USE OF THESES

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Beyond The Water's Edge:


By

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February 1999

A THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY OF THE AUSTRALIAN NATIONAL UNIVERSITY
DECLARATION

I hereby declare that this thesis is the result of my own independent research, and all authorities and sources that have been used are duly acknowledged.

Yang, Jian
ABSTRACT

The common wisdom about the struggle for foreign policy power between the US Congress and President is that the making and conduct of foreign policy are likely to be dominated by the Executive. A review of the literature in this field reveals that this wisdom is largely based on historical studies on issues like declaring war, ratifying treaties or recognising foreign governments. Many other foreign policy issues such as foreign economic policy and human rights policy are much understudied. Available studies also show more interest in documenting Congress' role in certain policies with less attention to the internal dynamics of how Congress came to behave as it did.

Classical political science theories on the behaviour of Congress in policy making identify one focal point as the basis of analysis (interest groups, ideology, partisanship, constituency, committee, public opinion, media, or institutional constraints). The thesis proceeds from the fairly obvious presumption that foreign policy making is a complex process which cannot be fully explained by any single theory. It therefore adopts a more expansive approach and pays special attention to three factors which might loosely be termed structural factors: partisanship, constituency and committee. This thesis concerns itself primarily with a comparative evaluation of these three factors but concludes with some comment on the broader context which includes other factors, such as ideology, interest groups and Presidential leadership. These other factors are no less important than the three structural factors.

The thesis takes as case studies the issues of China's most-favoured-nation (MFN) trade status and US policy towards Taiwan under two administrations — that of George Bush and the first Clinton Administration. This period (1989-1996) was not only a time of considerable change in the global strategic environment but also a time of instability in US-China relations. The thesis shows that at a theoretical level, Congressional behaviour can be best explained if it is understood as the sum of a variety of often incongruent actions and compromises, each one of which might have its roots in one or other of the motivations identified by classical political science theories. Essentially, a theoretical explanation of Congressional behaviour must take into account the fact that Congressional decision making involves 535 individual members and a large number of committees. This thesis found that while partisanship is generally more influential in shaping Congressional intervention in foreign policy, this is only true when interests of constituency are not heavily involved. As for committees, although their actions are central to Congressional outcomes, those actions are largely determined by partisanship and constituency.
PREFACE

On 22 May 1995, the Clinton Administration broke a firm commitment to China that it would not allow Taiwan President Lee Teng-hui to enter the United States for a “private” visit in June of that year. This decision contributed to China’s decision to apply substantial military pressure on Taiwan by conducting ballistic missile tests and military exercises in July and August 1995 and again in March 1996. The Administration broke its commitment to China because of pressure from Congress. The Chinese government subsequently intensified its lobbying efforts on Capitol Hill. But if China’s analysts wanted to understand why or how Congress had so successfully derailed US foreign policy, scholarly literature provided little help. Scholars of US-China relations have paid little attention to the internal dynamics of Congressional behaviour.

This thesis aims to analyse the influence of domestic politics on Congressional intervention in US policy towards China with special reference to three factors which might loosely be termed structural factors: partisanship, constituency and committee. The analysis is conducted by examining two issues: China’s most-favoured-nation (MFN) status and the Taiwan issue during the Republican George Bush Administration (1989-1992) and the first Democratic Bill Clinton Administration (1993-1996).

The Introduction of this thesis gives a brief account of Congress’ constitutional powers in foreign policy and outlines previous “struggle” between Congress and the Executive. The Introduction sets out the importance of the study, its assumptions, theory, hypothesis, background information of the cases to be studied, methodology and sources of evidence.
Part I (Chapters 1 to 2) outlines the theoretical framework of the thesis and reviews the scholarship on Congress in China policy. Chapter 1 critiques the rational-actor model and interbranch politics model, then introduces the theories to be used in this thesis — the political process model and, under it, constituency theory, committee theory and partisanship. Chapter 2 reviews scholarly work on Congress' role in US policy towards China since the late 1940s and factors which have influenced Congressional members' decision-making behaviour in China policy.

Part II (Chapters 3 to 6) is a narrative examination of Congress' role in the policy-making processes of the four cases. Chapter 3 focuses on Congressional behaviour in China's MFN status during the Bush Administration, with Chapter 4 looking at the issue in Clinton's first term. Chapter 5 examines Congressional actions regarding Taiwan policy under Bush and Chapter 6 discusses Congressional intervention in the issue during the first Clinton Administration.

Part III (Chapters 7 to 8) offers explanations of why Congress behaved as it did during the period. Chapter 7 presents structural explanations for Congressional behaviour in the four cases, with partisanship, constituency and committee examined separately and comparatively. Chapter 8 places these structural factors in a broader context in an effort to obtain a balanced understanding of the influence of structural and non-structural factors on the decision-making behaviour of members of Congress.

The conclusion summarises the main arguments.

The thesis uses Australian English conventions in spelling and expression. For example, while American English uses “organize” and “January 1, 1989”, 
Australian English uses "organise" and "1 January 1989". However, American spellings are kept unchanged in quotations and in book and article titles.

Secondly, to avoid confusion, all Chinese names are rendered in the Chinese way, with family names first unless the name bears an English first name. But Chinese authors’ names remain unchanged because family names are identified in the bibliography. No effort is made to convert Chinese names from Wade-Giles system into pinyin system or vice versa. Any conversion will only make more confusion since readers are already familiar with the names as they are. Normally, the Mainlanders’ names are in pinyin system and Taiwanese names in Wade-Giles system.

I would like to thank the staff and my fellow students in the Department of International Relations, Research School of Pacific and Asian Studies, the Australian National University (ANU), for their critical comments and suggestions. I especially benefited from Professor Stuart Harris’ and Mr. Michael Thomas’ comments. Mr. Thomas also proofread the thesis.

While doing my fieldwork during the period of April-June 1997, Mr. Heita Miyoshi, a student at George Washington University and Miss Rika Amano, a student at Georgetown University helped me get in touch with China scholars at the two universities. A number of prominent scholars and Congressional staff kindly accepted my request for an interview. In sequence, they are: Edward A. McCord, David Shambaugh, Nancy Bernkopf Tucker, Robert G. Sutter, Bruce J. Dickson, Harry Harding, David M. Lampton and Daniel Shapiro. I should especially mention Mr. David M. Lampton, then President of the National Committee on U.S.-China Relations and Mr. Robert G. Sutter, senior specialist in International Relations with Congressional Research Service. Not only did they spend a long
time in talking to me, they also handed me some very useful material and Mr. Sutter gave me his latest research on interest groups and China policy. I also met several Chinese scholars while in the United States, including Miss Xiao Rong of the Institute of American Studies, China Academy of Social Sciences, Ms Sun Aqing of the Chinese People’s Institute of Foreign Affairs and Dr. Wang Jianwei of the University of Wisconsin-Stevens Point. Their suggestions and comments are very helpful.

I am particularly grateful to Dr. John Hart and Dr. Denny Roy, members of my supervising committee, for their guidance and valuable comments in the developing stages of the thesis and for reading several drafts. Dr. John Hart’s critical comments were especially useful in shaping the final draft of the thesis.

Most of all, I wish to express my sincere gratitude to Dr. Greg Austin, my mentor at the ANU and chairman of the supervising committee. Having supervised the thesis for my second Master’s degree, Dr. Austin then provided vital help, enlightening criticism, timely advice and enormous encouragement throughout my four-year Ph. D. study. He also readily devoted much time to reading all drafts and offering line-by-line editorial suggestions. His personal friendship and his family’s support to me and my family have been crucial. Without the Austins’ guidance, encouragement, support and friendship, this thesis would have been impossible.
Abbreviations

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<th>Description</th>
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<tr>
<td>ACU</td>
<td>American Conservative Union</td>
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<tr>
<td>AFL-CIO</td>
<td>American Federation of Labor and Congress of Industrial Organizations</td>
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<td>AIT</td>
<td>American Institute on Taiwan</td>
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<td>CCNAA</td>
<td>Coordination Council for North American Affairs</td>
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<td>CCP</td>
<td>Chinese Communist Party</td>
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<td>CIA</td>
<td>Central Intelligence Agency</td>
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<td>CNA</td>
<td>Central News Agency</td>
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<td>CNN</td>
<td>Cable News Network</td>
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<td>CWC</td>
<td>Chemical Weapons Convention</td>
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<td>DNC</td>
<td>Democratic National Committee</td>
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<td>DPP</td>
<td>Democratic Progressive Party</td>
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<td>DSAA</td>
<td>Defense Security Assistance Agency</td>
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<td>ERP</td>
<td>Europe Recovery Program</td>
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<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
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<td>GIO</td>
<td>Government Information Organization</td>
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<tr>
<td>GOP</td>
<td>Grand Old Party (the Republican Party).</td>
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<tr>
<td>KMT</td>
<td>Kuomintang</td>
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<td>MAP</td>
<td>Military Assistance Program</td>
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<td>MFN</td>
<td>most-favoured-nation</td>
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<td>MTCP</td>
<td>Missile Technology Control Regime</td>
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<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organisation</td>
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<tr>
<td>NPT</td>
<td>Nuclear Non-Proliferation Treaty</td>
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<tr>
<td>NSC</td>
<td>National Security Council</td>
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<td>NTR</td>
<td>normal-trade-relations</td>
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<tr>
<td>PLA</td>
<td>People’s Liberation Army</td>
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<td>PRC</td>
<td>People’s Republic of China</td>
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<tr>
<td>RNC</td>
<td>Republican National Committee</td>
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<td>ROC</td>
<td>Republic of China</td>
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<tr>
<td>SOPs</td>
<td>standard operating procedures</td>
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<td>TRA</td>
<td>Taiwan Relations Act</td>
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<td>USIS</td>
<td>US Information Service</td>
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<tr>
<td>USTR</td>
<td>US Trade Representative</td>
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<tr>
<td>WTO</td>
<td>World Trade Organisation</td>
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</table>
Committees

*Senate*

Armed Forces
   Subcommittee on Strategic Forces and Nuclear Deterrence
Commerce, Science, and Transportation
Finance
Foreign Relations
Judiciary
   Subcommittee on Separation of Powers

*House of Representatives*

Agriculture
   Subcommittee on Peanuts and Tobacco
Appropriations
   Subcommittee on Commerce, Justice, State and the Judiciary
Armed Services
Foreign Affairs / International Relations
   Subcommittee on Asian and Pacific Affairs
   Subcommittee on International Operations and Human Rights,
Intelligence
Rules
Ways and Means
   Subcommittee on Trade
Committee Assignments
(As of May 1991)*

Senators:

Adams, Brock (D-Washington), Appropriations; Labor & Human Resources; Rules & Administration

Baucus, Max (D-Montana), Agriculture, Nutrition & Forestry; Environment & Public Works; Finance; Joint Taxation; Small Business

Bentsen, Lloyd (D-Texas), Commerce, Science & Transportation; Finance (chairman); Joint Economic; Joint Taxation (vice chairman)

Bradley, Bill (D-New Jersey), Energy & Natural Resources; Finance; Select Intelligence; Special Aging

Brown, Hank (R-Colorado), Budget; Foreign Relations; Judiciary

Chafee, John H. (R-Rhode Island), Environment & Public Works (ranking member); Finance; Select Intelligence

Cranston, Alan (D-California), Banking, Housing & Urban Affairs; Foreign Relations; Select Intelligence; Veterans’ Affairs (chair)

DeConcini, Dennis (D-Arizona), Appropriations; Joint Library; Joint printing; Judiciary; Rules & Administration; Select Indian Affairs; Select Intelligence; Veterans’ Affairs

Dole, Bob (R-Kansas), Agriculture, Nutrition & Forestry; Finance; Joint Taxation; Rules & Administration

Kennedy, Edward M. (D-Massachusetts), Armed Services; Joint Economic; Judiciary; Labor & Human Resources (chairman)

Exon, J. James (D-Nebraska), Armed Services; Budget; Commerce, Science & Transportation

Gorton, Slade (R-Washington), Appropriations; Commerce, Science & Transportation; Select Ethics; Select Indian Affairs; Select Intelligence

Grassley, Charles (R-Iowa), Agriculture, Nutrition & Forestry; Budget; Finance; Judiciary; Special Aging

Helms, Jesse (R-North Carolina), Agriculture, Nutrition & Forestry; Foreign Relations (ranking member); Rules & Administration

Johnston, J. Bennett (D-Louisiana), Appropriations; Budget; Energy & Natural Resources (chairman); Special Aging

Lieberman, Joseph I. (D-Connecticut), Environment & Public Works; Governmental Affairs; Small Business

Lugar, Richard G. (R-Indiana), Agriculture, Nutrition & Forestry (ranking member); Foreign Relations

Mack, Connie, III (R-Florida), Armed Services; Banking, Housing & Urban Affairs; Joint Economic; Small Business

Mitchell, George J. (D-Maine), Environment & Public Works; Finance; Veterans’ Affairs

Moynihan, Daniel Patrick (D-New York), Environment & Public Works; Finance; foreign Relations; Joint Library; Joint Taxation; Rules & Administration

Murkowski, Frank (R-Alaska), Energy & Natural Resources; Foreign Relations; Select Indian Affairs; Select Intelligence (vice chairman); Veterans’ Affairs

Packwood, Bob (R-Oregon), Commerce, Science & Transportation; Finance (ranking member); Joint Taxation
Pell, Claiborne (D-Rhode Island), Foreign Relations (chairman); Joint Library (chairman); Labor & Human Resources; Rules & Administration
Pressler, Larry (R-South Dakota), Commerce, Science & Transportation; Foreign Relations; Small Business; Special Aging
Robb, Charles S. (D-Virginia), Commerce, Science & Transportation; Foreign Relations
Roth, William V., Jr. (R-Delaware), Banking, Housing & Urban Affairs; Finance; Governmental Affairs (ranking member); Joint Economic (ranking member)
Sasser, James (D-Tennessee), Appropriations; Banking, Housing & Urban Affairs; Budget (chairman); Governmental Affairs
Simon, Paul (D-Illinois), Budget; Foreign Relations; Judiciary; Labor & Human Resources; Select Indian Affairs
Simpson, Alan K. (R-Wyoming), Environment & Public Works; Judiciary; Special Aging
Stevens, Ted (R-Alaska), Appropriations; Commerce, Science & Transportation; Governmental Affairs; Joint Library; Joint Printing (ranking member); Rules & Administration (ranking member); Small Business

Representatives

Acher, Bill (R-Texas), Joint Taxation (ranking member); Ways & Means (ranking member)
Applegate, Douglas (D-Ohio), Public Works & Transportation; Veterans' Affairs
Bacchus, James L. (D-Florida), Banking, Finance & Urban Affairs; Science, Space & Technology; Select Children, Youth & Families
Barton, Joe (R-Texas), Energy & Commerce; Science, Space & Technology
Crane, Philip M. (R-Illinois), Ways & Means
Gilman, Benjamin A. (R-New York), Foreign Affairs; Post Office & Civil Service (ranking member); Select Hunger; Select Narcotics Abuse & Control
Hamilton, Lee H. (D-Indiana), Foreign Affairs; Joint Economic (vice chairman)
Harris, Claude, Jr. (D-Alabama), Energy & Commerce; Veterans’ Affairs
Hertel, Dennis M. (D-Michigan), Armed Services; Merchant Marine & Fisheries; Select Aging
Inhofe, James M. (R-Oklahoma), Merchant Marine & Fisheries; Public Works & Transportation; Select Narcotics Abuse & Control
Lantos, Tom (D-California), Foreign Affairs; Government Operations; Select Aging
Leach, James A. S. (Jim) (R-Iowa), Banking, Finance & Urban Affairs; Foreign Affairs
Lightfoot, Jim Ross (R-Iowa), Appropriations
Markey, Edward (D-Massachusetts), Energy & Commerce; Interior & Insular Affairs
Matsui, Robert T. (D-California), Budget; Ways & Means
McDermott, Jim (D-Washington), District of Columbia; Standards of Official Conduct; Ways & Means
Michel, Robert H. (R-Illinois), Minority Leader
Miller, John R. (R-Washington), Budget; Foreign Affairs
Owens, Major R. (D-New York), Education & Labor; Government Operation
Pease, Donald J. (D-Ouio), Budget; Ways & Means
Pelosi, Nancy (D-California), Appropriations; Standards of Official Conduct
Porter, John E. (R-Illinois), Appropriations; Select Aging
Rostenkowski, Dan (D-Illinois), Joint Taxation (chairman); Ways & Means (chairman)
Schulze, Richard T. (R-Pennsylvania), Interior & Insular Affairs; Ways & Means
Smith, Christopher H. (R-New Jersey), Foreign Affairs; Select Aging; Select Hunger; Veterans’ Affairs
Solarz, Stephen J. (D-New York), Foreign Affairs; Joint Economic; Merchant Marines & Fisheries; Select Intelligence
Solomon, Gerald B. H. (R-New York), Rules (ranking member)
Tallon, Robin (D-South Carolina), Agriculture; Merchant Marine & Fisheries
Unsoeld, Jolene (D-Washington), Education & Labor; Merchant Marine & Fisheries; Select Aging

* Source: Congressional Quarterly Weekly Report (vol. 49, Supplement to no. 18, 4 May 1991), pp. 82-83, 85-89.
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Introduction

The making of US foreign policy used to be considered different from that of domestic policy as was made plain in Senator Arthur Vandenberg’s famous statement in the 1940s that "politics stops at the water's edge". What Vandenberg meant was that it was acceptable to play politics with domestic issues but in the realm of national security, where vital interests are affected, it was too dangerous and risky to permit party political considerations to intervene. 1 Today, many still believe that foreign affairs are sufficiently distinct from domestic issues to require different processes for policy formulation. 2 But this is no longer the dominant view. As a former member of the House of Representatives noted in 1971, "foreign and domestic policy have merged into a seamless web of interlocking concerns". 3 Indeed, for many members of Congress “the once clear line separating foreign and domestic policy is blurred". 4

The end of the Cold War has only strengthened the argument. Firstly, it has greatly lowered the perception of external threat and, along with it, the political costs to members of Congress who choose to challenge the President. 5 Indeed, the end of the Cold War has brought a dilemma for the White House. As Ross observed in 1992 in respect of US China policy, the end of the Cold War meant that US approaches to

China lacked "the urgency required to sustain a domestic consensus". To achieve its policy objectives, the Bush Administration had to be sensitive to the policy preferences of important domestic actors, including a Democrat-controlled Congress. Thus, the Administration actually pursued two objectives simultaneously — "maintaining a working relationship with China aimed at securing U.S. interests and securing domestic support for its China policy".

Secondly, with the end of the Cold War, economic, ethnic, and moral issues like human rights have risen to the top of the foreign policy agenda. In 1995, Joan E. Spero, then Under Secretary for Economic, Business and Agricultural Affairs, stated: "It's no longer just about war and peace. We have new constituencies, and business is one of them". Some analysts observed that in the world after the Cold War, the "driving force in foreign policy is econopolitik".

Ripley and Lindsay have noted yet another factor which is blurring the line that once separated domestic policy from foreign policy. That is global interdependence. In the post-Cold War world, there are more and more "intermestic" issues. One example is global warming. To solve the problem requires both international co-operation and substantial changes in domestic policy. These changes will cause conflicts of interests among different domestic groups. Thus, the involvement of domestic politics is almost inevitable. Ripley and Lindsay predicted that members of Congress would feel "increasingly comfortable rewriting

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7 Ibid., p. 290.
8 Amy Borrus, et. al, "Peddlers in Pinstripes: At the new State Department, trade is taking center stage", Business Week, 1 May 1995, p. 42.
9 Ibid., p. 43.
10 Ripley and Lindsay, "Foreign and Defense Policy in Congress", p. 13.
presidential proposals on intermestic issues, regardless of the foreign policy implications”.12

Indeed, the long-held distinction between domestic policy and foreign policy is under unprecedented challenge. Having observed the influences of domestic forces in US China policy from 1989 to 1996, Lieberthal re-emphasised an argument which has long been held by many foreign policy analysts: “Political leaders are naturally sensitive to domestic pressures and concerns, and they develop their policies within the constraints of the structures and styles of their own political systems”.13 He agreed that during periods of national crisis, or even of the “sustained crisis” created by the Cold War, such internal factors might exert less influence on policy making. “But in more normal times, such as the post-cold war era”, Lieberthal argued, “a ‘billiard ball’ model of the international system, which sees each country as a solid object and all pressures resulting only from external contacts with other countries, is inadequate”.14

The making of China policy has been one area of US foreign policy in which domestic politics has been heavily involved. Early in 1960, Koen observed that “United States policy toward China is more deeply involved in domestic politics than any other aspect of American foreign affairs”.15 Koen further noted:

It was the one area specifically excluded by Senator Vandenberg in 1947 from the scope of bipartisan agreement. Partly as a result of this exclusion from bipartisan consideration, contention over China policy has virtually become a permanent feature of Republic-Democratic party battles and, at

14 Ibid., pp. 254-55.
least since 1953, of somewhat less intensive battles between the conservative and moderate wings of the Republican party.\textsuperscript{16}

In 1983, Sutter noted that while the American people generally showed little interest in foreign policy, "China policy was reportedly one of the few foreign policy issues . . . that had a strong impact on local constituencies".\textsuperscript{17} Heated China policy debates in the United States in the late 1940s and the early 1950s have often been cited as examples that Congress does not always show deference to the executive branch on foreign policy issues.\textsuperscript{18} China policy debates became intense again after the Tiananmen Square crackdown in 1989.

Harding noted in 1995 that the struggle between the Bush Administration and Congress over China policy was perhaps the most intense, and "certainly the most politically salient" cleavage over China policy in the United States.\textsuperscript{19} Richard C. Bush pointed out that during the period from Tiananmen to the November 1992 election, China policy was subjected to "the dynamics of divided government".\textsuperscript{20} It largely became a partisan issue with the Democrat-controlled Congress, supported by some conservative Republicans, determined to use the issue to embarrass a Republican Administration for political gain.\textsuperscript{21}

The new willingness of Congress to challenge the Executive on foreign policy in respect of China was based in part on the view that vital US strategic interests would not be put at risk. There was a "growing belief" that "China needs the United

\textsuperscript{16} Ibid.
\textsuperscript{18} Ripley and Lindsay, "Foreign and Defense Policy in Congress", p. 4.
\textsuperscript{20} Richard C. Bush, "Domestic Political Considerations That Shape U.S. Policy toward China, Hong Kong, and Taiwan" in Lampton and Wilhelm, \textit{United States and China Relations at a Crossroads}, p. 149.
\textsuperscript{21} Ibid., p. 150.
States more than the United States needs China".\textsuperscript{22} In the wake of the collapse of Leninist regimes in the Soviet Union and Eastern Europe, the Tiananmen Square crackdown became a symbol of the whole moribund communist regime. Indeed, up to 1993, it was a popular prediction in the United States that the Communist regime in Beijing would not last long. In addition, with the Cold War coming to an end, China’s strategic importance declined and even disappeared.\textsuperscript{23}

Equally important, Congress formed a view of China that it was pursuing a foreign policy that was contrary to US interests anyway. Congress could point to the Chinese government’s export of the material, equipment, and/or technology for weapons of mass destruction and of delivery systems for those weapons, and Beijing’s pursuit of trade policies inconsistent with the principle of mutual benefit.\textsuperscript{24} Congress came to see its hostile actions towards China as serving, not undermining, US vital interests.

The Constitution as an Invitation to Struggle

The division between Congress and the Executive over foreign policy in recent decades represents a new contest between the two branches of the US government for constitutional authority in the field of foreign policy. The Constitution actually divides foreign policy powers between the President and Congress.\textsuperscript{25} In doing so, it created “an invitation to struggle” for the two branches of

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{22} Ibid.
\item \textsuperscript{23} Ibid.
\item \textsuperscript{24} Ibid., p. 151.
\item \textsuperscript{25} Distrusting concentrations of power in any one branch or level of the government, the framers of the US Constitution divided foreign policy between the executive and legislative branches. They gave the President relatively few specific powers in foreign policy but allocated considerable such powers to Congress. According to the Constitution, the President is “Commander in Chief of the Army and Navy of the United States”; the President, with the approval of the Senate, has the power “to make Treaties” and “appoint ambassadors” and “shall receive Ambassadors and other public Ministers”. In contrast, Congress is empowered “to provide for the common Defense”, “to regulate Commerce with foreign Nations”, “to define and punish Piracies and Felonies committed on the high Seas”, “to declare war”,
\end{itemize}
\end{footnotesize}
government. Nevertheless, there is a big gap between Congress' formal powers and actual influence. As Dahl pointed out constitutional prerogative is not the equivalent of power. In fact, the making and conduct of foreign policy are likely to be dominated by the Executive. Congress' role in foreign policy tends to be confined to one of “legitimating, amending, or vetoing executive proposals” or “accepting, modifying or rejecting executive policies”. Dahl concluded, “the President proposes and the Congress disposes”. Spanier and Uslaner went even further by offering a reversed version they regard as more apt: “The President proposes, the President disposes”.

The President may easily outmanoeuvre Congress. For example, one of the President's most influential powers in foreign policy is his position as Commander in Chief of the armed forces. Yet the Constitution does not make clear how the functions of the position are to be reconciled with a number of functions explicitly or implicitly fall to Congress. For example, successive presidents have interpreted their authority as Commander in Chief so broadly that Congress' power to declare war has been frequently ignored. Crabb and Holt noted in 1992 that of more than 125 violent

“to raise and support Armies”, “to provide and maintain a Navy”, and “to make Rules for the Government and Regulation of the land and naval Forces”. The Constitution also specifies that the Senate must give its advice and consent to all treaties and ambassadorial appointments. In addition, “Congress’s more general powers to approve government spending and cabinet officials give it potentially great influence over foreign policy”. Lindsay, Congress and the Politics of U.S. Foreign Policy, pp. 12-13

30 Dahl, Congress and Foreign Policy. Dahl's conclusion might be drawn from Corwin's observation. Corwin noted that "actual practice under the Constitution has shown that while the President is usually in a position to propose, the Senate and Congress are often in a technical position at least to dispose". See Corwin, The President: Office and Powers, p. 208. (Italics original)
31 Spanier & Uslaner, How American Foreign Policy Is Made, p. 69.
encounters in which the United States had been engaged, only 5 had involved a declaration of war by Congress.\textsuperscript{32}

In the case of the treaty-making power, it is true that a treaty needs the approval of the Senate and the Senate can change a treaty by attaching amendments, reservations and understandings to it. But it is the President who retains the initiative throughout the entire treaty-making process, including deciding to enter negotiations, appointing negotiators and monitoring their work, approving the treaty’s provisions and submitting it to the Senate and proclaiming the treaty as law. At any stage in the process, the President may withdraw the treaty from Senate deliberation. The President may also refuse to proclaim a treaty that has been approved by the Senate.\textsuperscript{33}

The President could use Executive Agreements instead of treaties to formulate foreign policy with other countries. These agreements do not require Senate consent. According to one estimate, between 1946 and 1976 the United States entered into 7,201 Executive Agreements with foreign countries, a figure much higher than the number of treaties signed during the same period.\textsuperscript{34} Between 1980 and 1990 the executive branch concluded 3,851 Executive Agreements but only 170 treaties.\textsuperscript{35}

Constitutionally, Congress controls the purse and this power has been its “most potent weapon in shaping public policy”.\textsuperscript{36} Yet Congress has been reluctant to stop funding a foreign policy initiative already under way, especially if that policy

\textsuperscript{32} Crabb and Holt, \textit{Invitation to Struggle}, p. 50.
\textsuperscript{33} Ibid., pp. 14-15. Between 1789 and 1982, only nineteen treaties were rejected by the Senate, out of some 1,400 submitted to it.
\textsuperscript{34} Loch Johnson and James M. McCormick, "Foreign Policy by Executive Fiat", \textit{Foreign Policy} (28, 1977), pp. 118-124.
\textsuperscript{36} Crabb and Holt, \textit{Invitation to Struggle}, p. 49.
involves the support of US armed forces in combat. This was especially the case before the 1970s.\textsuperscript{37}

As both Head of State and Chief Executive, the President has unequalled access to the information sources although Congress has been increasingly making efforts to acquire its own sources of information.\textsuperscript{38} Also, the President’s activities and utterances are of much more interest to the media than those of any member of Congress. The President can therefore communicate much more effectively and thus outdo Congress in many respects, such as mobilising public opinion and manipulating perceptions of reality. Indeed, as Dahl claimed, it is not impossible that presidential supremacy might be transmuted “into a peculiarly American form of modern dictatorship”.\textsuperscript{39}

According to some scholars, Congress is far from the core structure of foreign policy decision making. Hilsman has identified four concentric circles in the structure. The innermost circle contains the President and his closest advisers, who actually make the decisions on most foreign policy questions. Each of the next three circles has successively larger numbers of people and successively less impact on foreign policy. The second circle consists of lower level bureaucrats, the military community and scientists. Congress, along with interest groups and the political parties, belongs to the third circle. The press and public opinion stand at the periphery of the foreign policy decision-making circle.\textsuperscript{40}

\textsuperscript{37} Since the Vietnam War, Congress has become more determined to stop funding a foreign policy which is under way if it considers necessary, such as the Iran-contra affair. But there is not enough evidence to suggest that this is also the case when that policy involves the support of US armed forces in combat. However, Congress has been more active in policy-making process when a policy involves American combat troops. See Crabb and Holt, \textit{Invitation to Struggle}, pp. 39-40.

\textsuperscript{38} Ibid., pp. 19-20.

\textsuperscript{39} Dahl, \textit{Congress and Foreign Policy}, p. 116.

Wildavsky argued the United States has one president, but two presidencies: one is concerned with domestic matters and the other with foreign and defence policy.\footnote{Aaron B. Wildavsky, "The Two Presidencies" in Aaron B. Wildavsky (ed.), \textit{Perspectives on the Presidency} (Boston: Little, Brown, 1975), pp. 448-461.} In the domestic area, the President has many rivals, such as Congress, political parties, the media and interest groups. They are able to negotiate with the President in the making of public policy. To successfully conduct domestic policy, the President has to consider all these political players when making policy. In the field of foreign policy, however, concern for national interests and security "inevitably" places the President above all other competing forces, including Congress. The reason is that the concept of national interests is more evident in foreign policy affairs than in the domestic policy area.\footnote{D. D. Nimmo and T. D. Ungs, \textit{American Political Patterns: Conflicts and Consensus}, 2nd ed. (Boston: Little, Brown, 1969).} Wildavsky summarises:

The President's normal problem with domestic policy is to get congressional support for the programs he prefers. In foreign affairs, in contrast, he can almost always get support for policies that he believes will protect the nation — but his problem is to find a viable policy.\footnote{As quoted in Spanier and Uslaner, \textit{How American Foreign Policy Is Made}, p. 26.}

Another factor which puts the President in a favourable position in his struggle against Congress to control foreign policy making is the reluctance of the Supreme Court (the arbiter of disputes on constitutional interpretation) to hear cases on issues of foreign policy. One of the oft-used doctrines in the Court is the political question doctrine. The argument is that foreign policy is inherently a political question, and therefore cannot be adjudicated by the Court. As Justice Marshall noted in 1803 in \textit{Marbury v. Madison}, "Questions, in their nature political, . . . can
never be made in this court". More than one century later, in his influential 1917 ruling over the case of *Oetjen v. Central Leather Co.*, Justice Clarke held:

The conduct of the foreign relations of our government is committed by the Constitution to the Executive and Legislative—"the political"—Departments of the government, and the propriety of what may be done in the exercise of this political power is not subject to judicial inquiry or decision.

When the Court has heard cases of a foreign policy nature, it has usually ruled in favour of the President. For example, in 1936 in *United States v. Curtiss-Wright Export Corp.*, the Court named the President the "sole organ" of government that deals with foreign policy. It proclaimed that "In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation".

Despite a general view that the Executive could dominate foreign policy making, scholars like Alton Frye note that even if Congressional influence occurs only at the margins, such influence should not be dismissed as unimportant. Frye argued that "in complex questions of foreign policy, the margins are frequently the vital edges, and Congress’s ability to shape them is of real importance".

Moreover, it appears that the President’s dominance in foreign policy making does not exist on all foreign policy issues and Congressional deference to the executive branch has never been complete. There is actually a continuous shift of

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48 Ripley and Lindsay, "Foreign and Defense Policy in Congress", p. 4.
political power between the legislative and the executive branches, and "the swing of
the power pendulum is most visible in the field of foreign policy". 49

Bax in 1977 identified five successive phases in legislature-executive relations
since World War II. In chronological order he labelled these the phases of
accommodation, antagonism, acquiescence, ambiguity and acrimony. 50 In 1992,
Crabb and Holt also divided Congress' foreign policy role in the twentieth century
into five stages. These five stages include first, an isolationist era (until World War
II); second, an era of bipartisanship or close executive-legislative cooperation (the
decade after the war); third, an era of imperial presidency (during the Vietnam War);
fourth, an era of the assertive Congress (post-Vietnam War). The fifth and the final
stage began with the Reagan presidency. At this stage, Crabb and Holt noted, many
concluded "Congress had gone too far in efforts to gain a dominant position in the
decision-making process". 51

Generally speaking, the period from the early 1940s (American involvement
in World War II) to the late 1960s (the increase of anti-Vietnam war sentiment)
"clearly represented a high point of Congressional deference" to the President. 52
There were a few reasons for Congress' deference during this period, including the
nuclear threat to US national security, America's emergence as the leader of the free

49 David M. Abshire and Ralph D. Nurnberger (eds.), The Growing Power of Congress (Beverly Hills
50 Frans R. Bax, "The Legislative-Executive Relationship in Foreign Policy: New Partnership or New
51 Crabb and Holt, Invitation to Struggle, pp. 262-65.
52 John Dumbrell, The Making of US Foreign Policy (Manchester and New York: Manchester
University Press, 1990), p. 116. Ripley and Lindsay say that from the early 1950s to the mid-1970s,
"the list of who mattered in the realm of foreign and defence policy stopped with the president and the
national security bureaucracy". [Ripley and Lindsay, "Foreign and Defense Policy in Congress", p. 4.]
Some scholars may point out that in certain years Congress played a rather active role. Rourke, for
example, argues that "Congress played an important part in the formulation and conduct of American
foreign policy from 1945 through 1948. Most importantly, it was a prime factor in establishing the
general context of United States policy. See John Rourke, Congress and the Presidency in U.S.
Foreign Policymaking: A Study of Interaction and Influence, 1945-1982 (Boulder, Colorado:
world, the national consensus on an increased Soviet threat, the perceived need for immediate and decisive action, as well as Congress’ lack of information and inability to research complex issues thoroughly.\textsuperscript{53} The 1964 Gulf of Tonkin Resolution is considered “the pinnacle” of Congressional support for the Executive in foreign policy.\textsuperscript{54} The Resolution, which passed the House with a unanimous vote and the Senate with all but two votes, gave President Lyndon B. Johnson “virtually a free hand” to conduct the war in Indochina.\textsuperscript{55}

In the late 1960s and early 1970s, however, things started to change swiftly, and Congressional deference came to a “crashing halt”.\textsuperscript{56} Surveys showed that Congressional members' attitudes towards Congress' role in foreign policy changed dramatically in the 1970s. In a 1976 survey, 191 of 228 members (84%) contended that Congress should assume a more active role in foreign policy than it had in the past.\textsuperscript{57}

The Vietnam War provoked the realisation that the “constitutional system itself must be insulated from the perils of an overweening Presidency”.\textsuperscript{58} The Gulf of Tonkin Resolution was repealed in 1971, and in 1973 Congress mandated American disengagement from Vietnam. In the same year, Congress defied the veto of President Nixon and enacted the historic War Powers Resolution. The Resolution requires the President to terminate any use of US armed forces 60 to 90 days after they are deployed, unless Congress has either declared war or specifically authorised the

\textsuperscript{54} Ibid., p. 8. The Resolution approved the President’s use of armed forces in responding to threats to US security interests in Vietnam.
\textsuperscript{55} Ibid., p. 8.
\textsuperscript{56} Lindsay, \textit{Congress and the Politics of U.S. Foreign Policy}, p. 24.
\textsuperscript{57} Rourke, \textit{Congress and the Presidency in U.S. Foreign Policymaking}, p. 250.
continuing use of forces.\textsuperscript{59} In 1974, Congress cut off military aid to Turkey, a
decision which would have formerly been left to the Administration. In 1975-1976, it
voted to prevent the United States from covertly aiding any faction in the Angolan
civil war. In 1978, it cut off all US trade with the regime of Idi Amin in Uganda.\textsuperscript{60} Put
simply, the 1970s witnessed a newly “complex pattern of interaction” between the
Legislature and the Executive.\textsuperscript{61} This pattern was certainly characterised by
Congressional activism, demonstrated by the increase in size between 1964 to 1982
of the congressional compilation of \textit{Legislation on Foreign Relations} from one 659-
page volume to three volumes totalling in excess of 3,000 pages.\textsuperscript{62}

In the 1980s, Congress asserted its power by playing an active role on a series
of issues, including development of the MX missile, a nuclear freeze, and aid to
Nicaraguan rebels.\textsuperscript{63}

Congress’ role has varied according to the types of policy. Lindsay and
Ripley have classified three types of policy: crisis, strategic, and structural policy.
Crisis policy is “the least common type”. It deals with an immediate threat and

\textsuperscript{59} The War Powers Resolution states that before introducing US armed forces into hostilities or into
dangerous situations, the President must consult Congress whenever possible. Within 48 hours after
introducing these forces, the President, in the absence of a declaration of war, must report to both
Houses the action he has taken. Unless there is a declaration of war or Congress has authorised an
extension of the use of troops, the President must terminate US involvement within 60 days. This may
be extended for 30 days to ensure the troops’ safe removal. At any time, Congress may direct the
President to withdraw the forces by adopting a concurrent resolution, which is not subject to
the War Powers Resolution, see Albert A. Lakeland Jr., “The War Powers Resolution: Necessary and
Legal Remedy to Prevent Future Vietnams” and Monroe Leigh, “The War Powers Resolution:
Unconstitutional, Unnecessary, and Unwise” in Steven P. Soper (ed.), \textit{Congress, the President, and
\textsuperscript{60} Abshire and Nurnberger, \textit{The Growing Power of Congress}, pp. 9-10.
\textsuperscript{61} Steven J. Baker, “Evaluating Congress’ Foreign Policy Performance” in Hoyt H. Purvis and Steven
Koenig, James C. Hsiung and King-Yuh Chang (eds.), \textit{Congress, the Presidency and the Taiwan
\textsuperscript{62} Soper, \textit{Congress, the President, and Foreign Policy}, p. v.
\textsuperscript{63} Dumbrell, \textit{The Making of US Foreign Policy}, p.116.
involves the use or potential use of force. Strategic policy includes specifying the goals and tactics of defence and foreign policy, such as recognition of a foreign government, entering treaties with foreign countries, trade policy and cutting nuclear weapons stockpiles. Structural policies relate to the use of resources, including foreign aid, immigration and money to international organisations. The degree of legislative influence tends to vary considerably across these types of foreign policy. In the case of "crisis policy", Presidential power is at a maximum. Decisions are made by the small number of actors at the very top of the executive policy-making machine. The President may make some "peremptory and belated consultation" with a few specially selected legislators.

In the case of strategic policy, Congressional impact on the actual decision-making process is greater although the President's power remains substantial. The President's strength lies in the fact that he makes initiatives. But Presidential power over strategic policy is checked by Congress as the President needs Congress' approval in some cases, such as treaties and trade policy.

It is on structural policy that Congress can use its power of the purse to impose the greatest influence. There are two important reasons. The first is that in this sphere decisions are dominated by subgovernments composed of bureaus, Congressional committees, and other interested actors. The second reason is

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64 James M. Lindsay and Randall B. Ripley, "How Congress Influences Foreign and Defense Policy" in Ripley and Lindsay (eds.), Congress Resurgent, p. 19. Scholars may differ in naming these policies. For example, Spanier and Uslaner would call the above mentioned strategic and structural policies "program policy". See Spanier and Uslaner, How American Foreign Policy Is Made, p. 20. See also Randall B. Ripley and Grace A. Franklin, Congress, the Bureaucracy and Public Policy, 3rd ed., (Homewood, Ill.: Dorsey Press, 1984), ch. 7; Dumbrell, The Making of US Foreign Policy, p. 116.
66 Spanier and Uslaner, How American Foreign Policy Is Made, p. 20.
68 Lindsay and Ripley, "How Congress Influences Foreign and Defense Policy", p. 20.
that in this case inertia usually works to Congressional advantage because structural policy requires appropriations.  

Congress and China Policy: Much Discussed, Little Investigated

A review of the large literature on Congress’ role in foreign policy in general reveals that a vast majority of the works are historical studies on issues like declaring war, ratifying treaties or recognising foreign governments. Not surprisingly, Congress’ successful override of President Nixon’s veto on the War Powers Resolution in 1973 was widely regarded as a milestone in the struggle for foreign policy power and has been a principal preoccupation of scholars working in this area. Less attention has been paid to other foreign policy issues, such as foreign economic and trade policy. Where trade policy is analysed, it is seen as an extension of the President’s overall foreign policy goals and it is often concluded that US trade policy “begins and ends with the executive branch”. Congress’ role in US human rights policy also deserves more study. Although Congress elevated human rights policy to a prominent position in US foreign policy, human rights as an issue for Congressional intervention in foreign policy is seldom analysed in depth.

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69 Ibid.
71 Hebir noted that “In the 1970s human rights principles became the method by which a frustrated Congress, unable to restrain the executive in Vietnam and defied by Henry Kissinger’s resort to realpolitik in Chile during the 1973 coup, struck back. Human rights were tied to the congressional power of the purse, the surest way for Congress to gain a point of leverage in the foreign policy process”. J. Bryan Hebir, “The United States and Human Rights: Policy for the 1990s in Light of the Past” in Oye, Eagle in A New World, p. 237.
72 Increasingly, there are more studies in this area although studies with more in-depth analysis are needed. A major effort is made by Forsythe. See David P. Forsythe, Human Rights and U.S. Foreign Policy: Congress Reconsidered (Gainesville: University Presses of Florida, 1988). Efforts were also made in David Zweig, "Sino-American Relations and Human Rights: June 4 and the Changing Nature
Study of theoretical approaches to Congress' role is far from adequate. Dumbrell found a “virtual silence” in this field.\textsuperscript{73} Lindsay made the following comment as late as 1994: “Relatively few studies of congressional decision making on foreign policy have been published, and the ones that do exist do not develop explicit theories of congressional behavior”.\textsuperscript{74}

Despite the voluminous and diverse studies on US-China relations, Congress' role in China policy is seldom a focal point of study and Congressional behaviour in China policy is rarely investigated. The neglect may be rooted in traditional theoretical approaches to the study of foreign policy. Classical international relations theory emphasised the rational-actor model in which the state or government is regarded as a unitary decision maker. Domestic influences are generally neglected. At the domestic politics level, one important reason for this gap in the literature is that many scholars tend to speak of Congress as an institution vis-à-vis the Executive.\textsuperscript{75} They argue Congress has an institutional interest in enhancing its image and status in making foreign policy and that to an extent unity can be achieved by the cue-taking members following their colleagues with recognised expertise on specific issues.\textsuperscript{76}

\textbf{Congress Investigated}

This thesis attempts to redress the lack of detailed investigation of the role of Congress in contemporary China policy. It examines the influence of domestic

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\textsuperscript{73} Dumbrell, \textit{The Making of US Foreign Policy}, p. 57.
\textsuperscript{74} Lindsay, \textit{Congress and the Politics of U.S. Foreign Policy}, p. 35.
\textsuperscript{76} Ibid., p. 9.
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politics in Congressional behaviour regarding China policy from 1989 to 1996. Not only does it try to demonstrate that influence, it also explains how domestic politics was involved in the making of China policy during this period. The thesis believes that while it is important to assess the role that Congress is playing in foreign policy, it is even more important to understand how and why Congress is playing that role. Such studies will lead to a better understanding of not only the role Congress has played but also to a better capacity to anticipate or predict its role in future China policy and in US foreign policy in general.

When we talk about domestic politics in China policy, a number of factors may come to our mind, including ideology, interest groups, partisanship, public opinion and mass media. These are major domestic factors which have been most cited by journalists and scholars although often without in-depth analysis. This thesis, however, intends to study the working of Congress at a more mechanical or structural level. It pays special attention to three areas of influence: partisanship, constituency and committee, which for ease of reference are called “structural factors”. Factors such as interest groups, ideology, public opinion and mass media can be seen as non-structural factors, that is not relating to how Congress is assembled.

To be sure, structural and non-structural factors are sometimes integrated. For instance, constituency itself can be regarded a kind of interest groups and partisanship often embodies ideology, but these influences are one-step removed from the inner mechanics of Congress.

In focusing on the three structural factors, the thesis by no means implies the structural factors are the most important factors influencing members of Congress in China policy. It simply believes the structural factors relating to Congress are among
the many different factors — international, domestic and personal — that influence foreign policy making.

The thesis believes that the “classical” or “traditional” rational-actor model, which treats a state as a unitary decision maker, is especially weak in explaining US foreign policy because it is the product of a policy-making environment characterised by “fragmentation”\(^\text{77}\). This was remarked by Sir Nicholas Henderson, former British Ambassador to Washington when asked about the US Administration view of the situation regarding the Falkland Islands. He responded: “When you say the U.S. Administration, I am sorry to be pedantic but there is the Pentagon view, the State Departmental view and the White House view”\(^\text{78}\).

This observation about the administration is even more relevant when one considers that the US system of government consists of three branches: the legislative, executive and judicial. Making foreign policy is a business in which the legislative branch does have some role and the judicial branch is sometimes involved. To make things even more complicated, there are many views within the legislative branch, the Congress, which consists of 535 members and a large number of committees and subcommittees. People may well argue that to speak of "the Congress" as a decision-making entity is to begin by assuming too much\(^\text{79}\).

In addition, US government decision-making processes are subjected to the influence of various domestic factors, including public opinion, interest groups, constituency, media, political parties, think tanks, private and regional power and so on. It is estimated that fully 80 percent of US foreign policy derives from domestic


\(^{78}\) Ibid., p. 1. Henderson made his remarks in his testimony to a House of Commons Select Committee in April 1984.

political considerations. And under President Bush's secretary of state James Baker, the percentage rose to perhaps 90 percent. As observed by Wiarda, "very often the domestic political considerations *overwhelm* the rational choice among policy alternatives considered on their own merits". He further pointed out that "now that the Cold War is over and there is no serious threat anymore to push these other factors aside, the domestic political pressures playing on US foreign policy are likely to be even stronger than before".

In the light of this fragmented environment and the focus of the thesis on mechanical or structural factors shaping Congressional behaviour, the primary analytical approach is the political process model. It assumes that foreign policy, like domestic policy, is shaped by a variety of forces, interests, and actors in the political system. To influence the outcome of a certain foreign policy, different groups either compete with each other or build coalitions. A more detailed account of theoretical approaches to the study of Congress from the perspective of the three nominated structural factors is undertaken in Chapter 1. The following discussion briefly previews these issues.

The basic theme of constituency theory is members of Congress are single-minded seekers of re-election. Their decision-making behaviour is therefore shaped by their constituencies. They are likely to be more active on issues in which the interests of their constituencies, mainly economic benefits, are involved. But sometimes constituents' support for moral issues or values may prevail over economic benefits. On these issues, members of Congress may reaffirm values and positions held by constituents, namely "position taking". They may also show their

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81 Ibid. Italics original.
82 Ibid.
interest in foreign policy for grandstanding; that is, to attract media coverage of their public statements and behaviour.

Partisanship as a theory predicts that members of Congress will follow a policy or position once it is firmly agreed by the Party leadership.

The committee theory asserts that committees are central to Congressional policy making because they handle the details of legislation. Indeed, committees have the virtual power of life and death over bills introduced to them. Committees are important also because committee members normally serve as cue-givers to their colleagues.83

The analysis in the thesis accepts that the relationship between these factors in shaping Congressional intervention in foreign policy has not been static. In the 1970s, Congress underwent significant reforms and adopted a series of dramatic changes. The relationship has been evolving even in the 1990s and have resulted in further division of labour and specialisation; in greater opportunity for a larger number of legislators to secure leadership positions and to exercise power and influence; more specific targets for interest groups; and further decentralisation of Congressional policy making and influence.

The thesis will attempt to establish the relationship of the three factors, and proceeds from a preliminary hypothesis that Among the three structural factors — constituency, partisanship and committee — partisanship normally plays the most important role except on issues in which interests of constituency are heavily involved. Committee actions are largely determined by partisanship and constituency”.

The reasoning here is that most foreign policy issues do not have a direct impact on constituencies in a sufficiently variegated way for this to be a dominating influence. It is also important for members to be loyal to their parties in order to win support within the party. To vote along party lines may also win members of Congress support from voters who are firm party identifiers although very often members try to win support from both sides. But when a specific constituency interest does arise, the support of constituency has the strongest influence on decision-making behaviour of members of Congress because the “supportive constituents” are “lifeblood” of members of Congress.84 Whatever a Congressional member wants to achieve, he/she must be re-elected first. Therefore, on issues in which interests of constituency are heavily involved, the influence of constituency will prevail over party loyalty. As for committees, since they are formed principally according to party “membership” and constituency interests, committee actions may even be seen as secondary influences after partisanship and constituency.

This study focuses on a crucial period in the history of US-China relations, the period from 1989 to 1996. This period covers two Presidential administrations, that of George Bush and the first term of Bill Clinton. During this period, Congress was

highly active in China policy, evidenced by its role in Taiwan President Lee Teng-hui’s landmark “private” visit to the United States in June 1995. After Lee’s visit, China’s President Jiang Zemin condemned US permitting Lee to visit the United States as “a hegemonious act”. Responding to Jiang’s remarks, US Secretary of State Warren Christopher said “if there was a misunderstanding, it was China’s lack of understanding of the role Congress plays”.

China, for its part, has come to know the importance of Congress. In fact, one year before Lee’s visit, China decided to upgrade its lobbying efforts to counter the “Taiwan lobby” in US politics, particularly in Congress. Yet, as acknowledged by Jiang, the efforts were inadequate. It was reported that after Lee’s visit, the Chinese Embassy in Washington increased its number of parliamentary liaison officials from two to five. More importantly, according to another report, a special standing committee of the Chinese leadership, called the Central Leading Working Group on the US Congress was formed in late 1995, with Jiang as its head. The group would answer directly to the Communist Party’s Politburo Standing Committee.

This thesis offers case studies on two central issues of US China policy where Congress was directly interventionist: China’s most-favoured-nation (MFN) trade status, which was renamed normal-trade-relations (NTR) in 1998, and Taiwan policy. China’s MFN status was the central issue in US-China relations during most of the

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88 Ibid.
89 Benjamin Kang Lim, “China: China Forms High-Level Group Eyeing US Congress”, Reuter News Service, Reuter Business Briefing, 18 January 1996. If the Group does exist, it is likely to play a
two administrations. The Taiwan issue came to a prominent position in US-China relations in May 1995, when the Clinton Administration decided to grant Lee Teng-hui a visa to visit the United States.

MFN status basically refers to “beneficial” low tariffs on imports from a certain country or region by the United States. This “beneficial” treatment is actually “nondiscrimitory” treatment since, as of April 1994, only eight countries did not have MFN status. Even Iraq and Libya have MFN status. Many developing countries qualify for even lower tariffs under a program to give them preferential access to the US market.90

According to Title IV of the Trade Act of 1974, the so-called Jackson-Vanik amendment, the US President has the authority to decide each year whether to renew MFN status granted to nonmarket economies, such as China. The amendment was devised to pressure the Soviet Union to allow Soviet Jews to emigrate to Israel. Unless renewed, the President’s waiver authority expires on 3 July each year. The renewal procedure requires the President, if he determines that waiver-authority extension will substantially promote freedom-of-emigration objectives, to submit to Congress no later than 3 June a recommendation for a 12-month extension, together with his reasons for the recommendation. The President may, at any time, terminate a waiver by Executive order. The extension of the waiver authority for an additional 12 months is automatic unless a joint resolution of disapproval is enacted into law by 3

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September. To be enacted into law, the resolution must be able to sustain a Presidential veto.\textsuperscript{91}

MFN status was first granted to China on 1 February 1980. Until 1989, Presidents Reagan and Bush met no serious challenge from Congress when they waived the freedom-of-emigration requirements in extending China's beneficial trade treatment annually.

Withdrawal of MFN status would be a severe blow to Chinese trade. It would raise US tariffs on Chinese products from an average of 3.5 percent to an average of nearly 40 percent, pricing some goods out of the market. Without MFN, the 6 percent tariff rate on sweaters, shirts and other apparel would rise to 60 percent. Tariffs on footwear, a major US import from China, would increase from 6 percent to 35 percent. Tariffs on toys would go from 6.8 percent to 70 percent, and those on cordless telephones would increase from 6 percent to 35 percent.\textsuperscript{92}

As for Taiwan policy, it has been one of the most sensitive issues in US-China relations. Basically, there are four principal documents which are supposed to serve as a guide for US-China relations, namely the "three communiqués" and the Taiwan Relations Act (TRA).\textsuperscript{93} The three communiqués are the Shanghai communiqué of 27 February 1972, the normalisation communiqué of 15 December 1978, and the joint


\textsuperscript{92} US Congress, \textit{United States-China Trade Relations, Hearing}, before the Subcommittee on Trade of Committee on Ways and Means, House of Representatives, p. 4.

\textsuperscript{93} All citations of official documents regarding US-PRC relations are from Yufan Hao, \textit{Dilemma and Decision: An Organizational Perspective on American China Policy Making} (Berkeley, CA: Institute of East Asian Studies, University of California, 1997), pp. 301-319.
communiqué of 17 August 1982. In the first communiqué, which was signed during President Richard Nixon’s trip to China, the United States “acknowledges” and “does not challenge” the position maintained by “all Chinese on either side of the Taiwan Strait” that “there is but one China and Taiwan is a part of China”. The 1978 communiqué not only reaffirmed the principle but also stated that the United States “recognizes” the government of the People’s Republic of China (PRC) “as the sole legal Government of China”. In the third communiqué, signed by the Reagan Administration, the United States promised to phase out arms sales to Taiwan by some unspecified future date. The United States stated in the communiqué:

it [the US government] does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution.

As it turned out, the explanations for the communiqués made by Washington and Beijing have not been always the same. In fact, on the same day the normalisation communiqué was signed, Washington and Beijing each issued a unilateral statement. While the Chinese statement clearly stated that “As for the way of bringing Taiwan back to the embrace of the motherland and reunifying the country, it is entirely China’s internal affairs”, the US statement stated that “The United States continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves”. The US government indicated that it would continue sales of defensive arms to Taiwan despite the objection of the Chinese government.

The US statement also explicitly stated that in the future peoples in the United States and Taiwan “will maintain commercial, cultural and other relations” but
"without official government representation and without diplomatic relations". It is understood that China does not object to the commercial and cultural contacts of "unofficial" nature. But different explanations of official or unofficial nature often lead to conflicts.

Complicating US-China relations is the TRA, passed by Congress only a few months after normalisation with China.94 The Act, which has since been denounced by the Chinese government, includes the following provisions:

It is the policy of the United States . . . to provide Taiwan with arms of a defensive character; and . . . to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

Scholars do not necessarily regard the TRA highly for its merits and power.95 However, the significance of the TRA to US-China relations should not be underestimated. "The act virtually assured the Nationalists in Taiwan of U.S. protection for the island and promised continued arms sales to Taiwan indefinitely", an analyst noted. "It was a clear signal to Beijing and to the world that the United States hoped that the PRC would leave Taiwan alone".96


95 Jones, for example, points out that "As an attempt to establish some sort of legal guarantee of Taiwan's security, . . . the TRA would seem to be something of an embarrassment. . . . The mandate contained in the TRA that directs the President to follow a certain policy towards Taiwan, and thus the PRC, may constitute an unconstitutional congressional infringement upon the foreign policy powers of the executive branch. Although codified in law, the TRA addresses political issues, the nature of which seem to preclude a court from ever reaching the merits of this separation of powers question. Given the constitutional support for the executive branch, therefore, it would seem that the President can use his own judgment with respect to Taiwan". [Colin P. Jones, "United States Arms Exports to Taiwan under the Taiwan Relations Act: The Failed Role of Law in United States Foreign Relations" in Connecticut Journal of International Law (9:51, 1993), p.66.] Richard Bush believes that "It is easy to exaggerate the arms sale provision of the TRA as law". He argues that the provision is "less important as law than as an expression of a fundamental political commitment". See Richard Bush, "Helping the ROC to Defend Itself" in Myers, A Unique Relationship, pp. 106-07.

96 Hao, Dilemma and Decision, p. 2.
Successive American administrations have asserted the validity of both the communiqués and the TRA, thus causing a series of conflicts in its dealings with Beijing and Taipei. The conflict reached a crisis point in the early 1980s when President Ronald Reagan expressed his willingness to “faithfully observe” the TRA by selling advanced weapons to Taipei.97 The crisis was resolved and an understanding reached after a year of negotiation, resulting in the third communiqué of 17 August 1982.

As will be reviewed in Chapter 2, the TRA was largely shaped by Congress. The same chapter also shows that Congressional support for Kuomintang (KMT) or the Nationalist Party can be traced back to World War II when the KMT government ruled the whole of China as Republic of China (ROC) and was an ally of the United States. In 1949, the KMT was routed in China’s civil war by the Chinese Communist Party (CCP) and the ROC government fled to Taiwan. The US government, partly under pressure from anti-China forces in Congress, chose not to recognise the PRC, established by the CCP in October 1949, instead siding with the anti-Communist ROC on Taiwan in the following years.

Congressional support for the ROC on Taiwan contributed to prolonging the process of normalising US-China relations. In the early 1970s, most members of Congress were convinced that to improve US relations with China was in the interest of the United States and therefore supported President Nixons’ China trip and the Administration’s China policy. But at the same time, they opposed a break in official ties with Taipei, demanded by Beijing.

That the Carter Administration, without openly and widely consulting with Congress, basically accepted Beijing’s demands and normalised US-China relations

97 Ibid.
enraged many members of Congress. Congress soon passed the TRA to express its displeasure and to reassure Taiwan. Ever since, Taiwan has remained a central issue in US-China relations. But after the joint communiqué of 1982, the US-China relationship experienced a period of steady progress. Sutter noted that from 1983 or 1984 to mid-1989 there was a "general consensus over United States policy towards China" which "prevailed in Congress, and between Congress and the executive branch".

This period of relatively smooth development in US-China relations was partly because no really testy issues arose and because China’s economic reform and political liberalisation were at a high point.

Things started to change in the late 1980s as a result of changes on both sides of the Taiwan Strait in both economic and political domains. US-Taiwan trade more than tripled over the eight years after the TRA, with the US share of Taiwan’s foreign trade increasing from 29 percent to 35 percent. Under US pressure, Taiwan sharply lowered tariffs and made heavy purchases of foreign goods, with imports jumping to $49.6 billion in 1988, a 42% increase from 1987. Special efforts were made to narrow Taiwan’s trade surplus with the United States which peaked at

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98 Beijing imposed three conditions for normalisation, namely withdrawal of US recognition from the ROC on Taiwan, withdrawal of US military personnel and installation from Taiwan, and termination of the mutual defence treaty with Taiwan. Ibid., p. 1.


100 For an analysis of the changes and their consequences in US-Taiwan relations, see Gary Klintworth, New Taiwan, New China: Taiwan’s Changing Role in the Asia-Pacific Region (New York: St. Martin’s Press, 1995); Martin L. Lasater, “U.S. Interests in the New Taiwan”, Obis (Spring 1993, 37:2), pp. 239-57; and Copper, China Diplomacy.

$16.037 billion in 1987. As a result, the surplus was sharply reduced to $10.460 billion in 1988.\textsuperscript{103} By 1988, Taiwan had become the fifth largest US trading partner.

As a result of its "economic miracle", Taiwan became a much sought after global investor, including in the United States. Its foreign exchange reserves amounted to $74 billion at the end of 1988, the world's second-highest after Japan. It was also noted that Taiwan was likely to become a prominent investor in the United States. A report commissioned by the American Institute in Taiwan (AIT), the US office in Taipei, estimated that investment flowing to the United States would increase steadily, reaching $1.25 billion a year by 1991.\textsuperscript{104}

Many members of Congress have been highly impressed by Taiwan's political liberalisation, which began in the 1980s. On 6 December 1986, 12 million voting-age citizens in Taiwan were allowed to cast ballots for an organised political opposition, the Democratic Progressive Party (DPP). On 15 July 1987, martial law, imposed in 1949, was lifted.

Tucker observed that members of Congress "were particularly prone to becoming involved in efforts to shape the development of political and economic affairs in Taiwan".\textsuperscript{105} In late 1987, Congress voted an amendment to the State Department Authorisation Bill to "encourage" movement towards democracy in Taiwan. Senators Claiborne Pell, Chairman of the Senate Foreign Relations Committee, and Edward M. Kennedy joined with Representative Stephen J. Solarz, Chairman of the East Asian Subcommittee of the House Foreign Affairs Committee,

\textsuperscript{103} In 1988, Taiwan imported from the US a total of $13.007 billion, or an increase of 70% over the 1987 figure of $7.648 billion; exports to the United States amounted to $23.467 billion, or about one percent decrease compared with the 1987 figure of $23.685 billion. Council for Economic Planning and Development, Republic of China, \textit{Taiwan Statistical Data Book 1996} (Taipei, June 1996), p. 194.


and his ranking Republican counterpart, Representative James A. Leach, to form a Committee for Democracy on Taiwan.\textsuperscript{106} The four congressmen had long been active supporters of Taiwan.\textsuperscript{107}

Against the background of Taiwan’s economic reform and political liberalisation, the bloody June 1989 crackdown on student-led protests in Tiananmen Square showed Beijing in a very poor light.\textsuperscript{108}

Dramatic changes on both sides of the Taiwan Strait, along with changes in world politics, overshadowed US-China relations during the period 1989 to 1996. In the years after June 1989, Congress used renewal of China’s MFN trade status as a major vehicle to express its disagreement with the White House’s policy towards China. It tried repeatedly to revoke or attach conditions to renewal. Congress’ challenges to Taiwan policy during this period resulted in the biggest crisis in US-China relations since the two countries normalised relations in January 1979.

\textbf{Methodology and Sources}

It has been widely acknowledged that “case studies can play an invaluable role in theory construction”\textsuperscript{109} as the method “encompasses an in-depth chronological

\begin{footnotes}
\item[106] Ibid.
\item[108] In 1978 China started its economic reform which resulted in a very high economic growth rate, first in agriculture and then in industry. At the same time, however, new problems emerged, including growing corruption, widening inequalities and surging inflation. Towards the end the 1980s, these problems became more apparent. On 15 April, 1989, former General Secretary of the Chinese Communist Party Hu Yaobang died in Beijing. In the eyes of many Chinese students, Hu was a defender of political and economic liberalisation and a victim of conservative forces. Subsequently after Hu’s death, student protesters began daily demonstrations in Beijing. On 13 May, some students launched a hunger strike at the heart of Beijing — the Tiananmen Square. The students then gained a widespread support throughout the country. On the night of 3-4 June, soldiers equipped with tanks and automatic weapons forcefully suppressed the demonstrations and retook Tiananmen Square. An unknown number of people were killed or injured. Harding, \textit{A Fragile Relationship}, pp. 216-224.
\end{footnotes}
narration and analysis of those events, options and actions which impact upon policy-makers decisions". In conducting case studies, this thesis uses two strategies. One is the "process-tracing" strategy which "seeks to examine and explain the decision-making process by which various initial conditions are translated into outcomes". The initial conditions are the stimuli to which decision makers respond, including the effect of institutional factors on actors, processes, and outcomes; and the influence of other variables of interest on actors and outcomes. The other strategy is the "focused comparison" strategy. The intention is, based on the focused comparison analysis of the four cases, to find their similarities and dissimilarities. By doing so, this dissertation will be able to put forward some notions about Congress' role in China policy making.

This thesis takes the Congressional Record as an important source of evidence for its investigation in motivations of Congressional members' decisions and actions. While the statements in the Record should be treated with caution, they are nonetheless useful in helping understand the voting behaviour of members of Congress. As Burgin noted, "While not a scientifically valid measure of the impact of various influences, floor statements are at least somewhat reflective of a member's thinking". Other sources of evidence include analyses of Congressional actions in Congressional Quarterly Weekly Report and major newspapers.

112 Tan, The Making of U.S. China Policy, pp. 11-12.
114 Burgin, “The Influence of Constituents”, p. 82.
Efforts were originally made to get evidences from campaign contributions. But it is difficult to obtain convincing evidences from the reports of contributions because many contributions are made by individuals whose interests are hard to be identified.
PART I
Chapter 1

A Theoretical Framework

The study of foreign policy was once dominated by a "traditional" or "classical" approach, namely the rational-actor model. Under this model, the US government, which consists of three branches and many departments, is regarded as a unitary decision maker. Domestic influences, including the influence of Congress, are generally neglected.

Since the mid-1950s, out of the growing disaffection with the rational-actor model, a number of new approaches have arisen. It might be inaccurate to assert that the rational-actor model is "not favoured by modern students of foreign policy". Most would agree, however, the model has limitations and other approaches have provided valuable insights and opened new avenues.

Broadly speaking, the overall environment in which decision-makers operate is divided into the "external" (or "international"), the "internal" (or "domestic"), and the "psychological" environments. This thesis examines domestic factors and

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1 Dumbrell lists three reasons, namely "a resolute determination to eschew the normative dimension of explanation; an implicit embrace of elite-based, secretive decision-making" and "a metaphysical despair about prospects for improvement". See John Dumbrell, The Making of US Foreign Policy (Manchester and New York: Manchester University Press, 1990), p. 57.


calculations in US foreign policy making, focusing on the US Congress’ role in formulating policy towards China.

This chapter provides the theoretical framework for the thesis. The first section discusses the rational-actor model, the interbranch politics model and other models. The discussion aims to provide a better background for understanding the approaches this thesis will take. The second section introduces the theoretical framework of this thesis.

The Rational-Actor Model and Beyond

Up to the 1970s, the rational-actor model was believed the model most frequently used by analysts to explain foreign policy. The model is based on two related assumptions. Firstly, states can be regarded as the most important actors in international politics and, therefore, relations between states constitute the prime object of study. Secondly, governments, which operate on behalf of states in the international arena, can be analysed as if they were unitary, monolithic actors.

Analysts can view the state as assessing and responding to external events as if it


5 Joseph S. Nye has summarised these assumptions more formally under the label of "state-centric realism". See Joseph S. Nye, "Transnational and Transgovernmental Relations", p. 36. Some writers
were a single entity and have no need to delve into the intricacies of governmental organisation, domestic politics, or personalities in trying to understand why a policy was selected. The state can be treated as a "black box", responding with one voice to the challenges and opportunities confronting it.

The influence of this traditional state-centred method of analysis has been strengthened by the realist conception of international relations. In the view of realists, as summarised by White, "international relations, because of mutual insecurity and the absence of a superior political authority, is characterised by anarchy and, therefore, the ever constant danger of war between states". Consequently, "the first and most difficult task of government is to ensure the survival of the state in a hostile, violent, Hobbesian environment". Therefore, the rational-actor model takes "external" rather than "internal" factors as the important determinants of state behaviour. The model suggests statesmen have little choice but to respond to international events.

According to Allison, rationality refers to "consistent, value-maximising choice within specified constraints". The components of the rational-actor model include goals and objectives, options, consequences, and choice. In a rational decision process, (1) goals are clearly stated and ranked in order of preference, (2) all options are considered, (3) the consequences of each option are assessed, and (4) a value-maximising choice is made.
Although the rational-actor model has its virtues, it has been widely
criticised.\textsuperscript{10} It is attacked primarily for being too narrow and simplistic. Michael
Clarke points out that:

\begin{quote}
any study of a state’s foreign policy over a given period quickly
reveals that rather than a series of clear decisions, there is a continuing
and confusing “flow of actions”, made up of a mixture of political
decisions, non-political decisions, bureaucratic procedures,
continuations of previous policy, and sheer accident.\textsuperscript{11}
\end{quote}

The model is criticised for neglecting the range of political variables which limits the
extent of choices available. Given the interdependent characteristics of the present
world, governments are not unitary actors.\textsuperscript{12}

There is also the problem of drawing sharp distinctions between ends and
means, values and decisions, and facts and values. Critics point out that in actual
policy decisions, “means and ends are not isolated from each other and handled
independently. A policy choice is usually a choice of a set of means as well as a set
of ends”.\textsuperscript{13} Furthermore, foreign policy decisions represent collective decisions. This

fact makes means-ends calculations even more difficult as decision-makers do not always define and share foreign policy goals.\textsuperscript{14}

The model is also believed impractical. It is difficult to assess the consequence of each option and choose the most effective.\textsuperscript{15} In fact, “individuals do not consider all possible alternatives and, what is more important, make no attempt to do so”.\textsuperscript{16} Smith and May note that “even with the aid of computer technology a review and evaluation of all possible answers to a problem in order to select the optimal solution is seldom plausible”.\textsuperscript{17} Finally, each decision can not be a separate entity, but an “incremental” policy. A decision-maker “operates within a structure in which there has been previous commitment to policy and organisational vested interests in policy”. Therefore, the criterion of choosing a policy will not be “Is it the best possible action?” but “Is it better or, at least, no worse than the present policy?”\textsuperscript{18}

According to White, the most important challenges to the rational-actor model “has come from the application of a decision-making approach to the study of foreign policy”.\textsuperscript{19} White noted the approach was initially applied to foreign policy analysis by Snyder and his associates, who wrote a seminal article in 1954.\textsuperscript{20} As pointed out by Rosenau, the Snyder scheme “served to crystallize the ferment and to provide

\begin{footnotesize}
\begin{enumerate}
\item Tan, The Making of U.S. China Policy, p. 13.
\item Verba, “Assumptions of Rationality and Non-Rationality in Models of the International System”, p. 228.
\item Smith and May, “The Artificial Debate Between Rationalist and Incrementalist Models of Decision Making”, p. 118.
\end{enumerate}
\end{footnotesize}
guidance—or at least legitimacy—for those who had become disenchanted with a world composed of abstract states and with a mystical quest for single-cause explanations of objective reality”.21

The essence of the Snyder scheme is that “State X as actor is translated into its decision-makers as actors”.22 Unlike abstract states, human beings can be observed. It is therefore possible that “the relevant political behaviour can be accurately observed and rendered amenable to scientific analysis”.23

As summarised by White, the significant “elements” of the Snyder scheme include: (a) since foreign policy consists of “decisions”, made by identifiable “decision-makers”, the making of the decisions is the behavioural activity which requires explanation; (b) the decision-maker’s “definition of the situation” is central; (c) the domestic or societal sources of foreign policy decision should be considered; and (d) the decision-making process itself may be an important, independent source of influence on decisions.24

Element (a) represents a very different approach to the study of foreign policy in that it tries to avoid a “basic analytical quandary” — explaining the external behaviour of the state in terms of a supposedly objective, environmental situation which could only be assessed by analysts in subjective terms.25 Snyder and his colleagues avoid the "quandary" with element (b). They assert that “the key to the

22 Snyder et al., Foreign Policy Decision-Making, p. 65.
24 Ibid., p. 145.
25 Ibid.
explanation of why the state behaves the way it does lies in the way its decision-makers define their situation".26

The notion of the decision-maker’s “definition of the situation” has stimulated a considerable amount of research. As observed by White,

The attempt to reconstruct the subjective “world” of decision-makers has produced research from a foreign policy perspective into a range of psychological and sociological variables that condition and motivate individual and group behaviour. As a result, a number of concepts, research techniques and insights borrowed from Psychology and Sociology have enriched foreign policy analysis.27

Element (c), namely the consideration of domestic or societal sources of foreign policy decision, also represents a “significant departure” from traditional foreign policy analysis which has long discouraged the penetration of the “hard shell” of the state.28 Traditional analysts believe that in an international environment perceived to be anarchic, individual interests and opinions have to be subordinated to the state’s survival. As noted by Kissinger, “In the traditional conception, . . . the domestic structure is taken as given; foreign policy begins where domestic policy ends”.29 The emphasis on domestic sources of foreign policy has brought about a

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26 Snyder et al., *Foreign Policy Decision-Making*, p. 65.
29 Kissinger argues that "this approach is appropriate only to stable periods because then the various components of the international system generally have similar conceptions of the 'rules of the game.'" See Henry A. Kissinger, "Domestic Structure and Foreign Policy" in Rosenau, *International Politics and Foreign Policy*, pp. 261-275.
number of studies which try to establish a connection between one or more domestic factors and foreign policy behaviour.30

The most “subversive” aspect of the decision-making approach as applied to the study of foreign policy has undoubtedly been element (d), the focus on the decision-making process. It is argued that "the most important contribution of the approach has been to instil a general awareness that foreign policy is, to a greater or lesser extent, a product of the way it is made".31

As correctly pointed out by White, it is problematic to assume all foreign policy behaviour is a product of specific identifiable decisions. But White also noted, “the clear implication is that anyone who wants to understand foreign policy must be as concerned with the making of policy (the decision or policy process) as they are with the substance of that policy”.32

In the two decades after the publication of the Snyder scheme, a large body of literature analysed foreign policy in various approaches different from the rational-actor model. Kinder and Weiss declared in 1978 that for a generation social science

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31 White, “Analysing Foreign Policy: Problems and Approaches”, p. 15.

32 Ibid.
literature on decision making had "been divided into two camps: work premised on rational models of choice and work designed to discredit such models".33

Understandably, scholars have also tried to find an explanatory general theory of foreign policy behaviour. The hope was "engendered" by Rosenau’s 1966 article "Pre-theories and Theories of Foreign Policy".34 The article called for a “normal scientific”, quantitatively-based and behaviourally-oriented study of foreign policy.35 But more than a decade later, Rosenau could only say that results had been disappointing.36 Dumbrell therefore believes that the study of foreign policy "does have room for different approaches, and pleas for intellectual tolerance should be heeded".37

This thesis will start with the basic assumption that foreign policy is the result of the interaction of many different factors, international, domestic and psychological, and that the influence of these factors is not equal. Foreign policy making is therefore a complex process which cannot be fully explained by any single theory. As pointed out by Hastedt: “The scope of activity involved in making US foreign policy is so vast that no single model can hope to capture all of it, and few models try”.38 All existing approaches have their strengths and weaknesses and different cases may need different approaches.

37 Dumbrell, The Making of US Foreign Policy, p. 41.
38 Hastedt, American Foreign Policy, p. 174.
One such theory is the interbranch politics model. This model has often been used, consciously or unconsciously, in analysing the relationship between the legislative and the executive branches. Among numerous books and articles analysing struggles between the two branches, there are good studies of their competition over foreign policy.39 Most of the studies, however, do not attempt to develop a theory.

It was Robert Pastor who tried to put forward the interbranch politics as a theoretical model. In his study about US foreign economic policies from 1929 to 1976, Pastor concluded that the most useful and accurate explanation for US foreign economic policies during that period came by focusing on the interactive relationship between the executive and the legislative branches.

Pastor’s theory is built upon the “ideas and insights from the literature on bureaucratic politics and on Congress”.40 A major contribution was made by Arthur Maass, who set up a simple “organic” model. The model reflects the US governmental system of separate institutions sharing powers. In the model, there are

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two institutions, Congress and the Executive; two processes, the legislative and the administrative; and two roles, oversight and initiative. The general rule is that the Executive plays an initiating role in both the legislative and the administrative processes, while the Congress oversees both processes.\(^{41}\)

While acknowledging its usefulness in helping conceptualise the governmental process, Pastor argues "the model does not take us very far toward explaining or predicting policy content".\(^ {42}\) He then integrated Friederich's "rule of anticipated reactions". The "rule" was originally developed and subsequently applied to the manner in which the Executive alters administration of policy in anticipation of likely Congressional response. To Pastor, Friederich's rule is "eminently transferable" to analysing the legislative process. He believes "the question Friederich's rule is helpful in answering is the extent and manner of cross-branch influence".\(^ {43}\)

According to Pastor, the interbranch politics model assumes US foreign policy is the "resultant of a sometimes subtle or tacit, sometimes forceful or conflictual, always interactive process between two branches of institutions, the Executive and Congress".\(^ {44}\) The interactive process can be best understood from the perspective of "two institutions with distinct sets of institutional biases or predispositions".\(^ {45}\) These biases are responsible for each branch ranking its foreign policy objectives differently.

\(^{41}\) Ibid.
\(^{42}\) Ibid., p. 52.
\(^{43}\) Ibid.
\(^{44}\) Ibid., p.53.
\(^{45}\) Ibid.
It is indeed essential to study the interactive relationship between the executive and the legislative branches. The importance of understanding this relationship lies in the fact that "it is only then that we can make intelligible the continuities and vicissitudes that characterise the formulation of foreign policy".\textsuperscript{46}

The interbranch politics model, however, has a fundamental problem. That is the premise of treating the Executive and Congress as two unitary institutions. As mentioned in the first section of this chapter, the executive branch is fragmented with different foreign policy agencies competing with each other to advance their own interests. As for the Congress, it is even more decentralised and fragmented than the Executive. The "conventional wisdom" is that the very much decentralised and uncoordinated Congress can hardly be assumed as a decision-making entity.\textsuperscript{47} As noted by Rieselbach:

the central feature of the legislative system is its \textit{fragmented} or \textit{decentralised} character. There exist in Congress multiple centers of power, authority, and influence, relatively independent of one another, that only rarely mesh in a smooth operation. In other words, power is widely but not equally shared among the senators and representatives.\textsuperscript{48}

Over two decades ago, while talking about US policy towards China, Congressman Clement J. Zablocki emphasised that "when anyone refers to a 'congressional view' on a matter such as this, there is not just a single view. Perhaps one could say that

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\item \textsuperscript{47} Pastor, \textit{Congress and the Politics of U.S. Foreign Economic Policy}, p. 41.
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there are 435 views in the House and 100 in the Senate, and that these may not always be the same from one week to the next”. 49

Nevertheless, Pastor argues that “while acknowledging the important differences between House and Senate, between various Committees, subcommittees, individuals, subgovernments, etc., the Congress as a branch with its own ‘internal will’ reacts to the Executive in a manner which has an overall consistency”. 50

Scholars have noticed several elements of this “internal will”. Firstly, Congress has an institutional interest in enhancing its image and status in making foreign policy. 51 Secondly, members of Congress try to stay in touch with prevailing sentiment or mood in Congress. “The individual players are not entirely free of a collective, yet ambiguous, will”. 52 Thirdly, unity is imposed in Congress “by the willingness of individual members to follow other Congressmen with recognized expertise on specific issues”. 53

Indeed, the "internal will" of Congress should not simply be dismissed. Rourke correctly counts "institutional pride" as one of the motivations of Congress to contest executive dominance. "When they feel personally or collectively slighted”, Rourke notes, "they react to reassert themselves". 54

50 Pastor, Congress and the Politics of U.S. Foreign Economic Policy, p. 54.
51 Ibid., p. 19.
53 Ibid., p. 885.
Rourke, however, is quick to point out that "The question is one of form rather than substance". More importantly, the past experience suggests that deep differences existing in Congress often outweigh the "internal will".

Without discarding the merits of the interbranch politics model, this thesis believes that the very much decentralised and uncoordinated Congress can hardly be assumed as a unitary decision-making entity. Any analysis of Congress would be fundamentally flawed if what happens inside this body is ignored.

In his study about the making of US foreign policy, Wiarda introduces more models which are useful. These include the bureaucratic politics model, the organisational process model, the self-aggrandisement model and the political process model. Bureaucratic politics model advocates would point out the fragmented nature of decision making in a government composed of bureaus, departments, and branches staffed with bureaucrats with different responsibilities, resources, information sources and influence. They would argue that “people inside government bargain with one another on complex public policy questions”. The model therefore focuses on the different perspectives and competition among and between the foreign policy agencies which have their own roles, practices, and bureaucratic interests. Intra-bureaucratic conflicts may become almost as problematic as inter-state conflict. In the United States, the main foreign policy agencies in the executive

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55 Ibid.
56 Ibid., pp. 18-27.
58 Allison, Essence of Decision; M. H. Halperin, Bureaucratic Politics and Foreign Policy (Washington, D.C.: Brookings Institution, 1974). Although the model has provided some important insights, it is also criticised for overstating the emphasis upon a fragmented executive. These critics believe that “the president does retain a large measure of hierarchical control over the bureaucracy” and that “whenever reference is made to the executive branch or to executive policy, it will mean the
branch include Department of State, Department of Defense, Central Intelligence Agency (CIA), National Security Council (NSC), Department of Treasury, Department of Justice, the Office of the Trade Representative, Department of Labor, Department of Commerce, the Environmental Protection Agency, and others.

The organisational process model "regards the government not as a unitary and monolithic agent but rather as a constellation of large, complex, semifeudal, loosely allied organizations that determine policy outcomes". The model emphasises the different methods and procedures for doing things in these agencies. Wiarda notes that "these are the normal, everyday, standard operating procedures that any organization develops over time in conducting its activities". He observes that "the problem for foreign policy is that one agency's SOPs (standard operating procedures), or that the SOPs of a particular agency may conflict with a presidential order, or that the SOPs may get in the way of the conduct of the nation's foreign policy".

The self-aggrandisement model suggests that the usual campaign rhetoric is simply rhetoric which does not really suggest what politicians and public officials are going to do. They are in the foreign policy 'game' "mainly to garner prestige, power, perks, career opportunities, and even wealth for themselves", and the public interest

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61 Ibid.
gets served "largely as a by-product of these self-centered motives".\footnote{Ibid. p. 24. Italics original.} Understandably, "public officials look for policy initiatives that serve both their private interests and a notion of the public interest".\footnote{Ibid. Italics original.}

The primary objective of this thesis is to study the influence of domestic politics on Congressional intervention in US foreign policy. As mentioned above, the thesis starts with the basic assumption that foreign policy is the result of the interaction of many different factors: international, domestic and psychological. This assumption excludes the rational-actor model as a theory to be used in the thesis.

The interbranch politics model has a similar problem in treating Congress as an unitary decision-making institution, although the model does recognise the struggle or interactive relationship between the executive and legislative branches.

The bureaucratic politics model and the organisation model are useful in the sense that Congress embodies a large number of committees which have different roles, interests and perhaps different methods and procedures. Indeed, there is an "increased struggle between the two chambers" and "an intensified competition for power among committees, both within and across chambers".\footnote{Randall B. Ripley and James M. Lindsay, "Foreign and Domestic Policy in Congress: An Overview and Review" in Randall B. Ripley and James M. Lindsay (eds.), {Congress Resurgent: Foreign and Defense Policy on Capitol Hill} (Ann Arbor: The University of Michigan Press, 1993), p. 12.} However, the two models are more powerful in explaining foreign policy making in the executive branch.\footnote{In fact, the advocates of the bureaucratic politics model did not intend to apply the model in studying Congress. The model "neglects the important role of Congress in policy making, especially since the Vietnam War". See Hao, {Dilemma and Decision}, p. 216.} They have their limitations in studying Congress, which is significantly different in structure from the executive branch. For example, Congressional committees consist of members representing different regions, interests, ideologies.
and parties. Indeed, changes in committee membership may change committee decisions.\textsuperscript{66} This fact defuses the usefulness of the bureaucratic model. As well, unlike administrative agencies, Congressional committees are small in size and may not have distinctively different SOPs.

As for the self-aggrandisement model, while it is recognised that "self-centered motives . . . have become increasingly important", it is also noted that "precise relations between psychopathology and politics is often speculative, and how much weight to assign self-interests versus public interest motives is not entirely clear".\textsuperscript{67}

The primary analytical approach to be used in this thesis is the political process model.

**Political Process Model**

Roger Hilsman developed the political process model in an effort to supplement the organisational process and bureaucratic politics models.\textsuperscript{68} The political process model assumes "foreign policy, like domestic policy, is shaped by powerful forces, interests, and actors in the political system generally and cannot be separated from them" and that foreign policy is "routinely subjected to the same pressures and political trade-offs as is domestic policy".\textsuperscript{69}


\textsuperscript{67} Wiarda, \textit{American Foreign Policy}, p. 25.


\textsuperscript{69} Ibid., p. 23.
The model, therefore, sees foreign policy as "emerging from the political interactions of hundreds, even thousands, of influences and interest groups operating on foreign policy issues". The powers of these interests are not equal and may vary over time and from issue to issue. These interest groups may compete with each other or build coalitions in influencing decisions.

With regard to Congress, which has constitutional power in making foreign policy, the model would emphasise not only the interactive relationship between the White House and Congress, but also that Congress consists of a large number of committees and subcommittees, as well as 535 individual members representing different regions, interests, ideologies and parties. The model expects, as only natural, that within this body occur myriad political interactions between a host of influences.

As noted in Introduction to this thesis, a variety of factors can influence members of Congress in making foreign policy decisions, including interest groups, ideology, partisanship, constituency, committee, public opinion, media, institutional constraints and so on. This thesis pays special attention to three loosely defined structural factors: partisanship, constituency and committee. The following section discusses the three factors as separate theoretical approaches to studying Congressional behaviour. Their relationships are explained in Chapter 7.

**Committees**

The importance of Congressional committees has long been recognised. Early in 1884, Woodrow Wilson wrote:

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70 Ibid., p. 22.
the House sits, not for serious discussion, but to sanction the conclusions of its Committees as rapidly as possible... so that it is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee-rooms is Congress at work.71

Wilson therefore referred to the committees as "little legislatures".72

Congressman Clem Miller echoed Woodrow Wilson's observation by saying that "Congress is a collection of committees that come together in a Chamber periodically to approve one another's actions".73

Similarly, Ripley and Lindsay point out that "although it is convenient to refer to Congress as an it, in reality the it is a they. The most important actors influencing foreign and defense policy in Congress are the relevant committees since they handle the details of legislation".74

Scholars may have exaggerated the role of the committees by referring to them as "virtually autonomous"75 and having "power largely independent of the elected leadership of the parent body".76 But it is fair to assert that "committees are central to congressional policy making".77 Every two years, members of Congress submit more than 11,000 bills to committees.78 The committees may choose to report a bill with or without amendments, rewrite the bill, vote to reject it, or take no action.

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71 As quoted by Pastor in Congress and the Politics of U.S. Foreign Economic Policy, p. 38.
74 Ripley and Lindsay, "Foreign and Domestic Policy in Congress", p.7. Italics original.
whatsoever — tantamount to killing the bill. Therefore, committees have the power of life and death over bills. It is widely acknowledged, “The vast majority of policy disputes on Capitol Hill are resolved before or during committee consideration of bills, and legislation is seldom considered on the House or Senate floor without a committee' stamp of approval”79 For members of Congress, whether they aim for local or national attention, “their chances of getting results depend largely on the effectiveness of their committee work”.80

In his 1973 pioneering study of Congressional committees, Fenno found that a committee’s decisions were determined by the constraints of its environment (including relevant Executive bureaus and clientele groups), decision-making processes, and, probably most of all, by its members’ goals. Using these variables, Fenno discerned three different types of committees: those, like the House Ways and Means Committee and House Appropriations Committee, whose members are principally “insiders”, oriented towards influence in the House of Representatives and towards legislative success; those, such as Interior and Post Office, whose members were more constituent-oriented; and those, like Foreign Affairs, Labor and Education, whose members were primarily interested in public policy. He then compared House committees with their Senate counterparts, finding many similarities but an overall difference. By and large, the Senate committees were less important as a source of chamber influence than their counterpart committees in the House; less preoccupied

with success on the chamber floor; less autonomous within the chamber; less personally expert; less strongly led; and more individualistic in decision making. 81

Three points should be noted. Firstly, while the differences of the three types of committees are largely valid, they should not be exaggerated. These are relative differences because all committees are likely to be influenced, to various degrees, by same factors. For example, the influence of constituency does not exist only in Interior and Post Office but all committees. Similarly, members who are oriented towards influence in the chamber and those who are primarily interested in public policy are, like all other members, subjected to the influence of partisanship. Indeed, since committees are formed principally according to party “membership” and constituency interests, committee actions may even be seen as secondary influences after partisanship and constituency.

Secondly, Fenno's conclusion that Senate committees were less important than House committees as a source of chamber influence should be accepted with caution. The difference may not be so large. Take the Senate Foreign Relations Committee as an example. The Committee used to be extremely influential, not only in the Senate but in Congress as a whole. In the early post-war period, “the voice of this committee” was “usually the voice of Congress in foreign affairs”. 82

The influence of the Senate Foreign Relations Committee has been decreasing since the late 1960s for several reasons. The Committee used to operate in bipartisan concert with few subcommittees and a unified staff. The tradition changed in the late 1960s and early 1970s when an autonomous subcommittee and separate minority staff

began to fragment power within the Committee. At the same time, the Senate Armed Services Committee had taken over much of Foreign Relations’ power and prestige. The Persian Gulf crisis provides a recent example. The Foreign Relations Committee held hearings on the crisis but was even less involved than its counterpart, the House Foreign Affairs Committee, in the Congressional decision to authorise war against Iraq. Noticeably, the leaders of the Armed Services committees played a central role in setting the course of debate.

The Foreign Relations Committee’s weakening influence was also due partly to weak leadership. After Senator Claiborne Pell took the chair of the Committee and Jesse Helms became ranking Republican in 1987, the panel “drifted into a state of legislative paralysis”. While Pell was a “likeable but not very effective chairman”, Helms aggressively promoted his conservative views and worked to block legislation with which he disagreed. Subsequently, the Committee had trouble attracting members; it operated with one Democratic vacancy during part of the 100th Congress. By early 1990s, the “ideologically diverse panel” was “recognised more for its failure to gain quorums at meetings than as a force in setting foreign policy” and the Committee no longer held the prestige it had even 10 or 12 years ago.

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83 Rourke, Congress and the Presidency in U.S. Foreign Policymaking. pp. 251-52.
88 Ibid.
Nonetheless, it could be argued the Committee remains a major source of chamber influence on foreign policy. It also has the potential to play a bigger role.

The third point, related to the second, is that "The days when foreign affairs were primarily the preserve of the Senate are gone". Fenno's 1973 study found members of the House Foreign Affairs Committee (renamed International Relations Committee in late 1994) with little to do and complaining they were only a foreign aid committee. Traditionally, the House of Representatives was ready to play "a subordinate role" in making foreign policy. But this tradition has eroded in the past two decades or so. In 1979, in connection with the Panama Canal treaties, a Congressman made the following remarks:

We in the House are tired of you people in the State Department going to your tea-sipping friends in the Senate. Now you good folks come up here and say you need legislation [to implement the treaties] after you ignored the House. If you expect me to vote for this travesty, you're sorely in error.

Although not as constitutionally powerful as the Senate, "the House increasingly has made its voice heard on foreign policy issues".

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90 Unfortunately, since the dramatic change of Congressional committee structure, little scholarship on the Committee has been published. See Lindsay and Ripley, "Foreign and Defense Policy in Congress: A Research Agenda for the 1990s", Legislative Studies Quarterly (vol. 17, no. 3, February 1992), p. 427.
91 James M. McCormick, "Decision Making in the Foreign Affairs and Foreign Relations Committees" in Ripley and Lindsay, Congress Resurgent, pp. 150-51.
93 Fenno, Congressmen in Committees, p. 108.
95 Ibid., pp. 44-45.
96 Ripley and Lindsay, "Foreign and Domestic Policy in Congress", p. 12. See also, Smith and Deering, Committees in Congress, 1984, pp. 72-73; McCormick, "Decision Making in the Foreign Affairs and Foreign Relations Committees" in Ripley and Lindsay, Congress Resurgent, pp. 115-153.
Since Fenno's 1973 study, external demands and internal stress have forced Congress to undergo significant reforms and adopt a series of dramatic changes. As a result, the number and importance of subcommittees have steadily increased, especially in the House of Representatives. Until 1974, some committees, including Ways and Means, had no subcommittees. In that year, under pressure from rank and file members to decentralise committees, the House adopted a rule requiring that any committee with more than 20 members must have at least four subcommittees. In addition, subcommittee chairmen were allowed to hire their own staff.97

Today, subcommittees abound. Consider the four committees to which this thesis will pay special attention to in the case studies: In the 102nd Congress (1991-1992), both the House Committee on Ways and Means and the House Committee on Foreign Affairs had six subcommittees while the Senate Committee on Finance and the Senate Committee on Foreign Relations had eight and seven subcommittees respectively.98 The independence of subcommittees is protected. In the House, subcommittees are permitted "to meet at the pleasure of their members, to write their own rules, and to control their own budgets and staffs".99

Changes have continued through the 1990s. In 1992, the Republican Conference approved a rules change that, beginning with the 104th Congress (1995-1996), prohibited members from serving as chairman or ranking member of more than one full committee or subcommittee.100 The rules package adopted by the House on 4 January 1995 also required that members serve on no more than two standing

99 Rieselbach, Congressional Politics, p. 85.
committees and four subcommittees, except for chairmen and ranking members, who could serve ex officio on all subcommittees.\(^{101}\) The rules changes also stipulated that, beginning with the 104th Congress, chairmen of committees and subcommittees might hold their positions for no more than three consecutive terms.\(^{102}\) Senate Republicans made a similar change in the 104th Congress; Republican senators were limited to six-year terms as committee chairmen.\(^{103}\)

Rieselbach has summarised the consequences of these changes. The first consequence is further division of labour and specialisation.\(^{104}\) The second is greater opportunity for larger numbers of legislators to secure leadership positions and exercise power and influence. In the 103rd Congress (1993-1994), nearly half (113, or 43.8 percent) of the majority Democrats in the House and a much higher percentage (46, or 80.7 percent) of Democrats in the Senate held a position of leadership on a full committee or subcommittee. In the Republican-controlled 104th and 105th Congress, the percentage of Republicans holding positions of leadership were even higher.\(^{105}\) “The power is no longer concentrated in a few members”, it was

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\(^{101}\) In the 103rd Congress, the typical Representative served on two committees and four subcommittees, while the senators averaged three committees and seven subcommittees each. Lineberry, Edwards III and Wattenberg, *Government in America*, p. 427.

\(^{102}\) At the same time, claiming that the committee structure had become bloated in the past 20 years, the Republicans decided to restrict more committees to no more than five subcommittees and give responsibility for hiring staff exclusively to the full committee chairmen. See “Rules Changes Open the Process . . . . But Strengthen the Reins of Power”, *Congressional Quarterly Weekly Report* (53:1, 7 January 1995), pp. 13-14. David S. Cloud, “GOP, to Its Own Great Delight, Enacts House Rules Changes”, p. 13.


\(^{104}\) In the field of foreign affairs confusion can emerge as a result of the changes. Most Congressional committees are involved in some aspect of foreign affairs, and their jurisdictions over foreign policy issues frequently overlap. An examination of the committee structure of Congress during 1989 reveals that almost every major legislative committee claimed some jurisdiction in the foreign policy field. Crabb and Holt, *Invitation to Struggle*, pp. 270-271.

\(^{105}\) In the 105th Congress, for the first time, first- and second-term senators held chairmanship. Six of the 20 full committee chairmen had never been chairmen before and some freshman senators held subcommittee chairmanships.
observed. “It is distributed so that almost everybody is a chairman”.\textsuperscript{106} Thirdly, the proliferation of subcommittees has provided more "specific targets" for interest groups. Finally, and perhaps most importantly, subcommittees “contribute to the decentralization of congressional policymaking and influence”.\textsuperscript{107}

Indeed, many observes agree that the primary effect of these changes has been to exacerbate the fragmented nature of Congressional decision making.\textsuperscript{108} The number and importance of subcommittees has increased to such an extent that some observers describe Congressional decision making as “subcommittee government”.\textsuperscript{109}

One argument against the committee theory is that although defence and foreign policy committees remain the most important Congressional actors on foreign policy, considerable Congressional activity bypasses traditional channels of committee influence. Floor debate on defence and foreign policy has grown enormously since the 1970s. This is perhaps a by-product of the increasing importance of subcommittees as subcommittee leaders have been managing floor consideration of more bills.\textsuperscript{110} Often challenges are led by junior members with no committee assignment in foreign affairs. For example, the effort to punish China for the Tiananmen Square incident was led in the House by Nancy Pelosi, a two-term member who sat on the Commerce and Ethics committees.

Despite this argument against it, committee theory remains a useful key to understanding the functioning of Congress and its role in foreign policy making.

\textsuperscript{106} Jackie Koszczuk, “A Full Circle”, pp. 9-10.
\textsuperscript{107} Rieselbach, Congressional Politics, pp. 86-87.
\textsuperscript{109} Smith and Deering, Committees in Congress, 1984, p. 1.
\textsuperscript{110} Ibid., p. 87.
Constituency

David Mayhew, a prominent advocate of constituency theory, believes Congressman are “single-minded seekers of reelection”. This “electoral connection” profoundly affects behaviour, accountability and the structure of Congress, as well as the way Congress makes public policy. Congressmen are therefore most active in trying to secure and claim particularised benefits for their districts and in taking positions which will be popular in their districts. In terms of foreign policy, Congressmen are active when benefits to their constituencies are involved. Otherwise, their concern with foreign policy may be for publicity or absent altogether. No wonder legislators are criticised for tending to see foreign policy as a slightly specialised branch of domestic policy.

To put it more clearly, the logic of the constituency school, called “the simple electoral explanation” by Lindsay, generates three expectations about Congressional behaviour on foreign policy. The first expectation is “extensive deference to the administration on the substance of foreign policy”. The logic here is that, as most

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112 Ibid., p.13. Mayhew's study focuses on House Representatives, who have to be re-elected every three years. The Senators can serve six years before being re-elected. As a result, the constituency theory may play out differently in the House and Senate. But it seems scholars tend to ignore the difference.
114 See, for example, Stanley Hoffman, Dead Ends: American Foreign Policy in the New Cold War (Cambridge, Mass.: Ballinger, 1983), p. 105.
116 Ibid., p. 35.
Americans have little interest in or knowledge about foreign policy, members of Congress can hardly to expect to gain electoral payoffs through detailed legislative work in foreign policy.

On the other hand, foreign policy offers incentives for Congressional “position taking and grandstanding”. While “position taking” means publicly enunciating and reaffirming values and positions held by constituents, “grandstanding” refers to members’ efforts to attract media coverage to their public statements and behaviour. Although position taking and grandstanding may affect the substance of foreign policy, that is not their purpose. The payoff lies in speaking rather than doing. For this reason, “member interest fades once an issue ceases to attract headlines”.

The final and most obvious expectation is the “attention to parochial matters”. Sustained Congressional interest in foreign policy can be expected when an issue involves sizeable constituency interests. Quite often, Congressional members find themselves unable to advance parochial interests. Even then they still seek to cultivate the impression that they can shape policy to benefit constituents.

To summarise, constituency theory suggests the principal preoccupation of Congressmen is to get elected. This preoccupation constrains their activities in Congress. As noted by Allison and Szanton,

On issues about which particular electorates do not care deeply, a Congressman’s sense of the national interest may safely prevail. But a district dependent on textile production or the manufacture of shoes, for example, will not long tolerate a representative unduly devoted to the broader virtues of free trade.

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117 Ibid., p. 36.
118 Ibid., p. 37.
119 Ibid.
Consequently, "the Congress is composed of people who are not so much interested in making national policy as in keeping their constituents happy". And "Even those Congressmen genuinely concerned with good public policy must achieve reelection in order to continue their work".

Constituency theory has proved popular. Lindsay noticed that "since the publication of Congress: The Electoral Connection, political scientists have turned out a slew of books and articles based on the assumption that reelection drives congressional decision making".

Despite its popularity, constituency theory, or more exactly, the simple electoral explanation, has limitations. According to Lindsay, the simple electoral explanation is "at odds with the available anecdotal and statistical evidence". This is partly because the simple electoral explanation focuses on geographic constituencies rather than on the many groups that constitute it. While most voters ignore foreign policy, some care passionately. For example, some ethnic groups take great interest in their ancestral homelands. Lindsay argues that these people can be an incentive for members of Congress to work foreign policy issues, not only because of their number but also because of campaign contributions.

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121 Pastor, Congress and the Politics of U.S. Foreign Economic Policy, p. 36.
124 James M. Lindsay, Congress and the Politics of US Foreign Policy, pp. 40-41.
125 Ibid., p. 41.
126 Ibid.
The second problem with the simple electoral explanation is that it "takes too narrow a view of electoral incentives facing members of Congress". Lindsay believes "while some members see legislative work as a cost to be avoided, others see it as an investment that will produce electoral benefits in the future". The logic is that members can become influential in Congress by working on defence and foreign policy. Thereby garnering more media attention and more say over the flow of government benefits, two advantages in any re-election campaign.

The above two points do not invalidate the claim that re-election drives Congressional behaviour. Instead, they contribute to constituency theory. What Lindsay suggests is a more sophisticated electoral explanation.

A conventional wisdom says "If there is a piece of legislation pending that would help a district industry in a direct way, or especially one that would hurt it, nearly all congressmen defend this industry". But the conventional wisdom has proved to be wrong in some cases. For example, in the 1980s all members of the Massachusetts delegation on Capitol Hill opposed the MX missile program although the state would have benefited from MX production and most districts in the state would have benefited directly. Despite the failure of conventional wisdom in explaining this case, analysts still believe that those Congressional members from Massachusetts grounded their decisions in constituency politics. Lindsay argues that

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127 Ibid., p. 42.
128 Ibid.
129 Ibid.
“doves who represent constituencies that benefit from weapons production may . . .
[find that] opposition to a weapons system may actually help”. 131

Electoral incentives do not inevitably run counter to members' policy preferences. This is mainly because members "share many policy attitudes with their constituents". 132

Finally, the electoral incentive is only "part of the story". 133 While acknowledging the usefulness of constituency theory, Lindsay strongly believes "any explanation of how Congress handles foreign policy must recognise the non-electoral incentives that motivate legislative behaviour". 134 These non-electoral incentives include personal policy preferences and the desire for prestige and influence inside Congress. 135

**Partisanship**

The political parties are the most important and pervasive political organisations in the United States in the struggle for influencing either the making of decisions within governmental bodies or the selecting of the people who will make them. 136 American political parties perform three sets of activities: to select candidates and contest elections; to propagandise on behalf of a party ideology or

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132 Lindsay, "Foreign and Domestic Policy in Congress", p. 12.
133 Ripley and Lindsay, "Foreign and Domestic Policy in Congress", p. 12.
134 James M. Lindsay, *Congress and the Politics of U.S. Foreign Policy*, p. 42.
135 Fermo, *Congressmen in Committees*.
program; and to attempt to guide the elected officeholders of government to provide particular policy or patronage benefits.\textsuperscript{137}

In 1981 one analyst lamented: "Despite there being a quite voluminous literature on partisanship as of the 1980s, one looks in vain for any comprehensive statement of the theoretical meaning or purposes of the construct".\textsuperscript{138} Wattenberg believes the major reason for this shortcoming is that "different scholars have used some variant of the concept for a wide variety of purposes".\textsuperscript{139} This thesis does not set it as a task to explore the concept of partisanship. Rather, it accepts partisanship as a theory predicting that members of Congress will follow a policy or position once it is agreed by the Party leadership.

Lindsay and Ripley noted in 1992 that "Commentary on Congress' role in foreign policy making typically laments the demise of bipartisanship".\textsuperscript{140} While maintaining some reservations towards such commentary, Lindsay and Repley agreed there generally had been greater partisanship in Congress in recent years. Further, partisanship was increasing in "both the House and Senate".\textsuperscript{141}

Scholars have observed that bipartisan co-operation in foreign affairs reached its zenith under the Truman and early Eisenhower administrations. By the Reagan Administration, "the Democratic-controlled House of Representatives was the center of intense congressional activism" in dealing with a series of issues, including the

\textsuperscript{138} As quoted in Wattenberg, p. 7.
\textsuperscript{139} Ibid.
\textsuperscript{140} Lindsay and Ripley, "Foreign and Defense Policy in Congress", p. 429.
\textsuperscript{141} They note that the greater partisanship is paralleled by a development in Congress, namely liberal Republicans and conservative Democrats have become more and more scarce. Lindsay and Ripley, "Foreign and Defense Policy in Congress", pp. 429-30. For a study of the greater partisanship, see Samuel C. Patterson and Gregory A. Caldeira, "Party Voting in the United States Congress", \textit{British Journal of Political Science} (vol. 18, 1988), pp. 111-31.
national defence budget, the proposed MX missile system, and political developments in Central America.\textsuperscript{142}

One major engine of increased partisanship is the House Democratic Caucus. For much of its history the caucus was relatively inactive on legislative issues, especially foreign policy issues.\textsuperscript{143} In the mid-1980s, however, the caucus emerged as a vehicle by which liberal and moderate House Democrats forced the House leadership to turn selected foreign and defence policy votes into party issues.\textsuperscript{144} The Senate had no analogue to the House Democratic Caucus. It was therefore more individualistic in nature. Nevertheless, partisanship was "on the upswing" in the Senate as well.\textsuperscript{145}

**Conclusion**

The rational-actor model regards states as the most important actors in international politics and assumes the governments of these states can be analysed as unitary, monolithic actors. The intricacies of governmental organisation, influence of domestic politics, and role of personalities are ignored. Given the fragmented nature of US foreign policy making, the rational-actor model is weak in explaining US foreign policy.

The interbranch politics approach focuses on the relationship between the executive and the legislative branches. The fundamental problem with this approach

\textsuperscript{142} Crabb and Holt, *Invitation to Struggle*, p. 286.
\textsuperscript{145} Lindsay and Ripley, "Foreign and Defense Policy in Congress", p. 430.
is that it treats Congress as a unitary institution. Although it can be argued that Congress as a branch has its own "internal will", this "internal will" could be outweighed by the decentralisation and fragmentation which characterise Congress.

The bureaucratic model and the organisation model might be powerful tools in explaining foreign policy making in the Executive. But each suffers limitations in explaining the role of Congress, largely because of structural differences between the two branches. The self-aggrandisement model is weak due to its speculative nature.

The most powerful model for this study is the political process model. The model assumes foreign policy, like domestic policy, is strongly influenced by powerful forces, interests, and actors in the political system. It therefore sees foreign policy as a product of the political interactions of hundreds, even thousands, of influences and interest groups. This model approaches Congress as an institution with a large number of committees, subcommittees and individual members. Thus, the model enables us to study what happens inside Congress, an essential element in understanding Congressional behaviour.

The approaches which form the theoretical framework of this thesis focus on the influences of Congressional committees, constituency and partisanship. While committee theory asserts that committees are central to Congressional policy making, the constituency approach assumes that Congressmen single-mindedly seek re-election. Partisanship deserves more attention because it is increasingly influential on Congressional members' foreign policy-making decisions.

Before ending this chapter, a brief explanation is in order. As repeatedly stated, this thesis argues that Congress does not speak with a single voice because
within this body exist deep differences. Yet, Congress is often mentioned as a monolith in the following chapters. This is simply for convenience.
Chapter 2

A History and Literature Review

Published literature on Congress’ role in China policy is poor compared with the voluminous and diverse studies on US-China relations over the years. We can hardly find a book focusing on this topic, although some Ph. D. theses focus on this area.\(^1\) Books giving general descriptions of US-China relations since 1949 usually neglect the role of Congress. Studies of short periods or specific issues and cases usually focus on issues other than Congress, such as the Executive’s or strategic perspectives.\(^2\)

Some studies conclude that Congress’ role has been largely unimportant in the history of China policy. For example, after studying the interplay between the press and the US government in making China policy from 1950 to 1984, an analyst found that

For the most part, Congress and other nonadministration sources are excluded from the dialogue and discourse in the making of China policy. When their voices are heard sporadically over the course of Sino-American relations, they usually come out supporting the actions and decisions taken by the White House.\(^3\)

This finding is contentious because the study did not pay much attention to Congress. The US government in the study was almost exclusively represented by

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the executive branch. Congress has quite often expressed its displeasure with or objection to the actions and decisions taken by the White House.

Congress’ role is better discussed in some detailed studies of US-China relations. Yet, most of these studies simply describe Congressional actions and their effect on US-China policy without seriously delving into the details of the interaction between the two branches and, more importantly, without offering tightly argued explanations of why and how Congress behaved as it did.4

This chapter revisits the history and literature of Congress’ role in making US policy towards China. This review begins in the late 1940s, near the end of China’s Civil War. The Nationalist Party government or Kuomintang (KMT) was close to collapse and the People’s Republic of China (PRC) about to be established. The review is divided into four sections. The first three sections chronologically review the history and literature of US-China relations. The last section focuses on literature analysing factors which influenced decision-making behaviour of Congressional members regarding China policy.

From the late 1940s to the late 1950s

The period from the late 1940s to the late 1950s bears special importance in the history of US-China relations. Policies made in the crucial years around 1950 have had long-term effects. As noted by Sutter, “Quarrels in the United States during the late 1940s and early 1950s effectively blocked U.S. ability to communicate with the PRC [People’s Republic of China] for almost two decades”.5

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4 Their analyses seldom go beyond the obvious reason of anti-Communist ideology.
A close examination reveals that Congress played an important role in forming policy towards China in those years. Indeed, the best scholarship on Congress’ role in making China policy largely focuses on this period. This period deserves special interest because

There probably never had been a time in the nation’s history when the State Department was forced to submit its policy-making process to so much raucous public debate or to attempt to carry out policy in an atmosphere so rife with fear and suspicion as during the 1950s.6

Christensen’s study on US-China relations from 1947 to 1958 is one representative of this scholarship. Christensen argues that Congress’ role was important and even decisive in some cases.7

In 1947-48, China was not a priority for the State Department. During this period, "there was a growing sense within the [Truman] administration that the United States could not affect political outcomes in the Chinese Civil War".8 Therefore, the Administration preferred disengagement and flexible diplomacy towards China. But the Administration felt boxed by the Truman Doctrine, although the doctrine was aimed primarily at growing Communist power in Greece and Turkey.9 More importantly, Congress consistently made the critical link that "Armed communists were thriving in an economically devastated postwar environment and the recognised government, an American ally in World War II, was threatened by

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8 Ibid., 58-59.
9 On 12 March 1947, in a broadcast joint session of Congress, President Truman told the legislators and the nation: "I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures . . . . Collapse of free institutions and loss of independence would be disastrous . . . for the world . . . . Should we fail to aid Greece and Turkey in this fateful hour, the effect will be far reaching to the West as well as to the East". “The Truman Doctrine”, in John Norton Moore et al. (eds.), National Security Law Documents (Durham, North Carolina: Carolina Academic Press, 1995), pp. 31-34.
overthrow".\textsuperscript{10} As a result, the Administration had little choice but to continue aid to Chiang Kai-shek, leader of the KMT. George Kennan, then head of the Policy Planning Staff in the State Department, later reflected his frustration: "My speciality was the defense of the United States' interests against others, not against our own representatives".\textsuperscript{11}

In late 1947, Congressional representatives successfully amended a bill providing interim aid to Europe to include $20 million in aid to the KMT. What was more important, under Congressional pressure, George Marshall promised that when the full $17 billion Marshall Plan aid package was presented to Congress in early 1948, a significant China aid bill ($570 million) would also be presented.\textsuperscript{12}

By 1948, Marshall was "completely convinced" the KMT's future was hopeless.\textsuperscript{13} Yet, it was Marshall who brought the China Aid Bill to Congress in early 1948. Christensen believes that "domestic political constraints were the most important factor" behind this bill.\textsuperscript{14}

Some scholars argue domestic pressure alone was insufficient to compel the Administration to stay involved in the Chinese Civil War, Christensen agrees that "if all things had been equal, Truman could have fought off the pro-Chiang forces in the public and in Congress". But according to him, "all things were not equal. \textit{In the context of the mobilization drive for Europe}, domestic politics played a decisive role in the creation of the China Aid Bill".\textsuperscript{15} Christensen argues that "Compromises on

\textsuperscript{10} Christensen, \textit{Useful Adversaries}, p. 61.
\textsuperscript{11} Ibid.
\textsuperscript{12} Ibid., p. 64.
\textsuperscript{13} Ibid., p. 66.
\textsuperscript{14} Ibid.
\textsuperscript{15} Ibid., p. 64. Italics original.
China policy had become a political expedient used to guarantee the approval of the administration's broader grand strategy". 16

Christensen's argument is shared by other scholars. Rourke, for example, observed that

Hemmed in by the nature of their appeal for foreign aid and by legislative insistence on tying the questions of aid for Europe and aid for China together, the [first Truman] Administration had little choice but go against its own better judgment and submit to congressional demands for a China aid program. 17

This situation was maintained into 1949. By April 1949, the term of the China Aid Act of 1948 was due to expire before all the assistance had been delivered. Having realised that "Further U.S. military aid to the Nationalists will probably be ineffectual and would eventually contribute to the Communist military strength and solidify the Chinese people in support of the Communists", the State Department had no intention of continuing the aid. 18 In March 1949, Secretary of State Dean Acheson informed the Senate Foreign Relations Committee the Administration would not seek additional funds for China in fiscal year 1950. This decision set the stage for a deeply divisive debate in the United States over 'who lost China?' — "a debate so riddled by ideology and invective, partisan politics and intense political conviction that it would seriously confound US China policy for the next thirty years". 19

The decision was made unilaterally by Truman and Acheson. 20 Congress again forced the Administration to compromise and continue the aid. For the Administration, domestic political support was too important to sacrifice. The

16 Ibid., p. 68.
18 Christensen, Useful Adversaries, p. 80.
20 Ibid., p. 3.
Administration needed Senate approval of the renewal of Europe Recovery Program (ERP) and, after that, approval of the North Atlantic Treaty Organisation (NATO) and the Military Assistance Program (MAP).\textsuperscript{21}

Kraft points out that constant threats by Senate and House Republicans to withhold support for the Administration's pet foreign policy programs was one of the three-pronged political strategies employed by the China bloc in its effort to force the Truman Administration to change its course. "Although this strategy never resulted in any major changes in the administration's hands-off China policy", Kraft notes, "it was effective in getting President Truman to make several token concessions on economic assistance to China".\textsuperscript{22} For example, in August 1949, following a vote in the House to reduce by half the administration's proposed $1.5 billion European aid package, President Truman, in exchange for Republican support for his full program of aid to Europe, "voluntarily" agreed to support the creation of a contingent economic aid fund for use in the general area of China.\textsuperscript{23}

Another central issue in the Truman Administration's China policy was the recognition of the Chinese Communist Party (CCP). Christensen believes Dean Acheson was prepared to recognise the CCP. But under Congressional, media, and popular pressure, in 1949 and 1950 Acheson continually rejected this notion.\textsuperscript{24}

The China bloc adamantly opposed diplomatic recognition of Communist China. In June 1949, a group of twenty-one senators, led by Senator Arthur Vandenberg, sent a letter to Truman asking him "to make it clear" that recognition of the Chinese Communists was not in order. In October, Senator William F. Knowland

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\textsuperscript{21} Christensen, \textit{Useful Adversaries}, pp. 81-90  \\
\textsuperscript{22} Kraft, \textit{The U.S. Constitution and Foreign Policy}, p. 7.  \\
\textsuperscript{23} Ibid.  \\
\textsuperscript{24} Christensen, \textit{Useful Adversaries}, p. 97.
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headed a major anti-recognition lobbying effort in Congress.\textsuperscript{25}

Seeking to relieve some of the pressure from the China bloc, in August 1949 the State Department "made it unequivocally clear" that President Truman would not recognise the CCP without first consulting Congress.\textsuperscript{26} Two months later, believing Secretary Acheson was "misunderstood" to favour recognising the CCP, the State Department announced the President had no intention of even considering diplomatic recognition of the CCP. Acheson also revealed the Administration intended to use a three-pronged standard to determine whether diplomatic recognition of CCP was in order: namely, the Chinese Communists must actually control the mainland; they must rule with the acquiescence of the people; and they must give evidence of their willingness to live up to their international obligations.\textsuperscript{27}

While emphasising the important role Congress played in the recognition issue, Kraft also points out that during the critical months between October and December 1949, "President Truman’s ability to recognise communist China was hampered not so much by a lack of congressional support as it was by the standard for diplomatic recognition Secretary Acheson had articulated".\textsuperscript{28} Kraft lists some events which powerfully reinforced the China bloc’s argument that the Chinese Communist government was an "outlaw regime" intent on flaunting established international convention. These events included the detention of Angus Ward and several other American officials, a prohibition on news dispatches from foreign correspondents in Shanghai, and the seizure of the American consular offices in Beijing.\textsuperscript{29}

On 5 January 1950, Truman announced that "The United States will not

\textsuperscript{25} Kraft, \textit{The U.S. Constitution and Foreign Policy}, pp. 9-10.
\textsuperscript{26} Ibid., p. 10.
\textsuperscript{27} Ibid.
\textsuperscript{28} Ibid.
\textsuperscript{29} Ibid.
provide military aid or advice to Chinese forces on Formosa [Taiwan]" and "will not pursue a course which will lead to an involvement in the civil conflict in China".30 Truman's speech was fiercely attacked by Congress. Even Senator Arthur Vandenberg, the champion of bipartisanship for Europe, abandoned the Administration's ship, causing perhaps the biggest threat to the Administration's grand strategy. Vandenberg attacked the Administration's Asia policies for undermining any remaining hope for continued bipartisanship in foreign policy.31

One week later, however, Acheson reiterated Truman's points in an address before the National Press Club. Acheson's speech "set off a torrent of criticism in Congress".32 The State Department was charged with being guided by a left-wing group. Senators demanded a vote of censure against the Administration, as well as Acheson's resignation.33

Scholars believe Congressional anger over the Truman Administration's China policy resulted in the defeat of the Administration's Korean Aid Bill in the House on 19 January 1950.34 This relatively small aid package ($60 million) later passed the House, but only after an amendment extending the economic assistance bill to Chiang was attached. The aid was reportedly used for weapons.35 Thus, the Administration reversed its hands-off China policy and remained linked to Chiang.

30 As quoted in Rourke, Congress and the Presidency in U.S. Foreign Policymaking, p. 131.
31 Christensen, Useful Adversaries, p. 111.
32 Rourke, Congress and the Presidency in U.S. Foreign Policymaking, p. 132.
34 These scholars differ on which element played a vital role. Robert M. Blum said the bill failed to pass the House because of the opposition of an overlapping coalition of "economisers, Republican partisans, isolationists, and some members of the China bloc". [See Robert M. Blum, Drawing the Line: The Origin of the American Containment Policy in East Asia (New York: Norton, 1982), pp. 184-185. ] But Christensen's argument leads to the conclusion that the China bloc played a vital role. [See Christensen, Useful Adversaries, p. 116.] Rourke tends to emphasise the importance of partisanship. He believes that "House Republicans chose to risk losing Korea in order to save Formosa". See Rourke, Congress and the Presidency in U.S. Foreign Policymaking, pp. 132-133.
35 Christensen, Useful Adversaries, p. 116.
In her exceptionally thorough examination of the recognition controversy from 1949 to 1950 Tucker does not neglect Congress. 36

Tucker believes Congress was almost completely ignorant about the KMT and the CCP. In spite of its low degree of enlightenment, Tucker notes, the White House and the State Department had to take notice of Congress. A major reason was the Congressional China bloc. Despite its small number, the China bloc held a great influence in Congress. The bloc was a group of right-wing senators and congressmen, mostly Republicans, who "were thoroughly frustrated by Truman's unexpected election victory of 1948 and convinced that the Democratic administration was soft on Communism at home and Abroad". 37 Some of them might also have felt a personal concern about China's civil war and the KMT cause or might have had their interest in China aroused by constituency pressures. 38

In line with Christensen, Tucker argues that although Congress exercised little formal control over policy determinations regarding China, it possessed an unusual degree of influence in the late 1940s in the whole realm of foreign affairs. Since the most important post-war American policies required massive funding, Congress wielded ultimate authority over several critical issues. The China bloc, in turn, managed to ally itself with other dissenters from Administration programs and thereby exaggerated its own influence. Truman, Acheson and virtually all of the State Department staff dismissed the demands of the Nationalist partisans but found that minor concessions helped smooth relations with their Congressional critics. The

37 Kraft quotes John K. Fairbank in Kraft, The U.S. Constitution and Foreign Policy, p. 6.
38 Tucker, Patterns in the Dust, p. 162.
Administration, therefore, remained tied to the KMT long after enthusiasm for that connection had ceased to exist.39

Similarly, Kraft attributes the Truman Administration's China policy to domestic pressure. Noting that in the spring of 1950 President Truman not only abandoned his policy of "no aid to China" but also did an about-face on the question of recognising Communist China and supporting its admission to the United Nations, Kraft asserts:

How and why this policy reversal came about is a classic story in domestic politics. The short answer is that two forces were already at work in 1949 to undermine the Truman administration's proposed China policy. One was the China Lobby, .... The second was the China bloc.40

Focusing on Washington's Taiwan policy from 1949-1950, Finkelstein explores how abandonment was turned into salvation.41

Unlike Christensen, Finkelstein is less assertive on the role of Congress. He argues that in December 1949, when policy paper NSC-48 was about to be finalised,42 "the most powerful force for reversing Taiwan policy was from within the administration itself". And it was Secretary of Defense Louis Johnson who led an all-out offensive aimed at providing military assistance to the KMT on Taiwan.43

Finkelstein, however, does believe Congress was important in shaping US Taiwan policy during this period. In fact, he lists Congress as the first front on which

39 Ibid., pp. 167-168.
40 Kraft, The U.S. Constitution and Foreign Policy, p. 6.
42 NSC-48 was written in response to a presidential request for policy recommendations following disclosure that the Soviet Union had probably achieved a successful nuclear explosion in August 1949. It was never formally approved by President Truman; but the doctrine set forth in the memorandum had a great influence on US national security policy — particularly following the invasion of South Korea in June 1950. See Moore et al., National Security Law Documents, pp. 35-69.
43 Finkelstein, Washington's Taiwan Dilemma, p. 208.
the State Department faced with its China problem for most of 1949.\textsuperscript{44} Even in its offensive to save Taiwan in December 1949, the Department of Defense had to rely heavily on the support of Congress. Immediately after Truman's speech of 5 January 1950, Senator William Knowland, leader of the China bloc and known as the "Senator from Formosa", initiated a five-hour debate in the Senate. The debate continued "in a most heated manner" for four more days.\textsuperscript{45}

As shown above, observers who have paid attention to Congress during this period are likely to emphasise the extraordinary influence of the China bloc. Tucker points out that in fact the China bloc and its sympathisers composed a minority in Congress and its influence was limited before 1950. It was the advent of McCarthyism early in 1950 that began the transformation of the China bloc from a relatively weak to a frighteningly powerful influence on American foreign policy. Joseph McCarthy charged the Truman Administration with harbouring Communists and losing China. These charges received lurid publicity. Ignorant of Chinese affairs and having no particular interest in the East, McCarthy used the issue to further his political career. The China Lobby and the China bloc, in turn, used the senator, supplying him with information about his victims and alleged Administration betrayals of Chiang Kai-shek.\textsuperscript{46}

Purifoy writes that for four years McCarthy "stalked unimpeded through the legislative and executive branches of the American government, literally setting the terms under which they could operate".\textsuperscript{47} The unbelievable reach of his destructive power has been assessed by Rovere as follows:

He held two Presidents captive — or as nearly captive as any Presidents of the United States have ever been held; in their conduct of

\textsuperscript{44} Ibid., p. 164.
\textsuperscript{45} Ibid., pp. 265-281.
\textsuperscript{46} Ibid., p. 167.
\textsuperscript{47} Purifoy, \textit{Harry Truman's China Policy}, p. 154.
the nation’s affairs, Harry S. Truman and Dwight D. Eisenhower, from early 1950 through late 1954, could never act without weighing the effect of their plans upon McCarthy and the forces he led, and in consequence there were times when, because of this man, they could not act at all.48

Purifoy argues that even the Korean intervention was partly due to McCarthyism. It was to be hoped that so great a capitulation would, at the least, bring domestic peace. U.S. News & World Report said the Korean intervention let Secretary Acheson “off the hook on the Communist issue”.49

Oksenberg believes the long term consequences of McCarthyism “are hard to exaggerate”.50 He points out that

For over a decade, national debate on China policy was frozen. The deep animosities and cleavages in the academic community . . . took over a decade to heal and effectively prevented the scholarly study of Communist China until the 1960s. More important, the State Department lost many of its most knowledgeable foreign service officers who specialised on China.51

A similar assessment was made by Rourke:

His [McCarthy] tactics virtually destroyed the State Department's expertise on mainland China and inhibited normalisation of relations for two decades. . . . More than twenty foreign service officers, representing nearly all the Department’s 'China hands,' were fired, forced to resign, or transferred to posts in less 'sensitive' areas.52

Not long after the Korean War, between early September 1954 and late April 1955, the United States was locked in a harrowing confrontation with China over a number of small islands just off the coast of China held by KMT. After studying the scholarly literature on US policy during this crisis, Accinelli concludes the literature

49 As quoted by Purifoy, Harry Truman’s China Policy, p. 206.
51 Ibid.
52 Rourke, Congress and the Presidency in U.S. Foreign Policymaking, p. 134.
"scrutinized decisionmaking within the Eisenhower administration but . . . paid less attention to the domestic setting, particularly the role of Congress". 53 Accinelli believes that "throughout the crisis, Eisenhower and Secretary of State John Foster Dulles charted their course with a watchful eye on Congress and on domestic opinion generally". 54

On 28 January 1955, Congress overwhelmingly approved the Formosa Resolution, 55 granting the President unprecedented authority to employ US armed forces in the area of Taiwan Strait. However, Accinelli points out that "an in-depth analysis shows that the administration's relationship with Congress during the crisis was more complex than the lopsided passage of the Formosa Resolution would suggest". 56 Accinelli believes that "Congressional opinion — either actual or anticipated — affected their [Eisenhower's and Dulles'] decisionmaking throughout the crisis and at several critical junctures helped tip the balance toward moderation and restraint". 57

In his thorough study of US policy towards Taiwan during the 1950-1955 period, Accinelli concludes the influence of the domestic environment on government actions relating to Taiwan was "important but intermittent". 58 Due to the extraordinary political sensitivity of China policy, the Executive could not easily

53 Robert Accinelli, "Eisenhower, Congress, and the 1954-55 Offshore Island Crisis" in Presidential Studies Quarterly (XX:2, Spring 1990). P.329. In his book, China, Taiwan, and the Offshore Islands (Armonk, New York/London: M. E. Sharpe, 1985), Thomas E. Stolper has a very brief discussion about Congress and the Formosa Resolution. He notes that "though virtually everyone in Congress was prepared to defend Taiwan, there was great reluctance to become embroiled in the offshore islands". The Eisenhower assuaged the doubts of Congress by "giving private assurances". pp. 68-69.
55 The House gave its approval on 25 January by a vote of 409 to 3, and the Senate on 28 January by a vote of 85 to 3. See Stolper, China, Taiwan, and the Offshore Islands, p. 69.
57 Ibid., p. 330.
afford to overlook public and Congressional viewpoints. Nevertheless, Accinelli argues:

Even when popular and legislative viewpoints did impinge on decision making, however, they were nearly always subordinated to national security considerations. Also, policymakers guided and manipulated domestic and congressional opinion through their public statements and actions, or in some instances, by cloaking their intentions and activities in secrecy. . . . Congress, though sometimes balky and quarrelsome, . . . usually followed the lead of the executive branch.  

Accinelli further states that "for all their [the pro-Taiwan partisans] outspokenness and ample capacity for troublemaking, they were by no measure the arbiters of US China policy".  

The above examination demonstrates that scholars generally agree that Congress played an important role in US China policy from the late 1940s to mid-1950s. In some cases, such as continuous US support for the KMT and the US decision not to recognise the CCP, Congress' role might be decisive. Accinelli's and Rourke's somewhat similar assessments may represent the view of the majority. While Accinelli believes Congress played a "significant, inconsistent and secondary role", Rourke concludes:

This accounting of Congress's opposition to dealing with mainland China does not imply that in the absence of Congress the United States would have embraced Mao Tse-tung's government with open arms. Certainly that would not have been the case. It is difficult to escape the conclusion, however, that things would have been different. The gulf might not have been so wide; the road to reconciliation might have been shorter.  

After the 1954-1955 offshore islands crisis, some members of Congress suggested new policy proposals towards Beijing. For example, on 18 February 1957,

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59 Ibid.
60 Ibid., p. 261.
62 Rourke, Congress and the Presidency in U.S. Foreign Policymaking, p. 140.
Senator Theodore F. Green, Chairman of the Foreign Relations Committee, suggested the United States "should recognize Red China sooner or later". In June 1957, Senator J. William Fulbright, second ranking majority member on the Senate Foreign Relations Committee, said recognition of Red China by the United States was inevitable in the course of time. The rising sentiment in Congress for a revision in US policy towards China was put to an end in September 1958 when Beijing started shelling Quemoy Island and initiated the second offshore islands crisis.

**From the Vietnam War to Normalisation**

In the following one and half decades, US policy towards China was dominated by containment. Neither Congress nor the Executive offered any serious initiatives.

President John F. Kennedy considered the state of US relations with China "irrational" because he believed Communist China was here to stay and was not a "passing phase". However, he was hampered by domestic politics and was not ready to make any change. In the first year of the Kennedy Administration, the tide of international opinion was beginning to turn in favour of admitting the PRC to the UN. Wary of anti-China forces at home, Kennedy reportedly told US ambassador to the UN, Adlai Stevenson, a long critic of US China policy, that "if Red China comes into the UN during our first year in town, . . . they'll run us both out". They put their personal preferences aside to keep Communist China out of the UN.

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64 Ibid.
66 As quoted in Kraft, *The U.S. Constitution and Foreign Policy*, p. 27.
Kennedy's judgement was not without solid basis. Basically, any attempt to deal with China was "short-circuited" by Congress.\(^{67}\) In 1961, there was increasing pressure from the newly admitted Afro-Asian bloc in the UN to admit PRC into the UN. The Kennedy Administration studied the possibility of seating PRC and enlarging the Security Council to accommodate a two-China policy. The Committee of One Million and its supporters in Congress immediately launched intense opposition.\(^{68}\) Against the Administration's opposition, the Senate passed a dissenting resolution in July, and the House followed suit in September by a vote of 395 to 0.\(^{69}\)

In his examination of US China policy under the Kennedy Administration, Bueler concludes that domestic political pressures on Kennedy "would have made it extremely difficult for him to adopt a new policy toward China and Taiwan even if he had been intellectually convinced that a basic change in the direction of US policy was necessary during his term of office".\(^{70}\)

It is believed Kennedy planned to pay more attention to the China problem and to attack the problem with greater vigour if he were re-elected.\(^{71}\) As it turned out, he had no chance to carry out his plan.

Under the Lindon B. Johnson Administration, China policy did not change much. As observed by Bueler, "During the last three years of the administration the

\(^{67}\) Rourke, *Congress and the Presidency in U.S. Foreign Policymaking*, p. 142.

\(^{68}\) Rourke has a brief introduction to the Committee of One Million: "The Committee of One Million was, in part organised and later headed by Representative Walter Judd, a former missionary in China, was dedicated to preventing mainland China's admission to the United Nations. Also by extension it acted as a lobby for the Nationalist Chinese cause. Initially it included two dozen senators and nearly one hundred representatives. . . . Its campaign and effect on Congress was clearly demonstrated by the inclusion of anti-Chinese communist statements in the 1956, 1960, and 1964 national platforms of both the Republican and Democratic parties. By 1966, a total of 334 members of Congress were on the roles of the Committee of One Million. The organisation retained a powerful influence over American policy toward China until, ironically, its crusade was defeated by its early supporter, Richard Nixon. See ibid., p. 133. For more information see, Stanley D. Bachrack, *The Committee of One Million: China Lobby Politics, 1951-1971* (New York: Columbia University Press, 1976).


\(^{70}\) Bueler, *US China Policy and the Problem of Taiwan*, p. 54.

\(^{71}\) Ibid., p. 55.
Vietnam war so dominated the Asian scene that a serious reconsideration of the foundational direction of China policy was for all intents and purposes out of the question.72

But a remarkable change in Congressional attitude towards US China policy started in the mid-1960s. As noted by Kraft,

the momentum in Congress began to shift away from the Republican right wing . . . and toward a bipartisan coalition of congressional moderates and liberals, who increasingly used the Senate Foreign Relations committee as a platform from which to make their own views on China known.73

There were several reasons for the change, including "the frustration of American military involvement in Vietnam, the emergence of a wide Sino-Soviet rift, and the perceived need for American communication with the world's most populous nation — a major nuclear power".74 In March 1966, Senator J. William Fulbright, Chairman of the Senate Foreign Relations Committee, convened his committee for hearings to reconsider China policy. Although the hearings had no immediate effect on China policy, "they nonetheless evidenced a growing willingness in Congress to countenance the 'new realities' in China".75 On 19 May 1966, after a three-week hearing on US policy towards China, the House Foreign Affairs Subcommittee on the Far East and Pacific released a hearing report on US policy towards Asia. While suggesting the United States should prevent Beijing from engaging in expansion in Asia, the report encouraged the US government to continue seeking peaceful contact with China.76

Gregor notes that "ever since 1969, the United States Congress had sought to

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72 Ibid., p. 57.
73 Kraft, *The U.S. Constitution and Foreign Policy*, p. 29.
74 Sutter, *The China Quandary*, p.17.
exercise greater influence over the foreign policy prerogatives of the executive office. To that end it had established an ad hoc Subcommittee on United States Security Agreements and commitments abroad". With growing assertiveness, Congress renewed its interest in China. And when Richard Nixon made his opening to China in the early 1970s, the Administration carefully calculated the Congressional mood. The fact Richard Nixon opened the door to China "should not obscure the critically important role the Senate Foreign Relations Committee played in making the president's trip to China poetically possible in the first instance".

On 10 March 1969, Senate Majority leader Mike Mansfield urged the United States to put an end to special travel restrictions towards China. Senator Edward Kennedy advocated the United States should establish consular relations with China and support Beijing's admission to the United Nations, although Kennedy emphasised these steps should be taken without jeopardising US relations with Taiwan.

In September 1969, by a 77-3 roll-call vote, the Senate passed a resolution declaring that US recognition of a foreign government did not "of itself imply that the US approves of the form, ideology or policy of that foreign government". The resolution was regarded by its opponents as an attempt "to clear the way for the recognition of Communist China".

Although there was a rising desire in Congress to revise the US containment and isolation policy towards Beijing, Congressional support for US commitment to

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78 Kraft, The U.S. Constitution and Foreign Policy, p. 34. For more information, see the same book, pp.34-35.
79 Chang, United States-China Normalization, p. 131.
80 Ibid.
81 Ibid.
Taiwan was firm. Jaw-Ling Joanne Chang points out that Congress responded favourably towards Sino-American rapprochement, but not at the expense of Taiwan's security. For this reason, "President Nixon was particularly cautious during the drafting of the Shanghai Communiqué to avoid any charge that Sino-American rapprochement was achieved by abandoning Taiwan".\textsuperscript{82} The fear of a strong domestic political backlash from conservative Republicans prevented the Nixon Administration from making further concessions to China on the Taiwan issue. This, scholars have observed, made it impossible for Nixon to establish full diplomatic relations with China during his visit to China in 1972.\textsuperscript{83}

Congress, like the American public, was surprised by President Nixon's announcement in July 1971 that he would travel to China in February 1972. Although Congress supported the Nixon Administration's China policy, members were unhappy Congress had not been openly and extensively consulted. Oksenberg notes that "the resulting resentment probably cost the executive branch some support in its subsequent dealings with China".\textsuperscript{84}

Nixon planned to normalise US-China relations in his second term. But he was soon tied to the Watergate scandal. "From April (1974) through Nixon's resignation on August 9, 1974", Ross noted, "the media and the Democrat-controlled Congress had the White House on the defensive, and flexibility in foreign policy was a major casualty".\textsuperscript{85}

President Gerald Ford had a very short "honeymoon" with Congress. His

\textsuperscript{82} Ibid., p. 133.
\textsuperscript{83} Ibid.; Kraft, \textit{The U.S. Constitution and Foreign Policy}, p. 35; Sutter, \textit{The China Quandary}, p. 3.
decision to grant Nixon "a full, free and absolute" pardon generated a storm of controversy in Congress. While Henry Kissinger continued his efforts to normalise relations with China, his efforts were challenged by some members of Congress, including Senators Barry Goldwater, Strom Thurmond and Jesse Helms. They were particularly opposed to the Ford Administration's China policy. In October 1975, Goldwater insisted the President "switch the interests of the United States . . . away from Communism and toward freedom in the Far East", and argued the President should cancel his visit to Beijing and visit Taiwan instead.86 They threatened to back Ronald Reagan for the Republican nomination. Thus, Ross concludes, Ford was in no position to make the difficult decision to break diplomatic relations with Taiwan and normalise relations with China.87

Ross believes the Carter Administration took a relatively benign view of the Soviet Union and was not in a hurry to normalise relations with China. Beginning in 1978, however, Carter grew increasingly apprehensive about Soviet foreign policy and speeded up the process of normalisation.88

Most analysts share Ross' argument. Sutter, for example, notes "the administration of President Jimmy Carter, especially in its last two years, shifted away from the policy of 'evenhandedness' that had characterized the American approach to the Sino-Soviet powers in the past".89 Hao, in his case study of normalisation of US-China relations and the Taiwan Relations Act, observes that President Carter hoped his policies would lead to "simultaneous improvement" in relations with both China and the Soviet Union and that in 1977 China policy had a

86 Ibid., pp. 80-81.
87 Ibid., p. 81.
88 Ibid., p. 124.
89 Sutter, The China Quandary, p. x, pp. 3-4.
relatively low priority on Carter's foreign policy agenda.\textsuperscript{90} He lists a number of reasons for the change of Carter's China policy in 1978. The first and second were the "deterioration of American-Soviet Relations" and the "potential of Sino-Soviet détente". Domestic considerations came third and mainly influenced the timing for the normalisation.\textsuperscript{91}

Jaw-Ling Joanne Chang offers a different explanation for the delay in normalising the relationship. In fact, she believes the case of Sino-American normalisation of relations provides a good example of a situation in which Congress is capable of influencing the outcome of foreign policy, although indirectly. She argues that "Were there no strong Congressional opposition to Beijing's terms, full diplomatic relations between Washington and Beijing might have been established long before 1978 or even during President Nixon's 1972 trip to China".\textsuperscript{92}

Congressional opinion was generally favourable to normalisation of US-China diplomatic relations in the late 1970s. Many members, however, remained concerned over US relations with Taiwan and especially Taiwan's security after normalisation. They therefore were opposed to accepting Beijing's terms for normalisation. In July 1978, the American Conservative Union (ACU) conducted a poll among members of the House of Representatives. Each Congressional office was asked to answer the following question: "Would you support normalisation of relations with the People's Republic of China if that meant that the United States would have to sever full diplomatic ties with the Republic of China and abrogate our Mutual Defense pact with that country?" Of the 435 House members and four delegates that ACU reached,


\textsuperscript{91} Ibid., pp. 182-190.

\textsuperscript{92} Chang, \textit{United States-China Normalization}, p. 136.
211 expressed their opposition to normalisation on Beijing's terms. Another 34 members were "leaning against" normalisation on such terms. One hundred and eighty Congressmen either made no response or were undecided, and 8 members refused to answer the poll. Only 6 members stated that they were either in favour, or were "leaning in favour". 93

Although the Carter Administration had discussed normalisation with literally hundreds of senators and representatives from 1977 on, 94 the process was known for its secrecy. Congressional leaders with responsibility for Asia had consistently warned the Carter Administration that failure to consult with Congress on US-China relations would likely lead to a "divisive debate" over China policy. 95 On 20 July 1978, just a few months prior to recognition, the Senate passed a non-binding resolution, the Dole-Stone resolution, by a 94 to 0 vote. The resolution stated that it was the sense of the Congress that there should be prior consultation between Congress and the executive branch on any proposed changes affecting the Mutual Defense Treaty of 1954 with Taiwan. The State Department announced that it recognised and accepted the need for such consultation. 96

In practice, however, the Administration conducted negotiations in secrecy. 97 It believed leaks would enable conservative politicians to mobilise sentiment against normalisation, thus either upsetting the new opening to China or undermining the

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93 As cited, ibid., p. 134
96 Ross, Negotiating Cooperation, pp. 141-142.
97 Robert Sutter notes that the Carter administration defended its record of consultations with Congress, stressing that members of Congress had been told of the administration's intention to establish diplomatic relations with the PRC. But Congressional observers stressed that the central question in China policy at that time related not to diplomatic relations with the PRC but to concern about how normalisation would be handled by the administration, especially how would Taiwan be treated. The administration failed to provide adequate consultations on these important questions. See Sutter, The China Quandary, pp. 89-90. See also John Charles Daly et al., The Future of Chinese-
popularity of the breakthrough. Normalisation was announced on 15 December 1978; only a select group of congressmen were informed of the normalisation shortly before the announcement. Congressman Lester L. Wolff, then Chairman of Subcommittee on Asian and Pacific Affairs, later recalled:

neither the administration nor the State Department consulted the Congress for any recommendations, but merely informed us of their decision, hours before the announcement was to be made. As Chairman of the Subcommittee for Asian and Pacific Affairs, having been given no inkling of the impending decision, I was informed one hour before the president was to make his statement over the airwaves. I was told not of the contents of the message that was to be delivered but that the president was to make an important declaration, and to listen closely to the radio. Now, more importantly, the chairman of the full House Foreign Affairs Committee, Mr. Zablochi, was also given this message. He was given double the time I had, two hours before the announcement, but far short of time to confer or make any recommendations.

Congressmen were also angered by the fact that Chiang Ching-Guo, the President of Taiwan, was awakened in the middle of the night only to be told that President Carter planned, within the next seven hours, to end the thirty-year US relationship with the Republic of China (ROC) on Taiwan. And it was just days before a scheduled general election in Taiwan. This contributed to a perception in Congress that President Carter was hostile or indifferent to the fate of Taiwan.

Scholars believe the Carter Administration’s failure to seek prior consultation with Congress, and Congressional suspicion that the Administration’s focus on the strategic importance of China undermined its commitment to Taiwan, created a


100 Kraft, p. 74.
bipartisan consensus that Congressional involvement was legitimate and necessary in shaping US policy towards China.\(^\text{101}\) As Congressman Gerald B. H. Solomon later noted, "the congressional reaction to President Carter's capitulation ... can be best characterized as one of muted anger, along with a firm resolve to neutralize the dangerous message that President Carter brought to the United States and to the free world on that day".\(^\text{102}\)

**The Years after the Normalisation**

After the normalisation in 1978, Congress "was determined to play its role in an assertive, vigorous fashion".\(^\text{103}\) By then, Gregor notes, "the Senate Foreign Relations Committee had already emerged as a formidable potential obstacle to

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101 Jones, "United States Arms Exports to Taiwan under the Taiwan Relations Act", p.54. Kraft believes that "President Carter's decision to exclude Congress from the foreign policy making process proved to be a politically counterproductive one. It ushered in a period of frequently contentious executive-legislative relations; it prompted an almost endless stream of complaints about the lack of congressional consultation; and it made it harder for President Carter to persuade 'doubters' to trust the administration on military and diplomatic issues". (See Kraft, *The U.S. Constitution and Foreign Policy*, p.74). Sutter also notes that "The Carter administration's initiatives . . . had the serious side effect of promoting repeated quarrels and controversy among American leaders, which undermined the administration's efforts to build support in the United States for its new relationship with China". (See Sutter, *The China Quandary*, pp. 4-5.) See also Ross, *Negotiating Cooperation*, p. 142; Tan, Qingshan, *The Making of U.S. China Policy: From Normalisation to the Post-Cold War Era*, (Boulder and London: Lynne Rienner, 1992), p. 33; Oksenberg, "Congress, Executive-Legislative Relations, and American China Policy", p. 216. and Hoyt Purvis, "Introduction: Legislative-Executive Interaction" in Hoyt H. Purvis and Steven J. Baker (eds.), *Legislating Foreign Policy* (Boulder: Westview Press, 1984), pp. 7-8.

102 Gerald Solomon, “Luncheon Address” in The Heritage Foundation, *A Heritage Roundtable: U.S.-China Relations: Challenge to American Policymakers* (1984), p.49. Robert Sutter further articulates that the Carter administration's initiatives alienated four important groups in Congress, the administration, and elsewhere. They included: 1) Those who emphasised the need to preserve American honour and reliability in Asian and world affairs by maintaining commitments to long-standing allies, represented by Senator John Glenn, Chairman of the Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee; 2) those who judged that American collaboration with China--especially closer U.S.-PRC military ties--would lead to serious adverse consequences for what they judged were far more important American interests vis-a-vis the Soviet Union, represented by Secretary Vance; 3) Those who were traditionally suspicious of China's communist system and its intentions in East Asian and world affairs, represented by Senators Barry Goldwater, S. I. Hayakawa, and Jesse Helms; 4) Those who favoured an open approach in U.S. foreign policy designed to inform the American people and their representatives of the full implications of major departures in U.S. foreign policy, like the administration's initiatives to China, represented by congressman Lester Wolff. See Sutter, *The China Quandary*, p.5. See also Hao, *Solving the Dilemma in China Policy*, pp. 238-247.

103 Oksenberg, "Congress, Executive-Legislative Relations, and American China Policy", p. 216.
Two different Congressional strategies evolved. One was to take the President to court. The other was to actively participate in the making of legislation proposed by the White House that would give legal standing to future US-Taiwan relations.

On 22 December 1978, Republican Senator Barry Goldwater filed a lawsuit against President Carter. In *Goldwater v. Carter*, the District Court of the District of Colombia ruled that the President's unilateral termination of the Mutual Defense Treaty with Taiwan of 1954 was "unconstitutional for lack of Senate or congressional participation". Subsequently, however, the Court of Appeals for the District of Colombia reversed the decision on appeal. Ultimately, the Supreme Court declined to rule on the merits of the case, with a plurality holding that the plaintiff senators lacked standing to bring suit and a four-justice concurring opinion stating that the case was a nonjusticiable political question.

The second and more significant product of Congressional concern over the Carter Administration's abandonment of Taiwan was the enactment of the Taiwan Relations Act (TRA). The TRA was originally proposed by the Carter Administration. It was necessary to create the American Institute on Taiwan (AIT). As it turned out, the TRA provoked considerable resentment in Congress. It was regarded as hastily produced legislation which failed to address a number of broader foreign policy issues, including the security of Taiwan.

Although aware of Congress' resentment, President Carter warned on 26

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106 Ibid. For more information, see Kraft, pp. 81-113.
January 1979, the day the Administration submitted its legislation to Congress for approval, that he would veto any legislation that "would contradict or that would violate the agreements" with China, even if that veto came at the risk of a break in US-Taiwan ties. The warning only aggregated the anger of Congress.

Scholars generally agree Congress' activism influenced the outcome of the TRA. After rewriting, revising and amending the Administration's initial proposal, the TRA clearly expressed Congressional concerns. As summarised by Jones,

The TRA not only reaffirmed the United States intention to maintain close and friendly relations with Taiwan, but codified the nation’s policy of commitment to Taiwan’s continued security. That policy includes supplying the island with the arms necessary to protect itself. The TRA further mandates that in furtherance of this policy, ‘the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability’. Additionally, the TRA directs the President and Congress to make joint determinations of the nature and quantity of defense articles and services required by Taiwan.

Fifteen years later, Representative Thomas J. Manton stated the TRA "gives the Congress a well-defined statutory role in conducting United States foreign policy toward Taiwan" and it "puts the Congress in the driver's seat with regards to peace, security, and stability in the Western Pacific region".

Having examined Congress' role in four cases, including the TRA, Oksenberg summarises:

While the executive branch is constitutionally charged with the management of foreign policy, on several occasions the Congress has decisively intruded into the management of China policy. When the Congress has chosen to immerse itself, its impact has proven profound

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110 For a detailed description of the process, see Hao, Solving the Dilemma in China Policy, pp. 261-328.
111 Sutter lists four major aspects of the Congressional influence on the Act, namely security issues, economic and legal questions, security treaty and Congressional oversight. see Sutter, The China Quandary, pp. 77-80.
112 Jones, “United States Arms Exports to Taiwan under the Taiwan Relations Act “, p. 57.
and long-lasting. Sometimes, observers allege that congressional involvement tends to be sporadic and episodic. The four cases, however, reveal that Congress can seize and ride herd over vital issues for a sustained period of time.  

Scholars generally agree TRA is an important case in examining the role of Congress in China policy. Tan, for example, believes

The passage of the TRA represented an important change in the making of China policy. It signified congressional assertiveness in China policymaking. Congress, by revising the Taiwan legislation proposed by the executive, established its role as a China policymaker.  

Beijing raised objections with the US government over certain provisions of the proposed legislation. Observers noticed that "the belated and quiet Chinese protests seemed to reflect the PRC's ignorance of the American political system". None of Beijing's diplomatic personnel attended any of the Senate hearings. Senator Frank Church commented, "the Chinese Ambassador wants to talk to me. It comes as a surprise to him that he has several governments to contend with here in Washington, not just the President and the administration but the Congress too".

Not surprisingly, the TRA soon caused trouble in US-China relations. Sutter noted "The passage of the TRA did not end controversy regarding US relations with Taiwan. Indeed, US policy toward Taiwan had been clouded by the passage of the Act". While the US Congress regarded it as the law governing US-Taiwan relations, in the view of the PRC, it had no relationship whatsoever to the Joint

116 Hao, Solving the Dilemma in China Policy, p. 328.
117 Ibid.
118 As cited, ibid., p. 328.
Communique on Normalisation negotiated by President Carter. In fact, US arms sales to Taiwan was an unresolved issue left over from the normalisation of US-China relations. Both countries agreed to disagree on US policy towards this issue while normalising diplomatic relations. During his administration, President Carter gave priority to his foreign policy objective of improving relations with China and put arms sales to Taiwan under close scrutiny. His Taiwan policy was therefore frequently attacked by Congress. Taiwan policy was also an issue in the 1980 presidential election. Presidential candidate Ronald Reagan promised to carry out the TRA’s provisions for arms sales to Taiwan. In 1981 and 1982, this issue developed into the first crisis in US-China relations since normalisation.

On 11 June 1981, President Reagan announced that "We have . . . a law, called the Taiwan Relations Act, that provides for defensive equipment being sold to Taiwan as well as other things in the relationship. I intend to live up to the Taiwan Relations Act". Beijing reacted strongly against President Reagan's speech and threatened to downgrade relations with the United States if the arms sales to Taiwan went through. In the following months, the US-China relationship deteriorated sharply. By early 1982, Beijing accused the Reagan Administration of having driven the relationship to a "crisis point".

122 Ibid., p. 90.
123 For a detailed analysis, see Tan, The Making of U.S. China Policy, pp. 87-113. Kraft, The U.S. Constitution and Foreign Policy, pp. 131-137.
124 As quoted in Kraft, The U.S. Constitution and Foreign Policy, p. 131.
125 Ibid.
126 Ibid., p. 132.
Then, on 30 July 1982, after several months of confusion in US China policy, President Reagan told a group of Republican lawmakers the United States and China were in the process of drafting a joint communiqué "affirming the Taiwan Relations Act". On 17 August, he announced the United States and China had signed a communiqué governing their relationship to Taiwan. According to the communiqué, the United States would limit and ultimately end arms sales to Taiwan.

Although the Administration consulted with some influential members of Congress, the communiqué had been largely negotiated by the Administration unilaterally. Tan has observed that while Congress played an important role in the decision to sell military spare parts to Taiwan, "there was no formal congressional action involved in the management of the arms sales crisis".

In the years after the TRA, Congressional pressure has continued and has occasionally been effective. For example, in August 1979, only four months after the TRA, Vice-President Walter Mondale disclosed that the Administration planned to end some commercial agreements with Taiwan and replace them with unofficial arrangements. Congress regarded the disclosure as a reversal of the Administration’s repeated assurances given at the time of US-China normalisation that all treaties and agreements between the United States and Taiwan, except the defence treaty, would remain in effect after formal ties had been established with China. It accused the Carter Administration of deliberately misleading Congress and responded to

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127 For more information, see ibid., pp. 130-135.
128 Ibid., p. 135.
129 Richard Bush pointed out that Congressional judgement over the level of consultation was mixed. While Senator Charles Percy, Chairman of the Senate Foreign Relations Committee called the interactions “a model of the consultative process of which both branches... can be justifiably proud”, Congressman Stephen Solarz, Chairman of the House Subcommittee on Asian and Pacific Affairs, was not briefed on the details of the negotiations until just before the communiqué was released. Richard Bush, “Helping the ROC to Defend Itself” in Myers (ed.), A Unique Relationship, p. 93.
Mondale’s announcement quickly and forcefully. “Congressional pressure ultimately forced the administration to give ground”, noted Sutter.\(^{131}\)

Successive administrations, however, have tried to outmanoeuvre Congress. The Carter Administration on 4 January 1980 announced that a package of new weapons would be sold to Taiwan during the year. Congress was informed just a few days before the announcement and it was out of session when the announcement was made. The Administration did not consult with Congress and was criticised for having ignored Congress’ desire to determine what US arms would be sold to Taiwan.\(^{132}\) During the Reagan Administration, as mentioned earlier, the 17 August 1982 communiqué was negotiated largely unilaterally by the Administration.

Congressional members who had been active in the making of the TRA tend to think highly of the role the TRA has played in US policy towards Taiwan. Congressman Gerald B. H. Solomon claimed in 1984: “In light of the August 17th communiqué and the Taiwan Relations Act, we have prevented the erosion of our support for Taiwan and its capability to protect itself”.\(^{133}\) Senator Richard G. Lugar, for six years chairman of the Senate Foreign Relations Committee, noted in early 1989 that Taiwan’s economic and political development “over the past decade would have been more difficult without the US security assurance in the TRA including the sale of arms, military and services”.\(^{134}\)

After examining Congress’ role in some important issues in US-China relations from the normalisation to late 1980s, Tan concludes “Congress . . . did more than oversee and approve the executive’s China policies. It asserted itself, as it did in

\(^{132}\) Ibid.
\(^{133}\) Solomon, “Luncheon Address”, p. 56.
\(^{134}\) As quoted in Copper, *China Diplomacy*, p. 106.
the TRA, by initiating China policies, playing what is normally considered the executive role".\footnote{99}  

On the side of the executive, Sutter summarises:  

Presidents Nixon and Gerald Ford were generally sensitive to the strong domestic disagreements over China and took care that their policies did not substantially exacerbate those tensions. President Carter adopted a different approach. He repeatedly pushed the U.S. relationship with the PRC forward despite sharp resistance from American leaders in the Congress, the administration, and elsewhere. Ronald Reagan also triggered a major public debate over U.S. policy concerning Taiwan during the presidential campaign of 1980. Peking responded with strong public pressure and new demands for further U.S. compromise over the Taiwan issue--a stance that led to a slowdown in U.S.-PRC relations.\footnote{100}  

In 1983 the Reagan Administration started to look at China as a power of reduced strategic importance. China no longer occupied centre stage as a global power in American foreign policy. Its importance was second to Japan. The Administration acknowledged the existence of conflicts between the two countries and preferred not to compromise with China merely to try to eliminate inevitable sources of tension.\footnote{101}  

Sutter points out that the Reagan Administration's China policy "hit upon a balance that appeared basically acceptable to the administration and to various leaders in Congress".\footnote{102}  

During the George Bush Administration, however, this consensus no longer existed. President Bush had quite a different view about China. Ross notes that

\footnote{100} Sutter, The China Quandary, pp. 1-2.  
\footnote{103} Ibid., p. 37.  

"Unlike the Reagan administration, the Bush administration emphasized China's great strategic significance”. It believed that the Soviet threat was no longer the primary foundation of US policy towards China and that China was a regional power and not a global power. But the Administration "elevated regional issues to high priority”. As it turned out, Bush's China policy during his four-year term caused serious friction between the Executive and Congress.

**Decision-Making Behaviour of Members of Congress in China Policy**

The literature on the factors influencing the making of US foreign policy has been growing steadily in the past two or three decades. The most examined factors include interest groups, public opinion and ideology. Other factors receiving scholarly attention include the media and constituency.

In the case of US China policy, there are some studies on influential factors, although none focusing specifically on Congress. Some detailed studies of Congress’ role in making China policy also mention factors or motivations.

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140 Ross, "The Bush Administration and China", p. 20.
141 Ibid.
influencing the decisions of Congressional members. But most stop at mentioning these factors or motivations, without providing further analysis.

Similar to the literature on Congress' role in making China policy, best literature on the decision-making behaviour of Congressional members in China policy mainly rests in studies about China policy during the late 1940s and the early 1950s. There exist some detailed studies on certain members of Congress. One example is the study about Republican Congressman Walter H. Judd (1943-1962), who had served as a Congregationalist medical missionary in China for about 10 years.145

As an influential figure in China Lobby, Judd exercised an important role in China policy during his time in office. Even before he was elected to the House, he had been called as a witness before the Senate Foreign Relations Committee. He "freely used his personal experience in China to claim a peculiar understanding of the Oriental mind and the mysterious social and political institutions of the East".146 While he was in Congress, he was one of Congress' most sought-after speakers. Time magazine informed its readers in March 1945 that "Of all Americans occupying elective office, the man who knows most about the Far East is almost certainly Congressman Walter Judd of Minnesota".147 The New York Times in 1952 noted that Judd rated as an Asian expert not only with Republicans, but also with many Washington Democrats.148

147 Purifoy, Harry Truman's China Policy, p. 53.
148 Tucker, Patterns in the Dust, p. 256, note 48.
Judd's view on China policy was largely shaped by his conservative ideology and his experience in China. But that was not all. It was observed that "The sincere concern with which missionary Judd viewed the civil war in China did not prevent politician Judd from recognizing the partisan use to which Chinese developments could be put".¹⁴⁹ In April 1950, he boasted to his constituents that "much" of the material used in the Senator Joseph McCarthy's initial speeches had been supplied by him. "Communism charges", Judd asserted, "should be exploited by Republicans in this year's elections".¹⁵⁰

In fact, the Republicans had tried to make China a major campaign issue in the 1948 presidential election. "Almost every major Republican supported Nationalist China unconditionally", it was observed.¹⁵¹ But President Truman's support for aid to Chiang prevented China from becoming an effective campaign issue for the Republicans.¹⁵²

Public opinion has long been regarded as an influential factor in US foreign policy making, though scholars disagree on its strength. Richard C. Bush argues that during the Bush Administration, "General public opinion on China was both difficult to gauge with any precision and had little consequence for policy".¹⁵³ He notes that the effect of public opinion regarding China on members of Congress was limited and that interest groups and constituents who took time to write to their representatives could be more effective.¹⁵⁴

¹⁴⁹ Ibid., p. 89.
¹⁵⁰ As quoted, Ibid.
¹⁵² Ibid. Nancy B. Tucker noted that the reason why the Republicans had barely mentioned events in China during their campaign in 1948 was that they were convinced that Thomas Dewey would win the presidency. See Tucker, Patterns in the Dust, p. 163.
¹⁵³ Bush, "Domestic Political Considerations That Shape U.S. Policy toward China, Hong Kong, and Taiwan", p. 150.
¹⁵⁴ Ibid.
Christensen, however, believes public opinion was an important factor which had influenced decision-making behaviour of members of Congress. In his detailed study of the making of US-China policy in the late 1940s and 1950s, Christensen argues:

Congressional opposition to a leaner, strongpoint grand strategy that included Europe but excluded China was also largely based in concerns about public opinion. . . . the debate on Capitol Hill shows that leaders there were acutely sensitive to public opinion. Domestic opinion about how to fight communism, not the inherent strategic importance of China or the belief that a limited program might be effective, led senators to approve the China aid measures.¹⁵⁵

Public opinion is also somewhat linked to constituency politics. Christensen notes that “the key electoral strategy” for members of Congress immediately after World War II was “to appear more fiscally conservative than the administration on most foreign policy issues, including China, so as to pass the blame of high costs on to the administration”.¹⁵⁶ But after the Truman Doctrine speech, Congressional members “wanted to appear in the lead both on cost cutting and on international anticommunism” to meet public demands “for both economy and anticommunism”.¹⁵⁷ One answer they found was to force Truman to assume relatively inexpensive and symbolic anticommunist policies toward China whenever major legislation was raised for Europe.¹⁵⁸

In her thorough study of US-China relations and the recognition controversy, Tucker identified other factors although without much detail. For example, she notes that the influential China bloc consisted of people with different motivations, including ideology, personal interest and constituency politics. Tucker summarises:

A few members of Congress, such as Walter Judd (R, Minn.) and John Vorys (R, Ohio), had actually spent time there and felt a personal concern

¹⁵⁵ Christensen, Useful Adversaries, p. 69.
¹⁵⁶ Ibid., p. 72.
¹⁵⁷ Ibid., pp. 72-73.
¹⁵⁸ Ibid., p. 73.
about the civil war and the Kuomintang cause. . . . Others joined the
China bloc . . . because they represented an anticommunist front. Styles
Bridges (R, NH), for one, followed a variety of such causes, seeking to
defend his own country against subversion or contagion. Another group
of Senators and Congressmen had their interest in China aroused by
constituency pressures. Senator Pat McCarran (D, Nev.) labored to
protect the silver producers of his state by urging appropriation of aid
funds to China in silver and encouraging the Nationalist government’s
use of silver currency.159

Not all scholars may agree with this classification. Purifoy, for example,
believes that Senators Styles Bridges and William F. Knowland, like Congressmen
Walter Judd and John Vorys, were genuinely concerned about China.160 Finkelstein,
on the other hand, points out that Senator H. Alexander Smith, a leading member of
the Senate Foreign Relations Committee, “was definitely not among those politicians
who were using China problems for personal or partisan reasons”.161 Senator Smith,
according to Finkelstein, felt that Walter Judd was too “emotional”, Senator
McCarren’s motives were suspect and Senators Owen Brewster and Styles Bridges
were determined to use China policy as strictly a partisan issue. He “genuinely
attempted” to get the State Department leadership to work with Congress and to help
Chiang and to work out a sound Asia policy.162

In addition to the China bloc, there was a group of “new isolationists” or
“Asialationists”. These people had been “old isolationists” in the Grand Old Party
(GOP, the Republican Party). After World War II, they realised that they could no
longer publicly admit to being isolationists without appearing ridiculous. On the one
hand, they “believed devoutly” in the menace of Communism. On the other hand,
they could not readily accept the grand strategy of “containment” as it “called for too

159 Tucker, Pattern in the Dust, p. 162.
160 Purifoy, Harry Truman’s China Policy, p. 60.
161 Finkelstein, Washington’s Taiwan Dilemma, p. 216.
much expenditure on far-flung adventures". They would accept, however, less
attention to Europe and more attention to Asia as it was "the traditional diplomatic
preserve of Republicans".

Indeed, the reason for the largest number in Congress to participate in the
China controversy in those years was partisanship. "Senator Tom Connally (D.
Tex.), an Administration Democrat, supported every action President Truman took",
Tucker notes. "The Robert Tafts and William Knowlands, on the other hand,
opposed the White House and the State Department with a relish that their scant
interest in China could not explain", Tucker further points out. "They saw the
Administration's ill-fated involvement in the Chinese civil war as a way to drive the
'Democratic dynasty' out of power".

Lobbying by interest groups was another factor. Among the different
lobbying efforts, that made by Chinese Nationalists was perhaps the most important.
According to Tucker

The Chinese Nationalists viewed members of Congress as their most
important resource in the United States. Chinese officials and hired
lobbyists cultivated Senators and Representatives, hoping to swing their
military aid votes, to induce them to speak out publicly on behalf of the
Kuomintang struggle, and to acquire their assistance in exerting pressure
on the Administration.

As indicated in the Introduction of this thesis, the influence of interest groups
on US foreign policy, including China policy, and on members of Congress has been
relatively well studied. Another often-mentioned and relatively well-studied factor is
ideology.

164 Ibid., pp. 49-50.
165 Tucker, *Patterns in the Dust*, p. 163
In his study, Christensen noted the Truman Administration could not sell its disengagement China policy to Congress because “China fit cleanly into the purview of the Truman Doctrine”. Representative Walter H. Judd charged “contradictions” in Truman’s program and asked if the Administration had one policy in Greece and another in China.

Indeed, from the early 1950s when Senator Joseph McCarthy started his hunt for Communists in the United States to the early 1970s, US China policy was dominated by anti-Communist ideology. Not only administration officials but also members of Congress could not afford to appear “soft” or “weak” on China. As noted by Sutter,

“It became an article of faith that the United States would check potential communist Chinese expansion . . . would isolate the PRC diplomatically and economically, and would maintain support for the Nationalist Chinese government in Taiwan. To advocate change in this policy was thought to be suicidal in American politics, particularly in the face of the so-called China lobby.”

The prominent influence of ideology gave way to that of strategic consideration under the Nixon Administration. President Nixon wrote to Congress in February 1970, claiming that “the ‘isms’ [had] lost vitality”. Kissinger also noted that “Our objective was to purge our foreign policy of all sentimentality”. During the Carter Administration, Congress’ strong displeasure with the Administration’s conduct in normalising Washington’s relations with Beijing and Congress’ subsequent hard-line position on the TRA were mainly rooted in the Administration’s failure to consult widely with Congress. Both chambers had made

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168 Christensen, *Useful Adversaries*, p. 61.
169 Ibid., p. 63.
clear before late 1978 they expected to be informed of any possible changes in US policies towards Beijing and Taipei.

Citing Congressional sources, Sutter offered several reasons why members of Congress were so concerned about being consulted before a shift in China policy.\textsuperscript{173} One reason was that many members "saw the United States going too far in withdrawing from security commitments in the region . . . and in trying to improve relations with former adversaries".\textsuperscript{174} Another reason was the Carter Administration’s poor record in consultations with Congress on other foreign policies issues. Yet another reason was constituency politics. China policy had a strong impact on local constituencies. While a majority of the American people favoured normalising relations with Beijing, a similar majority opposed breaking official US ties with Taipei.\textsuperscript{175} Therefore, "any U.S. decision to end official ties with Taiwan as a condition of normalization was likely to alienate a large portion of the American electorate".\textsuperscript{176}

There are other factors which may have influenced the decision-making behaviour of members of Congress. One such factor is the media. By influencing public opinion, the media played an important role in shaping China policy in the late 1940s and the early 1950s.\textsuperscript{177} However, its influence on members of Congress has not been well studied. In an interesting study about the interplay between the press and

\textsuperscript{173} Hao made a similar explanation. But he did not mention constituency politics. See Hao, \textit{Solving the Dilemma in China Policy}, pp. 124-127.

\textsuperscript{174} Sutter, \textit{The China Quandary}, p. 91.

\textsuperscript{175} For a summary of various public opinion polls regarding Washington-Beijing and Washington-Taipei relations, see Hao, \textit{Dilemma and Decision}, pp, 58-59, 122-123.

\textsuperscript{176} Sutter, \textit{The China Quandary}, p. 92.

\textsuperscript{177} See Christensen, \textit{Useful Adversaries}; Finkelstein, \textit{Washington’s Taiwan Dilemma}; Tucker, \textit{Patterns In The Dust}.
the US government in making China policy, Congress is hardly mentioned. The US government is almost exclusively represented by the executive branch.\textsuperscript{178}

One more important, yet rarely studied factor, is Congressional ignorance. Tucker, in her study on China policy around 1950, points out that Congress' ignorance of Kuomintang politics and of the development of Chinese Communism pervaded the Congress. According to Tucker, the majority of senators and representatives shared with their constituents an almost complete indifference to China. State Department officials desiring cooperation from Congressmen in the lengthy process of decision making had to “be grimly determined to hunt them down and drag them there”.\textsuperscript{179}

\textbf{Conclusion}

The limited study on Congress’ role in the making of China policy demonstrates that Congress should by no means be neglected. In the period from the late 1940s to the late 1950s, Congress played a critical, or even decisive role, in making policies towards China, including continuing support for the KMT government before and after it fled to Taiwan and the US decision not to recognise the CCP.

During the period from the Vietnam War to normalisation, Congress’ role in China policy was less prominent, yet still visible. Both Presidents Kennedy and Johnson were wary of anti-China sentiment in Congress and did not try to make major changes to China policy. President Nixon’s visit to China was made at a time when Congress’ attitude towards China had changed remarkably. Still, Congressional pressure had a substantial influence on the Administration’s Taiwan policy and made

it impossible for Nixon to establish full diplomatic relations with the PRC during his visit to China in 1972.

The Carter Administration largely sidestepped Congress in normalising US-China relations. But Congress reacted strongly by rewriting, revising and amending the TRA. This specific case has become an often-cited case for studying Congress’ role in foreign policy making.

This literature review tends to emphasise cases in which Congress played an important role. This should not overshadow the fact that in many important cases Congress’ role was very modest if not neglectable. Recent examples include Nixon’s effort to open up China, Carter’s effort to normalise US-China relations and Reagan’s negotiation with China in managing the arms sales crisis.

While some detailed studies of US-China relations give us a rather good big picture of Congressional influence on the outcome of US China policy, few of them provide a detailed analysis of the interactive relationship between the two branches.

With regard to decision-making behaviour of members of Congress, scholars have identified influential factors like interest groups, ideology, constituency politics, partisanship, strategic consideration, personal concern, public opinion and Congress’ ignorance. Yet, most of them have not been adequately studied.

More in-depth studies are therefore of great importance in terms of theoretical contribution and prediction of Congressional behaviour in foreign policy.

\[179\text{ As quoted in Tucker, Patterns in the Dust, p. 155.}\]
PART II
Chapter 3

MFN under the Bush Administration


US public opinion reacted dramatically to the crackdown. In early 1989, according to a Gallup poll, 72% of Americans said they viewed China favourably. By August, only 31% felt that way. Meanwhile, the percentage of Americans who viewed China unfavourably leapt from 13% to 58%.¹

This dramatic change of public opinion was reflected in the US Congress. As pointed out by Sutter and Dumbaugh, the crackdown "brought about an end to a pattern of general Congressional support for Administration initiatives on China that had characterized US policy since 1980".² They note that “between 1989 and 1992, the US policy process on China was characterized by confrontation rather than consensus, with Congress and the Bush Administration clashing repeatedly over the direction and conduct of China policy”.³

Indeed, the Tiananmen Square crackdown set the background for the battle between the Bush Administration and Congress. Democrats and conservative Republicans in Congress took the opportunity presented by reconsideration of China’s most-favoured-nation (MFN) status to express its dissatisfaction with the Bush Administration’s China policy. Starting in 1990, Congress tried repeatedly without success to revoke or place conditions on China's MFN status. The legislative

³ Ibid.
action in 1990 was incomplete and the 1991 and 1992 bills which passed both chambers were vetoed by Bush and the vetoes were sustained in the Senate.

This chapter will examine each of these legislative bids in turn after a brief discussion of how Congressional attitudes developed in the immediate aftermath of the Tiananmen Square crackdown. This chapter is a chronological description. It will also note the motivations of key players. A more detailed analysis of their motivations is left for Part III of this thesis.

Congressional Mood after the Tiananmen Square Crackdown

Immediately after the crackdown, the Bush Administration imposed a series of sanctions against China. The Administration also said it would make a sympathetic review of requests by Chinese students and scholars in the United States who wished to delay their return home. At the same time, however, the Administration determined that it was important to maintain the economic relationships with China.

The Administration’s actions initially won broad praise in Congress. However, while the Administration took a “measured response approach”, Congress demanded a tougher China policy. As time passed by, the difference between the two branches with regard to China policy became greater and a clash seemed inevitable.

On 20 June, the Bush Administration announced a second set of sanctions.7 The next day, in light of the executions in China, Senate Majority Leader George J. Mitchell called for the President to "make a complete review" of the US relationship with China, including economic relationship. But he specifically made clear that he did not suggest an immediate termination of trade.8

The first two bills seeking to deny China MFN status were introduced to the Committee on Finance on 22 June 1989 by two Democratic senators: Senators Daniel Patrick Moynihan and Alan Cranston. Senator Moynihan is a former Harvard professor in international law and a staunch supporter of Tibet known for his "assertive belief in American principles".9 If Moynihan's bill passed, China's MFN status would be withdrawn 15 days after the date of enactment.10 On 23 June, another Democratic senator, Senator Dennis DeConcini, introduced to the Committee on Finance his bill to deny China MFN status.11 The Senate Finance Committee took up none of the three bills.

It was the House that took the lead in expressing Congressional dissatisfaction with Bush's China policy. On 29 June, the House voted for economic sanctions against China to protest the suppression of dissent. It passed amendments containing the sanctions to the annual foreign aid authorisation bill by a 418-0 vote.12

The sanctions enclosed in the bill closely resembled actions Bush had already taken. Yet, the Administration refused to endorse the package. Recognising political

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8 Congressional Record, 21 June 1988, p. 12626.
10 For the text of the bill, see Congressional Record, 22 June 1989, p. 13126.
reality, however, the Administration made no attempt to stop the package other than to denounce it. Secretary of State James Baker stressed that the President, not Congress, bore the responsibility for formulating foreign policy. 13

The foreign aid authorisations bill later died in the Senate. But the Senate on 14 July agreed to a package of sanctions that generally paralleled the provisions passed by the House with the foreign aid bill. Noticeably, the Senate’s package was co-sponsored by the leaders of both parties, namely Majority Leader George J. Mitchell and Minority Leader Bob Dole. The package was an amendment to the fiscal 1990 State Department authorisation bill and was adopted by an 81-10 vote. Along with other sanctions, the amendment called on the President to “immediately review . . . the advisability of continuing to extend most-favored-nation (MFN) trade treatment to Chinese products”.14

By co-sponsoring the amendment, Bob Dole by no means intended to challenge the Bush Administration’s China policy. Before voting, Dole said he was informed that the Administration could “live with the Senate action”. He hoped that the amendment would give the President and the Administration “a stronger and more credible hand to play in their dealings with Beijing”.15

The Administration did not try to stop the packages of sanctions on China, but it demanded greater flexibility for the President to act on his own to repeal the sanctions. A deal was made between the President and Congress on 7 November 1989.16 The bill then passed the Congress on 16 November. But the measure

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14 Congressional Record, 14 July 1989, p. 14734.
15 Ibid., p. 14736.
16 Ibid. See also US Congress, United States Policy Toward China, Hearing, before Committee of Foreign Affairs, House of Representatives, (2nd Sess., 101st Congress, 8 February 1990), p. 48.
included an unrelated restriction on the President's foreign policy powers that prompted Bush to veto it on 21 November.  

The difference between the Administration and Congress regarding US China policy was dramatised and brought to the attention of US public on 30 November when Bush vetoed Chinese Emergency Immigration Act (H.R. 2712), a bill that would give Chinese students in the United States four more years to apply for new visas, or for permanent residence, while also waiving the requirement that they first return to China. The measure, sponsored by Democratic Representative Nancy Pelosi, passed the House on a 403-0 vote and the Senate by a voice vote. The Chinese government had threatened to pull out of the Fulbright scholarship program and other educational exchanges if the bill became law. In announcing the veto, Bush said: "I want to see these exchanges continue because it is in the national interest of the United States to promote the exchange of technical skills and ideas between Chinese and Americans. It is my hope that by acting administratively, we will help foster the continuation of these programs". Even as Bush vetoed the bill, he simultaneously ordered the Immigration and Naturalization Service to adopt a series of measures that would give all Chinese nationals who wanted to remain in the United States with exactly the protection offered in the legislation. Still, many legislators, especially the Democrats, were furious. They accused Bush of "kowtowing to Beijing".  

17 Congress and the Nation, "Trade: 1989-90 Chronology", p. 252. Bush vetoed the bill because he objected to the Moynihan provision, which prohibited the diversion of funds for purposes for which US assistance was prohibited. Congressional Record, 29 January 1990, p. 673.  
19 For the comparison of the bill and the Administration's directive, see Congressional Record, 23 January 1990, p. 47.  
Despite the dissatisfaction in Congress, President Bush in early December made a decision which, while praised as "courageous" by his supporters, hardened the Congressional sentiment towards the Administration's handling of the US-China relationship. On 9 December, National Security Adviser, Brent Scowcroft, and the Deputy Secretary of State, Lawrence S. Eagleburger, made a surprise visit to Beijing, which further angered many members of Congress. During the visit, Scowcroft toasted Chinese leaders by saying that "In both our societies there are voices of those who seek to redirect or frustrate our cooperation. We must take bold measures to overcome these negative forces". In the minds of many members of Congress, there was no doubt that Scowcroft was pointing to them as the "negative forces".

Members of Congress questioned Bush's judgment in sending senior aides to China. They said that step had the appearance of relaxing the sanctions against China. George J. Mitchell condemned the US overture as "embarrassing kowtowing to the Chinese Government", and Nancy Pelosi called it "a slap in the face to the forces of democracy".

More members were subsequently "astonished" by the revelation that Scowcroft and Eagleburger paid a secret visit to Beijing early in July although Bush

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23 *Congressional Record*, 23 January 1990, p. 22. Sciolino, "On China, Congress Is Almost Assertive". When asked what the negative forces in the United States were in a Senate Foreign Relations Committee's hearing, Eagleburger answered: "They fit into two categories, ... Those who first of all have never believed that there should have been an opening to China and believe this is confirmation of that fact, and those who look upon the relationship between the PRC and the United States as wholly dependent ... upon their human rights performance". See US Congress, *U.S. Policy Toward China, Hearing*, before Committee on Foreign Relations, Senate (2nd Sess., 101st Congress, 7 February 1990), p. 33.


said he had suspended high-level meetings with the Chinese government. They accused Bush of being duplicitous.26

Noticeably, a series of Bush’s actions were taken during the recess of Congress. The Administration’s first secret mission to China took place during the 4 July 1989 recess. The second Scowcroft mission and the veto of the Chinese students bill occurred during the December adjournment.

The Administration’s unpopular moves hardened its Congressional critics’ position and the struggle between the two branches accelerated. Distrusting the Administration in toughening its policy towards China, lawmakers believed Congress should take charge and act on its own.

On 10 January 1990, Beijing lifted martial law. While Bush hailed this move as “a very sound step”,27 Congress was not persuaded that China’s action was significant or that Bush’s policy towards Beijing was effective. Nancy Pelosi even dismissed the Beijing action as “an empty gesture”.28

Confidence in Bush’s China policy was still slipping. In the first major test of Congressional support for Bush’s China policy, the House overwhelmingly (390-25) overrode Bush’s veto of the Chinese Emergency Immigration Act. The fight over the Act was more about symbols than substance: in legal terms there was not much distinction between the bill and the executive order.

The Administration had focused its lobbying effort on the Senate. As late as 23 January 1990, Secretary of State Baker was not sure whether the Administration

would be able to stop the Senate from confirming an override of the veto. Senator Alan K. Simpson, the Senate minority whip, predicted that a veto override "will pass like a dose of salts". But Bob Dole told Baker he would tally the votes he could muster. He would try to enlist everyone from past Presidents to China experts in an attempt to block an override.

On 25 January, the day Senate voted on the veto, the Administration lobbied intensely, with Bush meeting Republican senators, Baker visiting the Senate, and former President Richard M. Nixon making phone calls to senators. Alan K. Simpson later said that he had never seen the President "as focused, as forceful and as effective" as he was at the morning meeting.

In the end, the Senate did not override the veto, but the attempt to do so failed by just 4 votes (62-37). Those who voted to sustain Bush’s veto were all Republicans. But even they had doubts about Bush’s China policy. In fact, in Congress, “no one was happy” Bush had vetoed the bill in the first place. Senators who voted with the President did so because they felt “there was a heavy element of partisan politics involved”. There were also other reasons: first, Bush promised senators his administrative actions would insure no Chinese students would be sent home; secondly, Bush convinced senators that if the vote was lost it would mean a serious political blow to the Presidency at the start of a new political season; thirdly, senators believed that the President, not Congress, should make foreign policy. A White

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30 Ibid.
33 US Congress, U.S. Policy Toward China, Hearing, before Committee on Foreign Relations, Senate, p. 43.
34 Apple, “Senate, by 4 Votes, Fails to Override bush’s China Veto: Getting Mad, Getting Even".
House official also revealed "there were attempts to convince Republicans — no matter what they thought of this particular issue — that it was more important to stand with the President, that this issue would set the tone for this whole session of Congress and show whether the Democrats can roll us when they want to".35

After the unsuccessful override attempt, Congress fell back on the State Department authorisation bill which Bush had also vetoed. Congress had been working on a revised version which did not have the provision Bush found offensive. On 30 January, the Senate unanimously approved (98-0) the new bill and it was signed into law by Bush on 16 February. The bill denounced the Chinese government's "unprovoked, brutal and indiscriminate" attack on the thousands of protesters in Beijing on 3-4 June. Adding teeth to the rhetoric, the bill put into law a number of the sanctions that Bush had imposed. The sanctions would mainly affect US private investments in China, military industry and nuclear industry. The President could lift any or all sanctions through the national interest clause, or by reporting to Congress that China had made "progress on a program of political reform", including such items as halting the executions of dissidents and releasing political prisoners.36

Again, the Congressional action was much a symbolic gesture. First, it simply enforced the sanctions the Administration had imposed on China. Secondly, by the

35 Sciolino, "On China, Congress Is Almost Assertive".

36 Congress and the Nation, "Trade: 1989-90 Chronology", p. 252. The major sanctions included: 1) Suspended risk insurance and other financing for private investments in China by the OPIC. Aid to China under the US Trade and Development program also was to be suspended; 2) Prohibited all exports to China of weapons and military equipment. This did not apply to items intended for civilian use. A similar provision prohibited exports to China of instruments and equipment used for crime control or detection; 3) Prohibited exports to China of satellites made in the United States. The main effect of this sanction was to continue a ban on the Chinese launching of a Hughes Aircraft Co. Satellite; 4) Prohibited exports to China of supplies, equipment and technology used for nuclear power, or of any items that could be used to produce nuclear weapons. This provision had the effect of suspending the 23 July 1985 nuclear-cooperation agreement between the United States and China; 5)
time the State Department authorisation bill was enacted, the White House had already softened the impact of several sanctions. In December 1989, the Administration allowed the Boeing Corporation to ship to China several airliners that initially had been subject to sanctions on arms sales but, according to the Administration, had been found to be commercial in nature. And Bush lifted one of his most visible economic sanctions against China and allowed export to China of three Hughes communications satellites.\textsuperscript{37}

Bush also lifted a sanction imposed by Congress and allowed the Export-Import Bank to issue loans and other guarantees for US exports to China. Congress on 22 November 1989 cleared bill, which Bush signed on 19 December 1989, barring Ex-Im activities in China. But that bill gave the President discretion to allow the financing if he found that China was making political reforms or if doing so was in the national interest of the United States. Bush chose the latter course and sent such a report to Congress invoking the national interest provision.\textsuperscript{38}

It was apparent that the White House’s initial reaction towards the Tiananmen crackdown was milder than that of Congress. Given the public opinion and the sentiment of Congress, Bush could have adopted a much tougher attitude towards China. But Bush took a series of actions which he knew would be “in the face of popular opposition and at substantial political risk”.\textsuperscript{39} In the first several months after the Tiananmen crackdown, neither chamber of Congress was ready to seriously challenge the Administration on China policy. They passed bills mainly to express

\textsuperscript{37} Ibid.
\textsuperscript{38} Ibid.
the sense of Congress. As time passed by, however, the difference between the two branches in terms of China policy became greater. The visits to China by Scowcroft and Eagleburger and Bush’s veto of the Chinese Emergency Immigration Act indicated that the Bush Administration was on a course colliding with Congress.

1990: Congressional Attempts and the Administration’s Uncompromising Stance

As shown in the previous section, Congress in 1989 did not make any serious challenge against the Administration on China’s MFN status. Several bills revoking or conditioning the status were introduced to the Senate Finance Committee but were not taken up by the committee. Congress’ major efforts were to impose broad sanctions on China. But much to the disappointment and dissatisfaction of many Congressional members, the Bush Administration was not determined to carry out these sanctions. More importantly, the Administration did not want to isolate China and tried actively to maintain high-level contact with the Chinese government, which enraged many members of Congress. In 1990, Congress started serious challenges to the Administration’s China policy and the annual renewal of China’s MFN status became the most prominent target.

As the date of the expiration of China’s MFN status (2 June) drew near, China’s MFN status became a central issue in US China policy. On 16 May, Bush said “it isn’t an easy call because I don’t want to send a signal that we are happy with the human rights record”. 40 Two days later, in a floor speech, George J. Mitchell said that renewal of MFN status would “sacrifice our principles to temporary dictators”

and that Bush’s conciliatory efforts to date had been “a dismal failure”. He urged Bush not to “compound the mistake”.41

Unlike the House of Representatives where voices of support for the Administration’s China policy were very weak, the Senate had much fiercer debates on US China policy. Responding to Mitchell’s speech, Senator John H. Chafee, one of “the most politically moderate of Senate Republicans”,42 complained that

It seems to me unfortunate in this Senate that we spend so much time as we do, hectoring the administration on how to run their side of the ledger . . . I appreciate the concern of the majority leader for what is taking place in China, or this part of the world, or that part of the world, but I think . . . we have a pretty full platter ourselves. I wish we could get on with some of these matters.43

Chafee later noted that Hasbro, the world’s largest toy company in his home state Rhode Island, had hundreds of American jobs dependent on a portion of its products being made in China. “If we deny Hasbro that source”, Chafee said, “we will give Hasbro’s foreign competitors, who are all obtaining a portion of their products in China, an incredible advantage”.44

On 23 May, a joint resolution to deny the renewal of MFN for China was introduced in the Senate. The next day, Bush announced his decision to renew China’s MFN status. The Administration had not consulted widely with Congress on the issue. Representative Stephen J. Solarz, Chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, complained that with the decision only days, or, perhaps, even hours away, none of the Members of Congress who had been

43 Congressional Record, 18 May 1990, p. 11170.
most actively involved in China policy had yet heard anything either from the President or his chief advisers on this issue.\textsuperscript{45}

According to a report in the \textit{New York Times}, though, the Administration did work hard to support Bush’s decision. It prepared statistics on how the cancellation of MFN for China would affect specific profits in individual lawmakers’ districts.\textsuperscript{46} It also prepared a document outlining the reasons for the President’s decision. The reasons included 1) China met the Emigration Requirements of Jackson-Vanik; 2) US business would be hurt; 3) US consumers would be hurt; 4) Hong Kong would be hurt; 5) Reformers would be harmed and hardliners would be strengthened; 6) sanctions remained in place and 7) engagement paid off in the long run.\textsuperscript{47}

The announcement, however, drew immediate fire on Capitol Hill, especially in the House of Representatives, and the promise of vigorous efforts to reverse the decision. Shortly after Bush’s announcement, Democratic Representative Tom Lantos and Republican Congressman John E. Porter, the co-chairmen of the Congressional Human Rights Caucus founded by Lantos, introduced a resolution disapproving of Bush’s extension of MFN status to China.\textsuperscript{48}

Lantos’ constituency had a large percentage of Asian Americans, 17.7 per cent in 1990.\textsuperscript{49} Lantos’ main interest in the House had been in foreign policy, focusing on human rights. As “an outspoken backer of Tibetan human rights”, he invited the Dalai Lama to testify before Congress in 1987.\textsuperscript{50} According to Lantos, he

\textsuperscript{45} \textit{Congressional Record}, 21 May 1990, p. 11301.
\textsuperscript{47} For detailed information, see \textit{Congressional Record}, 24 May 1990, pp. 12327-29.
\textsuperscript{48} Ibid., p. 12541.
\textsuperscript{49} Barone and Ujifusa, \textit{The Almanac of American Politics} 1992, p. 112.
\textsuperscript{50} Ibid., p. 111.
was the only person in Congress accused by the Chinese government of being “ignorant and arrogant”.51

Representative Donald J. Pease, a leading Ways and Means Democrat, also introduced a bill. The Pease bill would require the President, by 3 June 1991, to certify that China had met the following criteria before MFN status could be extended: made substantial progress in improving human rights; lifted martial law and terminated its assistance to the Khmer Rouge and began cooperating with multilateral efforts to negotiate a settlement to the conflict in Cambodia. The bill also included a provision under which the withdrawal of MFN would prompt a US proposal that China be stripped of its observer status in the General Agreement on Tariffs and Trade (GATT).52 The bill, according to Pease, presented “an alternative to the two positions most discussed”, namely immediate revocation and renewal, so long as China had made little more than cosmetic progress in human rights and other areas.53 Pease later said his bill was a “solid middle-ground approach”. “Our aim as a nation should not be to cut off MFN but to use the leverage of annual renewal to make progress”, said Pease. “If we hold up absolute standards, why should they even try to meet them?”54

Similarly, Representative Stephen J. Solarz, who had “largely concentrated and greatly distinguished himself” on foreign policy,55 also offered the Administration a middle road: less far-reaching legislation to tie next year’s decision on MFN status to the release of political prisoners and other human rights gains.

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51 Informal talk by Tom Lantos at the Australian National University on 17 February 1998.
52 Congressional Record, 24 May 1990, p. 12566.
53 Ibid.
Solarz warned that if the Administration did not support this approach, it could “run the risk of immediate termination” of MFN. “I assure you, Congress will move forward”, he said.56

The Administration, however, showed no interest in tying China’s trade status to human rights conditions. "Let me emphasize that granting MFN is in no sense an act of approval of a given country's policies”, Richard H. Solomon, Assistant Secretary of State for East Asian and Pacific Affairs, said at the 24 May hearing. "It does not mean that the country in question is our most favorite nation".57

In the following weeks, more bills regarding China’s MFN status were introduced in the House. But division also existed in Congress, especially in the Senate, and heated debates arose. While the opponents of renewing China’s MFN status argued the White House had been too soft to China and wanted to use the MFN status as a leverage to pressure Beijing to improve its human rights record, the supporters of renewal contended the removal of China’s MFN status would set back, rather than promote, the cause of economic and political reform. Bob Dole, for example, argued that “Economic competition is replacing military and political challenges”.58 Claiborne Pell, Chairman of Senate Foreign Relations Committee, noted that renewing MFN status was “one of the most difficult” the United States faced in a year of debate on China policy. He expressed support for President Bush.59

In the House, the debate was largely between those who would immediately revoke MFN status for China and those who would condition future extensions on

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certified human rights progress. A few members undoubtedly supported approval of MFN status without conditions, but they were keeping their heads down.

The debate appeared to have been coloured by constituency politics. For example, House Speaker Thomas S. Foley, and majority leader Richard A. Gephardt, had been restrained in criticising Bush. Both could find at least some constituency backing for economic ties with China. While Foley was from a farm district producing mainly wheat and barley, Gephardt’s suburban St. Louis district had a strong connection with the nearby based McDonnell Douglas Corporation which had a big economic interest in China.  

Four weeks after Bush’s announcement, neither of the Congressional committees charged with reviewing China’s MFN trade status seemed close to a decision. In the hearings held in the week of 18 June by the Senate Finance and House Ways and Means committees, there were repeated warnings about unintended consequences. “Cutting ties with China might make us feel good in the short run, but would it be good in the long run?” asked Bob Dole. While acknowledging his own state’s interest in grain sales to China, Dole said he was convinced that sanctions would cost jobs in China’s southern and coastal provinces where free-market and partly private ventures had flourished.

The two committee chairmen had not yet made their positions known. But House Ways and Means Chairman Dan Rostenkowski, whose closeness to President Bush gave some liberal members “heartburn”, had said he disliked the notion of placing conditions on renewal of most-favoured-nation status. Senate Finance

61 The company then had a company in Shanghai, China. Cranford, “Trade and Foreign Policy”, p. 1775.
Chairman Lloyd Bentsen, who was thought to be "probably the key player" on trade in Congress and was believed "pro-business" with "basic thrust . . . toward free trade", also said he thought sanctions would hurt China only if enough countries joined in to make them stick. "Embargoes are effective only so far as you hurt [the sanctioned country] more than you hurt yourself", he said. The Administration kept warning that all US allies planned to continue nondiscriminatory trade treatment for China and that the US would be "the only Western country" to withdraw MFN for China if the President did not renew it.

On 12 July, the House Ways and Means Subcommittee on Trade approved of the Pease bill (H.R. 4939) by voice vote. The bill would allow China another year of normal US tariffs under most-favoured-nation status. But before renewing that status in June 1991, the bill required the President to certify that China had made "significant progress" towards meeting a list of human rights objectives. Without a Presidential certification of progress on these fronts, Congress would disapprove of any further extension of MFN status.

Before adopting the Pease bill, the Subcommittee rejected, on a 3-10 vote, a tougher substitute which would have required China to meet — not merely make progress towards — specified human rights standards. The measure was far more likely to cause actual withdrawal of China's MFN status one year later. The

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66 Congressional Record, 24 May 1990, p. 12328.
67 These objectives would include releasing political prisoners, accounting for those arrested since the June 1989 Tiananmen Square crackdown, ending martial law in all of China (including Tibet), easing restrictions on the news media and ending the intimidation of Chinese citizens abroad. See Elving, "Bill Links China's MFN Status to Human Rights Progress", p. 2200.
subcommittee session featured sharp exchanges, with one member calling another member's remark "idiotic".\textsuperscript{68}

The Pease bill passed by the Subcommittee was a revised one. It dropped the requirement that China stop supporting the Khmer Rouge in Cambodia and the provision regarding China's observer status in GATT.

Despite these changes, the Administration continued to express opposition to the bill. In a letter to Subcommittee Chairman Sam M. Gibbons, Eagleburger said making MFN contingent on reforms in human rights could backfire and cause conditions in China to worsen.\textsuperscript{69} Kent Wiedermann, State Department Director of Chinese and Mongolian Affairs, told the Subcommittee on the same day that MFN was crucial to continued trade — "the most fundamental fashion in which we maintain contact with the Chinese people".\textsuperscript{70}

Despite its public statement, the Administration, realizing the House would certainly act, collaborated with Pease and the Subcommittee on the bill to ensure that the bill would not be too tough to comply with.\textsuperscript{71}

The House Ways and Means Committee Chairman Rostenkowski strongly supported the bill and his committee accepted the bill on 18 July. The committee turned back three amendments sponsored by Richard T. Schulze, a Republican whose district’s mushroom industry had been hit by the imports of cheap Chinese mushrooms.\textsuperscript{72} These amendments would have either cancelled China’s eligibility for MFN status immediately or stiffened the procedures for granting MFN to China the

\textsuperscript{68} Ibid., pp. 2200-2201.
\textsuperscript{69} Ibid., p. 2201.
\textsuperscript{70} Ibid.
next year. Schulze and a handful of others on the committee complained that the Pease bill was tantamount to telling the Chinese government: "You've got one more year, but please do a little bit better".\footnote{1990 \textit{Congressional Quarterly Almanac}, "Efforts at Hard Line on China Thwarted", p. 766.}


Schulze and his allies tried to seek the committee's endorsement — and Rostenkowski's endorsement in particular — for a House floor vote on terminating MFN for China. But their efforts failed. Instead, the committee voted to ask the Rules Committee to permit no amendments to the Pease bill during floor debate.\footnote{Ibid.}

In early August, the Iraqi invasion of Kuwait precipitated the Persian Gulf crisis. In the early stage of the crisis, China supported the United States by favouring all eight United Nations Security Council resolutions on the situation and acting to enforce the United Nations-approved trade embargo.\footnote{Clyde H. Farnsworth, "Assailing Beijing, House Votes a Rise in China's Tariffs", \textit{New York Times}, 19 October 1990, pp. A1, A8.} This might have helped China's case on Capitol Hill as noted by some observers.\footnote{Ibid.} But it certainly did not help a lot.

On 20 August, the enactment of a seemingly unrelated bill to reauthorise the Caribbean Basin Initiative created a new procedure for expedited consideration of bills rejecting Jackson-Vanik waivers. Until then, Congress was not expected to act under the specific terms of the 1974 law to reject a Jackson-Vanik waiver.\footnote{Congress and the Nation, "Trade: 1989-90 Chronology", p. 173.}

The August enactment of changes to the Jackson-Vanik waiver process...
opened a second avenue for legislative assault on China's trade relationship with the United States. Representative Gerald B. H. Solomon, a "staunch conservative" with "hawkish views on trade", 79 introduced a resolution on 5 September to disapprove of Bush's Jackson-Vanik waiver for China and thus cancel China's current MFN eligibility outright. 80 On 25 September, Ways and Means by voice vote approved the bill for floor action.

As it turned out, the House had a long and fierce floor debate on China's MFN status. The debate took place on 18 October and lasted for five hours. 81 The House first considered Solomon's disapproval resolution. While its supporters cited human rights violations, its opponents argued that revoking China's MFN status would isolate China and hurt the reformers in China. These opponents also cited US economic interests and, quite frankly, their personal interests. Republican leader Robert H. Michel, for example, publicly stated his personal stake in maintaining China's MFN status. He almost lost his election in the early 1980s for not being able to advance the interests of Caterpillar Tractor Company, the single most important manufacturer in his district. 82

The House passed Solomon's bill by a vote of 247-174, but this level of support would be insufficient to override a Presidential veto. The House then debated the Pease bill. As mentioned earlier, despite its public statement against the bill, the Administration worked with Pease and the Subcommittee on Trade of the Ways and

81 For the debate, see Congressional Record, 18 October 1990, pp. H10506-553.
82 Congressional Record, 18 October 1990, p. H10511.
Means Committee in drafting the bill. As it came to the floor, Pease’s bill required the President to find that China was making “significant progress” towards meeting seven specific human rights goals before he could renew MFN status for China.83 The Administration, as observed by Pease, strongly opposed the bill but was not threatening to veto it.84 However, Nancy Pelosi, Frank R. Wolf, John E. Porter and John R. Miller tried to add amendments to make it more difficult for the President to rule that China was improving its human rights record.85

Pelosi, whose constituency was 30 per cent Asian-American,86 was elected to the House only in 1987. She attracted national attention in her first full term by sponsoring the Chinese Emergency Immigration Act to give Chinese students protective immigration status and by opposing President Bush on that issue. By the time the issue was settled, Pelosi had been appointed chairperson of a new informal Congressional committee on China policy, the Congressional Working Group on China.87 Pelosi’s amendment would stiffen the definition of significant progress by requiring that the Chinese government release political prisoners detained after the Tiananmen Square crackdown.

Frank R. Wolf, “a serious man whose personal attitudes are those of a churchgoing family man”,88 offered an amendment to Pelosi’s amendment. His amendment would attach a religious-liberty condition to extending MFN status for

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84 Ibid., p. H10533.
85 For the amendments, see ibid., pp. H10545, H10549, H10554-55.
86 Marilyn Greene, “Democrat Wants Reform Tied to China Trade Deal”, USA Today, 12 June 1991, p. 2A.
China. It required China to end religious persecution and release all detained leaders and members of religious groups.

John R. Miller, grandson of Latvian immigrants and "adamantly anti-Communist" on foreign policy, offered an amendment establishing a set of human-rights principles for United States businesses operating in China.

An amendment offered by John E. Porter, co-chairman of the Congress Human Rights Caucus, required China to live up to its promises of democracy and free enterprise when Hong Kong reverted to Chinese control.

The amendments were not acceptable to the Administration. In a letter to House minority leader Robert H. Michel, Secretary of State James Baker explicitly stated that

The amendments to HR 4939 [the Pease bill] proposed by Representatives Pelosi, Wolf, Porter and Miller would only worsen the impact of the bill. The Administration opposes all four of them. If HR 4939 was made more restrictive by the addition of any of these amendments, the bill would be vetoed.

Powerful House members like Dan Rostenkowski urged other members to oppose all amendments. Pease opposed any amendments because he was worried the amendments would go beyond what China could respond to. "We must act prudently and go as far as we can now to hold the Government of China directly responsible and the White House secondarily accountable for the protection of human rights inside China", Pease said. But for Rostenkowski, his major concern was to save the bill being vetoed by the President.

While many House members did not believe it wise to cut off US trade with

89 Ibid., p. 1299.
90 Congressional Record, 18 October 1990, p. H10511.
91 Ibid., p. H10533.
China, they did want to express the sense of Congress — dissatisfaction with China’s human rights record. In the end, by a 347-74 vote and a 409-7 vote respectively, the House passed the Pelosi-Wolf amendments and the Porter-Miller amendments. It then passed the Pease bill by a 384-30 vote.

In the Senate, although George J. Mitchell favoured removing China's MFN status outright or at least restricting its future renewal, he could not muster support for the idea among his fellow senators. On 11 July, he introduced a bill with a provision similar to Nancy Pelosi’s amendment to the Pease bill, namely ending the tariff breaks in three months if the President could not certify that prisoner release and other human rights condition had been met. This draft legislation, however, was not subjected to the expedited procedures that governed action on Representative Solomon’s bill disapproving of Bush’s waiver for China’s MFN status. It had not been taken up by the Senate Finance Committee, which had jurisdiction. Its chairman, Lloyd Bentsen, was immersed in the tax and budget imbroglio.

The only legislative activity on the Senate side was a full committee hearing on China’s MFN status on 20 June held by the Finance Committee. Afterwards, Lloyd Bentsen would say only that he was still reviewing Congress' options on China. But as mentioned earlier, in his opening remarks at the hearing, he said he thought sanctions would hurt China only if enough countries joined in to make them stick. That set Bentsen apart from the strict non-renewal posture struck by Mitchell, who had been the most outspoken member of the Democratic leadership in either body.

Most committee members doubted the effect of cutting off MFN for China.

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92 For the bill, see ibid., 11 July 1990, p. S9567.
93 Farnsworth, “Assailing Beijing, House Votes a Rise in China’s Tariffs”.
As expressed by one member, cutting off MFN would "in classic fashion, be hurting precisely those we were trying most to help". Daniel Patrick Moynihan was alone in supporting a denial of MFN status for China.

China made moves in 1990 aimed at influencing both US Congress and US public opinion. In early May, it released an additional 211 prisoners. Then it made a $4-billion agreement with Boeing to purchase up to 72 airplanes. At the end of June, it allowed Fang Lizhi, a prominent Chinese dissident who had taken refuge in the US Embassy in Beijing, to leave China and travel to England on basically the same terms it had rejected earlier in the year.

Partly because of China's efforts, and more importantly because of the damage to US economic interests and US influence in China inherent in revoking China's MFN status, domestic consensus on the issue broke down in 1990. Major newspapers like the *New York Times*, *Washington Post*, and the *Los Angeles Times* all supported maintaining MFN for China. The consensus among Chinese students in the United States also collapsed, with many groups supporting MFN for China.

As for the two house bills, they were short-lived. They died one day after their passage as lawmakers wanted to return home to campaign for the 1990 mid-term election, and the 1990 session ended before the Senate considered the bills.

1991: Stronger Congressional Efforts and the Administration’s Compromises

Congressional challenges to the Bush Administration's China policy gained momentum in 1991. The House passed a bill conditioning China's MFN status by a

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95 Ibid.
vote above the two-thirds majority necessary to override a Presidential veto. The Administration, focusing its lobbying efforts on the Senate, worked hard to win the votes of the senators from its own party and those from farm states with big economic interests in maintaining China’s MFN status. In the end, although the Administration could not prevent the bill from passing the Senate, it won enough votes to sustain a potential Presidential veto.

In the first several months of 1991, Congressional sentiment for revoking China’s MFN status intensified. On 31 January 1991, the Department of State submitted to the Congress its annual Country Report on Human Rights Practices, stating that in China “observance of human rights fell far short of internationally recognized norms”. In addition to the human rights issue and the previous disputes between Congress and the Administration, many in Congress seized on reports that China used prison labor to produce goods exported to the United States, that it was evading US textile quotas by diverting shipments through Hong Kong, and that it was selling weapons and nuclear technology to Middle East countries despite promises to limit proliferation.

The US trade deficit with China had also emerged as a big issue. The trade deficit with China swelled from $6.2 billion in 1989 to $10.4 billion in 1990 (see Table 3.1). It was growing rapidly and seemed likely to replace Taiwan in 1991 as the second largest US trade deficit after Japan. While the United States said China


98 Congressional Record, 12 March 1991, p. S3107-08

was restricting US imports, China blamed economic conditions, Western sanctions and US statistics.\textsuperscript{100}

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The Administration acknowledged that trade problems with China were severe, but it did not want them to become the reason to revoke or condition China's MFN status. Partly to show Congress it could get tough with China on trade matters, even though MFN remained in place, the Administration had been taking steps to address the problems. For example, US trade negotiators were pressing China to open talks for the first time on improving access to the Chinese market. The Administration also took action against the alleged wide-spread piracy in China of intellectual property, such as tapes, software and pharmaceuticals. On 26 April, China was among three nations targeted under the “special 301” section of the 1988 Trade Act, which requires retaliation against countries that do not adequately protect US intellectual property.\textsuperscript{101}

\textsuperscript{100} Cloud, “Sentiment Grows in Congress to Reject MFN for China”, p. 1044.
\textsuperscript{101} Ibid.
But these steps were far from enough for critics of China. China was still not popular in the United States. So was free trade since the United States was in the middle of a recession. More importantly, while critics argued China had not behaved any better since the previous year’s MFN extension and, therefore, did not deserve further special treatment, many business groups that had lobbied for an extension were uninvolved in the first several months of 1991. Some observers believed that part of the reason might be loss of appeal of China’s market, which some US officials said was increasingly closed. The major evidence was that China was the only major US market in which US exports in 1990 showed a decline.102

Based on these considerations, many experts believed that Congress might have the votes in 1991 to override a Bush veto of anti-China legislation.

On 9 May, Senator Jesse Helms introduced a bill making available MFN status to China only if certain conditions were met. The conditions included “five noes and two yeses”. The noes were: no nuclear weapons exports; no ballistic missile exports; no arms for the Khmer Rouge; no political prisoners and no slave-labor exports. The two yeses were to negotiate with Tibet and to adopt some international human rights standards.103

Jesse Helms had been a long-time critic of China whose dislike for renewing MFN status for China exceeded that of many Democrats. His home state North Carolina had been particularly affected by a surge in textile imports from China.104

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102 Ibid., p. 1045. US exports to China in 1990 dropped 17 per cent.
On 15 May, after meeting with the Senate Republican Policy Committee, Bush said he wanted to see MFN for China continued. The White House indicated the renewal might be conditional. "There are other possibilities, such as adding conditions or at least expressing our views about human rights progress in China and other matters", said White House spokesman Marlin Fitzwater.\footnote{Adam Clymer, "Terms Sought on China Trade", \textit{New York Times}, 17 May 1991, p. A6.} And Bush later told reporters, "Marlin put it right".\footnote{Ibid.} The Administration’s indication possibly reflected the reality that Congressional forces were strong enough to block unconditional renewal of MFN and to override a potential veto. Bob Dole, who said he would continue to support the President, admitted the President’s supporters would “have an uphill fight”.\footnote{Congressional Record, 17 May 1991, p. S6106. See also David S. Cloud, “Bush Begins Lobbying Effort to Continue China Status”, \textit{Congressional Quarterly Weekly Report} (49:20, 18 May 1991), p. 1260.}

On 16 May, George J. Mitchell and 26 co-sponsors introduced a bill effectively revoking MFN. To keep its MFN trade status, China would have to release all political prisoners, end religious persecution and restrictions on emigration, reduce its trade surplus with the United States, and participate in international efforts to limit arms proliferation, all within six months after the bill’s passage.\footnote{Congressional Record, 16 May 1991, pp. S5990-93. See also Cloud, “Bush Begins Lobbying Effort to Continue China Status”, p. 1260.} One week later, on 23 May, Mitchell co-sponsored a resolution requiring China’s MFN status be denied 15 days after the enactment of the Act.\footnote{Congressional Record, 23 May 1991, pp. S 6700-01.}

Several relevant bills were also introduced in the House. Gerald B. H. Solomon co-sponsored a resolution to revoke China’s MFN status. Nancy Pelosi introduced the US-China Act of 1991 (H.R. 2212) barring the President from granting
MFN status to China in 1992 unless Beijing accounted for and released political prisoners arrested during the Tiananmen Square crackdown. Pelosi's bill also required China to make "significant progress" in other human rights areas, including ending torture and religious persecution in Tibet and permitting press freedom. Don J. Pease, who collaborated with the Administration in 1990 on a weaker alternative, had toughened his bill in 1991. For example, he had adopted Pelosi's main condition: Before MFN could be granted in 1992, Tiananmen Square protesters would have to be released from jail.  

Stephen J. Solarz was also considering a measure requiring the President to certify that China had met what Solarz called a reasonable set of human rights standards before MFN could be renewed in 1992. Solarz said he would require only that the Chinese permit Voice of America broadcasts and stop harassing Chinese students in the United States, while showing some progress in other areas. 111

In a speech at Yale University on Memorial Day, Bush formally announced he was recommending renewal of China's MFN status. 112 He charged that his opponents in Congress were adopting a policy of "self-righteousness draped in a false morality". He argued that "China can — easily can affect the stability of the Asian-Pacific region, and therefore affect the entire world's peace and prosperity. And so when we find opportunities to cooperate with China, we will explore them. When problems arise with China's behavior, we will take appropriate action". 113

But experts like Harry Harding, a China specialist who supported Bush's

decision to renew MFN, suggested Bush should work with Congressional leaders on a compromise. Harding argued the Administration had paid dearly for fighting Congressional efforts over the previous two years to protest China’s abuse of human rights. Congress had grown increasingly suspicious of Bush’s position and increasingly unwilling to compromise. “Wouldn’t it have been better for the Administration to have accepted Pease when it was on the table last year”, Harding asked, “rather than waiting until this year, when even Pease isn’t putting Pease on the table?”\textsuperscript{114}

The Administration, however, was not going to make a deal with the House. White House officials believed any measure that emerged from the House would be unacceptable to Bush. “It is just too hard to educate that many members”, a White House official said.\textsuperscript{115}

Once again, the Administration counted on the Senate to save it from stringent conditions the Chinese government would almost certainly reject. But that required overcoming Mitchell, whose bill was much stricter than Pelosi’s. As noted by some observers, “Pelosi’s bill is nothing more than a one-year plant-closing notice. And the Mitchell bill is nothing more than a six-month plant closing notice”.\textsuperscript{116}

The White House appeared to have two options: negotiate with lawmakers on conditions giving Bush broad discretion to continue China’s MFN status, or veto legislation revoking MFN and round up the votes to sustain the veto. In either case, the Administration’s prospects were better in the Senate.

Neither Mitchell nor Bush had full confidence of winning the struggle. On 27 May, Mitchell told reporters there “clearly is a majority in Congress” opposed to

\textsuperscript{114} Fessler, “China Trade Creates Moral Debate Shaded by Political Undertones”, p. 1513.
\textsuperscript{115} Cloud, “White House Looks to Senate to Maintain China Status”, p. 1434.
\textsuperscript{116} Ibid.
Bush’s decision to renew China’s MFN status. Could the Democrats muster the two-thirds vote needed to override a veto? “Whether it’s a two-thirds majority, I don’t know”, Mitchell said. On the same day, in his speech at Yale University, Bush seemed to lay the groundwork for a compromise. While vowing to oppose “sweeping conditions”, he did not explicitly rule out linking renewal of MFN to some new conditions.

Bush’s ambiguity led many experts and lawmakers to believe that conditioning renewal of China’s MFN status in 1991 was highly possible. “The President is in a very different position from a year ago”, said Representative James A. Leach. “The question today is between reasonable conditions and unreasonable ones, not between no conditions and some”.

One week later, however, Bush seemed again ready to reject any conditions. In a 4 June meeting with a group of senators thought likely to support his position, Bush said he wanted MFN renewed with no conditions. Senator Alan K. Simpson said he mentioned the possibility of attaching some conditions to MFN renewal at the meeting, but “that really was not very well-received”. The problem with conditions from Bush’s perspective, said Simpson, was that “if you do two, you get 22”.

But there were other signs Bush might be positioning himself more for a bargain than a fight. Senator Richard G. Lugar, former chairman of Senate Foreign Relations Committee, also at the meeting, said Bush was not saying “no, never” to attaching something to MFN renewal. “His position is, let’s discuss why [extending] MFN is in our own interests and how we can use other means to influence China

117 Ibid.
120 Ibid., pp. 1512-1513.
before we get into discussing all the things we might consider”. Lugar had suggested a preamble or “sense of Congress” language could be added to MFN renewal to express US outrage at human rights abuses by the Chinese government. He thought Bush would veto anything stronger.

Many others, however, were adamant that something much stronger was required. Representative John R. Miller even warned that the more adamant Bush was about not setting conditions on MFN, the more adamant legislators would become about cutting it off. “The outcome will depend, in part, on the President”, Miller said. “If he takes the position that he will only accept unconditioned renewal and is not interested in discussing any incentives or disincentives or conditions, then I think you’re going to see sentiment grow for complete revocation”.

In the Senate, the fight had quickly taken on partisan overtones. “Republicans would be inclined to give the President a maximum amount of flexibility in this area and also express the sense of outrage that we feel”, said Senator Richard G. Lugar. But the White House also faced a restive right wing led by Jesse Helms.

In the week of 10 June, after negotiations, Nancy Pelosi, Stephen J. Solarz and Don J. Pease agreed to unite and push legislation that would withdraw China’s MFN status a year later unless Beijing disclosed the fate of protesters unaccounted for since the 1989 crackdown and released some of those arrested. Further, the bill would require “overall progress” toward such goals as ending human rights violation,

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121 Ibid., p. 1513.
122 Ibid.
123 Ibid.
religious persecution, restrictions on press freedom, and harassment of Chinese students in the United States, before China could receive MFN status in 1992.125

The compromise required Pelosi to accept a slight weakening of her bill. Solarz and, to a lesser extent, Pease, were uncomfortable with stringent conditions requiring Bush to certify that China had made specific improvements before he could renew its trading status. But they accepted her requirement concerning the Tiananmen Square protesters.126

By joining together, Pelosi, Solarz and Pease hoped to bolster their chances of winning a veto-proof margin when the House voted on their legislation. “It allows us to present a united front”, said Pelosi.127

In the Senate, Bush’s prospects for preserving China’s MFN status were better. Among the most vocal supporters were not only loyal Republicans but also those from both parties whose home states had big economic interests in China. Among them, the most prominent were senators from farm states. The total value of US agricultural products sales to China increased from $58.4 million in 1986 to $814.0 million in 1990. This did not include significant sales transshipped through Hong Kong. The value of US wheat sales to China increased from zero in 1986 to $497.3 million in 1990.128 This made wheat one of the top US exports to China and China became one of the largest importers of US wheat, buying as much as 20 per cent of total US wheat exports in some years.129 According to the Congressional

126 Ibid.
127 Ibid.
129 Veigle, “China Syndrome”.
Research Service, if China’s MFN status was revoked, wheat would probably be the
hardest hit American product.\textsuperscript{130} Other studies showed American wheat farmers
would get 27 cents a bushel less for their wheat if wheat exports to China were cut
off.\textsuperscript{131} Farm states which did not have direct trade with China might also be hit if
China’s MFN status was revoked. Republican Senator Charles Grassley, for
example, pointed out that wheat sales to China was important to his state Iowa
although Iowa did not raise much wheat; when wheat prices fell, livestock producers
substituted wheat for corn in their animal feed rations. Corn was Iowa’s major
agricultural product.\textsuperscript{132}

Republican Senator Larry Pressler from farm state South Dakota strongly
supported the Bush Administration’s efforts to renew China’s MFN status. Pressler
had a reputation for independence and unpredictability due to his “assiduous defense
of home-state interests”.\textsuperscript{133} Along with many manufacturing and merchandising
concerns, Pressler was concerned about his state’s potential loss in wheat sales to
China.\textsuperscript{134}

Senator Max Baucus, a Democrat from farm state Montana, was an even more
vocal supporter for China’s MFN status. Montana exported 70 per cent of its wheat
to Pacific Rim countries, and many farmers said that denial of MFN status to China
would cause a collapse in wheat prices.\textsuperscript{135}

Baucus stressed that MFN was “the wrong tool” to address US concerns over

\textsuperscript{130} Ibid.
\textsuperscript{131} \textit{Congressional Record}, 11 June 1991, p. S7349.
\textsuperscript{133} Jon Healey, “GOP Takes the Reins of Power: Senate Committee on Commerce, Science and
\textsuperscript{134} \textit{Congressional Record}, 3 June 1991, pp. S6906-07.
\textsuperscript{135} Guy Gugliotta, “Baucus Pitted in Fight over China’s MFN Status”, \textit{Washington Post}, 14 July 1991,
a series of issues regarding China, including its human rights violations, unfair trade practices and nuclear proliferation. He also believed revoking China’s MFN would hurt the Americans. The example he cited was US policy towards the Soviet invasion of Afghanistan. Similarly, Baucus noted, denying China MFN status would seriously harm American farmers as China was “a particularly important market for United States wheat”.\(^\text{136}\)

Realising the strong sentiment against Bush’s China policy, Baucus pressed the Administration to take punitive actions of its own against China in order to mitigate the feeling among lawmakers that they must act. “If Congress is to extend China’s MFN, we must see tangible evidence that the Administration is taking action”, wrote Baucus in a letter to Bush and circulated among other senators for signatures.\(^\text{137}\)

Baucus called for the Administration to block loans to China by multilateral institutions, retaliate against China for its barriers to US imports and use of prison labor, negotiate to prevent export of China’s ballistic missiles, and drop US opposition to Taiwan becoming a signatory to the GATT.\(^\text{138}\)

A crucial element in the fight over China’s MFN status would be the position taken by the chairmen of the two committees with jurisdiction over trade — Dan Rostenkowski of House Ways and Means, and Lloyd Bentsen of Senate Finance. It was Rostenkowski who urged Pelosi, Solarz and Pease to reach a compromise and his

\(^{138}\) Cloud, “House Critics of Bush Policy Unite on China Trade Bill”, p. 1568
blessing could speed the bill through the House. Bentsen had recently met with Mitchell, and according to aides, promised he would not hold up Mitchell’s bill in committee. But neither Rostenkowski nor Bentsen had taken a position on renewing China’s MFN status.\textsuperscript{139}

On 19 and 20 June, the Senate Finance Committee held hearings to consider the President’s decision on renewal of China’s MFN status. Unlike the previous year, the response to Bush’s request was cool and sceptical in the 19 June hearing. Chairman Bentsen warned that Congress was unlikely to continue China’s MFN status without attaching conditions requiring improvements and other reforms. And Bentsen took issue with the Administration’s contention that a cutoff of MFN was unlikely to force economic liberalisation in China. However, Bentsen still refrained from taking a formal position on the issue yet.\textsuperscript{140}

On 26 June, the House Ways and Means Committee approved both the US-China Act of 1991 and Solomon’s disapproval resolution by voice vote. The next day the Senate Finance Committee voted on Senate version of US-China Act of 1991 (S 1367), which had been unveiled by Mitchell on 25 June. It was a modified version of a bill (S 1048) Mitchell had introduced on 16 May. The committee reported to the full committee the US-China Act of 1991 without recommendation by a vote of 11-9. It also reported a resolution to revoke China’s MFN status unfavourably by voice vote. Committee Chairman Bentsen voted against the disapproval resolution but for the US-China Act. Like other opponents to China’s MFN status, Bentsen cited China’s human rights violations and unfair trade practices as his major reasons.\textsuperscript{141}

\textsuperscript{139} Ibid.


Observers noticed that partisan fissures were widening: Democrats moved ahead with MFN legislation that ignored Bush's wishes while Republicans began to defect. The split was apparent when the Senate Finance Committee took up US-China Act of 1991. Although several committee Republicans had previously expressed doubts about Bush's position, not one voted for the bill. There was still outrage among Republicans about Beijing's recalcitrance, but as the issue became more partisan, they began to dismiss Mitchell's approach as an effort to embarrass Bush. "Republicans were still looking for a way to dramatise their concern without tying Bush's hands", it was observed.\textsuperscript{142}

Mitchell, who sat on the Finance Committee, did not even get the support of all the Democrats. Panel member Max Baucus reiterated his hope that Congress would forgo placing conditions on MFN if the Administration would agree on its own to impose sanctions against China. He joined in an 11-9 party-line vote to send Mitchell's bill to the floor, but he and other Democrats balked at giving it a favourable recommendation. In spite of this, Baucus believed that "some version of this legislation is almost certain to pass Congress — perhaps with enough votes to override a veto".\textsuperscript{143} But a Republican Congressional aide said a bill without the endorsement of the committee of jurisdiction was "damaged goods".\textsuperscript{144}

In fact, Mitchell's move to modify his earlier version of the bill, S 1084, was an implicit acknowledgment he could not attract majority support for the bill which required, among other conditions, release of all political prisoners in China and an end to religious persecution. His compromise, S 1367, won him support from several


\textsuperscript{144} Ibid.
Democrats, including Lloyd Bentsen. But Mitchell kept only one Republican co-sponsor and lost another Republican. Mitchell’s first bill had 29 co-sponsors. His second bill attracted only 24 by the time it was taken up by the Finance Committee. Mitchell was not confident that he would have the two-thirds majority to override a potential veto. “We’ll pass it with a majority. Whether we’ll have 67 votes, I don’t know”, he said after the Finance Committee action.¹⁴⁵

As noted above, initially it seemed likely the House would pass a more moderate bill than the Senate. Some hoped a compromise would result which Bush would then support. That scenario became unlikely after 26 June 1991 when the House Ways and Means Committee acted on the US-China Act of 1991. The House bill was tougher than Mitchell’s version in some respects and was, in all likelihood, unacceptable to the White House.

Virtually the same partisan split evident in the Finance Committee emerged in Ways and Means. Many Republicans argued vehemently that the panel should not force Bush to revoke MFN by producing a bill with conditions China was unlikely to meet. Committee Chairman Rostenkowski and Trade Subcommittee Chairman Sam M. Gibbons sided with the Republicans. “We’ll end up with a bill that will be popular in the US Congress but will harden the Chinese government’s resolve”, Rostenkowski warned.¹⁴⁶ Similarly, Gibbons argued that “None of us know how far you can push China. There is a good chance that if we push them too hard, they will just retreat within themselves”.¹⁴⁷

But the pleas for restraint were ignored as committee Democrats passed several amendments toughening the bill sponsored by Nancy Pelosi. By the end of the

¹⁴⁵ Cloud, “GOP Loyalty to Bush May Be Key in Fight over China Status”, pp. 1737-1738.
¹⁴⁶ Ibid., p. 1738.
Ways and Means proceedings, several members said Pelosi's bill had been transformed from a measure that might get results to one so laden with tough conditions China would never comply. "I guess Pelosi is just becoming a garbage truck. Everybody throws in everything they can think of", said Gibbons.148

The mandatory conditions added in committee included requirements that China end any population-control or sterilisation; assure the United States it was neither selling ballistic missiles to the Middle East nor assisting other countries in acquiring nuclear technology; and prevent the export of products to the United States made with prison labor.149 Rostenkowski noted that the bill, as approved by the committee, might set such high standards that China might decide that it either could not, or would not, meet the bill's conditions.150 He believed that these conditions would "further enlarge the appetite of the President to veto and make it more difficult to override".151

The key test of the Administration's influence came on an amendment sponsored by ranking Republican Congressman Bill Archer of Texas, who represented the constituency which Bush once represented. It was observed that his district was well on its way "to being the most Republican constituency in America .. . This is a place where people believe in free economic markets". 152 Archer proposed giving Bush wide discretion to decide whether to continue MFN in 1992. "We want to give some direction [to the] President, but say: Ultimately, the decision

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148 Cloud, "GOP Loyalty to Bush May Be Key in Fight over China Status", p. 1741.
150 Congressional Record, 10 July 1991, p. H5316.
151 Cloud, "GOP Loyalty to Bush May Be Key in Fight over China Status", p. 1738.
is yours”, said a Republican. The White House demonstrated that it had strong support in its own party. All but two of the 13 committee Republicans voted for Archer’s amendment, as did Rostenkowski and Gibbons. But it was not enough. The amendment failed by a vote of 15-17.

On 10 July, the US-China Act of 1991 passed the House by 313-112. The vote was well above the two-thirds majority needed to override a veto. At the beginning of consideration of the bill and the committee amendments, Rostenkowski, who strongly argued against strict conditions when his committee considered the bill, stated that despite his reservation about the bill and the committee amendments, he would “not stand in the way of their adoption by the House” and that he was “prepared to support the bill as amended” with the hope that the House would improve the bill in conference with the Senate. His statement might have set the tone for the debate.

Before voting on the US-China Act of 1991, the House rejected (118-313) Archer’s motion to recommit the bill. The motion to recommit took the form of a substitute for the bill and was intended to weaken the bill. In addition, the House passed, by a vote of 223-204, Solomon’s disapproval resolution. That measure, if enacted, would have had the effect of immediately withdrawing China’s MFN status. The bill was viewed as a symbolic action unlikely to become law.

The Senate was scheduled to take up the Mitchell bill, or the Senate version of US-China Act of 1991, in the week of 22 July. Pressure was intensifying as the vote neared and lawmakers were forced to choose sides. Several days before the

153 Cloud, “GOP Loyalty to Bush May Be Key in Fight over China Status”, p. 1738.
156 For the text of the substitute, see ibid., pp. H5366-68.
Senate vote, 16 senators were still uncommitted. Several undecided Democrats were leaning in Mitchell’s direction, while most Republicans were leaning against him.158

Both Bush and Mitchell were trying to win the votes, one by one. Comparatively, Mitchell had the tougher job. Firstly, he needed 67 votes while Bush needed only 34. Secondly, he was in a dilemma. His combative stance against Bush had alienated many Republicans who might be inclined to support punishing China if it were not being orchestrated by the Democratic leader. To win them over, Mitchell signalled a shift in his strategy. On 18 July, he “postponed indefinitely” a separate measure introduced by Alan Cranston that would revoke China’s MFN status immediately. But the shift was little noticed.

Mitchell could not afford to weaken his own bill too much, or he risked losing support from the liberal Democrats and conservatives already in his camp. As noted by Max Baucus, “That’s the dilemma — the more conditions, the more it bogs down. That’s where they are”.159

Bush, on the other hand, could be more flexible. In mid-June, Secretary of State James Baker sent a letter to each senator highlighting the sanctions already applied against China by the Administration. Baker did not forget to point out that the United States stood alone as the only country whose original sanctions remained in place and now pursued additional measures.160

After the votes of 10 July, the Administration felt more pressure. Baucus, while disapproving of the House votes, said he was “looking very closely at the

administration’s response” to the initiatives set out in his 19 June letter to the White House.\textsuperscript{161} Baucus clearly stated:

If the administration in its response to me and to the Senate does not indicate that it is taking sufficiently aggressive actions to address human rights, transfer of technology sales, slave labor, products made by slave labor, and trade policy objectives, then I will be one of the first to state that I think the administration response is ineffective and insufficient, and I would reluctantly vote to condition MFN extension accordingly.\textsuperscript{162}

Then, in his 19 July letter to Max Baucus, Bush announced a series of steps the Administration would take to bring pressure to bear on China — and thus lessen the pressure Congress felt to act. In the letter, the Administration pledged to retaliate against Chinese imports under Section 301 of US trade law unless there was progress in the following month in talks with Beijing on opening the restricted Chinese market.

It threatened action against China unless it stopped funneling textile shipments through third countries to avoid US quotas. In addition, the White House promised to oppose loans to China from the World Bank and other multi-lateral lending agencies, except for loans serving basic human needs. The Customs Service would toughen enforcement of US laws prohibiting import of goods from China made with prison labor, and the Administration said it would coordinate with other countries to ensure China’s adherence to nuclear non-proliferation and other arms control treaties.\textsuperscript{163}

The matter of most debate within the Administration had been whether to drop US opposition to Taiwan becoming a signatory to the GATT. The United States had been unwilling to see Taiwan entering GATT in advance of China, since “there is no

\textsuperscript{161} Ibid. 17 July 1991, p. S10216.
\textsuperscript{162} Ibid.
question that China would go ballistic”. But support in Congress for Taiwan’s GATT membership was strong. And the shift in US policy could win still more votes for the Administration. Bush pledged to “work actively” to see that Taiwan was able to join the GATT as a customs territory, although he gave no timetable and said that the policy switch “should in no way be interpreted as a departure” from the US view that Taiwan was part of China.

Baucus and other senators viewed Bush’s letter very positively. In his response to the Administration plan, Baucus said that “this leaves the Senate with a clear choice: We can make a hollow show of outrage by withdrawing MFN or we can support a positive, constructive policy that encourages reform in China”. Bob Dole, who also signed Baucus’ 19 June letter, told Bush he thought the letter was satisfactory. Dole assured the Senate “this was not just a letter to pacify a number of Senators who had grave concerns”.

As expected, farm groups lobbied intensively against Mitchell’s bill, the Senate version of US-China Act of 1991. China was not only a big market for US wheat but also a big buyer of US-produced fertilisers. A Democratic senator noted “the White House was able to bring in all grain groups to make this their top issue”.

The Chinese government also intensified its Senate lobbying effort. On 28 June, China signed a contract with Hill and Knowlton, a US public relations giant. China paid Hill and Knowlton $150,000 for the first month of a six-month contract to

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168 Cloud, “China MFN Vote Falls Short of Veto-Proof Margin”, p. 2054.
boost its image among US lawmakers and persuade them to approve extension of
MFN. “Our goal”, said a contract proposal Hill and Knowlton presented to the
Chinese, “must be to find 34 senators who will vote to sustain a veto”. Hill and
Knowlton maintained close ties with the White House: from 1985-1988, its President,
Craig Fuller, was chief of staff to then-Vice President Bush.169

With a tougher China policy and intensive lobby, the Bush Administration
won an important victory when the Senate voted on the US-China Act of 1991 on 23
July. Before voting, Bob Dole asserted the bill would be vetoed by the President and
the veto would be sustained. “We have many more than the required 34 votes to
sustain a veto”, Dole claimed.170

The Senate passed the US-China Act of 1991, after first substituting the text
of the Mitchell bill (S 1367). The Senate version was similar to the House measure,
but following a series of floor amendments it was more detailed in its requirements.
The White House could draw some comfort from the size of the no-vote: it won 44
votes, 10 more than needed to sustain a potential Presidential veto. The
Administration prevailed by retaining the support of 37 Republicans and persuading 7
Democrats from farm states to cross party lines. Both Democrats from Louisiana, a
leading exporter of fertilisers to China, voted against Mitchell’s bill.171 Almost all of
the Republicans who had remained publicly uncommitted going into the debate sided
with the Administration in the end.172 Only 6 Republicans voted against the

169 Gary Lee, “With Vote Approaching, China Hire Hill and Knowlton to Lobby for MFN”,
171 Cloud, “China MFN Vote Falls Short of Veto-Proof Margin”, p. 2054.
172 Ibid.
Administration, led by Senator Jesse Helms who, added to his strong dislike of China, had been under strong pressure to protect the textile industry of his home state.\textsuperscript{173}

Following the Senate action — and the virtual certainty the bill would not become law over Bush's veto — the measure languished. Mitchell vowed to have a conference report on the bill and send it to the President even if he could not come up with more votes. But he had been virtually silent on the issue.\textsuperscript{174} On the other hand, Baucus was pushing the Administration to implement the steps outlined in its 19 July letter. On 24 September, Baucus sent President Bush a letter complaining the Administration had been "slow to implement a number of the steps", especially Super 301 investigation of China's trade barriers.\textsuperscript{175} Under this pressure, the Administration initiated an investigation in mid-October. Baucus then asked his colleagues to give Bush's China policy "a chance to work and put legislation to condition or deny MFN to China on hold".\textsuperscript{176}

The House and Senate appointed conferees in late October to produce a compromise version. And without holding a public meeting, conferees reached agreement in late November. Under the compromise, the President would have been barred from recommending a waiver of Jackson-Vanik in 1992 unless China accounted for and released citizens detained as a result of the Tiananmen Square protests. In addition, China would not receive MFN if it transferred M-9 or M-11

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\textsuperscript{173} In 1991, 14 per cent of US total imports were Chinese textiles and apparel [See \textit{Congressional Record}, 25 February 1992, p. S2179]. US textile industry had been lobbying hard for revoking China's MFN status [See Veigle, "China Syndrome"]. Jesse Helms imposed much pressure upon the Administration regarding China using slave labor to manufacture textile products. He sought for the promise from Carol Hallett, the US Commissioner of Customs, "to get to the bottom of this". \textit{Congressional Record}, 6 May 1992, p. S6096.


missiles or missile launchers to Syria or Iran or assisted those countries in building nuclear weapons. Beyond that, most of the other preconditions specified in the House and Senate bills were watered down simply to require that China make "significant progress" in achieving human rights, trade and non-proliferation objectives.177

It was not until 26 November, just one day before departing, that the House approved the conference report on the US-China Act of 1991. Although the vote was overwhelming, 409-21, the bill was significantly less harsh than either of the two original bills the House and the Senate passed respectively in July.178 The Senate failed to act on the conference report before adjourning. Senators said they decided not to bring up the bill in order to keep the issue alive next year.179

The Senate never acted on Solomon’s disapproval resolution.

1992: The Repeat of the Fight

The fight over China’s MFN status was repeated in 1992. Twice did Congress try to override Bush’s veto and twice it failed in the Senate. Indeed, the issue had been so well debated that the fight, fierce as it was, had become boring and the outcome was almost predictable.

Support for the President had been slowly eroding in Congress after continuing trade disputes, further disclosures about Chinese exports of missile technology to the Middle East and news reports that China had sold advanced ballistic missile technology and launchers to Pakistan in the recent past and to other

countries previously. On 31 January, against the opposition of Mitchell, Pelosi and several other members of Congress, Bush and James Baker held a frosty meeting with Chinese premier Li Peng.

In early February, Baucus predicted Congress would pass legislation restricting MFN, but "the President will veto it. And the veto will be sustained". At the same time, the Administration began strenuous lobbying. The effort concluded on 25 February with Republican senators meeting over lunch with James Baker and Brent Scowcroft.

On 25 February, the Senate took up the conference report on the US-China Act of 1991 which passed the House on 26 November 1991. Despite the Administration’s lobbying efforts, support for the Administration was weakening. Senator Bob Packwood led the bill’s opponents. Along with other reasons, Packwood supported MFN for China as China was “one of Oregon’s largest export markets”.

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180 While US trade deficit with China increased to $12.7 billion in 1991, US major newspapers continuously reported Chinese exports of missile technology to the Middle East and Pakistan. On 31 January 1992, the New York Times reported a Chinese delivery to Syria of 30 tons of chemicals needed to build a solid-fuel missile and the transfer to Pakistan of guidance units to control the flight of the M-11 missile. On 22 February, the Washington Post reported that the Senate Foreign Relations Committee was informed in a closed briefing of Chinese contracts to sell more than $1 billion in missile and nuclear-related technology to Iran, Syria, Pakistan, and other countries in the Middle East. On 3 April, the Los Angeles Times reported that Chinese officials were negotiating with Iran for possible delivery of guidance systems that could have been used for ballistic missiles. On 22 April, the Washington Times reported a Chinese deal with Iran for a fleet of Chinese patrol boats equipped with Styx antiship missiles. On 28 April, the Washington Post reported that China unloaded small arms at an Libyan port after the 5 April embargo against Libya was imposed by the U.N. Security Council. On 21 May, China conducted an underground nuclear test of 1,000 kilotons for a new intercontinental ballistic missile that was being developed. The blast was the largest in Chinese history, far exceeded the generally accepted 150-kiloton limit agreed on in 1974 by the United States and the former Soviet Union. Congressional Record, 21 July 1992, p. E2183.

181 For their letter to Bush, see Congressional Record, 30 January 1992, p. H146.


"Trade with China means more exports, more jobs, and more income for Oregonians", said Packwood. Senator Bob Dole had argued for weeks without success for a voice vote, which would have allowed Republican senators to support the President without being identified individually as having done so.

In the end, the Administration lost the vote by 39-59. Ten conservative Republican senators voted for the bill. Several senators who opposed the bill in 1991 but voted for the conference agreement cited weapons proliferation as a primary concern, despite the fact that China had just agreed to adhere to the guidelines and parameters of the Missile Technology Control Regime (MTCR), which bans the transfer of certain equipment and related technology. Among them was John H. Glenn, Jr. It was observed that "no other member of Congress has been so knowledgeable or vigilant about transfers of nuclear technology and materials to Third World" as Glenn.

As expected, the legislation was vetoed by Bush on 2 March. On 11 March, the House voted 357-61 to override Bush's veto. Although the vote was overwhelmingly against Bush's veto, the 357 votes for the enactment of the bill was a 52-vote drop from the 409 votes for the conference report on the bill. And while originally there were only 21 votes against the conference report, 61 Congressmen ended up supporting Bush's veto and voted against the enactment of the bill. Among them, 51 were Republicans. Noticeably, 110 members of the Republican Party voted

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186 Bradsher, “Senate Backs Curbs on Beijing’s Access to Markets in U.S.”.
187 Ibid.
190 Ibid., p. S2153.
to override the President's veto. An important reason might be that many of them believed the conditions in the bill were much less harsh than those in the original bill. For example, William Broomfield, ranking Republican of the House Foreign Affairs Committee, "regretfully" voted for enactment of the bill over the President's veto. He believed that the United States must place "realistic conditions" on the continuation of normal economic relations. 193

As in previous years, a more crucial test for the override motion would take place in the Senate. Since the Senate sent the bill to the President by a vote of 59-39, eight votes short of the 67 needed for a two-thirds majority, the likelihood of an override in that body was far from certain. Bob Dole had noted that "there has been probably a change of some votes but I think in the final analysis, President Bush's policy will be sustained when the veto of the conference report comes back". 194 The supporters of the bill planned to lobby hard. They were encouraged to learn that the two Democratic senators who were absent from the last vote both planned to vote for the override measure. That would narrow the margin in the Senate to six votes. 195

Supporters of the Administration's China policy emphasised the progress and achievements of the policy. These included China's agreement in January to pass and implement tough new laws to end piracy of United States intellectual property. The new agreement had been endorsed by all major US intellectual property producers. Second, in February China agreed to abide by the provisions of the MTCR. Third, in March China acceded to the Nuclear Non-Proliferation Treaty (NPT). Finally, China

had released some political prisoners, accounted for others, and allowed relatives of
dissidents in exile to join their families abroad.196

Critics of the Administration’s China policy, however, were not impressed.
They continued to condemn China’s human rights violations and to blame China for
the increasing trade deficit. As for China’s signing the NPT and its pledges to abide
by the MTCR, they argued they had “good reason for skepticism” and that the US-
China Act of 1991 would “hold Chinese leaders to the letter and spirit of their
word”.197

The China MFN issue had been so well debated that on 18 March, when the
Senate considered Bush’s veto, neither party could find enough speakers to carry the
debate to 4 o’clock, which was the time set for vote.198 Bob Dole, who was confident
that Bush’s veto would sustain, claimed minutes before the voting that the Senate
would increase Bush’s record of successful vetoes from 24 and 0 to 25 and 0.199 At
the same time, a supporter of the US-China Act of 1991 confessed that “we may pick
up a few more votes today. We may come closer to our goal. But in the end, we all
know the likely outcome. . . . this override vote will fail”.200 Indeed, with a vote of
60-38, the Senate failed to override the veto. Farm-state senators from both parties
opposed restrictions on imports from China for fear China would retaliate against
imports of food from the United States.201 With these exceptions, the vote followed
party lines with most Republicans voting to sustain the President’s veto.

197 Ibid., p. S3833.
198 Ibid., p. S3841.
199 Ibid., p. S3848.
200 Ibid., p. S3854.
In the following two months, some business leaders observed the erosion of their support in Congress. After spending four days in mid-May in Washington meeting with members of Congress and Administration officials, Gareth C. C. Chang, Chairman of the American Chambers of Commerce in Hong Kong, expected the upcoming debate in the US Congress over China's MFN status would be the "toughest" ever. His impression was that the Bush Administration shared his expectation.

The battle over China's MFN status revived on 2 June when Bush notified Congress that he was granting China another Jackson-Vanik waiver for the year beginning on 3 July 1992. Again, the announcement immediately drew protests from Capitol Hill, mainly from Democrats, who argued that the President's policy of "constructive engagement" with China had produced no tangible results. Democrats were hoping that election-year political pressures would help break down support in the Senate for continuing normal trade relations with China.

This time, Don J. Pease and Nancy Pelosi co-sponsored the United States-China Act of 1992 (H.R. 5318). The bill was similar to the US-China Act of 1991 in its requirement that the President certify to Congress that the Chinese government

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203 Holden, "Hong Kong, PRC AmChams See Next MFN Debate as Toughest Ever".


was making significant progress in addressing human rights, trade and weapons proliferation concerns. But it differed in one significant respect. While the US-China Act of 1991 was directed at all imports of Chinese-made goods, the US-China Act of 1992 was more narrowly drawn. It would impose higher, non-MFN tariffs only on goods produced by state-owned factories. Goods produced by companies that were joint Chinese-foreign ventures, or by Chinese factories that were collectively or privately owned, would automatically receive MFN treatment for the year that began in July 1993. 206 Pease said the change was intended to appeal to members who had complained in the past that denying MFN status to China would harm US business interests and hurt reform-minded forces in China. 207 It also aimed at overcoming the Administration's concerns about damaging China's nascent free-market sector, which it argued was the best long-term hope for political change in China. 208

Meanwhile, Representative Gerald B. Solomon sponsored a measure disapproving of the extension of MFN for China.

In the Senate, George Mitchell introduced a bill (S 2808) setting “minimum standards” which China must meet to continue to receive MFN status. These standards were related to political prisoners, forced labour, religious freedom, trade practice and arms sales. 209 Mitchell believed that "the time to change the President's failed policy is long overdue. This year we will change it". 210

208 Friedman, “Bush Seeks Trade Benefits for China”.
209 For the text of the bill, see Congressional Record, 4 June 1992, pp. S7585-86.
On 23 June the Trade Subcommittee of the House Ways and Means Committee voted to report Solomon's disapproving bill unfavourably to the full committee. The bill sponsored by Pelosi and Pease was approved by the Subcommittee on 29 June. The Administration lobbied hard against the bill. During a 29 June hearing, Undersecretary of State Arnold Kanter tried to convince Congressmen that "broad trade sanctions, including targeted MFN withdrawal, will not advance the struggle for political liberty and reform in China".211 Deputy US Trade Representative Michael Moskow criticised the bill's attempt to make conditionality more palatable by targeting only state-owned enterprises for sanctions if conditions were not met. Moskow asserted the legislation was "unworkable" as the US Customs could not enforce such provisions effectively and the Treasury would find it impossible to create an accurate register of non-state enterprises.212

Despite stiff Administration opposition, a bipartisan majority of the House passed the more narrowly drawn United States-China Act of 1992 on 21 July by a vote of 339-62. Before passing the bill, the House passed Solomon's disapproving bill by a vote of 258-135. While Pelosi supported the disapproving bill, Pease and the powerful Rostenkowski argued against the bill. "A vote to cut off China's MFN status is a vote to cut off all potential influence of the United states over Chinese behavior", Rostenkowski argued.213

In the Senate, in what amounted to a replay of the move he made during the previous year's debate over China's MFN status, Max Baucus sent a letter to President Bush asking him to "ratchet up" his administration's pressure on China to improve its

212 Ibid.
trade, weapons proliferation and human rights practices.\textsuperscript{214} Baucus released the letter, which was signed by nine senators, at the 30 July Senate Finance Committee hearing on China's MFN status. While he still believed MFN was "the wrong tool" for addressing American concerns with China, he said the situation in China was "unacceptable". He urged the Administration to "actively pursue a 'smart weapons' approach to China", referring to carefully targeted measures. Otherwise, Baucus warned, he would "vote for conditions as the only alternative".\textsuperscript{215}

In another replay of what happened in 1991, the Senate Finance Committee voted 11-9 along party lines on 4 August to report an amended version of the United States-Act of 1992 to the floor. And again, the bill was reported without recommendation. It was observed that the bill presumably would not even have made it out of the committee had Chairman Lloyd Bentsen not moved to report it without recommendation, a rare procedure. Like the previous year, Max Baucus joined the party-line vote although he opposed limiting trade with China. Had he voted no, the bill would have died on a tie vote.\textsuperscript{216} The Senate language was nearly identical to the House version.

Possibly to reduce the pressure imposed on Bush, on 7 August China signed an agreement promising to investigate accusations of the use of prison labor in production of goods for export and to let American diplomats inspect Chinese institutions in disputed cases.\textsuperscript{217}

\textsuperscript{214} For the letter, see ibid., 1 October 1992, p. S15916.
On 14 September, the Senate passed the United States-China Act of 1992 by voice vote. The lack of a roll-call vote was certainly not an indication of overwhelming support. In fact, even if there had been a roll-call vote, the result would have been predictable: enough votes to pass the bill, but not enough votes to override a potential presidential veto. As pointed by Bob Dole in the 14 September debate, the China MFN debate had become “so repetitive, and the outcome of our deliberations so predictable” that the debate had become very boring.218

Before the Senate voted on the bill, Bush sent a letter to Bob Dole. In the letter, Bush listed the progress the Administration had achieved in dealing with China's human rights, trade and non-proliferation issues.219 George Mitchell, however, claimed that "the Administration's policy is a failure".220

In supporting the Administration's policy, Senator Alan Simpson argued that "threatening China's trade status will not cause China to respond to us on any of those issues [human rights, nuclear arms proliferation, and trade] -- at least to any acceptable degree". Simpson further accused the Democrats of being politically motivated:

> the constant threat of the revocation of MFN to China has taken a political life of its own. It rises here only because it is closer, and the closer it gets to the election the closer we want to get MFN. This is one of those blusters that has a detonating cap on it, and those in opposition want to put the plunger down as soon as they can so it will blow up before November 3. We know how that works. I think this effort is becoming increasingly self-defeating. People come to us and

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219 For the letter, see ibid., p. S13337.
say: We will bargain our position. We were on the other side before. Political, it is. Effective, it cannot be and will not be.221

The Senate never acted on Solomon’s disapproving bill and it died.

With adjournment approaching, Congressional Democrats worked overtime to send the United States-China Act of 1992 to Bush's desk in time to force a formal, visible veto, rather than letting the President allow it to die without his signature after Congress adjourned in October.222 On 22 September, the House by voice vote accepted the Senate version of the United States-China Act of 1992, thus clearing the bill for the President.

As expected, Bush vetoed the measure on 28 September, saying in his veto message that he completely shared the objectives of the legislation. But he repeated the argument that punishing China by restricting its American trade would only hurt ordinary Chinese citizens and American companies that sold goods there. "It is easy to be discouraged by the pace of progress in this area", Bush said, "but it would be a serious mistake to let our frustration lead us to gamble with policies that would undermine our goals".223

The House voted 345-74 on 30 September to override the veto. But the next day, as it had six months earlier, the Senate upheld Bush's veto by a vote of 59-40. Fifty-one Democrats and eight Republicans voted to override the veto while five Democrats and thirty-five Republicans voted to sustain it. Senator J. James Exon, Chairman of Subcommittee on Strategic Forces and Nuclear Deterrence of Armed Forces Committee, changed his position by supporting Bush’s veto. He cited his

221 Congressional Record, 14 September 1992, p. S13335.
concerns about the President’s jet fighter sale to Taiwan as the reason. “Given that the weapons sales will not be overturned by the Congress, the symbolic isolation of China through overturning the President’s veto of MFN conditions could be dangerous at this unique point in history. In spite of the President’s actions, I am compelled to put the interests of the US ahead of any political interest”, stated Exon.²²⁴

**Conclusion**

The above analysis demonstrates that the Bush Administration’s repeated victory over Congress was largely based on partisanship, especially that in the Senate. A vast majority of Republican senators consistently sided with the Administration. Even in the House, the element of partisanship can hardly be dismissed. Although a majority of Republican members supported bills conditioning China’s MFN status, many of them voted against revocation bills. They also tried to oppose harsh conditions and asked for more flexibility for the President.

The analysis also revealed the strong influence of constituency politics. Several Democratic senators from farm states with big economic interests in trade with China consistently sided with Republicans. Democrat senator Max Baucus passionately defended the Administration’s policy and was a prominent leader in supporting MFN for China.

The relevant committees in both chambers played different roles. The House Foreign Affairs Committee and the Senate Foreign Relations Committee as well as their subcommittees, which have broad function over the making of US China policy, were active in inputting their voices. They held a number of hearings relating to US

China relations, some of them focusing on China’s MFN issue. Committee members actively participated in the debates. However, the influence of these committees was limited due to the fact that they do not have jurisdiction over most of the bills relating to the issue.

In this sense, the decisions made by the House Ways and Means Committee and the Senate Finance Committee along with their relevant subcommittees were more influential. Although these two committees did not support the Bush Administration’s non-conditional renewal of China’s MFN status, both were against cutting off trade with China and neither took a strong lead in conditioning MFN. While the House Ways and Means Committee passed the bills conditioning China’s MFN status by voice vote, the Senate Finance Committee twice passed the bills 11-9 along party lines.

To sum up, partisanship, constituency politics and weak committee leadership in opposition efforts all contributed to the victory of the Bush Administration in protecting China’s MFN status from a Congressional move to suspend it.
Chapter 4

**MFN under the First Clinton Administration**

US policy towards China’s MFN status underwent dramatic changes during the first two years of the first Clinton Administration. Bill Clinton, whose campaign rhetoric was highly critical of George Bush’s China policy, decided to condition China’s MFN status by issuing an Executive Order in 1993. But the policy failed and the Clinton Administration had to reverse its policy and delink China’s MFN status and human rights in 1994.

Congress, still controlled by Democrats in those first two years, supported the Clinton Administration’s dramatic changes. No challenge was made against the Administration’s 1993 decision. The 1994 decision was opposed by some members. But the opposition force was too weak to organise a serious challenge. Bills opposing the Administration’s decision of delinking China’s MFN status and human rights were killed in Congress.

This chapter examines the cooperation and struggle between the first Clinton Administration and Congress in making US policy towards China’s MFN status. The chapter focuses on the first two years of the Administration, namely 1993 and 1994, and is divided into three sections. The first section analyses the cooperation between Congress and the Executive in reaching agreement conditioning China’s MFN status, with the Administration issuing an Executive Order. The second section discusses the change in the Administration’s view about the issue and the final decision of delinking China’s MFN status and human rights. The change of Congress’ view on China’s MFN status and its influence on the Administration are examined in the final section.
Conditioning China’s MFN Status: Cooperation and Compromise

China’s MFN status remained a central issue in US-China relations in 1993, the first year of the first Clinton Administration. With the change of administration, the relations between the Executive and Legislature changed. Both branches were now controlled by Democrats and Congressional Democratic leaders were “almost desperate” to ensure that relations between White House and Congress “would be modeled on anything but the Carter example”. Noticeably, the day after Clinton’s election, all 19 returning House committee chairmen “whipped off” a letter to him pledging support.

On the issue of China’s MFN status, Clinton had expressed his support for Congressional efforts to condition the status. The relationship between the two branches regarding the issue was much less tense than that under the Bush Administration. Indeed, cooperation replaced conflict in the relationship. In its early days, the Clinton Administration prepared to condition China’s MFN status, although it did not publicly commit itself to any specific course. While Congress was actively passing legislation revoking or conditioning China’s MFN status, the Administration was reluctant to take the lead. In the end, the Clinton Administration conditioned China’s MFN status by issuing an Executive Order and Congress readily accepted the Administration’s move.

1 During the Carter Administration, there was a serious divisiveness between the two branches although both were controlled by Democrats. The divisiveness “helped sow the seeds for 12 years of Republican rule”. Pamela Fessler, “Democrats Dress for Dance With New Administration”, Congressional Quarterly Weekly Report (50:45, 14 November 1992), p. 3617.
2 Ibid.
In his campaign for the White House, Clinton attacked the Bush Administration for “coddling the dictators of Beijing”. Along with this denunciation came Clinton’s oft-proclaimed endorsement of Congressional efforts to make the annual extension of China’s MFN status conditional on improvements in Beijing’s human rights, trade and arms-export policies.

Early in December 1991, at a debate in New Hampshire, Clinton said China’s access to the United States market should be closed entirely unless democratic changes were made by the end of 1992.4

On 3 June 1992, the last time Bush granted China an unconditional renewal of its MFN status, Clinton called the White House action “another sad chapter in this Administration’s history of putting America on the wrong side of human rights and democracy”.5 He criticised Bush for insufficient vigour in pursuing American values around the world and was indignant the Administration “would do business as usual with those who murdered freedom in Tiananmen Square”.6

In the summer, Clinton wrote in his campaign manifesto:

We believe that the Bush Administration erred by extending most-favored-nation trade status to the People’s Republic of China before it achieved documented progress on human rights. We should not reward China with improved trade status when it has continued to trade goods made by prison labour and has failed to make sufficient progress on human rights since the Tiananmen Square massacre.7

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7 Bradsher, “Clinton Aides Propose Renewal of China’s Favored Trade Status”.
On 1 October, in a speech in Milwaukee, one of his major foreign-policy addresses of the campaign, Clinton said:

There is no more striking example of Mr. Bush’s indifference toward democracy than his policy toward China. Today, we must ask ourselves, ‘What has the President’s China policy really achieved?’ The Chinese leadership still sells missiles and nuclear technology to Middle Eastern dictators who threaten us and our friends. They still arrest and hold in prison leaders of the pro-democracy movement. They restrict American access to their markets, while our trade deficit with China will reach $15 billion this year. ... I do believe that our nation has a higher purpose than to coddle dictators and to stand aside from the global movement toward democracy.8

At the very beginning of 1993, Nancy Pelosi called on Clinton to “stand firm on the issue” and to “work with Congress”.9 It was observed, however, that in his early post-election statements on China’s MFN status Clinton stuck largely to repeating broad campaign themes while at the same time he softened his rhetoric and did not commit himself to any specific course of action, such as revoking or attaching conditions to MFN.10 Possibly he was buying himself time. As suggested by the Asian Foundation, “It would be unwise to take immediate action on any one aspect of the bilateral [U.S.-China] relationship pending a full review of our overall relationship with the PRC”.11

Yet, Clinton maintained his position that China’s MFN status should be closely linked to human rights. In a 19 November 1992 speech, Clinton said Americans “have to insist on progress in human rights and human decency”.12 On 26

12 Friedman, “Clinton Says Bush Made China Gains”.
February 1993, Clinton made a speech at American University. In regard to trade with China, Clinton said: “We have a right to expect progress in human rights and democracy as we support that progress”. 13

Clinton’s 26 February statement was explained in terms of the need to attach some sort of conditions to China’s MFN status. While Secretary of State Warren Christopher thought “President Clinton will be embracing a renewal of most favored nation’s treatment only if we see real progress towards democracy in China”,14 White House Communications Director George Stephanopoulos explicitly stated “the President believes that we should extend it [China’s MFN status] subject to conditions on progress in human rights and opening up towards democracy and releasing political prisoners”.15

Unlike the Bush Administration’s China policy, the new Clinton Administration had a China policy which was overshadowed by democracy and human rights issues. Christopher declared that “our policy will seek to facilitate a peaceful evolution of China from communism to democracy”.16

Clinton’s appointment of former US ambassador to China, Winston Lord, as Assistant Secretary of State for East Asia and Pacific Affairs was viewed as yet another sign of the new Administration’s intentions.17 Lord had been strongly supportive of Congressional efforts to link an extension of China’s MFN status to improvements in its human rights policies. In 1991, Lord wrote in the New York

14 Ibid.
15 Ibid.
16 Mann, “China Issue”.
17 Ibid.
"Simply extending most favored nation treatment would be a grave mistake. If other steps outlined are not undertaken, this trade status should be revoked". Among other recommendations, Lord urged Bush to expand Voice of America broadcasting to overcome jamming, conduct a symbolic meeting between Chinese students and the President, reaffirm the freeze on technology loans, and postpone World Bank loans. 18

In early February 1993, Lord, who had already been named Assistant Secretary of State for East Asia and Pacific Affairs, reportedly told key senators privately he would advocate imposing conditions on China’s MFN status when it came up for renewal later that year. He further hinted that he preferred the conditions to be imposed by the White House rather than through legislation by Congress, thereby giving the President more flexibility in dealing with the issue. 19

In the first Congressional appearance of his term as Secretary of State, Warren Christopher began to edge away from the Bush Administration’s policy on the issue of China’s MFN status. Testifying before the House Appropriations Subcommittee on Commerce, Justice, State and the Judiciary on 10 March, Christopher said he hoped the Administration could renew MFN for China that year “but conditioned on their making very substantial progress” in several areas. These areas included human rights and “abusive trade practices” that were reflected in China’s $19 billion trade surplus with the United States. 20 Christopher promised to work closely with the

20 USIS, “Christopher Hopes to Renew China's MFN status with Conditions”, 11 March 1993, File ID: EPF406, Tracking no. 271733. Some sources give different numbers about China's trade surplus with
leading Congressional advocates of imposing sanctions on China to seek a “balanced”
approach to the issue.21

In the first several months, the Clinton Administration’s China policy was
neither active nor creative. It was believed the Administration had “grappled with
Bosnia, Russia and his domestic economic fix-it plan”.22 This could be one of the
reasons. But a more important reason was that, according to several senior policy-
makers at the time, Clinton treated China largely as a domestic issue in his first year
in office.23 In addition, in striking contrast with George Bush, who was believed “a
foreign-policy natural”,24 Clinton lacked both experience and interest in foreign
policy. Clinton had been chairman of the Democratic Leadership Council, yet took
no part in the foreign policy debates of the 1980s within his own party. Opinion polls
throughout 1992 showed that voters preferred to have George Bush in charge of the
nation’s foreign policy rather than Bill Clinton by a substantial margin.25

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21 Carroll J. Doherty, “Christopher Weighs in on China, Empty Embassy in Moscow”, Congressional
22 Marcia Stepanek, “Clinton Takes Back Seat to Congress on China”, San Francisco Chronicle, 2
A01.
25 When asked who would handle better foreign affairs between George Bush and Bill Clinton, the
voters consistently showed confidence in George Bush.

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<th>Month</th>
<th>Bush</th>
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See William R. Thompson, “Foreign Policy, the End of the Cold War, and the 1992 Election”, in
Encounter with the World”, p. 373.
Clinton's lack of experience in foreign policy making, and perhaps especially in dealing with China, was demonstrated by his move in March 1993. In that month, Clinton sent a letter to Beijing listing fourteen issues of concern to him, ranging from human rights to non-proliferation to economic disputes. He suggested that Beijing take steps to satisfy these concerns which, in turn, would benefit Beijing in terms of MFN status. Angered by the "coercive ultimatum", Beijing fired back a list of seven demands of their own for changes in US policy.26

After this brief exchange, the Administration did not take any initiatives to face the challenge of US-China relations, except making some broad statements. This not only failed to satisfy those who wanted to engage China but also angered China critics. In late May, Senator Jesse Helms complained that "almost 4 months after Mr. Clinton's inauguration, his Administration is demonstrably absent without leave when it comes to Communist China's arrogant and cruel behavior".27

While the Administration was impotent in taking the lead, Congress was ready to take charge of China policy. In mid-January, before Clinton entered the White House, George Mitchell outlined his policy towards China's MFN status during a television interview: "I think we should continue MFN trading status for another year but place conditions on it that say 'Unless you take these steps to improve your policies, then MFN status will not continue'".28 On 22 April 1993, Mitchell introduced a bill (S 806) to impose conditions on the renewal of MFN status on China in June 1994. The bill was co-authored by Nancy Pelosi, who introduced the bill in

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the House two days later. Pelosi had become so prominent that she co-chaired the Democratic Party’s Platform Committee in 1992.29

Also called the “United States-China Act of 1993”, the Mitchell-Pelosi bill was essentially the same legislation introduced by Pease and Pelosi in 1992 — HR 5318 or “United States-China Act of 1992”. The only substantive changes involved provisions concerning Tibet. Where the 1992 legislation made a symbolic gesture by referring to China and Tibet as separate entities, the new bill called for China to make “significant progress” in ceasing religious persecution in China and Tibet, and ceasing financial and other incentives to encourage non-Tibetans to relocate to Tibet. The major conditions which China would have to meet for MFN status to be renewed after July 1994 included allowing unrestricted emigration of political and religious prisoners, providing an acceptable accounting and release of political prisoners, ending dangerous arms sales in the Middle East and halting unfair trade practices.30

The White House, without even reviewing the bill, said the Mitchell-Pelosi bill’s “general approach of conditioning MFN trade status to progress toward human rights and democracy is something the president is consistently supporting”.31

The Clinton Administration’s response to the Mitchell-Pelosi bill demonstrated its readiness to condition China’s MFN status. The response also reflected the leadership of Congress on this issue. Indeed, Congress had so much control that Nancy Pelosi became even more assertive. She said rhetoric would not be enough for Capitol Hill and that she and other Democrats would be willing to work

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with Clinton to develop China policy — “but we will only go so far”, said Pelosi. “We are not open to unconditional renewal of MFN”.32

Noticeably, along with the new administration, there were new key players on Capitol Hill on the issue of China’s MFN status. One of them was Republican Representative Christopher H. Smith. Smith was a “27-year old anti-abortion activist” when he was elected to Congress in 1980.33 As a pro-life Catholic, Smith had “stoutly” opposed channelling any aid to China’s one-child-per-family policy which fostered coerced abortion and sterilisation.34 Although he had consistently voted against unconditional MFN for China under the Bush Administration, Smith maintained a low profile. In 1993, however, this Republican Congressman, who later became chairman of House International Relations’ Subcommittee on International Operations and Human Rights, was vocal in criticising the Democrat Administration and became a leading figure in the debate. On 4 May, Smith introduced a bill to condition China’s MFN status. The bill required an end to the practice of abortion and involuntary sterilisation.35

Some leading Democrats were concerned about the Congressional move. They urged President Clinton to act quickly and take the lead. Early on 7 January, Senator Max Baucus advised then President-elect Bill Clinton to review China’s progress on some key areas before renewing China’s MFN status in June. Baucus said:

An early statement by President Clinton or Secretary Christopher should emphasize that the administration will carefully review China’s

32 Stepanek, “Clinton Takes Back Seat to Congress on China”.
34 Ibid.
progress on human rights, arms control and trade policy when making its June MFN recommendation to Congress under Jackson-Vanik. The statement should make it clear that further statutory conditions are not necessary to keep pressure on China.\(^{36}\)

On 15 March, Representative Lee H. Hamilton, Chairman of the House Foreign Affairs Committee, wrote a letter to Clinton. Hamilton had consistently voted for conditioning China's MFN status under the Bush Administration. He was one of the influential senior Democrats and once considered a candidate for Secretary of State in the first Clinton Administration.\(^{37}\) In his letter to Clinton, he did not say he had changed his mind. But he explicitly stated he was opposed to "placing statutory conditions on, or denying, MFN status for China".\(^{38}\) Such a step, he believed, would harm US interests and deprive the Executive Branch of "flexibility to adjust to changing circumstances".\(^{39}\) Hamilton wrote:

> I urge you [Clinton] to assert your personal leadership with respect to US policy towards China. Your early attention to China would enhance both your policy flexibility and your ability to protect and promote US objectives in a country of strategic importance to the United States. . . . Whatever your policy choice, strong presidential direction will prevent the foreclosure of policy options. A perception of policy drift would create momentum in the Congress towards legislation that may be difficult or impossible to reverse.\(^{40}\)

In early May, Max Baucus renewed his effort of MFN for China. On 5 May, Baucus and six other Democratic senators wrote to Clinton suggesting a policy he

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39 Ibid.
40 Ibid.
might adopt towards China. They urged Clinton to "keep lines of trade and communication open by renewing China's MFN status this year". However, they expected Clinton to condition the MFN although they asked him "to avoid statutory or other rigid new conditions on the renewal of China's MFN status for next year". Instead, Clinton should set "broad, achievable conditions rather than rigid, detailed conditions that impose humiliating tests".41

At the same time, Clinton, "a man who listens to business"42 and a man who demonstrated "natural interest in international economics" since his student days,43 came under intense pressure from business and farm groups not to impose any conditions on China's MFN status. In fact, given Clinton's stance during the campaign, American companies had been working the China trade issue more aggressively than ever before. They feared Beijing might retaliate by curbing purchases of American goods. "The pressure from the Chinese is not overt, but it's generally understood that all these big business deals will die overnight if their favorable status is revoked. Everything that we are selling, they can buy from someone else", said Richard A. Brecher, Director of Business Advisory Services for the United States-China Business Council, a private association representing about 200 American businesses in China.44

For many American companies, the prospect of trade with China was breathtaking. AT&T said it hoped to make billions of dollars through a joint

agreement with the Chinese government to provide the country with modern telecommunications. Company executives estimated they could supply about half the 15 million telephone lines that China planned to install each year for the following several years. “We are talking about a business in China that is as big if not bigger than that in the United States”, said Randall L. Tobias, vice chairman of AT&T.45

US business groups repeatedly warned that the United States would suffer tremendously if China’s MFN status was revoked or conditioned. On 20 May, in his testimony before a panel of the House Foreign Affairs Committee, Donald Anderson, President of the US-China Business Council, said withdrawing or conditioning most-favoured-nation status “would be a recipe for disaster for U.S. workers, consumers and employers”.46

In 1992, orders from China were up 19 percent from 1991.47 Trade experts estimated that exports to China created about 150,000 jobs in the United States in 1992. According to the US-China Business Council, American firms signed 3,265 contracts worth $3.1 billion of investment in China in 1992, more than five times as much as the previous year. What’s more, China’s economy was growing at annual rates of 12% or 13% while the European and Japanese economies had stalled, Russia’s would-be economic transformation had not taken off, and there were very few other places in the world that American firms could look to for economic growth.48

45 Sims, “China Steps up Spending to Keep U.S. Trade Status”.
47 Sims, “China Steps up Spending to Keep U.S. Trade Status”.
These figures and facts certainly did not escape Mickey Kantor, US Trade Representative. On 20 May, Kantor stated frankly: "You’re dealing with the world’s third-largest economy. Sometimes life is not simple. Sometimes you have contradictory goals. You can’t help it".49

While the Administration was finalising its decision, more bills relating to China’s MFN status were introduced in Congress. On 25 May, a bill to separate trade from human rights issues was introduced in the House. The bill authorised the President to enter into agreement with China to establish a United States-China Bilateral Human Rights Commission.50 On 26 May, S 1034, the Fair Trade With China Act was introduced in the Senate. The legislation provided that beginning 3 July 1994 the President might not renew the MFN trade status to China without first determining China was no longer manipulating its currency to gain unfair competitive advantages in trade with US. The legislation targeted the US trade deficit with China then approaching $20 billion.51

The White House had repeatedly expressed its willingness to “work closely with Congress” and there had been some consultation.52 But the consultation was largely limited to Democrats and Republicans, especially leading Republicans on the issue, were not happy. As late as 25 May, Representative Christopher H. Smith complained that “the Administration’s consultation with Congress [on China’s MFN status] had been negligible”.53

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49 Locin, “Trade Chief Hints China’s Status with U.S. May Not Change in ‘93”.
It had become clear by then that the Clinton Administration would condition China's MFN status by issuing an Executive Order. Such an approach would be more palatable to China as it would be much easier and less cumbersome for China to persuade the White House that China had met the required conditions than it would be to satisfy majorities in the House and Senate.

Christopher H. Smith was not happy with the idea of issuing an Executive Order. "If the President goes the route of a loophole-ridden Executive Order", Smith argued, "he will short circuit the opportunity for Congress to make it clear to the Beijing regime that substantive improvements in human rights are absolutely necessary if China's preferential trade treatment is to be continued".54 Some lawmakers were not willing to give MFN to China at all. Representative Gerald B. Solomon argued that the only way to get China's cooperation on human rights, and in areas of trade, military and foreign policy is to "cut off MFN, and cut it off now".55 Clinton was accused of having a "trust deficit".56

Both Mitchell and Pelosi, however, did not mind whether conditions were imposed by legislation or by Executive Order. A Mitchell aide acknowledged that, in a sense, Congress was playing "bad cop" while the Administration played "good cop" in dealing with China.57 Pelosi also noted that "What we want more than anything is a unified message from the President and the Congress".58 In fact, Congressional leaders wanted Clinton to take the lead on China policy; the relevant bills were

54 Ibid.
56 Congressional Record, 27 May 1993, p. S6638
57 Mann, "Clinton Seeking Way to End China Trade Wrangle".
58 Bradsher, "Clinton Aides Propose Renewal of China's Favored Trade Status".
intended more as a negotiating tool. They believed “it would be advisable to give the broadest reasonable discretion and flexibility to the President of the United States in this matter”.

Thus, on 28 May Clinton signed Presidential Executive Order 12850 demanding that China improve its human rights policies during the next 12 months. The Order extended China’s MFN trade privileges for another year. But the Order required the Secretary of State to recommend next year whether the President should extend China’s trade benefits for the 12 months after 3 July 1994. The Secretary should not recommend extension unless he determined that 1) extension would substantially promote the freedom of emigration and 2) China was complying with the 1992 bilateral agreement between the United States and China concerning prison labour. If China wanted further annual renewals, it should make “overall, significant progress” on human rights questions. The Order also said the Secretary should not recommend any favourable trade renewal unless China had made progress in the following five human rights areas: 1) Taking steps to begin adhering to the Universal Declaration on Human Rights; 2) Releasing and providing an acceptable accounting of political prisoners; 3) Ensuring humane treatment of all prisoners, “such as by allowing access to prisons by international human rights organisations;” 4) Protecting “Tibet’s distinctive religious and cultural heritage;” 5) Permitting international radio and TV broadcasts into China.

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60 Congressional Record, 6 May 1993, p. S5552.
The Order was widely hailed as a masterful solution. Chinese dissidents, liberal Democrats, conservative Republicans, Asia Watch, members of the US-China Business Council and even a representative of Tibet’s leadership gathered at the White House for the signing of the Order.

“Starting today, the United States will speak with one voice on China policy”, Clinton said in a written statement. “We no longer have an executive branch policy and a Congressional policy. We have an American policy”.62 On Capitol Hill it was hailed that “with an executive order he [Clinton] bridged a 4-year divide between the White House and Congress”.63

Nancy Pelosi was pleased because Clinton had issued the Order without waiver. “That is to say, next year, unless the People’s Republic of China meets these conditions, the President will not request a waiver for MFN for China”.64 Pelosi, however, did not give her full trust to the Administration. “But in praising the President’s Executive Order, that does not by any means mean that Congress relinquishes its right to refuse a request by the President for a waiver should we arrive at a different conclusion from the President in terms of China’s MFN”.65

There was doubt about the wisdom of the Executive Order. Sam M. Gibbons, Chairman of the House Ways and Means Subcommittee on Trade, warned that “the big battle on this is going to be next year... because it’s going to be on whether or

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64 *Congressional Record*, 10 June 1993, p. H3438
65 Ibid.
not the president’s conditions have been met, and he’s laid out some pretty tough positions”.

**Delinking MFN and Human Rights: A Frustrated Administration**

After issuing the Executive Order, the Clinton Administration soon realised its China policy was not working. It then adjusted its policy and adopted a “comprehensive engagement” approach. As for the MFN issue, the Administration kept pushing China to meet the conditions set in the Executive Order, not because it believed MFN provided leverage but because it felt boxed in by the Order. One year later, the Administration not only renewed China’s MFN status, but also delinked MFN and human rights.

Not long after the signing of the Order, the US-China relationship rapidly deteriorated with the occurrence of a series of controversies, including US Congressional resolutions opposing the selection of Beijing as the host of the 2000 Olympic Games and Beijing’s treatment of a leading dissident, Han Dongfang, who was stripped of his passport and denied permission to re-enter China after spending some time in the United States. There were also long-existing trade disputes, such as disputes over textiles and lack of progress in market access.

Most explosive, however, were the *Yin He* issue and the M-11 missile issue. Both issues pertained to China’s credibility of its adherence to international norms.

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67 The *Yin He* issue started in July, when US intelligence began tracking the Chinese freighter, believed to be carrying a shipment of materials for chemical weapons to Iran. Such a shipment would violate the Chemical Weapons Convention (CWC) of which China is a signatory. At the insistence of the United States, China permitted an inspection of the ship’s cargo. No such materials were found. The Chinese government demanded a formal apology and compensation from the United States for the additional expense of the ship, including weeks of delay at sea. The United States refused.
While the Chinese government denounced the United States as a “self-styled world cop” on the Yin He incident, M-11 missile issue did even more damage to US-China relations. China in 1992 promised the Bush Administration it would honour the Missile Technology Control Regime (MTCR), though China did not sign the agreement. In return, the Bush Administration ended sanctions against China’s transfer of high technology. In early 1993, US intelligence agencies had reportedly acquired what they believed to be compelling new evidence of M-11 technology transfers to Pakistan, which previously had been less than conclusive. By mid-July, intelligence reports had led some senior American arms experts to conclude Pakistan had received all the components to assemble missiles. On 25 August 1993, the Clinton Administration announced that it would ban American exports of almost $1 billion in high-technology goods to China over the next two years to punish Beijing. The sanctions prevented American companies from receiving export licenses to sell China advanced electronics equipment as well as technology for space systems and military aircraft. At the time, the United States sold China $400 million to $500 million of such technology each year.

Amid the Yin He and M-11 episodes, Washington also detected that Beijing was preparing its thirty-ninth nuclear test, which China conducted on 5 October despite US protests.


While insisting that the United States was still looking to maintain a "constructive" relationship with China, the Clinton Administration acknowledged that "there's no question we have some problems [with China] coming together at the same time".\textsuperscript{71} Christopher described the relationship as being in "rough waters".\textsuperscript{72} On 31 August, Winston Lord acknowledged that "with respect to how we've done or how the Chinese have done... on the whole, I'd have to say that we've had some setbacks".\textsuperscript{73}

In fact, some Administration officials had detected a deteriorating trend in the relationship for some time. In mid-July, Lord warned in a classified letter to Christopher the relations with China were "spiraling downward" and urged an entirely new strategy of intensive engagement with Beijing in which incentives would substitute for threats.\textsuperscript{74} But Lord's letter did not attract much attention.

What happened in the following two "nightmare months"\textsuperscript{75} created a new urgency to halt the downward slide. A classified US National Intelligence Estimate on China forecasted that China's military leadership would regard US forces as "the enemy" unless Washington avoided fostering that impression.\textsuperscript{76} In addition, it was believed that as China was facing a succession struggle after the death of Deng Xiaoping China policy deserved more attention and delicacy.\textsuperscript{77}

\textsuperscript{71}Jim Mann, "U.S.-China Ties Turn Sour Amid Tensions on Key Issues",\textsuperscript{72} Los Angeles Times, 26 August 1993, pp. A1, A9.
\textsuperscript{74} USIS, "Lord on U.S. Policy toward East Asia and the Pacific".
\textsuperscript{77} Ibid.
With the effort of Lord and the most senior China hand in the Administration, Assistant Secretary of Defense for Regional Security Affairs, Charles Freeman, drafts of a China policy review were presented to Clinton at the end of August.\textsuperscript{78} In mid-September, Clinton signed an "action memorandum" which codified a new strategy — the strategy of "comprehensive engagement".\textsuperscript{79} The new strategy was a shift from being "aloof" to "engaged" with the highest echelon of the Chinese leadership. Thus, a procession of high-level officials would be sent to Beijing. Moreover, a presidential meeting was now on the agenda.\textsuperscript{80}

The Clinton Administration was quick to implement its new strategy towards China. On 21 September, National Security Affairs Adviser Anthony Lake made a speech at the Johns Hopkins University School of Advanced International Studies in Washington. In that speech, he emphasised that the US-China relationship was "one of the most important in the world" and would "strongly shape both our security and economic interests in Asia".\textsuperscript{81} Four days later, Lake and Lord met with Chinese ambassador Li Daoyu to brief him on the results of the policy review. They proposed a series of top-level meetings and passed an invitation for Chinese president Jiang Zemin to meet with Clinton in Seattle. They also handed Li a confidential diplomatic paper. The paper carried a message reassuring Beijing that US policy continued to be based on the "three communiqués" and supported a unified China.\textsuperscript{82}

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\textsuperscript{80} Williams and Smith, "U.S. to Renew Contact with Chinese Military".
\textsuperscript{82} Williams and Smith, "U.S. to Renew Contact with Chinese Military".
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Chinese president Jiang Zemin a letter announcing the United States would help promote a "strong, stable and prosperous China". Then, on 30 September, Christopher met with Qian to arrange a series of visits, including several with Cabinet officials, and to restore military-to-military contacts.

To symbolise that human rights still played a central role in the Administration’s China policy, and thus to defuse any possible negative reaction towards the new strategy, Clinton first sent to Beijing Assistant Secretary of State for Human Rights John Shattuck. Shattuck was followed by Agriculture Secretary Mike Espy, who said in Beijing that Clinton wanted to improve the relationship with China. In early November, Charles Freeman went to Beijing and met with the Chinese defence minister and senior military officials. Freeman’s visit was seen as the most important because it marked the end of a four-year American policy to isolate China’s military.

The highlight of the events was the meeting between Clinton and Jiang Zemin in Seattle on 19 November 1993. The meeting was the highest-level contact since the Tiananmen Square incident. Before the meeting, in a goodwill gesture towards China, the Clinton Administration agreed to sell China the sophisticated $8 million supercomputer. In informing Qian on 17 November, Christopher did not ask for any

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87 The Bush Administration postponed the sale in December 1992 after intelligence reports showed that China had exported the M-11 technology. But in the final days of his Administration, Bush overruled the Defense Department and ordered the approval of a license pending necessary processing. That put the decision on the desk of Clinton, who had accused Bush in the Presidential campaign of not doing enough to halt the spread of nuclear, chemical, biological and ballistic missile technology.
concessions from Beijing. Christopher also told Qian the United States would be
prepared to interpret an American law governing the export of high technology to
China to allow the export of two of seven sophisticated American-made satellites
banned by sanctions imposed on China in August.88

In spite of the efforts, the high-profile meeting yielded little. Neither side
gave much ground. Although Clinton was reluctant to let human rights issue
dominate the relationship, he still closely linked China’s MFN status to its human
rights record. Jiang rejected any interference in China’s internal affairs, especially the
attachment of conditions to MFN extension.89

The Clinton-Jiang meeting might have made the Clinton Administration
realise the Executive Order would not work. It was later reported that within weeks
of the meeting, a consensus began to emerge in the Clinton Administration that the
United States had to find a formula to allow the extension of China’s trade benefits.90

But by the end of 1993, the Administration found that China had not improved
its human rights record enough to win renewal of trade benefits. According to the
State Department’s annual human rights report, released on 1 February, the Chinese
government’s overall human rights record in 1993 “fell far short of internationally

88 Sciolino, “Clinton Takes Political Risk in Talking to Chinese”. The White House’s pressing for a
broad legal interpretation of the law requiring sanctions was an effort to persuade the Chinese to begin
talks on the sanctions, and a major concession to United States business. White House lawyers argued
that satellites that did not include components on the State Department’s munitions list were not
covered by the sanctions law and should be allowed for export. “The National Security Council
genuinely believes that the legal arguments are not clear cut and that there is some discretion on how to
apply the law”, an Administration expert said. See Elaine Sciolino, “US and China Try to End Bar to
90 Friedman, “Clinton and China: How Promise Self-Destructed”.

accepted norms as it continued to repress domestic critics and failed to control abuses by its own security forces". The report offered little justification for ruling that China had gone far enough. Pressed by questioners, John Shattuck had to say there had been "by no means enough to satisfy the conditions of overall significant progress within the executive order of the president".

In early 1994, analysts found it hard to justify Clinton renewing China’s MFN status for another year. Former member of Congress Stephen J. Solarz, who served in the House of Representatives for two decades and chaired House Foreign Affairs Subcommittee on Asian and Pacific Affairs, observed in January 1994:

Unless some political prisoners are released, unless there is some relaxation of the repression in Tibet, unless something is done in the area of the jamming of foreign radio broadcasts, such as the Voice of America, I think that it may well not be possible for the President, given the commitments he has made to Congressional leaders in both the House and the Senate on this issue as well as the terms of the Executive Order itself, to extend MFN status for another year.

Clinton’s economic team, however, began to discuss the possibility of renewing China’s MFN status without the annual review of its human rights record. Just days before the release of the annual report on human rights, Robert E. Rubin, head of the newly created National Economic Council and Clinton’s chief economic adviser, who “believes market solutions”, said the Administration would like to

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92 Ibid.
sever the MFN-human rights linkage if China kept its commitments on the treatment of political prisoners, elimination of prison labour and other human rights issues.\textsuperscript{95}

The key issue was how to define the progress or commitments that China made. Reportedly, there were indications the Clinton Administration might be backtracking on its commitment to human rights in China. What the Administration was seeking was no longer significant progress in human rights but a grand gesture which would allow the Administration to weather the potential criticism. Reports claimed it was mainly for this reason that John Shattuck was sent to Beijing in late February, shortly before Christopher was to pay his first visit to Beijing as Secretary of State.\textsuperscript{96}

Shattuck, however, almost derailed the Administration’s new approach. Shattuck, without informing Christopher or Lord, held a 90-minute encounter with China’s most prominent dissident Wei Jingsheng. Wei quickly publicised the meeting, and China furiously denounced the United States, calling Wei a “criminal on parole” and charging Shattuck with breaking Chinese laws.\textsuperscript{97}

Over the next few days, China rounded up dissidents. It was partly because of the approaching of National People’s Congress. But more importantly, it was to prevent any contact between the dissidents and US officials.\textsuperscript{98} So, after months of trying to “engage” China, the United States and China were on the collision course.

\textsuperscript{96} \textit{Congressional Record}, 3 March 1994, p. E349.
\textsuperscript{97} Friedman, “Clinton and China: How Promise Self-Destructed”.
\textsuperscript{98} When Christopher appealed to Qian to release any activists detained just before Christopher’s visit, Qian quipped: “We would not have detained any if we had known you were not going to meet with any”. Daniel Williams, “U.S. ‘Disappointed’ as Christopher Leaves China”, \textit{Washington Post}, 15 March 1994, p. A15.
“I fear”, said a State Department official, “that we are heading for a major-league train wreck”.

The rounding-up of dissidents made Christopher’s immediate visit contentious. Christopher decided to go ahead with his visit, arguing that China had been hearing mixed signals and needed to hear US position stated directly and clearly.

Throughout his three-day trip, however, Christopher found himself on the defensive. Both Qian Qichen and China’s Premier, Li Peng, told Christopher China would never accept conditions for renewal of MFN status nor accept contact between US officials and Chinese dissidents. Christopher cabled Clinton on 12 March that the Chinese were “rough, somber, sometimes bordering on the insolent”. At the same time, American businessmen in China complained that a strategy of using trade to force changes in China’s human rights policies only inhibited their ability to compete in the Chinese market.

Watching his China policy heading towards a dead end, Clinton was frustrated. He made no effort to support his Secretary of State in public and told reporters he was “disappointed” with the trip.

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101 When Christopher suggested that China should arrange meetings between U.S. officials and Chinese dissidents as a display of goodwill on human rights, Qian simply responded: Such visits would rupture relations. Qian even told a news conference that the two countries would have different concepts about human rights “for a long time to come”. Williams, “U.S. ‘Disappointed’ as Christopher Leaves China”.
102 Gellman, “U.S., China Nearly Came to Blows in ‘96”.
104 Williams, “U.S. ‘Disappointed’ as Christopher Leaves China”.
The widely-reported Christopher episode exposed the Clinton Administration’s frustration over its China policy. Administration officials demonstrated their frustration by sending mixed messages to Beijing. A good example occurred in late February when both Under-Secretary of Commerce for International Trade, Jeffrey E. Garten, and John Shattuck, Clinton’s emissary on human rights, were visiting Beijing. While Garten admitted he was lobbying on behalf of American companies for contracts in China amounting to at least $6 billion, Shattuck warned that unless Beijing gave organisations such as the International Red Cross access to its jails, facilitated emigration, and treated Tibetans better, these commercial projects might be doomed. Also, while Shattuck lunched with Wei Jingsheng and was told to be tougher on trade, Garten painted a glowing picture of China’s business potential. He foresaw more US involvement in telecommunications, power plants and transport. He also said that a bilateral committee on trade and tariffs would meet regularly to vigorously promote US investments, market access and finance as well as to discuss intellectual property rights. “I am not attempting to send any message to the US... and I don’t know what will happen in June [on MFN], but it is inconceivable to me there will not be a lot of business, whatever happens”, Garten said.

Observing the inconsistency of the Clinton Administration’s China policy, Representative Christopher H. Smith later noted that "for the past year his [Clinton] Administration has been like the Tower of Babel, speaking with many tongues,

sending mixed messages, floating trial balloons and suggesting that a whitewash or reversal was being cooked up".\(^{107}\)

Naturally, the Clinton Administration would not acknowledge the failure of its policy towards China. Testifying before a House Appropriations subcommittee on 17 March, Christopher insisted China had made "solid improvement" in two key areas of human rights: prison labour and immigration. But he did add that additional improvements were required for China to avoid losing US trade benefits that spring. "It will have to take place before the date of renewal, or I won't recommend it", Christopher said.\(^{108}\)

China, however, showed no sign of compromise. Instead, the Clinton Administration started to publicly back away from its human rights policy. Not long after Christopher's visit to China, Qian said China was prepared to return to Cold War status of no trade relations with United States if disputes over China's human rights record could not be resolved.\(^{109}\) Almost at the same time, Clinton stated that "Our policy is that human rights are important, but so are the other issues".\(^{110}\)

Actually, by then Clinton's economic team had already agreed that the annual rite of threatening China with a withdrawal of MFN status unless certain human rights conditions were met was outmoded and should be replaced. Clinton himself told aides and lawmakers the last thing he wanted to do was to withdraw China's MFN

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\(^{107}\) Congressional Record, 26 May 1994, p. E1120.


status: Do so would cost thousands of American jobs and billions of dollars in contracts.\textsuperscript{111}

It is important to note that the United States had tried in vain to win the support from its allies for its human rights policy towards China. Winston Lord explained to Congress that “We have tried extremely hard . . . Clearly, our allies put a higher stake on commercial objectives relative to human rights than we do”\textsuperscript{112}

Not surprisingly, economic interest groups again lobbied hard for China’s MFN status. As Clinton prepared to attend the funeral of former President Richard Nixon in California in late April, the Business Coalition for United States-China Trade gave him a petition signed by nearly 450 California-based companies. “Despite strong recovery elsewhere in the nation, California is still mired in recession . . . The loss of [China’s] most-favored-nation (MFN) trade status would be an additional devastating blow to the California economy”, the petition said.\textsuperscript{113} The Coalition focused on California because it believed Clinton “absolutely” needed the state for re-election.\textsuperscript{114}

The Coalition’s lobbying effort was followed by a much larger lobbying effort. In one of their largest lobbying efforts ever, nearly 800 major US companies and trade associations wrote Clinton in early May, asserting that a rupture in trade relations with China would sacrifice billions of dollars in business, eliminate tens of

\textsuperscript{114} Ibid.
thousands of US jobs and set back the cause of human rights. "We rely on your leadership, and China’s cooperation, to avert a disastrous economic confrontation", the letter said.¹¹⁵

By late April, public speculation focused on whether the Administration would extend MFN with or without some form of targeted sanctions attached. Business groups felt they had received some degree of assurance from the executive branch that MFN would be extended.¹¹⁶

However, the Clinton Administration felt boxed in by its own Executive Order. As acknowledged by a White House spokeswoman, unfortunately, “there’s no way to take back the Order the president signed last year”.¹¹⁷ The White House quietly signalled Beijing that it would consider ending the annual threat of trade sanctions if China met Washington’s minimum human rights demands. According to one senior official, the Clinton Administration told the Chinese government: “Get us over the executive order, and we will consider all kinds of alternatives”.¹¹⁸ Clinton himself said that while he would do all he could to avoid having to withdraw MFN status from Beijing, he felt politically, morally and legally bound to fulfil the basic terms of the Executive Order.¹¹⁹

The White House now emphasised they were not expecting a lot from Beijing. White House point-man on human rights and democracy, Morton Halperin, stressed

¹¹⁸ Friedman, “U.S. May Ease Rights Goals with Beijing”.
¹¹⁹ Ibid.
that MFN was not such a special privilege and that quite a few trade partners enjoyed “better-than-MFN” treatment. He noted that “China will not be a perfect country even if it met all conditions in the executive order”.

Thus, a dramatic change emerged. Senior Clinton officials, such as Winston Lord, had earlier warned Beijing that a few cosmetic concessions on human rights could not win renewal of its MFN status. But as the deadline approached, and as it became clear China was not going to move very much, the Clinton Administration was ready to accept a few, last-minute, face-saving concessions.

The implementation of the latest policy change started quietly in late April 1994. During Richard M. Nixon’s funeral in late April, Anthony Lake and other officials met with Ambassador Li Daoyu and proposed that a secret emissary be sent to Beijing. The emissary was later sent with a proposal for the Chinese leadership: If Beijing made enough minor gestures to cover the basics of the Executive Order, the Administration was prepared to drop the link between trade and human rights permanently.

In response, China invited an American technical team to discuss the jamming of Voice of America broadcasts and promised to release an important democracy protester and give visas to the families of certain dissidents. China had already agreed to abide by an understanding with Washington on banning exports of goods made with prison labour. Therefore, with the concession on the visas the Clinton

120 Awanohara and Wu, “The China Game”, p. 16.
122 Friedman, “Clinton and China: How Promise Self-Destructed”.
Administration could claim that the two “mandatory” conditions of the Executive Order had been met.

In light of these developments, Christopher on 19 May gave Clinton a report on China’s human rights record that effectively provided legal argument for renewing favourable trade status. In the report, Christopher also stated bluntly there had been no “overall, significant progress’ on the five other conditions in the Executive Order. In fact, he wrote, China’s human rights record remained far below basic international standards.123

At the same time, as a last effort to get more concessions from Beijing, the Clinton Administration summoned former President Jimmy Carter for help. On 19 May, Carter met with Ambassador Li and asked China to set a date for talks with Tibet’s leadership and to release more political prisoners. But China did neither. Clinton then asked Carter to head an independent human rights panel recommended by Christopher that would press China to make more progress. Carter not only declined, but also advised Clinton to discard the idea, saying it would achieve little and would not be taken seriously by human rights organisations. Clinton accepted the advice.124

Clinton considered various ideas of “partial revocation” targeted at imports from state enterprises or companies affiliated to the People’s Liberation Army (PLA). He finally rejected all for both technical and strategic reasons. Technically, it was argued that China had no sharp distinction between “public” and “private” sectors and that many of China’s private enterprises were also engaging in human rights abuses.

123 Ibid.
124 Ibid.
Strategically, it was argued the Chinese military (PLA) should be wooed, not alienated. More importantly, as stated by Lord, the Clinton Administration wanted to “move the MFN debate from the center” of US China policy.

The only decision approaching a sanction was a ban on imports of Chinese assault weapons and ammunition. In fact, Clinton wavered in the final days over whether it would be better to make a clean break with the past and impose no sanctions at all, an argument made by Treasury Secretary Lloyd Bentsen and the economic team. But Christopher and Mickey Kantor insisted on this ban. Such imports, however, amounted to only $200 million a year, a tiny figure compared with the $31 billion in goods China sold to the United States in 1992. Above all, Clinton ended the agonising annual ritual linking human rights and trade.

In announcing his decision, Clinton said: “To those who argue that in view of China’s human rights abuses we should revoke MFN status, let me ask you the same question that I have asked myself: Will we do more to advance the cause of human rights if China is isolated, or if our nations are engaged in a growing web of political and economic co-operation and contacts?” Clinton’s words might have reminded people of the argument Bush had made three years ago. On 27 May 1991, before extending China’s MFN trading status, Bush said: “Critics who attack MFN [extension] today act as if the point is to punish China — as if hurting China’s

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economy will somehow help the cause of human rights. The real point is to pursue a policy that has the best chance of changing Chinese behavior".\textsuperscript{129}

Thus, Clinton's decision on China's MFN trade status completed a "full circle".\textsuperscript{130}

**Delinking MFN and Human Rights: A Divided Congress**

After Clinton signed the Executive Order, those who believed MFN was a wrong tool to punish China gathered strength and the situation began to change in their favour.

Not surprisingly, some members of Congress did not think the Executive Order was enough and felt the United States should go further. Gerald B. H. Solomon, for example, introduced a bill which would revoke China's MFN status, effective 60 days after enactment. But in mid-June the Committee on Ways and Means voted 35 to 2 to adversely report the bill. The committee reported the bill because, under the Jackson-Vanik amendment, Solomon could demand a floor vote whether or not the committee reported the measure.\textsuperscript{131} The bill later failed to pass the House with a vote of 105-318. Nancy Pelosi might have spoken the minds of many Congressional members when she was arguing against the bill. Pelosi believed "the Executive Order lays out the benchmarks, and China has one year to meet them".\textsuperscript{132} She warned that "If they do not meet them, the course of action is clear".\textsuperscript{133}

\textsuperscript{129} Awanohara, "Full Circle", p. 14.
\textsuperscript{130} Ibid., pp. 14-15.
\textsuperscript{131} "Bill to Block China MFN Reported by Committee", *Congressional Quarterly Weekly Report* (51:25, 19 June 1993), p. 1550.
\textsuperscript{132} *Congressional Record*, 21 July 1993, p. H4882.
\textsuperscript{133} Ibid.
The Clinton Administration could hardly feel relieved with the vote. Given that the Clinton Administration had already conditioned China’s MFN status, it was impressive that the Solomon bill still received 105 votes. The vote placed a pressure on the Administration to carry out the Executive Order.

The Executive Order had little immediate impact on China. In August 1993, Nancy Pelosi visited China with other members of the House Intelligence Committee. After coming back, Pelosi said: “I didn’t see any progress in human rights at all”. She believed that, as things then stood, “the Congress would vote against MFN for China”, if Clinton were to back another extension in 1994.134

Congressional pressure had a strong influence on Clinton’s meeting with Jiang Zemin in November 1993. As mentioned above, despite his strategy of “comprehensive engagement” Clinton closely linked China’s MFN status to human rights. This was perhaps mainly to satisfy Congress. In an effort to show that the Administration’s human rights initiatives enjoy strong Congressional support, Nancy Pelosi released a letter signed by 270 members of Congress, which said there had been “no sign of improvement in human rights in China and Tibet” since Clinton signed the Order.135

Nancy Pelosi’s influence on the meeting was especially prominent. As stated by the title of a newspaper article, “though absent from meeting, Pelosi had a place at the table”.136 And indeed, Pelosi was “very pleased at how the president presented the case to Jiang”.137

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134 Epstein, “China Faces New Hurdle”.
135 Mann, “China: Executives Press Clinton on Relations with Beijing”.
137 Ibid.
While Nancy Pelosi and other leading figures of the force against unconditional renewal of China’s MFN status kept pressuring the Administration, the leaders of the forces for the unconditional renewal remained firm and vocal. After Clinton signed his Order, Senator Bob Dole said in a statement: “Every year American farmers and manufacturers have to hold their breath to see if their ability to do business with China will be cut off. Now they are guaranteed another year of uncertainty”. He said he would have extended China’s benefits without those conditions.138

Bob Dole was influential simply because of his role as Senate Minority Leader. In terms of firmness, consistency and, more importantly, persuasiveness, Senator Max Baucus remained the most influential figure for unconditional renewal of China’s MFN status. In August 1993, the same month in which Nancy Pelosi visited China, Max Baucus also travelled to China. The conclusion he drew from his visit was just opposite to that of Nancy Pelosi. In his report to members of Congress, administration officials and others concerned with American policy towards China, Baucus said:

The US-China relationship involves many issues. . . . After this trip, I believe more strongly than ever that threatening trade by linking all — or indeed any — of these issues permanently to MFN status is the wrong approach. We will serve ourselves, and the Chinese people, far better if we remain engaged with China, solve our problems one by one, and work together in areas where we can do so.139

Both sides of the argument watched the issue closely and made their views heard. But before 1994, both sides were mainly watching the evolution of events

138 Congressional Record, 28 May 1993, p. S6813
while trying to influence the evolution. Starting from 1994, with the deadline for considering China’s MFN status drawing near, forces against unconditional renewal lost their momentum to those supporting unconditional renewal.

In an effort to ensure China would get MFN status in 1994, Baucus advised Beijing to make some progress towards the Executive Order. In an address to the US-China Business Council on 27 January 1994, Baucus argued the Clinton Administration was “not asking for the moon”. “To meet the conditions, China need not go beyond its existing law and policy, much less its obligations under the Universal Declaration on Human Rights”, he said.140 Baucus noted that Beijing had made some movement on human rights since Clinton's Executive Order laid out the conditions for renewal. However, he warned that "The Administration believes this is not enough".141

Congress was certainly unhappy with the progress China made in improving its human rights record in 1993. The problem facing Congressional members was what to do if China did not meet the conditions set in the Executive Order by early June 1994. All sides felt 1993 might be the last year in which Washington could attach conditions to China’s MFN status. Representative Tom Lantos said the United States had better leverage with China then it ever would have again. “We ought to use it”, he added.142 He later argued:

If we do not follow through on the policy we ourselves set [in the Executive Order], we will lose credibility not only in Beijing, but in

141 Ibid.
Pyongyang, Baghdad, Havana and throughout the world who look to the United States for leadership on human rights.  

Those who had been arguing for unconditional renewal warned of the potential damage the leverage might inflict on both countries. Max Baucus wrote in the *Washington Post*, that “Revoking MFN is the trade equivalent of dropping a nuclear bomb”. He reaffirmed his long-held argument that withdrawing China’s MFN status would not only hurt China, but also the United States. Noting that China’s market for civil aviation, computers, telecommunications, environmental technology and more might be the world’s largest, Baucus warned that “Revoking MFN makes it vanish forever [for Americans] because even if China retains MFN status again in 1996, Chinese firms could never again consider Americans reliable partners”.  

More importantly, many of those wanted to link human rights and China’s MFN status also hoped the Clinton Administration would not have to withdraw China’s MFN status. Some who favoured keeping up human rights pressure on China feared the annual MFN grind might start to work against their cause. It was observed that Congress was “tired of the MFN debate”.  

Tired as Congress might be, there were still watchful eyes in Congress. For example, noticing reports the Clinton Administration might be backtracking on its commitment to human rights in China during John Shattuck’s second visit to China in

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145 Ibid.
late February 1994, Representative Christopher H. Smith was worried. He argued that action rather than promises was important.\footnote{Congressional Record, 3 March 1994, p. E349.}

For the Administration, Congress remained a player it had to deal with carefully. After his controversial Beijing trip, Warren Christopher personally called Mitchell and Pelosi from Asia to deny reports the Administration was looking for ways to delink China's MFN status and human rights.\footnote{Cloud, “Congress, White House Agree China Has Yet to Earn MFN”, p. 658.}

Christopher's visit to China marked a turning point for many Congress members. Prior to the visit, 275 House members signed a letter to Christopher, expressing their support for Clinton's policy of linking China's MFN status and human rights.\footnote{USIS, “State Department Report, March 16 (China: Former Secretaries Criticize MFN Link)”, 16 March 1994, File ID: EPF301, Tracking no. 332594. The letter was delivered to the Chinese government. See Congressional Record, 21 March 1994, p. H1766.}

After the visit, Capitol Hill began to share the sentiment of Clinton's economic team, that linking China's MFN status with human rights was outmoded and should be replaced. As noted by Lee H. Hamilton, "the Congressional mainstream would still want to maintain some linkage between trade and human rights, but the drift is toward delinkage. It is impossible to improve the relationship if you have to go through this fight every year".\footnote{Friedman, “U.S. May Ease Rights Goals with Beijing”.}

Indeed, Congress shared the Administration's dilemma and frustration. After Christopher's visit to China, Representative Robert T. Matsui noted "Members are angry at the treatment of the Secretary of State, but there's a fear about cutting off trade".\footnote{Cloud, “Congress, White House Agree China Has Yet to Earn MFN”, p. 658.} Matsui called for strong presidential leadership.
Not only did more and more members of Congress doubt the effectiveness of linkage, but more and more started to weigh the impact of revoking China's MFN status on the interests of their constituencies. In the past, the Democratic Congress could score points for high-mindedness by demanding MFN withdrawal, confident that Republican president George Bush would veto the idea. With Clinton in the White House, this was no longer possible.

On 19 April 1994, Democratic Representative James L. Bacchus invited colleagues in the Florida Congressional delegation to a dinner with business executives to consider the impact of withdrawing China's MFN status on Florida's economy. Florida sold over $200 million in exports to China in 1993. Much of that trade might evaporate if the United States withdrew China's MFN trade status. In 1992, the last time the House considered the issue, Bacchus voted in favour of cutting off trade unless China improved its human rights record. Two years later, with the possibility of actually carrying out this threat, Bacchus was weighing his views carefully. He "felt it was very important to explore the impact on the Florida economy", said his top aide.\(^\text{152}\)

Having sensed the sentiment in Congress, China critics, including Nancy Pelosi and George J. Mitchell, tried to give Clinton more room to manoeuvre. Even with the Christopher episode, they appeared reluctant to press for revocation unless China stonewalled the Administration completely. Pelosi, who had supported bills to revoke China's MFN status, now conceded she did not want MFN revoked.\(^\text{153}\) She and other China critics were prepared to give the Clinton Administration considerable


leeway in an effort to avoid withdrawal of China’s MFN. “I don’t see how the president can request renewal right now, but I’m optimistic”, said Pelosi. “They [the Chinese] might make the progress in the next two and a half months”.

Pelosi later urged the White House to retaliate surgically against goods produced by state-owned companies in China if the conditions required for renewal were not achieved. That would allow Clinton to continue MFN for Chinese goods produced in joint ventures with US firms, they said, while ensuring that Beijing paid for its intransigence.

On the other hand, those who had been supporting MFN for China were trying to find other measures to pressure Beijing to improve its human rights record. For example, Baucus proposed the following steps: sending more diplomats to China to monitor human rights, pursuing the issue at the United Nations; tightening enforcement of US laws against imports made with prison labour; and making support for World Bank loans conditional on China's progress on human rights.

By mid-April, Baucus suggested a majority in the Senate no longer supported linking China's MFN status with human rights. He planned to issue a letter demonstrating support for separating the issues. On 20 April, Clinton met with Mitchell and Pelosi and then Baucus and several other senators. Baucus then cancelled the plan.

Sentiment grew stronger as the 3 June deadline approached. A growing number of Congressional members believed the United States was merely threatening.
to shoot itself in the foot. "We basically have set up a situation where the Chinese have more leverage than we do", said Robert T. Matsui. "And that's why this policy [of linkage] cannot continue beyond June 3".158 Former Senator James Sasser later revealed that "Every time that issue came up I was less and less convinced that my vote linking MFN to human rights in China was the correct one. On my last vote I voted in favor of delinking MFN".159

A major bipartisan effort supporting China's MFN status took place on 17 May when 106 Representatives from both parties, led by Republican Representative Jim Ross Lightfoot who represented a rural district,160 and Democratic Representative Jim McDermott who counted thousands of Boeing workers among his constituents,161 sent a letter to Clinton, urging him to take a broad view towards China policy. The letter warned that "We have grown increasingly concerned that the multilevel policy of engagement with China is now being viewed by many primarily in terms of human rights". While supporting unconditional renewal of MFN to China, the letter also urged the President to consider the creation of a bilateral human rights commission with China.162

Quite naturally, Senate Republican Leader Bob Dole took the opportunity and challenged the Democratic Administration. "He [Clinton] should candidly say what

158 Ibid., p.1054.
most of us have known for a long time: Tying trade to human rights does not work. The policy has failed, the President should admit it and move on”, Dole said.163

Senator Richard Lugar, another leading Republican in the Senate, argued the policy was "outdated and ill-suited" to the promotion of the totality of US interests in China. The policy was shaped by the image of tanks and protesters in Tiananmen Square. "It is geared to the events of 1989, not the China of 1994. It ignores the sum of our interests and the realities of 1994. It ignores China's power and potential, China's role as a regional and international actor, and our need to have a viable relationship with China in the post-cold-war period, not a cold-war relationship".164

Although Bob Dole and Richard Lugar had consistently supported MFN status for China, they might still be suspected partisan motivation. More convincing arguments were from Democrats. By mid-May it was no longer rare for Democrats to argue for China’s MFN status. Indeed, their voices might well have prevailed over those against China’s MFN status, which might have encouraged Max Baucus to claim that "the time has come to renew MFN [for China] permanently".165

Reflecting the change of times, Max Baucus was no longer the only leading Democrat to fight for China’s MFN status. Senator Bill Bradley, “a student of and original thinker on major issues of economics and foreign policy”,166 joined the anti-linkage faction. Bradley had consistently voted against unconditional renewal of China’s MFN status under the Bush Administration. But like many Democrats, he changed his stance on the issue. On 18 May 1994, he led a bipartisan group on the

164 Congressional Record, 19 May 1994, p. S5970.
Senate floor calling for renewal of China's MFN status and delinking trade and human rights. Bradley believed linkage embodied two aspects of "old-think", "both of which should join the cold war on the dust heap of history". Firstly, Bradley noted, the original Jackson-Vanik requirement for yearly MFN waivers was a product of the United States-Soviet rivalry. The Soviet Union was gone, and Jackson-Vanik should have gone with it. Secondly, the additional human rights obligations conditionally contained in Clinton's Executive Order originated in Congress' opposition to George Bush's early reengagement with China's dictators after Tiananmen Square. George Bush had left office, and the human rights-MFN linkage should have left with him.

Pelosi and her allies, however, were vowing to fight the idea of delinking China's MFN status and human rights and giving China permanent MFN status. Pelosi said, "I don't think it's going to be as easy as they think". At the same time, George J. Mitchell said he was drafting sanctions against China, and Senator Paul Simon sent a letter to Clinton on 18 May. In his letter, Simon argued that "'De-linking' human rights from trade only accents our vulnerabilities while missing the reality that China's trade surplus with the US is now roughly $25 billion". He suggested a tariff of up to 50 percent be imposed on goods from China.

Pelosi insisted that MFN was “the most effective means” to demand China improve its human rights record. The suggested bilateral human rights commission,

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167 Greenberger, “Clinton Mulls Renewing China’s Status on Trade with Imposition of Penalties”.
169 Ibid., p.1056.
according to Pelosi, would be ineffective as it would allow China “to sweep its human rights violations under the rug”\textsuperscript{172}. However, it was clear to her it would be difficult to win the battle over revoking or conditioning MFN status of all goods from China. Pelosi therefore hoped the Clinton Administration would target specific goods, especially those produced by the PLA. Given the role it played in the Tiananmen Square crackdown, the PLA would not have many defenders in Congress. “I think it would be hard for Congress to resist if the president says, ‘I am targeting products made by China’s military’,” said Pelosi. “If he doesn’t take that initiative and Congress imposes targeted sanctions, they may be more inclusive than just the Chinese military”, she warned.\textsuperscript{173}

But the idea of partial trade sanctions was opposed by Baucus and other opponents of trade sanctions. They advised the Clinton Administration to give China a clean MFN status. In a letter to Clinton, they asserted that partial sanctions were “likely to prove unworkable”.\textsuperscript{174}

Before making his announcement on 26 May, Clinton spent much of the day on the phone with Congressional leaders and foreign policy experts to gauge their reactions to the steps he might take.\textsuperscript{175} He had a 50-minute phone conversation with Nancy Pelosi. Clinton told Pelosi he intended to abandon the policy of linkage; no trade sanctions would be imposed against China. This surprised Pelosi. “I was not persuaded”, she said afterwards. “I was extremely disappointed”.\textsuperscript{176}

\textsuperscript{172} Nancy Pelosi, “Keep up Trade Pressure”, \textit{USA Today}, 24 May 1994, p. A12.
\textsuperscript{173} Greenberger, “Clinton Mulls Renewing China’s Status on Trade with Imposition of Penalties”.
\textsuperscript{174} Greenhouse, “Christopher Feels Capitol Hill Heat on China”.
While separating trade policy from China’s human rights record was praised as a policy which would “promote American prosperity” and enhance American ability “to advance American values and interests throughout the world”, Pelosi said Clinton’s policy was George Bush’s policy revisited. Pelosi made clear she would challenge Clinton’s decision. “We tried to cut him a great deal of slack on the idea of offering targeted revocation”, Pelosi said. “He chose not to go along with any of those, therefore we will be moving with legislation”. 

The first challenge against Clinton’s decision, however, did not come from Pelosi but Representative Gerald B. H. Solomon. Solomon sponsored a bill that would overturn Clinton's decision to extend MFN trade status to China and revoke China's MFN status entirely. In the previous year, Solomon sponsored a similar bill. As it had the previous year, the House Ways and Means Committee voted overwhelmingly against the bill in late June 1994. As the 1974 Jackson-Vanik amendment prevented the committee from killing the legislation, panel members voted 31-6 to send it to the House floor with a recommendation that it be rejected. 

Pelosi’s efforts to challenge Clinton’s China policy came on 16 July, when she introduced H.R. 4590 (also called United States-China Act of 1994). The bill was co-sponsored by more than 100 members. Pelosi and her co-sponsors were aware of a likely defeat in the Senate and a certain Presidential veto. Yet they hoped passage of

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177 Ibid.
179 Sandalow, “Pelosi Says She’ll Continue Fight on China”.
the bill would force the President to reconsider the question next year when China's trading status came up for annual review.\(^{181}\)

The Pelosi bill placed sanctions against products manufactured or exported by the Chinese military, Chinese defence industrial trading companies and certain other state-owned enterprises. It would interrupt as much as one-half, or $17 billion of China’s imports into the United States.\(^{182}\)

Congress endorsed the Administration’s delinkage policy, rejecting both the Solomon bill and Pelosi bill in House votes on 9 August. The Solomon bill was rejected 75-356 and the Pelosi bill defeated 158-270. At the same time, by a vote of 280-152, the House approved a bill sponsored by Lee Hamilton. The Hamilton bill was a substitute for the Pelosi bill and codified the language in Clinton’s Executive Order extending MFN status for China for another year.\(^{183}\)

Although confident it would win the battle, the Clinton Administration lobbied hard to head off a potentially embarrassing vote on the Pelosi bill. It argued the Pelosi bill would prove difficult, if not impossible, to administer. The Commissioner of Customs, Mr. George Weise, sent a letter to members of Congress, indicating that enactment of the Pelosi bill would require investigation, over a very short period of time, of some 100,000 Chinese industries, 25,000 of them in the textile industry alone. Commissioner Weise noted he did not have enough personnel

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who could speak Chinese, nor did he know whether he would be granted access to Chinese plants necessary to conduct such investigations.\textsuperscript{184}

Commerce Secretary Ron Brown argued the Pelosi bill had "potentially devastating consequences" for US exports, for its future competitiveness in the Chinese market, and its global competitiveness in key high-tech industries.\textsuperscript{185}

The significance of the Pelosi bill’s defeat by a vote of 158-270 (R 46-125; D 111-145, I 1-0) lay in the willingness of many Representatives to vote for the first time to break the link between human rights and trade. A brief review might help make sense the vote result’s importance. The House first voted on a conditioning bill (the Pease bill) on 18 October 1990. The result was 384-30. One year later, it passed Pelosi’s US-China Act of 1991 by a vote of 313-112 and later passed the bill’s conference report 409-21. In March 1992, it overrode Bush’s veto with a vote of 357-61. Then, in July it passed Pelosi’s and Pease’s US-China Act of 1992 by a vote of 339-62 and later overrode Bush’s veto 345-74. These repeated overwhelming majorities to condition China’s MFN status and therefore establish the link between human rights and trade in past years highlighted the dramatic changes in 1994.

There could be many reasons for the dramatic change. As mentioned earlier, not only had many Congressional members begun to doubt the effectiveness of linking MFN status and human rights since 1993, many had also begun to weigh the impact of cutting off MFN for China on the economic interests of their constituencies. Republican Representative James M. Inhofe explained his change of mind on the floor of the House.

\textsuperscript{184} Congressional Record, 9 August 1994, p. H7236. \textsuperscript{185} Ibid., p. H7252.
Inhofe had consistently opposed MFN for China. In 1993, he visited China and, according to him, “have seen the boat that we are about to miss”.\textsuperscript{186} Upon returning to his district, he found his constituents had big economic interests in continuing MFN for China. “Upon checking with the chamber of commerce and numerous business leaders in the community I was shocked and pleased to learn how many firms, large and small, in my district were exporting to China”, Inhofe said.\textsuperscript{187} He then continued:

> What does this have to do with human rights which seems to dominate the MFN issue? Very little . . . . Am I somehow self-serving on this issue? Sure . . . . I have tried to believe that we can force China into submission with MFN status, that we are so important and valuable that China can’t get along without us, . . . . But when I return to Oklahoma . . . and see the layoffs, the struggling companies and industries trying to survive, a sober reality sets in. Maybe, just maybe we need China more than China needs us.\textsuperscript{188}

In the Senate, George J. Mitchell introduced a companion bill to the Pelosi bill in early July. But he did not push for it to move.\textsuperscript{189}

China’s MFN status was not really an issue in the following two years. There were some challenges to the Clinton Administration, but the challenges were far from strong enough to get a bill passed. As pointed out by I. M. Destler, the fact was that “Clinton’s decision commanded the political center, as Bush’s similar decisions had not”.\textsuperscript{190} By May 1995, Nancy Pelosi was a kind of “lone wolf . . . baying into the wind” and she was believed to be “barking up a wrong tree”.\textsuperscript{191} The Republican

\textsuperscript{186} Congressional Record, 20 July 1993, p. H4833.
\textsuperscript{187} Ibid.
\textsuperscript{188} Ibid.
\textsuperscript{189} Congressional Quarterly Weekly Report, "Issue: China MFN" (52:43, 5 November 1994), p. 3155.
\textsuperscript{190} Destler, American Trade Politics, p. 236.
Congress and the Democratic president were ignoring her protests. Pelosi acknowledged in May 1995 that “The sentiment just isn’t there” for linking China’s MFN status and human rights. Opposition to China’s MFN status increased in 1996 due to China’s missile tests and military exercises aimed at intimidating Taiwan after Taiwan President Lee Teng-hui’s “private” visit to the United States. But the pressure was not strong enough to force the Administration to bend.

Conclusion

Congressional pressure on the first Clinton Administration on China’s MFN status was much less a result of partisan moves. With the factor of partisanship gone, more members turned to the interests of their constituency, which dramatically weakened Congressional pressure.

Congress controlled China policy through most of 1993. In 1993, it was difficult for Clinton to turn back the strong anti-Beijing momentum that had built up over the previous three years. Furthermore, Clinton was cornered by his campaign rhetoric. That rhetoric led to high Congressional expectations that Clinton would be tough on the issue of China's MFN status. But equally important, Clinton adopted a China policy different from George Bush’s policy and Clinton’s policy was overshadowed by democracy and human rights issues. In addition, Clinton was far from determined to fight against Congress.

The balance of Congressional forces began to tilt towards those who supported MFN status for China after the signing of the Executive Order, which helped Clinton reverse his policy on the issue in 1994. More importantly, the Clinton

192 Ibid.
Administration had realised the policy of linkage would not work and should be abandoned. It showed more leadership and determination in reversing its policy. This leadership and determination further weakened the position of those who would like to see China’s MFN status conditioned or revoked. Clinton’s decision to delink trade and human rights was not seriously challenged by Congress.
Chapter 5

Taiwan Policy under the Bush Administration

This chapter examines US Taiwan policy under the Bush Administration. The first section discusses Congressional actions regarding Taiwan in 1989. Congressional challenges to the Administration’s Taiwan policy in 1990 and 1991 are analysed in the second section. The third and final section examines two dramatic changes in Taiwan policy in the last year of the Bush Administration.

1989: Congress Engaged

Unlike the MFN issue, the Tiananmen Square crackdown did not quickly result in strong Congressional challenges to Taiwan policy although Taiwanese officials believed that the crackdown would boost Taiwan’s image in the world. Dr. Shaw Yu-Ming, then director-general of Taiwan’s Government Information Office, speculated in 1989 that the Tiananmen Square crackdown “might pave the way for a higher standing for the ROC [Taiwan] in the international community”.¹ Lien Chan, then Taiwan’s Foreign Minister, said later that year: “It is high time for many Western friends to re-evaluate the situation”.²

Several issues regarding Taiwan were on the agenda of Congress in early 1989, immediately after the inauguration of George Bush on 19 January. Taiwan policy was one of them, but it was not an issue much talked about. A more prominent issue in US-Taiwan relations in the first few months of 1989 was

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Taiwan’s driftnet fishing, which incurred much criticism from Congress.

However, events which had far-reaching effect on Taiwan policy took place across the Taiwan Strait in 1989, beginning in April when students began demonstrations in Tiananmen Square. While in early June Beijing cracked down on the students’ movement which most Americans believed to be for democracy, Taipei made a big step towards political liberalisation by holding free elections six months later. The sharp contrast greatly strengthened Congressional sympathy and support for Taiwan and dashed the hope of many US lawmakers for China’s political liberalisation. In the following three years, Congress paid increasing attention to Taiwan and became increasingly critical of Bush’s policy towards Taiwan.

In the few months prior to the Tiananmen Square crackdown, there was an absence of any special Congressional attention to the issue of US policy towards Taiwan. However, from time to time Taiwan’s supporters in Congress would remind their colleagues of the issue. For example, on 11 April 1989, to mark the 10th anniversary (10 April) of the Taiwan Relations Act (TRA), Senator Claiborne Pell introduced for the record an open letter to President Bush from the President of the Centre for Taiwan International Relations. The letter, dated 17 February 1989, urged Bush, in his visit to China in late February, “to state explicitly to the Beijing authorities that the US government supports the right of the people on Taiwan to self-determination”. A Mainland Taiwan expert noted this was the first time for a

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3 There is some literature which tries to have a sophisticated understanding of the movement. See, for example, Richard Madsen, *China and The American Dream: A Moral Inquiry* (Berkeley, Los Angeles and London: University of California Press, 1995).

congressman to incorporate such a letter in the *Congressional Record*.\(^5\) Earlier that year, Pell said that the “new Taiwan will be not only a major economic actor on the international scene, but a political actor”.\(^6\)

During that period, Congress paid much attention to fishery issues and economic relations with Taiwan. Targeting the problem of trade imbalance between Taiwan and the United States, bills were introduced in both chambers to authorise a free-trade agreement between Taiwan and the United States. The agreement would ensure US access to the Taiwanese market and make American goods more competitive.\(^7\)

Taiwan policy started to attract greater attention in Congress after the Tiananmen Square crackdown. On 13 June 1989 Republican Representative Gerald B. H. Solomon, who later consistently opposed MFN for China and introduced several bills for that purpose, asked to put Taiwan president Lee Teng-hui’s remarks on the crackdown into the *Congressional Record*. The remarks had the effect of making a strong contrast between Taipei and Beijing and therefore promoted Taiwan’s image.\(^8\)

Another effort to bring Taiwan policy to Congressional attention was made one month later. On 12 July Republican Representative John Edward Porter, co-chairman of the Human Rights Caucus of Congress, introduced to his colleagues an article written by Trong R. Chai, founder of the Formosan Association For

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\(^7\) *Congressional Record*, 10 April 1989, p. 5894; 9 May 1989, pp. 8529-30.

\(^8\) *Congressional Record*, 13 June 1989, pp. 11622-23.
Public Affairs, which has been trying to influence “American policy toward the Asian region in a way that enhances the ability of the people on Taiwan to shape their future”.9 Chai argued it was “time for the US to reconsider the Shanghai Communiqué and to declare Taiwan not to be part of China”.10 Porter himself believed “the United States must look closely at how our policy toward China should be affected by that Government’s action vis-à-vis Tibet, Hong Kong, and of course Taiwan”.11

A more serious effort was made one week later by Democratic Senator Claiborne Pell. Pell did not publicly speak up for Taiwan’s independence in April when he was introducing the open letter to President Bush which in effect encouraged Taiwan’s independence. After the Tiananmen Square crackdown, however, Pell seemed much less concerned about the reaction of Beijing. On 8 July, at a symposium on “New Taiwan of the 21st Century”, Pell stated that “Taiwan will finally enjoy real democracy and independence some day”.12

Pell also made a more formal move in Congress. On 19 July, he introduced Amendment No. 285 to the Foreign Relations Authorization Act, Fiscal Year 1990, to express the sense of Congress regarding the future of Taiwan. The amendment, in light of the Tiananmen Square crackdown, required that the future of Taiwan be settled peacefully. It also linked US-China relations to the Taiwan issue. The amendment read:

It is the sense of the Congress that (1) the future of Taiwan should be settled peacefully, free from coercion, and in a manner acceptable to

10 Trong R. Chai, “Reverse U.S. Position on Taiwan”, Congressional Record, 12 July 1989, p. 14495.
11 Congressional Record, 12 July 1989, p. 14494.
12 Guo, “Internal and External Political Factors That Encourage Expansion of ‘Taiwan Independence’ Forces”.

the people of Taiwan; and (2) good relations between the United States and the People’s Republic of China depend upon the Chinese authorities’ willingness to refrain from the use or the threat of force in resolving Taiwan’s future.\textsuperscript{13}

The amendment was strongly supported by Taiwan’s supporters like Republican Senator Jesse Helms and was agreed to. In the process of passing the amendment, one congressman openly declared that “the Taiwan people are entitled to seek their political right for Taiwan independence”.\textsuperscript{14}

Indeed, Congressional sympathy and support for Taiwan had been overwhelming. The Tiananmen Square crackdown resulted in much more hostility against Beijing on Capitol Hill and further strengthened the Congress-Taipei relationship.

The different feelings in Congress towards Beijing and Taipei were demonstrated by its completely different attitudes towards the 1st of October and the 10th of October, the two national days celebrated respectively by Beijing and Taipei. The 1st of October was the 40th anniversary of the PRC and a big celebration was held in the Tiananmen Square. The United States boycotted the celebration, an act widely supported in Congress. In fact, the boycott was considered inadequate and Beijing’s national day was used as an opportunity to call for a further reduction in relations with Beijing, such as economic and scientific relations. “If the United States wants to show support for democracy, then let us cut them [the economic and scientific relations] off. Let us not play games”, said

\textsuperscript{13} Congressional Record, 19 July 1989, pp. 15164-65.
\textsuperscript{14} Guo, “Internal and External Political Factors That Encourage Expansion of ‘Taiwan Independence’ Forces”. 
Democratic Representative Douglas Applegate,\(^{15}\) whose constituents were mainly working-class people and might not like trade with China.\(^{16}\)

In striking contrast, Taipei received congratulations and respectful remarks from a number of US lawmakers for its national day. More than twenty lawmakers inserted their congratulations into the *Congressional Record*. What’s more, some members took the opportunity to assure Taipei of US interest in Taiwan and warn Beijing against any threat to Taipei. Democratic Representative Major R. Owens stated:

> Just as we can count on Taiwan for steadfast promotion of democratic ideals and political reforms, so too can President Lee Teng-hui . . . count on us, the American people and their Representatives in Congress, to give the Taiwanese support against any threat from anyone harmful to Taiwan's future. What's harmful to Taiwan's future is definitely against the interests of the United States.\(^{17}\)

Representative Owens’ strong support for the increasingly democratic Taiwan might lie in the fact that a large proportion of his constituents were immigrants from undemocratic countries.\(^{18}\) Indeed, the reason why members of Congress publicly voiced their support for Taiwan was not only that they believed Taiwan deserved the support but also that they did not have incentive not to do so. Taiwan has a strong relationship with many states. In 1991, it had a relationship of sisterhood with 34 states. Its relationship with Idaho was so strong that in 1989 the Governor of Idaho proclaimed that the 10 October of that year to be “Republic of China Day” in his state.\(^{19}\)

\(^{15}\) *Congressional Record*, 2 October 1989, p. 22654.


\(^{17}\) *Congressional Record*, 21 September 1989, p. 21365.


\(^{19}\) *Congressional Record*, 7 October 1989, p. 23936.
In spite of the calls for more support for Taiwan, Congress in 1989 did not impose much pressure upon the Bush Administration to make significant policy changes towards Taiwan. On the contrary, Congress was supporting and pushing the Administration to punish Taiwan for driftnet fishing in the North and South Pacific, even it meant seriously damaging US-Taiwan relations. Driftnet fishing had been a major concern for the members of Congress from several states or districts, including Alaska, Washington, Oregon, California and America Samoa.20

Environmentalists had been campaigning about driftnet use for a decade. It was brought to the attention of Congress and gathered political momentum only in 1986 when fishermen in the Pacific Northwest began complaining that significant amounts of their salmon were being pirated by driftnet fleets.21 Members of Congress from these areas were under pressure to take actions. The Legislatures of Alaska and California, for example, passed resolutions asking the President and Congress to punish Taiwan for its high seas driftnet and gill net fishing.22

Driftnet fishing had been a problem for some years in US relations with South Korea, Japan and Taiwan. The 100th Congress (1987 – 1988) passed the Drift Net Enforcement Act. However, little progress had been made in eliminating the use of driftnets on the high seas. A number of relevant bills and amendments were introduced again in 1989, some of them targeted specifically at Taiwan.

20 Driftnets were believed very dangerous. The nets could be 30 feet deep and 40 miles in length per stretch. They were described as "walls of death". Made of fine, almost invisible filament, the nets could catch virtually every creature in their paths, including albacore, dolphins, sharks and whales. Furthermore, over 600 miles of net each year were lost or discarded. These so-called ghost nets, did not deteriorate, but continue to drift and kill for months and, sometimes, years. See Karen Tumulty, "U.S. May Penalise S. Korea, Taiwan over Drift-Net Use", Los Angeles Times, 27 June 1991, pp. A1, A30; Congressional Record, 15 November 1989, p. S15698.
21 Ibid.
The potentially most damaging sanction against Taiwan was introduced in the Senate. Interestingly, it came from two staunch supporters of Taiwan — Ted Stevens and Frank Murkowski. Both were Republican senators from Alaska, which had suffered from Taiwan driftnet fleet catches of Alaskan salmon. On 15 June 1989, a joint resolution adopted by the Legislature of the State of Alaska was reported to the Senate Committee on Commerce, Science, and Transportation. The resolution asked the President to punish Taiwan for using gill net gear to capture immature salmon (especially Alaskan salmon) on the high seas and for driftnet fishing.

In a move to protect the interests of his home state, Senator Stevens on 2 August 1989 strongly attacked Taiwan for being "unwilling" to stop the abuse by its fishermen; for being "very slow" to authorise enforcement actions against its driftnet fishing fleet; and for failure to negotiate. Stevens declared he could not continue his support for US military assistance to Taiwan. He subsequently introduced Amendment No. 521 to the National Defense Authorization Act for Fiscal Years 1990 and 1991. The Amendment reads: "No funds authorized by this Act may be used to prepare, propose, or implement any United States foreign military sales to Taiwan, or to its agents".

Frank Murkowski, a much more vocal supporter of Taiwan, expressed his support for Stevens’ amendment. Explaining why he supported the amendment, Murkowski argued:

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23 Salmon spawn in fresh water but spend much of their lives at sea, where they are vulnerable to drift net fishing. Under international agreements, salmon are considered the property only of countries where the streams in which they spawn are located. See Tumulty, "U.S. May Penalize S. Korea, Taiwan over Drift-Net Use".
24 Congressional Record, 15 June 1989, p. 11897.
while I recognize the significance of our relationship with the Taiwanese, I think we have to make the cut between diplomacy and reality. . . . The reality here, and the responsibility . . . is to maintain the oceanic resource.26

Not surprisingly, this radical amendment was opposed by other supporters of Taiwan. Believing "there are larger issues at stake" and that the amendment "would use a cannon to kill a fly", Senator Claiborne Pell strongly opposed the amendment.27 Stevens consequently withdrew the amendment. However, he threatened to reintroduce the amendment to the defence appropriations bill in September if no progress was made by then.

Given their long-time support for Taiwan, it is unlikely that Stevens and Murkowski were serious in their intent to cut off US military support for Taiwan. They might well have been making a half-hearted legislative feint under the pressure of their constituents. Even if they had pushed for passage of the amendment, they would have had little chance of getting it passed. Yet, the symbolic importance of the move could hardly be ignored. Taipei certainly felt the pressure from its friends in Congress whom they could not afford to lose.

In the summer of 1989 the United States reached driftnet fishery agreements with Taiwan, Korea and Japan.28 The agreement with Taiwan aimed at, among other things, monitoring and collecting data on driftnet fisheries in the North Pacific. The agreement drew severe protest and criticism from Taiwanese fishermen and, in Taiwan, was widely considered a national humiliation.29

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26 Ibid., p.17661.
27 Ibid.
In the United States, however, while the states concerned welcomed the move, it did not satisfy them. The Legislature of the State of California, for example, passed a resolution memorialising the President and Congress to “take immediate action against the South Korean and Taiwanese governments” for their high seas drift and gill net fishing.30

Reflecting the sentiment of these states, members of Congress claimed the agreements were not enough. They made clear that the ultimate goal was not simply to monitor driftnets but to rid the world of their use. More bills were introduced to that effect, all by Congressional members from states or regions affected by driftnet fishing. Although not specifically targeting Taiwan, these bills had a direct effect on Taiwan.31

Despite the continuous efforts of some legislators, the issue gradually lost its political momentum after the August agreements and, perhaps more importantly, after legislators concerned had postured on the issue. By mid-November 1989, with the passage of a bill co-sponsored by 240 congressmen (H Con Res 214), calling on Japan and Taiwan to "immediately cease the use of driftnets in the international waters of the South Pacific",32 the issue faded away from the centre of US-Taiwan relations in Congress.

At the same time, Congressional interest in Taiwan quickly switched back to the dramatic political reforms in Taiwan. The event which highlighted Taiwan’s political liberalisation and brought Taiwan’s political future back to the centre of Congress’ attention was the scheduling for 2 December 1989 of a variety of

elections. Elections were held for 101 seats in the national legislature, the Legislative Yuan; for 16 county executive positions called magistrates; several city mayors; seats on two city councils; and seats in the Provincial assembly. The elections were not actually fully free elections. In the Legislative Yuan elections, for example, only 101 seats out of 292 were contested. The majority of 162 seats continued to be filled with holdovers from the Mainland and 29 by people appointed by the ruling KMT to represent overseas Chinese.\textsuperscript{33} Despite their problems, the elections were important. It was the first time the ruling KMT allowed challenges by other legally organised political parties.

One month before the elections, four members of the Committee for Democracy on Taiwan, Senators Claiborne Pell and Edward M. Kennedy and Representatives Stephen J. Solarz and James A. Leach, met with Chang Hsiao-yen, Administrative Vice Minister of Foreign Affairs in Taiwan, and Ting Mao-shih, Taiwan’s Representative to the United States. At the meeting, the congressmen “hailed Taiwan for its political reform and party politics”.\textsuperscript{34}

Representative Solarz paid special attention to Taiwan’s 2 December elections. On 15 November, he held a hearing in his House Subcommittee on Asian and Pacific Affairs on the elections in Taiwan. Solarz made it clear the hearing was “aimed at arousing the attention of the American media and the public towards Taiwan’s elections”.\textsuperscript{35} Mainland media pointed out that the four people invited to

\textsuperscript{33} Congressional Record, 26 March 1990, p. 5263.
\textsuperscript{34} Xinhua quotes Zhongguo Shibao in Xinhua “U.S. Shows Interest in Taiwan Elections”, FBIS Daily Report, China, 1 December 1989, p. 50.
\textsuperscript{35} Ibid.
give testimony all took the position of supporting and sympathising with Taiwan's independence.\(^{36}\)

The next day, to mark Congress' attention on the elections, Senators Pell and Murkowski co-sponsored a resolution expressing support for democratic reforms and human rights in Taiwan. The resolution urged "the authorities of Taiwan . . . to send a strong signal of Taiwan's continued commitment to the principles of democracy and the rule of law of which a key test will be the elections on December 2, 1989."\(^{37}\)

Shortly before the elections, Stephen Solarz led a five-member Congressional delegation to Taipei to observe the elections. He later highly praised the elections and said the process of the elections presented "a stark and compelling contrast" to what happened at Tiananmen Square. "If the method chosen on the Mainland requires our continuing condemnation, the approach adopted on Taiwan evokes our renewed commendation", Solarz added.\(^{38}\)

Solarz could have spoken the minds of many of his colleagues on Capitol Hill. There is no doubt that political liberalisation had won Taiwan enormous support and sympathy in the US Congress.


\(^{37}\) *Congressional Record*, 16 November 1989, pp. S15875-76.

1990-1991: Congressional Challenges

The years 1990 and 1991 witnessed a rather smooth US-Taiwan relationship. Although the issue of driftnet fishing was still raised from time to time, it was not a central issue in US-Taiwan relations for Congress. Taiwan’s fisheries sources said in February 1990 that Taiwan would ban driftnet fishing from 30 June 1992, the date a UN global ban would be implemented. The Taiwan government made its official announcement to this effect on 21 August 1991. Along with the announcement, Taiwan introduced a series of programs to help its fishing industry make a smooth transition to other fishing methods.

US trade with Taiwan remained a major concern of Congress in those two years. Although Taiwan’s trade surplus with the United States had been reduced substantially — from its peak of $16.037 billion in 1987 to $10.460 billion in 1988 — by 1989 it had crawled back to $12.033 billion (see Table 5.1). Congress, in support of the Administration, kept pressuring Taiwan to open its markets and further reduce the surplus. At the same time, Taiwan’s failure to protect intellectual property rights was much criticised in Congress.

39 Representative Jolene Unsoeld (D-Washington), for example, complained that “The Senate continues to sit on its hands. And the administration continues to oppose my drift net legislation”. (See Congressional Record, 28 September, 1990, p. H8318.) In early August 1991, the Senate adopted a bill that would authorise President Bush to ban fish imports from countries which continue driftnet fishing in the North Pacific. Taiwanese fishermen protested the bill. (See CNA, “Fishermen Protest U.S. Senate Driftnet Bill”, FBIS Daily Report, China, 8 August 1991, p. 40.) President Bush wrote to Congress on 18 October, saying that he had decided to defer sanctions against Taiwan for 90 days pending evaluation of any additional remedial and punitive measures that it might take regarding the 1991 violations for which it was certified and its adherence to the driftnet agreement. The sanctions were not imposed in the end. George Bush, “Message to the Congress Deferring Sanctions Under the Pelagic Driftnet Agreement”, George Bush Library.


41 The programs included: 1) a buy-back offer for aged drift net vessels; 2) a low-interest loan program to cover the cost of converting to other fishing methods; and 3) the establishment of special
Table 5.1
Taiwan’s Trade with the United States
(US$1,000)

<table>
<thead>
<tr>
<th>Year</th>
<th>Imports</th>
<th>Exports</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>4,746,273</td>
<td>14,773,373</td>
<td>+10,027,100</td>
</tr>
<tr>
<td>1986</td>
<td>5,432,594</td>
<td>19,013,878</td>
<td>+13,581,284</td>
</tr>
<tr>
<td>1987</td>
<td>7,647,962</td>
<td>23,684,790</td>
<td>+16,036,828</td>
</tr>
<tr>
<td>1988</td>
<td>13,006,725</td>
<td>23,467,169</td>
<td>+10,460,444</td>
</tr>
<tr>
<td>1989</td>
<td>12,002,788</td>
<td>24,036,214</td>
<td>+12,033,426</td>
</tr>
<tr>
<td>1990</td>
<td>12,611,827</td>
<td>21,745,853</td>
<td>+9,134,026</td>
</tr>
<tr>
<td>1991</td>
<td>14,113,788</td>
<td>22,320,844</td>
<td>+8,207,056</td>
</tr>
<tr>
<td>1992</td>
<td>15,771,032</td>
<td>23,571,604</td>
<td>+7,800,572</td>
</tr>
<tr>
<td>1993</td>
<td>16,722,624</td>
<td>23,587,325</td>
<td>+6,864,701</td>
</tr>
<tr>
<td>1994</td>
<td>18,042,642</td>
<td>24,336,757</td>
<td>+6,294,115</td>
</tr>
<tr>
<td>1995</td>
<td>20,771,393</td>
<td>26,407,389</td>
<td>+5,635,996</td>
</tr>
</tbody>
</table>


But Congress was clearly paying more attention to Taiwan's political liberalisation and its efforts to play a more important role in the international community. This interest was intensified by reactions to the repressive political situation in mainland China and the dramatic changes in world politics as a result of the end of the Cold War and the collapse of the Soviet Union. As mentioned in Chapter 3, this increasing Congressional attention resulted in the Bush Administration’s agreement to support Taiwan’s application to join the General Agreement on Tariffs and Trade (GATT).

Congress started its 1990 activities on the Taiwan issue with a number of members commending the 2 December 1989 elections in Taiwan. On 31 January 1990, the week after the House overrode Bush’s veto of the Chinese Emergency funds to promote catches acquired with new fishing methods. See Congressional Record, 29 October 1991, p. E3580.
Immigration Act, an article by Taiwan President Lee Teng-hui was introduced in the House. Noting people on Taiwan “have been practising constitutional democracy in Taiwan”, Lee reminded readers that “the mainland has been controlled by communism”.42

Lee’s article was introduced by Representative Claude Harris, Jr. Although a Democrat, Harris had his “conservative instincts” and while his district had Alabama’s highest black percentage (30.2%), it also had Alabama’s most Republican county. 43

The elections were again raised in the House with more details being provided on 6 February 1990 by Democratic Representative Robin Tallon. Tallon did not stop at simply introducing the elections. Arguing that Taiwan was “worthy of all international respect and courtesy”, Tallon urged his colleagues on Capitol Hill and policy makers in the Bush Administration "to help Taiwan rejoin various international organizations such as the United Nations and the General Agreement on Tariffs and Trade".44

Tallon was a Democrat, yet conservative on foreign policy issues.45 More importantly, he had been for years a member of the House Agriculture Committee’s Peanuts and Tobacco Subcommittee. He publicly claimed that “the tobacco farmer in my district and elsewhere should be the point of reference for any government program, domestic or export”.46 It may not be coincidental that at the time when Tallon was calling for more support for Taiwan in February 1990, the United States

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44 Congressional Record, 6 February 1990, p.1467.
46 As quoted, ibid.
was mounting an aggressive campaign to force developing countries to purchase US tobacco products. Taiwan was one of the targets.\textsuperscript{47} In fact, Tallon had just visited Taiwan in the previous month.\textsuperscript{48}

Support for Taiwan's rejoining various international organisations would later become a big issue for the Bush and Clinton administrations. Taiwan formally began the process of seeking membership in the GATT on 1 January 1990. Taiwan was almost certainly trying to take advantage of world-wide reaction against the Tiananmen Square crackdown, although Taiwanese officials tried to play down the influence of the crackdown.\textsuperscript{49} There had been an unspoken agreement that China would join the GATT first, to be followed by Taiwan a few years later.\textsuperscript{50} Although US support would not automatically guarantee membership for Taiwan, the necessary consensus in the organisation would probably form quickly if the United States signalled its approval.\textsuperscript{51}

The Bush Administration's initial response to Taiwan's GATT application adopted a conciliatory tone. The State Department expressed support in principle: “Given Taiwan’s importance in the global trading system, we look forward to the eventual inclusion of Taiwan on appropriate terms of membership in the GATT”.\textsuperscript{52}

Taipei, however, put much store in the Congress. A commentary of Taipei Radio noted:

\textsuperscript{48} \textit{Congressional Record}, 6 February 1990, p. 1467.
\textsuperscript{50} Pine and Mann, "U.S. May Back Taiwan Bid to Join World Trade Body”.
\textsuperscript{51} Ibid.
Were the Bush Administration to hedge on supporting Taipei on GATT, it is likely that the U.S. Congress will pick up the slack. Lately, Bush and the Congress have been at loggerheads over U.S. policy toward Peking. The Congress now seems to be less worried about upsetting Peking, and is likely to push hard in supporting Taipei's membership in GATT.53

Indeed, not long after Taiwan's application, 23 members of the House Ways and Means Subcommittee on Trade wrote to President Bush, urging him to support Taiwan's bid. They argued the move would "not only serve US interests but also strengthen the trading system itself".54

A serious effort to support Taiwan's accession to the GATT was made by Republican Senator William V. Roth, Jr. On 7 June, Roth introduced to the Committee on Finance a resolution stating it was the sense of the Senate that

the Government of the United States should fully support Taiwan's accession to the GATT by calling for the favorable and immediate consideration of Taiwan's request for contracting party status at the next GATT Council meeting, and by taking any additional steps deemed necessary to assure Taiwan's prompt membership in the GATT.55

Another serious effort was made by Philip M. Crane, ranking Republican of the House Ways and Means Subcommittee on Trade. On 12 July, when the Subcommittee was considering the Pease bill (H.R. 4939) conditioning China's MFN status, Crane successfully added an amendment to the bill. The amendment required that, to win 1991 renewal of MFN status, Beijing be certified as having moderated its long-standing opposition to Taiwan's participation in the GATT.56

54 Pine and Mann, "U.S. May Back Taiwan Bid to Join World Trade Body".
55 Congressional Record, 7 June 1990, pp. 13412, S7601, S7604. The bill failed to go to floor.
Crane's success did not come easily, however. He was initially defeated in offering the amendment. It was only after he had produced proxy votes from two Republican colleagues and lured two votes from the Democratic side that he prevailed, 7-5. But as examined in Chapter 3, the Pease bill was vetoed by President Bush and the veto was sustained in the Senate.

But for Philip M. Crane, the amendment was one of his major achievements, at least in that year. According to Michael Barone and Grant Ujifusa,

At the same time as his [Crane] beliefs — in free market economics, in a strong national defense, in traditional American ideals — have been sweeping the country and the world, his own influence has been woefully meagre and he continues to languish mostly unnoticed, despite 20-plus years of seniority, on the back benches.58

"What does he do?" Barone and Ujifusa asked and then answered:

As ranking Republican on the Trade Subcommittee, Crane speaks out valiantly for the imperilled cause of free trade, and he has worked with liberals and conservatives alike to use the trade lever to stop or punish human rights violations by China. His great achievement here was an amendment threatening China's Most Favored Nation status unless it stops blocking Taiwan's participation in GATT. Otherwise he casts lone dissenting votes.59

Congressional support for Taiwan's GATT bid was partly offset by Taiwan's trade practices. To win more support from the United States, Taiwan made big efforts to improve its trade relations with the US. Indeed, Taiwan had been working so hard that a commentary on Taipei radio said Taiwan was "forced to go out of her way to accommodate U.S. interests".60 In late 1990, a Taiwanese official

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57 Ibid.
59 Ibid.
claimed, “We have done even more than the Americans have asked”.61 According to the official, Taiwan’s average nominal tariff rate was lowered to 9.25 percent in 1989 and dropped further to 8.92 percent in 1990, far lower than the 10.25 percent and 9.17 percent demanded by the United States. Taiwan had also substantially reduced non-tariff trade barriers and appreciated its currency.62

The Bush Administration, however, was not satisfied. Accusing Taiwan of high tariffs, inadequate enforcement of intellectual-property protections and other trade barriers, in 1989 the United States placed Taiwan on the US “Priority Watch List” under “Special 301” — a 1988 addition to Section 301 of the 1974 Trade Act establishing new processes for dealing with unfair trade practices by foreign nations.63 Taiwan was removed from the “Priority Watch List” to “Watch List” later that year but the United States still believed it far from satisfactorily protecting intellectual property rights.64 In the 1990 National Trade Estimate Report on Foreign Trade Barriers, the US Trade Representative (USTR) cited issues of concern about Taiwan’s intellectual property protection. The report stated Taiwan had “inadequate enforcement of existing laws protecting intellectual property rights, especially, computer software, which remains a serious concern to U.S. exporters”.65

There seemed to be further reason for Congressional reservation. One such reason could be that Congress’ enthusiasm for Taiwan’s economic reform and

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62 Ibid.
65 Congressional Record, 24 October 1990, p. E3443.
political liberalisation was yet to be fully mobilised. It seemed the Senate was still rather indifferent to what was happening in Taiwan.

The seeming indifference of the Senate angered some senators. Republican Senator Slade Gorton complained on 26 March 1990 that while the Senate had spent a great deal of time in the previous nine months discussing China policy, "almost no mention" had been made of Taiwan's political liberalisation.

Gorton challenged Taiwan policy and strongly argued for support of Taiwan. Like Taiwan's other supporters, Gorton believed Taiwan's economic and political accomplishments should be rewarded and that "Taiwan must no longer be treated as an international pariah". He further argued that, "Given the bright promise of its political and economic future, Taiwan should no longer be considered as an inconvenient impediment to American foreign policy". He asserted there was growing realisation by Americans that China policy would "remain incomplete" until it recognised democratic and economic progress on Taiwan.

On the same day, Senator Claiborne Pell once again drew attention in Congress to the elections and political future of Taiwan. He noted that twenty Democratic Progress Party (DPP) candidates in favour of independence had won election.

Pell's dissatisfaction with US policy towards Taiwan was made clear when he introduced to the floor an article attacking one-China policy on 24 April. The

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67 Congressional Record, 26 March 1990, p. 5243.
68 Ibid.
69 Ibid., p.5263.
article, entitled “Junk the One-China Policy”, argued that “The one-China policy is out-dated. All assumptions behind it are either outmoded or unrealistic”.70 As a supporter of Taiwan’s independence, Pell wanted changes in US policy towards Taiwan. This became especially imperative to him in the light of economic and political developments in both Taiwan and mainland China. Pell stressed:

Taiwan’s per capita income is 15 times higher than mainland China’s with a GNP greater than that of any UN member in the Middle East or Africa. In China, political development has been frustrated by guns in Tiananmen Square but in Taiwan elections have resulted in major gains for the opposition.71

Like Gorton, Pell also called for more attention to Taiwan. He noted that for the past year the dramatic changes occurring in Taiwan had gone "largely unnoticed".72

Congress in 1990 did not succeed in challenging Taiwan policy. At the end of the year, Taiwan’s Representative to the United States, Ding Mou-shih, noted that even though Congress and public opinion supported Taiwan’s entry to the GATT, the Bush Administration was still considering whether or not Taiwan should be granted membership to the international trade body.73

In light of the minimal action taken by both Congress and the Administration on Taiwan’s GATT accession request, Senator William Roth on 25 April 1991 reintroduced his resolution calling for the United States to actively support Taiwan. The resolution had 32 co-sponsors. In reintroducing the resolution, Roth stated while he “fully” understood “the political sensitivities involved in bringing Taiwan

71 Congressional Record, 24 April 1990, pp. S4920-21
72 Ibid.
under the GATT umbrella”, he believed “economic and commercial interests should be the driving force in this debate”. He argued “National sovereignty is not and should not be, a requirement or condition for joining the GATT”. He also pointed out that to avoid the sovereignty issue, Taiwan was applying to the GATT as “The Customs Territory of Taiwan, Penghu, Kinmen and Matsu”. In addition, Roth noted, Taiwan was “expressly willing” to join the GATT as a developed economy.74

Support for Taiwan’s GATT application gathered momentum in Congress over the next few months. More and more influential lawmakers rose to voice their support, including Senator Paul Simon, who had been a 1988 Democratic Presidential candidate. Simon visited Taiwan in late April 1990 and met President Lee Teng-hui and Premier Hao Po-tsun. During his meeting with Simon, Lee called on the Congress to recognise Taiwan’s effort to promote democracy. Hao hoped Taiwan’s American friends would help Taiwan join international organisations.75

After coming home, Simon argued for an adjustment in Taiwan policy. Noting that successive administrations since President Jimmy Carter had tried to maintain a balance between official relations with Beijing and unofficial ties to Taipei, Simon claimed the time had come “to tilt that balance more toward Taiwan”.76

Simon then suggested two ways to do that. The first was to upgrade the relationship by allowing contacts between Cabinet-level officials. He advised Bush to send the Secretary of Commerce or the head of the Environmental Protection

74 Congressional Record, 25 April, 1991, pp. S5312-13. China insisted that it should be admitted to the GATT as a developing economy.
Agency to Taiwan, as this would be less sensitive than a visit by the Secretary of State. Simon also advised Bush to support Taiwan's admission to international organisations in technical and economic/financial fields, such as the GATT, the World Health Organization and the Food and Agricultural Organization. Simon did not recommend a shift to a two-China policy because such a shift "would be disruptive and unrealistic". However, he believed the United States could do many things that were "short of official recognition of the Government of Taiwan".77

Taiwan's trade policy also won Taiwan more support from Congress. The trade surplus with the US fell to $9.1 billion in 1990. Estimates in May 1991 suggested the surplus would drop below $6 billion that year, although this turned out to be a vastly inaccurate.78 Not only had Taiwan made efforts to “Buy American”, it had also targeted purchases of products from companies located in the home districts of important members of Congress.79 In addition, Taiwan had revised its copyright, patent and trademark laws. One congressman even claimed that “Government and private-sector efforts to protect intellectual property rights have brought Taiwan up to international standards”.80

It was believed that by late May there was near unanimity in Congress for supporting Taiwan's GATT application.81 At the same time, according to Simon, the Bush Administration had been quietly supporting the admission of Taiwan to the GATT.82

77 Ibid., pp. S6124-25.
78 Taiwan's trade surplus with the United States in 1991 was actually $8.2 billion.
81 Ibid.
82 Ibid., p. S6125.
Taiwan's GATT application was closely linked to China's MFN status. In early June, Senator Max Baucus suggested the Bush Administration support Taiwan's GATT application in return for the support of Congress for China's MFN status. On 13 June, Senate Republican Leader Bob Dole presented Baucus' suggestion to senior administration officials at a White House meeting. On 19 June, Baucus wrote a letter to the White House which reiterated the idea of linking Taiwan's GATT application to China's MFN status.

One event which may illustrate the change of sentiment in Congress on the issue was that, unlike in 1990, Representative Philip M. Crane in 1991 easily won support for his amendment which required Beijing to drop its opposition to Taiwan becoming a signatory to GATT. On 26 June when the House Ways and Means Committee was considering the Pelosi bill (H.R. 2212) conditioning China's MFN status, Crane's amendment was adopted by voice vote.

In an obvious effort to win more votes for his decision on MFN status for China, President Bush, in his letter of 19 July to Baucus, advised Congress "The United States will begin to work actively with other contracting parties to resolve in a favorable manner the issues relating to Taiwan's GATT accession".

The Bush Administration's open support for Taiwan's entry into the GATT was a trade-off victory for Congress as Bush's decision was mainly aimed at votes

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for renewal of China's MFN status. The support was of great importance to Taiwan as other countries would follow the United States and clearly express their support.

The concession the Bush Administration made to Congress was, however, not as significant as it might first appear. First of all, Taiwan had avoided the sovereignty issue by applying to the GATT as “The Customs Territory of Taiwan, Penghu, Kinmen and Matsu” instead of as a State. The Bush Administration had from the very beginning not opposed Taiwan’s application although it had not committed itself to supporting the application. In March 1991, while Germany, the Netherlands, Italy and Spain voiced their opposition to Taiwan’s GATT bid, the US Trade Representative’s Office stated the United States supported Taiwan’s application “under right timing and ripe conditions”. More importantly, Beijing did not object to Taiwan’s final accession. In fact, early on 27 May 1990, in his talks with Taiwanese legislators, PRC President Jiang Zemin said GATT membership was not tantamount to participating in an international activity. “In theory, I am not opposed to Taiwan joining GATT”, Jiang said. And after all, the Bush Administration did not specify the timing of Taiwan’s entry, the question which had concerned Beijing most. Taipei’s entry into the GATT before Beijing would certainly meet strong opposition from Beijing, and the Bush Administration had no intention of allowing that. Reportedly, the Administration might have supported “simultaneous” entry for both Beijing and Taipei. This stance was

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88 Reportedly, US Deputy Secretary of State Lawrence Eagleburger told a hearing of the House Ways and Means Committee’s Subcommittee on Trade 12 June that the general objective of the Bush Administration was to get both Taipei and Beijing into GATT at the same time. But the wording
acceptable to Beijing as it had more technical problems than Taipei to address to qualify for membership.

During this period, Congress continued to pressure the Administration on this issue. The pressure did not stop even after Bush's letter of 19 July. On 24 July, Senator William Roth once again introduced his measure supporting Taiwan's GATT application. The measure (Amendment No. 811 to International Security and Economic Cooperation Act of 1991, S. 1435) was co-sponsored by Senator Claiborne Pell. According to Roth, the amendment had two goals. First, it would demonstrate that President Bush had "the full backing of the Senate" to carry out his decision announced in the 19 July letter. Second, the amendment tried to specify the steps that should be taken to ensure that the accession of Taiwan to the GATT was achieved "expeditiously". The amendment was agreed to without objection.89

Congressional support for Taiwan was strengthened by the US press. In 1991 Taiwan was the 14th largest economy in the world and the 6th largest trading partner of the United States with annual trade of US$36.4 billion. With its strong and close economic relations with the United States and its political liberalisation, Taiwan commanded strong support from the American press. Many influential newspapers had published articles or editorials criticising the Bush Administration for blocking Taiwan's accession. Many of these articles and editorials were reprinted in the Congressional Record.90

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Congressional pressure did not stop at supporting Taiwan's GATT accession. Prior to Roth's amendment of 24 July, Senator Claiborne Pell had introduced an amendment to the same bill. The co-sponsors of the amendment (No. 810) were Taiwan's staunch supporters, Senator Jesse Helms and Senator Frank Murkowski. The amendment had been originally introduced and adopted by the Senate two years previously during debate on the State Department authorisation bill and adopted by the Senate. The amendment required that the future of Taiwan be settled peacefully, free from coercion. It also linked US-China relations to the Taiwan issue. Like the Roth amendment, the Pell amendment was also agreed to without objection.91

As understood by Taipei, the Pell amendment itself did not signify any change in China policy.92 But in introducing the amendment, Senator Pell explained that “This measure underlines America’s unique concern about Taiwan’s future and our interest that it remain an independent nation despite its close proximity and historical ties to China”.93

After dealing with the GATT membership, Congress faced a more serious test — Taipei’s new effort to rejoin the United Nations, two decades after being expelled from the UN.94 In June 1991, Taiwan’s lower house, the Legislative Yuan, approved a recommendation by 86 lawmakers that Taipei seek to rejoin the world

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94 Taipei, representing both Taiwan and mainland China under the name of Republic of China, seated in the UN until 1971 when the world organisation admitted Beijing.
organisation. In September, the Foreign Affairs Ministry formed its UN Affairs Section.

Not surprisingly, the voices supporting Taiwan’s UN effort were heard in the US Congress not long after. On 26 September 1991, Democratic Representative Dennis M. Hertel introduced a resolution supporting Taiwan’s membership in the UN and other international organisations. He believed that during the Cold War it was in the best interest of the United States to have friendly relations with China. With the Cold War over, Hertel argued, the United States should "stand up for the people of Taiwan".

Most members of Congress, however, were more cautious on this issue. Few members publicly voiced their support in 1991. This was partly because China had been vehemently opposed to Taiwan’s bid to rejoin the UN, based on the argument that Taiwan was not a sovereign state. In Taiwan, although “no other foreign policy issue has captured the imagination of the island’s residents like the popular movement to gain readmission to the UN”, the determination to join the UN was still “a demand of a minority” in 1991 and was yet to become a powerful political movement.

99 Tucker, Taiwan, Hong Kong, and The United States, p.164.
1992: Congress Surprised

The Bush Administration’s adjustment in its policy towards Taiwan’s GATT application in 1991 was minor compared with the substantive policy changes in 1992. In its final year, the Bush Administration broke new ground in Taiwan policy in two sensitive areas: official contacts and arms sale. Congress in 1992 imposed considerable pressure on the Bush Administration on some issues, including official contacts. But neither of the Administration’s two major moves was an apparent result of Congressional pressure.

The Bush Administration started to ease the ban on official contacts with Taiwan in 1992, although it was done hesitantly and with special care. At the beginning of the year, Assistant Secretary of Commerce Thomas J. Duestenberg visited Taipei as part of a US trade mission, the highest-level US official to visit Taiwan since 1979. Before his trip Duestenberg said he would be meeting with Taiwan’s economic minister “on a government to government basis”. This suggested a degree of official recognition. The State Department quickly stated that Duestenberg’s comments were made “in error”.100 In January 1992, James Soong, the secretary general of Taiwan's ruling KMT, had a private breakfast chat at the home of Vice President Dan Quayle. The meeting "barely skirted the 13-year ban on official US contacts with Taiwan", according to Jim Mann, a journalist specialising in China.101

Taipei had been lobbying hard for the visit of senior US officials to Taiwan. In April 1992, noting that a number of senior government officials from countries without diplomatic relations with Taipei had visited Taiwan, an editorial in Express

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100 Jim Mann, "Taiwan to U.S. — We're Back!", Los Angeles Times, 26 July 1992, pp. H1, H4.
101 Ibid.
News, an evening daily published by the official Central News Agency (CNA), said “we have not yet had the pleasure of welcoming senior government officials from the country that maintains the closest substantive relations with us, namely, the United States”. The editorial observed that although a number of US lawmakers had called upon the executive branch to send cabinet-level officials to visit Taiwan, there was no indication the Bush Administration planned to do so in the near future.

But much to the pleasure of Taipei, US Trade Representative Carla Hills made a ground-breaking visit to Taiwan in early December 1992. She was the first cabinet-level US official to go to Taiwan since Washington normalised relations with Beijing in 1979. Although the Bush Administration insisted Hills’ visit was of “private” nature and Hills refused to meet with press, Hills met with top Taiwanese officials, including President Lee Teng-hui. Senator Frank Murkowski, then visiting Taiwan, hailed the talks between Hills and Lee as a historic beginning to break the ice. He predicted that exchanges between Taiwan and the United States would heat up and increase in the future.

Congressional pressure for high-level official contacts between the United States and Taiwan had long existed. But like other aspects of US-Taiwan relations during the Cold War and especially before the Tiananmen Square crackdown, Congress had not pushed hard the expansion of official contacts. During the Bush Administration, there was an increase in pressure. As mentioned in the previous

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103 Ibid.
sections, the sentiment of Congress was for a closer US-Taiwan relationship and the increase in official contacts would certainly work for the relationship.

In 1992, sentiment for closer US-Taiwan relations was still developing and Congressional pressure for the increase of official contacts was getting stronger. Senator Connie Mack III, who was "Firmly identified with the right"\textsuperscript{105} and a vocal critic of Beijing, called on the United States to "reward democracy in Taiwan" on two occasions. And on two occasions he suggested the United States end "the de facto ban on high-level diplomatic contacts" between Washington and Taipei.\textsuperscript{106}

Connie Mack's voice was echoed by Republican Senator Larry Pressler, member of the Senate Foreign Relations Committee. As a senator from a farm state and an assiduous defender of home-state interests, Pressler strongly supported the Bush Administration’s decision to give China unconditional MFN status. Pressler was a conservative.\textsuperscript{107} His support for China's MFN status could be purely motivated by home-state interests.

Pressler's strong support for Taiwan was more complicated. It was partly because of his warmth towards Taipei and his dislike towards Beijing. In 1990, Pressler sponsored an amendment blocking the sale of 28 US warplanes to Pakistan. On 23 May 1995, the day after the Clinton Administration decided to grant Lee Teng-hui a visa to visit the United States, Pressler proposed that 17 of the 28 warplanes be sent to Taiwan.\textsuperscript{108}

Pressler’s support for Taiwan was also largely based on economic interests. He pointed out the following facts in 1992: Firstly, Taiwan was the fifth largest investor in US securities, owning nearly $27 billion in US Treasury bonds. It also held $920 million in American common stocks. Secondly, one-half of Taiwan’s GNP came from exports — and a full one-third of those exports entered the United States. Thirdly, Taiwan’s six-year development plan for the 1990’s involved government and private expenditures of $300 billion for infrastructure and other improvements, which, according to Pressler, signified even greater economic prospects for Taiwan and trade with the United States. Fourthly, Taiwan remained heavily dependent on the US for both capital and agricultural goods. The possible benefits for the US from stronger relations were immense, both for the farmers and ranchers in Pressler’s home state of South Dakota and workers and businesses across the United States. Finally, the United States still had a large trade deficit with Taiwan. It was necessary to increase official contacts to bring the trade deficit under control. Pressler argued that US policy towards Taiwan as mandated by the TRA was outdated. "Times have changed", he claimed. US policy regarding Taiwan should reflect "the new realities".

Congressional pressure for official contacts in 1992, however, had not reached the point where the Bush Administration was forced to respond. Despite the individual calls for more official contacts, not a single measure regarding this issue was formally introduced in Congress. More importantly, there was an obvious

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109 The plan, approved by Taiwan’s Cabinet in January 1991, would pump $303 billion into the island’s roads, phones, transit services and environmental facilities over the following six years. The 779 projects of the plan covered everything from an extensive subway system to new nuclear reactors. For more information, see Dinah Lee and Dirk Bennett, “Rebuilding a Tiger: Who’ll Get The Lion’s Share?”, Business Week, 25 March 1991, p. 20.

lack of committee action. Carla Hills' visit was therefore not a result of Congressional pressure.

It seemed Administration's consideration of economic necessity and political opportunity well outweighed Congressional pressure. As mentioned earlier, Taiwan in 1991 was the world's 14th largest economy and owned US$82 billion in foreign exchange reserve; the United States was Taiwan's largest trading partner and Taiwan was the 6th largest trading partner of the United States with an annual two-way trade of US$36.4 billion. European countries had taken the lead in competition for access to the Taiwan market, with France, the Netherlands, Belgium, Austria and Germany sending cabinet ministers to Taipei for "private" visits. They were followed by Australia and Canada. Under the pressure of growing international trade competition, and in considering the improvement of its domestic economy, it was almost inevitable the United States would change its stiff policy of avoiding high-level official contacts with Taiwan.

Congress continued its pressure for Taiwan's GATT application and UN bid in 1992. In his February effort to persuade his colleagues to support MFN for China, Max Baucus urged the Bush Administration to support Taiwan's GATT application. Noting the Administration had been "working behind the scenes to prepare the way for Taiwan's application", Baucus said "it is time to now launch a much more public effort". He further claimed that "China cannot be allowed to dictate United States policy toward Taiwan".111

Then in mid-September, Democratic Senator Joseph I. Lieberman introduced a resolution relating to Taiwan's membership in the United Nations. The resolution

read "It is the sense of the Congress that the 20,000,000 people of Taiwan deserve to be represented in the United Nations and other international organizations by appointees representing Taiwan's government".112

Like the issue of high-level official contacts, Congressional pressure for Taiwan’s GATT application and UN bid did not increase dramatically in 1992. In the case of the GATT application, obviously it was mainly because the Administration had promised to support Taiwan in 1991. There were also other reasons. Most importantly, Taiwan still needed to win support from more members of Congress. Some members of Congress believed Taiwan still had "a long way to go" to satisfy the criteria for being a member of the GATT.113 As for Taiwan's UN bid, it still needed time to build up its momentum in Congress.

The most dramatic policy change during the Bush Administration regarding Taiwan was Bush's 1992 decision to lift a decade-old ban on the sale of F-16 jet fighters to Taiwan. Yet, it was not a direct result of Congressional pressure.

Between the end of World War II and 1982, the United States continued supplying Taiwan, with arms. According to a Mainland China analyst, incomplete statistics showed that from 1950 to 1981 the United States sold or granted $5.9 billion worth of weapons and arms to Taiwan.114 Since normalisation of Washington-Beijing relations in 1979, arms sales to Taiwan has been one of the most sensitive issues in US-China relations. Between 1981 and 1982 the Reagan Administration’s decision to sell arms to Taiwan developed into a crisis threatening the continuation of US-China diplomatic relations. The crisis was finally resolved.

when the two countries signed a joint communique on 17 August 1982 in Shanghai.

The communique committed the United States to reduce and eventually phase out arms sales to Taiwan. The United States pledged:

its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution.

Despite the specific US pledges on quality and quantity, the communique “did not resolve the underlying dispute between the United States and the PRC”. 115

A State Department legal adviser said to the Senate Judiciary Committee’s Subcommittee on Separation of Powers in September 1982: “Certainly a communique of this nature cannot bind any future President of the United States”. 116

A 1983 study by the Subcommittee found that Beijing and Washington “publicly disagree on the meaning of every significant pronouncement in the document”. 117

Richard Bush, then a staff consultant for the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs of the House of Representatives, noted in 1989 that, “Since 1982, congressional interest in a larger decision-making role has declined to an extremely low level”. 118

Among the reasons why Congress had accepted administration dominance of Taiwan arms sale

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116 As quoted, ibid.


118 Richard Bush, “Helping the ROC to Defend Itself”, p. 94.
decisions was the fact that “Congress had accepted the balance in U.S. policy”.119 While roughly $700 million worth of US military equipment and technology was transferred annually to Taiwan, the US had a much more modest program of military exchanges with China, despite the fact that US arms agreements and sales to China grew substantially from 1984 to 1989 (see Tables 5.2 and 5.3). From 1989 to 1991, US arms sales to Taiwan dropped well below $700 million (see Table 5.2). In June 1989, however, as a sanction against Beijing for its Tiananmen Square crackdown, the United States suspended its military exchanges with the PRC and arms shipments to China were frozen. It did not resume the arms shipments to China until December 1992, after the F-16 sales to Taiwan.

Table 5.2

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Foreign Military Sales Agreement</th>
<th>Commercial Exports</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>689.0</td>
<td>5.0</td>
<td>774.0</td>
</tr>
<tr>
<td>1984</td>
<td>707.4</td>
<td>70.0</td>
<td>777.4</td>
</tr>
<tr>
<td>1985</td>
<td>700.2</td>
<td>54.5</td>
<td>754.7</td>
</tr>
<tr>
<td>1986</td>
<td>510.8</td>
<td>228.0</td>
<td>738.8</td>
</tr>
<tr>
<td>1987</td>
<td>509.0</td>
<td>210.0</td>
<td>719.0</td>
</tr>
<tr>
<td>1988</td>
<td>505.0</td>
<td>195.0</td>
<td>700.0</td>
</tr>
<tr>
<td>1989</td>
<td>526.3</td>
<td>4.7</td>
<td>611.0</td>
</tr>
<tr>
<td>1990</td>
<td>509.0</td>
<td>149.9</td>
<td>658.9</td>
</tr>
<tr>
<td>1991</td>
<td>480.0</td>
<td>160.0</td>
<td>640.0</td>
</tr>
</tbody>
</table>

Source: US Department of Defense, Defense Security Assistance Agency (DSAA), Foreign Military Sales, Foreign Military Construction Sales and Military Assistance Facts as of September 30, 1991 (Washington, D.C.: Data Management Division, Comptroller, DSAA, 1991). Foreign military sales concern items sold from US government arsenals. Commercial exports are items sold by the manufacturer after a license has been secured from the State Department’s office of Munitions Control.120

119 Robert Sutter, “The Taiwan Relations Act and the United States’ China Policy” in Myers (ed.), A Unique Relationship, p. 75
120 Hickey, United States-Taiwan Security Ties, p. 43. See also Richard Bush, “Helping the ROC to Defend Itself”, p. 100.
Table 5.3

US Foreign Military Sales Agreements with the PRC and Deliveries to the PRC:
Fiscal Year 1984-1989
(US$thousand)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Agreements</th>
<th>Deliveries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>629</td>
<td>6</td>
</tr>
<tr>
<td>1985</td>
<td>421</td>
<td>424</td>
</tr>
<tr>
<td>1986</td>
<td>36,045</td>
<td>547</td>
</tr>
<tr>
<td>1987</td>
<td>254,279</td>
<td>3,881</td>
</tr>
<tr>
<td>1988</td>
<td>12,913</td>
<td>39,122</td>
</tr>
<tr>
<td>1989</td>
<td>416</td>
<td>91,255</td>
</tr>
</tbody>
</table>


Despite the steady arms sales, Taiwan was unable to persuade the US government to lift the ban on the sale of F-16 jet fighters, “among the most advanced in the U.S. Air Force inventory”. Taiwan had been asking the United States to sell it F-16s since early 1980s. In fact, in early 1982, even before the 17 August Shanghai communique, President Reagan announced the US government's refusal of Taiwan's request to purchase F-16s. According to Sutter, many US policy makers believed Taiwan’s demand for the F-16s to be excessive, as the sale would not only enrage the PRC but also upset the prevailing military balance in the Taiwan Strait. “That demand even alienated some U.S. policy makers who were

122 Sutter, “The Taiwan Relations Act and the United States’ China Policy”, p.53.
pushing to upgrade the quality of the US fighters provided to Taiwan”, Sutter said.\textsuperscript{124}

In the following ten years, Taiwan each year requested US permission to buy from 60 to 150 F-16s.\textsuperscript{125} In June 1991, after reports about Beijing’s plan to purchase advanced fighter bombers from Russia, 54 Taiwanese legislators urged the Taiwan government to seek purchase of advanced warplanes from the United States.\textsuperscript{126} In 1992 Taipei again approached the US government for the sale of F-16s.\textsuperscript{127}

An indication that the decision to sell the jet fighters to Taiwan did not result from direct Congressional pressure was that the news took Congress by surprise. On 29 June 1992 General Dynamics, the maker of F-16s, announced it would lay off 5,800 of its 20,000 workers at its Fort Worth plant by late 1994 because of declining of F-16 production. The announcement coincided with Bush’s trip to Texas. The next day, in an interview with a network of Texas radio stations, Bush said the United States was re-examining the sale of F-16s to Taiwan.\textsuperscript{128} General Dynamics then said 3,000 out of 5,800 jobs could be saved if the Taiwan sale was approved. Subcontractors, particularly in Ohio and Maryland, would also save several thousand jobs.\textsuperscript{129}

It was only after Bush’s surprising announcement that members of Congress, especially those from warplane-producing areas, moved to capitalise on a perceived

\textsuperscript{124} Sutter, “The Taiwan Relations Act and the United States' China Policy”, p.53.
\textsuperscript{125} Congressional Record, 10 August 1992, p. S1198.
\textsuperscript{127} Paul Malamud, “U.S. Aircraft Sale to Taiwan for Defensive Purposes", USIS, 9 September 1992, File ID: POL304, Tracking no. 242270.
opportunity. On 14 August, eight members of Congress, most of them from warplane-producing areas, sent a letter to Bush urging him to revise US policy by resuming sales of American warplanes to Taiwan. They said the sale was necessary as Beijing had purchased Russian Su-27 and MiG-31 fighters. In addition, the sale would preserve jobs for American aircraft workers, was good for the US economy and served US national security interests. The letter did not mention which US planes should be sold to Taiwan.¹³⁰

However, legislators from Texas, where F-16s were built, led an intense Congressional campaign to pressure Bush to allow the sale of F-16s to Taiwan. For example, Lloyd Bentsen, a powerful Democratic senator from Texas, strongly urged that the United States drop its ban on the sale of fighter aircraft to Taiwan. Bentsen argued that “The time has come to place our relations with the aging totalitarians in Beijing on a purely pragmatic basis and to develop a new relationship with the new Taiwan”.¹³¹ Bentsen stated that with the collapse of the Soviet Union and the end of the Cold War, “United States courtship of mainland China is no longer a militarily strategic imperative and in Taiwan major commercial opportunities now beckon us”.¹³²

To highlight the necessity of United States selling warplanes to Taiwan, Bentsen noted that, as the United States had repeatedly rejected Taiwan's request for up to 180 F-16s, Taiwan was considering a $7.2 billion purchase of 120 French Mirage 2000-5 jet fighters. The deal with France, according to Bentsen, would

include the tie-in purchases of high-speed railroad and nuclear power equipment valued at an additional $18 billion.133

In a similar effort, Texas Republican Congressman Joe Barton, who invited Bush to visit the F-16 plant at Fort Worth, succeeded in getting 100 members of Congress (53 Democrats and 47 Republicans) to sign a letter to Bush demanding the sale of F-16s to Taiwan. The letter warned that “if we do not allow F-16 sales to Taiwan, they will buy French aircraft and will also make a commitment to purchase French nuclear power plants and railroad technology”.134 Barton noted that “This is one of those funny issues where the far left and far right, for different reasons, come to the same conclusion”.135

Coincidentally, Taiwan in mid-August sent a “Buy American” mission to purchase wheat in Idaho, Montana, Wyoming, Colorado, Nebraska, South Dakota and North Dakota.136 The mission planned to buy wheat from these states worth about 100 million US dollars.137

Just before the mission left Taiwan for the United States, Senator Max Baucus from Montana made a brief visit to Taiwan and exchanged views with Lee Teng-hui “on ways to boost Taiwan-US trade”. Baucus also agreed to make Taiwan’s need for sophisticated arms better known to the Congress.138

On 2 September, Taipei’s Armed Forces Day, George Bush announced the approval of the F-16 sale to Taiwan. The announcement was made in a speech at

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133 Ibid.
134 As quoted in Hickey, United States-Taiwan Security Ties, p. 82.
135 Ibid.
the General Dynamics factory in Fort Worth that produces the aircraft. Bush said
the sale would "help maintain peace and stability in an area of great concern to us,
the Asia-Pacific region". Bush also said the decision did not change "the
commitment of this Administration and its predecessors to the three communiqués
with the People's Republic of China". "We keep our word: our one-China policy,
our recognition of the PRC as the sole legitimate government of China", Bush
claimed. 139

On 4 September both Bush and Defense Secretary Dick Cheney defended
the decision by pointing out its economic benefit. While Bush described the decision
as a solid proposal which would create jobs, Cheney believed the sale would help
keep the American defence industrial base going and aid aircraft parts suppliers,
which might otherwise suffer as the US defence budget shrank. 140

While Bush and Cheney focused on the economic benefits and played down
strategic considerations, China critics in Congress stressed China’s threat to Taiwan.
Senator Jesse Helms, for example, voiced his concern over “Red China’s military
threat”. He asked the Central Intelligence Agency (CIA) to produce a threat
assessment and gauge the “potential political repercussions” for US friends and
allies in East Asia. “Certainly our long-time allies, the people of the Republic of
China on Taiwan, must be considered on the front line of this issue”, Helms said.
He denounced the 1982 communiqué as “a policy blunder” which should be
discarded. 141

139 George Bush, “Remarks to General Dynamics Employees in Fort Worth, Texas, September 2,
140 USIS, "White House Report, Friday, September 4", 4 September 1992, File ID: POL502,
Tracking no. 241792.
On 14 September the Administration formally notified Congress that it planned to sell 150 F-16 jet fighters to Taiwan for $5.8 billion. Along with the sale, the United States would also sell 40 spare engines, 900 Sidewinder missiles, 600 Sparrow missiles, 500,000 rounds of 20-mm cannon shells, spare parts, technical documentation and logistics service and personnel training. Most members of Congress supported the deal, although some members accused the Administration of fuelling the arms race in Asia.

Analysts believed that the importance of the sale of 150 F-16s was not limited to the military equipment Taiwan received. “Taipei scored an important symbolic breakthrough”, said Nancy Bernkopf Tucker. “The decision suggested a new era in which virtually any weapon could be justified for sale”. The sale smoothed the way for other US arms sales to Taiwan. On 21 September, the Bush Administration said it would sell 12 anti-submarine helicopters to Taiwan.

The Sale of F-16s: Explanations

Congressional pressure was only a minor reason for Bush’s decision to sell F-16 jet fighters to Taiwan. It is true Congress had been pressuring the Administration to lift the ban on the sale for a decade. But before Bush’s

142 The United States planned to sell A and B models of the F-16, which are formidable dogfighters but are considered inferior to the C and D models. Sensitive to Taipei’s complaints, but unwilling to provide it with the F-16/C or F-16/D, the United States later agreed to sell updated versions of the F-16/A and F-16/B. Hickey, *Taiwan’s Security in the Changing International System*, pp. 77-78.
143 Ibid., p. 78. The original deal of F-16s has been expanded by several modifications since the signing of the agreement. See Ibid., pp. 78-79.
144 Senator J. James Exon (D-Nebraska) questioned the President’s “surprise election year decision to sell F-16’s to Taiwan”. He stated that “My concern is that the action could be destabilising to the region. I also fear that the President’s decision weakens our Nation’s persuasiveness in encouraging China to abandon weapons sales when the United States is presently rearming China’s neighbour”. See *Congressional Record*, 1 October 1992, pp. S15925-26.
announcement Congressional pressure was not especially intense. Many members of Congress were actually surprised by the Administration's reconsideration of the sale.\textsuperscript{147} It was only after Bush's announcement that Congressional pressure dramatically increased.

What were the major reasons then? The most obvious reason for the sale was election-year politics. Although administration officials denied this motivation, they acknowledged that continuing military production in states with a large number of electoral votes was politically popular during a recession. Texas, Bush's adopted home state, carried 32 electoral college votes, the third largest number after California and New York.\textsuperscript{148} "The jobs argument has never been more powerful than it is now, with the economy the way it is", said one Defense Department official.\textsuperscript{149} Indeed, in the proceeding months the Administration had affirmed a directive to United States embassy workers to help American military contractors with their sales. Contractors had complained that diplomats helped other American businesses abroad, but not their industry.\textsuperscript{150}

Few in the Administration argued against antagonising Beijing by ending the United States' 10-year ban on weapons sales to Taipei. "They came to me and asked what I thought about selling planes to Taiwan and I said to them, 'Hey, where do I sign?'" a senior White House official reportedly said. "I couldn't check off on it fast enough".\textsuperscript{151}

\textsuperscript{148} California had 54 electoral college votes and New York had 33 votes. To win a Presidential election, a candidate needed to win 270 electoral votes.
\textsuperscript{150} Ibid. See also Friedman, "China Warns U.S. on Taiwan Jet Deal".
\textsuperscript{151} Friedman, "China Warns U.S. on Taiwan Jet Deal".
Another oft-cited reason was consideration of the military balance across the Taiwan Strait. Administration officials said they had grown increasingly concerned about China's arms purchases from former Soviet Republics. These included a purchase of 24 Su (Sukhoi)-27 high-performance fighters from Russia. The F-16s would be an effective counter-weight to the Su-27s. In August 1992, Brent Scowcroft, President Bush's National Security Advisor, revealed that the Administration "had decided to review its policy of not selling F-16s to Taiwan mainly because China had purchased advanced fighters from Russia". After Bush's 2 September announcement, an administration official argued that the sale restored "a little bit of geopolitical balance at a time when the Chinese have really been throwing their weight around".

Some analysts disagreed, dismissing the argument as "blatant hypocrisy". Noting that 150 F-16s far outnumbered 24 Su-27s, one critic argued that "even the most naive of observers could tell that the F-16 deal was an election-year ploy by an unpopular president".

But others believed that viewing Bush's announcement as a hasty political move to gain votes in Texas was a misperception. Beginning in late 1991, according to one account, a small group of Bush Administration officials began meeting to re-evaluate Asia policy. They were concerned about China's growing military expenditures, its purchases of advanced Su-27 warplanes from Russia and its expansive territorial claims in the South China Sea. The decision to sell 150 F-

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153 Friedman, "China Warns U.S. on Taiwan Jet Deal".
154 See Jones, "United States Arms Exports to Taiwan under the Taiwan Relations Act", p. 64.
16s was the first result of this policy review. The second result was Carla Hills’ visit to Taiwan.\textsuperscript{155}

Most analysts, however, took a middle position. They believed both political and strategic considerations weighed in President Bush’s F-16 sales decision although they disagreed on the relative importance of each consideration in Bush’s decision.\textsuperscript{156}

There might be deeper reasons for the sale of F-16s. Chu Chi-ying, then KMT spokesman, could be right in saying that the key factor for the sale was Taiwan’s political and economic development and that the other reason was the reduced strategic value of Beijing as a counterbalance to the former Soviet Union.\textsuperscript{157}

Indeed, great economic, political and strategic changes had taken place since the last of the three communiqués was signed ten years ago. Analysts agreed these changes played an important role in Bush’s decision. Economically, despite its steady high growth-rate since 1950, Taiwan in 1982 was not strong and attractive enough for foreign countries to do business with at the risk of reprisals from Beijing. By 1992, however, Taiwan had evolved into an economic powerhouse with a per capita income of US$8,815, a gross national product of US$180 billion and foreign reserves of approximately US$87 billion.\textsuperscript{158} A large number of government leaders from France, Germany and other European countries—some of them of Cabinet rank—had been visiting Taipei, aiming at securing commercial contracts despite not

\begin{footnotesize}
\begin{itemize}
  \item[\textsuperscript{156}] In answering my question about Bush's F-16 decision, the US China experts I interviewed almost unanimously agreed that the decision was out of both political and strategic considerations. Most of them tended to believe political considerations carried more weight.
  \item[\textsuperscript{157}] CNA, "'Key Factor' for Sale Noted", \textit{FBIS Daily Report, China}, 4 September 1992, p. 54.
  \item[\textsuperscript{158}] Hickey, \textit{United States-Taiwan Security Ties}, pp. 8-9.
\end{itemize}
\end{footnotesize}
having official diplomatic relations with Taipei. In April 1992 alone, senior government officials from six countries visited Taiwan, including Vice President of Bolivia, Deputy Foreign Minister and Deputy Minister of Industry of Denmark, Mexican Vice Minister of External Trade, Director-General of the French Industrial Development Bureau, and Canadian Vice Foreign Minister. Several months before Bush's announcement of the sale of F-16s, Taiwan had entered negotiation with France for Mirage jet fighters. Many believed this to be part of Taipei’s effort to manipulate the Bush Administration.

Strategically, ten years ago China was the United States' partner against the Soviet Union. During the height of the Cold War, the People’s Liberation Army (PLA) tied down an estimated 46 Soviet divisions — somewhere between 750,000 and 1,000,000 troops — as well as mobile, multiple-warhead SS-20 intermediate range ballistic missiles and supersonic Backfire bombers. The CIA has revealed that the US and Chinese governments “went to extraordinary lengths to cooperate with one another against Moscow... they regularly shared intelligence and teamed up devising anti-Soviet strategies”. The collapse of the Soviet Union in the early 1990s dramatically lowered China’s geopolitical leverage over the United States. In late February 1992, a US Defense Department official claimed the United States considered its own national interests first, Taiwan’s needs second, and possible

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159 CNA, “Paper Calls for Visits by Senior U.S. Officials”.
160 Tucker, *Taiwan, Hong Kong, and the United States*, p. 181. The deal was delayed under US pressure. The White House said the Mirage was an offensive weapon and Pentagon believed that the sale of 150 F-16s would satisfy Taiwan’s air defence requirements well into the following decade. But late that year, Taiwan finalised an agreement with France to purchase from France sixty of its newest Mirage 200-5 multi-role jet fighters. CNA, “U.S. Sees ‘No Need’ for Fighters”, *FBIS Daily Report, China*, 19 November 1992, p. 50; France-Inter Radio Network, “Mirage Purchase Delayed under U.S. Pressure”, *FBIS Daily Report, China*, 11 September 1992, p. 69.
reaction from Beijing last.\textsuperscript{163} Experts on US-China relations saw Bush’s decision as
dramatic evidence of the reduced importance of China in US eyes. Noting that US
arms sales to Taiwan had been a major issue with Beijing since the 1970s, Harry
Harding said the answer among American officials to China’s objections to the F-16
sale could be summed up as, “Who cares?”\textsuperscript{164} Indeed, in the eyes of many
American officials, politicians and journalists, China had not only lost most of its
strategic importance, but had also emerged as a possible future threat.

Politically, Taiwan in 1982 was still an "extremely authoritarian state". "In political terms", Mann observed, "China seemed back then to be different
from Taiwan more in degree than in kind".\textsuperscript{165} Since then, and especially since
the late 1980s, Taiwan’s political liberalisation has been warmly welcomed in the
United States while Tiananmen Square reinforced views of Beijing as a
repressive regime.

The sale of F-16s demonstrated the strength and flexibility of President
Bush in shaping Taiwan policy and in commanding China policy in general.
Despite the very serious nature of the policy adjustment, Bush was confident the
issue would not run out of control. And as it turned out, he successfully managed
the fallout of the issue.

Not surprisingly, Beijing blasted the arms sale. But its reaction was very
much restrained. Reportedly Bush wrote to Chinese leaders about his decision to
sell F-16s to Taiwan in September 1992, explaining that it had been taken for

\textsuperscript{163} CNA, “Editorial on Shanghai Communiqué’s Relevance”, \textit{FBIS Daily Report, China}, 2 March
1992, p. 77.
\textsuperscript{164} Don Oberdorfer, “1982 Arms Policy with China Victim of Bush Campaign, Texas Lobbying”,
domestic political reasons and promising that in his second term he would make efforts to improve US-China ties.\textsuperscript{166} Beijing had more trust in George Bush than Presidential candidate Bill Clinton. And indeed, Bush took steps to balance his decisions. In mid-December 1992, for example, Bush sent Commerce Secretary Barbara Franklin to Beijing to restore annual cabinet-level economic talks which had been suspended since the Tiananmen Square crackdown. Franklin’s visit was considered as Bush’s effort to balance Carla Hills’ visit to Taiwan in early December.\textsuperscript{167} Later that same month, Bush decided to ship to Beijing military equipment already paid for but held in storage as a protest against the Tiananmen Square crackdown.\textsuperscript{168}

**Conclusion**

In the first year of the Bush Administration, Congressional attention regarding Taiwan was focused on the issue of driftnet fishing instead of Taiwan policy. But the sharp contrast between the Tiananmen Square crackdown and the elections in Taiwan had a far-reaching effect in favour of Taiwan. The sea change in world politics between 1989 to 1992, marked by the end of the Cold War and the collapse of the Soviet Union, further strengthened Congressional sympathy and support for Taiwan.

But changes within and outside Taiwan cannot fully explain the strong support of many members of Congress. In fact, their support may well be rooted in domestic politics. This is to be further discussed in Chapter 7.


\textsuperscript{167} Ibid.

\textsuperscript{168} Ibid.
Taiwan’s supporters on Capitol Hill imposed pressure on the Bush Administration over several issues, especially Taiwan’s joining/rejoining of international organisations and official contacts between Washington and Taipei. They did score some victories. The most prominent was the Bush Administration’s agreement to support Taiwan’s GATT application, which was the Administration’s trade-off for winning crucial support for its policy towards China’s MFN status.

On the whole, Congress played a limited role in shaping US policy towards Taiwan during the Bush Administration. An important fact was that neither of the two dramatic policy changes in the final year of the Bush Administration, namely the sale of F-16s and Carla Hills’ visit to Taiwan, was the result of Congressional pressure.

There could be a number of reasons for the ineffective Congressional pressure in connection with Taiwan policy under the Bush Administration. One of the most important was that increasing Congressional attention during this period did not result in formal Congressional action to shape Taiwan policy. The above examination of Congressional action reveals that Congressional pressure came more from individual members than from committees. On the issue of official contacts, only a few individual Congressional members were active and there was no committee action at all. Committees were not active in making initiatives regarding Taiwan policy except passing some minor amendments. At the same time, although several bills specifically related to Taiwan policy were introduced in both chambers, their sponsors did not push for them to be passed.

Despite the ineffectiveness of Congressional pressure, support for Taiwan gained momentum on Capitol Hill in those years. This momentum was fully unleashed during the first Clinton Administration.
Chapter 6

Taiwan Policy under the First Clinton Administration

Taipei regarded the victory of Bill Clinton in the 1992 presidential election as good news. As Arkansas Governor, Clinton visited Taiwan four times.¹ He is one of the few leaders in the US who has extensive knowledge of us, said then Foreign Minister Frederick F. Chien.² Chien hoped the Clinton Administration would permit more contacts between US and Taiwanese officials and would ultimately permit Lee Teng-hui to pay a private visit to the United States.³ Indeed, Democratic Senator Charles S. Robb recalled that when he was governor of Virginia and Bill Clinton governor of Arkansas, they once went to Taiwan together and Clinton was sympathetic to Robb's suggestion to grant Lee a visa.⁴

However, when he entered the White House, Clinton had no intention of dramatically changing US policy towards Taiwan. He wanted to maintain the Taiwan policy set by previous administrations. But obviously, Clinton was less committed to defending the policy and failed to show strong leadership during his first administration. His weak presidential leadership encouraged an already assertive and active Congress and amplified the power of Congress to make Taiwan policy. The dramatic policy change allowing Taiwan President Lee Teng-hui to make a “private visit” to the United States was largely due to Congressional pressure.

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³ Ibid.
This chapter examines US policy towards Taiwan under the first Clinton Administration. The first section examines Congressional activism on Taiwan policy before Lee’s visit in June 1995, focusing on the issues of arms sales and high-level visits. The second section discusses the Clinton Administration’s Taiwan policy review. The last section focuses on the policy-making process of Lee’s visit, the most prominent issue in US-China relations during this period. A detailed explanation for Clinton’s decision on Lee’s visit is left for Chapter 8.

A New Congressional Activism

In its early days, the Clinton Administration was not eager to make major changes to Taiwan policy. When Clinton formed his administration, two of his principal advisers on China policy, National Security Adviser Anthony Lake and Assistant Secretary of State Winston Lord, were Henry Kissinger alums. Both Lake and Lord embraced some of Kissinger's underlying values, although their stances were completely different from those of Kissinger on some issues, including human rights in China. Consequently, "the new Administration quickly reverted to the old touchstones" of US policy towards Taiwan.\(^5\) It was believed the Administration's general thinking on Taiwan was best summed up by one senior official, who argued privately: "If it ain't broke, don't fix it".\(^6\)

Indeed, at his confirmation hearings in March 1993, Lord, in the first public statement of Asia policy, emphasised the importance of the three communiqués. "We will continue to be guided by the three Sino-American joint communiqués that have

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\(^6\) Ibid.
provided a flexible framework for our relations”, said Lord.  

In his meeting with President Jiang Zemin later that year, President Clinton also emphasised he was committed to the "three communiqués".  

Congress, however, made serious challenges to the Administration’s Taiwan policy in Clinton’s first two years. The challenges focused on two issues: the legal status of the Taiwan Relations Act (TRA) which expressed US commitment to arms sales to Taiwan; and the issue of high-level visits.

Reaffirming the TRA

Sutter wrote in 1989 about Congressional support for the TRA in which the United States promised to ensure that Taiwan had a sufficient self-defence capability:

those in Taiwan and elsewhere who worry about the absence of any institutions to enforce the TRA should rest assured that the political support for the TRA is very likely to remain strong in Congress. Although such support for the TRA is not expressed explicitly when Congress agrees with the US policy toward Taiwan, Congress can be expected to respond strongly to protect its prerogatives under the TRA and safeguard Taiwan’s interests in the event that a future administration shifts its policy.  

Sutter was right. In fact, political support for the TRA has been so strong that Congress has from time to time reaffirmed it, even in the absence of any policy shift.

During the first Clinton Administration, Congress tried to further strengthen

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8 James Mann, "Clinton's Kissingerian Taiwan Policy", p. S198.
the power of the TRA. In the annual tussle over the Foreign Relations Authorization Act, which deals with funding for the State Department, Republican Senator Frank H. Murkowski added an amendment in July 1993 declaring TRA "supersedes" the 1982 Shanghai communiqué which concerns US arms sales to Taiwan. The Senate Foreign Relations Committee later accepted the amendment by a vote of 20 to 0.10

What should be noted is that Congress made the move despite recent large Taiwanese arms purchases, including, among others, a US$760 million deal for 4 E-2t "Hawkeye" air-warning aircraft with US-based Grumman Aircraft Company in 1989; US$6 billion deal for 150 F-16 jet fighters with the United States in 1992; 1992 another deal worth US$6 billion for 60 Mirage 2000-5 jet fighters with France; 1992 US$161 million deal for 12 SH-2F Light Airborne Multipurpose System helicopters and spare engines with the United States; an agreement in 1991 to buy 16 French LaFayette-class frigates for US$4.8 billion; and an agreement with the United States to lease six Knox-class frigates for US$461 million.11 Equally important, there was no evidence indicating the Clinton Administration might shift US policy towards Taiwan.

The amendment upset the Clinton Administration. In his 31 January 1994 letter to Democratic Senator Max Baucus, Secretary of State Warren Christopher strongly opposed the amendment, believing "this amendment would risk undermining the foundation of the peace and stability we have helped create in the Taiwan Strait over the last fourteen years".12 At the same time, Christopher argued that there was no need for such an amendment. "The 1982 Communiqué does not in

11 For more information, see Dennis Van Vranken Hickey, Taiwan's Security in the Changing International System (Boulder, London: Lynne Rienner Publishers, 1997), pp. 77-83.
any way detract from our commitment in the Taiwan Relations Act to provide for Taiwan's security”, Christopher said. "Each Administration, including this one, has affirmed that the Taiwan Relations Act takes legal precedence over the 1982 Communiqué”.13

Baucus was sympathetic with Christopher’s argument. According to Baucus, Christopher implicitly stated that "while the Shanghai Communique and the Taiwan Relations Act do not now conflict with one another, should they ever come into conflict we would proceed under the act".14 Baucus agreed that "proceeding to repeal the communiqué through legislation is a very risky step”.15 He urged the conference committee to seriously consider the points Christopher raised in his letter.

Christopher also sent a letter to Murkowski. The letter reaffirmed the Administration’s commitment to the provisions of the TRA, including acknowledging the TRA’s legal precedence over the Shanghai communiqué.16

The Administration’s objection and lobbying efforts did not have much effect. On 29 April 1994, the joint conference of the Senate and the House of Representatives accepted a substitute of Murkowski’s original amendment retaining the intent of the original language to specifically reaffirm the primacy of the TRA over subsequent US directives, including the Sino-US 17th August Joint Communiqué.17 It meant the US government should increase arms sales to Taiwan instead of gradually reducing them, thus ending a 12-year commitment. The

13 Ibid.
14 Ibid., p. S520.
15 Ibid.
amendment also urged the President to "send Cabinet-level appointees to Taiwan . . . and to . . . take steps to show clear United States support for Taiwan both in our bilateral relationship and in multilateral organizations of which the United States is a member". 18

The Administration did manage to tone down the language of the Murkowski amendment. Clinton signed a watered-down version of the measure on 30 April. 19 Tony Lake and Winston Lord participated in the negotiation for reaching an agreement in conference on the language of the substitute amendment, which in the end became section 508 of the Foreign Relations Authorization Act.

April 1994 marked the 15th anniversary of the enactment of the TRA. Senior congressmen who participated in the making of the TRA still resented the conduct of the Executive branch in normalising relations between Washington and Beijing. For example, the day before voting on the Murkowski amendment, Republican Representative Gerald B. H. Solomon, who helped write the crucial section 3(a) of the Act, 20 reminded his colleagues how President Jimmy Carter broke his promise. He said that while Carter "had given solemn assurances to Congress that any kind of major change in United States policy towards China would not be made at a time when Congress was out session . . . Congress had been out of session for 2 months . . . when President Carter made his announcement" of normalising Washington-Beijing relations. 21 Solomon was a congressman elect while the announcement was made.

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20 Section 3(a) of the Act reads: ". . . the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability".
Only two weeks after taking office, Solomon joined a group of Congressional members in a trip to Taiwan to assure the Taiwanese "they had not heard the last word from Washington".  

Apparently, Section 508 of the Foreign Relations Authorization Act would limit the State Department’s flexibility in explaining the relationship between the TRA and the three joint communiqués. It would also cause conflicts between Washington and Beijing on issues of US official contact with Taipei and Taipei’s participation in international organisations. Realising the amendment would be a hurdle in its dealing with Beijing, the State Department on 16 May issued a statement stating that the resolution was only a non-binding declaration of the "sense of Congress". 

In line with the State Department’s statement, the Clinton Administration did not make revisions to address Taiwan's security concerns in its 7 September 1994 Taiwan policy review. Administration officials reaffirmed that US policy on arms sales to Taiwan would remain unchanged. That is, the United States would supply Taiwan with enough equipment to meet its security needs in accordance with the TRA while at the same time any US arms sales to Taiwan would have to take into account the Shanghai communiqué. 

The Administration also rejected Congressional pressure in deciding not to sell offensive weapons to Taiwan. For instance, Taiwan wanted to buy submarines from the United States. Not surprisingly, Taiwan had its supporters on Capitol Hill.

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22 Ibid.
23 Wu, "The Sense of Congress".
But in late October 1994, in a written reply to questions from senators submitted at a September Congressional hearing, Winston Lord said that providing Taiwan with submarines would add a new and destabilising element in the Taiwan Strait. Lord said Washington would not sell and equip submarines for Taiwan because the Administration viewed submarines as an inherently offensive weapon system.25

Up to 1996, after Beijing had conducted a series of military exercises to intimidate Taiwan, Congressional efforts to challenge the Administration’s policy on arms sales to Taiwan had been largely symbolic. Legislators mainly intended to show their dissatisfaction with current Taiwan policy and to reaffirm its role in making foreign policy. As noted by Senator Baucus, there was "no emergency" to require the United States "to adopt a dramatic new arms sales policy".26

High-level Visit

As mentioned in the previous chapter, Congressional displeasure over US policy towards high-level governmental contact with Taiwan had existed for a long time. Carla Hills’ visit to Taiwan in December 1992 pleased Congress for a while. But Congress did not see it as a long-lasting policy change and therefore continued to pressure the first Clinton Administration.

Congressional members across the spectrum were critical of US policy towards high-level governmental contact with Taiwan. For example, in debating the Murkowski amendment, Senator Baucus supported the White House's policy of restricting arms sales to Taiwan and warned his colleagues of the risk of proceeding to repeal the 1982 Shanghai communique through legislation. At the same time,

however, Baucus supported the amendment in terms of official contact. Baucus believed that to avoid official contact with leaders of the Taiwanese government was "a damaging and irrational policy".²⁷ "I am embarrassed that we do not meet President Lee and his representatives", said Baucus.²⁸ He believed the policy served neither economic nor political interests of the United States.

As mentioned above, the final version of the Murkowski amendment, namely Section 508 of the Foreign Relations Authorization Act, urged the President, on behalf of the Congress, to send Cabinet-level appointees to Taiwan and to take steps to show clear United States support for Taiwan both in the bilateral relationship and in multilateral organisations of which the United States was a member. The Act was signed into law on 30 April 1994. Three days later, on 3 May, Murkowski again demanded the Clinton Administration allow Lee to visit the United States. Further, he demanded the Administration send Secretary of Commerce Ron Brown or US Trade Representative (USTR) Mickey Kantor to Taiwan. He also asked the Administration to allow Taiwan's Economic Minister to visit his counterpart in the United States and allow the Taiwanese to change the name of their representative office in the United States.²⁹ The Clinton Administration had continued to ban high-level official visit.

The events happened next day, however, revealed the Administration's dilemma. On 4 May 1994, Lee passed Hawaii on a trip to Costa Rica. Lee had asked permission to spend the night in Honolulu and play golf. But the State

²⁷ Congressional Record, 1 February 1994, p. S520.
Department said Lee could only spend a few hours on the ground. Furious, Lee refused even to get off his plane.30

Taiwan's supporters in Congress immediately took the opportunity to attack the Clinton Administration. The incident served as a "defining moment" on Capitol Hill regarding the Taiwan issue.31 A widely cited description of the event in Congress concluded the decision was made to please the Chinese ambassador to the United States, as the ambassador had made a strong protest. It was said the Clinton Administration considered not allowing any stop at all; the compromise was a 90-minute refuelling stop. No ranking official of the US government was on hand to welcome Lee. Even the base commander where Lee landed was not permitted to greet Lee.32 The Congressional version of the story said Lee was not allowed to disembark in Honolulu. The administration officials said Lee could have left the plane, but chose not to.33

The matter was first brought to Congress' attention by Democratic Senator Paul Simon, a strong supporter of Taiwan. Shortly after the event, Simon sent a letter to Warren Christopher, expressing his "dismay" at this "grudging" reception.34 The next day he sent a letter to his colleagues, informing them of the event. Citing section 508 of the Foreign Relations Authorization Act, Simon questioned: "Is President Lee's treatment 'clear US support for Taiwan'?"35

30 Jim Mann, "How Taipei Outwitted U.S. Policy".
31 Leon Hadar, "USA: Clinton Changes Policy Towards Taiwan, or Did He?", Business Times, Reuter Business Briefing, 25 October 1994.
34 Wu, "The Sense of Congress".
Not surprisingly, administration officials put a positive spin on the incident, portraying the stopover as an improvement in relations. "Since 1979 there has not been such a high-ranking official from Taiwan on American soil anywhere," said one official. "I am genuinely surprised that anyone could consider what we did was anything but courteous treatment, fair treatment, and indeed, if anything, a step forward".36

Taiwan's supporters on Capitol Hill were not convinced. On 17 May, Republican Senators Hank Brown and Murkowski sent a letter to Clinton, expressing their "serious concerns" over this event. They "were particularly dismayed to hear that this decision was made to appease the PRC's ambassador who had protested the presence of President Lee on American soil".37 At the same time, they sent a letter to Lee, inviting him to visit their home states of Colorado and Alaska.

Taiwan's supporters took advantage of Congress' resentment over the Honolulu event and applied more pressure on the Administration. Senator Simon, for example, took the opportunity to ask his colleagues to support S. Res. 148. The resolution had been introduced by him in October 1993. It reaffirmed the sense of Congress contained in section 508 of the Foreign Relations Authorization Act to the effect that the United States should support Taiwan's participation in the United Nations and that the United States should be open to Cabinet-level exchanges with Taiwan. By the time Simon wrote to inform his colleagues of the Honolulu event, the resolution had 22 co-sponsors. Simon was seeking passage of the Resolution before 3 June, the deadline for Clinton to decide China's MFN status.38

36 Wu, "The Sense of Congress".
38 Congressional Record, 5 August 1994, p. S10684.
As expected, the State Department lobbied against S. Res. 148. Nevertheless, on 25 May, the day before Clinton's announcement on China's MFN status, the Senate Foreign Relations Committee adopted the resolution unanimously. On 10 June, the Senate by voice vote adopted S. Res. 148, which by then had 40 co-sponsors.

The fallout over the Honolulu event did not stop at the passage of S. Res. 148. On 1 July, Senators Hank Brown and Paul Simon proposed an amendment to the TRA, stating that

Whenever the president of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States federal or state Government officials concerning:

(i) Trade or business with Taiwan that will reduce the US-Taiwan trade deficit;
(ii) Prevention of nuclear proliferations;
(iii) Threats to the national security of the United States;
(iv) The protection of the global environment;
(v) The protection of endangered species; or
(iv) Regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.

The amendment was agreed to without debate.39

The Brown-Simon amendment, known as “the visas-for-Taiwanese-officials amendment”, had the strong support of influential long-time supporters of Taiwan in the Senate Foreign Relations Committee, including committee chairman Claiborne Pell, the ranking Republican Jesse Helms, Frank H. Murkowski and Charles S. Robb. On 25 July, the four senators, along with the amendment’s two co-sponsors, wrote a letter regarding the Honolulu event to the chairman and ranking member of the

39 Congressional Record, 1 July 1994, p. S8176.
House Armed Services Committee, informing them that during consideration of the Defense Authorization Bill for FY1995 the Senate included the visas-for-Taiwanese-officials amendment. They strongly urged the leaders of the House Armed Services Committee to include the amendment in the final version of the conference report on the bill.  

Taiwan's supporters in Congress pushed hard for the passage of the visas-for-Taiwanese-officials amendment. On 5 August, while the Senate was considering Departments of Labour, Health and Human Services, and Education, and Related Agencies Appropriations Act (H.R. 4606), the amendment was reintroduced. Democratic Senator Joseph I. Lieberman and Senator Murkowski joined Senators Brown and Simon to co-sponsor the amendment. Senator Brown's argument could be very appealing to his colleagues. Brown stated in introducing the amendment:

> It is in this Nation's interest to at least allow contacts with Taiwanese officials on specific matters. What is included in this amendment are matters that I suspect no Member of this body will find objectionable. It requires that in discussions with regard to United States-Taiwan trade matters, and the trade deficit, we will permit them to talk with us. It also requires that for discussions of efforts to prevent nuclear proliferation... for threats to the national security of the United States... for discussions involving protection of the global environment; protection of endangered species; and regional humanitarian disasters—for discussions in these narrow, specific areas, the Taiwanese leadership will be admitted... and it would be unreasonable to exclude Taiwanese officials from the United States to discuss these matters.  

The Senate subsequently approved the amendment by a vote of 94-0, making a large step towards reversing US policy by granting visas to officials of Taiwan, including its President, to visit the United States.

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41 Ibid., p. S10683.  
Not surprisingly, the Clinton Administration objected to the amendment, arguing that it interfered with the diplomatic work of the State Department. It also hinted it would try to "appropriately" accommodate Taiwanese officials' visits to the United States while pursuing the "one China" policy.\textsuperscript{43} Taiwan, on the other hand, stepped up its lobbying efforts in the House of Representatives for the adoption of the amendment in the conference report on H.R. 4606.\textsuperscript{44} However, several days later, Brown complained the amendment was "strongly opposed by a few members" of the House of Representatives and was not retained in the conference report on H.R. 4606.\textsuperscript{45} It was not clear whether these members were lobbied by the Administration. The conference report did not provide any argument against the amendment. It stated: "Deletes without prejudice a provision added by the Senate pertaining to limited travel privileges within the United States for high-ranking Taiwanese officials".\textsuperscript{46} It is possible the amendment was dropped to avoid blockage of H.R. 4606 by the Administration.

But supporters of the amendment did not give up in their efforts. On 10 August, when the Senate was considering the Department of Defense Appropriations Act for the fiscal year ending 30 September 1995 (H.R. 4650), the amendment was introduced again. This time, two more supporters of Taiwan joined Senators Brown, Simon, Lieberman and Murkowski in sponsoring the amendment. One of them was Republican Senator Ted Stevens, who had once threatened to block arms sales to

\textsuperscript{44} Ibid.
\textsuperscript{45} \textit{Congressional Record}, 10 August 1994, p. S11117.
\textsuperscript{46} \textit{Congressional Record}, 20 September 1994, p. H9309.
Taiwan as he believed the interests of his home state were hurt by Taiwan’s driftnet fleets.\textsuperscript{47}

As it turned out, the amendment was not retained in conference report on H.R. 4650 either. Again there was no clear sign of the Clinton Administration’s lobbying efforts. While the amendment was dropped, the conferees explicitly expressed their support for giving visas to officials of Taiwan. The report noted

The conferees agree that appropriate officials of Taiwan should be permitted entry to the United States for the conduct of official business. Amendment of the Taiwan Relations Act falls outside the jurisdiction of the Appropriations Committees. The conferees defer action on this matter to the House Foreign Affairs and Senate Foreign Relations Committees.\textsuperscript{48}

During this period, there were also two separate moves in Congress. In June, 54 senators, led by Murkowski, sent a letter to Clinton, asking him to send a Cabinet member to Taiwan “as a clear signal to the Taiwanese of the importance with which the United States regards its relationship with Taiwan”.\textsuperscript{49} In August, a letter jointly signed by 37 members of the House of Representatives was sent to Lee.\textsuperscript{50}

It should also be noted that during this period Taipei’s lobbying efforts focused on two top priorities: lifting the ban on visits to the United States by ranking Taiwanese officials; and to allow Taiwan to rename its representative office in the United States.\textsuperscript{51} Meanwhile, influential newspapers, including \textit{New York Times},

\textsuperscript{47} Congressional Record, 10 August 1994, p. S11117.
\textsuperscript{48} Congressional Record, 26 September 1994, p. H9616.
\textsuperscript{49} Dwyen Ngo, “Taiwan: U.S. Senator Stands up for Taiwan”, Business Taiwan, Reuter Business Briefing, 12 December 1994.
Washington Post and Christian Science Monitor, editorialised their support for upgraded official status for Taiwan.\textsuperscript{52}

\textbf{Taiwan Policy Review}

Against this dramatic backdrop, the Clinton Administration conducted an 18-month long, comprehensive review of Taiwan policy. As it turned out, the review angered Beijing and failed to satisfy Congress and Taipei. It was criticised for emphasising details instead of principles and, more importantly, for lacking vision. The review failed to solve any problems in the Washington-Beijing-Taipei relationship. Instead, it further exposed the weaknesses of the Clinton Administration and encouraged Congress and Taipei.

The review began in July 1993, but was delayed again and again for various reasons.\textsuperscript{53} According to Senator Murkowski, he was told on many occasions that an announcement about the policy review was imminent. "But then something would come up to delay its release — and that something was usually the People's Republic of China", Murkowski ridiculed. "First there was the most-favored-nation debate, and then North Korea negotiations, and then Secretary Brown's trip to Beijing".\textsuperscript{54}

The policy review, which was drafted with consultation of only "interested members of Congress",\textsuperscript{55} was barely publicised. It was quietly announced in an "off-the-record" briefing on 7 September 1994 while Congress recessed.\textsuperscript{56}

\textsuperscript{54} \textit{Congressional Record}, 28 September 1994, p. S13587.
\textsuperscript{55} Lord, "Taiwan Policy Review", p. 705.
\textsuperscript{56} Hadar, "USA: Clinton Changes Policy towards Taiwan, or Did He?".
But the review was important in that it was the first adjustment of Taiwan policy in 15 years. According to the "senior official" who briefed reporters on the condition of anonymity, the United States was trying to promote and strengthen its "unofficial economic and commercial ties by lifting the level of exchanges and visits and changing the nature of the settings for those kinds of issues".57

The changes included allowing high-level US economic and technical officials to visit Taiwan; allowing Taiwanese officials to meet some high-ranking US officials in official settings, such as the Commerce Department; allowing State Department officials at the undersecretary level who had nonpolitical portfolios to meet with senior Taiwanese visitors, just so long as they didn't do so in their Department offices at Foggy Bottom; letting Taiwanese officials enter the United States in transit to other countries; and changing the name of Taiwan's office in Washington from the Coordination Council for North American Affairs to the Taipei Economic and Cultural Office. The United States would also support Taiwan's entry into the General Agreement on Tariff and Trade (GATT)/the World Trade Organisation (WTO).58

Hours after the Administration's announcement, the unofficial US representative in Taiwan, Lynn Pascoe, called on Taiwan President Lee Teng-hui, Prime Minister Lien Chan and the Foreign Minister Frederick Chien. The call was

the first public one since the United States switched diplomatic recognition to Beijing in 1979.\(^59\)

Administration officials emphasised the new policy did not change the basic framework of US policies towards Beijing and Taipei, but strained to strike a balance between Taipei's growing desire for higher-level contacts with US officials and Beijing's demands that the United States continue to deny Taiwan official recognition as an entity separate from the rest of China.\(^60\)

Analysts observed that the review designed both to relieve the pressures for change from outside the Administration and to answer some questions from an incoming President. It was to help preserve the status quo in Washington's ties with Beijing and Taipei. Some analysts therefore called the review "a phony review" and "essentially useless".\(^61\)

The Administration officials also used different rhetoric on different occasions to describe the importance of the review. While Winston Lord told Congress "a series of changes" had been made and that the review had "systematically" enhanced ways to promote American interests and manage relations with Taiwan,\(^62\) the "senior official" who introduced the policy changes dubbed the changes as "refinements".\(^63\)

Indeed, the changes did little to alter the nature of bilateral relations between Washington and Taipei. Washington wanted US relations with Taiwan to be limited

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\(^{63}\) Morse, "U.S. to Expand Its Avenues for Dialogue with Taiwan".
to economic, cultural and other non-political fields. Most of the changes did not break new ground. In terms of official visits, Carla Hills, US Trade Representative in the Bush Administration, had already visited Taiwan. In the case of the transition visa, Taiwan Prime Minister Lien Chan was allowed to stop over in Los Angeles and Miami on his way to El Salvador in May 1994. As for supporting Taiwan's entry into the GATT/WTO, that was what the United States had been doing since 1991. Even the new name was not really new. It was the same name Taiwan gave to its operation in Japan.

Yet, in addition to boosting economic and technical ties, the policy review did give the impression of strengthening US-Taiwan political relations. Renaming Taiwan's unofficial office reflected its upgraded status. And, it was the first time the US government felt compelled to write a "visits" policy. Lee Teng-hui would also be allowed to stay in the United States for a transit stop. Lee's stop would be much more significant than Lien Chan's. To allow top-level Taiwanese officials visiting the United States to meet their American counterparts in some US government offices was another step towards strengthening political relations.

The policy review turned out to be a big mistake. By trying to micro-manage US-Taiwan relations, the Clinton Administration further exposed itself to attacks from critics of the Taiwan policy. Harry Harding believed the policy review was "just a disaster". "It was typical of the Clinton Administration — all details, no


65 Caspar Weinberger said that the United States had always supported Taiwan's GATT bid. (See Weinberger, "USA: Commentary on Events at Home and Abroad--Relations with Taiwan"). The United States has been reluctant to support Taiwan to join GATT/WTO before China.

66 Simon Beck and Beoffrey Crothall, "China: Beijing Condemns 'Interference'", South China Morning Post, Reuter Business Briefing, 9 September 1994. The name of Taiwan's agency in Japan was renamed "Taipei Economic and Cultural Office" in 1992.
vision”, Harding pointed out. 67 He argued that what was important were principles, not details, because details could change from time to time. Harding noted the review “failed to reassure the Chinese” and “It placed limitations on American policy which seemed so unreasonable that Taiwan was emboldened to challenge them”. 68

Indeed, while Beijing blasted the review, members of Congress were not satisfied with the changes, arguing they did not go far enough. In a 27 September hearing of the Senate Foreign Relations Committee on the review, Charles Robb said: "On a number of critical issues, Taiwan is outside of the tent when it should be inside”. 69 Frank Murkowski told Winston Lord, “I had hoped for bolder and more substantive steps”. 70 Claiborne Pell added, “I do not think the (policy) review has gone as far as it should. In many ways, it was three steps forward and two steps back”. 71 Paul Simon also complained: “I don’t think it makes sense. I think in Asia we have an irrational policy”. 72 Hank Brown, alluding to US willingness to engage North Korea directly, branded the policy review a "slap in the face to Taiwan". 73

The main issues which made these senators unhappy included 1) the policy review kept America’s one China policy officially intact and reiterated that the United States did not back Taiwan’s entry into the United Nations; 2) visits to the United States by Taiwan’s president and other top leaders were still forbidden; 3) no meetings were to occur between senior officials whose duties were considered to be

67 Interview with Harry Harding on 19 May 1997.
68 Ibid.
70 Ibid.
71 Ibid.
72 Ibid.
73 Kirschten, "The Other China", p. S15268.
primarily diplomatic, military or political; 4) senior Taiwanese officials visiting the United States would be barred from setting foot in such "official" sanctums as the White House, the Old Executive Office Building, the Pentagon and the State Department.74

Taiwan also expressed its disappointment. The policy revision "fell far below the expectations of Taiwan" and Taiwan regarded the long-awaited revisions "a dud".75 Taiwan's official response called the policy review "welcome" but added that "these adjustments have not sufficiently addressed the needs arising from the close relationship between the United States and the Republic of China".76 A delegation of Taiwanese legislators met with State Department officials on 21 September to register their disappointment with the policy review, which Senator Parris H. Chang, a Democratic Progressive Party member, described in an interview as "retrograde in certain respects".77 Albert Lin, information director for Taiwan's Washington outpost, said his office's new title was selected from a list of acceptable options but was not his country's first choice, which could simply be "Taipei Representative Office".78 Foreign Minister Frederick Chien had hoped for even more. He said "We are dissatisfied that the changes could not add 'Republic of China' to the name".79 Taiwan President Lee Teng-hui called the changes a "miniature shift" that did not "live up to the U.S. role in the region".80

74 Ibid., p. S15267. See also Congressional Record, 28 September 1994, p. S13587.
75 Chang, "How Clinton Bashed Taiwan--and Why", p.567.
76 Kirschten, "The Other China", p. S15268.
77 Ibid., p. S15267.
78 Ibid. See also Tseng, "Taiwan: The U.S. Upgrades Ties with Taiwan".
80 Margaret Dawson, "Clinton Breaks the Ice: Is the recent overture to Taiwan enough to win huge new deals?", Business Week (19 December 1994), p. 12.
Despite its expressed disappointment, Taipei seemed encouraged by the policy review and thereafter doubled its lobbying efforts. Shortly after the review, Taiwan sent a mission to the United States to lobby for Taiwan's bid to join the UN.81 Taiwan's Government Information Office Director-General Jason Hu also went to the United States to enlist support for the UN bid. Hu planned to call at such major news organisations as the *New York Times*, CNN (Cable News Network), the *Time* magazine, the *Newsweek*, the *Wall Street Journal* and the *New York Daily News*. He claimed that since Taipei formally launched an international publicity drive for its UN bid in 1993, major world news media had published more than 1,200 articles supporting Taipei.82 At the same time, Taiwan's representative to the United States pledged to step up communications with the US Congress and mass media in the hope of using public opinion to change the US government's Taiwan policy.83

Taiwan's UN bid did receive more support in Congress then. The Senate had already adopted a resolution in support of Taipei and two similar bills were pending in the House of Representatives.84

A more dramatic lobbying effort was revealed in early October when Taipei signed a US$4.5 million three-year contract with Cassidy and Associates, one of the top public relations firms in the United States. The contract cost at least 10 times more than what Taiwan's Ministry of Foreign Affairs had paid for other PR firms in the past. The contract was also the largest recorded in the public relations field in the

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In its first letter to the Clinton Administration, Powell Tate, an affiliate of Cassidy, said recent policy changes of the United States had unfortunately done nothing to improve substantive ties between the US and Taiwan.

Congress also seemed encouraged by the policy review and continued its activism on Taiwan policy. On 28 September, Senator Murkowski and another five senators (Robb, Brown, Pell, Helms and Simon) submitted S. Res. 270, calling for closer ties between the United States and Taiwan. The resolution required the US government to change its policy towards Taiwan on a range of issues: allowing unrestricted office calls by Taiwan’s representatives in the United States to all US departments and agencies, including the Departments of Defense and State and offices in the Old Executive Office Building; sending Cabinet-level officials, including officials from the Departments of State and Defense, to Taiwan on a regular basis; supporting Taiwan’s efforts to join international organisations; approving defensive arms sales to Taiwan based solely on Taiwan's self-defence needs; and of course, welcoming the visits by the Taiwan president and other high-level government officials.

Naturally, administration officials defended the Administration's Taiwan policy. "Our relations with Taiwan are warmer than ever", Winston Lord said. "Relations with the People's Republic of China are official and diplomatic; with Taiwan, they are unofficial but strong", he argued. Lord strongly opposed Congressional attempts, including the attempt to legislate visits by top leaders of Taiwan to the United States, warning it would be “a serious mistake” to derail the

86 Ibid.
87 Congressional Record, 28 September 1994, p. S13586.
basic policy of several administrations by "introducing what China would undoubtedly perceive as officiality" in US relations with Taiwan. 89

But reflecting the Administration's weak leadership against an assertive Congress, the Administration's warning was dismissed and the S. Res. 270 was agreed to without objection in the Senate on 5 October. 90

Encouraged by Congress, Taipei stepped up its pressure on the Clinton Administration to make more dramatic changes to its Taiwan policy. The day after the adoption of S. Res. 270, Lee Teng-hui, "in a rare burst of criticism", complained of US "over-tolerance" towards Beijing. In his first comment on the Clinton Administration's Taiwan policy review, Lee called US policy adjustments "negligible". 91 He subsequently challenged the policy by inviting President Clinton to visit Taiwan. 92

In spite of its dissatisfaction, Taipei seemed careful not to lose patience and push too far. In late October, Taiwan's Foreign Minister Frederick Chien had a four-day stay in the United States, two nights in Miami and one night in New York, during a trip to Paraguay for a meeting of Taiwan's ambassadors to Central and South America. Chien did not meet US officials during his stay and only visited Taiwan's quasi-official offices there. 93

But much was changed after the 1994 mid-term election. For the first time in four decades, the Republicans took control over both the Senate and the House. In

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the Senate, the Republican Party increased its number of seats from 44 to 53 over the Democrats, whose seats fell from 56 to 47. In the House of Representatives, the Republicans went from 178 to 230 seats, while the Democrats dropped from 256 seats to 204 seats, with one seat held by an independent.

Along with the Republican gains, conservatives strengthened their power in Congress with Senator Jesse Helms becoming Chairman of the Senate Foreign Relations Committee and Newt Gingrich becoming Speaker of the House. Helms, a well-known long-time critic of China, later said he believed the Taiwan leadership was the legitimate government of the Mainland and that he had “always resented what was done to Taiwan”. Gingrich later angered Beijing by saying Taiwan should join the UN and Taiwan’s president should visit the United States.

Some Chinese analysts also put Benjamin J. Gilman, new Chairman of the House Foreign Affairs Committee (renamed International Relations Committee in late 1994), to the list of conservatives. In fact, Gilman was “a mild-mannered moderate”. It was observed that “Conservatives in the House Republican Conference have never felt comfortable with Gilman’s moderate views”. In 1993, Gilman ranked second in voting against Republican majorities. He opposed his party 47 percent of the time. The reason Chinese analysts regarded Gilman as a conservative was Gilman’s championing of human rights. Gilman had been critical

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99 Ibid.
of Beijing’s human rights record and supported independence for Taiwan and Tibet. In the wake of Lee Teng-hui’s visit to the United States, Gilman said “If the people of Taiwan want to join the UN as an independent nation then they should be allowed to do so”.101

The triumphant Republicans warned that the Clinton Administration had to cooperate with the Congress. Senate Republican Leader Bob Dole noted that in foreign policy the White House “will have to bow to the opinions of Republican majority in Congress”.102 Newt Gingrich said he did not plan “to retreat or compromise on Republican Party goals”.103 Benjamin J. Gilman remarked that before the President carried out foreign policy it was “absolutely essential to gain congressional support”.104

Pressures came not only from Congress but also from American business groups, who lobbied hard for upgrading relations with Taipei. It was noted that European countries, with ministerial visits to Taiwan supporting their trade promotion efforts, had been awarded more than US$5 billion in contracts for Taiwan’s six-year national development plan, while US companies had won only US$1.37 billion in contracts between 1991 and 1993.105 Not long after the policy review, a delegation of American businessmen in Taiwan visited Washington to try to convince the Administration and Congress “there is a need to further upgrade relations between our two countries”.106 Specifically, they requested that a Cabinet member visit Taiwan soon. Afterwards, William Botwick, president of General

100 Borrus and Dunham, “Who Will Forge Foreign Policy? The barons of the Republican Congress may be too divided”, p. 27.
102 Lu and Zhao, “U.S. Mid-term Elections and Political Trends”, p. 11.
103 Ibid.
104 Ibid.
105 Hadar, “USA: Clinton Changes Policy Towards Taiwan, Or Did He?”.
Motors Taiwan Ltd. and president of the US Chamber of Commerce in Taipei said “We found a very sympathetic attitude on Capitol Hill for our position”\textsuperscript{107}. The US Chamber of Commerce in Taipei also wrote to President Clinton in late November, urging him to send one top official to Taiwan. “The timing is critical”, the Chamber stressed\textsuperscript{108}.

Congressional pressure and lobbying efforts by Taipei and American business groups bore fruit in early December 1994 when US Transportation Secretary Federico Pena visited Taiwan. Pena was there to attend a business conference and his visit was “unofficial”. But Pena entered Taiwan's "Office of the President" and "Foreign Ministry" building to hold official meetings with Lee Teng-hui and Frederick Chien, the first US Cabinet official to do so for at least 15 years.

Pena linked his visit to the US policy adjustments. “The United States completed its Taiwan policy report in September this year, and the Clinton Administration has made a revision of its Taiwan policy... This is helpful for my Taiwan visit”, said Pena\textsuperscript{109}. Pena publicly claimed he was in Taiwan on a mission from President Clinton to upgrade relations\textsuperscript{110}. He told Lee he hoped more US Cabinet officials would visit Taiwan in the future\textsuperscript{111}.

A major driving force for upgrading the relations was American economic interests in Taiwan and Pena pushed hard for those interests. He brought with him a letter from Clinton former Defense Secretary Caspar W. Weinberger, co-chairman of

\textsuperscript{106} Ibid.
\textsuperscript{107} Ibid.
\textsuperscript{108} Dawson, "Clinton Breaks the Ice", p. 12.
the Republic of China (Taiwan)-USA Economic Council that sponsored the business conference. Pena read the letter in front of Lee Teng-hui. In the letter, Clinton explained that “Secretary Pena’s presence at this meeting is ample testament to the interest of this Administration in improving economic relations between the United States and Taiwan”. 112 Pena urged Taiwan to open access to its markets, singling out possible future transport links across the 220-km Taiwan Strait to the Mainland as an area of special interest. He demanded that “if and when air- and sea transportation across the straits begins, we expect that United States companies will be allowed to compete in providing these services”. 113

The Clinton Administration was walking a tightrope with regard to Washington-Beijing relations. It tried to control the negative impact of Pena’s visit on relations with Beijing. After all, Pena was a junior Cabinet member. And during his four-day visit, Pena fielded few questions and relied mainly on statements. He "shied away" from the key question of whether Lee Teng-hui would be allowed to visit the United States. 114

But it became much harder for the Clinton Administration to walk the tightrope. Congress and the strong Taiwan lobby were successfully squeezing the Administration, giving the Administration little space for manoeuvre. On the other hand, Pena’s visit and his remarks in Taiwan angered Beijing. It subsequently turned down Pena’s visit to Beijing which had been scheduled for January 1995.

Taiwan’s supporters in Congress, however, were demanding more for Taiwan. Senator Murkowski also attended the conference with a 29-person

112 Tempest, “Taiwan: U.S. Gestures Leave Taiwan Hungry for Recognition”.
114 James Kyne, “Taiwan: US Walks Tightrope of Taiwan-China Ties”.
delegation from his home state of Alaska. Murkowski assured the Taiwanese: “You’ll see a continuation to the commitment we made to Taiwan”. He said he planned to reintroduce a resolution urging the Clinton Administration to allow Lee Teng-hui to visit the United States. “That resolution will be circulated among all members of the US Senate so it will have a significant, representative recommendation”, Murkowski stated. “As a consequence of that, I think the Administration will have a chance to review the policy and I would hope that they see fit to grant President Lee the invitation”. Murkowski was confident the Legislature would have more say in US policy towards Taiwan. “I think you’ll see a continual review of our policy toward Taiwan”, he asserted.

Lee’s Visit: An Inevitable Retreat of the Administration?

Taiwan President Lee Teng-hui’s “private visit” to the United States in June 1995 was the most important issue in US-China relations during the first Clinton Administration. It was perhaps the most important issue since the two countries normalised their relationship in 1979. Lee’s visit triggered serious crises between the two countries and across the Taiwan Strait. This section examines the decision-making process leading to the decision to grant Lee a visa to the United States.

As revealed in the above two sections, Congress was very active on the Taiwan issue in the first two years of the first Clinton Administration. At the same time, as examined in Chapter 4, the Clinton Administration did not have a clear vision for US-China relations, inevitably weakening its position on policy towards Taiwan. Although it had no intention to make major changes to the Taiwan policy

115 Ngo, “Taiwan: U.S. Senator Stands up for Taiwan”.
116 Ibid.
117 Ibid.
set by previous administrations, it did not show much leadership and lacked the
determination to resist Congressional pressure. Consequently, US policy towards
Taiwan was moving in the direction determined by Congress.

Congressional members like Murkowski were not satisfied with the speed of
the movement. "It is not moving as fast as I would like", Murkowski said.\textsuperscript{118} They
therefore launched a series of assaults on the Clinton Administration's Taiwan
policy. In the 9 February 1995 hearing of the House Subcommittee on Asia and the
Pacific, members of the committee accused the Administration of kow-towing to
China and slighting Taiwan. One member called on the Administration to "reach out
to Taiwan" and termed it an "insult" that Lee Teng-hui had been refused a visa to
receive an honorary degree from Cornell University.\textsuperscript{119}

The Clinton Administration tried to resist Congressional pressure. In his
testimony at the hearing, Lord said "We all share your instincts" as to "who are the
good guys and who are the not-so-good guys". Yet he insisted "We will continue to
reject proposals which would place at risk the peace and growth that Taiwan has
achieved. . . . We will not reverse the policies of six Administrations of both
parties".\textsuperscript{120} Before Cornell University formally invited Lee in early March to come to
the school's Ithaca, New York, campus, Warren Christopher believed that "under the
present circumstances" he could not see Lee's visit to Ithaca happening.\textsuperscript{121}

Given the Clinton Administration's statements, Taipei at first was pessimistic
about getting the visa. They hoped Lee might make a US stopover before the

\textsuperscript{118} \textit{Nikkei Weekly}, "Japan: China, U.S. in Collision Course over Taiwan — Japan Will Feel
\textsuperscript{119} Patrick Worship, "USA: US Legislators Attack Policy on China, Taiwan", \textit{Reuter News Service},
\textsuperscript{120} Ibid.
\textsuperscript{121} \textit{Congressional Record}, 15 March 1995, p. S3993.

The already active and assertive Congress acted swiftly after Cornell University formally invited Lee. As promised, Senator Murkowski on 6 March introduced a resolution urging Clinton to let Lee visit the United States, saying "it is the sense of the Congress that the President should promptly indicate that the United States will welcome a private visit by President Lee Teng-hui to his alma mater, Cornell University". Murkowski was not acting alone. He had 35 co-sponsors for the bill. On the same day, a nearly identical resolution, H. Con. Res. 33, was introduced in the House of Representatives by Democratic Congressman Tom Lantos, a vocal critic of China's human rights record.

The two resolutions enjoyed strong bi-partisan support. On 22 March the Senate Foreign Relations Committee unanimously approved S. Con. Res. 9. Eleven senators on the committee had co-sponsored the legislation. In the House, H. Con. Res. 33 was reintroduced on 29 March as H. Con. Res. 53. The resolution had four co-sponsors when it was introduced; the next day, 29 more congressmen joined as cosponsors. Both resolutions expressed the sense of Congress and did not bind the White House to any action.

The voting results were staggering. On 2 May, the House passed H. Con. Res. 53 by 396-0. One week later, on 9 May, the Senate overwhelming joined the House and approved the resolution, 97-1.

The only person who spoke and voted against allowing Lee Teng-hui to make an unofficial visit to the United States was Democratic Senator J. Bennett Johnston. Johnston warned that Lee's visit risked damaging relations with China. "I hesitate to muddy the waters and compromise our carefully crafted, delicate relations with the People's Republic of China by initiating vague policies of recognition of Taiwan's leaders", Johnston said. One observer noted, "Johnston's position was not only exceptional, it was unique".

The State Department insisted there was too much at stake for the United States to jeopardise ties with Beijing by doing more than it had done to boost relations with Taiwan. In fact, Warren Christopher assured Chinese Foreign Minister Qian Qichen at a UN meeting on 17 April that it was the Administration's "fundamental policy" to refuse the visa. After the Senate's 9 May vote, the State Department claimed the Administration was not rethinking its position. A State Department spokesman said that allowing Lee to visit "would have serious consequences for US foreign policy". The spokesman predicted China would not act kindly if the United States granted Lee a visa "because a visit by a person of President Lee's title, whether or not the visit were termed private, would unavoidably be seen by the People's Republic of China as removing an essential element of unofficiality in the United States-Taiwan relationship".

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126 Ibid.
129 Ibid.
spokeswoman also stated that anything beyond a short stopover "would be inconsistent with the informal character of our relations with Taiwan".\footnote{Ibid.}

But the pressure from Congress was enormous. One senior administration official acknowledged that Congress' non-binding resolution had forced the Administration's hand; continuing to bar Lee would give the impression that Clinton was bowing to Chinese pressure. Clinton had sought to shed that image since May 1994 when he extended China's MFN trade status despite China's human rights performance falling far short of what he had demanded.\footnote{Steven Greenhouse, "Aides to Clinton Say He Will Defy Beijing and Issue Visa to Taiwan's President", \textit{New York Times}, 22 May 1995, p. A6.}

Contributing to the Administration's weak position on this issue was the Administration's concerns about issues potentially more important than the issue of Lee's visit. For example, Congress was trying to drastically cut the budget and downsize the structure of the State Department. With the entire budget and organisation of the US foreign policy apparatus in trouble on Capitol Hill, Warren Christopher "was of the view that this [Lee's visit] was not something we could confront Congress on", a State Department official said.\footnote{Jim Mann, "How Taipei Outwitted U.S. Policy".}

To impose more pressure on the Clinton Administration, Senator Murkowski warned that if strong Congressional sentiment did not persuade the Administration to reverse itself, Congress would force the Administration's hand by passing mandatory legislation.\footnote{Thomas W. Lippman, "Hill Urges President to Let Taiwan Leader Visit U.S", \textit{Washington Post}, 10 May 1995, p. A29.}

The message was taken by the Administration, which no longer had the will to resist Congressional pressure. Administration officials told the Chinese
ambassador to Washington that if Clinton did not soon grant a visa to Taiwan's President, Congress might overwhelmingly adopt a binding resolution that would not only require him to do so, but would also upgrade the American relationship with Taiwan. According to a senior State Department official, the Administration wanted to "pre-empt new binding legislation" that could hurt US relations with China. It was reported that a bill was pending in the Senate, calling for President Lee to be received on an official level as a head of state "with all appropriate courtesies".

Believing Congressional pressure was irresistible, the Clinton Administration proposed a new solution. It would grant Lee a visa for a trip to Hawaii. Instead of a quick overnight stop like the one rejected in 1994, Lee could play golf and participate in private academic exchanges there. The Administration thought the compromise would be more acceptable to Beijing because it kept Lee out of the continental United States. But with the full support of Congress, Taiwanese officials turned down the Administration's offer, deciding instead to go all-out for the Cornell trip.

Taiwan's confidence was based not only on the supportive Congress, but also a weak president without a clear vision on China policy. According to one story, Clinton once asked his aides what was the most important reason why he should not grant Lee a visa. The aides told him that it was because the Chinese would not like

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134 Greenhouse, "Aides to Clinton Say He Will Defy Beijing and Issue Visa to Taiwan's President".
135 Ibid.
137 Jim Mann, "How Taipei Outwitted U.S. Policy".
it. Clinton then said: “The Chinese did many things I don’t like”. By then, the issue was over.\textsuperscript{138}

Clinton finally decided to grant Lee a visa after Democratic senators complained to Clinton personally. On 18 May, Clinton held a meeting at the White House with a small group of moderate senators allied with the Democratic Leadership Council. The meeting was designed to discuss larger, more general issues other than Lee’s visit. Once it began, however, Senator Charles S. Robb complained that the Administration was still refusing to grant Lee a visa to visit Cornell. According to Robb, the meeting helped Clinton overcome the "institutional inertia" of US foreign policy agencies seeking to block Lee's trip. By the end of the meeting, Clinton signalled he was ready to grant the Taiwan President a visa.\textsuperscript{139}

The next day, to signal the Administration’s changed position, the State Department said Lee’s application for a visa was "under consideration".\textsuperscript{140} Three days later, on 22 May, the Clinton Administration changed the 16-year-old US policy of barring Taiwanese leaders from the United States and announced permission for Lee’s groundbreaking private visit.

The Clinton Administration’s decision created crises in US relations with China and across the Taiwan Strait. After the decision, Beijing postponed its Defence Minister’s visit to the United States, suspended missile control talks with the United States, postponed the July cross-strait talks and “indefinitely” recalled its ambassador to Washington. In July and August 1995, Beijing conducted ballistic missile tests into waters north of Taiwan in the East China Sea. In October 1995, it

\textsuperscript{138} A story told by a prominent China expert at the George Washington University whom I interviewed in May 1997.
\textsuperscript{139} Jim Mann, "How Taipei Outwitted U.S. Policy".
\textsuperscript{140} USIS, "State Department Report, Friday, May 19", 19 May 1995, File ID: POL502, Tracking no. 392236.
staged a large-scale naval, ground and air landing operation exercise in the coastal areas of Fujian and Zhejiang. On 5 March 1996, Beijing announced it would stage guided-missile tests in the period 8-15 March. The missiles would splash down in two areas not far from two of Taiwan's major ports, Kaohsiung and Chilung. After launching the first three missiles on 8 March, Beijing on 9 March announced it would conduct live fire military exercises at the southern end of the Taiwan Strait in waters adjacent to mainland China from 12 to 20 March. The next day, the United States ordered aircraft carrier *Independence* and its task force closer to Taiwan to monitor tensions. The following day, the United States announced that a second force, aircraft carrier (*Nimitz*) and its battle group, was also heading for waters off Taiwan. On 15 March, Beijing announced that a new series of exercises would begin on 18 March at the northern end of the Taiwan Strait.\(^{141}\)

Angered at Beijing's missile tests and military exercises, Congress moved to reaffirm its commitment to supporting Taiwan. It passed a non-binding resolution expressing the sense of Congress that the United States was committed to the military stability of the Taiwan Strait and that US military forces should defend Taiwan. The resolution had 79 co-sponsors when introduced to the House Committee on Foreign Affairs, now renamed the Committee on International Relations, on 7 March.\(^{142}\) The resolution specifically stated:

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\text{it is the sense of the Congress that . . . the United States should maintain a naval presence sufficient to keep open the sea lanes in and near the Taiwan Strait . . . and the United States . . . should assist in defending}
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\(^{141}\) For an analysis of the aftermath of Lee's visit, See Greg Austin (ed.), *Missile Diplomacy and Taiwan's Future: Innovations in Politics and Military Power* (Canberra: Strategic And Defence Studies Centre, the Australian National University, 1997).

them (people of Taiwan) against invasion, missile attack, or blockade by the People’s Republic of China.¹⁴³

Some members of Congress expressed their reservation over the resolution. Representative Lee Hamilton, ranking Democrat on the House Committee on International Relations, for example, pointed out that

the resolution appears to push American policy further than it has ever gone before in a quarter of a century. It appears to increase the United States commitment to defend Taiwan . . . . It articulates policy in a different way than does the President. It could confuse the people in leadership of Taiwan, of China, and of our many friends in East Asia.¹⁴⁴

In the Senate, Senator J. Bennett Johnston, the only person to originally vote against Lee’s visit, noted the resolution “misstates” the basis of US relations with China. “There is an intention in this body to shift ground to retreat from the Shanghai Communiqué, to go to a subtle recognition of Taiwan as an independent country”.¹⁴⁵

Despite their reservations, both Hamilton and Johnston voted for the resolution which passed the House 369-14 on 19 March. The Senate passed the resolution 97-3 two days later. But the Clinton Administration had pre-empted these Congressional moves by sending the two aircraft carrier battle groups to the Taiwan Strait.

Conclusion

Congress decisively shaped the first Clinton Administration’s policy towards Taiwan. Clinton was not prepared to make substantial adjustments in Taiwan policy when he came to the White House. Instead, his administration intended to continue

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¹⁴⁴ Ibid., p. H2343.
Taiwan policy set by previous administrations. Crucially, however, Clinton was not a strong president in foreign policy. He did not have a clear vision for China policy and consequently could not effectively resist Congressional pressure on the Taiwan issue.

Congressional pressure regarding Taiwan policy was indeed extraordinarily high. On the issue of arms sales, however, the pressure was largely symbolic. Legislators mainly wanted to register their dissatisfaction with the Administration's Taiwan policy. While the resolutions they passed antagonised Beijing, the Administration distanced itself from Congress and Congress did not take any further actions.

On the issue of high-level governmental contact, Congressional pressure was more than symbolic. It played a decisive role in Clinton's decision to grant Lee a visa. By the time Clinton made his decision, Congress was so assertive that it was not impossible for Congress to pass a binding resolution regarding Lee's visit. Had Clinton been determined not to grant the visa, he would certainly have had to pay a high political price in fighting off Congress and strong public opinion, much as George Bush had done on the issue of China's MFN. Obviously, Clinton was not determined. Hence the Administration's retreat and subsequent breakthrough in Taipei's diplomacy and dramatic setback in US-China relations.
PART III
Chapter 7

**Congressional Behaviour: Structural Explanations**

The chapters in Part II are largely descriptions of Congressional intervention in the US foreign policy-making process in four separate cases, with special attention given to structural factors: constituency, partisanship and committee. While descriptive analysis of the separate cases may give some indication of the influence of the three factors, such an analysis does not answer the crucial question: Under what circumstances and in what way do these factors come into play? Nor does description explain the relative weights of these factors or elaborate their relationship. This chapter draws together the findings in an effort to answer the above question. It addresses the proposition put forward at the outset of the thesis, namely "Among the three structural factors — constituency, partisanship and committee — partisanship normally plays the most important role except on issues in which interests of constituency are heavily involved. Committee actions are largely determined by constituency and partisanship".

**Partisanship**

While reviewing US China policy from Tiananmen to the November 1992 Presidential election, Richard C. Bush noted that "China became subject to the dynamics of divided government. A Democratic Congress, with support from some conservative Republicans, sought to use the China issue to embarrass a
Republican Administration for political gain". Similarly, Arthur Hummel, former US envoy to Beijing, observed that US China policy since 1989 was shaped through an "irrational" partisan debate.  

Partisanship was a major factor in George Bush's repeated victories over Congress. Although some Republicans joined the Democrats and wrote bills and amendments to condition or revoke China's MFN status, it was mainly Democrats who sponsored initiatives and pushed them forward. Republicans, especially those in the Senate, formed the basis for Bush's victory. Take for example the 23 July 1991 vote on US-China Act of 1991 which would have conditioned China's MFN status. Although Bush succeeded in persuading seven Democratic senators from farm states to cross party lines, other Democratic senators from farm states remained loyal to the party. More importantly, among 21 states whose Senate seats were shared by both parties, 18 Republicans voted against the bill and 20 Democrats for it.

Many Republicans voted for China's MFN status not because they agreed with Bush but because of partisanship. One such Republican was Senator Slade Gorton. Before the vote on the US-China Relations Act 1991, which was sponsored by Democratic Leader Senator George J. Mitchell, Gorton had several reasons to oppose MFN status for China. Firstly, Gorton had shown "a visceral antipathy for the communist regime in Beijing over the years". Secondly, Gorton was a strong supporter of Taiwan. Thirdly, Gorton had a long record of support

for legislation designed to promote human rights in China. He had said in 1990 that “It seems to me very difficult to justify business as usual with as bloodthirsty a regime as that governing the People’s Republic of China today”. He was one of only eight Republicans who voted in early 1990 to override Bush’s veto of legislation to protect Chinese students studying in the United States. Eighteen others who initially urged Bush to sign the bill changed their position to show Republican solidarity. On China’s MFN status, Gorton said in 1991 that “Clearly giving them an unconditional extension last year did not seem to work”. Finally, despite the free-trade leanings of Washington state and the fact that no state had a more vested interest in continued relations with China than Washington, opposing MFN for China was popular among voters.3

In the end, Gorton joined the majority of Republicans and voted against Mitchell’s bill. Observers believe Gorton did not want to be viewed as an ally of Mitchell and the Democrats if their chief goal was to embarrass Bush.4

Commenting on the strong partisan nature of the issue, a Democratic senator noted after the July 1991 Senate vote on the US-China Act of 1991 that “There’s a tremendous amount of loyalty on the part of Republicans not wanting to embarrass the president”.5

At first glance, it seems partisanship had little influence on Taiwan policy under the Bush Administration. In fact, Congress as a whole was not very active on the issue in those years. It did not impose serious pressure on the Bush

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4 Ibid., p. 1739.

Administration except regarding Taiwan’s GATT application. Even in this case, it was Philip M. Crane, a Republican, who took the initiative and introduced an amendment which linked China’s MFN status to Taiwan’s participation in the GATT. The examination in Chapter 6 revealed that Republicans were more vocal and active in supporting Taiwan. More importantly, the examination also showed that Taiwan had strong bipartisan support on Capitol Hill and initiatives to change US Taiwan policy, such as Carla Hills’ visit and the sale of 150 F-16s, were readily supported by members from both parties.

One might argue, however, that the lack of Congressional action under the Bush Administration stems directly from partisanship. It is understood that Republicans are traditionally more supportive of Taiwan. Despite public statements, Republicans did not seriously challenge Taiwan policy during the Bush Administration. This might have been out of fear of embarrassing a Republican president.

This argument is strengthened by a comparative analysis of the actions of Republicans under the two different administrations. While they did not seriously challenge Taiwan policy during the Bush Administration, Republicans were much more serious on the issue during the first Clinton Administration. Only a few months after Clinton entered the White House, Republican Senator Frank H. Murkowski introduced an amendment declaring that TRA “supersedes” the 1982 Shanghai communique. After the Honolulu event, it was Murkowski and another Republican senator, Hank Brown, who sent a letter to Lee Teng-hui, inviting him to visit their home states. Hank Brown also cosponsored the “visa-for-Taiwanese-officials amendment”.

The fact that Republicans took control over both the Senate and the House after the 1994 mid-term elections had a major impact on Taiwan policy. It further strengthened the hands of the Republicans. Although the demand to grant Lee a visa gained bipartisan support, it was mainly Republicans who pushed the move forward. Understandably, Republicans would not be concerned about embarrassing a Democratic president. In fact, to embarrass a Democratic president could be part of the motivation for some Republicans.

However, partisanship may disappear under certain circumstances. It had little influence on the issue of China’s MFN status during the first Clinton Administration. Shortly after the 1992 election in which Democrats controlled both the legislative and the executive branches, Arthur Hummel predicted that “The partisan factor is gone” as “No Democratic member of Congress wants to embarrass his own president”.6

Indeed, in the first two years of the Administration, partisanship could hardly be noticed in the case of China’s MFN status. Although Republicans like Representative Christopher Smith became more vocal and active during the Clinton Administration, it was Democrats, represented by Congresswoman Nancy Pelosi and Senator George J. Mitchell, who tried to pressure the Clinton Administration. Republican senators who had consistently supported Republican President George Bush largely continued their support of MFN for China during the Clinton Administration. In the House, support for China’s MFN status became increasingly bipartisan in 1994. The 106 Representatives who sent a letter to Clinton urging him to take a broad view towards China policy

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represented a bipartisan effort. By the time Republicans took control of both chambers, China's MFN status had already faded from the centre of US-China relations.

More importantly, many Republican members in the House of Representatives who had opposed George Bush on the issue changed their minds and supported Bill Clinton. The vote of the United States-China Act of 1994 in August 1994 showed that a vast majority of Republicans in the House (125-46) supported Clinton's decision of delinking China's MFN status and its human rights record. A much smaller majority of Democrats (145-111) expressed their support.

Constituency

Constituency played a crucial role in both China's MFN and Taiwan issues because the two issues involved either strong economic interests or moral concern from many constituencies. On a number of occasions, constituency prevailed over partisanship.

The most prominent example in which constituency outweighted partisanship occurred when seven Democratic senators from five farm states, led by Max Baucus from Montana, consistently crossed party lines and voted to support President Bush's decisions on China's MFN status. In fact, a key factor in Bush's repeated victories to maintain China's MFN status was the support of these seven Democratic senators. Bush needed 34 votes in the Senate to sustain his veto and he received 38 and 39 for his two vetoes respectively. Without the support of the seven Democrats, Bush's effort to sustain his vetoes would have failed.
Baucus became “a pivotal figure in a decidedly high-profile battle [over China’s MFN status] between the administration and Senate Democratic leadership”. Although Baucus “cast the first vote for Senator Mitchell as majority leader”, he had chosen “politely, but firmly” to cross Mitchell and the rest of the Senate Democratic leadership on the issue. Mitchell discussed MFN with Baucus, and concluded that “he and I disagree”.

As Chairman of the Finance Subcommittee on International Trade, Baucus had been “a staunch free-trader and denouncer of protectionism”. But that did not fully explain his position on China’s MFN status. For much of his Senate career, Baucus worked “to protect and advance Montana’s timber and agriculture interests”. Montana exported 70 per cent of its wheat to Pacific Rim countries and many farmers said denying MFN status to China would cause a collapse in wheat prices.

Republican Congressman Richard T. Schulze was another example of constituency prevailing over partisanship. In 1989, Schulze publicly opposed the Bush Administration’s China policy and called for immediate revocation of MFN status for China. In 1990, he sponsored amendments which would have cancelled China’s eligibility for MFN status immediately or stiffened procedures for granting MFN to China the following year.

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8 Ibid.
9 Ibid.
10 Ibid.
11 Ibid.
12 Ibid.
Schulze was "a party loyalist" who had "worked his way up through the political ladder in a place where Republican machine politics is part of life". Loyal to the Party as he might be, Schulze seemed more loyal to his constituency. It was observed:

his [Schulze] politics is conservative more in the sense of being organically rooted in his community than in the sense of adhering strictly to free market or tradition-minded cultural standards. He is true to Pennsylvania's century-old protectionist tradition, introducing bills calling for reciprocity and fairness, mandating vigorous retaliation against countries that do not comply.

Although Schultz cited China's poor human rights record to support his call for revocation of China's MFN status, it is not difficult to find the influence of constituency politics. Kennett Square, located in Schulze's district and the centre of the US mushroom industry, had been hard hit by imports of cheap Chinese mushrooms. Schulze sought to curb the imports for years.

Another example in which constituency politics might well have transcended partisanship is that of Senator Larry Pressler, a Republican from the farm state of South Dakota. Pressler was famous for his assiduous defence of home-state interests. He was willing "to put local concerns ahead of party needs" and therefore "occasionally irritated his Republican colleagues but cemented his support in South Dakota". Pressler once led a fight against stopping grain sales to the Soviet Union after its invasion of Afghanistan. In the early 1980s, in response to the Soviet invasion, President Carter imposed an embargo on US

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14 Ibid.
15 Ibid.
grain sales to the Soviet Union in 1979 and 1980. In the end, Soviet policy did not change and American farmers suffered a severe blow. The embargo contributed to a 5 per cent recession in the farm belt.\(^{18}\)

In the case of China, Pressler was not shy of admitting he was “beating the drums” for his own state when he called for renewal of MFN status. Along with many manufacturing and merchandising concerns, Pressler was concerned about his state’s potential loss in wheat sales to China.\(^{19}\)

The relationship between constituency and partisanship is not necessarily a zero-sum game. Very often they strengthen, rather than weaken each other.

Many Republicans cited the economic interests of their constituents to explain their support for China’s MFN status. For example, Senator John H. Chafee noted that Hasbro, the world’s largest toy company and located in his home state Rhode Island, had a big stake in trade with China. Similarly, Republican Senator Bob Packwood from Oregon noted that China was one of Oregon’s largest export markets and that trade with China meant more exports, more jobs, and more income for Oregonians.

It can be argued that Chafee’s concern for the economic interests of his constituents might be position taking and an excuse for partisanship; it is unlikely Hasbro was important enough to determine a senator’s position on China’s MFN status. Nevertheless, constituency could have strengthened Chafee’s and, perhaps, Packwood’s partisan position.

For some Republicans, concern could be genuine and constituency would have much strengthened partisan positions. Unlike Chafee and Packwood,

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\(^{18}\) Congressional Record, 21 May 1991, p. S6178.
\(^{19}\) Ibid., 3 June 1991, pp. S6906-07.
House Republican leader Robert H. Michel’s personal stake in maintaining China’s MFN status was not hard to recognise. His determination to support MFN for China was based on his experience with US Soviet policy. In the early 1980’s, when the United States was criticising the Soviet Union’s human rights policy, the US government prohibited Caterpillar Tractor Company, the single most important manufacturer in Michel’s district, from exporting ditch diggers to the Soviet Union to be used in digging the Trans-Siberian natural gas pipeline. The Komatsu Company of Japan, Caterpillar’s major world competitor, stepped in and picked up all the business for that pipeline. Caterpillar was squeezed out of the Soviet market and never regained its position there, a loss costing tens of thousands of US jobs in subsequent years.\(^1\) For that, Michel almost lost his re-election campaign in 1982.\(^2\)

Indeed, for Republicans from farm states, noticeably Republican senators from these states, it would be hard to tell whether constituency or partisanship had determined their consistent support for China’s MFN status. These farm states had big economic interests in China, one of the largest importers of US wheat, buying as much as 20 per cent of total US wheat exports in some years.

A telling example is Senate Republican Leader Bob Dole, who consistently supported President Bush and voted against attaching conditions to China's MFN status. There is no doubt that Dole’s support for President Bush and for China’s MFN status was partly due to partisanship. Equally importantly,

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\(^1\) US Congress, *United States-China Trade Relations, Hearing*, before the Subcommittee on Trade of Committee on Ways and Means, House of Representatives (1st Sess. 103rd Congress, 8 June 1993), p.106.

\(^2\) *Congressional Record*, 18 October 1990, p. H10511.
his home state of Kansas had a big stake in China trade. Kansas had been a leading US wheat producer and led US wheat exports to China in 1991.

Dole’s consideration of his home state’s economic interests became apparent in September 1992 when China vowed to stop wheat purchases completely in retaliation for Bush’s decision to allow the sale of F-16 fighters to Taiwan. Dole subsequently halted his all-out effort to support MFN for China and announced he might reverse his position and vote for the MFN restrictions unless Beijing agreed to resume buying US wheat. "If (the Chinese) want normal trade relations . . . don't start telling some of us who've been your supporters you're going to sock us in the eye. Maybe some of us who've supported them . . . these last two or three years will take a walk", Dole warned. In his 25 September 1992 letter to Chinese ambassador Zhu Qizhen, Dole warned:

Let us be very clear. If your Government follows through on those recent threats and retaliate for our decision on F-16s for Taiwan by halting or reducing wheat purchases, the strongest argument we have been able to make on the Floor of the Senate for continuing MFN . . . goes into the trashcan. Candidly, under those circumstances, it will be extremely difficult for the President to muster the votes he will need to sustain a veto of legislation terminating or conditioning MFN.

After receiving assurance from Chinese officials that their wheat purchases would continue, Dole stuck with Bush.

On the other hand, many of those who had been active in opposing China’s MFN status might also have been largely influenced by constituency.

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A prominent figure in Congressional efforts to condition China’s MFN status was Representative Donald J. Pease. Pease was a leading Democrat in the Ways and Means Committee. But equally important, he was from a constituency that felt “beleaguered by foreign imports”.26

The most prominent figure in Congressional efforts during the two administrations to condition or revoke China’s MFN status was Congresswoman Nancy Pelosi. Given the special role Pelosi played on the issue, it is worthwhile to examine her behaviour in more detail.

Pelosi’s stance on the issue actually ran counter to the economic interests of her district in San Francisco. Few cities across the United States might have more to lose from a US-China trade war than San Francisco. Most economists agreed that China trade presented San Francisco with an enormous opportunity. “China is the future for San Francisco”, said a San Francisco city official in 1994:

San Francisco as a gateway to the Pacific Rim does not happen unless we have the ability to freely exchange technology and goods with China. If we break off MFN, or have a trade war with China, I believe the most severely impacted city in the United States will be San Francisco.27

Pelosi was in a dilemma. On the one hand, she acknowledged that it was difficult for her to support moves against China’s MFN status because she represented an area which benefited from trade with China.28 On the other hand, she tried to play down the potential damage San Francisco might suffer in a US-China trade war. Pelosi “flatly” rejected the notion she was jeopardising the economic well-being of her district. She argued that with or without MFN status,

“we will have a brilliant future with China — economically, politically, culturally and diplomatically”. She said revocation of MFN would only make a small dent in US-China relations.

Pelosi’s constituency consisted of 30 per cent Asian-Americans. This may partly explain her special interest in China. But an interesting fact is that the Chinese in San Francisco, many of whom had business of their own in China, might be among the strongest defenders of MFN for China. A poll conducted by a Chinese-language newspaper found that 79 percent of its readers in the San Francisco Bay Area, mainly immigrants from Hong Kong and southern China, were in favour of renewing MFN for China without conditions.

Despite these conflicting facts, it is still not hard to see the influence of constituency politics in Pelosi’s active role in China policy.

Firstly, the Chinese community was not a monolith and many in it were solidly behind Pelosi. Even those who wanted to see renewal of China’s MFN status might still have supported Pelosi’s stance on human rights. Pelosi’s Congressional identity was forged by the Tiananmen Square crackdown. She had not been active on China policy before and immediately after the crackdown. It was under pressure that she later started to act and subsequently became deeply involved in China policy.

The story began not long after the Tiananmen Square crackdown. Having noticed that Pelosi had actively supported Central American refugees, her

29 Sandalow, “Pelosi’s High-Stakes Stance on China”.
30 Ibid.
32 Sandalow, “Pelosi’s High-Stakes Stance on China”.
Chinese constituents called on her to do something to help Chinese students in the United States. Members of Pelosi’s staff contacted immigration lawyers with whom they had worked on the issue of Central American refugees and wrote the Chinese Emergency Immigration Act to give Chinese students protective immigration status. After learning the content of the bill, Chinese students became “an unbelievable effective lobby”. Over a matter of days, the bill gained 250 cosponsors.33

Secondly, Pelosi’s firm stance in criticising China’s human rights violations received strongest support from San Francisco liberals. It was believed the liberals “have often endorsed idealistic causes even if they come at the expense of the business community”.34

Finally, “The human rights issue gave some members of Congress an important opportunity for national attention”.35 Nancy Pelosi was an outstanding example.

Pelosi was elected to the House only in 1987. She attracted national attention in her first full term by sponsoring the Chinese immigration act and by opposing President Bush on China’s MFN. By the time this issue was settled, she had been appointed chairperson of a new informal Congressional committee on China policy, the Congressional Working Group on China. In the following years, Pelosi became the most vocal Congressional advocate for conditioning China’s MFN status. China’s MFN status defined Pelosi “in the minds of the

34 Sandalow, “Pelosi’s High-Stakes Stance on China”.
national media and many of her colleagues”, and it earned her “countless appearances on talk shows and numerous references in the pages of national newspapers”. By 1992, Pelosi had become so prominent that she co-chaired the Democratic Party’s Platform Committee.

If Nancy Pelosi found a dilemma regarding China’s MFN status, some of other Congressional members were in a much more difficult position. One good example was Democratic Senator Brock Adams of Washington state in 1991.

Understandably, it is difficult for members of Congress to make decisions when their constituents are divided and when their policy preferences do not necessarily represent the majority of their constituents. Brock Adams was in such a situation.

On the one hand, no state had a more vested interest in continued relations with China than Washington, which did $3.1 billion worth of trade with China in 1990. The Boeing Company, a major pillar of the state’s business community, counts China among their leading foreign customers. China had threatened to retaliate by ordering no more planes from Boeing, a potential loss to the company of billions of dollars.

Personally, Adams had close contacts with China. His interest in China began in the 1970s when he, as Secretary of Transportation in the Carter Administration, worked to normalise US-China relations. Later, while he was a Washington lawyer, one of his clients was a state-run Chinese shipping company.

36 Sandalow, “Pelosi’s High-Stakes Stance on China”.

Although Adams was a harsh critic of China’s human rights abuses, he was one of the few Congressional Democrats sympathetic to Bush’s arguments that revoking MFN was the wrong tool. “We must recognize the significant and negative repercussions MFN cutoff would have on the Chinese people”, Adams said in a 1990 letter to a Washington business group.38

On the other hand, Washington is a state “where issues of trade, communism and human rights have intertwined for many years”.39 It is true that the two legendary senators from the state, Senator Warren G. Magnuson (1944-81) and Henry M. Jackson (1953-83) were known as the “senators from Boeing” for their tireless attention to the interests of the state’s most lucrative export — aircraft. It is equally true that both Magnuson and Jackson backed a stridently anti-Communist foreign policy. The very law which forced US presidents to return to Congress each year to renew China’s MFN status, the Jackson-Vanik amendment, was co-authored by Jackson and Representative Charles A. Vanik.

On the issue of China’s MFN status, although many blue-collar workers would suffer if MFN was cut off, the Washington State Labor Council, an arm of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), itself opposed to China’s MFN status, pushed Adams to vote against Bush. It was observed that support from organised labour in this state of heavily unionised blue-collar workers would be crucial to Adams, who was considered the most vulnerable Democrat in the Senate. In 1989, Adams received a perfect score from the AFL-CIO. In 1990, his support for labour’s position on legislation dipped to 78 percent. The AFL-CIO therefore intensified its lobbying

38 Ibid., p. 1738.
39 Ibid.
effort and pressure on Adams. Not long before the vote on the US-China Relations Act of 1991, a bill conditioning China's MFN status, union officials said Adams thought they were his main constituency. And indeed, Adams voted for the bill.

The influence of constituency politics was reinforced after the 1992 election when partisanship became less prominent after Democrats won control of both Congress and the White House. Weaker partisanship and stronger constituency politics contributed to weaken Congressional challenges to the Clinton Administration's decision to delink China's MFN status and human rights in May 1994. After the 1992 election, more and more members of Congress started to weigh the impact of revoking China's MFN status on the interests of their constituencies. This became more imperative in mid-1994; in the past the Democratic Congress could score points for high-mindedness by demanding MFN withdrawal, confident that Republican president George Bush would veto the idea. Pelosi, an advocate of revoking China's MFN status, conceded in 1994 she did not want MFN revoked.

In the case of Congressional activism in US policy towards Taiwan, constituency politics was influential in the sense that members of Congress saw little electoral risk in supporting closer ties between Washington and Taipei. In fact, they might well benefit from their support.

The relationship between constituency and partisanship on the Taiwan issue was less clear. There was neither clear sign of partisanship nor visible conflict of constituents' interests. Relatively speaking, constituency was more important.
The importance of constituency lies in the fact that for most freshmen elected to the House of Representatives after the Cold War, constituents were more important than think tank experts in shaping foreign policy views. Strong Congressional support for Taiwan reflected public sympathy for Taiwan.

American public opinion regarding Taiwan was shaped by historic US-Taiwan relations, the close US-Taiwan economic relationship, Taiwan’s political liberalisation, and Taiwan’s lobbying efforts. Historically, Taiwan’s ruling Kuomintang (KMT) had been a staunch ally of the United States. Economically, Taiwan was a leading trade partner and prominent investor in the United States. Politically, Taiwan had made substantial progress in its political liberalisation since the 1980s. In its lobbying efforts, Taiwan paid attention not only to Congress, but also to states and the American public in general. Taiwan had sisterhood relationships with most states.

Supportive of Taiwan as they might be, members of Congress protected the interests of their constituents first. When constituent interests conflicted with Taiwan’s interests, Congressional members postured against Taiwan. A good example was the issue of driftnet fishing. Members of Congress from states or districts whose economy was hurt by driftnet fishing were most active on the issue. These states and districts included Alaska, Washington, Oregon, California and America Samoa. The most telling examples were the two Republican senators from Alaska, Ted Stevens and Frank Murkowski. Both were strong supporters of Taiwan. Yet it was Stevens who sponsored a potentially

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damaging bill to impose sanctions on Taiwan for its driftnet fishing; Murkowski supported the bill.

Given that Stevens was a firm supporter of Taiwan, the bill he introduced might have been legislative chaff, intended solely to placate insistent constituents, or a non-serious bill. Most likely, Stevens and Murkowski were warning Taiwan without intending to push the bill forward.

The economic interests of their constituents were one of the reasons Stevens and Murkowski strongly supported closer relations between Washington and Taipei. Alaska's economic interests in Taiwan were clearly demonstrated when Alaska sent a 29-person delegation to Taiwan in December 1994 to attend a business conference sponsored by the Republic of China (Taiwan)-USA Economic Council. Before that, in July 1994, the Alaska State Legislature adopted a joint resolution stating "the Republic of China on Taiwan deserves to be allowed full membership in the United Nations".

Constituency politics has always influenced Congressional support for arms sales to Taiwan. US economic interests provided a powerful argument for arms sales to Taiwan. According to testimony submitted by the American League for Exporters and Security Assistance to the Senate Foreign Relations Committee, it was estimated that defence sales lost to the Taiwan defence sales policy could potentially reach $20 billion in revenue and cost 456,000 jobs.

In the specific case of the sale of F-16s, although the sale had wide-spread support on Capitol Hill, it was the members from warplane-producing areas such as Texas who were most active. Coincidentally, while the final decision about the sale was being made, Taiwan sent a “Buy American” mission to purchase US wheat worth about $100 million from seven states. The visit of Senator Max Baucus to Taiwan just before the mission left Taiwan for the United States might not have been coincident. Baucus’ home state of Montana was one of these seven states. During his visit, Baucus visited Lee Teng-hui and agreed to make Taiwan’s need for sophisticated arms better known to the US Congress.

Constituency also played its role in Lee’s visit, in the sense that to vote for Lee’s visit would not have had any adverse impact on the re-election efforts of members of Congress. Congressional members’ enthusiasm for Lee’s visit was partly fanned by overwhelmingly sympathetic public opinion for Taiwan. The US mass media almost unanimously supported the trip. Unlike the issue of China’s MFN status, Americans saw no threat to any practical American interests in Lee’s visit. For members of Congress, to vote for Lee’s visit might well have benefits, including campaign contributions and votes of blocs of Taiwanese-Americans.

A final point regarding constituency: While it is right to emphasise economic interests of constituency as a determinant of Congressional members’ foreign policy decisions, it is important to note the American people will sometimes make sacrifices for moral issues. After watching the bloody crackdown on the students-led movement in Beijing, many voters might well have been ready to support sanctions against China at the cost of their own economic interests. This partly explains why so many members of Congress
voted against unconditional renewal of China’s MFN status. This point therefore further strengthens the argument about constituency.

Committees

The study about the relationship between committee actions and chamber voting results on China’s MFN status and Taiwan policy shows that committee actions are central to Congressional actions. This is not only because measures normally need the approval of the relevant committee to reach the floor, but also because strong support of the relevant committee is crucial for a measure to be passed on the floor.

By using its virtual power of life and death over bills, the committees decide which issues go to the floor and when. On the issue of China’s MFN status, the two committees with jurisdiction, namely the House Ways and Means Committee and the Senate Finance Committee, were initially slow to act.

In June 1989, shortly after the Tiananmen Square crackdown, the first two bills revoking China’s MFN status were introduced to the Senate Finance Committee by Senators Daniel Patrick Moynihan and Alan Cranston, respectively. The committee, however, did not take up the bills. Congress’ major efforts were to impose broad sanctions on China. Without the support of the committee, the two bills and other similar bills could not reach the floor.

In July 1990, the House Ways and Means Committee accepted the Pease bill conditioning China’s MFN status. The committee turned back three amendments which would have cancelled China’s eligibility for MFN status immediately or stiffened the procedures for granting MFN to China the next year.
At the same time, the Senate Finance Committee did not move on the issue except to hold a full committee hearing in late June. Most committee members doubted the efficacy of cutting off MFN for China. Committee chairman Lloyd Bentsen was also reserved about sanctions against China. As a result, the Senate did not have a vote on China’s MFN status in 1990.

When bills did reach the floor, the voting results closely followed committee votes. In 1991, the House Ways and Means Committee passed several amendments toughening the US-China Act of 1991 which would condition China’s MFN status. The committee even approved a resolution disapproving of China’s MFN status. Reflecting changes in the committee, the House passed the US-China Act of 1991 by a vote well above the two-thirds majority needed to override the veto.

Unlike the House Ways and Means Committee, the Senate Finance Committee largely maintained its position in 1991. It reported its version of the US-China Act of 1991. But noticeably, the committee was divided in reporting the bill. The vote was 11-9 along party lines. Equally important, the bill did not have the endorsement of the committee. It was reported without recommendation. The committee also unfavourably reported a resolution to revoke China’s MFN status by voice vote. The Senate later failed to get the two-thirds majority for the China Act.

There was a similar story in 1992. The Ways and Means Committee approved the United States-China Act of 1992 to condition China’s MFN status. The House passed the bill by a vote well above the two-thirds majority. But the Trade Subcommittee of the House Ways and Means Committee unfavourably reported to the full committee a bill disapproving China’s MFN status. The
House later passed the bill by a vote which would not be able to override a Presidential veto.

Again, the Senate Finance Committee reported its United States-China Act of 1992 by a party-line vote and without recommendation. The Senate later passed the bill by a voice vote. It is unlikely the Senate would have had two-thirds majority for the bill if a roll-call vote had been conducted.

During the first two years of the first Clinton Administration, the two Democrat-controlled committees were generally supportive of the Administration’s policies on the issue. In 1993, before Clinton issued the Executive Order, there were few committee actions regarding the issue. After Clinton issued the Order, the Committee on Ways and Means voted 35 to 2 to adversely report Solomon’s bill revoking China’s MFN status. The committee reported the bill only because the sponsor could demand a floor vote whether or not the committee reported the measure. The bill subsequently failed to pass the House with a vote of 105-318.

In June 1994, after the Clinton Administration delinked China’s MFN and human rights, Representative Solomon sponsored a bill to overturn Clinton’s decision. The Ways and Means Committee supported Clinton by voting overwhelmingly against the Solomon bill. As they were prevented from killing the legislation, committee members voted 31-6 to send it to the House floor with an unfavourable recommendation. The House subsequently rejected the bill 75-356.

Committee inaction was one major reason for ineffective Congressional pressure in connection with Taiwan policy under the Bush Administration. Committees were relatively active on the issue of Taiwan’s GATT application,
the most noticeable and successful Congressional effort during the Bush Administration. In July 1990, the House Ways and Means Subcommittee on Trade barely passed an amendment requiring Beijing drop its opposition to Taiwan joining the GATT for the renewal of its MFN status. The amendment won more support in 1991 and the Bush Administration subsequently agreed to support Taiwan’s GATT bid. Apart from the GATT issue, there was no effective committee action regarding Taiwan policy. As examined in Chapter 5, only a few Congressional members raised the issue. The House Foreign Affairs Committee and the Senate Foreign Relations Committee were inactive and often divided in challenging Taiwan policy.

In the two major policy adjustments during the Bush Administration, namely Carla Hills’ visit and the sale of F-16 jet fighters, there was an obvious lack of committee action. Despite individual calls for more official contacts, no measure was introduced in Congress during that period. Neither the House Foreign Affairs Committee nor Senate Foreign Relations Committee acted on the issue. It was a similar story in the case of F-16 sales.

The fact that the Senate Foreign Relations Committee did not play an active and important role in both China’s MFN status and US Taiwan policy during the Bush Administration was in accordance with the “widespread image of Foreign Relations as a committee adrift”. Committee Chairman Claiborne Pell was criticised as an ineffective leader and the committee’s stature had slipped since he took chair in 1987. It was observed in 1994 that despite the

profound changes sweeping the world after Communism’s demise, the panel had not played a leading role in setting an agenda for a post-Cold War foreign policy.46

The committee’s performance regarding US Taiwan policy during the first Clinton Administration might have changed that image to some extent. In striking contrast to their performance during the Bush Administration, the House Foreign Affairs (International Relations) Committee and Senate Foreign Relations Committee were assertive and active in challenging Taiwan policy during the first Clinton Administration.

The relationship between committee actions and Congressional actions on the Taiwan issue was similar to that on China’s MFN status. In the first year of the first Clinton Administration, the Senate Foreign Relations Committee accepted, 20 to 0, Senator Frank H. Murkowski’s amendment declaring that the Taiwan Relations Act (TRA) “supersedes” the 1982 Shanghai communiqué concerning US arms sales to Taiwan. A watered-down version of the amendment later passed Congress. In May 1994, the Senate Foreign Relations Committee unanimously adopted a resolution reaffirming the sense of Congress that the United States should support Taiwan’s participation in the United Nations and that the United States should be open to Cabinet-level exchanges with Taiwan. The Senate subsequently adopted the resolution by voice vote.

Reflecting the strong support of the Senate Foreign Relations Committee for the “visa-for-Taiwanese-officials amendment”, the Senate approved the


46 Lindsay, Congress and The Politics of U.S. Foreign Policy, p. 55.
amendment by a vote of 94-0. The amendment was originally sponsored by Senators Hank Brown and Paul Simon, both Senate Foreign Relations Committee members. The measure was strongly supported by influential committee members, including committee chairman Senator Claiborne Pell, the ranking member Senator Jesse Helms and Senators Frank H. Murkowski and Charles Robb.

The two committees also greatly strengthened Congressional pressure regarding Lee Teng-hui's visit to the United States. Eleven senators on the Senate Foreign Relations Committee cosponsored the resolution urging Clinton to grant Lee a visa and the Committee unanimously approved the resolution. In the House, the International Relations Committee strongly supported a similar resolution. With the extraordinary support of the two committees, resolutions supporting Lee's visit passed the House 396-0 and the Senate 97-1.

The influence of committee as a structural factor also rests in the fact that, for members, the effectiveness of their committee work largely decides their opportunity to receive local or national attention. The case studies found that leadership on both sides of a debate were normally members of relevant committees. On China's MFN status, Representatives Donald Pease sat on the Ways and Means' Subcommittee on Trade, Representative Christopher Smith on the Human Rights and International Operations Subcommittee of the Foreign Affairs (International Relations) Committee, and Senators Mitchell and Baucus on Finance's Subcommittee on International Trade. On the Taiwan issue, Senators Murkowski, Pell, Helms, Brown, Simon were all from the Senate Foreign Relations Committee. One might point out that Nancy Pelosi was on neither Ways and Means Committee nor Foreign Affairs (International
Relations) Committee. Still, she headed an informal Congressional committee on China policy, the Congressional Working Group on China.

Furthermore, committee members usually served as cue-givers to other members. Members of Congress "have more than a fulltime job." While most Congressmen specialise in one area or another, "they cannot be expert, or even well informed, about most issues on which they vote." After conducting case studies, Crabb and Holt found that:

only a minority of legislators has shown any real desire to receive and to assimilate detailed information about the activities of intelligence agencies—although legislators are legally entitled to it. Similarly, few legislators are inclined to read and digest voluminous reports from executive officials regarding human rights problems in more than 160 independent nations.

For this reason, when legislators vote on issues about which they have no particular expertise, they "look to peers they regard as informed and like-minded, or support colleagues who will return the favor on other issues, or support the interest group whose feelings seem most intense or whose spokesmen first win their commitment." This is especially the case in foreign affairs "where distance and secrecy limit regular access to some information."

No wonder a congressman said that "Congress is a collection of committees that come together in a Chamber periodically to approve one another's actions".

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48 Ibid.
50 Allison and Szanton, Remaking Foreign Policy, p. 106.
51 Ibid.
Despite their central role in Congressional actions, committees do not function in a vacuum. They consist of individual members and these members are subjected to the influence of various factors. As a result, committee actions may largely be determined by the other two structural factors, namely partisanship and constituency.

Sponsors of bills can be motivated by either constituency politics or partisanship or both. For example, Representative Donald Pease, a Democrat, came from a constituency that suffered from foreign imports and Senator George J. Mitchel was a "more partisan leader" than his predecessor. Nancy Pelosi was a champion of human rights in China and became a national figure on China policy.

Once a bill is introduced, it is subjected to the influences of constituency and partisanship during committee deliberations.

Strong partisanship existed even in the Senate Finance Committee which "has a history of bipartisanship". In June 1991, the Committee reported the Senate version of the US-China Act of 1991, sponsored by George Mitchell, to the floor with a strict party-line vote. Although several committee Republicans had previously expressed doubts about Bush's position, not one voted for the bill. They dismissed the bill as an effort to embarrass Bush. Even Max Baucus joined in the party-line vote to send the bill to the floor, although he balked at giving the bill a favourable recommendation. Had he voted no, the bill would have died on a tie vote. This party-line vote was repeated in 1992.

Partisanship was also evident in the House Ways and Means Committee. Although most Republican members were ready to support the House version of US-China Act of 1991 sponsored by Nancy Pelosi, they were against tough conditions. The committee Democrats, however, passed several amendments toughening the bill. Voting on an amendment sponsored by Republican Bill Archer also revealed strong partisanship in committee. Archer proposed giving Bush wide discretion to decide whether to continue MFN in 1992. All but two of the 13 committee Republicans voted for the amendment. Among the 15 committee Democrats, however, only two joined the Republicans.

As mentioned at the outset of this thesis, other factors may also influence members of Congress in foreign policy. This will be discussed further in the next chapter.

**Conclusion**

Evidence suggests partisanship was more influential than constituency on China’s MFN status during the Bush Administration. Although the seven Democratic senators from farm states played a key role in sustaining Bush’s vetoes over bills conditioning China’s MFN status, it was the Republicans who formed the basis for Bush’s victory. This was highlighted by the fact that in the 23 July 1991 vote on the US-China Act of 1991, among 21 states whose Senate seats were shared by both parties, 18 Republicans voted against the bill and 20 Democrats for it.

It could be argued that partisanship influenced Congressional actions on Taiwan policy to a considerable degree although it was not a key factor. While Republicans largely deferred to President George Bush, they initiated a series
challenges to Taiwan policy during the first Bill Clinton Administration. The Republicans were partly motivated, or did not feel restrained, by a desire to embarrass a Democratic president.

Partisanship played little role in China’s MFN status during the first two years of Clinton’s first term when Democrats controlled both Congress and the White House. Most Republicans did not make the status an issue in 1994 when Clinton decided to delink the status and human rights.

Constituency played a prominent role in both China’s MFN status and the Taiwan issue during this period, mainly because the two issues involved either strong economic interests or moral concerns of many constituencies. This supports the proposition that constituency plays a more important role on issues where the interests of constituencies are deeply involved. Congress’ deep division regarding China’s MFN status was, to a considerable degree, rooted in the economic interests of many constituents. The extraordinary solidarity of Congressional support for Taiwan in President Clinton’s first term was partly because that members of Congress saw no electoral incentives or restraints not to support Taiwan.

The relationship between partisanship and constituency is not necessarily contradictory. They may strengthen rather than weaken each other. The decision-making behaviour of a number of Congressional members supported this argument. Representative Robert H. Michel and Senator Bob Dole, Republican leader of the House and the Senate respectively, were determined to support MFN for China. The determination was rooted in not only partisanship but also the benefits of their constituencies.
The importance of committees was clearly demonstrated by the close relationship between the level of committee support and floor voting results: when committees were active and united on a bill, the bill would normally be passed on the floor. But committee actions can be strongly influenced by constituency and partisanship because committee members are subjected to the influence of these two factors. This was demonstrated in voting results of the Senate Finance Committee on US-China Act of 1991 and US-China Act of 1992.
Chapter 8

The Role of Congress: Beyond the Structural Explanations

This thesis initially put aside ideology and interest groups, two most important influences on Congressional behaviour identified in the literature, in order to concentrate on the three structural aspects. These aspects previously had not been systematically analysed. As was expected, these structural factors could not satisfactorily explain all aspects of Congressional behaviour. For example, why did some Republican senators, whose constituencies were not adversely affected by US trade with China, consistently vote against Bush’s decision on China’s MFN status when partisanship suggests they should have voted for Bush. Similarly, why did most Republicans support Clinton’s positive approach to China’s MFN status since 1994 rather than make it a partisan issue? Structural factors certainly do not account for the most successful example of Congressional intervention in China policy against the wishes of the administration in the eight years studied: the case of the visit by the Taiwan President, Lee Teng-hui.

This chapter returns to those non-structural influences to place the analysis in a broader policy-making context, with the main aim of making some predictions about future Congressional influence on foreign policy in general, and on China policy in particular. In looking briefly at ideology and interest groups, the chapter offers tentative conclusions on how influential the structural factors have been relative to the non-structural. The chapter employs the example of Lee’s visit to demonstrate the relative weights of structural and non-structural factors in a certain case. It argues that non-structural factors, especially ideology and Presidential leadership, played a key role in the Lee visit.
Two Non-structural Factors: Ideology and Interest Groups

Ideology and interest groups are destined to play a prominent role in the struggle over China policy between Congress and the Executive for two reasons. Firstly, in the eyes of American leaders and public opinion, what happened on 4 June 1989 at Tiananmen Square was simply the cruel crackdown of a democratic movement by the authoritarian regime in Beijing; for that Beijing should be punished.¹ US public opinion reacted dramatically to the crackdown. “The romantic view that China was ‘facing West’ had been rudely smashed; and American opinion swung round abruptly”, the Economist observed.²

The crackdown sharply contrasted with drastic changes in Eastern Europe and, perhaps more importantly, political liberalisation in Taiwan. It dashed the hopes of many Congressional members that China would deepen its political reform. These members subsequently demanded tough sanctions against China, partly in the hope of bringing down its “repressive regime”.

Secondly, with the end of the Cold War, China’s strategic importance to the United States declined. Also, in the post-Cold War era, domestic politics plays a more important role in making US foreign policy. China policy is no exception.

Ideology

Ideology was perhaps the most powerful factor influencing US policy towards China in the 1950s and 1960s. It surrendered its prominence to strategic

considerations with Nixon’s visit to China in 1972. But the Tiananmen Square crackdown and the end of the Cold War restored ideology to prominence, although of less importance than in the 1950s and 1960s.

The recovered influence of ideology on members of Congress was demonstrated in several voting results on both China’s MFN status and the Taiwan issue. For example, while a majority of Republican senators voted for China’s MFN status, about 10 conservatives, led by Jesse Helms, consistently voted against MFN for China. These Republicans were more vehemently opposed to renewing China’s MFN status than many Democrats.

Ideology played a more important role in Taiwan policy. As one analyst observed, strong support for Taiwan partly reflected “the enduring strength of anti-communism in the unsettled post-Cold War era”.3 In March 1996, when the House was considering a resolution regarding US defence of Taiwan, Representative Gerald B. H. Solomon, a combat veteran of the Korean conflict, noted “It gets emotional. The Republic of China on Taiwan was a bastion against international communism.”4

Ideology is often integrated into some structural factors. For instance, while we can argue that partisanship played an important role in Republican senators’ consistent support for Bush on China’s MFN status, this position had much to do with ideology. The argument is that the Republican party has a “free-trade ethos”5 and a “historical commitment to free trade”.6 Table 8.1 shows that

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4 Ibid.
Republicans are much more pro-business and conservative than the Democrats. While the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is the largest pro-labour group, Chamber of Commerce represents many business groups. Americans for Democratic Action is a liberal organisation and American Conservative Union (ACU) is conservative as the name suggests.

Table 8.1

<table>
<thead>
<tr>
<th>Party Scores</th>
<th>House</th>
<th>Senate</th>
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<tbody>
<tr>
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<td></td>
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</tr>
<tr>
<td>Democrats</td>
<td>82%</td>
<td>71%</td>
</tr>
<tr>
<td>Republicans</td>
<td>17</td>
<td>31</td>
</tr>
<tr>
<td><strong>Chamber of Commerce</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Democrats</td>
<td>34</td>
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<tr>
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<tr>
<td><strong>American Conservative Union</strong></td>
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<td>20</td>
</tr>
<tr>
<td>Republicans</td>
<td>73</td>
<td>75</td>
</tr>
</tbody>
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In some cases, a lawmaker’s ideology preference for revoking or conditioning China’s MFN status might coincide with the economic interests of his/her constituents. A good example is Senator Jesse Helms. Helms introduced and consistently supported bills revoking or conditioning China’s MFN status. His home state of North Carolina had been particularly affected by a surge in textile
imports from China; revoking China's MFN status would benefit his constituents in this regard. As well, Helms is an extreme conservative, strongly anti-Communist and has been a well-known and long-time arch critic of the Chinese government in Congress. He is a staunch supporter of the ACU. According to a 1991 article, the ACU had given Helms a score of 100 percent since his second year in office in 1974. It is likely he would have voted against China's MFN status even if his home state were not adversely affected by China's textile products.

Similarly, ideology could have determined Republican Senator Slade Gorton's support for Taiwan. Senator Gorton's home state of Washington had a large trade account with Taiwan. In 1989, trade between Washington state and Taiwan equalled more than $4 billion, more than that between the state and mainland China. Equally important, Gorton had "a conservative's affection for Taiwan".

The Helms and Gorton cases raise the question of policy preference. Policy preference is often neglected because it is believed members of Congress must ultimately be responsible to their constituents. But even constituency theory suggests electoral incentives do not inevitably run counter to members' policy preferences as members share many policy attitudes with their constituents. In the case of China's MFN status, voting to punish China was politically safe and popular for many members of Congress. On the other hand, many members of

9 Ibid.
Congress were genuinely concerned about human rights violations in China. And ideologically, they were against the Communist government in Beijing.

**Interest Groups**

Apart from ideology, interest groups represent another important non-structural factor influencing members of Congress on foreign policy issues. It is often alleged that Capitol Hill is improperly responsive to "special interests" in those areas where Congress shows particular concern. Analyses of public sentiment towards Congress often lead to such an image: Congress is driven by special interests and by lawmakers' own concerns, rather than the interests and concerns of the people who elected them.\(^{10}\)

As pointed out by Lindsay, "interest groups have always been part of American politics. Foreign policy is no exception."\(^{11}\) The number of interest groups has also increased dramatically. In 1929, a political scientist counted 500 organisations with direct political interest.\(^{12}\) A study in 1978 found that Congress' 385 standing committees and subcommittees were "pursued" by more than 1,300 registered lobby groups.\(^{13}\) By the early 1990s, more than 15,000 groups were represented in Washington.\(^{14}\)

Foreign policy has attracted increasing interest group lobbying efforts since the 1970s, due in part to the greater importance attached to Congressional foreign

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\(^{13}\) Crabb and Holt, *Invitation to Struggle*, p. 275.

policy making and the increased decentralisation of Congress during the 1970s. Other reasons include the lack of public consensus in the United States on foreign policy issues and the decline of party identification by citizens.

While economic and ethnic interests remain most visible in foreign policy, there also has been tremendous growth in the number of groups championing values such as human rights and the environment. In addition, since the mid-1970s, as legislators became more active on foreign policy, foreign governments took a sudden interest in attitudes on Capitol Hill. They not only rely on their embassies but also hire lobbyists and public relations firms.

With the growth of interest group activity on foreign policy issues, members of Congress find themselves under greater pressure to address foreign policy issues. At the same time, however, members also find that it is politically beneficial to undertake detailed legislative work on foreign policy. Therefore, Congressional activism in foreign policy making may partly result from the growth of interest group activity regarding foreign policy.

Not surprisingly, US policy towards China's MFN status was a major battleground for interest groups with conflicting interests. While human rights groups lobbied hard against China's MFN status, economic interest groups fought doggedly for renewal as they were afraid that they might lose the huge China market. Economic interest groups made an impressive lobbying effort on 12 May 1993, when 298 large companies and 37 trade groups sent a letter to Clinton urging an unconditional extension of MFN. The letter carried such names as AT&T,

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17 Lindsay, *Congress and the Politics of U.S. Foreign Policy*, pp. 28-29.
18 Ibid., p. 29.
American Express, Boeing, General Electric, General Motors, I.B.M. and Xerox. The list of corporate signers was the longest on such a trade policy letter to the President since a similar group of companies called in 1991 for Congress to grant President Bush the legal authority to negotiate the North American Free Trade Agreement.19

Business lobbyists worked hard in 1994 to encourage efforts to delink China's MFN status from human rights. They also changed their tactics. In previous years, lobbying activity focused on preventing Congress from overriding Bush's veto of China MFN legislation. For that reason, lobbyists primarily worked the Senate; it was easier to find the votes to prevent an override there. In 1994, business lobbyists targeted House members.20

In the case of Taiwan issue, few people would disagree with the argument that in the United States, Taiwan has "an influential, well-heeled domestic constituency, which has become an important source of financing for U.S. political campaigns".21 A good example in this respect is Representative Stephen J. Solarz. Solarz had special interest in Taiwan. He even did a "Taiwan Survey" by sending out 12,000 questionnaires to Taiwanese residents in the United States.22 One of the important reasons for Solarz's special interest in Taiwan was that Taiwanese-Americans were a major source of his campaign funds. Back in 1982, one year after Solarz assumed the chair of the Asian and Pacific Affairs Subcommittee,
representatives of the Taiwanese community went to Solarz’s fund-raisers and expressed concern about losing Solarz. They volunteered to raise $50,000. The Taiwanese community remained active in financially supporting Solarz since then. By focusing on foreign policy issues, Solarz succeeded in gaining campaign contributions. In 1989, he had the second-largest campaign war chest in the House, nearly $1.2 million.\(^{23}\)

Taiwan had been skilfully providing financial support to its influential supporters on Capitol Hill, either for their re-election efforts or for other causes. For instance, Taiwan once legally donated $225,000 to the Jesse Helms Centre, a foundation run by Taiwan’s staunch supporter Senator Helms.\(^{24}\)

To illustrate the relationship between structural and non-structural factors, the following section makes an in-depth analysis of the factors which led to the decision of granting Taiwan President Lee Teng-hui a visa to visit the United States.

**Congress Triumphant: The Exceptional Case of the Lee Visit**

Congressional intervention in China policy during the period studied in this thesis reached its climax when the Clinton Administration reversed its policy and decided to grant Taiwan President Lee Teng-hui a visa to visit the United States. This is a typical case which shows how domestic politics can have substantial influence on US foreign policy. In this case, the dominant factors which influenced Congressional behaviour were not structural ones, but two non-structural factors — ideology and Presidential leadership.

Effective Congressional pressure for Lee’s visit was the result of momentum which had been gathering strength in previous years, especially in the first two years of the first Clinton Administration. It initially appeared the Clinton Administration demonstrated more resistance to Congressional pressure on the Taiwan issue than on China’s MFN status. It objected to, and lobbied hard against, Senator Frank H. Murkowski’s amendment declaring that the Taiwan Relations Act (TRA) “supersedes” the 1982 Shanghai communique about US arms sales to Taiwan. It was a watered-down version of the measure that finally passed Congress and was signed by President Clinton. The State Department subsequently stated that the resolution was only a non-binding declaration of the “sense of Congress”.

The Clinton Administration was actually passively reacting to Congressional pressure as no administration would want to be bound by the Murkowski amendment. On the other hand, Congressional efforts to challenge the Administration on arms sales to Taiwan had been largely symbolic. Legislators intended primarily to show their dissatisfaction with Taiwan policy and to reaffirm Congress’ role in policy making rather than demanding a dramatic new arms sales policy.

In retrospect, the Clinton Administration’s decision not to permit Lee Teng-hui to stop over in Honolulu on his way to Costa Rica in May 1994 marked a turning point in Congressional activism. The Administration did not expect such a strong reaction from Congress over its handling of the issue. The event provided Taiwan supporters on Capitol Hill with powerful ammunition to

bombard Taiwan policy, especially the policy towards official contacts with Taiwan. The strong sentiment resulted in a Senate resolution requiring US support for Taiwan's UN bid, as well as Cabinet-level exchanges with Taiwan. The 94-0 vote on "the visas-for-Taiwanese-officials amendment" was a clear indication that official contacts with Taiwan was an issue deserving special attention from the White House.

The White House did notice Congressional dissatisfaction and tried to address it by reviewing Taiwan policy. At the same time, the Administration tried to preserve the status quo in Washington's ties with Beijing and Taipei. Although the Administration consulted with "interested members of Congress" while drafting the review, no one in Congress expressed satisfaction. Prominent Taiwan supporters, such as Frank Murkowski, Claiborne Pell, Paul Simon and Hank Brown, were all critical of the review.

Not only did the Taiwan policy review fail to satisfy Congress, it encouraged Congress to challenge the Administration on the Taiwan issue. A resolution calling for closer ties between the United States and Taiwan passed the Senate against the objection of the Clinton Administration. Taiwan supporters on the Capitol Hill received another big boost in the 1994 mid-term election, when the Republicans took control of both the Senate and the House and conservatives strengthened their power.

The first Clinton Administration did not grow stronger from its friction with Congress in its first two years. Instead, it continued losing ground as Congress became more and more assertive on the issue. It was not without reason that Senator Murkowski assured the Taiwanese in early December 1994 that Congressional commitment to Taiwan would continue.
By the time the issue of Lee’s visit came up, the Clinton Administration was fighting from a weak defensive position. The Administration wanted to ban the visit. It even assured Beijing Lee would not be able to make his trip to the United States. However, the Administration soon found it could not control development of the event and subsequently bent to Congressional pressure.

As noted above, structural factors played an important role in pressuring the Administration to grant Lee’s visa. Supporting Lee’s visit could not hurt members of Congress in terms of constituency politics. Republican Congressional leaders were not restrained by fear of embarrassing a Democratic president. The Senate Foreign Relations Committee and the House International Relations Committee were unanimous in voting for resolutions supporting Lee’s visit.

Important as it is, the structural explanation is only one part of the story. A series of other factors combined with the three structural factors contributed to the exceptional effectiveness of Congressional pressure. These factors included interest groups, an ignorant Congress, unbalanced public opinion, an extremely strong and effective Taiwan lobby and changing Taiwan, and weak Presidential leadership.

American business wanted US diplomatic concessions to Taiwan in the hope of winning juicy infrastructure contracts in Taiwan’s huge six-year development plan for the 1990’s. Business groups worried that Taipei was growing impatient with American sensitivity to Beijing and felt they were losing ground to European companies in Taiwan market. Shortly before the Clinton Administration made the decision to grant Lee a visa, US business leaders in Taiwan said European companies had won 83 infrastructure projects valued at
$18.2 billion, compared to 65 contracts worth $8.5 billion for American companies.25

The ignorance of Congress strengthened the power and effectiveness of interest groups. As emphasised by some observers, "Congress frequently behaves in the ways it does because it does not know the consequences of what it is doing".26 The fact was that by 1995 over two decades had passed since Nixon's visit to Beijing in 1972. A vast majority of Congressional members, especially in the House of Representatives, were elected after 1972. In the 104th Congress (1995-1996), only 36 Representatives, out of 435, were elected before or in 1972.27 Many did not fathom the sensitivity of the Taiwan issue in US-China relations. Also, a large number of members (approximately half of the House in the 104th Congress) were elected after the Cold War.28 It was believed that over half of Congressional members elected in 1996 had never been issued passports.29 These new comers had little interest in foreign policy.30 This was reflected in the fact that most freshmen elected in 1994 were not interested in seeking a seat on the House International Relations Committee and "tended to rely less on think tank experts than their constituents to help shape their foreign policy views".31 Many members later acknowledged that Beijing's harsh response to Lee's visit

26 Interviews with some American China experts in April and May 1997.
28 Ibid.
29 Interview with an American China expert. In his informal talk at the Australian National University on 17 February 1998, Congressman Tom Lantos believed that the number of those who had not had passports was even higher.
took them by surprise and believed the United States needed to exercise greater care in dealing with Taiwan-related issues.\textsuperscript{32}

Congressional members’ enthusiasm for Lee’s visit was also fanned by public opinion, which was overwhelmingly sympathetic towards Taiwan. Here was an elected president, a friend of the United States and a graduate of an American university, who wanted to make a private trip to his alma mater for a reunion. The values embodied in this issue were so central to US domestic political ideology that a vast majority of Americans believed there was no reason to block the trip. Moreover, there was already “a body of opinion” in the United States that thought China was the enemy.\textsuperscript{33}

American media almost unanimously supported the trip. Unlike the issue of China’s MFN status, Americans saw no threat to any practical American interests in Lee’s visit. Instead, it would help American business.

Members of Congress would lose nothing by supporting Lee’s visit. Chances were they would benefit. As summarised by Sutter and Mitchener,

Politically, economically and in other ways, closer U.S. relations with Taiwan are seen to give particular and often concrete benefits to a wide range of Americans. Taiwan has strategic values in the long term, worthy of preserving. Other benefits include trade and investment opportunities, campaign contributions, votes of blocs of Taiwanese-Americans, and others.\textsuperscript{34}

Lee’s visit was also a reward for decades of effective lobbying efforts by Taiwan. For years, since the late 1940’s, Taiwan has fostered good feelings on Capitol Hill and in the US public.\textsuperscript{35} It was observed that the “stalwart” in


\textsuperscript{34} Sutter and Mitchener, \textit{China: Interest Groups and Recent U.S. Policy}, p. 49.

\textsuperscript{35} In 1986, while there were 33 organisations lobbying for Taipei, only 10 organisations were lobbying for Beijing. See Crabb, and Holt, \textit{Invitation to Struggle}, p. 300, note 19.
Taiwan’s public relation army was the Government Information Organization (GIO), “probably one of the biggest propaganda organs in the democratic world” and that “its 49 worldwide offices — eight of them in the United States — have wined and dined, published pamphlets, press releases and protests to get their point across”.\textsuperscript{36} Articles supporting Taiwan frequently appear in US newspapers, including local newspapers. Taiwan’s office in the United States, Coordination Council for North American Affairs (CCNAA) which was renamed the Taipei Economic and Cultural Office after the Clinton Administration’s 1994 Taiwan policy review, also worked hard promoting Taiwan. In the mid-1980s, the CCNAA distributed more than $750 million to paid lobbyists for liaising with the press and Congress as well as paying for trips to the island.\textsuperscript{37}

In the late 1980s, with the success of its economy, Taiwan stepped up its lobbying efforts. It used “some of its newfound wealth to win friends through scholarly philanthropy”.\textsuperscript{38} The now quite influential Chiang Ching-kuo Foundation was launched in 1989 to provide research funding, conference support, institutional enhancement, and subsidies for publications.\textsuperscript{39} Taiwan also increased its investment in US public relations firms. A prominent example is the above-mentioned US$4.5 million three-year contract with Cassidy and Associates. Even the invitation from Cornell University did not come without price. In 1994, a fund called “Friends of Lee Teng-hui” donated $2.5 million to Cornell University. The Taiwan authorities donated another $2 million to the

\textsuperscript{38} Ibid., p. 187.
\textsuperscript{39} Ibid.
Observing the effectiveness of lobbyists, Chas Freeman, former Assistant Secretary of Defense in the Bush and Clinton administrations, complained that "The Lee Teng-hui visit proves that if you spend enough money on Washington lobbyists you can accomplish wonders, but it does not speak well for the clarity, vision and strategic purpose of U.S. policy".41

Like many other issues regarding Taiwan policy, ideology played a key role in Congressional support for Lee's visit. Two factors account for ideology's dominant influence. The first was, "a changing Taiwan" — "economically advanced, better educated, more cosmopolitan, and politically democratic".42 Changes in Taiwan produced two important results. Firstly, more and more people in Taiwan wanted to end Taiwan's status as an "international pariah" and Taiwan's leaders were prepared to take chances to achieve greater international recognition and respect.43 Secondly, an increasing number of countries had eased their policies towards Taiwan to advance their commercial interests. From 1992 to November 1994, European countries had sent approximately 70 cabinet-level and vice minister-level officials to visit Taiwan. During this same period, only one US official with cabinet rank, US Trade Representative Carla Hills, visited Taiwan.44

Not only had Taiwan changed, but those changes followed the American model. As noted by a Taiwanese analyst, "over the last generation, the people of Taiwan have adopted attitudes toward politics and economics that closely reflect

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42 Sutter and Mitchener, China: Interest Groups and Recent U.S. Policy, p. 41.
43 Ibid.
American attitudes”.45 This helped Taiwan win more sympathy and support from American politicians, media and consequently, the American public.

The second reason for the dominance of ideology in the Lee visit was that Congress was not only pro-Taiwan, it was also “predominantly anti-China”.46 Representative Benjamin Gilman summarised the feeling of Congress: “The bipartisan consensus is that our China policy needs to be overhauled. It has failed us on trade, human rights, [arms] proliferation and security matters”.47

Sutter and Mitchener correctly pointed out:

From the point of view of American ideology and values, Taiwan's free market enterprise and recent democratisation have attracted a great deal of support. In contrast, many of these U.S. observers are sceptical of any significant movement of the PRC toward political pluralism or international interdependence.48

Similarly, Doherty observed “Taiwan is widely regarded as an emerging democracy and an engine of free-market capitalism, while China is viewed as a communist bully, despite its extensive economic relationship with the United States”.49 Senator Connie Mack III represented the voices of many members of Congress when he called on the United States to reward democracy in Taiwan and suggested the United States to end the de facto ban on high-level diplomatic contacts between Washington and Taipei in June 1992.

Even with all these reasons, the decision to allow Lee to visit the United States cannot be properly understood if another factor is missed. That factor is weak Presidential leadership.

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47 Ibid.
48 Sutter and Mitchener, China: Interest Groups and Recent U.S. Policy, p. 49.
Scholars tend to treat Presidential leadership lightly, partly because it is hard to measure influence and partly because scholars do not think leadership is important at all. But these case studies reveal the striking contrast between George Bush and Bill Clinton in terms of leadership on China policy.

Bush was a “born natural” in foreign policy while Bill Clinton had little experience in this area when he entered the White House in 1993. More importantly, Bush had a much better understanding of Congress and maintained a positive relationship with many members. He had served not only in the House of Representatives (1966-70) but also in other positions which enabled him to meet and know members of Congress and to foster strong relations with many of them. After leaving the House, Bush served as US Ambassador to the United Nations, Chairman of the Republican National Committee (RNC), US envoy to Beijing, CIA Director and then Vice-President for eight years. So when Bush was elected president in 1988, “The long-standing relationship [with Congress] is already there”. In contrast, Bill Clinton had little contact with Congress before he became President.

Before his term as President, Bush said that one of the biggest lessons he learned from watching President Ronald Reagan was that a certain political stubbornness paid off in dealing with Congress. Reagan had been effective, Bush said, because he took a principled position and fought for what he believed. Bush

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had been “intimately involved in the day-to-day management of U.S.-Chinese relations” and was “the most influential participant in U.S. China policy”.53

Bush’s strong leadership rested not only on his commitment to China policy, but also on his skill dealing with Congress:

Although it [the Bush Administration] ultimately certified China’s emigration policy and approved of MFN status for Chinese exports, rather than ‘apply political muscle’ or argue the case for trade relations on strategic grounds, it insisted that it would not wage a veto battle and that it was the responsibility of members of Congress and groups in the private sector with an interest in U.S.-Chinese trade to fight the battle for retaining MFN.54

By doing so, the Administration succeeded in maximising support.

Clinton, however, “practically allowed Congress to steer China policy”, a former US official noted.55 While some analysts believe the White House’s failure to devise a coherent strategy for managing relations with Beijing created a policy vacuum that hard-liners in Congress rushed to fill,56 a former senior US official noted that a resulting vacuum was left to be filled by Washington interest groups which increasingly sought to set policy through Congress.57 In fact, Chas Freeman argued that foreign policy had become hostage to interest groups.58

In his first term, Clinton’s China policy was largely different from his predecessor’s. Sutter and Mitchener noted that

The Bush Administration was able to protect the broad guidelines of policy toward the PRC and Taiwan despite heavy pressure from the media, Congress and interest groups. But the Clinton

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54 Ibid., p. 305.
58 Schlesinger, “Hong Kong: Former Official Blasts U.S. China Policy”.

Administration was not as strongly fixed in its direction on China policy. . . . it entered office on a platform decidedly critical of China.\textsuperscript{59}

As demonstrated in Chapter 4, in his first year in office, Clinton did not pay much attention to China policy and largely followed Congress. Realising the policy of linking China’s MFN status and human rights record would not work, Clinton decided to abandon the policy and delinked MFN status and human rights in his second year. China, however, did not make a significant corresponding gesture, which frustrated Clinton.\textsuperscript{60} As observed by Lu Ning, a journalist and China specialist, while Bill Clinton was not interested in foreign policy, “the embarrassing policy retreat over the renewal of China’s most-favoured nation status has distanced him further from China policy”.\textsuperscript{61}

Meanwhile, Secretary of State Warren Christopher was not in a position to strengthen Presidential leadership in China policy. Christopher’s personal view on China was overshadowed by his trip to China in March 1994. Enraged by US Assistant Secretary of State for Human Rights John Shattuck’s meeting with China’s most prominent dissident, Wei Jingsheng, in a Beijing hotel, the Chinese government rounded up dissidents on the eve of Christopher’s first visit to China as Secretary of State. Christopher was then lectured in Beijing by Chinese leaders. It was observed that “Christopher never quite got over his indignation over that trip”.\textsuperscript{62} Lu Ning noted that Warren Christopher and National Security Adviser

\textsuperscript{61} Lu “China: Stormy US-China Relations Caused by Weak Leadership”.
\textsuperscript{62} Gellman, “U.S., China Nearly Came to Blows in ‘96”.
Anthony Lake chose “to stay away from this [China policy] contentious and difficult area”. 63

It is believed Clinton’s mixed feelings and Christopher’s animus “led to a prolonged period of drift”. 64 Lu pointed out that although the policy of constructive engagement was introduced in late 1993, the Clinton Administration had no overall strategy or policy coordination at the White House. “Various US government agencies are left to determine themselves what the policy means and how to pursue it”, Lu observed. 65 Consequently, the Taiwan crisis grew out of “an erratic, often frayed policy” marked by “a lot of confusion on China”. 66

Is China a Special Case?

This study intends not just to understand Congress’ role in China policy during the particular period of 1989 to 1996 by focusing on three structural factors. A more important aim of the study was to shed light on Congress’ future role in China policy and in US foreign policy in general by examining the influence of domestic politics.

The study of Congress’ role in China policy during this period was necessary due to dramatic changes in the US foreign policy-making environment, in the nature of the US-China relationship and in US perception of China. These changes are likely to have a long term effect on the making of China policy.

Firstly, China policy during this period was overshadowed by the Tiananmen Square crackdown. Following the crackdown, American public opinion about Beijing changed from positive to negative and remained negative

63 Lu, “China: Stormy US-China Relations Caused by Weak Leadership”.
64 Gellman, “U.S., China Nearly Came to Blows in ’96”.
65 Lu, “China: Stormy US-China Relations Caused by Weak Leadership”.
66 Gellman, “U.S., China Nearly Came to Blows in ’96”.

for the rest of the period. Largely as a result of the crackdown, some issues rose to an ever more prominent position in China policy during this period. Foremost issues included human rights and political reform. These issues dominated the conditions some members of Congress tried to attach to China’s MFN status.

The crackdown was in striking contrast to Taiwan’s substantial progress in political liberalisation and highlighted the importance of Taiwan issue in China policy. The issue became further complicated by the ignorance of members of Congress who increasingly follow the preferences of their constituents on foreign policy issues.

Secondly, the Cold War ended in the late 1980s and early 1990s. As mentioned at the beginning of this chapter, the end of the Cold War had two consequences for US China policy. One is the dramatic decrease in China’s strategic importance to the United States. During the Cold War, China was a card the United States could play against the Soviet Union. The strategic importance of China restrained Congressional criticism of China. With much of that strategic importance gone, Congress became much more assertive in China policy.

The other consequence of the end of the Cold War is that domestic politics is more involved in China policy. To be sure, China policy had always been influenced by domestic politics. But the end of the Cold War and the consequent decrease in concerns about external threats strengthened the influence of domestic politics.

Finally, with US foreign policy driven by “econopolitik”, trade disputes emerged as a major issue in China policy. China’s trade with the United States barely existed during most part of the Cold War and the United States maintained

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a trade surplus with China until 1983. An even more dramatic increase took place between 1988 and 1996. In 1997, the US trade deficit with China stood at $49.7 billion. The trade deficit was only one of many problems in US-China trade. Other trade problems included trade barriers, intellectual property rights disputes, China's entry into GATT/WTO and so on.

In terms of understanding Congress' role in US foreign policy in general, the contribution of this thesis lies in the fact that it explored areas which have been understudied. Much of the existing influential literature in this field was published between 1950 and 1975, the era of almost absolute Presidential dominance in foreign policy — the "imperial presidency". Consequently, potential foreign policy actors like Congress "drew scant attention". Since the debacle in Vietnam, members of Congress have fought "to reclaim the powers they lost to the executive branch". In spite of this, according to Ripley and Lindsay, scholars continued to pay relatively little attention to Congress and most published literature during this period focused on the legal and normative aspects of Congress' role. As a result, Ripley and Lindsay observed:

while we have had a rich debate over the constitutional and practical issues raised by a resurgent Congress, we have relatively little systematic knowledge about what that resurgent Congress does and to what effect

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71 Randall B. Ripley and James M. Lindsay, "Foreign and Defense Policy in Congress: An Overview and Preview" in Ripley and Lindsay, *Congress Resurgent*, p. 5.

72 Ibid.

73 Ibid., p. 6.
This study will contribute to the “systematic knowledge” crucial to understanding Congress’ role in foreign policy. The attempt is strengthened by the nature of the cases studied. The cases in this thesis fall into categories of strategic and structural policy, instead of crisis policy to which scholars have devoted “too much attention”.74

The China case may be different from other cases in some important aspects. Firstly, China is a rising power and a competitor of the United States. Despite the fact that its strategic importance to the United States has dramatically decreased, China is still a major player in world politics. This special status has gained her special attention from the US government, including Congress. Secondly, China is a market with huge potential. As revealed in the study, the China market could be a very influential factor for members of Congress. Thirdly, China is one of the few remaining Communist countries, although it has largely discarded Marxist economic doctrines. Fourthly, the China case is more complicated than other cases due to the Taiwan issue. On the top of all these factors, as noted at the outset of this thesis, is the fact that domestic politics has historically been more deeply involved in China policy than in other foreign policy issues.

While it is necessary to bear in mind the special features of the China case, the effect of these features should not be exaggerated. After all, it is unlikely any two issues will be exactly the same in US foreign policy.

The most important question regarding the relationship between the China case and other cases should be “Is China policy the only US foreign policy in

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74 Ibid., p. 7.
which domestic politics is deeply involved?”. The answer is a definite “No”.
Domestic politics has deeply influenced many US foreign policy issues. One
example is US policy towards the Middle East.75

The Israeli lobby decisively influenced US policy towards the Middle
East, according to Mitchell G. Bard’s study. Bard believes the lobby’s influence
is “best explained” by Mayhew’s theory that Congressmen are single-minded
seekers of re-election. He notes there was “little countervailing pressure to inhibit
the congressional response to the Israeli lobby” and that Congressmen had “no
political incentive to oppose the Israeli lobby, and significant electoral and
financial incentives for supporting its interests”.76

Bard argues that Congressmen’s perception of US policy towards the
Middle East was deeply influenced by domestic politics, especially constituency
politics. The United States pursued at least five interests in the Middle East: 1)
protection of oil supplies, 2) containment of the Soviet Union, 3) maintenance of
regional stability, 4) expansion of economic and diplomatic relations with the
Arab world, and 5) assurance of Israel’s security. Congressmen recognised these
interests. However, maintaining the security of Israel was “the one with a
significant domestic constituency”.77

Bard further points out that the effectiveness of the Israeli lobby also
largely depends on the President’s position. If the President supports the lobby,

75 Mitchell Bard, The Water’s Edge and Beyond: Defining The Limits to Domestic Influence on
76 Ibid., pp. 22, 24.
77 Ibid., pp. 3, 24.
the lobby wins virtually every time. Otherwise, the lobby can achieve its objectives 27 percent of the time.78

Prospects for Congress in China Policy

The best way to look into the future role of Congress in China policy is to first consider future influence of Congress in foreign policy. Congress was active in foreign policy during the 1970s and 1980s. By the early 1990s, Congressional activism had developed to such a degree that public officials and commentators on US foreign policy warned that Congress had gone too far.79 Most scholars, however, believe Congressional activism will continue. The most important reason is the dramatic change in world politics, namely the end of the Cold War. For example, Ripley and Lindsay assert:

With the momentous changes in the world in the late 1980s and early 1990s, all the governing institutions of the nation are faced with major new challenges. Congress, newly self-confident in the foreign and defense arena after the Vietnam War, will — for good or for ill — play a major part in shaping the US response to the new challenges.80

Peterson made it even clearer. Noting that "the extraordinary transformation of the international system complicates efforts to define the national interest", Peterson argues:

When the national interest gives little guidance, domestic politics is allowed freer rein. If the recent past is any guide to the near future, the president will decide these questions with a keen eye to the domestic consequences of his actions. Voices in Congress will

78 Ibid., p. 23.
79 Crabb and Holt, Invitation to Struggle, p. 264.
80 Ripley and Lindsay, Congress Resurgent, p. v.
remain constantly, if not consistently, critical - especially when presidential mistakes are apparent.\textsuperscript{81}

Sustained Congressional activism will inevitably impact China policy. It is expected Congress will remain active in shaping China policy in the near future. Indeed, Congress was active in China policy in the first two years of the second Clinton Administration, challenging the White House’s policy.

Human rights remained a top issue in Congressional moves against China in 1997 and 1998. In early November 1997, shortly after Chinese President Jiang Zemin paid a state visit to the United States, the House of Representatives approved nine China-related bills. It voted overwhelmingly (366-54) to deny visas to Chinese government officials involved in implementing policies persecuting religious minorities and officials of Chinese government-sanctioned religious groups. It also voted 415-1 to approve a similar visa ban on Chinese officials involved in forced abortion and sterilisation. To express its concern about China’s human rights record, the House passed a measure to increase sixfold the number of US diplomats monitoring Chinese human rights violations.\textsuperscript{82}

In March 1998, Congress reacted strongly to the Clinton Administration’s decision to change US policy and not seek a UN resolution censuring China for human rights abuses. Both chambers voiced strong opposition to the policy change. By a 397-0 vote, the House passed a non-binding resolution sponsored by Representative Christopher Smith, urging the Administration to reverse its


\textsuperscript{82} James Robinson, “USA: US Vote to Ban Chinese Imperils Ties”, \textit{Australian}, Reuter Business Briefing, 8 November 1997.
decision. The Senate passed a similar resolution by a vote of 95-5 before the Administration announced its policy.\textsuperscript{83}

For much of the first two years of the second Clinton Administration, the Republican-controlled Congress tried to link the Clinton/Democratic National Committee (DNC) campaign finance scandal to China's threat to the national security of the United States. In May 1998, the scandal was directly linked to US national security. Reportedly, the Chinese military made a $100,000 contribution to Clinton's campaign. That contribution may have resulted in an illegal technology transfer from American aerospace company, Loral Space & Communications Ltd., to China's military establishment. The Republican-controlled House of Representatives quickly passed an amendment to ban sales of satellite technology to China in May 1998. One hundred fifty two law-makers, all Republican, signed a letter, urging Clinton to cancel his trip to China scheduled for late June 1998.\textsuperscript{84} In addition, the House formed a select committee to investigate allegations of improper influence. All eight committee members were Republicans.\textsuperscript{85} Republican Congressional leaders intended to broaden their criticism of President Clinton from this single issue to a broad denunciation of Clinton's policies regarding exports to China.\textsuperscript{86}

One major factor distinguishing the China policy in Clinton's second term from that of his first term is Presidential leadership. While Clinton exercised little

Presidential leadership on China policy during his first term, he later demonstrated his strong commitment to the policy and his willingness to pay domestic political costs accompanying China policy.

Analysts believe March 1996 marked the turning point from escalating conflict to “strategic partnership”. “The lessons learned in the crisis resolved the president’s ambivalence about the kind of ties he sought with China and set him firmly in pursuit of an ‘engagement’”, noted an analyst. That pursuit took him to Beijing in late June 1998.

With regard to China’s MFN status and Taiwan policy, Clinton was determined to resist continuous Congressional pressure. Not only did he renew China’s MFN status unconditionally in 1997 and 1998, he also expressed his support for giving permanent MFN trade status to China. “I think it would be a good thing if we didn’t have to have this debate (in Congress) every year”, Clinton said in June 1998.

Taiwan policy remained a major source of conflict between the Executive and the Legislature. For the Presidential summit of October 1997, Beijing and Washington negotiated a statement by the State Department which announced that the United States did not support Taiwan independence, did not support a “two China” or “one China, one Taiwan” policy, and would not back Taiwan’s admission to any international body based on statehood. Clinton articulated the “three no’s” policy while he was visiting China. He was the first US president to

87 Gellman, “U.S., China Nearly Came to Blows in ’96”.
Angered by Clinton’s statement, Republican leaders in the Senate pushed for a non-binding resolution which urged President Clinton to seek Beijing’s renunciation of the use of force against Taiwan, to reaffirm the 1979 Taiwan Relations Act, and to assure Taiwan there had been no date set for an end to arms sales. The resolution passed the Senate by a vote of 92-0. The Senate also passed a resolution supporting Taiwan’s entry to the International Monetary Fund and the World Bank.

In terms of future policy-making context, the following two points, should be noted.

Firstly, while it has been widely accepted that China is a rising power with the potential of competing with the United States in the 21st century, there remains a question as to what kind of power China will be. In the United States, a deep distrust of Beijing exists among politicians, officials, academics, journalists and the public. A survey conducted in October 1995 by the Chicago Council on Foreign Relations showed a substantial increase in concern about the development of China as a world power. Over half of the public saw this as a possible critical threat to the vital interests of the US (57%), an increase of 17% over a similar poll conducted in 1991. Slightly under half of US leaders viewed China as a critical threat, a 30-point jump (from 16% to 46%) over four years. For both the public and leaders, China represented a greater threat than the military power of Russia.

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economic competition with Japan as an issue of concern. And among leaders, the threat of China’s power far exceeded that of economic competition from Japan.⁹²

In 1995, six years after the Tiananmen Square crackdown, 69% of Americans still regarded China either as enemy or unfriendly (See Table 8.1).

**Table 8.1**

<table>
<thead>
<tr>
<th>Close ally</th>
<th>Friendly</th>
<th>Not friendly</th>
<th>Enemy</th>
<th>Not sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>3%</td>
<td>25%</td>
<td>45%</td>
<td>24%</td>
<td>3%</td>
</tr>
</tbody>
</table>

*Source: The Harris Poll 1995: “Canada, Britain and Australia Top the List of Countries Which Americans Think of as Allies and Friends”, 2 October 1995.*⁹³

Joseph Nye noted as late as June 1998 that “Both the liberal New Republic and the conservative Weekly Standard call China ‘totalitarian’, though today’s market communism is a far cry from the real totalitarianism of Chairman Mao”.⁹⁴ So long as the Chinese Communist Party is reluctant to carry out dramatic political liberalisation, this distrust is unlikely to disappear.

Secondly, as revealed by this study, the United States found it difficult to turn away from the huge China market. One important reason was that the United States could not persuade its allies to impose similar sanctions against China. It is unlikely the United States will be able to do so in the future. Therefore, the US will not have much choice but to compete with its allies in the China market. This will strongly influence Congress, although economic interests could be sacrificed in some cases. Thus, many members of Congress may find themselves in a

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dilemma on some issues relating to China policy, especially those directly linked to American economic interests.

With regard to China’s MFN status, renamed normal trade relations (NTR) status in 1998, the focus of the issue is likely to remain whether the United States should give China permanent NTR status, rather than whether China’s NTR status should be revoked or conditioned. Many members of Congress may remain opposed to giving China permanent NTR status and may continue to use it as a tool for various purposes in the near future, such as human rights, political liberalisation, Taiwan issue and trade disputes.

As for the Taiwan issue, Congress will maintain its strong interest in the foreseeable future. However, having experienced the crisis after Lee Teng-hui’s US visit, all sides, including Congress, learned a lesson and will be more cautious in dealing with the issue in the near future.

In general terms, Congress may play a major or even decisive role on issues which do not involve military forces fighting each other, such as it did on Lee’s visit. But instead of dragging and pushing towards the same direction, China policy-making process usually involves forces heading for different directions, such as in China’s MFN status. On these issues, the President has more space to manoeuvre and Congress’ power can be limited, although it is expected Congress will try to keep the President accountable.

**Conclusion**

The influence of domestic politics on China policy is even more prominent in non-structural factors influencing Congressional members’ foreign policy decisions. Therefore, the influence of structural factors on Congressional
behaviour can be best understood only in a broad context which considers non-structural factors such as ideology, interest groups and Presidential leadership. These factors need to be combined to provide an accurate picture of how domestic politics affects Congressional members’ foreign policy decisions. In the cases of China’s MFN status and the Taiwan issue, ideology, interest groups and Presidential leadership were indispensable non-structural factors influencing Congressional behaviour.

What makes it more important not to exclude non-structural factors in explaining Congressional behaviour is that structural factors could have integrated some elements of non-structural factors. While the Republicans who consistently supported Bush on China’s MFN status might have been partly influenced by the party’s free-trade ethos, Senator Max Baucus’ firm stance of crossing party lines on the issue was partly contributed to the lobby of Montana farmers who were his important constituents.

The close examination of the Lee visit demonstrated that Congress’ decisive role in Lee’s US visit occurred largely because no formidable opposition force, structural or non-structural, acted to restrain members of Congress. This case, therefore, offered a striking contrast to the case of China’s MFN status in which Congressional initiative was contained by factors such as constituency, partisanship, Presidential leadership and business groups. Given that Congress is normally checked by some factors, especially the Executive, it could be argued that Congress’ role in Lee’s visit was an exceptional case and should be treated with caution.

The findings of this thesis may contribute to a better understanding about Congress’ role in not only China policy but also US foreign policy in general.
One major factor strengthening the contribution of this thesis is that the period studied was the beginning of the post-Cold War era. The China case may be different from other cases in some aspects. But the bottom line is that China policy is not the only US foreign policy issue in which domestic politics is deeply involved.

Members of Congress may find it hard to make some decisions on China policy in the future because China policy often represents conflicting interests. On the issue of China’s NTR status, on the one hand, members of Congress will find it hard to turn away from the huge China market. On the other hand, they may remain critical of China’s human rights record, political repression, Beijing’s policy towards Taipei and other issues. Although Congress is unlikely to be able to make the renewal of NTR status a central issue in China policy, many members will try to block permanent NTR status for reasons such as ideology, constituency, partisanship and so on.

As for the Taiwan issue, in terms of domestic politics, members of Congress will maintain their strong interest in the issue not only for moral reasons but also for partisanship, ideology, constituency and other domestic consideration. However, as all sides have learned from the crisis in the Taiwan Strait following the Lee visit, members of Congress might restrain themselves on the issue. More importantly, as demonstrated by Clinton in the past two years, the President will show more leadership and pay the political costs necessary to check Congress’ intervention into the issue.
Conclusion

In the mid-1970s, Australian Prime Minister Malcolm Fraser reportedly told Chinese leaders in Beijing that the United States was unreliable because of the influence of Congress on foreign policy. Fraser was proved right some twenty years later. In 1995, Congress forced the Administration to reverse its policy after US Secretary of State Warren Christopher had assured Beijing that Taiwan President Lee Teng-hui would not be permitted to visit the United States. Beijing had believed Christopher and expected that the Clinton Administration would persuade Congress to accept the Administration’s position and follow its leadership.

Congress’ role in China policy has not been consistent. In some periods, such as in the late 1940s and early 1950, and on some issues, such as the Taiwan Relations Act (TRA), Congress played a key role in shaping China policy. At other times, and on other issues, such as President Nixon’s visit to China, normalisation of US-China relations and the 17 August 1982 joint communiqué on arms sales, Congress was hardly involved in shaping US-China policy.

Despite the huge body of literature on US-China relations, Congress’ role in China policy has not been adequately studied. While introductory works on US-China relations seldom mention Congress, studies of specific periods or issues focus more on perspectives other than Congress. A few detailed studies do pay attention to Congress and have provided some insight on Congressional intervention in China policy. Examples include studies by Nancy Bernkopf.

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Tucker and Thomas J. Christensen on US policy towards China in the crucial years around 1950 and the late 1950s. Few studies delve into the detail of what happened inside Congress. Scholars have long noted the influence of ideology and interest groups on Congressional behaviour in China policy or have identified focal points of decision making in Congress, such as the committees or constituencies of members. Few have made detailed investigation of the influence of these factors on the outcome of China policy.

This thesis investigated Congress' role in China policy with reference to three factors or focal points that can loosely be identified as structural: constituency, partisanship and committee. The thesis does not assume Congressional intervention in foreign policy is the result of only these factors but seeks to investigate how outcomes of Congressional intervention are shaped by each of these three structural factors relative to each other. The thesis focuses primarily on who does what in Congress and how that relates to their electoral distinct (constituency), their political party, and their position in the committee system of Congress. This thesis does not investigate the role of interest groups outside Congress or the general role of ideology.

The study demonstrated that the rational-actor model, so dominant in international relations theory, is quite weak in explaining US foreign policy. The US government is not a unitary, monolithic actor as assumed by the model. Therefore, the “state”, here represented by the US government, should not be treated as a ‘black box’, responding with one voice to the challenges and opportunities confronting it.

There are other problems with the rational-actor model. Based on realists’ belief that the first and most difficult task of government is to ensure the survival
of the state in a hostile, violent, Hobbesian environment, the model takes “external” rather than “internal” factors as the important determinants of state behaviour. But because government comprises various decision-makers, and these decision-makers define situations differently, realists ignore a principal determinant of state policy.

The study, especially the case of China’s most-favoured-nation (MFN) status, demonstrated that it is misleading to treat Congress as a unitary, monolithic entity as suggested by the interbranch politics model. The model believes Congress’ “internal will” is able to offset the institution’s characteristics of decentralisation and fragmentation. As this study revealed, Congressional members’ views on China issues can be vastly different not only from that (or those) of the administration but also among themselves. On the issue of China’s MFN status, some members of Congress supported the Bush Administration’s position of renewing MFN status unconditionally for reasons like partisanship and constituency, while many others insisted the United States should revoke or at least condition MFN status as a way to express US position on issues like human rights, arms sales, nuclear proliferation and so on.

The study does not dismiss the existence of Congressional “internal will”. In fact, on the issue of China’s MFN status, strong anti-China sentiment had a strong impact on some members of Congress and many of those who did not support sanctions against China kept their heads down because of the Congress’ “internal will”. In the case of Lee Teng-hui’s visit to the United States, overwhelming sympathy for Taiwan and the anti-Beijing sentiment in Congress made it impossible for members of Congress not to follow the mainstream.
The study, however, also demonstrated that “internal will” can be easily outweighed by the fact that Congress is very much fragmented, decentralised and uncoordinated. This state of affairs can be understood by reference to the three structural factors identified: partisanship, constituency and committee. For instance, partisanship and constituency were far more powerful than Congressional “internal will” in explaining Congressional actions on China’s MFN status during the Bush Administration. Although Congress was overwhelmingly against the Chinese government after the Tiananmen Square crackdown and a vast majority of Congressional members did not agree with the Bush Administration’s China policy, the Senate more than once sustained Bush’s vetoes over bills attempting to condition China’s MFN status. Among those who supported Bush, many were Republicans who disagreed with Bush but did not want to embarrass the president of their party. Others wanted to keep normal trade relations with China to protect the interests of their constituencies, even if that meant crossing party lines. No wonder Tip O’Neill, Speaker of the House from 1977 to 1987, claimed that “All politics are local”.2

Partisanship played a major role during the Bush Administration, most prominently on China’s MFN status. The support of Republican senators was the basis for Bush’s victory over Senate attempts to override his vetoes. A vast majority of those who came from states whose Senate seats were shared by Republicans and Democrats, and who needed to protect their electoral position, voted along party lines. On the Taiwan issue, partisanship was an influential factor in that Republicans did not launch a serious challenge to Administration’s

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policy under Bush while they did so aggressively and forcefully in Clinton’s first term. But partisanship may disappear under some circumstances and on certain issues. It was almost non-existent on the issue of China’s MFN status in the first two years of Clinton’s first term when the Administration and the Congress were controlled by Democrats.

Congress can be deeply divided on issues in which interests of constituency are heavily involved, with the line of division varying from issue to issue rather than according to party lines. In the years immediately following the Tiananmen Square crackdown, when Congress was dominated by anti-China sentiment, seven Democratic senators from farm states with big stakes in China trade consistently supported Bush’s decision to renew China’s MFN status. Their support was a key factor in Bush’s victory over the Senate’s override attempts, given that ten conservative Republican senators crossed party lines and voted against Bush.

When their policy preferences are not in line with the interests of many of their constituents, members of Congress are still likely to take into consideration their support base in the constituency. That is, they need to make a judgement about the electoral benefits their position may result in. Support may not come from the majority of their constituents, but nonetheless be important. Therefore, they may side with their key constituency groups or posture in support of them. Senator Adams sided with labour unions to vote against MFN for China even though he believed a trade cut-off with China would be the wrong tool. Senators Stevens and Murkowski, whose home state of Alaska was hurt by Taiwan’s driftnet fishing fleet, suggested cutting off arms sales to Taiwan if Taiwan did not
make efforts to stop driftnet fishing — even though the two senators were staunch supporters of Taiwan.

While the interests of constituencies are mainly represented by economic benefits, constituents’ concerns over moral and value issues also strongly influence members of Congress. On some occasions, moral concerns may prevail over economic benefits and members of Congress need to enunciate and reaffirm these concerns. This may partly explain why the House overwhelmingly supported bills conditioning China’s MFN status. On the occasions where economic benefits are not in conflict with moral concerns, support for the latter can be maximised. Congress’ support for Taiwan during the first Clinton Administration is a good example.

The relationship between constituency and partisanship can be either contradictory or complementary. It is not unusual for members of Congress to find themselves crossing party lines to protect the interests of their constituencies, as the Democratic senators from farm states did on China’s MFN status during the Bush Administration. On the other hand, Congressional members can often satisfy both their party and their constituencies.

As a result of the powers of Congressional committees in the legislative process, their actions are central to legislative actions. Committees have life and death power over bills because their approval is essential for the bills to be passed to the floor of each house for deliberation. The thesis revealed a close relationship between the level of committee support and floor voting results for China related bills. Those bills which did not command strong committee support usually met strong opposition on the floor. On the other hand, those bills with strong committee support normally passed the floor without much debate.
Important as they are, committees consist of individual members whose decision-making behaviour is subjected to the influence of various factors, including constituency and partisanship. The influence of these factors largely decides committee actions. Two good examples are the Senate Finance Committee’s votes on the US-China Act of 1991 and US-China Act of 1992 to condition China’s MFN status. Twice the vote split on party lines. In this sense, the committee factor is a subcomponent of the partisanship or constituency dimensions.

The influence of structural factors on decision-making behaviour of members of Congress can be best understood only in a context which includes all possible influential factors, structural and non-structural. A narrow focus on partisanship, constituency and committee without considering other factors, such as ideology, interest groups and Presidential leadership would be misleading. In many cases, non-structural factors can play an equally important, or even more important, role in influencing Congressional members’ foreign policy decisions. This appeared to be the case in Congress’ intervention in the visit of Taiwan’s President in 1995.

Yet case of the Lee visit should be treated with caution. While Congressional behaviour in China’s MFN status was restrained by factors like constituency, partisanship, Presidential leadership and business group lobbying, Congress’ decisive role in the visit was largely due to the lack of formidable opposition, structural or non-structural, to restrain members of Congress. Given that Congress is normally checked by some factors, especially the Executive, it could be argued that Congress’ role in Lee’s visit was an exceptional case.
Structural factors do integrate some non-structural elements, making it particularly important not to exclude non-structural factors in explaining Congressional behaviour. Republicans who consistently supported Bush on China’s MFN status were largely influenced by partisanship. But this aspect often stands as the superficial manifestation of non-structural interests, such as ideology. The Republican party has a “free-trade ethos”.

The thesis studied its subject over a period of time distinctly different from previous decades — the post-Cold War era. The impact of dramatic changes during this period is likely to remain for some years to come. The most direct impact of the changes on Congressional behaviour is that members of Congress are now much less restrained from treating foreign policy issues as domestic politics.

The purpose of this study was to examine the influence of domestic politics on China policy with special reference to structural factors. In this sense, the findings may have much application to other areas of US foreign policy. The thesis noted that in US policy towards the Middle East, domestic politics is even more deeply involved; so this study may have some relevance to that area of US policy. Yet the China case differs from other cases in some important aspects: China is a major power; possesses a huge market; is run by a Communist government; is complicated by the Taiwan issue; and historically receives special attention.

This thesis suggests that Congress’ future role in China’s normal-trade-relationships (NTR) status will largely be decided by two forces: members of Congress will feel more pressure to gain a fair share of the huge China market for US companies; they will also feel pressured to act on China’s poor human rights record, political repression, Beijing’s policy towards Taipei and other issues. It is
unlikely Congress will be able to make renewal of NTR status a central issue in China policy. But many members will try to block permanent NTR status for reasons of ideology, constituency, partisanship and so on.

Domestic politics, including partisanship, ideology, constituency and interest groups, will force members of Congress to maintain their strong interest in the Taiwan issue. The effect of intervention, however, is unlikely to match the success of the Lee visit in the near future because intervention will not go unchecked. If China forces the Administration and Congress into common positions through extreme actions, such as the 1996 military pressure on Taiwan, then the two branches will be harder to deal with from China’s point of view. In the absence of extreme measures, China is likely to continue to benefit from its current approach to the Congress of “divide and rule” — a strategy purpose-made for a body characterised more by fragmentation than cohesion.
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