

ABSTRACT

THE INFLUENCE OF MIDDLE POWERS ON CONGRESSIONAL FOREIGN POLICY MAKING

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What strategies and tactics, absent the presence of a powerful domestic ethnic lobby, are most likely to lead to success in U.S. congressional foreign policy legislation for a middle power? The study first examines all lobbying spending by both great powers and middle powers over the last 15 years in order to discern differences in spending by each set of countries. A second quantitative database of congressional foreign policy legislation from 1995-2008, focused on eight selected middle powers, is used to examine whether greater levels of spending on lobbying produces more favorable legislation in Congress. This database examines macro and micro level factors that may impact the likelihood of a foreign state achieving its goals in congressional foreign policy legislation. These two databases are joined by three in-depth case studies to understand what leads to successful lobbying by foreign states that lack both great power status and a powerful domestic ethnic lobby. The case studies add depth and context to the database by examining three recent congressional actions in order to determine the reasons behind the choice of lobbying strategy and the targets of lobbying efforts. The cases studies examine legislation related to Thailand, Indonesia, and the countries of the European Union. Using theoretically grounded variables across a large original database, as well as interviews to detail the three case studies of legislative initiatives, this study attempts to break new ground in the study of foreign lobbies.

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DEDICATION

To Nikki, who told me I could do it

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PREFACE

Since the end of the Cold War scholars have argued that the U.S. foreign policy making process has become ever more complex with a more diverse set of actors and issues. The range of issues policy makers must respond to have grown from a bipolar confrontation between states in a strong and organized alliance system to a broad range of traditional and nontraditional security threats including the rise of China, terrorism, pandemic disease, proliferation of nuclear technology, a globalized economy and the contagion of failed states in many regions. Issues that were once confined to the international arena have been taken up by domestic forces within the United States, giving rise to what scholars have referred to as “intermestic issues” or “two level games.”¹ New foreign policy actors, such as the news media, ethnic lobbying groups, multinational corporations, nongovernmental and intergovernmental organizations make responding to complex issues more difficult.² This study grows out of

¹ See for example: Phillip Brenner, Patrick Haney and Walter Vanderbush, “Intermestic Interests and U.S. policy toward Cuba,” in *The Domestic Sources of American Foreign Policy* (5th ed.) ed. Eugene Wittkopf and James McCormick (Lanham MD: Rowman & Littlefield, 2008), 65-80; Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, no. 3 (1988):427-460.

² John Mearsheimer and Stephen Walt, “The Israel Lobby,” in *The Domestic Sources of American Foreign Policy: Insights and Evidence* (5th ed.) ed. Eugene Wittkopf and James McCormick (Lanham MD: Rowman & Littlefield, 2008), 81-95; Lloyd Cutler, “Foreign Policy on Deadline,” *Foreign Policy* 56 (Autumn 1984): 113-128; Richard Bernstein and Ross H. Munro, “The New China Lobby,” in *The Domestic Sources of American Foreign Policy: Insights and Evidence* (3rd ed.), ed. Eugene Wittkopf and James M. McCormick (Lanham MD: Rowman & Littlefield, 1999), 71-83; Richard Haass, “Think Tanks and U.S. Foreign Policy: A Policy-Maker’s Perspective,” *U.S. Foreign Policy Agenda* 7, no. 3 (2002): 5-9.

these observations and focuses on a new actor in the increasing roster of significant forces in U.S. foreign policy making: lobbying by foreign states.³

Although scholars of international relations often include the preferences and power of states in their analysis and explanations for global events, it is not common that U.S. foreign policy scholars do the same. While some theorists argue that foreign states are represented indirectly by the U.S. Department of State, direct action by foreign states is relegated to the third level of analysis and, therefore, not directly included in more domestic investigations of U.S. foreign policy making.⁴ Domestic analyses of U.S. foreign policy often revolve around questions of international relations theory, bureaucratic infighting among government agencies and constitutional questions of power.⁵ Thus domestic factors are considered as antecedents to U.S. foreign policy towards other states. Foreign states, whose options are often shaped in significant ways by the benefits they can extract from U.S. foreign policy, are thus cordoned off, at least conceptually, from descriptions of the foreign policy making process.

³ This dissertation examines both the lobbying activities of foreign countries and any lobbying firm that they contract with or hire. Foreign lobbying is defined as “direct or indirect representation of foreign interests in order to influence policymaking processes and outcomes or a target country.” This is taken from Chung-in Moon, “Complex Interdependence and Transnational Lobbying: South Korea in the United States,” *International Studies Quarterly* 32, no. 1 (1988): 67-89.

⁴ Duncan Clarke, “Why State Can’t Lead,” *Foreign Policy* 66, (Spring 1987): 134.

⁵ See the chapters in Eugene Wittkopf and James McCormick, *The Domestic Sources of American Foreign Policy* (Lanham MD: Rowman & Littlefield, 2008); Graham Allison and Phillip Zelikow, *Essence of Decision* (New York: Longman, 1999).

A few scholars have noted the increasing importance of foreign lobbies in the making of U.S. foreign policy.⁶ The number of registered foreign lobby agents, as measured by the Foreign Agents Registration Act (FARA), has grown from 850 registered agents in 1985 to over 2,000 in 2008.⁷ This growth in international lobbying professionals shows that foreign states require professional advice and assistance more today than they have before. It is logical to believe that foreign states believe that hiring lobbyists is likely to be effective, otherwise there would be far fewer registered lobbyists representing these interests. While hiring professional lobbyists is one strategy, this study will examine the spectrum of lobbying options open to foreign states.

However, there is another compelling reason to investigate foreign lobbying. In short, previous studies of foreign lobbying, while useful, have had four main drawbacks. First, many tend to focus on powerful states such as China, Japan and Israel.⁸ Even absent a foreign lobbying effort, it is likely that the United States would have taken the concerns of these states into account when making foreign policy. This is perfectly in line with a realist conception of the world, in which great powers have the capability and influence to shape global politics.

⁶ Kathryn Johnson, "How Foreign Powers Play for Status in Washington," *U.S. News and World Report*, June 17, 1985, 35-41; Ken Silverstein, *Turkmeniscam* (New York: Random House, 2008); John Newhouse, "Diplomacy, Inc." *Foreign Affairs* 88, no. 3 (2009): 73-93; Russell Howe and Sarah Trott, *The Power Peddlars* (New York: Doubleday, 1977); Nicholas Laham, *Selling AWACS to Saudi Arabia*, (Westport: Praeger, 2002).

⁷ Johnson, "How Foreign Powers Play for Status in Washington," 35; U.S. Department of Justice, "Report of the Attorney General to the U.S. Congress on the administration of Foreign Agents Registration Act (FARA), June 2008," <http://www.justice.gov/criminal/fara/links/annualrpts.html> (accessed November 22, 2011).

⁸ Bernstein and Munro, "The New China Lobby"; Mearsheimer and Walt, "The Israel Lobby"; Howe and Trott, *The Power Peddlars*; Deborah Levy, "Advice for Sale," *Foreign Policy* 67 (Summer 1987): 64-86.

Left unexplained, however, is whether states with less power, so-called “middle powers,” can influence U.S. foreign policy making through skilled and committed lobbying efforts. Middle powers are those states that because of their size, material resources, influence and interconnectedness to the rest of the world are close to being great powers.⁹

Second, previous studies pay close attention to the influence of domestic ethnic lobbying groups over American foreign policy.¹⁰ However, there are only a few states that possess an organized, influential domestic ethnic lobby in the United States.¹¹ As a result, there has been little attention focused on the lobbying activities of states that lack this option. Third, previous studies have failed to provide systematic analysis that can yield a mid-range theory about the how foreign states influence and alter U.S. foreign policy making. A few of these studies seize upon only the successes of the foreign lobbies without taking the time to connect strategies and tactics with outcomes. Lastly, this scholarship generally uses the case study method and focuses on one or a few foreign lobbies. While case study methodology is useful

⁹ This definition is close to the one offered by R.G. Riddell in 1947. Riddell is quoted in R.A. Mackay, “The Canadian Doctrine of Middle Powers,” in *Empire and Nations*, ed. Harvey Dyck and H. Peter Crosby (Toronto: University of Toronto Press, 1969), 133-144.

¹⁰ Mearsheimer and Walt, “The Israel Lobby”; Brenner, Haney and Vanderbush, “Intermestic Interests and U.S. policy towards Cuba”; Tony Smith, *Foreign Attachments* (Cambridge: Harvard University Press, 2000); David Paul and Rachel Paul, *Ethnic Lobbies and U.S. Foreign Policies* (Rienner: Boulder, 2009); Patrick Haney and Walter Vanderbush, “The Role of Ethnic Interest Groups in U.S. Foreign Policy: The Case of the Cuban American National Foundation,” *International Studies Quarterly* 43, no. 2 (1999): 341-361; Stephen Garrett, “Eastern European Ethnic Groups and American Foreign Policy,” *Political Science Quarterly* 93, no. 2 (1978): 301-323; Kenneth Longmyer, “Black American Demands,” *Foreign Policy* 60 (Autumn 1985): 3-17.

¹¹ Paul and Paul, *Ethnic Lobbies and U.S. Foreign Policies*.

in answering certain questions, a large-*n* study would be valuable in assessing significant variables across a wide range of issue areas and types of foreign lobbies.

This study also situates itself among the growing literature on the role of the U.S. Congress in the formulation of U.S. foreign policy.¹² With the end of the Cold War, many scholars have argued that the U.S. Congress has a role in the shaping and development of foreign policy. While its role is not as influential as the president's, Congress has several tools and avenues at its disposal to affect foreign policy. This study focuses on a foreign lobby's ability to shape the direction of U.S. foreign policy by influencing the branch of government most associated with lobbying: the U.S. Congress.

With the aforementioned research gaps on foreign lobbying, this inquiry asks the following research question: What strategies and tactics, absent the presence of a powerful domestic ethnic lobby, are most likely to lead to success in congressional foreign policy legislation for a middle power? In this way, this study links the strategies and tactics of foreign lobbies with the outcomes that they can achieve. Specific hypotheses regarding this research question will be discussed in the Chapter 2.

This study unfolds in eight chapters. The first chapter will review literature in a number of areas. The scholarship concerning lobbying and foreign lobbying, especially the role of lobbyists in American democracy and the various strategies employed by them, will be

¹² James Lindsay and Randall Ripley, "Foreign and Defense Policy in Congress: A Research Agenda for the 1990s," *Legislative Studies Quarterly* 17, no. 3 (1992): 417-449; James Lindsay, "Congress and Foreign Policy: Why the Hill Matters," *Political Science Quarterly* 107, no. 4 (1992): 607-628; James Lindsay, "Congress, Foreign Policy and the New Institutionalism," *International Studies Quarterly* 38, no. 2 (1994): 281-304.

discussed. Previous inquiries concerning Congress's role in the formation of American foreign policy and the role of middle powers in global politics will also be examined. The second chapter will lay out the research design and the methodological tools used in this inquiry. This chapter will justify the cases selected for examination as well as the structure of the quantitative and qualitative sections of this study. The third chapter will examine the lobbying money spent by great powers and middle powers over the last fifteen years in order to gauge different patterns in spending on professional lobbyists. The fourth chapter will explore the results of the quantitative investigation into the influence of lobbying money on goal achievement in congressional foreign policy legislation. These two databases are new databases created especially for this study. The fifth, sixth and seventh chapters will focus on individual case studies of middle power lobbying efforts. Through elite interviews the lobbying efforts of Thailand, Indonesia, and various member countries of the European Union will be explored. These case studies will examine not only each state's general approach to U.S. congressional lobbying but will also highlight a recent piece of legislation for each state and their lobbying efforts on behalf of it. These case studies seek to explore the strategies other than the use of professional lobbyists that middle powers may use in order to achieve their goals in congressional foreign policy. The last chapter will offer some concluding thoughts on this research, discuss tentative conclusions, identify weaknesses and chart future research opportunities.

CHAPTER 1

LITERATURE REVIEW

The following literature review discusses a number of key areas of scholarship relevant to this inquiry. First, it will review the relevant literature concerning lobbying and, in particular, foreign lobbying. Scholarly debates on the effectiveness of lobbying, the strategies and tactics of foreign lobbyists and the determinants of those strategies as well as the targets of lobbying activity will be addressed. Second, this chapter will cover the literature on congressional influence in U.S. foreign policy making. The emerging scholarly focus on the role of Congress, its susceptibility to interest group activity and the various means by which Congress can affect U.S. foreign policy will be discussed. Finally, this section will examine the literature on middle power states and their role in global politics. Definitions of middle powers and the various methods of identifying them will be discussed. The selection of middle powers for study in this research will be discussed in the next chapter dealing with research design.

Lobbying and its Effectiveness

This discussion covers the general literature on lobbying, the restrictions placed on foreign lobbyists and the scholarly debate on whether lobbying is effective. Lobbying is a result of the structure of American government. James Madison noted that the Framers confronted the problem of “factions” when drafting the Constitution and were comforted that a broad and diverse country would give birth to an equally broad and diverse set of groups which would naturally check each other.¹³ As the country grew, Alexis de Tocqueville noted the growth of “intermediate associations,” some of which, especially political parties, issue area groups as well as business and labor organizations, form the basis of today’s interest group democracy.¹⁴

Scholarly works on interest group lobbying efforts began in the early twentieth century with scholars who favored Madison’s view. Arthur Bentley argued that scholarly devotion to the form of government failed to identify the power of nongovernmental groups in forming government policy.¹⁵ David Truman and Lester Milbrath portrayed lobbyists in a fairly benign way and concluded that they were generally positive influences in American politics, arising

¹³ James Madison, “Federalist #10,” in *The Federalist Papers*, ed. Clinton Rossiter, (New York: Penguin Books, 1961), 77-84.

¹⁴ Alexis de Tocqueville, *Democracy in America*, ed. Richard Heffner, (New York: Penguin Books, 1956).

¹⁵ Arthur Bentley, *The Process of Government*, (San Antonio: Principia Press, 1949).

naturally out of the cacophony of pluralism.¹⁶ Burdett Loomis notes that lobbying grew at the beginning of the twentieth century “as interests became larger, wealthier and more organized and as the stakes of governmental policy began to rise.”¹⁷ By the decade following the end of the Second World War, lobbying Congress became a far more professional occupation with a stable set of lobbyists, clients and relationships. As lobbying became more professional and extensive, scholars began to question the efficacy of lobbying activities.

Scholarly debate exists as to the efficacy of modern professional lobbyists. Raymond Bauer, Ithiel Pool and Lewis Dexter argue that lobbying efforts tend to raise the salience level of the legislation in question in the mind of the member of Congress but does not change his or her stance on an issue.¹⁸ John Kingdon agreed, noting that persuading a lawmaker is a long-term process while most lobbyists operate using a short-time horizon.¹⁹

Other scholars disagree and argue that lobbyists are generally successful in achieving the legislative goals of their clients. A number of scholars using quantitative approaches have produced statistically significant results which point to the effectiveness of lobbyists. Laura Langbein and Mark Lotwis showed that lobbying by law enforcement professionals was a

¹⁶David Truman, *The Governmental Process*, (New York: Knopf, 1951); Lester Milbrath, *The Washington Lobbyists*, (Chicago: Rand McNally, 1963).

¹⁷ Burdett Loomis, “From Framing to the Fifties: Lobbying in Constitutional and Historical Contexts,” *Extensions* (Fall 2006): 1-7.

¹⁸ Raymond Bauer, Ithiel de Sola Pool and Lewis Dexter, *American Business and Public Policy* (Chicago: Aldine-Atherton, 1972).

¹⁹ John Kingdon, *Congressman’s Voting Decisions* (Ann Arbor: Michigan University Press, 1989).

significant factor in congressional roll call votes on gun control legislation.²⁰ Lawrence Rothenberg demonstrated that a lobbying group which represented citizens and organizations opposed to the deployment of MX missiles had an effect on congressional legislation.²¹ Richard Smith found that the National Education Association was able to grow support in Congress through strong lobbying efforts for a high priority education measure by almost 10 percent while a lower priority piece of education legislation which was not lobbied for stalled in Congress.²²

The scholarly debate over the efficacy of lobbyist activity has persisted to the current day. The results from a multitude of studies conducted under theories emanating from this field of study are contradictory and inconclusive.²³ In their review of the literature, Baumgartner and Leech argue that studies of lobbying conclude that sometimes lobbying is effective and sometime it is not effective.²⁴ Smith argues that one way to make sense of these studies is to advance a mid-range theory that lobbying is effective under a certain set of circumstances.

²⁰ Laura Langbein and Mark Lotwis, "The Political Efficacy of Lobbying and Money: Gun Control in the U.S. House, 1986," *Legislative Studies Quarterly* 15, no. 3 (1990): 413-440.

²¹ Lawrence Rothenberg, *Linking Citizens to Government: Interest Group Politics at Common Cause* (New York: Cambridge University Press, 1992).

²² Richard Smith, "Advocacy, Interpretation and Influence in the U.S. Congress," *American Political Science Review* 78, no. 1 (1984): 44-63.

²³ Richard Smith, "Interest Group Influence in the U.S. Congress," *Legislative Studies Quarterly* 20, no.1 (1995): 89-139; David Lowery, "Why Do Organized Interests Lobby? A Multi-Context Theory of Lobbying," *Polity* 39, no. 1 (2007): 29-54; Frank Baumgartner and Beth Leech, *Basic Interests* (Princeton: Princeton University Press, 1998).

²⁴ Baumgartner and Leech, *Basic Interests*, 134.

Baumgartner and Leech argue that the literature on interest groups and lobbying builds but does not accumulate.²⁵ They call for a focus on large-*n* studies and the use of deductive theory when analyzing results. They criticize the literature as a collection of case studies on narrow-issue areas that do not speak to any other studies, thereby limiting the ability of the literature to build a corpus of knowledge. This study attempts to address these problems by using a large-*n* study in conjunction with a set of focused case studies.

Faced with these various conflicting findings, scholars attempted to qualify their conclusions by articulating a number of factors which are important in determining whether a lobbying effort will be successful or not. Two of the most important variables which these scholars stressed were the level of salience and the level of partisanship surrounding an issue.²⁶ High levels of public salience and partisanship tended to weaken the efficacy of any particular lobbying effort.

Examining Taiwanese lobbying efforts in Congress, Joshua Su-Ya Wen found that shared democratic norms and values helped attract members of Congress to support legislation

²⁵ Ibid., 20.

²⁶ Salience was articulated by Kay Lehman Scholzman and John T. Tierney, *Organized Interests and American Democracy* (New York: Harper and Row, 1986); Rothenberg, *Linking Citizens to Government: Interest Group Politics at Common Cause*; partisanship was studied by Linda Fowler and Ronald Shaiko, "The Grass-Roots Connection: Environmental Activists and Senate Roll Calls," *American Journal of Political Science* 31, no. 3 (1987): 484-510; Scholzman and Tierney, *Organized Interests and American Democracy*. Both of these conclusions were later articulated by Steve John, *The Persuaders* (London: Palgrave, 2002).

favorable to Taiwan.²⁷ The more Taiwan highlighted its democratic norms and values, legislation favorable to Taiwan received more co-sponsors.

Another intervening variable was the specific position taken by the lobbyist. Milbrath noted the “truism” that lobbyists have an easier time defending the status quo than successfully pushing for new legislation on an issue.²⁸ In addition to simple inertia, Milbrath claims that the task of aggregating enough votes in Congress to approve new legislation is harder than defending an already established policy. In his study of Washington-based lobbyists, Milbrath is unable to verify this claim but notes that it is logically intuitive.²⁹ Later Jeffrey Segal, Charles Cameron and Albert Cover demonstrated statistically that strong interest group mobilization against U.S. Supreme Court nominees can hurt a candidate more than strong mobilization in favor of the candidate.³⁰

While scholarly findings differ there seems to be a recent trend of studies, several of which were cited earlier, which conclude that while lobbyists do not have an overwhelming ability to influence legislation they are a significant piece of the puzzle. Their involvement generally leads to successful outcomes for their clients. Any study of the influence of foreign lobbyists over foreign policy legislation in the U.S. Congress should attempt to control for the

²⁷ Joshua Su-Ya Wen, “Economics, Lobbying and U.S. Congressional support for Taiwan,” *Asian Survey* 49, no. 2 (2009): 380-402.

²⁸ Milbrath, *The Governmental Process*, p. 349

²⁹ *Ibid.*, 350.

³⁰ Jeffrey Segal, Charles Cameron and Albert Cover, “A Spatial Model of Roll Call Voting: Senators, Constituents, Presidents and Interest Groups in Supreme Court Nominations,” *American Journal of Political Science* 36, no. 1 (1992): 96-121.

intervening variables discussed earlier, especially the democratic values (or lack thereof) of the foreign state, the stance a lobbyist takes on a piece of legislation as well as the salience and partisanship levels of the issue under study. Furthermore, the study should offer a tentative hypothesis that a strong lobbying effort, while holding these factors constant, should have positive effects for the foreign state.

Lobbying Strategies

Scholars have not only focused on the when lobbyists tend to be effective, they have also examined the various strategies and methods used by lobbyists to inform, persuade and recruit legislators. Earlier conceptions from Milbrath and Truman focused on lobbyists who sought to educate legislators on various legislative proposals.³¹ Mancur Olson's work on the collective action problem helped to weaken the consensus that had grown around Truman and Milbrath's earlier work.³² The new "transactionalist" school began to argue that lobbyists and legislators were involved in an exchange relationship in which lobbyists and the interests they

³¹ Truman, *The Governmental Process*; Milbrath, *The Washington Lobbyists*.

³² Mancur Olson, *The Logic of Collective Action* (Cambridge: Harvard University Press, 1965); Mancur Olson, *The Rise and Decline of Nations: Economic Growth, Stagflation and Social Rigidities* (New Haven: Yale University Press, 1982).

represented bought access and votes from legislators through favors, campaign contributions and other rewards.³³

Scholars in the transactionalist school break down lobbying strategies into two different spheres: inside and outside strategies.³⁴ Inside strategies predominantly focus on Washington-based personnel. They include direct lobbying of members of Congress and their staffs, often by professional lobbyists or former members of Congress who share information and analysis with current members.³⁵ Ornstein and Elder note the power of money as the “most important resource available to a group in influencing public policy.”³⁶ Money, in the form of campaign contributions, is “designed to elicit the appreciation of legislators which in turn can be translated into access and assistance.”³⁷ They also note the fungibility of money by pointing out that interest groups can reward decision makers with honoraria for speeches, reimbursed or discounted travel junkets and other small favors. While domestic lobbyists are subject to many

³³ George Stigler, “The Theory of Economic Regulation,” *Bell Journal of Econometrics and Management Science* 2, no. 1 (1971): 3-21; William C. Mitchell and Michael C. Munger, “Economic Models of Interest Groups: An Introductory Survey,” *American Journal of Political Science* 35, no. 2 (1991): 512-546.

³⁴ Norman Ornstein and Shirley Elder, *Interest Groups, Lobbying and Policy Making* (Washington, D.C.: Congressional Quarterly Press, 1978).

³⁵ *Ibid.*, 83.

³⁶ *Ibid.*, 70.

³⁷ *Ibid.*, 73.

restrictions including how much money they can give candidates, foreign lobbyists are restricted by federal law from giving any money to candidates.³⁸

In contrast, outside strategies focus on the member's home state or district in an attempt to generate grassroots pressure on lawmakers to act a certain way on a proposed piece of legislation.³⁹ Media advertising, informational campaigns, public protests and rallies are examples of outside strategies. Foreign lobbies that do not have a strong domestic ethnic lobby lack the ability to mobilize a lawmaker's domestic constituency and to raise campaign contributions. Consequently, the ability to excel at other forms of lobbying is all the more significant.

The level of organizational resources, the nature of its membership and the context of an issue have long been thought to dominate the choice of lobbying strategy a group employs.⁴⁰ Organizations with large memberships are likely to use outside strategies and develop grass-roots support.⁴¹ Multinational corporations and organizations without large memberships are likely to use inside strategies.⁴² On issues where there is a large degree of public consensus

³⁸ Federal Elections Commission, "Foreign Nationals," <http://www.fec.gov/pages/brochures/foreign.shtml> (accessed January 15, 2010).

³⁹ Ornstein and Elder, *Interest Groups, Lobbying and Policy Making*, 88.

⁴⁰ Thomas Gais and Jack Walker, "Pathways to Influence in American Politics," in *Mobilizing Interest Groups in America: Patrons, Professions and Social Movements*, ed. Jack Walker (Ann Arbor: Michigan University Press, 1991), 103-122.

⁴¹ Scholzman and Tierney, *Organized Interests in American Democracy*.

⁴² See the Rockwell International case study in Ornstein and Elder, *Interest Groups, Lobbying and Policymaking*. For coalition building activities of private sector actors see Christopher Jones, "Roles, Politics and the Survival of the V-22 Osprey," in *The Domestic Sources of American Foreign Policy*, (5th ed.) ed. Eugene R. Wittkopf and

and low partisanship, organizations tend to join in a coalition because there is little chance that joining a coalition will result in compromise legislation that hurts their client's interests.⁴³

Recent studies have shown, however, that this strict typology of lobbying strategies does not seem to reflect the actual lobbying efforts of organizations in American politics. Tierney has argued that while this division of outside and inside strategies is useful theoretically, "even when accounting for multiple constraints, the lobbyist and others in the organization who chose tactics—what to do in any situation—still have a fair amount of discretion."⁴⁴ Gregory Caldeira, Marie Hojnacki and John Wright, in examining lobbying efforts on judicial nominees, argue that far from sequestering themselves to one strategy or another, lobbying groups tend to use many different strategies.⁴⁵ These multiple lobbying methods hold steady across a wide range of judicial nominees and across different types of groups with different fiscal constraints and memberships sizes. Even though this recent

James M. McCormick (Lanham: Rowman and Littlefield, 2008), 319-338. See also John Bacheller, "Lobbyists and the Legislative Process: The Impact of Environmental Constraints," *American Political Science Review* 71, no. 1 (1977): 252-263.

⁴³ Diana Evans, "Lobbying the Committee: Interest Groups and the House Public Works and Transportation Committee," in *Interest Group Politics*, (3rd ed.) ed. Allan Cigler and Burdett Loomis (Washington: Congressional Quarterly Press, 1991), 45-68; Christine DeGregorio and Jack Rossotti, "Campaigning for the Court: Interest Group Participation in the Bork and Thomas Confirmation Processes," in *Interest Group Politics*, (4th ed.) ed. Allan Cigler and Burdett Loomis (Washington: Congressional Quarterly Press, 1995), 92-111.

⁴⁴ John Tierney, "Interest Group Research: Questions and Approaches," in *Representing Interests and Interest Group Representation*, ed. William J. Crotty, Mildred A. Schwartz and John C. Green (Lanham: University Press of America, 1994), 128-145.

⁴⁵ Gregory Caldeira, Marie Hojnacki and John R. Wright, "The Lobbying Activities of Organized Interests in Federal Judicial Nominations," *Journal of Politics* 62, no. 1 (2000): 51-69.

scholarship is helpful in understanding the diverse methods lobbyists use, the Ornstein and Elder typology is still useful as a means of categorizing different lobbying strategies.

Scholars also disagree on who the target of lobbying efforts should be. One believes that lobbying efforts are often directed at supporters in Congress and that lobbying is really an effort to shore up support for legislation.⁴⁶ In this way, lawmakers who support the legislation in question can act as lobbyists to their fellow members. John Kingdon has written extensively on the power of members of Congress to influence the decisions of uncommitted members.⁴⁷ Another group of scholars argue that lobbyists tend to meet with opponents of their preferred legislation.⁴⁸ They reason that with a limited amount of time it makes little sense to allocate resources to members who already support their preferred legislation. It is far more effective to meet with opponents and try to soften their stance on the legislation in question. A third group argues that lobbyists focus on undecided members of Congress as well as key players such as

⁴⁶ Scott Ainsworth, "Regulating Lobbyists and Interest Group Influence," *Journal of Politics* 55, no. 1 (1993): 41-56; Scott Ainsworth, "The Role of Legislators in the Determination of Interest Group Influence in Legislatures," *Legislative Studies Quarterly* 22, no. 4 (1997): 517-534; Arthur Denzau and Michael Munger, "Legislators and Interest Groups: How Unorganized Interests Get Represented," *American Political Science Review* 80, no. 1 (1986): 89-106.

⁴⁷ Kingdon, *Congressman's Voting Decisions*.

⁴⁸ David Austen-Smith and John R. Wright, "Competitive Lobbying for a Legislator's Vote," *Social Choice and Welfare* 9, no. 3 (1992): 229-257; David Austin-Smith and John R. Wright, "Counteractive Lobbying," *American Journal of Political Science* 38, no. 1 (1994): 25-44.

members of the leadership and key committee and subcommittee chairmen.⁴⁹ By lobbying these “fence sitters” and important leaders, lobbyists maximize the most of their limited time.

The review of the literature in this section has shown the importance of a number of variables which must be incorporated into any analysis of lobbying effectiveness. Factors, such as the democratic values of a foreign country, the stance a lobbyist takes on a piece of legislation as well as the salience and partisanship of that issue, are all potentially significant factors. These variables, along with others discussed later, will be included in this study’s quantitative analysis. The foreign state’s level of resources and organizational capabilities in Washington, D.C. are potentially significant factors in the choice of lobbying strategy; these as well as their choice of lobbying targets will be explored in the three case studies presented later in this inquiry.

Foreign Lobbying Strategies

The next section reviews two of the seminal works on foreign lobbying focusing on the separate works of Robert Keohane and Chung-in Moon and their respective theories concerning the strategies and tactics of foreign lobbies when dealing with U.S. foreign policy.

Writing in 1971, Keohane looked at the tactics used by some of America’s smaller Cold War allies and how they convinced the United States to give in to their demands despite the

⁴⁹ Rothenberg, *Linking Citizens to Government: Interest Group Politics at Common Cause*; John R. Wright, “Contributions, Lobbying and Committee Voting in the U.S. House of Representatives”, *American Political Science Review* 84, no. 2 (1990): 417-438.

United States' sizable advantage in wealth and power.⁵⁰ Looking at Spain, Israel, the Philippines, Taiwan, Iran and Pakistan, Keohane noted three potential strategies that small states might use to influence U.S. foreign policy. First, there are the traditional methods of communication through embassies and respective foreign ministries. Keohane argued that this was a “straw man” and unlikely to be the way any state really attempts to influence U.S. foreign policy. Next, he argued that a state will attempt to find an ally among the various agencies and departments of the U.S. government. Noting that “common interests are the ties that bind,” Keohane argues that foreign states are not above playing bureaucratic politics in order to obtain favorable foreign policy results.⁵¹ Lastly, foreign states may attempt to drum up grassroots support among an ethnic population or a piece of the American electorate that is favorably predisposed towards its goals. Media and public relations campaigns may also be a part of such a strategy. Thus Keohane describes an “inside” strategy focused on manipulating the different levers of the American government against each other and an “outside” strategy focused on grassroots, media and public relation campaigns. Although Keohane downplays the formal channels as not likely to lead to great lobbying successes, he fails to develop any strong conclusions as to the relative effectiveness of his articulated strategies.

Building upon Keohane's ideas, Chung-in Moon developed a more sophisticated typology 17 years later. Moon calls foreign states' attempts to influence U.S. foreign policy

⁵⁰ Robert Keohane, “The Big Influence of Small Allies,” *Foreign Policy* no. 2 (Spring 1971): 161-182.

⁵¹ *Ibid.*, 165.

“transnational lobbying” and defines it as “direct or indirect representation of foreign interests in order to influence policymaking processes and outcomes of a target country.”⁵² Moon’s four approaches to transnational lobbying are composed of direct and indirect strategies. These strategies roughly correspond to Ornstein and Elder’s inside and outside strategies. The two direct approaches are called “access to power” and “technocratic” lobbying. Access to power is direct face-to-face lobbying, while “technocratic” lobbying is used by states which do not have a solid grasp of American policy making. These states tend to hire large Washington law firms or other “experts” who will provide an “early warning” system to states of unfavorable developments in legislation or regulation.⁵³ They will negotiate with government agencies or departments on behalf of the client state and often act as mediators between government officials and their clients. Moon notes this is a common strategy among countries that have complex trade and security relationships with the United States and are eager to maintain such ties.

In contrast to these two direct/inside strategies, Moon also describes two indirect/outside strategies that foreign states use to influence American foreign policymakers. Moon, like Keohane, notes the importance of coalition building but expands this strategy by including not only governmental agencies but also other interest groups, nongovernmental

⁵² Moon, “Complex Interdependence and Transnational Lobbying: South Korea in the United States.”

⁵³ Ibid. See also Robert Salisbury, “The Paradox of Interests in Washington DC: More Groups and Less Clout,” in *The New American Political System*, (2nd ed.) ed. Anthony S. King (Washington, D.C.: American Enterprise Institute, 1990), 42-59; Robert Salisbury, “Putting Interests Back into Interest Groups,” in *Interest Group Politics*, (3rd ed.) ed. Allan Cigler and Burdett Loomis (Washington, D.C.: Congressional Quarterly Press, 1991), 110-151 for more evidence that lobbyists seek information rather than influence from government officials.

organizations (NGOs) and private sector actors who are favorably predisposed to ally with the foreign state.⁵⁴ The last indirect strategy is the grassroots strategy which focuses on ethnic lobbying groups registering their opinions with lawmakers through the mail and by telephone, engaging in rallies and protests and mobilizing themselves to use the ballot box to effect change.

One of Moon's classification choices must be questioned. He classifies technocratic lobbying as a direct strategy but his description of what technocratic lobbying encompasses is troubling. On the one hand, he states that technocratic lobbying is an "early warning system" which monitors developments in legislation and regulation. On the other hand, he states that technocratic lobbying is a more active lobbying role whereby the technocratic lobbyist acts as an intermediary and meets with decision makers. This second description sounds far more like the traditional "access to power" role that Moon describes and deserves to be classified as such. Moon's muddy definition compels scholars to draw clear lines between "access to power" lobbying and the technocratic lobbying Moon identifies as a new phenomenon. Actions that are more of an advisory nature, conveying information and context to a client state are more in line with technocratic lobbying. Technocratic lobbying, as far as this study is concerned, is confined to a passive, indirect role, such as monitoring congressional and legislative

⁵⁴ Burdett Loomis, "Coalitions of Interests: Building Bridges in the Balkanized State," in *Interest Group Politics* (2nd ed.) ed. Allan Cigler and Burdett Loomis (Washington, D.C.: Congressional Quarterly Press, 1986), 175-202; Scholzman and Tierney, *Organized Interests in American Democracy*.

developments, giving advice to the client state, and interpreting events. Due to this classification, technocratic lobbying will be redesignated as an indirect form of lobbying.

Unlike Keohane, Chung-in Moon is concerned with the relative effectiveness of the options that he describes. Moon concludes that there is a “higher return on investment” when states use indirect methods of lobbying.⁵⁵ Direct lobbying, especially the “access to power” approach that he describes, is quite expensive and can result in bad public relations. Moon also finds that indirect lobbying was more effective in advancing South Korea’s main goals in the 1980s than the other types of lobbying it tried. In addition, Moon concludes that the technocratic approach extremely helpful to South Korea’s lobbying efforts, because it utilized the expertise of a Washington consulting firm to maintain a close watch on forthcoming regulations, bills and executive actions which might affect South Korea’s interests. In the final accounting Moon ranks technocratic lobbying as the most effective over coalition building with nongovernmental and private sector groups and direct “access to power” lobbying respectively. Moon did not include the grassroots option in his rankings, because he believed that South Korea’s efforts at mobilizing Korean-Americans were not substantial enough to be judged.

Moon found that lobbying effectiveness is based on two main factors: strong purchasing power in the international market and strong ties with ethnic minorities in the United States. He referred to these as “transnational resources” that aid the lobbying power of a foreign state.

⁵⁵ Moon, “Complex Interdependence and Transnational Lobbying: South Korea in the United States.”.

These various strategies can be classified as either “direct” or “indirect” strategies. Direct strategies focus on a foreign country’s efforts to directly influence the locus of decision making, which in this study, is the U.S. Congress. Indirect strategies are more passive in nature. They are designed to either monitor developments at the locus of decision making or rally groups outside of Washington, D.C. to bring pressure to bear on congressional leaders. Strategies can also be classified as “inside” or “outside” depending on whether or not the lobbying activity is focused on members of congress or with outside groups.

Keohane and Moon’s methods are displayed in Table 1:

Table 1. Inside and Outside Lobbying Strategies

	Inside Strategy	Outside Strategy
Direct	Access to Power	Coalition with NGO groups Coalition with government agencies
Indirect	Technocratic Lobbying	Grassroots lobbying

Previous studies of foreign lobbies have focused on two of the avenues articulated by Keohane and Moon: access to power and grassroots lobbying. Bernstein and Munro studied the “New China Lobby” of the 1990s and focused on China’s recruitment and solicitation of

former government officials such as Henry Kissinger who could advocate on behalf of China's interests.⁵⁶ Studies from the 1980s focused on Japanese efforts to build a powerful lobbying force in Washington in order to ensure favorable trade policy.⁵⁷ In his analysis of South Korean lobbying efforts in the 1980s, Chung-in Moon found that the South Koreans relied on the traditional access to power approaches as well.⁵⁸

Previous approaches have also focused on the grassroots option, especially on diaspora outreach efforts. One of the best known is John Mearsheimer and Stephen Walt's analysis of the impact of the 'Israel Lobby' on U.S. foreign policy towards the Middle East. Their work argues that there is a broad coalition of Israeli-American groups which work together to advance Israel's interests in U.S. foreign policy.⁵⁹ These groups seek to mobilize Israeli-Americans and leverage their political strength to affect policy towards Israel and the Middle East. Mitchell Bard has studied Arab-American lobbies' effort to advocate for the interests of Arab states in U.S. Middle East policy.⁶⁰ During the 1980s scholars examined African-American mobilization on behalf of African states and opposition to apartheid in South

⁵⁶Bernstein and Munro, "The New China Lobby."

⁵⁷ Levy, "Advice for Sale."

⁵⁸ Moon, "Complex Interdependence and Transnational Lobbying: South Korea in the United States."

⁵⁹ Mearsheimer and Walt, "The Israel Lobby."

⁶⁰ Mitchell Bard, "The Influences of Ethnic Interest Groups on American Middle East Policy," in *The Domestic Sources of American Foreign Policy*, ed. Charles Kegley and Eugene Wittkopf (New York: St. Martin's Press, 1988).

Africa.⁶¹ Americans of Eastern European background were studied as lobbyists for states behind the Iron Curtain during the Cold War.⁶² Scholars have also looked at the efforts of Cuban-Americans to mobilize and lobby for policies which will encourage the democratization of Cuba.⁶³

So much attention has been given to the study of domestic ethnic lobbies that it has crowded out the behavior of foreign states that do not have an ethnic lobby in the United States. However, as David and Rachel Paul have noted, there are only nine ethnic lobbies in the United States that policy makers consider truly powerful.⁶⁴ Therefore, one is tempted to ask what tactics the rest of the countries use? There are far more states that do not have powerful ethnic lobbies inside the United States than those that do, so the actions of the great majority of countries that do not have powerful ethnic lobbies should be of great concern to scholars of U.S. foreign policymaking.

Since so much of the literature on foreign lobbies has focused on the mobilization of ethnic diasporas, this study examines those states that do not have strong ethnic diasporas in the United States. It is far more concerned with the other four lobbying strategies: building coalitions with government agencies, technocratic lobbying, “access to power” approaches and

⁶¹ Longmyer, “Black American Demands.”

⁶² Garrett, “Eastern European Ethnic Groups and American Foreign Policy.”

⁶³ Haney and Vanderbush, “The Role of Ethnic Interest Groups in U.S. Foreign Policy: The Case of the Cuban American National Foundation.”

⁶⁴ Paul and Paul, *Ethnic Lobbies and U.S. Foreign Policies*, p. 137. This was the result of a survey of decisionmakers in Washington, D.C. They list nine ethnic lobbies as rating 50 or higher on their index (out of 100). These actors are the Israeli, Cuban, Irish, Armenian, Hispanic, Taiwanese, African, Greek and Indian lobbies.

building coalitions with nongovernmental groups. As such this research enterprise examines the effectiveness of professional lobbying through a statistical analysis and will use case studies to determine the effectiveness of coalition building as well as the choice of lobbying strategy and the target of lobbying activity.

To summarize this section of the lobbying literature, lobbying strategies are roughly divided into outside and inside strategies with the former concentrated on working inside the halls of Congress and the latter focused on generating coalitions with government agencies, nongovernmental organizations and grass-roots support. Foreign lobbies are a distinct subset of lobbyists and their methods are circumscribed by law, especially the ban on campaign contributions. Moon has identified the importance of international trade levels and alliance relationships as important variables in the success of foreign lobbying efforts. As a result, this variable will be included in the quantitative analysis. These lobbies, as portrayed in the literature, often use two tactics depending on the available resources. The first option is the traditional access to power approach, which stresses elite contacts and professional lobbyists. The latter method is ethnic diaspora mobilization, which will help generate positive public opinion and electoral leverage. This option is the one most analyzed in the foreign lobbying literature and the one which this research project avoids in order to focus on understudied strategies and tactics such as coalition building.

Congress and U.S. Foreign Policy

This section covers the role of the U.S. Congress in the making of foreign policy. It examines the reinvigoration of the field of congressional influence in foreign policy and why Congress is a natural setting for a study of foreign lobbying influence and the various methods that lawmakers can use to alter, shape or constrain U.S. foreign policy.

Many scholars have asserted in matters of foreign policy the president and the executive branch are the most important actors.⁶⁵ However, more than a few scholars have concluded that the U.S. foreign policy making process, once so dominated by the Cold War consensus, has become more complicated, cacophonous and decentralized.⁶⁶ The U.S. Congress is among the actors which are being rediscovered as important actors in foreign policy making. This study focuses only on lobbying actions by countries seeking to influence foreign policy issues before Congress. Therefore, lobbying efforts directed at the executive branch are excluded.

There are two clear reasons why this inquiry does not choose to study the executive branch. First, there is a burgeoning field of study regarding the foreign policy influence of the U.S. Congress in which there is a clear need to provide additional theoretical exploration and

⁶⁵ Paul Peterson, "The President's Dominance in Foreign Policy Making," *Political Science Quarterly* 109, no. 2 (1994): 215-234; Aaron Wildavsky, "The Two Presidencies," *Society* 35, no. 2 (1998): 23-31.

⁶⁶ Wittkopf and McCormick, *The Domestic Sources of American Foreign Policy*; James Nathan and James Oliver, *Foreign Policy Making and the American Political System* (Baltimore: Johns Hopkins University Press, 1994); Ralph Carter, *Contemporary Cases in U.S. Foreign Policy* (Washington, D.C.: Congressional Quarterly Press, 2002).

clarification regarding the influence of foreign lobbies.⁶⁷ This body of research is focused on both the legislative and non-legislative ways that Congress and individual members can affect U.S. foreign policy. As foreign policy issues become more complex and control over foreign policy becomes more decentralized one institution on which scholars should focus more clearly is on Congress. Second, it would be easy to critique any foreign lobbying effort of the executive branch as constituting diplomacy. This study would be hard pressed to find a distinction between routine executive branch diplomacy and foreign lobbying. By contrast, foreign states attempting to lobby Congress is a far clearer issue of lobbying and does not constitute diplomacy.

Congress is a conducive context for an inquiry on lobbying. Due to its porous nature, its decentralized structure and numerous organized congressional caucuses, most lobbying activity in Washington is “targeted towards Congress.”⁶⁸ Studying foreign lobbyists, John Newhouse writes that “the most effective lobbying is done on Capitol Hill.”⁶⁹ With over 500 members of Congress there are multiple conduits for lobbyists to enter the policy-making process. Each member has a staff and phalanx of aides who provide useful entry points for lobbyists to interact, communicate and persuade decision makers. Multiple congressional committees in each house of Congress have jurisdiction over foreign policy issues and each of

⁶⁷ Lindsay and Ripley, “Foreign and Defense Policy in Congress: A Research Agenda for the 1990s,”; Lindsay, “Congress and Foreign Policy: Why the Hill Matters,”; Lindsay, “Congress, Foreign Policy and the New Institutionalism.”

⁶⁸ Ornstein and Elder, *Interest Groups, Lobbying and Policymaking*, 54.

⁶⁹ Newhouse, “Diplomacy, Inc.”

those committees have many staff members. Members of Congress have formed many congressional caucuses having to do with international relations issues and regional affairs.⁷⁰ A rough count drawn from the U.S. House of Representatives website finds over 65 congressional caucuses relating to either foreign policy issues or regions of the world in the 111th Congress.⁷¹ These caucuses serve to spread information regarding a particular issue or region to congressional decision makers and help shape the debate in both committees and on the floor.⁷²

These well-informed members may become “foreign policy entrepreneurs” who seize openings in America’s foreign policy agenda and become the engines by which U.S. policy is made. James M. Scott, Ralph Carter and Charles Rowling have examined individual members who seek to enact their own foreign policy agenda, especially when there is little to no opposition from the White House.⁷³

Divided control over American government may also have some impact on congressional control over U.S. foreign policy. Examining 45 years of legislation and varying levels of divided or united government, George C. Edwards III, Andrew Barrett and Jeffrey

⁷⁰ Susan Webb Hammond, Arthur Stevens Jr. and Daniel Mulhollen, “Congressional Caucuses: Legislators as Lobbyists,” in *Interest Group Politics*, ed. Allan Cigler and Burdett Loomis (Congressional Quarterly Press: Washington, D.C. 1983), 111-134.

⁷¹ Committee on House Administration. “111th Congress Congressional Member Organizations” http://cha.house.gov/member_orgs111th.aspx (accessed January 15, 2012).

⁷² Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: Johns Hopkins University Press, 1998).

⁷³ Ralph Carter, James Scott and Charles Rowling, “Setting a Course: Congressional Foreign Policy Entrepreneurs in Post World War II U.S. Foreign Policy,” *International Studies Perspectives* 5, no. 3 (2004): 278-299.

Peake found that executive-legislative confrontation over foreign policy legislation was far more likely during periods of divided government.⁷⁴

James M. Lindsay and Randall B. Ripley called for a renewed focus on congressional influence over foreign and defense policy in a well-known article in 1992.⁷⁵ Noting that much of the recent work on congressional influence of foreign policy was either extremely dated or contained political commentary disguised as serious analysis, Lindsay and Ripley set out a new research agenda calling on scholars to investigate many areas, including the influence of lobbyists on congressional foreign policy making.

A few years later, Lindsay, lamenting the paucity of congressional legislation on foreign policy issues, argued that attempting to understand Congress's influence over foreign policy by focusing on observed behavior alone was a mistake.⁷⁶ Instead he focused on indirect methods of congressional influence, noting that the "anticipated reactions" of Congress on a variety of foreign policy issues helped to make the president aware of what Congress considered politically possible and what was not viable. Members of Congress can also "grandstand" on issues, making public pronouncements, which further limit the scope of action available to the president. Through its oversight responsibilities, Congress can also pass procedural legislation that imposes reporting rules on various executive agencies or alter the efforts of the executive

⁷⁴ George C. Edwards III, Andrew Barrett and Jeffrey Peake, "The Legislative Impact of Divided Government," *American Journal of Political Science*, 41, no. 2 (1997): 545-563.

⁷⁵ Lindsay and Ripley, "Foreign and Defense Policy In Congress: A Research Agenda for the 1990s."

⁷⁶ Lindsay, "Congress and Foreign Policy: Why the Hill Matters," 609.

branch through various stipulations and modifications to governmental procedures and processes. Lindsay's key insight was that focusing on the "indirect means [of influencing U.S. foreign policy] suggests, contrary to the argument made by others, that Congress often exercises considerable influence over the substance of U.S. foreign policy."⁷⁷

Observing Congress's limited ability to influence foreign policy directly, James M. Scott argued that Congress, far from being in control or irrelevant in foreign policy making, is "in the loop."⁷⁸ While agreeing with Lindsay that indirect means are often the method of choice, Scott devised a more in-depth description of congressional influence on foreign policy. He categorized congressional influence into a typology utilizing the two variables of direct/indirect methods of influence and legislative/non-legislative methods of influence. See Table 2.

Scott's typology serves to organize and systematize Lindsay's earlier work. Carter and Scott's work on congressional foreign policy entrepreneurs stands as a useful template for this study.⁷⁹ They used a quantitative database to highlight significant variables that underscored the conditions in which congressional foreign policy entrepreneurs were likely to achieve their goals and then used a series of qualitative interviews to understand the methods they used to achieve those goals.

⁷⁷ Ibid.

⁷⁸ James Scott, "In the Loop: Congressional Influence in American Foreign Policy," *Journal of Political and Military Sociology* 25, no. 1 (1997): 47-75.

⁷⁹ Ralph Carter and Jim Scott, *Choosing to Lead: Understanding Congressional Foreign Policy Entrepreneurs*, (Durham: Duke University Press, 2009).

Table 2. Direct and Indirect Congressional Actions on Foreign Policy⁸⁰

	Direct	Indirect
Legislative	Legislation, Appropriations	Procedural Legislation
Non Legislative	Anticipated Reactions, Oversight	Grandstanding, Working with Foreign Lobbies

The quantitative database described later in this study seeks to uncover the conditions in which foreign lobbies are more likely to achieve their goals and the qualitative interviews will be used to understand how they achieved them, paying close attention to the informal, as well as the formal ways in which Congress can shape U.S. foreign policy.

This overview of Congress's role in foreign policy making has illustrated that the decentralization of U.S. foreign policy after the end of the Cold War has given Congress more input and power in this area of national policy. The fragmented nature of Congress allows foreign policy lobbyists to access and alter legislation. Even though legislation is the most obvious method through which Congress can affect U.S. foreign policy, recent studies have highlighted the less public ways that members of Congress can shape and constrain foreign policy. Therefore, this research endeavor will focus on legislation in its statistical analysis, but will use qualitative case studies to highlight the other less public methods that foreign

⁸⁰ Ibid.

countries, working in the U.S. Congress, can employ to shape and constrain U.S. foreign policy. The quantitative analysis will also incorporate important variables from this section, including the influence of congressional caucuses and the level of unity in government.

Middle Powers

This section addresses the literature on middle powers and their role in global politics. It discusses in detail the definition of a middle power and various methods scholars have used to identify middle powers. The methods and variables used to identify middle powers for this study in this research will be covered in the subsequent research design chapter.

International politics has seen a persistent broadening of actors as the last vestiges of the Cold War have faded away and a new era of international affairs dawns. This trend has taken form in the types of issues involved in international affairs as well as the expanding roster of important actors.⁸¹ Venerable Cold War institutions such as the Group of Seven (G-7) have expanded to become the Group of Eight (G-8) and, in 2008, the Group of Twenty (G-20). No longer could international economic decisions be made by a small group of powerful states in an era in which great powers are stymied by the demands of a group of rising powers, such as

⁸¹ Walter Russell Mead, "Terrible Twins: Turkey, Brazil and the future of American Foreign Policy", The American Interest Online, entry posted June, 5 2010, <http://blogs.the-american-interest.com/wrm/2010/06/05/terrible-twins-turkey-brazil-and-the-future-of-american-foreign-policy/> (accessed August 22, 2010).

India in the Doha round of global trade negotiations.⁸² Smaller powers are able to use their leverage to force larger, wealthier states to face issues such as climate change and deforestation in global environmental negotiations.⁸³

Broader issues require a broader membership in order to address them successfully. The great powers can no longer keep lesser powers out of the decision making process but that does not mean that these smaller powers exercise a definite veto over the actions of the great powers. Instead they must be crafty, clever and persuasive in order to convince the great powers that certain actions need to be taken. The assent of these middle powers is becoming increasingly important in global affairs.

But what are middle powers? Who are they and how can they be identified? Are they a semi-permanent group of states or a collection of transient powers? This section traces the literature concerning middle powers, identifies relevant indicators of middle power status, and then describes the new ranking system this inquiry uses to identify cases for further study.

The literature on middle powers is largely divided into three scholarly camps. The first camp encompasses those who believe that middle powers should be identified through a ranking procedure composed of relevant indicators of national power with middle powers being

⁸² Vikas Bajaj, "Trade Talks Resume but divide remains," *New York Times*, September 4, 2009, http://www.nytimes.com/2009/09/05/business/global/05trade.html?_r=1 (accessed October 15, 2010).

⁸³ Andrew Revkin and John Broder, "A Grudging Accord in Climate Talks," *New York Times*, December 19, 2009, <http://www.nytimes.com/2009/12/20/science/earth/20accord.html> (accessed October 15, 2010).

those who occupy a certain strata of that ranking.⁸⁴ The second camp is composed of authors who believe that middle powers should be identified by the content of a state's foreign policy.⁸⁵ They believe that middle powers act in ways that display "good global citizenship" and who seek a greater amount of power for institutions like the United Nations.⁸⁶ The last camp attempts to synthesize these two schools and is articulated best by Johnathan Ping.⁸⁷

The first group focuses on measures of military and economic strength in order to rank the states of the world. In these studies various indicators, such as Gross National Product (GNP), population, military expenditures per capita, GNP per capita, literacy rate and infant mortality rate are used to determine middle power membership.⁸⁸ Just as these authors cannot agree on the same indicators, they also fail to agree on a common definition for a middle power. All of them, however, operate under the assumption that a certain level of national

⁸⁴ John Ravenhill, "Cycles of Middle Power Activism: Constraint and Choice in Australian and Canadian Foreign Policies," *Australian Journal of International Affairs* 52, no. 3 (1998): 309-328; Martin Wight, *Power Politics*, ed. Hedley Bull and Carsten Holbraad (Leicester: Leicester University Press, 1978); Carsten Holbraad, *Middle Powers in International Politics* (London: Macmillan Press, 1984); Bernard Wood, "Towards North-South Middle Power Coalitions," in *Middle Power Internationalism*, ed. Cranford Pratt (Montreal: McGill-Queens University Press, 1990); Laura Neack, "Delineating State Groups Through Cluster Analysis," *The Social Science Journal* 30, no. 3 (1993): 347-371; R.A. Mackay, "The Canadian Doctrine of Middle Powers," Jonathan Ping, *Middle Power Statecraft: Indonesia, Malaysia and the Asia-Pacific* (Aldershot: Ashgate, 2005).

⁸⁵ Robert Cox, "Middlepowermanship, Japan and the Future World Order," *International Journal* 44, no. 4 (1989): 823-862, 826-827; Andrew Cooper, Richard Higgot and Kim Nossal, *Relocating Middle Powers: Canada and Australia in a Changing World Order* (Melbourne: Melbourne University Press, 1993); Robert Keohane, "Lilliputian's Dilemma: Small States in International Politics," *International Organization* 23, no. 2 (1969): 296-316.

⁸⁶ Mackay, "The Canadian Doctrine of Middle Powers," 134.

⁸⁷ Ping, *Middle Power Statecraft: Indonesia, Malaysia and the Asia-Pacific*.

⁸⁸ Holbraad, *Middle Powers in International Politics*, "; Wood, "Towards North-South Middle Power Coalitions,"; Neack, "Delineating State Groups Through Cluster Analysis."

power is needed in order to distinguish a middle power from either great powers or lesser states. They leave themselves unconcerned with whether middle powers have similar views of the world or comparable foreign policies.

Adam Chapnick criticizes this group, arguing that any ranking system is at best a snapshot of the current power distribution.⁸⁹ Therefore, states that are considered middle powers in one time period are not middle powers in another. He argues that there is no stable collection of middle powers to use as a starting point for any analysis. Any analysis of the role of middle powers in American foreign policy making will have to establish that there is a core of middle powers deserving of study.

The latter group focuses on using behavioral criteria and was best articulated by Andrew Cooper, who argued that “the essence of middle power diplomatic activity is best captured by emphasizing not what this group of countries should be doing but what type of diplomatic behavior they do, or could, display in common.”⁹⁰ Cooper and his colleagues argue that middle powers are defined by their “tendency to pursue multilateral solutions to international problems, their tendency to embrace compromise positions in international disputes, and their tendency to embrace notions of good international citizenship to guide their diplomacy.”⁹¹

⁸⁹ Adam Chapnick, “The Middle Power,” *Canadian Foreign Policy* 7, no. 2 (1999): 73-82.

⁹⁰ Cooper, Higgot and Nossal, *Relocating Middle Powers*, 19.

⁹¹ Ibid.

Chapnick also criticizes this group for failing to provide a workable definition of a middle power.⁹² Chapnick echoes the earlier criticism of Robert Cox, who noted that the “middle power is a role in search of an actor,”⁹³ and he advances a hierarchical model of identifying middle powers. Chapnick argues that only the emergence of the two superpowers during the Cold War allowed middle powers to claim some form of recognition and power. While he chides the other schools of thought on middle powers for their imprecision and arbitrary classification scheme, his definition suffers from many of the same problems when he notes that middle powers are “those non-superpowers that were recognized in the international community as tangibly different from the rest of the small states.”⁹⁴ Chapnick identifies the United Kingdom, France and China as middle powers yet he fails to explain why they are middle powers or offer any more detailed description of his hierarchical model.

Jonathan Ping explores the many sides of this argument in a book examining middle powers in Asia.⁹⁵ Ping uses statistical measures to identify a stable set of middle powers in Asia and then examines their statecraft taking their history and culture into account. While Ping offers no set definition of middle power, his method of identifying middle powers is the most rigorous. Ping argues that while great powers have a great deal of control over their own environments, middle powers must deal with the world as it exists. They cannot change

⁹² Chapnick, “The Middle Power.”

⁹³ Cox, “Middlepowermanship, Japan and the Future World Order,” 29.

⁹⁴ Chapnick, “The Middle Power,” 78.

⁹⁵ Ping, *Middle Power Statecraft: Indonesia, Malaysia and the Asia-Pacific*.

circumstances and reality but they have the ability, unlike smaller states, to use their own resources, cunning and statecraft to create a world within which middle powers can advance their interests as far as possible. Occasionally, this lack of control will mean acting as a good multilateralist and sometimes it will mean acting as a unilateralist. Ping argues that states are self-interested and will act in ways to advance that self-interest in a world that they cannot fully control.

This study is relatively unconcerned with middle power diplomatic activity and a middle power's conception of world order since this inquiry only examines middle power behavior in the U.S. foreign policy making process. Therefore, this study sides with those who argue for a statistical ranking based on national power in order to determine middle power membership. Furthermore, this inquiry adopts the following definition of middle power as a state which because of its size, material resources, influence and interconnectedness to the rest of the world is close to being a great power.⁹⁶ This study will go to great lengths to avoid some of the case selection problems in previous works on middle powers.⁹⁷

Attempting to make sense of the varied methods of identifying middle powers and attempting to avoid the case selection problems of his predecessors, Jonathan Ping utilizes nine variables in his statistical rankings of Asian states. These variables are population, geographic

⁹⁶ This definition is close to the one offered by R.G. Riddell in 1947. Riddell is quoted in R.A. Mackay, "The Canadian Doctrine of Middle Powers," 138.

⁹⁷ Both Holbraad, *Middle Powers in International Politics*, and Wood "Towards North-South Middle Power Coalitions," delineate clear guidelines in their ranking of states by Gross National Product. After articulating these guidelines they add cases to their list of middle powers that fell below these guidelines in order to achieve regional diversity. Wood admits that the additions to his rankings are "somewhat arbitrary" (74).

area, military expenditure, Gross Domestic Product (GDP), GDP real growth, value of exports, Gross National Income (GNI) per capita, trade as a percentage of GDP, and life expectancy at birth as measured in 2000. In Ping's 38-state database, he ranks the top four in each indicator as a great power, the next 15 as middle powers, and the bottom 19 as small powers. Therefore, he posits that roughly the top 10% in each ranking are great powers; states in the top tenth to fiftieth percentile are middle powers; and all states below the fiftieth percentile are small powers. After ranking his states in this manner, he tallies how many times a state was ranked in each grouping and if it was ranked in that grouping in more than five categories it qualifies as achieving that standard of power. Therefore the United States, which ranked in the top 10% in six of the nine categories, is considered a great power while Thailand, which ranked as a middle power in all nine categories, is a middle power.

Ping's selection methods are rigorous and utilize a diverse set of indicators. He applies the same standard to all of his cases and does not deviate from them to achieve any pre-ordained conclusions. Ping does set his threshold for achieving great power status rather low, however. The top 10% of any category is a lofty zone of achievement, but it may have been useful to Ping since he restricted his study to the Asia-Pacific region where four potential great powers exist: China, Japan, India and the United States. If he were to expand his study to the world as a whole, encompassing over 190 states, would he be prepared to argue that the top 19 states in any one category should be considered great powers? This study finds much that is valuable in Ping's selection efforts, but makes some modifications along these lines that are detailed in the next chapter.

To summarize this literature review on middle powers, there is much scholarly debate as to what a middle power is as well as the role it plays in the world. The three schools of thought in the literature have differing conceptions of what statistics or actions should define a middle power. There is no stable set of indicators which scholars use to identify and analyze middle powers. An important variable to be included in the quantitative analysis would be a state's level of power. Even though this inquiry is limiting itself to an examination of middle powers, there can be heterogeneity within this stratum. Therefore, the quantitative analysis will include a state's level of power in its examination. In the subsequent chapter, this study will build a new database to identify middle powers and justify the selection of variables used in its construction.

Conclusion

This chapter has addressed three main topics: the lobbying literature, the role of Congress in the making of U.S. foreign policy, and the role and identification of middle powers in global politics. This overview of the relevant literature has highlighted many of the main scholarly debates and has identified the position that this research endeavor takes in establishing its research design. Each section has identified a number of variables that must be examined and included in future analyses. More details about the research design are presented in the next chapter. It draws on much of the literature discussed in this chapter in building a set of hypotheses that will be tested in the quantitative and qualitative sections of this study.

CHAPTER 2

RESEARCH DESIGN

This chapter will discuss case selection procedures for this study as well as the quantitative and qualitative methodologies used to study the influence of middle powers on U.S. congressional foreign policy legislation. The first section will detail the case selection procedures used to select eight middle powers for examination the lobbying effectiveness database which is discussed in Chapter 4. This section will examine the variables used to identify middle powers and then detail how eight states were selected for study. The second section will provide theoretical justification for the mixed methodological approach that this study uses to explore middle power influence on congressional foreign policy legislation. The third section will discuss the methodology used in the quantitative analysis. Referring to details explored in the literature review, the independent and dependent variables will be identified and operationalized. The construction of the database of relevant pieces of congressional legislation will also be covered and a hypothesis offered. Lastly, the methodology used in the qualitative case studies will be discussed and hypotheses offered. The case studies will be identified as well as the standard question set used in the interviews conducted by the author.

Middle Power Case Selection

Scholars have utilized indicators that largely fall into two broad categories: military and economic. Writing during the Cold War, analysts were prudent to focus on these issues due to the intense military, political and economic competition of that era. However, with the end of the Cold War more than 20 years ago, political scientists would be wise to return to the issue of international power and question if political and economic indicators are sufficient.

Joseph S. Nye has argued that the basis for power in the twenty-first century is not just military and economic strength but also global leadership in the information revolution, which values technological skill and global interconnectedness.⁹⁸ Nye argues that globalization has been aided by the information revolution and is a source of international power for states smart enough to exploit it.⁹⁹

Since 2001, *Foreign Policy* has published an annual globalization index in order to measure “the extent to which a country has become embedded within the global economy.”¹⁰⁰ Unfortunately, the main components of the Globalization Index have changed over the years, which make its wholesale inclusion inappropriate. The first of its two main components are technological factors, such as international telephone calls as well as the number of internet

⁹⁸ Joseph S. Nye Jr., *The Paradox of American Power* (Oxford: Oxford University Press, 2002): 13, 50.

⁹⁹ *Ibid.*, 50.

¹⁰⁰ A.T. Kearney and *Foreign Policy*, “Measuring Globalization,” *Foreign Policy*, 122, no.1 (2001): 56-65.

users, hosts and servers.¹⁰¹ The second set of indicators are non-technological, such as levels of foreign direct investment, tourism, levels of international trade and the level of portfolio capital invested in a country.¹⁰²

Foreign Policy's Globalization Index serves as a starting point for identifying indicators that may tell us about a state's connectedness to the global economy and therefore its ability to lay claim to leadership in technology and globalization that Nye believes is, along with traditional military and economic sources, a new source of international power. Therefore, this study advances three groups of indicators: military, economic and globalization. Each group of indicators has component parts where states are ranked based on their scores.

For the military category, this inquiry uses a state's total military budget (in U.S. dollars), the number of active duty troops, a state's population and the geographic area of the state. For the economic category, this study employs a state's Gross Domestic Product (GDP), its Gross National Income (GNI) per capita, its exports (in U.S. dollars), its imports (in U.S. dollars) and its value of merchandise trade (in U.S. dollars). For the globalization category, this study incorporates the number of internet users (per hundred people), the number of mobile phone users (per hundred people), a state's net migration and a level of foreign direct investment present in a state.¹⁰³

¹⁰¹ Ibid., 65.

¹⁰² Ibid.

¹⁰³ Net migration is the difference between emigration and immigration per thousand of population. See more information at: World Bank Group, "Migration Statistics,"

With the exception of a state's total military budget and the number of active duty troops, all data comes from the World Bank, which has been keeping longitudinal data of this kind for many years.¹⁰⁴ The two military statistics come from the International Institute for Strategic Studies annual publication, *The Military Balance*, which charts global military developments.¹⁰⁵

Every indicator was listed in its raw form and then standardized so that the highest raw score in any indicator received a value of 1.00 and the lowest received a score of 0.00. All other scores were between 1 and 0 proportionally with respect to their relationship to the highest and lowest score. All of these standardized scores were summed within each category. Those total standardized scores within each group (military, economic and globalization) were then standardized so that the highest any one state could receive in any group would be 1.00 and the lowest would be a 0.00. The three scores for the three groups were then summed with the military score being weighted twice as much as the other groups due to the importance of military power.¹⁰⁶ States were then ranked by their scores.

<http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20451597~isCURL:Y~pagePK:64133150~piPK:64133175~theSitePK:239419.00.html> (accessed December 22, 2010).

¹⁰⁴World Bank Group, "Statistical Review,"

<http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,menuPK:232599~pagePK:64133170~piPK:64133498~theSitePK:239419.00.html> (accessed December 22, 2010).

¹⁰⁵ International Institute for Strategic Studies, *The Military Balance* (London: International Institute for Strategic Studies, 1995, 2000, 2005).

¹⁰⁶This is due in part because of the unique capacity of military forces to impose one state's power on another. Nye, *The Paradox of American Power*, also argues that the military component of power is at the top of his image of power in the 21st century, 39.

While Ping designated the top 10% of his rankings as great powers, this study contends that, when dealing with over 180 cases, there must be more of an effort to cull the ranks of the great powers. Therefore, the top nine states, or the top five percent of all 183 cases, are considered great powers and the next 45 states, or the fifth through the thirtieth percentile, are classified as middle powers.¹⁰⁷ States were ranked on a global scale, as opposed to a region-by-region approach, due to the inherent selection problem attendant in previous efforts by other scholars.¹⁰⁸

One criticism of this method of identifying middle powers is that the class of middle power states is constantly in flux. Chapnick argued that middle powers are transient in nature and thus difficult to study.¹⁰⁹ To ensure that there is a stable set of middle powers from which to choose cases, these rankings were conducted at three different time intervals encompassing a broad swath of the temporal boundaries of this study. The rankings were conducted using data from 1995, 2000, and 2005. States included in Table 3 were middle powers in at least two of the time periods. The results show that there is a stable set of middle powers that can be studied. In each time frame 44 states were identified as middle powers. Thirty-nine states qualified as a middle power in at least two time frames and 26 of those appeared in all three

¹⁰⁷ The great powers in this index in no particular order are the United States, Russia, China, the United Kingdom, Germany, France, Canada, Japan, and India.

¹⁰⁸ Holbraad, *Middle Powers in International Politics*, selected his cases on a regional basis which led to the inclusion of some states which would not have been middle powers if held to an independent standard. Turkey was excluded as a middle power simply because it was classified as a European state and not an Asian state.

¹⁰⁹ Chapnick, "The Middle Power," 14.

time frames as middle powers. With this ranking scheme there appears to be a strong core of middle powers ripe for study. Since this study seeks to address the effectiveness of all middle powers to influence U.S. congressional foreign policy legislation, the cases this endeavor chooses to study should be regionally balanced and representative of the class of states as a whole. Therefore, it is necessary to organize the middle powers by region.

Table 3. Middle Powers by Region

Africa	Asia	Europe	Middle East	North America	South America
DROC South Africa	Australia Indonesia North Korea South Korea Malaysia New Zealand Pakistan Singapore Thailand	Austria Belgium Czech Republic Denmark Estonia Finland Greece Iceland Italy Luxembourg Netherlands Norway Poland Portugal Slovenia Spain Sweden Switzerland	Iran Israel Kuwait Saudi Arabia Turkey UAE	Mexico	Argentina Brazil Chile

Since this inquiry studies middle powers that do not have a strong domestic ethnic lobby in the United States, certain cases must be eliminated from consideration. According to the results of a recent survey regarding the relative power of various domestic ethnic lobbies in the United States, this study eliminates Israel, Ireland, Mexico and Greece.¹¹⁰ The result is 36 potential cases.

Foreign Lobbying Spending Database

There are two databases in this study. Chapter 3 contains a new database of foreign lobbying spending in the United States between 1996 and 2011. This database will focus on lobbying spending by great powers and middle powers. Government records, mandated by the Foreign Agents Registration Act (FARA), provide a useful summary of all reports foreign lobbying spending. These records note the amount of money spent as well as the lobbying firm working for the foreign client. This study hypothesizes that great powers, due to their greater resources, will spend more on foreign lobbying than middle powers. Therefore H₁: Great powers will spend more on foreign lobbying than middle powers.

¹¹⁰ Paul and Paul, *Ethnic Lobbies and U.S. Foreign Policies*, 137.

Lobbying Effectiveness Database

All 36 middle powers do not have to be included in the lobbying effectiveness database in Chapter 4. A representative sample of eight states will generate enough data and diversity to generate reliable and useful findings. To aid in the selection of cases for this database it is useful to turn to the concept of “pivotal states” as developed by Robert Chase, Emily Hill and Paul Kennedy.¹¹¹ They define a pivotal state as having a large population, an important geographical position, economic potential and large physical size but most importantly they have the “capacity to affect regional and international stability. A pivotal state is so important regionally that its collapse would spell transboundary mayhem: migration, communal violence, pollution, disease, and so forth. A pivotal state’s steady economic progress and stability, on the other hand, would bolster its region’s economic vitality and political soundness.”¹¹² Chase, Hill and Kennedy identify Mexico, Brazil, Algeria, Egypt, South Africa, Turkey, India, Pakistan and Indonesia as examples of pivotal powers.

There are many similarities between Chase, Hill and Kennedy’s list of “pivotal states” and this study’s list of middle powers. Their list of pivotal powers includes states that did not qualify as middle powers in this inquiry such as Algeria and Egypt and one state, India, which was classified as a great power in this study. It also includes one state, Mexico, which has a

¹¹¹Robert Chase, Emily Hill and Paul Kennedy, “Pivotal States and U.S. Strategy,” in *The Future of American Foreign Policy*, ed. Eugene Wittkopf and Christopher Jones (Belmont CA: Wadsworth, 1999): 244-255.

¹¹² Ibid., 247.

powerful ethnic lobby in the United States and is therefore not included in this research project. Outside of those concerns, this study is inclined to accept the remainder of Chase, et al.'s list with one exception: Pakistan. Pakistan's history since this chapter appeared in 1999 has been one of political upheaval, internal tensions and military coups. Pakistan's dependence on the United States for foreign aid and military supplies is vast and makes any analysis of Pakistani influence over American foreign policy difficult. The Pakistani state is not a very strong or independent institution among its own people and the regional conflict has only expanded the divisions within Pakistani society. While this author does not argue that Pakistan is not a middle power or a pivotal power, to use Pakistan in this study would be far too complex.

Given the geographical dispersion of middle powers, it would make sense to split the remainder of the four cases between Asia and Europe. Given the sheer number of middle powers in Europe, some observers may argue that European countries should be the focus of the remaining cases. There are two main objections to this position. First, Ping makes an excellent point that the concept of middle powers has been defined and studied as a European (or European-settler colony) phenomenon for far too long. His answer is to confine his study strictly to Asia. In a global study of middle powers, such as this study seeks, one cannot be so restrictive. However, to ensure that non-European states are fairly represented, it makes sense to select more Asian cases. Second, Asia has the second most number of middle powers after Europe. The rising numbers of middle powers in this region make it necessary for researchers to pay attention to this dynamic region of the globe where the future of middle powers may lie.

Two Asian states that fit the definitions of a pivotal power quite well are the Republic of Korea and Thailand. Both states are middle powers and each has a dynamic economy that serves as an engine for growth in Asia. Their importance to their regional economy is evident in the role they played in the Asian Financial Crisis of 1997. The fall in value of the Thai baht caused a panic among other Southeast Asian states. South Korea's growing importance to both Japan and China, as well as its close defense links with the United States, make it a central actor in Northeast Asia. The selection of South Korea also allows this study to reexamine Chung-in Moon's research on South Korean lobbying efforts.¹¹³

In Europe the image of a pivotal power does not seem to fit any of the identified European middle powers. The interconnectedness of the European Union (EU) gives all states a seat at the table where large great powers, like France, Germany and the United Kingdom, do their best to dictate EU policy. In order to maintain some sense of balance in Europe, this inquiry selects Spain and the Czech Republic to represent Western and Eastern Europe respectively.

Therefore the eight cases that this study will examine in its quantitative analysis are South Africa, Indonesia, Thailand, South Korea, the Czech Republic, Spain, Turkey and Brazil.

¹¹³ Moon, "Complex Interdependence and Transnational Lobbying: South Korea in the United States."

Justification for Mixed Method Research

The methodology of this research project is built on using multiple methods to ensure higher levels of validity with its conclusions. Methodological pluralism helps researchers to reinforce the validity of their conclusions by supporting quantitative analysis with more in-depth qualitative analysis. These complementary lenses can be used to illuminate evidence for different types of research questions. There has been much debate in the field of international relations over which method is superior, but the general conclusion is that if a researcher can use multiple methods then their results are strengthened.¹¹⁴

Collier, Brady and Seawright argue that linking qualitative methods to quantitative analysis helps to make conclusions more valid and the use of two different research tools helps to check the weaknesses of each individual research tool.¹¹⁵ For these scholars, “quantitative data analysis can only partially evaluate the assumptions on which a model depends. Nuggets of insight derived from qualitative data are invaluable for this purpose.”¹¹⁶ One model which the authors suggest is to use a quantitative design to highlight significant variables that affect the dependent variable and then use qualitative interviews, or what the authors call “causal

¹¹⁴ Richard Swedberg, “Socioeconomics and the New ‘Battle of Methods’: Towards a New Paradigm,” in *Culture and Politics: A Reader*, ed. Lane Crothers and Charles Lockhart (New York: St. Martin’s Press, 2000), 381-393; Stephen Walt, “Rigor or Rigor Mortis,” *International Security* 23, no. 4 (1999): 5-48.

¹¹⁵ David Collier, Henry Brady and Jason Seawright, “Sources of Leverage in Causal Inference” (paper presented at American Political Science Association, Chicago, IL, August 29, 2007).

¹¹⁶ *Ibid.*, 1.

process observations,” to confirm or deny the importance of the variables in a specific case study example.¹¹⁷ Even a researcher strongly devoted to quantitative analysis, such as Nathaniel Beck, states that “clearly if we do two separate analyses, and each sheds some light, then the two together must shed more light than either one alone.”¹¹⁸ The lack of large-*n* studies in the lobbying literature, as well as the specialized foreign lobbying literature, also makes a mixed-method approach more attractive. Previous studies of foreign lobbies have used the case study method almost exclusively, mostly focusing on a single domestic ethnic lobby group.¹¹⁹ By partnering traditional case study methodology with a quantitative analysis of multiple middle powers, this study breaks new ground in both the study of middle powers and of foreign lobbying of Congress.

The research question for this inquiry lends itself to using multiple methods. A quantitative analysis can use a large database of congressional foreign policy legislation to draw out significant variables that may affect whether a foreign state achieves its goals in Congress. A qualitative case study approach may then test some of those variables with respect to specific cases of congressional legislation and yield answers to questions regarding a particular state’s approach to lobbying Congress in general.

¹¹⁷ Ibid., 13.

¹¹⁸ Nathaniel Beck, “Causal Process ‘Observation’: Oxymoron or Old Wine,” (paper presented at American Political Science Association, Chicago, IL, August 29, 2007): 2.

¹¹⁹ Brenner, Haney and Vanderbush, “Intermestic Interests and U.S. policy towards Cuba”; Bernstein and Munro, “The New China Lobby”; Mearsheimer and Walt, “The Israel Lobby”; Moon, “Complex Interdependence and Transnational Lobbying: South Korea in the United States.”

Quantitative Methodology and Hypothesis

The purpose of the lobbying effectiveness database in Chapter 4 is to determine the effect of the amount of money a middle power spends on professional lobbyists on goal achievement in congressional foreign policy legislation. Hiring professional lobbyists is one of the most identified strategies when it comes to persuading Congress on foreign policy issues.¹²⁰ This section will detail the construction of the lobbying effectiveness database, the identification and operationalization of independent variables, the type of statistical analysis performed and a hypothesis to be tested.

The dependent variable in the quantitative analysis is whether a state meets its goals. The failure of a country to meet its goals, (e.g., congressional legislation passes that a state opposed or congressional legislation that a state supported fails to pass) will be coded as a zero. The ability of a country to meet its goals (e.g., congressional legislation passes which the state supported or congressional legislation which the state opposed fails) will be coded as one. Since the dependent variable will only vary between zero and one, traditional multivariate regression analysis is not the optimal analytical tool. Rather, binary logistical regression is more appropriate. Specifically, this analysis will use hierarchical binary logistical regression. This approach will help isolate the effect that the amount of money spent on professional lobbyists has on goal achievement while holding all the other independent variables constant.

¹²⁰ Moon, “Complex Interdependence and Transnational Lobbying: South Korea in the United States,”; Bernstein and Munro, “The New China Lobby,”; Keohane, “The Big Influence of Small Allies.”

The database of congressional legislation was assembled using the U.S. Library of Congress's THOMAS congressional database.¹²¹ The THOMAS website includes every piece of proposed congressional legislation since 1973. This study encompassed the years 1995-2008 to ensure the post-Cold War focus. The name of each country in the dataset (e.g., South Africa, Brazil, etc.) was entered into the search box for each congressional session starting in 1995. This study looked at bills in both houses of Congress that prompted floor action. Floor action is when a bill is reported favorably out of committee for consideration by the whole legislative body. All legislative bills and congressional joint resolutions were considered cases. Non-binding congressional resolutions that were critical of states for certain actions or rhetoric were also be counted as cases. Resolutions containing pleasantries or sentiments of welcome were be eliminated as routine and unimportant.

Bills were be analyzed at all stages of the legislative process, beginning with version of the bill that was reported out of committee. Bills passed by each house of Congress as well as conference reports that were engrossed and sent to the president were be examined. This method of analysis is necessary in order to trace the legislative process and determine where foreign lobbying efforts have been successful and where they have not. All bills were examined for sections that relate to the foreign countries and then analyzed to determine whether the foreign state would have supported them. Only bills that significantly affect the foreign state will be examined. For example, a bill that only relates to a foreign state by

¹²¹ Available at <http://thomas.loc.gov/>

mentioning an international meeting that once occurred in that foreign state was not included. Passing references such as this served to eliminate a bill from the database.

To prevent duplication, bills with multiple versions were catalogued. Only the version of the bill which proceeded the furthest in the legislative process was included in the database. For instance, in any session of Congress there are multiple bills dealing with defense appropriations. There are often a few different House and Senate versions. As long as the provisions dealing with the country under examination were identical, this study only focused on the bill that proceeded the furthest through Congress. If the provisions were slightly different between the bills then they were included in the study.

Critics may note this method of collecting congressional legislation does not guarantee that this database will encompass all bills that a foreign state may have thought to be important. Indeed, many trade or economic bills may not mention any foreign countries but may have a large impact on an aspect of their international trade with the United States. To remedy this defect, a large number of secondary works on U.S. foreign relations with each case selected for this research project will be consulted. If there is a relevant issue area that has not been addressed with the aforementioned search procedure, then special efforts will be made to include legislation that the existing literature deems relevant.

Other critics have noted that since it is difficult to identify which bills a middle power chooses to lobby on there is a great deal of “noise” in the data that mitigates the clarity of the analysis’s results. Therefore, this study only included legislation where the middle power under study stood to achieve a significant gain in benefits from the legislation or suffer a

serious loss as a result of passage. Significant gains are defined as closer trade or military ties, more trade, or defense money or an achievement of an important foreign policy goal than they enjoyed in legislation the preceding year. A serious loss is defined as a more distant relationship, less trade or defense money than the state enjoyed during the previous year. Legislation in which a middle power may enjoy a significant gain or suffer a significant loss is far more likely to attract its attention than routine legislation which passes every year. In this way, this study highlights the crucial pieces of legislation upon which middle powers should focus the majority of their lobbying efforts.

The name of the bill, its number, the house in which it originated, the year it was introduced, the session it was introduced, whether the president signed the bill, the committee that generated the bill and the final outcome of the bill was recorded in the database. The database also recorded whether the foreign state supported or opposed the bill. This facet may be one of the most complex parts of this study.

How can one know the preference of a foreign state on a particular congressional bill? In some cases, one may be able to divine the position of a state by simply reading the text of the bill. This kind of *prima facie* assertion, however, should be the last resort of a social scientific study. Therefore, this study proposes a three-part test for determining the position of a foreign state towards a piece of congressional foreign policy legislation. First, this study examined the transcripts of committee testimony and floor debates regarding each bill. This scan of the official record will look for testimony, argument or mention of the state's position towards any bill. Evidence may come from witnesses, members of Congress, or other

documents added into the record. Second, a Lexis-Nexis search was conducted using the bill title or other relevant search terms in order to determine if the news media carried any notice of foreign opposition to a particular bill.

If these two steps fail to provide any indication of a state's preference about an individual piece of congressional legislation, then this study applied an admittedly crude but intuitively logical approach to assess its interests. In keeping with much of international relations theory, this research assumed that states are maximizers of their national self-interest.¹²² Therefore, it was assumed that states support the increasing of aid, the development of closer security ties, the opportunity to purchase more U.S. military supplies and the increasing or maintenance of current trade opportunities between themselves and the United States. Conversely, states are likely to oppose a decrease in aid, the dissolution or weakening of security ties, the lack of opportunity to purchase U.S. military goods, censure for its actions or rhetoric through a non-binding resolution, and the restriction of current trade relations.

But how can researchers know that lobbying was the cause of the outcome of any congressional vote? Steven John discusses this challenge for scholars who study lobbyists and their methods. John advises that political scientists should be modest when making clear causal statements about the effectiveness of lobbying. He notes that legislation is a complex subject and lobbyists are a small part of the calculation when attempting to explain final policy outcomes. John argues that it is difficult to operationalize the concept of influence and that

¹²² John Mearsheimer, *The Tragedy of Great Power Politics* (New York: Norton, 2001); Kenneth Waltz, *Theory of International Politics*, (Reading: Addison-Wesley, 1978).

interviews with key participants, both public officials and lobbyists, tend to be unreliable.¹²³

Furthermore, successful lobbying is a game of expectations in which the goals that the lobbying firm attempts to achieve may be constantly shifting. Indeed, what may be considered failure prior to the lobbying effort may end up being considered a great success.

Acknowledging all of these weaknesses, John states that lobbyists are influential “if they have had some effect on a policy outcome that can be traced to their input into the policy process while controlling for external factors.”¹²⁴ Therefore, although it may be next to impossible to claim that a particular lobbying effort was the absolute cause of a particular rollcall vote outcome, their effort must be included in the analysis.

As to independent variables, this study relies on variables which were identified in the previous chapter as having an important role to play in whether states achieve their goals in congressional foreign policy legislation. The theoretically important variables that this study examines are as follows:

- Amount of money that a foreign state pays a lobbying firm
- Level of trade with the United States (in US dollars)
- Is the state is a North Atlantic Treaty Organization (NATO) ally or non-NATO major U.S. ally?
- Level of partisanship surrounding the legislation
- Public salience of the legislation
- Foreign state’s preference on the bill
- Level of international power
- Substantive issue area of the legislation.

¹²³ John, *The Persuaders*, 28.

¹²⁴ *Ibid.*, 33.

- Is the same party in control of both the White House and the Congress?
- State's Freedom House scores measuring civil and political freedoms
- Does the country have a congressional caucus devoted to it?
- Legislation's congressional house of origin

The amount of money that a foreign state pays a U.S. lobbying firm is available through a semi-annual report submitted to Congress by the Department of Justice as required by the Foreign Agents Registration Act (FARA).¹²⁵ A foreign state was considered to have hired a lobbying firm if, under "Activities" on the FARA disclosure form, it mentions contacting members of Congress or if it is hired by the state itself or its respective Foreign Ministry.

The level of bilateral trade is available through the U.S. Department of Commerce.¹²⁶ A state is a major non-NATO U.S. ally if it has been classified by the president according to federal law.¹²⁷ Higher levels of bilateral trade and close alliance ties should lead to higher levels of goal achievement in foreign policy legislation.

A bill was deemed to be partisan if 60% percent or less of the members voting in either house on any bill are on one side in the final vote and 40% percent or more are on the other side. A bill was be considered low profile if, following a Lexis-Nexis search, there are no articles relating to the bill in the two weeks prior and after the vote on passage. Higher levels

¹²⁵U.S. Department of Justice, "Report of the Attorney General to the U.S. Congress on the administration of FARA."

¹²⁶ U.S. Department Of Commerce, "Trade Stats Express," <http://tse.export.gov/> (accessed December 21, 2010).

¹²⁷ Designation of major non-NATO U.S. allies is currently regulated by 22 USC 2321k which states that the President makes this designation without the approval of Congress. There are currently 15 major non-NATO U.S. allies: Australia, Egypt, Israel, Japan, South Korea, Jordan, New Zealand, Argentina, Bahrain, the Philippines, Thailand, Kuwait, Morocco, Afghanistan and Pakistan.

of partisanship and publicity should weaken the ability of foreign countries to achieve their goals.

A foreign state's preference towards a bill is also important, as scholarship suggests that it is easier to prevent passage of a bill than to achieve passage of a piece of legislation. A state's level of international power was drawn from the international power rankings used previously in this study. Higher levels of international power should make it more likely that foreign countries get what they want on Capitol Hill.

Bills were evaluated for their primary issue area relation as well. Bills may be considered primarily security related if they deal directly with a state's security relationship to the United States or involve military aid or the purchasing of military equipment. Bills will be considered primarily economic if they deal primarily with trade, commerce or developmental aid. Bills can be considered to be both if they are a part of a larger omnibus effort. Bills which have a security component should be more difficult for foreign countries to influence as opposed to economic bills.

A state's Freedom House scores are important based on the belief that the United States may be more willing to help and aid a fellow democratic country rather than one that has lower levels of political and civil freedoms.¹²⁸ Higher levels of democracy should make it more likely that a state can successfully influence Congress. The existence of a congressional caucus, in either house, serves useful networking and mobilization purposes for states which

¹²⁸ Freedom House, "Freedom in the World," <http://freedomhouse.org/template.cfm?page=15> (accessed December 21, 2010).

have them.¹²⁹ The house in which the bill is being debated may be important, as more numerous House members are easier to find and lobby than Senators, who are fewer in number. Lastly, control over both branches of government may provide some evidence as to whether middle power states can use dissension between different branches of the U.S. government to advance their agenda.

With the quantitative method, cases, and independent variables identified, this section details the hypothesis within the quantitative portion of this study. Although the literature on the influence of lobbyists on congressional legislation is not as clear as one would hope, there are a number of recent studies which suggest that strong lobbying efforts are likely to result in positive results. Furthermore, scholars who have examined the tactics of foreign lobbyists conclude that while they may not be entirely cost effective they are, at the least, effective. Therefore this study offers its second hypothesis, H₂: The more money a middle power spends on foreign lobbyists, the more likely they are to achieve successful results in congressional foreign policy legislation.

Qualitative Analysis and Interviews

This section addresses the methodology of the qualitative case study portion of this research endeavor. This section will discuss the method used to select cases for study and

¹²⁹ Committee on House Administration. "111th Congress Congressional Member Organizations" http://cha.house.gov/member_orgs111th.aspx; Hammond, *Congressional Caucuses in National Policy Making*.

identify those cases. It will also detail the questions used to interview representatives of middle powers in order to generate data for review and analysis. Lastly, this section will provide two more hypotheses to be tested in each case study.

To explore the precise lobbying tactics used by middle powers on congressional foreign policy legislation, it is necessary to utilize the case study method. The advantage of the case study method in this study is that it can explore particular lobbying efforts in finer detail. While quantitative analysis can speak to all middle power lobbying efforts in a broad, general sense, the case study method can explore individual lobbying efforts and trace the lobbying process from beginning to end.

Case study research is best applied to research questions which ask “how” or “why” something happens, when the researcher does not have control over the behavioral elements of a study and when events are of a contemporary nature.¹³⁰ A multiple case study design, as this research endeavor articulates, helps to make observations more accurate and conclusions more valid.¹³¹ The unit of analysis in the qualitative section of this dissertation is the foreign state’s lobbying actions with respect to the bill which is specified.

The selection of cases comes from congressional foreign policy legislation between the years 2005-2010, a smaller time frame than the larger quantitative database. The narrower time frame was chosen to increase the possibility that embassy staff and lobbyists who participated

¹³⁰ Robert Yin, *Case Study Research: Design and Methods*, 2nd ed. (Thousand Oaks CA: Sage, 1994), 6.

¹³¹ *Ibid.*, 45.

in the lobbying efforts would still be present in Washington, D.C. While it would be preferable to select cases that represent the entire temporal range of the quantitative database, there is a high potential that important sources and potential interviewees would be far more difficult to access and interview. Therefore, the qualitative interviews will cover lobbying efforts of a far more recent vintage.

The manner in which cases are selected is of paramount importance. Random sampling for case study analysis is not the most opportune choice. Instead, researchers should engage in purposive sampling in order to highlight certain variables that deserve further inquiry or which may present the best research opportunity. Stratified sampling allows researchers to sort their cases along certain variables and then select cases that allow for representation of the population of all cases. This study uses a stratified sample diverse case study design in order to assure variation on the dependent variable and to maximize variance on a number of independent variables.¹³² Diverse case study design requires researchers to select cases based on their variation on both the dependent variable and on certain independent variables to create a set of case studies which represent the population. Diverse case study design allows researchers to confirm theory as well as explore new angles and wrinkles to existing theories.

Cases were chosen to maximize variance on a number of important variables. Specific attention was paid to goal achievement, the foreign country's stance on a bill and the nature of issue at hand. The three cases below serve to provide useful variance both inter-case and intra-

¹³² Jason Seawright and John Gerring, "Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options," *Political Research Quarterly* 61, no. 2 (2008): 294-308.

case. Different contexts and situations may force middle powers to adopt varying lobbying strategies to achieve their goal. Varying these conditions in the selected case studies allows this research to assess lobbying strategies under various conditions. By controlling for these situations, the results of the qualitative analysis will have more validity. This study controls for levels of international power by focusing exclusively on middle powers.

While stratified sampling provided a list of potential cases, reality proved far less amenable. Inquiries were sent to nearly all middle power embassies requesting interviews and access to diplomats charged with congressional relations. In the end, eight embassies agreed to interview requests. As such, cases which involved these countries were prioritized and chosen for greater examination. Access proved difficult to achieve and thus limited the breadth of cases which were worth investigating. Despite these limitations, cases were found which conformed to the goals articulated above. In fact, these cases displayed both inter-case variance as well as intra-case variance. The case studies are listed in Table 4.

Table 4. Cases for Qualitative Analysis

	State achieved its goal	State did not achieve its goal
Security Issue	Indonesia's efforts in 2009-2010 to resume U.S. military training with Indonesian Special Forces, KOPASSUS	Indonesia's efforts in 2006-2008 to resume U.S. military training with Indonesian Special Forces, KOPASSUS
Non-Security Issue	Parts of the 2008 Block Burmese Junta's Anti-Democratic Efforts (JADE) Act AND European Union's efforts to prevent adoption of the Travel Promotion Act of 2007	Parts of the 2008 Block Burmese Junta's Anti-Democratic Efforts (JADE) Act AND European Union's efforts to prevent adoption of the Travel Promotion Act of 2010

The first case concerns Indonesia's efforts to secure congressional approval for a resumption of military-to-military ties between the U.S. military and the Indonesian Special Forces, known by its Indonesian acronym, KOPASSUS. Bilateral military ties were suspended in the 1990s after KOPASSUS was accused of gross human rights violations in East Timor and Papua. The Indonesian government has pushed for years to overcome the congressional ban on military-to-military ties. While Indonesia did fail to persuade Congress to lift the ban on contact with KOPASSUS, the Department of Defense did grant a temporary exception to the ban in the spring of 2010. Indonesia's failure to end the ban on joint training between 2006-

2008 and its success in 2010 provide intra-case variance and allows for an examination of how Indonesia became more effective in pleading its case in Washington.

The second case concerns the 2008 Block Burmese Junta's Anti-Democratic Efforts (JADE) Act. This legislation imposed tighter restrictions on U.S. imports of Burmese goods. It gained high levels of public salience after the 2007 military crackdown on anti-government protestors in Burma. Thailand was affected by this legislation since many of the Burmese goods which are imported to the United States transit through Thailand. Thailand was successful in obtaining beneficial changes to the JADE Act in some cases but failed to prevent the enactment of harmful policies in other parts of the Act. Once again, this provides useful intra-case variance. The JADE Act became law in 2008, harming the Thai gem industry's exports to the United States.

The final case study is the European Union's efforts to stop congressional approval of the 2010 Travel Promotion Act. This Act imposed a fee on incoming tourists to the United States in order to fund a new Corporation for Travel Promotion, a public-private partnership which will market the United States as a global tourist destination. European countries such as the Czech Republic, Austria and Sweden, working individually and collectively through the European Union's Embassy, were upset over this new fee because it disproportionately affected European visitors to the United States. The bill was scuttled by the European Union member states and their allies in 2007 but a revised version, still harmful to the EU's interests, became law in 2010.

To gauge lobbying efforts on these bills or resolutions, this study interviewed relevant actors. Relevant actors are defined, in this study, to be embassy personnel, professional lobbyists, congressional officials and representatives of relevant nongovernmental organizations. Letters were sent to embassies and other organizations requesting interviews. While it would be preferable for the interviews to be on the record, allowances were made for individuals who agreed to an interview but wished their identity to be shielded. All interviews, when possible, were recorded and transcripts produced unless restricted by prior agreement between the interviewer and interviewee. In-person interviews were preferred but if time and distance did not allow this, then telephone or email interviews were conducted. All interviews were conducted by the author. The approval of Northern Illinois University's Institutional Review Board (IRB) was obtained prior to any interview and the author followed all accepted policies included in the application for IRB approval.

In order to gain data from these interviews which may be compared across interview subjects and applied to this study's hypotheses, this study made use of a semi-structured interview format. A standard set of questions was asked to each interviewee in order to gain data which can be compared consistently across cases. However, in the event that a significant revelation was developed during the interview, the interviewer was allowed the flexibility to ask follow-up questions to gain a stronger understanding or follow a potentially significant line of investigation.

Fourteen interviews were conducted for this study. Interview subjects were from various embassies in Washington, D.C. as well as representatives from congressional staff and

nongovernmental organizations. The interviews focused on two different areas: a specific examination of the methods used by the foreign state to lobby Congress on the previously identified legislation and an examination of the state's general philosophy in lobbying Congress. The previous theme was the predominant source of questions but this study also sought a wider view of a state's lobbying philosophy as a whole, without regard to any one specific lobbying effort.

The following questions were asked of all interviewees:

General influence strategies

How long have you been based in Washington, D.C.?

How are you qualified to speak about the embassy's U.S. congressional relations?

1. Does the embassy employ a lobbying firm to represent the interests of your country in Congress? Why or why not?
2. Besides hiring a lobbying firm, what other strategies does your embassy employ to influence members of Congress?
3. Do you believe that hiring a lobbying firm is the most effective way to influence members of Congress? Why or why not?
4. How many bills do you actively lobby on each year?
5. What factor(s) help you decide what strategy or tactic you will use to influence members of Congress?

Questions on specific pieces of legislation

If you are not based in Washington, D.C. at the present time, when were you stationed there?

What experience did you have with this piece of legislation?

1. How and when did this bill come to the attention of the embassy?
2. How was the lobbying plan created and who participated in the lobbying?
3. Who was the main target of the lobbying effort?
4. What allies, inside or outside of government, did you recruit to aid in the lobbying effort?
5. What factors contributed to the success or failure of your effort?

These questions were asked to all interviewees and then their responses were compared to see if there were significant commonalities or differences between their approaches to lobbying Congress on issues of foreign policy. They were compared to the results of this study's quantitative analysis to see whether the variables that analysis highlighted as significant played any role in the lobbying efforts of the three states under study.

For the qualitative case study portion of this inquiry, two hypotheses are offered. First, this study advances H₃: that middle power states utilize a broad array of lobbying strategies and tactics. This hypothesis is supported by evidence in the literature that interest groups utilize many different tactics in order to influence members of Congress.¹³³ The fourth hypothesis is related to the general lobbying strategy. This study also ventures H₄: that middle powers prefer technocratic lobbying and coalition building, to direct lobbying strategies such as hiring professional lobbyists. This hypothesis is drawn from work on foreign lobbies by Chung-in Moon and Robert Keohane.¹³⁴

¹³³ Caldeira, Hojnacki and Wright, "The Lobbying Activities of Organized Interests in Federal Judicial Nominations."

¹³⁴ Moon, "Complex Interdependence and Transnational Lobbying: South Korea in the United States,"; Keohane, "The Big Influence of Small Allies."

Conclusion

This section has encompassed the case selection procedures, methodologies and hypotheses that this study will use to analyze the influence of foreign lobbies on congressional foreign policy legislation. A stable group of middle powers were identified for study using data from 1995, 2000, and 2005 relating to military and economic power as well as factors related to globalization. The lobbying spending practices of all of these middle powers, as well as the eight great powers, will be examined in Chapter 3's database. Eight middle powers were selected for the lobbying effectiveness database in Chapter 4. The influence of lobbying money on goal achievement in foreign policy legislation will be examined while a number of theoretically significant variables will be held constant. The qualitative part of this study will consist of three case studies of middle powers and important legislation that they lobbied on. This section will examine the strategies and tactics used by middle powers, their preferences on various strategies, and the targets of their lobbying efforts.

CHAPTER 3

ANALYSIS OF GREAT POWER AND MIDDLE POWER LOBBYING SPENDING

This chapter details how great powers and middle powers differ when it comes to hiring professional lobbyists in Washington, D.C. Since one of the main conclusions of the lobbying literature is that foreign countries spend money to hire elite D.C. lobbyists to influence decision makers, an examination of federal records on lobbying is a useful method of testing this claim.¹³⁵ A new database was constructed to measure foreign lobbying spending and it points to interesting conclusions on one of the main tenets of the lobbying literature.

This chapter is organized into five sections. The first section examines the rise of foreign lobbying and explains federal laws which govern this industry. This section also provides a hypothesis to be tested. The second section explains the methodology used to construct this new database. The third section details preliminary conclusions and highlights some statistical tests of the data. The fourth section analyzes the data more deeply and notes interesting patterns which may provide the basis for future research. Lastly, the fifth section concludes this chapter and provides a bridge to Chapter 4, which focuses on the effectiveness of such lobbying.

¹³⁵ Johnson, "How Foreign Powers Play for Status in Washington,"; Silverstein, *Turkmeniscam*,; Newhouse, "Diplomacy, Inc.,"; Howe and Trott, *The Power Peddlars*,; Laham, *Selling AWACS to Saudi Arabia*; Bernstein and Munro, "The New China Lobby."

The Rise of Foreign Lobbying

Foreign lobbying is regulated by the Foreign Agents Registration Act of 1938. This law, also known as FARA, is administered by the Department of Justice. Nervous over perceived German influence in Washington before World War II, Congress passed FARA to ensure that all persons representing foreign interests before the U.S. government would have to publicly register with the Department of Justice. The U.S. Attorney General forwards a semi-annual report to Congress that stands as the official record of such disclosures.

Amendments to FARA in 1966 prohibited all foreign nationals from donating money to American political campaigns, which the original FARA law permitted.¹³⁶ Current FARA reports to Congress detail five main data points. The reports are organized alphabetically by country name. Countries only appear in the FARA reports when they have spent money to hire an agent in the United States; otherwise, they are not listed.

The first main piece of information is the name of the foreign principal. This is the foreign party hiring representation in Washington. The foreign principal can be a foreign government, an individual who is not a U.S. citizen, or any corporation or institution based in a foreign country. For instance, in many FARA reports detailing South Korean spending on lobbying firms, the report documents spending by the government of South Korea, Korean

¹³⁶ Ben Freeman, *The Foreign Policy Auction* (Washington, D.C.: CreateSpace, 2012), 13.

tourist organizations and Korean corporations, such as Hyundai. While not all of this spending, especially the tourism promotion, can be considered lobbying, FARA reports are still the most useful tool researchers have to examine the practice of foreign lobbying within the United States.

The second main piece of information is the name of the agent representing this foreign interest. The FARA reports over the last 16 years list hundreds of agents, although the most ubiquitous are the traditional powerhouse Washington lobbying and legal firms. In this chapter's examination of spending by both great powers and middle powers, familiar names are scattered all over the database. A brief examination of the last report of 2011 shows the following concentration of large lobbying firms (see Table 5).

Table 5 is not designed to make the argument that these firms encompass all the lobbying options for foreign principals. There are plenty of options both large and small. However, the aforementioned firms are the most frequently listed agents in recent FARA reports. Lobbying firms may continue to be reported as representing a foreign principal long beyond the length of the contract they signed with the foreign principal. It is the responsibility of lobbying firms' responsibility to notify the Department of Justice when they no longer represent a specific foreign principal and only then does the Justice Department remove names from the FARA report.

Table 5. List of Prominent Lobbying Firms from the Attorney General's Second Semi-Annual FARA Report to Congress in 2011

Akin, Gump, Strauss, Hauer and Field	6 foreign clients
Barbour, Griffith and Rogers (BGR)	7
Brown, Lloyd and James	6
Daniel J. Edelman	9
Moffet Group	7
Patton Boggs	18
Podesta Group	7
Qorvis Communications	12
White and Case	5
CMGRP/Weber Shandwick	6
The Livingston Group	2
Hogan and Lovells	4

The third important piece of data in FARA reports is the listing of political activities. Agents of foreign principals are required under FARA to specify the nature of their work for each foreign principal that they represent. However, there is no standard level of specificity for this disclosure. In providing this information, lobbying firms can be as general or as specific as they want. In some cases, their FARA disclosures will specify a certain legislative proposal that they are attempting to influence or the branch of government that is being targeted. In other cases, the description provides few details.

The last important piece of data is the amount of money spent by the foreign principal for the services of the agent. These figures are always broken down into six-month increments

in order to match the time frame of that particular report to Congress. These figures can range from a few hundred dollars to millions of dollars. According to Ben Freeman, foreign principals paid over \$424 million to lobbying firms in the United States, making foreign lobbying responsible for 10% of all spending on lobbying in the United States.¹³⁷

Between 1996 and 2011, the business of foreign lobbying grew exponentially. The 43 countries studied in this chapter spent a collective \$11.4 million in 1996.¹³⁸ By 2011 that number had more than doubled to \$26.7 million.¹³⁹ Charts and tables that break down this rapid growth in foreign lobbying spending appear later in this chapter.

The main hypothesis that this chapter tests is that great powers spend more money on professional lobbyists than middle powers. This hypothesis is grounded in the literature on foreign lobbying, which argues that great powers are more likely to have the financial resources to hire these professional firms than less wealthy middle powers.¹⁴⁰

¹³⁷ Ibid., 17-18

¹³⁸ U.S. Department of Justice, "Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 1996-2011," <http://www.fara.gov/annualrpts.htm> (accessed March 15, 2013).

¹³⁹ Ibid.

¹⁴⁰ Bernstein and Munro, "The New China Lobby,"; Moon, "Complex Interdependence and Transnational Lobbying: South Korea in the United States."

Methodology

The database was constructed using the U.S. Department of Justice's semi-annual reports to Congress as required by the FARA legislation described in the previous section. The Department of Justice's FARA website houses electronic versions of all FARA reports dating back to 1996. Reports compiled before 1996 are somewhat incomplete, and therefore were not used for this database. In Chapter 2, this study identified nine great power states and 40 middle power states. A few of these middle powers were excluded from this study due to the power of their ethnic diaspora in the United States, leaving 35 cases. Data about foreign lobbying spending was collected for all of these states with the obvious exception of the United States, which is classified as a great power.

The FARA reports break down lobbying spending by country so the process of building the database consisted of examining all 43 countries in each year's reports and then entering the data into a spreadsheet. The name of the lobbying firm was recorded as well as any information given as to the political aim or purpose for hiring a particular firm. FARA does not require specific disclosure of lobbying purposes and some firms are more specific than others. However, most entries at least described, in very general terms, who or what the lobbying firm was contacting.

Data was collected from 1996 to 2011, the last year for which full data is publicly available. Countries were then separated by power status; and basic statistics were generated to

compare one group to another in order to draw a tentative conclusion regarding this chapter's hypothesis.

Hypothesis testing

After researching the database, it can be generally said that great powers do spend more money on professional lobbyists than middle powers. However, there are some nuances and caveats to this general conclusion. Table 6 details the average level of lobbying spending by great powers and middle powers between 1996 and 2011.

On the next page, Figure 1 shows the same figures in a graphical form. In order to determine whether or not there was a statistical difference in lobbying spending by great powers and middle powers, a *t*-test was conducted. *T*-tests are used to test whether the differences in data from different groups are statistically significant or not. Table 7 has the results of the *t*-test.

Table 6. Average Lobbying Spending by Great Powers and Middle Powers, 1996-2011

Average dollars spent on lobbying by year		
Year	Great Powers	Middle Powers
1996	\$848,540	\$225,296
1997	\$1,021,616	\$242,838
1998	\$704,616	\$194,122
1999	\$316,491	\$111,557
2000	\$247,520	\$154,368
2001	\$583,743	\$138,533
2002	\$993,426	\$794,176
2003	\$705,869	\$646,334
2004	\$922,406	\$567,013
2005	\$1,006,784	\$497,806
2006	\$1,011,741	\$491,909
2007	\$660,447	\$635,491
2008	\$1,081,519	\$416,849
2009	\$920,719	\$454,028
2010	\$706,290	\$508,859
2011	\$1,101,129	\$511,771

Table 7. *T*-test of significance for Differences Between Annual Average of Great Power and Middle Power Spending on Professional Lobbyists, 1996-2011

t	df	Sig. (2-tailed)
3.2285	30	0.0035***

t-Test for Equality of Means			
		95% Confidence Interval	
Mean Difference	Standard Error Difference	Lower	Upper
279.8899	86.694	101.3411	458.4386



Figure 1. Average Lobbying Spending by Great Power and Middle Powers, 1996-2011

The difference between the two groups is statistically significant at the $p < 0.001$ level, which means that great powers do tend to spend more money on professional lobbyists than middle powers. However, while these results appear to support this chapter's hypothesis, a deeper look at the spending habits of individual countries provides some nuance and raises questions about the accuracy of the hypothesis.

Table 8 shows the collective spending levels of the eight great powers in this database. Table 8 represents the total level of spending on professional lobbying over the 16 years covered in the database. Figure 2 represents these figures in the form of a pie chart.

Table 8. Total Great Power Spending on Lobbying by Country, 1996-2011

Canada	\$50,920,837
China	\$8,005,767
France	\$5,000
Germany	\$1,928,251
Great Britain	\$4,352,124
India	\$10,745,692
Japan	\$12,291,461
Russia	\$555,830

As Table 8 shows, Canada far surpasses the other great powers in spending on lobbyists. Figure 2 shows that nearly 60% of all great power lobbying spending is Canadian. France, Germany and Russia are the lowest spenders among the great powers, accounting for less than 3% of all great power spending.

As for middle powers, there is a similar concentration of lobbying spending among a few countries. Table 9 shows the cumulative money spent on professional lobbyists among all

middle powers between 1996 and 2011. Figure 3 displays the same data in the form of a pie chart.

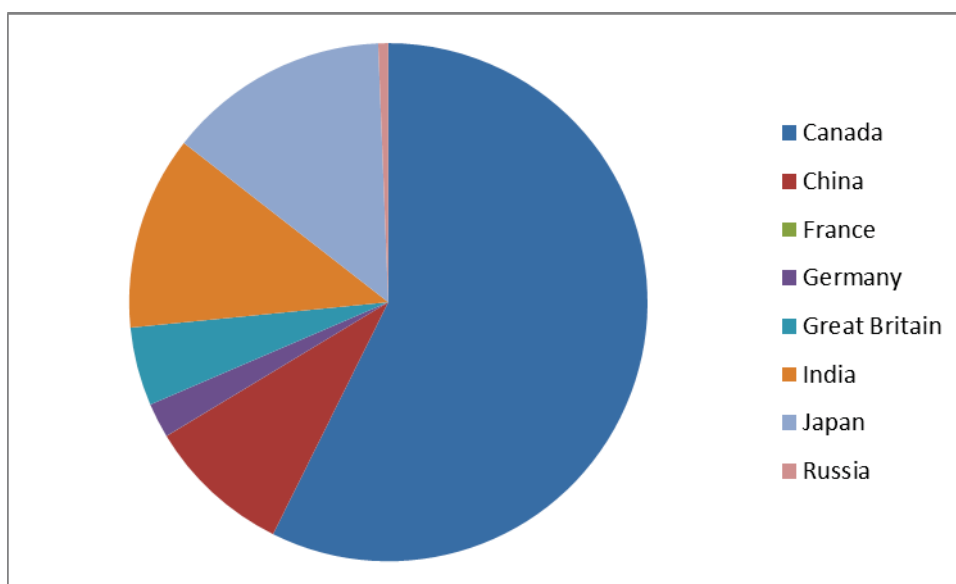


Figure 2. Total Great Power Spending on Lobbying by Country, 1996-2011

Table 9. Total Middle Power Spending on Lobbying by Country, 1996-2011

Argentina	\$1,449,732	Indonesia	\$9,028,045	Portugal	\$204,000
Australia	\$955,304	Iran	\$122,072	Saudi Arabia	\$104,610,591
Austria	\$0	Italy	\$0	Singapore	\$2,941,745
Belgium	\$69,662	South Korea	\$8,421,734	Slovenia	\$267,771
Brazil	\$13,211,692	Kuwait	\$3,892,811	South Africa	\$301,434
Chile	\$1,832,876	Luxembourg	\$0	Spain	\$1,487,016
Czech Republic	\$233,039	Malaysia	\$571,700	Sweden	\$0
Denmark	\$0	Netherlands	\$706,603	Switzerland	\$1,286,348
DROC	\$899,831	New Zealand	\$0	Thailand	\$2,117,064
Estonia	\$336,605	North Korea	\$0	Turkey	\$36,310,351
Finland	\$0	Norway	\$295,281	United Arab Emirates	\$29,719,966
Iceland	\$2,029,884	Poland	\$234,386		

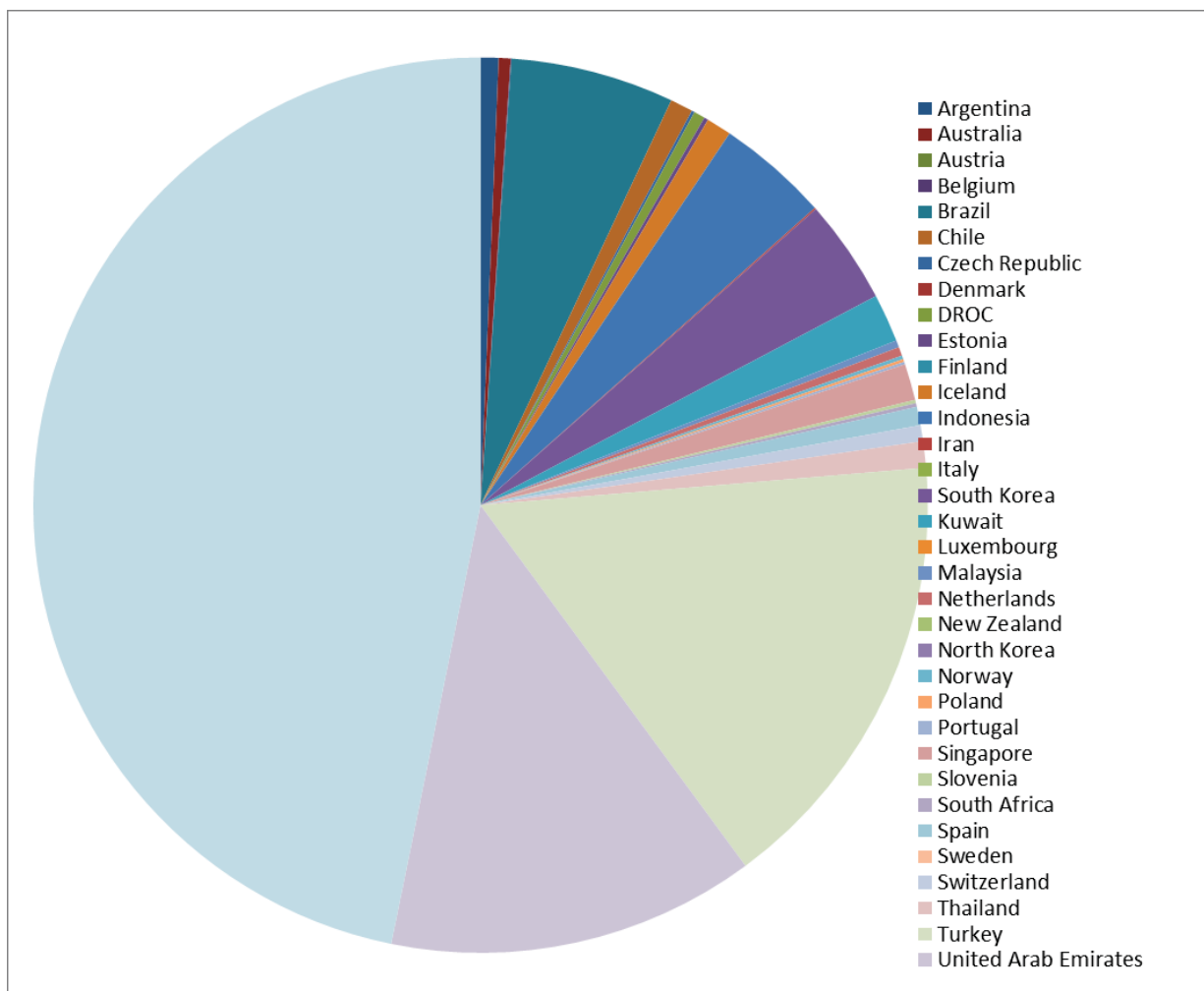


Figure 3. Total Middle Power Spending on Lobbying by Country, 1996-2011

As Table 9 indicates, three countries account for over 75% of all middle power spending on professional lobbyists. Saudi Arabia, Turkey and the United Arab Emirates spent more than \$170 million over the last 16 years on professional lobbyists.

The result of this hypothesis test is mixed. On the one hand, great powers spent more than middle powers on the services of professional lobbyists. This difference is statistically significant. On the other hand, these raw spending figures do not account for the massive wealth differences between great and middle powers. In order to standardize these spending figures, the annual average of lobbying by both great and middle powers were divided by the average Gross National Income (GNI) of the states in each group.¹⁴¹ Table 10 shows the results of this analysis.

The difference between the two groups, once GNI is controlled for, is not statistically significant. This raises problems for the hypothesis of this chapter. However, the lack of robust results should not deter researchers from continuing to study foreign lobbying. While the general hypothesis that great powers spend more than middle powers may not yet be supported by the evidence, this chapter's investigation has uncovered a number of interesting patterns in the use of professional lobbyists by middle powers. This chapter's contribution may be found in illuminating patterns which can contribute to questions regarding how, why and when middle powers engage professional lobbyists.

¹⁴¹ World Bank Group, "GNI, PPP (current international \$)," <http://data.worldbank.org/indicator/NY.GNP.MKTP.PP.CD> (accessed October 1, 2013).

Table 10. *T*-test of Significance for Differences Between Great Power and Middle Power Spending on Lobbyists Divided by Mean GNI level, 1996-2011

t	df	Sig. (2-tailed)
1.018	30	0.3165

t-Test for Equality of Means			
		95% Confidence Interval	
Mean Difference	Standard Error Difference	Lower	Upper
-105.05725	103.141	-315.69851	105.58401

Analysis

This section identifies a number of detectable patterns in the FARA database that may be useful for future research and hypothesis formation. In the latter parts of this section, a few countries will be examined in depth to provide a more detailed view of the lobbying spending patterns of both great powers and middle powers. There are five main compelling observations from this database which may be useful in generating future hypotheses regarding foreign lobbying.

The first is that spending on professional lobbyists increased since 2001. As shown in Figure 1, after a steep decline between 1997 and 2001, there was a general increase in lobbying spending by both great and middle powers. One potential reason for this development may be the advent of the U.S. war on terror and the need for many different countries to respond to America's counter-terrorist actions. Another potential explanation may be the breakdown of the World Trade Organization's Doha Round of global trade negotiations. As will be pointed out later in this section, much of the impetus for middle power lobbying spending is attributed to the increasing number of free trade agreements negotiated by the United States in the absence of global consensus in the Doha Round.

A second observation from the database is the tendency of lower levels of government in great power states to spend money to lobby in Washington. The best example is Canada. Eight Canadian provinces spent money, sometimes in tandem and sometimes independently, to press their interests in Washington. The money was beyond what the Canadian Embassy spent on professional lobbyists. Overall, the sums that these provinces spent were rather large. Table 11 shows spending by the six highest spending provinces as well as by the national government. The line graph in Figure 4 displays the spending of all eight provinces and the Canadian federal government.

Another pertinent example is Germany. Between 2004 and 2011, the German state of Rheinland spent over \$1.7 million to lobby the U.S. Congress regarding military issues, specifically concerning American military bases in that state. In the German case, the

Rheinland government was the major source of spending on professional lobbyists for the entire country of Germany, constituting over 88% of all German expenditures. The German government and embassy rarely spent any money on professional lobbyists. In middle power countries, there were no examples of subnational governments spending money on professional lobbyists.

Table 11. Lobbying Spending by Canadian Federal Government and the Six Highest Spending Canadian Provinces, 1996-2011

	Canada	Ontario	Alberta	Yukon/ Saskatchewan	BC	Quebec
1996	\$1,005,877	\$257,850	\$155,841	\$0	\$548,097	\$187,752
1997	534,549	101,365	0	0	513,728	187,752
1998	338,106	98,965	0	0	393,341	1,064,630
1999	150,910	116,590	0	0	168,418	725,000
2000	142,340	198,050	0	0	306,533	0
2001	133,357	566,246	0	171,950	2,126,129	0
2002	144,110	1,776,977	0	254,698	1,688,832	0
2003	104,262	1,843,194	0	71,155	738,111	0
2004	143,355	2,284,593	0	0	1,773,883	0
2005	82,813	1,030,841	0	0	2,880,368	0
2006	89,914	2,328,480	0	0	1,894,641	0
2007	71,660	1,437,245	0	0	964,186	0
2008	73,356	3,286,195	0	0	1,591,320	42,823
2009	78,511	1,308,430	310,007	433,380	1,621,281	78,408
2010	0	1,007,677	544,552	596,387	976,807	145,637
2011	0	1,017,584	253,286	562,750	3,230,637	88,780

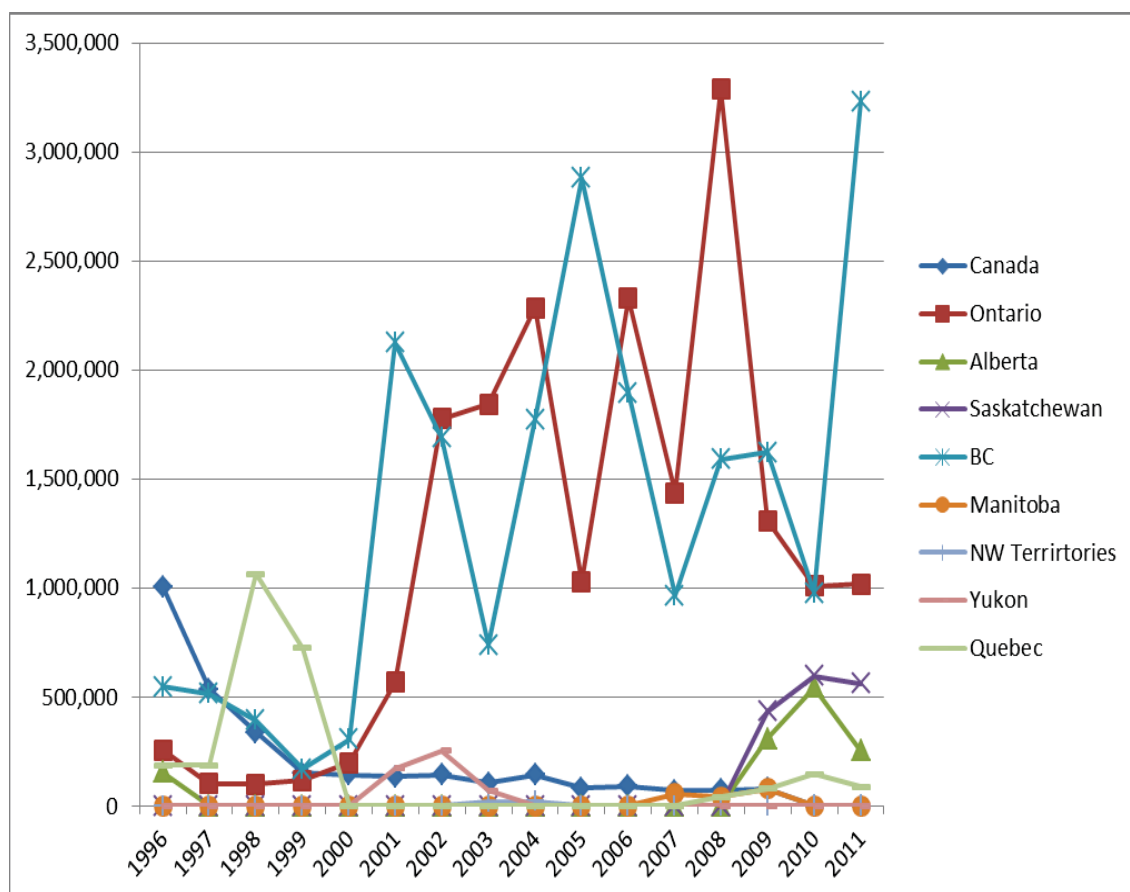


Figure 4. Line Graph showing Lobbying Spending by Canadian Federal Government and by Eight Canadian Provinces, 1996-2011

This pattern suggests a number of things. First, lower levels of government in Canada and Germany have access to funds to spend on professional lobbyists that subsidiary governments in middle powers may not. Second, there may be more willingness on the part of national governments in middle power countries to lobby for the interests of subnational governments whereas in great powers, the national government is comfortable leaving subnational governments on their own in certain cases. It would be interesting to examine the issues the central governments decide to intervene in and the issues they choose to leave to lower levels of government. In any case, lobbying by lower levels of government is an interesting topic worthy of future investigation.

A third pattern in the database is a class of middle power countries which spent a good deal of money, on a fairly consistent basis, for professional representation in Washington. The three highest spenders were Saudi Arabia, Turkey and the United Arab Emirates (UAE). Table 12 shows the amount of money spent by each state between 1996-2011.

Table 12. Top Three Spending Middle Power Countries on Lobbying, 1996-2011

Saudi Arabia	\$104,610,591
Turkey	\$36,310,351
United Arab Emirates	\$29,719,966

Why did these three countries spend so much money on professional lobbyists? The data included in the FARA reports is not especially helpful in uncovering the exact goals of their efforts. However, recent work by Ben Freeman has helped to uncover some of their motivations. Freeman, a scholar based at the Project on Governmental Oversight (POGO), examines the Turkey and the UAE's efforts at lobbying Congress.

Freeman argues that the Turks were very concerned over a congressional resolution that would condemn Turkish military actions in 1915 against ethnic Armenians as “genocide.” Shortly before World War I, a group of young, nationalistic army officers gained control of the Ottoman Empire and began persecutions against the minority Armenian ethnic group. As World War I heated up, Armenians were purged from the military and they were rounded up to be marched into exile. Present-day Armenians claim as many as 1.5 million people were killed during this time.¹⁴² The Turks have long denied that this action was genocidal in nature despite the fact that most European countries have declared it to be so.¹⁴³

Congressional resolutions seeking to declare these actions a “genocide” were introduced over the course of four different Congresses. In all the cases, however, the resolution never earned a floor vote.¹⁴⁴ This is due, in some part, to Turkey's massive lobbying effort against the resolution. Turkey hired a few of the major Washington lobbying firms: DLA Piper, the

¹⁴² Freeman, *The Foreign Policy Auction*, 78.

¹⁴³ *Ibid.*, 79.

¹⁴⁴ *Ibid.*

Livingston Group and Gephardt Government Group Affairs. These firms are uniquely well-qualified to lobby the House of Representatives, where the Armenian Genocide resolution was repeatedly introduced, because the leaders of many of these firms are former senior House members. For instance, The Livingston Group is headed by former Representative Bob Livingston (R-LA), who was the former chairman of the House Appropriations Committee and in line to become Speaker of the House until an extramarital affair ended his candidacy. The Gephardt Group is headed by former Representative Richard Gephardt (D-MO), who was the former Majority Leader in the House. Turkey also hired the Solarz Group, a lobbying shop led by former Representative Steve Solarz (D-NY), who was a leading foreign policy voice in the House during his tenure.

Turkey began to retain these groups in 2000, at the same time that the first Armenian genocide resolution was introduced. In the years between 2000 and 2011, Turkey spent over \$28 million dollars in lobbying fees.¹⁴⁵ While it may not have all been directed at stopping the Armenian genocide resolution, much of the available FARA data reports that even smaller lobbying groups, such as APCO and the Harbour Group, were focused on lobbying Congress. However, the FARA data does not specify what issue was the focus of their work.

The United Arab Emirates (UAE) was also a major spender on professional lobbyists, with its spending concentrated in the years between 2005 and 2011. In the late 1990s, the UAE spent around \$150,000 annually, but it stopped between 2000 and 2004. Beginning in 2005,

¹⁴⁵ United States Department of Justice, “Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2000-2011.”

the UAE began spending millions of dollars a year in order to achieve two objectives: a free trade agreement with the United States and a separate pact allowing for the export of nuclear material from the United States to the UAE. Negotiations surrounding the free trade agreement began in 2005, but the talks hit a rough patch in 2006 after Congress objected when Dubai Ports World, a state-owned enterprise of the UAE, bought a British company that managed U.S. ports. Certain members of Congress believed that U.S. security in the post-9/11 era would be harmed if an UAE-linked company ran security at U.S. ports. Dubai Ports World was forced to sell off management at these ports to an American company. Congressional opposition to this deal removed any chance for a free trade agreement between the United States and the UAE.

Freeman discussed the UAE 123 agreement regarding the export of nuclear fuel from the United States to the United Arab Emirates. As a legal nuclear power under the Nuclear Non-Proliferation Treaty, the United States is obligated to share peaceful, civilian nuclear technology with non-nuclear states. The U.S. Atomic Energy Act of 1954 regulates U.S. nuclear exchanges for this purpose. Section 123 of that Act mandates that all exchanges be safe, non-threatening to U.S. security, and monitored by the International Atomic Energy Agency. Countries that want nuclear cooperation from the United States must achieve a “123 Agreement” with the U.S. government wherein the president, through the secretary of state, approves an agreement meeting all of the required elements. The president must then submit the agreement to the relevant congressional committees. These committees need to pass a

resolution of disapproval to kill the agreement. In the absence of such a resolution, the agreement is approved.

Despite their country's massive energy reserves, UAE leaders believe that nuclear energy is advantageous. As such, they began negotiating a 123 Agreement with the United States in 2008. An agreement was reached in 2009 with the outgoing Bush administration; however, there was not enough time to get it through Congress prior to the inauguration of Barack Obama, so consequently congressional review was postponed. President Obama recertified the agreement in May 2009 and the pact entered into force, with congressional support, in December of 2009.¹⁴⁶

Lobbying spending by the UAE peaked over the period of 2005-2009. Between 2000 and 2004, the UAE did not spend one dime on professional lobbyists. With the start of free trade negotiations with the United States in 2005, UAE spending on professional lobbyists skyrocketed. Between 2006 and 2011, the UAE consistently spent over a million dollars a year. In 2008, the UAE spent over \$8 million. In 2009 they spent over \$6 million. Once again, the powerful Washington lobbying firms were represented: DLA Piper, Akin & Gump and the Harbour Group.

The Saudis spent a large amount of money with Qorvis Communications in an effort to foster better public relations with the U.S. government. They spent over \$17 million with Qorvis in 2002 alone. The fact that almost all of the hijackers on September 11, 2001 had

¹⁴⁶ Freeman, *The Foreign Policy Auction*, 65.

Saudi backgrounds undoubtedly persuaded the Saudi embassy that the U.S. government needed to see a different side of the country. Since the FARA reports are not very detailed regarding the nature of the work that Qorvis performed on behalf of the Saudi Arabia, more investigation is needed.

These three countries—Turkey, the UAE, and Saudi Arabia—may also be linked due to their geographical location. With the United States deeply involved in Iraq and Afghanistan and conducting a global war on terror focused on Al Qaeda, it is plausible that Middle Eastern countries would want to have the best possible information about U.S. decision-making and access to American leaders. There are no other Middle Eastern countries in the database, but it would be interesting to examine whether or not all Middle Eastern and North African countries spent more on Washington lobbyists after 2001 than before that year.

A fourth interesting observation regarding middle power professional lobbying is its episodic character. In examining the year-by-year breakdown of lobbying spending it is apparent that middle powers tended to hire lobbyists for specific reasons and purposes and then sever ties with them once the issue had been resolved. This practice is different than the behavior of great powers, especially Canada, India, China and Japan, which tended to retain professional lobbying firms for longer periods of time.

This episodic nature can be examined in seven countries: Chile, Argentina, South Korea, Poland, Singapore, Thailand and the UAE. In five cases, the sudden spike in spending on professional lobbyists can be attributed to trade issues. In another case, a pressing security

issue drove increased lobbying activity while in the last case a military coup required an increase in lobbying.

Chile, Argentina, South Korea, Singapore and the United Arab Emirates all saw a sudden increase in lobbying spending during their push for improved trade relations with the United States. Table 13 shows the key dates in each country's negotiations for a free trade agreement.

Table 13. Key dates in Free Trade Negotiations with United States

Argentina	Proposed Free Trade Agreement of the Americas 2000-2002; IMF bailout 2003
Chile	WTO accession 1996-1998; 2002-2003 Free Trade Agreement negotiations
South Korea	2006-2011 Free Trade Agreement negotiations
Singapore	2002-2004 Free Trade Agreement negotiations
United Arab Emirates	2004-2007 Free Trade Agreement negotiations

Figures 5 and 6 show the money spent on lobbying over that period of time. As Figures 5 and 6 show, money spent on professional lobbyists also increased as trade negotiations heated up. Free trade agreements are challenging to negotiate since foreign countries must work with both the executive branch and both houses of Congress. Spending tends to be episodic, when foreign countries no longer need help, they cut ties with lobbying firm.

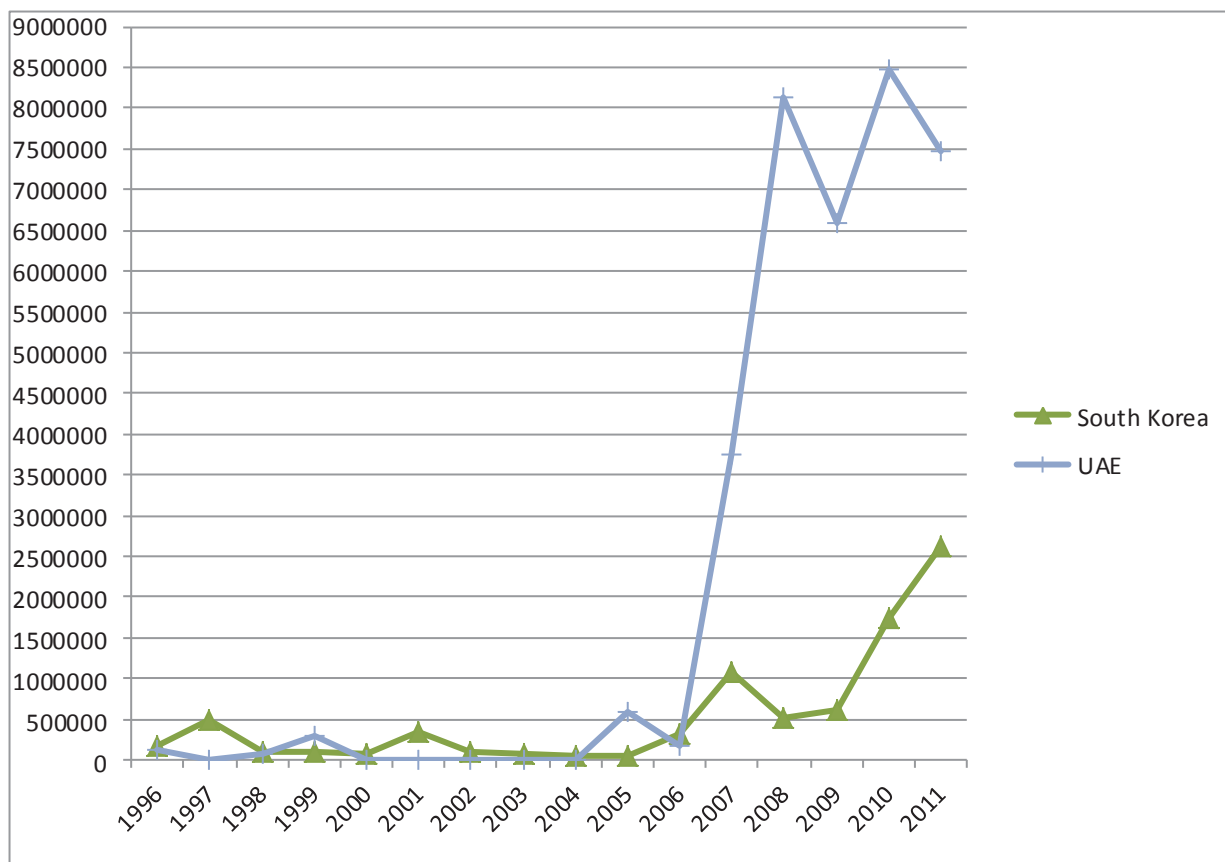


Figure 5. Spending on Professional Lobbyists by South Korea and the UAE, 1996-2011

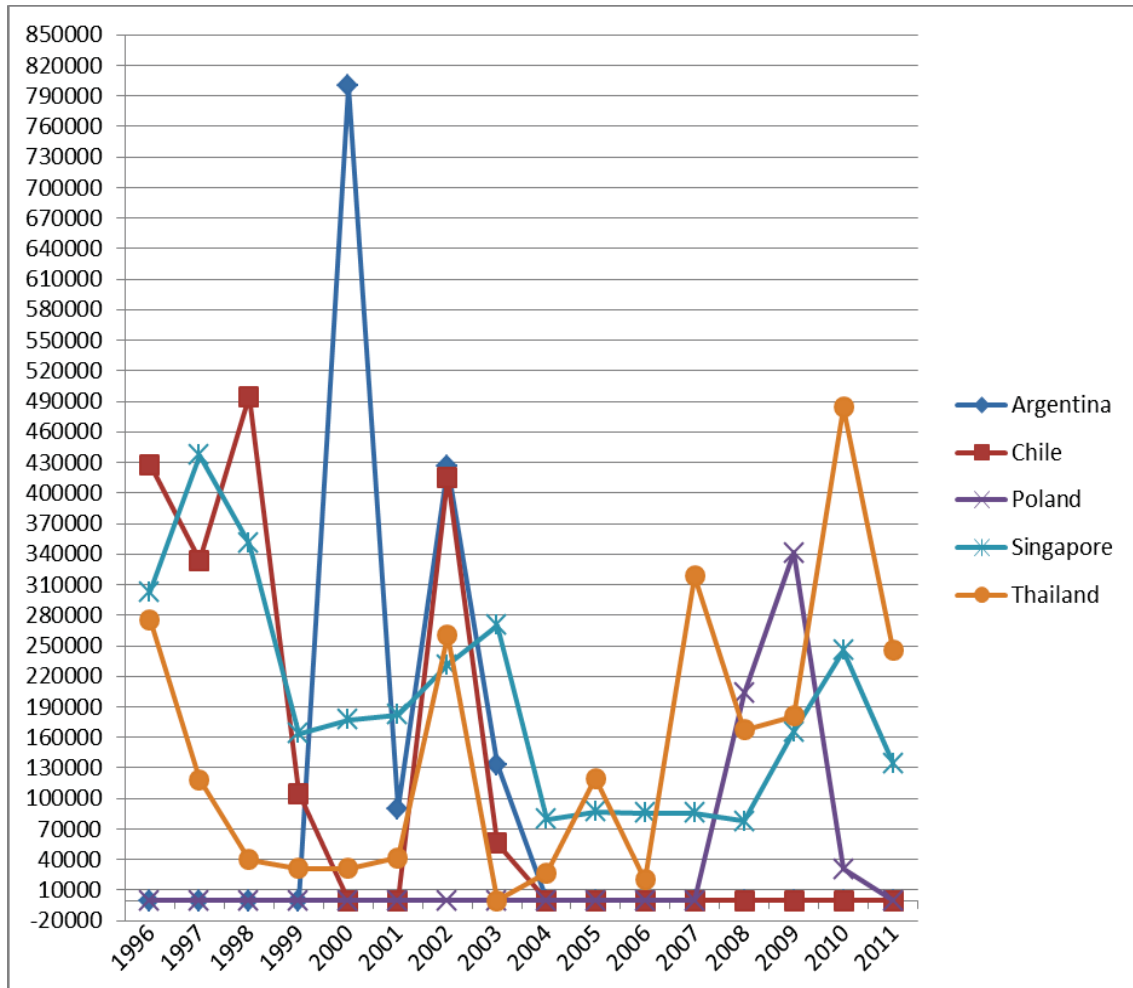


Figure 6. Lobbying Spending by Five Middle Power Countries, 1996-2011

Poland spent very little on professional lobbyists between 1996 and 2007, but it quickly sought help in 2008 when the country agreed to station part of a proposed U.S. missile defense system on its territory. In order to combat threats from Iran and North Korea, President George W. Bush sought to construct a missile defense shield that would help to protect the United States and its allies from dangerous rogue states and terrorist groups. Part of this system was to be based in Poland and the Czech Republic. In an effort to monitor and influence the congressional debate over funding of this system, Poland spent over half a million dollars between 2008 and 2010 on professional lobbyists. The missile defense plan was altered by President Barack Obama in 2009 and now no longer requires a deployed missile system in Poland.

Thailand experienced a military coup in 2006 which overthrew the democratically elected prime minister, Thaksin Shinawatra. Between 2006 and 2011, Thailand was a chaotic blend of military rule, street brawls, and weak governments. It was during this time that Thailand spent over \$1.4 million on professional lobbyists in an effort to reassure American decision makers that Thailand would remain a trusted ally and trading partner. FARA records indicate that lobbying activity was focused on congressional relations with the goal of improving U.S.-Thai relations.

The last compelling observation is drawn from the aforementioned cases. The key drivers for middle power spending on professional lobbyists appear to be trade relations or other major domestic policy concerns. Earlier in this section, the advent of the global war on

terror was hypothesized to be one of the major drivers of the post-2001 increase in lobbying spending. Another potential driver could be the collapse of the Doha Round of trade negotiations and the subsequent push by the United States for more bilateral free trade agreements. Since the global consensus for new universal WTO rules has seemingly broken down, the United States has pushed for bilateral or, in some cases regional, free trade agreements. These pacts require complex negotiations and lobbying to complete, which leads to increased spending on professional lobbyists. Once again, this is a hypothesis that needs to be tested in future research. By comparison, spending by great powers tended to be non-episodic. Figure 7 shows the spending on professional lobbying by India, Canada, Japan and China.

As Figure 7 shows, much of these countries' spending is rather stable over the course of the database. India has retained the lobbying firm of Barbour, Griffith and Rogers for seven years. China has retained Patton Boggs for the last seven years as well. The Canadian province of Ontario has had a contract with Hogan and Lovells (formerly Hogan and Hartson) for the entire 16 years of this database. This type of long-term relationship is very uncommon among middle powers and speaks to a fundamental difference in their approach to influencing decisions in Washington.

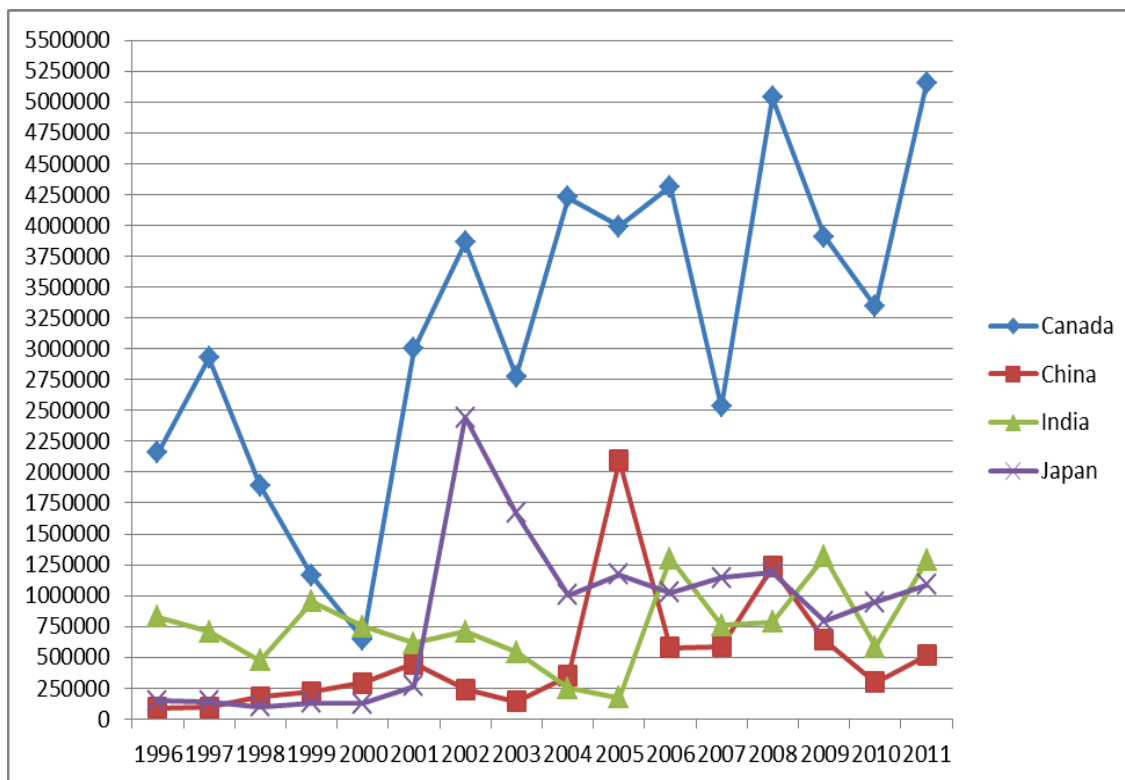


Figure 7. Lobbying Spending by Canada, China, India and Japan, 1996-2011

Conclusion

This chapter advanced the hypothesis that great powers and middle powers approach the world of professional Washington lobbying differently. Based on the conclusions of existing literature, it was hypothesized that great powers spent more on professional lobbyists than middle powers. After constructing a database of the last 16 years of foreign lobbying spending, that hypothesis is largely validated. Great powers, on average, have spent more annually on professional lobbyists than middle powers. This difference was shown to be statistically significant. The relationship, however, fell apart once economic power was controlled for.

The lack of robust results supporting this chapter's hypothesis means that the hypothesis should be reexamined. Certainly, a larger database, encompassing more years of lobbying spending, would be useful in generating more accurate statistics. It is also possible that there is no statistical difference between great powers and middle powers. If that is the case, then researchers need to spend more time examining the strategies that great powers use to influence Congress.

A number of interesting observations were also teased out of the database in order to further illuminate the spending habits of these two groups. Foreign lobbying spending accelerated in the years after 2001. Two potential causes of this growth may be the global response to U.S. counter-terrorist operations and the breakdown in the Doha Round of global trade negotiations, the latter of which prompted a wider array of bilateral free trade agreements.

The database also showed that lower or subnational levels of governments in great power countries, especially Canada and Germany, are active in the professional lobbying world and spent a good deal of money. This phenomenon was not observed in middle power states. The nature of this lobbying, its relationship to the interests of the national government, and the types of issues addressed by this lobbying constitute an interesting future research project.

Middle power lobbying tended to be episodic in nature, whereas great power lobbying was far more consistent. Middle powers tended to engage a professional lobbying firm when important issues arose that needed attention. Once that issue was resolved, however, the relationship ended. In many cases, trade agreements were the stimulus which drove middle powers to secure the services of a lobbying firm. In other cases, domestic concerns were stimuli. Great powers tended to maintain relationships with lobbying firms far longer; in some cases interactions continued over 10 years.

All of this spending raises the question of effectiveness. Does this money do foreign countries any good? In the next chapter, this study wrestles with that question. How can effectiveness in lobbying be measured? Do countries obtain the results they seek or not? Is spending money on professional lobbyists worth it or not? Under what circumstances is hiring a lobbyist most likely to lead to success?

CHAPTER 4

ANALYSIS OF LOBBYING EFFECTIVENESS DATABASE

The use of professional lobbyists is one lobbying tactic that many scholars who study foreign lobbying examine. Chapter 2 reviewed the relevant literature on foreign lobbyists and their use of professional lobbying firms and found that while there is a good deal of study on this subject there is not a prevailing consensus. Previous studies have been single-shot case studies of one lobby group and conclusions as to the effectiveness of professional lobbyists were scattershot. Baumgartner and Leech argued that focusing on large-*n* studies would help to build generalizable conclusions about the effectiveness of professional lobbyists.¹⁴⁷ Keohane and Moon also included the use of professional lobbyists as methods that foreign states use to influence U.S. foreign policy.¹⁴⁸ Therefore a large-*n* database focusing on the effectiveness of professional lobbyists as representatives of middle powers would be useful in understanding the effectiveness of this strategy as used by those states. How does the amount of money that a middle power state spend on professional lobbyists, while holding a number of theoretically relevant variables constant, affect goal achievement in congressional foreign policy legislation? This study hypothesizes that the more money a state spends on lobbying money, the more likely it is to achieve its goals in congressional foreign policy legislation.

¹⁴⁷ Baumgartner and Leech, *Basic Interests*.

¹⁴⁸ Keohane, "The Big Influence of Small Allies"; Moon, "Complex Interdependence and Transnational Lobbying: South Korea in the United States."

This chapter discusses the statistical analysis performed on the quantitative dataset that was assembled as described in the previous chapter. First, this chapter summarizes the dependent and various independent variables. Second, this chapter provides descriptive statistics for the variables used in the regression equation to offer the reader a general sense of the variation in the variables being used. Third, the results of the regression equation are presented and the results explored. Lastly, this chapter provides some explanation as to the results of the statistical analysis and directions for future research.

Summary of Variables and Use of Regression

The database of congressional legislation was constructed as described in the previous chapter. An initial search of congressional legislation from 1995 through 2008 yielded 574 pieces of legislation. To eliminate duplication, bills that had many different versions were eliminated in favor of the bill that proceeded the furthest within the legislative process. This study only included legislation where the middle power under study stood to achieve a significant gain in benefits from the legislation or suffer a serious loss as a result of passage. Significant gains are defined as closer trade or military ties, more trade or defense money or an achievement of a significant foreign policy goal than they enjoyed in legislation the preceding year. A serious loss is defined as a more distant relationship, less trade or defense money than the state enjoyed the preceding year. Legislation in which a middle power may enjoy a significant gain or suffer a significant loss is far more likely to attract their attention than

routine legislation that passes every year. In this way, this study highlights the crucial pieces of legislation upon which middle powers should focus the majority of their lobbying efforts.

After these two rounds of examination, the database consists of 232 pieces of legislation.

As described in the previous chapter, the statistical analysis examines the impact of the amount of money a middle power pays for professional lobbyists on goal achievement in congressional foreign policy legislation while holding other theoretically relevant variables constant. The variables which will be held constant are (along with the names of the variables in the subsequent tables):

- Level of trade with the United States (tradelev)
- Is the state is a North American Treaty Organization ally or non-NATO major U.S. ally? (ally)
- Level of partisanship surrounding the legislation (billpol)
- Public salience of the legislation (billsal)
- Foreign state's preference on the bill (suptoppo)
- Level of foreign state's international power (intlpower)
- Substantive issue area of the legislation (billecon, billsec)
- Is the same party in control of both the White House and the Congress? (govtctrl2)
- State's Freedom House scores measuring civil and political freedoms (fhscore)
- Does the state have a congressional caucus devoted to it? (congcauc)
- Legislation's congressional house of origin (horigin)

It is useful to hold these factors constant since the literature argues that they influence goal achievement as well. By using regression analysis to hold these factors constant, this study isolates the effect that the amount of money a middle power spends on foreign lobbyists has on goal achievement. Since the dependent variable, goal achievement, is a dichotomous variable, binary logistic regression is the appropriate regression equation to use.

Descriptive Statistics

The following tables offer descriptive statistics to illustrate the distribution of the dependent and independent variables. Table 14 displays the distribution of bills by country in the database:

Table 14. Distribution of Bills in Congressional Database by Country, 1995-2008

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Brazil	12	5.2	5.2	5.2
Czech Rep.	26	11.2	11.2	16.4
Indonesia	29	12.5	12.5	28.9
South Africa	16	6.9	6.9	35.8
South Korea	57	24.6	24.6	60.3
Spain	17	7.3	7.3	67.7
Thailand	32	13.8	13.8	81.5
Turkey	43	18.5	18.5	100.0
Total	232	100.0	100.0	

Table 14 shows that there is an unequal distribution of bills per state. While there are potential problems with this unequal distribution, two features of this study mitigate against the

potential problems. First, this study is not concerned with the effect of lobbying money spent by any one particular state. Rather, this study is focused on the effect of lobbying money on goal achievement in congressional foreign policy legislation for middle powers as a group. Therefore, the unequal distribution of bills is not altogether worrisome. Second, the mean for this group is 29 bills with a standard deviation of 15, thus leaving only Brazil and South Korea outside of one standard deviation of the mean.

Table 15 displays descriptive statistics for those variables that have continuous values:

Table 15. Descriptive Statistics for Continuous Variables

	N	Range	Mean	Std. Deviation
Billsal	232	38	5.30	6.166
lobmoney	232	8302146.19	1155125.2678	1502424.11586
tradelev	232	82011613254.00	25209681729.7328	23942991239.11271
fhscore	232	11	5.16	2.456
intpower	232	.897092	.65760815	.266605131
Valid N (listwise)	232			

In searching for potential outliers only one possible set of values was found. In 2006 Thailand spent an anomalous sum of over \$8 million on professional lobbyists. This amount far outpaced the next highest sum for any other state in any other year. The regression analysis, to be discussed in the next section, was run with the 2006 Thai lobbying effort and separately

without that year and there were no significant differences in the results. Thus, while these sums are outliers, they do not significantly affect the overall results.

Table 16 shows the distribution of the dichotomous variables:

Table 16. Descriptive Statistics for Non-Continuous Variables

Variable	Not Present=0 (n,%)	Present=1 (n,%)	Total
House of Origin 0=House, 1=Senate	166 (72.8%)	62 (27.2%)	232
Government Control 0=united 1=divided	61 (26.8%)	167 (73.2%)	232
Bill Politicization	207 (90.8%)	21 (9.2%)	232
Security Bill	75 (32.9%)	153 (67.1%)	228
Economic Bill	158 (69.3%)	70 (30.7%)	228
Support/Oppose Bill 0=support, 1=oppose	176 (77.2%)	52 (22.8%)	232
Congressional Caucus	151 (66.2%)	77 (33.8%)	232
Ally of U.S.	80 (35.1%)	148 (64.9%)	232
Goal Achieved 0=no, 1=yes	90 (40.8%)	135 (59.2%)	232

Three variables had to be transformed in order to be used in the analysis. The variables for trade level, lobbying money and international power underwent a log transformation, because when initial regression testing was done the results for these variables were abnormal and could not be usefully interpreted. Log transformations are often used for variables when there is an expectation of diminishing returns on an increase in value. While states are likely to

see greater goal achievement in congressional foreign policy legislation as lobbying money, trade levels, and international power increase, it is not likely to be a consistent direct relationship. Indeed, there is likely to be a certain point where increasing levels of these variables are not likely to produce greater levels of achievement. Log transformations are useful in making curvilinear relationships easier to interpret for scholars.

Results

The logistic regression was run to determine the effect of lobbying money on goal achievement in congressional foreign policy legislation while holding 11 other theoretically relevant variables constant. Consequently, the following results were obtained.

A logistic regression was performed incorporating both the 11 control variables as well as the lobbying money variable, which had been transformed into a log form as described earlier. Table 17 shows the Omnibus Tests of all Model Coefficients. This test determines whether the inclusion of the 11 control variables helps to significantly predict the outcome of the dependent variable more accurately than without the inclusion of these 11 variables. Since the score on the “Model” line has a chi-square score of 47.964 at 13 degrees of freedom and a significance score of less than .000, this table shows that the inclusion of the 11 control variables and the lobbying money variable does significantly improve prediction of the dependent variable. A second test, more robust than the Omnibus Test, is the Hosmer-Lemeshow, test which determines whether the 12 variables are a “good fit” for the dependent

variable. A significance score higher than 0.05 indicates that the independent variables are a “good fit” for the dependent variable. Table 18 displays the Hosmer-Lemeshow test for the logistic regression with the 11 control variables and the lobbying variable. A significance score of 0.771 is evidence that these variables are a good fit for the dependent variable.

Table 17. Omnibus Tests of Model Coefficients for the Hierarchical Regression with Lobbying Money Included

	Chi-square	df	Sig.
Step 1 Step	.002	1	.966
Block	.002	1	.966
Model	47.964	13	.000

Table 18. Hosmer and Lemeshow Test for Hierarchical Regression with Lobbying Money Included

Step	Chi-square	df	Sig.
1	4.872	8	.771

The R^2 statistic indicates how much of the variation in the dependent variable is captured by the independent variables. For logistical regression there are two measures of R^2 : Cox and Snell R^2 and Nagelkerke R^2 . Both measures are used in logistic regression but Cox and Snell tends to be more conservative about the explanatory power of the independent variables while Nagelkerke tends to assign more explanatory power resulting in higher measures of R^2 . Both measures are displayed in Table 19. The results of this regression, displayed in Table 20, also show that these 11 variables explain between 18-25% of the variation in the dependent variable and can predict the dependent variable in 69% of the cases.

Table 19. Model Summary for Hierarchical Regression with Lobbying Money Included

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	267.404 ^a	.187	.251

Table 20. Classification Table Hierarchical Regression with Lobbying Money Included

Observed	Predicted		
	Goalacv		Percentage Correct
	0	1	
Step 1 Goalacv 0	54	43	55.7
1	30	105	77.8
Overall Percentage			68.5

However, the variable for lobbying money is an insignificant factor in explaining goal achievement. Table 21 provides individual significance statistics for the variables included in the equation. There are only four significant variables at the 0.05 level. The first is house of origin, which shows that middle powers are far more successful at achieving their goals in House legislation than in Senate legislation. This result is fully in line with theoretical expectations which note that the House, with its larger membership, is a more inviting target for interest group activity than the smaller Senate. The second significant variable has to do with the issue area. Middle powers are more likely to achieve their goals in congressional foreign policy if the bills are security related and deal with security issues. Part of this reality may be due to the general increase in U.S. defense spending since the attacks of September 11, 2001. However, it may also have to do with the fact that defense bills are more likely to be

considered “must pass” legislation than other items. This outcome is not in line with theoretical expectations as the literature assumes that security policy is a policy area where states are less likely to be influenced effectively by other states.

Table 21. Significance Values for Variables in the Hierarchical Regression with Lobbying Money Included

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I. for EXP(B)	
							Lower	Upper
Step 1 ^a								
horigin	-1.282	.349	13.477	1	.000	.277	.140	.550
govtctrl2	.055	.421	.017	1	.896	1.056	.462	2.413
billpol	.256	.543	.223	1	.637	1.292	.446	3.744
billsal	.049	.031	2.537	1	.111	1.050	.989	1.115
billsec	.987	.422	5.461	1	.019	2.684	1.173	6.143
billecon	.845	.446	3.586	1	.058	2.327	.971	5.577
suptoppo	-.768	.367	4.382	1	.036	.464	.226	.952
congcauc	-.343	.436	.619	1	.431	.709	.302	1.668
fhscore	.021	.071	.091	1	.763	1.022	.889	1.174
ally	-.580	.428	1.836	1	.175	.560	.242	1.296
LogTradeLevel	-.024	.228	.011	1	.917	.976	.624	1.527
LogIntlPower	1.606	.773	4.320	1	.038	4.983	1.096	22.654
LogLobMoneyPlusTen	.002	.039	.002	1	.966	1.002	.927	1.082
Constant	1.440	5.613	.066	1	.797	4.222		

a. Variable(s) entered on step 1: LogLobMoneyPlusTen.

The third significant variable is the stance of a foreign state towards a bill. The results show that states are more likely to achieve their goals in congressional foreign policy legislation when they support the bill rather than when they oppose it. This finding contradicts the scholarly consensus and may point to a shortcoming in the research design for this study. This study only examined bills that were reported out of committee and ignored bills that were introduced by a member of Congress and then failed to make it out of committee. It is possible that foreign lobbies are quite successful at preventing the advancement of bills out of committee that they do not support, thereby skewing the results of this analysis into showing that they are far more likely to achieve their goals when they support a bill rather than oppose it.

The last significant variable is the level of international power a state possesses. There is a strong positive relationship between goal achievement and international power. Examining the Exp(B) column, which shows the relative strength of a variable's explanatory power, the international power variable is the most powerful indicator of goal achievement in the entire equation. Table 21 shows that for every unit increase in international power, there is a 4.9 times increase in the odds of achieving a state's goals in congressional foreign policy legislation. This result may be due in some part to the overrepresentation of South Korea in the database. According to the international power rankings utilized by this study, South Korea is the most powerful state of the eight countries studied. With almost one quarter of the bills in the database relating to South Korea, its overrepresentation may be influencing this specific result.

Another way of examining the impact of lobbying money on goal achievement may be to reorganize the lobbying money variable into categories to determine if various levels of lobbying money may be significant indicators of goal achievement. To examine this claim, the figures for lobbying money were reorganized into various ranges of money as displayed in Table 22 and then the hierarchical logistic regression was run again to see if various levels of lobbying money might have some effect on goal achievement.

Table 22. Distribution of New Variables

Amount Spent on Professional Lobbyists	Frequency
Zero dollars	65
\$1-\$250,000 (LobMoney1)	42
\$250,001-\$500,000 (LobMoney2)	12
\$500,001-\$1,000,000 (LobMoney3)	5
\$1,000,001-\$2,000,000 (LobMoney4)	54
\$2,000,001-\$5,000,000 (LobMoney5)	50
\$5,000,001-\$9,000,000 (LobMoney6)	4
Total	232

The values were made into individual dummy variables and included in a third hierarchical logistic regression in order to determine whether various levels of lobbying money had any significant effect on goal achievement. The Omnibus Test of Model Coefficients and

the Hosmer-Lemeshow test all show that the data is a 'good fit' just as the previous regressions were. Tables 23 and 24 both illustrate an increase in this regression over previous regressions.

Table 23. Model Summary for Hierarchical Regression with Lobbying Money Divided into New Levels

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	247.471 ^a	.254	.341

Table 24. Classification Table Hierarchical Regression with Lobbying Money Divided into New Levels

	Observed	Predicted			Percentage Correct
		Goalacv			
		0	1		
Step 1	Goalacv	0	61	36	62.9
		1	29	106	78.5
	Overall Percentage				72.0

The regression can correctly predict the dependent variable 72% of the time, up from 69% on the previous regression. The R^2 also goes up from explaining 18-25% of the variation in the dependent variable to 25-34%. Tables 23 and 24 display the results.

The good news ends there, however. Even though Tables 23 and 24 identify improvements, the new variables are not statistically significant. None of the new lobbying variables are significant in the equation, although “LobMoney2”, which indicates if a state spent between \$250,000-\$500,000, approaches significance at 0.60.

What this analysis indicates is that even when lobbying money is broken down into distinct categories its effects on goal achievement are still not statistically significant. While the effects are not statistically significant, the directions of influence that increased amounts of money have on goal achievement are worth exploring. At lower levels, the regression results indicate that spending less than \$2 million on professional lobbyists has a positive, yet insignificant, effect on goal achievement. Spending more than \$2 million dollars has a negative, yet still insignificant, effect on goal achievement. This finding suggests a curvilinear relationship between lobbying money and goal achievement whereby spending a certain sum on professional lobbyists is likely to help a middle power achieve its goals, yet overreliance on professional lobbyists does help to promote one’s cause. These results are displayed in Table 25.

Table 25. Significance Values for Variables in the Hierarchical Regression with Lobbying Money Divided into New Levels

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I. for EXP(B)	
							Lower	Upper
Step 1 ^a								
horigin	-1.195	.363	10.825	1	.001	.303	.149	.617
govtctrl2	.089	.488	.033	1	.856	1.093	.420	2.841
billpol	.447	.554	.652	1	.419	1.564	.528	4.634
billsal	.045	.032	1.952	1	.162	1.046	.982	1.113
billsec	.912	.480	3.610	1	.057	2.490	.972	6.379
billecon	.895	.480	3.481	1	.062	2.447	.956	6.264
suptoppo	-.883	.391	5.102	1	.024	.414	.192	.890
congcauc	.020	.524	.002	1	.969	1.021	.365	2.852
fhscore	.061	.086	.499	1	.480	1.063	.897	1.259
ally	-.322	.467	.476	1	.490	.725	.290	1.810
LogTradeLevel	-.180	.321	.314	1	.576	.835	.445	1.568
LogIntlPower	1.752	1.077	2.647	1	.104	5.766	.699	47.580
LobMoney1	.053	.669	.006	1	.937	1.055	.284	3.917
LobMoney2	2.301	1.222	3.549	1	.060	9.987	.911	109.473
LobMoney3	20.387	17068.594	.000	1	.999	7.143E8	.000	.
LobMoney4	.602	.582	1.071	1	.301	1.826	.584	5.710
LobMoney5	-.531	.552	.925	1	.336	.588	.199	1.735
LobMoney6	-21.217	19341.954	.000	1	.999	.000	.000	.
Constant	4.600	7.740	.353	1	.552	99.529		

a. Variable(s) entered on step 1: LobMoney1, LobMoney2, LobMoney3, LobMoney4, LobMoney5, LobMoney6.

Analysis

From the legislative database compiled for this study and the regression analysis results presented in the previous section, the hypothesis offered at the beginning of this chapter must be rejected. The regression results clearly showed that even when controlling for a number of theoretically relevant variables, the amount of money a middle power spent on professional lobbyist to influence Congress on foreign policy legislation did not improve their ability to achieve the middle power's legislative goals. Even when the amount of money spent on professional lobbyists was segmented, there was no statistically significant effect on goal achievement.

The possible causes of these results may be related to methodological and theoretical concerns. One potential cause is the research design. There is no way to know that the middle powers in this analysis actually lobbied on these bills and the method used to code goal achievement may be questioned. To supplement these weaknesses, the database focused only on those bills in which the middle power stood to achieve a significant gain or suffer a significant loss. After checking the congressional record and the transcripts of committee hearings, this study used the rational actor model to code a state's preference on a bill. This model was used consistently across all cases when applicable. While the research design for this study should be critiqued, the methodology described in the previous section was used consistently.

Another possible cause is that the middle powers did not accurately report all money spent on lobbyists to the U.S. Department of Justice as required by the Foreign Agents Registration Act (FARA). This problem has been identified in previous studies.¹⁴⁹ If all money spent on professional lobbyists by middle powers was not reported, then it would skew the results and possibly be a cause of the non-significant results. While the FARA reporting system is not perfect, it is the sole official source of foreign lobbying efforts. Thus its inclusion as the key independent variable is warranted.

The other set of potential causes are theoretical. The literature on the effectiveness of professional lobbying is far from coherent. One broad camp asserts that lobbyists tend to have some influence on legislation upon which they lobby, while other scholars assert that there is no evidence for lobbyist effectiveness. This dissertation hypothesized that there would be a positive relationship between goal achievement in congressional foreign policy legislation and the amount of money that a middle power spends on professional lobbyists due to recent studies that offer statistical evidence indicating lobbyists can have an impact on the legislative process. The results of this study complements previous research that claims the effectiveness of professional lobbyists must be called into question.

Another theoretical cause is tied to Chung-in Moon's earlier study of South Korean lobbying efforts. Moon identified four different lobbying strategies that foreign countries could use to lobby the U.S. government, one of which was the 'access to power' approach that

¹⁴⁹ Johnson, "How Foreign Powers Play for Status in Washington,"; Silverstein, *Turkmeniscam*,; Newhouse, "Diplomacy, Inc.,"; Howe and Trott, *The Power Peddlers*,; Laham, *Selling AWACS to Saudi Arabia*; Bernstein and Munro, "The New China Lobby."

utilizes professional lobbyists. Moon said that this approach tended to be successful but that the results were not worth the large expenditures. Instead Moon urged foreign states to build coalitions with like-minded groups both within and outside of government. The results of this study support Moon's assessment that professional lobbying, while undoubtedly effective in some cases, is not consistently effective enough to warrant the millions of dollars that are spent annually on professional lobbyists.

The focus on the effectiveness of lobbyists to influence and beneficially alter congressional legislation for their clients may be misplaced. Moon's description of this strategy as "access" may be more accurate than at first thought. Consider Figure 8 that depicts the amount of money the eight states in this database spent on professional lobbyists during the 13 years of this study.

The amount of money spent by these states stays with a fairly regular band with the exception of 2006. Two developments in 2006 may help to explain this anomaly. First, Thailand's spending on professional lobbyists increased to just over \$8 million. This figure is by far the highest in the database. Thailand experienced a military coup in 2006 which ousted the Prime Minister and replaced his government with a government approved of by the Thai military and other powerful Thai figures. Thailand may have boosted spending on professional lobbyists to communicate with U.S. government leaders and assure them of the stability of the country moving forward.

This explanation has several problems, however. The coup occurred in September of 2006 and the increased lobbying spending occurred throughout the year. Indeed, if the new

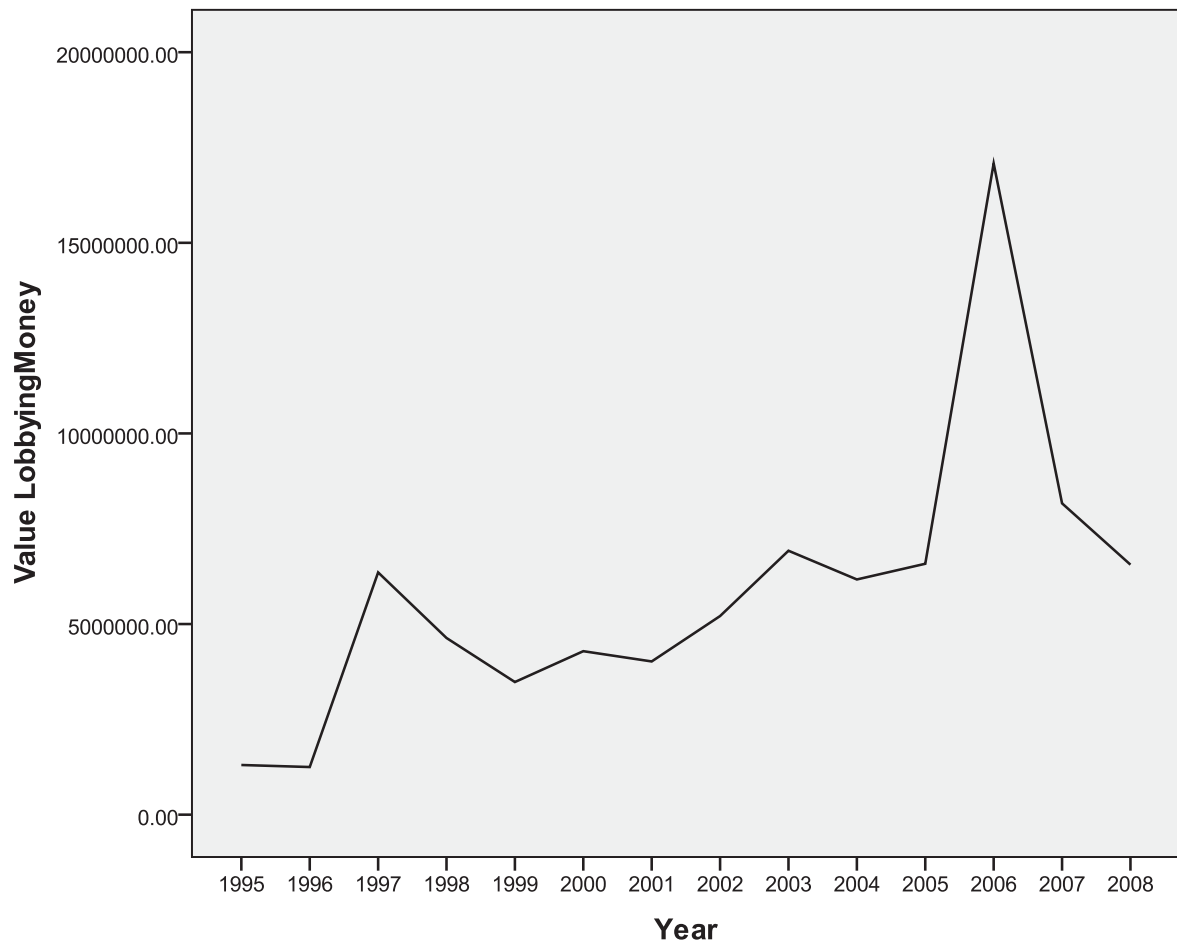


Figure 8. Total Lobbying Money Spent per year by the Eight Middle Powers in Database

government wished to make its voice heard in Washington, much of the lobbying would have likely occurred in 2007.

Also, it is unlikely that the new Thai government would have rapidly hired new lobbyists in order to communicate with the U.S. government. As a major U.S. ally in Asia, Thailand would have likely utilized a more direct approach featuring government-to-government exchanges as opposed to using professional lobbyists. Also, Indonesia underwent a major governmental transition in 1998-1999 and its spending on professional lobbyists did not rise sharply.

A more likely explanation for the uptick in middle power lobbying expenditures is the composition of the U.S. Congress. In 2006 both houses of Congress went from Republican control to Democratic control, creating the first Democratic Congress since 1993. A change in control of Congress leads to changes in leadership positions, chairmanships and committee staff, not to mention the direction of policy that the Congress is likely to approve. Middle powers may have anticipated throughout the 2006 mid-term election season that electoral trends pointed towards a Democratic victory in the fall. In preparation for this development they may have hired more professional lobbyists to ensure access to potentially new powerful committee chairs as well as the new committee staffs and House leadership. If this is the case, then the middle power states hired professional lobbyists to gain access to key decision makers, not necessarily to influence certain pieces of legislation.

This insight points to a key conclusion that arises from this chapter. Keohane and Moon described these lobbying strategies as options and choices that appeared to be

independent of each other. Furthermore, neither scholar made a case that these strategies are interdependent in many respects. Neither author made the strong argument that each strategy achieves a different type of goal when attempting to influence legislation. The use of professional lobbyists to influence legislation, or simply gain access to key decision makers, may be only the first step of a multi-step interdependent chain of lobbying activities.

These results make it clear that more research must be conducted if foreign lobbying strategies and methods are to be examined in terms of their effectiveness. While this database has examined the effect of lobbying money on goal achievement in the aggregate, case studies are needed to focus on the lobbying strategies of individual middle powers. By focusing on how middle powers view the effectiveness of various lobbying strategies, this dissertation can illuminate on the 'access vs. influence' debate as well as the use of other lobbying strategies, such as coalition building that Moon and Keohane have described.

The main implication of this analysis is that the emphasis on professional lobbyists in middle power efforts to influence congressional foreign policy is overstated. While controlling for other factors, the effect of money spent on professional lobbyists on goal achievement is not statistically significant. Thus any study of middle power lobbying should also explore the other options open to middle powers, including coalition building with government agencies or with nongovernmental organizations as well as going public through the media. The next three case studies focus on these strategies as well as the use of professional lobbyists in an effort to understand how these strategies may be interdependent and part of a complex, multi-step process of foreign lobbying.

CHAPTER 5

THAILAND AND THE BLOCK BURMESE JUNTA'S ANTI-DEMOCRATIC EFFORTS (JADE) ACT OF 2008

This chapter is a case study of how Thailand lobbied the U.S. Congress on the 2008 Block Burmese Junta's Anti-Democratic Efforts (JADE) Act. This piece of legislation and Thailand's efforts to shape the content of it is a useful way to understand the powers and the limits of foreign lobbying. As described in Chapter 2, Thailand is an excellent representative of a middle power. Thailand's power rankings in Chapter 2 show that it is consistently in the top 5 to 30% of all states. Since this dissertation attempts to examine middle power lobbying in Washington, Thailand makes an excellent case selection.

The 2008 Block Burmese JADE (Junta's Anti-Democratic Efforts) Act was selected as the focus of this chapter given that it is the most significant piece of congressional legislation relating to Burma in recent years. Thailand's close ties to Burma, geographical, political and economic, mean that Thailand is severely impacted by U.S. actions directed at Burma. While Thailand had succeeded at shielding itself from the impact of previous U.S. sanctions on Burma, the proposed sanctions of the 2008 Block Burmese JADE Act were aimed at Thailand's core economic interests. Thailand was sure to lobby as forcefully as possible in order to limit the damage that might be caused to the Thai economy.

This case study is based on both archival and documentary research as well as interviews with people involved in the various lobbying efforts surrounding the 2008 Block Burmese JADE Act. These interviews were conducted with congressional staff, Thai embassy staff, and officials with various nongovernmental organizations. All interviews were conducted with the approval of Northern Illinois University's Institutional Review Board. Many of the interviews were conducted under a confidentiality agreement. Therefore, these sources are not identified by name in this case study nor are they quoted directly. While the author would have preferred these sources to speak on the record, the need for access to these important sources was the most important factor.

This chapter is organized into two main sections. The first section details the general lobbying strategy used by Thailand with respect to the U.S. Congress. It is based on interviews with Thai embassy staff and it not focused on any particular piece of legislation. Rather, this section endeavors to sketch the broad outlines of the Thai lobbying strategy. The second, and longer, section of this chapter is devoted to a detailed analysis of the various lobbying strategies that surrounded the 2008 Block Burmese JADE (Junta's Anti-Democratic Efforts) Act. This section is meant to place the Thai lobbying effort in a particular context so as to draw out the successes and failures of the Thai effort to influence the context of the 2008 Block Burmese JADE (Junta's Anti-Democratic Efforts) Act. The strengths and limitations of the Thai effort in this case may help to point to a broader conclusion about the limits of foreign lobbying efforts.

General Lobbying Strategies

Before examining the data obtained in the aforementioned interview, it is useful to review the two hypotheses that this study makes regarding the general lobbying strategies that middle powers use when attempting to influence the U.S. Congress on foreign policy issues. The third hypothesis of this study (H₃) states that middle powers utilize multiple lobbying methods. This hypothesis suggests that middle powers are likely to use both direct and indirect methods as well as inside and outside strategies.

For review, direct lobbying strategies are defined as those which are directed at actively lobbying members of Congress for action on a particular matter. Indirect strategies are more passive in nature. They are designed to either monitor developments at the locus of decision making or rally groups outside of Washington, D.C. to bring pressure to bear on congressional leaders. Inside strategies are defined as efforts originating by groups from Washington, D.C. or its environs. Outside strategies are defined as those originating from beyond Washington, D.C. and its environs. For a more detailed explanation, please refer to Table 1.

The fourth hypothesis of this study (H₄) advances is that while middle powers are likely to use multiple methods of lobbying, they will rely upon technocratic lobbying and coalition building when they lobby Congress. Technocratic lobbying is a term used by Moon which identified the tendency of smaller states to hire Washington D.C.-based firms to monitor developments in Congress and the federal government in order to provide an “early warning

system” to embassy staff.¹⁵⁰ Coalition building is a strategy that stresses building alliances with relevant government agencies or nongovernmental organizations that may help to influence members of Congress.

This section is organized into five parts. Each section deals with a lobbying strategy that was described in Table 1. The five lobbying methods are: direct lobbying, technocratic lobbying, coalition building with non-governmental organizations, coalition building with governmental agencies, and working with the diaspora. Each section will go into detail as to whether Thailand utilizes the specific lobbying method and how it is utilized.

Direct Lobbying

Thailand has long made use of hiring professional lobbyists. The Foreign Agents Registration Act (FARA) requires that the U.S. Attorney General annually report to Congress regarding the amount of money that foreign governments pay to U.S. firms and individuals to represent their interests. Between 1995 and 2006, Thailand spent an average of over \$900,000 a year on public relations firms and professional lobbying firms.¹⁵¹ However, between 2007

¹⁵⁰ Moon, “Complex Interdependence and Transnational Lobbying: South Korea in the United States.”

¹⁵¹ United States Department of Justice, “Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 1995-2006,” <http://www.justice.gov/criminal/fara/links/annualrpts.html> (accessed March 15, 2010).

and 2008 the average fell to just under \$30,000.¹⁵² The decreased reliance on professional lobbying firms coincides with the 2006 fall of the Thaksin Shinawatra government in Thailand and an increased reliance on embassy expertise in managing relations with the U.S. Congress.

When asked about the use of professional lobbyists by the Thai Embassy in Washington, D.C., the Thai diplomat who participated in this research said that they did not feel that professional representation was essential during his time at the embassy.¹⁵³ Furthermore, the Thai Embassy had developed a strong network of relationships at many levels on Capitol Hill which made the efforts of a professional lobbying firm slightly redundant. An examination of the most recent FARA reports from 2009 validates the diplomat's claim that the Thai Embassy did not hire professional lobbyists in 2009.¹⁵⁴ However, between 2010 and 2011, the Thai Embassy spent an average of over \$300,000 on professional lobbyists.¹⁵⁵

In order to replace the benefits of professional lobbyists the Thai Embassy relied on its own staff to gather information, make connections with lawmakers and legislative staff as well as lobby members of Congress personally. The diplomat noted that the embassy stayed abreast of developments on Capitol Hill through regular reading of newspapers and websites,

¹⁵² United States Department of Justice, "Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2007-2008," <http://www.justice.gov/criminal/fara/links/annualrpts.html> (accessed August 1, 2010).

¹⁵³ Confidential interview with Thai Embassy official, August 22, 2010.

¹⁵⁴ U.S. Department of Justice, "Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2009" <http://www.justice.gov/criminal/fara/links/annualrpts.html> (accessed August 1, 2010).

¹⁵⁵ U.S. Department of Justice, "Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2010-2011," <http://www.justice.gov/criminal/fara/links/annualrpts.html> (accessed July 1, 2013).

especially the Library of Congress's THOMAS website, which was discussed earlier in this study, as a valuable research tool that could give him real-time access to legislative language and the status of certain bills.¹⁵⁶ The embassy also stayed informed through regular conversations with a network of congressional staffers, especially in the House of Representatives.¹⁵⁷ The embassy would regularly be notified by these sources as to upcoming developments and the status of certain pieces of legislation.

Embassy staff would also regularly brief members of Congress on developments and politics in Thailand. The diplomat noted that during some of the recent political turmoil in Thailand the embassy took special care to provide information to key members of Congress and staffers about the current state of affairs in Thailand.¹⁵⁸ Thailand has recently endured a series of political upheavals resulting in massive street protests protesting the government over the last three years. Thailand has also struggled to maintain a stable governing coalition resulting in four prime ministers over the last three years. The diplomat also mentioned that the embassy is involved in organizing congressional delegation trips to Thailand and Southeast Asia as a way of encouraging awareness of issues pertaining to Thailand and facilitating meetings between U.S. and Thai leaders in politics, business and the academy.

¹⁵⁶ Confidential interview with Thai Embassy official, August 22, 2010.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

Another recent development has been the establishment of the Congressional Friends of Thailand Caucus in 2009.¹⁵⁹ The diplomat stressed the effort and energy that the embassy invested in recruiting lawmakers to establish this caucus. The diplomat hoped that the caucus would provide a network through which the embassy could monitor developments in Congress more closely as well as provide an institutionalized method of disseminating Thailand's views on particular pieces of legislation.

While the Thai Embassy has decreased its reliance on professional lobbying firms, it has increased its reliance on an informal network of embassy staff, congressional staffers and sympathetic members of Congress. These relationships cost far less financially than what a professional lobbying firm would charge and allow the embassy to control the tone, content and coherence of its message. The key finding here is that direct lobbying is very much a crucial strategy utilized by the Thai Embassy but its nature has changed. Thailand is no longer relying on hired professionals to carry its message to Congress but instead is building its own networks.

Technocratic Lobbying

Technocratic lobbying is a term used by Moon to describe a professional lobbying or legal firm hired by a foreign country in order to provide an “early warning system” as to

¹⁵⁹ Committee on House Administration, “111th Congress—Congressional Member Organizations,” http://cha.house.gov/member_orgs111th.aspx (accessed February 22, 2010).

developments which may impact the interests of the client state.¹⁶⁰ Moon argued that the complexity of the U.S. federal government was too inscrutable for diplomats of foreign countries to monitor successfully. Thus they outsourced this job to professional firms.¹⁶¹

The interview revealed no evidence of technocratic lobbying was found. Instead, the embassy seemed determined to keep information gathering and monitoring in house. The diplomat repeatedly, and without prompting by the interviewer, identified congressional staffers and sympathetic members of Congress as providing a type of early warning system as to developments in Congress which may affect Thailand's interests.¹⁶² The diplomat expressed hope that the newly formed Thai Caucus would institutionalize this system and provide the embassy with timely news about substantive developments.

As noted in subsequent sections, the proactive nature of embassy staff is the key to keeping technocratic lobbying in house rather than outsourcing it. The embassy staff is constantly active: speaking with congressional contacts, meeting with members, hosting events designed to inform and educate key policy makers. These activities, while burdensome, allow the Thai Embassy to recruit, develop and exploit a broad network of potential sources. This informal network is the key to the Thai Embassy's early warning system on future congressional action.

¹⁶⁰ Moon, "Complex Interdependence and Transnational Lobbying: South Korea in the United States."

¹⁶¹ Ibid.

¹⁶² Confidential interview with Thai Embassy official, August 22, 2010.

Coalition Building with Nongovernmental Organizations (NGOs)

The Thai Embassy uses its relations with nongovernmental organizations (NGOs) in Washington, D.C. to gather information, disseminate its views on current issues in order to help shape the debate on a particular issue, and as a forum to meet and recruit potential supporters. The Thai diplomat noted that the Thai Embassy has contact with quite a few NGOs in Washington, some of which are dedicated to Southeast Asian issues and others which are focused on global issues which have an impact on Southeast Asia and Thailand in particular.¹⁶³

The Thai Embassy uses its relations with NGOs to gather information on current events. The Thai diplomat stressed that reports from NGOs are useful to the staff in keeping abreast of developments in Congress as well as the contours of the debate in Washington.¹⁶⁴ Many times an NGO would notify embassy staff of an ongoing report and offer the embassy a chance to comment on its content prior to publication. If possible, embassy staff would try to influence the tone and tenor of the report in a manner favorable to Thailand's interests.

By commenting on NGO reports as well as participating in forums and events, the embassy tries to use its contacts with the NGO world in order to shape the debate on certain issues. The embassy also used their contacts in the NGO world to provide support for Thai academics and policy makers to speak or study in the United States. The Thai Embassy sponsors events whereby these Thai policy makers can meet and speak with key policy makers

¹⁶³ Ibid.

¹⁶⁴ Ibid.

in Congress or the executive branch.¹⁶⁵ The embassy also uses private sector groups to help lobby members of Congress when an issue arises which concerns their collective interests.¹⁶⁶ An example of that will be discussed in the case study concerning the JADE Act of 2008 in the next section.

Remaining active with NGOs also provides an opportunity to meet and speak with key policy makers and decision makers. Events hosted by NGOs provided an opportunity to gather key decision makers, congressional staffers and other opinion makers in a single location where embassy staff could engage them in dialogue over matters of importance to Thailand.

While the Thai Embassy's work with the NGO community is important, it would seem that it is used as a means through which to engage policy makers rather than an end in and of itself. While one episode where the embassy used an NGO to lobby directly to policymakers will be discussed in the next section, the evidence seems to suggest that the Thai Embassy uses NGOs as a source of information, as a way to shape the contours of the Washington debate and as a forum within which to meet and influence policy makers and not a partners with which to lobby members of Congress directly.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

Coalition Building with U.S. Government Agencies

The Thai Embassy's efforts at working with government agencies do not appear to be an ongoing process but rather one dictated by the issues at hand. As will be discussed later during the case study of the 2008 Block Burmese JADE Act, the Thai Embassy has good relations with a number of government agencies including the State Department, Department of Defense, Commerce Department, the National Security Council, and the Department of Homeland Security.¹⁶⁷ These efforts are not necessarily undertaken with the intent of working with these agencies to lobby the U.S. Congress but rather as an information sharing attempt to understand how proposed legislation would be implemented.

Working with the Thai-American Diaspora

The Thai Embassy has encountered frustration in its attempts to mobilize the Thai diaspora in the United States to effectively mobilize on issues of importance to Thailand. The Thai diplomat noted that it is not common for Thai-Americans to mobilize politically as a group and that efforts to organize them into some institutional force have not met with great success.¹⁶⁸ The diplomat did stress that in recruiting members of Congress for the Thai-American Caucus the embassy worked hard to reach out to members with significant numbers

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

of Thai-Americans in their district, singling out a new congresswoman from California, Representative Judy Chu (D-CA).¹⁶⁹

Despite the existence of several Thai-American organizations across the country the Thai Embassy has been unable to motivate them to engage politically. As such, the Embassy is focusing on Thai communities near Washington, D.C. and its environs as a sort of test case.¹⁷⁰ They are working hard to mobilize these communities in the hopes of developing a model which may be successful in other parts of the country. The Thai diplomat expressed optimism that future generations of Thai-Americans will be more likely to become politically active and thus receptive to mobilization by the Thai Embassy for specific causes.¹⁷¹

Block Burmese JADE Act Case Study

The second section features an in-depth case study of Thailand's efforts to influence the 2008 Block Burmese JADE Act. As with the first part, this section continues to examine middle power lobbying in the context of contemporary congressional foreign policy making. The key contribution of this section is that it situates Thailand's lobbying efforts within a particular piece of legislation in order to examine the capabilities and limitations of their efforts. This section is divided into four main portions. The first section will cover a brief history of Burma as well as its relations with Thailand and the United States. The second

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

section will investigate the development of the House version of the JADE Act and the various debates that occurred over the provisions. The third section will relate the changes that were made to the JADE Act in the Senate. The last section will detail how the conference committee came to agreement on the final version of the JADE Act.

Brief Burmese History

To understand the Block Burmese JADE Act, it is necessary to briefly explore the history and relations of Burma, Thailand, and the United States. British imperial control came to an end after the Second World War and an independent Burma looked to the future. Its blessing of natural resource wealth and strong public education was thought to be a source of strength for the newly independent country. However, internal political battles weakened the parliamentary government formed at independence and the military took over by in 1962. The Burmese Army imposed a socialist economic system on the country, resulting in a weak economy and a repressive political system.

By the late 1980s socialism in Burma had become discredited, due in part to the extensive black market economy as well as the failure of public firms to compete effectively. In 1987, General Ne Win announced a radical demonetization of the Burmese currency with the effect that almost 80% of all Burmese currency was withdrawn, leaving millions of Burmese with worthless currency.¹⁷² Public opposition was modest at first but repressive

¹⁷² Burma Watcher, "Burma in 1988: There came a whirlwind," *Asian Survey* 29, no. 2 (1989): 174-180, 174.

tactics by the military sparked a greater popular outcry in March 1988.¹⁷³ By July Ne Win had resigned as the head of the military's Burmese Socialist Program Party (BSPP) and after clumsy government efforts to name a new chair of the BSPP, most cities in Burma were up in arms over the government's repressive reactions. Martial law was declared in August and further military violence flared in Rangoon resulting in over a 1,000 civilian deaths.¹⁷⁴

By September the military deposed the BSPP and reasserted its control over the government.¹⁷⁵ The new military regime christened itself the State Law and Order Restoration Council (SLORC). The SLORC declared that one of its goals was to prepare the country for multiparty elections, to be held in the near future. The military announced that it did not intend to remain in power for long and that the country would have its first free vote in over three decades. The BSPP was spun off from SLORC and reconstituted itself as the National Unity Party. The main opposition party was the National League for Democracy (NLD) led by the daughter of independence hero Aung San, Aung San Suu Kyi.

In the elections, held in November 1990, the NLD won over 80% of the seats in the new legislature with the National Unity Party taking 2%.¹⁷⁶ Stunned by the results, the SLORC announced that the sitting of the new legislature would have to wait for the drafting of a new constitution. Aung San Suu Kyi, who had been under house arrest since 1989, and the NLD

¹⁷³ Ibid., 175.

¹⁷⁴ Ibid., 177.

¹⁷⁵ Ibid., 179.

¹⁷⁶ James F. Guyot and John Badgley, "Myanmar in 1989: Tatmadaw V," *Asian Survey* 30, no. 2 (1990): 187-195, 200.

attempted to negotiate a transfer of power following the election. SLORC, however, continued to delay. By 1992, Senior General Than Shwe displaced former SLORC chair General Saw Maung and dialogue with the NLD was held in abeyance as a national convention on constitutional principles was held. This constitutional process was foreseen as a drawn-out affair designed to keep the military ensconced at the center of Burmese politics. Work on the new constitution for Burma was only completed in 2008.¹⁷⁷

General Than Shwe's administration of the country was repressive but brought stability to Burmese society. The NLD and Aung San Suu Kyi were sidelined as political threats and the SLORC went about attempting to run the country. In the face of international condemnation, Burma struck up an unlikely friendship with neighboring Thailand. In 1989 Thailand's Prime Minister Chatichai Choonhavan promulgated the doctrine that Thailand should work to turn the battlefields of Southeast Asia into markets so as to drive economic development and stem nationalistic violence.¹⁷⁸ Part of this doctrine was to engage the Burmese regime despite its socialist orientation. In the years following the 1990 elections, Burma extended trade agreements to Thailand dealing with timber and fossil fuels.¹⁷⁹ Kavi Chongkittavorn argues that economic benefits came to override human rights concerns in the

¹⁷⁷ Seth Mydans, "Constitutional Referendum still the priority for Myanmar leaders," *New York Times*, May 9, 2008 <http://www.nytimes.com/2008/05/09/world/asia/09iht-myanmar.4.12747427.html> (accessed July 30, 2011).

¹⁷⁸ Amitav Acharya, *Constructing a Security Community in Southeast Asia*, 2nd ed. (London: Routledge, 2009), 123.

¹⁷⁹ Kavi Chongkittavorn, "Thai-Burma Relations," in *Challenges to Democratization in Burma: Perspectives on multilateral and bilateral responses*, ed. Gillian Dwyer Stanbridge (Stockholm: International Institute for Democracy and Electoral Assistance, 2001): 117-129, 120.

Thai-Burmese relationship as the “overwhelming economic interests completely dominated the [Thai] decision-making on Burma.”¹⁸⁰

In 1997, General Than Shwe and his military supporters modified the name of SLORC to the State Peace and Development Council (SPDC), but the change in name did not foreshadow any political breakthroughs. Burma joined the Association of Southeast Asian Nations (ASEAN) in 1997 in hopes of gaining international legitimacy despite the 1990 electoral results. Thailand was an enthusiastic supporter of Burma accession to ASEAN and saw it as a mechanism with which to address security and economic issues in the bilateral relationship.¹⁸¹ Refugees from Burma’s ethnic conflicts flooded over the Thai-Burmese border, putting stress on the Thai government’s efforts to deliver humanitarian assistance. Rampant drug and weapons smuggling also taxed the Thai government’s law enforcement capabilities. However, despite a relaxation of ASEAN’s signature non-interference policy, Burma parried various foreign efforts to mediate a settlement to the disputed 1990 election.¹⁸²

The United States followed a different course with respect to Burma. In 1996, the U.S. Congress passed an act which gave President Clinton power to prohibit all new investment in Burma by American corporations if the Burmese regime did not meet certain conditions

¹⁸⁰ Ibid.

¹⁸¹ Ruukun Katanyuu, “Beyond Non-interference in ASEAN: The Association’s role in Myanmar’s National Reconciliation and Democratization,” *Asian Survey* 46, no. 6 (2006): 825-845, 827.

¹⁸² Ibid., 830.

regarding the 1990 elections.¹⁸³ President Clinton issued Executive Order 13047 on May 20, 1997 prohibiting all new investment in Burma by American companies.¹⁸⁴ This order did not mandate that existing investments be eliminated. The executive order also prohibited top Burmese leaders from obtaining visas to the United States. Clinton stated that he was taking this step “in response to a continuing pattern of repression by the State Law and Order Restoration Council (SLORC).”¹⁸⁵ Secretary of State Madeleine Albright noted that the United Nations Human Rights Commission had recently condemned SLORC’s actions and declared recent Burmese actions were “dangerous and disappointing.”¹⁸⁶

Clinton’s actions did not affect existing U.S. investments in Burma, notably the partnership that the American energy company Unocal had made with the Burmese government to develop Burma’s offshore oil and gas reserves. Unocal’s Chairman Roger Beach said that his company was “disappointed” by the executive order because “we feel that engaging in other infrastructure projects for Burma at this time would be very beneficial to the development of the economy of Burma.”¹⁸⁷ The concerns of Unocal, and its future owner Chevron, would loom large in the 2008 debate over the Block Burmese JADE Act.

¹⁸³ *Omnibus Consolidated Appropriations Act 1997*, Public Law 104-208, 104th Cong., 2d. sess. (September 30, 1996), Section 570.

¹⁸⁴ Executive Order no. 13047, *Federal Register* 62, no. 99 (May 22, 1997): 28301-28302.

¹⁸⁵ *Reuters*, “U.S. bans new investments in Burma,” April 22, 1997, <http://www.ibiblio.org/obl/reg.burma/archives/199704/msg00318.html> (accessed August 1, 2011).

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

The Asian Financial Crisis of 1997 coupled with Executive Order 13047 helped to dry up foreign investment in Burma.¹⁸⁸ Annual growth in GDP was less than 3% in 1998 and the price of rice, a staple of the Burmese diet, rose almost 25%.¹⁸⁹ Ethnic violence continued to flare, especially in Northern Burma in the territory controlled by the Wa ethnic group. The Wa maintained their own ethnic militia to keep the Burmese army at bay. The Wa not only presented a military challenge for the Burmese regime but a social one as well, as the Wa earned money by producing and exporting methamphetamines to Thailand and Burma.¹⁹⁰

Racked by internal challenges, the regime quietly began a dialogue with Aung San Suu Kyi in October 2000.¹⁹¹ Economic sanctions and the inability of the military to control ethnic minority groups are partial explanations for the resumption of dialogue between the NLD and the regime. However, pressure from ASEAN countries may have been a far more significant cause of this rapprochement.¹⁹² New Thai Prime Minister Thaksin Shinawatra argued for renewed dialogue between the military and NLD launching the ‘Bangkok Process’ wherein the first step was dialogue in order to build trust between the rival Burmese parties.¹⁹³ These talks were also pushed by the new United Nations Special Envoy Tan Sri Razali Ismail, a former

¹⁸⁸ Donald M. Seekins, “Burma in 1999: A Slim Hope,” *Asian Survey* 40, no. 1 (2000): 16-24, 23.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid., 22.

¹⁹¹ David J. Steinberg, “Burma-Myanmar: The U.S.-Burmese Relationship and its Vicissitudes,” 230.

¹⁹² Tin Muang Muang Than, “Burma/Myanmar in 2001: A Year of Waiting,” *Asian Survey* 42, no. 1 (2002): 115-123, 116.

¹⁹³ Ruukun Katanyuu, “Beyond Non-interference in ASEAN: The Association’s role in Myanmar’s National Reconciliation and Democratization,” 831.

Malaysian diplomat who made numerous trips to Rangoon to mediate these discussions.¹⁹⁴

These talks led to the release of Aung San Suu Kyi from house arrest in May of 2002.¹⁹⁵ Allen

Clark argues that the SPDC decided on the “high risk strategy” of releasing Suu Kyi.

Specifically, the regime knew that it could never attract the foreign investment necessary to grow the Burmese economy unless Suu Kyi was free and that pressure from ASEAN countries, especially Thailand and Malaysia, was too strong to resist.¹⁹⁶

Burma also may have released Aung San Suu Kyi in an effort to improve relations with the United States. David Steinberg notes that prior to 2002 U.S. policy towards the SPDC was simple: “Get out of power and then the United States will talk to you.”¹⁹⁷ The terrorist attacks of September 11, 2001 altered American strategic thinking in the region. Burma began sharing intelligence about terrorist cells in Southeast Asia as well as allowing overflight rights to American aircraft.¹⁹⁸ In 2002, Burma also signed the U.S.-ASEAN Joint Declaration for Cooperation to Combat International Terrorism which called upon signatories to strengthen cooperation against terrorist cells and provide support for anti-terrorist operations.¹⁹⁹ In

¹⁹⁴ Tin Muang Muang Than, “Burma/Myanmar in 2001: A Year of Waiting,” 115.

¹⁹⁵ Allen L. Clark, “Burma in 2002: A Year of Transition,” *Asian Survey* 43, no. 1 (2003): 127-134, 127.

¹⁹⁶ *Ibid.*, 128.

¹⁹⁷ David J. Steinberg, “Burma-Myanmar: The U.S.-Burmese Relationship and its Vicissitudes,” 230.

¹⁹⁸ *Ibid.*

¹⁹⁹ *Ibid.* See full text of U.S.-ASEAN Joint Declaration for Cooperation to Combat International Terrorism at <http://www.asean.org/7424.htm> (accessed March 23, 2012).

exchange, the U.S. State Department began to soften its language on Burma, failing for the first time mention the 1990 election in its biannual report on democracy in Burma.²⁰⁰

Aung San Suu Kyi toured the country and the NLD opened offices in many of Burma's major cities.²⁰¹ She continued to oppose the SPDC and called on the regime to honor the results of the 1990 elections. When the regime chose to ignore the NLD's calls for dialogue, many NLD members became angry at the regime and their demonstrations turned more violent in May of 2003 at a NLD rally in central Burma with Aung San Suu Kyi present. The situation turned violent and over 70 people died.²⁰² The government blamed the NLD, but observers noted that the government had been agitating at NLD rallies for the past few months. The government used this violence as an excuse to place Aung San Suu Kyi under "protective custody" and close all NLD offices throughout the country.²⁰³

The actions of the SPDC shocked governments and people all over the world. The United States responded by quickly passing the Burmese Freedom and Democracy Act (BFDA) in July of 2003. The BFDA was written, debated, and approved in under two months and passed Congress with only three dissenting votes.²⁰⁴ The most important effect of the BFDA was a general ban on imported products from Burma. Since 2000, U.S. imports of Burmese

²⁰⁰ David J. Steinberg, "Burma-Myanmar: The U.S.-Burmese Relationship and its Vicissitudes," 233.

²⁰¹ Kyaw Yin Hlaing, "Myanmar in 2003: Frustration and Despair?" *Asian Survey* 44, no. 1 (2004): 87-92, 88.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ U.S. Library of Congress, "Bill Summary and Status for HR 2330," <http://thomas.loc.gov/cgi-bin/bdquery/z?d108:HR02330:@@R> (accessed July 31, 2011).

products totaled approximately \$400 million a year, mostly in textiles, which was the second largest foreign exchange earner for the Burmese regime.²⁰⁵ This legislation was supported by the American Apparel and Footwear Association, who supported the ban on Burmese imports “because of the injustice and cruelty of the ruling regime towards its people.”²⁰⁶

The BFDA authorized the president to freeze Burmese assets as well as personal assets held by high ranking officials in the SPDC. Furthermore, Congress authorized the president to extend the ban on obtaining U.S. visas to more officials in the SPDC and instructed the secretary of the treasury to oppose any international effort to loan money to the SPDC.²⁰⁷ Lastly, the BFDA offered support to the NLD and asked for reports from relevant Cabinet agencies as to the development of democracy in Burma.

President George W. Bush issued Executive Order 13310 on July 28, 2003, which prohibited Americans from purchasing stock in third-country companies whose primary source of revenue is in Burma.²⁰⁸ Furthermore, Burmese officials and Burmese companies linked to

²⁰⁵ U.S. Census Bureau, “Trade in goods with Burma,” <http://www.census.gov/foreign-trade/balance/c5460.html> (accessed June 22, 2011); Steinberg, “Burma-Myanmar: The U.S.-Burmese Relationship and its Vicissitudes,” 234.

²⁰⁶ American Footwear and Apparel Association, “AAFA Applauds Introduction of Congressional Legislation Banning Imports from Burma,” June 4, 2003, <http://www.apparelandfootwear.org/pressreleases/burmalegislationpr030603.pdf> (accessed July 1, 2011).

²⁰⁷ *Burmese Freedom and Democracy Act of 2003*, Public Law 108-61, 108th Congress, 1st sess. (July 28, 2003). http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ061.108.pdf (accessed March 25, 2012).

²⁰⁸ Larry A. Nicksch and Martin A. Weiss, *Burma: Economic Sanctions*, 111th Cong., 1st sess., Congressional Research Service (Washington, D.C., August 3, 2009).

the SPDC were cut off from the U.S. banking system and U.S. financial firms.²⁰⁹ The executive order did allow companies with investments in Burma prior to May 21, 1997 to continue their operations. This loophole allowed Unocal to carry on its work developing Burmese offshore oil and gas reserves.

Both scholars and U.S. officials trumpeted the fact that sanctions contained in the BFDA would have a powerful impact on the Burmese regime. David Steinberg noted that over 60 textiles factories would close in Burma, resulting in the loss of over 180,000 jobs.²¹⁰ Deputy Assistant Secretary of State Matthew P. Daley told Congress in October 2003 that the loss of jobs in the Burmese economy was quite significant. He also noted that reports of unemployed Burmese women going into illegal sex and entertainment industries was “unfortunate but Burma’s greatest misfortune is the junta’s misrule and the suffering of all Burmese people.”²¹¹ Burma scholar Donald Seekins argues, however, that the sanctions in the BFDA do more harm to the Burmese people than to the Burmese regime because the regime shifts the costs of the sanctions onto the people at large.²¹² The regime’s ability to control the domestic economy ensures that the military and regime supporters will continue to enjoy access to scarce goods. The masses, in contrast, will feel the pinch of the sanctions as the surplus of

²⁰⁹ Ibid.

²¹⁰ David I. Steinberg, “Burma/Myanmar: The Triumph of the Hard-Liners,” *South China Morning Post*, August 15, 2003.

²¹¹ House Committee on International Relations, *Burmese Freedom and Democracy Act*, 108th Cong., 1st sess., October 2, 2003.

²¹² Donald M. Seekins, “Burma and U.S. Sanctions: Punishing an authoritarian regime,” *Asian Survey* 45, no. 3 (2005): 437-452.

goods in the country is increasingly monopolized by the regime. Seekins calls for prioritizing the humanitarian needs of the Burmese people before the push for democratization.²¹³

ASEAN countries were also outraged by Aung San Suu Kyi's return to house arrest in 2003. ASEAN officials continued with their strategy of "constructive engagement" meant to bring regional pressure on Burma to engage in dialogue with the NLD. At an ASEAN Ministerial Meeting in June 2003, officials called for Aung San Suu Kyi's release, an unprecedented intervention into a member-state's internal affairs.²¹⁴ Malaysian Prime Minister Mahathir Mohammed was "disappointed with the turn of events" and speculated that Burma might be forced out of ASEAN.²¹⁵ Thai Prime Minister Thaksin Shinawatra dismissed Mahathir's comments and urged Burma be given more time to resolve its internal disputes.²¹⁶ Thailand continued to work with Burmese officials, especially Prime Minister Khin Nyunt, to develop a plan for Burmese democracy. Nyunt's "Roadmap for Democracy" consisted of developing and writing a constitution and then conducting legislative elections based on that constitution.²¹⁷ This process seemed to mollify ASEAN members until Nyunt was purged by hardliners in the Burmese regime in October 2004. Thai Prime Minister Thaksin, seeking to

²¹³ Ibid., 445.

²¹⁴ Association of Southeast Asian Nations, *Joint Communiqué of the 36th ASEAN Ministerial Meeting*, June 16-17, 2003, <http://www.aseansec.org/14833.htm> (accessed July 29, 2011).

²¹⁵ *BBC*, "Burma 'faces ASEAN expulsion,'" July 20, 2003, <http://news.bbc.co.uk/2/hi/asia-pacific/3081557.stm> (accessed July 29, 2011).

²¹⁶ Stephen McCarthy, "Burma and ASEAN: Estranged bedfellows," *Asian Survey* 48, no. 6 (2008): 911-935, 920.

²¹⁷ Ibid., 922.

strengthen renewed relations with its neighbor, pushed to keep the issue of Burmese politics off of the agenda at the 2004 ASEAN Summit in Laos. The era of ASEAN's "constructive engagement" led by Thailand was finished.

ASEAN members were concerned regarding Burma's prospective tenure as ASEAN Chair in 2006 because they worried that it would bring discredit to the organization. A number of ASEAN countries, especially Malaysia, Indonesia and Singapore, lobbied Burma to step down as the next chair of ASEAN. In a meeting of ASEAN Foreign Ministers in July 2005, Burma announced its intention to pass over the opportunity to serve as ASEAN's chair in order to focus more on the domestic reconciliation.²¹⁸ Further attempts by ASEAN and the United Nations to persuade the SPDC to release Aung San Suu Kyi and enter into dialogue with the NLD proved fruitless.²¹⁹

The SPDC followed its "Roadmap for Democracy", albeit at its own pace, and developed a constitution for popular consideration in 2008. Prior to putting the constitution to a popular referendum, the regime had to contend with popular uprisings in August 2007 led by political opponents, and later, Buddhist monks. The spark that lit the restive Burmese public was an increase in the price of diesel fuel which subsequently caused a rise in food and

²¹⁸ Ibid., 923.

²¹⁹ *BBC*, "United Nations' Burma envoy quits," January 8, 2006, <http://news.bbc.co.uk/2/hi/asia-pacific/4592842.stm> (accessed July 30, 2011); *BBC*, "UN head call for Suu Kyi release," May 26, 2006, <http://news.bbc.co.uk/2/hi/asia-pacific/5019024.stm> (accessed July 30, 2011); *New York Times*, "ASEAN seeks Aung San Suu Kyi's release," May 22, 2007, <http://www.nytimes.com/2007/05/22/world/asia/22iht-myanmar.1.5822123.html> (accessed July 30, 2011).

transportation costs.²²⁰ By mid-September Rangoon was filled with over 100,000 protestors including thousands of Buddhist monks who rallied to support the protestors. Consequently observers dubbed the rallies the ‘Saffron Revolution’ after the color of the monks’ robes.²²¹ After tolerating the protests for a few days, the SPDC cracked down on the demonstrators, killing 31 and detaining thousands.²²² Surreptitious videos of the crackdown were posted online and global public opinion once again came down hard on the regime. The European Union quickly decided to issue a visa ban for top SPDC officials and bans on importation of Burmese gems and timber.²²³ President Bush condemned the regime and urged all countries to “tell the Burmese junta to cease using force on its own people, who are peacefully expressing their desire for change.”²²⁴

At a meeting of the United Nations Human Rights Council focused on the developments in Burma, many countries spoke out to condemn the actions of the SPDC. ASEAN member Singapore spoke of its “revulsion” at the “brutal suppression” of demonstrators and noted that ASEAN “could not remain silent.”²²⁵ Characteristically, Thailand

²²⁰ Ardeth Maung Thawngmung and Maung Aung Myoe, “Myanmar in 2007: A Turning Point in the Roadmap?” *Asian Survey* 48, no. 1 (2008): 13-19, 15.

²²¹ Ibid.

²²² Ibid.

²²³ U.S. Campaign for Burma, “Saffron Revolution of 2007,” <http://uscampaignforburma.org/learn-about-burma/saffron-revolution> (accessed July 30, 2011).

²²⁴ Fox News, “Bush imposes economic sanctions on key officials from Myanmar’s government,” September 27, 2007, <http://www.foxnews.com/story/0,2933,298298,00.html> (accessed July 29, 2011).

²²⁵ United Nations Human Rights Council, *Statement by the Delegation of Singapore on the Human Rights Situation in Myanmar*, October 2, 2007.

noted that it supported the statement of Singapore, but referred to the violence as “unfortunate” and urged countries to “look ahead” to help Burma move forward.²²⁶ Just as the detention of Aung San Suu Kyi in 2003 set the stage for the Burmese Freedom and Democracy Act, the repression of the Saffron Revolution provided the political motivation for the Block Burmese JADE Act of 2008.

House Version of the JADE Act

Shortly after the brutal end of the Saffron Revolution, members of Congress began to contact Burmese nongovernmental organizations (NGOs) in Washington, D.C. to seek information as to what kinds of legislative efforts might be possible to further sanction the Burmese regime.²²⁷ Human rights and Burma-oriented NGOs, such as the U.S. Campaign for Burma and Human Rights Watch, began to brief influential lawmakers such as Representative Tom Lantos (D-CA), the chairman of the House Foreign Affairs Committee, and Senator Mitch McConnell (R-KY), the Senate minority leader.²²⁸ Leaders of these NGOs made clear policy recommendations to congressional leaders. First, they urged that a loophole in the 2003 Burmese Freedom and Democracy Act be closed so that Burmese products imported to the

²²⁶ United Nations Human Rights Council, *Statement by the Delegation of Thailand on the Human Rights Situation in Myanmar*, October 2, 2007.

²²⁷ Confidential interview with official from U.S. Campaign for Burma, June 3, 2011.

²²⁸ Ibid.

United States from third-party countries be prohibited from entering the United States.²²⁹ This proposed ban would apply specifically to precious stones and to timber exports from Burma which are exported to third countries before being imported to the United States. Second, they wanted lawmakers to compel the American energy company Chevron to divest its ownership stake in the Yadana natural gas development off the coast of Burma.²³⁰ Third, they advised Congress to place tighter pressure on third-country banks engaged in managing the money of the Burmese regime. NGO advocates argued that these banks, should they choose to continue to oversee the funds of the Burmese regime, be denied access to the U.S. financial system.²³¹

These ideas were on the table at a hearing that Delegate Eni Faleomavaega (D-American Samoa), the chair of the House Foreign Affairs Committee's Asia Subcommittee, held to explore the crackdown in Burma on October 17, 2007. Bush administration officials testified about the recent events in Burma and possible U.S. actions to sanction the regime.²³² Deputy Assistant Secretary of State Scot Marciel stated that the administration's goal is to "exert maximum pressure on the regime, both bilaterally and multilaterally, to end the repression, release prisoners, and initiate a genuine dialogue with Aung San Suu Kyi and the democratic opposition and with ethnic minority groups, leading to a peaceful transition to

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Ibid.

²³² House Subcommittee on Asia, the Pacific, and the Global Environment, *Crisis in Burma: Can the U.S. bring about a peaceful resolution?* 110th Cong., 1st sess., October 17, 2007.

civilian democratic rule.”²³³ The United States, according to Marciel, expanded the list of Burmese officials who could not travel to the United States and froze the assets of a broader class of Burmese military officials.²³⁴ President George W. Bush had also authorized the U.S. ambassador to the United Nations to support a UN Security Council statement in which the Council “strongly deplore[d] the use of violence against peaceful demonstrators in Myanmar [Burma]” and “the early release of all political prisoners” while urging both sides to engage in dialogue aimed at a “peaceful solution.”²³⁵

Marciel also urged the tightening of sanctions against Burma and dealt with numerous suggestions from lawmakers. Representative Dana Rohrabacher suggested that banks which manage the funds of the Burmese regime be prevented from having access to the U.S. financial system.²³⁶ Representative Diane Watson suggested that Congress force the divestment of Chevron’s stake in the Yadana natural gas development.²³⁷ Jeremy Woodrum, the director of the U.S. Campaign for Burma, stressed that Congress needed to close the loophole in the 2003 Burmese Freedom and Democracy Act which allowed importation of Burmese products, such as gems and teak, from third-party countries.²³⁸ Subcommittee members from both sides of the aisle supported the ideas discussed at the hearing and issued calls for tighter sanctions. On the

²³³ Ibid., 9.

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ Ibid., 20.

²³⁷ Ibid., 21.

²³⁸ Ibid., 40.

same day, Representative Tom Lantos introduced H.R. 3980, the Block Burmese Junta's Anti-Democratic Efforts (JADE) Act, in the House of Representatives.²³⁹ After deliberations by the House Foreign Affairs Committee and the House Ways and Means Committee, the JADE Act was passed in the House of Representatives by voice vote on December 11, 2007.

The JADE Act, as passed by the House of Representatives, had four significant effects on U.S. policy towards Burma. First, the version of the JADE Act passed by the House closed the loophole in the 2003 Burmese Freedom and Democracy Act that allowed Americans to import Burmese gems through third-party countries. By banning the importation of Burmese gemstones, no matter where they are imported from, the House had cut off one of the Burmese regime's largest sources of foreign reserves.²⁴⁰ In introducing the bill, Chairman Lantos noted, "there is a direct link between these blood-red gemstones and the bloodied robes of monks who were brutally suppressed when they took to the streets to demand democracy and human rights."²⁴¹ The news release went onto state:

This year [2007], Burma's rulers will pocket more than \$300 million from the sale of gems, with rubies and imperial jade being the biggest moneymakers. In the last year, Burma's income from gem exports increased 45 percent. Despite sanctions [the 2003 Burmese Freedom and Democracy Act], only three percent of the Burmese rubies entering the United States

²³⁹ The Library of Congress, "Bill Summary and Status for HR 3890," <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR03890:@@.@R> (accessed July 28, 2011).

²⁴⁰ House Subcommittee on Asia, the Pacific, and the Global Environment, *Crisis in Burma: Can the U.S. bring about a peaceful resolution?* 67.

²⁴¹ Ibid.

market indicate their true country of origin, while the rest are imported via Burma's neighbors.²⁴²

Second, the bill addressed the issue of Chevron's investment in the Yadana natural gas field off of Burma's coast. While Congress could not force an American government to divest an asset overseas, it could make it economically painful to retain. The JADE Act passed by the House included a clause prohibiting Chevron from deducting Burmese income tax payments on profits earned through the Yadana development from their American tax bill.²⁴³ Since Chevron earns about \$500 million a year on the Yadana development and pays about \$50 million in taxes to the Burmese regime, this would be a rather minor price for Chevron to pay. More dramatically, the House version of the JADE Act forbade American companies from paying any kind of tax to the Burmese government.²⁴⁴

Third, the JADE Act did not speak to a ban on Burmese hardwoods or timber imports to the United States through third countries. Although many NGO staff reported that this was part of the discussion in the framing and writing of the JADE Act there was not language in the House version to a ban on timber exports.²⁴⁵

Lastly, the JADE Act expanded the visa ban on Burmese officials and broadened the scope of Burmese officials who could have their assets frozen in U.S. banks. This was a

²⁴² Ibid.

²⁴³ *Block Burmese Junta's Anti-Democratic Efforts (JADE) of 2007*, H.R. 3890, 110th Cong., 1st sess.

²⁴⁴ House Foreign Affairs Committee, *Block Burmese JADE Junta's Anti-Democratic Efforts (JADE) Act of 2007*, 110th Cong., 1st sess., 2007, Report 110-418, Part I.

²⁴⁵ Confidential interview with official from U.S. Campaign for Burma, June 3, 2011.

relatively uncontroversial part of the bill and one of the only parts that survived unaltered to the final legislation.

The first three items discussed—the gemstone import ban, the removal of a tax break for Chevron and the lack of a ban on imported timber from Burma—were the focus of a great lobbying battle among multiple sources. The next section will examine each issue in detail and identify the efforts made by various groups to shape the legislation as it emerged from the House. This section then deals with the alterations made in the Senate and subsequently in the conference committee responsible for drafting the final legislation.

Gems

Gems and precious stones have always been a treasured natural resource in Burma. Traditional rulers and princes in Burma supported themselves on profits earned from the royal monopolies on mining.²⁴⁶ The British leased the mines to the Burma Ruby Mines partnership in the late nineteenth century.²⁴⁷ By the time of independence, mining had been returned to small-scale operators who were locally based. However, the mining industry was changed forever with Ne Win's coup in 1962. Ne Win abrogated all previous mine lease agreements and placed the mines strictly under the ownership of the Burmese military and created the

²⁴⁶ David J. Steinberg, *In Search of Southeast Asia: A Modern History*, 109.

²⁴⁷ Sally Dickinson DeLeon, "Artisanal Ruby Mining in Myanmar: Environmental and Social Impacts," (master's thesis, University of Vermont, 2007), 2.

Ministry of Mines to oversee the operation.²⁴⁸ Over 90 percent of the world's rubies come from Burma and they are renowned for their dark red color.²⁴⁹ Burma also produces much of the world's jadeite, a valuable type of jade known for its dark green hue.²⁵⁰

Despite Burma's gradual opening to international trade, the regime announced in 1989 that mining would remain the sole province of the regime.²⁵¹ By 1995, the regime had loosened the law slightly and began allowing partnerships with private companies provided that these enterprises sell the gems at government-sponsored auctions as well as pay hefty royalty fees.²⁵² In 2006, it was reported that the regime had recruited 10 private partners to help run its mines.²⁵³

The regime normally held one large auction each year in order to sell rubies and pearls to obtain hard currency in exchange. In 2000, however, the regime started holding auctions in the fall and the spring in order to raise greater amounts of revenue. Gem sales are the third largest earner of hard currency for the Burmese regime, ranking behind petroleum/natural gas

²⁴⁸ Ibid.

²⁴⁹ Human Rights Watch, "Burma: Gem Trade Bolsters Military Regime, Fuels Atrocities," November 12, 2007, <http://www.hrw.org/en/news/2007/11/11/burma-gem-trade-bolsters-military-regime-fuels-atrocities> (accessed August 2, 2011).

²⁵⁰ Ibid.

²⁵¹ Sally Dickinson DeLeon, "Artisanal Ruby Mining in Myanmar: Environmental and Social Impacts," 2.

²⁵² Ibid.

²⁵³ *Xinhua*, "Myanmar enhances gem mining in 18 years," *China People's Daily*, January 11, 2006, http://english.people.com.cn/200601/11/eng20060111_234572.html (accessed July 28, 2011).

sales and timber exports.²⁵⁴ Gem sales earned the regime over \$300 million in 2006-2007, a 45% increase over the previous year.²⁵⁵ Figures accumulated by Pala International, an industry leader in gems from Burma, show a rapid increase in production of jade and pearl after 2000.²⁵⁶

The 2003 Burmese Freedom and Democracy Act banned all imports from Burma to the United States, but it did not cover imports of Burmese products from third-party countries. In the case of Burmese gems, a United States Custom and Border Protection ruling in December 2004 stated that gems which had been “substantially transformed” in a third country were not products of Burma but rather products of that third country.²⁵⁷ Countries, such as Thailand, insisted that Burmese gems cut and finished in Thailand were Thai products rather than Burmese products and thus should be eligible for export to the United States.²⁵⁸ The JADE Act sought to close this loophole by overruling the U.S. Customs and Border Protection ruling by stating that any Burmese gem, no matter if it had been substantially transformed in a third country, or not, could not be imported into the United States.

This loophole was at the center of the push by the U.S. Campaign for Burma after the Saffron Revolution in 2008.²⁵⁹ The U.S. Campaign for Burma is an offshoot of the Free Burma

²⁵⁴ Human Rights Watch, “Burma: Gem Trade Bolsters Military Regime, Fuels Atrocities.”

²⁵⁵ Ibid.

²⁵⁶ Pala Gems International, “Burma Gem Sales and Statistics,” July 14, 2011, http://www.palagems.com/gem_news_burma_stats.php (accessed July 28, 2011).

²⁵⁷ House Foreign Affairs Committee, *Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2007*, 7.

²⁵⁸ Confidential interview with Thai Embassy official, August 22, 2010.

²⁵⁹ Confidential interview with official from U.S. Campaign for Burma, June 3, 2011; Confidential interview with official from Human Rights Watch, June 8, 2011.

Coalition, which was founded in 1995 but due to internal squabbling split into two competing groups.²⁶⁰ The U.S. Campaign for Burma was founded in 2003 as an umbrella group for Burmese dissidents and refugees in the United States.²⁶¹ This grass-roots organization supported the winner of the 1990 elections, Aung San Suu Kyi, and has educated policymakers about the current situation in Burma. The U.S. Campaign for Burma had a role in devising the 2003 Burmese Freedom and Democracy Act and was closely involved with the drafting of the JADE Act.²⁶²

The U.S. Campaign for Burma began floating ideas to key members of Congress, such as Representative Tom Lantos and Senator Mitch McConnell, after the Saffron Revolution failed in Burma.²⁶³ These conversations were initiated by members of Congress after the brutal repression in Burma who wanted to take concrete action rather than a trite resolution condemning the violence.²⁶⁴ The U.S. Campaign for Burma had a list of ideas ready to go and at the top of that list was the banning of third-country imported gems from Burma.

Peter Yeo, the former deputy staff director on the House Foreign Affairs Committee, recalls that gems were a good place to focus the House bill because “It was something people could understand. We shouldn’t be importing high end jade [jadeite] and rubies from Burma.

²⁶⁰ Free Burma Coalition, <http://www.freeburmacoalition.org/> (accessed 4 August 2011).

²⁶¹ U.S. Campaign for Burma, “About U.S. Campaign for Burma Staff,” <http://uscampaignforburma.org/about-us-campaign-for-burma/staff> (accessed May 25, 2011).

²⁶² Confidential interview with U.S. Campaign for Burma official, June 3, 2011.

²⁶³ Ibid.

²⁶⁴ Ibid.

There was something very understandable about it.”²⁶⁵ Mr. Yeo went onto explain that the stories of the mines in Burma, their connection to the military regime, and the amount of money that the regime generated from the sales of gems was an appealing rationale for the supporters of the JADE Act. The focus on the gems made it very simple to sell members of Congress on the virtues of this legislation.²⁶⁶

One of the key players in the passage of the JADE Act was the domestic American gem industry. For many years, high-end jewelers Tiffany & Company and Leber Jewelers have refused to sell gems from Burma.²⁶⁷ However, a key turning point was reached in October 2007 as the Jewelers of America, a gem industry association with over 11,000 members, came out in support of a full ban on the importation of Burmese gems.²⁶⁸ At the time, Jewelers of America Chief Executive Office Matthew Rucni remarked: “Jewelers of America members believe it is their responsibility to respect and support the protection of international human rights within their sphere of influence and to make sure the sourcing of gemstones is not complicit in human rights abuses.”²⁶⁹

²⁶⁵ Peter Yeo, interview by author, Washington, D.C., June 4, 2011.

²⁶⁶ Ibid.

²⁶⁷ Human Rights Watch, “Burma: Gem Trade Bolsters Military Regime, Fuels Atrocities.”

²⁶⁸ Jewelers of America, “Jewelers of America applauds action on Burmese gemstones,” July 23, 2008, <http://www.jewelers.org/news/pressroom/pressreleases/detail.php?ID=186> (accessed March 12, 2011).

²⁶⁹ Ibid.

The Jewelers of America, founded in 1906, is an industry group with over 11,000 members.²⁷⁰ The Jewelers of America runs a sophisticated Legislative Action Center to keep track of relevant legislation on both a state and federal level. They have a monthly newsletter to inform members of pending legislation and urges them to contact their representatives to make their voices heard. They also retain Haake & Associates in Washington, D.C. in order to lobby members of Congress on issues of importance.²⁷¹

Peter Yeo recalls that the Jewelers of America lobbied the members of the House Foreign Affairs Committee, as well as the committee staff, not because they opposed the bill but because they wanted technical details corrected.²⁷² Yeo recalled, “In particular they wanted to know where the burden of proof was going to be. They didn’t want a situation where gemstone importers thought they were complying with the law and turned out not to be. So for them it was very technical about how one determines the origins of gemstones and how one determines substantial transformation and the importers wanted clarity on that front.”²⁷³ Rules issued subsequent to the enactment of the JADE Act called on exporters to certify that the gems shipped to the United States were not Burmese stones.²⁷⁴

²⁷⁰ Jewelers of America, “About us,” <http://www.jewelers.org/about/> (accessed July 15, 2011).

²⁷¹ Jewelers of America, “Advocacy,” http://www.jewelers.org/about/j_legadvocacy/index.php (accessed July 15, 2011).

²⁷² Peter Yeo, interview.

²⁷³ Ibid.

²⁷⁴ House Foreign Affairs Committee *Block Burmese JADE Act and Recent Policy Developments*, 113th Cong., 1st sess., 2011.

Brian Leber, the Chief Executive Officer of Leber Jewelers, also offered testimony at a meeting of the Congressional Human Rights Caucus. Leber noted his company, Cartier, Bulgari and Sterlings refused to import Burmese stones, and he urged quick passage of the JADE Act.²⁷⁵ The involvement of the Jewelers of America removed the threat of major organized domestic opposition to the ban on Burmese gemstones. However, opposition to the ban on gem imports did arise but from a foreign source: Thailand.

Thailand shares a border with Burma and over 150,000 Burmese refugees live in camps along the border.²⁷⁶ Thailand is also deeply involved in the cross-border gem trade. While some of the trade is legal, much of it involves smuggling.²⁷⁷ Thailand is the main importer of colored Burmese gemstones. Thais cut and shape the stones and then export the finished product to Europe, China and the United States.²⁷⁸ Prior to the enactment of the JADE Act in 2007, the gem industry in Thailand accounted for over \$8 billion in exports.²⁷⁹

Officials at the Thai Embassy in Washington D.C. made efforts to alter this part of the JADE Act. In addition to the large amount of money the gem industry in Thailand generated

²⁷⁵ Leber Jewelry Incorporated, "Brian Leber testifies before Congress on Burma sanctions," Leber Jewelry Blog, entry posted November 1, 2007, <http://www.leberjeweler.com/journal/?p=136> (accessed July 25, 2011).

²⁷⁶ House Subcommittee on Asia, the Pacific, and the Global Environment, *Crisis in Burma: Can the U.S. bring about a peaceful resolution?* 30.

²⁷⁷ Leber Jewelry Incorporated, "Brian Leber testifies before Congress on Burma sanctions."

²⁷⁸ Human Rights Watch, "Burma: Gem Trade Bolsters Military Regime, Fuels Atrocities."

²⁷⁹ Thai-ASEAN News Network, "Thai Gem Exports fall by 40%," May 4, 2009, <http://www.thailandoutlook.tv/toc/ViewData.aspx?DataID=1014302> (accessed October 1, 2010); Nophakhun Limsamarnphun, "Polishing away a big blemish," *The Nation*, May 9, 2009, http://www.nationmultimedia.com/2009/05/09/opinion/opinion_30102297.php (accessed October 1, 2010).

there were thousands of jobs at stake in the border regions. As a result the Thai Embassy used multiple methods of influence on this part of the bill. Thai officials at the Embassy insisted that they did not hire professional lobbyists for this issue.²⁸⁰ A search of public records on the Foreign Agents Registration Act (FARA) website does not show any active lobbying contracts for the Kingdom of Thailand between June 2007 and October 2008.²⁸¹ Although the Thai Embassy has hired lobbying firms in the past, there is no evidence that they did so in this case.

Even without a professional lobbying firm, the Thai Embassy took quite a few meetings on this issue. Embassy officials recalled meeting with Chairman Tom Lantos as well as committee staff.²⁸² Peter Yeo recounted the Thai officials being “involved in the early stages and lobbying the foreign affairs committee. They came into express their reservations. They did express their viewpoints very strongly against the legislation.”²⁸³

The Thais argued that there was a large Thai industry that had sprung up around these Burmese gems and an import ban into the United States would cripple the industry.²⁸⁴ Thai officials brought in officials from the Thai Gem and Jewelry Traders Association to meet with members of Congress and their staffs in order to demonstrate the size of the Thai gem

²⁸⁰ Confidential interview with Thai Embassy official, August 22, 2010.

²⁸¹ U.S. Department of Justice, “FARA Quick Search,” <http://www.fara.gov/quick-search.html> (accessed June 15, 2011).

²⁸² Confidential interview with Thai Embassy official, August 22, 2010.

²⁸³ Peter Yeo, interview.

²⁸⁴ Confidential interview with Thai Embassy official, August 22, 2010.

industry.²⁸⁵ These officials predicted that they would lose 100,000 jobs should the JADE Act be passed.²⁸⁶ Furthermore, they argued that most of the trade along the border was not associated with the Burmese regime. Rather, many of the Burmese traders along the border were small miners who would be put out of business because of the JADE Act, thereby consolidating the regime's control over the mining industry in Burma.²⁸⁷

The Thais also scoffed at the House's recommendation in the JADE Act that the gem industry attempt to establish a "Kimberley process" for gems. The Kimberley process was established in 2000 for diamonds and other precious stones mined in Africa to prevent the sale of so-called blood diamonds that support brutal regimes or militias in Africa. States participating in the Kimberley Process must meet a set of stringent criteria in order to label diamonds "conflict free." The Thais noted that this process was not possible for gemstones originating along the Burmese border. They questioned whether the technology existed to identify stones in such a manner.²⁸⁸ The legislation, they believed, was impractical, hurtful to America's reputation in the region, and counterproductive.²⁸⁹

A number of individual gem dealers in the United States agreed with the Thai embassy officials. Christopher Smith, the chief gemologist at the American Gemological Laboratories,

²⁸⁵ Ibid.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

noted that while there are some methods of detecting Burmese rubies, “distinguishing these sources from Burma rub[ies] can range from straightforward to very difficult.”²⁹⁰ Richard Hughes, an industry expert on rubies and sapphires, doubted claims that the Burmese regime earned over \$300 million in gem sales. He argued that “sales of gems are based upon gross gem auction proceeds, but in reality many of the lots sold at auction are owned by private parties, not the junta.”²⁹¹ According to Bill Larson, the president of Pala International, gem dealers on the Thai-Burma border “are independent [Burmese] miners who supply the Thais; and the dealers all come to Thailand unofficially. Who it will affect are the thousands of Thais in the cutting and jewelry industry.”²⁹²

Thailand further argued that the JADE Act was a violation of the World Trade Organization’s rules regarding “substantial transformation.”²⁹³ According to U.S. law a product originates from the last country where it is given a “distinctive name, character or use.”²⁹⁴ A good is substantially transformed when it becomes a “new and different article and

²⁹⁰ Diana Jarrett, “Analyzing the Aftermath—the JADE Act,” The Southern Jewelry News Blog, entry posted September 10, 2008, <http://www.southernjewelrynews.com/columnists/diana-jarrett/20105-diana-jarrett/245-analyzing-the-aftermath-the-jade-act> (accessed May 15, 2011).

²⁹¹ Ibid.

²⁹² Ibid.

²⁹³ Confidential Interview with Thai Embassy official, August 22, 2010.

²⁹⁴ Joseph A. LaNasa III, “An Evaluation of the Uses and Importance of the Rules of Origin, and the Effectiveness of the Uruguay Round’s Agreements on the Rules of Origin and Harmonizing Them,” New York University working paper, Jean Monnet Center for International and Regional Economic Law and Justice, 1995. Available at <http://centers.law.nyu.edu/jeanmonnet/papers/96/9601ind.html> (accessed July 28, 2011).

having a distinctive name, character or use.”²⁹⁵ The Thais claimed that rough, unhewn Burmese gems were substantially transformed by Thai gem cutters so as to make them products of Thailand and not of Burma. This was the position taken by the U.S. Customs and Border Protection Agency in December 2004 when it ruled that Thai-cut Burmese gems were not illegal under the 2003 Burmese Freedom and Democracy Act.²⁹⁶ The U.S. House of Representatives claimed that “the value of Burmese gems imported to the United States is a function of their geology in Burma, not the minimal labor involved in subsequent cutting and polishing.”²⁹⁷

While the views of these gem experts support the Thai position, these experts failed to mobilize effectively on their message. There was no large-scale domestic jewelers’ trade group that emerged in opposition to the Block Burmese JADE Act. While members of Congress and committee staff were happy to meet with Embassy officials, the foreign diplomats could not mobilize Americans to embody their message. It is likely then, that members of Congress listened to organizations, such as the U.S. Campaign for Burma and the Jewelers of America, and voted to ban gem imports from Burma.

²⁹⁵ Ibid.

²⁹⁶ House Foreign Affairs Committee, *Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2007*, 7.

²⁹⁷ Ibid.

Timber

The Burmese logging issue was a second issue discussed during the framing of the JADE Act. Officials from the U.S. Campaign for Burma urged the House Foreign Affairs Committee to place a ban on Burmese timber imported through third countries.²⁹⁸ This restriction would have significantly affected Thailand yet again given the Thai timber industry's volume of imports from Burma. Burmese timber is milled and fashioned in Thailand and then exported to other parts of the world, including the United States. Timber exports are the second largest source of foreign exchange for the regime, which made it a target of congressional leaders eager to tighten sanctions on Burma.

At the beginning of the twentieth century, an estimated 80% of Burma was covered by forests.²⁹⁹ Industrial logging began with British colonization and focused mainly on teak wood, a rather plentiful resource in Burma. Teak is a valuable wood product because of its beautiful color, durable finish, and resistance to rotting and mold. Burma has about 75% of the world's remaining teak forests.³⁰⁰ After Ne Win's coup in 1962, the regime nationalized the timber industry and set up the Myanmar Timber Enterprise (MTE) to manage the country's forests and

²⁹⁸ Confidential Interview with U.S. Campaign for Burma official, June 3, 2011.

²⁹⁹ Global Witness, "A Choice for China: Ending the Destruction of Burma's Northern Forests," October 2005 <http://www.globalwitness.org/library/choice-china-ending-destruction-burmas-frontier-forests> (accessed August 12, 2011), 80.

³⁰⁰ Ibid., 87.

supervise logging.³⁰¹ The annual quota for teak and other hardwoods increased over time in order to gain foreign currency through auctions of the forest product. For example, average annual output of teak doubled between 1950 and 1990 as timber exports became an increasingly important source of foreign currency.³⁰²

Following massive floods in 1988 caused by deforestation, Thailand banned all logging in the country.³⁰³ As a result, Thailand began importing most of its timber from Burma.³⁰⁴ By 2002, Thailand was importing roughly \$80 million (USD) a year in timber from Burma.³⁰⁵ While China and India imported more timber from Burma by volume, Thailand outpaced these countries when it came to the value of the imports.³⁰⁶ Since teak is the most valuable of Burmese lumber products, this strongly suggests that Thailand imported a great deal of teak.

Thailand, where internal logging has been banned since 1989, has a strong timber industry focused on ‘substantially transforming’ timber from other countries and then exporting it as a product of Thailand. Thailand exports almost \$500 million a year in timber to the United States.³⁰⁷ To some extent, it is very difficult to obtain statistics on how much teak Thailand

³⁰¹ Jake Brunner, Kirk Talbott and Chantal Elkin, *Logging Burma's Frontier Forests: Resources and the Regime*, (Washington, D.C.: World Resources Institute, 1998): 6.

³⁰² Ibid.

³⁰³ Ibid.

³⁰⁴ Kavi Chongkittavorn, “Thai-Burma Relations,” 120.

³⁰⁵ Global Witness, “A Choice for China: Ending the Destruction of Burma’s Northern Forests,” 80.

³⁰⁶ Ibid.

³⁰⁷ R. Juge Gregg, “Amendments to the U.S. Lacey Act: Implications for Exporters of Thailand’s Forest Products,” http://www.forest-trends.org/documents/files/doc_2386.pdf (accessed August 9, 2011).

exports to the United States, because direct imports of Burmese teak were banned in the 2003 Burmese Freedom and Democracy Act.

The U.S. Campaign for Burma pushed very hard to make a full ban on Burmese teak from third countries a part of the JADE Act adopted in the House.³⁰⁸ The organization argued that depriving the Burmese regime of one of its largest sources of revenue would be effective in punishing the regime.³⁰⁹ The Thai embassy joined this battle, arguing that it was very difficult to distinguish where individual pieces of teak originated.³¹⁰ The Thais also argued that the Thai timber industry was very important to the Thai economy and that the industry would lose jobs if the United States banned Burmese teak imports from third countries.³¹¹ Peter Yeo recalled that during the drafting of the JADE Act in the House, there was some momentum by legislators to include a ban on the importation of Burmese teak and other hardwoods from third countries.³¹²

Just as in the case with the gems, the American private sector played a decisive role in the House debate. Most of the high-end teak imported into the United States is used in maritime ship building, especially decking and cabinetry.³¹³ The National Maritime Manufacturers Association (NMMA) represents 1,500 companies involved in all phases of boat

³⁰⁸ Confidential interview with U.S. Campaign for Burma official, June 3, 2011.

³⁰⁹ Ibid.

³¹⁰ Confidential interview with Thai Embassy official, August 22, 2010.

³¹¹ Ibid.

³¹² Peter Yeo, interview.

³¹³ Confidential interview with National Marine Manufacturers Association official, July 25, 2011.

building in the United States.³¹⁴ Primarily representing companies with a role in manufacturing boats between 14 and 26 feet long, the NMMA deployed its considerable resources to beat back the proposed ban on Burmese teak imports from third countries.

Teak is desirable in boat building for decking and interior cabinetry, especially on boats called cabin cruisers which include a sleeping area for the owners.³¹⁵ Teak is valuable in decking and cabinetry because it is extremely durable, not susceptible to rot, and has a beautiful color. Teak can be cleaned easily and is desired by consumers of high-end boats.

The NMMA argued that the United States was the largest manufacturer and exporter of these types of boat in the world. If the Congress prohibited American manufacturers from importing Burmese teak through Thailand, then high-end boat consumers would simply go elsewhere to order boats with their preferred decking and cabinetry.³¹⁶ The NMMA warned members that China and Brazil had invested large sums of money into their boat manufacturing sectors and with access to Burmese teak they may be the preferred destination for international boat buyers.³¹⁷ The NMMA underscored that it was not supportive of the Burmese regime in any way, but that American commerce and jobs should not be sacrificed in the name of punishing the military junta.³¹⁸

³¹⁴ Ibid.

³¹⁵ Ibid.

³¹⁶ Ibid.

³¹⁷ Ibid.

³¹⁸ Ibid.

The NMMA also utilized the Congressional Boating Caucus, founded in 1989 by the NMMA, to “advocate the interests of the recreational boating industry. The Caucus seeks to improve the industry’s economic conditions, protect the environment, address boating safety and create international trade opportunities.”³¹⁹ The Congressional Boating Caucus currently has 19 members in the U.S. Senate and 91 members in the House of Representatives.³²⁰ Of the 91 House members in the Congressional Boating Caucus, 13 served on the House Foreign Affairs Committee and two served on the Subcommittee on Asia, the Pacific and the Global Environment.³²¹ Of the 13 who served on the Committee, one was the ranking Republican representative, Ileana Ros-Lehtinen (R-FL), and another was Representative Gary Ackerman (D-NY), who would become the second ranking Democrat on the committee after the death of Chairman Tom Lantos in February 2008.

The NMMA also used its monthly newsletter, the *Washington Wave*, to inform its members about the proposed ideas being discussed in Congress. It urged its members to call lawmakers to tell them to oppose a ban on Burmese teak imported through third countries. Pressure from the NMMA put an end to the House proposal to ban teak imports. Even the U.S. Campaign for Burma concluded that there was no way to satisfy lawmakers and congressional

³¹⁹ National Marine Manufacturers Association, “Learn about the Congressional Boating Caucus,” <http://www.nmma.org/government/getinvolved/boatingcaucus.aspx> (accessed July 20, 2011).

³²⁰ Ibid.

³²¹ Ibid. These lawmakers were Representatives Jim Costa (D-CA), Bobby Scott (D-VA), Loretta Sanchez (D-CA), Gene Green (D-TX), Russ Carnahan (D-MO), Gary Ackerman (D-NY), Dana Rohrabacher (R-CA), Ileana Ros-Lehtinen (R-FL), Elton Gallegly (R-CA), Ron Paul (R-TX), Connie Mack (R-FL), Michael McCaul (R-TX), and Michael Bilirakis (R-FL).

staff that reliable testing could be established to determine the origination of imported teak.

With pressure from the NMMA, the Campaign eventually acquiesced and accepted that a teak ban would not be a part of the JADE Act.³²²

Natural Gas at the Yadana Field

Sales of oil and natural gas are the leading foreign currency source for the Burmese regime.³²³ These sales generate well over \$2 billion annually through the state-owned petroleum industry.³²⁴ One of the principal sources of that income is the sale of natural gas to neighboring Thailand from the Yadana natural gas field off the coast of Burma. The Yadana field was discovered by Japanese geologists in the 1980s, but political unrest in Burma dissuaded foreign investors from joining a development project.³²⁵ By 1993, the political situation in Burma had stabilized and Thailand entered into negotiations over a 30-year contract to buy natural gas from the Yadana field.³²⁶ The Burmese government entered into a development contract in 1992 with Total, a French energy company, to extract the natural gas

³²² Confidential interview with U.S. Campaign for Burma official, June 3, 2011.

³²³ House Foreign Affairs Committee, *Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007*.

³²⁴ Ibid.

³²⁵ Taylor Giannini, Katie Redford, Betsy Apple, Jed Greer and Marco Simons, *Total Denial Continues* (Washington, D.C.: Earth Rights International, 2003), 13.

³²⁶ Ibid.

from the ocean floor and build a pipeline to a Thai power plant which would use the gas to power Thailand's electrical grid.³²⁷

Total approached the American energy company Unocal to become a partner in this venture and provide the needed expertise in pipeline construction.³²⁸ Unocal and Total formed a consortium to manage the entire Yadana project, which included the Petroleum Authority of Thailand Exploration and Production (PTT) and the Burmese Ministry of Gas Enterprise (MOGE). Total would maintain a 31% stake in the consortium, Unocal a 28% stake, PTT a 25% stake, and MOGE a 15% stake.³²⁹ The Burmese regime, through its stake in the Yadana consortium alone, earns between \$300-400 million a year.³³⁰ Work on the offshore riggings and the pipeline began in 1993 and natural gas was flowing through the pipeline to Thailand by 1998.³³¹ Unocal reported that its share of natural gas profits was about \$75 million a year after making an annual \$50 million tax payment to the Burmese regime.³³²

Human rights groups were furious over the Yadana oil field consortium and the participation of an American energy company in a project that directly funded the Burmese regime. Human Rights Watch and the U.S. Campaign for Burma denounced Unocal's

³²⁷ Ibid.

³²⁸ Manuel Velasquez, "UNOCAL in Burma," November 3, 2005, <http://www.scu.edu/ethics/practicing/focusareas/business/Unocal-in-Burma.html> (accessed July 9, 2011).

³²⁹ Giannini, Redford, Apple, Greer and Simons, *Total Denial Continues*, 22.

³³⁰ Velasquez, "UNOCAL in Burma."

³³¹ Ibid.

³³² Confidential interview with U.S. Campaign for Burma official, June 3, 2011.

involvement in the Yadana consortium and demanded that Unocal pull out of the project.³³³ Earth Rights International, a human rights organization in California, gathered a number of Burmese natives who said they were forced to work on the pipeline project to join a class-action lawsuit against Unocal and its consortium partners in U.S. courts in 1997.³³⁴ The Burmese natives sued Unocal for violating international human rights norms under the Aliens Tort Claims Act.³³⁵ Unocal strenuously objected and fought the case in the legal system for years. A federal appeals court in California ruled in 2004 that the Burmese natives could sue Unocal for forced labor, rape and other acts of violence perpetrated by the Burmese military, which was working closely with the international consortium on construction of the pipeline.³³⁶ In 2005, Unocal settled out of court with the plaintiffs.³³⁷

In 2005, Chevron acquired Unocal and consequently inherited its stake in the Yadana consortium.³³⁸ Chevron's investment in Burma pre-dated 1997. As a result, it was not affected by President Clinton's Executive Order banning all new investment in Burma nor was it prohibited by the 2003 Burmese Freedom and Democracy Act.

³³³ Human Rights Watch, "Burma: Targeted Sanctions Needed on Petroleum Industry," November 19, 2007, <http://www.hrw.org/news/2007/11/18/burma-targeted-sanctions-needed-petroleum-industry> (accessed August 2, 2011); U.S. Campaign for Burma, "U.S.-Burma Policy," <http://uscampaignforburma.org/us-burma-policy> (accessed 30 July 2011).

³³⁴ Earth Rights International, "Doe v. Unocal case history," <http://www.earthrights.org/legal/doe-v-unocal-case-history> (accessed July 24, 2011).

³³⁵ Ibid.

³³⁶ Ibid.

³³⁷ Ibid.

³³⁸ James F. Peltz and Elizabeth Douglass, "Chevron to buy Unocal," *Los Angeles Times*, April 5, 2005, <http://articles.latimes.com/2005/apr/05/business/fi-unocal5> (accessed July 24, 2011).

Following the Saffron Revolution, the drafters of the JADE Act wanted to close the loophole regarding pre-1997 investment in Burma, specifically Chevron's stake in the Yadana consortium. This was pushed by the U.S. Campaign for Burma and a clever solution was discovered. While Congress could not force Chevron to give up its stake in the consortium, it could make it economically painful for them to retain it. The JADE Act made a slight alteration to the U.S. tax laws which would have increased the amount of money Chevron would owe the U.S. government.

American companies that operate overseas receive a tax break when they file their U.S. tax returns. Any money that an American company owes in income or corporate taxes to a foreign government can be written off as a deduction on their U.S. federal income tax return. As noted earlier, Chevron maintains that in addition to the \$75 million it makes annually through the Yadana consortium, it must pay the Burmese government a \$50 million tax payment.³³⁹ Thus, this slight change in the law would increase Chevron's U.S. tax payments. More dramatically, the House version of the JADE Act forbade American companies, following the enactment of the JADE Act, from paying any kind of tax to the Burmese government.³⁴⁰ This clause would throw Chevron's entire investment into doubt as the Burmese government required prompt payment of taxes as a condition of the consortium.

³³⁹ Confidential interview with U.S. Campaign for Burma official, June 3, 2011.

³⁴⁰ House Foreign Affairs Committee, *Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2007*.

Peter Yeo recalls that Chevron did not seem very active as the bill was being drafted in the House.³⁴¹ The House's inclusion of the Yadana field as part of the JADE Act "set off warning bells with Chevron" as the bill went to the Senate. The JADE Act passed the House of Representatives on a voice vote on December 11, 2007.³⁴²

JADE Act in the U.S. Senate

The U.S. Senate debated and voted on the JADE Act on December 19, 2007.³⁴³ There was very little floor debate on the bill. However, Senator Charles Schumer (D-NY) proposed an amendment co-sponsored by Senators Joseph Biden (D-DE) and Mitch McConnell (R-KY).³⁴⁴ This amendment included four significant differences.

First, the Senate version of the JADE Act broadened the gem ban introduced in the House version. Whereas the House version of the JADE Act specifically banned the importation of jadeite and rubies from third countries, the Senate version banned "any gemstone or rough unfinished geological material mined or extracted from Burma, whether imported as a loose item or as a component of a finished piece of jewelry."³⁴⁵ Under the Senate

³⁴¹ Peter Yeo, interview.

³⁴² The Library of Congress, "Bill Summary and Status for H.R. 3890," <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR03890:@@R> (accessed July 28, 2011).

³⁴³ Ibid.

³⁴⁴ Ibid.

³⁴⁵ *Burma Democracy Promotion Act of 2007*, H.R. 3890, 110th Congress, 1st session, December 19, 2007.

version, all Burmese gems, including sapphires and pearls, would be banned from entering U.S. markets.

Second, the Senate version of the JADE Act specifically prohibited the import of “any teak or other hardwood timber, regardless of the country in which such hardwood timber is milled, sawn, or otherwise processed, whether imported in unprocessed form or as a part or component of finished furniture or another wood item.”³⁴⁶ Thus all timber from Burma, regardless of where it was milled or “substantially transformed,” would be banned from entering the United States.

Third, the Senate version of the JADE Act did not address Chevron’s stake in the Yadana consortium.³⁴⁷ There was neither a section regarding the Yadana field nor any language forbidding American companies to pay income tax to the Burmese regime. Lastly, the Senate included language requiring the president to appoint a special representative and policy coordinator for Burma.³⁴⁸ This diplomatic official would hold the rank of ambassador and be responsible for working with the U.S. State Department and the United Nations to develop policy which strengthened international sanctions against Burma and mobilize international pressure on the regime.³⁴⁹

³⁴⁶ Ibid.

³⁴⁷ Ibid.

³⁴⁸ Ibid.

³⁴⁹ Ibid.

Senators Biden and McConnell were long-time opponents of the Burmese regime and worked closely with NGO groups on Burma-related issues.³⁵⁰ Most notably, Biden and McConnell co-sponsored the Burmese Freedom and Democracy Act of 2003.³⁵¹ The Senate passed its version of the JADE Act with unanimous consent on December 19, 2007. The differences in the bills were resolved in a conference committee.

JADE Act Conference Committee

For an Act of Congress which was passed by each house with relative haste, the seven months it took to resolve the differences between the two bills was surprising. The three main differences in the bills were once again: gems, teak and Chevron.

The two bills differed when it came to what types of gems were to be banned from entering the United States from third countries. In the Conference Committee, the House's more restrictive view won out. Only jadeite and rubies would be banned from entering the United States through third countries, while other gems—such as pearls and sapphires—would still be allowed.³⁵² Peter Yeo recalled that restricting the ban to these two items simplified the

³⁵⁰ Confidential interview with U.S. Campaign for Burma official, June 3, 2011.

³⁵¹ The Library of Congress, "Bill Summary and Status for S. 1182," <http://thomas.loc.gov/cgi-bin/bdquery/z?d108:SN01182:@@P/home/LegislativeData.php?n=BSS;c=108> (accessed March 15, 2011).

³⁵² *Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008*, Public Law 110-286, 110th Cong., 2nd sess., (July 29, 2008).

bill for lawmakers and pleased the Jewelers of America, who lobbied hard for this limited ban.³⁵³

The two bills were also divided on the question of timber imports from countries such as Thailand. Once again, the House version won out. The final JADE Act language did not reference banning Burmese timber imports, specifically teak, from third countries. A significant factor at play was that the National Marine Manufacturers Association's annual national conference in Washington D.C. was held in April 2008 during the time the conference committee was working on the bill's final language. This event is billed as the "industry's premier political and legislative event."³⁵⁴ It attracts thousands of NMMA members who are organized to meet their congressional leaders.³⁵⁵ During the 2008 conference, the NMMA coordinated many of these trips with attention to the teak ban in the Senate version of the JADE Act. NMMA members who use Burmese teak in decking and cabinetry made their cases to their members of Congress on this issue. In the end, Congress requested a report from the U.S. State Department about Burmese teak exports and global alternatives.

Lastly, the two bills diverged on what to do about Chevron's investment in the Yadana consortium. In the end, a compromise was reached whereby the State Department would report on human rights abuses associated with the Yadana project.³⁵⁶ The U.S. Campaign for Burma,

³⁵³ Peter Yeo, interview.

³⁵⁴ National Marine Manufacturers Association, "American Boating Congress," <http://www.nmma.org/government/abc/default.aspx> (accessed July 20, 2011).

³⁵⁵ Confidential interview with National Marine Manufacturers Association official, July 25, 2011.

³⁵⁶ Ibid.

which had fought hard for the ban on paying taxes to the Burmese regime, was mollified by a section in the conference bill empowering the president to punish foreign banks that helped manage the regime's money.³⁵⁷ In this way, the U.S. government could go after the regime's money rather than Chevron's money.³⁵⁸ Peter Yeo notes that in the end, "we just didn't want to take on the oil and gas industry."³⁵⁹ The conference bill was unanimously agreed to by July 22, 2008 and signed by President George W. Bush on July 29th.³⁶⁰

³⁵⁷ Confidential interview with U.S. Campaign for Burma official, June 3, 2011.

³⁵⁸ Ibid.

³⁵⁹ Peter Yeo, interview.

³⁶⁰ The Library of Congress, "Bill Summary and Status for H.R. 3890," <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR03890:@@R> (accessed July 28, 2011).

CHAPTER 6

INDONESIA AND JOINT U.S.-KOPASSUS TRAINING

This chapter is the second of three case studies that examine the lobbying methods and strategies middle powers use to influence the U.S. Congress on issues of foreign policy. Indonesia was identified as a middle power in Chapter 2 and is the focus of this case study. This chapter is organized into two main sections. The first part details the general lobbying strategies used by Indonesia when working with the U.S. Congress. The second portion details Indonesia's efforts to weaken or eliminate a series of congressional limitations on U.S. military aid to Indonesia. This set of restrictions, known as the "Leahy Law" for Senator Patrick Leahy (D-VT), the chair of the Senate Subcommittee on State and Foreign Operations, bans the U.S. military from offering funding to or training with KOPASSUS, the Indonesian Special Forces, due to congressional concerns over past alleged violations of human rights involving this unit.³⁶¹

The information that forms the basis of this chapter was obtained through numerous interviews with Indonesian diplomats who have worked on congressional relations for the Indonesian government as well as non-governmental officials associated in the debate over U.S. ties with KOPASSUS. To gain access and to encourage honesty, these sources were granted confidentiality. The identity of the sources is known only to the author and to the director of this dissertation.

³⁶¹ KOPASSUS is an acronym for "Komando Pasukan Khusus" which means "Special Forces Command."

General Lobbying Strategies

Before examining the data obtained in the aforementioned interview, it is useful to review the two hypotheses that this study makes regarding the general lobbying strategies that middle powers use when attempting to influence the U.S. Congress on foreign policy issues. The third hypothesis advanced by this study (H₃) is that middle powers utilize multiple lobbying methods in their attempts to influence Congress. This hypothesis suggests that middle powers are likely to use both direct and indirect methods as well as inside and outside strategies.

For review, direct lobbying strategies are defined as those which are directed at actively lobbying members of Congress for action on a particular matter. Indirect strategies are more passive in nature. They are designed to either monitor developments at the locus of decision making or rally groups outside of Washington, D.C. to bring pressure to bear on congressional leaders. Inside strategies are defined as efforts originating by groups from Washington, D.C. or its environs. Outside strategies are defined as those originating from beyond Washington, D.C. and its environs. Please refer to Table 1 for more details. The second hypothesis ventured by this inquiry (H₄) is: while middle powers use multiple methods of lobbying, they will rely upon technocratic lobbying and coalition building when they lobby Congress. Technocratic lobbying is a term used by Chung-in Moon which identified the tendency of smaller states to hire Washington, D.C.-based firms to monitor developments in Congress and the federal

government in order to provide an “early warning system” to embassy staff.³⁶² Coalition building is a strategy that stresses building alliances with relevant government agencies or non-governmental organizations to help to influence members of Congress.

This section is organized into five parts. Each section part with a lobbying strategy that was described in Table 1. The five lobbying methods are: direct lobbying, technocratic lobbying, coalition building with nongovernmental organizations (NGOs), coalition building with governmental agencies, and working with the diaspora. Each part will go into detail as to whether Indonesia utilizes the specific lobbying method and how it is employed.

Direct Lobbying

The Indonesian embassy has utilized the services of professional lobbyists in the past, spending an average of \$1.15 million a year between 1995 and 2006.³⁶³ However, that number has fallen significantly since 2006 as the embassy has only spent an annual average of

³⁶² Moon, “Complex Interdependence and Transnational Lobbying: South Korea in the United States.”

³⁶³ United States Department of Justice, “Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 1995-2006,” <http://www.justice.gov/criminal/fara/links/annualrpts.html> (accessed March 15, 2010).

\$187,000 between 2007 and 2008.³⁶⁴ The most recent reports from 2009-2011 show only a small contract related to planning for a single cultural event in July 2011.³⁶⁵

When questioned about the use of professional lobbyists, Indonesian diplomats noted the embassy had employed such services under previous ambassadors. The use of professional lobbyists was mostly related to trade issues as well as during the 1999 conflict in East Timor.³⁶⁶ The circumstances regarding Indonesia's history with East Timor will be detailed later in this case study. Needless to say, with the Asian Financial Crisis of 1997, the resignation of long-time Indonesian President Suharto in 1998 and the East Timor crisis in 1999, Indonesia faced a series of crises in its internal and external politics that may have required the assistance of professional lobbyists in Washington. This pattern indicates that existential crises may be a cause of obtaining professional representation but once the crisis has passed such services are no longer required on an ongoing basis.

However, questions have been raised about the role of the Gus Dur Foundation and lobbyists it hired in 2005. Gus Dur, also known as Abdurrahman Wahid, was the President of Indonesia from 1999 to 2001. His foundation signed a contract with Collins and Company, a Washington lobbying firm, in 2005 to promote Indonesia's image in the United States at the

³⁶⁴ United States Department of Justice, "Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2007-2008," <http://www.justice.gov/criminal/fara/links/annualrpts.html> (accessed March 15, 2010).

³⁶⁵ United States Department of Justice, "Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2009," <http://www.justice.gov/criminal/fara/links/annualrpts.html> (accessed March 15, 2010).

³⁶⁶ Confidential interview with Indonesian Embassy officials, July 21, 2010.

cost of \$30,000 a month.³⁶⁷ Collins and Company noted in their regulatory filing with the U.S. Department of Justice that the Indonesian intelligence community had provided the funding for the Gus Dur Foundation.³⁶⁸ When contacted by investigative journalists, members of the Gus Dur Foundation expressed surprise and disbelief that their charity organization had signed such a large contract with a Washington lobbying firm. A spokesperson from the Gus Dur foundation said, “Frankly speaking, I don’t know. How could we have this much money? How could we pay \$30,000 a month?”³⁶⁹

The contract was signed on behalf of the Gus Dur Foundation by Muhyiddin Arubusman, a member of the Indonesian Parliament, who sits on the board of the Gus Dur Foundation. Arubusman said that the Indonesian intelligence community came to him in 2005 and said that they “asked assistance from the Gus Dur Foundation to influence the U.S. Congress.”³⁷⁰ He maintained that Gus Dur had no knowledge of the relationship between his foundation and the Indonesian intelligence community.³⁷¹ The relationship between the Gus Dur Foundation and Collins & Company ended in November 2005. When questioned about

³⁶⁷ The Center for Public Integrity, “Jakarta’s intelligence service hires Washington lobbyists,” September 7, 2006, <http://www.publicintegrity.org/2006/09/07/5770/jakartas-intelligence-service-hires-washington-lobbyists> (accessed September 10, 2012).

³⁶⁸ Ibid.

³⁶⁹ Ibid.

³⁷⁰ Ibid.

³⁷¹ Ibid.

this incident, Indonesian diplomats stated that it occurred before their arrival in the United States and they had no new information about it.³⁷²

In place of professional lobbyists, Indonesia has focused on developing its own contacts on Capitol Hill. The diplomats noted that they had close relations with the chair of the House International Relations Committee, Representative Howard Berman (D-CA), and the Senate Foreign Relations Committee, Senator John Kerry (D-MA).³⁷³ In addition, the diplomats maintain close relations with several staffers of both members as well as committee staff.³⁷⁴

While the embassy maintains close relations with a number of members and staffers the embassy also gives great attention to the Indonesia Caucus in the House of Representatives. This caucus has existed under various names since 2002.³⁷⁵ The diplomats considered the caucus a useful tool in monitoring Congress and in mobilizing supporters; however, the diplomats noted that one of the co-chairs of the caucus, Representative Robert Wexler (D-FL), had recently resigned from Congress and the embassy was still working to find another caucus co-chair. In the absence of strong leadership from its congressional co-chairs, the Indonesian caucus was not as viable an organization as the embassy would have liked it to be. The

³⁷² Confidential interview with Indonesian Embassy officials, July 21, 2010

³⁷³ Ibid.

³⁷⁴ Ibid.

³⁷⁵ Committee on House Administration, “108-111th Congress—Congressional Member Organizations,” http://cha.house.gov/member_orgs111th.aspx (accessed on February 22, 2010); Committee on House Administration, “112th Congress—Congressional Member Organizations,” http://cha.house.gov/sites/republicans.cha.house.gov/files/documents/cmo_cso_docs/cmo_112th_congress.pdf (accessed January 15, 2013).

diplomats were looking for a new co-chair for the caucus at the time of our interview but have since recruited Representative Jim McDermott (D-WA).³⁷⁶

Technocratic Lobbying

The Indonesian embassy has consolidated its technocratic lobbying and taken it upon itself without relying on any professional firms to provide guidance or information about upcoming developments in Congress. At no time during our discussion was there any hint that the embassy worked with or contracted for any professional technocratic lobbying. Instead, the Indonesian diplomats maintained a network of members of Congress, congressional staffers and committee staffers who alerted the embassy when any relevant developments occur.³⁷⁷ Interestingly, the Indonesian diplomats, unprompted by the author, referred to this information sharing network as an “early warning system” for the embassy, which is consistent with the literature.³⁷⁸

The contacts that the embassy maintained at the committee level were extremely important. These committee staffers were well known to the diplomats and share information with them. The diplomats stressed how important it was to be proactive within the committee

³⁷⁶ Confidential interview with Indonesian Embassy officials, July 21, 2010

³⁷⁷ Ibid.

³⁷⁸ Ibid.

process. They believed that their efforts were most successful if they could address issues at the committee level rather than at the level of the full House or Senate.³⁷⁹

Coalition Building with Nongovernmental Organizations (NGOs)

Working with the NGO community in Washington, D.C. was not a pleasant task for these Indonesian diplomats. Due to the controversies over Indonesian action in East Timor and in the Indonesian province of Papua as well as the attendant claims of human rights abuses, the Indonesian embassy was forced to respond to many charges from NGOs related to human rights and religious freedoms.³⁸⁰

Many NGOs cause headaches for the Indonesian Embassy. The diplomats were wary of NGOs publishing reports which lack, as the diplomats see it, context and depth. They were more than willing to speak with NGOs that publish material on Indonesia and often try to provide some level of context or explanation.³⁸¹ NGOs often contacted them for comments or reactions but the diplomats were frustrated that Indonesia cannot seem to escape from actions that occurred over a decade ago. The diplomats were frank about the failings of past Indonesian governments and readily admitted that mistakes were made. However, their focus was on the future; nonetheless, it is difficult to escape from the legacy of past actions.

³⁷⁹ Ibid.

³⁸⁰ Ibid.

³⁸¹ Ibid.

The Indonesian Embassy does have a powerful ally in the U.S.-Indonesia Society. The U.S.-Indonesia Society was founded in 1994 by a collection of political and business leaders from both Indonesia and the United States in order to “promote mutual understanding” through working with “governmental leaders.”³⁸² The Society has three former U.S. ambassadors to Indonesia on its Board of Trustees as well as senior leaders from numerous American companies with sizable investments in Indonesia. These leaders come from companies such as General Electric, British Petroleum, Chevron, Caterpillar and mining company Freeport McMoRan.³⁸³ Indonesian leaders of the Society include former ambassadors to the United States and senior officials of leading Indonesian law firms, transportation companies, and investment firms.³⁸⁴

The U.S.-Indonesia Society has worked hard to promote a positive image of Indonesia in the United States. By matching the influence and knowledge of both former diplomats with business leaders who can speak about the potential gains to be made from greater levels of cooperation with Indonesia, the Society is an effective advocate for pro-Indonesia policy. The cover story on a 1997 issue of *The Progressive* called the U.S.-Indonesia Society the “Suharto Lobby.”³⁸⁵

³⁸² U.S.-Indonesia Society, “Mission and History,” <http://www.usindo.org/about/mission-and-history> (accessed August 25, 2012).

³⁸³ U.S.-Indonesia Society, “Trustees,” <http://www.usindo.org/about/trustees> (accessed August 25, 2012).

³⁸⁴ Ibid.

³⁸⁵ Eyal Press, “The Suharto Lobby—Indonesia’s voice in Washington,” *The Progressive* 61, no. 5 (1997): 19-31.

The Society attempts to burnish Indonesia's image not only through providing information to Congress and securing meetings with important members but also by financing congressional staff trips to Indonesia to meet with senior political leaders. From 2000 through 2005, the U.S.-Indonesia Society sponsored 37 trips to Indonesia for congressional staff, equally split between Republicans and Democrats.³⁸⁶ These trips cost the U.S.-Indonesia Society over \$230,000.³⁸⁷ Edward Masters, a former U.S. ambassador to Indonesia, states, "We hope that they [congressional staffers] come back with a favorable impression. I feel it is important that staffers who brief Congress see Indonesia first-hand."³⁸⁸

The Society also has served as an advocate for specific pro-Indonesia policies in the past. Indonesian President Susilo Bambang Yudhoyono first proposed the notion of a U.S.-Indonesian Comprehensive Partnership at a U.S.-Indonesia Society event in November of 2008.³⁸⁹ The Society became one of the chief advocates for the Comprehensive Partnership, holding several conferences and open forums to discuss potential aspects of a deeper relationship between the United States and Indonesia.³⁹⁰ The Society's role in securing an end

³⁸⁶ Legistorm, "U.S.-Indonesia Society—Sponsor of Congressional Travel," http://www.legistorm.com/trip/list/by/sponsor/id/8863/name/U_S_Indonesia_Society/page/2.html (accessed August 15, 2012).

³⁸⁷ Ibid.

³⁸⁸ Press, "The Suharto Lobby—Indonesia's voice in Washington."

³⁸⁹ U.S.-Indonesia Society, "Comprehensive Partnership," <http://www.usindo.org/country-info/comprehensive-partnership> (accessed August 25, 2012).

³⁹⁰ Ibid.

to the U.S. military's ban on training with KOPASSUS, Indonesia's Special Forces, will be expanded upon later in the chapter.

Coalition Building with Government Agencies

The Indonesian embassy maintains a strong set of relations with government agencies, especially the State Department and the Department of Defense.³⁹¹ On more than one occasion, the Indonesian diplomats stressed how they work with partners at these agencies to monitor developments in Congress and lobby members.

As will be discussed later in the case study regarding the Leahy Amendment, the Indonesian diplomats work with top officials in these departments to craft a clear message about issues of importance to Indonesia.³⁹² When pressed about methods of cooperation, the diplomats revealed that there is significant coordination between the embassy and government agencies as to lobbying efforts regarding specific pieces of legislation. The cooperation almost always occurs before any lobbying effort commences and the messages of the government agencies and the embassy are almost always similar.³⁹³ However, the diplomats noted that embassy staff does not often accompany government figures into meetings with members of

³⁹¹ Confidential interview with Indonesian Embassy officials, July 21, 2010.

³⁹² Ibid.

³⁹³ Ibid.

Congress.³⁹⁴ While the message and content of the lobbying effort is coordinated, embassy staff prefers not to be present with government officials while they lobby members of Congress. The diplomats felt these internal matters should be discussed by government officials and members of Congress. Moreover, they believed the presence of foreign diplomatic staff would not be helpful to advancing their cause.³⁹⁵

The Indonesian diplomats also mentioned how the Department of Defense is useful in their efforts to monitor developments in Congress and secure meetings with key members when they are needed.³⁹⁶ The Department of Defense, in essence, serves as a dual role for the Indonesian embassy. On the one hand, the Department of Defense served as another “early warning system” for the Embassy. On the other hand, they have assisted in identifying members of Congress who have influence over important legislation regarding Indonesia as well as working to influence these members.³⁹⁷

Working with the Indonesian-American Diaspora

The Indonesian diplomats acknowledged the difficulty in mobilizing the relatively small Indonesian-American diaspora into an effective political force. While the diplomats noted that

³⁹⁴ Ibid.

³⁹⁵ Ibid.

³⁹⁶ Ibid.

³⁹⁷ Ibid.

there are over 100,000 Indonesian-Americans, they lamented the fact that Indonesian-Americans are not receptive to efforts at institutionalizing their political voices.³⁹⁸

The diplomats noted that contacting members of Congress and engaging on issues important to Indonesia is not part of Indonesian culture and that while the embassy does sponsor social events and cultural activities around the United States they do not put a lot of effort behind mobilizing Indonesian-Americans.³⁹⁹

Case Study: Indonesia and the Leahy Amendment, 2009

The following case study examines Indonesia's lobbying efforts to weaken or eliminate restrictions on U.S. military aid and joint training with KOPASSUS, the Indonesian Special Forces. These restrictions, known as the Leahy Laws, prevent the U.S. military from providing aid to or training with KOPASSUS due to the unit's poor human rights record. The purpose of this section is to further examine Indonesia's lobbying strategies as well as to focus on the fourth hypothesis that this study advances. The fourth hypothesis is: Middle powers will focus on technocratic lobbying and coalition building when lobbying members of Congress. This section will also continue to examine Indonesia's lobbying strategies in order to assess the evidence with respect to the other main hypothesis for the qualitative case studies: that middle powers use multiple lobbying methods when working in Congress.

³⁹⁸ Ibid.

³⁹⁹ Ibid.

Background and Description of Legislation

In 1975, Indonesia invaded the former Portuguese colony of East Timor and claimed it as a province of Indonesia. The annexation of East Timor was largely met with international acquiescence but an underground movement in East Timor maintained a desire for independence, or at least autonomy within Indonesia. Violent outbursts occasionally occurred in East Timor as these groups attempted to push their agenda and gain global attention.

In 1991 a leader of an East Timor independence group was killed by unknown assailants and the funeral became a rally for the rights of the East Timorese. Seeking to restore order and squash any political rally, Indonesian troops engaged in a violent confrontation with mourners at the cemetery. The resulting conflict at the Santa Cruz cemetery in the East Timorese capital of Dili left between 200 to 400 East Timorese dead.⁴⁰⁰ This incident led the U.S. Congress to impose restrictions on the amount of military aid funding Indonesia receives from the United States.⁴⁰¹ Later that year, a group of passionate advocates for East Timorese rights began to assemble in the United States as well. The East Timor Action Network (ETAN) is a collection of academics, pacifists and human rights supporters who banded together to push for U.S. action to help the people of East Timor.⁴⁰² Slowly this group began to mobilize

⁴⁰⁰ Philip Shenon, "Indonesia seeks to atone for a massacre in Timor," *The New York Times*, September 17, 1992, <http://www.nytimes.com/1992/09/17/world/indonesia-seeks-to-atone-for-a-massacre-in-timor.html> (accessed September 22, 2010).

⁴⁰¹ Ibid.

⁴⁰² Confidential interview with East Timor activist, April 18, 2011.

supporters and lobbied members of Congress and their staffs for increased pressure on Indonesia with regards to the people of East Timor.

One of the most scrutinized groups in the Indonesian military was the Indonesian Special Forces, known by the acronym KOPASSUS. KOPASSUS is the elite branch of the Indonesian military and was allegedly responsible for many atrocities during the rule of Indonesian President Suharto. Former members of KOPASSUS were often in positions of power in the Indonesian government and their influence of domestic and foreign policy has been noted by many observers. KOPASSUS had been accused of committing human rights violations not only in East Timor but also in the Indonesian provinces of Aceh and Papua.⁴⁰³

In 1998, the U.S. Congress passed its annual defense appropriations bill but it included a new amendment named for Senator Patrick Leahy (D-Vermont), who was the chair of the Senate Subcommittee on Foreign Operations. The Leahy Amendment, also known as the Leahy Law, prohibits U.S. joint training with units of a foreign military that have violated human rights in the past.⁴⁰⁴ The Leahy Law states:

(a)None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

⁴⁰³ Human Rights Watch, “‘What Did I Do Wrong?’ Papuans in Merauke face abuses by Indonesian Special Forces,” June 2009, <http://www.hrw.org/en/node/84044/section/3> (accessed September 29, 2010).

⁴⁰⁴ *Department of Defense Appropriations Act, 1999*, Public Law 105-261, 105th Cong., 2nd sess. (October 17, 1998).

The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.⁴⁰⁵

The Leahy Law mandates that the secretary of state is responsible for cataloging accusations and publicly identifying those units which have committed such violations. While originally intended to affect U.S. policy towards Colombia, it would not be long before it began to affect U.S.-Indonesian relations.

The Leahy Law also appears in the 1998 appropriations bill for foreign operations.⁴⁰⁶

This version of the Leahy Law forbids the United States to transfer aid to units of a foreign military with a record of human rights abuses. The actual clause reads:

None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice:

Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the

⁴⁰⁵ Ibid.

⁴⁰⁶ *Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999*, 105th Cong., 2nd sess. (October 21, 1998).

foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.⁴⁰⁷

The crucial difference between the two Leahy Laws is that the clause which bans training with foreign militaries who have committed violations of human rights can be overridden with a waiver from the secretary of defense. The clause banning military aid to the same military units does not have a waiver process. The two provisions that make up the Leahy Law are ambiguous as to whether the restrictions apply to individuals or to units as a whole. The provision in the defense appropriations act notes that funds may be deprived from a unit should there be credible evidence that an individual has committed a human rights violation. The provision in the foreign operations appropriations act deals with units as a collective. The U.S. government implemented the law as applying to individuals who are members of a particular unit. However, the application was open to interpretation.

By May 1998, the U.S. government invoked the Leahy Law to stop funding and training with KOPASSUS.⁴⁰⁸ KOPASSUS had been implicated in many conflicts in East Timor, as well as other parts of Indonesia, for violating basic notions of human rights. U.S. Embassy personnel in Indonesia were assigned the task of vetting individuals within KOPASSUS to determine whether or not they have engaged in military action in East Timor, Aceh or West Papua. If the new members of certain KOPASSUS units were found to be veterans of these

⁴⁰⁷ Ibid.

⁴⁰⁸ Julian Duplain, "Asia-Pacific Analysis: Indonesia's Special Forces," *BBC Online*, <http://news.bbc.co.uk/2/hi/asia-pacific/460702.stm> (accessed September 25, 2010).

campaigns, then their units were denied funding. State Department personnel worked diligently, often encountering falsified Indonesian service records designed to obfuscate a soldier's service in these areas.⁴⁰⁹ However, this process all depended on who was vetting the Indonesian military. Foreign Service Officers (FSOs) who wanted to enforce the letter of the Leahy Law often disqualified more soldiers than FSOs who supported closer U.S.-Indonesian military relations.⁴¹⁰ A former Foreign Service officer involved in vetting members of KOPASSUS stated that there was wide variation in applying the Leahy rules depending on who was applying them.⁴¹¹ Thus, the quality and rigor of this vetting effort was dependent on who was overseeing the vetting.

In the years that followed, other congressional proposals threatened even greater restrictions on U.S.-Indonesian military relations. Yet, very few came to fruition until the resignation of Indonesian President Suharto in 1998 and the acceptance by the new Indonesian government in 1999 of a plebiscite in East Timor to determine its political future.⁴¹² Months of violence preceded the vote, with supporters of independence claiming that the Indonesian military was aiding opponents of independence.⁴¹³ Following the vote for independence there

⁴⁰⁹ Confidential communication with West Papua activist, June 20, 2011.

⁴¹⁰ Ibid; Confidential interview with East Timor activist, April 18, 2011.

⁴¹¹ Confidential communication with West Papua activist, June 20, 2011.

⁴¹² Thomas Lum, *U.S. Foreign Aid to East and South Asia*, 110th Cong., 2nd sess., Congressional Research Service (Washington D.C., October 8, 2008).

⁴¹³ Seth Mydans, "Violence grips East Timor capital as foes of independence run amok," *The New York Times*, August 27, 1999, <http://partners.nytimes.com/library/world/asia/082799indonesia-timor.html> (accessed September 29, 2010).

were weeks of violence and conflict until Australia and other nations sent an armed force, with the permission of the Indonesian government, to restore order and aid in the new country's transition.⁴¹⁴

After the terrorist attacks of September 11, 2001 the U.S. Congress and the executive branch began a rapprochement with Indonesia and began to slowly loosen the restrictions on foreign military funding for the Indonesian military.⁴¹⁵ In 2005, the Bush administration decided to lift congressional restrictions on arms sales and military education funding for Indonesia.⁴¹⁶ Congress appropriated millions of dollars for expanded military training programs and material purchases. Foreign military funding went from nothing in 2003 to over \$15 million by 2008.⁴¹⁷ U.S. support following the devastating 2004 tsunami topped \$600 million.⁴¹⁸ The Bush administration hailed Indonesia's cooperation in its global war on terror and supported increases in U.S. aid to Indonesia.⁴¹⁹

⁴¹⁴ Elizabeth Becker, "Clinton is sending 200 troops for East Timor," *The New York Times*, September 17, 1999, <http://www.nytimes.com/1999/09/17/world/clinton-is-sending-200-troops-for-east-timor.html> (accessed September 29, 2010).

⁴¹⁵ Lum, *U.S. Foreign Aid to East and South Asia*.

⁴¹⁶ Peter Gelling, "U.S. to allow arms sales to Indonesia," *The New York Times*, November 24, 2005, http://www.nytimes.com/2005/11/23/world/asia/23iht-indo.html?_r=0 (accessed May 1, 2011).

⁴¹⁷ Lum, *U.S. Foreign Aid to East and South Asia*.

⁴¹⁸ Ibid.

⁴¹⁹ Stephen Kaufman, "Bush praises Indonesia's democratic reforms," November 20, 2006, <http://www.america.gov/st/washfile-english/2006/November/20061120123029esnamfuak0.9844782.html> (accessed October 2, 2010); David Sanger, "Bush ends trip at careful stop in Indonesia," *The New York Times*, November 21, 2006, <http://www.nytimes.com/2006/11/21/world/asia/21prexy.html?scp=1133&sq=protests&st=nyt> (accessed October 2, 2010).

Indonesian Lobbying Efforts on the Leahy Law

As the Bush administration initiated greater training with and funding of the Indonesian military, the process of vetting members of the Indonesian military by the State Department continued in earnest. Indeed, even more vetting was required as greater levels of training commenced. However, the State Department was divided over whether the Leahy Law banned “units” with a history of human rights violations from receiving American funding or “individuals” with a history of human rights abuses from receiving funding.⁴²⁰ In many cases, this designation depended on who was conducting the vetting. Some State Department officials supported banning entire units from participation in American training while others backed banning only suspicious individuals. The State Department was divided over the question of closer military relations with KOPASSUS as “on one side, East Asian pragmatists and their allies in the Office of the Secretary of Defense, who recognize the need to move ahead and, on the other side, the legal and human rights bureaus that vehemently believe that relations with Indonesia cannot move forward without an accounting of past human rights abuses.”⁴²¹

This bureaucratic stalemate led to howls of discontent from Defense officials who wanted the loosest application of the Leahy Law. In late 2008, the Pentagon planned to conduct a joint exercise with a “clean unit” of KOPASSUS, which was staffed only by people with no human rights violations. However, it was scuttled by the State Department given

⁴²⁰ Charles Comer, “Leahy in Indonesia: Damned if you do (and even if you don’t),” *Asian Affairs: An American Review*, 37 (2010): 53-70.

⁴²¹ *Ibid.*, 56.

concerns over American training with a “unit” that had been accused of human rights violations in the past.⁴²² Thus, the Defense Department was fairly unified in its desire to strengthen relations with the Indonesian military. The State Department in turn, had a far less solidified position on the matter.

Throughout this process, the ban on U.S. aid for and joint training with KOPASSUS remained intact. The Indonesian diplomats stressed that KOPASSUS represented the very best of the Indonesian armed forces and their inability to train with the American military was a significant loss for each side. For years, the Indonesian embassy had tried to convince Senator Leahy and others in Congress to rescind the law but to no avail.⁴²³ Despite support from the Pentagon, Congress refused to condone U.S. support for and training with KOPASSUS. The challenge before the Indonesian government was to overcome congressional and State Department opposition to joint U.S.-KOPASSUS training.

The Indonesian government had been laying the groundwork for this campaign for some time. Specifically, President Yudhoyono’s government has been working with the U.S. Embassy in Jakarta to lay the groundwork for a campaign against the Leahy Law’s restrictions since at least 2006. State Department cable traffic from Jakarta, published by Wikileaks, shows that American embassy officials in Jakarta had been lobbied by Indonesian government and military officials quite effectively for a number of years. In three separate meetings between 2006 and October 2007, Indonesian officials made it clear to their American interlocutors that

⁴²² Ibid., 63.

⁴²³ Confidential interview with Indonesian Embassy officials, July 21, 2010.

the resumption of joint U.S.-KOPASSUS training was of paramount importance. In 2008, President Yudhoyono went so far as to call President George W. Bush “one of the most pro-Indonesian American Presidents in the history of our bilateral relations.”⁴²⁴

In a meeting with Assistant Secretary of Defense for International Security Affairs Peter Rodman, the Secretary General of the Ministry of Foreign Affairs, Imron Cotan, “on two separate occasions, raised... what appeared to be one of his main points for the meeting, pressing ASD Rodman to allow potential leaders from the Special Forces to receive U.S. training.”⁴²⁵ Rodman responded by noting the caution that must be shown in U.S.-KOPASSUS relations due to congressional opposition.⁴²⁶

In a June 2007 meeting between U.S. Assistant Secretary of State for East Asia Christopher Hill and Indonesian Defense Minister Juwono Sudarsono, the issue of KOPASSUS training was broached yet again. Hill responded by stressing the need for greater Indonesian action to ensure that all members of KOPASSUS be free from any association with past human rights abuses.⁴²⁷ In an August 28, 2007 meeting between U.S. Deputy Assistant Secretary Scot Marciel, Andri Hadi, a senior official at the Indonesian Foreign Ministry, and Dino Djalal, a special advisor to the Indonesian President, the topic of KOPASSUS came up again. Marciel

⁴²⁴ Ibid.

⁴²⁵ Wikileaks, “ASD Rodman’s meeting with Indonesian Foreign Ministry SecGen,” May 9, 2006, <http://cablegatesearch.net/cable.php?id=06JAKARTA5789&q=kopassus> (accessed September 3, 2012).

⁴²⁶ Ibid.

⁴²⁷ Wikileaks, “A/S Hill’s meeting with Indonesian Defense Minister Sudarsono,” June 7, 2007, <http://cablegatesearch.net/cable.php?id=07JAKARTA1576&q=kopassus> (accessed September 3, 2012).

again demanded that the Indonesian military work to ensure that all members KOPASSUS possess clean records of military service before the possibility of U.S.-KOPASSUS training could be broached.

The Indonesian military gained a forceful ally when President George W. Bush nominated Cameron Hume to become the U.S. ambassador to Indonesia in August of 2007. Hume arrived in Jakarta and within a few months, the U.S. Embassy was sending cables to the State Department advocating for a resumption of U.S.-KOPASSUS training. Hume declared on October 19, 2007 that “The time is right to resume gradual engagement with KOPASSUS, the Indonesian Army's elite Special Forces unit.”⁴²⁸ Hume stressed in his cable that KOPASSUS had the best counter-terrorist units in Indonesia and their forces would likely be called upon to rescue any American who might be kidnapped in Indonesia.⁴²⁹ Hume argued that Australia and the International Red Cross were working with KOPASSUS already.⁴³⁰ Hume outlined a two-year program through that represented a “deliberate and targeted program” of steps to gradually build greater levels of cooperation between the U.S. military and KOPASSUS.⁴³¹ This program would culminate in April 2008.⁴³²

⁴²⁸ Wikileaks, “Resuming engagement with KOPASSUS, The Army’s Special Forces Unit,” October 19, 2007, <http://cablegatesearch.net/cable.php?id=07JAKARTA2934&q=kopassus> (accessed September 3, 2012).

⁴²⁹ Ibid.

⁴³⁰ Ibid.

⁴³¹ Ibid.

⁴³² Ibid.

A flurry of cables over the next month made the case for increased U.S. ties to KOPASSUS. The embassy met with a number of Indonesian government and military leaders who all spoke of the importance of U.S. joint training with KOPASSUS on counter-terrorist missions.⁴³³ The embassy called for increased U.S. efforts to reach out to KOPASSUS to “assess and ultimately help shape KOPASSUS skills and capabilities, beginning with human rights and developing counter-terrorism and counter-insurgency capabilities.”⁴³⁴ Indonesian officials, quoted in the cables, pushed the argument that junior members of KOPASSUS, who had no connections to the human rights violations of the 1990s, should not be punished for the actions of their predecessors.⁴³⁵ By doing so, the Indonesian government was attempting to influence the internal State Department battle over whether the Leahy Law applied to individuals or to units as a whole.

On January 17, 2008, the embassy sent a cable to the State Department which related the visit of the Chinese Defense Minister to Jakarta and reported that he visited the home base of KOPASSUS.⁴³⁶ The cable noted that “China continues to press forward in its relationship with Indonesia in multiple areas and this visit fits into that effort.”⁴³⁷ In a February 1 meeting

⁴³³ Wikileaks, “Defense Cooperation—Indonesian military wants to move forward with U.S.,” November 19, 2007, <http://cablegatesearch.net/cable.php?id=07JAKARTA3199&q=kopassus> (accessed September 3, 2012); Wikileaks, “Defense Cooperation—Engaging Indonesia on the future of mil-mil relationship,” October 25, 2007, <http://cablegatesearch.net/cable.php?id=07JAKARTA2990&q=kopassus> (accessed September 3, 2012).

⁴³⁴ Ibid.

⁴³⁵ Wikileaks, “Defense Cooperation—Indonesian military wants to move forward with U.S.”

⁴³⁶ Wikileaks, “Indonesia—Chinese Defense Minister Visit,” January 17, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA106&q=kopassus> (accessed September 3, 2012).

⁴³⁷ Ibid.

with the head of the Indonesian Armed Forces, Ambassador Hume stated: “over the past several months, the Ambassador noted, he had worked to remove internal USG [U.S. Government] restrictions on the training of the Indonesian Army's Special Forces, KOPASSUS.”⁴³⁸

In March 2008, the State Department abruptly cancelled the long-planned joint exercises with a KOPASSUS unit which had previously met the stringent Leahy vetting requirement.⁴³⁹ State had decided that the Leahy Law banned American military forces from training with units who had been accused of human rights violations regardless of whether the current members who participated in those actions. Charles Comer believes that this decision was sparked by the State Department’s Bureau of Democracy, Rights and Labor which opposed further U.S. training with KOPASSUS.⁴⁴⁰ The Indonesian government was furious and shortly thereafter told the U.S. embassy in Jakarta that it was pulling out of a joint training program wherein U.S. Special Forces trained members of the Indonesian National Police in counter-terrorism.⁴⁴¹ The cable noted that there was jealousy between KOPASSUS and the National Police force regarding access to U.S. training.⁴⁴² KOPASSUS considered it an “anomaly” that

⁴³⁸ Wikileaks, “Ambassador’s meeting with Indonesia’s top military commander,” February 4, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA222&q=kopassus> (accessed September 3, 2012).

⁴³⁹ Comer, “Leahy in Indonesia: Damned if you do (and even if you don’t).”

⁴⁴⁰ Ibid.

⁴⁴¹ Wikileaks, “U.S. military training of Indonesian police in jeopardy,” April 10, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA734&q=kopassus> (accessed September 3, 2012).

⁴⁴² Ibid.

the National Police had access to training by U.S. Special Forces but they did not.⁴⁴³ The cable ended grimly, stating, “Mission has been able to work around TNI [Indonesian military] resistance in the past. That may no longer be possible. U.S. restrictions on KOPASSUS are making such work-arounds less acceptable to the Indonesians. This may affect a whole range of assistance currently provided by U.S. Special Forces.”⁴⁴⁴

Later that month, U.S. Assistant Secretary of State for East Asia Christopher Hill met with Indonesian President Yudhoyono in Jakarta. Yudhoyono pushed for greater levels of U.S. cooperation with KOPASSUS.⁴⁴⁵ Hill noted that there was still more convincing to be done on Capitol Hill.⁴⁴⁶ Yudhoyono mentioned that he took special care of congressional visitors to Jakarta and bemoaned the fact that these visitors always wanted to see instant changes in Indonesia. Yudhoyono cautioned that such changes were not possible in the short term.⁴⁴⁷ At the end of May 2008, a senior U.S. embassy official met again with Imron Cotan, the Secretary General of the Ministry of Foreign Affairs. Cotan stressed Yudhoyono’s focus on the issue of KOPASSUS training by relating “Yudhoyono's hope that the U.S. military will engage in training Indonesian military elements, including Kopassus. Cotan expressed the president's

⁴⁴³ Ibid.

⁴⁴⁴ Ibid.

⁴⁴⁵ Wikileaks, “A/S Hill’s meeting with President Yudhoyono,” April 16, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA764&q=kopassus> (accessed September 3, 2012).

⁴⁴⁶ Ibid.

⁴⁴⁷ Ibid.

views that it would be a setback for our military relationship if training does not occur, urging that the United States to "engage, don't isolate."⁴⁴⁸

Over the summer 2008, the U.S. embassy in Jakarta tried many times to restart the U.S. Special Forces counter-terrorism training of the Indonesian National Police. In a July 2 meeting between John Heffern, the U.S. Deputy Chief of Mission, and the Indonesian Defense Minister Juwono Sudarsono, the Indonesians vented about the lack of respect shown to KOPASSUS. Sudarsono advanced a compromise proposal whereby a select number of KOPASSUS personnel would be allowed to participate in the National Police training.⁴⁴⁹ Heffern had to refuse this suggestion, pointing out the Leahy rules. Sudarsono, according to the cable, stated, "he understood from his discussions in Washington in April 2006 that U.S. engagement with Kopassus required time. That said, some in Washington still seemed to view Indonesia as it was 10 years ago and allowed the 'overhang of the past' to influence their views on Indonesia. Several Indonesian military officers had been barred from attending peacekeeping exercises in Mongolia and Thailand, and Indonesians had been left out of other events due to requests from Washington."⁴⁵⁰ Heffern responded that more work needed to be

⁴⁴⁸ Wikileaks, "Senior Indonesian diplomat addresses range of bilateral issues," May 30, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA1058&q=kopassus> (accessed September 3, 2012).

⁴⁴⁹ Wikileaks, "DefMin reviews mil-to-police training," <http://cablegatesearch.net/cable.php?id=08JAKARTA1311&q=kopassus> (accessed September 3, 2012).

⁴⁵⁰ Ibid.

done in Congress. He also stressed that U.S. reengagement with KOPASSUS would need more time.⁴⁵¹

In October 2008, the U.S. Embassy in Jakarta weighed in on the dispute between the State Department's Bureau of Democracy, Rights and Labor and the office of Christopher Hill, the Assistant Secretary of State for East Asia. Hill had a meeting with his counterpart, David Kramer, from the Bureau of Democracy, Rights and Labor in order to hash out the path forward with KOPASSUS. Hill favored a more flexible interpretation of the Leahy Law. Hill's interpretation would only ban American forces from training with foreign military units which included individuals who had been accused of human rights violations. Hume and the embassy weighed in strongly in favor of deepened cooperation with KOPASSUS. According to the cable, deepened cooperation with KOPASSUS was justified since "a review of two internationally accepted lists of security personnel linked to violence in East Timor reveals that only a handful of the hundreds listed are still in active service. Additional corrective factors include regular turnover in unit personnel every few years, a regime change to a democratic government with respect for human rights, a reconciliation agreement between Indonesia and Timor-Leste and a landmark trial."⁴⁵²

These internal State Department conversations spurred a letter from Senators Patrick Leahy (D-VT) and Russell Feingold (D-WI) to Ambassador Hume and Secretary of State Condoleezza Rice. The letter criticized proposals to increase U.S. cooperation with

⁴⁵¹ Ibid.

⁴⁵² Wikileaks "Way Forward on training Indonesian special forces," October 8, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA1873&q=kopassus> (accessed September 3, 2012).

KOPASSUS. The senators wrote, “We recognize the importance of a strong and effective partnership with Indonesia, and have supported various initiatives to re-engage with and provide assistance to the Indonesian military and police, particularly as we seek to combat extremism around the globe. However, this relationship must not come at the expense of a principled stance on human rights and accountability for past abuses which have yet to be adequately addressed, if at all.”⁴⁵³ The cables were fairly quiet after this attempt in the fall of 2008.

Election of Barack Obama

The election of Barack Obama as president in 2008 heralded the potential for closer ties between the United States and Indonesia. The new president had spent part of his childhood in Indonesia and Indonesians were overjoyed when Obama prevailed in the election.⁴⁵⁴ The election of Obama created a new atmosphere for a renewed push for greater U.S.-KOPASSUS relations. President Yudhoyono delivered a speech at USINDO shortly after the 2008 presidential election and wrapped joint U.S.-KOPASSUS training into an appeal for a strategic partnership with the United States. Yudhoyono based his call for a strategic partnership, later renamed as a comprehensive partnership, on “equal partnership and common interests” which

⁴⁵³ East Timor Action Network, “Senators write to U.S. State Department on training KOPASSUS and BIMBOB,” April 3, 2008, <http://www.etan.org/news/2008/04senate.htm> (accessed March 3, 2011).

⁴⁵⁴ Susilo Bambang Yudhoyono, “Speech at USINDO luncheon,” November 14, 2008, <http://www.presidensby.info/index.php/eng/pidato/2008/11/15/1032.html> (accessed September 10, 2012).

would help to bring about “peace, stability and international cooperation.”⁴⁵⁵ Given its failure to prevail in internal State Department battles, the Indonesian government decided to expand the playing field. By making an effort to entice a pro-Indonesian U.S. president into a comprehensive partnership, Yudhoyono made a key ally in his quest to ensure closer ties between the U.S. military and KOPASSUS.

The U.S.-Indonesian Society was a helpful ally for Indonesia in making its case to U.S. officials about the benefits of a strategic, later called “comprehensive,” partnership. The U.S.-Indonesian Society held a number of conferences and open forums for academics, media members, policy makers and government staffers touting the benefits of a U.S.-Indonesia comprehensive partnership. The U.S.-Indonesian Society provided a useful channel through which the Indonesian government, and its embassy in Washington, could leverage influential business and diplomatic leaders in their quest for a comprehensive partnership and an end to the Leahy restrictions on KOPASSUS.

Seizing on the new energy and strategy articulated by President Yudhoyono, the Indonesian Embassy in Washington and its diplomats began meeting with one of their most vociferous critics, Delegate Eni Faleomavaega (D-American Samoa), who is the third most senior member of the House International Relations Committee and chair of the Subcommittee for Asia, the Pacific and the Global Environment.⁴⁵⁶ The diplomats noted that despite Delegate Faleomavaega’s criticisms of Indonesia’s actions in East Timor and in the province of Papua,

⁴⁵⁵ Ibid.

⁴⁵⁶ Confidential interview with Indonesian Embassy officials, July 21, 2010.

he met with them regularly multiple times per month.⁴⁵⁷ The diplomats spoke with Delegate Faleomavaega and presented their arguments to him to garner his support for a repeal of the Leahy Law.

As part of their argument, the Indonesian diplomats noted that some elites in the upper echelons of Indonesia's government believe that the United States cannot be trusted to maintain its cooperation and partnership with Indonesia due to the legacy of the sanctions imposed on Indonesia during the 1990s.⁴⁵⁸ This elite faction argued that since the United States did not stand by Indonesia during the 1990s, its friendship is not to be relied on. Consequently, Indonesia should not tether itself to the United States too closely again out of fear of having sanctions reimposed. The diplomats urged Delegate Faleomavaega to support the restoration of military cooperation with KOPASSUS in order to weaken this faction in Indonesia and strengthen the U.S.-Indonesian partnership.

The Indonesian diplomats also worked with the namesake of the legislation, Senator Patrick Leahy.⁴⁵⁹ The Indonesian diplomats met several times with Senator Leahy to persuade him to alter his legislation. The diplomats also worked with their allies in the Defense Department and prevailed upon Secretary of Defense Robert M. Gates to meet with Senator

⁴⁵⁷ Ibid.

⁴⁵⁸ Ibid.

⁴⁵⁹ Ibid.

Leahy to try to convince him to revise the legislative language preventing the United States military from aiding and training with KOPASSUS.⁴⁶⁰

Meanwhile the U.S. Embassy in Jakarta forwarded cables to Foggy Bottom stressing the need for the Obama administration to make a decision about KOPASSUS. In an October 9, 2009 cable, the embassy noted President Yudhoyono was “reportedly upset with the lack of progress on the Kopassus/Leahy vetting issue.”⁴⁶¹ The president’s spokesperson, Dino Djalal, told embassy officials of “President Yudhoyono's frustration with the continued legal restrictions on engagement between the U.S. military and the Indonesian Army Special Forces (Kopassus). According to Djalal, Yudhoyono takes the issue seriously to the extent that he wonders how he can proceed with a Comprehensive Partnership with the United States if the United States does not treat Indonesia as a true partner.”⁴⁶² Yudhoyono was also upset about a recently cancelled visit by Obama to Indonesia and the embassy warned that the United States should not send a “consolation prize” delegation to Yudhoyono’s second presidential inauguration as that was “exactly the wrong thing to do.”⁴⁶³

The Indonesian Foreign Ministry continued to press the issue of U.S.-KOPASSUS joint training in a December 2009 meeting with Undersecretary of State Nicholas Burns regarding

⁴⁶⁰ Ibid.

⁴⁶¹ Wikileaks, “President Yudhoyono reportedly unhappy over KOPASSU issue, POTUS visit postponement,” October 9, 2009, <http://cablegatesearch.net/cable.php?id=09JAKARTA1711&q=kopassus> (accessed September 3, 2012).

⁴⁶² Ibid.

⁴⁶³ Ibid.

the comprehensive partnership. Indonesian officials advanced the argument that access to U.S. training for KOPASSUS would ensure that human rights violations in the future would be greatly reduced. Undersecretary Burns continued to urge patience and cited opposition from Congress to the delay.⁴⁶⁴

The Indonesian embassy in Washington worked on the KOPASSUS issue by inviting the head of KOPASSUS, Maj. General Lodewijk Paulus, to Washington to meet with Delegate Faleomavaega and other important policy makers.⁴⁶⁵ The commanding general tried to assure Delegate Faleomavaega that KOPASSUS had reformed itself and its policies to follow global human rights norms. The general also argued that KOPASSUS had let go of a number of individuals who had been accused of human rights violations and, now that over 12 years had passed since the violence in East Timor and Papua, the leadership and personnel of the Special Forces was completely new.

The Indonesian diplomats stressed the need for the United States and Indonesia to look ahead rather than behind. To demonstrate that most effectively, the Indonesian diplomats would often refer opponents, including Delegate Faleomavaega and Senator Leahy, to the ambassador to the United States from East Timor. The Indonesian diplomats noted how many times they would refer people who were critical of Indonesia's human rights record to the

⁴⁶⁴ Wikileaks, "U/S Burns's December 10, 2009 meeting with Indonesian Department of Foreign Affairs Secretary General Inron Cotan," December 17, 2009, <http://cablegatesearch.net/cable.php?id=09JAKARTA2072&q=kopassus> (accessed September 3, 2012).

⁴⁶⁵ Ibid.

ambassador from East Timor, because he would give a good account of how Indonesia had become a responsible state in Southeast Asia.⁴⁶⁶

General Paulus's presence set off alarm bells both in the human rights community and inside the U.S. government. According to a senior official at Human Rights Watch, the U.S. embassy never told the State Department that General Paulus, who according to U.S. law should not have been extended a visa to enter the country due to questions about his human rights record, would be in Washington.⁴⁶⁷ Human Rights Watch fed the story to the *Washington Post*, which ran an article the next day suggesting that the Obama administration was going to relax the restrictions on U.S. training with KOPASSUS.⁴⁶⁸ Human Rights Watch, along with the ETAN and other nongovernmental groups, began to mobilize to rally congressional opposition against such a move.

Human Rights Watch along with Amnesty International, the East Timor Action Network, and the West Papua Advocacy Team began to lobby congressional staff in order to generate congressional opposition.⁴⁶⁹ A number of advocates noted that their efforts were successful in some ways. A senior leader with the West Papua Advocacy Team noted that its briefings successfully produced a number of "Dear Colleague" letters which circulated among

⁴⁶⁶ Confidential interview with Indonesian Embassy officials, July 21, 2010.

⁴⁶⁷ Confidential interview with Human Rights Watch official, April 30, 2011.

⁴⁶⁸ Ibid.; John Pomfret, "U.S. floats plan to lift ban on training Indonesia's KOPASSUS unit," *The Washington Post*, March 3, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/02/AR2010030204053.html> (accessed April 18, 2011).

⁴⁶⁹ Confidential interviews with Human Rights Watch official, April 30, 2011; Confidential interview with East Timor activist, April 18, 2011; Confidential communication with West Papua activist, June 20, 2011.

many congressional offices raising concerns and awareness about Indonesia's desires to push the new administration for greater training with KOPASSUS.⁴⁷⁰ The East Timor Action Network also briefed congressional staff and communicated with the State Department on the issue.⁴⁷¹ Neither the WPAT nor the ETAN worked closely with the Department of Defense. Leaders from each organization stated that it was very clear that the Pentagon was desirous of greater levels of training with KOPASSUS and wanted to stanch congressional opposition before it could jeopardize their plans.⁴⁷²

In May 2010, a bipartisan group of congressional foreign policy leaders, including the chairs of both the House and Senate Foreign Affairs Committees, sent a letter to Secretary of State Hillary Clinton and Secretary of Defense Robert Gates questioning the administration's desire to resume training with KOPASSUS.⁴⁷³ The letter pushed the administration to ensure that any new relationship with KOPASSUS be conditioned on Indonesian commitments to accept responsibility for past offenses, to expel any KOPASSUS member accused of violating human rights, and allow for civilian trials of military members accused of such crimes.⁴⁷⁴

⁴⁷⁰ Confidential communication with West Papua activist, June 20, 2011.

⁴⁷¹ Confidential interview with East Timor activist, April 18, 2011.

⁴⁷² Ibid.

⁴⁷³ East Timor Action Network, "U.S. Lawmakers urge Obama to show caution in dealing with Indonesia Special Forces," May 13, 2010, <http://www.etan.org/news/2010/05congress.htm> (accessed March 20, 2011).

⁴⁷⁴ Ibid.

Congress passed funding bills for both the Department of Defense and foreign operations in December of 2009 which included both Leahy Laws for fiscal year 2010.⁴⁷⁵ Thus, the Indonesian embassy failed to persuade Congress to change its legislation regarding military aid to KOPASSUS in 2009 or 2010. The administration continued to negotiate the comprehensive partnership agreement with Indonesia throughout 2010 and sought to have President Obama announce the completion of the agreement during his trip to Indonesia in November 2010. Congressional pressure against reengaging with KOPASSUS pushed the administration's decision on the issue in July 2010 when Secretary of Defense Robert Gates announced in Jakarta that he intended to exercise a discretionary waiver of the Leahy Law to allow for American training of KOPASSUS.⁴⁷⁶

Congressional pressure did force the Department of Defense to include a few conditions on its waiver. First, the Indonesian government agreed to remove a small number of KOPASSUS personnel who had been convicted of previous human rights abuses.⁴⁷⁷ Second, the Indonesian government agreed that any KOPASSUS personnel who were accused of human rights violations in the future would be suspended and, if convicted, would be removed from the unit.⁴⁷⁸ The Pentagon made it clear that reengagement with KOPASSUS would be a

⁴⁷⁵ U.S. Library of Congress, "Status of Appropriations Bills for Fiscal Year 2010," <http://thomas.loc.gov/home/approp/app10.html> (accessed October 1, 2010).

⁴⁷⁶ Elizabeth Busmiller and Norimitsu Onishi, "U.S. lifts ban on Indonesian Special Forces Unit," *The New York Times*, July 22, 2010, http://www.nytimes.com/2010/07/23/world/asia/23military.html?_r=1&src=my (accessed July 28, 2010).

⁴⁷⁷ Ibid.

⁴⁷⁸ Ibid.

gradual process and that joint training operations would not begin immediately.⁴⁷⁹ Senator Leahy noted that while he opposed reengaging with KOPASSUS at this time, “a conditional toe in the water is wiser at this stage than diving in.”⁴⁸⁰ During his visit to Indonesia in November 2010, President Barack Obama announced the signing of the comprehensive partnership with Indonesia with President Yudhoyono by his side.

This is, at best, a half victory for Indonesia. A full victory would have been statutory language which either repealed the Leahy Law or language which cleared KOPASSUS from alleged human rights violations in the past and allowed the U.S. military to offer them support and opportunities for joint training. The waiver that Indonesia obtained from Secretary Gates is merely a temporary approval which must continue to be approved each year and applies only to joint training with KOPASSUS. A change in presidential leadership, or even leadership at the Pentagon, may deal a blow to this new level of cooperation. However, with the Obama administration’s well known desire to “pivot” U.S. forces away from the Middle East and towards Asia, the effect of personnel changes may be limited. Secretary Gates retired in 2010 and his successor, former CIA director Leon Panetta, made it clear during his own visit to Indonesia in 2011 that U.S. cooperation with KOPASSUS was likely to continue.⁴⁸¹

Facing solid resistance to their legislative objectives in Congress, Indonesia initially chose to engage in internal State Department battles regarding the interpretation of the Leahy

⁴⁷⁹ Ibid.

⁴⁸⁰ Ibid.

⁴⁸¹ Mathieu Rabechault, “Panetta backs developing ties with Indonesian military,” *Agence France-Presse*, October 23, 2011, http://www.google.com/hostednews/afp/article/ALeqM5g5lhahiPIYj7hp8SPy-TTx4dGX7w?docId=CNG_1ca187f850fe4f7a2ea784fd454b4b4c.1c1 (accessed September 12, 2012).

Law. Failing to overcome resistance in the State Department, it expanded its efforts by launching a drive for a comprehensive partnership with the United States. The election of Barack Obama was a turning point in Indonesia's quest due to his unique association with Indonesia. By cultivating an ally in the White House and maintaining its alliance with the Department of Defense, Indonesia was able to overcome State Department and congressional opposition to a resumption of joint U.S.-KOPASSUS training.

CHAPTER 7

THE EUROPEAN UNION AND THE TRAVEL PROMOTION ACT

This chapter is the third of three case studies examining the lobbying methods and strategies that select middle powers use to influence the U.S. Congress on issues of foreign policy. Various European countries were identified as middle powers in Chapter 2 and Austria and Sweden were chosen for this case study. These two countries cooperate closely with the official European Union delegation to the United States. This chapter is organized into two main sections. The first section details the general lobbying strategies used by Austrian, Swedish and European Union diplomats when working with the U.S. Congress. This first section also includes information and data collected from an interview with an Australian diplomat about their country's strategies and tactics. Although not a member of the European Union, this data did not have a natural home elsewhere in this research and is useful in examining lobbying efforts by middle powers. The second section details the collective European Union's efforts to prevent passage of the Travel Promotion Act, which established a public-private partnership between the U.S. government and American tourism companies to subsidize overseas advertising promoting tourism to the United States. This organization would be funded with fees collected by the U.S. government that are charged to incoming tourists.

The information that forms the basis of this chapter was obtained through numerous interviews with EU, Austrian, Swedish and Australian diplomats who have worked on

congressional relations for their governments as well as nongovernmental officials associated with the domestic travel industry. To gain access and to encourage honesty, these sources were granted confidentiality. The identity of the sources is known only to the author and to the director of this dissertation.

General Lobbying Strategies

Before examining the data obtained in the aforementioned interviews, it is useful to review the two hypotheses that this study makes regarding the general lobbying strategies that middle powers use when attempting to influence the U.S. Congress on foreign policy issues. The third hypothesis advanced by this study (H₃) is that middle powers utilize multiple lobbying methods. This hypothesis suggests that middle powers are likely to use both direct and indirect methods as well as inside and outside strategies.

For review, direct lobbying strategies are defined as those methods which are directed at actively lobbying members of Congress for action on a particular matter. Indirect strategies are more passive in nature. They are designed to either monitor developments at the locus of decision making or rally groups outside of Washington, D.C. to bring pressure to bear on congressional leaders. Inside strategies are defined as efforts originating by groups from Washington, D.C. or its environs. Outside strategies are defined as those methods originating from beyond Washington, D.C. and its environs. Please refer to Table 1 for more details. The fourth hypothesis this study ventures (H₄) is that while middle powers use multiple methods of

lobbying, they will rely upon technocratic lobbying and coalition building when they lobby Congress. Technocratic lobbying is a term used by Chung-in Moon to capture the tendency of smaller states to hire Washington, D.C.-based firms to monitor developments in Congress and the federal government in order to provide an “early warning system” to embassy staff.⁴⁸² Coalition building is a strategy that stresses building alliances with relevant government agencies or nongovernmental organizations in an effort to influence lawmakers.

This part of the chapter is organized into five smaller sections. Each section deals with a lobbying strategy that was described in Table 1. The five lobbying methods are: direct lobbying, technocratic lobbying, coalition building with nongovernmental organizations, coalition building with governmental agencies, and working with the diaspora. Each section will go into detail as to whether the counties under examination utilize the specific lobbying method and how it is employed.

Direct Lobbying

All of the diplomats handled the subject of direct lobbying gingerly. They maintained that they did not engage professional lobbyists to monitor their countries’ interests on Capitol Hill. The Austrian and Swedish diplomats both maintained that the services of professional

⁴⁸² Moon, “Complex Interdependence and Transnational Lobbying: South Korea in the United States.”

lobbyists were simply beyond their resources.⁴⁸³ The Swedish diplomat maintained that if Congress was dealing with an issue of supreme national importance, then they would consider hiring a professional firm but otherwise they felt as if they were their own best advocates.⁴⁸⁴ An examination of government records since 2001 indicates that the Austrian embassy only hired a lobbying firm once, in 2001, and paid them \$33,000.⁴⁸⁵ Government records indicate that the Swedish embassy has not hired a professional lobbying firm since 2001.⁴⁸⁶

The diplomat from the European Union delegation believed that it was foolish for foreign countries to engage the services of a professional lobbying firm. Foreign delegations, in this argument, were often ill-informed about politics in the United States and made themselves “easy targets” for lobbying firms.⁴⁸⁷ However, it was noted that some countries, especially those with more money than diplomats in their diplomatic services, could benefit from the work of a professional lobbying firm, especially if there was a sudden crisis in that

⁴⁸³ Confidential interview with Austrian Embassy official, February 22, 2011; Confidential interview with Swedish Embassy official, February 23, 2011.

⁴⁸⁴ Confidential interview with Swedish Embassy official, February 23, 2011.

⁴⁸⁵ United States Department of Justice, “Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2001,” <http://www.fara.gov/annualrpts.htm> (accessed March 15, 2013).

⁴⁸⁶ United States Department of Justice, “Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2001-2011,” <http://www.fara.gov/annualrpts.htm> (accessed March 15, 2013).

⁴⁸⁷ Confidential interview with European Union Embassy official, June 6, 2011.

country's relations with the United States. Government records indicate that the European Union has not hired a professional lobbying firm since 2001.⁴⁸⁸

The Australian delegation maintained that it did not retain the services of a professional lobbying firm at present.⁴⁸⁹ However, the Australians did mention that when the U.S.-Australia Free Trade Agreement was before Congress, the embassy hired a professional firm. The delegation was at pains to stress that this firm did not engage in any lobbying on Capitol Hill. Rather, the agency was contracted to gather data and other information which might prove useful in supporting Australian embassy personnel in their work on the Hill. Government documents indicate that between 2001 and 2005, the Australian government spent heavily on professional lobbying firms.⁴⁹⁰ They expended a total of \$1.13 million on outside lobbying between 2001 and 2005, an annual average of \$226,000.⁴⁹¹ Almost all of these contracts were directed towards the U.S.-Australian Free Trade Agreement, as the embassy indicated.⁴⁹² Since 2005, the embassy has spent only a paltry \$30,000 dollars on outside representation.⁴⁹³

⁴⁸⁸ United States Department of Justice, "Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2001-2011."

⁴⁸⁹ Confidential interview with Australian Embassy official, February 24, 2011.

⁴⁹⁰ United States Department of Justice, "Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 2001-2011."

⁴⁹¹ Ibid.

⁴⁹² Ibid.

⁴⁹³ Ibid.

Each delegation also noted that when direct lobbying is needed, it is carried out by embassy staff or their ambassador. The Austrians and the Australians were careful to note that meetings between members of Congress and their respective ambassadors had to be relevant and useful to each side.⁴⁹⁴ None of the embassies employed their ambassadors in routine meetings or briefings. Instead, meetings between members and ambassadors were focused and organized around specific issues. Routine meetings and briefings were handled by embassy staff.

Each delegation also had a different opinion about the utility of forming a congressional caucus. The Australians recalled that they formed a caucus during the congressional debate over the U.S.-Australia FTA but afterwards decided that it was not worth the effort to maintain it.⁴⁹⁵ They thought that members of Congress were not that engaged with the caucus and the embassy preferred to work on its own. Diplomats from Sweden also felt that establishing a Swedish caucus in Congress was not worth it.⁴⁹⁶ They believed that it would have entailed a good amount of work and they lacked an obvious candidate to lead it. The Austrians, however, felt that a caucus would be a good tactic to use in order to make connections and gain access. The diplomat stated during the interview that this was a special project of the current Austrian

⁴⁹⁴ Confidential interview with Austrian Embassy official, February 22, 2011; Confidential interview with Australian Embassy official, February 24, 2011.

⁴⁹⁵ Confidential interview with Australian Embassy official, February 24, 2011.

⁴⁹⁶ Confidential interview with Swedish Embassy official, February 23, 2011.

ambassador to the United States.⁴⁹⁷ The EU delegation has worked to maintain a European Union caucus in the U.S. Congress and the Swedish and Austrian diplomats noted that this caucus has proved useful to them as well. By 2011, Sweden had established a caucus in the House of Representatives but Austria had not moved in this direction.⁴⁹⁸

Technocratic Lobbying

In all interviews with the diplomats from these four countries, there was no mention of any contracting by their embassies with professional lobbying firms for the purposes of technocratic lobbying. The sole exception may have been the Australian diplomat's admission that while Congress was debating the U.S.-Australian FTA, the Australian embassy hired a firm to collect and process data to aid Australian efforts on the Hill. The diplomat could not recall the specific data that the firm was hired to collect.⁴⁹⁹

Instead, all of these embassies have sought to bring their technocratic lobbying in-house and build their own networks of information and influence. The Australian embassy is perhaps the most dedicated to this goal. The Australian diplomat described that the embassy has made a commitment to run a centralized lobbying effort on the Hill. In addition to the Australian

⁴⁹⁷ Confidential interview with Austrian Embassy official, February 22, 2011.

⁴⁹⁸ House Committee on Administration, "Congressional Member and Staff Organizations," <http://cha.house.gov/member-services/congressional-memberstaff-organizations> (accessed April 2, 2013).

⁴⁹⁹ Confidential interview with Australian Embassy official, February 24, 2011.

foreign service officer who manages the office, the Australian embassy employs three Americans who have previous experience as congressional staffers. Their expertise spans broad policy areas and their contacts from their time on the Hill are invaluable. These permanent staffers are responsible for coordinating the various efforts of the Australian embassy in congressional lobbying. The permanent staff is responsible for providing guidance and strategic advice to any member of the Australian embassy who has to work on the Hill. The most significant advantages that these individuals give the Australian embassy are access to and institutional knowledge of members of Congress and their interests. These permanent staffers, who were not made available for an interview, build relations with congressional and committee staffers to develop an early warning system for legislation that may affect Australia's interests. The Australian diplomat called them "invaluable."⁵⁰⁰ Since Australian diplomats rotate every three years, this permanent staff provides invaluable institutional memory.

The Swedish diplomat expressed exasperation at how to lobby members of Congress. Not only was access challenging for the embassy but it was difficult to generate connections with legislative staffers. Information about Congress was gleaned from the media as well as studying which particular issues came before specific committees, such as those dealing with foreign affairs and international business, but when pressed, the diplomat did not mention a strong working relationship with congressional or committee staff.

⁵⁰⁰ Ibid.

The Austrian diplomat also found the embassy's outreach and information gathering efforts weak. Congressional lobbying is only part of this diplomat's portfolio and the embassy only centralized its congressional lobbying efforts recently. As such, the network of informants and contacts is in the beginning stages. A small staff of interns helps to gather information. Overall, however, this diplomat feels adrift in the wider world of Washington, D.C.

In an effort to combat these common problems, both the Austrian and the Swedish diplomats discussed a new joint communication and coordination effort between all of the congressional liaison officials in EU member embassies in Washington. This monthly meeting is designed to build up institutional knowledge among these officials. The diplomats described it as part information sharing, part alliance building, and part rumor mill.⁵⁰¹ While it does not organize or direct lobbying campaigns by all EU countries, it does provide a forum for all of these diplomats to meet and deputize smaller groups to take the lead on certain pieces of legislation depending on the breadth of interest. This joint effort is a way to improve upon the relatively brief postings of foreign diplomats in Washington, which results in a lack of knowledge.

The European Union's delegation to the United States also attempts to aid diplomats from EU member countries during their posting in the United States. The EU delegation has sought to build a permanent staff along the lines of Australia's operation. An American leads the EU delegation's congressional liaison office and started the coordination group as a way to

⁵⁰¹ Confidential interview with Austrian Embassy official, February 22, 2011; Confidential interview with Swedish Embassy official, February 23, 2011; Confidential interview with European Union Embassy official, June 6, 2011.

quickly socialize EU diplomats into the ways of Washington.⁵⁰² The EU office has about 60 people who do some level of work on the Hill along with a rigorous database which stores information about the interests, opinions and even vacation plans of almost every member of Congress.⁵⁰³ Keeping data on vacation habits of members of Congress allows the EU embassy to try to set up meetings with EU officials if that lawmaker is planning on spending time in Europe. This information is shared with all EU member embassies in an attempt to bolster their efforts at congressional outreach.

The EU diplomat stressed that teaching new diplomats at various EU member embassies can be challenging. The independent nature of the U.S. Congress, much different than many European parliaments, as well as the importance of congressional and committee staff in the shaping of legislation, can be difficult for new diplomats to appreciate. The EU delegation attempts to socialize new diplomats and the communication and coordination group is part of that effort.

Coalition Building with Nongovernmental Organizations (NGOs)

Many of the diplomats described themselves as hesitant to engage too directly with most nongovernmental organizations (NGOs). The Austrian diplomat worried that building

⁵⁰² Confidential interview with European Union official, June 6, 2011.

⁵⁰³ Ibid.

coalitions with NGOs might serve to pull the embassy in directions that it did not wish to go. Since most policy direction for the embassy comes from Vienna, the diplomat feared being pulled too directly into the weeds of American politics. This fear was exacerbated by the diplomat's relative inexperience with American politics. The fear of getting too deeply involved with NGOs may have reflected unease with the complexity of American politics and a lack of knowledge about the important NGO players.

This unease notwithstanding, the Austrian diplomat did relate a story of combined EU lobbying against a corporate liability bill in Congress the previous year. The bill, described by the Austrian diplomat as poorly drafted, was opposed by many EU embassies in Washington. Working with other EU embassies, as well as an agglomeration of U.S. corporate interests and NGOs, the bill was defeated before it was ever considered by Congress. In this case, Austrian and NGO interests lined up congruently. Thus, there was little danger of getting dragged into parochial American political battles.

The Austrian diplomat, in conjunction with many other diplomats, thought that the think tank environment in Washington was quite helpful. Think tanks provide excellent information and insights into what senior government policymakers are thinking, according to the Austrian source. Attending receptions and briefings at think tanks are an important way of gaining access and developing networks. Insights from current or former top policymakers help develop the "lay of the land" for this diplomat. While the Austrian government and embassy does not contribute to, or support, the work of any particular think tank, the Austrian

government does sponsor two professorships at Johns Hopkins's School for Advanced International Studies (SAIS) in Washington.⁵⁰⁴ Doing so enables the Austrian embassy to promote issues important to Austria and network with other organizations that share these interests.

Such sentiments were echoed by the Swedish diplomat. The Swedes also feared being pulled into provincial American political battles and consequently sought to distance themselves from U.S. interest groups. Building coalitions directly with these groups might entangle Sweden in their fights when the embassy desires to only advance its own national concerns. However, the benefits of interest groups were also on this diplomat's mind. Once again, the information gathering and networking opportunities that think tanks provide were deemed invaluable. The Swedish Embassy does provide funds for specific projects at think tanks but not general operating funds.⁵⁰⁵ The diplomat mentioned some embassy funding for a think tank project on former Soviet Republics, a group of countries important to Sweden as a bulwark against Russian power and influence.⁵⁰⁶ The Swedish diplomat believed that the "revolving door" phenomenon, whereby former top policymakers retreat to the think tank world when they are out of power or immediately after they leave high office, provides foreign

⁵⁰⁴ Confidential interview with Austrian Embassy official, February 22, 2011.

⁵⁰⁵ Confidential interview with Swedish Embassy official, February 23, 2011.

⁵⁰⁶ Ibid.

diplomats the ability to understand both current administration policy as well as the potential policy of future administrations.⁵⁰⁷

Coalition Building with Government Agencies

All of the diplomats noted that closely coordinating with government agencies, especially those in the executive branch, is absolutely necessary to their effectiveness in Congress. Most adamantly, the diplomat at the EU delegation stated plainly that if a foreign country does not have the executive branch on its side then they are likely to be ineffective.⁵⁰⁸ As will be seen in the following case study, this maxim is quite powerful. As such, the EU diplomat attempts to maintain an information network within relevant executive agencies. A detailed database at the EU delegation catalogues the contact information, background, and interests of dozens of important career employees and political appointees at various executive departments and agencies.⁵⁰⁹

The Austrian diplomat also mentioned that maintaining these relationships were important but noted a weakness that Austria endures relative to its other EU neighbors. Austria is not a member of the North Atlantic Treaty Organization (NATO), as Austria's long-standing

⁵⁰⁷ Ibid.

⁵⁰⁸ Confidential interview with European Union Embassy official, June 6, 2011.

⁵⁰⁹ Ibid.

neutrality was a key part of the Cold War balance of European power. Due to its status as a NATO outsider, Austria does not have the access or clout that comes with formal NATO membership. The diplomat noted that it is much easier for NATO member states to gain access to senior defense and intelligence policymakers in the U.S. government.⁵¹⁰ As such, the EU congressional coordination group has proved helpful, as many EU members are also NATO members and can help the Austrian embassy to gain access and build networks with senior leaders involved in defense issues.

Close alliances with U.S. government agencies proved important in 2010 when Australia pushed for congressional approval of a minor defense treaty that Australia signed with the United States. The embassy coordinated its lobbying campaign with both the Departments of Defense and State, but it was careful to never appear jointly before any member of Congress. The diplomat explained that while coordination with government agencies is important, embassies need to ensure that they maintain their autonomy and freedom of action.⁵¹¹ The Australian diplomat also feared being pulled into political battles that were irrelevant to Australia. A senator's anger or distrust of the State Department could taint Australia's goals if the two organizations were seen as too close. In all cases, Australia's interests came first.

⁵¹⁰ Confidential interview with Australian Embassy official, February 24, 2011.

⁵¹¹ Confidential interview with Austrian Embassy official, February 22, 2011.

Working with the Diaspora

All of the diplomats noted their shortcomings in diaspora relations. The Austrian diplomat bemoaned the fact that so many Austrians immigrated to the United States prior to the breakup of the Austro-Hungarian Empire in 1918.⁵¹² After the dissolution of the multi-ethnic empire, many immigrants identified with their newly independent homelands of Hungary, Ukraine, and states in the Balkans. Thus, Austrian identity was severely weakened in the United States, a condition which continues to this day. As such, diaspora outreach from the Austrian embassy has not been a top priority.

The Swedish diplomat said that the embassy does have substantial outreach in areas where there are a considerable amount of Swedish descendants, especially in Minnesota.⁵¹³ However, much of this outreach is cultural and historical in nature rather than political. The embassy also tries to work with members of Congress in Minnesota as well as in parts of the United States where major Swedish industries, such as Volvo, have manufacturing plants. These efforts are in their early days, however.

⁵¹² Ibid.

⁵¹³ Confidential interview with Swedish Embassy official, February 23, 2011.

The European Union and the Travel Promotion Act of 2009

The following case study examines the lobbying efforts of the European Union to prevent passage of the Travel Promotion Act of 2009. The Travel Promotion Act of 2009 sought to alter visa rules and charge a fee on people entering the United States from countries that participate in the Visa Waiver Program. Most countries of the European Union are part of the Visa Waiver Program and, therefore, were opposed to this legislation. The purpose of this section is to further examine the European Union's lobbying strategies as well as to focus on the fourth hypothesis that this study explores. The fourth hypothesis is: Middle powers will focus on technocratic lobbying and coalition building when lobbying members of Congress. This section will also continue to examine the European Union's lobbying strategies in order to assess the evidence with respect to the other main hypothesis for the qualitative case studies: that middle powers use multiple lobbying methods when working in Congress.

Background and description of legislation

Most foreign nationals are required to obtain a visa at a U.S. consulate in order to enter the United States. This process involves filing out the proper paperwork and, in some cases, an interview with a consulate officer. In 1986, the U.S. Congress passed the Immigration Reform and Control Act which, among other things, established a temporary pilot program called the

Visa Waiver Program (VWP).⁵¹⁴ The VWP was intended to make it easier for nationals of a specific country to enter the United States. Most notably, the need to obtain an American visa prior to entering the United States was waived, as well as the \$120 fee for the visa. Prior to 2009, citizens of countries in the VWP only needed to complete a brief online form and a short immigration document before being admitted to the United States for not more than 90 days.⁵¹⁵

The VWP was expanded over time and more countries were added to the program. In 2000, Congress made the program permanent in the Visa Waiver Permanent Program Act.⁵¹⁶ This Act, and subsequent acts, set specific requirements for admission into the VWP. To be considered for membership, a country must not be a security risk to the United States, issue machine-readable passports and have a nonimmigrant refusal rate of less than 3% per year.⁵¹⁷ A nonimmigrant refusal rate is the rate at which requests for a U.S. entrance visa are denied by U.S. consulate staff. If U.S. consulate staff denies more than 3% of a country's applicants in a year, then it cannot be considered for the Visa Waiver Program. If over 2% of foreign nationals from a VWP country overstay their 90-day, U.S. visa then their country will go on probation and may be eliminated from the Visa Waiver Program.

⁵¹⁴ Alison Siskin, *Visa Waiver Program*, 113th Cong., 1st sess., Congressional Research Service (Washington D.C., January 15, 2013).

⁵¹⁵ Ibid.

⁵¹⁶ Ibid.

⁵¹⁷ Ibid.

Thirty-seven countries are in the Visa Waiver Program today. Table 26 lists the participating countries. Nearly all of the countries in the VWP are developed economies with democratic governments. Nearly every country in the European Union is a member of the program. Nearly every country is also a U.S. military ally.

The terrorist attacks of September 11, 2001 had a great effect on tourist visits to the United States. The U.S. Department of Homeland Security estimated that the number of visitors fell an average of 14% in the two years after 9/11.⁵¹⁸ The United States tightened its visa policy and made it far more difficult for visitors from non-VWP countries to enter the country.

⁵¹⁸ Derekh Cornwell and Brian Roberts, "The 9/11 terrorist attacks and overseas travel to the United States: Initial impacts and longer-run recovery," http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ni_911_wp.pdf (accessed March 10, 2013).

Table 26. Countries Participating in the Visa Waiver Program⁵¹⁹

Andorra	Hungary	New Zealand
Australia	Iceland	Norway
Austria	Ireland	Portugal
Belgium	Italy	San Marino
Brunei	Japan	Singapore
Czech Republic	Latvia	Slovakia
Denmark	Liechtenstein	Slovenia
Estonia	Lithuania	South Korea
Finland	Luxembourg	Spain
France	Malta	Sweden
Germany	Monaco	Switzerland
Greece	Netherlands	Taiwan
	United Kingdom	

⁵¹⁹ U.S. Department of State. "Visa Waiver Program," http://travel.state.gov/visa/temp/without/without_1990.html (accessed March 3, 2013).

The Discover America Partnership

Fewer visitors meant tough times for the U.S. tourist industry. In 2006, Jay Rasulo, a Disney executive who had recently assumed leadership of the Travel Industry Association, a trade group made up of hotels, theme park operators, and others in the tourism industry, announced his desire to commit the Association to convincing the U.S. Congress to aid the U.S. tourism industry.⁵²⁰ Rasulo wanted Congress to commit federal money for an overseas advertising campaign which would extol the opportunities for travel to the United States. In 2004, the Association had convinced Congress to spend \$6 million on an ad campaign in the United Kingdom, but this time he was seeking upwards of \$200 million a year from Congress.⁵²¹ Rasulo sought to unify the lobbying efforts of the disparate tourism industry into a single organization. In 2006, he brought together the Travel Industry Association, the American Hotel & Lodging Association, and the Travel Business Roundtable and created an umbrella organization called the “Discover America Partnership,” which would be the central hub for all travel industry lobbying efforts.⁵²²

⁵²⁰ Jeffrey Birnbaum, “Mickey Goes to Washington,” *The Washington Post*, February 17, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/02/13/AR2008021302837.html> (accessed February 18, 2013).

⁵²¹ Ibid.

⁵²² Ibid.

Several of the largest tourism and travel corporations in the United States were charter members of the Discover America Partnership. The Disney Company, Marriot, the InterContinental Hotels Group, Hilton Hotels, the Las Vegas Convention and Visitors Authority, and Anheuser-Busch Company were all initial members of the Partnership.⁵²³ The Partnership raised over \$1 million in 2006 from its member organizations to fund lobbying operations.⁵²⁴ The Partnership also instructed its members to spend heavily in the 2006 mid-term congressional elections. The Center for Responsive Politics shows that tourism and travel industries gave a combined \$20 million to candidates for federal office.⁵²⁵

In consultation with its industry members, the executives with the Partnership decided that they had to present their request for \$200 million dollars in a larger context in order to have a chance of obtaining congressional support. Industry leaders felt that simply asking for \$200 million in taxpayer support for their industry would be a non-starter on the Hill.

A broader narrative was proposed by the Partnership to bolster its call for greater government cooperation with the travel and tourism industry. Partnership members began to stress the economic benefits of increased tourism to the United States. Overseas tourists, especially those from outside of North America, tended to stay longer and spend more money

⁵²³ Judy Sarasohn, "Discovery America Partnership lands Ridge," *The Washington Post*, December 21, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/20/AR2006122001753.html> (accessed March 3, 2013).

⁵²⁴ Birnbaum, "Mickey Goes to Washington."

⁵²⁵ Ibid.

in the United States.⁵²⁶ Increased levels of tourism would result in more jobs in the tourist and travel industry. In addition, increased tourism could help to rehabilitate America's tarnished image around the world. Worldwide opinion of the United States had fallen during the George W. Bush administration in part because of its adventurous and often unilateral foreign policy.⁵²⁷ Partnership supporters began to speculate that increased tourism to the United States would have a salubrious effect on world opinion of the country.

They also wanted to frame their request for budgetary support as part of a larger policy effort. First, they sought an easing of the visa requirements for people to enter the United States. This modification would have applied to both the VWP countries and non-VWP countries. Second, they wanted Congress to compel the Department of Homeland Security to make customs checkpoints more tourist-friendly. The Partnership believed that progress on these small-bore initiatives would set the ground work in Congress for the push for taxpayer support for overseas advertising. By linking these common-sense policy requests to their push for financial support, the Partnership positioned itself as a problem-solver rather than another industry demanding government funding.

In September 2006, the Partnership launched its public campaign for government assistance to the travel and tourism industry. Partnership leaders held a press conference outside of the U.S. Capitol and called for Congress to reshape visa laws, make customs

⁵²⁶ Ibid.

⁵²⁷ Andrew Kohut, "Reviving America's global image," March 5, 2010, <http://www.pewglobal.org/2010/03/05/reviving-americas-global-image/> (accessed March 21, 2013).

checkpoints more tourist-friendly, and to provide \$200 million a year in support for overseas advertising in support of the American tourism industry.⁵²⁸ The central challenge for the Partnership was that they had not yet figured out where the \$200 million would come from. Options from a national rental car tax to a series of commemorative coins were discussed as possible funding sources. Members of Congress were skeptical of the Partnership's request due to this ambiguity.⁵²⁹ That ambiguity did not stop some members, especially those with large tourist operations in their home states, from declaring their support of the Partnership's plan. Representative Nancy Pelosi (D-CA) of San Francisco, Representative William Delahunt (D-MA) of Boston and others all made appearances at Partnership events in order to show their support.⁵³⁰

The Partnership scored quite a coup when it managed to hire former Secretary of Homeland Security Tom Ridge as a consultant in October of 2006. Ridge's experience in counter-terrorism and close ties to the Bush White House helped to soothe concerns in Congress that relaxing visa laws would imperil the country's security. Ridge argued that the United States could not retreat into a "Fortress America" position and had to remain open both for economic reasons and in the interest of global public diplomacy. Increased travel would

⁵²⁸ Birnbaum, "Mickey Goes to Washington."

⁵²⁹ Ibid.

⁵³⁰ Ibid.

help to change America's perception in the world and reinforce the openness of American society.⁵³¹

By December 2006, the Partnership placed the finishing touches on a document that outlined what the industry wanted from Congress. The document had three main points. It called for Congress to push executive agencies to streamline visa application procedures, make customs checkpoints more tourist-friendly, and fund "travel promotion." In essence, it created paid advertising in foreign countries extolling the various tourist opportunities in the United States. The Partnership did not settle on any one method of funding these advertisements but offered Congress three suggestions. The first means was a \$5 airline departure fee that all people, including U.S. citizens, would pay to leave the country. The second option was issue special government bonds. The third would be a visa-waiver fee payable only by foreigners whose country participated in the Visa Waiver Program and did not have to pay to obtain a U.S. visa.⁵³²

The Partnership soon ran into opposition from two sources. The first was the domestic airline industry, which was not happy about the possibility of an additional fee that all passengers would have to pay when they left the United States. The airlines' lobby group was called the Air Transport Association. It has since changed its name to Airlines for America. One Partnership executive met with the executive director of the Air Transport Association,

⁵³¹ Ibid. and Sarasohn, "Discovery America Partnership lands Ridge."

⁵³² Birnbaum, "Mickey Goes to Washington."

Jim May, to gauge their attitude towards the proposed \$5 fee and found that it was bitterly opposed to it.⁵³³ While the airlines shared the Partnership's broad goal of increasing international tourism to the United States, they found it onerous that all passengers, including American citizens, would have to pay an additional \$5 tax. May noted that airline passengers already spent up to \$50 per ticket in various federal taxes and fees.⁵³⁴ May also wondered about the logistics of collecting the fee. For instance, would airlines have to collect it for the government? As a result, May pushed for one of the other funding approaches.

The Partnership also faced opposition from the Bush Administration's Commerce Department. Through its Office of Travel and Tourism Industries, the Commerce Department had a lead role in supporting the needs and goals of America's tourist industry. Partnership leaders met with Commerce Secretary Carlos Gonzales, who argued that Congress should focus on streamlining visa requirements and making customs checkpoints more tourist-friendly before providing funds for travel promotion.⁵³⁵ The Partnership's document proposed creating a public-private partnership to manage the \$200 million that it wanted Congress to set aside for travel promotion. However, it was unclear where in the federal bureaucracy such a new body would be located. Would they be under the Commerce Department's authority? The Commerce Department may have worried that this new body would compete with the

⁵³³ Ibid.

⁵³⁴ Senate Committee on Science, Commerce and Transportation, *Promoting Travel to America: An Examination of Economic and Security Concerns*, 110th Cong., 1st sess., January 31, 2007.

⁵³⁵ Birnbaum, "Mickey Goes to Washington."

Commerce Department's Travel and Tourism Advisory Board. As such, the Commerce Department was skeptical about the Partnership's goal of federal funds for travel promotion but supportive of its other goals.⁵³⁶

The Travel Promotion Act of 2007

The Partnership continued its march undaunted by the poor reaction of both the airline industry and the Commerce Department. Senator Byron Dorgan (D-ND), a member of the Senate Commerce, Science and Transportation Committee as well as the chair of a subcommittee which dealt with tourism, was a key target for the travel and tourism industry. Tourism is the second-largest industry in North Dakota and the state has worked hard to develop travel promotion at the state and local level.⁵³⁷ The Partnership sought out meetings with Dorgan in December 2006 and Dorgan promised to work with the Partnership to advance their agenda, including the \$200 million dollar federal commitment.⁵³⁸ Dorgan held a hearing before his Senate committee on January 31, 2007 in an effort to highlight the goals of the Partnership.

⁵³⁶ Ibid.

⁵³⁷ Senate Committee on Science, Commerce and Transportation, *Promoting Travel to America: An Examination of Economic and Security Concerns*.

⁵³⁸ Birnbaum, "Mickey Goes to Washington."

At the hearing, Senator Dorgan, as well as Senators Ted Stevens (R-AK) and Daniel Inouye (D-HI) voiced support for the industry and its goals.⁵³⁹ These three senators noted that tourism was a vital part of their states' industry and that state-level investment in travel promotion, including advertising, had proved highly effective.⁵⁴⁰ Three Partnership supporters testified before Dorgan's committee: Rasulo, in his role as head of Disney theme parks; Stevan Porter, the head of the American branch of InterContinental Hotels and Jonathan Tisch, the head of Lowes Hotel chain.⁵⁴¹ These three provided testimony in support of the Partnership's goals. Rasulo and Porter argued that \$300 million dollars of government funding for travel promotion overseas would revolutionize the U.S. tourist industry and provide thousands of jobs.⁵⁴² This \$300 million dollar figure was even beyond the \$200 million dollars contained in their previous requests. Rasulo, Tisch and Porter linked this funding request to broader ideas about making visa programs safer and more accessible while also revamping customs checkpoints to make them more user-friendly.⁵⁴³

Also testifying at the hearing was James May, the head of the Air Transport Association. May stated that he supported streamlining the visa process as well as making entering the United States more tourist-friendly. However, May pointed out that many of the

⁵³⁹ Senate Committee on Science, Commerce and Transportation, *Promoting Travel to America: An Examination of Economic and Security Concerns*.

⁵⁴⁰ Ibid.

⁵⁴¹ Ibid.

⁵⁴² Ibid.

⁵⁴³ Ibid.

concerns of the Partnership were being addressed by a number of government agencies. The Department of State and Department of Homeland Security were already collaborating to streamline customs checkpoints and ensure safety in the visa. A joint State-DHS effort already provided a blueprint for such cooperation and May felt no need to trample on this effort.⁵⁴⁴ May pointed out the inconsistency in the Partnership's three goals. On the one hand, streamlining the visa process and making customs checkpoints more tourist-friendly were both geared towards making it easier for visitors to enter the United States. On the other hand, one way that the Partnership proposed funding the \$200 million dollars in federal support for overseas advertising was to charge all airline passengers leaving the United States a \$5 fee on their airline ticket.⁵⁴⁵ May argued that this ran counter to the goals of increasing tourism in the United States. This proposed funding mechanism actually sought to raise taxes on the very people the Partnership was trying to lure to the country. May called these proposals "counter-intuitive and wrongheaded."⁵⁴⁶ He also cited the fact that international airline passengers already pay an average of \$50 per ticket in various federal taxes which remit over \$3 billion to the U.S. government every year.⁵⁴⁷

After each witness gave their testimony, the questions from the Senators focused on international competition in the travel and tourist industry in order to gain a better

⁵⁴⁴ Ibid.

⁵⁴⁵ Ibid.

⁵⁴⁶ Ibid.

⁵⁴⁷ Ibid.

understanding of global best practices. It was clear that the three pro-Partnership witnesses had many supporters among the senators present at the hearing. The three pro-Partnership witnesses bemoaned that fact that American travel and tourism corporations had to compete against tourist havens in other countries which received support from their home governments. Australia spent \$113 million in travel promotion overseas while Canada spent \$58 million.⁵⁴⁸ Senator Inouye, at one point, noted that Ireland spent more money promoting the famous Blarney Stone in one year than the United States government spends promoting the entire American tourism industry.⁵⁴⁹

In the wake of the Senate hearing, however, momentum for the Partnership's goals weakened. The Bush administration strongly supported the revision of visa rules and as such a new bipartisan bill was drafted in order to streamline visa applications, especially for those countries in the Visa Waiver Program. The push for new visa rules originated with the recommendations of the 9/11 Commission. The 9/11 Commission identified weaknesses in pre-screening of airline passengers arriving in the United States from overseas.⁵⁵⁰ They suggested a far more rigorous procedure for clearing the names on airline manifest lists prior to their arrival in the country. This was not much of a problem for countries which were not in the Visa Waiver Program, as most visa applicants were required to interview with consular staff in their home countries. The problem was far more urgent in countries that participated in

⁵⁴⁸ Ibid.

⁵⁴⁹ Ibid.

⁵⁵⁰ The National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, (New York: Norton, 2004), 385.

the Visa Waiver Program, because they did not need a visa and thus it was not required for them to meet with U.S. consular staff.

In early 2007, Congress developed a bill to create the Electronic System for Travel Authorization (ESTA). Under ESTA, citizens of countries participating in the VWP would be required to log on to a website maintained by the Department of Homeland Security at least three days prior to boarding a flight bound for the United States. They would be required to input information regarding their identity, destination, passport number, and flight information to enable the U.S. government to check their data against various criminal and terrorist databases.⁵⁵¹ ESTA was conceived as a requirement that, while slightly onerous, would be free for all travelers. With the support of the Bush Administration and the Discover America Partnership, the bill creating ESTA was passed by large bipartisan majorities in Congress and signed by President George W. Bush on August 3, 2007.

The European Union's delegation in the United States had worked diligently to minimize the burdens put on its member governments by the ESTA bill. The EU lobbied on the details of the plan and especially pushed to ensure that Congress did not specify any fees to be associated with ESTA so as to maintain a reciprocal free visa waiver program with the United States. The EU threatened to retaliate if any fees were imposed by levying fees on American tourists coming to Europe.⁵⁵² Since ESTA did not include any direct fees on

⁵⁵¹ U.S. Customs and Border Protection, "Find an answer," <https://help.cbp.gov/app/answers/list> (accessed March 23, 2013).

⁵⁵² Confidential interview with European Union Embassy official, June 6, 2011.

travelers, the EU determined that ESTA did not violate its visa waiver agreements with the United States.

Consequently, the Discover America Partnership was left with its major goal: trying to convince Congress to create a dedicated revenue stream that could support a public-private partnership aimed at funding overseas advertisements to promote travel to the United States. To this end, supporters of the Partnership introduced similar legislation in both the House and the Senate. Senator Byron Dorgan introduced the Travel Promotion Act of 2007 in the June and Representative William Delahunt (D-MA) introduced a similar bill in the House.⁵⁵³ Delahunt's district encompassed much of Cape Cod, where tourism is a large industry. The two bills broadly encompassed the outline articulated by the Discover America Partnership in their December 2006 document. Both bills sought to create a public-private corporation to oversee advertising in other countries designed to promote travel to the United States. There were important differences in the two bills that need to be examined.

The House bill proposed that the federal government commit up to \$100 million to support travel promotion activities overseas. This was a reduction from the \$300 million dollars that Rasulo, Tisch and Porter had requested at the Senate hearing. This money would be matched dollar for dollar by the travel and tourism industry for a total of \$200 million. A new Corporation for Travel Promotion would be created to manage these efforts. The Corporation's board would be selected by the U.S. secretary of commerce but comprised of

⁵⁵³ U.S. Library of Congress, "Bill Summary and Status," <http://thomas.loc.gov/cgi-bin/thomas> (accessed February 18, 2013).

travel industry executives and would be responsible for providing the government with an annual accounting of its activities. The Corporation would not be a government agency per se and would retain a level of autonomy. The House bill proposed a \$10 fee to be charged to all incoming citizens of countries that participated in the Visa Waiver Program. Since the ESTA system was so new, the House bill was vague as to exactly how the fees would be collected. However, the House bill did not allow the Department of Homeland Security to add on additional fees so as to pay for the costs incurred by this new responsibility. The House bill also included language which eliminated the Commerce Department's Travel and Tourism Promotion Advisory Board. The work of this Board was to be taken over by the new Corporation for Travel Promotion.

The Senate bill was similar but was more forgiving towards the federal bureaucracy. Senator Dorgan's bill, introduced about a month before Representative Delahunt's version in the House, also created a new Corporation for Travel Promotion to be funded by \$100 million dollars collected from a \$10 fee assessed on all foreigners from a Visa Waiver Program country. However, the bill allowed the Department of Homeland Security to increase the fee so as to cover the cost of this program. The Senate bill made no mention of eliminating the Travel and Tourism Promotion Advisory Board. Furthermore, the Senate bill created a new undersecretary of commerce for travel promotion to oversee the Office of Travel Promotion in the Commerce Department.

Neither bill included the \$5 airline departure tax that the airline industry detested so much. James May, the chief lobbyist at the Air Transport Association, had successfully convinced Congress to abandon that funding mechanism, thereby pushing the Partnership and their supporters towards a visa waiver fee. In a *Washington Post* profile which highlighted his effectiveness at lobbying Congress, May trumpeted that “we won that one.”⁵⁵⁴ At first, neither bill advanced very far. Congress had just spent six months writing and passing a bill overhauling the nation’s visa program and had little appetite for new travel legislation. Furthermore, Delahunt’s bill in the House raised concerns from both the Commerce and Homeland Security Departments.

Dorgan’s committee in the Senate reported its bill in November 2007. In an attempt to reduce the overall federal funding required for the new Corporation for Travel Promotion, Dorgan’s bill required the travel and tourism industry to contribute half of the \$200 million advertising budget. The bill attracted 51 co-sponsors, including Senator Barack Obama (D-IL) and Senator Joseph Biden (D-DE), but still ran into significant opposition from Senate fiscal conservatives led by Senator Jim DeMint (R-SC). DeMint criticized the bill for adding new layers to the federal bureaucracy and spending taxpayer money to support private industry. DeMint claimed that travel promotion was “not a legitimate federal role.”⁵⁵⁵ The inability of the bill to garner over 60 co-sponsors, along with the intensity of DeMint’s opposition, strongly

⁵⁵⁴ Jeffrey Birnbaum, “Airline lobbyist’s job is a dogfight,” *The Washington Post*, July 17, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/16/AR2007071601669.html> (accessed March 3, 2013).

⁵⁵⁵ Birnbaum, “Mickey Goes to Washington.”

suggested that Senate conservatives would consider filibustering the Travel Promotion Act. With progress in the Senate stalled, attention turned to the House.

The European Union's delegation also mobilized against the bill. The EU delegation's office coordinated a joint lobbying effort with participation from nearly all of the embassies of its member countries. Collectively, they descended on Senate offices in the hope of stopping the forward momentum of this bill.⁵⁵⁶ The EU embassies worked closely with the Departments of Commerce and Homeland Security, which also worked to sink the Travel Promotion Act in the Senate.⁵⁵⁷ In addition, the opposition of the White House was crucial. The EU diplomat noted that once the EU loses administration support, there is very little chance to influence Congress.⁵⁵⁸

Delahunt's bill moved even less quickly. The House version was referred to three different committees for review, including the House Energy and Commerce Committee. Yet, the bill languished there for slightly over a year. With Congress's term about to expire in December 2008, the Partnership and its supporters made one final push for the bill's approval in the 110th Congress.

The House Energy and Commerce's Subcommittee on Commerce, Trade and Consumer Protection held a hearing on September 12, 2008. Partnership supporters were asked to testify

⁵⁵⁶ Confidential interview with European Union Embassy official, June 6, 2011.

⁵⁵⁷ Ibid.

⁵⁵⁸ Ibid.

as well as William Sutton, the assistant commerce secretary for manufacturing and services, in order to represent the administration's views. While Partnership supporters lauded the potential economic boom the increasing tourism would provide, especially relevant given the increasingly uncertain economic picture at the time, Assistant Secretary Sutton told the subcommittee that the Bush administration believed that the Travel Promotion Act was a mistake.⁵⁵⁹

Sutton praised the existing interagency process for increasing tourism and openly dismissed the need for a public-private partnership resulting in a Corporation for Travel Promotion which would only duplicate ongoing efforts. The secretary of commerce is the statutory head of the government's Tourism Policy Council, which encompasses the Department of Commerce, Labor, State, Interior, and Transportation, the Office of Management and Budget, the Immigration and Naturalization Service, Customs and Border Protection. With the exception of the undersecretary of commerce for international trade, representation on the Council is at the secretary or director level.⁵⁶⁰ Sutton argued that this Council was already addressing the needs of the tourism and travel industry and that new Corporation for Travel Promotion was redundant.⁵⁶¹ Speaking for the Department and the Bush Administration, Sutton called the proposed abolishment of the Travel and Tourism

⁵⁵⁹ William Sutton, "Statement for the record on H.R. 3232," September 11, 2008, <http://www.commerce.gov/sites/default/files/documents/2013/january/sutton091108.pdf> (accessed March 3, 2013).

⁵⁶⁰ Cornell University Law School, "22 USC 2124," <http://www.law.cornell.edu/uscode/text/22/2124> (accessed March 3, 2013).

⁵⁶¹ William Sutton, "Statement for the record on H.R. 3232."

Promotion Advisory Board an error and reiterated that travel promotion should be the bailiwick of private industry, not the federal government.⁵⁶² Sutton derided the \$10 entry fee to be attached to the Electronic System for Travel Authorization, which had recently been launched by the Department of Homeland Security. Since the House bill did not provide any funding for a new fee collection system that the Department of Homeland Security would have to build, Sutton saw this as an unfunded mandate from Congress. In the administration's view, there was no strong need for a new federal program to promote travel overseas therefore the Travel Promotion Act was an unwise use of federal revenues.

Despite the administration's opposition, the subcommittee approved the bill later in the week.⁵⁶³ The full House Energy and Commerce Committee passed it by voice vote on September 23 and it was brought before the House on the September 25.⁵⁶⁴ The House bill attracted 244 co-sponsors, guaranteeing it passage in the House. In fact, it passed by voice vote after only 13 minutes of debate.⁵⁶⁵

The House bill went over to the Senate but never was called to the floor. As in any presidential election year, last-minute legislative accomplishments are rare. Members are on the campaign trail and only truly essential legislation has any hope of receiving attention. The

⁵⁶² Ibid.

⁵⁶³ U.S. Library of Congress, "H.R. 3232 All Congressional Actions," <http://thomas.loc.gov/cgi-bin/bdquery/D?d110:1:/temp/~bdyc5R:@@/home/LegislativeData.php?n=BSS;c=110> (accessed February 18, 2013).

⁵⁶⁴ Ibid.

⁵⁶⁵ Ibid.

strong opposition from Senate conservatives and the White House made the Senate's job easy. The bill died when the 110th Congress ended in early January 2009.

The Travel Promotion Act of 2009

Undaunted by their failure in the 110th Congress, supporters of the Travel Promotion Act pushed for new legislation in the 111th Congress. Once again, Senator Byron Dorgan and Representative William Delahunt introduced similar legislation in June 2009.⁵⁶⁶ Since the House of Representatives had passed the Travel Promotion Act in 2008, the focus of attention was on the Senate, where conservatives had opposed legislation in the previous Congress.

The Travel Promotion Act of 2009 was approved by the Senate Commerce, Science and Transportation Committee on June 5, 2009 and it came to the Senate floor for debate on June 11.⁵⁶⁷ Dorgan maintained the broad outlines of the 2007 bill. Under his bill, the federal government would charge a \$10 fee to all incoming travelers who were citizens of a Visa Waiver Program country and the Department of Homeland Security would be allowed to tack on an additional charge in order to cover the cost of the system. The Commerce Department's

⁵⁶⁶ U.S. Library of Congress, "Bill Summary and Status," <http://thomas.loc.gov/cgi-bin/thomas> (accessed February 18, 2013).

⁵⁶⁷ U.S. Library of Congress, "S 1023 All Congressional Action," <http://thomas.loc.gov/cgi-bin/bdquery/D?d111:3:/temp/~bdyrjL:@@@X/home/LegislativeData.php?n=BSS:c=111> (accessed February 18, 2013).

Travel and Tourism Promotion Advisory Board would not be abolished. In a nod to Senate conservatives who had earlier bristled at the creation of a new undersecretary of commerce for travel promotion, this bill only created a new Office of Travel Promotion to be headed by a director. In this way, Dorgan attempted to mollify opposition from both the Department of Homeland Security and the Department of Commerce.

Once again, the European Union once again mounted opposition to the Travel Promotion Act. In this iteration, however, its challenges multiplied. For example, Dorgan wisely chose to avoid picking fights with the Departments of Commerce and Homeland Security. As such, these cabinet departments did not mount vigorous bureaucratic opposition to the bill and the EU was deprived of vital allies. The administration as a whole was also more favorable to the legislation than the Bush administration had been. President Barack Obama and Vice President Joseph Biden were both co-sponsors of the 2007 Travel Promotion Act during their time in the Senate and offered no opposition. EU representatives met with members of the National Security Council and the Council of Economic Advisors to register their opposition to the bill, but they failed to convince the new administration to oppose the bill.⁵⁶⁸

The EU also sought to build coalitions with groups opposed to the Travel Promotion Act but there were few willing partners. The EU worked with the International Air Transport Association (IATA), which represents both U.S. and international airlines, and decried the bill

⁵⁶⁸ Confidential interview with European Union Embassy official, June 6, 2011.

as a burden on foreigners who wanted to travel to the United States. The IATA argued that the fee placed a burden on foreigners who could just as well spend that money in the United States.⁵⁶⁹

Senate Majority Leader Harry Reid (D-NV) attempted to gain unanimous consent to begin debate on the Travel Promotion Act but was forced to invoke cloture when three senators objected on the basis that the Travel Promotion Act was unnecessary. Reid filed a cloture motion in order to open debate and the Senate voted 90-3 in favor on June 16, 2009. Debate took place on the bill between June 16 and June 22. Both Republicans and Democrats wanted the opportunity to offer amendments to the Travel Promotion Act. According to Senator Dorgan's statements on the Senate floor, there was some disagreement about procedure and what amendments would be allowed. These circumstances led to partisan bickering.⁵⁷⁰

Senator Bernie Sanders (I-VT) was determined to offer an amendment to the Travel Promotion Act to grant the Commodity Futures Trading Commission the ability to prevent the manipulation of oil prices.⁵⁷¹ Senator Reid allowed his amendment to come to the floor, which the Republicans saw as purely political gamesmanship. Republican senators thought that Senator Sanders's amendment was not germane to the Travel Promotion Act and threatened to

⁵⁶⁹ Marnie Hunter, "U.S. travel promotion bill signed into law," *CNN*, March 4, 2010, <http://www.cnn.com/2010/TRAVEL/03/04/travel.promotion.act/index.html> (accessed March 12, 2013).

⁵⁷⁰ U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record* 22 June 2009, S 6878.

⁵⁷¹ U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record* 22 June 2009, S 6879.

filibuster the amendment unless Reid pulled it from the floor. Reid declined to do so and the bill's progress stalled. Dorgan took the floor to bemoan the dysfunctionality of the Senate. Dorgan lamented that "if we can't agree on tourism, what can we agree on?"⁵⁷² Reid invoked another cloture motion on the Travel Promotion Act and it failed 53-34 with 12 senators absent. Debate on the Travel Promotion Act was shelved for the annual congressional summer recess.

Three months later, after Congress returned to Washington, the Senate again attempted to debate the Travel Promotion Act. The bill was brought to the Senate floor on September 8. The Senate unanimously agreed to open debate on the bill and quickly moved to bring it up for final passage. Cloture had to be invoked once again to end debate and was approved by the Senate by a vote of 80-18 on September 8. During the Senate debate, Republicans again attacked the Travel Promotion Act as a needless funding of private industry by federal money. Senators Jon Kyl (R-AZ) and Joseph Lieberman (I-CT) speculated that if the United States imposed a fee on incoming travelers from Visa Waiver Program countries, then American travelers overseas could be open to visa fees from those countries in retaliation.⁵⁷³ Senator Tom Coburn (R-OK) asked that a letter from the Czech and Swedish embassies, decrying the additional fees for countries in the Visa Waiver Program, be inserted into the *Congressional*

⁵⁷² U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record* 22 June 2009, S 6878.

⁵⁷³ U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record* 9 September 2009. S. 9164.

Record.⁵⁷⁴ Supporters of the bill, including Senator Amy Klobuchar (D-MN) and Senator John Ensign (R-NV), used their time in the Senate to extol the tourist opportunities in their home states and how they would benefit from the passage of the Travel Promotion Act. After a short debate on September 9, the Senate agreed to the bill by a vote of 79-19.⁵⁷⁵

The House of Representatives, which had passed a version of the Travel Promotion Act in the previous Congress, attached the entire bill as an amendment to the U.S. Capitol Police Administrative Technical Corrections bill. Different versions of this bill had already passed both the House and the Senate. Under a suspension of the rules, the House added the Travel Promotion Act, and thereby avoiding sending it through the normal committee process. Representative Dan Lungren (R-CA) excoriated the Democratic majority for this parliamentary tactic, calling it “martial law” and warning members that the name of the bill dealing with the U.S. Capitol Police did not thoroughly convey spirit of the bill, which now also included the Travel Promotion Act.⁵⁷⁶ On November 6, 2009, the House of Representatives, by a voice vote, approved the Travel Promotion Act as appended to the U.S. Capitol Police Bill.

By this time, the White House and Senator Reid had an additional reason to push for passage of the bill. Early polls showed that most likely Republican challengers would defeat

⁵⁷⁴ U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record*, 9 September 2009. S 9158.

⁵⁷⁵ U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record*, 9 September 2009. S 9170.

⁵⁷⁶ U.S. Congress. House of Representatives. U.S. Capitol Police Administrative Technical Corrections Act of 2009. 111th Congress, 1st session. *Congressional Record*, 6 November 2009. H 12483.

Senator Reid in his race for reelection.⁵⁷⁷ With major Las Vegas entertainment corporations pushing for the passage of the Travel Promotion Act, Reid worked to push the bill over the final hurdle. The EU diplomat who was interviewed noted that Reid's reelection needs simply trumped any opposition to the bill's final passage.⁵⁷⁸

With the Travel Promotion Act attached, the U.S. Capitol Police bill returned to the Senate for consideration. It was brought to the floor on February 25 and Senate Majority Leader Reid invoked cloture to overcome a Republican filibuster. The Senate invoked cloture that day by a vote of 76-20 and then proceeded to pass the bill by a vote of 78-18.⁵⁷⁹ The bill went the White House, where President Obama signed it into law on March 4, 2010.⁵⁸⁰

⁵⁷⁷ Benjamin Spillman, "Polls show potential GOP challengers would beat Harry Reid," *Las Vegas Review-Journal*, August 23, 2009, <http://www.reviewjournal.com/news/polls-show-potential-gop-challengers-would-beat-harry-reid> (accessed March 15, 2013).

⁵⁷⁸ Confidential interview with European Union Embassy official, June 6, 2011.

⁵⁷⁹ U.S. Congress. Senate. U.S. Capitol Police Administrative Technical Corrections Act of 2009. 111th Congress, 1st session. *Congressional Record*, S. 773-774.

⁵⁸⁰ Hunter, "U.S. travel promotion bill signed into law."

CHAPTER 8

CONCLUSION

The last chapter of this study serves to offer tentative conclusions as to the methods and tactics used by middle power states to lobby Congress. In order to articulate these conclusions with precision, it is necessary to return to the original goals of this study and to reexamine the hypotheses that were offered. The first section of this chapter briefly reiterates the four hypotheses that this study sought to test. The second section examines the results of the database of foreign lobbying spending detailed in Chapter 3 and the database related to the effectiveness of lobbying spending by middle powers in Chapter 4. The results of these databases will help to reach some judgment on the value of this study's hypotheses. The third section will examine the three case studies of this inquiry. Each case study will be analyzed and common themes will be teased out and identified. Then, these themes will be used to further consider the value of the hypotheses. The fourth section will address the weaknesses and limitations of this study. While weaknesses exist, this section seeks to explain the reasons for those weaknesses and justify the overall validity of the study. The last section will detail a future research agenda on foreign lobbying by identifying a number of methodological and theoretical questions that merit further scholarly attention.

This study advances four hypotheses that are tested in Chapters 3 through 7. The first two hypotheses relate to the quantitative databases in Chapters 3 and 4. The first hypothesis (H₁) states that great powers spend more money on professional lobbyist services than middle powers. This hypothesis is tested in Chapter 3. The second hypothesis (H₂) states that increased spending on professional lobbyist services by middle powers leads to higher levels of effectiveness in congressional decision making. This hypothesis is tested in Chapter 4.

The last two hypotheses relate to the qualitative case studies in Chapters 5 through 7. The third hypothesis (H₃) states that middle powers use multiple methods of lobbying as displayed in Table 1. The fourth hypothesis (H₄) states that middle powers prefer technocratic lobbying and coalition building when lobbying Congress.

Conclusions Regarding the Quantitative Databases

There are two quantitative databases in this study. The database in Chapter 3 analyzed spending on professional lobbyists by great powers and by middle powers. It was hypothesized that great powers would spend more on professional lobbyists than middle powers. The database was constructed using spending records from the Department of Justice's Foreign Agent Registration Reports, which it submits twice a year to Congress. After constructing a database of the last 16 years of foreign lobbying spending, that hypothesis is largely validated. Great powers, on average, have spent more annually on professional lobbyists than middle

powers. This difference was shown to be statistically significant. The relationship was also robust, as the difference was maintained even after the largest spenders in each category were excluded.

A number of interesting observations were also teased out of the database in order to further illuminate the spending habits of these two groups. Foreign lobbying spending accelerated in the years after 2001. Two potential causes of this growth may be the global response to U.S. counter-terrorist operations and the breakdown in the Doha Round of global trade negotiations, the latter of which prompted a wider array of bilateral free trade agreements.

The database also showed that lower levels of governments in great power countries, especially Canada and Germany, are active in the professional lobbying world and spent a good deal of money. This phenomenon was not observed in middle power states. The nature of this lobbying, its relationship to the interests of the national government, and the types of issues addressed by this lobbying may be of interest as a future research endeavor.

Middle power lobbying tended to be episodic in nature while great power lobbying was far more consistent. Middle powers tended to engage a professional lobbying firm when important issues arose that needed attention. Once that issue was resolved, however, the relationship ended. In many cases, trade agreements were the stimulus which drove middle powers to secure the services of a lobbying firm. In other cases, domestic concerns were stimuli. Great powers tended to maintain relationships with lobbying firms far longer; in some cases interactions continued over ten years.

All of this spending raises the question of effectiveness. Does this money do foreign countries any good? How can effectiveness in lobbying be measured? Do countries obtain the results they seek or not? Is spending money on professional lobbyists worth it or not? Under what circumstances is hiring a lobbyist most likely to lead to success?

These questions were examined in the lobbying effectiveness database in Chapter 4. This database was constructed to analyze the effect of lobbying spending on preferred legislative outcomes. It was hypothesized that higher levels of spending on professional lobbyists would lead to a state achieving its legislative goals. Logistic regression analysis revealed that, even when holding several other theoretically relevant variables constant, the amount of money spent on professional lobbyists did not have a statistically significant effect on legislative outcomes. In other words, the results showed that there was no link between higher levels of spending on professional lobbyists and legislative outcomes.

Possible alternative explanations for spending money to hire professional lobbyists are that instead of trying to influence legislation, middle powers were simply looking to be introduced to important decision makers. Perhaps it is a mistake to assume that hiring a powerful lobbying firm is a sign that a foreign country wants to impact legislation. It is also possible that the massive increase in lobbying spending seen in 2006 is a result of the Democratic Party's takeover of Congress. Perhaps foreign countries needed to be introduced to new committee chairs and new staffers who emerge as a result of elections.

It also may be the case that middle powers tend to spend more money on professional lobbyists when the hardest issues need to be addressed. In this way, the importance of the issue

may dictate a sizable expenditure on professional lobbyists even though all parties recognize that failure is the most likely outcome. Despite the extremely small chance of success, countries still feel the need to engage in lobbying.

In any case, the results of the effectiveness database are less than satisfying. If hiring professional lobbyists is not very effective, then why do countries continue to do this? How do countries lobby Congress on specific pieces of legislation? These questions are addressed in the next section.

Conclusions Regarding Qualitative Case Studies

Since the statistical evidence was not satisfying, this inquiry needed to obtain more detailed data in order to better understand middle power lobbying. For the qualitative case study portion of this inquiry, two hypotheses were offered (H₃ and H₄). First, this study hypothesizes (H₃) that middle power states utilize a broad array of lobbying strategies and tactics. This hypothesis is supported by evidence in the literature that interest groups utilize many different tactics in order to influence members of Congress.⁵⁸¹ This inquiry also hypothesizes (H₄) that middle powers prefer technocratic lobbying and coalition building as compared to direct lobbying strategies, such as hiring professional lobbyists.

Chapters 5 through 7 were each divided into two different parts: the beginning of each chapter covered the embassy's general lobbying strategy towards Congress and a subsequent

⁵⁸¹ Caldeira, Hojnacki and Wright, "The Lobbying Activities of Organized Interests in Federal Judicial Nominations."

section that went into great detail about an embassy's lobbying efforts on a specific issue. The following section, which details the conclusions about those chapters, will likewise be divided into two parts.

Conclusions Regarding General Lobbying Strategy

This study was interested in surveying a number of middle power countries in an attempt to understand how they approached the task of lobbying Congress on foreign policy issues of importance to their specific country. A standard question set was used so as to increase reliability and validity between cases, but the interviews themselves were semi-structured so as to allow for follow-up questions on issues of interest. This study encompassed personal interviews of embassy staff from eight different countries and one intergovernmental organization: Thailand, Indonesia, Austria, Australia, Spain, the European Union, Iceland, Sweden and the Czech Republic. All of the subjects were gracious with their time and, in most cases, extremely thoughtful in their answers.

This study hypothesized that these middle powers would prefer to use multiple lobbying methods in attempting to influence Congress. The data collected from these interviews bears out this hypothesis. All of these countries stated that, if the need arose, they would engage the use of professional lobbyists. Yet, they made it very clear that they preferred to not go down that path. A number of officials cited the cost as the main source of reluctance but mostly they

were concerned about the appearance of becoming a “political” actor when they identified themselves as “diplomats.” As representatives of a sovereign country, they did not want to become just another interest group in American politics. For instance, a number of interviewees objected to the term “lobbying” to describe their actions on Capitol Hill. They would claim that they never lobbied members of Congress, but simply provided facts and corrected misinterpretations. This, of course, is what lobbying is.

While denying that they were lobbying, they often described meetings between embassy staff and important staffers on the Hill, as well as meetings between their ambassadors and members of Congress. In this way, the “access to power” method, so disdained by Keohane, is much preferred to securing and retaining the services of a professional lobbying firm. Direct lobbying, by members of the embassy staff, is still alive and well.

Technocratic lobbying, however, has been weakened. In interview after interview, embassy staff consistently referred to congressional staffers, especially committee staffers, as an “early warning system”—the exact words that Moon used to demonstrate the value of hiring technocratic lobbyists. Technology, in the end, may have overcome the need for technocratic lobbying. Embassy staffers can access vast amounts of information, legislative detail, and voting histories through multiple media sources, as well as through email and text messages. Indeed, Australia and the European Union have decided to take technocratic lobbying entirely in-house. The European Union and Australia each have permanent American staffers who maintain a database on congressional figures in order to have this information at the ready when the time arises. It has never been easier to access the type of data that technocratic

lobbyists used to provide. Smaller embassies have begun to rely on their staffers to perform these tasks in-house while larger embassies have seen the fiscal wisdom to build a small technocratic lobbying staff of their own.

Every embassy stressed the importance of building coalitions with both U.S. government agencies and nongovernmental organizations. The power of these coalition networks is demonstrated in the three case studies discussed below. Some embassies, like the European Union, placed an enormous emphasis on building coalitions with governmental agencies. The Austrian embassy bemoaned its lack of access to the Department of Defense due to the fact that Austria is not a member of NATO. Interviews confirmed that embassies attempted to maintain contact with the Departments of State, Defense, Commerce, Treasury, Homeland Security and White House bodies, such as the National Security Council and the Council of Economic Advisors. Non-governmental organizations were also important for these embassies. Many embassies noted that think tanks, issue-advocacy organizations and business trade groups were very helpful in building alliances, acquiring information and sharing views about various issues. As Indonesian officials noted, not all nongovernmental groups are so helpful. Indonesia had to deal with a number of human rights groups that opposed many of its goals. Consequently, Indonesia responded by creating its own group, the U.S.-Indonesia Society, in order to develop a network of supporters among decision makers.

Nearly every embassy made a point of noting its desire to engage with members of the diaspora in the United States in a more effective manner. It is safe to say that none of these embassies have a powerful ethnic lobby that they can call on to exert pressure on decision

makers. This reality is due to a number of factors: the small number of ethnic diaspora citizens, the cost involved with mobilizing them, the lack of strong ties to their ethnic homeland, and the geographic dispersal of their diaspora in the United States. Every embassy wished that they could have this tool, but none seemed optimistic that it could be achieved. Grassroots lobbying is more a dream than a reality for these embassies.

It seems clear then that embassies use the access to power approach as well as coalition building among different political actors. Technocratic lobbying appears to have been overtaken by technology, enabling embassy staffers to compile information that they used to pay for. Grassroots lobbying is virtually non-existent for these embassies, however. Thus, multiple methods are used by middle power countries.

Many times during interviews with embassy staffers, the subjects communicated exasperation at their task. Their job description was to monitor developments in Congress and determine when their country's interests were affected. This is an overwhelming task given the constraints they face. For many of these staffers, English was a second language. A number of embassy staffers commented that no one had trained them in the ways of Washington. Generally their terms of service in the embassy did not overlap with their predecessors at all. Worse yet, by the time they had begun to develop contacts and learn how the city worked, they were likely to be transferred to another posting, with the cycle starting all over again.

There must be a better way to organize this system. Australia and the European Union recognize this inherent weakness and hire a small number of permanent American staffers to augment the rotating diplomats who staff their embassies. The European Union, through its

relatively new working group for congressional liaisons, is also helping to build more institutional knowledge. Embassies need to recognize the amount of time it takes to have any kind of significant influence on American politics and alter their transfer policies accordingly. The needs of any country's diplomatic corps may prevail against a permanent diplomatic posting. At the very least, however, new congressional liaison officers should have at least a six-month overlap with their predecessor so they can be introduced to important contacts and valuable relationships can be maintained.

Conclusions Regarding Specific Case Studies

Three case studies were chosen to gain a better picture of the specific lobbying actions taken by foreign countries on individual pieces of congressional foreign policy legislation. The first case study in Chapter 5 concerned Thailand's efforts to lobby for changes to the 2008 Block Burmese JADE Act. This Act sought to punish Myanmar, or Burma, and tighten existing sanctions on the country's military-led government.

Thailand, one of Burma's main trading partners, sought to reduce the sanctions included in this bill because the new legislation aimed to prevent Burmese items from entering the United States, even if they were shipped from a third country. Thailand was a vital trans-shipment point for Burmese goods into the United States. The Act specifically targeted gems and timber from Burma as well as a Burmese off-shore oil development that was partially owned by Thailand and Chevron, an American energy company.

Thailand's effort to influence the 2008 Block Burmese Junta's Anti-Democratic Efforts (JADE) Act offers evidence to confirm both hypotheses. Thailand did use multiple methods to lobby Congress on this Act. Utilizing the direct lobbying method, representatives of the Thai Embassy met with members of Congress and the staff of the House Foreign Affairs Committee. Peter Yeo, the deputy staff director, clearly remembers their input early in the process of drafting the JADE Act. The Thai Embassy also engaged officials from Thai companies and representatives of Thai business groups who stood to be harmed by the provisions of the JADE Act. These individuals met with committee staff and members of Congress.

The Thai embassy also utilized indirect methods when they worked with private companies, such as Chevron, and business groups, such as the National Marine Manufacturers Association. The Thai embassy said that it worked with these groups, but the NMMA did not recall working directly with the Thai Embassy. Chevron would not comment despite repeated attempts to secure an interview. Whether these groups actively plotted collective lobbying strategies or not, the Thai Embassy wisely leveraged the positions of these groups to achieve outcomes it may not have been able to secure independently. The evidence for this is the battle over the importation of Burmese rubies and jadeite from third countries. The Thai embassy was aggressive in lobbying against this provision of the JADE Act. However, it did not have the backing of an industry ally. The Jewelers of America, along with Tiffany and Leber Jewelers, had already announced that they supported a ban on the importation of Burmese rubies and jadeite from third parties. Without the support of an ally, the Thai Embassy's efforts to weaken or remove the import ban failed.

Two important points stand out. First, Thailand used multiple lobbying methods in an effort to influence Congress. They lobbied members of Congress and committee staff themselves and brought in Thai businesses and Thai business groups to lobby against the bill's provisions. They also worked with American companies and industry groups who agreed with their positions. Second, when the Thai Embassy had American businesses or industry groups on their side, they tended to achieve their goals. This is evident in the JADE Act's final wording on timber imports from Burma as well as the status of the Yadana oil and natural gas field. When they did not have American industry on their side, such as on the gem import issue, they failed to achieve their objectives.

The second case study concerned Indonesia's efforts to persuade the U.S. Congress to rescind a ban on joint training between the U.S. military and the Indonesian Special Forces, KOPASSUS. A congressional statute, best known as the Leahy Law, prohibited joint training with foreign military units who had a history of human rights abuses. KOPASSUS was accused of numerous human rights abuses in the late 1990s in its former province of East Timor. The Indonesian government lobbied Congress very strongly to alter legislative language so as to allow joint military training. However, determined opposition from human rights groups, such as Human Rights Watch, Amnesty International, and the East Timor Action Network, shut down any effort.

Indonesia still had one important card to play when it went to the U.S. Department of Defense to seek a special waiver to allow joint training. Diplomatic cables from Jakarta make clear that the Indonesian government saw this as a central issue in U.S.-Indonesian relations.

The president of Indonesia underscored to U.S. representatives that the issuance of a special waiver was of supreme importance. In the end, Secretary of Defense Robert Gates issued the waiver allowing joint training to resume.

Indonesian diplomats used multiple methods to try to persuade Congress to rescind the ban on joint training with KOPASSUS. They worked with members of Congress as well as with their network of congressional and committee staffers. They also worked with the Department of Defense and even coordinated efforts to persuade Senator Patrick Leahy (D-VT). The Indonesian Foreign Ministry and Defense Ministry did work with sympathetic members of the State Department to try and overcome resistance from opponents at Foggy Bottom. The Indonesians' attempt to persuade the State Department to reinterpret the Leahy Law as applying to individuals was unsuccessful. In the end, however, they even co-opted the White House in their efforts to overcome congressional opposition by linking KOPASSUS training to a larger comprehensive partnership.

The key to the Indonesian lobbying effort was working with the Department of Defense to attempt to persuade key members of Congress to allow joint training with KOPASSUS. When it became apparent through these conversations that the Congress was not willing to change the law, the embassy worked with their allies in the Department of Defense to secure the waiver from Secretary Gates to allow joint U.S.-KOPASSUS training. By changing the locus of decision making from an unresponsive Congress to a supportive ally in the Department of Defense, the Indonesian embassy was able to achieve a substantial national goal.

Overall, the examination of Indonesia's lobbying techniques indicates its diplomats utilize a number of lobbying strategies in dealing with Congress. Primary among these approaches are the direct techniques of meeting with members of Congress, working with congressional staffers and other members to monitor developments, and working to build alliances with executive agencies, namely the Department of Defense. The embassy's close relationship with the Department of Defense is especially useful in securing meetings with key members of Congress, and the Indonesians and Pentagon officials often partner to persuade lawmakers on issues of importance to Indonesia.

The last case study concerned the European Union's efforts to prevent passage of the Travel Promotion Act, which created a public-private partnership between the federal government and the American tourism industry to fund overseas advertisements promoting travel to the United States. These advertisements would be funded through fees charged to incoming tourists from countries that participated in the Visa Waiver Program. Until the passage of this Act, there was no fee associated with travel to the United States from these countries. This Act was sponsored, indeed almost written, by the Discover America Partnership, an umbrella group representing some of the largest tourism corporations in the United States.

The European Union had managed to defeat prior iterations of the legislation by building coalitions with the Department of Homeland Security and the Department of Commerce. The Department of Homeland Security opposed the bill because it would require them to develop and manage a system to collect these fees without an attendant increase in

funding. The Department of Commerce opposed this bill because the new public-private partnership would rival an existing travel promotion board based at the Commerce Department. The European Union, which opposed the bill due to the institution of fees on European travelers to the United States, managed to use this coalition to defeat a version of this bill introduced in 2007.

After the defeat of the 2007 bill, a new bill was written in 2009. Supporters altered the bill in such a way as to pacify both the Department of Homeland Security and the Department of Commerce. The 2009 bill increased the fee that incoming travelers would have to pay in order to generate funds to pay for the system that the Department of Homeland Security would have to develop and manage. The new bill also retained the old Commerce Department's travel and tourism promotion board so as not to offend bureaucratic sensibilities.

The European Union, now deprived of its major allies, still managed to work with conservative Republicans in the U.S. Senate who questioned the wisdom of government support for travel promotion. However, the political calendar soon overtook their efforts to prevent passage. Senate Majority Leader Harry Reid (D-NV) was in a tight re-election race in the fall of 2010 and needed to find a way to boost his sagging popularity in his home state. The Travel Promotion Act, supported by many Las Vegas businesses, was just the ticket. Reid pushed the Act through the Senate. House approval quickly followed.

What threads link all three case studies? All of these countries maintained that they did not hire professional lobbyists to work on this legislation. This claim is supported by the FARA documents, which do not show any lobbying activity in the relevant periods covered by

these case studies. There was no effort at grassroots organizing. All of the lobbying efforts by these three countries came in the form of technocratic lobbying and coalition building.

The main thread that links all of these case studies together is the power of coalition building. When middle power countries are part of a coalition with U.S.-based institutions, be they public or private, they tend to achieve their goals. When these countries are pushing for something on their own, they tend to lose. The JADE Act is a perfect example. The Thais managed to substantially weaken proposed sanctions against Burmese teak and Yadana energy field due to their alliance with the yachting industry trade group and the energy company Chevron, respectively. They failed to weaken the ban on Burmese jade because their natural alliance partner, the jewelers' trade group, abandoned them. Alone they lost, but with allies they won. Indonesia managed to obtain joint U.S.-KOPASSUS military training because of its allies in the Department of Defense, the White House, and the behind-the-scenes work of the U.S.-Indonesia Society. The European Union was able to prevent passage of the Travel Promotion Act in 2008 because of the support of the Departments of Homeland Security and Commerce; once those bureaucracies were co-opted by the 2009 legislative language, the Act passed with overwhelming majorities.

In the final analysis, Moon's finding is still accurate. Although the nature of technocratic lobbying has changed, the need for information is still present. The only difference now is that so much of this information is public and easily accessible so the need to pay a lobbying firm for this information is gone. Coalition building, as identified by Moon, is still the most effective method of lobbying Congress. In each of the three case studies, when

foreign countries could partner with a U.S.-based group, they largely achieved their goals in Congress. When they failed to do this, they did not achieve their objective.

This may help to identify a key point about when middle power lobbying might be successful. Middle powers do not have an inordinate amount of international power and prestige which they can use to achieve their goals in internal American politics. At the same time, they are not simply a set of inconsequential countries which American politicians can write off as meaningless. Middle power countries occupy a gray zone in which their ability to affect U.S. policy is highly dependent on circumstances. They must be savvy in lobbying Congress because they are not strong. These circumstances mean choosing battles and carefully searching for allies. It means being aware of American political realities and the various interests of multiple parts of the government. It means being aware of when politicians or institutions can offer assistance and when they can create opposition. It requires a textual understanding of American politics that may be out of reach for many countries.

Weaknesses

There are many weaknesses present in this study. Of course, no study is perfect. The defects that this inquiry suffers from are, in some respect, unavoidable given the subject matter. Every effort was made to remedy these defects. In some cases, however, they proved impossible to overcome.

The first major weakness is the identification of middle powers. This is somewhat unavoidable given in the incoherence of the literature on exactly how a middle power is defined. The literature regarding middle powers was reviewed in Chapter Two in great detail. Some scholars believe that various economic and military statistical attributes should be used to identify a range of middle power states. Others contend that middle powers should be defined by their actions and roles in the international community. This study identified itself largely with the first group and used a broad set of statistical data to rank every country in the world to identify a stable group of middle power states. This method was used to attempt to bring some order and rigor to the often arbitrary exercise of identifying middle powers.

A second set of weaknesses could be found in the lobbying effectiveness database of Chapter 4. This database attempted to determine the impact that spending on professional lobbyists had on eight middle powers' ability to achieve their legislative goals in the U.S. Congress. Two main problems stand out. The first problem was in identifying the bills that concerned the middle power countries. The solution that this study used was to search a database of congressional legislation to look for the name of that particular country. Any and all pieces of legislation that contained the name of the country would be included in the database, as long as it had a significant impact on that country. It is possible that there were important pieces of legislation that did not include that country's name in the text. Another problem was that this study only examined bills that had been reported out of committee for debate on the floor of either chamber. It is quite possible that there were pieces of legislation,

important to middle powers, which did not make it out of committee. These flaws show a weakness in the representativeness of the database.

However, these are challenges inherent in any large- n investigation. Rules are developed to aid in the collection of important data and in order to be useful they must be applied uniformly. There may be instances in which a relaxation of the rules would be useful to include certain pieces of data. However, such action would undermine the validity of the inquiry. With that said, future large- n investigations into the effectiveness of lobbying spending might benefit from a reconceptualization of data collection in this case. Instead of looking to the past, data should be collected in the present and efforts should be made to track the progress of various pieces of legislation. Once a sufficient number of cases had been developed, the regression could be run again in order to re-examine the relationship between lobbying spending and a middle power's goals in the U.S. Congress.

Another weakness is the lack of depth in the three qualitative case studies. Interviews were conducted, in many cases, with embassy staff as well as involved nongovernmental organizations but rarely were any interviews conducted with members of Congress or their staffs. Critics could argue that this study gave a strong account of the *lobbies* but not of the *lobbied*. To this charge, the author pleads guilty but it was not for want of effort. Important members of Congress and staffers were identified and contacted. In almost every case multiple methods of communication were attempted. Some were not willing to speak at all. Others were hesitant to sign the form required by the university's Institutional Review Board. Others never responded. This is the reality of elite interviewing.

Remedies to this problem come with time. In future studies, it would be preferable for the Institutional Review Board to grant an exemption from the need of interview subjects to sign a written consent form. The need for this form resulted in the loss of two potential sources for this study. Congressional staffers and members of the executive branch are hesitant to sign anything, even if they are granted confidentiality by the author. Another potential remedy is simply the building of the author's credibility for protecting the identity of sources. As interview subjects begin to trust that the author will not reveal their identities, the more subjects are likely to agree to sit for an interview.

A final weakness is the lack of comparison in this study between great powers, middle powers, and weaker powers. This study asserts certain conclusions about the lobbying behavior of middle powers. Yet, this inquiry does not have a case study which shows the lobbying habits of either great powers or weaker powers. To those who would criticize this dissertation for lacking studies of great powers, they would be well served to consult the existing literature on foreign lobbying. Most of the case studies have focused on the efforts of great powers, especially China, Japan and India. The strategies and tactics of this class of states are well developed in the literature. As for weaker powers, the author pleads guilty. However, this line of inquiry can be a fruitful source of future research which could possibly serve to distinguish between the lobbying strategies of all three classes of states.

Future Research

The lack of systematic attention to foreign lobbying helps to make this subject a fruitful area for new research. There are two main methodological areas for future research: large-*n* quantitative studies and case studies. Both research methods will yield useful and complementary analyses of foreign lobbying. This section details potential future research questions and avenues for additional study of foreign lobbying.

With respect to large-*n* quantitative studies, foreign lobbying is ripe for investigation. Data concerning spending on professional lobbyists is maintained by the Department of Justice and it can be tapped to address any number of research questions. A central focus should be the annual increase in lobbying spending. Studies which focus on trends, both in overall levels of spending and spending by individual countries, would be incredibly useful in continuing to form theory regarding foreign lobbying. Chapter 3 of this study articulated a number of observations based on FARA data reported by the government. Motivations behind a country's decision to hire a lobbying firm as well as what lobbying firm to hire would be useful in ascertaining the decision making process and how lobbying firms position themselves in this competitive market. The trend of subnational governments within great power states hiring lobbying firms is also a compelling issue for future study.

The effectiveness database in Chapter 4 could also be altered in subsequent studies. An ideal database on effectiveness would not focus on bills in the past, but would rather be built in real-time using current bills before Congress and FARA data released by the government. This

database would take a number of years to complete. However, it would allow the researcher to become fully enmeshed with the bills before Congress and how foreign countries are working to support, oppose or alter them. Ideally, this effort would be combined with interviews with embassy staff as the lobbying is taking place as opposed to a review of the past. Obviously, this direction would present some challenges. Embassy staff might be happy to speak about a bill that was relevant four years ago but would be hesitant to discuss ongoing lobbying actions. This concern might be ameliorated by a confidentiality agreement designed to limit the exposure of the embassy to any unwanted attention. Furthermore, since this would only be for a quantitative database, all of the information would be on background so as to build up knowledge about the embassy's position on a bill rather than for an in-depth case study. These changes could make the database of bills more representative and reflect more closely the types of bills that embassies become engaged with deeply.

The question of lobbying effectiveness remains a challenging issue. The literature is confused on exactly how effectiveness should be defined and the case studies in this dissertation do not serve to make it clear when a foreign country succeeds and when it fails. For instance, did Thailand succeed or fail when it came to the Block Burmese JADE Act? Did Indonesia succeed or fail when direct U.S. military ties with KOPASSUS were resumed under a Department of Defense waiver rather than through congressional legislation? Declaring outcomes to be successes or failures needs strong analytical rules that simply may not be appropriate given the data set. Yet if these rules are relaxed, then how much can anyone trust the results? The difficulty in producing reliable and valid large-*n* studies of foreign lobbying

should not dissuade researchers from tackling this increasingly important subject. Yet, methodological imagination is required to solve this conundrum.

To provide fine-grain detail of individual lobbying efforts, more case studies are needed. Preferably these case studies would cover a broad range of states: great powers, middle powers and weaker powers, so as to provide a useful contrast in the lobbying styles of different states. Case studies would also be useful if they could show different countries lobbying on different sides of the same issue. By holding the issue constant, we might be able to better articulate lobbying effectiveness and contrast the strategies that different countries use on the exact same issue.

These case studies should make an effort to communicate with not only the lobbyists but also with the lobbied: members of Congress, the executive branch, and their staffers. This task will require a good amount of time, effort, dedication and trust. It is critical to know from lobbying targets what tactics are successful and which are not. Perhaps it would be best to start with former or retired staffers who have less to lose than current staffers. It may be difficult, but it is critical to have their input and point of view.

In the end, more must be known about the process, effectiveness and future of foreign lobbying. American foreign policy is made by representatives of the people. The people have the right to know how and when their representatives are being influenced by foreign states and how that behavior affects the future of the United States.

BIBLIOGRAPHY

- Acharya, Amitav. *Constructing a security community in Southeast Asia*, 2nd ed. London: Routledge, 2009.
- Ainsworth, Scott. "Regulating Lobbyists and Interest Group Influence." *Journal of Politics* 55, no. 1 (1993): 41-56.
- Ainsworth, Scott. "The Role of Legislators in the Determination of Interest Group Influence in Legislatures." *Legislative Studies Quarterly* 22, no. 4 (1997): 517-534.
- Allison, Graham and Phillip Zelikow. *Essence of Decision*. New York: Longman, 1999.
- American Footwear and Apparel Association. "AAFA Applauds Introduction of Congressional Legislation Banning Imports from Burma." June 4, 2003, <http://www.apparelandfootwear.org/pressreleases/burmalegislationpr030603.pdf> (accessed July 1, 2011).
- Association of Southeast Asian Nations. *Joint Communiqué of the 36th ASEAN Ministerial Meeting*. June 16-17, 2003, <http://www.aseansec.org/14833.htm> (accessed July 29, 2011).
- Aung-Thwin, Maureen and U Myint. "The Burmese Ways to Socialism." *Third World Quarterly*, 13, no. 1 (1992): 67-75.
- Austen-Smith, David and John R. Wright. "Competitive Lobbying for a Legislator's Vote." *Social Choice and Welfare* 9, no. 3 (1992): 229-257.
- Austin-Smith, David and John R. Wright. "Counteractive Lobbying." *American Journal of Political Science* 38, no. 1 (1994): 25-44.
- Bacheller, John. "Lobbyists and the Legislative Process: The Impact of Environmental Constraints." *American Political Science Review* 71, no. 1 (1977): 252-263.
- Bajaj, Vikas. "Trade Talks Resume but divide remains." *New York Times*, September 4, 2009, http://www.nytimes.com/2009/09/05/business/global/05trade.html?_r=1 (accessed October 15, 2010).

- Bard, Mitchell. "The Influences of Ethnic Interest Groups on American Middle East Policy." In *The Domestic Sources of American Foreign Policy*, edited by Charles Kegley and Eugene Wittkopf 79-94. New York: St. Martin's Press, 1988.
- Bauer, Raymond, Ithiel de Sola Pool and Lewis Dexter. *American Business and Public Policy*. Chicago: Aldine-Atherton, 1972.
- Baumgartner, Frank and Beth Leech. *Basic Interests*. Princeton: Princeton University Press, 1998.
- BBC. "Burma 'faces ASEAN expulsion.'" July 20, 2003, <http://news.bbc.co.uk/2/hi/asia-pacific/3081557.stm> (accessed July 29, 2011).
- BBC. "United Nations' Burma envoy quits." January 8, 2006, <http://news.bbc.co.uk/2/hi/asia-pacific/4592842.stm> (accessed 30 July 2011).
- BBC. "UN head call for Suu Kyi release." May 26, 2006, <http://news.bbc.co.uk/2/hi/asia-pacific/5019024.stm> (accessed July 30, 2011).
- Beck, Nathaniel. "Causal Process 'Observation': Oxymoron or Old Wine." (paper presented at American Political Science Association, Chicago, IL, August 29, 2007).
- Becker, Elizabeth. "Clinton is sending 200 troops for East Timor." *The New York Times*, September 17, 1999, <http://www.nytimes.com/1999/09/17/world/clinton-is-sending-200-troops-for-east-timor.html> (accessed September 29, 2010).
- Bentley Arthur. *The Process of Government*. San Antonio: Principia Press, 1949.
- Bernstein, Richard and Ross H. Munro. "The New China Lobby." In *The Domestic Sources of American Foreign Policy: Insights and Evidence* (3rd ed.), edited by Eugene Wittkopf and James McCormick 71-83. Lanham MD: Rowman & Littlefield, 1999.
- Birnbaum, Jeffrey. "Mickey Goes to Washington." *The Washington Post*, February 17, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/02/13/AR2008021302837.html> (accessed February 18, 2013).
- Birnbaum, Jeffrey. "Airline lobbyist's job is a dogfight." *The Washington Post*, July 17, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/07/16/AR2007071601669.html> (accessed March 3, 2013).
- Block Burmese Junta's Anti-Democratic Efforts (JADE) of 2007*. H.R. 3890. 110th Cong., 1st sess.

- Brenner, Phillip, Patrick Haney and Walter Vanderbush. "Intermestic Interests and U.S. policy toward Cuba." In *The Domestic Sources of American Foreign Policy* (5th ed.), edited by Eugene Wittkopf and James McCormick, 65-80. Lanham MD: Rowman & Littlefield, 2008.
- Brunner, Jake, Kirk Talbott and Chantal Elkin. *Logging Burma's Frontier Forests: Resources and the Regime*. Washington, D.C.: World Resources Institute, 1998.
- Burma Watcher. "Burma in 1988: There came a whirlwind." *Asian Survey* 29, no. 2 (1989): 174-180.
- Burma Democracy Promotion Act of 2007*. H.R. 3890. 110th Congress, 1st session, December 19, 2007.
- Burmese Freedom and Democracy Act of 2003*, Public Law 108-61, 108th Congress, 1st sess. (July 28, 2003). http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ061.108.pdf (accessed March 25, 2012).
- Busmiller, Elizabeth and Norimitsu Onishi. "U.S. lifts ban on Indonesian Special Forces Unit," *The New York Times*, July 22, 2010, http://www.nytimes.com/2010/07/23/world/asia/23military.html?_r=1&src=mv (accessed July 28, 2010).
- Butwell, Richard. "Ne Win's Burma: At the end of the first decade." *Asian Survey* 12, no. 10 (1972): 901-912.
- Caldeira, Gregory, Marie Hojnacki and John R. Wright. "The Lobbying Activities of Organized Interests in Federal Judicial Nominations." *Journal of Politics* 62, no. 1 (2000): 51-69.
- Callahan, Mary P. *Making Enemies: War and State Building in Burma*. Ithaca: Cornell University Press, 2003.
- Carter, Ralph. ed. *Contemporary Cases in U.S. Foreign Policy*. Washington, D.C.: Congressional Quarterly Press, 2002.
- Carter, Ralph and Jim Scott. *Choosing to Lead: Understanding Congressional Foreign Policy Entrepreneurs*. Durham: Duke University Press, 2009.
- Carter, Ralph, James Scott and Charles Rowling. "Setting a Course: Congressional Foreign Policy Entrepreneurs in Post World War II U.S. Foreign Policy." *International Studies Perspectives* 5, no. 3 (2004): 278-299.

- Chapnick, Adam. "The Middle Power." *Canadian Foreign Policy* 7, no. 2 (1999): 73-82.
- Chase, Robert, Emily Hill and Paul Kennedy. "Pivotal States and U.S. Strategy." In *The Future of American Foreign Policy*, edited by Eugene Wittkopf and Christopher Jones 24-255. Belmont CA: Wadsworth, 1999.
- Chongkittavorn, Kavi. "Thai-Burma Relations." In *Challenges to Democratization in Burma: Perspectives on multilateral and bilateral responses*, edited by Gillian Dwyer Stanbridge 117-129. Stockholm: International Institute for Democracy and Electoral Assistance, 2001.
- Clark, Allen L. "Burma in 2002: A Year of Transition." *Asian Survey* 43, no. 1 (2003): 127-134.
- Clarke, Duncan. "Why State Can't Lead." *Foreign Policy* 66 (Spring 1987): 128-142.
- Collier, David, Henry Brady and Jason Seawright. "Sources of Leverage in Causal Inference." (paper presented at American Political Science Association, Chicago, IL, August 29, 2007).
- Comer, Charles. "Leahy in Indonesia: Damned if you do (and even if you don't)." *Asian Affairs: An American Review*, 37 (2010): 53-70.
- Committee on House Administration. "111th Congress Congressional Member Organizations" http://cha.house.gov/member_orgs111th.aspx (accessed January 15, 2012).
- Committee on House Administration. "108-111th Congress—Congressional Member Organizations." http://cha.house.gov/member_orgs111th.aspx (accessed on February 22, 2010).
- Committee on House Administration. "112th Congress—Congressional Member Organizations." http://cha.house.gov/sites/repUBLICANS.cha.house.gov/files/documents/cmo_cso_docs/cmo_112th_congress.pdf (accessed January 15, 2013).
- Confidential interview with Thai Embassy official, August 22, 2010.
- Confidential interview with official from Human Rights Watch, June 8, 2011.
- Confidential interview with Human Rights Watch official, April 30, 2011.
- Confidential interview with official from U.S. Campaign for Burma, June 3, 2011.

- Confidential interview with East Timor activist, April 18, 2011.
- Confidential communication with West Papua activist, June 20, 2011.
- Confidential interview with Austrian Embassy official, February 22, 2011.
- Confidential interview with Swedish Embassy official, February 23, 2011.
- Confidential interview with European Union Embassy official, June 6, 2011.
- Confidential interview with Australian Embassy official, February 24, 2011.
- Confidential interview with National Marine Manufacturers Association official, July 25, 2011.
- Confidential interview with Indonesian Embassy officials, July 21, 2010.
- Cooper, Andrew, Richard Higgot and Kim Nossal. *Relocating Middle Powers: Canada and Australia in a Changing World Order*. Melbourne: Melbourne University Press, 1993.
- Cornell University Law School. "22 USC 2124."
<http://www.law.cornell.edu/uscode/text/22/2124> (accessed March 3, 2013).
- Cornwell, Derek and Brian Roberts. "The 9/11 terrorist attacks and overseas travel to the United States: Initial impacts and longer-run recovery."
http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ni_911_wp.pdf
(accessed March 10, 2013).
- Cox, Robert. "Middlepowermanship, Japan and the Future World Order." *International Journal* 44, no. 4 (1989): 823-862.
- Cutler, Lloyd. "Foreign Policy on Deadline." *Foreign Policy* 56 (Autumn 1984): 113-128.
- DeGregorio, Christine and Jack Rossotti. "Campaigning for the Court: Interest Group Participation in the Bork and Thomas Confirmation Processes." In *Interest Group Politics* (4th ed.), edited by Allan Cigler and Burdett Loomis 92-111. Washington, D.C.: Congressional Quarterly Press, 1995.
- DeLeon, Sally Dickinson. "Artisanal Ruby Mining in Myanmar: Environmental and Social Impacts." Master's thesis, University of Vermont, 2007.

- Denzau, Arthur and Michael Munger. "Legislators and Interest Groups: How Unorganized Interests Get Represented." *American Political Science Review* 80, no. 1 (1986): 89-106.
- Department of Defense Appropriations Act, 1999*. Public Law 105-261. 105th Cong., 2nd sess. (October 17, 1998).
- Duplain, Julian. "Asia-Pacific Analysis: Indonesia's Special Forces." *BBC Online*, <http://news.bbc.co.uk/2/hi/asia-pacific/460702.stm> (accessed September 25, 2010).
- Earth Rights International. "Doe v. Unocal case history." <http://www.earthrights.org/legal/doe-v-unocal-case-history> (accessed July 24, 2011).
- East Timor Action Network. "Senators write to U.S. State Department on training KOPASSUS and BIMBOB." April 3, 2008, <http://www.etan.org/news/2008/04senate.htm> (accessed March 3, 2011).
- East Timor Action Network. "U.S. Lawmakers urge Obama to show caution in dealing with Indonesia Special Forces." May 13, 2010, <http://www.etan.org/news/2010/05congress.htm> (accessed March 20, 2011).
- Edwards III, George C., Andrew Barrett and Jeffrey Peake. "The Legislative Impact of Divided Government." *American Journal of Political Science*, 41, no. 2 (1997): 545-563.
- Evans, Diana. "Lobbying the Committee: Interest Groups and the House Public Works and Transportation Committee." In *Interest Group Politics* (3rd ed.), edited by Allan Cigler and Burdett Loomis 45-68. Washington, D.C.: Congressional Quarterly Press, 1991.
- Executive Order no. 13047, *Federal Register* 62, no. 99 (May 22, 1997): 28301-28302.
- Federal Elections Commission, "Foreign Nationals," <http://www.fec.gov/pages/brochures/foreign.shtml> (accessed January 15, 2010).
- Fowler, Linda and Ronald Shaiko. "The Grass-Roots Connection: Environmental Activists and Senate Roll Calls." *American Journal of Political Science* 31, no. 3 (1987): 484-510.
- Fox News. "Bush imposes economic sanctions on key officials from Myanmar's government." September 27, 2007, <http://www.foxnews.com/story/0,2933,298298,00.html> (accessed July 29, 2011).
- Free Burma Coalition. <http://www.freeburmacoalition.org/> (accessed 4 August 2011).

- Freedom House. "Freedom in the World." <http://freedomhouse.org/template.cfm?page=15> (accessed December 21, 2010).
- Freeman, Ben. *The Foreign Policy Auction*. Washington, D.C.: CreateSpace, 2012.
- Gais, Thomas and Jack Walker. "Pathways to Influence in American Politics." In *Mobilizing Interest Groups in America: Patrons, Professions and Social Movements*, edited by Jack Walker 103-122. Ann Arbor: Michigan University Press, 1991.
- Garrett, Stephen. "Eastern European Ethnic Groups and American Foreign Policy." *Political Science Quarterly* 93, no. 2 (1978): 301-323.
- Gelling, Peter. "U.S. to allow arms sales to Indonesia." *The New York Times*, November 24, 2005, http://www.nytimes.com/2005/11/23/world/asia/23iht-indo.html?_r=0 (accessed May 1, 2011).
- Giannini, Taylor, Katie Redford, Betsy Apple, Jed Greer and Marco Simons. *Total Denial Continues*. Washington, D.C.: Earth Rights International, 2003.
- Global Witness. "A Choice for China: Ending the Destruction of Burma's Northern Forests." October 2005 <http://www.globalwitness.org/library/choice-china-ending-destruction-burmas-frontier-forests> (accessed August 12, 2011).
- Gregg, R. Juge. "Amendments to the U.S. Lacey Act: Implications for Exporters of Thailand's Forest Products." http://www.forest-trends.org/documents/files/doc_2386.pdf (accessed August 9, 2011).
- Guyot, James F. and John Badgley. "Myanmar in 1989: Tatmadaw V." *Asian Survey* 30, no. 2 (1990): 187-195.
- Haass, Richard Haass. "Think Tanks and U.S. Foreign Policy: A Policy-Maker's Perspective." *U.S. Foreign Policy Agenda* 7, no. 3 (2002): 5-9.
- Hammond, Susan Webb, Arthur Stevens Jr. and Daniel Mulhollen. "Congressional Caucuses: Legislators as Lobbyists." In *Interest Group Politics*, edited by Allan Cigler and Burdett Loomis 111-134. Congressional Quarterly Press: Washington, D.C., 1983.
- Hammond, Susan Webb. *Congressional Caucuses in National Policy Making*. Baltimore: Johns Hopkins University Press, 1998.
- Haney, Patrick and Walter Vanderbush. "The Role of Ethnic Interest Groups in U.S. Foreign Policy: The Case of the Cuban American National Foundation." *International Studies Quarterly* 43, no. 2 (1999): 341-361.

- Hlaing, Kyaw Yin. "Myanmar in 2003: Frustration and Despair?" *Asian Survey* 44, no. 1 (2004): 87-92.
- Holbraad, Carsten. *Middle Powers in International Politics*. London: Macmillian Press, 1984.
- House Committee on International Relations. *Burmese Freedom and Democracy Act*. 108th Cong., 1st sess., October 2, 2003.
- House Foreign Affairs Committee. *Block Burmese JADE Junta's Anti-Democratic Efforts (JADE) Act of 2007*. 110th Cong., 1st sess., 2007, Report 110-418, Part I.
- House Foreign Affairs Committee. *Block Burmese JADE Act and Recent Policy Developments*. 113th Cong., 1st sess., 2011.
- House Subcommittee on Asia, the Pacific, and the Global Environment. *Crisis in Burma: Can the U.S. bring about a peaceful resolution?* 110th Cong., 1st sess., October 17, 2007.
- Howe, Russell and Sarah Trott. *The Power Peddlers*. New York: Doubleday, 1977.
- Human Rights Watch. "Burma: Gem Trade Bolsters Military Regime, Fuels Atrocities." November 12, 2007, <http://www.hrw.org/en/news/2007/11/11/burma-gem-trade-bolsters-military-regime-fuels-atrocities> (accessed August 2, 2011).
- Human Rights Watch. "Burma: Targeted Sanctions Needed on Petroleum Industry." November 19, 2007, <http://www.hrw.org/news/2007/11/18/burma-targeted-sanctions-needed-petroleum-industry> (accessed 2 August 2011).
- Human Rights Watch. "'What Did I Do Wrong?' Papuans in Merauke face abuses by Indonesian Special Forces." June 2009, <http://www.hrw.org/en/node/84044/section/3> (accessed September 29, 2010).
- Hunter, Marnie. "U.S. travel promotion bill signed into law." *CNN*, March 4, 2010, <http://www.cnn.com/2010/TRAVEL/03/04/travel.promotion.act/index.html> (accessed March 12, 2013).
- International Institute for Strategic Studies. *The Military Balance*. London: International Institute for Strategic Studies, 1995, 2000, 2005.
- Jarrett, Diana. "Analyzing the Aftermath—the JADE Act." *The Southern Jewelry News Blog*, entry posted September 10, 2008, <http://www.southernjewelrynews.com/columnists/diana-jarrett/20105-diana-jarrett/245-analyzing-the-aftermath-the-jade-act> (accessed May 15, 2011).

- Jewelers of America. "Jewelers of America applauds action on Burmese gemstones." July 23, 2008, <http://www.jewelers.org/news/pressroom/pressreleases/detail.php?ID=186> (accessed March 12, 2011).
- Jewelers of America. "About us." <http://www.jewelers.org/about/> (accessed July 15, 2011).
- Jewelers of America. "Advocacy." http://www.jewelers.org/about/j_legadvocacy/index.php (accessed July 15, 2011).
- John, Steve. *The Persuaders*. London: Palgrave, 2002.
- Johnson, Kathryn. "How Foreign Powers Play for Status in Washington." *U.S. News and World Report*, June 17, 1985, 35-41.
- Jones, Christopher. "Roles, Politics and the Survival of the V-22 Osprey." In *The Domestic Sources of American Foreign Policy*, (5th ed.), edited by Eugene R. Wittkopf and James M. McCormick 319-338. Lanham, MD: Rowman and Littlefield, 2008.
- Katanyuu, Ruukun. "Beyond Non-interference in ASEAN: The Association's role in Myanmar's National Reconciliation and Democratization." *Asian Survey* 46, no. 6 (2006): 825-845.
- Kaufman, Stephen. "Bush praises Indonesia's democratic reforms." November 20, 2006, <http://www.america.gov/st/washfile-english/2006/November/20061120123029esnamfuak0.9844782.html> (accessed 2 October 2010).
- Kearney, A.T. and *Foreign Policy*. "Measuring Globalization." *Foreign Policy*, 122, no. 1 (2001): 56-65.
- Keohane, Robert. "Lilliputian's Dilemma: Small States in International Politics." *International Organization* 23, no. 2 (1969): 296-316.
- Keohane, Robert. "The Big Influence of Small Allies." *Foreign Policy* no. 2 (Spring 1971): 161-182.
- Kingdon, John. *Congressman's Voting Decisions*. Ann Arbor: Michigan University Press, 1989.
- Kohut, Andrew. "Reviving America's global image." March 5, 2010, <http://www.pewglobal.org/2010/03/05/reviving-americas-global-image/> (accessed March 21, 2013).

- Laham, Nicholas. *Selling AWACS to Saudi Arabia*. Westport: Praeger, 2002.
- LaNasa III, Joseph A. "An Evaluation of the Uses and Importance of the Rules of Origin, and the Effectiveness of the Uruguay Round's Agreements on the Rules of Origin and Harmonizing Them." New York University working paper, Jean Monnet Center for International and Regional Economic Law and Justice, 1995. Available at <http://centers.law.nyu.edu/jeanmonnet/papers/96/9601ind.html> (accessed July 28, 2011).
- Langbein, Laura and Mark Lotwis. "The Political Efficacy of Lobbying and Money: Gun Control in the U.S. House, 1986." *Legislative Studies Quarterly* 15, no. 3 (1990): 413-440.
- Leber Jewelry Incorporated. "Brian Leber testifies before Congress on Burma sanctions." Leber Jewelry Blog, entry posted November 1, 2007, <http://www.leberjeweler.com/journal/?p=136> (accessed July 25, 2011).
- Legistorm. "U.S.-Indonesia Society—Sponsor of Congressional Travel." http://www.legistorm.com/trip/list/by/sponsor/id/8863/name/U_S_Indonesia_Society/page/2.html (accessed August 15, 2012).
- Levy, Deborah. "Advice for Sale." *Foreign Policy* 67 (Summer 1987): 64-86.
- Limsamarnphun, Nophakhun. "Polishing away a big blemish." *The Nation*, May 9, 2009, http://www.nationmultimedia.com/2009/05/09/opinion/opinion_30102297.php (accessed October 1, 2010).
- Lindsay, James and Randall Ripley. "Foreign and Defense Policy in Congress: A Research Agenda for the 1990s." *Legislative Studies Quarterly* 17, no. 3 (1992): 417-449.
- Lindsay, James. "Congress and Foreign Policy: Why the Hill Matters." *Political Science Quarterly* 107, no. 4 (1992): 607-628.
- Lindsay, James. "Congress, Foreign Policy and the New Institutionalism." *International Studies Quarterly* 38, no. 2 (1994): 281-304.
- Longmyer, Kenneth. "Black American Demands." *Foreign Policy* 60 (Autumn 1985): 3-17.
- Loomis, Burdett. "Coalitions of Interests: Building Bridges in the Balkanized State." In *Interest Group Politics* (2nd ed.), edited by Allan Cigler and Burdett Loomis 175-202. Washington, D.C.: Congressional Quarterly Press, 1986.

- Loomis, Burdett. "From Framing to the Fifties: Lobbying in Constitutional and Historical Contexts." *Extensions* (Fall 2006): 1-7.
- Lowery, David. "Why Do Organized Interests Lobby? A Multi-Context Theory of Lobbying." *Polity* 39, no. 1 (2007): 29-54.
- Lum, Thomas. *U.S. Foreign Aid to East and South Asia*. 110th Cong., 2nd sess., Congressional Research Service (Washington, D.C., October 8, 2008).
- Mackay, R.A. "The Canadian Doctrine of Middle Powers." In *Empire and Nations*, edited by Harvey Dyck and H. Peter Crosby 133-144. Toronto: University of Toronto Press, 1969.
- Madison, James. "Federalist #10," in *The Federalist Papers*, edited by Clinton Rossiter 77-84. New York: Penguin Books, 1961.
- Mead, Walter Russell. "Terrible Twins: Turkey, Brazil and the future of American Foreign Policy." The American Interest Online, entry posted June 5, 2010, <http://blogs.the-american-interest.com/wrm/2010/06/05/terrible-twins-turkey-brazil-and-the-future-of-american-foreign-policy/> (accessed August 22, 2010).
- Mearsheimer, John. *The Tragedy of Great Power Politics*. New York: Norton, 2001.
- Mearsheimer, John and Stephen Walt. "The Israel Lobby." In *The Domestic Sources of American Foreign Policy: Insights and Evidence* (5th ed.), edited by Eugene Wittkopf and James McCormick, 81-95. Lanham MD: Rowman & Littlefield, 2008.
- McCarthy, Stephen. "Burma and ASEAN: Estranged bedfellows." *Asian Survey* 48, no. 6 (2008): 911-935.
- Milbrath, Lester. *The Washington Lobbyists*. Chicago: Rand McNally, 1963.
- Mitchell, William C. and Michael C. Munger. "Economic Models of Interest Groups: An Introductory Survey." *American Journal of Political Science* 35, no. 2 (1991): 512-546.
- Moon, Chung-in. "Complex Interdependence and Transnational Lobbying: South Korea in the United States." *International Studies Quarterly* 32, no. 1 (1988): 67-89.
- Mydans, Seth. "Constitutional Referendum still the priority for Myanmar leaders." *New York Times*, May 9, 2008 <http://www.nytimes.com/2008/05/09/world/asia/09iht-myanmar.4.12747427.html> (accessed July 30, 2011).

- Mydans, Seth. "Violence grips East Timor capital as foes of independence run amok." *The New York Times*, August 27, 1999, <http://partners.nytimes.com/library/world/asia/082799indonesia-timor.html> (accessed September 29, 2010).
- Myint, U. "Myanmar's GDP Growth and Investment: Lessons from a historical perspective." In *Dictatorship, disorder and decline in Myanmar*, edited by Monique Skidmore and Trevor Wilson 51-62. Canberra: Australian National University E-Press, 2010.
- Nathan, James and James Oliver. *Foreign Policy Making and the American Political System*. Baltimore: Johns Hopkins University Press, 1994.
- National Marine Manufacturers Association. "Learn about the Congressional Boating Caucus." <http://www.nmma.org/government/getinvolved/boatingcaucus.aspx> (accessed 20 July 2011).
- National Marine Manufacturers Association. "American Boating Congress." <http://www.nmma.org/government/abc/default.aspx> (accessed July 20, 2011).
- Neack, Laura. "Delineating State Groups Through Cluster Analysis." *The Social Science Journal* 30, no. 3 (1993): 347-371.
- New York Times*. "ASEAN seeks Aung San Suu Kyi's release." May 22, 2007, <http://www.nytimes.com/2007/05/22/world/asia/22iht-myanmar.1.5822123.html> (accessed July 30, 2011).
- Newhouse, John. "Diplomacy, Inc." *Foreign Affairs* 88, no. 3 (2009): 73-93.
- Niksch, Larry A. and Martin A. Weiss. *Burma: Economic Sanctions*. 111th Cong., 1st sess., Congressional Research Service (Washington, D.C., August 3, 2009).
- Nye Jr., Joseph S. *The Paradox of American Power*. Oxford: Oxford University Press, 2002.
- Olson, Mancur. *The Logic of Collective Action*. Cambridge: Harvard University Press, 1965.
- Olson, Mancur. *The Rise and Decline of Nations: Economic Growth, Stagflation and Social Rigidities*. New Haven: Yale University Press, 1982.
- Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999*. 105th Cong., 2nd sess. (October 21, 1998).

- Omnibus Consolidated Appropriations Act 1997*, Public Law 104-208, 104th Cong., 2d. sess. (September 30, 1996), Section 570.
- Ornstein, Norman and Shirley Elder. *Interest Groups, Lobbying and Policy Making*. Washington D.C.: Congressional Quarterly Press, 1978.
- Pala Gems International. "Burma Gem Sales and Statistics." July 14, 2011, http://www.palagems.com/gem_news_burma_stats.php (accessed July 28, 2011).
- Paul, David and Rachel Paul. *Ethnic Lobbies and U.S. Foreign Policies*. Rienner: Boulder, 2009.
- Peltz, James F. and Elizabeth Douglass. "Chevron to buy Unocal." *Los Angeles Times*, April 5, 2005, <http://articles.latimes.com/2005/apr/05/business/fi-unocal5> (accessed July 24, 2011).
- Peterson, Paul. "The President's Dominance in Foreign Policy Making." *Political Science Quarterly* 109, no. 2 (1994): 215-234.
- Ping, Jonathan. *Middle Power Statecraft: Indonesia, Malaysia and the Asia-Pacific*. Aldershot: Ashgate, 2005.
- Pomfret, John. "U.S. floats plan to lift ban on training Indonesia's KOPASSUS unit." *The Washington Post*, March 3, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/02/AR2010030204053.html> (accessed April 18, 2011).
- Press, Eyal. "The Suharto Lobby—Indonesia's voice in Washington." *The Progressive* 61, no. 5 (1997): 19-31.
- Putnam, Robert D. "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42, no. 3 (1988): 427-460.
- Rabechault, Mathieu. "Panetta backs developing ties with Indonesian military." *Agence France-Presse*, October 23, 2011, <http://www.google.com/hostednews/afp/article/ALeqM5g5IhahiPIYj7hp8SPy-TTx4dGX7w?docId=CNG.1ca187f850fe4f7a2ea784fd454b4b4c.1c1> (accessed September 12, 2012).
- Ravenhill, John. "Cycles of Middle Power Activism: Constraint and Choice in Australian and Canadian Foreign Policies." *Australian Journal of International Affairs* 52, no. 3 (1998): 309-328.

- Reuters*. "U.S. bans new investments in Burma." April 22, 1997, <http://www.ibiblio.org/obl/reg.burma/archives/199704/msg00318.html> (accessed August 1, 2011).
- Revkin, Andrew and John Broder. "A Grudging Accord in Climate Talks." *New York Times*, December 19, 2009, <http://www.nytimes.com/2009/12/20/science/earth/20accord.html> (accessed October 15, 2010).
- Rothenberg, Lawrence. *Linking Citizens to Government: Interest Group Politics at Common Cause*. New York: Cambridge University Press, 1992.
- Salisbury, Robert. "The Paradox of Interests in Washington DC: More Groups and Less Clout." In *The New American Political System* (2nd ed.), edited by Anthony S. King 42-59. Washington, D.C.: American Enterprise Institute, 1990.
- Salisbury, Robert. "Putting Interests Back into Interest Groups." In *Interest Group Politics*, (3rd ed.) edited by Allan Cigler and Burdett Loomis 110-151. Washington, D.C.: Congressional Quarterly Press, 1991.
- Sanger, David. "Bush ends trip at careful stop in Indonesia." *The New York Times*, November 21, 2006, <http://www.nytimes.com/2006/11/21/world/asia/21prexy.html?scp=1133&sq=protests&st=nyt> (accessed October 2, 2010).
- Sarahsohn, Judy. "Discovery America Partnership lands Ridge." *The Washington Post*, December 21, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/20/AR2006122001753.html> (accessed March 3, 2013).
- Scholzman, Kay Lehman and John T. Tierney. *Organized Interests and American Democracy*. New York: Harper and Row, 1986.
- Scott, James. "In the Loop: Congressional Influence in American Foreign Policy." *Journal of Political and Military Sociology* 25, no. 1 (1997): 47-75.
- Seawright, Jason and John Gerring. "Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options." *Political Research Quarterly* 61, no. 2 (2008): 294-308.
- Seekins, Donald M. "Burma in 1999: A Slim Hope." *Asian Survey* 40, no. 1 (2000): 16-24.
- Seekins, Donald M. "Burma and U.S. Sanctions: Punishing an authoritarian regime." *Asian Survey* 45, no. 3 (2005): 437-452.

- Segal, Jeffrey, Charles Cameron and Albert Cover. "A Spatial Model of Roll Call Voting: Senators, Constituents, Presidents and Interest Groups in Supreme Court Nominations." *American Journal of Political Science* 36, no. 1 (1992): 96-121.
- Senate Committee on Science, Commerce and Transportation. *Promoting Travel to America: An Examination of Economic and Security Concerns*. 110th Cong., 1st sess., January 31, 2007.
- Shenon, Philip. "Indonesia seeks to atone for a massacre in Timor." *The New York Times*, September 17, 1992, <http://www.nytimes.com/1992/09/17/world/indonesia-seeks-to-atone-for-a-massacre-in-timor.html> (accessed September 22, 2010).
- Silverstein, Josef. "Ne Win's Revolution Considered." *Asian Survey* 6, no. 2 (1966): 95-102.
- Silverstein, Ken. *Turkmeniscam*. New York: Random House, 2008.
- Siskin, Alison. *Visa Waiver Program*. 113th Cong., 1st sess., Congressional Research Service (Washington, D.C., January 15, 2013).
- Smith, Richard. "Advocacy, Interpretation and Influence in the U.S. Congress." *American Political Science Review* 78, no. 1 (1984): 44-63.
- Smith, Richard. "Interest Group Influence in the U.S. Congress." *Legislative Studies Quarterly* 20, no. 1 (1995): 89-139.
- Smith, Tony. *Foreign Attachments*. Cambridge: Harvard University Press, 2000.
- Spillman, Benjamin. "Polls show potential GOP challengers would beat Harry Reid." *Las Vegas Review-Journal*, August 23, 2009, <http://www.reviewjournal.com/news/polls-show-potential-gop-challengers-would-beat-harry-reid> (accessed March 15, 2013).
- Steinberg, David I. "Burma/Myanmar: The Triumph of the Hard-Liners." *South China Morning Post*, August 15, 2003.
- Steinberg, David J. *In Search of Southeast Asia: A Modern History*, 2nd ed. Honolulu: University of Hawaii Press, 1985.
- Steinberg, David J. "Burma-Myanmar: The U.S.-Burmese Relationship and its Vicissitudes." In *Short of the Goal: U.S. Policy and Poorly Performing States*, edited by Nancy Birdsall, Milan Vaishall and Robert Ayers 209-244. Washington, D.C.: Center for Global Development, 2006.

- Stigler, George. "The Theory of Economic Regulation." *Bell Journal of Econometrics and Management Science* 2, no. 1 (1971): 3-21.
- Sutton, William. "Statement for the record on H.R. 3232." September 11, 2008, <http://www.commerce.gov/sites/default/files/documents/2013/january/sutton091108.pdf> (accessed March 3, 2013).
- Swedberg, Richard. "Socioeconomics and the New 'Battle of Methods': Towards a New Paradigm." In *Culture and Politics: A Reader*, edited by Lane Crothers and Charles Lockhart 381-393. New York: St. Martin's Press, 2000.
- Thai-ASEAN News Network. "Thai Gem Exports fall by 40%." May 4, 2009, <http://www.thailandoutlook.tv/toc/ViewData.aspx?DataID=1014302> (accessed October 1, 2010).
- Than, Tin Muang Muang. "Burma/Myanmar in 2001: A Year of Waiting." *Asian Survey* 42, no. 1 (2002): 115-123.
- Thawngmung, Ardeth Maung and Maung Aung Myoe. "Myanmar in 2007: A Turning Point in the Roadmap?" *Asian Survey* 48, no. 1 (2008): 13-19.
- The Center for Public Integrity. "Jakarta's intelligence service hires Washington lobbyists." September 7, 2006, <http://www.publicintegrity.org/2006/09/07/5770/jakartas-intelligence-service-hires-washington-lobbyists> (accessed September 10, 2012).
- The National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. New York: Norton, 2004.
- Tierney, John. "Interest Group Research: Questions and Approaches." In *Representing Interests and Interest Group Representation*, edited by William J. Crotty, Mildred A. Schwartz and John C. Green 128-145. Lanham, MD: University Press of America, 1994.
- Tocqueville, Alexis de. *Democracy in America*, edited by Richard Heffner. New York: Penguin Books, 1956.
- Trager, Frank N. "The Failure of U Nu and the Return of the Armed Forces in Burma." *The Review of Politics* 25, no. 3 (1963): 309-328.
- Truman, David. *The Governmental Process*. New York: Knopf, 1951.

- U.S. Campaign for Burma. “Saffron Revolution of 2007.” <http://uscampaignforburma.org/learn-about-burma/saffron-revolution> (accessed July 30, 2011).
- U.S. Campaign for Burma. “About U.S. Campaign for Burma Staff.” <http://uscampaignforburma.org/about-us-campaign-for-burma/staff> (accessed May 25, 2011).
- U.S. Campaign for Burma. “U.S.-Burma Policy.” <http://uscampaignforburma.org/us-burma-policy> (accessed July 30, 2011).
- U.S. Census Bureau. “Trade in goods with Burma.” <http://www.census.gov/foreign-trade/balance/c5460.html> (accessed June 22, 2011).
- U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record* 22 June 2009, S 6878.
- U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record* 22 June 2009, S 6879.
- U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record* 22 June 2009, S 6878
- U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record* 9 September 2009. S. 9164
- U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record*, 9 September 2009. S 9158.
- U.S. Congress. Senate. Travel Promotion Act of 2009. 111th Congress, 1st session. *Congressional Record*, 9 September 2009. S 9170.
- U.S. Congress. House of Representatives. U.S. Capitol Police Administrative Technical Corrections Act of 2009. 111th Congress, 1st session. *Congressional Record*, 6 November 2009. H 12483.
- U.S. Congress. Senate. U.S. Capitol Police Administrative Technical Corrections Act of 2009. 111th Congress, 1st session. *Congressional Record*, S. 773-774.
- U.S. Customs and Border Protection. “Find an answer.” <https://help.cbp.gov/app/answers/list> (accessed March 23, 2013).

- U. S. Department of Commerce. “Trade Stats Express.” <http://tse.export.gov/> (accessed December 21, 2010).
- U.S. Department of Justice. “FARA Quick Search.” <http://www.fara.gov/quick-search.html> (accessed June 15, 2011).
- U. S. Department of Justice. “Report of the Attorney General to the U.S. Congress on the Administration of the Foreign Agents Registration Act (FARA) 1996-2011.” <http://www.fara.gov/annualrpts.htm> (accessed March 15, 2013).
- U.S. Department of State. “Visa Waiver Program.” http://travel.state.gov/visa/temp/without/without_1990.html (accessed March 3, 2013).
- U.S.-Indonesia Society. “Mission and History.” <http://www.usindo.org/about/mission-and-history> (accessed August 25, 2012).
- U.S.-Indonesia Society. “Trustees.” <http://www.usindo.org/about/trustees> (accessed August 25, 2012).
- U.S.-Indonesia Society. “Comprehensive Partnership.” <http://www.usindo.org/country-info/comprehensive-partnership> (accessed August 25, 2012).
- U. S. Library of Congress. “Bill Summary and Status for HR 2330.” <http://thomas.loc.gov/cgi-bin/bdquery/z?d108:HR02330:@@@R> (accessed July 31, 2011).
- U.S. Library of Congress. “Bill Summary and Status.” <http://thomas.loc.gov/cgi-bin/thomas> (accessed February 18, 2013).
- U.S. Library of Congress. “H.R. 3232 All Congressional Actions.” <http://thomas.loc.gov/cgi-bin/bdquery/D?d110:1:/temp/~bdyc5R:@@@X|/home/LegislativeData.php?n=BSS;c=110|> (accessed February 18, 2013).
- U.S. Library of Congress. “Bill Summary and Status.” <http://thomas.loc.gov/cgi-bin/thomas> (accessed February 18, 2013).
- U.S. Library of Congress. “S 1023 All Congressional Action.” <http://thomas.loc.gov/cgi-bin/bdquery/D?d111:3:/temp/~bdyrjL:@@@X|/home/LegislativeData.php?n=BSS;c=111|> (accessed February 18, 2013).
- U.S. Library of Congress. “Bill Summary and Status for HR 3890.” <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:HR03890:@@@R> (accessed July 28, 2011).

U.S. Library of Congress. "Bill Summary and Status for S. 1182." <http://thomas.loc.gov/cgi-bin/bdquery/z?d108:SN01182:@@@P/home/LegislativeData.php?n=BSS;c=108> (accessed March 15, 2011).

U.S. Library of Congress. "Status of Appropriations Bills for Fiscal Year 2010." <http://thomas.loc.gov/home/approp/app10.html> (accessed October 1, 2010).

United Nations Human Rights Council. *Statement by the Delegation of Singapore on the Human Rights Situation in Myanmar*. October 2, 2007.

United Nations Human Rights Council. *Statement by the Delegation of Thailand on the Human Rights Situation in Myanmar*. October 2, 2007.

Velasquez, Manuel. "UNOCAL in Burma." November 3, 2005, <http://www.scu.edu/ethics/practicing/focusareas/business/Unocal-in-Burma.html> (accessed July 9, 2011).

Walt, Stephen. "Rigor or Rigor Mortis." *International Security* 23, no. 4 (1999): 5-48.

Waltz, Kenneth. *Theory of International Politics*. Reading: Addison-Wesley, 1978.

Wen, Joshua Su-Ya. "Economics, Lobbying and U.S. Congressional support for Taiwan." *Asian Survey* 49, no. 2 (2009): 380-402.

Wight, Martin. *Power Politics*. Edited by Hedley Bull and Carsten Holbraad. Leicester: Leicester University Press, 1978.

Wikileaks. "ASD Rodman's meeting with Indonesian Foreign Ministry SecGen." May 9, 2006, <http://cablegatesearch.net/cable.php?id=06JAKARTA5789&q=kopassus> (accessed September 3, 2012).

Wikileaks. "A/S Hill's meeting with Indonesian Defense Minister Sudarsono." June 7, 2007, <http://cablegatesearch.net/cable.php?id=07JAKARTA1576&q=kopassus> (accessed September 3, 2012).

Wikileaks. "Resuming engagement with KOPASSUS, The Army's Special Forces Unit." October 19, 2007, <http://cablegatesearch.net/cable.php?id=07JAKARTA2934&q=kopassus> (accessed September 3, 2012).

- Wikileaks. “Defense Cooperation—Indonesian military wants to move forward with U.S.” November 19, 2007, <http://cablegatesearch.net/cable.php?id=07JAKARTA3199&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “Defense Cooperation—Engaging Indonesia on the future of mil-mil relationship.” October 25, 2007, <http://cablegatesearch.net/cable.php?id=07JAKARTA2990&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “Indonesia—Chinese Defense Minister Visit.” January 17, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA106&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “Ambassador’s meeting with Indonesia’s top military commander.” February 4, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA222&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “U.S. military training of Indonesian police in jeopardy.” April 10, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA734&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “A/S Hill’s meeting with President Yudhoyono.” April 16, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA764&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “Senior Indonesian diplomat addresses range of bilateral issues.” May 30, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA1058&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “DefMin reviews mil-to-police training.” July 8, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA1311&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “Way Forward on training Indonesian special forces.” October 8, 2008, <http://cablegatesearch.net/cable.php?id=08JAKARTA1873&q=kopassus> (accessed September 3, 2012).
- Wikileaks. “President Yudhoyono reportedly unhappy over KOPASSUS issue, POTUS visit postponement.” October 9, 2009, <http://cablegatesearch.net/cable.php?id=09JAKARTA1711&q=kopassus> (accessed September 3, 2012).

- Wikileaks. "U/S Burns's December 10, 2009 meeting with Indonesian Department of Foreign Affairs Secretary General Inron Cotan." December 17, 2009, <http://cablegatesearch.net/cable.php?id=09JAKARTA2072&q=kopassus> (accessed September 3, 2012).
- Wildavsky, Aaron. "The Two Presidencies." *Society* 35, no. 2 (1998): 23-31.
- Wittkopf, Eugene and James McCormick, ed. *The Domestic Sources of American Foreign Policy*. Lanham MD: Rowman & Littlefield, 2008.
- Wood, Bernard. "Towards North-South Middle Power Coalitions." In *Middle Power Internationalism*, edited by Cranford Pratt 101-126. Montreal: McGill-Queens University Press, 1990.
- World Bank Group, "Migration Statistics," <http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:20451597~isCURL:Y~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html> (accessed December 22, 2010).
- World Bank Group, "Statistical Review," <http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,menuPK:232599~pagePK:64133170~piPK:64133498~theSitePK:239419,00.html> (accessed December 22, 2010).
- Wright, John R. "Contributions, Lobbying and Committee Voting in the U.S. House of Representatives." *American Political Science Review* 84, no. 2 (1990): 417-438.
- Xinhua*. "Myanmar enhances gem mining in 18 years." *China People's Daily*, January 11, 2006, http://english.people.com.cn/200601/11/eng20060111_234572.html (accessed July 28, 2011).
- Yeo, Peter. Interview by author, Washington, D.C., June 4, 2011.
- Yin, Robert. *Case Study Research: Design and Methods*, 2nd ed. Thousand Oaks, CA: Sage, 1994.
- Yudhoyono, Susilo Bambang. "Speech at USINDO luncheon." November 14, 2008, <http://www.presidensby.info/index.php/eng/pidato/2008/11/15/1032.html> (accessed September 10, 2012).