the security of seniority as the only path of committee advancement. Also subcommittees were given greater responsibilities and more staff.
Additionally, "sunshine" legislation opened committee meetings to the public.

Specialization enables groups to focus their attention on developing relationships with particular committee staff and congressmen that will have the largest impact on certain legislation. On the other hand, increased committee staff and expanded subcommittee influence may make it more difficult for groups to develop and maintain the necessary contacts, and it may also make the information services of groups less vital. Issue specialization and reciprocity mean that groups will need to activate only those legislators directly interested in their issues and trust that their colleagues will follow their lead. Finally, the emphasis on committee and subject matter expertise combined with the representation of constituency interests, leads to coalitions formed around issues instead of along partisan or ideological grounds. Thus, groups will tend to select their allies on an issue by issue basis.

In sum, the consequences of structure and norms for the legislative process are: (1) narrowing the arena in which many important decisions are made; (2) limiting the number of key decision-makers on a given issue; (3) giving power to committees and subcommittees; and (4) increasing the importance of reciprocity and bargaining resources of those in leadership positions as a method of counteracting the decentralizing consequences of issue specialization, duplication of committee functions, and the distribution of power. This system appears to be quite conducive to interest group participation in the policy process although there is considerable
debate over whether it is the best system for producing coordinated and rational policy decisions. 6

The U.S. public policy-making system has been frequently described by such terms as: fragmented, pluralistic, incremental, fluid, constantly changing and evolving. For interest groups such a system presents numerous lobbying options. Clearly groups may take advantage of the fragmentation of the U.S. system to employ different techniques at different points in the policy process. Many observers have argued that the existence of multiple access points has the net effect of insuring widespread contacts for groups. Differences in access to decision-makers is also a function of the relative legitimacy of various groups. The legitimacy of the group, in turn, hinges to a considerable extent on the perceptions and attitudes toward that group by the relevant decision-makers.

In analyzing the behavior of interest groups in the policy process one needs to look at both sides of the lobbyist-decision-maker relationship. At the very least one should be aware of the importance of the perceptions of the decision-maker and their bearing on the access and impact of the various groups. To understand the attitude of decision-makers toward interest groups we need to understand the decision-makers' perceptions in relation to their peers, constituents, parties and other sources of their attitudinal and behavior cues. These other sources of behavior would to a large extent be made up of personal motives and orientations and group affiliations and reference groups of the policy-makers.
In terms of the different personal motives and orientations of decision-makers, clearly their occupational and educational backgrounds can have varying effects on their perceptions of interest groups. For instance, it is a well-known fact that in the U.S. Congress the majority of legislators have a legal background and training. This background may color their perceptions of lobbyists in certain ways. More specifically, they might view lobbyists as agents acting on behalf of their clients much as lawyers work to represent their clients. After all, many lobbyists are lawyers and, furthermore, lawyers tend to exhibit a healthy respect for the constitutional guarantee contained in the First Amendment providing for "freedom of speech" and the "right of citizens to petition the government for a redress of grievances." On the other hand, these same attorneys attended different universities, were exposed to different professors, and studied different subjects as undergraduates. These factors, in turn, may lead them to different conclusions regarding the need for interest groups and their contribution to policy decisions. As a result, these legislators may have differences of opinion regarding the merits of these organizations.

In contrast to the legislative branch, executive branch officials, particularly career employees as opposed to political-appointees, tend to have technical and scientific backgrounds. This may cause these officials to view interest groups as intruders into their area of expertise but who must be tolerated because of guarantees in the Administrative Procedure Act of 1946 that interested parties be kept
informed of departmental or agency decisions or rulings as well as the right to comment on these pronouncements.

Political socialization should also be a good predictor of the way a person looks at the world. An analysis of interaction between a person and others in his environment should include a description of the images of others held by participants in the interaction. One person's image of another can refer to a generalized sentiment and to a specific picture of the characteristics of the other. Generalized attitudes toward a significant other can be phrased in terms of positive or negative impressions. If people like each other they will interact; if they dislike each other they will conclude the interaction. Interaction, thus, can be predicted by sentiment. Sentiment, in turn, is a function of attitude similarity. Those people who have similar values tend to like one another and to interact on the basis of this sentiment. This applies to the relationship between lobbyists and governmental decision-makers. Decision-makers are more likely to interact with lobbyists toward whom they have a more favorable attitude.7

Humans carry with them specific "habits," "propensities," or "ways of looking at and thinking about the world," which lead to consistencies in their behavior across a variety of environments in which they function. But beliefs are central to the study of decision outputs and, according to some writers, probably account for more than half of the variance over any other factor. In the decision-making process, beliefs act like receptors for channeling information and for relating possible policy options to perceptions about the intentions
and behavior of other actors. A number of studies have shown that the relationship between belief system, perceptions and decision-making is a vital one. A decision-maker acts upon his "image" of the situation rather than upon "objective" reality and it has been demonstrated that the belief system plays an integral role in the cognitive process.

The belief system is composed of a number of "images" of the past, present, and future and includes all of the accumulated organized knowledge that the individual has about him or herself and the world. It may be thought of as the set of lenses through which information concerning the physical and social environment is received. The belief system plays an important role in the establishment of goals and the ordering or preferences. The indirect role is found in the way the belief system operates in the process of scanning, selecting, and filtering incoming information. It arises from the tendency of the individual to assimilate new perceptions to familiar ones.

Another factor that should be included is that individual's affiliations and reference groups. These would comprise such things as party affiliation, religious affiliation, sex, race, regional affiliation, age, and identification with various groups in the community like charitable organizations, clubs, community action groups, professional associations, national associations, and so forth. These affiliations, along with family background and training, formal education and institutional role playing, should have a substantial bearing on an individual's set of beliefs and the manner in which he reacts to stimuli from his environment.
In a relationship between an interest group representative and a government decision-maker, of particular significance is each actor's perception of the other's motives, values, personality characteristics, and so on. In a reciprocal interaction the behavior of each actor is governed largely by his evaluation of the significant other. To some extent, the valuation of the other is influenced by the perceived purposes of the interaction. In such a relationship each sizes the other up, estimating the other's potential for influence, his knowledge, and his values. Also each estimates how he appears to the other in terms of these qualities. As the lobbyist sizes up the influence of the decision-maker, he also forms an evaluation of the decision-maker's perception of his influence. Thus, interpersonal perception is a key factor in such interaction. A consequence of interpersonal perception is that behavior depends on the "image" each participant has of the other.

At this point I would like to stress, however, that the main purpose of this study is not to explore the perceptual and attitudinal screens of decision-makers or those institutional structures in which they must operate. On the contrary, the emphasis will be placed on the internal structure and external behavior of those groups attempting to penetrate those institutions and influence the decisions of these governmental officials. Nevertheless, it is vital that the impact of institutional structure and decision-makers' perceptual and attitudinal screens on interest groups behavior be taken into account. While no systematic effort has been made in this study to analyze the perceptual and attitudinal screens of decision-makers per se, where possible,
differences in attitudes and beliefs have been discussed as they relate to interest group access and influence. Differences in institutional structures have also been analyzed as they relate to and affect the behavior of the groups themselves.

With regard to Figure 3.1, thus far I have focused on the importance of access, the institutional structure, and perceptual and attitudinal screens of decision-makers. I have intentionally neglected any in-depth discussion of internal group characteristics and external behavior because this is the focus of the next two chapters which seek to elaborate this portion of the model. However, before turning to these chapters, three other factors in the model need to be discussed. The first is the role of governmental lobbying and persuasion of interest groups leaders. The second is the effect of governmental policies on interest groups' internal and external environments. The third is the external environment with which interest group leaders and government officials must contend. 10

Decision-maker Communication with and Persuasion of Interest Group Leaders

One must not think of lobbying as a one-way street in which the governmental decision-maker simply responds to the behavior of the lobbyist without influencing the lobbyists behavior. Instead, we can view the decision-maker-lobbyist interaction as a reciprocal relationship. Each party brings certain resources into the relationship, and each gives the other a portion of these resources in exchange for desired behavior. In this context, lobbying is by no means limited to just the interest groups. For instance, executive branch lobbying
activities have been described as the most pervasive, influential and costly of any of the pressures converging on Capitol Hill. Although every president since George Washington has sought to influence the content of legislation, it was not until the Eisenhower administration that a formal congressional liaison office in the White House was created. In addition, each executive department has a congressional liaison office charged with selling the department's legislative programs to Congress. The inter-branch pressure process also works in reverse. Members of Congress exert pressure on executive agencies if only because they are part of the body that must pass agency appropriations. Congress and the various agencies and departments also engage in efforts to lobby the interest groups as well. In fact, I would like to stress that most studies of interest groups have tended to ignore or devote scant attention to this aspect of interest group involvement in the governmental process.

A useful framework for examining interest group relations with the executive and legislative branches is that of mutual dependency and cooperation. Both sets of actors need the other to accomplish their respective goals. They are dependent upon each other for services, information, and support and cooperation without which each would be disadvantaged in their own way. Sanctions may be imposed upon government executives and legislators by the interest groups and vice versa. Thus, these governmental officials may find it necessary and beneficial at times to persuade and lobby the interest group leaders themselves. Governmental officials are uniquely situated to supply valuable political benefits. Public officials may also serve as sources of
privileged information such as the structure of agendas, the timing of decision-making and so forth. They may be in a position to favor a group over its competitors by recognizing that group as the legitimate spokesperson for that segment of society, by delegating responsibilities to the group, or by supporting a group's legal coercion of its members. Furthermore, governmental officials can be important merely as formulators and ratifiers of public policy. Thus, it is clear that governmental officials can use their positions to reward and sanction those groups with whom they interact.

However, public officials may be in a position to alter group goals without making any specific demands in this regard. For instance, they may be able, by controlling privileged information, to influence perceptions about the realization of group goals. Because of their positions, they may be able to determine policy options and other matters of concern to the groups. The groups, in turn, may voluntarily agree to restructure their goals as long as they expect the eventual result to be a positive one. Whenever this occurs, group goals are not strictly the resultants of internal processes but of a broader process between interest group leaders and public officials.  

Both the political executive and the administrative agency head exist in a highly political environment. The nature of the programs, personnel, organization, and financial support as well as the effectiveness of their services or regulations may be sharply affected by others. Those actors who may influence their operations are located in the legislature, the political parties, the interest groups, and the rest of the executive establishment. Executive leaders require
assistance; over the long run they cannot function by themselves as they wish. Executives and agencies are often confronted by interest groups, legislators, other executive heads, and agencies who are hostile. However, most executive agencies have built-in allies — those interest groups whose members are being serviced or regulated by an agency develop special relations with it. For instance, the AFL-CIO and other labor unions act as clientele groups for the U.S. Department of Labor, agricultural groups do the same for the Department of Agriculture, and business groups for the Department of Commerce. In fact, these clientele groups were instrumental in the creation of these departments. Thus for the executive actor, these groups represent the clientele of his or her agency. While the legislator may view his constituents as his principal clientele, the administrator finds his along functional rather than geographical lines. Nevertheless, legislators frequently need to enlist the support of various interest groups for a piece of legislation which they have introduced and will attempt to develop a working coalition among groups along these lines.12

Effects of Governmental Policies on Groups and Their External Environment

The feedback element in Figure 3.1 concerns the effects of governmental policies on groups and their external environment. In this regard, laws, rulings, and other enactments will affect the legal limits under which groups must operate. These rulings may have a considerable impact on the goals of the group. Also, governmental debates and discussions which have not resulted in new laws or rulings
may, nevertheless, have a considerable impact on the political environment and thus affect the groups themselves. The state possesses a tremendous concentration of power vis-a-vis all other elements in society. It represents a great potential which may be tapped. Interest groups resort, therefore, to the power of the state in order to establish a favorable relationship with their environment, to protect or regulate their members, and to restrict their enemies.

Also democratic governments seek to draw certain interest groups into public administration in order to ensure acceptance and effective implementation of the law. In some cases, interest groups are cloaked with the authority of the state in order to carry out its functions. This is particularly true in the case of medical, legal, and other groups which regulate their own professions. Moreover, public government has become so pervasive and powerful that it penetrates into almost every facet of life. The corporation and the labor union lie within the purview of government, both in terms of their internal operations and functions and in their relationships with the public as well as with each other. Government is increasingly called upon because individuals or groups cannot themselves cope effectively with their problems. Also, as interest groups exert sufficient influence to direct governmental powers to their concerns, other groups are stimulated in turn to affect the decisions of government.  

The government has on occasion been responsible for the creation and maintenance of various interest groups. For instance, in 1912 President Woodrow Wilson, feeling that one organization should exist to speak as the general voice of American business, convened an informal
meeting of top business leaders, and the Chamber of Commerce of the United States were born. Groups entering the political arena reflect the increasingly important role that government plays in economic regulation. Arthur Bentley stated that public policy is the result of group activities; however, today the opposite is often true, namely that the impact of public policy can create political interest groups. In other words, if interaction among politically active groups produces policy, policy in turn creates politically active groups.\(^{14}\)

The labor unions in the United States are another example of where government action has been instrumental in group growth. Mancur Olson in attempting to explain the incentives for union membership concluded that while a variety of incentives—especially social incentives—seem to have played motivational roles in the emergence of the first craft unions, the major explanatory element in most unions is compulsion. This can be found in the legal environment which encourages and protects union security agreements and this legitimizes "compulsory membership." The vast majority of American union members, approximately 75 percent, are covered by such agreements and must belong to the union if they are to keep their jobs. In supporting his argument Olson relied upon aggregate figures for the growth of union membership over time showing that dramatic increases in membership occurred subsequent to legal changes, particularly the Wagner Act of 1935, which allowed for compulsory unionism. In fact, total union membership jumped 55 percent in 1937 alone. Olson's aggregate figures provided a good basis for believing that compulsion does play an important motivational role in labor union membership.\(^{15}\)
Among other influences that have greatly facilitated groups formation are such national efforts as war mobilization or a collective attack upon the problems of an industrial depression. It was no accident that the periods of most rapid growth of trade associations in the U.S. have included the years of World War I and the days of the National Recovery Administration (N.R.A.). United States government resources were employed directly in establishing the American Farm Bureau Federation and in sponsoring trade associations during the early 1920's, the N.R.A. period of 1933-1935, and World War II. Once the habit of association activity was established under the stimulus of government encouragement most groups tended to persist and encourage the growth of other groups. There are numerous other examples of partial government subsidy, and private groups subsidies are still quite numerous. 16

In discussing the feedback elements in Figure 3.1 I have limited my discussion to broad scale impacts of governmental activity on interest group formation and maintenance. Yet the day to day decisions and pronouncements of government are also of extreme concern to interest groups. Congressional legislation and agency rulings can function as punishments and rewards with regard to groups in society. For instance, a stricter environmental ruling by the Environmental Protection Agency may represent a victory for environmental groups and a costly economic burden for the affected industry. Thus, these day to day decisions of government affect the membership of interest groups and reflect upon their leadership in Washington. They will help determine how effective the membership perceives its leadership to be
and will also have a bearing on where and how the group decides to direct its limited resources toward the influencing of governmental policy.

External Environment

The final element in the model to be discussed in this chapter is the external environment in which interest groups must function and its impact on their activity. The external environment consists of those forces in society that exist outside the interest group-decision-maker relationship and which may have a significant influence on both sets of actors. In Figure 3.1 the political process is portrayed as if it were insulated from other political systems. This is, of course, unrealistic, and in dealing with such a relationship the external influences must be taken into account, such as: public opinion, the mass media, other interest groups, political parties, and the legal structure.

In this regard an interest group's choice of strategy and tactics will be affected in part by its perceptions of the receptivity of governmental actors and the friendliness or hostility of the political environment in which it functions.

The International Political Environment

Up to this point the discussion has centered on factors contained strictly in the domestic political environment. Despite the extreme importance of domestic political factors, elements in the international political environment may have a considerable impact on the role of
domestic interest groups in the making of American foreign policy as well. In this regard, four types of actors are particularly important: foreign governments, international nongovernmental organizations (INGOS), multinational corporations (MNCS), and international organizations (IGOS).

All communications between domestic interest groups and foreign or multinational actors fall under the heading of what Keohane and Nye call transnational relations. Two elements of transnational relations can have an effect on the behavior of domestic interest groups. The first is the amount of guidance that a domestic group may get from actors in the international environment. The domestic group can be affected to the extent that it acts as a "linkage" between different nations. By linkage is meant the performance of an intermediary function between two political systems. The linkage function requires that: (1) an actor has communication channels to two or more political systems; and (2) the actor must convey attitudes, preferences and policy positions formulated within one system into the decision-making environment of another. When a domestic interest group acts as a transnational linkage, its behavior is likely to be different that that of a group functioning only in one political system. The transnational group is more likely to exhibit the foreign policy preferences of a foreign actor than a group that is promoting its own internally generated interests. In some instances a domestic interest group may find that its role as a transnational linkage may help it to gain access to decision-makers. On the other hand, some groups may find that policy-makers may view groups that convey the opinions of
foreign actors as illegitimate intrusions into the decision-making process.

The second element of transnational relations involves the amount of political support that a domestic interest group can gain from foreign actors. A domestic group may find that foreign actors can be helpful in gaining indirect access to policy-makers. For instance, domestic groups may employ foreign actors to convey the views of the group to the decision-makers in the domestic political system of the group. However, in general, such a strategy will most likely not be as effective as one that relies on the support of domestic actors. Nevertheless, for groups that find themselves isolated in the domestic political system, this approach may provide it with one of the few alternative means of influencing the decision-making process.  

SUMMARY

My purpose in this chapter has been to present and elaborate upon a general conceptual model from which to analyze interest group interaction with decision-makers. The above discussion has been a macro-analytic perspective of interest group interaction in the policy-making process. Consequently, many factors outside of the immediate realm of the interest groups themselves have had to be taken into account. However, the reader should be cautioned against assuming that the entire model itself will be tested and analyzed as it relates to interest group involvement in the foreign policy process. The primary purpose of this model is to place interest group interaction with decision-makers into a broader perspective where those outside
factors affecting this relationship can be better understood. Many of these factors will be alluded to in the case study section and others will be analyzed as they relate to interest group activity. However, the case study will direct its attention toward: first, understanding the internal nature of those interest groups involved in UNCLOS; secondly, to relating the group’s internal politics to its external politics; thirdly, to exploring the perceptions of and factors that may have accounted for differences in group influence; and, finally, attempting to relate these three components to a broader and more general understanding of the role of interest groups in UNCLOS through the model presented in this chapter. But to analyze the first three relationships a micro-analytic perspective needs to be employed. It is to the development of such a perspective that the next two chapters are devoted.
CHAPTER IV
INTERNAL GROUP CHARACTERISTICS

Up to this point I have discussed a general model for the analysis of interest group interaction with the decision-makers in a political system and the external environment in which the interaction takes place. I will now elaborate in this and the next chapter upon two components of that model that will receive substantial treatment in my discussion of U.S. domestic interest group involvement in the Law of the Sea Conference: the internal characteristics and resources common to most groups and their bearing upon the various types of external behavior exhibited by groups in their efforts to influence a given policy decision. As I have stated earlier, most research on interest groups has focused on the more or less direct impact of group activity on public policy and only secondary attention has been given to internal group dynamics. However, the position to be taken in this study is that a knowledge of the internal structure and resources of an interest group is vital to having a deeper understanding of why a group acts as it does on a given policy issue and what internal factors may have contributed to its success or lack of success in achieving its stated goals. As James Q. Wilson noted in discussing interest groups and public policy:

"To understand their behavior it is necessary to examine the internal processes of organizations to discover how they are formed, why people join them, how leaders and policies are
selected, and by what strategies they deal with other organizations, especially government agencies.... The behavior of persons who lead or speak for an organization can best be understood in terms of their efforts to maintain and enhance the organization and their position in it."

In this chapter the focus is on the six internal characteristics outlined in Figure 3.1: goals, organizational structure, decision-making and communication, level of democracy, unity and cohesion, and organizational incentives.

GROUP GOALS

In interest groups it is the goals that are of predominant importance; they provide the motivational basis for the existence and direction of group life. The most significant thing to know about an interest group, then, is the nature of its goals. Yet, in setting their goals, groups will typically have conflicting objectives, such as: 'attainment of maximum business efficiency and the promotion of programs and ideologies;' the need to reach a consensus within the group and the need for freedom, flexibility and rapid action in working with governmental decision-makers; the desire for group leaders to offer specific demands to governmental decision-makers and the need to issue broad statements of policy in order to prevent factionalism and spits within the group; and the problem of limited group resources (e.g., money, talent, experience, and so forth) and the need to become actively involved in a given issue and compete effectively with other groups.
Broad and Specific Goals

Yet, despite these conflicting objectives, it is fair to say that most groups share certain broad goals. Thus, it can be hypothesized that the political behavior of an interest group is determined to a large extent by the following organizational goals: (1) the desire to maximize group income; (2) the desire to maximize group respectability and leverage; and (3) the desire to maximize the influence of group values on governmental decision-makers and public opinion. The first of these goals is tied to the group's support from its membership and its ability to attract new members. The second goal is tied to the resources which the group is able to acquire and maintain, such as: talented staff members, a sizable number of members, organizational prestige, and cohesion among the membership to name a few. The third goal is more complicated and is related to the nature of the values of the organization and their congruence with values held by governmental decision-makers and the various publics that make up public opinion. These broad goals, in turn, will influence the choice of specific goals by the group. The relationship is portrayed in Figure 4.1.²

In moving to the more specific goals of an organization, definition of these broad goals may prove to be decisive. However, the more specific the objective, the greater the likelihood there will be some disagreement within the organization regarding it. Many associations have learned that group maintenance needs are better achieved by having broad and vaguely expressed goals for expressions of group policy positions. Nevertheless, the achievement of specific tasks and dealing with governmental decision-makers require more
Means for Goal Achievement | Broad Goals | Specific Goals
---|---|---
Membership Support and New Member Potential | Maximize Group Income | Group Decision-Making Process
Group Resources e.g. Talent, Numbers, Prestige, Cohesion, etc. | Maximize Group Respectability & Leverage
Congruence of Group Values with Decision-makers & Public Values | Maximize Influence of Group Values


Figure 4.1
GROUP GOAL FORMATION
explicit and concrete statements of group needs. The staff of an organization, thus, is compelled to "walk a tightrope between organizational maintenance and goal achievement, but while walking they usually lean to one side, so that, if they fall, they fall on the side of keeping the association alive."^3

V. O. Key provided a summarization of the leader, member, goal relationship:

"The policies and program of groups...are shaped by the interactions within the group, the experiences of its members, the environmental circumstances affecting the group, and other factors. Interest group activity is not...a simple reflex action. Rather, group objectives take shape from...all the internal processes leading to group action."^4

Foreign Policy Goals

A vital question with regard to this study is - where do foreign goals typically fall within the goal hierarchy of interest groups? Also, one must ask - what is the relationship between a foreign policy goal's position in the hierarchy and the resources which a group devotes to the pursuit of that goal? In attempting to answer these questions it is noteworthy that, while interest groups follow the whole range of American foreign policy, the area of most direct and significant interest seems to be the protection and advancement of those particular interests which are the raison d'être of the groups themselves. In other words, there will, in general, be a pursuit of essentially private rather than public interest whether or not it may be couched in terms of the public interest.

However, this generalization must allow for certain significant exceptions. While it is true that many interest groups involved in
foreign policy matters have an economic slant, there are other organizations concerned with global issues and problems confronting mankind. There are also groups that appear to take a highly nationalistic stance on foreign policy questions. Nevertheless, even these groups, while appearing to be quite selfless in their goals, can be seen to be seeking their own private interests. It can be argued that in taking these positions they are merely ensuring their continued survival since it is the pursuit of these goals that is responsible for the continued support of their membership.

We are still left with the question of where foreign policy questions might tend to fall in a group's overall set of goals. One would suspect that, while there will certainly be tremendous variation between groups, overall, foreign policy goals will typically fall at the mid to lower end of the spectrum of group concerns. This is due to the fact that foreign policy matters do not strike at the heart of group survival and growth. Rather, they tend to be luxury items in that a group is free to dabble in them once attention has been paid to the more pressing domestic matters. This means that groups can be expected to devote a small portion of their resources, if any at all, to foreign policy issues. However, when foreign policy questions involve a substantial portion of the group's membership or threaten the economic well-being of various members, one can expect that these matters will rise to the top of the list of group concerns. There are also those exceptional organizations that concern themselves almost entirely with foreign policy matters. Additionally, there are single issue organizations emersed totally in a specific foreign policy
question. These latter groups will, of course, devote all of their resources to the pursuit of these foreign policy goals.

ORGANIZATIONAL STRUCTURE

David Truman recognized that a grasp of formal organization is essential to the understanding of a group's internal political life. As Truman noted, formal organization presupposes acceptance by the participants of a particular division of labor, forms of leadership, distributions of responsibility, and methods of determining policy.

In general, interest groups tend to be either federal or unitary in organization. Each type poses different problems for groups in terms of their ability to marshal maximum strength, shift positions on issues, and avoid or reconcile internal conflicts. A federal organization is an organization of organizations in which the powers are divided between the constituent groups and the national organization. A unitary organization is one that may have subdivisions to carry out various functions but where membership is directly with the "parent" group and not through a constituent group. In short, the distinguishing feature of a unitary organization is not whether it has administrative or geographical subunits but whether its component units are independent organizations.

The importance of the distinction between federated and unitary organizations can be found in its influence on the cohesion of the group. Federations tend to have much less cohesion. Federated organizations are frequently forced to steer a dangerous course between
debilitating inaction or local actions that may be inconsistent and centralized action that may isolate members of the organization or even lead to dissolution of the organization. The fundamental reason for the tendency toward disunity in federated organizations is that by acknowledging in formal terms certain spheres of local or constituent autonomy, a federated organization establishes and sanctifies subcenters of power.

The AFL-CIO is an excellent example of this situation. It is a very loose federation of autonomous unions. The chief governing body is the Executive Council. This body has considerable discretionary authority and its members are established leaders of their own unions. However, each one has a veto power which rests on an implied or expressed threat to withdraw their union from the federation. However, although this tendency toward low cohesion is a common feature of a federated structure, it should not be exaggerated. A number of such groups have achieved a high level of unity through the use of a variety of controls and incentives.

The majority of national and regional trade associations can be cited as illustrations of unitary organizations. Unitary organizations, such as the National Association of Manufacturers (NAM), do not suffer from the "rival power centers" problems that plague federated organizations. Unitary organizations, on the other hand, encourage centralized action that may invite dissolution or an embarrassing nonconformity. Yet, Unitary organizations have a major difficulty or disadvantage that federations can avoid. A national policy of a unitary organization must be promoted and defended at
national and state, or local levels. Yet, a unitary organization may not be able to make the subtle policy shifts in content and meaning necessary to promote policy on multiple levels. Unitary organizations have only administrative or geographical subunits, not subunits with the ability to take independent policy positions as do federated organizations. Thus, a national unitary organization cannot promote one policy at its national level and another at its subunits' level as can a federated organization.

DECISION-MAKING AND COMMUNICATION

In most studies of interest groups internal patterns and relationships have received only tangential attention. There has been a general tendency to assume oligarchic control of most interest groups and a tendency to assume that most group members accept as satisfactory those policy statements and efforts at influence that the group leaders choose to undertake. These assumptions allow the researcher to treat the group as a unit and to use the actions of the leadership as indications of group desires and actions. Certainly a good argument can be made in support of this approach given the general tendency for leadership domination of many group activities. However, this one-sided perspective ignores some highly significant factors affecting leadership behavior. When one begins to view groups as structures of benefit exchange, then these unitary assumptions appear less valid.

In analyzing interest groups it is useful to distinguish between three basic roles in such organizations, namely leaders, members, and
staff. By leaders I mean those members who are designated or acknowledged as leaders by their fellow members.

Also, in the literature on interest groups, the role of interest group staff has received only sporadic attention. In many associations, the staff, which are appointed by the elected officials to administer the affairs of the organization, have a most influential voice in determining the activities of the organization, allocating benefits to members, and articulating the group's policy to governmental decision-makers. It is important to distinguish between the elected leaders of an organization and the appointed staff. Where the elected leaders serve as full-time paid officials, one can expect staff members to take a more subordinate role.

However, much of the power of the staff results from their superiority in information regarding the membership, group concerns, and governmental affairs. This knowledge enables the staff to make suggestions to a nominating committee as to who might be useful members of the executive committee. Also, the staff will see more quickly and clearly the opportunities for lobbying actions, intergroup alliance, and strategies and tactics that might be employed by the group. It would be misleading, however, to presume that the presence of such staff initiative removes the staff from the constraints of membership demands and leadership directives. If a staff member transgresses the group norms, he will most likely find himself reprimanded and possibly subject to sanction.
The Leadership

The exact content of the leader's job varies to meet group demands since it is founded upon the reciprocal relationship between leaders and members. Also the process of leadership development and leadership selection vary with the organization, the people available, and the issues. Nevertheless, the crucial job for a leader is to maximize the sources of internal group cohesion and act as spokesman for the group. Generally, the degree of internal activity versus internal lobbying is related to the size and heterogeneity of the group. Large heterogeneous organizations require considerable leadership effort to create and maintain an internal consensus. Members of small, homogeneous organizations are more likely to have agreed upon values that allows the leadership to avoid the problem of consensus formation and thus devote more of their energy to policy contacts with decision-makers.

Leaders can attempt to satisfy the desires of the membership by acting in terms of their own beliefs which they view as being representative of the membership or by attempting to discern what the membership wants and then acting on these desires. However, there is frequently a communications gap between leaders and followers. This is most apparent in labor unions where the leadership having moved from bluecollar to whitecollar jobs begins to develop a perspective more in tune with that of management and less representative of the laborers themselves. Nevertheless, leaders who do not satisfy the desires of the membership can be replaced. Despite this fact, the bulk of evidence suggests that the interests of group leaders will diverge from
the membership they represent. Leaders will often be attracted by the prospect of distant and intangible rewards. Frequently, they are able to obtain the necessary discretion to follow their own policy goals.

Staff

Despite the fact that they are ultimately accountable to a board of directors, in terms of deciding which issues to lobby on, allocating resources, formulating major aspects of strategies and tactics, and generally developing policy positions, the professional staffs of interest groups tend to be the primary focus of influence. Of course, there is considerable variation among groups in terms of staff influence, but, in general, the above statement holds true for most groups. Nevertheless, staff dominance is much more evident in public interest and religious groups than in private business or labor groups. Power in these groups is shared with constituency assemblies and smaller governing boards, but the staffs still play a very important policy-initiation role.  

Organizational staff may perform numerous valuable tasks. But what is distinctive about the interest group staff member is that, while he is an insider and part of the organizational structure, he is still a paid professional who performs these tasks in return for material compensation. The key to the role of the staff member is that his job offers him opportunities for influence primarily due to specialization. If, for example, he is responsible for communications functions or membership recruitment, he may have a store of knowledge about the membership and may also control the information that is sent
to them. On the other hand, the staff person may be a specialist in legal and technical matters of concern to the association. In this case he would develop personal contacts with governmental officials and politicians, gain knowledge and information about political issues, develop lobbying and negotiating skills, and so forth. These skills, which are endemic to interest group staff members, will determine the role they play in internal politics.

In general, a staff person can have an impact on group decision-making and policy in three ways: First, he can use his skills and resources as rewards and sanctions. For instance, the individual could threaten to quit or cut back on his services if the group leader did not adopt his policy preferences. Second, the staff person can use his skills and resources in support of individuals who participate in internal politics particularly members whose goals are similar to the staff person's goals. Third, the staff person can use his control over information and expertise to alter the perceptions of actors involved in internal politics.

In sum, there are various ways in which staff members have an impact on group goals. While different staff members have different strengths, the point is that they do have an important role to play in group decision-making. When the interest group leader hires his staff he is creating actors with skills that can shape the policy-making processes of the organization.
LEVEL OF DEMOCRACY

Of course communications and intelligence in an organization flow not only from top to bottom, but in the other direction as well. One of the most important questions with regard to the internal politics of an interest group is to what extent and how is the membership involved in group decisions or, in other words, what level of democracy exists within the organization? From the traditional pluralist standpoint, the nature of this relationship is fairly clear cut. Because members are presumed to join or leave an organization on the basis of their agreement with group goals, the pluralist logic maintains that group goals will of necessity reflect member preferences. However, this perspective ignores the internal political process since, according to this logic, regardless of how group goals may change over time, the process of membership turnover (i.e., joining and withdrawing) will serve to ensure that the group is representative of its membership. On the contrary, these conclusions are of very questionable validity. Members may quit or join for a variety of reasons and it is possible for groups to be large and prosperous even if the majority of the membership disagrees with group policy. The connection between group goals and membership preferences is an important question and one that can be understood only by looking inside the organization itself.

Some studies have suggested that different leadership styles can have significant impacts on membership loyalties and productivity. For instance, while it may be politically expeditious for interest groups to function in an oligarchic fashion, this type of leadership has its
costs in terms of declining morale and productivity on the part of the membership. On the other hand, democratic leadership and decision-making, while time consuming in terms of gathering and analyzing the views of the membership, does have the advantage of increasing membership participation, interest, morale, and productivity. Another drawback of democratic decision-making is that the achievement of a group consensus may be more difficult and possibly more divisive than a decision made without debate among the membership.

However, as Robert Michels noted in 1911, organizations do exhibit a strong tendency toward what he termed the "Iron Law of Oligarchy." It is fair to say that few, if any, interest groups have what might be considered a democratic structure. While in general having a rather oligarchic structure there are differences between groups in terms of their relative levels of democracy. In other words, some groups are more oligarchic than others. According to Michels, the more extended and the more ramified the official apparatus of the organization, the greater the number of its members, the larger its budget, the more widely circulated its press, the less direct control is exercised by the membership, and the more control is granted to committees. Some writers have suggested that large organizations seem less democratic than smaller ones, older ones less than younger ones, and those created from the top down less democratic than those built from the bottom up. In theory the interest group leader is an employee who is bound by the instructions he receives. But, in fact, as the organization increases in size this control becomes fictitious.
Membership Influence

One way in which the membership can conceivably influence the leadership is through unsolicited mail sent to the organization. Although there is little evidence to suggest that such mail exerts any real influence on policy-making in many organizations, this communication enables the professional staff to express their views on matters which they consider to be important to the organization. On the other hand, the members can always leave the organization. Thus, leaders and followers do exist in a functional relationship in which the leaders are limited by the membership's latent values and expectations. Nevertheless, even though this relationship exists, there is considerable room for gaps between leadership attitudes and perceptions and those of the membership. It should also be emphasized that these misperceptions can exist in a highly successful and burgeoning interest group.

Despite the autonomy of the leadership in most interest groups, it should also be noted that in many instances their authority is uncertain and their leadership is precarious. Because interest groups are voluntary organizations, the leadership does not have the acknowledged right nor the power to coerce the members. Furthermore, as one writer has suggested, interest group leaders are constrained by their members' indifference rather than by their opposition. Thus, leaders remain in office because the membership finds it easier to express their opposition by leaving the group rather than by challenging the leadership. Thus, for the leader of an interest group, the limits on his authority, the marginal loyalty of the membership,
and possible rivals within the organization should serve to temper his actions to where his course of action is designed to alienate as few members as is possible.  

UNITY AND COHESION

Questions of group unity, cohesion, homogeneity, loyalty and stability strike at the core of a group's ability to mobilize its internal resources to take action on a given issue. The crucial job for a leader is to maximize the sources of internal group cohesion and act as spokesman for the group. Generally, the degree of internal activity versus internal lobbying is related to the size and heterogeneity of the group. Large heterogeneous organizations require considerable leadership effort to create and maintain an internal consensus. Members of small, homogeneous organizations are more likely to have agreed upon values that allow the leadership to avoid the problem of consensus formation and thus devote more of their energy to policy contacts with decision-makers. Problems of cohesion or consensus as well as serious rifts between the membership over specific issues or group policies can immobilize an organization and make it ineffectual in its lobbying effort. Therefore, in attempting to understand the actions of a group and its influence upon policy-makers on a given issue, it is most helpful to gain an appreciation of the level of internal unity and cohesion existing within that organization.
ORGANIZATIONAL INCENTIVES

The behavior of interest group leaders can in large part be understood through their efforts to strengthen and enhance their organization. Group survival is predicated upon the leadership's ability to persuade individuals that their support for the organization is worthwhile. In order to encourage membership support, the leaders offer individuals tangible and intangible incentives to encourage them to become or remain members. Interest groups provide collective goods to their membership as well as various other incentives. Three types of benefits are available to the membership: material, solidary and purposive rewards. Each interest group has its mix or package of rewards that it provides to its members. The true significance of these rewards or incentives lies in the fact that generally the greater the incentive package provided to the membership the higher the level of membership support and stability.

Those groups that do not have stable and dedicated memberships or that desire to expand their membership will devote more of their energies to membership solicitation efforts such as mailing campaigns and so forth. Furthermore, many interest groups have magazines or newsletters that are sent to their memberships. These publications outline the accomplishments of the organization and provide useful information on events in Washington, around the nation, or elsewhere that affect the group's interests. Also, as long as members are tied to the group by means of selective incentives, it is to their advantage to continue contributing even if they disagree with group policy. For
instance, if they have insurance or a pension plan with the organization, then the incentive structure may be such that they are not willing to forego these benefits by withdrawing from the organization even if they disagree with group policy. Consequently, this allows the leadership to pursue an independent course of action without fear of losing either members or their contributions.

SUMMARY

In summarizing this discussion of internal group politics I will begin by noting as I did in the initial pages that interest groups typically have conflicting objectives. Yet despite these conflicting objectives they typically share certain broad goals as portrayed in Figure 4.1. These broad goals, in turn, will help determine the specific goals of the group. It was also determined that foreign policy goals tend to fall at the mid to lower end of the hierarchy of group goals. Yet when foreign policy goals begin to touch upon the survival and prosperity of the group, they move to the top of the hierarchy.

The group may be broken down into three major categories: leadership, staff, and membership. Each of these subgroups brings with it a certain set of strengths and weaknesses which affect its bargaining position vis-a-vis the other subgroups. Most of the power of the staff stems from their superiority in information on matters affecting the group. This information enables the staff to make policy suggestions to the leadership as well as acting as entrepreneurs who initiate programs that may benefit the membership. Nevertheless,
despite these advantages the staff remains constrained by membership demands and leadership directives. The power of the leadership comes from the authority and legitimacy of the office to which they have been elected. This grants them the right to make major decisions affecting the welfare of the organization. The primary responsibility of the leadership is to maximize the sources of internal group cohesion and act as a spokesman for the group.

The role of the membership in shaping group policy is much more complex than that of the staff and leadership. It is tied to the question of group democracy, the presence of an active or passive membership, the role of subgroups and rival groups, and the services and contributions which the membership can or do provide for the group. Of course, the ultimate power of the membership lies in their ability to leave the organization. Furthermore, because interest groups are voluntary organizations, the leadership does not have the power to coerce the membership. Thus, in interest groups the power of the leadership to get a member to carry out his wishes is quite limited. Member contributions can have power over the group leadership if the leadership believes that the contributions are contingent upon the political decisions they make. For this reason, member contributions can be employed as sanctions and rewards. Additionally, a group member is able to gain leverage if he is able to perform valuable services for the group. Thus, services like contributions can be used as sanctions and rewards in internal politics. However, it is generally the large members that provide the greatest amount of services and contributions to the group and thus have the most leverage in this regard.
But as long as members are tied to the group by means of selective incentives, it is to their advantage to continue contributing even if they disagree with group policy. In these circumstances the leadership can pursue an independent course of action without fear of losing either members or their contributions.

Organizational structure is also important in understanding a group's internal political life. Formal organizational structure is indicative of a group's internal division of labor - its form of leadership, distribution of responsibility, and methods of determining policy. Overall, interest groups tend to be either federal or unitary in structure. Naturally, there will be a variety of forms among federated associations. There can also be a merging of both unitary and federal characteristics within one group. Each organizational type presents different problems for groups. For instance, federations tend to have less internal cohesion than their unitary counterparts. Yet unitary organizations tend to encourage centralized action that may lead to dissolution or nonconformity. Additionally, a unitary organization may not be able to make subtle policy shifts to promote policy on multiple levels. This is because unitary organizations have only administrative or geographical subunits and not subunits with the ability to take independent policy positions as can federated organizations.

While it is true that professional staffs of interest groups have considerable discretion in selecting issues on which to lobby, it is also true that these decisions are influenced by other factors, such as: organization goals; current resource commitments and capabilities;
and the activity of other interest groups. These factors work to structure the alternatives open to the lobbyist at the time he is ready to make a decision on a new issue. The evolution of issue decisions may be traced as far back as the initial goals and purpose of the organization. Of course, organizational goals are not immutable but change is usually gradual in nature. For interest groups, goal adaptation is rarely radical. Even if a group proceeds in a new area, the issues they select will have a logical relationship to the organization's goals as they have been interpreted in the past. However, beyond the limitations of organizational goals, a group's choice of new issues is also restricted by its current resources and commitments. Every interest group has an ongoing allocation of personnel and financial resources to particular issues, and the choice of new issues must be made with available resources. The nature of ongoing commitments will thus affect the range of issue options open to a given interest group. This brings me to the next chapter which is concerned with a highly important part of the equation of group interest, activity, and influence, namely, group resources.
CHAPTER V

GROUP RESOURCES

The number of issues and subissues on which interest groups would like to work is always far in excess of the number with which they are able to become involved. Each interest group is faced with the decision of how to commit its limited resources. The groups must not only decide on which issues to become active, but they must also determine how much of their resources to allocate and the manner in which these resources are to be expended. The types and amounts of resources at their disposal will, of course, play a central role in this decision-making process. Clearly one cannot ignore the fact that among the inequalities with which interest groups must contend are the types of resources at their disposal. Of course these inequalities may be somewhat counterbalanced by the fact that while one particular group may have a distinct advantage with regard to one type of resource, such as money, another group may have an advantage in another resource area, such as membership size, that can be used if necessary to offset in part the advantage of the first group. Nevertheless, while recognizing that each group has its own particular mix of resources, the purpose of this section is to provide a general discussion of the types of resources that are available to the interest group community at large.
Group resources fall into several categories: physical resources, particularly money and membership size; organizational resources, including leadership skills, and substantive expertise; political resources such as political process knowledge; motivational resources, such as ideological commitment; and overall prestige or status. The combination of a group's goals, level of activity, motivation, mix of resources, and skill at using them in conjunction with the nature of the government institutions and the motivations, values, and viewpoints of the government decision-makers determine the political influence of the group.  

The ability of a group to demand X amount of a given good is a function of its available supply of resources. A portrayal of interest group resources can be found in Figure 5.1. Each group has its own particular mix of resources which help determine the political influence of the group. These resources include such things as physical resources; organizational resources; motivational resources; political resources and status. More will be said later regarding these resources, but the point to be made here is that each group has its own particular mix of these resources. This supply of resources will, in turn, determine the level of demands that a group is able to make with regard to a particular desired good or reward. This means that the group leaders will engage in somewhat of a cost-benefit calculation where they weigh the cost in terms of the resources that would need to be expended as compared to the benefit to the group of gaining these rewards. This cost-benefit calculation will in large
**Physical**
- Financial
- Membership Size

**Organizational**
- Leadership Skills
- Membership Skills
- Leadership Rapport with Membership

**Political**
- Campaign Expertise
- Political Process Knowledge
- Political Strategy Expertise
- Political Reputation

**Motivational**
- Group Unity and Cohesion
- Ideological Commitment
- Group Intensity
- Morale
- Grass Roots Support

**Status and Prestige**
- Overall Prestige and status
- Credibility
- Legitimacy

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**Figure 5.1**

INTEREST GROUP RESOURCES AND GROUP DEMANDS
part determine the priority list of goods which the organization is willing to expend its limited supply of resources.

Thus, a group's resource base will affect the kinds of benefits it seeks. In mass membership groups, there will be differing motivations between leaders and followers. Leaders will tend to be willing to pursue distant and sometimes intangible goals. However, groups that are dependent on a membership base for resources will be compelled to direct their attention to more immediate and concrete goals. On the other hand, leaders of what are primarily staff organizations (i.e., organizations relatively free from dependence on membership contributions) are better able to pursue purposive goals.

Citizens' groups have come to be more and more dependent on grants from foundations, government agencies, and other associations. Beginning in the 1960s, the availability of outside funding provided a means to circumvent the free-rider problem. Yet outside funding did not eliminate the need for leaders to be responsive. Rather, it meant that they had to be responsive to interests outside of their membership. As Jack Walker has stated:

"All support for interest groups, whether it comes from powerful members within or from sources outside, arrives with a set of policy strings firmly attached....Government agencies are interested in organizing their constituents not only in order to improve coordination in the federal system, but also to lobby the Congress and the Presidency on their behalf. Most patrons - even the private foundations - have a set of interests that they are striving to advance and values that guide their contributions. They are not likely to support groups that do not share their general approach to social policy."

A group's resource base also affects its choice of strategy and tactics. Public interest groups, for instance, are constrained in
their use of financial resources because of legal restrictions denying the use of tax-exempt funds for lobbying. Under section 501(c) of the Internal Revenue Code groups depending on contributions from foundations or other patrons may qualify as tax-exempt organizations. This tax-exempt status makes contributions to these organizations more attractive. However, if this status were to be denied, then the group's resource base would suffer dramatically. Therefore, public interest groups are forced to hedge against what might be called "lobbying" per se and instead to take such tactics as presenting "technical information" at congressional hearings.3

PHYSICAL RESOURCES

Financial Resources

It has long been a popular assumption that interest groups have large sums of money at their disposal to influence policy. However, in their study of foreign trade policy, Raymond Bauer, Ithiel de Sola Pool, and Lewis Anthony Dexter found this not to be the case and that even the opposite may be the case. Bauer, Pool, and Dexter, nevertheless, appear to have underestimated the resources of private interest groups. The actual financial status of the majority of interest groups most likely falls between both of these extremes.

With these caveats in mind, it is still fair to say that money is perhaps the most important resource available to a group in influencing public policy, because it can be used to attract many other resources, including substantive, political, and leadership expertise, as well as public relations talent. For instance, if a group is denied access to
decision-makers through regular channels, it can buy space or time in the mass media.

In this regard, the question arises as to how the financial resources of economic interest groups compare to those of noneconomic interest groups. One would suspect that the noneconomic groups, which have no economic self-interest to defend, may have more austere budgets. However, to talk about the total budgets of private or public interest groups may be a misleading focus. Budgets represent potential resources. The more pertinent information is the amount of organizational resources committed to advocacy work on that one issue. It is also important to ascertain how well groups maximize the resources at their disposal. For instance, public interest groups may do a better job of keeping basic overhead costs to a minimum than do the economic oriented interest groups such as trade associations and labor unions. The public interest groups may accomplish this by being headquartered in more humble buildings, maintaining a minimum of clerical help and letting the professional staff do much of its own typing, offering lower salaries and so forth. Another way in which noneconomic groups, such as public interest groups, may augment their resources is through the use of volunteer labor. Thus, the total number of workers and professional employees for interest groups must be taken into account along with the financial resources at their disposal.

Groups raise money in a variety of ways. Some are financed in large part through general membership dues. Others, such as trade associations, operate through assessments on member corporations,
determined on a sliding scale. Corporations can finance lobbying operations through their general revenues as legitimate business expenses. Many groups depend on contributions to finance Washington operations. Groups with limited lobbying activity can often qualify as tax-exempt, thus making contributions tax-deductible and easier to obtain.

Money can be viewed as a political resource particularly in the form of campaign contributions. Money provided at key points, such as early in a political campaign, enables the candidate to create a viable campaign. However, money alone cannot win campaigns. Furthermore, money alone cannot assure continued meaningful access to officials unless other factors such as commonality of interests, useful information, and friendship develop to supplement the campaign donation. In other words, money buys access, not influence.5

Giving campaign contributions is clearly the most publicized tactic of groups for achieving access and influence in the political process. Campaign finance laws now require relatively detailed disclosure of contributions by individuals and groups to political campaigns. Even groups with limited financial resources can improve their access with a few well targeted contributions. Large or small, campaign contributions are designed to elicit the appreciation of legislators which can be translated into access and assistance.6

Political action committees (PACs) proliferated at a tremendous rate since 1974 when election law changes encouraged many business groups to establish them. PACs operating at the federal level can be divided into two types: affiliated and independent. An affiliated PAC
is created by an already existing labor union, corporation, or other type of organization as a separate, segregated fund to collect and spend money. Money is given voluntarily to the fund by individuals associated with the labor union, corporation, or interest group to be used for political purposes. The second type of PAC is officially independent of any existing organization. These unaffiliated or nonconnected PACs usually focus on a specific issue or advocate a particular ideology. While this second variety is politically important, this study will concern itself solely with affiliated PACs.

Labor unions began forming PACs nearly a half century ago to maximize their influence in the political process. But the real impetus for PAC formation and growth did not appear until the 1970s when the federal campaign finance laws were overhauled. Of particular importance were the 1974 amendments to the Federal Election Campaign Act (FECA), which placed a $1,000 limit on the amount an individual could contribute to a House or Senate candidate in a primary or general election. PACs were permitted to give $5,000 per election, with no limit on how much a candidate could receive in combined PAC donations.

These changes in the law caused the political landscape to become transformed overnight. Before 1974 little need existed for PACs outside the labor movement. Individuals (e.g. business executives or wealthy political philanthropists) could give unlimited amounts to the candidates of their choice. But the 1974 amendments ended this period of unrestricted contributions and compelled wealthy individuals, corporations, and other organizations to pursue new channels in order to continue to be financially involved in the political process.
Political action committees can have enormous power in affecting electoral outcomes and public policy. Since PACs have become a major source of campaign funds for congressional candidates, inability to win PAC support may mean that a candidate cannot afford to mount an adequate campaign. In addition to their effect on electoral outcomes, PAC contributions can affect public policy in several ways. First, they make it easier for PAC members to gain access to members of Congress. Second, contributions can aid in gaining support for a PACs views where the issue is not of great concern to the member of Congress or his constituency. Third, contributions can influence the composition of Congress. In this regard, supportive incumbents receive contributions, while those incumbents who do not adequately support a PACs interests will discover that their challengers have received contributions from the slighted PAC.8

Membership Size

The sheer size and geographical distribution of a group is an important physical resource. Beyond the direct translation of size into votes, a large group which represents many citizens has a higher degree of legitimacy since it "speaks" for a sizeable portion of the American citizenry and not a limited number of individuals. There is a close connection between a constituency link and interest group influence with Congress. If an interest group wants the entire House to take action on a given matter, then it is important to have group members in a large number of congressional districts.9
Although the distinction between large, mass-membership organizations which perform mainly symbolic political functions and small groups which pursue tangible political goods is somewhat of an oversimplification of the interest group community, it does highlight an important distinction as to group functions and is heuristically defensible. The size of a group has much to do with determining the type and amount of resources available to the group. Labor groups, for instance, have many members and their sheer size constitutes a resource in that a large number of votes can presumably be delivered or withheld from candidates at election time. In the same vein, large groups provide manpower for conducting public opinion campaigns, letter writing drives, and various other tactical efforts. Large memberships can also mean sizable monetary resources, although this is by no means always the case.

The type of interest represented by a group can also affect its level of financial support. For example, groups such as labor unions and the National Association of Manufacturers, which are organized around the material economic interests of their members, are generally able to command a larger share of their members' economic resources than are groups of comparable size which are organized around purposive or expressive interests. Dues or contributions to the former type of group are like investments which may result in increased economic benefits, whereas dues or contributions to the latter type of group may result in benefits which cannot be financially quantified. For this reason, individuals will not only devote more of their personal
resources to groups which seek material benefits, but they will also be more consistent in their support over time.

Thus, in sum, one can say that when all other variables are held constant, large groups tend to command more financial resources than do small ones. However, other factors than size also determine the availability of such resources. For instance, greater per capita contributions can be expected in economically oriented interest groups than in others. Also, interest groups whose members tend to be economically well off can be expected to have greater per capita contributions than those whose members are less well off. 10

ORGANIZATIONAL RESOURCES

Beyond money and size, the ability of a group to mobilize its membership for political action is a valuable resource. For instance, a small group that is politically active and cohesive can have more of a political impact than a large politically active and unorganized group. Membership cohesion and perceptions by political decision-makers that a group is representative of group membership opinion, is also important.

Leadership Skills

Another significant resource is the skill of a group's leadership. The ability to manage the resources of the group, to determine group priorities, to choose allies, is vital to the success of a group in the political process. The crucial job for a leader is to maximize the sources of internal group cohesion and act as a group spokesman.
Large, heterogeneous organizations, such as national unions and large trade associations, require considerable leadership efforts to create internal consensus. Members of small, homogeneous organizations, such as individual corporations or local unions, are more likely to have an agreed upon set of values that helps the leadership in consensus formation and allows them to concentrate on policy contacts with outside decision-makers. Leaders can maintain ties with their members through the organization's internal communication modes, i.e., newsletters, bulletins, and magazines that arrive weekly or monthly. By phrasing information in the context of a member's interests, the leadership may be able to "orient" the member toward outside events in a manner that will add to the group's strength.11

Substantive Expertise

The ability of a group to command facts, figures, and technical information in support of its positions is another vital organizational resource. Substantive information on which government decision-makers rely in making their judgements is highly valued in the political process. A group that can provide persuasive data to support its case has an important advantage.

The three general types of political currency available to groups are persuasion, inducements, and constraints or sanctions. Persuasion is the use of resources in an attempt to make a decision-maker evaluate the merits of an issue in the same manner as the persuader does. A group which uses the resources of expertise in persuading a political decision-maker that a pending policy will have a particular result may
enhance its reputation for expertise if the predicted result occurs. Conversely, it may lose much of that value if its prediction turns out to be inaccurate. The successful application of persuasion by a group will alter the value structure of decision-makers to make them seek the same immediate goal as the group. Persuasion and expertise can be powerful resources. The persuader's integrity and knowledge are his keys to success with public officials.\textsuperscript{12}

Research on communications has generally suggested that relatively few people are significantly affected or influenced by mass communication, but personal confrontation or interaction can result in influence between those individuals involved. Thus, for this reason, personal persuasive skills can be a power resource for interest group representatives. This may explain why many lobbyists have indicated that they consider direct or face to face lobbying to generally be superior to indirect lobbying such as mass mailing efforts.\textsuperscript{13} In this regard, it has generally been assumed that the basic resource of the lobbyist is the possession of technical information unavailable to the target of influence such as a congressman or senator. However, of equal importance may be the creation in the mind of the legislator of an image of honesty and the avoidance of an image of aggressiveness or pressure. Another factor that will affect the persuasibility of a lobbyist is the image of professionalism which he conveys in his lobbying efforts. Professionalism refers to a generalized body of skills possessed in common by the members of a given occupation. The acquisition of these skills is usually considered to be a function of experience.\textsuperscript{14} Thus, in sum, decision-maker perceptions of expertise,
professionalism, and honesty on the part of lobbyists are important resources to interest groups.

POLITICAL RESOURCES

Groups that have experience and knowledge regarding political campaigns can offer important services to political candidates. The political wings of many interest groups rely heavily on the expertise of their political experts to help candidates target voters and organize campaigns as well as the organization's funds that are available for contributions. Groups are attracted to candidates for various reasons. Of these, two are most prominent. First, should these candidates win, this will eliminate any access problem for those groups that supported them early in their candidacy. Second, candidates are ideal vehicles for promoting issues or ideological positions. Consequently, political experience and knowledge are important resources for interest groups for numerous reasons.

Political Process Expertise

Of vital importance to a group's legislative success is knowledge of the ins and outs of the process, such as: the important stages in the process; the important committees and subcommittees; the key actors; the best times for action of inaction; and the characteristics of members and staff. Knowledge of the administrative process can be equally important to a group's success in achieving its goals. Many groups hire former members of Congress or their staff. They will also employ former regulatory agency officials or their staff to provide
them with expertise in the operation of the administrative process. Beyond knowledge of the actors, groups are strengthened by their expertise in parliamentary ploys and strategies as well as administrative strategies and tactics.

MOTIVATIONAL RESOURCES

If a group is composed of members who are committed to a cause, then that intensity of feeling can multiply the group's influence far beyond its membership numbers. To know that a bloc of people might vote for or against a congressman in the next election based solely on his position on a single issue is a powerful motivating force. For instance, legislators frequently refer to the members of the National Rifle Association and the right-to-life movement as having influence that is heightened and exaggerated by their commitment and fervor. In this same vein, the moral basis for group action is a powerful motivating force. Many groups have their basis in a moral conviction about the morality or immorality of a particular policy or policy alternative. The right-to-life movement and the disarmament groups are such groups. Moral rectitude can serve not only as a motivational force for cohesion and activity, but it can also provide a powerful line of argument to use in persuading public officials.

STATUS AND PRESTIGE

The overall prestige of a group can aid it in pursuit of its goals. For example, because the Business Roundtable is composed of chief executive officers of the nation's largest corporations, its
status is unmatched by any other business group. The more resources a group has and can use, the more advantages it brings to the intergroup competition over access and influence on policy. In this regard, resources such as overall organizational prestige, status, credibility and legitimacy in the political system can add to an organization's store of resources. 17

SUMMARY

In this chapter the nature of the various resources which interest groups have at their disposal was discussed. These resources were placed in the categories of physical, organizational, political, motivational, and status and prestige. Because the number of issues on which interest groups would like to work is always far in excess of the number on which they are able to become involved, each interest group is faced with the decision of how to commit its limited resources. A group's resource base will affect the kinds of benefits it seeks and will also limit the strategies and tactics available to it. Group strategies and tactics are discussed in the next chapter.
Strategies and tactics refer to the ways in which groups use their resources and assets to influence public policy. Although strategies of groups are obviously related to the resources available to them and to their goals, they are also shaped by the nature of the political process.

Some writers have argued that the most important determinant of the selection of channels of influence is the structure of the decision-making processes which interest groups seek to influence. According to this argument, pressure groups tend to adjust the form of their activities not so much to the formal (constitutional) structure of government as to the distribution of effective power. However, not only the structure but the activities of government (i.e., decisions which emerge from it) influence the predominant channels of pressure group politics. Finally, the dominant channels of pressure group politics may be determined by societal attitudes (i.e., "the political culture") the most important being attitudes toward interest groups themselves, particularly their perceived legitimacy. These all combine to determine the form of interest group politics.
The following discussion outlines some of the common strategies and tactics employed by interest groups in their efforts to influence public policy. Figure 6.1 has been provided to graphically illustrate the interrelationships between those group strategies and tactics discusses below.

STRATEGIES

Strategy may be defined as broad plans of attack, or general approaches to lobbying. Strategies are more general, long-range approaches to lobbying, whereas tactics represent the immediate day-to-day activities of an interest group attempting to influence government. Tactics, however, are inextricably tied to strategies of influence. Group strategies may be "inside," focusing on members or staff of the political body, "outside" focusing on grass-roots opinion and pressure, or a combination of the two, depending on circumstances and timing. Strategies may also be cooperative between groups, or solitary where a group decides to go it alone.

An inside strategy focuses on the interaction between groups and their representatives, and political actors on Capitol Hill or in the executive branch. Inside strategies rely less on the constituency relationship of political actors, and more on their legislative and political needs, as well as the web of social friendships and relationships in Washington, in an attempt to cultivate access and exert influence. To maximize access and enhance their "inside" contacts, interest groups will frequently employ former members of Congress, former staff aides, or other Washington influentials. They also cultivate their
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**Figure 6.1**

**Interest Group Strategies and Tactics**
relationships with legislators, their staffs, and other Washington executives by a variety of means including periodic luncheon engagements, conversations, and the provision of useful information. When a bill is being debated on the Floor or in a conference committee the provision of information can be particularly valuable.

Although groups can choose to work through purely Washington-based connections, an outside strategy may prove to be an easier and ultimately more significant approach. An outside approach, in which groups emphasize external resources - grass-roots ties or the pressure of public opinion - can be used to publicize an issue or to promote a legislative goal. An outside strategy may be used alone or as a part of a comprehensive lobbying campaign. Or it may be used out of desperation when an inside strategy has failed. Outside strategies may be direct or indirect. A direct approach involves, for example, explicit assistance or direction to group members or sympathizers to contact representatives or senators about an issue or bill. Indirect outside strategies depend on mass media campaigns - ads in newspapers and magazines, commercials on television and radio.

In terms of cooperative strategy, one possible mode is the formation of a coalition. James Q. Wilson defines a "coalition" as "an enduring arrangement requiring that choices over some common set of interests, for example, resources, goals, strategies, or the like, be made by explicit mutual agreement among the members (in this case the component associations)." It differs from coordination which involves nothing more than sharing information or discussing, but not taking binding decisions about common interest. According to Wilson,
associations rarely form lasting coalitions. However, one of the more last- ing and well-known coalitions is the merger of the AFL and the CIO which became possible only after both sides were convinced that the cost of competition was excessive.

There are a number of theories intended to explain which coalitions out of all possible ones will form and how a coalition once formed will maintain itself. One theory asserts that the individuals will seek to form a coalition that is just large enough to control the outcome. A second theory argues that politics rarely makes strange-bed-fellows and, to the contrary, "likes attract likes." Nevertheless, despite the difficulty of their formation, there are various incentives for coalition formation. For instance, the normal tendency of formal organizations to resist coalition, except on an ad hoc basis, can be overcome if the existing level of resources and autonomy for all prospective members can be threatened (a crisis) or enhanced (an opportunity). Though coalitions are not common among political organizations, ad hoc alliances frequently occur. These alliances typically take the form of loose, cooperative relations between two or more associations with respect to the attainment of a particular end. They represent temporary arrangements for sharing resources and especially for managing communications.

Coalitions are quite popular among "public interest" lobbies. One reason lies in the fact that there are natural incentives to share costs when an advocacy effort is beyond the means of a single group.

The creation of interest group alliances can magnify the impact of grass-roots lobbying by multiplying numbers of involved members. The
pooling of resources also permits distribution of the work load to take advantage of each group's special talents, the combining of monetary resources, and the multiplication of possible working contacts. The narrow issue focus of most coalitions maximizes group effectiveness. Alliances are able to project a public image of active unity although it may be that the coordinators are really a handful of men mobilizing a large number of passive supporters. This, in turn, generates a new group resource, namely, the ability to affect the flow of information on a subject. Since policy content reflects available information, those who control content thereby acquire indirect influence over policy.5

Nevertheless, in the pursuit of power, the ways of coalitions are many. Their workings are many. Their workings are sometimes open, easily traced, and readily acknowledged by all. At other times the cooperation is concealed. Some coalitions may be more apparent than real. Rather than indicating strength, they can at times suggest weakness among the separate entities and a lack of unity within the organizations. Sometimes groups that are usually opponents will join to lobby on an issue. Allies on one issue sometimes become opponents on the next one. The bicameral structure of the legislative branch and the constitutional separation of powers provide a considerable natural advantage to defensive lobbying efforts. By combining their knowledge and resources, members of coalitions improve their chances of overcoming the natural obstacles to new legislation, and they have a better chance of killing bills they oppose. Most lobbyists agree that during the 1970s and into the 1980s coalitions lobbying became a
commonplace ritual in Washington. The ad hoc coalition, the working group, and the alliance became the routine format for most lobbying campaigns. 6

TACTICS

Tactics are the specific actions taken to advocate certain policy positions. Group tactics are designed to reach policy-makers in two interrelated ways: by obtaining access and influencing decisions. Interest group behavior can be viewed in these terms keeping in mind that access can be either direct (through face-to-face communications with policy-makers and their staff) or indirect (through outside individuals, constituents, mass media, or appeals to public opinion), and influence can be particular (a specific vote on a specific bill) or diffuse (general attitudes toward a subject area). Of course, lobbyists work in all three branches of the government but the emphasis here will be with regard to legislative and executive branch lobbying approaches.

DIRECT LOBBYING OF THE LEGISLATIVE BRANCH

Personal Presentations

Direct lobbying, in which interest group representatives visit and speak with legislators or their staff personally or appear before their committees and subcommittees, remains the primary strategy upon which most groups rely to influence legislative actions. Face-to-face contacts with individuals in the legislative branch occur far more often with staff than with Representatives or Senators. This is
primarily because obtaining appointments with members of Congress is not an easy task. Various studies (deVries, 1960; Milbrath, 1963; Ziegler and Baer, 1969; and Berry 1977) have found that the personal presentation of an argument to governmental officials was the tactic most highly regarded by lobbyists in terms of effectiveness. Another possible explanation of why face-to-face lobbying is so popular is that Washington representatives tend to lobby their "friends" in government and leave their "enemies" alone. In this regard a personal visit to a congressional office is the most appropriate means of persuading congressmen with the grassroots effort being reserved to persuade reluctant congressmen. Nevertheless, the popularity of this tactic will vary between groups in relation to their talent and available resources for its use.

Services to Legislators

Since legislators want and need staff aid, interest groups seek opportunities to supply such services. To the extent they can, they strengthen their reservoir of good will and their potential for influence. Bauer, Pool, and Dexter, in their study of interest group politics in the case of Reciprocal Trade Agreements Act of 1953-55 concluded that interest groups operate most effectively as "service bureaus" for congressmen who agree with them. The furnishing of research by lobbyists and the conveyance of information are probably the most usual day-to-day types of interaction. In The Washington Lobbyists, Milbrath concluded that the most important service lobbyists and their congressional contacts can "perform for each other is the
mutual exchange of information." In the lobbyist-legislator relationship reliable information is at a premium, and few individuals have or can obtain the information they require by themselves. Both lobbyists and legislators have some data that is of importance to the other, and each uses the other to obtain the necessary information upon which they must act.

Typically, legislators utilize lobbyists as sources of influence in three ways: (1) calling upon lobbyists to influence other legislators; (2) calling upon lobbyists to help mobilize public opinion in favor of the legislator's position; and (3) including lobbyists in planning a strategy for the negotiation of a bill through the Congress. However, the purely informational communication is not necessarily the most effective persuasive technique. The combination of a persuasive argument with supporting evidence may be the most successful in this regard. Thus, the personal presentation to the legislator and the provision of information are not mutually exclusive. But for heuristic purposes a distinction can be made between the two approaches.

Congressional Testimony

A major point of contact between Congress and interest groups is the committee hearing. The hearing gives committee members an opportunity to probe into the motivations and interests of the group. It also provides the interest groups with an opportunity to put their views in the official record. However, it is a tactic that by itself is not viewed by interest groups as very effective in influencing
Nevertheless, the hearing can also serve as an element of a broader strategy of a group to advance or defeat a measure. The purpose of testimony may not be so much to inform the committees as to gain publicity in the press.

Nevertheless, probably the most important focal point in the legislative process for interest groups is the committee. What the committee recommends is generally adopted by the legislature. Influencing legislative decisions from outside the committee rather than within is a much more difficult task for an interest group. Thus, although the actual testimony given at hearings is rarely of great consequence, committee hearings do represent a vital stage in the legislative process. Hearings reflect the transference of legislation from the idea stage to the agenda stage where legislation is officially considered. For a group trying to get Congress to consider a newly arising issue, the holding of hearings is an extremely important step.

Although the decision to testify at hearings is a minor one, requiring only a small amount of resources, the decision to press a potentially unwilling committee to hold hearings is another matter. This effort will be undertaken by groups only when they feel that an issue is of major consequence and are willing to devote the time and resources to its pursuit. Nevertheless, while they may not push for hearings, interest groups continually monitor the activities or plans of committees of concern to them. The Washington representatives of interest groups not only become experts in their field but also on the House and Senate committees which deal with their area of specialization. Interest groups pay their Washington staffs to keep
them abreast of developments in government which could affect their constituents. These representatives watch the work of committees in which they have an interest, establish and maintain working relationships with key members or staff members, and stay informed on potential or actual legislative developments.

Staff Contacts

Because of the difficulty in obtaining the precious time of legislators, lobbyists rely heavily on contacts with staff members. In fact, the relationship between lobbyist and staff member is much closer than that of the lobbyist with the legislator. Because of the importance of such staff contacts, lobbyists will attempt to develop and maintain them.

INDIRECT LOBBYING OF THE LEGISLATIVE BRANCH

Influential Individual Contact

Using influential members or constituents to contact governmental policy-makers is a technique that may be employed on occasion. The purpose of these third-party contacts is to gain access to a member of Congress or governmental policy-maker when other approaches do not seem open or advantageous. But access cannot be divorced from influence. Obviously the individual or constituent who is doing the contacting is trying to persuade the target of his point of view. However, while this tactic may be a useful one, it tends to be used infrequently. The reason is that the influential does not want to "wear out his welcome" by intervening too frequently.
Grass-Roots Techniques

In conjunction with or in lieu of direct lobbying, many organizations seek to mobilize constituents into contacting their senators and representatives. High election turnovers have created a Congress more skittish about constituent pressures. Nearly every trade association or public interest group has developed its own grass-roots network to ensure that what its Washington lobbyists say is reinforced by constituent contacts. Traditional grass-roots pressure methods include maintaining a steady stream of correspondence with the lawmaker, arranging recess visits to lawmakers' local headquarters, and interacting frequently and skillfully with local newspapers and television. Contemporary computer-based technology has changed the nature of grass-roots lobbying efforts. For instance, Richard Viguerie, in the past 15 years, has amassed a set of 300 mailing lists containing more than 25 million names of past contributors to one conservative cause or another. Viguerie has developed an operation that can generate a tremendous grass-roots response without any reliance upon conventional media outlets.

A recent study by a public relations firm found that congressional staff overwhelmingly ranked "spontaneous letters from constituents" as the most effective type of communication. Constituent phone calls ranked second, and even "orchestrated mail from constituents" was considered relatively important. In contrast to the importance given constituent mail and phone calls, congressional staff members who responded to the survey rated similar contacts from interest groups as considerably less effective. Political scientists who have studied
legislative lobbying have presented a mixed picture of congressional attitudes toward the mail. Members of Congress have been portrayed as being very much interested and concerned about issue sentiment expressed in letters, postcards, and telegrams.

It has also been observed, however, that congressional offices are much less responsive to mail they regard as stimulated or produced by pressure groups. Various scholars have pointed out that the writing of manufactured "mail" is quickly recognized and discounted by members of Congress and their staff. But beyond this it is perhaps correct to say that letters related to an organizational effort are perceived with varying degrees of legitimacy, depending on the selective perception of the Member and his or her staff. On the other hand, much of the corporate "issue-advertising" is not viewed by congressional staff members as effective grass-roots communications. But the companies that devote considerable resources to purchasing a section of the New York Times or Newsweek do so with the hope of influencing informed members of the public. Such advertising may, over time, serve as an effective grass-roots technique.

Today's grass-roots lobbying bears little resemblance to earlier citizen based appeals. Individual specialists can often generate large numbers of letters, telegrams, and phone calls on even the most obscure issues. The technology of grass-roots lobbying has changed the shape of citizen-legislator relationships. The most obvious development has been the increased volume of mail members of Congress receive from constituents. All of these innovations require substantial resources. The business community, big labor, and some trade associations command
adequate funds, but many smaller groups cannot as easily afford such expensive technology. 12

**Letter Writing.** As noted above, letter writing is one specific form of grass-roots lobbying. There are three general types of letter writing campaigns by interest groups. One is the mass appeal, which usually takes the form of a newspaper advertisement that urges people to write to their members of Congress or to a key committee chairperson. A second is direct communication between the interest group and its members through the group's newspaper or journal. A third approach is for organizations to alert a specialized population of the membership. Quite often this is done through special legislative bulletins sent out prior to an important committee or floor vote. These alerts go to all members in certain key districts or states, or to known organizational activists and chapter leaders who can generally be counted on to write letters and make phone calls. 13

**Public Relations Campaigns.** Public relations campaigns are another form of grass-roots lobbying. However, these campaigns are much more expensive than letter writing campaigns. Various writers have credited a number of the more ambitious and well-financed campaigns with stopping particular pieces of legislation. 14 However, one must appraise such claims with great care. To attribute the defeat of legislation to one factor alone in the complex world of politics is to make a gross oversimplification.

To wage successful public relations campaigns requires a combination of group resources: money, leadership skills, community status, a reputation for informational expertise, membership
commitment, and overall legitimacy. The desired result of such activity is first to educate the public to accept the group's viewpoint and then to activate sections of the public to force governmental decision-makers to deal with the problem. An example of a broad gauged approach to influence public attitudes is the use of advertising by most major companies to reinforce the axiom that business is good for America and that this is particularly the case with their business.

Groups are always trying to improve their public image. Some name prestigious people to their boards of directors. Others use communications techniques to convince the general public that the group's activities and membership reflect all-American values and goals. Business, good government, citizen, and environmental groups seek to use the media - television, radio, newspapers, magazines - to enhance their status. But it is generally easier for business to use the media effectively. The costs of advertising are prohibitive to many groups unless they are tax-deductible. Tax-deductibility takes two forms. Organizations that are classified as tax-exempt institutions may receive tax-deductible contributions, but they may not use this money to buy media time or space for lobbying purposes since lobbying by such groups is prohibited in the tax code. However, the tax code does permit business advertising "in their own self-interest" to deduct such expenditures as business expenses - their advertisements "in the public interest" are not tax-deductible.¹⁵

Nevertheless, a much less expensive avenue is available for interest groups in their efforts to mold public opinion. This approach involves direct contact and interaction with members of the press. In
this regard, there are generally three major methods, usually aimed at newspapers and newspaper reporters, that are used by interest groups in contacting the press. The first means of communication is the press release which highlights the research or other information the group has available. The second method of communication is the press conference. However, press conferences are a much less frequently used device. This is understandable since a group must have a rather significant story before they can expect the media personnel to attend their conference. The third approach involves the cultivation of individual reporters. A sympathetic newspaper reporter is invaluable to an interest group and is a resource to be nurtured and protected.

Releasing Research Results

This approach may be best described as a process where a group conveys information to government officials of which the latter may not be aware. However, there are occasions when lobbyists perceive that people in government are unwilling to listen. In these cases lobbyists may try to take their case to the people, hoping that making the public, or a segment of it, aware of certain facts will work to change the climate of opinion. They may do this by releasing research reports and results to the press.

Research reports and the accompanying public relations can serve two purposes. One is to draw direct attention to a particularly bad policy with the hope that there will be some redress of the grievance. The second is to contribute to what has been termed by some as
"consciousness raising" - the process of gradually increasing the public's awareness and desire for needed change.

In terms of actually influencing public policy, the limitations of just releasing and publicizing research results are substantial. Unless the research contains some really dramatic findings, there will be little follow-up by the press. Therefore, for research to have an impact it must usually be supported by other tactics such as litigation, legislative lobbying, or administrative intervention.¹⁷

Campaign Contributions

In general there are two reasons why interest groups give money to candidates. One is to put, or keep, people in Congress who are sympathetic to their group. The second is to increase or ensure access to senators or representatives. Of course, the ability of groups to make such contributions depends on their financial resources and the legal restrictions on campaign contributions. There is no neat correlation between campaign expenditures and campaign results. Yet it is clear that under some conditions the use of funds can be decisive. On the other hand, there are occasions when no amount of money can alter the outcome. Nevertheless, money is most important in the nominating process where a certain amount of initial funding is needed in order to prove candidate viability, hire staff, and pay for early expenditures. Furthermore, pressure for the contributor's dollar has been heightened by the rapid escalation in campaign costs. One reason for the increase is the growth in the size, mobility, and ballot
independence of the American voter. Campaign techniques per se are also increasingly expensive.

However, it is erroneous to accept a direct causal relationship between campaign donations and the votes of elected officials. This is because such an interpretation ignores many equally relevant forces - ideological compatibility, district economic needs, congressional decision-making, the need for factual information, party dues, and so on. It is noteworthy that money alone cannot assure continued meaningful access to officials unless other factors such as commonality of interests, useful information, and friendship develop to supplement the campaign donation.  

While corporations have been barred since 1907, and labor unions since 1943, from making direct contributions to campaigns for federal office, contributors have found numerous ways to circumvent the restrictions. Labor pioneered in setting up separate political arms, such as the AFL-CIO's Committee on Political Action (COPE), that collect voluntary contributions from union members and their families and use the money to help elect senators and representatives favorable to their cause. Similarly, corporations can organize political action committees (PACs) to seek contributions from stock holders and executive and administrative personnel and their families. The same general resources are available to members of citizens' groups and to a wide range of organizations seeking to exert political pressure on members of Congress. In approaching a member of Congress, an interest group does not need to inform him that its future political support depends on how he votes on a particular bill, or whether the member
acts favorably to the group in general. This point is left implicit by the interest group representative. The member understands the relationship without being directly informed. Interest group representatives have frequently denied that this is the intent of their campaign support. But they do admit that political support gives them access to the legislator that they otherwise might not have.  

Electoral Activities

I am referring here to the nonmonetary forms of group electoral participation ranging from group representation among delegates nominating party candidates to group informational activities such as publication of voting records, candidate ratings, and advertisements. These services indirectly promote group interests through the selection of government decision-makers who support similar policy positions or feel sufficiently obligated to the group to grant it a hearing when requested. Following are some of the primary forms of nonmonetary electoral activities pursued by interest groups:

Relationships With the Major Political Parties

Interest groups and political parties can perform reciprocal services because both act as conduits between citizens and their government with the former emphasizing policy content while the latter are concerned with filling public offices. The gearing of campaigns to voting blocs creates a role for the political interest group as organized spokespersons for bloc concerns. For the candidate, group support offers: the advantage of campaign personnel and services; a
dependable source of support within the district; exposure to a specialized audience; and possibly a bloc of votes at election time.

From the group's perspective, coordination with party activities has several advantages. First, it is a means of securing access to officials who are receptive to the group's ideas or are indebted to the group for electoral assistance. Second, groups with the advantage of membership strength can use the electoral process as a way to illustrate this political resource. Third, participation in party politics offers groups a chance to shape campaign issues in various ways.

Another factor affecting interest group relationships with political parties lies in the fact that the dispersion of party power throughout the levels of government in the federal system coupled with the impact of political party power flowing upward from the grass-roots, permits groups to be geographically partisan. This means that a group may support different political parties and their candidates in different states and localities and/or across the three levels of government. The multiple access points of this three dimensional system create numerous options for groups.

Voting Records

The publishing of scorecards of congressional voting, or the reprinting of roll call votes from the Congressional Record is a tactic used by various groups. The aggregate right and wrong votes are computed into percentages and scored in such a manner that the higher the percentage, the closer a Senator or Representative is to voting in
the manner desired by the organization. Rather than constructing their own organizational indices, some of the groups simply reprint the lists of those who voted yea or nay on key issues from the pages of the Congressional Record. The votes are published in the group's newsletters for interested members to read. To sum up, although endorsements without campaign money seem rather symbolic, they require so little in terms of time and money that they cannot be considered a waste of resources.

LOBBYING THE EXECUTIVE BRANCH

In discussing lobbying in the executive branch it is important to distinguish among the White House, the Department of State, and the other departments and agencies that comprise the executive branch of government. While the White House, the Department of State, and the Department of Defense tend to be dominant in the daily conduct of foreign affairs, the various departments and agencies and Congress can have a significant and deciding effect on various matters particularly those noncrisis issues with an economic, environmental, religious, scientific, or supranational nature.

The Presidency

Group activity in the political process is not limited to Congress. Indeed, the various decision points in the executive branch - the presidency and the White House, the various levels of the bureaucracy, and independent regulatory commissions - are monitored and
pressed in the same fashion as members of Congress and congressional committees. Group involvement at the White House focuses on the President and on the variety of offices and special assistants that make up the White House staff and the executive office of the Presidency. The White House has a number of staff positions and offices, many of which were set up during the 1960s and 1970s to act as clearinghouses to provide greater access to presidential attention for various organizations.22

A President's capacity to shape legislators' voting behavior remains surprisingly weak and may be largely limited to members of his own party. Nonetheless, Presidential attempts to influence Congressional activities have increased substantially since World War II. As policy-making responsibilities increased, the need to win Congressional support has become all the greater. This inverse relationship between need and capability helps explain the emergence of direct liaison between the White House and interest groups. As part of this effort, the Office of Public Liaison (OPL) was created under President Nixon in 1970 and has been a fixture in successive administrations. The OPL provides the White House with a central means of including interest group views in the policy-making process, searching for lobbying allies, and helping the President politically. As a result, a pattern has been established for the White House to give identifiable groups a designated advocate or constituency representative, a practice that resulted in irresistible pressure to expand the range of interests receiving such privileged status.

Most Americans believe strongly in the right of citizens to petition government officials. Yet they believe that such contacts are
more legitimate when pursued with legislative rather than executive officials. The President is expected to represent all the people and not just supporters. In much the same way, bureaucrats are widely viewed as public servants who should be far removed from even the hint of "favoritism" toward any particular interest. Nonetheless, interest groups aggressively pursue extensive contacts with both Presidents and bureaucrats; moreover, executive officials are in some ways substantially dependent on interest groups.

The modern Presidency has emerged as a vital decision point with the potential for directly affecting the interests of many organized groups. Presidents have considerable discretion over some policy areas and can therefore have an important impact on interest group fortunes. The mutual dependency relationship between interest groups and bureaucrats has been more widely recognized than that between interest groups and Presidents. The latter, however, has recently become an important feature of American politics. Presidents now actively attempt to enlist interest groups as part of their electoral and/or governing coalitions.

The Presidency has become a more significant center of policy-making as it has grown in size, developed routines for generating legislative initiatives, and become more active in monitoring the activities of agency and departmental personnel. In addition, political parties have become less effective structures for establishing the broad-based coalitions of interest group support required to meet a President's governing and electoral needs. These two trends have combined to generate higher levels of interaction
between the White House and interest groups. Interest groups face a more complex institutional structure because the White House exercises far greater policy-making powers and seeks to influence Congressional action as well as manage the bureaucracy. Thus, the White House is an important decision point and threatens to disrupt interest group efforts to exert influence directly on bureaucrats or through subgovernments.

The Presidential policy-making role has grown as staff assistance has become more readily available. Dating only from 1939, the Executive Office of the President (EOP) has expanded substantially and now includes a constantly shifting array of staff units that focus on specialized policy areas. In addition to the White House staff, the EOP has included the Bureau of the Budget (changed to Office of Management and Budget in 1970), the Council of Economic Advisors, the National Security Council, the Office of the Special Representative for Trade Negotiations, and the Council on Environmental Quality as units that helped shape Presidential action in policy areas. Both Presidents Kennedy and Johnson shifted program initiatives away from the bureaucracy and placed it in the White House under the supervision of trusted aids. These staff assignments multiplied and became concentrated under Richard Nixon and his successors.

Recent Presidents have possessed the means and the drive for an expanded role in policy-making. The overall result has been a shift away from a largely decentralized decision-making system toward one that often operates as President-centered. Thus, from an interest group's perspective, contacts and lobbying efforts limited to
traditional bureaucratic and legislative channels may prove insufficient to ensure success. It is increasingly necessary to cultivate White House contacts and gain access to key decision-makers in the EOP.23

The President himself becomes involved with interest groups in several ways. First, he often has "photo opportunity" sessions with representatives of national interest groups. Such visits provide groups with proof of their national importance and they provide the President with pictorial verification of his role as leader of the people. Also the President will make speeches at the annual conventions of important groups. Additionally, the President often seeks support from domestic interest groups, especially when foreign policy efforts are affected by Congressional policy activities. In any interest group encounters at the presidential level, the personal initiative usually lies with the President. His symbolic and administrative strengths give him the overwhelming advantage. However, the need for group support when the President seeks reelection or needs backing for a controversial policy is tacitly acknowledged by the White House.24

Interest groups also attempt to gain access to the White House through participation in Presidential election campaigns and conventions. With regard to Presidential campaigns there are a variety of services such as printing, mailing, providing campaign workers, and so forth that groups can make available to candidates of their choice. Labor and public interest groups are more likely to offer volunteer workers to candidates than are business and professional organizations.
Business and professional associations, on the other hand, are representing corporations and independent businessmen who do not have spare time to devote to political campaign activities.

In terms of direct group communication with the President, any message that is intended directly for the President must pass through the organizational and perceptual screen that the President's staff erects around him. Also the President must sufficiently respect the group to give the message serious consideration.

Nearly all messages to the White House are screened for legitimacy and credibility. A message will be considered legitimate if an advisor or official believes that the sending group has a "right" to implore him on the matter. A demonstration of possible injury from a proposed action is one way of conveying a legitimate right to petition the government for redress of grievances. A message that falls within the stated purposes of the group will also generally be considered legitimate. The surest way to obtain credibility for an interest group message is for the group to establish a reputation for honesty and accuracy. In Washington lobbying, such a reputation is not easily gained and not lightly thrown away. Only repeated instances of honesty and accuracy of information in messages can build such a reputation. Messages may also attain credibility because they contain unique facts that the sender's peculiar position enables him to know well. This tends to be true of facts ascertained by recognized experts. A group may also have unique facts about the consequences of a certain policy upon its membership, and credibility is likely to attach to messages containing these facts. A message may also attain credibility by the
sheer force of the idea or argument it contains. Since style as well as content is important, interest groups should take special care to present their message in an inviting fashion. Demonstration that a given measure is in the public interest or would serve the cause of justice also stimulates attention and concern.

Some groups have turned to "lobbying at the grass-roots" in order to receive presidential consideration of their concerns. They attempt to mold the opinion of their members or public opinion in general. They may try to stir people at the grass roots to write letters, send telegrams, work for a presidential candidate, or give money to a presidential candidate. The implicit assumption of these tactics is that an increase in the number of messages directed to the White House through various channels will increase that group's chances of influencing a given decision. If an interest group tries to compete with the President to influence public opinion on any issue, most of the advantages are with the President. On foreign policy issues, where the President is considered to have privileged information, his advantages are even greater than for domestic issues. He commands the attention of all the news media; he is presumed to be better-informed and to have the interest of the whole country in mind. An interest group acting alone would have no chance in such a contest. Only if it were able to attract the support of a substantial proportion of other public officials, could such a combined campaign have a significant impact on policy outcomes.

To summarize, groups desiring to influence Presidential foreign policy decisions must: know the officials or advisers who are involved
in the decision and who are most likely to be receptive to the messages; find an open and clear channel to such persons; attract the attention of officials so that they will be heard; and, compose messages that are credible and legitimate. They may also decide to supplement these methods by stirring up messages from the grass roots. This requires a great deal of knowledge and skill and, consequently, lobbying to influence Presidential foreign policy decisions is not an easy matter.  

The Bureaucracy

In addition to communicating with the White House, groups also interact with the various executive agencies, from the top political appointees down to the career civil servants. Many federal agencies and departments are oriented toward clientele groups. For instance, the Agriculture Department is oriented toward farmers, the Commerce Department toward business, the Bureau of Mines toward the coal and oil industry, the Environmental Protection Agency (EPA) and the Council on Environmental Quality (CEQ) toward environmentalists, and the Labor Department toward labor. The interest groups, follow agency activities closely, often utilizing their influence over the selection of top agency officials and in the formulation and implementation of government regulations.  

The United States system of government encourages bureaucrats to be active politicians, rather than serving as political civil servants who neutrally implement policies set by elected officials. In particular, bureaucrats deal with their agency's "clientele" - those interest
groups directly affected by programs. Only in this way can administra-
tors receive clear guidelines to use in operating programs. Of even
more importance is the development of close relationships that provide
an agency with sufficient public support to assure its continued sur-
vival.27

Interest groups will maintain close contact with those departments
or agencies that have jurisdiction over areas of concern to their
membership. In attempting to influence administrative decisions and
behavior, interest groups have a variety of mechanisms at their dis-
posal. Following are some of those most commonly employed: (1)
lobbying Congressional committees that appropriate funds to departments
or agencies; (2) influencing the appointment of key personnel in the
executive branch; (3) providing support for a program about which they
do have a strong interest in order to build up credit that can be drawn
on later; (4) maintaining close personal contacts with key officials
in the bureaucracy; (5) providing input into advisory committees and
inter-agency task forces; and, (6) conducting mass media campaigns or
generating bad press against a department or agency.28

To the extent that political leaders or administrators need or
want the services, cooperation, advice, and political support of
interest groups, the latter are afforded legitimate roles by which to
advance their own claims upon the executive. Interest groups may
desire a variety of responses from the executive. They range from: a
delegation of authority and power to make authoritative executive
decisions; control over the appointment of key personnel; a voice in
the making and implementing of policy; consultation by and access to
the head and staff of the administrative unit; and favorable attitudes and actions on the part of executive actors. In essence, clientele and other interest groups desire an "inside" position in the administrative agency with access to and influence upon those who conceive and develop policy and who make the rules by which it is administered. As noted above, interest groups may also resort to a number of sanctions in order to achieve objectives which political executives and administrative officials cannot afford to ignore.

Having a voice in the selection of the top executive personnel of an agency can provide an interest group with a vital "inside" advantage on policy procedures. It can represent an important advantage for favorable access and for determining issues in a manner agreeable to the interest group and its members. Interest groups that are politically close to the leadership of a party which controls the executive branch of government have tremendous advantages in this regard. The executive actor is quite vulnerable to interest group politics. Even groups that are not within "the constituency" of the executive agency can marshal sufficient pressure in and outside the executive system to affect executive decision-making. Adverse publicity in the press and in the constituency is feared by the administrator as well as the legislator. The apprehension administrators share regarding bad publicity and attacks against them or their agencies arises, in good part, because they are dependent. They must rely on the good will of the legislature that is actually part of their constituency. Here their personnel, programs,
procedures, and appropriations are amenable to change, and adversely inclined interest groups may be active and influential.

Despite this fact, it would be a mistake to conclude that administrative and political executives respond like puppets to interest groups. Administrative as well as political executives may hold strong convictions of their own and possess inner, institutional, and political sources of strength. They frequently develop lines of communication and mutually satisfactory arrangements with key legislators and subsections of the legislative system. In addition, these executives conduct their own public relations programs to cultivate a favorable image with the general public. Hence, agencies and departments can often withstand onslaughts by their own clientele groups.

Subgovernments, a pattern of close interaction among the bureaucrats, congressional specialists, such as committee or subcommittee members and staff, and interest group clienteles directly involved in shaping a particular set of programs, emerged as a fixture of American politics in the mid-twentieth century due to complex developments within and among governmental institutions as well as changes in the nature of public policies. Increased autonomy of committees within Congress coincided with a period of program expansion at the federal level. Subgovernments are especially influential in affecting low-visibility, noncontroversial, routine policy-making. The presidency, however, is likely to play a more important role in issues of moderately high visibility, which are often characterized by conflict among contending interests.
A highly significant development since World War II has been the increased interest and involvement in foreign relations by departments and agencies within the executive branch. The list of agency involvement is almost endless, and it becomes longer every year. The Agriculture, Commerce, Defense, Treasury, Interior, and Labor departments all have responsibility for problems having a foreign policy dimension. For example, the Agriculture Department has played a pivotal role for many years in the "Food for Peace" program, which ships American food products to needy countries. It is also keenly interested in promoting agricultural exports to countries and it has sent hundreds of experts abroad to assist less developed societies in raising their agricultural output. As has always been the case, the Commerce Department seeks to expand American business, investment, and trade opportunities abroad. The Treasury Department is actively concerned with fiscal and monetary issues, such as the soundness of the American dollar overseas. The Transportation Department seeks to formulate a national transportation policy that affects both national and foreign airlines, shippers, and so forth. Even the Interior Department has responsibilities impinging upon foreign affairs such as jurisdiction over mineral deposits in the United States 200 mile exclusive economic zone.

This proliferation of executive agencies involved in foreign affairs has had a parallel tendency within Congress. There is hardly a legislative committee or subcommittee whose activities do not relate in some way to foreign affairs. The resulting linkage - often established between an expanding number of executive agencies and the corresponding committees of Congress - poses an increasingly difficult problem for
the creation and maintenance of unified governmental efforts abroad. Threats to the unity of American foreign policy can arise from several sources such as: divisions and conflicts within the executive branch and disunity between the White House and Congress on foreign policy questions. This disunity may stem from or be exacerbated by conflicts between domestic interest groups over foreign policy issues.\textsuperscript{31}

The State Department

Unlike the other departments in the United States government, the Department of State and the Department of Defense lack a domestic clientele per se. The American public has tended to view the State Department as an elitist enclave, supporting individuals whose contributions to the security of the nation is limited. State has had few supporters and no organized pressure group working to support the department's interests.\textsuperscript{32} This independent status of the State Department will cause interest groups to approach it in a different manner than they do other departments. When approaching the State Department they lack many of the sanctions that they are able to use against other departments. Nevertheless, there are methods available to interest groups to assist them in their dealings with the State Department. One of these is participation in advisory committees that have been set up by the Department to gather public input on a given issue. Another means is to persuade members of Congress or Congressional staff members, such as those serving on foreign affairs committees, to intervene with the Department on their behalf. Still another method is to persuade administrators in other departments or
agencies to contact the Department on their behalf. Finally, groups can contact the White House in order to gain leverage with the State Department.

Still, career State Department officials hold convictions of their own on foreign policy matters which can affect the fortunes of interest groups in these areas. In this regard, the attitudes of State Department officials toward interest groups are important with respect to interest group access and influence with the Department. A 1973 study of State Department official's attitudes toward public opinion and its impact on their decisions found that these officials saw themselves as lacking a domestic constituency. Rather, the public was viewed by these officials as embodying a variety of negative characteristics such as being suspicious, hostile, and critical. They saw the public debate on issues as mostly uninformed, irrelevant, narrow, inaccurate, unrealistic, and unreasoned.

Nevertheless, this study also found that "economic" organizations were the most prominent among the contacts which the State Department officials had with private interest groups. However, ethnic groups, religious organizations, community organizations, veterans' organizations and labor unions were also mentioned frequently by these officials. With regard to the attitudes of officials toward economic interest groups, the study found that the feeling was that "It is not a matter of people who speak for economic interests having special access to policy-makers by virtue of who they are; rather, it is a particular application of the more general position that individuals or organizations that are themselves directly involved in international
relations have a normative as well as legal right to make representa-
tions to government officials concerning those relations." The study
also noted that the sentiments of State Department officials were that
"Economic relations between companies in the United States and enter-
prises abroad (public or private) constitute an important part of the
package of relationships that the United States has with other
countries in the world; and those people in the United States who are
involved in these relations are accorded the rights of principals to be
heard, at least." Thus, this study suggests that State Department
officials, while maintaining an attitude of independent expertise on
foreign affairs, have an interest in receiving the views of "economic"
groups, in particular, and respect the right of interest groups, in
general, to express their views to the Department.

TRANSNATIONAL RELATIONS

As I noted in Chapter I, in recent years various scholars have
noted the emergence of a variety of groups with overseas interests. The
diversity of interests within the boundaries of the United States
are increasingly finding that they cannot effectively pursue their
interests in isolation from similar interests in other countries. These
interests cover a variety of areas such as: food; trade; health;
transportation; ecology, mineral production; and so forth. The term
"transnational relations" has come to refer to the international
relations of nongovernmental organizations (NGOs). Many
nongovernmental sectors of society have their own foreign policies.
NGOs within nations tend to have a "national capitol" with a "foreign
office" of specialists involved in the international relations of the association. Local, state, and regional leaders tend to defer to the national office on international issues. The international experts of NGOs, in turn, maintain a variety of contacts and working relationships abroad. These contacts would include: foreign diplomats; foreign government officials; representatives of international organizations; corporate executives; and leaders of foreign interest groups. Much of this contact will occur at international conferences which provide a convenient forum for discussion of matters of mutual concern. An increasing number of important issues are being debated in international governmental organizations (IGOs), such as recent U.N. conferences on food, population, environment, and the Law of the Sea. Thus, when analyzing interest group involvement in a foreign policy issue, one must also consider their overseas lobbying efforts.

SUMMARY

The choice of strategies and tactics is a leadership decision and in this regard groups will tend to do what they do best. In other words, they will choose those strategies and tactics with which they are most skilled and practiced and which are most congruent with their resource base. In the discussion of lobbying in the legislative branch it was noted that strategies may be either cooperative or solitary. Cooperative strategies may involve either participation in a coalition or an ad hoc alliance. A solitary strategy, in turn, may be either inside or outside. The tactics used to implement these strategies may be either particular or diffuse or direct or indirect.
With regard to lobbying in the executive branch, distinctions were made between the Presidency, the State Department, and the departments that make up the bureaucracy. In terms of the Presidency, the President is not only a target of interest group lobbying efforts but also actively engages in lobbying the groups themselves in order to establish electoral and governing coalitions. In terms of actual contact with interest groups, Presidential involvement may range from "photo opportunity" sessions to speeches before the annual conventions of important groups. Interest groups attempt to gain access to the White House through a variety of means such as: supporting candidates for office in order to facilitate access later; lobbying at the "grass-roots"; and cultivating contacts with White House staff members. Any group messages to the White House are screened for credibility and legitimacy. Also the President must sufficiently respect the group to give the message serious consideration. In general, lobbying the President on foreign policy matters is not an easy task and requires a good deal of knowledge and skill.

The President acquires the information that influences his foreign policy decisions from a variety of sources such as: the various departments in the bureaucracy; various members of Congress; Congressional committees; and his circle of advisers. For this reason, interest groups, in addition to making direct efforts to contact the White House, will endeavor to utilize these other channels as well. In lobbying the bureaucracy, interest groups have a variety of mechanisms at their disposal, such as: influencing the appointment of administrative personnel; influencing departmental appropriations; generating
publicity; and serving on advisory committees and interagency task forces. Of course, each department or agency has its own clientele which has substantial influence with that department or agency. The State Department, however, lacks such a constituency and functions in a more independent status that denies interest groups the leverage they may have with other departments. Finally, the growing importance of transnational relations was discussed with the caveat that, when analyzing interest group involvement in a foreign policy issue, one must also consider their overseas lobbying efforts.
The utility of any conceptual model must be judged by its ability to help us better understand reality (albeit in a somewhat more simplified manner). It is here that a case study analysis becomes relevant. In this study of the United Nations Conference on the Law of the Sea (UNCLOS), the conceptual model will be used as a guide to exploring the involvement of U.S. domestic interest groups in this conference. Of course, as Harry Eckstein has pointed out, "Case studies never prove anything. Their purpose is to illustrate generalizations which are established otherwise or to direct attention towards such generalizations." However, in my case study analysis of UNCLOS, I hope to demonstrate that the pluralist model is useful in explaining an important facet of U.S. foreign policy behavior, namely, domestic interest groups.

In this chapter, three major components of the research design are stressed. The chapter begins with a discussion of the question of influence. The myriad of group types having an interest in ocean-related matters is then treated. The types of data, with particular emphasis on direct interviews, are presented. Finally, a short description of the background of UNCLOS III, the basic issues undertaken at the Conference, U.S. policy vis-a-vis the Conference, and
final decisions reached by the delegates are provided. More detailed information, including definitions of key concepts, are found in the appendix.

PERCEPTIONS OF INFLUENCE

In order to assess fully the influence of interest groups on foreign policy it would be necessary to trace all the influences at work and then parcel out that influence which is related directly to interest groups. Such a task is clearly beyond the capabilities of modern social science. Yet when discussing the relation of interest groups to foreign policy, it is difficult, if not impossible, to avoid the influence problem. Political scientists have not progressed very far in developing highly powered generalizations on the nature of interest group influence. The obstacles in evaluating what properly constitutes interest group "influence" or "power" are quite formidable to say the least. The crux of the issue is actually "proving" that the interest group caused government officials to change their behavior in some manner. One might well expect that people in government will be less than candid in admitting to being influenced by an interest group. It is probably not so much a case of officials wanting to hide something as it is the selective perception that leads them to believe that their decisions were based on other factors.

The influence process can be viewed as part of the communication process. Not all communications transmit influence, some transmit only information; but all transmissions of influence constitute some form of message. Before any influence can occur, the influencee must receive
and consider a message from the influencers. Therefore, the policy-making role played by interest groups is in large part dependent on the accessibility and receptivity of relevant government officials to interest group inputs.

Interest group information can be a major determinant of access with decision-makers. It is quite common for people in government to solicit interest group assistance. There are three basic reasons why government officials and their staffers will take the first step in contacting an interest group. First, interest groups may be the target of efforts to enlist them as supporters of a particular policy position. Second, interest groups are often valuable sources of political intelligence. Third, people may come to interest groups for the purpose of obtaining substantive data with regard to an issue. Representatives of interest groups are much more likely to be called on by people in government if their group has a "high" research capability. It is possible that a group's information capability is a much more important factor for gaining access to decision-makers than is the independent skill of its lobbyists. The more frequently a group is contacted by people in government, the more likely it is to become "institutionalized" into the policy-making processes.²

However, accessibility and receptivity by no means guarantee influence; they are merely the necessary prerequisites for influence to take place. Influence has traditionally been described in political science as involving an actor's ability to intentionally change the decisions made by another person or collectively from what it would
have otherwise been. However, this unidimensional treatment of influence ignores the mechanisms through which influence takes place.

This study will try to isolate some of the mechanisms which interest groups employ in attempting to influence governmental decisions. The following are some of the broad approaches that may be taken by interest groups in altering a policy decision: (1) alter the decision-maker's goals by "ideological conversion" or "moral suasion;" (2) alter the decision-maker's external environment so as to channel the decision in a general direction; (3) alter the decision by presenting a cogent and logical argument well grounded in fact; and (4) alter the decision by the threat of sanctions. Of course, the ability of interest groups to make these conversions depends on their resources and their relationships with these decision-makers at any given point in time. For instance, group relationships with decision-makers could be characterized as follows: (1) denial of access; (2) token access; (3) penetration into formal decision-making; (4) potential reprisal relationships; and (5) unchallenged veto status.

While influence cannot be demonstrated, it can be expressed in terms of "perceived influence" or "likely influence;" but any absolute assertion of influence is unwarranted until a viable measure is found. Nevertheless, one can look at influence from the standpoint of whether it is likely that the behavior of governmental officials would have been different without the involvement of a group or groups. To the extent that group leaders, government officials or neutral observers perceive that influence has occurred there is some likelihood that they are indeed correct. Also, since access is a prerequisite to influence,
it follows that the greater the ease of access enjoyed by a group, the
greater the likelihood that some influence is taking place.

Assessing the policy impact of interest group actions has never
been an easy task. Although the public often views lobbying with
distrust, political scientists have not produced much evidence to
support this perspective. Academic studies of interest groups have
demonstrated few definitive connections between lobbying efforts and
actual patterns of influence. This does not mean that such influence
does not exist. Rather, it demonstrates that the question of determin­ing
impact is most difficult to answer.

Nevertheless, this case study will attempt, despite these
methodological difficulties, to utilize interviews, public and private
sector documents, and historical data to piece together the puzzle of
relative interest group influence on U.S. policy vis-à-vis UNCLOS. In
this process numerous extrapolations from the data will be necessary.
However, the model generated earlier will serve as the guide for
establishing the linkages relating to group influence. Admittedly,
this study can in no way demonstrate or prove that influence has
occurred. But it will suggest the presence of possible influence by
systematically analyzing the internal structure and resources of the
groups involved, relating this to their external behavior, and
attempting to compare group actions in terms of potential influence.
By carefully laying out the data to support these propositions as well
as outlining the logical calculations involved in reaching these
conclusions, this study frees itself from accusations that it is not
well grounded in empirical data or that it represents a highly
normative and hypothetical treatment of the subject. This approach also facilitates replication by future researchers.

Another matter to be explored is the applicability of the pluralist model in explaining U.S. foreign policy behavior in the case of UNCLOS. In other words, with regard to U.S. foreign policy on UNCLOS, is the pluralist model an accurate predictor of behavior in this instance or are the state centric or bureaucratic politics models more appropriate? To the extent that the foreign policy initiative flows from the chief foreign policy executives (i.e., the President, Secretary of State, National Security Advisor, and so forth) and the agenda is dominated and controlled by them, then there is support for the state centric model. If there is extensive and pervasive conflict, bargaining and communications between agencies and departments concerned with UNCLOS, then one can argue that the bureaucratic politics model is most apropos. Finally, to the extent that the initiative flows from the interested groups in society and they exhibit control of the agenda, then there is evidence supporting the pluralist model.

THE GROUPS

The groups that will be analyzed in this study are those that were members of the State Department's Law of the Sea Advisory Committee. During the course of the Law of the Sea Conference the State Department established an advisory committee composed of those groups which it viewed as most representative of domestic concern and interest over the Treaty. The Advisory Committee met periodically in Washington to
receive statements from the groups themselves and to brief the members of the committee on the most recent developments at the Conference. Membership on the Advisory Committee represented a "stamp of legitimacy" by the State Department on those groups selected and was valued by those groups chosen. The Advisory Committee also represented a forum for discussion and debate between the groups. In this process the group representatives become personally acquainted with one another and friendships were formed.

Basically, the creation of advisory committees marks a recognition of those "rules of the game" in the United States that prescribe that individuals and groups likely to be affected should be consulted before government action is taken. Such consultation is generally seen as a prerequisite to an action being accepted as "fair." It is an acknowledged part of American jurisprudence. Not only is the requirement of consultation likely to be more or less automatically observed by administrative agencies in order to maximize support, the obligation is frequently explicitly written into particular authorizing statutes or into laws of general application, such as the Administrative Procedures Act of 1946. While it is difficult to generalize about such a protean device as an advisory committee, it is probably fair to say that where the initiative for the establishment of such units is taken by the agency, it is likely that the basic purpose is to facilitate acceptance of the agency's actions by the groups represented on these bodies.

The advisory committee may also perform a safety-valve function similar to the public hearing before legislative committees. In other circumstances it can be a means of injecting the technical knowledge of
the represented groups into the process of administrative policy determin-
ination. As importantly, it can identify probable lines of opposition. It can also minimize hostility by modification of the projected policy and by placing groups under an obligation to defend or at least not oppose policies that they helped shape. Finally, if skillfully managed, the advisory committee can be a means of inducing the represented groups to run interference for the agency or department both in the legislature and with the public.

In the United States the myriad of groups that are interested in the Law of the Sea Conference may be lumped into the following categories for the purpose of discussion: the fishing industry; the merchant marine; the scientific community; environmentalists; the defense community; the petroleum industry; the hard minerals industry; and the supranationalists. Despite the fact that there is very little in the way of a direct functional relationship between these different interests (e.g., there is very little direct functional relationship between fishing rights and the rules for access to minerals on the ocean floor), in conference diplomacy they have been linked together as oceans policy issues. Because of these linkages in conference diplomacy, trade-offs developed between these interests thus fostering competition over how their interests were represented on their government's negotiating agenda and how they were to be incorporated into the Treaty text itself. In fact, one of the major trade-offs involved in the Conference from the viewpoint of the U.S. has been the granting of concessions to the developed nations by the third world nations on defense related matters in return for concessions from the
developed nations on deep seabed mining matters such as the transfer of
technology and the sharing of the ocean's mineral wealth.

Throughout the history of the UNCLOS debate the fortunes of each
of these communities underwent various transformations. For instance,
Keohane and Nye found in their 1977 study that coastal interests were
in power during the interwar period which eventually led to the 1945
Truman declarations exerting U.S. coastal jurisdiction. Furthermore,
although security concerns were dominant during the Cold War, the
hierarchy of goals was challenged by new issues that different
organizations or groups regarded as more important. Keohane and Nye
noted that "The navy's desire for freedom of action, for example, has
not always had higher priority than economic interest in exploiting
oceans resources or ecological concerns about pollution. The navy,
large oil corporations, and the Sierra Club often disagree; and the
United States government has not been able to maintain a consistent
hierarchy among the various issues."

These developments are related in part to the increased complexity
of oceans space and resources issues. From 1920-45 the oceans issue
area for the United States consisted of two major issues (coastal
fisheries and infringement of navigation to enforce anti-smuggling
measures) and half a dozen minor ones. From 1946 to 1966, smuggling
dropped out, but continental shelf resources, distant water fisheries,
and breadth of the territorial sea raised the total number of major
issues to five. From 1967 to 1972, attention to oil, deep seabed
resources, pollution, and overall regime questions increased
dramatically.
Furthermore, these issues became more closely interrelated in the most recent period. Also, there was a compression of policy space as more agencies became involved. In 1968 the Interagency Task Force on the Law of the Sea consisted of three departments: Defense, Interior, and State. By 1975, thirteen agencies were involved. Nongovernmental channels of contact also increased in the oceans issue area. Before 1945 the major nongovernmental interests on oceans issues were those of fishermen and shipping firms. Since 1945, multinational oil companies and mining firms as well as transnational groups devoted to science, ecology and world order, have joined the traditional shippers and fishers both in using the oceans and in making political demands on government.

As transnational economic activity increased, so did transnational political activity and contacts. Oil and mining companies lobbied in various countries for their policy preferences. Joint ventures were started by mining companies in order to broaden their political risk as well as spread their economic risks. Scientists lobbied on behalf of their concerns and world order groups worked transnationally to promote a stronger international regime.

In sum, the oceans issue area has exhibited the traits of complex interdependence though it does not correspond exactly to the ideal type. For instance, force still has a significant impact though not a central one with regard to ocean politics. However, there is a close approximation to complex interdependence in the lack of hierarchy among issues and the multiple channels of contact. In this regard, the opportunities and constraints for decision-makers will be different
under complex interdependence than in a traditional realist world. The emergence of multiple channels of contact between countries on multiple and nonhierarchic issues increases the opportunities for influence. Points of conflict as well as points of cooperation increase. The total foreign policy situation becomes more complex. The multiple channels of contact that emerge between societies not only provide levers of influence for governments, but levers for influence on governments by nongovernmental actors. Transnational organizations such as multinational corporations are among the most important of these actors. Multiple channels of contact also imply increased transgovernmental relationships. New issues may arise, not from any deliberate decision by the policy-makers, but from domestic pressures or in response to transnational interactions. Thus, for the reasons listed above, the UNCLOS issue area should prove to be well-suited for the analysis of interest group involvement in foreign policy.

Figure 7.1 lists by category the interest groups that will be analyzed in this case study. While this is not an exhaustive list of the groups involved in UNCLOS, it does represent most of the more active and influential ones. All of these groups were active participants on the State Department's Law of the Sea Advisory Committee as well as in the legislative and executive branches of government. The reader will note that in the petroleum and mining industries, not only the associations but several of the member companies were interviewed. This is because these companies, in addition to being represented by
INTEREST GROUPS INTERVIEWED REGARDING INVOLVEMENT IN UNCLOS

**PETROLEUM INDUSTRY**
- American Petroleum Institute
- National Petroleum Council
- Exxon Corporation
- Mobile Oil Corporation
- Gulf Oil Corporation

**OCEAN MINING INDUSTRY**
- American Mining Congress
- National Ocean Industries Association
- Ocean Minerals Company
- AMAX
- Deepsea Ventures, Inc.
- Kennecott Corporation
- Patton, Boggs and Blough
- Ely, Ritts, Pietrowski and Brickfield

**ENVIRONMENTALISTS**
- Center for Law and Social Policy
- Humane Society of the United States
- Sierra Club

**FISHING INDUSTRY**
- National Federation of Fishermen
- National Fisheries Institute
- Tuna Research Foundation
- Pacific Seafood Processors Association
- American Tuna Boat Association

**GENERAL BUSINESS ASSOCIATIONS**
- National Association of Manufacturers
- Chamber of Commerce of the United States

**PROFESSIONAL ASSOCIATION**

**SUPRANATIONALISTS**
- National Council of Churches of Christ in the U.S.A.
- United Methodists
- Citizens for Ocean Law
- Save Our Seas

**MARINE SCIENCE**
- National Academy of Science
- Institute of Marine Studies, University of Washington
- Woods Hole Oceanographic Institute
- New Jersey Marine Science Consortium
- Graduate School of Oceanography, University of Rhode Island

**LABOR**
- International Organization of Masters, Mates & Pilots, AFL-CIO
- Seafarer's International Union of North America, AFL-CIO
- Maritime Trades Department, AFL-CIO

**MARITIME INDUSTRY**
- American Institute of Merchant Shipping
- Sea Land Service, Inc.

Figure 7.1
their associations, also lobbied on their own behalf. With respect to
the ocean mining industry, several of the companies were represented by
their own legal counsel. For this reason various attorneys repre­
senting undersea mining companies were interviewed.

It should also be noted that the Humane Society has been
categorized with the environmental groups, even though strictly
speaking it is not one. This was done because, in the case of UNCLOS,
its interests were in strong agreement with the environmental
community. Finally, the number of individuals interviewed within each
organization varied considerably depending upon accessability. While
more personal interviews were conducted in the mining and petroleum
industries, a sizable number were conducted in the other categories.
The reason for overrepresentation in the mining and petroleum
industries stems from my employment with the American Mining Congress
and thus greater access to these actors. However, I was able to
achieve considerable access to the other associations and thus
minimized the disparity in the number of interviews by group category.

In the case study, the interest groups will be analyzed on three
levels. First, they will be explored on a group by group basis.
Second, comparisons will be made between groups within categories. And
third, comparisons will be made between the group categories
themselves. When analyzing groups individually, attention will be
given to such factors as: group goals; group resources; leadership -
membership interaction, decision-making; subgroups; organizational
structure; and strategies and tactics. On the second level,
comparisons will be drawn between groups within categories in terms of
these same factors and with regard to the relationship between their internal structure and external behavior. An effort will also be made to distinguish similarities and differences between groups within each of the categories in terms of the above factors. Additionally, an attempt will be undertaken to isolate coalitions between groups as well as those groups acting as leaders in each of the respective communities of interest. On the third level, the fortunes of the different interest group communities will be discussed in terms of their victories and losses on UNCLOS and in relation to the strengths and weaknesses of the groups that make up these communities. Finally, the different styles and strategies and tactics of the groups will be portrayed in terms of their relationship to interest group community effectiveness.

THE DATA

The Interviews

Various writers have pointed out that data-collection can be a singularly trying operation when it comes to interest groups. Securing access to an interest group, interviewing its members and leaders, observing internal processes, ferreting out nonpublic negotiations and indirect connections with policy-makers - these requirements can prove hard to meet.

The dominant source of data for the case study is a structured interview with the leadership of those interest groups actively involved in UNCLOS as well as those officials in the legislative and executive branches of government with jurisdiction and responsibilities
involving the Conference. The purpose of interviewing such a broad set of actors is to attempt to see all sides of the equation and avoid viewing it solely from the perspective of any particular segment in either the public or private sector. In analyzing interest group involvement in a policy area it is vital that data be gathered directly from the interest groups themselves. In this case study it was accomplished in large part through interviews with the interest group leaders. But in order to avoid a slant or bias in the findings, it is equally important to gather data from the government institutions being lobbied which was also obtained primarily through interviews with officials in these bodies.

I would be remiss if I failed to note that interview data have several serious drawbacks which should be recognized. One problem with interview data is that by themselves they are not adequate for reconstructing a complete picture of the policy process. They need to be supplemented by other data sources in order to generate a more complete version of the process being analyzed. Consequently, in this case study, public and private sector documents have been utilized in conjunction with the interviews in order to improve and strengthen the reliability of the data base.

A second problem is that interview data may be biased in the sense that the respondents' descriptions of past motives and events are by definition after-the-fact, and are often either consciously or unconsciously self-serving. Thirdly, interview data are often characterized by inconsistencies and contradictions as to who did what, when, where, and to whom in a given situation. A fourth problem may be
that interest group leaders, due to the criticism that has been leveled at interest groups in general, or because of the fear of disclosing sensitive information, may be reluctant to grant an interview or fail to reply to questions should they decide to be interviewed.

A fifth problem with interview data is the intrusion of interviewer bias. What we as observers see is in large part determined by what we expect to see. These expectations, in turn, are influenced by our predispositions, background, education, training, and so forth. Consequently, steps should be taken to guard against the interjection of interviewer bias. A sixth and related problem is interviewer reliability: "To what extent can the answers so obtained be repeated?"

For instance, one interviewer may not penetrate the mask of refusal which a potential respondent offers. Another will be given a cordial reception. One interviewer will meet with cliche answers from a certain respondent. Another may find that the same respondent is quite violent in his answers and in his emotion and pays little attention to logic. Thus, there is no guarantee that the responses elicited by one interviewer would be replicated by another. The interviewer must, therefore, become alert to what he is bringing to the interview situation: his appearance, gestures, intonation, and emotions. The result will be that the interviewer will meet with some interviewees with whom no rapport will develop, and no adequate interview situation can exist. However, being alert to these characteristics allows the interviewer to monitor these elements and alter those that are under his conscious control.
However, the major shortcoming of the interview is that it involves a considerable amount of time and effort. Obtaining information from one individual may take as long as one or even two hours, not to mention the time involved in contacting the individual, arranging the interview and traveling to and from the interview. The interviews for this case study were conducted in Washington, D.C., from December 7, 1982, to July 19, 1983, which was at a time when the interest groups and government officials contacted were still highly sensitized to UNCLOS as a result of the recent U.S. decision of April 30, 1982, to vote against passage of the treaty by the Conference. The interviews ranged from 45 minutes to 1½ hours in length with the average time of the typical interview being roughly one hour. A total of 112 interviews were completed and approximately 90 percent were held in the interviewee's office.

Nearly all of these interviews were tape recorded with the permission of the interviewee and were later transcribed by a professional transcription service. The big item of cost when tape recording interviews is that of transcription. Transcription and checking take over nine hours for every one hour of interview time. The total cost of tape recording and transcription in this case study was approximately $3,000. However, the tape-recording of an interview does permit the interviewer to capture many of the nuances in the session, a closer analysis of interviewer-interviewee interaction, and verbatim quotes from the interviewee. However, in retrospect, most projects cannot afford such costs and the better practice may be to write up interviews on the basis of notes and tape record some of the
more important interviews. The remaining 10 percent were conducted by telephone due primarily to geographic distances and the lack of funds that would allow for travel to meet with these individuals. During these interviews notes were taken over the telephone with the permission of the interviewee.

In Figure 7.2 the reader can see the numerical breakdown of interviews in terms of: department, agency, or White House affiliations in the executive branch; interest group categories; and, House or Senate affiliation in the U.S. Congress. Also, a list of those interviewed can be found in appendix A. All of those interviewed were assured that their interview would be treated as confidential and that if I wished to quote them directly I would contact them for permission.

In conducting the interview I followed an interview schedule that was constructed in advance to help structure and guide the flow of the interview. In phrasing my questions I found it most important to leave them open-ended, that is, not to list a set of answers from which the respondent could choose. I tried to state the question in such a way as to encourage the interviewee to pick his own alternative, because he might come up with one that I had not anticipated. The questions in the interview schedule were intended to serve only as a guide and they were not asked in verbatim and not necessarily in the order in which they appeared on the schedule. Also, when it appeared appropriate to do so, either because of time constraints or other concerns such as the sensitivity of the question, some of the questions were omitted in the interview. The tough questions were postponed until the interview was
### Executive Branch:

- Department of State: 13
- Former Negotiators: 4
- Department of Defense: 4
- Department of Interior: 2
- Department of Commerce: 2
- Department of Energy: 1
- Environmental Protection Agency: 1
- Former White House Staff: 1

**28 Subtotal**

### Interest Groups:

- Deep Seabed Mining Industry: 12
- Marine Science: 8
- Petroleum Industry: 7
- Environmentalists: 5
- Fishing Industry: 5
- Supranationalists: 5
- Labor: 4
- General Business Associations: 2
- Maritime Industry: 2
- Coast Guard: 1
- Professional Association: 1
- Ideological Organization: 1

**53 Subtotal**

### Legislative Branch:

- House of Representatives: 23
- Senate: 7

**30 Subtotal**

### Independent Expert:

**1 Subtotal**

**112 Total**

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**Figure 7.2**

**NUMERICAL DISTRIBUTION OF INTERVIEWS**

**BY CATEGORY AND AFFILIATION**
well under way since the longer the interview lasted, more times than not, the interviewee would relax, a rapport would develop, he would open up and enjoy the occasion.

In evaluating an interviewee's statements I did not try to distinguish between the subjective and objective components of his responses. The research point of view is that the informant's statement represents merely the perception of the informant, filtered and modified by his cognitive and emotional reactions and reported through his own unique style of dialogue. Thus, what I received in my interviews was merely the informant's picture of the world as he sees it. Also what I was receiving was merely what he was willing to pass on to me in the interview situation. While recognizing this, there are two questions that the interviewer must ask himself: (1) what do the interviewee's responses indicate about his subjective sentiments; and, (2) how do the interviewee's responses correspond to "objective reality." By the thoughtful use of the information revealed in the account of one informant, the researcher can guide other interviews toward data which will reveal any distortions incorporated in the initial account as well as provide details giving a more complete understanding of what actually happened. Thus, by cross-checking and comparing the responses of the different interviewees the researcher is better able to pinpoint the subjectivity of their reports and construct a picture of "objective reality" and those patterns that can be gleaned from the data.

Separate interview schedules were constructed for: interest group leaders; executive branch officials; corporate executives and their legal representatives; and, Members of Congress and their staffs. The
questions in each of the interview schedules were arranged by categories of interest. In the interview schedule for corporate executives and their legal representatives the questions were organized according to the following categories: corporate organization and structure; concern over UNCLOS; and, lobbying effort. The interview schedule for interest group leaders is broken down into the following categories: personal background; history of group involvement (successes and failures); organizational background and structure; financial resources; membership; membership incentives; goals; decision-making; leadership and democracy; organizational resources (other than financial); access and contacts; strategies and tactics; transnational relations; and public opinion and mass media. The interview schedule format for executive branch officials is as follows: personal background; views on UNCLOS; national concern; institutional structure; interest groups; and department or agency activity regarding UNCLOS. Finally, the interview schedule for Members of Congress is arranged as follows: views on UNCLOS; constituency concern; and the interest groups. Copies of each of these interview schedules can be found in appendix B.

THE OTHER DATA

Primary Data Sources

In order to supplement the interview data, reliance has also been placed in this study on other primary and secondary data sources. The following are those primary data sources, other than the interviews, that have been used in this study: statements and testimony of
interest groups at Congressional hearings throughout the course of UNCLOS; correspondence between interest group leaders and government officials regarding UNCLOS; interest group publications and documents describing their internal composition, structure, internal communications, and positions or actions regarding UNCLOS; corporate documents such as the mining plans of the deep seabed mining consortia that were submitted to the National Oceanic and Atmospheric Administration in the Department of Commerce; reports of the U.S. delegations to the various sessions of UNCLOS which list the composition of the delegation, the negotiating efforts of the U.S. delegation and the outcome of the negotiating session; and, reports by committees of Congress regarding UNCLOS.

Secondary Data Sources

The major secondary data sources used in this study are newspaper accounts and magazine reports and articles relaying significant developments during the course of UNCLOS. Other secondary sources that have been utilized are books that provide historical discussions of the Conference. These historical data are particularly useful in helping to place the other data in perspective. They help the observer establish an overview of the process from which to piece together the more detailed and microanalytic data contained in the interviews and other primary data sources. They also help in screening these other data sources in terms of reliability.
THE CASE

Background

The historical and conventional territorial limits of the coastal nations have long been a subject of international controversy. As the importance of the continental shelf began to increase, nations began to undertake, by unilateral action, to establish policy and jurisdiction over their continental shelves. In the United States this action was accomplished through an official proclamation of policy by President Harry S. Truman in 1945 that (1) established a national policy with respect to the natural resources of the subsoil and seabed of the continental shelf; and (2) proclaimed U.S. policy with respect to coastal fisheries in certain areas of the high seas. Although qualified in their final formulation by international factors, the thrust of the Truman Proclamations were expansionist. Moreover, they were adopted unilaterally rather than through multilateral negotiations with other states. These proclamations had the effect of opening a Pandora's box for other nations bordering the ocean. The response to the claims of the world's foremost power was the prompt adoption by other states of a variety of claims emulating the unilateral mode, if not the substance, of the U.S. action. The U.S. was to spend the next thirty years trying to roll back and limit the expansive moves of other states.4

UNCLOS I AND II

The decade of the fifties witnessed several attempts to define the continental shelf and the coastal boundaries. The United States
Congress passed the Submerged Lands Act of 1953. In 1958 representatives of the world's maritime nations at Geneva produced a multilateral agreement on the law of the sea in what are referred to as the Geneva Conventions (UNCLOS I, 1958). In the 1930s and 1940s, the level of ocean use was such that activities of different ocean users were not linked to one another. This situation had changed by the 1950s, and the United States and the international community negotiated four law of the sea treaties in 1958 that provided distinct legal regimes for ocean fishing, offshore oil recovery, and navigation. The overriding goals of the U.S. government at UNCLOS I was an international agreement on offshore limits for the territorial sea and a fishing zone. The 1958 Conference produced four conventions: (1) a convention on the Territorial Sea and the Contiguous Zone; (2) a convention on the High Seas; (3) a convention on Fishing and Conservation of the Living Resources of the High Seas; and (4) a convention on the Continental Shelf. Because the Conference failed to reach agreement on the breadth of the territorial sea, one of its resolutions was the convening of a second conference.

UNCLOS II was relatively brief, lasting from March 17, to April 26, 1960. The agenda was limited to the interrelated questions of the breadth of the territorial sea and the contiguous fishing zone and the discussions were conducted in a Committee of the Whole. The second conference was as polarized as the first around support for a twelve mile territorial sea on the one hand and support for a six mile territorial sea plus fishing zone on the other. This conference was
also unsuccessful in reaching agreement on the difficult issue of the breadth of the territorial sea and the related fishing zone.\(^5\)

The 1960s

The decade of the 1960s marked an interlude between the two protracted treaty-making efforts. The failure of the first two U.N. Conferences on the Law of the Sea to reach agreement on the breadth of the territorial sea created substantial uncertainty as to the legitimacy of various offshore claims to jurisdiction. Customary law evolved in the 1960s through the process of claim and response, a process that was marked by numerous clashes and ad hoc settlements. The determination of functional and jurisdictional rights was made all the more urgent by the rapid pace of marine technological developments in this period. Not only were the petroleum and offshore mining industries operating at ever greater depths, but developments in fishing techniques were making distant-water fishing more attractive at the same time that coastal nations were developing their own offshore capabilities. The salient characteristic of the 1960s law of the sea soon became a wide variety of claims to territorial sea, fishing zones, and continental shelves. The diverse claims provoked numerous fishing incidents as well as efforts at formal and informal accommodation along bilateral and regional lines.

Prior to UNCLOS I and II, national claims to offshore jurisdiction ranged from a three mile territorial sea claimed by maritime states to the 200 mile territorial seas claimed by Chile and Peru. The Soviet Union, China, and several Middle Eastern countries were among thirteen...
nations claiming a twelve-mile territorial sea. After the law of the sea conferences, a growing number of states began to adopt twelve mile limits either as territorial seas or as fishing zones. Territorial sea claims of twelve miles were advanced in Africa, Asia, and Latin America throughout the 1960s. Less modest offshore claims in the second half of the 1960s followed the example of Chile and Peru. In 1965, Nicaragua laid claim to a fishing zone of 200 miles. Two-hundred mile claims resumed again when Uruguay (1969) and Brazil (1970) claimed territorial seas of this breadth.

The failure of the Geneva conferences to agree upon the extent of coastal-state offshore jurisdiction opened the door to a series of vessel seizures and other incidents that lasted throughout the 1960s. The driving forces behind the confrontations were new marine technologies that made possible an intensified use of the ocean's limited resources. The introduction of the purse seine into tuna fishing yielded substantial increases in catch per unit time fished. As distant-water fishing operations were becoming more profitable, coastal states were stimulating the development of indigenous fishing industries to increase domestic production of protein. The concerted Soviet program to develop a major high seas fishery came to fruition in the 1960s at the same time that the Japanese were expanding into new fishing grounds.

A principal factor behind the rapid changes in the law of the sea during the 1960s was the pace of marine technological developments. These changes were reflected in new fishing techniques, the expansion of marine science research, the continual movement of offshore oil
recovery to greater depths, and advances in naval and antisubmarine warfare capabilities. On the international level, new marine capabilities offered prospects to all coastal countries, large and small, of enhancing the national resource base. The result was apparent as nations undertook efforts to bring offshore areas under some form of national control. Ocean resources were newly perceived to be finite, and extending national jurisdiction was the obvious and simplest means of allocation, at least for those countries that had long coastlines.

Fishing

In the 1960s, fishing represented the most valuable economic use of ocean resources. However, although the fishing industry was the oldest and once the most prosperous of United States industries, its importance in the United States had declined since the Second World War. While domestic use doubled by 1967, U.S. fishermen caught less than 40 percent of it, and the United States had become the world’s largest importer of fish and fish products. The U.S. commercial fishing fleet had deteriorated badly. During the mid-1950s, the United States had slipped from second to fifth place among fishing nations.

At the same time that the fishing industry had to compete with new ocean users, the interests of the coastal and distant-water segments of the industry moved further and further apart. Intense foreign fishing off U.S. coasts brought severe hardships for groups. It was these fishing groups that convinced Congress to establish a nine mile contiguous fishing zone beyond the U.S. territorial sea in 1966. New
foreign fishing capabilities were making it difficult for the aging U.S. coastal fleets to compete. And in some species, overfishing was becoming a problem. The typical response, in the U.S. as elsewhere, was protectionist measures designed to reduce competition in coastal areas. On the other hand, the distant-water fishing interests in the U.S. wanted to avoid such extensions of jurisdiction by other nations and opposed any U.S. actions that might set a dangerous precedent. The distant-water fishing groups pushed a stream of legislation through the Congress designed to protect their interest in narrow national fishing zones.

Marine Science

The early 1960s marked the high point of national confidence in the benefits of science and technology, and science was heralded as the basis of U.S. political and economic power. Marine scientists were assured by the highest government officials of their special importance to the conduct of U.S. foreign policy. Freedom to conduct research on the ocean floor and in the superjacent waters beyond the limits of the territorial sea was the cardinal principle of marine science. However, toward the end of the 1960s, disillusionment began to set in as to the benefits of science and technology. For the marine scientist this trend became evident in assertions of coastal-state jurisdiction over the conduct of marine research. The threat to the status of science stemmed from changes in attitude attending the war in Vietnam and the waning of the cold war. Domestically as well as internationally, the relationship of science to military and commercial applications was
being seriously questioned. In the case of developing nations, this was related to the growing conviction that scientific research did not uniformly benefit each member of the international community. In their view, developed nations could expect to benefit more than the poor nations from the conduct of marine research. The 200 mile claimants of South America had placed such strict requirements on research that a number of operators cancelled cruises to the area. The trend was clear. As technology spawned concern to control offshore resources, distant-water scientific research would find itself subject to national restrictions in those areas most vital to marine research.

Offshore Oil

Of the several economic and commercial interest groups concerned with ocean policy, the petroleum industry has been regarded by most analysts as wielding the greatest influence. The power of this interest is presumably derived from the fact that oil and gas are the principal sources of energy and, as such, vital to the economic well-being of the nation. Also it is argued that the sheer size of the petroleum companies and of the industry as a whole has accounted, in part, for the power of this interest.

The petroleum interest group encompasses a wide range of private organizations, individuals, public agencies and officials. At the core of the interest group are the major petroleum companies. Also the major firms act through industry trade associations to influence the direction of national policy. Among the most important of these associations is the American Petroleum Institute (API). Although it
purports to represent all segments of the industry, the API is dominated by the large oil companies. In late 1969, the API board of directors adopted a policy favoring expansive national claims to the continental shelf.

A policy of extensive coastal-state jurisdiction over the continental shelf was also advanced by the National Petroleum Council (NPC), the industry group most active in the 1960s Law of the Sea deliberations. The NPC was set up in 1946 to serve as an industry advisory body to the Interior Department and had developed a close working relationship with the agency. Many members of the API executive committee served on the NPC.

It has been claimed that at times the Secretary of the Interior has acted as the chief administrative lobbyist for the oil industry. However, it should be noted that with regard to offshore oil, the Interior Department's interests were complementary but not identical to those of the major oil companies. During the 1960s, Interior Department officials were frank in acknowledging that, of all seabed resources, they viewed petroleum resources as of paramount importance. Given the close working relationship between the Interior Department and the National Petroleum Council and given their complementary interest, it is not surprising that they should have adopted compatible policy positions on the continental shelf boundary.

It was not until the late 1960s that the National Petroleum Council and other interested groups settled on a policy claiming the entire continental margin. The principal factor in this policy decision was the movement of offshore operations to greater distances
from shore. In 1967 and early 1968 new discoveries and developments led the petroleum industry to reevaluate its interest in the deepest offshore areas. The Malta proposal at the United Nations for an international seabed organization raised hopes of boundless seabed treasures while at the same time threatening to jeopardize national access to them. In the same period, estimates of the magnitude of offshore petroleum resources were skyrocketing while technological advances were lowering the cost of deep-water operations. This information, combined with the threat of an international seabed regime, spurred the petroleum industry to unite behind a policy that called for national jurisdiction over the resources of the continental shelf to extend to the outer edge of the continental margin. Such a position was consistent with the Interior Department's interest in extending its bureaucratic reach over expanded operations.

Defense Interests

One of the most influential groups concerned with the Law of the Sea and off-shore jurisdiction in the 1960s was the Defense Department, led by the Navy. Of great concern to the military was the extension of territorial sea boundaries, which they wished to see held to a minimum. In addition to raising problems of conflicting ocean uses, evolving marine technology dictated a reevaluation of prospects for military uses of the seabed and continental shelf. In the course of the decade it became evident that fixed seabed weapons would not only be costly, but detectable, and therefore vulnerable. Acknowledging this, the U.S.
and U.S.S.R. agreed to prohibit the emplacement of weapons of mass de-
struction on the seabed beyond twelve miles from shore.

U.S. naval predominance achieved by the late 1960s represented a
capability that the Defense Department naturally sought to protect. And "freedom of the seas" was clearly the base upon which that global
maritime presence rested. The use of this term by 1960 had broadened
to include the movement of forces on the surface, subsurface, and in
the air above the seas. A large portion of U.S. strategic forces had
become sea-based and the viability of the submarine-based missile force
to a very large extent depends upon concealment, dispersion, and
mobility. Just as the Navy was articulating its interest in the
freedom of the seas, Law of the Sea developments throughout the world
were throwing that interest into jeopardy.

In the late 1960s, a number of groups and individuals
systematically evaluated the impact of these developments on U.S.
security concerns. One study that was to have a major impact on
military thinking on offshore limits was the Henkin Report. This
report made explicit the inherent contradiction between an appropriate
legal regime for the recovery of seabed minerals and a regime suited to
the military interest in freedom of the seas. The principal interest
of the United States according to this report was "national security."
Professor Henkin believed that the adoption of a position favoring a
broad or expanding continental shelf would be dangerous. The report
states that "American military interests point to a narrow continental
shelf, as they do to a narrow territorial sea." It also argued that
"Beyond the shelf, United States military interests would tend to
profit from law that avoided national 'sovereignty and exclusive rights in the seabed.' Additionally, the report stressed "a measure of loose international authority in regard to mining is less likely to be troublesome than most autonomous national regimes." It was therefore "desirable -- and probably inevitable -- ... to establish a 'mixed national-international' regime for mining in the deep sea." Such a regime could be either a registry or a licensing system. With regard to petroleum interests, the Henkin Report recommended a compromise in the form of a buffer zone within which only the coastal state could authorize the exploitation of seabed minerals.

Adopting many of the same assumptions and elaborating in greater detail, the Stratton Commission presented a report entitled Our Nation and the Sea in January, 1969, that also influenced military thinking on the seabed question. By elaborating the problem of "creeping jurisdiction" and by pointing out its longterm consequences for the freedom of the seas, the Henkin and Stratton Commission studies aroused Defense Department apprehensions over trends in seabed resource development and their implications for military uses of the oceans. Both reports, however, offered solutions to the problem by (1) adopting through international agreement, narrow offshore zones of jurisdiction and (2) by vesting limited rights to regulate seabed mining in an international authority. By indicating that an international organization for seabed exploitation would be more susceptible to U.S. influence than would coastal nations in control of seabed areas, these studies pointed the way toward consideration by the military of international control over seabed minerals exploitation. The central problem for the military,
superseding that of accommodating multiple uses of the oceans, had become the need to halt the process of creeping jurisdiction. 6

UNCLOS III

On August 17, 1967, the Mission of Malta to the U.N. proposed including in the agenda of the General Assembly an item entitled "Declaration and Treaty concerning the Reservation Exclusively for Peaceful purposes of the Sea-Bed and of the Ocean Floor, Underlying the Seas Beyond the Limits of Present National Jurisdiction, and the Use of their Resources in the Interests of Mankind." The memorandum attached to the proposal expressed concern that the rapid development of marine technology by developed countries would promote national claims to the seabed, the appropriation of seabed resources for the benefit of the few, and the use of the ocean floor for military purposes. To prevent such a course of events, the memorandum declared that the seabed should be termed the "common heritage of mankind." It provided further that the net financial benefits from such activities would be used primarily to assist the development of poor countries, and it suggested that an international agency be established to assure international jurisdiction over the seabed. On September 21, 1967, Ambassador Arvid Pardo presented his reasons for proposing this item to the General Assembly's General Committee.

The Twenty-Fifth General Assembly voted in December, 1970, to convene the Third U.N. Conference on the Law of the Sea (UNCLOS III) in 1973. Three initiatives were instrumental in prompting this decision. The first was the proposal by Ambassador Pardo of Malta to create an
international regime for the deep seabed. (This proposal sparked the creation of the U.N. Seabed Committee to negotiate principles to govern an international seabed regime.) The second was the formulation by the U.S. government of a detailed draft treaty on a seabed mining regime. (The U.S. presented its draft to the U.N. Seabed Committee in August of 1970. The proposal signaled U.S. willingness to negotiate seriously on a deep seabed mining regime.) The third evolved from bilateral discussions between the U.S. and Soviet Union. (Sharing similar navigational concerns, both powers proposed an international negotiation that would address the related issues of the territorial sea, transit through international straits, and fisheries. The U.S. officially announced its position on these three issues in the Spring of 1970 and called for an international negotiation.)

The sentiment prevailing among developing nations in the U.N. Seabed Committee were not favorably inclined to the separation of negotiations on seabed issues from those on territorial sea related questions. Instead, developing countries pressed for a single conference to handle all Law of the Sea questions. They hoped in this way to secure greater concessions from the developed world. Thus, despite U.S. and Soviet concern over the feasibility of such a comprehensive undertaking, the U.N. General Assembly voted in favor of a comprehensive U.N. conference on the Law of the Sea.

The international politics of the Law of the Sea influenced, and were in turn influenced by, domestic U.S. ocean policy. Prior to the establishment of the U.N. Seabed Committee, agencies such as Interior, Defense, and the National Science Foundation had pursued their
individual ocean policies with little coordination. As the use of the oceans intensified, defense considerations seemed to suggest a very different policy from that suited to seabed resource concerns. This emerging divergence in policy developed into a direct confrontation in 1969 and 1970. In spite of the need to formulate a national policy for the U.N. Seabed Committee, the Defense and Interior Departments could not agree on the optimal outer limit for the national continental shelf or the nature of the seabed regime beyond.

Under the Nixon Administration, the dispute was processed through the National Security Council system presided over by Henry Kissinger. The policy ultimately selected by President Nixon in May, 1970, was presented to the U.N. Seabed Committee in August, 1970, as a draft treaty on the seabed. It reflected a temporary victory for security concerns. The process of arriving at the 1970 policy had an even more lasting impact. The dispute brought new actors into the debate. It also led to the establishment of an interagency coordinating mechanism which managed Law of the Sea questions for the duration of the U.N. negotiations.

As the debate between defense and petroleum interests developed, the newly formed seabed hard minerals industry became concerned with the impact of the continental shelf boundary on the deep seabed regime. Of principal concern to seabed miners were the manganese nodules of the deep seabed, well beyond the continental margins. While all manganese nodules contain varying amounts of a large number of minerals such as manganese, cobalt, copper, nickel, iron, silicon, and aluminum, those nodules of greatest commercial interest lie in the deepest parts of the Pacific Ocean.
Mining representatives were willing to support a narrow but outward moving boundary if such a boundary could be used to buy a satisfactory seabed regime. By a "satisfactory regime," the hard minerals industry meant a system of freedom to explore the seabed, to stake claims, and to receive exclusive licenses to exploit the claimed areas. An international authority, in this view, should be no more than a registry agency, and its financial extractions should be minimal.

The Defense Department, on the other hand, to induce other nations to agree to a narrow continental shelf, in 1970, promoted the establishment of a powerful and generous seabed authority. The hard minerals industry strongly opposed the Defense Department position, but was not successful in blocking it. Due to its position on the boundary, the hard minerals interest had lost the support of the petroleum industry. And within the Interior Department, hard minerals had to compete with petroleum for the time and energy of government bureaucrats responsible for seabed policy.7

The Conference

The Third U.N. Conference on the Law of the Sea consumed a total of 77 weeks over its first seven years. During this lengthy and protracted negotiation, the same theses and issues recurred, albeit with some variations and an overall gradual evolution toward agreement. The 1974 Caracas session completed the procedural and preparatory work for the Conference and yielded a set of draft treaty alternatives in the form of informal working papers as well as a definitive set of
rules of procedure. In 1975, the Conference conducted its first negotiations to produce the first informal Single Negotiative Text. This was revised and reissued in 1976 as the Revised Single Negotiating Text (RSNT). In 1977, the RSNT was replaced by an Informal Composite Negotiating Text which went through three revisions in 1979 and 1980 and emerged in August, 1980, as the Draft Convention of the Law of the Sea. The final session on the Conference was held in New York where the Law of the Sea text was adopted by the U.N. on April 30, 1982. The vote was 130 in favor (including France and Japan), 4 opposed (U.S., Turkey, Israel, and Venezuela), and 17 abstentions (including the United Kingdom, West Germany, the Soviet Union and other nations from the European Economic Community and the Soviet Bloc).

Treaty's Provisions

The following are some of the main provisions of the Law of the Sea Treaty:

**Territorial Waters.** The notion of a territorial sea was made explicit with the enunciation of the "cannon shot rule" of three nautical miles by Cornelius van Bynkershoek in *De Dominio Maris Dissertatio* published in 1702. The three nautical mile limit was chosen because that was the distance that a cannon could carry at that time. Today, however, under the process of customary international law and the recently completed U.N. Convention on the Law of the Sea, states may claim a territorial sea not exceeding 12 nautical miles. The coastal state exercises sovereignty over the territorial sea, seabed, subsoil, and airspace over the sea except for the right of
innocent passage. Under the U.N. Convention all states enjoy the right of innocent passage through the territorial sea of coastal states as long as such passage does not threaten that nation's security. The definition of what constitutes innocent passage is spelled out in some detail in the U.N. Convention, with special emphasis on the peaceful or non-military aspects of such passage. The Convention also requires that submarines must navigate on the surface and show their flag. Thus, innocent passage is not an absolute right but under the control of the coastal state.

Contiguous Zone. The contiguous zone extends 12 nautical miles beyond the territorial sea and the coastal state exercises jurisdiction in that zone in regard to customs, immigration, or sanitary laws. While the coastal state does exercise primary jurisdiction in the zone, it must allow the high seas freedom of navigation in the zone.

Exclusive Economic Zone (EEZ). The EEZ is a further extension of coastal state jurisdiction 200 nautical miles seaward. Within the EEZ the coastal state has sovereign rights over the natural resources (living and nonliving) of the zone as well as jurisdiction over research, the environment and so forth. However, other states are to retain their traditional high seas freedoms in the zone, subject to coastal state regulation and control.

Continental Shelf. The coastal state may claim the continental shelf adjacent to its coastline which is a natural prolongation of the land mass out to a maximum limit of 350 nautical miles from the coast or 150 nautical miles beyond the EEZ. The coastal state may exercise sovereign rights over the continental shelf similar to those of the
EEZ, but only over those natural resources (living and nonliving) on or under the continental shelf. All other states may exercise conventional high seas freedoms over the continental shelf.

**High Seas.** High seas, while somewhat ambiguous, may be defined as that portion of the world ocean beyond the various EEZs of the coastal states, and including the superjacent waters, surface, and airspace over the continental shelf. All states enjoy conventional freedoms of the high seas, except where the exercise of those freedoms might come into conflict with other states' rights or deep seabed mining occurring in the area of the seabed beyond national jurisdiction.

**International Straits.** International straits are narrow bodies of water between one or more coastal states and/or an offshore island which are overlapped by the territorial sea claims of the coastal states. If all coastal states extend their territorial seas out to 12 nautical miles from their coast, then roughly 135 international straits will be overlapped. This prospect was one of the major motivating factors for the United States and the Soviet Union supporting the creation of UNCLOS III. Both superpowers insisted upon unimpeded commercial and naval passage through these international straits and were granted these rights under the section in the Convention concerning transit passage. The crux of transit passage through international straits is that it is to be unimpeded by the coastal or straits states. Transiting ships or aircraft are to refrain from any threat or use of force against a straits state. Transit passage permits nuclear ballistic missile submarines (SSBN) and other submarines to transit through international straits in their normal
mode of operations, i.e., underwater without having to surface and show
the flag. The superpowers received this concession for transit passage
in exchange for the sharing of resources on the deep seabed.

Archipelagic Waters. Archipelagic waters are a relatively new
concept in the law of the sea. Under UNCLOS archipelagic states are
permitted to draw archipelagic baselines around the outermost points
(or islands) in the archipelago. Everything contained within this
encapsulated area are internal waters. The archipelagic state has
sovereignty over the internal waters, seabed, subsoil, and airspace
above except for the right of innocent passage and sea lanes passage.
The archipelagic state, however, may temporarily suspend innocent
passage through these waters if such suspension is necessary for
international security. Nevertheless, the essential feature of
archipelagic sealanes passage is that the United States, the Soviet
Union, Britain, France, and possibly others, may send their SSBNs or
attack submarines through these waters in their normal mode of
operation.

Deep Seabed Mining. The importance of deep seabed mining for the
national security of the United States and other interested states has
been a subject of debate and controversy throughout the history of the
Conference. The basic argument is that the United States could become
self-sufficient in four basic metals -- copper, nickel, cobalt and
manganese. Proponents of ocean mining have argued that such
self-sufficiency would reduce U.S. reliance upon politically unstable
suppliers, e.g., Chile, Zambia, and South Africa. From the inception
of UNCLOS III it became apparent to the other nations at the Conference
that the United States, Soviet Union, and other developed countries were willing to make some concessions on deep seabed mining in return for unimpeded transit passage through international straits and archipelagic waters. Thus, from the beginning deep seabed mining became intertwined with navigational concerns and straits passage. It was not until the Reagan Administration came into office that this arrangement began to fall apart. Under the Reagan Administration the deep seabed mining interests pressed their case for unrestricted access to ocean mining sites and attempted to detach ocean mining from the navigational aspects of the Treaty.

**Pollution.** UNCLOS III contains numerous provisions regarding the protection and preservation of the marine environment. Unless the degradation of the marine environment is carefully controlled, it could endanger the quality of life on this planet. The oceans contain approximately 80 percent of the earth's usable oxygen, and roughly 80 percent of the earth's animal and vegetable life. Thus, the well-being of the entire earth is affected by the condition of the oceans. The Conference participants seem to have recognized this as evidenced by the pervasive environmental provisions in the Treaty.

**Scientific Research.** The right to conduct marine scientific research is explicitly confirmed in the U.N. Convention. The coastal state, however, has the right to regulate and control scientific research in the territorial sea, exclusive economic zone, and continental shelf. The area covered by the EEZ and continental shelf is approximately 40 percent of the world ocean. This area is generally regarded as the most important area for scientific research. The
ability to conduct research in these areas is necessary not only for the growth of knowledge but for the development of the technology to exploit the seas as well. The basic concerns of the coastal states about offshore research centered around three issues: (1) national security, (2) scientific secrecy, and (3) technological backwardness. The concern about national security involves such matters as the use of scientific research in espionage and sabotage and the placement of ASW listening devices offshore. Scientific secrecy, on the other hand, deals with the prospect that the researching party or state may discover something about the natural resources (i.e., fish, oil, gas, etc.) of which the coastal state is not aware and fail to share that information with the coastal state. Technological backwardness relates to the likelihood that the more technologically advanced states will advance even further ahead of the technologically backward states as a result of this marine research. In order to attempt to allay these coastal state concerns over scientific research, the Convention contains several safeguards. These include: (1) the granting of permission by the coastal state to conduct research; (2) informing the coastal state of the nature of the research, (3) granting the coastal state the right to participate in the research, and (4) assuring the coastal state the right of access to the scientific data and reports stemming from the research.

Transfer of Technology. In order to guarantee that the developing countries and the International Seabed Authority are able to acquire the latest marine technology, the Convention contains the obligation to transfer marine science and technology to the Authority and/or to
states "on fair, and reasonable terms and conditions." The difficulties with such a transfer of technology relate to four matters: (1) the compulsory obligation to transfer, (2) the proprietary interest of the originator, (3) how one defines "fair and reasonable terms," and (4) national security implications. These difficulties contributed significantly to the inability of the United States to come to agreement over deep seabed mining and marine scientific research.

**Fishing and Whaling.** Under the Treaty, the coastal state has the right to regulate and control all offshore fisheries out to the full extent of the EEZ for swimming species, and to the full extent of the continental shelf for bottom-dwelling species (i.e., clams, lobsters, crabs, etc.) with the exception of highly migratory species. The highly migratory species covered in the convention are mainly the tuna family, marlins, sharks, and whales. The coastal state may now set the optimum sustainable yield for offshore fisheries and may decide on whether to issue permits to foreign fishermen to fish in these areas. This enables the coastal state to conserve and manage these offshore fisheries for its own use.

**Settlement of Disputes.** The Convention makes an important contribution to international peace, law, and security through its procedures for the binding settlement of disputes relating to the Law of the Sea. The Treaty requires that there must be a binding settlement of all disputes pertaining to the Law of the Sea. A variety of venues are available to parties involved in a dispute including arbitration and adjudication. The Convention also created the International Tribunal for the Law of the Sea which will specialize in
Law of the Sea issues. This, of course, will not preclude or replace the use of the International Court of Justice but will merely supplement its activities.9

Ratification. Ratification by sixty nations is required for the Third United Nations Conference on the Law of the Sea to come into force. Paraguay deposited the 32nd ratification of the LOS Convention on September 26, 1985. The 1986 Report of the Secretary-General on the Law of the Sea contains a comprehensive overview of developments relating to the entry into force and implementation of the 1982 Convention. Among its highlights are: (1) that 100 countries now claim a 12-mile territorial sea; and (2) that 86 countries have established fishery or exclusive economic zones of up to 200 miles.10

United States Policy During the Conference

The Third Law of the Sea Conference and its preparations spanned more than a decade, and during this period each administration appointed different Law of the Sea negotiators. Significant changes in the domestic and international environment also affected the direction and content of U.S. Law of the Sea policy. U.S. relations with other states also fluctuated during the 1970s. From 1970 to 1974, United States policy, under the force of domestic and international pressures, shifted from a heavily maritime orientation to one that attempted to balance coastal with maritime interests. With the assertion of congressional prerogatives in the mid-1970s, the thrust of U.S. policy became progressively more coastal through 1977. This trend was
partially reversed during the Carter Administration when strategic interest received more attention.

The number and variety of U.S. Law of the Sea actors and interest groups continued to complicate and confound the process of decision-making throughout the Conference. The U.S. delegation during the early years of the Conference was usually the scene of more intense negotiations than was UNCLOS itself. Large, unwieldy, and contentious, the delegation often spoke with many voices. The size of the U.S. delegation sent to Caracas in 1974 (116), Geneva in 1975 (78), and New York in 1976 (107), reflected the perception of the several interest groups that direct representation was necessary to protect against any unwanted trade-offs. With the passage of the U.S. 200 mile fishing zone in 1976, a major coastal interest group was satisfied and gradually lost interest in the negotiations. Therefore, the size of the American delegations decreased from 93 in 1977, to 77 in 1978, to 61 in 1979, and with the end in sight, went back up marginally in 1980 and 1981.

The array of crosscutting U.S. interests contributed to the difficulty U.S. officials found in coordinating policy with other like-minded states. Contributing to the unpredictability of U.S. policy was independent Congressional action. As the UNCLOS deliberations wore on Congress became impatient with the pace of negotiations and began to pass legislation to promote U.S. oceans interests.
The President's Decision Not to Adopt the Treaty

With the arrival of the Reagan Administration, U.S. policy underwent another transformation. Just prior to the 10th session of the Conference, the Administration announced that it would not go along with previously agreed-upon efforts to conclude a treaty at that session. The Administration said that it had instructed the American representative to the Conference "to speak to insure that the negotiations do not end at the present session of the Conference, pending a policy review by the United States." The Reagan Administration's statement, issued by the State Department, said that an interagency review of the draft convention had turned up "serious problems" that were to be "the subject of a thorough review which will determine our position toward the negotiations." State Department officials attributed the Administration's decision to prevent conclusion of the Treaty in the forthcoming session to a number of factors, including intense pressure from private mining interests and a plank in the Republican Party's platform that was critical of the Law of the Seas Conference. According to the platform adopted at the party's convention in Detroit in July, 1980, "Multilateral negotiations have thus far insufficiently focused attention on United States long-term security requirements. A pertinent example of this phenomenon is the Law of the Seas Conference, where negotiations have served to inhibit United States exploitation of the seabed for its abundant mineral resources. Too much concern has been lavished on nations unable to carry out seabed mining with insufficient attention paid to early American access to it. A Republican Administration will
conduct multilateral negotiations in a manner that reflects America's abilities and long-term interest in access to raw material and energy resources.\textsuperscript{12}

In a surprising move less than 48 hours before the resumption of the 10th session, the Reagan Administration abruptly dismissed from the U.S. delegation the top career officials who served during the Carter Administration. It announced that Ambassador Elliot Richardson would be replaced as head of the delegation by Mr. James Malone, who had served as general counsel of the Arms Control and Disarmament Agency in the Nixon Administration. Added to the delegation as an "expert" was Lee Ratiner, who was a senior negotiator for the delegation during the Ford Administration and was at one time a lobbyist for Kennecott Corporation, one of the U.S. mining companies interested in the Treaty.\textsuperscript{13}

After completing its review of the Treaty the Reagan Administration announced on January 29, 1982, that the U.S. would return to the UNCLOS negotiations and participate in the eleventh session beginning on March 8, 1982. The President stated that major elements of the deep seabed mining regime in the draft convention were not acceptable and that the U.S. would seek changes to correct those unacceptable elements. Before the final eight-week session began, President Reagan outlined six points, which he maintained required attention, if an acceptable Sea Treaty were to be achieved. The President called for a treaty that: (1) will not deter development of any seabed mineral resources to meet national and world demands; (2) will assure national access to these resources by current and future
qualified entities to enhance U.S. security of supply, to avoid monopolization of the resources by the operating arm of the International Authority, and to promote the economic development of the resources; (3) will provide a decision-making role in the deep seabed regime that fairly reflects and effectively protects the political and economic interests and financial contributions of participating states; (4) will not allow for amendments to come into force without approval of the participating states, including the advice and consent of the U.S. Senate; (5) will not set other undesirable precedents for international organizations; and (6) will be likely to receive the advice and consent of the Senate. In this regard, the Convention should not contain provisions for the mandatory transfer of private technology and participation by and funding for national liberation movements.

However, despite efforts by the U.S. delegation to affect the requisite changes in the Treaty to meet with the Administration's approval, when the final vote came on the Treaty on April 30, 1982, the U.S. voted against its passage. Ambassador Malone acknowledged that the bargaining had brought about some "modest improvement" in the rules for mining metal nodules in the seabed, the sole concern of the Reagan Administration. Malone stated that the Treaty allowed "amendments to come into force for a state without its consent." The code, in 20 years, enables three-fourths of the Treaty signers to impose amendments, overriding the U.S. provision requiring Senate assent. Finally, the U.S. delegate indicted that the Treaty sets unacceptable precedents. Malone did not directly cite its provision for a global
authority, fixing mining limits to protect prices, but he did point out that the production ceiling would be "a key problem for the U.S. Congress."14

CONCLUSION

In this chapter I have presented a research design for the case study analysis that follows. I have discussed: the importance of the Conference; the uses of advisory committees; the most significant methodological problems that I have encountered; those organizations that were interviewed; the approach taken in the interviews; and the data sources. The concepts used in this study, their definitions and measures can be found in Appendix C. It should be pointed out that not all of the questions listed in the interview schedules contained in Appendix B were asked in the interviews that were conducted. Rather, they served as a guide for questioning during the interviews. In different interviews different questions were asked or omitted depending on the rapport between the interviewer and interviewee, the time available, the sensitivity of the question and the receptivity of the interviewee to certain questions.

Another purpose of this chapter has been to provide an historical overview of UNCLOS and a general statement of the domestic and international political environment surrounding the U.S. domestic interests and their involvement in the Conference. The involvement of U.S. domestic interest groups in UNCLOS III cannot be understood without understanding the evolution of the Conference and those motivating factors surrounding its initiation and conclusion. If one were to look
solely at the concerns and activities of the interest groups regarding
UNCLOS III in isolation, without relating them to the broader aspects
and developments in the Conference, then the picture would be a
distorted and myopic one. Having placed the Conference in context, I
turn my attention in the next chapter to the analysis of group internal
characteristics and resources.
CHAPTER VIII
ANALYSIS OF GROUP INTERNAL CHARACTERISTICS AND RESOURCES

This chapter provides an overall picture, or more appropriately a collage, of that set of interest groups seeking to have their interests represented in U.S. policy on the law of the sea and at the Conference itself. A potential influence index for the groups in this study is created by combining three general indices: internal characteristics, resources, and goals. Each of these indices, in turn, is derived from a variety of variables. The internal characteristics index is made up of the following composite measures: organizational structure, decision-making and communication, level of democracy, unity and cohesion, and organizational incentives. These measures are created from a variety of indicators. The following is the list of indicators for the internal characteristics index: organizational structure (federated/unitary); decision-making and communication (leadership rapport with membership, and decision-making locus); level of democracy (decision-making style); unity and cohesion (membership homogeneity, cross-cutting loyalty of memberships, level of unity and cohesion, membership consensus of opinion regarding UNCLOS); and organizational incentives (level of incentives, membership stability, membership commitment and loyalty). The creation of the internal characteristics index is illustrated below:
\[ 0 + DM + D + U + OI = IC \]

0 = organizational structure  
DM = decision-making and communication  
D = level of democracy  
U = unity and cohesion  
OI = organizational incentives  
IC = internal characteristics index

+1 = high value  
0 = moderate value  
-1 = low value

The resource index is composed of the following resource variables: physical, motivational, organizational, political and status. These are combined to create a general resource index. Like the internal characteristics index, the resource index is derived from a variety of indicators taken from the interview data. The creation of the resources index is illustrated below:

\[ PH + M + O + P + I = RI \]

PH = physical resources  
M = motivational resources  
O = organizational resources  
P = political resources  
I = status resources  
RI = resources index

+1 = high value  
0 = moderate value  
-1 = low value

These two indices, are combined with a measure of the position of UNCLOS in the goal hierarchies of the various groups. The goal hierarchy measure is intended to capture the intensity of group involvement in the issue. The position of an issue in a group's set of goals will determine how active and willing that organization is to
commit its energies and resources in pursuit of that objective. The relationship is shown below:

\[ C + R + GI = PI \]

- \( C \) = internal characteristics index
- \( R \) = resources index
- \( GI \) = group interest
- \( PI \) = potential influence index

Location of UNCLOS in goal hierarchy =

- +1 upper 1/3
- 0 middle 1/3 values assigned
- -1 lower 1/3

THE GROUPS

Before beginning the actual discussion of potential group influence, a brief description of the groups to be explored is in order. Beginning with the general business associations, the National Association of Manufacturers (NAM) and the Chamber of Commerce (COC), it can be seen that these organizations represent American business at large. This is quite a heterogeneous membership but the common fabric that binds them together is the preservation of a favorable business and economic climate in which American business can flourish. It was the concern over the New International Economic Order (NIEO) and the technology transfer provisions in the Law of the Sea Treaty that eventually motivated segments of these organizations to speak out in the final stages of the Conference against the Treaty.

The American Patent Law Association (APLA) is a professional association composed of patent lawyers. Like other professional
associations the APLA responds to the professional needs of its membership. While professional associations devote the bulk of their effort to localized matters directly affecting their membership's ability to successfully practice their occupations, they do on occasion become involved in national and international issues. The association is concerned about the protection of intellectual property from an international perspective. Thus, the leadership of the association saw the Law of the Sea Treaty as affecting the interests of its membership and became activated on this issue in the final stages of the Conference.

The American Petroleum Institute (API) is one of the giant trade associations representing one of the wealthiest and most powerful segments of the American economy -- the petroleum industry. The major oil companies were clearly affected by questions of offshore jurisdiction and royalty payments addressed by the Treaty. The API membership was also interested in transportation issues in the Conference, specifically questions concerning the oil tanker industry. Thus, the API was involved in the Conference from its earliest stages.

The Ocean Mining industry is represented in this table by the Nation Ocean Industries Association (NOIA) and the American Mining Congress (AMC). The NOIA is composed of small, medium and large companies engaged in ocean-related industries. The AMC is composed of all major coal and mineral producers as well as the equipment manufacturers, financial institutions and consulting organizations that support them. The AMC is the older of the two organizations, as noted earlier. However, the AMC is somewhat of a heterogeneous organization with the land-based domestic mining industries tending to dominate the
organization. Because of the diversity in its membership, the AMC experienced some conflicting viewpoints within its membership regarding the Treaty. Because of its age and respectability in the mining industry, the AMC was the spokesman for the ocean mining industry regarding the Treaty. The ocean mining industry and the AMC, like the petroleum industry, were involved with UNCLOS III in its earliest stages. The NOIA is one of the newest of the mining-related industries. The NOIA came into existence in conjunction with the development of offshore ocean exploration and development industries. NOIA has a more coastal nature than does the AMC which is concerned with deep ocean mining. The NOIA has members involved in offshore sand and gravel mining, offshore drilling, polymetallic sulfide mining and so forth. Although it is a heterogeneous association, the membership of the association was solidly behind the NOIA position which argued for national control and jurisdiction. This is consistent with the coastal nature of the association's membership. The AMC ocean mining membership had to concern itself with an international regime for ocean mining and hence the different viewpoints between the membership over the appropriate type of regime.

The fishing industry is quite a composite of organizations including the following: Tuna Research Foundation (TRF); Pacific Seafood Processors Association (PSPA); National Fisheries Institute (NFI); National Federation of Fishermen (NFF); and American Tuna Boat Association (ATBA). The membership of these organizations ranges from tuna canners, processors and boat owners to the coastal fishing industry. The industry is split between the distant water fishing industry and
the coastal fishing industry. The coastal fishing industry is primarily interested in expanding U.S. jurisdiction over its coastal resources while the distant water industry is concerned with the development of effective treaties and bilateral and regional agreements that allow for U.S. fishing in waters under the jurisdiction of other nations. Thus, the U.S. fishing industry had some internal division regarding U.S. policy on the Law of the Sea.

The maritime industry as represented here by the American Institute of Merchant Shipping (AIMS) is made up of 29 companies and 209 U.S.-flag vessels accounting for half the dead-weight tonnage of the total U.S. fleet. The AIMS membership contains many oil industry members and some mineral producing members in addition to the merchant shipping industry. AIMS is quite international in its perspective and participates extensively in the technical work of the International Maritime Organization. AIMS, among all of the interest groups involved in UNCLOS, had by far the most experience in working with global institutions. For this reason, AIMS was more likely to stand behind UNCLOS as a proper vehicle for managing oceans issues. Thus, AIMS, because of its international experience, tended to have a more pro-treaty stance than most other industry associations. However, the fact that the membership contained petroleum and mineral producing interests may have moderated the stance and activities of the association regarding UNCLOS. AIMS, in fact, did adopt a "low key" position on the Treaty. But this can be explained in part by factors other than its membership composition. An AIMS representative, for instance, stated that:
AIMS as far as a whole lobby is concerned is a very low key operation. . . . We're involved in a lot of professional efforts in the shipping field which I would say are not usual for a Washington trade association. For instance, we do a great deal of work internationally with the International Chamber of Shipping (ICS).

Thus, according to an association representative, AIMS is more of a professional association than a Washington-based lobbying organization. Also, as indicated in Chapter X, the maritime industry tended to ride on the coattails of the Navy, so to speak, for the protection of its maritime interests. Thus, the U.S. maritime industry was not compelled to take an aggressive posture in the defense of its global maritime interests.

Labor is represented by two unions -- the International Organization of Masters, Mates and Pilots (MMP), and the Seafarer's International Union of North America (SIU). Both of these unions are associated with the AFL-CIO. These two unions adopted opposite positions in the latter stages of the Conference. The MMP favored U.S. adoption of the Treaty, while the SIU argued for its rejection. These differing positions stem in large part from the nature of the membership in these two unions. The MMP is a professional fraternal organization of shipmasters, watch standing deck officers and maritime pilots. The MMP is concerned, among other matters, with the protection of life at sea and the protection of the marine environment. The union was also created for the purpose of making its members less vulnerable to the demands and pressures of shipowners and government. Thus, the membership and leadership of the union perceived the Law of the Sea Treaty to be in their best interests. The SIU, on the other hand, is
composed of workers in occupations affiliated with the shipping industry. It is much more "blue collar" in orientation than the MMP. The interest of the SIU in the Treaty is closely associated with the creation of jobs for members of the union by the development of a domestic ocean mining industry. Thus, when it became apparent that the Treaty was going to prevent or do substantial harm to the development of this industry in the U.S., the union expressed its opposition to the document.

The marine science community (MSC) was represented in the Law of the Sea Conference by a core of active and distinguished marine scientists who took it upon themselves to take the lead in representing the interests of their peers in this issue. The National Academy of Sciences (NAS) and, more specifically, the National Research Council (NRC) served as their headquarters in Washington, D.C. to keep them abreast of developments at the Conference and in U.S. policy positions vis-a-vis the Conference. The marine science community was concerned with gaining access to conduct research in the coastal waters of nations around the world. At the end of the Conference, even though they had suffered many defeats both internationally and domestically, they still preferred the Law of the Sea Treaty to no treaty at all. Their rationale for this position is that at least this document provided a set of rules on guidelines for the conduct of research. They believed that the absence of such a codification of rights, privileges and procedures lead to a "free for all" situation in the world in which the marine scientists would find themselves totally
at the mercy of the nation in whose waters they wished to conduct scientific research.

The environmental community involved with the Law of the Sea Conference was composed of three organizations: the Sierra Club (SC); the Humane Society of the United States (HS); and the Center for Law and Social Policy (CLASP). The membership of these organizations is quite diverse. The typical member of the Sierra Club is an environmentally conscious U.S. citizen with a higher than average income and education, many of whom are young urban professionals. The typical member of the Humane Society is between 25 and 55 years of age, lives in an urban area, is female, and one out of three belongs to other animal welfare organizations. However, the primary difference between the memberships of these two organizations is in their perspectives. The Sierra Club membership is concerned with the well-being of the environment and wilderness areas in general. The Humane Society membership, on the contrary, has a much more localized and specific set of interest, namely, the prevention of cruelty to all forms of animal life. The Humane Society became involved in UNCLOS because its trepidations over the plight of marine mammals and their slaughter to the point of near extinction by various nations. The Sierra Club, while concerned about marine mammals, took more of a "big picture" approach in which all degradations to the global environment were considered. The Center for Law and Social Policy is not a membership organization per se, but is a public interest law firm which has as its clients environmental organizations around the United States. While the leadership of these organizations cooperated closely over the
course of the Conference, in the final stages of deliberations the Humane Society position diverged from that of the other two organizations. The Humane Society adopted a neutral stance regarding the Reagan Administration position on UNCLOS. This occurred because of two factors. First, the Society leadership was satisfied that the marine mammal provisions in the Treaty were safe and secure and adequately addressed their concerns. Second, the Reagan Administration took a strong marine mammal protection stance at the Conference and in its dealings with other nations. Thus, the Humane Society leadership did not want to isolate such a pro-marine mammal administration by actively opposing its negotiating posture at the Conference.

The "Public Interest" groups, as I have referred to them in this study, are composed mainly of religious organizations and environmental groups. However, it did contain one public interest organization created late in the negotiations to fight for U.S. adoption of an acceptable oceans treaty. The religious organizations were protestant and multi-denominational in nature. They include United Methodists (UM), Quakers (SOS) and National Council of the Churches of Christ in the USA (NCCC) which is a merger of numerous protestant and orthodox churches. These religious bodies saw the Law of the Sea Treaty as a vehicle for fostering global cooperation between nations in solving common problems and serving to bring peace and harmony to the world. The public interest organization, Citizens for Ocean Law (COL) was composed of private citizens supporting ocean law and included members of the Humane Society, the United Methodists and so forth. Former U.S. Ambassador to the U.N. for the Law of the Sea, Elliot Richardson, had a
large hand in the creation of this organization which was designed to fight for the U.S. adoption of the Treaty. The staff of COL cooperated closely with those staffs of the other supranationalist organizations. In fact, the lead staff member for COL had at one time worked for the Quaker and Methodist organizations.

COMPOSITE MEASURE OF STRENGTH AND WEAKNESSES

Table 8.1 provides a composite measure of the overall strengths and weaknesses in terms of internal characteristics of the groups analyzed in this study. A +1 value was assigned for each characteristic in which a group showed a strong or positive asset. Moderate assets were assigned a 0 value and negative or weak assets were assigned a -1. A total of five characteristics were analyzed in creating this index. The positive and negative characteristics scores were combined and divided by 5 to arrive at the average characteristics index. The Center for Law and Social Policy is an exceptional case for which this index does not apply since it does not have a membership per se but rather represents other organizations or citizens groups in a legal capacity.

From the above table it appears that the following groups have the greatest overall strength in terms of their internal characteristics (i.e., scores of .50 or higher): APLA, API, NOIA, AMC, TRF, PSPA, AIMS and HS. Seven of these eight groups are economic interest groups. The only noneconomic interest group to be in this category is the Sierra Club which is known as being a strong and effective environmental lobby. There is clearly a predominance of industry groups in this category composed of a segment of the legal community, the petroleum
## TABLE 8.1
GROUP INTERNAL CHARACTERISTICS INDEX

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<thead>
<tr>
<th>Interest Group</th>
<th>Organizational Structure</th>
<th>Decision-making and Communication</th>
<th>Level of Democracy</th>
<th>Unity and Cohesion</th>
<th>Organizational Incentives</th>
<th>Average</th>
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<td>.57</td>
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<td>-.07</td>
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<td>-</td>
<td>0</td>
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<tr>
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<td>-1.0</td>
<td>.75</td>
<td>.33</td>
<td>.42</td>
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Positive characteristic = +1
Negative characteristic = -1
Moderate characteristic = 0

Average Score = Total Internal Characteristics Value
Note: The different range of scores in the unity and cohesion and organizational incentives categories is due to a greater number of indicators that were normalized. The other categories have only one indicator each.
industry, the mining industry, segments of the fishing industry, and the maritime industry.

The next category of groups (i.e., with scores between .10 and .42) exhibit an overall favorable balance vis-a-vis their internal characteristics. This category includes the ATBA, MMP, SIU, HS, and COL. This category is split almost evenly between economic and noneconomic interest groups. Two of these five groups are public interest organizations. The three economic interest groups are composed of the two labor organizations and a distant water fishing organization.

In the middle category, or more correctly those with neutral scores, are the NFI and CLASP, i.e., a coastal fishing organization and a public interest organization. For these two groups their internal characteristics are not necessarily an asset but on the other hand, neither are they a substantial detriment. Below these two groups are those with a significant set of negative internal characteristics. These groups include the NAM, COC, MSC, NCCC, and UM. Two of these groups are noneconomic interest groups (i.e., the United Methodists and the National Council of Churches of Christ) and the three economic interest groups are composed of the general business associations and the Marine Science Community.

The last category is made up of those organizations with a substantially negative internal characteristics score, i.e., the NFF and SOS. One might expect that these two organizations, a fishing and religious group, might be so preoccupied with their internal weaknesses
and problems that they might be severely hindered in their external lobbying activities.

Turning to classes of groups, the ocean mining industry, maritime industry, distant water fishing industry, environmentalists, petroleum industry and professional association have the greatest overall strength in terms of internal characteristics with scores of .60 and higher. Labor and the Public Citizens Lobby (COL) fall in the middle range (i.e., with scores between .40 and .57). Those categories with significantly negative internal characteristics are the marine science community and coastal fishing industry (i.e., with total average scores between -.07 and -.15). The last set of interest group categories are those with substantial negative internal characteristics (i.e., -.30 and greater). These are the general business community and religious groups. Given the fact that the number of groups in these categories varied significantly an average per group score was computed for each category. However, even when comparing the group categories on this basis the general pattern noted above still holds.

Finally, in comparing economic interest groups with noneconomic groups a total average score as well as an average per group score is provided for each category. Because the total number of economic groups greatly outnumbers the noneconomic groups in this study a per group score was arrived at by dividing the total average scores of both categories by the total number of groups in each category. From this perspective it appears that the economic groups, in general, enjoy a slight edge over the noneconomic interest groups with regard to their average per group internal characteristics scores. However, when
looking at the total average internal characteristics scores, the economic groups are sizably ahead of the noneconomic groups. While internal characteristics of interest groups are key determining factors in understanding the external behavior and likelihood of success in achieving their objectives, two other internal factors must be explored, namely, the priority accorded a given objective and the resources available for the pursuit of an objective. These are summarized below.

Over half of the interest groups in this case study tend to have a high interest in foreign policy matters. With regard to UNCLOS, obviously the higher this issue falls in a group's priority of goals and the greater the intensity of interest and commitment of the membership towards this issue, the greater the likelihood of active group involvement and efforts to influence the policy-making process. In terms of the position of UNCLOS in their goal hierarchies as well as the intensity of membership interest in the Treaty (i.e., Tables 8.2 and 8.3), the following groups tended to be the most actively involved in the final stages of UNCLOS: NOIA, TRF, ATBA, CLASP, SOS and COL. This indicates that of all the groups involved in the final stages of the Conference, an ocean industry association, two tuna fishing organizations, one environmental group and two public interest organizations considered UNCLOS to be a top priority to which they devoted a sizable portion of their resources. The next group of organizations viewed UNCLOS as a middle range issue and consequently were moderately active concerning the issue and contributed a significant portion of their resources to the matter: API, AMC, NFI, MMP, SIU, NCCC and UM.
<table>
<thead>
<tr>
<th>Interest Group</th>
<th>Upper 1/3</th>
<th>Middle 1/3</th>
<th>Lower 1/3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(+1)</td>
<td>(0)</td>
<td>(-1)</td>
</tr>
<tr>
<td>NAM</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>COC</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>APLA</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>API</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>NOIA</td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>AMC</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>TRF</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>PSPA</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>NFI</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>NFF</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>ATBA</td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>ATMS</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>MMP</td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>SIU</td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>MSC</td>
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<td>X</td>
<td></td>
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</tr>
<tr>
<td>HS</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>CLASP</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>NCCC</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>UM</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>SOS</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>COL</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

TABLE 8.2
LOCATION OF UNCLOS IN DOMESTIC INTEREST GROUP GOAL HIERARCHY
TABLE 8.3
DOMESTIC INTEREST GROUP MEMBERSHIP INTENSITY OF INTEREST AND COMMITMENT REGARDING UNCLOS

<table>
<thead>
<tr>
<th>Interest Group</th>
<th>Membership Intensity of Interest &amp; Commitment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High (+1)</td>
</tr>
<tr>
<td>NAM</td>
<td></td>
</tr>
<tr>
<td>COC</td>
<td></td>
</tr>
<tr>
<td>APLA</td>
<td></td>
</tr>
<tr>
<td>API</td>
<td></td>
</tr>
<tr>
<td>NOIA</td>
<td>X</td>
</tr>
<tr>
<td>AMC</td>
<td></td>
</tr>
<tr>
<td>TRF</td>
<td>X</td>
</tr>
<tr>
<td>PSPA</td>
<td></td>
</tr>
<tr>
<td>NFI</td>
<td></td>
</tr>
<tr>
<td>NFF</td>
<td></td>
</tr>
<tr>
<td>ATBA</td>
<td>X</td>
</tr>
<tr>
<td>AIMS</td>
<td></td>
</tr>
<tr>
<td>MMP</td>
<td></td>
</tr>
<tr>
<td>SIU</td>
<td></td>
</tr>
<tr>
<td>MSC</td>
<td></td>
</tr>
<tr>
<td>SC</td>
<td></td>
</tr>
<tr>
<td>HS</td>
<td></td>
</tr>
<tr>
<td>CLASP</td>
<td>N/A</td>
</tr>
<tr>
<td>NCCC</td>
<td></td>
</tr>
<tr>
<td>UM</td>
<td></td>
</tr>
<tr>
<td>SOS</td>
<td>X</td>
</tr>
<tr>
<td>COL</td>
<td>X</td>
</tr>
</tbody>
</table>
Thus, for a major petroleum and mining association, a coastal fishing group, both of the unions involved, and two religious organizations UNCLOS was an important but not vital matter. Finally, the following organizations perceived UNCLOS to be a low priority goal: NAM, COC, APLA, PSPA, NFF, AIMS, MSC, SC and HS. These organizations comprise the general business community, the patent lawyers, two of the three coastal fishing organizations, the maritime industry, the marine scientists, and two of the three environmental groups. These organizations tended, therefore, to devote only a small portion of their total resources to the UNCLOS issue. However, for some organizations, such as the NAM and COC, a small portion of their resources is much greater than the total resources of other groups. Thus, even though some organizations expended only a small portion of their resources on UNCLOS, it does not mean that they were necessarily less influential than other groups. To appreciate their potential influence their total resource base must be considered as well.

Table 8.4, nevertheless, shows the location of UNCLOS in interest group goals hierarchies according to the broad categories of economic and noneconomic groups. It shows that in the latter stages of the Conference nearly half of the noneconomic groups had a high interest in UNCLOS, whereas for approximately half of the economic groups it was a low priority item. Only 20 percent of the economic interest groups at the end of the Conference saw the Treaty as a high priority item on their agendas. This is perhaps due to the fact that most of the economic interest groups had by this time secured the advantages they wanted to derive from the Treaty. Many of the noneconomic interest
TABLE 8.4
LOCATION OF UNCLOS IN GROUP GOAL HIERARCHIES BY ECONOMIC/NONECONOMIC INTEREST GROUP CATEGORIES

<table>
<thead>
<tr>
<th>Location of UNCLOS In Goal Hierarchy</th>
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<td></td>
<td>Economic # of groups</td>
<td>%</td>
<td>Noneconomic # of groups</td>
</tr>
<tr>
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<td>3</td>
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<td>Lower 1/3</td>
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<td>2</td>
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<tr>
<td>TOTAL</td>
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<td>100</td>
<td>7</td>
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</table>
groups (i.e., 42 percent saw it as a high priority on their agendas), on the other hand, were concerned over the plight of the Treaty and fighting for its adoption.

Turning to group resources, Table 8.5 provides a composite measure of overall group resource strength. The indices in the table were arrived at by comparing the groups in this study along 5 resource categories and assigning a +1 value to high scores and a -1 value to low scores. A medium range score was assigned a value of 0. The five resource categories values were added together and divided by 5 to arrive at an average score. For those broader classes of groups containing more than one group, a total average score as well as a per group average was computed.

From Table 8.5 it can be seen that the most powerful groups in terms of resources (i.e., those with scores of .70 and higher) are the NAM, COC, API, AMC, AIMS, MMP and SC. This is not surprising given the reputations of these organizations. It is well known that the general business associations, the NAM and Chamber of Commerce, can be powerful voices in Washington. The American Petroleum Institute and the American Mining Congress are also considered by many to be powerful lobbying organizations. The Sierra Club (the only group with a 1.0 value) is feared and respected by the majority of smokestack and basic industries because of its proven track record of defeating them across a wide spectrum of environmental issues. The Masters, Mates and Pilots Union, although not as well known as the above organizations, appears to be a powerful lobbying force in its own right in terms of its resources. And, finally, the American Institute of Merchant Shipping which
TABLE 8.5
GROUP RESOURCES INDEX

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<tr>
<th>Interest</th>
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<th>Organizational</th>
<th>Political</th>
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<td>-</td>
<td></td>
<td>.15</td>
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<td>.70</td>
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<td>1.0</td>
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<td>SIZ</td>
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<td>.20</td>
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<tr>
<td>MSC</td>
<td>-1.0</td>
<td>-1.0</td>
<td>-1.0</td>
<td>-1.0</td>
<td>-1.0</td>
<td>-.40</td>
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<tr>
<td>SC</td>
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<td>1.0</td>
<td>1.0</td>
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<tr>
<td>VS</td>
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<td>-</td>
<td>-</td>
<td>1.0</td>
<td>.50</td>
</tr>
<tr>
<td>CLASP</td>
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<td>-</td>
<td>1.0</td>
<td>1.0</td>
<td>1.0</td>
<td>.50</td>
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<td>0</td>
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<tr>
<td>UN</td>
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<td>0</td>
<td>-1.0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>SSS</td>
<td>-.6</td>
<td>1.0</td>
<td>0</td>
<td>0</td>
<td>-1.0</td>
<td>-.12</td>
</tr>
<tr>
<td>COL</td>
<td>-1.0</td>
<td>1.0</td>
<td>1.0</td>
<td>1.0</td>
<td>1.0</td>
<td>.40</td>
</tr>
</tbody>
</table>

Positive Characteristic = +1
Negative Characteristic = -1
Moderate Characteristic = 0

Note: The different range of scores in the physical resource category is due to a greater number of indicators that were normalized. The other categories have only one indicator each.

Average Score = Total Resource Value
represents half the dead-weight tonnage of the total U.S. Merchant
Marine, is the most powerful organization in terms of resources.

The next echelon of groups with respect to resources are the APIA,
NOIA, TRF, ATBA, HS, CLASP and COL. These groups have average resource
indices from .30 to .60. Even though these groups are not the powerful
lobbying forces in terms of resources that the upper echelon groups
are, they are not too far behind. In this cluster of groups are an
ocean mining organization, a maritime association, a labor orga­
nization, an environmental law firm, and a supranationalist group. In
the middle range with scores from .10 to .20 are the UM, NFI and ATBA.
These groups have slightly positive values and under certain circum­
stances could be influential organizations. But in terms of their
resources these groups are not on the same par with the two upper
echelons.

The next cluster of groups are those with negative resource
values. In terms of their resources these groups have some significant
deficiencies that can inhibit their ability to effectively lobby.
Groups that fall in this category are the NFF, PSFA, MSC and SOS. Two
of these four groups are coastal fishing organizations. One is the
marine science community and one is a religious organization. None of
these organizations are known as being powerful lobbying forces in
Washington which may be accountable to a considerable extent from their
resource deficiencies. Those organizations with the greatest resource
constraints are the NFI and the Marine Scientists. This leads one to
the conclusion that the National Federation of Fisherman may truly be a
paper organization having no real membership but, rather, other
associations supporting the NFI but only with marginal loyalty. The Marine Scientists, on the other hand, do not constitute a group per se but depended on the National Academy of Sciences as their Washington headquarters. Given their severe resource constraints it is no wonder that the marine scientists suffered so many setbacks in the Law of the Sea Conference.

Looking at interest group types one can see that in terms of total combined resources the environmentalists, general business associations and mining groups predominate among the economic interest groups. They are followed by labor, the petroleum industry, the distant water fishing industry, the maritime industry and finally the patent lawyers. These are the type categories with positive values. Two group types, however, have negative scores: the coastal fishing industry and the marine scientists. Shifting to the noneconomic groups, the Sierra Club is the giant among the environmental groups with a score of 1.0 accounting for over half of the total value of 2.00, the largest of any interest group type category in this study. The religious groups show just the opposite picture with a -.02 score indicating a resource deficiency. The public citizens group (COL) fares rather well with a .40 score. Finally, in comparing broad interest group categories, the economic groups, which outnumber the noneconomic ones, have a total average resource value of 4.87 as compared to a total of 2.38 for the noneconomic groups. In order to standardize for comparison purposes a per group average value was created by dividing the total score by the number of groups. Here the economic groups with a .32 value show an almost identical score as the noneconomic groups with a per group value
of .34. This shows that on an average group by group basis the economic and noneconomic groups have a rough parity.

POTENTIAL INFLUENCE INDEX

So what does this mean with respect to domestic interest group influence on the Law of the Sea Conference? Table 8.6 combines internal characteristics with resources and the relative position of UNCLOS in these group's goal hierarchies to arrive at what is termed a potential influence index. This term was chosen because even though group internal characteristics, resources, and goals are significant in determining a group's influence, other factors such as access and strategies and tactics are also important factors. The equation for arriving at this index is shown in Table 8.6. The scores assigned for group internal characteristics and resources were derived from their respective indices in Tables 8.1, and 8.5. The scores for goal hierarchy were derived from Tables 8.2 and 8.3 with a +1 given for UNCLOS being in the upper third of the goal hierarchy, a 0 given for the middle third, and a -1 given for the lower third.

From Table 8.6 one can arrive at the following broad conclusions. Ceteris paribus, when combining internal characteristics with resources and the relative position of UNCLOS in a group's priority of goals, the following domestic interest groups can be expected to have exerted the greatest influence on U.S. policy vis-a-vis the Conference: API, NOIA, TRF, ATBA, MMP, CLASP, and COL. All of these groups have influence indices of 1.0 or greater. Two of these groups are from the tuna industry, two are public interest groups, one is a labor group, one is
TABLE 8.6

POTENTIAL GROUP INFLUENCE INDEX

<table>
<thead>
<tr>
<th>Interest Group</th>
<th>Internal Characteristics</th>
<th>Resources</th>
<th>Group Interest</th>
<th>Potential Influence Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>KAI</td>
<td>-.17</td>
<td>.60</td>
<td>-1.0</td>
<td>-3.7 General Business</td>
</tr>
<tr>
<td>COL</td>
<td>-.15</td>
<td>.60</td>
<td>-1.0</td>
<td>-3.5 .72 Total</td>
</tr>
<tr>
<td>API</td>
<td>.60</td>
<td>.30</td>
<td>-1.0</td>
<td>-.10</td>
</tr>
<tr>
<td>NOIA</td>
<td>.57</td>
<td>.60</td>
<td>1.0</td>
<td>2.17 Mining</td>
</tr>
<tr>
<td>ANC</td>
<td>.53</td>
<td>.60</td>
<td>-.50</td>
<td>.93 1.55 Ave.</td>
</tr>
<tr>
<td>TRF</td>
<td>.50</td>
<td>.60</td>
<td>1.0</td>
<td>2.10 Distant Water</td>
</tr>
<tr>
<td>ATBA</td>
<td>.27</td>
<td>.20</td>
<td>1.0</td>
<td>1.57 3.67 Total</td>
</tr>
<tr>
<td>NFI</td>
<td>0</td>
<td>.15</td>
<td>0</td>
<td>-.77 Fishing</td>
</tr>
<tr>
<td>NFF</td>
<td>-.78</td>
<td>-1.0</td>
<td>-1.0</td>
<td>.15 Coastal</td>
</tr>
<tr>
<td>PSFA</td>
<td>.63</td>
<td>-.40</td>
<td>-1.0</td>
<td>-2.78 -1.13 Ave.</td>
</tr>
<tr>
<td>AIMS</td>
<td>.70</td>
<td>.70</td>
<td>-1.0</td>
<td>.40</td>
</tr>
<tr>
<td>KMP</td>
<td>.40</td>
<td>.60</td>
<td>0</td>
<td>1.30 Labor</td>
</tr>
<tr>
<td>STU</td>
<td>.17</td>
<td>.20</td>
<td>-.50</td>
<td>-.13 .58 Ave.</td>
</tr>
<tr>
<td>RSC</td>
<td>-.07</td>
<td>-.60</td>
<td>-1.0</td>
<td>-1.67</td>
</tr>
<tr>
<td>SC</td>
<td>.68</td>
<td>1.0</td>
<td>-1.0</td>
<td>.68</td>
</tr>
<tr>
<td>RS</td>
<td>.13</td>
<td>.50</td>
<td>-1.0</td>
<td>-.53 Environ-entalists</td>
</tr>
<tr>
<td>CLASP</td>
<td>0</td>
<td>.50</td>
<td>.50</td>
<td>1.0 .44 Ave.</td>
</tr>
<tr>
<td>MCCC</td>
<td>-.08</td>
<td>0</td>
<td>-50</td>
<td>-.58 Religious Groups</td>
</tr>
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<td>UN</td>
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<td>.01 .08 Total</td>
</tr>
<tr>
<td>SOS</td>
<td>-.25</td>
<td>-.12</td>
<td>1.0</td>
<td>.61 .02 Ave.</td>
</tr>
<tr>
<td>COL</td>
<td>.42</td>
<td>.40</td>
<td>1.0</td>
<td>1.82</td>
</tr>
</tbody>
</table>

Perfect Positive Score = 3.0
Perfect Moderate Score = 0
Potential Influence Index (by Group)
Perfect Negative Score = 3.0

Equation: IC + R + GI = PI
from the mining industry, and one is from the petroleum industry. The next category of groups, with scores from .63 to .93, are likely to have had a substantial impact on U.S. Law of the Sea policy: AMC, SOS and SC. Below this category are those groups that may have had a slight impact on U.S. policy (i.e., scores between .03 and .40). They are: UM, NFF and AIMS. Those groups that should have exerted little or no influence on U.S. policy (i.e., with scores of 0 to -2.78) are the NAM, COC, APLA, NFI, PSPA, SIU, MSC, HS, and NCCC. These findings, however, are tied to the latter stage of the Conference since this is when the information on the position of UNCLOS in the group goal hierarchies was obtained. The position of UNCLOS in the goals of these groups shifted considerably over the course of the Conference and most certainly had a bearing on the respective levels of influence of these groups over time.

Turning to types of groups, from Table 8.6 the following should have had the greatest influence on U.S. policy on UNCLOS: petroleum industry, ocean mining industry, distant water fishing labor, environmentalists, and a public citizens organization (COL). These group types have combined indices of 1.17 or greater. Two of these classes of groups have indices greater than 3.0 -- the ocean mining industry and distant water fishing industry -- and, according to this table, were most likely to have been the most significant players, at least in the latter stages of the Conference. This clearly was the case for the mining industry although for the distant water fishing industry it is more questionable. It appears that the index created in Table 8.6 is a fairly accurate, although not perfect, predictor of
interest group influence. Also, according to this table, the following types of groups (with indices of .40 or less) should have had little or no influence on U.S. policy: general business associations, professional association, fishing industry, maritime industry, marine scientists and religious groups. This seems to be close to the actual course of events with the exception of the general business associations and professional association which may have had a slight impact on U.S. policy in the final stages of UNCLOS.

Finally, Table 8.6 shows that the total influence index for economic interest groups (i.e., 3.97) is only slightly greater than that of the noneconomic interest groups (i.e., 3.21). However, the average per group index of the noneconomic groups at .46 is greater than that for the economic groups at .27. Nevertheless, this means that, ceteris paribus, the noneconomic interest groups should have had a slightly greater impact on U.S. Law of the Sea policy than the economic interest groups. However, clearly these conditions of nonintervening factors did not hold, as will be discussed in Chapter IX. In fact, a considerable amount of the variation in interest group influence can be explained by such factors as access, policy-maker perceptions, coalitions and networks, and external events. These are discussed in Chapter IX.
CHAPTER IX

GROUP GOALS, ACCESS, STRATEGIES, TACTICS AND INFLUENCE

Table 9.1 shows the positions of the different groups in this study vis-a-vis President Reagan’s decision not to sign the Law of the Sea Treaty. One clear pattern that emerges is that the majority of the economic interest groups supported the President’s decision while the majority of the noneconomic groups opposed the decision. However, there were some outstanding exceptions to this general pattern. The TRF, AIMS, MMP and marine scientists are economic interest groups that opposed the President’s decision. They represent the tuna industry, maritime industry, a labor union and marine science. One economic interest group, the American Tuna Boat Association (ATBA), adopted a neutral or indifferent position in relation to the President’s decision. With regard to the noneconomic interest groups, all of these organizations opposed the President’s decision except for the Humane Society which took a neutral or indifferent position. A more in-depth discussion of the goals of these interest groups vis-a-vis UNCLOS can be found in Chapter X.

ACCESS

As noted in Chapter II, access is a necessary but not sufficient condition for influence. It is probable that the success of the
### TABLE 9.1
DOMESTIC INTEREST GROUP POSITIONS ON UNCLOS III

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<td>NAM</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>COC</td>
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</tr>
<tr>
<td>AMC</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRF</td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>PSPA</td>
<td>X</td>
<td></td>
<td></td>
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<td>MOF</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>ATBA</td>
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<td>X</td>
</tr>
<tr>
<td>AIMS</td>
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<td>X</td>
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</tr>
<tr>
<td>MMP</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>SIU</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MSC</td>
<td></td>
<td>X</td>
<td></td>
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<td>SC</td>
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</tr>
<tr>
<td>HS</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>CLASP</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>NCCC</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>UM</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>SOS</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>COL</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
professional lobbyist depends more on the degree to which the govern­
mental decision-maker agrees with the ideals of the group for whom the
lobbyist is speaking. This, in turn, depends more on the personal
ideology of the legislator or administrative office, than on the
ability of the lobbyist to manipulate or persuade.

Table 9.2 illustrates the respective access to four presidential
administrations (Nixon, Ford, Carter and Reagan) by those interest
groups in this study. Under the Nixon Administration, the API, TRF,
PSPA, marine scientists, CLASP, NCCC, and SOS all indicated that they
enjoyed good access. These groups are representative of the petroleum
industry, fishing industry, marine science, environmentalists, and
supranationalist (religious) organizations. Three groups -- the AMC,
ATBA, and HS -- all stated that they had fair degrees of access under
the Nixon Administration. Thus, during the Nixon Administration there
was a fairly evenly distributed degree of access across the board in
the case of those groups involved with UNCLOS. The same pattern was
repeated during the Ford Administration with the exception of the
marine scientists who experienced a poor to nonexistent level of access
as compared to the good access they had under the Nixon Administration.

Some significant changes in access occurred under the Carter
Administration. Under the Carter Administration the majority of the
economic interest groups experienced a shift from good/fair access to
poor access. All of the noneconomic interest groups, on the other
hand, had good levels of access under the Carter Administration.

Finally, turning to the Reagan Administration, another dramatic
shift in access occurred. The majority of economic interest groups
### TABLE 9.2

DOMESTIC INTEREST GROUP ACCESS TO FOUR PRESIDENTIAL ADMINISTRATIONS CONCERNING UNCLOS III

<table>
<thead>
<tr>
<th>Interest Group</th>
<th>Access by Administration</th>
<th>Nixon</th>
<th>Ford</th>
<th>Carter</th>
<th>Reagan</th>
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<td>X</td>
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</tr>
<tr>
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<td>X</td>
<td>X</td>
<td></td>
<td>Good</td>
<td>Good</td>
</tr>
<tr>
<td>APLA</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>API</td>
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<td>X</td>
<td>Poor</td>
<td></td>
<td>Good</td>
</tr>
<tr>
<td>AMC</td>
<td>Fair</td>
<td>Fair</td>
<td>Poor</td>
<td></td>
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</tr>
<tr>
<td>TRF</td>
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<td>Poor</td>
<td>Poor</td>
<td>Good</td>
<td></td>
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<tr>
<td>PSPA</td>
<td>Good</td>
<td>Good</td>
<td>Poor</td>
<td></td>
<td>Good</td>
</tr>
<tr>
<td>NFI</td>
<td>X</td>
<td>X</td>
<td>Good</td>
<td>Poor</td>
<td></td>
</tr>
<tr>
<td>NFF</td>
<td>X</td>
<td>X</td>
<td>Poor</td>
<td></td>
<td>Fair</td>
</tr>
<tr>
<td>ATBA</td>
<td>Fair</td>
<td>Fair</td>
<td>Fair</td>
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<td>Good</td>
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<tr>
<td>AIMS</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>Fair</td>
</tr>
<tr>
<td>MMP</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>SIU</td>
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<td>X</td>
<td>X</td>
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<td>X</td>
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<tr>
<td>SC</td>
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<td>X</td>
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<td>Good</td>
<td>Fair</td>
</tr>
<tr>
<td>HS</td>
<td>Fair</td>
<td>Fair</td>
<td>Good</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>CLASP</td>
<td>Good</td>
<td>Good</td>
<td>Good</td>
<td>Good</td>
<td>Poor</td>
</tr>
<tr>
<td>NCCC</td>
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<td>UM</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>Fair</td>
</tr>
<tr>
<td>SOS</td>
<td>Good</td>
<td>Good</td>
<td>Good</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>COL</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td>Fair</td>
</tr>
</tbody>
</table>

**Scale of Access**

- **Good**
- **Fair**
- **Poor/None**

**X** - Indicates no response

**N/A** - Indicates not applicable since interest group was not in existence at the time
underwent a change from poor to good access with the advent of the Reagan Administration. Like the economic interest groups, the noneconomic group also were affected by a significant alteration in their degrees of access. With the arrival of the Reagan Administration, all of the noneconomic groups had their degrees of access shift from good to fair or poor. Thus, looking at domestic interest group access to four presidential administrations, it is abundantly clear that the economic interest groups are granted better access by Republican administrations and the noneconomic interest groups have higher levels of access under Democratic administrations. None of the interest groups in this study had good levels of access throughout the above four presidential administrations.

Table 9.3 provides another perception on interest group access. It shows domestic interest group access to different governmental bodies. Several patterns emerge from a perusal of this table. First, nearly every interest group enjoyed good access to the Department of State which can be explained by their membership on that department's Law of the Sea Advisory Committee. The good/poor indication of access is meant to show that changes of access occurred between administrations. Second, it is apparent that the economic interest groups across the board were granted better access than the noneconomic interest groups. Third, approximately half of the groups stated that they had at one time or another experienced good access to the White House. This confirms the ability of interest groups to penetrate the screen surrounding the President and his advisors and have input at this level.
### TABLE 9.3

**LEVELS OF DOMESTIC INTEREST GROUP ACCESS TO GOVERNMENTAL BODIES WITH REGARD TO UNCLOS**

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
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<td>Poor</td>
<td>Good</td>
<td>Good</td>
<td>Good</td>
<td>Fair</td>
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<td>Good</td>
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<td>Good</td>
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**Indication of Degree of Access:**
- **Good**
- **Fair**
- **Poor**

(X: Access was granted but no indication was given of its degree.)
Looking at the various departments and agencies in the executive branch and the spectrum of committees of congress, the following findings present themselves. The NOIA, PSPA, AIMS, MMP and COL were the only groups to have good access to the Interagency Task Force on the Law of the Sea. These groups represent the mining industry, fishing industry, maritime industry, labor, and a private citizens organization. With respect to the Department of Defense only three groups were granted good access, the NOIA, MMP and SIU. One of these groups is from the mining industry, and the other two, oddly enough, are labor organizations. This does, however, indicate some mining industry penetration into the defense community which may account in part for the shift that occurred in the defense community in the latter stages of UNCLOS towards an ocean resource perspective.

With respect to the Department of Interior, the API and NOIA indicated that they had good access. This is not surprising since both petroleum and mining have somewhat of a client relationship with that government body. In the case of the Commerce Department a variety of economic interest groups and two environmental groups noted that they had good access. These groups include the COC, NOIA, AMC, TRF, PSPA, ATBA, HS and CLASP. The Labor Department, as could be expected allowed good access to the MMP union. Looking at the Treasury Department two groups indicated access: NAM (fair access) and MMP (good access). The Department of Transportation allowed good access to the fishing industry, maritime industry, and labor (ATBA, MMP, and SIU indicated good access). With respect to the EPA, the Sierra Club had good access
and the NCCC noted good access except under the Reagan Administration. Only the SIU had good access to the U.S. Trade Representatives Office.

Shifting attention to the U.S. House of Representatives, the Merchant Marine and Fisheries Committees, which was one of the most active committees on UNCLOS, allowed good access to the following groups: NOIA, AMC, PSPA, NFI, NFF, MMP and SC. The following groups also noted that they had access but did not express the quality: API, TRF, ATBA and UM. Quite evidently the fishing industry achieved good access across the board in this committee although it appears that the coastal fishing industry may have had better access. The general business community, petroleum industry and mining industry also had good access to the committee as did the MMP union. Two noneconomic interest groups had access to the committee — the Sierra Club, which indicated good access, and the United Methodists. But it does appear that the Merchant Marine and Fisheries Committee was highly oriented toward the economic interests.

The Foreign Affairs Committee, however, showed just the opposite tendency with only noneconomic groups noting access. The Sierra Club and CLASP both stated that the Committee allowed them good access as also did the NCCC. In the case of the Armed Forces Committee the MMP union was the only group to indicate good access.

Looking at the Senate, the Commerce Committee allowed good access to two groups — the NOIA and NFI, a mining and a fishing group. Two other groups indicated access but did not state the quality — the TRF and ATBA (both tuna associations). The Armed Services Committee in the Senate, as in the House, allowed good access to the MMP. Finally, the
Senate Foreign Relations, like its counterpart in the House, granted good access to the noneconomic interest groups. The Sierra Club and CLASP both stated that they had good access. The NCCC and UM also noted that they had access. The Senate Foreign Relations Committee, on the other hand, granted good access to noneconomic groups. The NAM and APLA had access to the Committee and the NOIA had good access. Thus, economic and noneconomic group access was more balanced in the case of the Senate Foreign Relations Committee than was the case with the House Foreign Affairs Committee.

Figure 9.1 shows the pro- and anti-Treaty networks in existence during the final phase of UNCLOS. These respective networks are divided into three sectors according to the different types of actors. They are: interest groups, nongovernmental actors and governmental actors. The linkages between these segments (which are contained in the different circles) are indicated by the large arrows. Looking at the anti-Treaty network, the interest group sector is divided between the activist groups and the nonactivist groups. The activists include the ocean mining consortia, general business associations and petroleum industry. Although it was not a formal coalition, these different groups were in contact with each other on a frequent basis and coordinated their activities in opposition to the Treaty. The nonactivist groups include segments of the fishing industry and labor. It is interesting that the nonactivist groups are those with groups on both sides of the issue. For instance, in the fishing industry most of the groups are in the anti-Treaty network. However, the Tuna Research Foundation is in the pro-Treaty network. A similar situation exists.
Figure 9.1

PRO- AND ANTI-TREATY DOMESTIC NETWORKS DURING THE FINAL PHASE OF U.S. POLICY DELIBERATIONS ON UNCLOS III
for labor with one group in the anti-Treaty network and the pro-Treaty network. The nonactivist groups, while they voiced their opposition to the Treaty, took a passive lobbying position and did not aggressively lobby against the Treaty.

The governmental actors in the anti-Treaty network in the executive branch are the White House, State Department and the Interagency Task Force on UNCLOS. The latter includes the following departments: Interior, Commerce, Treasury, Defense, Transportation and Labor. In the legislative branch the House Merchant Marine and Fisheries Committee eventually became part of the anti-Treaty network. Finally, with regard to nongovernmental actors other than the interest groups, there were some members of the mass-media that became part of the anti-Treaty network. They are shown in Figure 9.1.

Moving to the pro-Treaty network, the interest groups are also separated into the same two categories -- activists and nonactivists. The active interest groups include the public citizens lobby - COL, religious organizations and environmentalists. The nonactive interest groups are composed of the fishing industry (i.e., TRF), marine scientists; and labor (i.e., MMP). With regard to governmental actors, in the U.S. Congress both the House Foreign Affairs Committee and the Senate Foreign Relations Committee became part of the pro-Treaty network, although the Senate Committee was more sympathetic to the economic interest groups than the House Committee. Finally, with respect to nongovernmental actors besides the interest groups, segments of the mass media, such as those shown in Figure 9.1, became part of the pro-Treaty network.
In sum, when looking at Figure 9.1, it becomes obvious that in the latter stages of the Conference, the anti-Treaty network, which included nearly all of the economic interest groups, was much more extensive and powerful than the pro-Treaty network. This clearly seems to have contributed to the eventual decision of the United States not to sign the Treaty. However, it is possible that if the Treaty had become a public issue instead of a closed issue, then the balance of power may have shifted more to the side of the pro-Treaty forces. But this is highly debatable and would be greatly influenced by the manner in which the issue was presented to the public.

STRATEGIES

Strategy may be defined as broad plans of attack, or general approaches to lobbying. Group strategies may be either inside, focusing on members or staff of the political body, or outside, focusing on grass-roots opinion and pressure, or a combination of the two depending on circumstances. Strategies may also be cooperative between groups, or solitary where a group decides to go it alone.

An inside strategy focuses on the interaction between groups and political actors on Capitol Hill or in the executive branch. Inside strategies rely less on the constituency relationship of political actors, and more on their legislative and political needs in an attempt to cultivate access and exert influence. An outside strategy, in which groups emphasize external resources — grass-roots ties or the pressure of public opinion — can be used to publicize an issue or to promote a
legislative goal. An outside strategy may be used alone or as part of a comprehensive lobbying campaign.

Table 9.4 shows the lobbying strategies of the respective groups in their efforts to influence U.S. policy on UNCLOS. One finding is that all of the groups, with the exception of the Methodists, adopted an inside strategy. This can be explained in several ways. One is that nearly all of these groups recognize that inside lobbying strategies are effective. Another is that on non-public issues, such as UNCLOS, an inside strategy is the most appropriate. Still another is that these groups have a lot of experience in this type of lobbying and prefer to do what they do best. All of the above seem to be applicable in greater or lesser degrees in this case.

Some groups, however, employed a combined approach where they relied on both an inside and outside strategy. These groups are the NOIA, TRF, NFF, MMP, SIU, MSC, SC, NCCC and UM. Most of these groups also indicated that they had a high grass-roots capability. The only exceptions are the NFF for which the grass-roots capability was not determined, and the marine scientists and NCCC which had a low capability. Also, six of the groups having a high grass-roots capability chose not to use it in the case of the Law of the Sea. They are the NAM, COC, API, PSPA, ATBA and HS. This is most likely a function of the closed and generally non-public nature of UNCLOS making an outside lobbying strategy much less effective than it would be under different circumstances. Finally, all of the groups, except for AIMS and the MMP, followed a cooperative strategy. Neither AIMS or the MMP is among the activist interest groups which account,
TABLE 9.4
DOMESTIC INTEREST GROUP LOBBYING STRATEGIES
VIS-A-VIS U.S. POLICY ON UNCLOS III

<table>
<thead>
<tr>
<th>Interest Group</th>
<th>Lobbying Strategies</th>
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<tr>
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<tr>
<td>COC</td>
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<tr>
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<tr>
<td>API</td>
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<td>NOIA</td>
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<td>AMC</td>
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<td>TRF</td>
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</tr>
<tr>
<td>NFF</td>
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</tr>
<tr>
<td>ATBA</td>
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<tr>
<td>MMP</td>
<td>X</td>
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<tr>
<td>SIU</td>
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<tr>
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<td>UM</td>
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<td>COL</td>
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to a large extent, for their lack of participation in cooperative lobbying efforts. Nevertheless, the evidence unquestionably points in the direction of cooperative lobbying strategies as a popular approach among interest groups. This is not surprising given the need for interest groups to pool their limited resources in order to boost their effectiveness and visibility.

TACTICS

While strategy may be defined as broad plans of attack, tactics are the specific actions taken to advocate certain policy positions. Group tactics are designed to reach policy-makers by obtaining access and influencing decisions. Tactics can be either direct (through face-to-face communications with policy-makers and their staff) or indirect (through outside individuals, constituents, mass media, or appeals to public opinion). Table 9.5 shows the lobbying tactics (both direct and indirect) employed by the different interest groups in this study as well as their perceptions of their effectiveness. For a detailed discussion of interest group tactics refer to Chapter VI.

The most significant finding in Table 9.5 is that no particular pattern presents itself, at least with regard to the different types and categories of groups. For instance, there does not appear to be any outstanding differences between the lobbying tactics of the economic and noneconomic interest groups. Nor do any patterns appear with respect to types of groups such as fishing, labor, petroleum and so forth. However, certain patterns do exist concerning these interest groups at large. This table indicates that the following tactics
## TABLE 9.5
### LOBBYING TACTICS

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<th>Congressional Testimony</th>
<th>White House Contact</th>
<th>Legislative Contacts</th>
<th>Dept/Agency Contact</th>
<th>Influential Contact</th>
<th>Letter Writing</th>
<th>Public Relations</th>
<th>Research</th>
<th>Endorse Candidates</th>
<th>Support Legislation</th>
<th>Mass Media Efforts</th>
<th>Publish Articles</th>
<th>Senator Speaking</th>
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<td>Effective</td>
<td>Effective</td>
<td>X</td>
<td>Effective</td>
<td>X</td>
<td>Effective</td>
<td>Effective</td>
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</tr>
<tr>
<td>COL</td>
<td>Effective</td>
<td>Effective</td>
<td>Effective</td>
<td>Effective</td>
<td>Effective</td>
<td>Effective</td>
<td>X</td>
<td></td>
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</tr>
</tbody>
</table>

**Indication of effectiveness of tactics used:**
- **Effective**
- **Moderately Effective**
- **Slightly Effective**
- **Ineffective**

**X**-Tactic was employed but no indication was given as to its effectiveness.
tended to be most frequently used by the majority of these groups and were considered to be effective to moderately effective: personal presentations, congressional testimony, White House contacts, legislative contacts and department or agency contacts. It is clear that direct lobbying tactics were those most preferred by the groups involved with UNCLOS. This is probably because UNCLOS was a relatively closed and nonpublic issue. It may also be that these groups believe that direct lobbying tactics are the most effective.

With respect to indirect lobbying tactics the following were most frequently used by the majority of groups: letter writing, public speaking and social contacts. The perceptions of the effectiveness of these tactics by the groups using them ranged anywhere from ineffective to effective. The next set of indirect tactics, while not used by the majority of groups, were judged by the majority of those groups that did use them to be effective to moderately effective: influential contact, releasing research, sponsoring seminars, campaign contributions and grass-roots efforts. The remaining tactics were either not popular, in general, or considered to be ineffective by many of the groups. One tactic does seem to associate itself with a particular category of groups. The sponsorship of seminars was popular with the majority of noneconomic interest groups and was judged to be effective by them. Apparently the noneconomic groups are more prone to engage in education lobbying activities.

In sum, lobbying tactics seem to be a neutral factor and do not tend, in general, to be related to particular groups or types or categories of groups. Most of the groups in this study tended to
prefer the same tactics. Thus, other factors, such as access, internal characteristics, and resources most likely are responsible for interest group influence and not the particular strategies or tactics they adopt.

TRANSNATIONAL RELATIONS

The diverse and expanding interests within the boundaries of the United States mean that groups cannot effectively pursue their interests in isolation from similar interests in other countries. The term "transnational relations" has come to refer to the international relations of nongovernmental groups. The international experts in NGOs maintain a variety of contacts and working relationships abroad. Thus, when analyzing interest groups involvement in a foreign policy issue, one must also consider their overseas lobbying efforts.

Table 9.6 shows the transnational relations of the various groups vis-a-vis UNCLOS III. An important finding in this table is that the noneconomic interest groups far exceed the economic groups in their transnational activities. All of the noneconomic groups, except for the COL from which no response was received, had high levels of transnational relations. Perhaps this is because they could not receive satisfaction or achieve their goals in the domestic policy process. Or it could be that the noneconomic interest groups in this study have a more extensive network of transnational contacts than their economic counterparts. Of the economic interest groups, only two fishing groups (the TRF and PSPA), the AMC, MMP, and marine scientists indicated that they had high transnational relations. This may be a
TABLE 9.6

DOMESTIC INTEREST GROUP TRANSNATIONAL RELATIONS VIS-A-VIS UNCLOS III

<table>
<thead>
<tr>
<th>Interest Group</th>
<th>Transnational Relations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
</tr>
<tr>
<td>NAM</td>
<td></td>
</tr>
<tr>
<td>COC</td>
<td></td>
</tr>
<tr>
<td>APLA</td>
<td></td>
</tr>
<tr>
<td>API</td>
<td></td>
</tr>
<tr>
<td>NOIA</td>
<td></td>
</tr>
<tr>
<td>AMC</td>
<td>X</td>
</tr>
<tr>
<td>TRF</td>
<td></td>
</tr>
<tr>
<td>PSPA</td>
<td></td>
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<tr>
<td>NFI</td>
<td></td>
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<tr>
<td>NFF</td>
<td></td>
</tr>
<tr>
<td>ATBA</td>
<td></td>
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<tr>
<td>AIMS</td>
<td></td>
</tr>
<tr>
<td>MMP</td>
<td></td>
</tr>
<tr>
<td>SIU</td>
<td></td>
</tr>
<tr>
<td>MSC</td>
<td></td>
</tr>
<tr>
<td>SC</td>
<td></td>
</tr>
<tr>
<td>HS</td>
<td></td>
</tr>
<tr>
<td>CLASP</td>
<td></td>
</tr>
<tr>
<td>NCCC</td>
<td></td>
</tr>
<tr>
<td>UM</td>
<td></td>
</tr>
<tr>
<td>COL</td>
<td></td>
</tr>
<tr>
<td>SOS</td>
<td></td>
</tr>
</tbody>
</table>
product of the nature of the occupations of their members. For instance, the distant water fishing industry as represented by the Tuna Research Foundation among others, has extensive relations with those countries in whose waters its vessels fish for highly migratory species of fish. Members of the mining industry, as represented by the AMC, have numerous overseas economic dealings, as well as foreign investment in many of their companies. The Masters, Mates and Pilots, as could be expected, have considerable overseas relations stemming from the nature of their occupation. Finally, the marine scientists stated that they had high levels of transnational relations. Marine scientists, like other scientists, are interested in each other's research and attend various international conferences to interact with their peers. Thus, one might expect that marine scientists have rather extensive transnational relations. Three economic interest groups indicated moderate transnational relations, i.e., the COC, APLA, and API, and the remainder stated that their transnational relations were at the low to nonexistent level.

Table 9.7, which shows interest group attendance at sessions of UNCLOS, is almost a mirror image of the previous table with some exceptions. As in Table 9.6, all of the noneconomic groups, with the exception of the COL, had highly frequent attendance at UNCLOS. Here the noneconomic groups greatly exceeded the economic groups in attendance at the sessions of UNCLOS III. The COL had low attendance because it was formed late in the Conference and thus could not have attended earlier sessions. Also, COL was primarily a domestic lobbying organization geared toward persuading U.S. policy-makers to support the
### TABLE 9.7
DOMESTIC INTEREST GROUP ATTENDANCE
OF UNCLOS III

<table>
<thead>
<tr>
<th>Interest Group</th>
<th>Highly Frequent</th>
<th>Frequent</th>
<th>Infrequent/None</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAM</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>COC</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>APLA</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>API</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOIA</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRF</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PSPA</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NFI</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NFF</td>
<td>No Response</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ATBA</td>
<td>No Response</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIMS</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>MMP</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>SIU</td>
<td>No Response</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MSC</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SC</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HS</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CLASP</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NCCC</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UM</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COL</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>SOS</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Treaty process and was not intended to make direct input into the negotiating sessions themselves. In the case of the economic interest groups, the same pattern as in Table 9.6 is almost repeated except for two groups. The MMP stated that it had frequent as opposed to highly frequent attendance at the Conference and another fishing organization, the NFI, stated that it had been in highly frequent attendance at UNCLOS. Three economic groups indicated frequent attendance at the Conference, i.e., COC, AIMS, and the MMP, and the remainder had infrequent or no attendance at these sessions. Thus, it is apparent that the noneconomic interest groups depended to a much larger extent on transnational activities to achieve their policy objectives than the economic groups with the possible exception of the AMC, TRF, PSPA, NFI, MMP and marine scientists. The economic interest groups represent the mining industry, fishing industry, labor and marine scientists.

INFLUENCE

When discussing interest groups the question of influence always comes to the fore. As noted in Chapter VII, in order to assess fully the unique influence of interest groups on foreign policy it would be necessary to trace all the influences at work and then parcel out that influence that is directly attributable to interest groups. The obstacles in evaluating what constitutes interest group "influence" or "power" are quite formidable. The problem is actually "proving" that the interest group caused government officials to change their behavior in some manner.
While influence cannot be demonstrated, it can be expressed in terms of "perceived influence" or "likely influence." One can look at influence from the standpoint of whether it is likely that the behavior of governmental officials would have been different without the involvement of a group or groups. This study has utilized interviews, public and private sector documents, and historical data to piece together the puzzle of interest groups influence on U.S. policy vis-a-vis UNCLOS.

Perceptions of Influence (in general)

Table 9.8 shows domestic interest group perceptions of influence (in general) regarding U.S. policy on UNCLOS. The data in this table are taken from interviews with interest group leaders. The following groups saw themselves as having been effective in influencing U.S. policy on the Conference: NAM, APLA, API, NOIA, MMP, SC, HS, CLASP and SOS. As can be seen, all three environmental groups felt that they had been effective. The Quakers (SOS) saw themselves as having been influential and indeed they were quite active at the Conference and provided the delegates with invaluable information on the proceedings at the various sessions. With regard to the economic interest groups, one of the general business associations, a professional association, a petroleum industry association, one of the mining associations, and a labor organization considered themselves to have been effective. The remainder of the economic groups, from which a response was derived, indicated that they had been moderately effective, except for the marine scientists who considered themselves to have been slightly
<table>
<thead>
<tr>
<th>Interest Group</th>
<th>Effective</th>
<th>Moderately Effective</th>
<th>Slightly Effective</th>
<th>Ineffective</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAM</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COC</td>
<td>No Response</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>APLA</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>API</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOIA</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMC</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>TRF</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PSPA</td>
<td>No Response</td>
<td></td>
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<td></td>
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<tr>
<td>NFI</td>
<td>No Response</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>NFF</td>
<td>No Response</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ATBA</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AIMS</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MMP</td>
<td>X</td>
<td></td>
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<tr>
<td>SIU</td>
<td>X</td>
<td></td>
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<td></td>
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<tr>
<td>MSC</td>
<td>X</td>
<td></td>
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<tr>
<td>SC</td>
<td>X</td>
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<tr>
<td>HS</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CLASP</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NGCC</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>UM</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SOS</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COL</td>
<td>X</td>
<td></td>
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</tr>
</tbody>
</table>
effective. The only organization to state that it was ineffective is the NCCC. In general, however, the religious organizations perceived themselves to have been less than effective, with the exception of the Quakers. Citizens for Ocean Law, which was formed at the end of the Conference, indicated that it was only slightly effective in attempting to influence U.S. policy on the Treaty.

Expression of Interest (by phase)

One of the indicators of the potential for interest group influence is its degree of interest or level of activity on a given issue. For an interest group to be effective it must have a high interest enough to expand its resources and actively pursue its objectives. Table 9.9 shows interest group expression of interest by type throughout the course of the Conference. The phases in this table correspond to those discussed in Chapter X.

None of the interest group types maintained a high expression of interest throughout the entire Conference. Some, however, did have a high level of interest during three of the four phases — i.e., the fishing and hard minerals industries. Three interest group types had high levels of interest in two of the four phases — i.e., defense (treated as an interest group here although it was not one per se), petroleum/natural gas and environmentalists. The maritime industry showed a low level of interest throughout the Conference. The general business community expressed a low level of interest until the final phase of the Conference.
TABLE 9.9
INTEREST GROUP EXPRESSION OF INTEREST IN U.S. POLICY
ON UNCLOS III DURING THE COURSE OF THE CONFERENCE

<table>
<thead>
<tr>
<th>Interest Areas (Interest Groupings)</th>
<th>PHASE I (1968-72)</th>
<th>PHASE II (1973-74)</th>
<th>PHASE III (1975-80)</th>
<th>PHASE IV (1981-Present)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense</td>
<td>High</td>
<td>High</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>Maritine Trans.</td>
<td>Low/None</td>
<td>Low/None</td>
<td>Low/None</td>
<td>Low/None</td>
</tr>
<tr>
<td>Fishing</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Petroleum/Natural Gas</td>
<td>High</td>
<td>High</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>Hard Minerals</td>
<td>Medium</td>
<td>High</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>General Business</td>
<td>Low/None</td>
<td>Low/None</td>
<td>Low/None</td>
<td>Low/None</td>
</tr>
<tr>
<td>(Tech Transfer/Patent Rights)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labor</td>
<td>Low/None</td>
<td>Low/None</td>
<td>Medium</td>
<td>Low/None</td>
</tr>
<tr>
<td>Marine Science</td>
<td>Low/None</td>
<td>Medium</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Environment</td>
<td>Low/None</td>
<td>Medium</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Supranationalists</td>
<td>Low/None</td>
<td>Some</td>
<td>High</td>
<td>High</td>
</tr>
</tbody>
</table>
Thus, looking down the table, defense interest was high during Phases I and II and became moderate during Phases III and IV. The defense community was mostly concerned during the early stages with matters of territorial waters and transit and overflight rights in the Treaty. In Phase I (1968-1972) the interests of the defense community were being met to the fullest degree. The interests of the defense community continued to be met in the second phase (1973-74) and once they felt that their desires had been fulfilled in the Treaty the concern of the defense leaders dwindled during Phases III (1975-80) and IV (1981-present). However, once again it must be stressed that the position of defense shifted more towards a resource oriented perspective under the Reagan Administration.

Looking at the maritime transportation industry, their level of interest was at the low to nonexistent level throughout the course of the Conference. This can be accounted for in large part because the maritime industry, whose interests were quite similar to those of the defense community, was able to piggyback on the efforts of defense and derive these benefits with the expenditure of little or no effort.

Turning to the fishing industry, this community, while quite diverse in its composition and having a split between the distant and coastal interests, in general exhibited a high level of interest throughout the first three phases. In Phase IV the fishing industry showed a moderate level of interest. This drop in interest can be explained by the coastal fishing industry's successful passage of domestic fisheries legislation in the form of the Magnuson Fisheries Conservation Act of 1976. After this the coastal fisheries were
basically satisfied, with only the distant-water interests having their needs unfulfilled. These distant-water interests, nevertheless, began to see their needs as being better fulfilled through vehicles other than the Treaty such as local and regional fishing agreements. However, their interest in the Treaty diminished only slightly in the latter stages of the Conference.

In the case of the petroleum and natural gas industry, the interest of these industries was high in the first two phases and shifted to the moderate level in the third and fourth phase. In the first phase, the petroleum industry expressed the need for coastal state extensions of jurisdiction on a worldwide basis over the resources of the seabed. The petroleum industry, however, had to compete with the Department of Defense which was seeking to avoid the extension of national sovereignty over areas of the high seas, i.e., the "creeping jurisdiction" argument. Petroleum was one of the four domestic interests that had a substantial influence on U.S. policy on UNCLOS in the early years of the Conference. In the third phase the petroleum/natural gas industries found that U.S. policy had shifted in support of their position. The most pronounced U.S. policy shift in this phase was from support for a narrow national continental shelf to acceptance of national jurisdiction over the seabed to a distance of 200 miles. Thus, with their needs primarily met by domestic policy the petroleum/natural gas interest in the Treaty subsided to the moderate level. They were still concerned with provisions in the Treaty calling for the payment of royalties to an international authority for production beyond 200 miles as well as the creation of such a powerful global authority.
Nevertheless, these concerns were not of the same magnitude as those regarding coastal jurisdiction and as a result their interest remained at the moderate level throughout the remainder of the Conference. It is apparent that the petroleum/natural gas industry behaved quite similar to the fishing industry in that once their needs were met through domestic policy their interest in the Treaty subsided.

With respect to the hard minerals industry, the interest of this industry started at the moderate level and quickly rose to a high level throughout the course of the Conference. This is because the fortunes of this industry were inextricably tied to the Treaty. They need the Treaty and the security of tenure that it offered in order to achieve financial backing for their commercial ventures. When they finally realized that the Treaty was beginning to be highly detrimental to their economic interests they sought alternative vehicles such as domestic legislation or the "mini-Treaty" to achieve their objectives.

The general business associations were not really involved with the Conference until the final phase when it became activated by segments of the mining industry -- i.e., the NOIA, in particular. The professional association APLA also became interested in the Conference only in the final phase and for much the same reasons that the general business did. The general business associations and professional association that became interested in UNCLOS were motivated by their concerns over the technology transfer provisions, patent rights issues, the push for the NIEO, and the creation of an independently funded international authority all of which were tied in one way or another to
the Treaty. However, when these interests did become involved with the Treaty process, they were quite influential participants.

Labor maintained a low to nonexistent level of interest in the Treaty except during Phase III. Their active interest here is tied to the passage of the Deep Seabed Hard Minerals Act of 1980. This bill could not have passed in Congress without the participation of labor. The mining industry was aware of this fact and recruited labor to support the passage of this legislation primarily through arguments pointing to the creation of new jobs for their workers with the establishment of a domestic-based ocean mining industry. When labor realized that the ocean mining industry was in trouble and may never come into existence, or at least that it would be many years in the future before such an industry became viable, its interest declined dramatically. Labor, however, did take a position opposing the Treaty at the end of the Conference.

Marine scientists were slow to become interested in the Conference. Their interest grew steadily, however, and peaked during Phase III (1975-80) and subsided in Phase IV. The position of marine scientists has always been maximum freedom of access to all possible areas of ocean space for purposes of conducting research. In the spring and summer of 1976 Secretary of State Henry Kissinger offered a major concession at the Conference. He stated that the U.S. would agree to coastal state control of scientific research related to the exploitation and exploration of the resources of the economic zone. But he also insisted that other marine and scientific research not be hampered. Following Kissinger's involvement, Ambassador Elliot
Richardson engaged U.S. marine scientists in the formulation of draft amendments which were presented to the Conference in 1978 and negotiated in 1979 and 1980. It was during this time period that the interest of marine scientists in the Conference understandably peaked. In the final phase, realizing that they were not going to be able to obtain any concessions at the Conference and that their agenda items were not going to receive the same attention as the mining interests, for instance, the degree of interest of the marine scientists declined from its peak in the third phase.

In Phase I American environmental concerns were represented by governmental agencies and not through an interest group per se. During Phase II domestic environmental interests exhibited a higher concern over the Treaty. In the third phase of the Conference, Ambassador Richardson involved U.S. environmentalists in the fight for amendments to enhance coastal-state enforcement rights in the economic zone as well as in efforts to protect marine mammals. From that point on the interests of the environmentalists in the Treaty in general remained high.

Finally, the religious groups, like the environmentalists, showed their highest levels of interest in Phases III and IV. The first religious organizations to take an interest in the Conference were the Quakers and the Methodists. The NCCC became involved later and Citizens for Ocean Law as formed in the final phase of the Conference. The religious groups were interested in the creation of a Treaty for the betterment of mankind and the achievement of global solutions to human problems. Consequently, when they began to see the problems
surrounding the Treaty and the prospect that the Conference might fail, they took an active interest and their involvement increased accordingly. This explains their high levels of interest in Phases III and IV.

So what does this mean in terms of interest group influence on U.S. policy vis-a-vis the Law of the Sea Conference? As noted earlier, the potential for group influence obviously is greater during periods of high interest and intensity. The following subsections discuss first interest group perceptions of influence (i.e., taken from interviews) and then actual group influence (i.e., based on historical and primary source data).

Perceptions of Influence

Table 9.10 shows domestic interest group perceptions of influence on U.S. policy on UNCLOS III over the course of the Conference. When comparing Table 9.10 with 9.9, it becomes apparent that levels of interest clearly do not translate into influence at least as perceived by the interest groups themselves. This would indicate, at least from the perceptions of the interest group leaders, that level of activity and interest is a necessary but not sufficient condition for influence. Other factors such as resources and access come into play. However, when comparing Table 9.9 with 9.11 (interest group influence on U.S. policy vis-a-vis UNCLOS III), there does appear to be a fairly strong relationship between level of interest and influence. So interest group leaders perceptions of influence vary considerably from actual influence at least as it was determined from historical and primary data sources.
TABLE 9.10
DOMESTIC INTEREST GROUP PERCEPTIONS OF INFLUENCE ON UNCLOS III DURING THE COURSE OF THE CONFERENCE

<table>
<thead>
<tr>
<th>Interest Areas (Interest Groupings)</th>
<th>PHASE I (1968-72)</th>
<th>PHASE II (1973-74)</th>
<th>PHASE III (1975-80)</th>
<th>PHASE IV (1981-Present)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maritime Trans.</td>
<td>No Response</td>
<td>No Response</td>
<td>No Response</td>
<td>Moderately Effective</td>
</tr>
<tr>
<td>Fishing</td>
<td>No Response</td>
<td>No Response</td>
<td>No Response</td>
<td>Moderately Effective</td>
</tr>
<tr>
<td>Petroleum/Natural Gas</td>
<td>No Response</td>
<td>No Response</td>
<td>No Response</td>
<td>Effective</td>
</tr>
<tr>
<td>Hard Minerals</td>
<td>Ineffective</td>
<td>Ineffective</td>
<td>Effective</td>
<td>Effective</td>
</tr>
<tr>
<td>General Business (Tech Transfer/Patent Rights)</td>
<td>Not Active</td>
<td>Not Active</td>
<td>Not Active</td>
<td>Effective</td>
</tr>
<tr>
<td>Labor</td>
<td>Not Active</td>
<td>Not Active</td>
<td>Effective</td>
<td>Moderately Effective</td>
</tr>
<tr>
<td>Marine Science</td>
<td>Slightly Effective</td>
<td>Slightly Effective</td>
<td>Slightly</td>
<td>Slightly Effective</td>
</tr>
<tr>
<td>Environment</td>
<td>Effective</td>
<td>Effective</td>
<td>Effective</td>
<td>Effective</td>
</tr>
<tr>
<td>Supranationalists</td>
<td>Effective</td>
<td>Effective</td>
<td>Moderately</td>
<td>Slightly Effective</td>
</tr>
</tbody>
</table>
TABLE 9.11
DOMESTIC INTEREST GROUP INFLUENCE ON U.S. POLICY ON
UNCLOS III DURING THE COURSE OF THE CONFERENCE

<table>
<thead>
<tr>
<th>PHASES</th>
<th>PHASE I (1968-72)</th>
<th>PHASE II (1973-74)</th>
<th>PHASE III (1975-80)</th>
<th>PHASE IV (1981-Present)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense</td>
<td>Substantial</td>
<td>Some</td>
<td>Some</td>
<td>Some</td>
</tr>
<tr>
<td>Maritime Trans.</td>
<td>Limited/None</td>
<td>Limited/None</td>
<td>Limited/None</td>
<td>Limited/None</td>
</tr>
<tr>
<td>Fishing</td>
<td>Some</td>
<td>Substantial</td>
<td>Substantial</td>
<td>Some</td>
</tr>
<tr>
<td>Petroleum/Natural Gas</td>
<td>Substantial</td>
<td>Substantial</td>
<td>Some</td>
<td>Some</td>
</tr>
<tr>
<td>Hard Minerals</td>
<td>Some</td>
<td>Some</td>
<td>Some</td>
<td>Substantial</td>
</tr>
<tr>
<td>General Business (Tech Transfer/Patent Rights)</td>
<td>Not Active</td>
<td>Not Active</td>
<td>Not Active</td>
<td>Substantial</td>
</tr>
<tr>
<td>Labor</td>
<td>Limited/None</td>
<td>Limited/None</td>
<td>Some</td>
<td>Limited/None</td>
</tr>
<tr>
<td>Marine Science</td>
<td>Limited/None</td>
<td>Some</td>
<td>Some</td>
<td>Limited/None</td>
</tr>
<tr>
<td>Environment</td>
<td>Limited/None</td>
<td>Limited/None</td>
<td>Substantial</td>
<td>Limited/None</td>
</tr>
<tr>
<td>Supranationalists</td>
<td>Limited/None</td>
<td>Limited/None</td>
<td>Some</td>
<td>Limited/None</td>
</tr>
</tbody>
</table>
Looking down the table one can see that the maritime transportation industry, while it did not comment on Phases I through III, did perceive itself to have been moderately effective in Phase IV. The level of interest of the maritime industry remained at the low level throughout the Conference. Therefore, some other factors must account for this perception of being moderately effective, possibly its relationship with the Reagan Administration or with a particular department such as the Department of Transportation. Turning to the fishing industry, at large, they saw themselves as having been most effective during Phase III. This, of course, is the period when the domestic fishing legislation (i.e., the Magnuson Act) passed Congress. They also saw themselves as being moderately effective during Phase IV. This seems to fit since the fishing industry, particularly the coastal fishing industry, had a good rapport with officials in the Department of State, particularly Ambassador Theodore Kronmiller. Also, many of the coastal fishing groups at the end supported President Reagan's decision to reject the Treaty.

The petroleum and natural gas industries, while not responding to the first three phases, perceived themselves to have been effective in Phase IV. This complies with the evidence since the petroleum and natural gas industries had particularly good relations with the Reagan Administration. The hard minerals industry saw itself as ineffective in the first two phases and effective in the last two phases. This can be explained by the inability of the minerals industry to achieve adequate representation in the Department of Interior and U.S. policy, in general, which was catering to the needs of the defense community.
However, in Phase III the hard minerals industry secured the passage of the Deep Seabed Hard Mineral Resources Act in 1980. From this point on the influence and leverage of the hard minerals industry increased.

Turning to general business, these associations were not involved in the Conference until the final phase. However, when it did become involved the general business community perceived itself as effective. Labor was not involved in the first two phases but in the third phase labor was recruited by the hard minerals industry to support the passage of the Deep Seabed Bill. It is in this phase that labor correctly perceived itself to be most effective. In the final phase labor saw itself as moderately effective.

Marine science is the only interest to see itself as only slightly effective throughout the Conference. In actuality marine science had more influence than with which it credits itself. Nevertheless, marine science was one of the most poorly represented of U.S. domestic interests by policy-makers and negotiators at the Conference. Somewhat surprisingly the environmentalists considered themselves to have been effective throughout the Conference. In actual point of fact the environmentalists were only effective in Phase III when they responded to initiatives from Secretary of State Kissinger and Ambassador Richardson.

Finally, the religious groups perceived themselves to have been effective in the first two phases, moderately effective in Phase III, and slightly effective in Phase IV. However, in reality the supranationalists were only effective during Phase III, which was an era when presidential administrations were more prone toward world
order and global solutions to problems. This is a period when influential American leaders such as Presidents Nixon and Carter and Secretary of State Kissinger and Ambassador Richardson were willing to sacrifice some special domestic interests for the sake of a favorable and harmonious world order. This, of course, changed with the arrival of the Reagan Administration which took a more nationalistic and resource oriented perspective, and thus the supranationalists found a less receptive audience for their ideas.

So how do these perceptions conform to reality? The next subsection outlines actual group influence over the course of the Conference and makes some comparisons with perceived influence.

Actual Influence (by phase)

Looking at interest group influence by phase, in Phase I (1968-72) the defense community and the petroleum/natural gas industries were the most influential of all the domestic interest groups. Fishing groups and the hard minerals industry followed these groups in terms of influence. None of the other groups had any significant influence during this time period although some, such as the religious groups and environmentalists, perceived themselves to have been effective in their influence.

In Phase II (1973-74) the most influential groups were fishing and petroleum and natural gas followed by defense, hard minerals, and marine science. The other domestic groups had little or no influence. There are some significant discontinuities in this phase in terms of actual and perceived influence. For instance, the hard minerals
industry saw itself as ineffective when in fact it exerted some influence during this period. Marine science indicated that it was slightly effective where actually it had some influence. The environmentalists and supranationalists, on the other hand, perceived themselves to have been effective when in point of fact they exerted little or no influence.

In Phase III (1975-1980) the most influential interest groups were fishing and the environmentalists followed by defense, petroleum/natural gas, hard minerals, labor, marine science, and supranationalists. The remaining groups had little or no influence. Perceptions of influence are reasonably close to actual influence during this phase.

In the final phase the most influential interest groups are the hard minerals industry and general business associations. These groups are followed by defense, fishing, and petroleum/natural gas in terms of influence. In the final phase the noneconomic interest groups exerted little or no influence as was the case with the marine scientists and the maritime transportation industry among the economic interest groups. In Phase IV there are some significant discontinuities between actual and perceived influence. For instance, the maritime transportation industry perceived itself to be moderately effective when in actuality its influence was limited. During this period labor saw itself as moderately effective when in fact their influence was practically nonexistent. Marine science believed that it was slightly effective in Phase IV when it was practically without influence. The religious groups, like the marine scientists, felt that they had slight
influence when in reality they did not. But the greatest discontinuity is with the environmentalists who considered themselves to have been effective in the final phase when, in fact, they had limited or no influence.

When comparing Table 9.11 (interest group influence) with Table 9.2 (interest group access by presidential administration) a fairly close relationship appears. In the early years of the Conference those groups with the best access to the Nixon and Ford Administrations tended to be the most influential. These include the fishing industry, petroleum/natural gas industry, hard minerals industry and the environmentalists. The religious groups, however, are an exception in that they enjoyed good access with these administrations but exerted little influence on U.S. policy during these times. With the advent of the Carter Administration the picture shifted dramatically. Most of the economic interest groups, with the exception of the marine scientists, a general business association, and a fishing group, suffered a decline in their access. The noneconomic interest groups across the board enjoyed good access during this time. And as might be expected these groups enjoyed their greatest influence during this phase. Finally, with the arrival of the Reagan Administration, the picture was reversed again and the economic interest groups experienced good access and the noneconomic groups complained of poor to denied access. The influence of these groups during Phase IV closely paralleled the level of access they were granted. Thus, there can be no denying the critical role of access regarding interest group influence.
A final question to be answered is which interest groups exerted the greatest influence on U.S. policy at the Conference throughout the entire history of the Conference? The answer to this question is not as clear cut as might be expected. But looking at Table 9.11 the following groups do appear to have been the most influential on U.S. policy overall: defense, fishing, petroleum/natural gas and hard minerals. The next set of groups were also quite influential on U.S. policy at the Conference: environmentalists and general business at the end. The supranationalists, labor, and marine scientists all exerted some influence on U.S. policy. Finally, of all of the interest groups the maritime transportation industry had the least influence in large part because they depended on the defense community to protect their interests. In general, one must conclude that the economic interest groups had a greater influence on U.S. policy vis-a-vis UNCLOS than the noneconomic interest groups. But what about the role of public opinion and the mass media? This is addressed in the next section.

DOMESTIC EXTERNAL ENVIRONMENT

The external environment within which interest groups function can have a substantial bearing on the nature of their activities and can play a large role in determining their successes and failures. Interest group perceptions of the role of the mass media and public opinion in the Law of the Sea Conference confirm that UNCLOS was a relatively closed and nonpublic issue. This gave the interest groups a much freer hand in determining U.S. policy on the Treaty. Had UNCLOS been a public issue then greater constraints would have been placed on
the groups and they may not have been as effective as they were. It is also possible that had UNCLOS become a public issue the noneconomic groups may have been more influential. But this is by no means a certainty. But clearly the strategies and tactics of these groups would have been much different if UNCLOS had received public attention. Had this occurred a greater emphasis would have been given to outside strategies and indirect tactics. The final section outlines the broad conclusions by pulling together the findings of the various subsections.

FINDINGS AND CONCLUSIONS

In the beginning of this chapter it was determined that the majority of the economic interest groups eventually opposed the Treaty in the final stages of the Conference. All of the noneconomic groups, on the other hand, supported the adoption of the Treaty. In terms of access, it was found that the economic interest groups had better access under Republican administrations and the noneconomic interest groups experienced better access under a Democratic administration. Also, when looking at interest group access in the executive and legislative branches it was discovered that in the latter stages of the Conference the anti-treaty network, which included nearly all of the economic interest groups, was much more extensive and powerful than the pro-treaty network which included most of the noneconomic interest groups.

In terms of strategies, all of the groups, with the exception of the Methodists, adopted an inside strategy. However, some groups,
particularly those with strong grass-roots capabilities, adopted a combined inside/outside strategy. Also, cooperative lobbying strategies were popular with most groups. Interest groups because of their limited resources, are compelled to participate in cooperative arrangements with other groups to enhance their potential for influence. Also, the popularity of inside strategies in the case of the Law of the Sea is a product of the nonpublic and closed nature of the Conference.

With regard to tactics, no particular pattern presented itself although certain tactics appeared to be more popular with the groups involved in the Conference than others. Direct lobbying tactics were clearly preferred over indirect tactics. Also the noneconomic interest groups were more prone to engage in educational lobbying activities such as the sponsorship of seminars. But by and large lobbying tactics seem to have been a neutral factor.

In exploring transnational relations it was found that the noneconomic interest groups far exceeded the economic groups in this regard. It was postulated that perhaps this was because the noneconomic groups did not achieve their goals in the domestic policy process and turned elsewhere. It was also proposed that perhaps noneconomic interest groups have more extensive overseas networks than their economic counterparts.

However, this finding is somewhat surprising given the pervasive and elaborate overseas networks on some of the economic interests. The deep seabed mining industry is a case in point. The U.S.-based deep seabed mining consortia have extensive overseas investment. Table 9.12 shows the U.S.-based mining consortia by the percent of foreign
investment. This Table dramatically illustrates the magnitude of foreign involvement in U.S.-based consortia. Ocean Mining Associates, for instance, is only 50 percent U.S.-owned. The remaining 50 percent is accounted for by Belgium and Italian companies. In the case of Kennecott, SOHIO (a U.S. company) controls 40 percent of the consortia's stock. British Petroleum, however, owns a majority of SOHIO's stock. The remaining ownership in the Kennecott Consortium is accounted for by Rio Tinto-Zinc (a British company), Noranda Mines (a Canadian company) and the Mitsubishi Group of Japan. The third U.S.-based consortia, Ocean Minerals Co., has roughly 60 percent of its stock controlled by two U.S. companies — Standard Oil of Indiana and Lockheed. The remaining 40 percent is controlled by two Netherlands companies.

Thus, in light of the extensive foreign investment, it is puzzling to find a relatively low level of reported transnational activity. Obviously, U.S. corporate executives in these consortia must contact their overseas counterparts in making significant business decisions. This would lead one to the conclusion that the deep seabed mining consortia would report some of the highest levels of transnational activities of all the domestic interest. Nevertheless, in the interviews that were conducted with these executives, they showed an extreme reluctance to discuss their overseas interactions. This quite likely is the product of the delicacy and sensitivity surrounding overseas investment in the United States and the possibility that these executives may be construed as acting as lobbyists or agents for these foreign companies. Therefore, it is quite likely that the
TABLE 9.12
U.S. - BASED OCEAN MINING CONSORTIA

<table>
<thead>
<tr>
<th>Participants</th>
<th>Parent Company</th>
<th>Country of Origin of Parent Company</th>
<th>Share of Participation (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ocean Mining Associates (Forced May 1974)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essex Minerals Co.</td>
<td>U.S. Steel Corp.</td>
<td>U.S.</td>
<td>25</td>
</tr>
<tr>
<td>Union Baux Inc.</td>
<td>Union Miniere</td>
<td>Belgium</td>
<td>25</td>
</tr>
<tr>
<td>Sun Ocean Ventures, Inc.</td>
<td>Sun Company Inc.</td>
<td>U.S.</td>
<td>25</td>
</tr>
<tr>
<td>Samin Ocean Inc.</td>
<td>Etablissements Idorocarbure (EBI)</td>
<td>Italy</td>
<td>25</td>
</tr>
<tr>
<td>Kennecott Consortium (Forced January 1974)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kennecott Minerals Co.</td>
<td>SOHIO (British Petroleum owns majority of stock)</td>
<td>U.S.</td>
<td>40</td>
</tr>
<tr>
<td>MTZ Deepsea Enterprises, Ltd.</td>
<td>Rio Tinto-Zinc Corp.</td>
<td>Britain</td>
<td>12</td>
</tr>
<tr>
<td>Consolidated Goldfields, PLC</td>
<td>Same</td>
<td>Britain</td>
<td>12</td>
</tr>
<tr>
<td>BP Petroleum Development, Ltd.</td>
<td>British Petroleum Co., Ltd.</td>
<td>Britain</td>
<td>12</td>
</tr>
<tr>
<td>Noranda Exploration, Inc.</td>
<td>Noranda Mines, Ltd.</td>
<td>Canada</td>
<td>12</td>
</tr>
<tr>
<td>Mitsubishi Group</td>
<td>Mitsubishi Corp.</td>
<td>Japan</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Mitsubishi Metal Corp.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mitsubishi Heavy Metal Industries, Ltd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ocean Minerals Co. (Forced November 1977)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMCO Ocean Minerals Co.</td>
<td>Standard Oil of Indiana</td>
<td>U.S.</td>
<td>30.7</td>
</tr>
<tr>
<td>Lockheed Aircraft Corp.</td>
<td>Lockheed Aircraft Corp.</td>
<td>U.S.</td>
<td>30.7</td>
</tr>
<tr>
<td>Lockheed Missiles &amp; Space Co., Inc.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Billiton BV (Royal Dutch Shell Group)</td>
<td></td>
<td>Netherlands</td>
<td>30.7</td>
</tr>
<tr>
<td>Enra Ocean Minerals (subsidiary of Royal Bas Kalis Westminister Group, NV)</td>
<td></td>
<td>Netherlands</td>
<td>7.9</td>
</tr>
</tbody>
</table>

transnational activities of the ocean mining industry was in reality quite higher than reported in the interviews. The same would seem to hold true for the petroleum industry given their extensive overseas investments and interactions with foreign governments. The finding that the transnational relations of the noneconomic interest groups far exceeded the economic groups becomes somewhat less significant and more questionable.

On the other hand, there is no denying that the transnational activities of the noneconomic groups were substantial and comprised a major portion of their lobbying effort on this issue. But as economists have noted in their concept of opportunity cost, resources that are expended in the pursuit of one objective obviously cannot be used in the pursuit of another objective. Thus, there is an inherent trade-off involved in the choice by organizational leaders of how to best use a limited supply of resources in the pursuit of a goal or a set of goals. It is possible that the extensive transnational efforts of the noneconomic groups may have taken away from their domestic lobbying efforts where they may have achieved a higher pay-off in the long run. One finding of this study is that the pro-treaty network was much weaker than the anti-treaty network in the final stages of the Conference. There was little or no domestic fall-out after the Reagan Administration's rejection of the Treaty. However, this might have been different had the noneconomic (i.e., pro-Treaty groups) made a more exerted effort to lobby the Congress and conducted an extensive and prolonged grass-roots lobbying effort with the mass public as well as a more sophisticated mass media effort.
Finally, turning to influence the NAM, APLA, API, NOIA, MMP, SC, HS, CLASP and SOS all saw themselves as having been effective in influencing U.S. policy on UNCLOS. The only group to state that it was ineffective is the NCCC. But, in general, the religious organizations perceived themselves to have been less than effective with the exception of the Quakers. With respect to levels of interest by the various groups over the course of the Conference, while the potential for group influence is obviously greater during periods of high interest, it was found that levels of interest do not necessarily translate into influence at least as perceived by group leaders. Thus, level of interest and activity is a necessary but not sufficient condition for influence. Other factors such as resources and access come into play. However, a fairly strong relationship between level of interest and influence was found. When comparing perceived influence with actual influence it was discovered that several discontinuities existed. The groups in this study did not always correctly perceive their actual influence. This could be expected given the highly subjective nature of perceived influence. However, these perceptions did not stray wide from the mark and were, in general, fairly accurate.

Access was found to be a key ingredient to influence. In the early years of the Conference those groups with the best access to the Nixon and Ford Administrations tended to be the most influential. These groups, with the exception of the environmentalists, tended to be economic interest groups. This picture changed, however, under the Carter Administration when the noneconomic groups were granted good access and enjoyed greater influence as well. Finally, with the
arrival of the Reagan Administration the economic interest groups saw their fortunes dramatically improved and the noneconomic groups experienced an inverse decline in their access and influence.

The biggest question, of course, is which groups were most influential in terms of U.S. policy on the Conference. Defense, fishing, petroleum/natural gas and hard minerals were found to be the most influential. The least influential tended to be the religious groups, labor, marine science and maritime transportation. The other groups fell in between these two extremes. In general, the economic interest groups had a greater influence on U.S. policy than the noneconomic groups.

What can be said about the linkage between group internal characteristics and resources (i.e., internal group factors) and goals, access, strategies, tactics and influence (i.e., external behavior)? The discussion below briefly makes some of these connections.

Recall that Table 8.1 — the group internal characteristics strength index — was constructed from five different internal characteristics. It is a composite measure of the overall strengths and weaknesses of the groups in this study in terms of their internal characteristics. This table indicated that the APLA, API, NOIA, AMC, TRF, PSPA, AIMS and HS have the greatest strength in their overall internal characteristics. The only noneconomic group in this category is the Humane Society. With regard to classes of groups, the ocean mining industry and environmentalists were determined to have the greatest overall strength with respect to their internal characteristics followed by distant water fishing, the maritime industry, patent
lawyers, and the petroleum industry. Labor and the Public Citizens Organization (COL) fell in the middle category. The weakest of all the categories was the general business community. It was also found that the economic groups, in general, enjoy a considerable edge over the noneconomic interest groups with regard to internal characteristics.

With regard to group resources, Table 8.5 was constructed to show the overall strength of groups in terms of their resources. Here it was determined that the most powerful groups with respect to resources are the NAM, COC, API, AMC, AIMS, MMP and SC. Looking at interest group categories it was found that the general business associations predominated among the economic interest groups. They are followed by the mining industry, labor, petroleum industry, distant water fishing and maritime industry. The professional association had a moderately positive resource score with coastal fishing marine science having significantly negative resource values.

In the case of the noneconomic groups, the Sierra Club had the highest total resource value by far. The environmentalists were followed by the public citizens group with a moderately positive resource score. The religious groups had slightly negative values. With regard to the broad categories of interest groups, the economic interest groups enjoy a sizable edge over the noneconomic interest group in total average resource strength. With respect to average per group resource strength there is a close parity between economic and noneconomic groups.

Table 8.6 was created by combining group resources, goals, and internal characteristics to create a potential influence index. Recall
that this table predicted that the following interest groups could be expected to have exerted the greatest influence on U.S. policy vis-a-vis the Conference: API, NOIA, TRF, ATBA, MMP, CLASP and COL. Turning to interest group categories, Table 8.6 predicted that the following should have had the greatest influence on U.S. policy on UNCLOS: petroleum industry, ocean mining industry, distant water fishing labor, environmentalists and a public citizens organization (COL). The table also predicted that the ocean mining industry, distant water fishing industry and petroleum industry and public citizens organization (COL) were most likely to have been the most significant players, at least in the latter stages of the Conference. Also, according to this table, the following types of groups should have had little or no influence on U.S. policy: general business associations, professional association, coastal fishing industry, marine scientists and religious groups. With regard to the broad categories of groups the influence index for the economic groups is greater than that of the noneconomic interest groups.

So how do these findings relate to the access, strategies, tactics and influence of these groups? The most influential groups in terms of U.S. policy on the Conference were: defense, fishing, petroleum/natural gas and hard minerals. All of these groups were among those predicted to have the greatest influence on U.S. policy. However, it was also predicted that labor and a public citizens organization would exert a significant influence when, in fact, it was found that both had little or no influence. Also, predictions were not made for defense since it is not a group per se. The least influential groups were the
supranationalists, labor, marine science and maritime transportation. The potential group influence index (Table 8.6) predicted that the following groups would have little or no influence: general business; professional association; coastal fishing industry; marine scientists and religious groups. It was correct with respect to the marine scientists, religious groups, professional associations. It was off the mark, somewhat, with regard to the general business community and coastal fishing industry. The model also predicted that the neconomic interest groups should, ceteris paribus, be more influential than the economic interest groups. In reality such was the case.

This suggests that the internal characteristics, resources and goals model by itself is a fairly accurate predictor of interest group influence. But, of course, in the real world other factors must be taken into account. In this study access is clearly the most important outside factor while strategies and tactics tend to be relatively neutral factors.

The economic interest groups had far better access to a Republican administration (i.e., Nixon, Ford, and Reagan) than the noneconomic interest groups. The noneconomic interest groups, on the other hand, were granted much better access, in general, during the Democratic (Carter) administration than the economic groups. It was also found in Figure 9.4 that the pro-treaty network (composed primarily of noneconomic interest groups and their governmental and nongovernmental allies) was weaker and not as influential as the anti-treaty network (i.e., the economic interest groups and their governmental and nongovernmental allies).
Finally, with respect to transnational relations the noneconomic interest groups were much more involved in this type of activity than their economic counterparts. However, this did not seem to have any significant bearing on U.S. policy on UNCLOS. It seems to have been more of an alternative avenue for the noneconomic groups to attempt to have input and influence into the Treaty process. Thus, because the economic interest groups were able in the end to establish a more powerful network than the noneconomic groups the President's decision not to sign the Treaty did not meet with any significant domestic opposition. On the contrary, it received substantial domestic support and endorsement. However, as was noted earlier, had the Treaty become a public issue the outcome in terms of U.S. policy may have possibly been different. The complexity of the Treaty served to ensure that this never became the case.

This concludes my discussion of group goals, access, strategies and tactics and influence. The next chapter provides an historical discussion of domestic interest group influence on U.S. policy during the four phases of the conference.
CHAPTER X

GROUP GOALS AND INFLUENCE

This chapter will outline the early and later goals of the groups concerned with UNCLOS and then explore their relative abilities to influence U.S. policy vis-a-vis these goals. Keeping in mind the methodological problems of demonstrating group influence that were discussed in Chapter VII, I will look at group influence from an historical perspective using primary and secondary materials.

Among those primary data sources that were employed in the completion of this chapter are: statements and testimony of interest groups at congressional hearings; correspondence between interest group leaders and government officials; U.S. delegation reports on the outcome of the various negotiating sessions of UNCLOS; reports of congressional committees concerning U.S. policy towards UNCLOS; governmental reports on UNCLOS and related matters; interest group publications describing their actions and positions on UNCLOS; and governmental memoranda on matters concerning UNCLOS. The major secondary sources used in this chapter are newspaper accounts and magazine articles discussing developments at the Law of the Sea Conference. Various academic books and articles were also relied upon in the preparation of this chapter.
THE EVOLUTION OF U.S. OCEANS POLICY

The Third Law of the Sea Conference involved a network of issues -- exploitation of the seabed, the breadth of the territorial sea, transit rights through straits and the conservation and allocation of fishery resources. Few foreign policy areas encompass such an array of legal, political, military, economic, commercial, scientific, and ecological concerns. Few policy areas have involved such a complex interaction of domestic and foreign policy interests. The crux of these ocean issues is the allocation and use of ocean space. In the broadest sense, the main contention has been between coastal interests and global maritime interests.

The U.S. is among the world's leading maritime powers and it is also a nation with substantial coastal interests. Consequently, the ocean policy decision-making process in the U.S. has been fraught with conflict between coastal and maritime interests. Furthermore, since the first U.S. announcements of policies on seabed resource exploitation and other law of the sea issues in 1970, U.S. policy has steadily evolved away from positions favoring military-strategic interests to positions favoring coastal and economic interests.

Developments in U.S. ocean policy fall roughly into four broad phases. The first phase, the years 1968 through 1972, was characterized by the growth of a policy dispute between coastal and maritime interests within the government, White House resolution of that dispute in favor of strategic interest in May 1970, and then a gradual return to parity between resource and strategic interests. In the second phase, 1973 and 1974, the battle between global strategic and coastal
economic interests was gradually transformed into a conflict between political strategic and resource-oriented economic perspective. In the third phase, 1975-1980, U.S. policy was split between executive branch efforts to reach a compromise with the Group of 77, by offering concessions with regard to seabed mining, in order to achieve a comprehensive international treaty aimed primarily at protecting U.S. political strategic objectives, and unilateral actions by Congress to protect domestic economic interests. In the fourth phase, 1981 to present, U.S. policy has been characterized by a merging of the resource-economic perspective with strategic political objectives in that the Administration and major segments of the Congress, particularly the Senate, began to see U.S. security interests as intimately related to U.S. economic well-being and assured access to vital strategic materials. It is my contention that this transformation of U.S. policy from a broad international political-strategic posture to a more narrow national economic-resource oriented perspective was influenced to a large extent by the efforts of domestic economic interest groups. The question remains, of course, whether the U.S. accomplished its objective, i.e., greater security through economic strength and assured access to strategic materials, by unilateral actions such as the declaration of an exclusive economic zone and opposition to the Draft Treaty.

I now turn my attention to the four phases of U.S. ocean policy leading up to the U.S. decision to reject the Treaty and adopt a unilateral approach to ocean-related matters. Within these phases the contributions of domestic interest groups to U.S. ocean policy will be
examined. As the reader will note, shifts in U.S. ocean policy closely parallel the shifting positions and activities of the domestic interest groups.

GROUP GOALS AND INFLUENCE - 1st PHASE (1968-1972)

Among the items on the agenda of the Conference in its early days were: an international regime for the seabed; the breadth of the territorial sea and international straits; fishing and conservation of living resources; and marine pollution. In the early days of the Conference and, in fact, throughout the course of the negotiations, the tortuous process of actually forging a detailed official negotiating position, on the basis of which the government might stand some chance of achieving a comprehensive international treaty, is indicative of the dominance of the political bargaining process in shaping the substance of policy — in the international as well as the domestic arena. In the domestic arena the democratization of the process of formulating negotiating positions through countless bargains and accommodations among an expanded array of bureaucratic, commercial, scientific, and environmental interests substantially reduced the government's room for innovation and maneuver.¹

Defense

There were two major areas of concern for American defense interests, the first, the territorial sea issue, is significant because the coastal state exercises complete sovereignty within the territorial sea except for the internationally recognized right of innocent
passage. The second concerns rights in straits that fall within territorial waters.

Early in the Conference process it was realized that if the international community were to agree on a 12-mile territorial sea, a large number of straits, which then had a high seas corridor running through them, would have that corridor closed by the overlapping of the newly extended territorial sea. Under international law, where an international strait is encompassed entirely within territorial seas, the only interest preserved therein for the international community is the right of "innocent passage." However, coastal states have increasingly claimed the right to determine unilaterally whether the passage of any given vessel is innocent.

The defense community in the United States, in recognition of this, made it a primary objective to obtain agreement on an internationally guaranteed right which would assure free transit for the ship and aircraft of all nations through and over international straits. Such a right, if accepted by the international community, would assure the maritime states that the movement of international trade, upon which their industrial and economic life depends, would remain unimpeded. Furthermore, such a right would facilitate the movement of the armed forces of the maritime powers through international straits in support of their foreign policy interests and international commitments.²

In examining the U.S. Law of the Sea proposals in the early 1970s, it becomes apparent that all of the desires of the defense community were being met to the fullest degree possible in U.S. policy
pronouncements. In other words, the influence of a special interest known as the Department of Defense was the most successful in affecting the formulation of U.S. oceans policy in the early period of the Conference. This can be attributed in large part to the fact that the Department of Defense is a major governmental actor and an integral part of the foreign policy decision-making process unlike the other domestic interest groups in the private sector. The Defense Department was instrumental in raising the oceans policy question to the White House level which eventually led to a Presidential statement on the issue.

Fishing

In the case of fish, nations with no fishing fleets or chiefly coastal fishing fleets hold to the view that the new law of the sea should provide protection for coastal state interests in offshore fisheries. This view took the form of an exclusive zone of control extending well out into areas that have been considered to be indisputably high seas, the most notable example being the 200-mile zone claimed by certain Latin American countries.

In opposition to this view is that of those states which have modern fishing fleets capable of operating on the high seas far from their home shores. These states believe that preservation of high seas fishing areas and restrictions of coastal state encroachments on these high seas fisheries should continue to be the regime for fish.

In some countries there are strong advocates of both positions. Such is the case in the United States. Thus the fishing industry's
interest in the ocean has been bifurcated between the coastal fishermen -- New England lobstermen, and those who fish for haddock, hake, perch, salmon and shrimp -- and the distant water fisherman -- tuna. Both have a mutual interest in rational management of ocean resources; but, when the issue of allocation of resources arises, the two segments of the industry split markedly. Coastal fishermen, who are not competitive with technologically advanced foreign fishing fleets, favor expanded U.S. jurisdiction in the ocean in the form of an exclusive fisheries zone with a 200-mile limit suggested.

The distant water fishermen, on the other hand, which means largely the tuna industry, have favored reasonably narrow limits that do not inhibit their activities off the coasts of other states. Finally, those fishermen that exploit anadromous species, such as salmon, support the principle by which a state's investment in protection of anadromous species while in fresh water is to be rewarded by the exclusion or limitation of participation of other states from the extractive phase of the fishery on the high seas. Economics is the primary concern of most fishermen. The basic goal of the fishing industry is preserving the fishing resources for maximum sustainable yield year after year. For this reason, the fishing industry saw the need to settle the jurisdiction question as rapidly as possible.3 I now turn my attention to the treatment of the fishing industry in U.S. proposals at UNCLOS.

When the U.S. government submitted its draft articles during the Second Preparatory Session of the Law of the Sea Conference in the summer of 1971, it adopted the species approach. However, at this
time, the U.S. draft articles were also structured on a premise of international control beyond a twelve-mile limit. But this premise was not well received by other fishing nations as well as segments of the U.S. fishing industry.

In March 1972, Ambassador Donald McKernan presented a statement at the Third Preparatory Session in which he indicated a willingness on the part of the United States to accept control by the coastal state over coastal species. He also reaffirmed the need for coastal state control over anadromous species and international regulation of highly migratory species. The McKernan statement was later transformed into draft article language presented at the Fourth Preparatory Session in August, 1972.

Of notable significance is the absence of any set zone in the Ambassador's scheme. However, there was a basic concensus among the various segments of the domestic fishing industry on a species approach with regard to questions of jurisdiction. This position was adopted by the U.S. in the early stages of the Conference, thus illustrating significant influence on the U.S. position on fisheries resources by the domestic fishing industry in the incipient stages of the negotiating process.

The major problem with the early U.S. proposal on fisheries was that it did not come to grips with the crucial question concerning the relationship between coastal and distant water fishing states. It did not provide for a preference for the coastal state in terms of the allowable catch of a stock in areas adjacent to its coast. It did state in a footnote that it was the "view of the United States
government that an appropriate text with respect to traditional fishing should be negotiated between coastal and distant water fishing states."

This, however, hardly resolved the dispute. Nevertheless, this was due not to the lack of communication between fishing interests and the government, which was substantial, but to the fact that the affected Federal Agencies (Defense, State, Interior, and Commerce) were unable to agree from an internal government policy standpoint on an acceptable resolution of the issue.\(^5\)

However, statements made by U.S. representatives at the March 1972, meeting of the Seabed Committee, indicated that the U.S. was leaning heavily in the direction of supporting expanded coastal jurisdiction over fisheries.\(^6\)

U.S. policy with respect to fisheries had not crystallized at this time. But this was also the product of the diversity of interests within the fishing industry itself. This is illustrated by the fact that the Fisheries Subcommittee of the Advisory Committee on the Law of the Sea (ACLOS) was the only subcommittee allocated two members to the U.S. delegation -- one representing coastal fisheries interests and the other representing distant water interests.\(^7\)

Petroleum and natural gas

Oceanographers and ocean geologists had been intimating for years that the ocean beds contained enormous mineral riches. But only relatively recently has technology been developed to permit the economical extraction of these minerals. In fact, the question of
seabed resource extraction was to occupy the attention of the Seabed Committee more than any other single item.\(^8\)

With regard to the oil deposits beneath the oceans, the petroleum industry asserted that this can be secured only by sufficient security of investment that would assure (1) a reasonable rate of return on invested capital, and (2) adequate long term protection for that invested capital. The petroleum industry stated its position principally through the National Petroleum Council and expressed the need for coastal state extensions of jurisdiction on a worldwide basis over the resources of the seabed as necessary for the attainment of these objectives. Since petroleum and natural gas resources are likely to be found in the subsoil of the entire continental structure, but are unlikely to be found beyond that area, the petroleum industry argued that national jurisdiction should extend to the edge of the continental margin. If a narrower continental shelf or seabed boundary were adopted, then the international organization established to regulate activities beyond the limits of national jurisdiction would play a more immediate role in the exploitation of petroleum resources, a role the petroleum companies did not desire.\(^9\)

I now turn my attention to the influence of the petroleum industry on U.S. policy-makers in the early years of the Conference. At that time the U.S. Draft Convention would have required a renunciation of national interests in seabed resources beyond the 200 meter isobath and the regulation thereof by an international agency. A boundary that would extend along the edge of the U.S. continental margin would be approximately along the 2,500 meter isobath.\(^10\) However, the coastal
state did receive back in the U.S. Draft Convention certain special rights in an area called the International Trusteeship Area (extending from the 200 meter isobath to the edge of the continental margin), which give it exclusive powers to determine how the seabed resources are to be exploited, subject only to some basic guidelines enforced by the international agency. The petroleum industry, however, strongly objected to the role of the international authority. They maintained that the Treaty should allow the coastal state to have exclusive jurisdiction over seabed resources to the edges of the continental margin, while granting a share of the revenues from that area to the international community.

The failure of the petroleum industry to gain this last measure of added security of investment cannot be attributed to their lack of input at a reasonably early stage in the negotiations. The petroleum lobby was well financed, well organized, and made its influence felt at the highest levels of government throughout the formulation of U.S. oceans policy vis-a-vis UNCLOS. It appears that, at this stage in the negotiations, the interests of the Department of Defense, in seeking to avoid extensions of national sovereignty over areas of the high seas, i.e., the "creeping jurisdiction" argument, and its desire to restrict as much as possible coastal state jurisdiction with respect to the seabed in order to maintain their freedom to implant ASW tracking and detection devices, took precedence over the arguments of the petroleum industry for total control of the continental margin by a coastal state. However, overall it would appear that the petroleum industry fared quite well in the U.S. 1970-71 proposals. In the early years of
the Conference, the petroleum and natural gas industry was blessed with extremely capable advocates, well financed lobbying efforts, and support from a strong domestic constituency.

Environmental Protection

In the early stages of the Conference it became apparent that states with maritime interests and world trade commitments tended to oppose proposals for zones of coastal state pollution control. Although they acknowledged that pollution in the oceans must be restricted, they feared that coastal state regulation would adversely affect maritime trade. The developing countries, on the other hand, especially those with extensive coastal fisheries and coastlines, preferred to protect their resources and their coasts from pollution by adopting zones within which the coastal state would be empowered to establish navigational standards and regulations. They feared that the maritime states could do little to undertake anti-pollution measures in the absence of such controls.11

Within this context, rational "environmentalists" in the U.S., while recognizing the need for developing energy and food resources from the ocean, also expressed their concern that those operations be conducted so as not to create any irreparable damage to the marine environment.

In the early 1970s the U.S. law of the sea initiatives concerning environmental protection were directed primarily at: (1) ocean dumping, and (2) provisions designed to limit pollution of the sea resulting from the exploitation of the resources of the seabed and subsoil. The
U.S., however, did not adopt a "unilateral claims" approach at this time because of the Defense Department oriented policy away from assertions of extended national jurisdiction over ocean space. During these years environmental policy initiatives on UNCLOS came from the Environmental Protection Agency and the Council on Environmental Quality.  

Scientific Research  

In the years preceding the Third Law of the Sea Conference, scientific research in the oceans had traditionally been conducted free from control by coastal states, and had been viewed by those states conducting extensive research as coming under the protection of the classic freedom of the high seas. But in the years leading up to the Conference the right to conduct scientific research came under increasing suspicion by the developing countries, who saw it as a vehicle of economic exploitation. The developing countries began to believe that they would not be able to stay abreast of the developed countries in gaining riches from the ocean unless they controlled the research that inevitably leads to commercial development.  

Many developing countries have expressed an antipathy toward scientific research on the basis that: (1) it may place them at a disadvantage in negotiations over the disposition of resources on their continental shelves; (2) it may permit the conduct of military activities near their coasts which could prejudice their national security; and (3) since research almost always leads to application, future adverse effects might result from a particular scientific activity.
Consequently, at the Conference, the developing countries expressed a strong desire to have either regulatory jurisdiction over scientific research conducted over their continental shelves or within a reasonable distance from their coasts, or a requirement of total, compulsory disclosure of all samples, data, and interpretations of the data as a matter of right.\textsuperscript{14}

How did research scientists fare with regard to U.S. policy on scientific research in the early years of the Conference? There was no specific U.S. proposal concerned exclusively or primarily with freedom of scientific research, with the exception of one article that promised to "obviate interference with scientific research"\textsuperscript{15} applied to the International Seabed Area. But it did not purport to change the existing rules relating to the necessity for securing the consent of a coastal state to conduct scientific research operations on the continental shelf. Except for the "anti-creeping jurisdiction" concepts that it espoused, the U.S. government made no other proposals relating to freedom of scientific research. It would appear that the scientific research community fared rather badly as a special interest group in terms of U.S. oceans policy in the early years of UNCLOS III. Perhaps this was in part the product of the relative unimportance of scientific research in terms of short-term economic benefit. Also the marine science community did not have the constituency or the financial support to be an effective advocate in the National oceans policy debate regardless of how articulate and talented its advocates were. Thus, for these reasons marine science had nowhere near the impact on
U.S. oceans policy in the early 1970s that the Department of Defense, the oil industry and the fisheries industry had. 16

Hard minerals

Despite the fact that they are both mineral extractive industries, the position the hard mineral industry took differs in several respects from that of the petroleum industry. Like the petroleum industry, the hard minerals industry was interested in an economically and politically stable regime for the conduct of its activities. However, the hard minerals industry was much more interested in the deep ocean floor where the greatest concentrations of the richest manganese nodules are located.

Unlike many of the other interests, the hard minerals industry began in the early 1970s to express its preference in a forum other than the Executive branch of government by having two bills, S.2801 and H.R. 13904, introduced in the first session of the 92nd Congress, i.e., 1972. These bills envisioned a system of parallel national legislation by countries with advanced hard minerals technology to ensure protection of deep sea mining operations from competing claims of their own nationals.

The hard minerals industry was apparently not satisfied with the policy of the Administration which was not considered sufficient for the near term interests of their industry. Industry spokesmen at the time indicated that security of tenure for formal "prospecting" activities was needed then and now. This was one of the reasons for their pursuing S. 2801 and H.R. 13904 in Congress. Thus, the hard
minerals industry took a dual approach in its efforts to influence the structure of the legal regime for mining the ocean floor. On the one hand, it was making a serious effort through the Hard Minerals Subcommittee of ACLOS and other channels to affect the Executive branch's policy determinations on seabed mining. It appears that because of its dissatisfaction with Executive branch proposals on deep sea mining, the hard minerals industry was also compelled to turn to its influence in Congress to influence U.S. oceans policy regarding an ocean mining regime.

Maritime transportation industry

The goals of the maritime transportation industry can be stated quite succinctly: maximum mobility at least possible cost. Among other elements in its position was objection to a host of differing regulations concerning pollution from each different national jurisdiction through which their vessels must pass. They also expressed strong objections to anti-pollution legislation that was overly restrictive to the point of prohibition.

Opposing the goals of the maritime industry were the concerns of coastal states over the possible adverse effects from activities or accidents involving ships near their coasts. However, U.S. proposals were favorable to the maritime transportation industry since they facilitated passage through international straits and reduced the possibility of imposed costs. The maritime industry also benefited from U.S. provisions designed to limit or "freeze" national claims to jurisdiction over adjacent ocean areas even though this was predicated
upon the concept of "creeping jurisdiction" to which the Department of Defense subscribed. In summary, since the interests of the transportation industry was quite similar to those of the Department of Defense, in as much as the latter was concerned with naval mobility, the maritime industry came out quite well in terms of U.S. oceans policy in the early 1970s. However, it should be noted that they did so primarily on the coattails of Defense and not so much as a result of their own efforts to influence U.S. oceans policy.17

GROUP GOALS AND INFLUENCE - 2ND PHASE (1973-1974)

As announced in August 1970, United States policy on exploitation of seabed minerals favored a narrow zone of national jurisdiction and the establishment of an international seabed beyond. Exclusive coastal state control over the mineral resources of the continental shelf would extend only to the depth of 200 meters. Beyond that, in an intermediate zone reaching to the outer edge of the continental margin, the coastal state would act as a "trustee" for the international seabed authority. The American position on the breadth of the territorial sea, international straits, and fisheries, was first announced in 1970 and officially presented to the UN Seabed Committee in July, 1971. The government indicated that it was prepared to agree to a twelve-mile territorial sea provided that international agreement was reached on freedom of transit through and over international straits that would be overlapped by territorial seas. A third provision to this set of proposals granted limited preferential rights to the coastal state over fishery resources off its shores.
U.S. fishery policy, however, evolved toward coastal state management of fisheries within the 200-mile zone. The U.S. policy of the early 1970s were superseded in 1974 by the U.S. draft articles on a 200-mile economic zone granting the coastal state "exclusive rights for the purpose of regulating fishing within the economic zone" and also included special provisions for anadromous and highly migratory species.

The U.S. proposed treaty articles in 1973 on a third set of issues -- marine pollution, scientific research and technical assistance, and compulsory settlement of disputes. U.S. draft articles on the marine environment reflected an effort to satisfy the domestic and international coastal viewpoint without seriously hampering navigation. U.S. draft articles on scientific research stressed the benefits of marine science and the obligation of the marine scientist to ensure that those benefits are enjoyed by the coastal state.

Of the domestic interests affected by UNCLOS in the early years of the Conference, only four had a significant influence on or involvement in policy formulation -- the petroleum industry, the defense community, the hard minerals industry, and the fishing industry. Of these four interests the most powerful at that time were the petroleum and defense interests.

Clashes between new and traditional ocean uses have been a central element in the formulation of U.S. seabed policy. Seabed policy has had two major aspects (1) the delimitation of national jurisdiction over seabed minerals, and (2) the nature of the seabed regime to be established beyond national jurisdiction. The petroleum industry was
primarily concerned with the location of the boundary of national jurisdiction while the hard minerals industry was concerned with the seabed regime to be established beyond that boundary. The military and the marine scientists were affected by both of these questions insofar as they might restrict their mobility on the oceans.

Early in the Conference, major segments of the U.S. petroleum industry moved quickly to stake out a policy position on the location of the continental shelf boundary. The National Petroleum Council pointed to the substantial resources off U.S. shores and insisted that it is vital to the nation's security to guarantee national control of all the energy resources of the continental margin. The petroleum industry urged the U.S. government to unilaterally assert sovereign rights over offshore seabed resources to the outer edge of the continental margin. Underlying the early petroleum position was the belief that in gaining access to resources off the U.S. coasts as well as off those of other nations it was safer and more profitable for American firms to deal bilaterally with coastal nations than with an unfamiliar international regime possibly weighted against U.S. interests.

As the petroleum industry began to advance this position, the Defense Department positions on the boundary moved in the opposite direction. The military came to the view that the seaward extension of the continental shelf boundary would ultimately close off U.S. naval access to coastal areas around the world. Defense Department representatives opted for a broad international agreement through a formal conference.
In order to sell this scheme to governments of developing nations, Defense Department officials proposed the establishment of a generous and powerful seabed mineral regime in the area beyond the narrow continental shelf. Inherent in the policy position that Defense was advancing within the government was a readiness to risk the petroleum industry's resource interests in return for internationally agreed rights of transit. The industry was understandably opposed to such a trade-off and fought it through the Interior Department.

Although the mining industry shared the petroleum industry's aversion to international administrative organizations, it gradually began to realize that mining companies would be operating in areas beyond the limits of national jurisdiction regardless of where the continental shelf boundary was drawn. Therefore, ocean miners became increasingly concerned with the nature of the seabed regime which would govern deep sea exploitation. A "satisfactory regime" to the hard minerals industry meant a system of freedom to explore the seabed, to stake claims and to receive exclusive licenses to exploit the claimed area. To them an international authority should be no more than a registry agency, and its financial extractions should be minimal.

Although the mining industry was willing to trade the petroleum industry's desired broad national shelf for a favorable seabed regime, it came to find the Department of Defense to be a threatening ally. In order to encourage other nations to agree to a narrow limit on the continental shelf, Defense was supporting the establishment of a powerful seabed authority to administer the exploration and exploitation of seabed resources and to allocate revenues from these activities.
to an international development fund. However, despite its opposition to the Defense Department position, the hard minerals industry was not particularly successful in blocking it in the early years of the Conference. The hard minerals industry was also hurt by the fact that within the Interior Department it had to compete with petroleum for the time and energy of government bureaucrats responsible for seabed policy.

The problems of the marine scientists were somewhat different. Because the marine scientists have shared the military's interest in unrestricted access to the world's oceans, they have been concerned both with the continental shelf boundary and the international regime beyond. The scientific community, however, has taken the approach that its research in the oceans should be distinguished from commercial and military investigations. The marine scientists sought to include explicit guarantees for open scientific research. Such guarantees, however, implied the absence of a similar freedom of military access for research and even transit.

In 1973 and 1974, domestic interests were becoming more active in the formulation of ocean policy. As this involvement increased, the priority formerly accorded U.S. strategic considerations over resource interests decreased. At the Caracas meeting of UNCLOS from June 20 to August 29, 1974, the United States accepted a 200-mile resource zone. The U.S. tabled draft articles on the economic zone and the continental shelf providing for exclusive coastal state rights to exploitation and regulation of fishing within the zone. These articles maintained the U.S. position on the need for full utilization of coastal stocks,
access for traditional fishing states to stocks the coastal state is unable to harvest, and special provision for anadromous and highly migratory species. Unlike the U.S. position on fisheries, that on straits and territorial seas remained essentially unchanged since its initial statement in the 1970 Stevenson speech and its presentation to the Seabed Committee as draft articles in July, 1971.

While U.S. policy evolved since 1970 toward the position of the petroleum industry, the industry's position changed from outspoken unilateralism to support for international standards and regulations. While not embracing an international authority to license the petroleum resources of the margin, the industry did support the creation of an international tribunal possibly affiliated with an international deep seabed authority. The petroleum corporations in the course of achieving their victory on offshore jurisdiction had also become concerned with the prospects for transporting petroleum in a world of expanded coastal state resource jurisdiction. In terms of its interest in transport, the petroleum industry was in the same situation as the Navy. The National Petroleum Council in 1973 and 1974, in reports on the oceans, noted the "international community interest in unimpeded navigation" for merchant ships which could be required to comply with internationally prescribed standards. Enforcement of these standards would be the prerogative of the flag state, except in the territorial sea, and coastal states would be allowed limited enforcement rights in an area beyond the territorial sea. Industry policy, as outlined in these reports, was quite close to official U.S. policies at the time on
the economic zone, marine pollution and compulsory settlement of disputes.

The hard minerals industry, on the other hand, did not have the similar experience of seeing its views converge with government policy. Despite its strong opposition to the 1970 U.S. Draft Treaty on the Seabed Regime, the thrust of the original policy was not modified. Finding little support in the Interior Department or elsewhere in the Executive branch in 1971, the industry turned to the U.S. Congress. At the request of Senator Lee Metcalf (D-Mont.) the American Mining Congress drafted legislation for a seabed regime that would be more congenial to mining interests than the 1970 Draft Treaty. The industry sponsored legislation would have authorized U.S. firms to mine the deep seabed under a national licensing system until the establishment of an international regime. It provided for reciprocal recognition of similar practice by other countries and for the establishment of a fund drawn from income taxes with aid directed to less developed reciprocating states. However, considerable domestic opposition to these bills was voiced. Much of the opposition in the executive branch was centered on the provisions for a U.S. government guarantee to reimburse the licensee for any loss of investment or for increased costs incurred in a 40-year period after issuance of the license resulting from requirements or limitations imposed by a subsequently agreed international regime.

In March, 1973, a new participant in the LOS process appeared -- the Treasury Department. Until then, undisputed responsibility for deep sea mining had rested with the Interior Department. Together with
the Council of Economic Advisors (CEA), the Council on International Economic Policy (CIEP) and the Office of Management and Budget (OMB), Treasury brought a new perspective to bear. With regard to seabed mining the Treasury Department perspective was that in a time of resource scarcity, an international regime with discretionary authority, such as the proposed Enterprise system, might be used to discourage production which would restrict supplies and raise mineral prices, thus hurting consuming nations. Treasury argued that the sharing of revenues from seabed mining was a proposal that should be thoroughly reexamined.

Since its inclusion as a law of the sea issue, protection of the marine environment has created a further arena for conflict between coastal and global maritime interests. The positions of the departments on this issue fell into their customary roles: Defense opposing coastal state pollution zones; State preferring international standards; Interior anxious to facilitate oil transportation while assuring coastal control of offshore resources; Transportation concerned with coast guard antipollution enforcement responsibilities and shipping concern; and Treasury expressing concern over the economic effects of international as opposed to coastal state standards on the costs of transport and the prices of goods to be shipped. Yet the participation of private environmental interests and government environmental agencies was relatively late. In response, in part, to strong industry pressure, a public Advisory Committee on the Law of the Sea was created in early 1972, and included, as one of its eight subgroups, a marine environment subcommittee. That subcommittee, however, had only two
members until 1973 and was one of the smallest subcommittees. The Environmental Protection Agency and the Council on Environmental Quality appeared at the Law of the Sea negotiations for the first time in the summer of 1973.

With regard to the U.S. draft seabed treaty, the marine scientists failed to secure special guarantees for freedom of scientific research. Following this setback, the role of the National Science Foundation in marine science policy temporarily receded. The marine scientists, themselves, only began to take a regular and direct part in the policy process in 1972 with the creation of a Freedom of Science Task Group in the Ocean Affairs Board of the National Academy of Science. This group enlisted the support of prestigious domestic and international scientific bodies. In addition, the scientific community made its needs felt regularly through its advisory seat on the U.S. delegation to the UN Seabed Committee. In 1973, the marine scientists gained a full-time representative within the government with NSF's creation of a position to represent marine science on the Interagency Task Force and the U.S. delegation. The State Department's Marine Affairs Coordinator also continued to represent the scientific interest in international negotiations.

The net effect of the policy input by all the interests affected by ocean policy from 1973 to 1974 was a trend toward a parity between the different U.S. interests -- most notably between strategic and resource interests. While there was no change in the 1970 position on straits and territorial sea breadth, the U.S. began to place new emphasis on the national interest in ocean resources. The government
also indicated that it was prepared to move toward coastal state management of coastal anadromous species rather than stressing international regulation of all fishing. Similarly, with regard to mineral resources, the U.S. position evolved toward a coastal state approach as a result of more direct interest group involvement. In response to strong domestic and international pressures, the U.S. moved in 1974 to a position favoring a 200-mile economic zone in which the coastal state would exercise sovereign and exclusive rights for the purpose of exploring and exploiting the renewable and non-renewable resources of the seabed and superadjacent waters. Other uses of the area were not to be restricted and pollution controls were to be internationally determined.

Concomitant with the trend toward parity between resource and strategic interests was the separation of issues. With the active participation of various ocean interest groups, the linking of policies, implying tradeoffs between interests, was broken down. As the Conference negotiations proceeded, however, the sacrifice of some domestic interests to secure others was inevitable. In fact, a major purpose of the developing countries in combining all law of the sea issues in a single conference was to increase the pressure on the maritime nations for concessions. 18

GROUP GOALS AND INFLUENCE - 3RD PHASE (1975-1980)

During the second phase (1973-1974) U.S. policies on offshore jurisdiction had changed notably from those announced in 1970. These shifts were influenced in large part by pressures from domestic ocean
groups. Most private interest groups had been caught by surprise by the 1970 decisions and they insisted that from that point on they be included in the policy process that affected their interests. By 1973 they had achieved significant changes in the 1970 policies.

The most pronounced U.S. policy shift, as previously discussed, was support for a narrow national continental shelf extending to a depth of 200 meters to acceptance of national jurisdiction over the seabed to a distance of 200 miles. During this period, however, there was no discernible change in U.S. policy on a regime for deep-sea mining. Also, during this period the U.S. continued to espouse positions on fisheries that balanced both coastal and distant-water concerns. The change was that, after 1971, fisheries policy was being directly formulated by U.S. fisheries groups.

U.S. policy on freedom of transit through international straits underwent several changes. The U.S. agreed to a formulation on "right of transit" and gave greater attention to the need for international regulations to provide for traffic lanes and protection of the environment. As noted earlier, U.S. policies on the marine environment and scientific research were not announced until 1973. With regard to the marine environment, the U.S. sought to balance environmental and navigational considerations through a policy that separated standard-setting from enforcement and coastal-state from port-state and flag-state responsibilities. With regard to marine science research, the U.S. sought to assure access for researchers to areas under coastal-state control in exchange for the observance of specified obligations by the researcher.
Also, the role of the Interagency Task Force was formalized in January 1973. It continued to be chaired by the State Department with representation at the assistant secretary level by the Defense Department, the Interior Department, the National Oceanic and Atmospheric Administration (NOAA), and the Treasury Department. Within the task force, an executive group coordinated the work of ad hoc groups and took decision-making responsibility. But clearly, during this period, the pressures most directly affecting U.S. ocean policy were those emanating from domestic ocean interest groups. Thus from 1970 to 1974, U.S. oceans policy, under the force of domestic pressures, shifted from a heavily maritime orientation to one that attempted to balance coastal with maritime interests.

With the assertion of congressional action in the mid-1970s, U.S. policy became progressively more coastal through 1977. This trend, nevertheless, with the support of Zbigniew Brzezinski, began to actively promote U.S. strategic interests. During these years, the U.S. pursued a policy of exercising U.S. legal rights on the seas and preventing customary law from obviating the need for a new convention.

When President Ford succeeded Nixon in 1974, he faced an independent-minded Congress. In the 93rd Congress, legislation to extend jurisdiction to 200 miles and to promote mining of the deep seabed was debated but not passed. Also, the Energy Supply Act of 1974 that would have amended the Outer Continental Shelf Lands Act to increase U.S. energy supplies did not pass the Congress. More typical of the 93rd Congress was the passage of legislation implementing U.S. participation in international programs or conventions -- demonstrating a willingness
to pursue international solutions. The Congress approved an administration bill implementing the Intergovernmental Marine Consultative Organization (IMCO) Convention Relating to the Intervention on the High Seas in Cases of Oil Pollution Casualties and passed legislation incorporating parts of the Convention on the Prevention of Marine Pollution by means of coordinating the policy process in the State Department through its task force on the law of the sea. This task force met on major policy issues to coordinate State Department policy before the executive group of the Interagency Task Force met. As noted earlier, the Interagency Task Force grew to roughly twenty agencies by 1974 from its original make-up of State, Defense, Commerce, and Interior. The major new agencies were the National Security Council, Treasury, Transportation (Coast Guard), the National Science Foundation, the Office of Management and Budget, the Federal Energy Administration, the Council on International Economic Policy, the Environmental Protection Agency, the Council on Environmental Quality, and the Justice Department. The Interagency Task Force met several times a year -- usually after each conference session. Its executive group of approximately a dozen agencies carried out most of the work of its task force and met every other week.

From 1974 to 1976, U.S. policy on seabed mining shifted significantly. Also, U.S. policy on offshore jurisdiction continued to evolve in a coastal direction. These changes are quite evident when comparing official U.S. pronouncements at the first substantive Dumping of Wastes and Other Matter into the Marine Protection Research and Sanctuaries Act (P.L.93-254).
The 94th Congress, on the other hand, exhibited a preference for national over international action. In 1975 the Congress passed legislation to implement the 1966 Convention for the Conservation of Atlantic Tuna (P.L. 94-70) and the 1975 Brazilian Shrimp Agreement (P.L. 94-58). Also in the 94th Congress, the seabed mining legislation (S.713 and H.R.11879) and the extension of fisheries jurisdiction to 200 miles (S.961 and H.R.200) were again considered. While seabed legislation failed to pass, the Congress approved the Fishery Conservation and Management Act of 1976 extending the U.S. exclusive fishery zone from 12 to 200 miles to take effect in March, 1977. In this zone the U.S. claimed exclusive rights to all fish except highly migratory species, i.e., tuna. Beyond 200 miles, the U.S. claimed exclusive rights to anadromous fish. Foreign fishing would be allowed in the 200-mile zone for surplus stocks not claimed by U.S. fishermen. In this regard, agreements would be negotiated by the Secretary of State and permits would be issued. The 200-mile zone extension was passed over the strenuous objections of State and Defense Department negotiators. They saw such a unilateral move as undercutting U.S. efforts to negotiate international obligations to be observed by the coastal state in managing offshore areas.

The Department of State was the lead agency for the law of the sea within the government and had the formidable task of formulating the coordinating policy in the face of substantial domestic differences. With regard to seabed mining, U.S. policy changes after 1974 represented an effort to compromise with the Group of 77 position and to be responsive to its concerns. In 1974 the U.S. still insisted that only
states or states' parties could mine the seabed under legal arrangements made with the authority. The authority would issue two-year certificates authorizing commercial prospecting by applicants. The authority would also grant, on a first-come first-served basis, the exclusive right to mine a specified category of minerals in a certain area. Revenues would be paid to the seabed authority after the evaluation phase (15 years) and during the exploitation phase (20 years).

By 1976, the U.S. was still struggling to gain acceptance of the concept that states and private parties had the right to mine the seabed. By this time the international authority had evolved into a much more complex institutional structure than a mere licensing body. Also during this period, the U.S.'s development approach of 1974 was replaced by a willingness to consider limits on production. The new U.S. policies were articulated by Secretary Kissinger in the spring and summer of 1976. In the spring, Kissinger outlined the latest U.S. views on seabed machinery. He noted that the U.S. was willing to make a number of concessions in exchange for assurances of guaranteed access. The first concession was that an international Enterprise would be given the right to mine the seabed under equal conditions. The second was that each prospective miner was to propose two sites to the authority, one of which could be reserved for mining by the Enterprise or by developing countries. As a final concession, Kissinger proposed that incentives should be established for private companies to share technology with and train personnel from developing countries that want to mine the seabed.
By the summer of 1976, Kissinger had gone even further in his concessions to gain assured access. He indicated that the U.S. was willing to agree to a means of financing the Enterprise so that it could begin mining concurrently with states. In this regard he expressed U.S. willingness to transfer mining technology. As a further inducement, he proposed periodic review conferences where the mining system might be reexamined.

The changes in U.S. policy on questions relating to offshore jurisdiction were also quite significant, particularly to the distant-water interests that were losing ground. These changes can be deduced by comparing 1976 official U.S. statements with U.S. policy statements made in 1974. It is apparent that the U.S. progressively accepted even greater extensions of coastal-state rights and restrictions on maritime freedoms. Only the government's policy on the territorial sea and straits transit did not change significantly.

By 1976 the U.S. delegation was forced to surrender language that would improve international obligations on the coastal state in its economic zone. This retreat was due to domestic rather than international pressures. In the middle of election politics, President Ford promised Massachusetts and New Hampshire supporters that he would accept the pending legislation creating a 200-mile exclusive fisheries zone. Contrary to the recommendations of the Departments of State, Defense, and Justice, the President did not veto the Fishery Conservation and Management Act of 1976. The bill had been drafted in the Congress with no executive branch input and, consequently, placed few constraints on the rights of coastal states.
Henry Kissinger, in an April 1976, speech made a definitive statement of U.S. concerns at the time. Kissinger stated that the Conference had made "significant progress" on the issue of twelve-mile territorial seas and "guaranteed unimpeded transit through and over straits for international navigation." He also expressed satisfaction with the Conference provisions for a 200-mile zone which was seen as allowing coastal-state control of fisheries, mineral and other resource activities. He also stressed that "freedom of navigation and other freedoms of the international community must be retained — in this sense the economic zone remains part of the high seas."

At this time, major issues to be resolved, in the U.S. view, were marine scientific research and compulsory settlement of disputes. With regard to marine research, Kissinger offered what he saw as a major concession. He stated that the U.S. would "agree to coastal-state control of scientific research which is directly related, to the exploration and exploitation of the resources of the economic zone." But the U.S. would "also insist that other marine and scientific research not be hampered." The U.S. was also prepared to endorse a list of obligations (advance notification, participation, provision of data and results, and assistance in interpreting results) which would be required of the researcher in undertaking any research with a state. However, this shift in U.S. policy was made without the agreement of the U.S. scientific community and was intended to be the final U.S. position on the question of research.

The arrival of the Carter administration brought new players to the U.S. oceans policy process. On January 25, 1977, President Carter
announced that he was appointing Elliot L. Richardson to serve as ambassador at large and special representative to the president for the Law of the Sea Conference. Domestically, the new administration discovered diminished support for and interest in a law of the sea treaty. With the passage of the Fishery Conservation and Management Act, fishery groups ceased to focus on UNCLOS III. Also, the general move toward expanding jurisdiction satisfied other coastal groups including segments of the petroleum industry and the environmental community. The deep-sea mining industry, on the other hand, was becoming increasingly alarmed at the course of the negotiations and exhibited a stronger preference for seabed mining legislation. At the same time, distant-water interests were playing a reduced role. The influence of the Navy had diminished and the interests of the marine scientists were clearly destined to suffer in future negotiations.

In the absence of a strong domestic constituency, Ambassador Richardson developed a strategy to revive domestic support for a treaty and to use domestic legislation to break the stalemate in the negotiations. Richardson launched two major law of the sea review processes in 1977.

Going into the 1977 sessions, the U.S. delegation was limited by three concessions that had been made by Henry Kissinger. In 1976, the U.S. had agreed that an international Enterprise could mine the seabed and that it would be given sites under a "banking system." Secondly, the U.S. had conceded the principle of production control and agreed to a limit on seabed production of 100 percent of the projected growth in the nickel market. And finally, Kissinger had promised that the U.S.
would help to ensure that the Enterprise began mining promptly through financing of commercial development of its first site and the transfer of technology. Contrary to the expectations of the developing nations, the U.S. did not offer any new compromise proposals. Instead the new U.S. team attempted to give effect to the Kissinger compromises of 1976. The U.S. sought to explain in detail the basis for its proposals and to engage the Group of 77 in serious technical discussions.

While the U.S. was trying to negotiate an international treaty, the new administration was under heavy pressure from members of the Congress to indicate whether it supported domestic legislation to mine the seabed. In fact, a group of seven "like-minded" states with an interest in seabed mining met in November 1977, to discuss the possibility of a limited treaty. On the other hand, some members of the delegation, including Ambassador Richardson, had come to the conclusion that a compromise treaty was the overriding goal. Within the U.S. delegation, the interest in a mini-treaty began to wane in 1978 as the prospects for acceptable procedural arrangements at UNCLOS improved. Ambassador Richardson and George Aldrich, the new Committee I negotiator, gained assurances that the committee chairman would not be free to alter the treaty text and ignore negotiated language. Thus, when the session opened in 1978, Richardson was confident that the procedural approach was agreed and was optimistic about the negotiations.

While U.S. views on a mini-treaty versus a global treaty shifted from 1977 to 1978, the sixth session of UNCLOS led to a consensus in favor of domestic legislation. Richardson maintained that the administration's position stemmed from three considerations: (1) legislation
would be needed with or without a treaty given the time that would pass before a convention came into force; (2) seabed mining should be encouraged; and (3) if drafted according to administration directions, domestic legislation would not negatively affect the conference negotiations. Richardson saw the value of mining legislation in pressuring the Group of 77 to undertake serious negotiations.

However, the elements of mining legislation sought by the administration were not always those favored by the mining industry or other groups. Richardson saw domestic legislation as being transitional pending agreement on a seabed regime. By the end of the 1978 session, the U.S. approach combined firm commitment to international negotiation with a willingness to resort to national mining legislation as an interim or fallback measure. Richardson managed the strategy of balancing domestic legislation and international negotiations. Under his direction, several agencies contributed to shaping a mining bill that was acceptable to the administration and was pushed through the House and almost through the Senate. However, in the last-minute rush of business in the 95th Congress, the mining legislation became caught in committee due to the opposition of a single lame-duck senator. The legislation narrowly missed passage by the 95th Congress.

From 1978 through 1980 Richardson worked hard to keep Committee II and III portions of the negotiating text that had been agreed to from coming undone while trying to make minor amendments where these would build a domestic constituency for the Treaty. The only areas where the U.S. sought treaty changes were those that had the prospect of building domestic support for the Treaty. Richardson's goal was to add marine
scientists and environmentalists to his defense department supporters. He involved U.S. environmentalists in the fight for amendments to enhance coastal-state enforcement rights in the economic zone as well as in efforts to protect marine mammals. He engaged U.S. marine scientists in the formulation of draft amendments which were presented to the Conference at the resumed session in 1978 and negotiated in 1979 and 1980.

While trying to be more responsive to coastal environmental concerns at the seventh session, the U.S. delegation sought changes in the 1977 amendments to Section 311 of the Federal Water Pollution Control Act. Section 311 would have provided for civil and criminal penalties for the discharge of oil or hazardous substances in navigable waters of the U.S. and throughout the 200-mile fishing zone. These provisions, however, were unacceptable to other maritime states as well as to U.S. shipping interests who could be subject to reciprocal action by other states. In the closing days of the 95th Congress, the administration succeeded in downgrading the penalty for discharge within 200 miles off shore to financial liability and in establishing that the federal government could not enforce against discharges of hazardous substances by foreign vessels beyond twelve miles from shore unless the government otherwise had jurisdiction over them.

The 1977 amendments to the Clean Waters Act reflected a general shift from executive to congressional leadership in setting policy direction for offshore areas. With the assertion of congressional powers during the Carter administration, the trend was toward unilateral coastal action and away from support for international measures. An
important factor in this trend was the large number of tanker spills that occurred in the winter of 1976-1977. Congress chose to act nationally to implement stricter standards than rely on an international approach. It enacted the Port and Tanker Safety Act (P.L. 95-474) to regulate foreign vessels in U.S. waters and to ban vessels carrying oil and hazardous materials if they did not comply with U.S. regulations. Congress directed the secretaries of state and transportation to seek acceptance of these regulations as international standards.

With regard to fisheries jurisdiction, the 94th Congress passed the Fishery Conservation and Management Act (FCMA) of 1976 which established U.S. authority and enforcement over a 200-nautical-mile fishing conservation zone effective March 1, 1977. In addition to promoting foreign investments in the U.S. fishing industry, the FCMA allowed U.S. fishing vessels to sell their harvest to foreign processing ships operating within the 200-mile zone.

The new U.S. legislation rendered a number of agreements to which the U.S. was a party ineffective and generated the need for new international arrangements for anadromous and highly migratory species. In 1977 the Congress amended the Atlantic Tunas Convention Act of 1975 by extending it to September, 1980, and be redefining the term "fisheries zone" from a zone of twelve to a zone of 200 miles. The International Convention for the High Seas Fisheries of the North Pacific (INPFC) was also renegotiated by the U.S., Canada, and Japan to make it more consistent with the FCMA. The 95th Congress extended the provisions of the Fisherman's Protective Act of 1967 and amended it to provide new
benefits for U.S. fishermen operating in the U.S. fisheries zone (P.L.94-194). The act provided for reimbursement to U.S. fisherman of any direct charges assessed by a foreign government for fishing in areas where coastal-state claims were not recognized by the United States. The Fisherman's Protective Act continued to provide reimbursement to U.S. tuna vessels seized in foreign waters. Although the U.S. did not recognize foreign claims to control U.S. tuna fishing within 200 miles of shore, most Pacific states made such claims.

The 96th Congress continued to legislate national approaches to ocean issues. The most notable example was the Deep Seabed Hard Mineral Resources Act passed in June 1980. During the course of 1979, the Congress became increasingly concerned with the direction of the seabed negotiations and with the concessions made by the U.S. delegation. Congressional concern was increased by executive branch support for a draft treaty on the moon and other celestial bodies negotiated by the UN Committee on the Peaceful Uses of Outer Space. The precedential aspects of the Law of the Sea Treaty for future negotiations on outer space resources led many to take a critical look at the emerging seabed regime. After delaying the seabed bill in 1979, Ambassador Richardson worked closely with congressional leaders in 1980 to develop legislation that ensured investment by mining companies while not disrupting the Geneva session of the Conference.

While the Congress concentrated on national approaches to oceans problems, the executive branch continued to seek an internationally accepted law of the sea treaty. To maintain the momentum for a treaty, Ambassador Richardson promoted two significant policies in 1979 and
1980. First, he regularized the U.S. policy of opposing national claims greater than those of the U.S. Second, he timed the passage of seabed mining legislation by Congress to stimulate further progress in the law of the sea negotiations. The Deep Seabed Hard Mineral Resources Act was intended to set the framework for an interim legal regime, and it became the basis for discussions with other states intending to pass similar legislation. It licensed exploration of the seabed after July 1, 1981, but exploitation was not permitted until January 1, 1988. Once the Law of the Sea Treaty came into force for the U.S., it was to supersede the mining bill. In the meantime the companies were afforded the security they needed to continue investment in seabed mining. However, once the U.S. rejected the Draft Treaty, the Reagan Administration turned to the 1980 Act as the basis for forming a reciprocating states regime or a so called "mini-treaty" with the Western industrial nations interested in deep seabed mining. This brings us to the fourth phase in which resource-economic concerns became dominant and were perceived by policy-makers as being an essential element of U.S. national security.  

GROUP GOALS AND INFLUENCE - 4TH PHASE (1981-PRESENT)

seabed mining provisions of the Treaty, were the product of intense lobbying by the mining industry.\(^{22}\)

In December 1980, Congressman Breaux and a dozen other Congressmen wrote President-elect Reagan and urged him to "order a review of the Law of the Sea negotiations."\(^{23}\) On Monday, March 2, the Department of State issued a release that suggested a thorough review of the draft treaty, which was reported by Deputy Secretary of State William P. Clark.\(^{24}\) At this inter-agency review of the Law of the Sea negotiations, a number of reservations were raised by the Department of Commerce and the Interior, although the Department of Defense was reportedly in favor of the Draft Convention. Testimony in Congressional hearings also brought both sides to the table.\(^{25}\)

Although it was not publicized, there were divisions within the Reagan Administration during the review process. The policy review was essentially an adversarial process. According to inside sources, pressure from the White House to reach a consensus was intense. There were two general points of view that emerged in the review process. The first was advocated by the Deputy Assistant Secretary of State for Ocean and Fisheries Affairs, Theodore Kronmiller, the most senior official responsible for the day-to-day conduct of the review. This point of view held that the Treaty was flawed because: it created adverse precedents for other negotiations on economic issues between developed and developing nations; forced American industry into an international regulatory and management system; and was at odds with President Reagan's desire to return the United States to a period of power and influence in world affairs. These views were strongly
supported by staff on the domestic side of the White House, by the Department of Interior, and by some civilians in the defense establishment, as well as some members of Congress.

The opposite point of view was represented by other agencies and by Leigh S. Ratiner, who at the time was serving as an advisor to Assistant Secretary of State, James L. Malone. That position can be summarized as a recognition that the Treaty in its present form was unratifiable, accompanied by a belief that it could be renegotiated and significant improvements made in it. The proponents of this viewpoint felt that U.S. interests could not be compromised merely by a return to the negotiations, since the President ultimately would have to decide whether the United States should sign the Treaty.

The perceived risk of compromising national interests through an effort to negotiate did not seem sufficiently realistic to sacrifice the opportunity to improve the Treaty. This view was accepted and the President decided on January 29, 1982, that the United States would return to the negotiations and seek six broad objectives. The objectives were supplemented by detailed instructions.

In the policy review process one of the principal U.S. objectives was to secure access to the raw materials of the deep seabed. The question was raised of whether there was an alternative to a comprehensive treaty on the law of the sea that would sufficiently protect mining rights and, in turn, provide a stable basis for financial investment in seabed mining. Those supporting U.S. withdrawal from the Conference maintained that an alternative mini-treaty regime among the industrialized countries would be an adequate basis for investment even
if a treaty on the law of the sea were adapted. Those who favored return to the negotiations were split on this issue. Some believed that a viable mini-treaty regime could be established but that the U.S. should strive to be part of a comprehensive treaty solution. Others felt that an alternative mini-treaty regime would not be supported by the Western Allies in light of the adoption of a treaty by a majority of nations. Because of these divisions of opinion, doubts about the realistic prospects for establishing an alternative mini-treaty were not brought forward at the highest levels of government. Thus, there was an assumption in the administration that if the United States took a hard stance and failed to improve the Treaty as a result, the alternative of a separate treaty with our allies was still available. Leigh Ratiner has suggested that this assumption may have been the Achilles heel of U.S. strategy for the last session of the Law of the Sea Conference.

In previous administrations the Defense Department had been a strong supporter of a successful treaty. It had always maintained that the stability of international law that would be gained from the Treaty, and which contains many provisions favorable to the mobility of U.S. air and sea forces, was a significant benefit to national security.

But during the Reagan Administration there were two changes in the Defense Department's stance. First, much greater emphasis was placed, particularly in the civilian side of the department, on the importance of American access to strategic raw materials. Second, there was a belief that, if the Treaty finally entered into force without U.S.
participation, most of the provisions favorable to the security of the United States, would be accepted as customary international law, meaning that Treaty rights would be available to all states whether or not they became parties to the Treaty. In conjunction, these two views brought about less enthusiasm for the Treaty in the Defense Department than had previously been the case. This led to a major shift in the balance of power in the intragovernmental adversarial process. This major shift in the defense community was, in part, the product of three factors: (1) an aggressive and largely successful lobbying effort by the mining industry to alert national leaders to the existence of a "resource war;" (2) growing recognition by U.S. leaders of U.S. dependence on vital and strategic minerals; and (3) opposition of conservative leaders in the U.S., particularly in the business community, which was concerned among other matters with the technology transfer provisions that were part of the deep seabed mining requirements, to the third world's proposed New International Economic Order (NIEO) and the use of UNCLOS III as the cutting edge in that effort. This shift in the Defense Department's position left a much less powerful core of Treaty supporters.

The Mining Industry

As early as 1976 the mining industry was instrumental in having a report prepared by the Congressional Research Service entitled Ocean Manganese Nodules, which called attention to the importance of nickle, copper, manganese, and cobalt contained in the nodules to the economy of the United States.
In a number of publications illustrating the importance of strategic minerals to the U.S. and the extent of U.S. dependency on them, the AMC made the case for a national minerals policy.\textsuperscript{28} The AMC also distributed two Congressional committee reports.\textsuperscript{29} Its purpose in alerting the nation’s leaders to American’s mineral dependency was to create a climate where laws and policies could be adopted that would lessen the regulatory burden on the mining industry, allow greater access to public lands for exploration and mining, create a tax structure that would stimulate capital formation, and lead to the adoption of a minerals policy encouraging mineral development and stockpiling as well as assured access to minerals both within the exclusive economic zone of the United States and within the deeper regions of the ocean floor.

Supporters of the Mining Industry

Other actors besides the mining industry were instrumental in calling attention to U.S. dependency on vital and strategic minerals. In this regard certain governmental officials played a key role in alerting other officials to this area of concern. For instance, at a November 20, 1980 hearing of the House Armed Services Committee Panel on the Defense Industrial Base, the Panel's chairman, Representative Richard Ichord, said the U.S. "must either redirect the minerals policy of the Interior Department or else establish a new department of national resources, rather than discourage their development." He told panel members that the nation needs "to stimulate production of strategic minerals that do occur within our borders even if the production
must be subsidized," and he urged revision of "our foreign policy to assure secure foreign sources of strategic minerals." Also at the hearing, Paul K. Kreuger, head of the Resource Preparedness Office of the Federal Emergency Management Agency (FEMA), told the panel that "rapid acquisition of the materials most needed for the strategic stockpile should receive high priority by the Congress." Kreuger said Title II of the Defense Production Act should be revitalized to stimulate mineral production. He said FEMA had under consideration four projects to expand domestic production capacity for cobalt, guayule (a source of natural rubber), titanium and refractory bauxite.

One of the more influential statements on the importance of strategic minerals to national defense and the role of seabed minerals in meeting this demand is the testimony by General Alton Slay, Commander of the Air Force Systems Command, before the Industrial Preparedness Panel of the House Armed Services Committee on November 13, 1980. In his testimony, General Slay called attention to what he termed the "erosion of the defense industrial base" and discussed the growing dependence of the U.S. on foreign sources for most of our strategic materials.

Some industry officials also saw the Treaty as an attempt by the underdeveloped nations to grab resources from the industrialized powers of the world. Some officials have expressed concern that if the concept of common ownership of the seas is accepted, then the principle would be extended to other areas such as the Antarctic and outer space. These perceptions were in large part responsible for President Reagan's decision not to sign the Treaty.
Two officials in the Reagan Administration highly critical of the Treaty were Ambassador Theodore G. Kronmiller who also served as Deputy Assistant Secretary for Oceans and Fisheries Affairs, and Doug Bandow who was Special Assistant to the President for Policy Development. Bandow termed the Draft Treaty "... a fatally flawed document that is inimical to American interests." 33

Disagreement Within the Mining Industry

The deep seabed mining industry, however, was not in unanimous agreement concerning the feasibility of a "mini-treaty" as a preferable basis for investment in this new ocean industry. Marne Dubs, Chairman of the Undersea Mineral Resources Committee of the American Mining Congress and Corporate Director of Technology for the Kennecott Corporation, was more sympathetic to the use of the UNCLOS Treaty as a basis for underseas mining than were the other American based mining consortia. This eventually led to a falling-out between Dubs and the other American mining consortia representatives because Dubs was seen by various members of the Legislative and Executive branches of government as supporting the Treaty process along with two other vocal proponents, namely, Leigh Ratiner and Elliot Richardson.

This perceived split in the mining industry was used by Elliot Richardson and Leigh Ratiner in their arguments that a portion of the seabed mining industry believed that a universal treaty was a better vehicle for investment than a "mini-treaty." This led to a harsh reaction from the other U.S. consortia who wrote to Ambassadors Mallone and Kronmiller at the State Department and testified before
Congressional committees that the U.S. underseas mining industry was unanimous in its views regarding the Treaty. The U.S. mining consortia argued that Mr. Dubs was merely arguing for improvements in the Draft treaty and did not view it as any more acceptable than any of the other U.S. consortia.

Mining Industry Influence on the U.S. Review of the Treaty

The deep seabed mining industry sought vigorously to influence the policy review of the Draft Convention. The American Mining Congress strongly advocated freedom of access for deep seabed mining, exclusivity of mining sites, acceptable conditions of investment and simplified organizational arrangements for deep seabed mining.\(^{34}\)

On July 14, 1981, one of the co-chairman of what AMC then called the Committee on Undersea Mineral Resources wrote to Secretary of the Navy, John F. Lehman, Jr. to thank him for a meeting the U.S. ocean mining industry representatives had with him on July 7, 1981.\(^{35}\) On December 8, 1981, the American Mining Congress sent a carefully timed letter to President Reagan just before he was to receive a Departmental Options paper regarding U.S. participation in UNCLOS. The letter which outlined the concerns of the mining industry regarding the Treaty reportedly received the careful attention of the Administration.\(^{36}\)

Thus, the American mining industry was strongly supporting the reciprocating states negotiations as the vehicle for investment in undersea mining and was also emphasizing that the Draft treaty contained major deficiencies that should prevent U.S. acceptance of the Treaty unless they are remedied. Letters similar to that sent to the
President were also sent to Secretaries Haig, Weinberger, Baldridge and Watt, and to several other senior Administration officials in the White House and in the Departments.

The mining industry had considerable support for its position among White House aides. This is exhibited by a statement from Edwin Meese, counselor for President Reagan, in an article published on February 21, 1983, after the U.S. decision to reject the Treaty. In this article Meese stated that if the United States had agreed to the Law of the Sea Treaty, "We would have entrusted our own and our allies' access to the seabed's minerals to the goodwill of nations that have, for the most part, opposed our objectives." Meese said that the Treaty poses a threat to both the industrialized countries as well as the developing nations because it is highly unlikely that any company would accept the conditions in the Treaty to actually mine the ocean floor. He wrote: "No one will benefit from the seabed's riches if the minerals remain on the ocean floor." He argued that the U.S. must "develop alternative ways to preserve all nation's access to the seabed's mineral resources."37

The mining industry was also successful in building a coalition of opponents to the Treaty. On April 29, 1982, the National Ocean Industries Association sent a letter to President Reagan cosigned by the heads of fourteen other associations. (The signers of this letter expressed their agreement with the President's position on the Draft Treaty.)38

Thus, in the final sessions of the Law of the Sea Conference, an informal coalition of industry groups evolved that was most active in
working to bring about U.S. rejection of the Treaty. This coalition was strictly informal and held no regular meetings nor did it maintain any type of separate staff to manage its activities. The coalition was merely a loose working relationship in which the members shared information, coordinated their efforts, and worked through associations such as the American Mining Congress and the National Ocean Industries Association to present a united front through such vehicles as joint letters.

Judging from the quality and tone of correspondence between the groups concerned with UNCLOS and the Reagan Administration, it is fair to say that the industry groups enjoyed a much better rapport with the Administration than other groups such as public citizens groups or religious groups that remained on the fringes of access with the Administration. When comparing the content of statements from groups that opposed the Treaty with statements of members of the Reagan Administration regarding the Treaty, one can see the close congruency between the views and positions of these different groups and those of the Administration. While public citizens groups, religious organizations and so forth were not denied access, the Administration clearly worked more closely with and took much greater note of the concerns of U.S. industry groups. In the State Department, under the Reagan Administration, a list of organizations and companies critical of the Treaty was kept on file by U.S. Ambassadors to the United Nations that headed the U.S. negotiating delegation. A comparable list of supporters of the treaty was not kept in this manner. This illustrates the greater attention given to opposing groups under the Reagan
Administration. Those organizations and companies, whose names were on the list, included: American Mining Congress; National Ocean Industries Association; National Association of Manufacturers; Northern Pacific Fishing Vessel Owners Association; National Fisheries Institute; National Federation of Fishermen; American Petroleum Institute; U.S. Chamber of Commerce; American Patent Law Association; Petroleum Equipment Suppliers Association; Intellectual Property Owners, Inc.; International Association of Drilling Contractors; International Association of Geophysical Contractors; AMAX, Inc.; Western Gear Corp.; Sun Co., Inc.; SEDCO, Inc.; Phillips Petroleum; Halliburton Co.; Atlantic Richfield; Conoco, Inc.; Cities Service; United Technologies; Chevron; U.S. Steel; ARCO; Standard of Indiana; Western Geophysical (Litton); and Seiscom Delta, Inc. 39

Another body, besides the Advisory Committee, that was more central and significant in the LOS decision-making process in the U.S. was the Interagency Group (IG), chaired by Deputy Assistant Secretary Ted Kronmiller, which conducted the policy review at the deputy assistant secretary level and included the Departments of State, Commerce, Interior, Treasury, Transportation, and Defense. This Interagency Group completed its work in the fall of 1981 and submitted a critique of the Draft Convention along with a rank-ordered list of recommended changes to a Senior Interagency Group (SIG), chaired by Deputy Secretary of State William Clark and similar in composition to the IG. A position paper, prepared by the Department of State, outlined various options along with assessment papers summarizing those changes in the Draft Convention that were believed to be actually negotiable. This
package was then forwarded to the National Security Council for a final review by the Cabinet officers before being sent to the President.

The National Security Council finally met on Saturday, January 23, 1982, and recommended to the President that the United States return to the Eleventh Session of UNCLOS III commencing on March 8 in New York, and negotiate in good faith. The reason for such a recommendation by the NSC was reported to be twofold: first, the apparent isolation of the United States in its rigid negotiating posture from friends and allies, not to mention the Group of 77 and the Soviet Union; and second, the realization that the Treaty contained many extremely positive elements for the United States.  

On January 29, 1982, the President issued a statement saying that the "United States would return to the Law of the Sea Conference, and will seek to relax the proposed curbs on mining the oceans' mineral wealth." The parts of the Draft Convention which were of greatest interest to the Department of Defense were Parts II and III regarding "Innocent Passage in the Territorial Sea" and "Transit Passage through International Straits." The Department of Commerce and Interior were most concerned with Parts VI and XI involving mainly "The Continental Shelf" and "The Area" for deep seabed mining. However, the focus of President Reagan's concern was on the International Seabed Authority which he viewed as an international cartel that would monopolize deep seabed mining.

On August 4, 1982, Secretary of the Interior James Watt wrote a memorandum to the President's Cabinet Council on Natural Resources and Environment calling for "a detailed analysis of domestic actions
affecting the development of ocean resources critical to the long range national interest of the United States, including fisheries, marine oil and gas, marine hard minerals, and related marine research and environmental issues." Watt stated that his analysis should be closely coordinated with the National Security Council.

Secretary Watt's memorandum was a call for a national oceans policy and an exclusive economic zone -- a course of action which the President was later to follow. The Secretary's memorandum was protective of various economic interests in the U.S. such as: offshore mining, oil and gas, and coastal and distant water fishing. Attention was also given to marine scientific research and environmental pollution. This was an effort to reassure these interests that the Administration would work for their protection despite the fact that it had rejected the Law of the Sea Treaty.42

The Fishing Industry

Several fishing groups had sided with the mining industry at the end of the Conference in opposing the treaty. Among these organizations were: the National Fisheries Institute, Inc.; the National Federation of Fishermen; and the Pacific Seafood Processors Association. But the importance of the Conference to the fishing industry diminished with the passage of protective domestic fisheries legislation such as the Fishery Conservation and Management Act of 1976. On April 13, 1976, the U.S. Congress established a 200-mile fishery conservation and management zone to become effective on March 1, 1977. President Ford approved this action, over the opposition of the State
and Defense Departments, principally because of election-year politics. The bill not only reduced the support of U.S. coastal fishermen for a treaty but it alerted other nations to the fact that the U.S. would move unilaterally if the Conference failed to move toward agreement. With the passage of this bill the U.S. claimed exclusive rights to anadromous fish beyond 200 miles. Also foreign fishing would be allowed in the 200-mile zone for surplus stocks not claimed by U.S. fishermen. The 94th Congress exhibited a preference for national over international action. In 1975 the Congress passed legislation to implement the 1966 Convention for the Conservation of Atlantic Tunas and the 1975 Brazilian Shrimp Agreement. The 95th Congress extended the provisions of the Fishermen's Protective Act of 1967 and amended it to provide new benefits for U.S. fishermen operating in the U.S. fisheries zone. The act provided for reimbursement to U.S. fishermen of any direct charges assessed by a foreign government for fishing in areas where coastal-state claims were not recognized by the United States. The act continued to provide reimbursement to U.S. tuna vessels seized in foreign waters.

With the passage of the Fishery Conservation and Management Act, fishery groups ceased to focus on UNCLOS III and the general trend toward expanding jurisdiction satisfied other coastal groups including segments of the petroleum industry and the environmental community. As noted earlier, the deep sea mining industry became more alarmed at the course of the negotiations and expressed its preference for domestic mining legislation. Also, distant-water interests were playing a diminished role. The Navy's influence had diminished and marine
science interests saw themselves as destined to suffer with or without a treaty. This resulted in a weaker domestic constituency supporting the Treaty and a relatively stronger constituency opposing the Treaty.

The shift in a major segment of the fishing industry towards a national approach was discussed in an August 17, 1982 letter from Lee J. Weddig, Executive Vice President of the National Fisheries Institute, Inc. to the Honorable Water B. Jones, Chairman of the House Merchant Marine and Fisheries Committee.\footnote{44}

A similar letter was sent by Lee Weddig to Theodore Krommiller, Deputy Assistant Secretary for Oceans and Fisheries Affairs, U.S. Department of State, on June 15, 1981.\footnote{45} Another fishing group to oppose the Treaty was the National Federation of Fishermen.\footnote{46}

The distant water fishing industry has a different set of concerns than the coastal fishing industry. The two most prominent distant water fishing industries in the U.S. are the salmon and tuna industries which have to contend with highly migratory species.

In an August 18, 1982, statement entitled, "Law of the Sea: The U.S. Tuna Industry Perspective," that was presented to the House Committee on Merchant Marine and Fisheries, August Felando, President of the American Tuna Boat Association, argued that the Treaty did not settle the basic jurisdictional issue.\footnote{47}

Thus, it is evident that the U.S. distant water fishing industry was not an avid supporter of the Draft Treaty. Rather because the Treaty does not settle the issue of coastal nation versus international control of tuna fishing in 200-mile economic zones and, in fact, may serve to confuse the issue even further, the U.S. distant water fishing
industry, while not actively campaigning against the Treaty, acquiesced to U.S. opposition to the Treaty. Consequently, it is fair to say that in the end, the U.S. fishing industry, in general, opposed U.S. acceptance of the Law of the Sea Treaty.

The Petroleum Industry

In the final stages of the Conference, major segments of the petroleum industry expressed their opposition to U.S. signature or ratification of the Treaty even though they had supported the development of an international treaty earlier in the negotiations. In a prepared statement submitted to the Subcommittee on Oceanography of the Committee on Merchant Marine and Fisheries, U.S. House of Representatives, on July 27, 1982, the American Petroleum Institute (API) stated that the Treaty should not be supported and signed.48

Thus, it appears that the positions of the mining industry and the petroleum industry merged toward the end of the Conference with both being concerned with such matters as: the Enterprise; production controls; limited U.S. access; technology transfer; dispute settlement procedures; and the precedential effect of the Treaty. This merging of viewpoints can be explained, in part, by the fact that during the 1970s and 1980s petroleum industry investment in mining ventures increased dramatically. Various large mining corporations were acquired by petroleum corporations during this period. As a result, the petroleum industry became more concerned with barriers to the production of hard minerals. The Law of the Sea Treaty was increasingly viewed as one such barrier to the production of hard minerals from the oceans and was
eventually opposed by the deep seabed mining industry and major segments of the petroleum industry. However, another factor explaining the position of the API is that, with the U.S. declaration of an exclusive economic zone, the Treaty was no longer necessary for providing security of tenure and investment for offshore petroleum exploration and development. In fact, the Treaty discouraged development beyond 200 miles through the use of surcharges and royalties to be paid to an international fund by the companies. Thus, the petroleum industry began to believe that their interests would be better served through the U.S. exclusive economic zone, customary international law, and bilateral agreements with nations concerning fossil fuel exploration and development.

The Defense Community

As noted earlier, the position of the Defense Community regarding the Law of the Sea shifted over time from a preoccupation with transit through straits and coastal zone extensions to a greater concern with access to strategic and critical materials — particularly with the arrival of the Reagan Administration. However, this shift was far from unanimous and significant differences of opinion remained between defense analysts over what constitutes U.S. national security with regard to the oceans.

Secretary of the Navy, John Lehman, in a speech before the World Affairs Council, expressed the views of the Reagan Administration regarding the national security aspects of the oceans and the need to protect both traditional navigation and overflight rights and U.S.
access to the strategic minerals of the deep seabed. Secretary Lehman's remarks were a concise statement of the new naval definition of U.S. security interest in the oceans. 49

Thus, while the position of the defense community regarding the Law of the Sea treaty was not unanimous, it did show a marked shift toward economic security matters, particularly access to strategic and critical minerals, and less concern over an international treaty as a basis for protecting the unimpeded mobility of U.S. naval forces. Major segments of the defense community also came to believe that, regardless of whether the U.S. became a party to the Treaty, our naval forces would be able to benefit from the provisions of the Treaty through the evolution of customary international law. Throughout the history of the Conference, many of the agreements that were reached in the committees became accepted as customary international law, i.e., the generally accepted norms which are followed by the nations of the world. These same defense analysts also believed that the U.S. could solve many of its problems regarding naval mobility through bilateral agreements with nations exerting jurisdiction over significant and perhaps vital oceans areas. Finally, they argued that, as a last resort, U.S. naval forces could rely on force, or the threat of force, to secure its requisite mobility in the oceans.

Labor

Oceans Industries, saw the newly emerging deep seabed mining industry as creating a new job market for its workers. This spurred various labor leaders to become involved in the UNCLOS debate. However, the main involvement of labor concerned the creation of a new oceans industry. The deep seabed mining industry lobbyists contacted labor leaders in Washington and alerted them to the potential benefits to labor deriving from exploitation of the mineral resources of the ocean floor. It is fair to say that without the support of labor, the deep seabed mining industry might not have been able to have secured the votes necessary for the passage of the Deep Seabed Mining Act.

From testimony of labor one can derive that the primary motivation for labor's involvement with the Law of the Sea Conference and the passage of the Deep Seabed Hard Mineral Resources Act was the creation of jobs for American workers. It is equally apparent from his testimony that labor was seeking to have requirements placed in the Act ensuring that American workers were the ones that had to be hired by the mining industry in meeting the labor needs for these new ventures. Mr. Yarmola also stated that the deep seabed mining companies and the American Mining Congress supported provisions in the bill requiring the use of American vessels and crews in the conduct of ocean mining. Perhaps this was one of the mining industries quid pro quos for labor's support of this legislation. At any rate, once it became apparent that the ocean mining industry may never get off the ground or at least not until the 21st century, labor's interest in the Treaty dwindled dramatically. Although they were not very active towards the end of the
Conference, those labor groups that had been concerned with UNCLOS, supported the President's decision not to adopt the Convention.

TREATY SUPPORTERS
The Maritime Industry

Throughout the Conference the maritime industry benefited from the actions of the defense community. In protecting its own mobility the Navy also, unintentionally, helped to protect the mobility of the U.S. merchant marine. Thus, the maritime industry was able to ride the coattails of the defense community, so to speak, and was not forced into launching a major lobbying effort to protect its interests. Nevertheless, this industry had its representatives in Washington and elsewhere that looked out for its interests regarding the oceans. Unlike the defense community, the maritime industry continued to support the Law of the Sea Treaty because of what it considered to be its many beneficial provisions.

Thus, the U.S. maritime industry was one of the supporters of the Treaty at the end of the Conference. For this industry the Treaty seemed to codify and stabilize certain areas of maritime law that had previously been uncertain and troublesome for the maritime community. In particular, the Treaty clarified four important areas for this industry, namely, (1) coastal state jurisdiction; (2) strait and archipelagic state jurisdiction; (3) duties of the flag state; and (4) port and coastal state enforcement. In this respect, the U.S. maritime industry was one of the "winners" at the Conference and, for
this reason, was supportive of the Draft Treaty in the final stages of negotiations.

Ambassador Elliot Richardson

Elliot Richardson, who was the chief Law of the Sea negotiator under the Carter Administration, and was later replaced by James Malone as chief negotiator with the arrival of the Reagan Administration, became one of the most vocal and active supporters of the Treaty in the United States. Richardson, who was convinced of the beneficial aspects of the Treaty to the U.S. and the world, tried to develop a domestic coalition supporting the Treaty, particularly through his close contacts with interest groups on the LOS advisory committee. He attempted to convince each of these groups of the merits of the Treaty and the need for them to actively support the document. Of course, some groups were more receptive to Richardson's entreaties than others.

As part of his efforts to achieve U.S. adoption of the Treaty, Richardson: actively campaigned through his Washington contacts and contacts around the U.S. in support of the Treaty; gave numerous speeches; testified before Congressional committees; wrote articles on the Treaty for various publications; and helped to form a public interest group supporting the Treaty called "Citizens of Ocean Law." Following his dismissal as U.S. Ambassador to the United Nations for the Law of the Sea under the Reagan Administration and replacement by James Malone, Richardson was appointed to be Public Chairman of the State Department's Advisory Committee on the Law of the Sea. It was in this capacity that he testified on several occasions in Congress. 52
But even though there was not a strong domestic constituency in favor of the Treaty, the document did have its supporters in the U.S. These supporters were primarily: individuals concerned with global affairs such as Ambassador Richardson; supranationalist organizations such as the United Methodists, the Quakers, and the newly formed public citizens group -- Citizens for Ocean Law; and environmental groups such as the Center for Law and Social Policy, the Sierra Club, the Humane Society, Defenders of Wildlife, and the National Audubon Society. I will now discuss the positions of these groups that actively worked for U.S. adoption of the Treaty.

The Supranationalists

Public Citizens Organization - Citizens for Ocean Law (COL). This group saw its mission as increasing public awareness of the need for regimes of ocean law and international order to protect American interests in the expanding uses of ocean spaces. COL stressed the interdependence of nations and the importance of international accords to further those interests. Their vehicles for achieving these goals were the distribution of educational materials and public discussion so that U.S. citizens can form their own independent judgments about a matter that will affect their lives for some time to come.

Citizens for Ocean Law was quite active on Capitol Hill and in addition to its educational efforts and personal visits to the offices of Members of Congress to discuss UNCLOS, COL made numerous appearances before Congressional committees to testify in support of the Treaty. With regard to the executive branch, COL was an active member of the
State Department's LOS Advisory Committee and through personal visits, correspondence, and its close ties with Elliot Richardson and other respected individuals who had been involved with the Treaty, made its views known in the State Department and other departments and agencies in Washington.

Religious Organizations

U.S. Committee for the Oceans. Another organization that worked for the U.S. adoption of the Treaty was the U.S. Committee for the Oceans. However, this group was not purely a public citizens lobby but was associated with the Quakers and the United Methodist Church. Their headquarters was located on Maryland Avenue in Washington, D.C. The honorary chairman of the U.S. Committee for the Oceans in 1982 was Arthur J. Goldberg, former U.S. ambassador to the U.N. who was involved in the early years of UNCLOS III. Thus, the U.S. Committee for the Oceans was urging that the U.S. not arbitrarily isolate itself from the development of a global oceans regime. By signing the Treaty the U.S. would be allowed to participate in the Preparatory Commission which would draft the rules and regulations for operations under the Treaty. The U.S. would still have to receive Senate ratification of the Treaty before it could accept the Convention in its final form. For this reason, the U.S. Committee argued that by remaining in the process the U.S. would strengthen its hand in negotiating for the best product, to serve our "many national interests." These national interests to which they refer are the various special domestic interests concerned over the outcome of the Treaty.
United Methodist Law of the Sea Project. The United Methodists were among the most active of the noneconomic interest groups that worked for U.S. adoption of the Treaty. They attended the sessions of the Conference and were well known by the participants for their educational efforts and knowledge of the proceedings which they shared with interested parties. The Methodist's Law of the Sea Project was located in the United Methodist building on Capitol Hill just across from the Russell, Dirksen, and Hart Senate office buildings. The Methodists took advantage of their proximity in visiting Congressional offices and educating members of Congress and their staff on UNCLOS. They also testified frequently before Congress concerning the Treaty.

In their analysis of the Law of the Sea Conference, the United Methodists took a global perspective of the Treaty and its impact on international order and stability and the role of the United States as a world leader. They also looked at the overall national gains from the Treaty as compared to the negative aspects of the document and came to the conclusion that it was in the national interest of the United States to become a signer of the Convention. In sum, the United Methodists argued that U.S. participation in the Treaty was tied to significant foreign policy interests and that, with regard to the marine-related uses of the ocean, there was broad support within the respective constituencies in this country for the Treaty. They also maintained that those critical of the Treaty failed to recognize the significant benefits of a legal regime governing the uses of the oceans and were prone to compare the gains in the areas of navigation and
overflight unfavorably with the losses associated with deep seabed mining. 56

National Council of the Churches of Christ in the USA. Another religious organization that took an active role in supporting the Treaty was the National Council of the Churches of Christ in the USA. Unlike the United Methodists the National Council of Churches did not have a permanent office in Washington. Consequently, because they did not have the proximity to Capitol Hill that the Methodists did, the National Council of Churches did not develop the rapport with certain committees and members of Congress that the Methodists did. They did, however, contact the President and senior officials in the State Department regarding UNCLOS. 57

The National Council of Churches of Christ in the U.S.A. expressed their disapproval over the President's decision to reject the Treaty. They based their argument on the following considerations: loss of U.S. leadership and isolation from the majority of nations regarding the creation of a national oceans regime; loss of significant benefits in the Treaty; and the Christian responsibility for conserving the world's resources for future generations which the Law of the Sea Treaty helps to fulfill. Thus, the National Council of Churches made an argument quite similar to the United Methodists and stressed the benefits to mankind from global cooperation and the sharing of the earth's resources.
The Environmentalists

The Center for Law and Social Policy. The Center for Law and Social Policy, a public-interest D.C. law firm, provides legal expertise and support for the variety of environmental groups in Washington and usually speaks on behalf of a coalition of environmental interests. On October 22, 1981, Clifton E. Curtis, an attorney with the International Project of the Center, testified before the Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries concerning the U.S. review of the Draft Law of the Sea Treaty on behalf of sixteen national environmental and conservation organizations. 58

The differences between the environmentalists and most of the economic interest groups in their views regarding the Law of the Sea Treaty are quite obvious. The economic interest groups take a nationalistic, self-interested, and unilateral perspective, while the environmentalists and other supranationalist organizations stress the growing interdependence of the world and the need for multilateral cooperation and coordination in meeting what have become essentially global problems. The environmentalists regarded UNCLOS III as one of the most important international negotiations affecting the oceans and also as establishing a framework for resolving disputes that would make significant contribution to the preservation of world peace. They cited the following areas of the Treaty as being beneficial to the U.S.: navigation and over-flight; commercial navigation; access to strategic minerals; access to energy resources; living resource development and conservation; marine scientific research; and environmental
provisions. They also noted that, despite some problems with the deep seabed mining provisions in the Treaty, the Convention does not jeopardize U.S. access to the deep seabed and that there could be no viable deepsea mining industry without a stable and legal regime provided by an international treaty. The environmentalists saw the Treaty as serving as a model of developing world law and global cooperation. Finally, it is important to note that the environmentalists did not confine their communications to Capitol Hill but were also in contact with the executive branch, particularly the State Department. For instance, on May 26 and April 3, 1981, the Center for Law and Social Policy sent letters to Secretary of State Alexander Haig stressing the beneficial aspects of the Treaty to the United States. The Center for Law and Social Policy was at the end of the Conference one of the most ardent and vocal supporters of the Treaty.

The Sierra Club. On June 26, 1981, the Club sent a letter to President Ronald Reagan in support of the Draft Treaty. Close ties existed between the religious, public citizens and environmental groups regarding UNCLOS. They all shared a common philosophy of global cooperation to solve problems in an increasingly interdependent world. They also saw the Treaty as an important step in the development of international institutions that would regulate national uses of world resources. This approach, in turn, would alleviate the resort of nations to force to protect their interests and thus create a more harmonious, stable, and peaceful global environment. In its June 26, 1981 letter to President Ronald Reagan, the Sierra Club urged the President to exhibit a sincere desire to renegotiate the troublesome
provisions of the Treaty in order to forestall any decision by Conference leaders to finalize the Treaty without U.S. participation. 59

**Marine Science.** The marine science community in the U.S. is a disparate assortment of interests comprised primarily of the various oceanographic institutions and the scientists in these institutions with an interest in pursuing marine research all over the globe. The marine scientists did not have an association per se that represented their interests. Rather, they relied on the National Academy of Sciences as being their voice in Washington. Although there was some disagreement in the marine science community over how their interests were served by the Treaty, there existed a cadre of leading marine scientists who visited Washington and made appearances on Capitol Hill and elsewhere to express the concerns of the scientific community vis-a-vis UNCLOS III. These spokesmen, however, were the activists within the community. A large proportion of marine researchers remained uninformed and uninvolved or relied on these activists to represent their interests. While the scientists fared rather badly in the Treaty, it is fair to say that most of those with a knowledge of the issue felt that, even though the Treaty was far from satisfactory, they might end up worse off without one.

Dr. David Ross, a senior scientist at Woods Hole Oceanographic Institution, and one of the leading spokesmen for U.S. marine scientists on the Law of the Sea Treaty, argued that, despite the pitfalls concerning marine research in the Treaty, the marine scientific community will be better off with a Treaty than without one. This is because the Treaty will create more certainty and consistency regarding
the rights of marine scientists, whereas, in the absence of a Treaty, nations will rely on their laws in determining the access of scientists to offshore areas for research. These national laws may be more restrictive in certain cases than in the LOS Treaty. For this reason, most marine scientists urged the U.S. to accept the Treaty and to begin to establish a national policy for helping marine scientists to gain access to offshore areas for research in light of the new perceptual and real changes in coastal state rules relating to marine scientific research.

SUMMARY AND CONCLUSIONS

In what I have termed the final or fourth phase of U.S. ocean policy development relating to the Law of the Sea, i.e. from 1981 to the present, various domestic interest groups, that had previously been dormant or uninformed on this issue, became mobilized due to the proximity of the conclusion of the Conference. Many of these groups were mobilized by the increasing attention given to the Conference, by contacts with groups already involved in the negotiations, and the resulting recognition of ways in which the Treaty might affect the interests of their organizations. Some worked to promote the Treaty and its benefits to the U.S. and the world. Others expressed alarm over the nefarious aspects of the Treaty relating to U.S. economic political and security interests. Congress, along with the executive branch, played a significant role in the UNCLOS debate. The interest groups attempting to influence U.S. policy on this issue had to work through these institutions. They met with different degrees of
sympathy from government leaders over the course of the Conference which, in turn, affected their ability to influence U.S. policy.

Even though former Ambassador Elliot Richardson avidly campaigned for the adoption of the Treaty and helped form the public citizens group -- Citizens for Ocean Law -- a widespread domestic constituency supporting the Treaty did not exist. In fact, domestic support for the Treaty diminished over the course of the Conference. Domestic legislation satisfied many of the interest groups which no longer had to rely on UNCLOS as a vehicle for addressing their needs. There did, however, remain a core of supporters, primarily environmental groups, religious organizations and Citizens for Ocean Law. But they were unable to mobilize the U.S. public to support the treaty. The Law of the Sea Conference was not an issue of which the general public was aware. It was an esoteric subject that was familiar only to highly attentive members of the public, experts in the field, the interest groups involved, and the policy-makers concerned with the issue. Consequently it was within this closed group of participants that policy decisions on UNCLOS were reached. The general public did, however, have an indirect impact on the outcome of the Conference through the leaders that it elected. Had Jimmy Carter been reelected, Elliot Richardson would have remained the U.S. Ambassador to UNCLOS and would likely have recommended that the U.S. vote to adopt the Treaty which would have then gone before the Senate for ratification. Senate ratification of the Treaty would, however, have been a different matter with a strong likelihood of rejection by the Senate. But the election
of Ronald Reagan as President helped to seal the fate of the Treaty in the United States.

With the arrival of the Reagan Administration attention shifted to the philosophical and precedential aspects of the treaty such as: its serving as the cutting edge for the NIEO, creation of a supranational authority, an anti-free-enterprise approach to mining, a socialistic interpretation of the "common heritage of mankind," production limits, mandatory transfer of technology, and poor U.S. representation on the council or governing body of "the authority." It also focused on the provisions for a review of the treaty in 15 years at which time a consensus vote by all parties to the Treaty would be binding on all parties to the convention, thus leaving those nations disagreeing with the vote only two options — either acceding to the vote, or withdrawing from the Convention. Emphasis was also given in the Reagan Administration to the importance of economic aspects of national security and foreign policy. The argument was effectively made within the Administration that given U.S. dependence on critical and strategic minerals and the presence of several of these minerals in the nodules on the deep ocean floor, the U.S. should reject the Treaty in that it enables the Third World to control access to the nodules, a power which could be used against the U.S. and that would serve to discourage investment by U.S. mining companies.

But such was not always the case. In fact, early in the Conference the greatest attention was given to the strategic aspects of the Treaty. Other interests, such as petroleum, pollution, fishing, marine science and commercial navigation were given as much or more attention
early in the Conference than was deep seabed mining. Only toward the end of the Conference did the mining provisions gain more attention and this was because they were the last items left unresolved. Throughout the history of the Conference the different interests received different levels of attention at different points in time. The majority of the interests, however, had their impact relatively early in the history of the Conference while the influence of the U.S. mining industry came late -- perhaps too late. The mining industry was unsuccessful in having the deep seabed mining provisions of the Treaty altered to where they were acceptable for investment purposes. Given its inability to undo the mining provisions that had evolved over the course of the Conference, the mining industry persuaded the United States Government under President Reagan to reject the Treaty and attempt to develop a mini-treaty with its western allies. The mini-treaty option, however, has not proven to be a suitable alternative to date and perhaps never will be. However, since deep seabed mining will not be in economic demand until the 1990s or later, the shape of deep seabed mining regime has more or less been put on hold. Only when pressure increases for deep seabed mining will the shape of the legal regime become a pressing issue again.

The United States did not sign the Law of the Sea Convention because, over time, many of its leaders began to perceive the Treaty as a threat to basic principles of Western economic and political philosophy. Unfortunately, the Treaty could not simply be renegotiated because the concerns of the United States, particularly those concerning seabed mining, went to the basic premises upon which years of
compromise and negotiation had been built. These philosophical objections were stressed by the mining industry and other high technology industries that were concerned over the technology transfer provisions as well as the anti-free enterprise approach taken in the Treaty. Although there were many beneficial provisions in that Treaty for various domestic interests, such as: the environmental community; the coastal fishing industry; and commercial and military navigation; there was not a significant and combined grass-roots effort that could have provided enough domestic support in favor of the Treaty to counterbalance its negative aspects. Yet, even though those interest groups in favor of the Treaty were unable in the end to generate enough support for its passage, they, along with the other interest groups concerned with UNCLOS, had a large impact on U.S. positions taken vis-a-vis the Treaty. The U.S., in turn, had a substantial impact on the final document adopted at the U.N. whose provisions in large part have now become accepted as customary international law. Thus, through the process, many of these domestic interests were able to influence the international regime under which they must function even though the U.S. failed to sign the Treaty. Some groups, of course, were more influential than others for a variety of reasons. Perhaps this ability to indirectly affect the ocean regime explains the lack of an enthusiastic domestic effort at the end of the Conference to gain U.S. approval of the draft document. Once they had achieved their goals to the extent that they considered to be practically feasible, either through U.S. domestic law or U.S. negotiating positions at the
Conference, these domestic interest groups withdrew from active involvement in the process.
In Chapter I three foreign policy models were presented and discussed -- the state-centric, bureaucratic politics, and pluralist models. It was noted that the state-centric and bureaucratic politics approaches have dominated research on U.S. foreign policy to the detriment of a pluralist perspective on the process. However, this is most unfortunate since domestic interest groups will be more predominant in certain foreign policy issues than others. Typically, questions of national security and defense will be dominated by the Executive Branch and to a lesser extent by the Congress with minimal input from interest groups. However, on issues involving international economic questions, the homelands of various ethnic groups, foreign aid, and global community questions, domestic interest groups will become more dominant.

An argument was made in favor of the pluralist model as a vehicle for analysis in non-crisis and prolonged foreign policy issues involving economic, ecological, and global political questions. Also, the more closely conditions of "complex interdependence" are approximated, the more relevant is the pluralist model. Additionally, non-public foreign policy issues of a complex nature tend to encourage the involvement of domestic interest groups.
In Chapter III a conceptual model for the study of interest groups was presented. It focused on the importance of internal characteristics, access, institutional structure, the perceptual and attitudinal screens of decision-makers, strategies and tactics, and decision-makers communication with interest group leaders in determining interest group influence on American foreign policy. The importance of the external environment in establishing the parameters for the interest groups policy-maker exchange was also discussed. In Chapters IV, V and VI the model was expanded with more detailed attention given to internal group characteristics, resources and external behavior.

The third United Nations Conference on the Law of the Sea was chosen as an "ideal type" case study for the pluralist model since it closely approximated most of the conditions which would maximize domestic interest group involvement and influence in a foreign policy question. One important aspect of the use of UNCLOS for the case study analysis is that its evolution can be analyzed over time. The Law of the Sea Conference is extremely long as far as international conferences go. Also, the issues contained in this Conference can be studied as they have proceeded from the Truman Administration up through the Reagan Administration. This enables one to look at the shifting U.S. policies on this issue from administration to administration and their relationship to the competing demands of the various interest groups. While the primary data source for this case study is a series of interviews conducted at a certain point in time and thus represents a "snapshot" rather than a moving picture of the Conference, there are a variety of methods that can be used to capture the evolution of
interest group participation in the Conference over time. One method is to have the interviewees reflect an interest group behavior vis-a-vis the Conference. Another is to explore other data sources that reveal the activities of the groups. These include such items as: delegation reports; group testimony before committees of Congress on this matter during the course of the Conference; correspondence between the groups and government officials; newspaper accounts; and historical accounts of group involvement. Each of these sources was used to supplement the information gleaned from the interviews.

UNCLOS is a clear case of an international issue that dramatically affects the commercial, environmental, scientific, and strategic interests of the United States. Thus, one can expect that a wide variety of domestic interest groups will have mobilized for the representation of their concerns in the national and international policy-making arenas. Furthermore, UNCLOS closely approximates the conditions of complex interdependence laid down by Keohane and Nye where the state centric model is least appropriate and where transnational activity is more predominant. Finally, in the case of UNCLOS there has been an enormous amount of time for debate and discussion as opposed to the urgency associated with crisis-oriented situations. In fact, this has been one of the major criticisms leveled at UNCLOS; namely, that because of the absence of a deadline there was a tendency to prolong the debate and avoid the action necessary to bring the Conference to a close. Therefore, because of its conformity to the above conditions, UNCLOS is an "ideal" case in which to analyze interest group involvement in a foreign policy question.
Thus, a case study analysis of UNCLOS III was undertaken relying on the model developed earlier. The case study was intended to subject the model to a real world event and thus better understand interest group involvement and influence in a foreign policy issue.

Another advantage of the use of UNCLOS as my case study lies in my employment with one of the interested parties; namely, the American Mining Congress (AMC). In fact, the mining industry has been one of the central actors in the debate over UNCLOS.

In my capacity as a member of the American Mining Congress professional staff, I was able to assume the role of a participant observer with greater access to internal documents and information in my analysis of the mining industry's efforts at shaping the policy of the U.S. on this issue. Additionally, because my duties in the American Mining Congress were not directly related to this issue but with other matters, my objectivity in viewing AMC involvement in this issue was improved. Admittedly, because of my employment with this organization, an unconscious bias may pose a threat to my role as an "outside" observer. Nevertheless, a conscious effort has been made to maintain an open-minded perspective and avoid any slant in my findings.

In the actual case study itself all of the domestic interest groups involved with UNCLOS that were also on the Department of State's Law of the Sea Advisory Committee (i.e., 22 groups) were analyzed using the model developed in the first part. A total of 112 interviews were conducted with government officials and interest group leaders to generate the data for this study. Also, historical data and secondary data sources were relied upon heavily in certain sections.
While this was certainly not a "scientific test" in which intervening and outside variables were strictly controlled, it is the best that can be expected in such a social science study since this event could not be recreated under laboratory-like conditions. Also, even though they were not controlled, outside variables were taken into account.

From this case study analysis of the Law of the Sea it appears that the model developed in the first part is useful in the study of domestic interest group involvement in foreign policy. The case study clearly illustrated the influence of domestic interest groups on an important matter of U.S. foreign policy. It shows that the pluralist model is certainly applicable to certain foreign policy issues in today's world. In the contemporary interdependent world the older state-centric and bureaucratic politics models are not as valid as they once were. Since UNCLOS III there have been other areas where interest groups have had a strong impact, such as foreign trade, foreign aid, tariffs and trade policy, arms limitations agreements, NATO policy, mid-east policy and South Africa.

The pluralist model is not a limited one but has a broad application today along a wide spectrum of foreign policy issues. The national interest is now determined through the complex interplay and competition among domestic interests. This, in turn, creates potential for the most powerful interest groups to have the greatest impact on the formation of American foreign policy. But is it this simple? This study has demonstrated that it is not necessarily so. Other factors such as access (i.e., a product of decision-makers' perceptual and
attitudinal screens), the national political environment (or mood), the level of public involvement, and the international political environment all modify and affect the influence of domestic interest groups on foreign policy.

But despite these limitations, the pluralist model is clearly valid today. With the growth of mass media and television, increases in the financial resources of interest groups, foundation support for interest groups, the arrival of direct mail campaigns, changes in the tax laws making interest groups tax-exempt, the creation of political action committees (PACs), all coupled with very little regulation of interest groups, these domestic lobbying organizations achieved a high degree of independence and power, and are not subject to suasion. Today, the politicians are dependent on the interest groups for information, funding, political support and the mobilization of campaign workers to name a few. These groups also have sanctions at their disposal such as publishing voting records and withholding funds. So it seems that interest groups are here to stay. This is a modern day fact of life and these organizations need to be taken into account. They need to be studied further since they will continue to have a significant impact on American foreign policy until certain key factors in the domestic environment change. Another possibility is that the competing groups will cancel each other out. For instance, the non-economic interest groups might succeed in educating the public on a given issue or pool their resources such that they are able to counter successfully the opposing efforts of the economic interest groups. But such an eventuality clearly cannot be taken for granted.
In the case of UNCLOS III the economic groups defeated the noneconomic ones. But this is not always the case in other issues. The economic interest groups, for instance, are not openly involved with the South Africa question because they are afraid of harmful domestic fall-out. South Africa is a public issue in contrast to the non-public nature of UNCLOS. In an issue such as South Africa public citizens organizations tend to be much more powerful and pose a significant threat to the traditional economic interest groups. Simple issues, such as "Save the Whales," allow interest groups, such as Green Peace, to mobilize effectively large segments of the public. Other complex issues, such as UNCLOS, are too complex for public consumption and it is here that the economic interest groups function best.

In the Law of the Sea Conference, Ambassador Elliot Richardson tried to sell the Treaty to the public but failed because he could not locate a supportive domestic constituency. It is puzzling that with such an able and respected spokesman as Elliot Richardson, with strong political ties to both the Democratic and Republican parties, the pro-Treaty supporters were as ineffective as they were in generating domestic support for the Treaty. When the Reagan Administration eventually rejected the Treaty it proved to be a non-event with the American people. It was as if the Treaty had not existed. It simply dropped into the sea, so to speak, and was gone.

The public citizens organizations and supranationalists attempted some grass-roots and educational efforts but failed because this effort was too limited, or because of the complexity of the issue, or a combination of both factors. The economic interest groups, on the
other hand, adopted a low-key direct approach to policy-makers with low visibility at a premium. The Reagan Administration also did its own share of lobbying. With respect to its relations with the domestic interest groups, it employed the following tactics: co-option for the fishing industry (they had to be co-opted because they were powerful in Congress); cooperation with the mining industry; and counter-action with the Center for Law and Social Policy, the environmentalists and supranationalists. These tactics vis-à-vis the domestic interest groups proved to be quite successful as evidenced by the almost complete absence of any domestic reaction to the U.S. rejection of the Law of the Sea Treaty.

The potential influence index that was created in Chapter VIII was designed to predict a group's likelihood of having an influence on United States policy on the law of the sea based on that particular group's internal characteristics, resources, and goals. Obviously, the higher an issue falls in a group's priority of goals and the greater the intensity of membership interest, the more likely that group is to seek involvement in that issue and attempt to influence the policy-making process. Also, even though some organizations may expend only a small portion of their resources on an issue, it does not mean that they are necessarily less influential than other groups. To understand a group's potential for influence its total resource base must be considered as well. For instance, a small portion of the resources of a large and wealthy organization such as the National Association of Manufacturers may be sizably greater than the entire resources of another smaller group. Finally, the internal structure
and characteristics of a group can either aid or hinder its performance as a lobbying organization. For example, any significant internal schism could be exceedingly deleterious to the ability of an organization to project a strong and unified image to decision-makers and to effectively pursue its objectives on a given issue.

The potential influence index predicted that the petroleum industry, ocean mining industry, distant water fishing industry, labor, environmentalists, and a public citizens lobby (Citizens for Ocean Law) should have had the greatest influence on United States policy on UNCLOS. Of these interests, the ocean mining industry and distant water fishing industry were predicted to be the most influential. This is clearly the case for the ocean mining industry and somewhat more questionably the case for the distant water fishing industry. Also, according to the index, the general business community, professional association, coastal fishing industry, maritime industry, marine scientists and religious groups should have had minimal or limited influence on U.S. policy. As witnessed in Chapter X, this seems to closely approximate the actual events surrounding the Conference. Also, the index predicted that the economic interest groups should have had a slightly greater impact on U.S. law of the sea policy than the noneconomic groups. Again, the index made an accurate prediction of influence.

Nonetheless, while internal characteristics, resources, and goals are good predictors of group influence, a considerable amount of the variation in interest group influence can be explained by such factors as access, policy-maker perceptions, coalitions and networks, and
external events. **Internal characteristics, resources, and goals are necessary but not sufficient conditions for influence.** Group resources can in no way rival those of government institutions. Interest groups are dwarfed by the governmental institutions with which they interact. Effective groups are those that are able to harness and channel the enormous resources of these governmental bodies to work for their own specific interests. The ability of groups to persuade decision-makers and develop effective policy networks with key officials is the key to their success. This, in turn, is a function of such factors as access, policy-maker perceptions, institutional structures, coalitions and external events.

One clear pattern that emerged from this analysis of interest groups involved with UNCLOS is that the majority of the economic interest groups supported the President's decision not to sign the Law of the Sea Treaty while the majority of the noneconomic groups opposed the decision. The exceptions to this rule, among the economic groups, are the tuna industry, maritime industry, marine scientists and a labor union. With regard to the noneconomic groups only the Humane Society adopted a neutral position. The remainder opposed the President's decision.

Like internal characteristics, resources, and goals, **access is a necessary but not sufficient condition for influence.** During the Nixon Administration there was a fairly evenly distributed degree of access across the board in the case of those groups involved with UNCLOS. The same pattern was repeated during the Ford Administration with the exception of the marine scientists who experienced poor to nonexistent
access. Some significant changes in access occurred under the Carter Administration. During the Carter Administration the majority of the economic interest groups experienced a shift from good/fair access to poor access. All of the noneconomic interest groups, on the other hand, had good levels of access under the Carter Administration.

Finally, turning to the Reagan Administration, another dramatic shift in access occurred. The majority of economic interest groups underwent a change from poor to good access with the advent of the Reagan Administration. With the arrival of the Reagan Administration, all of the noneconomic groups had their degrees of access shift from good to fair to poor. It is clear then that the economic groups are granted better access by Republican administrations and the noneconomic interest groups have higher levels of access under Democratic administrations. None of the interest groups in this study had good levels of access throughout the above four Presidential administrations. Thus Presidential access was not a deciding factor in the influence of domestic interest groups on United States policy towards UNCLOS over the course of the Conference. It was, however, a significant factor in the final phase of UNCLOS when the economic interest groups were granted access far superior to that accorded the noneconomic interest groups under the Reagan Administration. The economic and noneconomic interest groups enjoyed generally comparable levels of access throughout the Conference except for the poorer access experienced by the economic groups under the Carter Administration. Access, however, played its critical role in the final phase when the noneconomic groups found themselves relatively shut out from the domestic policy process.
This explains the greater reliance of the noneconomic groups on transnational activities to accomplish their goals. These transnational activities by the noneconomic groups were a means of by-passing the American policy process from which they found themselves barred.

Turning to group access to different governmental bodies, nearly every interest group enjoyed good access to the Department of State. A significant finding, however, is that the economic interest groups across the board were granted better access than the noneconomic interest groups. Many of these interest groups also tended to have their own particular representative agency or department with which they have close and regularized interactions. As could be expected, the petroleum and mining interests experienced good access to the Department of Interior regarding UNCLOS. A variety of economic groups stated that they were granted good access by the Department of Commerce. Two environmental groups also noted that they had easy access to the Department of Commerce. As one might predict, the Labor Department allowed easy access to unions concerned with the Treaty. The Department of Transportation exhibited strong ties to the fishing, maritime and labor interests. With regard to the Environmental Protection Agency the environmental and religious interests were granted relatively unrestricted access.

In the case of the Congress, the House Merchant Marine and Fisheries Committee was clearly oriented toward the economic interests. The House and Senate Foreign Affairs Committees, however, were more favorably disposed towards the noneconomic interests that supported the Treaty.
Thus, with regard to access, the different interest groups developed their own particular networks with policy-makers throughout the history of the Conference. These networks, of course, shifted with changes in Presidential administrations and election results. Consequently, while levels of access on the part of the respective interests shifted over the course of conference negotiations, no interest experienced a significant denial of access until the arrival of the Reagan Administration. With the advent of the Reagan Administration the noneconomic interest groups underwent a substantial downturn in their access to governmental executive branch officials. This contributed to the weakening of the pro-treaty network toward the end of the Conference. From the research conducted in this study it is evident that in the latter stages of the Conference, the anti-treaty network, which included nearly all of the economic interest groups, was much more extensive and powerful than the pro-treaty network. This clearly seems to have contributed to the eventual United States rejection of the Treaty. The significant loss of access by the noneconomic groups coupled with the development of a strong pro-treaty network among the economic interest groups, with their correspondingly ample supply of resources, strength in terms of internal characteristics and relatively high levels of interest in the Conference, seems to account for the sizable disparity in pro- and anti-treaty networks that existed at the end of the Treaty negotiations.

Shifting to group strategies and tactics, one finding was that all of the groups, with the exception of the Methodists, adopted an inside strategy. The evidence also unquestionably points in the direction of
cooperative lobbying strategies as a preferred approach among interest
groups. However, with respect to tactics there does not appear to be
any outstanding differences between the lobbying tactics of the differ­
ent categories of interest groups in this study. Lobby tactics then
appear to have been a neutral factor regarding interest group influence
on decision-makers. The unanimous choice of an inside strategy by the
groups in this study closely parallels the nonpublic or "inside" nature
of the Law of the Sea negotiations.

Looking at influence, in Phase I (1968-72) the defense community
and the petroleum/natural gas industries were the most influential of
all the domestic interest groups. In Phase II (1973-74) the most
influential groups were fishing and petroleum/natural gas followed by
defense, hard minerals, and marine science. In Phase III (1975-80) the
most influential interest groups were fishing and the environmentalists
followed by defense, petroleum/natural gas, hard minerals, labor,
marine science, and supranationalists. In the final Phase
(1981-present) the most influential interest groups were the hard
minerals industry and general business associations. The following
groups appear to have been the most influential on U.S. policy overall:
defense, fishing, petroleum/natural gas and hard minerals. In general,
the economic interest groups had a greater influence on U.S. policy
vis-a-vis UNCLOS than the noneconomic interest groups.

So what explains these different levels of influence? Figure 11.1
shows the relationship between the different factors in this study
accounting for influence. Those factors that were found to be vital in
this study are internal characteristics, resources, and goals which
were relied upon in creating a potential influence index. Strategies and tactics turned out to be neutral factors. In other words, the groups employed roughly the same strategies and tactics and thus they cannot be used to explain different levels of influence. Interest group access to decision-makers, however, acted as a controlling factor. One analogy is to an on/off switch. If groups are denied access (i.e., the switch is off), then no amount of resources or internal groups strength can overcome this barrier. If, on the other hand, the group is granted access (i.e., the switch is on), then group resources, characteristics and goals can be brought to bear.

A modifying factor on domestic interest group influence on U.S. foreign policy is issue type. For example, a foreign policy crisis will be addressed by the President and Cabinet level officials in a closed setting. A noncrisis situation, on the other hand, increases the potential of interest group influence. Interest group influence on foreign policy, however, requires a confluence of circumstances. Among those increasing the likelihood of interest group influence are: economic as opposed to noneconomic issues; a higher degree of complex interdependence surrounding the issue; a low level of public interest or scrutiny; management of the issue at lower levels of government; and a protracted period of time over which the issue is debated. The convergence of these circumstances greatly increases the probability that domestic interest groups will have some influence on a given U.S. foreign policy decision. This presumes, of course, that some form of decision is capable of being arrived at as opposed to a general stagnation or irresolution surrounding the issue. In the case of the third
Figure 11.1

FACTORS EXPLAINING DOMESTIC INTEREST GROUP INFLUENCE ON U.S. FOREIGN POLICY
United Nations Conference on the Law of the Sea all of the above circumstances were present.

Thus, UNCLOS illustrates a significant foreign policy decision where domestic interest groups played a dynamic role in the eventual outcome. But what of other foreign policy issues? Is the Law of the Sea Conference just an isolated case? Clearly, case study analyses do not prove anything. It can be argued that case studies are special and unique occurrences. Nevertheless, they do provide evidence of patterns and relationships that can be further explored in other studies. An important point to bear in mind when generalizing beyond case studies is what were the unique circumstances surrounding this particular event and would the same pattern of behavior present itself in similar future circumstances. I have identified some of those special circumstances related to the Law of the Sea Conference and the influence of the different interest groups, taking into account their internal characteristics, resources, goals and access. It seems likely that in future conferences similar to UNCLOS or foreign policy issues approximating UNCLOS conditions, economic interest groups will have a sizable impact on U.S. foreign policy in these cases. Bernard Cohen arrived at a similar conclusion in his study of the Japanese Peace Settlement. In his study of this settlement following World War II, Cohen discovered that the process was eventually dominated by the interests of the United States domestic fishing industry that was concerned over Japanese overfishing and significant depletion of American fish resources.
There are those who have argued that powerful interest groups and combines of interest groups -- and especially business groups -- have carved out so comfortable and so supportive a relationship with government for themselves that today the governmental decision-makers and the nation's top corporate executives constitute a tightly knit elite which runs the government to their mutual advantage, and to the disadvantage of the vast majority of the population. However, there are other scholars who have argued the opposite position. Lester Milbrath queried 101 lobbyists and 38 Congressmen concerning the relative importance of lobbyists, the President, Congress, executive agencies, political parties, opinion leaders and voters on the making of public policy. From his research Milbrath remarked: "Most careful observers of governmental decision-making have concluded that the overall impact of lobbying is relatively minor." So where between these extremes does interest group influence fall? It seems obvious to me that it depends greatly on the issue.

The starting point for a clear understanding of interest group power and its limitations is to recognize that power or influence can best be defined as the ability to cause someone to do something he otherwise would not have done. The power of interest groups rests upon two factors: (1) the resources of the political decision-makers who are being subjected to influence attempts, and (2) the resources at the disposal of the interest groups. A greatly simplified explanation of the decision-maker-interest group relationship is stated below. If the resources of the decision-makers are weak and those of the interest group are strong, the clash of the two is likely to result in the exact
policy desired by the interest group. If, on the other hand, the resources of the decision-makers are strong and those of the interest group weak, the clash is likely to result in the policy outcome desired by the decision-makers. Of course, the interaction between decision-makers and interest groups need not be in the form of a clash. It is quite likely that the position of an interest group and a decision-maker are synonymous. Also, a decision-maker may not yet have developed a firm position and be subject to interest group suasion. Various combinations of decision-maker resources and interest-group resources will result in a wide variety of possible outcomes.

Obviously the resources of governmental institutions far exceed those of domestic interest groups. But the intervening factor is the ability of policy-makers to fully utilize these resources. The enormous resources of governmental institutions can be highly misleading. Governmental institutions are labyrinths composed of countless branches and offices which commonly experience difficulty in communicating between themselves and coordinating their actions. Frequently, these branches work at odds with one another. As a total institution the resources of an agency or department are most impressive. However, the resources available to an individual decision-maker or branch are another matter. Furthermore, political appointees to head departments or agencies, including Cabinet officials, have complained over the years of their inability to control or influence the behavior of these institutions. Finally, the actions of public officials can be severely constrained by public opinion, congressional scrutiny, and legal strictures.
Another consideration with respect to interest groups is the presence of one group counterbalancing another. Countervailing groups are normally present — although frequently an imbalance is created by a group on one side of an issue being opposed by a much weaker group. At times, however, an extreme imbalance is created by efforts of one interest group not being countered by those of any opposing group at all. In the case of UNCLOS III the anti-treaty interest group coalition was countered by a somewhat weaker pro-treaty organization in the latter stages of the Conference. Nevertheless, while the resources of the anti-treaty groups were greater than those of the pro-treaty network the imbalance was not all that sizable. What really tilted the balance in favor of the anti-treaty network at the end of the Conference was the widely differing degrees of access accorded these groups by the Reagan Administration. The anti-treaty network clearly enjoyed a distinct advantage in this regard.

An interest group or a coalition of interest groups is most likely to gain a preponderance of power when they possess several resources and the decision-makers either tend to support their position or have neither countervailing groups nor public attentiveness going for them. Most frequently, decision-maker interest group relationships take the form of a three-way mutually supportive relationship among an interest group (or interest groups), certain congressmen in key positions (usually members of the committees that handle most of the legislation with which the group is concerned), and the bureaucratic agency responsible for carrying out the policies of concern to the group (or groups). When this occurs, the interest group and the bureaucracy are
supportive of each other, with the bureaucracy making decision favorable to the interest group and urging favorable congressional action, and the interest group defending the bureaucracy from attacks from Congress, the Presidency or the press. As was noted in Chapter IX, such triangles developed between interest groups, bureaucratic organizations and congressional committees.

Normally, at the heart of this three-way supportive relationship lies the interest group-bureaucracy relationship (rather than the interest group-Congress relationship). The basic cause of the ability of interest groups to attain generally a closer working relationship with a bureaucratic agency than with Congress lies in the specialized, technical nature of the decisions made by the individual bureaucratic offices. The individual bureaucrat is therefore likely to be under fewer countervailing pressures than the individual Congressman. Congress is subjected to many more conflicting group pressures than the bureaucratic office. The specific, technical nature of bureaucratic decision tends to decrease public attentiveness to them. The result is that the bureaucrat is under few countervailing pressures and is thus freer to side with a given interest group. Once a close working relationship has been established between an interest group and a bureaucratic office, key Congressmen are then brought in to create a triangle.

A political scientist, E.E. Schattschneider, once observed that "the business of upperclass bias of the pressure system shows up everywhere." There is clearly evidence to support this observation. This study has illustrated that the economic interests in the end triumphed
over the noneconomic interests concerning American policy on the third United Nations conference on the Law of the Sea. The bias of the interest group structure is derived from the fact that the resources discussed earlier are not evenly distributed to all types of interest groups. Rather, they tend to be concentrated in certain types of groups. The strongest groups tend to be economic (business) or middle or upperclass groups. There are some noneconomic groups, such as the environmental groups, that are also strong but this does not appear to be the general rule.

From the time of James Madison, political interest groups (or factions as they were referred to early in American history) have played a central role in American politics. Today some substantial changes are taking place that affect the interest group universe in the U.S. Among the most substantial of these changes are:

1. a great proliferation of interest groups since the early 1960s;
2. a trend toward the location of group headquarters in Washington, D.C.;
3. more sophisticated grass-roots lobbying techniques;
4. a dramatic increase in the number of single-issue groups;
5. changes in campaign finance laws and substantial growth in the number of political action committees (FACs);
6. increased formal penetration of groups into the bureaucracy (advisory committees), the Presidency and the Congress;
7. a decline in the abilities of political parties to perform electoral activities; and
8. an increasing number of so-called "public interest" groups.

These trends and the evidence presented in this study support the fears and concerns of scholars such as Theodore Lowi and Mancur Olson,
who see interest group politics as contributing to governmental immobilism and reduced democracy and accountability. In the case of the Law of the Sea Conference, U.S. policy must have seemed confusing to foreign observers and participants at the negotiations. Extreme interest group influence on U.S. policy on UNCLOS over time led to the lack of a consistent and rational policy but rather one that shifted back and forth over time as one interest began to dominate over another and vice versa. As was illustrated in Chapter X, different domestic interests predominated during the four different phases. This caused U.S. policy to shift in various and frequently conflicting directions. Although those national representatives to the Conference were frequently confused over U.S. policy throughout the history of the negotiations, they were ultimately shocked with the U.S. withdrawal from the negotiations and ultimate rejection of the Treaty. This occurred just when it seemed likely that the last remaining differences were being worked out and the convention would be adopted. The problems created by this extreme intrusion of domestic politics into international negotiations is that it tied the hands of our negotiators and prompted compromises and agreements that would later be rejected by American policy-makers once a new domestic consensus emerged from the efforts of domestic interest groups.

A major goal of the Constitution's framers was to control the excess of faction. In the classic federalist number 10, James Madison directed the attention of Americans to the need to control the evils of "majority faction." He noted that a majority faction was the greater problem for a republic because a minority faction could be defeated in
voting. The solution of the Founding Fathers was an elaborate system that divided power between national and state authorities (Federalism) and created largely independent branches of government (separation of powers), preventing a single majority interest from dominating government. These safeguards have in general proven effective. However, the control of minority faction is not so certain. One scholar, Andrew McFarland, has noted that American government is becoming splintered into hundreds of disparate policy-making arenas. He has labeled this situation a "confederation of oligarchies" that hinders the ability of central political forces such as parties and the President to devise sound national policies. A situation similar to this seems to have developed around the Third Law of the Sea Conference as evidenced in this study.

So what has this study contributed to the literature on interest groups and foreign policy? First, it has created a model that did not exist heretofore from an inchoate and quite limited body of research. Second, it is the only study, of which I am aware, of the total universe of interest groups in a given foreign policy issue over an extended period of time. Third, it is the only study that has attempted to link interest group internal characteristics with their external behavior and influence in a foreign policy issue. Fourth, it involved an extensive set of interview data that created a new data base on interest groups and foreign policy. This data base was created by relying on the model as a guide that, in turn, generated an interview schedule employed in the data generation phase of the research.
And, finally, it is a comparative study that allows for comparisons across a wide variety of interest groups.

Obviously, much more research needs to be performed on interest groups and foreign policy, and it is hoped that this model will make the research of others easier and provide a framework on which to build and improve. The following are some questions for further research:

What motivates interest groups to involve themselves in foreign policy questions? Is the impetus for their involvement found in their membership or in their leadership? What is the extent of membership passivity in interest groups and how does this affect leadership control?

Do public interest groups, for instance, tend to form ad hoc coalitions more readily than private interest groups?

Is it correct that those groups with preponderant resources tend to dominate those with less resources? What resources can be judged to be the most significant?

Are business and economic groups more influential than public interest groups?

What is the impact of cohesion on group effectiveness?

Which groups tend to have members that belong to several groups? To the extent that such overlapping membership exists, is there any evidence to suggest that it plays the restrictive role attributed to it by Truman? In other words, does it help control the "mischiefs of faction"? What impact does overlapping membership have on group cohesion?

What are the internal and external constraints of the different interest groups? How are they similar and how are they different? What might explain the differences?

Are lobbies, as Bauer, Pool, and Dexter have suggested, on the whole poorly financed, ill-managed, out of contact with Congress, and at best only marginally effective in supporting tendencies and measures which already have behind them considerable Congressional impetus from other sources?

Is it correct, as Bauer, Pool, and Dexter have suggested, that the efforts of business and trade associations to avoid disintegration over controversial issues have led to a proliferation of organizations and particularly to the
formation of specialized pressure groups designed to deal with specific issues?

Do these specialized groups suffer from shortages of money, skilled personnel, information, and time?

To what extent is the trade-association executive's time consumed by acting as an arbitrator among conflicting forces in his organization as opposed to acting as the initiator of policy?

Are public interest group employees more highly motivated and deeply committed than their counterparts in private interest groups?

How do losing groups react? Do they attempt to expand the scope of the conflict as Schattschneider has suggested or do they accept this defeat and hope to win in the next contest?

To what extent do interest groups bypass their government and communicate with other NGOs, INGOs, and IGOs on international issues?

How do the collective goods problem and the need for selective incentives affect the behavior of interest groups in foreign policy related matters?

How do the different bases of financial support of the various organizations affect their external behavior? For instance, how do the requirements of the Internal Revenue Code and the reliance on foundation support affect public interest group involvement in foreign policy concerns? How does the reliance of private sector groups on member dues, the sale of publications and conference and convention fees affect their foreign policy related activities?

How do the formal organizational structures of interest groups affect their internal and external operations? More precisely, how are the various groups organized? How do they communicate with their membership? How are the desires of the membership communicated to the group leaders?

What is the nature of decision-making in these organizations? How do they set their goals and choose which strategies and tactics to employ in pursuit of these goals? How does this explain their activity on foreign policy questions?

How do the different incentive structures of the various groups affect their goals and behavior? More precisely, how does their reliance upon material, purposive, and solidary incentives relate to their choice of issues in which to
become actively involved as well as the nature of this involvement?

What are the characteristics of interest group leadership, particularly their skills and how is this variable related to group cohesion, goal achievement, and group tactics?

How do the structure of government and societal values influence the external behavior of interest groups?

What groups over time have been accorded greater access to the Presidency, the State Department, the Congress, and the various departments and agencies? How do interest groups attempt to influence and utilize these institutions of government?

Which departments tend to serve which interest groups? How do interest groups interact with the different departments and agencies? How frequent is their interaction? Is it strictly on a professional basis or does it overlap into social and personal relationships? How do agencies attempt to influence interest groups?

What impact do the role orientations, values, attitudes, and perceptions of decision-makers have in their relationships with interest groups? How do these orientations of decision-makers affect group access and effectiveness?

Finally, on a broader scale, to what extent do domestic political factors influence the making of foreign policy? How important is the issue area in determining this influence?
APPENDIX A

INTERVIEWS CONDUCTED FROM DECEMBER 7, 1982 TO JULY 19, 1983
Former Negotiators and Special Assistants

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Lewis Cohen  
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Senate

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Legislative Assistant  
Senator Bennett Johnston, Jr. (D-LA)  
(Senate Energy and Natural Resources Committee-2nd Ranking Democrat)

Lorraine Huang  
Legislative Assistant  
Senator Alan Cranston (D-CA)  
(Senate Foreign Relations Committee; Ranking Minority Member on Arms Control, Oceans, and International Operations and Envir. Subc.)

Frederick Tipson  
Chief Counsel (Majority)  
Senate Foreign Relations Committee

Janice O'Connell  
Minority Staff Member  
Senate Foreign Relations Committee

Drew Harker  
Majority Staff Member  
Senate Armed Services Committee

William McClusky  
Majority Staff Member  
Senate Commerce Committee

James Drewry  
Minority Counsel  
Senate Commerce Committee

House of Representatives

Representative Jack Fields (R-TX-8)  
(Committee on Merchant Marine & Fisheries, Subcommittee on Merchant Marine)

Robert E. H. Ferguson  
Administrative Assistant to Congressman Jack Fields

Representative Berkley Bedell (D-IA-6)
Michael Poloyak  
Legislative Assistant to Representative Berkley Bedell

Kathryn Bingley  
Legislative Assistant to Representative David Emery (R-ME)  
Committee on Armed Services  
  Subcommittee on Seapower & Strategic and Critical Minerals  
Committee on Merchant Marine and Fisheries  
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Hellaine Kellogg  
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Carole Grunberg  
Staff Consultant  
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Margaret E. Galey  
Majority Staff Consultant  
House Foreign Affairs Committee

Thomas R. Smeeton  
Minority Staff Consultant  
House Foreign Affairs Committee  
Subcommittee on International Operations

Lawrence B. Sulc  
Minority Staff Consultant  
House Foreign Affairs Committee  
Subcommittee on International Operations

Dwight Howes  
Legislative Assistant to Representative Thomas Evans (R-AL-DEL)  
House Merchant Marine and Fisheries Committee

Rod Moore  
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House Merchant Marine and Fisheries Committee

Everett Bierman  
Minority Counsel  
House Foreign Affairs Committee

William Stelle  
Majority Counsel  
House of Merchant Marine and Fisheries Committee
APPENDIX B
INTERVIEW SCHEDULES
INTERVIEW SCHEDULE FOR MEMBERS OF CONGRESS AND THEIR STAFFS

DATE: ___________________________ TIME: ___________ TO ___________

INTERVIEWEE: ________________________________

JOB TITLE: ________________________________

ADDRESS: ________________________________

Views on UNCLOS

1. Could you give me your (or your Member's) views regarding the United Nations Conference on The Law of the Sea?

More specifically, how do you feel about the U.S. decision not to sign the Treaty?

Do you see this as a product of private interest lobbying; do you see it as a decision based on a careful consideration of national interest; or a combination of the two?

Do you believe the U.S. would gain or lose more from this Treaty?

Could you be specific regarding the various provisions, e.g., deep seabed mining provisions, technology transfer provisions, offshore petroleum, fishing, environmental pollution, marine research, and defense concerns such as navigation and overflight.

Constituency Concern

2. What signals or correspondence have you received from your constituency regarding this issue?

   a) How have they felt about U.S. participation in the Treaty?

   b) Is this a salient issue in your constituency or is it an issue of which they are generally unaware?

   c) Are there any segments or groups in your constituency who are affected by this Treaty? Could you name them and their interests?

Interest Groups

I would now like to turn my attention toward the role of interest groups in the foreign policy process.

3. In terms of the sources of information which you have relied upon regarding the Law of the Sea Conference, roughly how much of this has been provided by interest groups such as citizens groups,
labor organizations, producer associations, environmental groups, professional societies, religious organizations and so forth?

a) Is there any one organization which you regard as particularly reliable and why?

b) Have you or your staff ever contacted any such organization for information on UNCLOS?

c) Which groups have contacted and spoken with either you personally or your staff?

4. Which of the interest groups involved in the debate over UNCLOS have been the most intense and active since you have been professionally concerned with UNCLOS?

5. Which interest groups have testified before your committee and with what degree of frequency and effectiveness? (Ask if applicable)

6. Are there any of these groups whose argument or position you find convincing and worthy of careful consideration?

7. I am particularly interested in the domestic groups that are affected by and concerned by UNCLOS. Based on your experience and knowledge of this international issue could you give me a brief historical overview regarding the activities of these organizations as well as their respective impacts on policy in this area?

a) What do you believe has accounted for their success or failure in attempting to influence U.S. policy on UNCLOS?

b) How have they done about attempting to make their position felt?

c) More specifically, what strategies and tactics have they followed? For example, have they tended to focus on any specific agency, department, Congressional Committee, White House staff, etc. Have they focused on grass roots opinion or attempted a mass media approach? Have they formed coalitions with other groups?

d) How have they presented their argument? (e.g., in narrow or broad terms)

e) Which of these groups have Members of Congress tended to be most receptive to and why? Which ones have they been least receptive to?

8. Have you noticed any differences in how these groups or organizations have approached this foreign policy issue as
compared to how these same groups or organizations have typically approached domestic issues? For instance, have they framed their arguments differently, taken a more visible or subdued approach, etc.?

9. (Optional) Finally, how important do you believe domestic interest groups have been in shaping the U.S. agenda regarding UNCLOS as well as the major policy decisions made in this area? Decisions such as:

- The U.S. extension of jurisdiction over its continental shelves (i.e., the Truman Proclamations of September 28, 1945) to include the natural resources of the subsoil and seabed as well as the coastal fisheries in that area.

- The establishment (in 1960) of a nine mile contiguous fishing zone beyond the U.S. territorial sea.

- The various U.S. drafts presented at the eleven sessions of UNCLOS III.

- The passage of domestic legislation to promote U.S. oceans interests (e.g., The Fisherman's Protective Act of 1954 to reimburse U.S. fishermen for fines paid to foreign governments that had seized U.S. vessels fishing in what the U.S. regarded as International waters; a similar measure was appended by the Congress to The Foreign Military Sales Act in 1968 (It provided that no defense article or service should be sold by the U.S. to any country that seized or fined a U.S. vessel fishing more than twelve miles from shore); and The Deep Seabed Hard Mineral Resources Act of 1980).

- The U.S. decision of April 30, 1982, not to vote in favor of the proposed Treaty?

10. Do you have any written documents or information which might be of help to me in my study of interest group involvement in UNCLOS?
INTERVIEW SCHEDULE FOR EXECUTIVE BRANCH OFFICIALS

DATE: TIME: _____ TO _____

INTERVIEWEE:

JOB TITLE:

ADDRESS:

Personal Background

1. Could you briefly describe your previous job experience? How long have you been with this Department (or Agency)?

2. (If an appointed official) who supported your candidacy for this position?

3. Have you ever worked for an Interest Group?

4. Have you ever represented an Industry? If so, what were your responsibilities?

5. How long have you been involved in UNCLOS?

6. Have you generally handled one area of UNCLOS or have you moved back and forth to other areas? (If the latter, then what have been your responsibilities in these areas?)

Views on UNCLOS

7. Could you give me your views regarding the United Nations Conference on the Law of the Sea?

   a) More specifically, how do you feel about the U.S. decision not to sign the Treaty?

   b) Do you see this as a product of private interest lobbying; do you see it as a decision based on a careful calculation of our national interest; or as a combination of the two?

8. Do you believe the U.S. would gain or lose more from this Treaty? Could you be specific regarding the various provisions, e.g., deep seabed mining provisions, technology transfer, offshore petroleum, fishing, environmental pollution, marine research, and defense concerns such as navigation and overflight.

National Concern
9. What signals or correspondence have you received from the general public regarding this issue?
   a) How has the general public felt about U.S. participation in this Treaty?
   b) Do you believe this is a salient issue with the public or an issue of which they are generally unaware?
   c) In making your judgments on a foreign policy issue such as the Law of the Sea Conference, how much reliance do you place on public opinion?

Institutional Structure

10. Could you tell me about the Law of the Sea Advisory Committee?
   a) How was it set up?
   b) How often did it generally meet?
   c) How were the statements and discussions at these meetings channeled into the decision-making process regarding U.S. positions taken on UNCLOS?
   d) How was the agenda set for the meetings?
   e) Did any groups or individuals tend to be more predominate at these meetings than others?
   f) How has this varied over time? (If, in fact, it has?)

11. Are there any other formal or informal mechanisms that have been set up by the various departments or agencies for receiving the inputs of the different groups interested in UNCLOS?

Interest Groups

12. Could you provide a rough approximation of the percentages of your time that has been spent over the last few years with the following types of groups concerning UNCLOS -- environmental, marine science, mining, petroleum, fishing, maritime, labor, religious, public citizens, and defense.

   (How has this varied over the course of your employment with this Department or Agency?)

13. With regard to the various groups themselves, how frequently do you hear from them or contact them by phone?
   a) Do you ever receive formal letters from these groups?
b) Do you have any copies of such letters that are not classified or confidential?

c) Do you have any unclassified or nonconfidential files on these types of contacts?

d) Do these group representatives come to Washington often?

e) Do you go to visit them very frequently (if at all)?

14. Which of the various groups concerned over UNCLOS have you been in most frequent contact with?

15. Do you feel that the different groups understand your problems?

   a) Which groups are more understanding than others?

   b) Do these groups provide you with information to solve your problems?

   c) Which groups do the best job of providing this information?

   d) Have they been helpful to you when you have a problem in advancing their cause?

16. Do these groups understand the Hill and the Executive Branch? Which groups are more adept at interacting with these institutions?

17. Are you aware of any letters that have been sent by these groups to the President or the White House?

   a) Do you know whether any of the President's Chief Advisors (e.g., Edwin Meese) have been personally involved in this issue?

   b) Have these advisors been contacted by any of the groups involved in UNCLOS?

   c) Do you have any unclassified or nonconfidential files on these types of contacts?

18. How have these different groups gone about attempting to make their position felt in Washington? Have you noticed any differences in "style" between these groups? For example, have they tended to focus on any specific Agency, Department, Congressional Committee, White House staff, etc. Have they focused on grassroots opinion or attempted a mass media approach? Have they formed coalitions with other groups?
19. Which of the interest groups involved in the debate over UNCLOS have been the most intense and active since you have been professionally concerned with UNCLOS?

20. (Ask in terms of the organizations they most frequently interact with, i.e., mining, petroleum, fishing, marine science, environmental, maritime, labor, high technology industries, defense concerns, religious organizations, and public citizens groups), Have you noted any splits or factionalism within (mining, petroleum fishing, etc.) organizations in terms of their overall position on this issue?
   a) How important do you consider group cohesion to be with regard to group effectiveness in making its demands felt?
   b) How does group cohesion affect decision-makers perceptions of these groups (if in fact, it does)?

21. (Ask in terms of the groups they most frequently interact with), How important do you believe (mining, petroleum, fishing, etc.) have been in shaping the U.S. agenda regarding UNCLOS as well as the major policy decisions made in this area?

22. (Optional) Based on your experience and knowledge of this international issue could you give me a brief historical overview regarding the activities of these organizations as well as their respective impacts on policy in this area?

23. Finally, what do you believe is the proper role of interest groups in the foreign policy process?

Do you have any written documents or information which might be of help to me in my study of interest group involvement in UNCLOS?
INTERVIEW SCHEDULE FOR CORPORATE EXECUTIVES
AND THEIR LEGAL REPRESENTATIVES

Corporate Organization & Structure

1. Could you briefly describe the nature of ownership in your company (or consortium)? (i.e., Who are your parent companies?) More specifically, how much foreign ownership is there in your company (or consortium)? Who has the controlling stock? Could you give me a rough approximation of your company's (or consortium's) net worth?

2. How long has your company (or consortium) been in existence?

3. Could you tell me something about the organization of your company (or consortium)?
   Do you have any regional offices?

4. How are decision reached and corporate policy set in your organization?

Concern over UNCLOS

5. How would you describe the general goals of your organization?
   Could you list them in the order of decreasing importance to your organization?

   What criteria does your organization employ in setting its goals?

6. Where would (UNCLOS) rank in terms of the overall goal hierarchy of your organization? Is it a low, medium, or high priority item? How important is UNCLOS to the long-term well-being of your organization?

7. What is your company's (or consortium's) concern or interest in UNCLOS?

8. How long has your company (or consortium) been involved in this issue?

9. How do you feel about President Reagan's decision not to sign the Treaty?

10. What problems (if any) do you see with this Treaty?

Lobbying Effort

11. How has your organization attempted to communicate its views to the government? i.e., Do you have your own Washington
Representative? Do you employ private law firms to represent your company (or consortium)? (Who might they be?) Do you work through any trade associations? (Who might they be?)

Are there any differences in the positions of the various trade associations representing your industry?

Are there any differences between your company's (or consortium's) position and the positions taken by the various trade associations representing your industry?

12. How does your company (or consortium) make its concerns felt in the overall position taken by the industry associations regarding UNCLOS?

Do certain companies (or consortia) tend to have greater impacts on association policy than others? What might explain this?

What formal mechanisms have been established by the trade associations for receiving the inputs of the companies?

How is a consensus reached among the membership of the associations? What happens if one is not reached?

13. Has your company (or consortium) worked with other companies (or consortia) to formulate common positions to present to the government? Have there been any differences in viewpoint between these companies (or consortia)? What is the major vehicle employed for reaching a consensus?

14. In attempting to communicate your views to the government, where has your organization directed most of its attention?

15. What type of response does your organization typically receive when making inquiries at the White House or State Department? Does your organization have access to decision-makers at these institutions or is it denied access?

16. How would you categorize the quality of your communication with this Administration? Do you believe that this Administration has treated you fairly? How does it compare with the rapport with previous Administrations?

How are you treated by the President's advisors?

Which of the advisors, if any, do you communicate with most frequently and effectively? (For instance, has Edwin Meese ever granted you a hearing on this issue?)

17. With regard to the State Department, who have you been in most frequent contact with in this organization?
Have you had frequent contact with the President's Law of the Sea representatives, particularly James Malone and Theodore Kronmiller?

Has this contact been primarily written, verbal, or personal?

Have you received a fair hearing at the State Department?

Have there been any significant differences of opinion between the officials of the State Department? (e.g., between the political appointees and the career officials.)

18. In terms of the Congress, where have your major points of contact been?

Which members have you been most frequently in touch with regarding UNCLOS?

Which committees have you most frequently contacted or testified before?

Who have been your biggest supporters in Congress?

Who are your biggest opponents in Congress?

How much effort has your company (or consortium) made in alerting the Members of Congress to your concerns over this issue?

How have you gone about this? (i.e., have you conducted letter writing campaigns, have you made personal visits to offices, have you sponsored or participated in forums and seminars on UNCLOS, have you published any articles, released any research results and so forth?)

Have you attempted to contact all Members of Congress or have you focused your attention on a specific segment of that institution?

To what extent do you concentrate your efforts on those decision-makers you regarded as undecided?

19. Has your organization attempted to mount a grassroots or mass media campaign on this issue?

Has your organization formed any coalitions with other organizations or groups over this issue?

To what extent do you feel that your organization has been thwarted in the achievement of its goals in this area by other groups?

20. To what extent has your company (or consortium) interacted, and communicated with foreign diplomats, representatives from
international organizations, heads of foreign corporations, and foreign interest groups over this issue?

21. How frequently has a representative of your company (or consortium) attended the various negotiating sessions of UNCLOS?

22. What role do you believe public opinion and the mass media have played in the debate over UNCLOS?

Have you generally been supportive, at odds, or indifferent to your company's (or consortium's) interest in UNCLOS?

23. Finally, could you briefly summarize your company's (or consortium's) involvement in UNCLOS over the course of its history?

Do you have any written documents or information which might be of help to me in my study of interest group involvement in UNCLOS?
INTerview SCHEDULE FOR INTEREST GROUP LEADERS

DATE: 
TIME: ______ TO ______

INTERVIEWEE: 
JOB TITLE: 
ADDRESS: 

Personal Background

1. Could you briefly describe your previous job experience? How long have you been with this organization?

2. How would you describe your specific job in this organization?
   a) Has UNCLOS been a full-time job for you?
   b) (If no) What are your other responsibilities. What percentage of your time do you devote to UNCLOS?

3. Could you give me your views regarding the United Nations Conference on the Law of the Sea?
   More specifically, how do you feel about the U.S. decision not to sign the Treaty?

4. Do you believe the U.S. would gain more from this Treaty?
   Could you be specific regarding the various provisions, e.g., deep seabed mining provisions, technology transfer, offshore petroleum, fishing, environmental pollution, marine research, and defense concerns such as navigation and overflight.

History of Group Involvement (Successes and Failures)

5. Based on your experience and knowledge of this international issue could you give me a brief historical overview regarding your organization's involvement in UNCLOS and whatever impact you believe you've had on policy in this area?

What would you say have been your organization's major successes and failures in terms of U.S. policy on UNCLOS over the years? What do you believe has accounted for these successes and failures?

Organizational Background and Structure

I'd now like to turn my attention to the background and structure of your organization.
6. Could you briefly describe how this organization originated?

7. For what general purpose was this organization established?

8. How many members does your organization have?

9. How many people work in your Washington office?

10. Does this organization have any state or local chapters? Is there a national headquarters outside of Washington?

11. Is your organization an "ad hoc" organization? (i.e., is it a temporary arrangement of persons interested in accomplishing a common purpose?)

12. Does your organization have a federated or unitary structure?

   (e.g., in a unitary organization members belong directly to only one organization, the national "parent" organization. There may be state or local branches of the national organization but if there is membership in the national organization this gives the member admission to the locals. In short, the distinguishing feature of a unitary organization is not whether it has administrative or geographical subunits but whether its component units are independent organizations. This is in contrast to the federated association that holds together other independent related associations. An example of a federated organization is the AFL-CIO. An example of a unitary organization is the NAM.)

13. Could you describe the structure and lines of authority in your organization? (e.g., do you have an organizational chart?)

Financial Resources

14. How is this organization supported financially?

   a) Roughly what are your annual dues?

   b) Do those contributions include any foundation donations or grants?

   c) Is this organization tax exempt?

   d) Are contributions tax deductible?

   e) Could you provide me with a rough estimate of this organization's annual budget?

15. How much of your organization's time is spent on membership solicitation and budgetary consideration such as finding outside sources of funding?
16. Does your organization have a political action committee?

Membership

I would now like to turn my attention toward your membership.

17. Could you roughly describe the composition of your membership?

How would you describe the "typical" member of your organization?

Is there any distinctive regional distribution of your membership?

18. Are you aware of any of your members belonging to other organizations? (If so, what organizations would these be?)

19. How would you describe the loyalty of your membership to this organization? (e.g., do they have any strong loyalty to other competing organizations?)

What is the frequency of turn-over in your membership? (e.g., is your membership fairly stable over time or have there been some fluctuations in terms of membership joinings and withdrawals?)

Would you characterize your organization's membership in terms of their background and interest as containing substantial internal division, as being homogeneous, or as falling somewhere between these two extremes?

20. Are there any subgroups within your organization that are typically more active than others? Could you tell me something about them and their background?

Have these same members been actively concerned over UNCLOS? If so, what has been their position on UNCLOS?

21. What is the intensity of interest and commitment of your membership over the UNCLOS issue? (Is this commitment primarily economically, politically or ideologically inspired?)

How would you describe your membership's sentiments regarding this issue?

22. Have there been any differences of opinion in your membership over this issue?

a) If so, have these differences been persistent over time?

b) Do these differences in viewpoint involve a substantial portion of your membership?

c) How intense have these differences been?
d) How does the organization's leadership cope with these differences between group members?

e) What impacts do these differences have on your group's stated position?

f) How do you avoid isolating these different subgroups when taking a position on UNCLOS?

Membership Incentives (Optional)

23. In addition to representing their interests on matters of public policy, does your organization perform any other services for the membership?

24. Do you have a newsletter or other means of regular communication with your membership besides your appeals for dues or contributions? (If yes, probe for frequency.)

25. What do you believe are the major reasons for the membership continuing to support your organization?

(More precisely, what do you believe motivates them to belong -- economic benefits, political or ideological benefits, the satisfaction of social interaction with their peers in the organization, or any other incentives you may be aware of?)

Goals

26. How would you describe the general goals of your organization?

(i.e., in terms of your organization's position in society, its financial position, relationship with its membership, etc.)

a) Could you list them in terms of their decreasing importance to your organization? (e.g., organizational survival, popularity with membership, growth, prestige, influence, etc.)

b) Since the founding of this organization have these general goals remained relatively consistent or have they changed over time? If so, how have they changed?

27. What are the more specific political goals of your organization?

How have these varied over time?

28. Where do foreign policy matters typically fall in the goal hierarchy of your organization?
29. More specifically, where does UNCLOS fall in terms of the goal hierarchy of your organization? How important is UNCLOS to the long-term well-being of your organization?

Roughly, what percentage of the activities of your organization have been devoted to UNCLOS over the years? How has this varied over time? (In other words, have you devoted more attention to this issue in certain years and why?)

* Decision-making Apparatus (Optional)

30. Could you describe the formal structure for reaching decisions and setting goals in your organization?

a) On a more informal level, how does your organization decide on which specific issues it will become active?

b) In setting goals in your organization what factors enter into their consideration? (e.g., what attention is given to the resources necessary for their pursuit, opportunity costs, i.e., the fact that time and resources to one goal means that they will not be available for other goals, what attention is given to the potential gain, etc.)

c) Does your organization have a Declaration of Policy? If so, could I have a copy?

How is this Declaration arrived at?

d) How are deadlocks over group policy broken when and if they arise?

e) Could you tell me a little about the Executive Board? (Probe for role of Executive Board or Board of Directors.)

Who sits on the Board?

What is its relationship to the professional staff in terms of setting group policy? (For instance, under what circumstances does the staff usually contact the members of the Board?)

How are deadlocks within the Board resolved? (i.e., if they occur.)

31. Have there ever been any differences of viewpoint between the Board, the membership or the professional staff regarding UNCLOS?

If so, how have these been resolved?
Leadership and Democracy

I want to turn my attention once again to your membership.

32. How would you characterize your rapport with your membership? Is it a close working relationship or a more distant one?

How frequently do you hear from your membership? How do they communicate their views? (e.g., by phone, in person, by mail, in meetings, etc.)

How is your membership informed of this organization's position on UNCLOS?

33. How much discretion has your membership tended to grant the leadership in setting organizational policy on UNCLOS?

Have there ever been any complaints from the membership over the organization's position on UNCLOS? If so, what were the nature of these complaints?

34. What formal mechanisms have been established by your organization for receiving the inputs of the membership on organizational matters such as the choice of leaders, the budget, staffing requirements, committee membership, agenda of meetings, dues structures and group goals and policy?

How much direct influence does the membership tend to have in terms of the policymaking of the organization? Do certain members contribute more financially or in terms of their services than others? Are these same members also more active in helping to shape the goals of the organization?

35. How frequently does your organization conduct meetings of the total membership (if at all)?

36. To what extent is there personal interaction between the membership either socially or as a result of their service to the organization such as membership on a Committee, etc.

37. Have you ever polled your membership to solicit their views on any particular policy matter?

38. How much time does the staff tend to devote to handling internal matters such as membership services and requests, as opposed to working in the political arena to promote the organization's goals?

39. How is your organization structured in terms of staff responsibilities? (i.e., do you have any specific division for handling certain issues or institutions?)
What is the level and type of staff interactions? (i.e., how frequently does the staff meet to discuss matters of concern to the organization? Do you have periodic staff meetings, do you communicate with each other by memo, etc.?)

Organizational Resources
(Other than Financial)

40. How easy is it for your organization to generate active member participation and support (i.e., the volunteering of their time and effort) on an issue of concern? (For instance, have you typically been successful in getting your membership to contact their congressmen, help in lobbying the Hill, lick envelopes, conduct mass mail campaigns, distribute leaflets, etc.?)

How talented is your membership in conducting grassroots campaigns and assisting the organization in its political activities? (i.e., are they experienced in this type of activity? Do they understand the political process?)

41. How willing would the membership be to contribute their time and effort regarding UNCLOS?

Have you ever asked them to make this sacrifice for UNCLOS?

42. What would you say is the general reputation, credibility, status or prestige of your organization in Washington?

How does your organization compare in this regard with the other organizations involved in UNCLOS?

43. Would you say that your organization is known for its political skill and knowledge?

How experienced is your staff in political matters? (i.e., how much political expertise or political process knowledge do you believe your organization typically possesses?) For instance, has any of your staff ever had any experience in managing political campaigns, political fundraising, etc.? How much Capitol Hill or Executive Branch experience does your staff typically have?

44. How would you characterize your organization's research capacity?

What types of resources for this purpose do you have at your disposal?

45. How frequently are you contacted by public policy-makers for information and assistance?

How frequently have they contacted you regarding UNCLOS? Who made these contacts?
Do you try to make sure that decisions in government are made on the best sources of information?

How do you make sure that this information gets to government officials?

**Access and Contacts**

46. Within this Administration have there been people that you were eager to have brought into the government?

In previous Administrations were there people you were eager to have brought into the government?

(If so, how did you go about communicating these desires?)

(What people did you contact to make your preferences known?)

47. What types of information have you received regarding interagency task force meetings on UNCLOS?

48. Who in the bureaucracy are your closest friends and contacts?

49. In attempting to communicate your views to the government on UNCLOS where has your organization directed most of its attention?

50. What type of response does your organization typically receive when making inquiries at the White House or State Department? Does your organization have access to decision-makers at these institutions or is it denied access?

How would you categorize the quality of your communication with this Administration? Do you believe that this Administration has treated you fairly? How does this compare with your rapport with previous Administrations?

How are you treated by the President's advisors?

Which of the advisors, if any, do you communicate with most frequently and effectively)? (For instance, has Edwin Meese ever granted you a hearing on this issue?)

51. With regard to the State Department, who have you been in most frequent contact in this organization?

Have you had frequent contact with the President's Law of the Sea representatives, particularly James Malone and Theodore Kronmiller?

Has this contact been primarily written, verbal, or personal?

Have you received a fair hearing at the State Department?
Have there been any significant differences of opinion between the officials at the State Department? (e.g., between the political appointees and career officials.)

52. In terms of the Congress, where have your major points of contact been?

Which members have you been most frequently in touch with regarding UNCLOS?

Which committees have you most frequently contacted and testified before?

Who have been your biggest supporters in Congress?

Who are your biggest opponents in Congress?

On the Hill do you speak mainly with staff, with the Members themselves or a combination of both?

**Strategies and Tactics**

In your organization's involvement in UNCLOS have you tended to focus your activities on any particular agency, Congressional Committee, White House staff member, etc.?

53. How much effort has your organization made in alerting the Members of Congress to your concerns over this issue?

54. How have you gone about this? (i.e., have you conducted letter writing campaigns, have you made personal visits to the offices, have you sponsored or participated in forums and seminars for discussion of UNCLOS, have you published any articles, released any research results and so forth?)

55. Have you attempted to contact all Members of Congress or have you focused your attention on a specific segment of that institution?

56. To what extent have you concentrated your efforts on those decision-makers you regard as undecided?

57. Has your organization attempted to mount a grassroots or mass media campaign on this issue?

58. Have you ever called upon or directed your membership to take any type of particular action regarding UNCLOS?

59. Has your organization formed any coalitions or cooperated with other organizations or groups over this issue?

If so, has this cooperation encompassed other issues as well or just UNCLOS?
Has this cooperation been limited to exchange of information or has it been expanded action (action to accomplish intergroup objectives)? If limited, why? If expanded, why?

(If a formal coalition) Has an office and staff been established for the coalition.

60. To what extent do you believe your organization has been thwarted in the achievement of its goals in this area by other groups? If so, who might they be?

To what extent has your organization interacted with these competing groups? How would you characterize these interactions? Has there ever been any discussion of negotiation between the provisions in the Treaty and the U.S. position on the Treaty? If so, what were the nature of these discussions?

61. When it is decided that the organization is going to become active on an issue, how is the strategy on the specific problem developed?

62. Which of the following strategies which I will list have been most typically used by your organization in addressing the UNCLOS issue? (Just indicate those that you feel are most appropriate in describing your organization's approach. If there are others that I don't list just let me know). (Note: Tell the interviewee that you are using the term strategy as broad plans of attack, or general approaches to lobbying. Tactics are the specific actions taken to advocate certain policy positions.)

**Strategies**

Select the strategy (or strategies) that have been most typically followed by your organization when addressing UNCLOS.

1. **Inside** (Focus on members of staff of the various political bodies)

2. **Outside** (Focus on grassroots opinion and pressure) If outside then which of the following is most typical:
   a) **Direct** (Explicit assistance or direction to organization members or sympathizers regarding the appropriate action to be taken)
   b) **Indirect** (e.g., mass-media campaigns, publishing articles, etc.)
   c) **Cooperative** (e.g., formation of a coalition or sharing of information)
   d) **Solitary** (Going it alone)
63. Has your organization's choice of strategies regarding the foreign policy question of UNCLOS been different from those that you typically follow on domestic issues? If so, how have they been different?

Tactics

64. Once a broad strategy has been chosen, it follows that certain tactics have to be employed to implement that choice. Which of the following tactics which I will list have been used by your organization in addressing the UNCLOS issue? (Also, it would be helpful if you evaluate the effectiveness of those tactics which you have used by indicating whether they have been 1 effective, 2 moderately effective, 3 slightly effective, and 4 ineffective. If there are any others that I don't list just let me know.)

- Personal Presentations
- Public Testimony
- White House Contacts
- Legislative Contacts
- Department or Agency Contacts
- Influential Contact (i.e., in influential person who has access to the decision-maker)
- Letter Writing
- Campaign Contributions
- Releasing Research
- Public Relations
- Endorsement of candidates for public office
- Support of a particular piece of legislation
- Mass media Effort (Press Contacts)
- Grassroots Effort
- Publication of Articles
- Sponsorship of Educational Seminars and Panel Discussions
- Public Speaking Engagements
- Social Contacts

65. Has your organization's choice of tactics in the case of UNCLOS paralleled those that you usually employ on domestic issues or have there been variations? If so, how have they differed?

Transnational Relations

66. To what extent has your organization interacted and communicated with foreign diplomats, heads of foreign governments, representatives from international organizations, heads of foreign corporations, and foreign interest groups (such as your counterparts overseas) over this issue? If so, who might they be? What were the purposes of these contacts?

67. How frequently has a representative of your organization attended the various negotiating sessions of UNCLOS?
Public Opinion and Mass Media

68. What role do you believe public opinion and mass media have played in the debate over UNCLOS?

Have they generally been supportive, at odds, or indifferent to your organization's interest in UNCLOS?

What contacts have you had with the press regarding UNCLOS? What was the purpose of these contacts?

69. Can you think of anything else about your organization that I should know?

70. Do you have any documents regarding the nature of your organization, its membership and its goals that I might use in my survey? Also, are there any documents regarding your organization's involvement and interest in UNCLOS that I might find helpful in my research?
APPENDIX C

KEY CONCEPTS, THEIR DEFINITIONS, AND MEASURES
The purpose of this appendix is to focus attention on some of the key concepts employed in the case study. The concepts are derived from the model that was discussed in part I. While each of the concepts presented in this section were discussed in part I, the purpose here is to provide more precise definitions as well as the types of measures that were used in the case study for each of the concepts. Following is a list of these concepts, definitions, and measures:

I. (A) Concept - Issue
   (B) Definition - A conflict between two or more identifiable groups over procedural or substantive matters relating to the distribution of resources or the policies adopted by a governmental body.
   (C) Measure - The United Nations Conference on the Law of the Sea represents a concrete example of such an issue.

II. (A) Concept - Interest Groups
    (B) Definition - Nongovernmental organizations - both corporations and voluntary membership associations - that engage in political activities in attempts to influence policy decisions. An interest group is a segment of the public that shares similar views, attitudes or goals on most matters of concern to the organization. (Interest groups use a variety of techniques and operate through many of the institutions of society, not merely government. They can be distinguished from political parties in terms of the focal points of their attention. Political parties are inevitably concerned with public government in one way or another. Their very purpose is public, and they seek to staff the major policy-making positions in government. Interest groups may be concerned with particular issues and with the staffing of government. On the other hand, they may be totally uninvolved in government and politics. Distinct from interest groups, parties seek to place candidates on the public ballot under their own labels. The overwhelming majority of interest groups do not seek to place candidates on the ballot. Those relatively few that do, operate through the existing political parties. Furthermore, parties must always appeal to the general public. (Interest groups never do so.)
    (C) Measure - Each of the groups discussed in this case study qualify under this definition and can be used as examples of such organizations.

III (A) Concept - Access
    (B) Definition - Penetration into governmental institutions and the ability to gain the receptivity of relevant government officials to group inputs. Access may take many forms such as conversations with or presentations to governmental officials and testimony at Congressional or department or agency hearings.
    (C) Measure - The degree of access can be measured on a continuum from denial of entry to unchallenged veto status on the part
of a group over an official decision. Group leaders may be queried as to the responses they have received from different government officials and institutions regarding group communications over issues of concern. Government leaders in the legislative and executive branch were asked questions such as:

Is there any one organization which you regard as particularly reliable and why? Which groups have contacted and spoken with either you personally or your staff? Which interest groups have testified before your committee and with what degree frequency and effectiveness? Are there any of these groups whose argument or position you find convincing and worthy of careful consideration? Could you provide a rough approximation of the percentage of your time that has been spent over the last few years with the groups concerned with UNCLOS? Which of the various groups concerned over UNCLOS have you been in most frequent contact with? Which of the interest groups have members of Congress tended to be most receptive to and why? Which ones have they been least receptive to and why?

Access can also be measured roughly in terms of group participation over time in advisory committees, Congressional hearings, and as advisors to the U.S. delegation. Interest group sponsorship or support of candidates for public office can also indicate whether a group will have greater ease of access if the candidate achieves that position. In terms of access, corporate executives were asked:

What type of response does your organization receive when making inquiries at the White House or State Department? Does your organization have access to decision-makers at these institutions or is it denied access? How would you categorize the quality of your communication with this Administration? Do you believe that this Administration has treated you fairly? How does it compare with your rapport with previous Administrations? How are you treated by the President's advisors? Which of the advisors, if any, do you communicate with most frequently and effectively? With regard to the State Department, who have you been in most frequent contact with in this organization? Have you had frequent contact with the President's Law of the Sea representatives? Has this contact been primarily written, verbal, or personal contact? Have you received a fair hearing at the State Department? In terms of the Congress, where have your major points of contact been? Which members have you been most frequently in touch with regarding UNCLOS? Which committees have you most frequently contacted and testified before? Who have been your biggest supporters in Congress? Who are your biggest opponents in Congress?
With regard to access, in the interviews conducted with interest group leaders, they were asked:

Within this Administration have there been people that you were eager to have brought into the government? In previous Administrations were there people you were eager to have brought into the government? What types of information have you received regarding the interagency task force meetings on UNCLOS? Who in the bureaucracy are your closest friends and contacts? What type of response does your organization typically receive when making inquiries at the White House or State Department? Does your organization have access to decision-makers at these institutions or is it denied access? How would you categorize the quality of your communication with this Administration? How does this compare with your rapport with previous Administrations? How are you treated by the President's advisors? Which of the advisors, if any, do you communicate with most frequently and effectively? With regard to the State Department, who have you been in most frequent contact within this organization? Have you had frequent contact with the President's Law of the Sea representatives, particularly James Malone and Theodore Krommiller? In terms of the Congress, where have your major points of contact been? Which members have you been most frequently in touch with regarding UNCLOS? Which committees have you most frequently contacted and testified before? Who have been your biggest supporters in Congress? Who are your biggest opponents in Congress?

IV (A) Concept - Influence
(B) Definition - An actor's ability to intentionally change the decisions made by another person or collectivity from what it would have otherwise been.
(C) Measure - Identifying the influence of any one group at any one point in time stops a dynamic process and by freezing the action distorts it. Even when group action is correctly observed, the measurement of group influence is inevitably inaccurate because it only isolates part of a pyramiding series of complex relationships. However, it is possible to step back from the particulars and generalize from the character of group involvement to the impact of such involvement on the political system as a whole. This can be done by aggregating separate instances of group influence, and by assessing the consequences of group organization and group policy participation as it affects the governmental agenda and policy positions. One way to measure influence is to determine the extent to which interest group preferences have been incorporated into policy decisions. Of course, these decisions may have occurred despite group inputs and as a result of official preferences. In order to avoid this
pitfall the researcher can compare interest group policy positions with official policy positions over time so as to locate changes in the stances of these actors leading up to the final policy adopted by the government. Another means of determining the possible presence of influence is through the perceptions of group leaders or government officials regarding its occurrence. This information can be obtained through interviews with interest group representatives and governmental officials.

Interest group leaders were asked in the interviews:
What would you say have been your organization's major successes and failures in terms of U.S. policy on UNCLOS over the years? What do you believe has accounted for these successes and failures? To what extent do you feel that your organization has been thwarted in the achievement of its goals in this area by other groups?

Executive and legislative branch officials were asked:
Based on your experience and knowledge of this international issue could you give a brief historical overview regarding the activities of these organizations as well as their respective impacts on policy in this area? What do you believe has accounted for their success or failure in attempting to influence U.S. policy on UNCLOS? How important do you believe the interest groups (i.e., mining, petroleum, fishing, etc.) have been in shaping the U.S. agenda regarding UNCLOS as well as the major policy decisions made in this area?

V (A) Concept - Goals
(B) Definition - The purposes, ends, or objectives toward which interest groups devote their efforts and resources. Group goals can be classified as broad or specific. The broad goals encompass the basic needs and survival instincts of the organization which, in turn, influence the specific goals of the group such as its position on a foreign policy issue.
(C) Measure - Most of the broad goals of the organization cannot be pinpointed but must be assumed. Nevertheless, the interest group leaders were asked in the interviews:
Could you briefly describe how this organization originated? For what general purpose was this organization established? How would you describe the general goals of your organization? (i.e. In terms of your organization's position in society, its financial position, relationship with its membership, etc.) Could you list them in terms of their decreasing importance to your organization? (e.g., organizational survival, popularity with membership, growth, prestige, influence, etc.) Since the founding of this organization have these general goals remained relatively consistent or
have they changed over time? If so, how have they changed?

The specific goals can be found in the position papers or declaration of policy issued by the groups. Also, testimony before committees of Congress and advisory committees as well as correspondence with government officials will contain statements of group goals. Finally, in the interviews, interest group leaders were asked:

Could you give me your views regarding the United Nations Conference on the Law of the Sea? How do you feel about the U.S. would gain or lose more from this treaty? How would you describe the general goals of your organization? What are the more specific political goals of your organization? What are the more specific political goals of your organization? Where do foreign policy matters typically fall in the goal hierarchy of your organization? Where does UNCLOS fall in terms of the goal hierarchy of your organization? Roughly, what percentage of the activities of your organization have been devoted to UNCLOS over the years? How has this varied over time?

VI (A) Concept - Strategies and Tactics
(B) Definition - (1) Strategies - Broad plans of attack, or general approaches to lobbying. (2) Tactics - The specific actions taken to advocate certain policy positions.
(C) Measure - In order to determine the strategies and tactics employed by interest groups concerning UNCLOS as well as their relative effectiveness, in the interview I listed those strategies and tactics most commonly utilized in lobbying efforts and asked the respondents to indicate which ones they used in addressing UNCLOS and to note whether they had been: (1) effective, (2) moderately effective, (3) slightly effective, and (4) ineffective.

When interviewing interest group leaders I also asked them the following questions:

In your organization's involvement in UNCLOS have you tended to focus your activities on any particular agency, Congressional Committee, White House Staff members, etc.? How much effort has your organization made in alerting the Members of Congress to your concerns over this issue? How have you gone about this? Have you attempted to contact all members of Congress or have you focused your attention on a specific segment of that institution? To what extent have you concentrated your efforts on those decision-makers you regard as
undecided? Has your organization attempted to mount a grass roots or mass-media campaign on this issue? Have you ever called upon or directed your membership to take any type of particular action regarding UNCLOS? Has your organization formed any coalitions or cooperated with other organizations or groups on this issue? If so, has this cooperation encompassed other issues as well or just UNCLOS? Has this cooperation been limited to exchange of information or has it been expanded to other areas? Has your organization's choice of strategies regarding the foreign policy question of UNCLOS been different from those that you typically follow on domestic issues? If so, how have they been different? In attempting to communicate your views to the government on UNCLOS, where has your organization directed most of its attention?

Corporate executives were asked the following questions with regard to their lobbying efforts:
How has your organization attempted to communicate its views to the government? Do you have your own Washington Representative? Do you employ private law firms to represent your company or consortium? Who might they be? Do you work through any trade associations? Who might they be? In attempting to communicate your views to the government, where has your organization directed most of its attention? How much effort has your company made in alerting the Members of Congress to your concerns over this issue? How have you gone about this? (i.e., Have you conducted letter writing campaigns, have you made personal visits to offices, have you sponsored or participated in forums and seminars on UNCLOS, have you published any articles, released any research results, and so forth?) Have you attempted to contact all Members of Congress or have you focused your attention on a specific segment of that institution? To what extent do you concentrate your efforts on those decision-makers you regard as undecided? Has your organization attempted to mount a grass roots or mass-media campaign on this issue? Has your organization formed any coalitions with other organizations or groups over this issue?

As a means of obtaining the perspectives of those being lobbied in the government as to the various strategies and tactics utilized by the interest groups involved in UNCLOS, in the interviews conducted with executive branch officials, I asked the following questions:
Do you receive formal letters from these groups? Do you have any copies of such letters that are not classified or confidential? Do you have any unclassified or nonconfidential files on these types of contacts? Do these group representatives come to Washington often? Are you aware of any letters that have been sent by these groups to the President or the White House? Do you know whether any of the President's Chief Advisors have been personally involved in this issue? Have these advisors been contacted by any of the groups involved in UNCLOS? Do you have any unclassified or nonconfidential files on these types of contacts? How have these different groups gone about attempting to make their position felt in Washington? Have you noticed any differences in "style" between these groups? For example, have they tended to focus on any specific Agency, Department, Congressional Committee, White House staff, etc.? Have they focused on grass roots opinion or attempted a mass-media approach? Have they formed coalitions with other groups?

In interviewing Members of Congress and their staffs I asked the following questions:
How have the interest groups gone about attempting to make their positions felt? More specifically, what strategies and tactics have they used? For example, have they tended to focus on any specific Agency, Department, Congressional Committee, White House staff, etc. Have they focused on grass roots opinion or attempted a mass-media approach? Have they formed coalitions with other groups? How have they presented their argument? (e.g., in broad or narrow terms) Have you noticed any difference in how these groups or organizations have approached this foreign policy issue as compared to how these same groups or organizations have typically approached domestic issues?

VII (A) Concept - Group Resources
(B) Definition - Resources include any assets that can be used by groups to influence others to assist them or their cause. They are the total stock of assets that a group has at its disposal including: physical resources such as money, talent, skill, knowledge, personnel, size, and media-attracting capabilities; organizational characteristics including cohesion and geographic location; intangibles such as the prestige derived from the membership base or the status of the organization itself, the commitment, enthusiasm, and intensity of the membership, and the
ideological content of the group's program; and the political environment especially the nature of the opposition.

(C) Measure - In order to measure the total resource base of a group, each of the assets that make up this base must be explored individually in terms of their strengths and weaknesses and then be added together in order to obtain an overall perspective of the total resources at the command of each group. Following is a list of these assets, their definitions and measurements:

(1) Physical Resources

(A) Definition - The material assets that a group has at its disposal such as financial wealth and membership size. (Money is perhaps the most important resource available to a group in influencing public policy, because it can be used to attract many other resources, including political and leadership expertise, as well as public relations talent, media space, and political contributions. The size of a group is also an important physical resource. Besides the political impact of numbers of votes, a large group representing many citizens has a built-in legitimacy. Also, large memberships usually mean sizeable monetary resources, although this is not always the case.)

(B) Measure - As a measure of financial resources, interest group leaders were asked in their interviews:

How is this organization supported financially? Roughly, what are your annual dues? Do those contributions include any foundation donations or grants? Is this organization tax exempt? Are contributions tax deductible? Could you provide me with a rough estimate of this organization's annual budget? How much of your organization's time is spent on membership solicitation and budgetary consideration such as finding outside sources of funding? Does your organization have a political action committee?

With regard to membership, they were asked:
How many members does your organization have? How many people work in your Washington office? They were also asked at the conclusion of the interview if they had any documents concerning the membership of their organization.

(2) Organizational Resources

(A) Definition - Those internal characteristics germane to the formal and informal structure and function of the organization itself, such as membership
skills and unity, leadership skills, leadership rapport with membership, substantive expertise, composition of the membership, geographic dispersal of the membership, the presence or absence of regional offices, and so forth, that limit or affect the ability of the organization to accomplish its goals through external activities. (Organizational structure can add to or detract from the unity of the group, its ability to express itself and its impact upon the political process. The nature of the organization becomes crucial to the functioning and success of the interest group, especially when its size is large, its membership diverse, and its leaders concerned with pursuing a variety of goals. Organization is more than a structuring of separate roles, it represents a way of relating powers and functions through which the group regulates itself and pursues its objectives. The more ambitious the program of the group, the more its internal government is likely to include a permanent staff in addition to its elected officials. Size, complexity, the nature of the intergroup struggle, all call forth specialization and, therefore, division of labor between members, officers, and staff.)

(B) Measure - In terms of organizational background and structure, the interest group leaders were asked:

Does this organization have any state or local chapters? Is there a national headquarters outside of Washington? Does your organization have a federated or unitary structure? Is your organization an "ad hoc" organization? Could you roughly describe the composition of your membership? How would you describe the "typical" member of your organization? Is there any distinctive regional distribution of your membership? Are you aware of any of your members belonging to other organizations? How would you describe the loyalty of your membership to this organization? (e.g. Do they have any strong loyalty to other competing organizations?) What is the frequency of turn-over in your membership? (e.g. Is your membership fairly stable over time or have there been some fluctuations in terms of membership joinings and withdrawals?) Would you characterize your organization's membership in terms of their background and interest as containing substantial internal division, as being homogeneous, or as falling somewhere between these two extremes? Have there been any differences of opinion in your
membership over this issue? If so, have these differences been persistent over time? Do these differences in viewpoint, to the extent that they exist, involve a substantial portion of your membership? How intense have these differences been?

(3) Political Resources
(A) Definition - Skills and knowledge relating to the American political process that can be used to further the interest of the organization. These resources include: campaign expertise, political process knowledge, political strategy expertise, and political reputation. (Groups that are experienced and knowledgeable about political campaigning can offer important services to political candidates and can also intelligently and efficiently disperse a group's financial resources for campaign contributions. Also, knowledge of the ins and outs of the legislative process - including the important stages of the process, the relevant committees and subcommittees, the key actors, the best moments to act or withdraw, the personal characteristics, strengths, and weaknesses of members and staff - is vital to a group's legislative success. A group's or lobbyist's political reputation - the reputation as an honest political broker and honest information source, as well as, the general reputation for political influence - is a crucial element in political success.)

(B) Measure - With regard to political resources, interest group leaders were asked:

How easy is it for your organization to generate active member participation and support (i.e., the volunteering of their time and effort) on an issue of concern? How talented is your membership in conducting grass roots campaigns and assisting the organization in its political activities? How willing would the membership be to contribute their time and effort regarding UNCLOS? Have you ever asked them to make this sacrifice for UNCLOS? What would you say is the general reputation, credibility, status or prestige of your organization in Washington? How does your organization compare in this regard with other organizations involved in UNCLOS? Would you say that your organization is known for its political skill and knowledge? How experienced is your staff in political matters? For instance, has any of your staff every had any
experience in managing political campaigns, political fund raising, etc.? How much Capitol Hill or executive branch experience does your staff typically have? How would you characterize your organization's research capacity? What types of resources for this purpose do you have at your disposal? How frequently are you contacted by public policy-makers for information and assistance? How frequently have they contacted you regarding UNCLOS? Who made these contacts?

Members of Congress and their staff were asked:
In terms of the sources of information which you relied upon regarding the Law of the Sea Conference, roughly how much of this has been provided by interest groups such as citizens groups, labor organizations, producer associations, environmental groups, professional societies, religious organizations, and so forth?

Executive branch officials were asked: Have the different interest groups provided you with information to solve your problems regarding UNCLOS? Which do the best job of providing this information? Do these groups understand the Hill and Executive Branch? Which groups are more adept at interacting with these institutions?

(4) Motivational Resources

(A) Definition - The intensity and commitment of the membership to the goals and aims of the organization. Motivational resources include: group unity and cohesion; ideological commitment; morale; and grass roots support. (If a group is composed of "true believers" then this feeling can multiply the group's influence far beyond its membership number. Cohesion is a factor of primary importance since it is agreement among individuals that makes concerted action possible in the first place. The more cohesive the group the greater its ability to mobilize and integrate member resources and the greater its basis for political success within the group.)

(B) Measure - Interest group leaders were asked:
What is the intensity of interest and commitment of your membership over the UNCLOS issue? (Is this commitment primarily economically, politically or ideologically inspired?) How would you describe your membership's sentiments regarding this issue?

Corporate executives were asked: What is your company's (or consortium's) concern or interest in
UNCLOS? How long has your company (or consortium) been involved in this issue?

Members of Congress and their staff were asked: Which of the interest groups involved in the debate over UNCLOS have been the most intense and active since you have been professionally concerned with UNCLOS?

5 Intangible Resources
(A) Definition - Those elusive factors that are difficult to clearly perceive, identify or define but that contribute to the ability of a group to gain access to and influence policy-makers. Intangible resources include: prestige; status; credibility; and legitimacy. (The overall prestige of a group can aid it in pursuit of its goals, both in the political meaning attached to a position it takes and in terms of the access available to policy-makers. The more resources a group has and can use, the more advantages it brings to the competition over access and influence on policy.)

(B) Measure - Interest group leaders were asked: What would you say is the general reputation, credibility, status, or prestige of your organization in Washington? How does your organization compare in this regard with the other organizations involved in UNCLOS?

Other measures of intangible resources that are used in this case study are secondary source materials that describe the general prestige, status, credibility, legitimacy, and reputation of these interest groups in Washington. Also, I have relied on my own personal knowledge and experience in Washington in evaluating the intangible resources of these groups.

VIII (A) Concept - Organizational Incentives
(B) Definition - A reward offered to group members or possible group members to encourage them to continue their membership in the organization or join the organization if they have not already. While there are various types of incentives that can be offered, they can be placed into three broad categories - material (related to tangible rewards, such as money, jobs, publications, and so forth); solidary (the socialization and friendship of group involvement); and purposive (ideological satisfaction).

(C) Measure - Interest group leaders were asked: In addition to representing their interests on matters of public policy, does your organization perform any other services for the
membership? Do you have a newsletter or other means of regular communication with your membership besides your appeals for dues or contributions? What do you believe are the major reasons for the membership continuing to support your organization? More precisely, what do you believe motivates them to belong—economic benefits, political or ideological benefits, the satisfaction of social interaction with their peers in the organization, or any other incentives you may be aware of?

**IX** (A) Concept - Decision-making  
(B) Definition - In this study decision-making is defined as the process by which an interest group arrives at its set goals and priorities, as well as, the means, steps and procedures for the achievement of these objectives. The internal decision-making process of interest groups is composed of the following interrelated set of factors: internal communication; level of democracy; membership participation and input; role of the active minority, rival groups and subgroups; and, the formal organizational structure, meetings, and procedures for reaching final determinations of group policy and approach. (The characteristic of virtually all organized groups is government through an "active minority". Or stated in another way, almost all organizations tend to be oligarchical. The membership plays a peripheral role in the internal government, whereas a small number of individuals make the decisions and speak for the group. The forms of democracy may be present for affording members formal opportunities to participate in policy-making, to vote for their officers, and to compete for office; but the actuality of power permits "insiders" to play a more significant role than the mass of the membership.)  
(C) Measure - Interest group leaders were asked: How does the organization's leadership cope with differences between group members? What impacts do these differences, to the extent that they exist, have on your group's stated position? How do you avoid isolating these different subgroups when taking a position on UNCLOS? Could you describe the formal structure for reaching decisions and setting goals in your organization? On a more informal level, how does your organization decide on which specific issues it will become active? In setting goals in your organization, what factors enter into their consideration? (e.g., What attention is given to: the resources necessary for their pursuit; opportunity costs; the potential gain, etc.) Does your organization have a Declaration of Policy? If so, could I have a copy? How is this Declaration arrived at? How are deadlocks over group policy broken when and if they arise? Could you tell me a little about the Executive Board? Who sits on the Board? What is its relationship to the professional staff in terms of setting group policy? How are deadlocks within the Board resolved if and when they occur? Have there ever been
any differences of viewpoint between the Board, the membership, or the professional staff regarding UNCLOS? If so, how have these been resolved? How would you characterize your rapport with your membership? Is it a close working relationship or a more distant one? How frequently do you hear from your membership? How do they communicate their views? How is your membership informed of your organization's position on UNCLOS? How much discretion has your membership tended to grant the leadership in setting organizational policy on UNCLOS? Have there ever been any complaints from the membership over the organization's position on UNCLOS? If so, what were the nature of these complaints? What formal mechanisms have been established by your organization for receiving the inputs of the membership on organizational matters such as the choice of leaders, the budget, staffing requirements, committee membership, agenda of meetings, dues structures and group goals and policy? How much direct influence does the membership tend to have in terms of the policy-making of the organization? Do certain members contribute more financially or in terms of their services than others? Are these same members also more active in helping to shape the goals of the organization? How frequently does your organization conduct meetings of the total membership (if at all)? To what extent is there personal interaction between the membership, either socially or as a result of their service to the organization, such as membership on a committee, etc.? Have you ever polled your membership to solicit their views on any particular policy matter? How much times does the staff tend to devote to handling internal matters such as membership services and requests, as opposed to working in the political arena to promote the organization's goals? How is your organization structured in terms of staff responsibilities? What is the level and type of staff interaction?

(B) Definition - The external environment consists of those forces in society outside of the interest group decision-maker relationship which may have a significant impact on both sets of actors. It includes such factors as: public opinion; national concern; mass media; and transnational relations.

(C) Measure - Interest group leaders were asked: To what extent has your organization interacted and communicated with foreign diplomats, heads of foreign governments, representatives from international organizations, heads of foreign corporations, and foreign interest groups over this issue? If so, who might they be? What were the purposes of these contacts? How frequently has a representative of your organization attended the various negotiating sessions of UNCLOS? What role do you believe public opinion and the mass media have played in the debate over UNCLOS? Have they generally been supportive, at odds, or indifferent to your
organization's interest in UNCLOS? What contacts have you had with the press regarding UNCLOS? What was the purpose of these contacts?

Members of Congress and their staff were asked: What signals or correspondence have you received from your constituency regarding this issue? How have they felt about U.S. participation in the Treaty? Is this a salient issue in your constituency or is it an issue of which they are generally unaware? Are there any segments or groups in your constituency who are affected by this treaty? Could you name them and their interest?

Executive branch officials were asked: What signals or correspondence have you received from the general public regarding this issue? How has the general public felt about U.S. participation in this treaty? Do you believe this is a salient issue with the public or an issue of which they are generally unaware? In making your judgments on a foreign policy issue such as the Law of the Sea Conference, how much reliance do you place on public opinion?

XI  (A) Concept – Targets
(B) Definition – Those decision-makers, institutions, segments of the U.S. population, and international actors toward which interest groups direct their actions in an attempt to influence governmental policies relating to the goals of the group.
(C) Measure – The targets of the different groups can be determined from responses to questions regarding: access, influence, strategies and tactics, and the external environment.
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FOOTNOTES

CHAPTER I


Most studies of international relations from a realist perspective have treated the national interest as a basic assumption in constructing a logical-deductive model of international politics. More precisely, they have assumed that states will act to protect their territorial and political integrity. From this assumption it is possible to derive propositions about how states will behave given the distribution of power in the international system. However, Krasner uses the concept in a different way. He defines the national interest inductively as the preferences of American central decision-makers. He states that such a set of objectives must be related to general societal goals, persist over time, and have a consistent ranking of importance in order to justify using the term "national interest."

Krasner contends that for any given issue it is not difficult to make a list of aims desired by politics leaders. This he does with
regard to U.S. international raw materials policies by perusing laws, officials studies, public statements, and the general historical outlines of U.S. raw materials policy. He maintains that the analytic problem is to arrange these objectives according to their importance to the state. If there is no consistent ranking over time, it will not be possible to specify a national interest inductively. He concludes from his analysis of the case studies that American officials have three basic aims in international raw materials markets — (1) increasing competitive economic behavior, (2) insuring security of supply, and (3) furthering broader foreign policy objectives — and that the ordering has persisted over time. In addition to showing that American policy makers have pursued a set of transitively ordered preferences over time, he argues that their primary objectives were associated with broad political goals and not with the desires of American firms.


According to these scholars, the assumptions of political realists, whose theories dominated the postwar period, are often an inadequate basis for analyzing the politics of interdependence. They state that three assumptions are integral to the realist vision. First, states as coherent units are the dominant actors in world politics. Second, realists assume that force is a usable and effective instrument of policy. Third, realists assume a hierarchy of issues in world politics, headed by questions of military security.

But each of the realist assumptions can be challenged and thus Keohane and Nye construct another ideal type, the opposite of realism, which they call complex interdependence. Complex interdependence is characterized by: (1) Multiple channels that connect societies, including: Informal ties between governmental elites as well as formal foreign office arrangements, informal ties among nongovernmental elites, and transnational organizations such as multinational banks or corporations; (2) Absence of Hierarchy Among Issues which means, among other things, that military security does not consistently dominate the agenda (Many issues arise from what used to be considered domestic policy, and the distinction between domestic and foreign issues becomes blurred); and, (3) Military force is not used by governments towards other governments within the region when complex interdependence prevails.

6. Ibid., 32-33.

7. Ibid., 34.

domestic politics, he points to the influence of Congress as an important factor ignored by Allison's model. Another work that offers some critical assessments of the bureaucratic politics model but from a different direction is Stephen D. Krasner, "Are Bureaucracies Important? (or Allison Wonderland)," Foreign Policy, Number 7 (Summer 1972). Krasner's argument is that the bureaucratic perspective is misleading, dangerous, and compelling. It is misleading because it obscures the power of the President. It is dangerous because it undermines the assumptions of democratic politics by relieving high officials of responsibility. And it is compelling because it offers leaders an excuse for their failures and scholars an opportunity for innumerable reinterpretations and publications. Krasner also contends that it is the values of central decision-makers and not bureaucratic constraints which determine policy outcomes.


10. Ibid., 8.

11. Ibid., 8.

12. Although she does not explicitly discuss her methodology, it becomes apparent from reviewing this study that Hollick has formulated her conclusions by comparing the formal positions of the bureaucratic and private actors as they have evolved over time with the shifts in U.S. policy over time. Judging from her footnotes and bibliography she relied primarily on the public documents of the various groups and organizations as well as upon those of the United States governments together with her familiarity with the subject matter. A major focus of her analysis is on the politics of the Nixon Administration and the central role of the National Security Council and Presidential Assistant Henry Kissinger in influencing decisions made by President Nixon on U.S. positions regarding UNCLOS.


14. Chadwick Alger in the "'Foreign' Policies of U.S. Publics" (cited earlier) criticizes Almond for "too eagerly accepting the existing elitist foreign policy structures." p. 282. Alger argues that the wider public can only be included in the linkage to global processes if transnational paradigms are carried one step further and people become aware of the links of individuals, groups, and organizations in their own community.


20. David Truman, The Government Process (New York: Alfred A. Knopf, Inc., 1951). In noting that multiple membership helps obviate the possibility of irreconcilable conflict, Truman states that by itself it is not totally sufficient. Another element is needed, namely, the unorganized interest, or potential interest group. Any mutual interest or shared attitude is, in Truman's conception, a potential group. A disturbance in established relationships and expectations anywhere in the society may cause a potential group to form into an actual interest group. More important, however, than the potential groups representing separate minority elements are those interests or expectations that are so widely held in the society that they are taken for granted. These widely held expectations Truman calls the "rules of the game." In the American system the "rules" would embrace, for instance, what has been termed by Truman as "the democratic mold." The "rules" concern not only what the governmental institutions shall do, but also how they shall operate. Violation of the "rules" normally will weaken a group's cohesion, reduce its status in the community and expose it to the claims of other groups. Finally, Truman lists three situations which may lead to revolution and decay: (1) in a domestic crisis the continued latency of unorganized interests may prevent the development of a viable compromise and encourage resort to less orderly means of adjustment; (2) the multiplicity of points of access to governmental decisions by interest groups may promote delay in action; and, (3) the overlapping membership among organized interest groups that serves as a balancing force may be limited or eliminated if they operate primarily within sharply defined social strata or classes.


32. Ibid., 3-17. According to Schattschneider, the dynamics of the expansion of the scope of conflict are something like this:
Competitiveness is the mechanism for the expansion of the scope of conflict. (It is the Loser who calls in outside help. On the other hand, any attempt to monopolize politics is almost by definition an attempt to limit the scope of conflict.)

Visibility is a factor in the expanding of the scope of conflict.

The effectiveness of democratic government as an instrument of the socialization of conflict (as opposed to the privatization of conflict) depends on the magnitude of its powers and resources.


CHAPTER II


CHAPTER III


5. Cobb and Elder, Participation in American Politics: The Dynamics of Agenda Building, 90.


10. Ibid., 9.


13. Ibid., 2-8.


**CHAPTER IV**


CHAPTER V


CHAPTER VI


2. Ornstein and Elder, Interest Groups, Lobbying and Policymaking, 80.


4. Ibid., 261-279.


16. Berry, Lobbying for the People, 243-246.

17. Ibid., 246-250.

18. Greenwald, Group Power: Lobbying and Public Policy, 139-159.


20. Greenwald, Group Power: Lobbying and Public Policy, 118-120.


25. Ibid., 122-130.


27. Ornstein and Elder, Interest Groups, Lobbying and Policymaking, 63.


33. Nash, American Foreign Policy: Response to a Sense of Threat, 93.


35. Ibid., 99.


CHAPTER VII


3. Robert A. Dahl, "The Concept of Power," Behavioral Science, Vol. 2 (July, 1957), 202-203. Dahl has defined power in the following manner: "A has power over B to the extent that he can get B to do something B would not otherwise do."


5. Ibid., 127-159.

6. Ibid., 160-195.

7. Ibid., 196-239.


CHAPTER X


4. Ibid., p. 29.

sponsored by the International Studies Association, University of South Carolina, Columbia, South Carolina, April 12, 1972, p. 22.

6. Ibid., p. 23.


10. Isobath (i'so bath) is an adjective meaning -- having a constant depth.


15. Ibid., pp. 25-26.


17. Ibid., pp. 28-31.


23. Statement by the Honorable John B. Breaux before the Senate Subcommittee on Arms Control, Oceans and International Operations and Environment, Senate Committee on Foreign Relations, March 5, 1981.


25. Senate Subcommittee on Arms Control, Oceans and International Operations and Environment, Senate Committee on Foreign Relations, March 5, 1981.


35. July 14, 1981, letter from American Mining Congress Committee on Undersea Mineral Resources cochairman to the Honorable John F. Lehman, Jr., Secretary of the Navy.

36. December 8, 1981, letter from the American Mining Congress to President Ronald Reagan.


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41. Ibid.

42. August 4, 1982, memo from James G. Watt, Secretary of Interior, to the President's Cabinet Council on Natural Resources and Environment regarding ocean resource development in the national interest.

44. August 17, 1982, letter from Lee J. Weddig, Executive Vice President of the National Fisheries Institute, Inc. to the Honorable Walter B. Jones, Chairman of the Merchant Marine and Fisheries Committee, U.S. House of Representatives.


46. July 2, 1982, letter from Lucy Sloan, Executive Director of the National Federation of Fishermen to the Secretary of Commerce.


51. Statement of William J. Coffey, Associate General Counsel, Sealane Service, Inc., accompanied by W.M. Benkert, Rear Adm. USCG (Retired), President, American Institute of Merchant Shipping at a July 27, 1982, hearing of the Subcommittee on Oceanography of the Committee on Merchant Marine and Fisheries, United States House of Representatives, 97th Congress.


53. Citizens for Ocean Law In-House Publication describing the purpose and goals of the organization; Document obtained during interview with executive staff member.


55. July 8, 1982 letter from the U.S. Committee for the Oceans to Secretary of State Designate, George Schultz.


60. July 20, 1982 statement of David Ross, Senior Scientist, Geology and Geophysics Department, and Director, Marine Policy and Ocean Management Program, Woods Hole Oceanographic Institution before the Subcommittee on Oceanography of the Committee on Merchant Marine and Fisheries, United States House of Representatives, 97th Congress.