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Introduction

From this author's perspective it appears that the current time, the early 21st century, is a time in which history moves at a pace that is perhaps quicker than 'usual', whatever that is. Of course, to someone born in 1987 there is no other time to compare it with, so the preceding statement is no more than a subjective feeling and not an academic statement of fact. Undoubtedly, to someone living in the 1930s or the 1890s history must have moved fairly quickly as well. Still, there is no denying that certain developments are taking place in the world that surely will impact humanity in ways that we could hardly have foreseen just years ago. To name an example relevant to this research: who could have imagined thirty years ago that Europe would be greatly helped by financial support from China to solve its debt crisis? One hundred years ago, Europe's various empires stretched across the globe and included forcibly acquired concessions in China. Thirty years ago Europeans or Americans could still be forgiven for thinking of China as a vast land of endless poverty, possessing a large labor force but not a country that would soon amount to anything substantial.

Much has happened in the meantime, and much is still happening. Since the start of economic reforms in China in 1978, China's economic growth has averaged 9.7% per year for three decades, peaking at about 11% per year between 2003 and 2007.¹ This growth has proven to be robust, as China weathered such calamities as the 1997 Asian Financial Crisis without significantly reduced growth. Such impressive economic growth has naturally raised China's stature in the world, and it has fueled development in another area: military power. Since the 1990s, China has made substantial and increasing (proportionate to its economic growth) investment in both its military and its arms industry. China is still far from being on par with the United States militarily, but this development signals that China could wish to play a greater role in the world when it has the military power to back its intentions. Within the realm of global geopolitics, the rise of China is one of the great stories of our time. If this trend continues along the lines that have been observed for the past three decades, it will bring to a close the era in which countries from the Western cultural block determined the fate of much of humanity; its economic development, its political situation and perhaps its technological progress. 'The West' is not becoming irrelevant, but it will have to get used to a world in which, broadly, its view of the world and the events in it will prevail less often over other views. Whether this development will bring stability or strife will depend to a large extent on the relation between the leading Western country and the world's only superpower, the United States, and China, the country that may soon posses power substantial enough to influence world society on every level and in every place in ways that currently only the US can.

The relation between China and the United States has certainly seen its share of problems.

The relation can be described as “...difficult for Washington and Beijing to manage" or, as Clinton administration insider Robert Suettinger described it, as “...one of wary distrust that occasionally deteriorates into enmity". Since the founding of the modern Chinese state on the mainland, the People's Republic of China (PRC), relations with the United States have been difficult for much of the time. The new China took its place on the world stage by driving American, South Korean and UN forces out of North Korea in the winter of 1950-1951, thereby denying the US victory in the Korean War. The US took a hostile stance towards 'Red China' for the next twenty years. A breakthrough came, however, when mutual distrust of the Soviet Union led both countries to see the value of re-established ties. Within the context of the Cold War, rapprochement with China would significantly strengthen the US' strategic position vis-à-vis the Soviet Union by drawing the giant nation on Russia's eastern flank on its side. China, for its part, had been defiant toward the Soviet Union since the Sino-Soviet split of 1962, but the Chinese realized that Soviet military power was not to be taken lightly. For them, rapprochement with the United States meant that they did not have to face the Soviet Union alone. Ambassadorial-level contacts between the two sides started in late 1969 and culminated in President Nixon's famous meeting with Mao Zedong in 1972. Clearly, a renewed bilateral relation had great strategic value for both sides at the time, though formal diplomatic contact was not established until 1979.

Following this was a period of remarkably good relations that lasted for the remainder of the Cold War. When Deng Xiaopeng initiated economic reforms in 1978 the lure of China's vast potential market and labor reserves added an economic dimension to the relation. Foreign investment, including from the United States, flooded into China throughout the 1980s. There remained irritants in the bilateral relation, most of all centered around the US' relation with Taiwan. The US had judged relations with the PRC to be of greater value than with the Republic of China on Taiwan (ROC), leading it to switch official recognition to the PRC in 1979. To the annoyance of the PRC, it did maintain unofficial ties with Taiwan. This will be discussed more elaborately in chapter 3. For now, suffice it to say that the status of Taiwan has been a wedge in the US-China relation since the founding of the PRC. Nevertheless, following rapprochement with China, the United States provided China with technological assistance (some of which had military value) and extended Most Favoured Nation status. The two nations worked together to frustrate the Soviet Union in Afghanistan. By the second Reagan administration, the US had emerged as the leading investor in China, and cultural, scientific and technological exchanges flourished. Relations were remarkably stable by the late 1980s. The events at Tiananmen Square in 1989 combined with the end of the Cold War would upset this stability, as will be elaborated on in chapter 2. The bilateral

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2 Lampton, 2002, p. 1
3 Suettinger, 2003, p. 2-3
relation between the two countries incurred a major setback from which it has not yet recovered.

The bilateral relation between these countries is not always defined by disagreement. There have been some moments where China has lend the US a helping hand in the post-Tiananmen relation, though they remain somewhat far between. The first point of what may be termed cooperation after Tiananmen was China's not using its Security Council veto to sink the sanctions including the use of force against Saddam Hussein's Iraq in 1990. China did not endorse the proposal either but chose to abstain, allowing the US to get the green light from the UN for Operation Desert Storm. Through this action, the Chinese were attempting to regain some American recognition of China's continued importance. In informal meetings between the Chinese foreign minister Qian Qichen and US Secretary of State James Baker an agreement had been reached that China would abstain from a vote (that is, abstain from a veto) if Qian would be invited to meet Bush in the White House.\(^4\) Furthermore, China and the US have engaged in intelligence sharing in order to combat drug trafficking and, after 9/11, international terrorism. However, the best example of cooperation is probably that with regard to the North Korean nuclear program. China shares the US' worry over the North Korean attempt to acquire nuclear weapons and has cooperated with Presidents Clinton and George W. Bush to try to resolve this situation.\(^5\) Most visibly, it extended a helping hand to the Bush administration by proposing and then hosting the Six Party Talks to eliminate the fledgling North Korean nuclear arsenal. Even though the talks appear to have produced no result in hindsight, Bush agreed to the Chinese approach at the time as his administration's approach of refusing to talk to the North Koreans while demanding they disarm unilaterally had been unproductive at best and counterproductive at worst. The role of China in dealing with the North Korean nuclear program represents a significant point of cooperation with the United States on an issue of shared concern. It came at a time when North Korea appeared to be going ahead with the program despite US threats and objections, leaving President Bush without any (credible) way to stop them within the confines of his administration's policy.

Clearly, the picture of the US-China relation is not all dark from the American perspective. Nevertheless, there remain important points of contention. The Chinese government's methods of leading their country are seen as morally objectionable to many Americans: censorship of the Internet and media, arrest and detention of political opponents, myriad allegations of torture in Chinese prisons, violent suppression of Tibetan and Uighur nationalist movements, and so on. As far as concrete American interests are concerned, China is perceived to engage in unfair trade practices of various kinds, to proliferate weapons to countries unfriendly to the US, and to threaten the US' democratic ally Taiwan with armed force should it seek independence. This last point is

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especially important. The status of Taiwan has lead to several lows in the relation, and it remains a dispute that, if not properly managed, carries a real chance of armed conflict between the two nations. The Chinese, for their part, have been infuriated by such incidents as the 1999 bombing of their Belgrade embassy, the perceived US blocking of Beijing's bid for the 2000 Olympic Games, as well as every US weapons delivery to Taiwan. When looking at a summary of important points in the bilateral relation it appears to be riddled with problems, and it is. Nevertheless, neither country has been willing to give up on the other despite the downturn since 1989. The reason for this is obvious. Although there are many disagreements on a political level, the economies of these two countries have grown increasingly intertwined. Already in 1994, President Clinton found that the economic interests of US business in China were too substantial to make good on his threat to revoke China's Most Favored Nation status over human rights concerns. Despite all the problems that these countries have with each other, it is in their fundamental interest to manage those problems and continue to maintain a workable relation.

The imperatives of real-world interests push these countries' governments to keep bilateral relations acceptable. In the Chinese and American societies at large, however, the views that these nations have of each other appears to be primarily negative. During the 1990s, the impact of the events around Tiananmen Square in 1989 meant that China was widely perceived in the US as an objectionable dictatorship. In recent years, there is a growing awareness among Americans of China's rise, adding another dimension to American dislike of China: it is now increasingly being seen as a threat to the US' position as a global superpower and to the US' economy. A 2008 public opinion survey by the Chicago Council on Global Affairs found that the percentage of Americans that believed the Chinese economy will some day be as large as the American economy had grown to 76 percent, compared to 60 percent in 2006. The prospect of the Chinese economy growing as large as the American economy was considered 'mostly negative' by 42 percent (33 percent in 2006) and 'mostly positive' by only six percent, with 51 percent saying it would be 'equally positive and negative'. In 2008, 67 percent of Americans felt that China engages in unfair trade practices, compared to 58 percent in 2006. Interestingly, the report also notes that “This may partly reflect publicity about unsafe Chinese imports, but the results of past Chicago Council surveys suggest that charges of unfairness are often leveled at any country that is seen as competing vigorously with the United States in world markets”.

8 Ibid., p. 24.
report found that worries about the geopolitical position of the US are “less intense but still substantial”.\(^9\) Forty percent of Americans consider China to be a critical threat to the interests of the US, although this was actually a lower figure than in the 1990s when it was around 50 percent. When asked to rate their general feeling about China on a scale of 100 (very positive) to 0 (very negative) the results averaged 41, the same as in 2006.

In China, images of the US appear to have sharply deteriorated during the last twenty years. At the time of the nationwide demonstration movement in 1989, many Chinese actually saw the US as an example for China to aspire to; a highly developed country with advanced political institutions.\(^10\) Since then, there have been various outbursts of popular anger in China directed at the US. One particularly serious outburst occurred after the Chinese embassy in Belgrade was bombed by the US during the NATO air war against Serbian forces in 1999. Massive demonstrations (encouraged by the Chinese authorities) were staged in front of the US embassy in Beijing and various consulates around the country. The American consulate in Chengdu was set fire to by demonstrators. At the same time, Chinese society is also subject to the influence of American mass culture and consumer products which many Chinese enjoy. Overall attitudes in China towards the US are a mixture of positive and negative aspects, according to a 2011 study appearing in the magazine Political Communication.\(^11\)

The Chinese still admire American society for its wealth and technological prowess, as well as its education system which continues to draw thousands of Chinese students to the US every year. When it comes to foreign policy, however, the Chinese tend to have a far more negative view of the US, especially when it comes to issues concerning China such as US actions with regard to Taiwan and Tibet.

In this paper, the views of China of the legislative branch of the American government, the Congress, will be studied. American public opinion on China is fairly negative overall, as noted above. The extent to which public opinion influences decisions on foreign policy by political leaders is a debate of its own that this paper will not deal with. However, the view of China within the institution of Congress has direct consequences for the bilateral relation. The formation of foreign policy is primarily a task for the executive branch (the President and his cabinet), but Congress does at times claim a role for its own. As an institution at the heart of American governance and one of the three branches of the trias politica Congress inherently has some influence on policy making. This influence may differ case by case, and the extent of it may depend on many factors. Whatever the influence of Congress on American foreign policy is, it will not be studied in this paper. The focus here is on the views of Congress on China in general and its views on particular issues in the US-China relations, within the time frame of 1989-2008. These views

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\(^9\) Ibid.
\(^11\) Ibid.
will be constructed by a study of a set of congressional debates on bills involving China. Within this research, the following questions have been central:

1. What views of China were dominant within the Congress in the 1990s and 2000s?

2. What underlying feeling about China and the relation between the US and China among the members can be constructed from the debates under study?

3. Did these views and feelings change during the timespan of the 1990s and 2000? If so, how?

In the above questions for this research, the use of the word 'China' primarily refers to the Chinese government, and includes the Chinese military. It is the Chinese government that (through the military) that claims Taiwan and the Chinese government is responsible for the country's human rights record. However, when looking at economics 'China' is broader and includes the Chinese manufacturing sector which is thought by members of Congress to compete unfairly with the American manufacturing sector. The distinction provided here is purely to clarify that in this research 'China' will usually mean its government, though depending on the context it can also indicate China as a whole. No sharp boundary between the Chinese government and wider society will be used in this research, as this is not used in the sources either: in debates, the members of Congress constantly switch between referring to the Chinese government, the Chinese people or both together, without much clarification. The next chapter (chapter 1) will provide a more detailed description of the methods of study applied here. The three chapters after that will constitute most of the main body of this paper, as they present the findings of this research on three main themes within the US-China relation: the moral flaws that the US sees in China's system of government, the issue of Taiwan's status and its relation to the US and to China, and finally the economic relation between the countries. Chapter 5 summarizes and analyzes the main insights that this research provides. This is followed by a brief conclusion in which the main questions above are answered and commented on.
1. Methods and choices

This chapter begins by providing some basic information on the functioning of the US Congress, then moves on to discussing the methods of this research.

The United States Congress is the legislative branch of the American government, divided in two chambers, as per Article 1 of the American Constitution: the House, consisting of 435 representatives, and the Senate, consisting of 100 senators. Representatives serve two-year terms, and are thus never far from elections, while senators serve six-year terms. This arrangement means that the two chambers each fulfill a different role. The larger and more frequently elected House is supposed to follow more directly the mood of its constituency, whereas the longer serving and usually more veteran senators are intended to form a more reflective and deliberative body. Representatives and senators are elected directly in their home states. Each US state is represented by two senators, and at least one representative. However, the total amount of representatives of a state is based on its population, resulting in a widely varying amount of representatives (California elects 53, while South Dakota elects only one). If a state elects more than one representative, as most states do, it is subdivided into districts with each district electing one representative.

Most proposed legislation appears in Congress in the form of a bill. Any member of Congress may propose a bill (which is referred to as 'sponsoring' it), which becomes law if it passes both chambers with an absolute majority of votes and is then signed by the President. If the President objects to a bill that has passed both chambers, he may veto it. Congress can override the presidential veto, but that requires a two-third majority vote in both chambers.

Before a bill is subject to a vote on the floor of either chamber, it is in almost all cases first referred to a committee. Both chambers have committees, small bipartisan groupings of members who consider bills in their specific subject area. They edit the bills according to their judgment and with the advice of outside experts and lobbyists before passing them to the floor for a vote. Committees also have the option of never passing a given bill to the floor; bills may be tabled or simply held indefinitely in the editing phase. In fact, the vast majority of bills are never subjected to a vote because they never pass through the committee. A bill that does get subjected to a vote therefore requires a substantial will to take action on that topic in the Congress. The personal attitude of the members of a committee (especially the chairperson) towards a certain bill also influences the chances of that bill being voted on. Historically, jurisdiction over foreign policy matters mostly falls under the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the armed services, appropriations and intelligence committees of each chamber, amounting to four important committees in each chamber. These eight committees review most

13 Lindsay, 1994, p. 53
foreign policy-related bills, but other committees at times also claim jurisdiction over certain foreign policy matters. For example, the agriculture committee of either chamber may involve itself in agricultural export policy. Individual members may also bypass the committees altogether and challenge executive policy or committee decisions on their own initiative. Taken together, while most of Congress' foreign policy activities are carried out within the aforementioned eight committees, the making of foreign policy legislation can at times be a more decentralized process.14

For the purposes of this research it is important to remember that most of the bills proposed by members of Congress never become law, not because they are voted down but because they are not deemed relevant or appropriate by the committee that reviews them. If a bill does pass the committee it is debated on the floor of both chambers, though some forms of legislation, such as non-binding resolutions, may require passage by only one chamber. In congressional debates, the sponsors and proponents of a bill get a chance to argue for its passage in front of all the members present, while opponents get a chance to attack it. If there is considerable dissatisfaction with a bill on the floor, it may be amended before final passage, or it may be sent back to the appropriate committee for review. It also occurs that a bill is amended in one or both of the chambers, resulting in both chambers passing a slightly different version of the bill. In this case, a conference committee of members of both chambers is created to iron out the differences and create a uniform bill, which is called the conference report. The conference report then needs to pass both chambers again according to the standard procedure. All in all, most of the crafting, fine tuning and amending of bills will be done by a committee behind closed doors, using input of members of Congress as well as experts in the field and lobbyists for various interests. The congressional debates present a chance for representatives and senators to publicly summarize and defend their position on a given issue, to attack or defend the administration's policy on an issue, to bring to the attention of the Congress any issue that they feel requires attention, or all of the above.

In this paper, a discourse analysis of congressional debates since the regarding China will be presented. This research is meant to provide an insight into an important element, the Congress, of a rather unpredictable and often stormy relation between the two currently most important states on Earth. The aim of this research is to construct an image of the attitude of Congress towards China in the period from the Tiananmen Square crackdown in 1989 to the end of the presidency of George W. Bush (Barack Obama took office in January 2009) using congressional debates as source material. The aim was not to study individual members of Congress, the general opinions of either of the two political parties, or specific pieces of legislation; instead, this research takes a holistic view of the institution of Congress. 'Congress' is composed of people who have been voted into office by their constituents in US states. Reconstructing the attitudes of 'Congress' is thus shorthand

14 Ibid., p. 68-69
for saying that the prevailing attitudes among the members of Congress over about twenty years will be studied. Since the Senate and the House together consist of over 500 members in total, this means that certain minority opinions were also present that will be left out of this research. The aim is to distill a pattern of thinking of Congress by looking at what positions and underlying opinions support bills that are voted on; those positions are considered more indicative of the attitude of Congress as a whole than positions held by a small minority of members which never result in bills being discussed on the floor. In other words, the perspective of the eagle's eye is taken to determine in what light Congress has generally seen China through the 1990s and 2000s. Congress' attitude as described above will be reconstructed on two levels. The first is the level of explicit policy positions and views of issues as brought to the floor in the congressional debates. This is the level that main question #1 as stated above refers to.

The second level is the more emotive underlying level of how the members of Congress feel about China, which requires additional clarification. Like all organizations, Congress consists of lawmakers who make decisions based ideally on their best judgment of the various aspects of a policy question and an estimation of the intentions and capabilities of the various actors involved. In reality, a host of other factors may enter into their reasoning, many of which can interfere with a strictly analytical approach to questions of policy. The members of Congress are products of the American society in which they grew up, received their education and whose culture they absorbed. As such, and like all human beings, they are not computers with a strictly logical view of the world. As American lawmakers, the way they perceive the world and their own country can cautiously but reasonably be expected to be influenced by the following cultural attitudes. Certainly the members can be expected to have a sense of national pride and an à priori higher opinion of the US than of other countries, although this is of course formalized in the oath of loyalty that members of Congress have to swear when coming into office. Secondly, we can expect a general preference for democratic political systems over autocratic systems. Thirdly, a general dislike of communist politics and political systems may be present. Fourthly, there may be a sense of Western superiority present. This is taken to mean a sense that Western (i.e. American and European, primarily) states, organizations, businesses and ideas are more competent or successful than non-Western ones, and, following from this, that non-Western states, organizations or even peoples such as the Chinese, should follow Western advice or leadership. Such an attitude, while not entirely politically correct anymore, may still persist as the residue of earlier times when many in Western countries honestly felt they were doing colonized non-Western people a favor by 'civilizing' them. These four culturally imbibed attitudes as well as others may be found through subtle clues in word choices or framing of issues by members of Congress in the debates. It is this level of analysis that essentially aims to answer main question #2.
For this research, a number of congressional debates on each of three major themes in the US-China relation has been selected. The first is the issue of Taiwan, a highly important and contentious issue in the relation left over from the Cold War. The second is moral issues, which mainly refers to the American view of China’s human rights record, though one resolution discussed here is about China’s relation to the government of Sudan. The third is the economic relation between the two countries. During the 1990s and 2000s, the volume of bilateral trade expanded enormously, though this field of the relation is not without its share of friction either. For this selection the following criteria have been used. First of all, the impact of the bill being discussed has been important. For each theme, bills that have shaken up some aspect of the bilateral relation have been included and have been prioritized over bills that have come by mostly unnoticed.

Probably the most consequential debate studied in this chapter has been the debate over House Concurrent Resolution 53 which forced the Clinton administration to extend a visa to Taiwanese president Lee Teng-hui. The Third Taiwan Strait Crisis of 1995-1996 occurred as a direct result of Lee’s visit. Most of the bills selected for this research have, at the time of their passage, had a noticeable impact on the bilateral relation, mostly by eliciting some response from China. In this way, not all the legislation of Congress regarding the above three fields in the bilateral relation in this period has been covered, but most of the bills with substantial, immediate consequences have.

Secondly, care has been taken to arrive at a set of sources which is sufficiently spread over this nineteen-year period. Not every single year has been covered, but the set is not skewed towards any particular time period. It is only unfortunate that no more than two interesting debates could be found for the period of the second Bush administration (2005-2009), but this was not a substantial impediment for the task of analyzing congressional views.

Thirdly, each theme was meant to include at least one debate in the Senate, and this unfortunately has not been achieved. Chapter 4, which deals with the economic part of the relation, does not contain any debate in the Senate. For whatever reason, the Senate has not been very activist on this topic. Concerning economic relations with China, there was one very relevant debate in the Senate (as well as in the House) in 2000, concerning the question of extending Permanent Normal Trade Relations to China. The congressional debates on this topic have been analyzed elaborately by Stanley Lubman in an article in the Journal of Contemporary China. It seemed superfluous to again analyze these debates here, but Lubman's findings will be discussed and considered along with the present author's own findings. It is not just the subtopic of economics where the Senate has been rather absent. In the fields of human rights and Taiwan, too, most of the relevant legislation was discussed in the House only. For instance the Taiwan Security Enhancement Act: it would have increased US military assistance to Taiwan, and was passed by a large majority in the House. In the end, it never became law because it never got past the committee phase in the
Senate. It is beyond the scope of this research to formulate an informed answer as to why so few of the bills in this research were subjected to a vote in the Senate. Perhaps it is because the Senate acted on its historical role of being the more deliberative, reflecting of the two chambers. The House might have been more inclined to act on popular sentiments of its constituents or on those topics that attract media attention, while committee members in the Senate might have thought certain bills coming from the House were unhelpful, too far-reaching or needlessly damaging to bilateral relations with China. This could have been the reason why the Taiwan Security Enhancement Act perished. It might have added to Taiwan's military security, but it would certainly have antagonized China. Whatever the reason or reasons, within the field of US-China relations in this period more bills have been discussed on the House floor than on the Senate floor.

The reason why debates have been selected as opposed to, say, the texts of legislation or Congressional Research Service reports on China, is that debates can be expected to present a more honest image of the sentiments that live on Capitol Hill. In congressional debates, members may present a strong standpoint on an issue. They may choose to use sarcasm (to quote one little gem: “I think our trade policy sucks more than the suckerfish”, representative Traficant, July 18, 2001), euphemisms or exaggerated metaphors. Within the confines of mutual respect and decency anything goes for the members of Congress. They present themselves and their opinions in the way that they want their colleagues and constituents to see them, with little compromise to opposing opinions. Because of this, the debates are judged by the author to be the best way to gauge congressional 'instincts' on China. These debates have been studied for both content and tone. In what terms do members of Congress talk about China and its relation to the US? What words and figures of speech do they use to describe China, its political system, its people, its economy and its military? What motives and intentions do they ascribe to the Chinese government? On what basis do they make these assertions? In what terms do they discuss the stance that the President and his cabinet take in their interaction with the Chinese government? These questions have been central in conducting this research. The results of this research will be presented in the following chapters. To close the current chapter, the table underneath provides an overview of all the debates discussed in this research for quick reference.
<table>
<thead>
<tr>
<th>Number of the bill</th>
<th>Full name of the bill</th>
<th>Year and date(s) debated</th>
<th>Result of the vote (yeas-nays, same day as debate unless indicated otherwise)</th>
<th>Discussed in chapter</th>
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<tbody>
<tr>
<td>H.R. 2712</td>
<td>'Emergency Chinese Adjustment of Status Facilitation Act of 1989'</td>
<td>1989; July 31, August 4 and November 20. The amended version passed the House without debate on November 19.</td>
<td>Amended (final) version passed House on November 19 (403-0) and Senate on November 20 (100-0)</td>
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<td>H.R. 188</td>
<td>'Expressing the Sense of the House that the Olympics in the Year 2000 Should Not Be Held in China'</td>
<td>1993; July 26</td>
<td>House only: 287-99</td>
<td>2</td>
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<td>H. Con. Res. 53</td>
<td>'Expressing the Sense of the Congress Regarding a Visit by the President of the Republic of China on Taiwan'</td>
<td>1995; May 2 and May 9</td>
<td>House: 396-0, Senate: 97-1</td>
<td>3</td>
</tr>
<tr>
<td>H.R. 408</td>
<td>'Taiwan Security Enhancement Act'</td>
<td>2000; February 1</td>
<td>House only: 341-70</td>
<td>3</td>
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<tr>
<td>H.R. 441</td>
<td>'Observer Status for Taiwan at World Health Assembly in May 2003 in Geneva, Switzerland' (amendment to Public Law 107-10)</td>
<td>2003; March 10</td>
<td>House only: 414-0</td>
<td>3</td>
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<tr>
<td>Bill</td>
<td>Title</td>
<td>Date</td>
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<td>H.R. 199</td>
<td>'Calling on China to Immediately and Unconditionally Release Dr. Yang Jianli'</td>
<td>2003; June 25</td>
<td>House only: 412-0</td>
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<td>H.R 414</td>
<td>'Encouraging People's Republic of China to Fulfill Commitments Under International Trade Agreements, Support United States Manufacturing Sector and Establish Monetary and Financial Market Reforms'</td>
<td>2003; October 29</td>
<td>House only: 411-1</td>
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<td>H.Con. Res. 98</td>
<td>'Expressing Grave Concern of Regarding Passage of Anti-Secession Law by National People's Congress of People's Republic of China'</td>
<td>2005; March 16</td>
<td>House only: 424-4</td>
<td>3</td>
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<tr>
<td>H.R. 422</td>
<td>'Calling on the Government of China to Stop Genocide and Violence in Darfur, Sudan'</td>
<td>2007; June 5</td>
<td>House only: 410-0</td>
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2. Moral issues

2.1 China's moral shortcomings from Tiananmen Square to Darfur

One point of contention between the US and China that has interfered with good relations since 1989 is immaterial. At first sight, it appears to have nothing to do with concrete monetary or strategic interests. Yet the modus operandi of the PRC government has caused offense to American political leaders ever since it came into the spotlights through the brutal suppression of demonstrations on June 4, 1989. This event badly damaged the PRC's image in the US, and sharp condemnations of China's politics were heard in both the Congress and White House for years afterwards. China seemed to resist the tide of history. At a time when communist governments in eastern Europe and the Soviet Union were crumbling, the communist authoritarian government of China maintained its grip and power and refused to make way for liberal democracy. In the US, Francis Fukuyama famously caught the spirit of the Western world with his work The End of History and the Last Man (1992), in which he stated that liberal democracy had no ideological enemies left and would ultimately (though not necessarily in the short term) be the only form of government in human politics. The world's most populous nation, however, continued to be led by a government that censored free speech, abhorred democracy, and showed little regard for Western standards of human rights. While the US government has usually let business prevail over the urge to preach, its dislike of the PRC governments' anti-democratic attitude has remained an irritant in the background.

The Tiananmen Square 'incident' and the ensuing struggle between Bush and Congress

The violent suppression of demonstrations around Tiananmen Square was the final climax of a movement of demonstrations that had taken place in Beijing and many other places around China for several months. The movement was led by university students who gradually attracted the support of thousands of people from all areas of Chinese society. Their most important demand of the government was that it should take action to reduce widespread corruption among government officials. The government had responded with relative restraint as the demonstration went on, but on June 4, it ordered the People's Liberation Army (PLA) to move into Beijing towards the Square and disperse the demonstrations at any cost. Most of the violence did not actually take place on Tiananmen Square but on its western approaches, where PLA soldiers and armored vehicles fired into crowds with live ammunition. The violence was witnessed by dozens of foreign journalists, who had come to Beijing to report on a historic visit by Soviet leader Mikhail Gorbachev which took place in May. Although the Chinese government tried to restrict foreign journalists in their work, photographs and video footage of the event still found its way to American media. The day after the incident, on June 5, the struggle of the people's movement against the PRC government
was epitomized by a Chinese civilian who stopped a row of tanks by standing in front of them. The incident was captured on photo and video by several American and British journalists. The powerful image of 'Tank Man' became a cultural icon in the Western world.

After the crackdown, there was considerable outrage in both the US Congress and in society. Gallup polls conducted in the spring of 1989 and in early 1990 showed that favorable attitudes in the US towards the Chinese government had dropped from 72 percent to 39 percent. Protests in major cities all over the US were organized. In Congress, there were angry responses from conservative anti-communists as well as more liberally-oriented human rights advocates. Nevertheless, the reaction of Republican President George H.W. Bush was decidedly cooler. Bush was a convinced Realist, having started his career in foreign affairs as an envoy to China under the Nixon-Kissinger administration. Though he found the crackdown repugnant, he believed that maintaining good relations with the PRC countered Soviet influence and was therefore in the US national interest. In Congress and the media there arose calls for sanctions against China, but Bush believed that this would lead China to improve ties with the Soviet Union, which he wanted to prevent at all cost.

This argument of realpolitik did not go down well in Congress. The Soviet Union was widely perceived as rapidly weakening. There was no need to condone massive human rights violations for the sake of containing it. Contrary to Bush' view, many in Congress wanted to punish the Chinese government by imposing various and far-reaching sanctions. Bush also used another argument against sanctions that Clinton would later use as well. He agreed that the US should strive for increased democracy and human rights protection in China, but insisted that heavy sanctioning of its government was not the right tool. Instead, the US should engage and trade with China, because this would create increased wealth for the Chinese people who would then inevitably demand a more democratic form of government from their leaders. He presented the connection between trade, increased wealth and demands for more democracy as an unavoidable law of history. He preferred to limit sanctioning of China to its military, which had carried out the crackdown in any case, and this would leave the trade relationship undisturbed. In accordance with this decision, Bush announced the suspension of all military-to-military contacts and halted the transfer of approximately 600 million dollars worth of military technology on June 6. He also announced the suspension of high-level contact with the Chinese government, though that proved to be an empty gesture because before the end of 1989 there had been several secret meetings with the Chinese at

16 Ibid. p. 517-518.
17 Suettinger, p. 66.
18 Skidmore & Gates, p. 519.
19 Suettinger, p. 67-68.
the Secretary/ministerial level.\textsuperscript{20}

Congress was not satisfied with Bush' measures. For the rest of his term, the course of China policy would remain a contentious issue between Bush and Congress.\textsuperscript{21} At the basis of this divide lay Bush' estimation that good relations with China were in the American national interest and therefore sanctioning of that country should be limited, while the mood in Congress pointed to the opposite direction. Almost immediately after the crackdown, Republican senator Jesse Helms as well as the think tank Freedom House called for sanctions. In the following months, a variety of proposals were introduced in the House and the Senate. When the Bush government's secret contacts with the Chinese government were revealed to the public, the indignation they caused cemented support for the 'Pelosi bill' (HR 2712) which was intended to renew the visas of Chinese students in the US who felt themselves threatened at home.\textsuperscript{22} The debate on this bill will be analyzed in the next section. In late June, the House unanimously (418-0) passed an amendment to the Foreign Aid bill that codified some of Bush measures into law (the ban on arms sales and high-level visits) as well a variety of other sanctions pertaining to bilateral trade and the sale of police equipment to China. Bush could not stop this bill from passing, but he did threaten to veto it if it did not contain a presidential waiver. In the end, the amended bill passed with language that offered the President waiver authority in case the “national interest” was at stake. The inclusive language of “national interest” allowed Bush to waive the sanctions in several high-profile cases (such as the sale of Boeing 757's to China), so that in the end these sanctions amounted to little.\textsuperscript{23} In several other cases Bush did resort to using his presidential veto. The aforementioned 'Pelosi bill' went through both chambers of Congress with a wide margin, but Bush vetoed it. He managed to sustain the veto by persuading several Republican senators who had previously voted against him to switch sides by appealing to party solidarity.

Furthermore, Most Favoured Nation (MFN) treatment for China was under threat. MFN status had to be renewed by Congress every year because China was a communist country. Under the Jackson-Vanik amendment of the Trade Act of 1974, 'non-market economies' (i.e. communist countries) that restrict emigration would be denied MFN status. The Jackson-Vanik amendment did include waiver authority for the President to propose granting MFN for a year. Previously MFN had been extended to China every year without problems, but after the Tiananmen Square crackdown there was a powerful momentum in Congress to either revoke MFN altogether or to condition its renewal on improvement by the PRC government in several fields. These included human rights, but also trade issues, weapons proliferation and other issues. A withdrawal of MFN status would

\textsuperscript{20} Cohen, p. 240-241.
\textsuperscript{21} Ibid., p. 241.
\textsuperscript{22} Skidmore & Gates, p. 527-528.
\textsuperscript{23} Ibid. p. 523-525.
impose an average of 40 percent import duties on Chinese goods entering the US, which would certainly cause great damage to the rapidly growing bilateral trade between the two countries. In 1990, 1991 and 1992 the renewal of MFN resulted in a struggle between the President and Congress. In 1990, the House passed a bill containing strict conditions for MFN renewal, but the Senate did not vote on it. In the next two years, however, such a bill did pass both chambers, and Bush was forced to use his veto twice. In both cases, the veto was overridden in the House but narrowly upheld in the Senate. As a result, China continued to receive MFN every year after the Tiananmen Square crackdown. Overall, Bush managed to limit the influence of Congress over China policy. He waived most sanctions under the congressional amendment to the Foreign Aid Bill except those relating to arms sales and military-to-military contacts. MFN was renewed every year without conditions attached. He also managed to veto HR 2712. However, his victories over Congress came at a price. By seeming to defend the Chinese government after they crushed a nation-wide demonstration, Bush opened himself up to accusations of failing to stand up for American values. During the 1992 presidential elections this was used by candidate Bill Clinton, who claimed that Bush was “indifferen[t] to democracy”.\(^24\) Clinton himself announced that he would condition renewal of MFN for China.

The aftereffects of Tiananmen

After his victory over Bush in the 1992 elections, Clinton did live up to his word on MFN to some extent. On May 28, 1993, Clinton released an executive order which cited seven human rights-related conditions for renewal of MFN. The Chinese government was required to make “overall, significant progress”, to be determined by the Secretary of State, on these issues. Nevertheless, on May 26, 1994, Clinton reversed himself, announcing to the press that even though the Chinese had not made sufficient progress in the area of human rights he would still recommend to Congress extension of MFN status to China. Clinton stated that the sanctions imposed after the Tiananmen crackdown would remain in place, but that the cause of democracy and human rights would be better served by a policy of engagement and dialogue on these issues.\(^25\) The majority of members of Congress accepted Clinton's decision, even though they had collided with Bush over China's MFN status.

A 1994 study by David Lampton, professor of China studies at the Paul H. Nitze School of Advanced International Studies in Washington, identified four main reasons for Clinton's decision to de-link. Firstly, shortly after June 1989 there had been a fairly unified sense in Congress and society as a whole that something needed to be done to punish the Chinese government. During the

\(^{24}\) Lampton, 1994, p. 600.

\(^{25}\) Ibid. p. 603.
early years of Clinton's government, business lobbies started to let their voices be heard in favor of retaining MFN. Large corporations, chambers of commerce and other business organizations exerted pressure on the cabinet and on Congress, warning them of the cost to American business if MFN were revoked. This lobby had considerable effect in persuading members of Congress that revoking MFN would be foolish. Secondly, Clinton needed China's help or acquiescence in managing a number of problems in the international arena, most notably the plutonium enrichment program of North Korea. Cooperation from China would surely be hard to get if the US proceeded to impose massive tariffs on Chinese imports. Thirdly, it had become clear that there was absolutely no support for denying China normal trade relations among US allies. Indeed, European countries and Japan seemed poised to take advantage of the vacuum left by decreased US trade if the US were to revoke MFN. French prime minister Edouard Balladur visited the PRC in April 1993, and returned with promises of increased trade for his country with China. German chancellor Helmut Kohl visited in November 1993 and returned with about 3 billion dollar worth of contracts. Japanese prime minister Hosokawa also visited China in 1993, and reportedly told the Chinese that Western concepts of human rights should not be blindly applied to all nations, hinting, obviously, at the US' approach.\(^\text{26}\) Since not a single country seemed to want to follow the US' example, revoking MFN would isolate the US diplomatically and economically. Fourthly, Lampton argues that a more abstract conflict of priorities in the post-Cold War world led to de-linking. Would US foreign policy aim to spread democracy and promote an increased respect for human rights? Or would it aim to keep the US competitive and protect its interests overseas? In this case, the two goals seemed to come into direct conflict.

In the end, the goal of protecting US interests won out. Clinton defended his choice in the same way that Bush did, by stating that the cause of increased democracy and respect for human rights would be served by increased trade. In other words, engagement with China would inevitably bring about democratic change in that country, whether the communist government welcomed it or not. The decision to de-link MFN extension from improvements in human rights came about because of domestic opposition first and the constraints of international politics second.

All the while, American annoyance over China's human rights record persisted. In the aftermath of June 1989, Beijing ignored criticism from around the world and proceeded to root out supporters of political reform from the party, media, universities and society as a whole. In the years following 1989 the issue of political prisoners was an irritant in the bilateral relation with the US. An important dissident, the physicist Fang Lizhi, had taken refuge in the American embassy during the Tiananmen crackdown. He remained there until the summer of 1990 because he feared persecution by Chinese authorities if he left the embassy grounds; his ideas had been a major source

\(^{26}\) Lampton, 1994, p. 611.
of inspiration to the protest movement. Fang was a high-profile case, but many others had been arrested as well. However, as the Chinese did not fail to see, President Bush was trying to limit the diplomatic fallout of the Tiananmen crackdown. In late June 1989, Bush secretly sent his National Security Advisor Brent Scowcroft to Beijing to ensure the Chinese leadership that he was forced to impose some sanctions, but in fact wanted to keep relations between the US and China strong.\textsuperscript{27} While the Chinese were not willing to allow the kind of reform that Congress and the American public seemed to desire, they were willing to make some conciliatory gestures. It is within this context that they agreed to let Fang leave the country.\textsuperscript{28} They demanded an invitation for one of China's leaders to make an official visit to the US in exchange for Fang's release, which Bush granted. In January 1990, Beijing released 573 persons who had been arrested in connection with the protests, saying they had “repented”.\textsuperscript{29} This gesture did not assuage the anger in Congress, where it was seen as, more tactical than sincere especially as thousands of others appeared to have been arrested in the preceding months. The arrest of dissidents for participating in the Tiananmen protests subsided in the 1990s as Beijing grew confident it had eradicated the protest movement. Nevertheless, dissidents remain under threat in China to this day, and the US continues to lament this fact. A notable dissident today is Liu Xiaobao, who was awarded the Nobel Peace Prize in 2010 and who is currently in prison in China. The State Department notes on its website that it has “repeatedly called for the immediate release of Liu Xiaobao as well as other political prisoners in China”.\textsuperscript{30} Section 3.2 will include an analysis of a debate over a 2003 resolution calling for the release of dissident Yang Jianli.

**Human rights and the Olympic Games**

As the US government saw it, the human rights record of the Chinese government was problematic not only because of its jailing of dissidents. In 1999, the annual State Department's Human Rights Report for the PRC listed the following wrongdoings besides suppressing dissent: torture and mistreatment of prisoners, forced abortions and sterilization of women, restrictions on religious practices and the persistence of child labor in the country (among others).\textsuperscript{31} The report also noted that “particularly serious” violations of religious freedom and freedoms of expression and assembly and other 'fundamental' freedoms were “intensified” in the areas of Tibet and Xinjiang, where rebellious minorities reside. In Tibet, the PRC government “expanded and intensified” what it

\begin{itemize}
\item \textsuperscript{27} Cohen, p. 242-243.
\item \textsuperscript{28} Ibid., p. 242.
\item \textsuperscript{29} Suettinger, 2003, p. 101.
\end{itemize}
called “patriotic re-education campaigns” against Tibetan Buddhist monasteries suspected of supporting the Dalai Lama, whom Beijing considers a separatist. The report lists many more violations, but suffice it to say that the US saw many things wrong with the way that China treated its citizens. The US government, Clinton as well as both Bushes, regularly brought up the issue with the Chinese, who consistently brushed such criticisms aside saying it is an internal matter that the US should not interfere itself with. Throughout much of the 1990s and early 2000s, the US sponsored a yearly resolution critical of China's human rights record at the UN Commission on Human Rights. Furthermore, Clinton as well as the younger and elder Bush (the elder Bush somewhat reluctantly) met with the Dalai Lama to signal criticism of China's heavy-handed rule of Tibet. Congress got involved on several occasions as well, some of which will be studied in this chapter.

One congressional action with substantial repercussions at the time was H. R. 188, which was passed by the House on July 26, 1993. It was a resolution expressing the sense of the House that the 2000 Olympic Games should not be held in Beijing because of the Chinese government’s various human rights abuses. The decision of who hosts the Olympic Games is made by the International Olympic Committee (IOC) in Lausanne, Switzerland. The OIC is made up of one representative for each of the member countries, including the US. H.R. 188 was essentially a request directed at the US representative to the IOC to vote against Beijing, while the resolution also contained the request that it be circulated to other members of the committee. The Senate wrote a letter to the committee, signed by 60 senators, with the same message. In the end, Beijing's bid came in second to Sydney's by a vote of 45 to 43 in the final voting round. In China the perception arose that the US government had deliberately blocked China's bid in order to deny it a moment in the spotlights, a sentiment that was shared by both the government and the public at large. When the House passed the above resolution, it was immediately denounced by the PRC as an “insult” to China and its people. When Beijing finally lost, it negatively impacted Chinese public opinion about the US. The Olympics had been much anticipated and in the disappointment of losing the bid many Chinese came to see this as a sign that the US was hostile to both the Chinese government and its people. The debate on H.R. 188 will be analyzed in the next section.

Beijing had been rejected for the 2000 Olympics, but its bid for the 2008 Olympics did carry the day. The 2008 Olympics opened with an extravagant show involving thousands of performers, but despite all this glitter the run-up to these Olympics had been marked by significant human rights controversies as well. An important part of this controversy concerned an aspect of China's foreign

33 Cohen, p. 248
34 Suettinger, p. 170.
35 Ibid.
policy, namely its relation with the Sudanese government in Khartoum. This government was involved in a long lasting civil war in both South Sudan (now an independent state) and the Darfur region in the western part of the country. The war in Darfur started in 2003 and was fought with considerable brutality by the Sudanese government. A five-man UN team investigated the conflict in 2003, and concluded that grave human rights abuses were perpetrated against civilians in Darfur by the government, but refrained from calling it a genocide. The US government, however, did not; as late as November 2006 a statement was made by Assistant Secretary of State Ellen Sauerbrey referring to the conflict as an “ongoing genocide”.36 Many in the US saw China as complicit in this supposed genocide because of its extensive ties with the Sudanese government. During the Maoist era, China had first engaged newly independent African states in the name of solidarity among developing nations.37 Its acceptance in the UN at the expense of Taiwan was possible to a large degree because of support from African countries.38 During the 1990s, China built on these foundations by dealing with African states in a more business-like manner. To fuel its rapid economic growth, China needed natural resources which Africa possessed in abundance. Sudan's territory included a number of oil fields which drew China’s interest. In the late 1990s and early 2000s, Chinese oil companies acquired stakes in Sudanese oil fields and built refineries, pipelines and an oil terminal at Port Sudan on the Red Sea to enable oil production. By 2005, China had become the biggest foreign investor in Sudan (ahead of Japan, Malaysia and India).39 China also sold weapons (small arms, twenty tanks and other armored vehicles, twelve fighter aircraft and more)40 to the Sudanese government.

All this led to loud criticism from American human rights activists. A grouping of 180 NGO's called the Save Darfur Coalition was formed which criticized the Chinese government but also international corporations which sponsored the 2008 Olympics, such as Adidas and McDonald’s. Famous names lent their name to the Save Darfur cause. Movie director Steven Spielberg was persuaded by actress Mia Farrow to withdraw his assistance in designing the opening and closing ceremonies of the Olympics. When he did, he cited China’s lack of action against the conflict in Darfur as the reason.41 In addition to the cause of Darfur, there was also a movement to boycott the Olympics because China did not appear to make much effort to improve human rights and allow free press coverage during the games. The tour of the Olympic torch around the world drew out protests in various Western countries, with harassment of the torch bearers particularly

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37 Huang, 2007, p. 831-832.
38 Ibid., p. 832.
39 Ibid., p. 830.
41 Bezlova, 2008.
pronounced in London and Paris. Such protests, it should be noted, did not draw any sympathy among Chinese. Overseas Chinese organized counter-demonstrations for the torch's passage through Canberra and San Francisco. In China itself, the Internet was buzzing with angry denunciations of Western attempts to 'humiliate' China.\footnote{Ewing, 2008.} In any case, the Olympics went ahead with little disruptions. US President Bush attended the opening ceremony, the first time a US President attended an Olympic opening ceremony outside the US. Congress, on the other hand, made a gesture on the side of the protesters. The House of Representatives passed HR 422, a resolution calling on China to use its (presumed) leverage over Sudan to end the “genocide and violence” in Darfur.

2.2 Debates in Congress

Under discussion first are the congressional debates over two resolutions that were passed not long after June 1989. One of these is the 'Emergency Chinese Adjustment of Status Act', House Resolution 2712, which was passed just months after these events. The other is House Resolution 188 calling on the International Olympic Committee not to award the 2000 Olympic Games to China, which was passed in July 1993.

**HR 2712**

HR 2712 was debated on three times: once in the House, on July 31, 1989, and twice in the Senate, on August 4 and November 20 of the same year. The bill was amended along the way, so the second debate in the Senate was on the conference report. The House voted on the conference report without a second debate. The support for this bill was quite overwhelming, and in the three debates together only two members (one in each chamber) voiced opposition to the bill.

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HR 2712 was a bill that aimed to renew the US visas of Chinese students studying in the US without them having to return home. Normally, students on a so-called J-visa had to return to their home country for two years before they could apply for another US visa when their J-visa expired. However, after the Tiananmen crackdown Congress felt these students would be put in danger by sending them back to China. A rather distinct feature of these three debates is that Congress appears to show its idealistic side here. This is because the focus of the arguments in favor of the bill is with the fate of the students rather than condemnation of the Chinese government. In other words, the bill's proponents do not appear to see it primarily as a statement against the Chinese government, as could also be expected so shortly after the crackdown, but as an expression of genuine concern for the Chinese students in the US. Of course, the debates still contain criticisms of the Chinese government. Unsurprisingly, the crackdown in June is mentioned often as it was the direct cause of
the formation of this bill. The members of Congress also mention the Chinese government's post-Tiananmen hunt for pro-reform elements in Chinese society to argue that Chinese students in the US would be put at risk by sending them back. Several members of the House also add strength to this argument by stating that the Chinese government monitors the Chinese student population in the US, meaning that they are aware who among them supported the protest movement. Still, these debates are not an exercise in unbridled bashing of the Chinese government. Strong, derogatory labeling of that government is rare, and even the fact that it is a communist government is only brought up several times in all three combined. Instead, the debates revolve around the plight of the Chinese people (including the students in the US) and emotive language is invoked to stir up sympathy for them. The following quote is indicative of this line of argumentation:

“We were all moved by the Chinese student democracy movement this spring. We were inspired by the courage and idealism the students showed; we were saddened and angered by the suppression of the movement; and we were frustrated by our inability to improve the situation. This bill is one of the few concrete things we can do to help.”43

With such sympathy for the students in China, it is hardly surprising that their fellow students in the US hit a soft spot among the members of Congress. Proponents of the bill regularly cite the students’ courage, idealism and also innocence; after all, the members argue, they were making reasonable demands in a peaceful fashion and received bullets in response. Many members of Congress were of the age where they might themselves have children in or past their twenties, so from a human perspective this attitude is understandable.

However, the issue of Chinese students in the US also appears in these debates to have appealed to the idealistic side of the American national identity, as well as to American exceptionalism. Given that the Chinese government was rooting out the reform movement, obliging the students to return to China is seen by the members as putting them in danger, as noted above. It naturally follows that the American government has an obligation to shield them, since America has always been a refuge and a beacon of hope for those who flee from tyranny, according to the Americans themselves. Consider the following quote by senator Slade Gorton:

“I am convinced that we must provide the Chinese students with full assurances that they are welcome to remain safely in the United States for so long as they may need. In this stronghold of liberty and compassion, the Chinese students should not be forced to lie in endless fear for their role

in supporting freedom and democracy.**44**

Passing this bill and thus allowing the students to stay is described in these debates not just as an act of compassion, but as a moral duty for the United States. Sending them back to China to possibly face persecution is considered unconscionable and an affront to all that America stands for.

Interestingly, the ideals of the student movement were thought by the members to be more like supposed American ideals than they actually were. Throughout the debates, there is the unquestioned assumption that the students in China were demanding freedom and democracy. The protest movement in China had been large and diffuse, with a fairly loose leadership. While some in this movement did want the introduction of Western-style democracy in China, on the whole the movement seemed to identify more with Gorbachev-style reform of the socialist system.**45** Whether the members of Congress were aware of this a few months later is another matter. Little time had passed for historical reflection on the event, and it is very possible that the mental image of the members of Congress was still based on the news media's reporting, which had enthusiastically broadcast the story of China's 'pro-democracy' movement. Accurate or not, the assumption that the students were demanding 'freedom and democracy' makes the members identify with the students in China and their compatriots in the US. A quote by representative Mel Levine illustrates this point clearly:

"...we will not turn from those who fight for democracy, and [...] we will not forget the students who died for freedom in Tiananmen Square."**46**

In summary, the dominant line of argumentation in the debates around HR 2712 clearly draws more from emotion and identification than from political logic. The issue is framed as a duty to protect idealistic youths from harm. In addition, the student movement in China is seen as a manifestation of American ideals, regardless of whether that is entirely accurate. This leads to the conclusion that protecting these students is not only compassionate and just; it is the only right thing to do given the US' identity as the protector of freedom against government oppression, wherever it occurs.

**HR 188**

In contrast to the previous debate, the debate over HR 188 contains much more criticism of the Chinese government. This need not be surprising since the essence of the resolution itself is that the

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44 Congressional Record, Senate Section, August 4, 1989. p. S10391.
45 Suettinger, p. 42-43.
Chinese government's human rights record leaves it ineligible to host the 2000 Olympics. Still, this debate gives some indication of the depth of disapproval with which Congress viewed the PRC after the Tiananmen crackdown. It also illustrates the staying power of the negative image that the PRC government had acquired through this event; it was, after all, three years later yet the PRC is criticized with an intensity that suggests little has been forgotten in the House. Criticism of China's human rights record is not limited to the suppressing of the student movement alone (jailing dissidents, prohibiting free speech, and so on). Also discussed at some length in this debate are restrictions on religious faith, particularly Christianity, and the one-child policy and related forced abortions. Indeed, representative Chris Smith calls the one-child policy “...the most barbaric attack on women, children -the family- in the history of the world”\textsuperscript{47}, worse apparently than anything Hitler or Stalin did. After cataloging the Chinese government's sins, representative Steny Hoyer concludes that this government is “...almost universally viewed as illegitimate”,\textsuperscript{48} though he does not clarify by whom. Criticisms of the Chinese government do not concern human rights alone; the buildup of the Chinese army is also mentioned, as well as weapons proliferation to 'rogue regimes' and the use of prison labor for the production of cheap exports.

Obviously, these misdeeds are the reason that the representatives believe that China should not host the 2000 Olympics. However, several representatives take the argument a step further by implying that China is not 'civilized'. Whether they mean the Chinese nation as a whole or just the government is ambiguous. Consider the following quote by representative John Edward Porter:

“China must join the world of civilized nations that live according to the rule of law, that respect human dignity, that protect individuals against excesses of the state.”\textsuperscript{49}

As for the Olympic Games, representative Lee Hamilton sees them as follows:

“Hosting the Olympic Games is not a right of great power status but a privilege earned by civilized behavior.”\textsuperscript{50}

Other representatives avoid the civilized/uncivilized dichotomy and contrast China with the 'democratic nations' or 'free nations' instead. Generally in this debate the line is drawn between China on the one hand and the 'democratic', 'free' or 'civilized' nations on the other. As a result, there is a noticeable element of condescension towards China in this debate. Another element of this

\textsuperscript{47} Congressional Record, House Section, July 26, 1993. p. H5098.
\textsuperscript{48} Ibid., p. H5100.
\textsuperscript{49} Ibid., p. H5099
\textsuperscript{50} Ibid., p. H5100.
condescension is the notion, often expressed in this debate, that the Olympic Games are a 'reward'. In the previous quote, Hamilton stated that the hosting of the Olympics must be ‘earned’ by “civilized behavior”. Many representatives variously state that China does not 'deserve' the Olympics, has not 'earned' them, and should not be 'rewarded' or 'honored' with hosting them. The word 'rewarding' is used especially often. This indicates an obvious (if perhaps subconscious) sense of superiority, as a reward is usually extended by the superior party to the inferior party. As Hamilton's quote illustrates, hosting the Olympics appears in this debate to be a preserve for the 'free', 'democratic' or civilized' nations of the Earth.

If the House considers the Olympic Games to be suitable only for those countries that it considers civilized, that is, embracing a Western-style democratic system and related values, this would probably mean that it is suitable only for the US itself, its Western democratic allies (Canada, Australia and its European allies) and its non-Western democratic allies (such as South Korea and Japan). In other words, the House's implied categorization of suitable and unsuitable countries would largely consider America's allies suitable and non-allies unsuitable. When seen from this angle, there seems to be a geopolitical motivation behind this resolution. A cynical observer might conclude that it is not about human rights at all; rather it is about denying an unfriendly power the respect and recognition of hosting the Olympics. The present author would find that conclusion too far-reaching, but the Chinese government might have subscribed to it. The Chinese view of the US' human rights policy is that it “…essentially uses the issue of human rights as an excuse for the United States to intervene in other countries' domestic affairs and to advance its own strategic goals”. Given the condescending attitudes described above and the implied categorization of 'suitable' and 'unsuitable' countries, it is not surprising if the Chinese government saw this as an expression of Western arrogance and of America's strategic world view rather than an expression of concern for the Chinese people. Perhaps the representatives felt they were striking a blow for human rights but in the process they appeared to push the US' world view in a decision-making process that should not have room for a state's political considerations, as indicated in the Olympic Charter. Whether or not this resolution actually contributed to Beijing's rejection is another matter; the fact that Congress had gotten involved made the US the obvious culprit for Chinese who felt their national pride insulted.

Next, the debates in the House around three resolutions in the 2000s will be discussed. Two were passed on the same day, June 25 of 2003: HR 199 and HR 277. The third, HR 422, was passed on

51 Zhou, p. 111.
52 Article 6 of the 'Fundamental Principles of Olympism' reads: “Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement”.

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**HR 277**

This resolution was titled “Expressing support for freedom in Hong Kong”. It was, however, not a general statement of support but a statement against an article, proposed by Beijing, in Hong Kong’s ‘constitution’, the Basic Law. It concerned article 23 which read: “The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People’s Government [i.e. the government in Beijing], or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region [Hong Kong], and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies”. It was feared in the US, and more importantly in Hong Kong, that this article would open the way for the restriction of independent political voices critical of Beijing. The House resolution called on the governments in both Beijing and the Hong Kong Special Administrative Region to withdraw article 23 and to not restrict freedom of thought and expression. The tone of the debate is quite strongly ideological. For the representatives, the issue concerns the protection of ‘freedom’ in a small and arch-liberal city against the machinations of a huge communist dictatorship. They paint the issue in stark terms: Hong Kong is all that is good and free, while China tries to impose its perverse tyranny on it. The following statement made by representative Lincoln Diaz-Balart is a fitting example of this:

“In an act of complete cowardice and desperation, the PRC has prepared new legislation called article 23 of the Basic Law which seeks to severely restrict the freedoms of the people of Hong Kong.”

Diaz-Balart also knows why the PRC does this:

“It cannot stand to see the failures of its regime in the very face of the shining example that Hong Kong has been of freedom and civil liberties.”

Representative Steve King reminds the floor of how the US protected freedom against communism throughout the Cold War. He calls on his colleagues to once more “...continue the fight against

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53 As cited in Ma, N., 2006, p. 466.
54 Ma, p. 465.
56 Ibid.
Proponents of the resolution describe its passing as necessary for the sake of defending freedom. While they probably would regard freedom worth defending for its own sake already, they also hint several times at a broader interest in defending Hong Kong's democratic rights: they express the hope that the spirit of democracy will spread from Hong Kong into China. Ironically, the Chinese leadership had considered this possibility as well, and article 23 was devised by them to prevent this from happening.\textsuperscript{58} As discussed in section 2.1, the controversy of extending MFN status to China finally subsided when President Clinton extended MFN under the banner of engagement of China. The tide of history would then bring democracy to that country and bring about the demise of communist autocracy. The broader interest in preventing the passage of article 23 as seen by the representatives is thus precisely to prevent the Chinese government from rolling back democracy. The Chinese government appears to the representatives to be committed to hold its position and prevent democratic change, and they do not approve of this. This debate is first and foremost about Hong Kong. However, it also indicates that the House still had hopes for the democratization of China, and a Hong Kong that was ‘free’ could perhaps start this process.

HR 199

HR 199 was a resolution titled “Calling on China to immediately and unconditionally release Dr. Yang Jianli”, passed on June 25, 2003. Yang was a Chinese citizen living in the US as a permanent alien resident who had demonstrated in Tiananmen Square in 1989 and who was a known activist for democracy in China. The reason for passing this resolution, according to the resolution text itself, was because Yang had been arrested in China in April 2002 and had been held without trial since. In this debate, the case of Yang’s imprisonment is both discussed as a problem of its own and as a symptom of the wider problem of China's non-democratic political system. However, unlike in the previously discussed debate ten years earlier this discussion does not devolve into condescending dismissal of China's politics. The key word to describe the tone in this debate seems to be: reasonableness. Every representative who addresses the floor takes care to build a case that China's treatment of Yang is unfair by any standard and thus asking for his release is no more than fair.

The important points of Yang’s case, as described in the debate, are that he was an activist for democracy in China and his research concerning labor unrest in China arrived at some conclusions that put the Chinese government in a bad light. He traveled to China in 2002, was arrested for entering with an invalid passport, and had been held since without charges, without


\textsuperscript{58} Ma, p. 465.
seeing a lawyer or permission to see any family members or any official of the American
government. The representatives emphasize that Yang's treatment is illegal not according to them,
but according to the Universal Declaration of Human Rights, as well as the PRC's own laws. In
addition, several representatives mention that the UN Working Group on Arbitrary Detention has
confirmed that Yang's treatment violates the Universal Declaration. Clearly, they want to avoid the
impression that their criticism of the handling of Yang's case is just an opinion on their part; it has
broader legitimacy in the PRC's own law as well as according to a UN body. The broader criticism
of China's handling of dissidents in general shows more awareness of the sensitivities of China's
pride as well. The following quote by representative Chris Smith is indicative of this:

“...the continued arbitrary detention of this man is not the action of a great nation which seeks the
full respect of the international community.”

The participants in this debate obviously still criticize the Chinese government's suppression of
dissent. However, they seem to guard against being overly crude in their words and recognize that
China has grown in power; they ask China to act the part. In other words, the framing of their
criticisms is that they are the representatives of a mature great power appealing to the government
of a novice great power to act in a respectable manner. Their criticism of China's handling of dissent
is not primarily ideological, of singing Liberty's praises and lamenting that China is not 'civilized'
yet, but at times almost appears like a mentor having a talk with a pupil. Consider the following
quote by representative Barney Frank, who addresses the Chinese government directly:

“...as you grow economically you can evolve socially, you can outgrow the total lack of self-
confidence that makes you appear to quake before one lone individual committed to freedom.”

In short, the participants in this debate take pains to make clear that the point they are making is
reasonable and endorsed by international recognition; the Chinese government is treating Yang
unfairly. Then, they emphasize that even though China is a rising power, it does not yet act in a
respectable manner. It is remarkable that the tone here is noticeably less ideological and dismissive
of Chinese politics than in the previous debate about Hong Kong which took place on the same day.
Part of this can be explained by the fact that not all of the talking in these debates is done by the
same representatives, although three representatives that specialize on China-related issues make
lengthy statements in both debates: Chris Smith, Christopher Cox and Tom Lantos. The difference

60 Ibid., p. H5852.
in tone and content between these two debates can best be explained by the difference in the topic under discussion. In the case of Dr. Yang, China's political system is discussed on its own terms. By contrast, the case of Hong Kong's proposed article 23 begs the comparison between the Westernized economically liberal political system of Hong Kong (even though it is not fully democratic) and China's communist system. This comparison draws out the strongest ideological conviction in the House. As the next chapter will show, this is equally the case when both chambers in Congress discuss Taiwan and its relation to 'Communist China'.

**HR 422**

In the debate around HR 422, “Calling on the government of China to stop genocide and violence in Darfur, Sudan” of June 2007, China is again accused of not acting like a great power should. This resolution was passed in the context of the approaching 2008 Olympic Games in Beijing, when a concerted campaign by NGO's in the US drew attention to China's close relationship with the government of Sudan. This government had been fighting a rather brutal civil war in Darfur for several years then. Several participants in this debate state that they have personally visited Darfur and were appalled at the suffering they witnessed.

This resolution was passed unanimously, and it does indeed seem that the representatives were all of the same mind, as the arguments they present are almost exactly the same for all of them. First, they emphasize the appalling nature of the events taking place in Darfur, with many of them also adding that both the Congress and the Bush administration have already described them as a 'genocide'. Then, they describe China's relation with the government of Sudan, focusing on its oil-centered business deals and its sale of armaments to that government. While they state that the government of Sudan is the guilty party in the suffering of Darfur, they describe China's attitude as complicit or negligent: China knows what is going on, it just does not bother to do anything about it out of economic self-interest. Following this, they argue that China could significantly affect the Sudanese government's behavior if it choose to do so by ceasing its business deals with that government. There is some difference of opinion regarding the extent of China's influence. Some representatives seem to think that China could stop the civil war entirely if only it had the political will to pressure the Sudanese government, while others argue that it has significant but not decisive influence. In any case, they all agree that China could and should be doing more than it does. Given all of the above, China has a responsibility to use its power over the government of Sudan for the sake of humanity rather than its own narrow self-interest. The point being made by the representatives in this debate is that now that China has power, it should use that power in a morally responsible way, as the United States does. Representative Jim McGovern puts it as follows:
“...does China genuinely want to play a responsible role in world and human events and help stop the genocide in Darfur?”\textsuperscript{61}

Representative Sheila Jackson-Lee states that:

“It remains my hope that China may be persuaded to provide the type of constructive leadership in Sudan befitting a great power.”\textsuperscript{62}

China's negligence is contrasted often with the US' active efforts to end the genocide, as seen by the representatives. According to representative Chris Smith “...no other nation on Earth has done as much as the United States to stop the genocide”.\textsuperscript{63} The House is implicitly telling China that it can learn from the US' example in this case. With great power status comes great responsibility for the well-being of humanity.

**Concluding remarks**

American disapproval of China's human rights record, whether a sincere moral feeling or not (the Chinese government would doubtlessly say not), allows the members of Congress to 'take the moral high ground'. This is a rhetorical technique that places one's own side over the other side by basically saying that whatever specific disagreements there might be, one's own side is still better because it is morally superior. This is not to deny the sincerity of congressional disapproval of China's human rights record, which is not the issue here. The point here is that in one way or another, in all the debates on this issue the US with its democratic government system is implicitly or explicitly placed in a higher moral category than China with its authoritarian system. If this is not said outright, as in the debate over H.R. 422, it is implied as the Chinese government is criticized for violating those rights that American citizens have enjoyed for generations already. This is not a congressional criticism directed at the Chinese nation as a whole. There was a definite arrogance in the debate over H.R. 188 whereby it was unclear that it was directed at the Chinese government only, but otherwise there are hardly any indications that Congress' disapproval extends to anyone other than the Chinese government.

This is something that gives reason for pessimism over the viability of good Sino-American relations. So far, the moral deficiencies of the Chinese government's modus operandi have led to few actions on the part of the US that substantially cooled bilateral relations, a notable exception being H.R. 188. In that sense, this issue could be considered secondary or not quite as important as

\textsuperscript{61} Congressional Record, June 5, 2007. P. H5961
\textsuperscript{62} Ibid.
\textsuperscript{63} Ibid., p. H5959.
the other two under discussion here. However, American disapproval of the Chinese government's
moral 'character' means that there is a persistent dislike within the Congress for China's
government. To be sure, this dislike is partially caused by the fact that China is not just any
authoritarian government but a communist authoritarian government. Still, the denial of democratic
rights to Chinese citizens, the suppression of religious practices not approved by the state, and the
one-child policy and the forced abortions associated with it are factors which are guaranteed to
generate negative opinions about the Chinese government in the Congress. This in turn means that
the congressional mood is not likely to ever be fully positive about Beijing. Until either the Chinese
government initiates democratic reforms or the US stops caring about spreading democratic
ideology to other countries, the relation between these two countries is unlikely to be truly friendly
even if there were no disagreements in other areas.
3. Taiwan

3.1 The complex issue of Taiwan's status and its place in US-China relations

Within present-day US-China relations, the status of Taiwan as both a renegade province of China and a democratic US ally remains an issue that could conceivably escalate into war between the two giant nations. The US and China have so far been willing to postpone finding a solution to this problem, but in the meantime democratic Taiwan has become increasingly restive and dissatisfied with its place in international limbo. The first section of this chapter provides some historical background of this issue, as well as the perspectives of both China and Taiwan. A note on naming: use of the word 'Taiwan' refers to the Republic of China on the island of Taiwan, unless indicated otherwise.  

The roots of the conflict

The issue as it exists nowadays revolves around China's claim that Taiwan is a province of China. Historically, however, Taiwan has only been a province of mainland China for ten years. The Qing dynasty of China claimed Taiwan in 1684 but did not incorporate it as a province until 1885. In 1895, the island was claimed by Japan as a war prize resulting from its victory over China in the Sino-Japanese War of 1894-1895. The island was administered by Japan until 1945. The Japanese encountered little resistance from the Taiwanese populace. There was even significant Taiwanese collaboration during the war of the 1930s and 1940s; tens of thousands of Taiwanese fought for Japan, including in mainland China against the Chinese. While the Japanese were waging war on the Chinese mainland, the Chinese Communists under Mao Zedong and the Nationalists under Chiang Kai-shek were also vying for control over China. They had made an uneasy truce to fight the Japanese, but both factions were planning to resume the Chinese Civil War after the Japanese defeat. Before the 1940s, neither the Nationalists nor the Communists had shown an interest in Taiwan. Their war concerned itself with control over mainland China. The Nationalists considered Taiwan to be a 'lost territory' of China, along with Bhutan, Nepal, and certain parts of other neighboring countries such as Vietnam and Myanmar. Taiwan did not occupy a special place in the Nationalists' conscious, but as World War II ended Taiwan would fall under their control anyway. The Western allies considered it logical for Taiwan to revert back to Chinese sovereignty following Japan's defeat. For them, Chinese sovereignty meant sovereignty of the Nationalists, officially the

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64 The naming of the state that occupies the island of Taiwan is a sensitive matter in international diplomacy. Calling this state 'Taiwan' might imply a recognition of de jure independence of the island, and for that reason the People's Republic of China does not appreciate this name being used internationally. Taiwanese athletes participate in international sporting events under the name 'Chinese Taipei', a compromise acceptable to both China and Taiwan.

65 Copper, 2008, p. 41

66 Huang, & Li, 2009, p. 11
Republic of China, led by their wartime ally Chiang. Chiang sent troops to Taiwan and the Nationalists officially proclaimed Taiwan a part of China on October 26, 1945.

On the Chinese mainland, the Nationalists' position was quickly crumbling. By 1949 the Communists had all but won the war, and what remained of the Nationalists' army and sympathizers fled to Taiwan with the help of the US Navy. All in all, this led to an influx of 1.5 million people from the Chinese mainland into Taiwan. The official capital of the ROC was moved from Nanjing on the mainland to Taipei on Taiwan. The native population of Taiwan regarded the Nationalist mainlanders as basically foreigners. In the years following Nationalist sovereignty over Taiwan in 1945, the Nationalists had to resort to substantial violence to subdue Taiwanese resistance. This violence reached a peak on February 28, 1947, when a popular uprising was brutally crushed by Nationalist troops. This event is remembered to this day by those in Taiwan seeking formal independence from China.67 Though the Nationalists were not received with open arms, the Communists were at the time in an even weaker position on the island. Among native Taiwanese there existed virtually no sympathy for the Chinese Communist Party, nor had the mainland Communists established any contacts with the Taiwanese. As the years passed, the Taiwanese accepted the Nationalist newcomers and their rule over Taiwan, partially because they had little choice and partially because the communist alternative was regarded as much worse still.68

Meanwhile, the United States had been considering its options with regard to Taiwan and the Chinese mainland. Following Japanese surrender and the failure of a post-war reconciliation effort between the Communists and the Nationalists, the Americans had reluctantly resigned themselves to a Communist victory on the Chinese mainland.69 During the war against Japan, the State Department had come to regard Chiang and the Nationalists as corrupt and incompetent and was prepared to accept their defeat. With the dawning of the Cold War, however, other sounds began to be heard. In November 1948, the Joint Chiefs of Staff stated that it would be “most valuable to our national security interests” if Taiwan could be denied to the Communists70. Following the proclamation of victory by the Communists and the establishment of the People's Republic of China on October 1, 1949, the National Security Council recommended ejecting the Nationalist government on Taiwan and establishing some form of a US trusteeship over the island. General Douglas MacArthur, commander of the allied forces in Japan, was of the opinion that Taiwan should be made an independent, self-governing nation. Dean Acheson, who became Secretary of State in January 1949, would have none of this. He wanted to keep open the possibility of driving a wedge between communist China and the Soviet Union. Formally separating Taiwan from the

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67 Ibid., p. 12.
68 Copper, p. 46-47.
70 Huang & Li, p. 12.
mainland would cause considerable resentment in Beijing, he feared, leading the PRC to closer ties with the Soviet Union. In January 1950 President Truman announced in a statement, drafted by the State Department, that the US would not interfere itself in the Chinese Civil War, would not aid the Nationalists on Taiwan, and would not seek a military presence on Taiwan. Communist forces on the mainland, meanwhile, were preparing for an invasion of Taiwan.

The stage was set for the Nationalists' final defeat on their island stronghold when the start of the Korean War in June 1950 changed everything. The war decisively drew the United States into fighting communism in Asia, while at the same time shifting the attention of the mainland Chinese government and military away from Taiwan and towards intervening in Korea. It became politically impossible for the Truman administration to abandon the staunchly anti-communist regime of Chiang Kai-shek. The US Seventh Fleet sailed into the Taiwan Strait to deter an invasion from the mainland shortly after the start of the war. Truman made a statement saying that the occupation of Taiwan by the PRC would be considered a threat to US security, but he also called on the ROC to cease small-scale attacks on the mainland that it had been conducting. The US position had now solidified. The US would shield Taiwan from attack by the PRC, but at the same time it did not want the ROC to take action to reclaim the mainland. The PRC reacted furiously, stating that Taiwan remained a part of China and that China would certainly “...liberate Taiwan from the grasp of the US aggressors”, without indicating when that might happen. The ROC expressed gratitude for US protection, while also affirming (with an eye to their continued claim over the mainland) that Taiwan was a part of China. Mao Zedong and Chiang Kai-shek were bitter enemies, but both were adamantly opposed to a formal separation of Taiwan from the mainland. The US commitment to Taiwan was enshrined in the Sino-American Mutual Defense Treaty, which was signed in December 1954. In it, the US pledged to defend the ROC from PRC attacks, while subjecting the ROC's use of force against the mainland to joint agreement and only in the case of emergency. The ROC was now shielded but also leashed by the US. While Chiang's government would not drop its claims of sovereignty over the entire mainland, enforcing this claim had become impossible in the foreseeable future. With the war against the Communists put on hold, the ROC government focused its attention on developing the island of Taiwan economically, with considerable success over the next decades. In the meantime, Taiwan's legal status remained unspecified. Despite de facto separation, both the ROC and the PRC clung to the position that Taiwan and mainland China were two parts of one country: China. In 1949-1950, the US had wanted to bring the issue of Taiwan's status before the UN but in the following years it lost its enthusiasm for this and preferred to keep the status quo.

71 Ibid., p. 13.
72 Ibid., p. 14.
73 Ibid., p. 16.
74 Ibid., p. 17
75 Ibid.
1979: The US recognizes the PRC, Congress passes the TRA

In 1979, the US re-engagement of China resulted in its recognition of the PRC instead of the ROC as the representative of the Chinese nation. Until that time, the US had stood by Taiwan wholeheartedly: the PRC had twice tested American resolve in the 1950s (in what became known as the First and Second Taiwan Straits Crises), which proved to be forthcoming. Now that the US recognized the PRC, the 1954 Mutual Defense Treaty became void, and relations with Taiwan would be conducted within a different framework.

Despite the switch, Congress was adamant that the US would not abandon Taiwan entirely. The Taiwan Relations Act (TRA) was passed to reassert a congressional role in policy making with regard to the ROC and in addition it sent a message that whatever the White House did, Congress would make sure that the US would maintain unofficial contact with the ROC. Since its passing, the TRA has provided the basic framework by which the US maintains contact with the ROC. Washington's official position towards Taiwan since normalizing relations with the PRC can be summarized as follows. The US 'acknowledges' that there is but one China and Taiwan is part of it (the so-called One China policy), therefore, it opposes formal independence for Taiwan. However, the US insists that eventual reunification can come about only in a peaceful manner and with the consent of both governments. It opposes any move by either side to unilaterally change the status quo; that is why Clinton sent aircraft carriers in 1995-1996 to defend Taiwan should that be necessary, and equally it is why George W. Bush attempted to rein in Taiwan's president Chen, as described below. Based on the TRA, the US further maintains unofficial contacts with Taiwan, that is, economic and people-to-people contacts, but no high-level government-to-government contacts and only unofficial government-to-government contact at the working level. Like the US, most countries in the world now recognize the PRC as the sole legitimate government of China and maintain only unofficial ties with Taiwan. Taiwan is currently only recognized by 23 countries, most of which are very small developing countries.

The TRA contains provisions on various legal and technical issues regarding the unofficial relation with the ROC, but most importantly it provides a US commitment to Taiwan's strategic security. It requires the President to provide the ROC's armed forces with sufficient armaments of a defensive character to maintain a credible defense, and to base its choice of the amount and type of such armaments on Taiwan's defense needs alone. The TRA requires the President to consult with Congress if Taiwan is threatened by the PRC, and stipulates that the US will view any PRC moves to threaten the island with military force with "grave concern". In general, the US opposes any non-peaceful resolution to the Taiwan issue. At the same time the US has to balance its wish to maintain a strategic (if unofficial) relation with the ROC with its need to maintain a workable relation with

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the PRC. Beijing has strongly disapproved of the TRA from the moment it was passed. It regards the TRA as a US domestic law that interferes with an internal matter; for obvious reasons, the PRC considers its relation with the ROC to be a domestic issue. In addition, though the US insists that any solution to the issue should be peaceful, the PRC has refused to rule out the use of force to 'unify' Taiwan with the mainland. Every arms sale to the ROC that the US has conducted has been met by an angry response from Beijing. Since this issue is of the utmost importance to Beijing, Washington cannot afford to wholeheartedly support Taiwan. Although the US opposes the use of force between the ROC and PRC and supplies the ROC with defensive weapons it also opposes Taiwan's de jure independence from China in any form. Clearly, US policy toward the ROC has helped the island of Taiwan to remain de facto independent from the mainland, much to Beijing's chagrin, and despite US assurances to Beijing that it maintains that there is but one China and Taiwan is part of that China. Washington glosses over this contradiction through a linguistic trick; the US accepts the oneness of China by merely “acknowledging” rather than “recognizing” (let alone “accepting” or any other formulation) Beijing's claim of jurisdiction over Taiwan. In this way, Washington has managed to balance between the two Chinese states.

**Taiwan drifts from the mainland**

As noted above, the Nationalist political elite that fled to Taiwan in 1949 longed to reclaim the mainland and was as determined as the Communists to prevent Taiwan from being separated from the mainland. However, since a human life only lasts a limited time they eventually made way for a new generation of rulers. Chiang Kai-shek's son, Chiang Ching-kuo, had been building a political career since the Nationalist flight to Taiwan. In 1972 he became premier of Taiwan, his father being president. In 1978, following his father's death in 1975, he ascended the presidency. Chiang Ching-kuo was not a convinced democrat, but he felt that the political system needed to reform to be more responsive to the people's wishes. The path towards democratization was embarked upon in the early 1970s when Chiang Ching-kuo initiated anti-corruption programs for the government, allowed pre-1949 Taiwanese to join the political elite, and announced the need for democratic reform. Taiwan held its first ever parliamentary election in 1980. The Nationalist party Kuomintang won, perhaps because of Chiang Chin-kuo's genuine popularity, though more cynical voices contended it was because of the Kuomintang's far greater resources than the opposition, its connections and its control of the media. The Kuomintang also performed well in subsequent elections in 1983 and 1984. Martial law was abolished in 1987. Taiwan was not a fully functioning democracy yet, but

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77 Ibid., p. 56
78 Ibid., p. 54.
79 Copper, p. 50
80 Ibid., p. 52
democratic reform had started in earnest as the 1980s progressed. Chiang Ching-kuo died in 1988. In the years before his death he had taken steps to ensure that the military would not mingle in politics after his passing, and he announced that none of his relatives would succeed him. In 1986, he had presided over the first parliamentary elections in which the newly formed Democratic Progressive Party (DPP) participated. The DPP nominated mostly pre-1949 Taiwanese (or their descendants) as candidates. The Kuomintang still won, but the DPP had conducted a passionate opposition campaign in this election. The DPP was to become the main opposition party to the Kuomintang in the ROC's political system. The most consequential issue that the DPP came to be associated with was Taiwanese independence from China. It became the party that upheld a separate Taiwanese as opposed to Chinese identity for the Republic of China.\footnote{This position can be found on their English website: http://dpptaiwan.blogspot.com/2011/03-establishment-of-sovereign-and.html}

Despite the appearance of the DPP as a genuine opposition party, the Kuomintang remained in power for most of the 1990s. Chiang Ching-kuo's chosen successor was his vice-president Lee Teng-hui. Lee was loyal to the Kuomintang, but since he had been born on Taiwan (therefore becoming the first president of the ROC who was native Taiwanese) the old-style wing of the Kuomintang worried that he might take steps to loosen Taiwan from the mainland.\footnote{Copper, p. 53.} The PRC leadership in Beijing shared these worries, but nevertheless, the early years of the 1990s started out quite promising for PRC-ROC relations. The ROC had given moral support to the student movement in China in 1989, but in 1991 Lee declared an end to the state of war between the ROC and PRC. Large-scale Taiwanese investment flowed into the PRC and the two governments began their first tentative talks on normalizing relations. However, Lee also initiated a policy of what he called 'pragmatic diplomacy', whereby the ROC government would seek to reclaim some of the international recognition it had lost to the PRC. Supported by the DPP opposition, Lee pushed (unsuccessfully) to get the ROC readmitted to the UN in 1993. The ROC government made it clear that it did not mean to claim the PRC's seat in the UN, but wanted to represent the Chinese people living on Taiwan.\footnote{Huang & Li, p. 173-174.} To Beijing, a claim to a separate seat for Taiwan in the UN in effect meant declaring Taiwan to be a separate entity from China. Lee and his vice president Lien Chan visited as many countries as they could in an unofficial and supposedly casual capacity: playing golf with senior government officials of various southeast Asian countries (a tactic dubbed 'golf diplomacy').\footnote{Suettinger, p. 203.}

Lee crossed an important red line for Beijing in 1995 when he visited Cornell University in New York, where he had received his PhD, to attend a reunion. Like many countries, the US did not allow the president of the ROC to visit in an official capacity. In fact, neither Chiang Kai-shek nor
Chiang Ching-kuo had ever visited the US. However, as Lee was pursuing a policy of gaining more international breathing space for his government he decided to corner the Clinton administration by requesting a visa for a stopover in Hawaii en route to Central America in 1994. The request was denied; Lee's plane could refuel at an air force base in Hawaii, and he could be received in the VIP lounge of that base, but no visit beyond that was allowed. When the presidential plane landed in Hawaii, Lee stayed on board, angry at the inhospitable American attitude. Lee did not let go of his wish to visit the US. He again requested a visa to attend the reunion at Cornell University in 1995, which could be described as a short personal visit. This time, his government started a lobbying effort in Congress to put pressure on the administration to grant the visa. On May 2, 1995, the House passed a Sense of Congress resolution calling on the President to grant a visa to Lee to visit Cornell University. The Senate followed suit the next week. Though a Sense of Congress resolution is non-binding, the support for it was overwhelming: it had passed 396-0 in the House and 97-1 in the Senate. The Clinton administration had to give in to Congress on this matter to prevent it from introducing more drastic and, most of all, binding legislation. Lee was given a visa and duly appeared at Cornell where he gave a speech which was partially dedicated to calling for more international recognition for his government and country. The Taiwanese delegation surprised the State Department with this speech by delivering the text only a day before the event. The PRC leadership in Beijing was furious, both at Lee for advocating (as they saw it) “Taiwanese independence” and at the Americans for allowing Lee the visit in the first place.

Tensions in the Taiwan Strait quickly rose. The PRC broke off ongoing dialogue with the ROC and recalled its ambassador to the United States. Beijing also refused to accept the credentials of the newly appointed US ambassador to the PRC. The PLA began to conduct various military exercises aimed at intimidating the Taiwanese populace as the ROC's first ever presidential elections were set for March 1996. The Third Taiwan Strait Crisis was underway. The Clinton administration responded to PLA exercises by sending first one (in 1995), then two (in February 1996) aircraft carrier battle groups to conduct patrols near Taiwan. The situation reached a climax in February 1996, when the PLA conducted its boldest exercises yet. Ballistic missiles were fired into the sea just tens of kilometers off the Taiwanese coast near several important harbors. The aim seemed to have been to show that even though the PRC could not invade and conquer Taiwan, especially with the US Navy nearby, it could still cause severe damage through bombardment. All the while the PRC's state media had been vilifying Lee's perceived pro-independence course. PRC intimidation met with a mixed response in Taiwan. Lee still retained the support of Taiwan's electorate, winning by a large margin. After the election the PLA ceased its exercises, the American

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85 Cohen, p. 255; Suettinger, p. 213.
86 Suettinger, p. 215
87 Ibid., p. 220.
carriers left the area, and the situation returned to normal. Nevertheless, the people of Taiwan had been shaken. While support for Taiwanese independence was not eliminated, and the issue would resurface later, it had became clear to both the Taiwanese and the Americans that moves toward formal independence for the island could have severe consequences.

The ROC's presidential elections of March 2000 marked the first time in the ROC's history that an opposition candidate was voted into office: Chen Shui-bian of the Democratic Progressive Party. Chen had previously voiced support for Taiwanese independence, though he reduced the pro-independence rhetoric during the presidential campaign. The PRC state media nonetheless aired grave warnings to the Taiwanese people not to vote for the 'pro-independence' candidate Chen, to no avail. During his presidency, which lasted until 2008, Chen would irritate Beijing by seeming to creep towards Taiwanese independence. He was apparently encouraged to do this by sympathetic figures within the Bush administration.88 Within the neo-conservative movement that had come to power with the election of George W. Bush, there was a significant amount of sympathy for democratic Taiwan and its opposition to undemocratic China. Influential neo-conservatives outside of the government called for US support for de jure Taiwanese independence: “The citizens of Taiwan think of themselves as a free people separate from China (...). America has no reason any longer to claim otherwise”89, wrote William Kristol in The Washington Post. Indeed, at the start of his first term, President Bush himself stated that the US would do “whatever it takes” to defend Taiwan from a PRC attack.90 Previously, no American President had given Taiwan such an explicit assurance of American support to deter provocative moves by the island's political leaders. Officials from the ROC ministry of defense also held low-key meetings with their counterparts from the Pentagon to discuss the options for Taiwan's defense. In August 2002, Chen stated that there existed “one country on each side of the [Taiwan] Strait”.91 In his campaign for reelection in 2004, Chen appealed to a Taiwanese identity and Taiwanese pride to lure voters to his side. He also suggested a referendum on whether the ROC government should ask China not to point ballistic missiles at Taiwan (the PRC had around 500 missiles aimed at Taiwan at the time).

All of this predictably set off alarm bells in Beijing and, perhaps less predictably, in the White House as well. As his presidency progressed, Bush was ultimately more interested in preserving stability in the Taiwan Strait than in supporting anything that resembled Taiwanese independence. His foreign policy priorities did not include seeking confrontation with China (at least not after 9/11) and to Beijing's delight he actively tried to restrain Chen's provocations. In the run-up to Chen's reelection campaign, Bush sent him a special envoy with a letter requesting him to

88 Cohen, p. 269.
90 Cohen, p. 268.
91 Ibid., p. 270.
tone down the proud Taiwanese rhetoric and to stop provoking Beijing. Chen ignored it. Bush responded by publicly rebuking Chen during a visit to Washington by the Chinese premier Wen Jibao in December 2003: “The comments and actions made by the leader of Taiwan indicate that he may be willing to make decisions unilaterally to change the status quo, which we oppose”. Bush’ words were especially sharp because he had referred to Chen as “the leader of Taiwan”, mentioning neither his name nor his title. Though this remark did not mean that there was a change in the US' Taiwan policy, pro-Taiwan groups in the US as well as the Taiwanese government were shocked. The neo-conservative think tank Project for a New American Century went so far as to accuse Bush of “appeas[ing]” China. Congress, however, remained silent; no resolution was passed to retroactively soften the US' standpoint.

At the time, Robert Sutter offered five possible explanations for Congress' silence in an Asia Times Online article. First, Congress is not well positioned to challenge the President's foreign policy choices unless there is substantial opposition to this foreign policy in the Congress, which there was not at the time. Second, Congress is reluctant to challenge the President when there is an atmosphere of national crisis, which Sutter contends was still the case in early 2004. Third, there was no perception in Congress that Taiwan was in any real danger, which Sutter contrasts to the passing of the Taiwan Relations Act of 1979. Fourth, Sutter states that the Taiwanese government including president Chen were seen as somewhat unreliable in Congress. During earlier Taiwanese administrations, the Taiwanese had always stressed that the US could count on them not to cause unnecessary problems with China. President Chen had abandoned at least part of this caution and his government seemed unpredictable in American eyes. The fifth explanation is more of an extension of the fourth and considers the motivation behind Chen's lack of caution. To many members of Congress, even pro-Taiwan members, it seemed that Chen was pushing the limits of Beijing's tolerance to enhance his Taiwanese nationalist credentials in the eyes of the Taiwanese public. In other words, it seemed that he was provoking a dangerous situation that could force US involvement for the sake of his own re-election. In short, though Bush was not altogether 'pro-China' (he did authorize an arms sale to Taiwan), he, like many in Congress, viewed president Chen with some distrust.

**China's view of Taiwan and the shifting strategic balance across the Strait**

China has consistently and forcefully opposed any action by ROC leaders that it perceives as moving toward formal independence for Taiwan, as well as any US action that it sees as promoting

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94 Sutter (January 24, 2004).
Taiwanese independence. From the Chinese point of view, the US’ arms sales to the ROC under the Taiwan Relations Act are one of the most intolerable aspects of US behavior. There are several reasons why this issue is of such importance to Beijing.\textsuperscript{95} It is a matter of national dignity and pride to China. The fact that a western power keeps a part of the Chinese homeland separated from the rest is an uncomfortable reminder of the humiliations of the imperialist era. The historical claim of China over Taiwan is somewhat shaky. In fact, the ROC likes to point out that the modern Chinese state on the mainland, the PRC, has never actually ruled over Taiwan. In this case, however, perception matters more than historical accuracy. Within the framework of PRC nationalism, an independent Taiwan cannot be tolerated. The Chinese populace would not forgive its leadership if they allowed an independent Taiwan to emerge, especially if that came about after some form of US intervention which would add the humiliation of defeat by a foreign power. A second reason for the PRC’s rigid stance on the issue is strategic. The PRC distrusts US intentions with regard to Taiwan; many in the military establishment feel that the US is arming Taiwan to use it as a proxy to contain China’s rise and tie down its military forces. According to such reasoning, China cannot reclaim its rightful place as a world power as long as it is strategically handicapped by a US-friendly Taiwan.

Both these reasons amount to matters of destiny of the Chinese nation, clearly emotionally charged ideas making concessions or acceptance of Taiwanese independence from the PRC as unlikely in the future as they are now. The PRC looks at US behavior towards Taiwan with distrust and anger. It has always stated opposition to the Taiwan Relations Act, and instead reminds Washington of its obligations under three communiques, the Shanghai Communiqué of 1972, the Joint Communiqué for the Establishment of Diplomatic Relations of 1979 and the August 17 Communiqué of 1982. In these communiques, the US ‘acknowledges' the PRC’s position that there is but one China and Taiwan is part of it and that the PRC is the sole legitimate government of this China. Importantly, the August 17 Communiqué also contains a promise to gradually reduce American arms sales to the ROC. China regularly points to this promise, but unfortunately for China the TRA, being a national law, trumps these communiques since they are merely communications to a foreign government.\textsuperscript{96} China, for its part, has made it clear that if worse should come to worst it is prepared to use force to prevent Taiwanese independence. The Third Taiwan Strait Crisis sent a clear signal in that regard. In addition, the Chinese government passed the Anti-Secession Law (ASL) in March 2005.\textsuperscript{97} This law states that the PRC will use military force to prevent Taiwan’s permanent secession or to prevent Taiwan from maintaining the current status quo indefinitely, if all options of a peaceful settlement are exhausted. It also states that the status of Taiwan is an internal matter and that no ‘third party' has any right to intervene. Intervention by a

\textsuperscript{95} Hu, p. 57-58
\textsuperscript{96} Ibid, p. 55
'third party' will be regarded as a casus belli. Since the PRC's claim over Taiwan was already a well-known fact before the passage of the Anti-Secession Law, this law was intended to confer upon both Taiwan and the US the seriousness of the PRC's commitment to enforce this claim. It promises war in case Taiwan indefinitely postpones reunification, as it has been doing for several decades. Its message is that Taiwan ultimately has no choice but to unify with the mainland, forcibly if necessary. Because of this, it contradicts US policy of preserving peace between Taiwan and the mainland and of insisting that Taiwan's status can only be determined with the consent of the people of Taiwan.

The intent to use force to prevent Taiwanese independence is clearly there in Beijing. More worrying from a Taiwanese point of view is that Beijing has also worked for the last two decades on a credible capability to do so. Under Mao Zedong, the PLA focused its doctrine and training on conducting a 'people's war', a low-tech, total war in which all of China's resources and populations would be harnessed to fight an invading enemy. Starting in the 1980s, perceptions in China's political and military elites started to shift. The need for increased emphasis on high-quality equipment rather than massive numbers of soldiers was recognized. China embarked on a sustained modernization program of its military. The size of the PLA was gradually reduced starting in 1984, reducing the number of troops from 4 million in that year to 2.3 million in 2003. In addition, the PRC started procuring advanced weapon systems from abroad and developing its own military industrial complex to enable it to produce more advanced weapon systems. The Chinese military started from a humble position to be sure. China had received Soviet assistance in building its arms industry, but following the Sino-Soviet split in 1962 this was all withdrawn. Until the US started to deliver some limited military assistance in the 1980s, China was unable to acquire sophisticated weapons from abroad. It could only build on the technological assistance it had received from the Soviet Union in the 1950s; needless to say, until its modernization program China's equipment consisted of or was based on 1950s Soviet weapons. This was especially a problem for its air force. While more simple equipment like tanks could be upgraded from their obsolete base, building a jet fighter is a lot more challenging. The PRC found it very hard to build more capable planes than the Soviets had supplied them. US-supplied Taiwan could therefore easily maintain air superiority in the Taiwan Strait, effectively denying the PRC the ability to invade the island. This changed in the 1990s when China started purchasing advanced Russian weapon systems. The Chinese air force received air superiority fighters (Sukhoi SU-27 and SU-30) and long-range air defense missiles (S-300). The navy also benefited with Kilo-class diesel attack

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101 Shambaugh, p. 258.
submarines and Sovremenny-class destroyers equipped with anti-ship missiles. The Russians also
sold military technology to China, for instance, allowing the Chinese to build Sukhoi fighters under
license. An added danger to Taiwan is that China has hundreds of short-range ballistic missiles
deployed opposite of the Taiwan Strait. The Third Taiwan Strait Crisis showed the Taiwanese what
that could mean in a war situation. China's military buildup has been fueled by defense expenditures
that have continuously risen since the 1990s. The rise of China's defense expenditures is published
yearly by the PRC, although the US Department of Defense claims that these numbers are
understated.\(^1\)

According to the Chinese themselves, defense expenditures have risen from 42.5
billion Renmibi (RMB) in 1993 to 355.5 billion RMB in 2007.\(^2\)

China's own defense industry has
greatly profited from the infusion of foreign (mostly Russian) technology, meaning China can now
build modern attack submarines, destroyers and frigates and jet fighters itself. Indeed, in early 2011
the PLA Air Force even tested a fifth-generation fighter with stealth capabilities. It will take time
for it to deploy in significant numbers, but the test showed that China's defense industry had
reached a level of sophistication years ahead of what Western analysts had expected.\(^3\)

This military buildup is not necessarily aimed at Taiwan. China is working to build a base
for an armed force that can project power away from its own territory, focusing, for instance, on
acquiring a blue-water navy. Nevertheless, a consequence for Taiwan is that it now enjoys far less
strategic security than 20 years ago. With China's defense expenditure going in the tens of billions
of dollars and counting, a small country such as Taiwan simply cannot keep up. US arms sales are
no longer the panacea they used to be. George H.W. Bush sold the ROC 150 F-16A/B fighters in
1991, which at that time represented a formidable weapons package for the islanders. By 2008,
those fighters would have had to face at least double their number of Chinese fighters of
comparable quality in a duel for air superiority. By 2011, the ROC's Centennial 2011 National
Defense Report lamented that the PRC's defense budget was 21 times that of the ROC; the PRC
could deploy a powerful anti-air and anti-ship capability in the area around Taiwan; and the PRC
had significantly strengthened its capacity to fight US forces coming to Taiwan's aid in the event of
a conflict.\(^4\)

Currently, relations between the PRC and the ROC are quite stable. During the period under
study in this paper, they were less stable. The 1990s saw the most serious tensions but during the
2000s president Chen was also something of a maverick, especially in the eyes of Beijing. The PRC
was not exactly eager to go to war over Taiwan in this period. War is costly and risky in any case,and in this case there was a chance of confrontation with the US. The Anti-Secession Law was clear

\(^1\) Office of the Secretary of Defense, p. 32.
\(^2\) Information Office of the State Council of the People's Republic of China, Appendix V.
\(^3\) Moss, 2011.
\(^4\) Kastner, 2011.
on this point: China would not shy away from military confrontation, not even with the US, if Taiwan would formally secede and all peaceful options to prevent this have been tried. When considering congressional debates of this period it should be remembered that the US' potential antagonist China would 1) prefer to avoid military confrontation, but 2) was adamant that Taiwan could not under any circumstances or in any way declare independence, that 3) if it did, China would not hesitate to go to war over the issue and 4) the Chinese not only stated this but actively prepared and modernized their military and thus built a credible capability to act on their words.

3.2 Debates in Congress
In the following section, a number of debates centered on Taiwan will be discussed in chronological order.

H. Con. Res. 53
The first debates under discussion here are the votes over House Concurrent Resolution (abbreviated as H.Con. Res.) 53 of May 1995, “Expressing the sense of Congress regarding a visit by the president of the Republic of China on Taiwan”. The resolution called on the Clinton administration to grant a visa to president Lee Teng-hui of Taiwan to visit Cornell University to receive an honorary degree. With but one dissenting vote in the Senate, Congress agreed that extending a visa to Lee was the right course of action: the resolution passed in the House by a vote of 396 to 0 (on May 2) and in the Senate by a vote of 97-1 (on May 9). The Third Taiwan Strait crisis broke out as a result of Lee's visit. Clearly, the US Congress and the government of China were out of sync on this issue: Congress voted almost unanimously in favor of allowing Lee the visit, while China's reaction to it brought Taiwan and the mainland closer to war than at any time since the 1950s. This resolution was passed at a time when the massacre at Tiananmen Square was less than six years before, and the fall of the Soviet Union just four years ago. Within this historical setting, it is perhaps no surprise that the debates in both the House and the Senate are framed rather ideologically: it tends to be viewed as a matter of standing up for a friendly democracy in the face of a bullying dictatorship. At the same time, they tend to feel that extending the visa is consistent with the One China policy of the US government, and seem to take little heed of China's perspective of it. Instead, they simply state that the visit is private and 'should not' offend the Chinese. Both these elements will be discussed separately below

*Democracy v. dictatorship frame*

The resolution itself mentions two interests that the US has in relations with Taiwan. In order of appearance, the first is trade: Taiwan is “...the United States' sixth largest trading partner and an
economic powerhouse buying more than twice as much annually from the United States as [does] the People's Republic of China”. The second is in supporting democracy: “...Taiwan is a model emerging democracy, with a free press, free elections, stable democratic institutions and human rights protection”, and “...the United States' interests are served by supporting democracy and human rights abroad”. Representative John E. Porter was perhaps most explicit on this last point, as he tied it into the wider role of the US following the Cold War:

“...we have an unprecedented opportunity to shed our old policies and base our relations with other nations on their willingness to embrace the tenets that are the founding principles of our country—democracy, human rights, rule of law, and free markets. [...] One nation that clearly shares our values is Taiwan”. 107

Porter's contribution is an indication that the post-Cold War triumphalism of the Western world probably contributed to viewing this issue in starkly ideological terms. In this debate, the argument of Taiwan being a democracy weighs far more heavily than trade ties. In the House, fourteen representatives rose to voice their opinion and urge their colleagues to vote for the resolution; all of them bring up the point of Taiwan's democracy, but only four of them mention the trade relation as an argument to vote in favor. One of those four (Tom Lantos) explicitly states that the trade argument is not even decisive:

“If Taiwan were to buy not a dime's worth of American products, as a matter of principle we should insist that president Lee come to Cornell [...]” 108

In the Senate, eight senators took the floor, seven of which argued in favor of the resolution with only senator J. Bennet Johnston (who cast the lone dissenting vote) arguing against. Of those who argued in favor, six cited Taiwan's democracy as an argument, while two cited trade ties. One of those two, Craig Thomas, explicitly placed the democracy-argument over the trade-argument (“More importantly [than trade ties], though, Taiwan is a model emerging democracy...”). 109

In both the Senate and the House there is a clear difference between the members' view of the People's Republic of China and the Republic of China, though the distinction is sharper in the House. Both states are at times referred to by their proper names or by more neutral terms such as 'China' or 'Taiwan', and at other times by terms implying clear judgments on their moral stature. This was especially the case for the PRC, which tends to be referred to by terms such as

'dictatorship', 'Communist butchers', and so on. Harsh naming of China was more prevalent in the House than in the Senate. The only exception was by notoriously right-wing\textsuperscript{110} senator Jesse Helms, who referred to the PRC government as 'brutal dictators', among other less than neutral terms. In the House, the actions of the government of China tend to be put in a distinctly negative light as well, even those actions which have no particular connection to Taiwan. China is described as engaging in military intimidation of neighboring countries and violating human rights in Tibet. Interestingly, the debate in the Senate is more diplomatic towards China: the senators go no further than noting with disapproval China's continuing claim of sovereignty over Taiwan. In both chambers, however, Taiwan is described in uniformly positive terms. As noted above, all of the participants in the debate in the House as well as six out of eight participants in the Senate pointed out that Taiwan is a democracy. In the House, Taiwan is described as a model democracy, and an example to the entire region (particularly the PRC, of course) of successful democratization. Representative Gerald Solomon describes it as:

“...one of the strongest democracies in the world which stood with us in the chain of defense against the spread of international atheistic communism around the world”.\textsuperscript{111}

In fact, Taiwan was a dictatorship during most of the Cold War, but the factual accuracy of this statement matters less than the sentiment that is conveyed: Taiwan is like-minded and pro-US, while it is of course understood that China is firmly in the camp of 'atheistic communism'. The Senate is equally positive, with senators describing Taiwan as a model democracy, a loyal friend, a country with free press and free elections, and so on. It follows that disallowing a visit to the US by the president of such a worthy country because of the objections of an undemocratic country is undesirable. In both debates, the State Department's intention of not allowing Lee to visit is firmly rejected as unconscionable and unacceptable. It is further described as caving in to Beijing in terms such as 'kowtowing', the act of bowing to the Chinese emperor as foreigners were expected to do in pre-modern China, thus adding a suggestion of weakness on the part of the Clinton administration. Clearly, the pleas that the members of Congress make for passage of the resolution are largely framed around taking a principled stand on behalf of a friendly democratic state against an undemocratic and unfriendly state.

\textit{Omission of the PRC's view of the issue}

In the debates in both chambers it is noted over and over that the Clinton administration would deny


\textsuperscript{111} \textit{Congressional Record}, May 2, 1995, p. H4452.
president Lee a visa because of objections of the PRC. It is, therefore, remarkable that there is very little discussion of what these PRC objections were and how serious the issue was in the PRC’s perception. The PRC’s aggressive response shows that, rightly or wrongly, the issue of Lee’s visit was an affront of the highest order to them. Nothing in the arguments of those in favor of the resolution suggests that they had a clear sense of the sensitivity of the issue. The essence of the PRC’s position was that the visit would be used by Lee to gain as much recognition as possible for the government of Taiwan, thereby implicitly promoting Taiwan's independence. To Beijing, this was a matter directly touching on China's sovereignty, and therefore a core national interest. As noted in section 3.1, Lee was indeed engaged in a conscious policy of using private, unofficial visits to meet foreign officials. Chinese officials had informed the US of its opposition to a visit to the US by Lee, many times and on higher levels as well as working levels, as Robert Suettinger notes. The issue of a visa for Lee did not surface in 1995; after all, he had been denied a visa to the US in 1994, which was why Congress got involved in the first place. The State Department did not approve of a visit by Lee as it was seen as inconsistent with the One China policy. Because of the experience of 1994, the State Department was aware of Beijing's rigid opposition to a visit, and since the US-China relation was in bad shape already it was decided that it was better not to provoke a dispute over Taiwan.

While it is not the intended here to make a judgment on whether Beijing was right or wrong, the issue was clearly of the utmost importance to the Chinese and this hardly came up in the congressional debate around H. Con. Res. 53. Only senator Johnston, who voted against, agreed with the State Department that a visit by Lee in his capacity as president would imply recognition of Lee as the president of an independent country. One representative, Lee H. Hamilton, also noted that the resolution would raise issues regarding Taiwan's sovereignty. However, he concluded that the visit “...should not be a problem” and voted in favor. He was not alone in this conclusion. Most participants in the debate in either of the two chambers emphasized that the visit was private and, in the words of representative Howard L. Berman “...should not be interpreted by the Chinese as a slap at them”. They felt that the visit was entirely consistent with the One China policy. The intent on Lee's side to make the visit look official as part of a wider policy of covertly gaining more recognition for Taiwan was not mentioned in the debates. One particular phrase by senator Murkowski on the 1994 non-visit to Hawaii was telling in that regard: “His [Lee's] aircraft had to stop for refueling in Hawaii and he would have preferred to stay overnight before continuing on”. This sentence implies that Lee was in Hawaii only or the practical purpose of refueling his plane

112 Suettinger, p. 217.
113 Ibid., p. 215-217.
115 Ibid., p. H4450.
and taking a rest before continuing the journey, whereas Lee had wanted to make this a quasi-official visit. By not discussing Lee's intentions with regard to a visit to the US, the essential reason for China's anger was omitted as well. Consequently, all that is left is the acknowledgement that China 'objects' to the visit, but that they really 'should not' because in the US Congress' interpretation it does not constitute a departure from the One China policy.

It is clear that Taiwan drew a large amount of sympathy from the members of Congress in these debates because of its democratic system, which compared favorably to the PRC's communist authoritarian system. Given the fact that all the proponent's of the resolution commented in positive if not glowing terms on Taiwan's democracy, and most proponents centered their plea for a 'yea' vote around the democracy v. dictatorship argument, it is concluded here that in these debates sympathy for Taiwan's democratic system gave the resolution overwhelming support. In their pro-Taiwan enthusiasm the members neglected to discuss or consider the nature and most of all the seriousness of the PRC's objections.

H. R. 1838

The next debate to be discussed is surrounding the vote for House Resolution 1838, known as the Taiwan Security Enhancement Act. This bill passed the House on February 1, 2000, by a vote of 341-70. In the Senate, the bill got 'stuck in committee' as there appeared to be little support for it in that chamber. The bill sought to expand and broaden US military cooperation and communication with the ROC military. Unsurprisingly, China reacted negatively to the vote in the House, calling it a “gross interference in China's internal affairs”.

Five years passed between this vote and the votes over H. Con. Res. 53. A notable if somewhat predictable similarity is that Taiwan's democratic system is still contrasted regularly with China's authoritarian system. Proponents of the bill cite Taiwan's democracy as a reason why the US must not allow it to be defenseless in the face of China. However, unlike the previous debates this debate was not centered around a democracy v. dictatorship dichotomy. The question under discussion here was whether the US should expand military cooperation with Taiwan, or more accurately, military support of Taiwan. Both proponents and opponents of the bill make it clear that they share the goal of maintaining peace in the Taiwan Strait and security for the people of Taiwan; the question is whether H.R. 1838 is the right tool. It has been noted that in the debates over H. Con. Res. 53 there was very little discussion of China's view and therefore of its possible reaction.

In this debate, the potential explosiveness of the Taiwan issue receives much more recognition, and

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the possibility of a Chinese military moves against Taiwan is acknowledged. Guam delegate\textsuperscript{119} Robert Underwood reminds the House of the 1996 Taiwan Strait Crisis:

“The now infamous Chinese ballistic missile strike in the Strait of Taiwan […] has become a watershed event that underscores the calculated risk which Beijing is willing to make in order to intimidate Taiwan”\textsuperscript{120}

The debate on whether to pass this bill is essentially framed around whether it serves to protect Taiwan against the modernizing Chinese military. Representative Tom Lantos opposed the bill. He takes pains to emphasize his pro-Taiwan credentials (he sponsored H. Con. Res. 53, for instance) as well as his skepticism of China, but he also takes note of China's reaction to H. Con. Res 53 (“They went ballistic”).\textsuperscript{121} He opposes the bill because he feels its passage would stir up tensions in the Taiwan Strait. Representative Salmon agrees with Lantos, stating opposition to the legislation because it will decrease rather than increase Taiwan's security. According to the bill's opponents, the Taiwan Relations Act is sufficient to ensure US commitment to Taiwan's security and this bill could only serve to increase tensions. Conversely, proponents of the bill argue that the US needs to take a stand on behalf of Taiwan to counter Chinese military modernization. Most proponents of the bill cite Chinese military modernization and/or a supposed aggressive intent on the part of China as a reason to increase military assistance of Taiwan. One phrase that is often used is that the US needs to send a message to Beijing to make it clear that it supports Taiwan. Representative Tom Delay summarizes the argument in favor:

“Given the volatility of the situation in the Taiwan Strait, any mixed signals by our government can easily be read by the Communist Chinese as complacency. This Congress must erase any doubt as to whether or not we are fully committed to Taiwan”.\textsuperscript{122}

Similarly, representative Todd Tiahrt argues that President Clinton's policy of sending 'mixed signals' toward Taipei while engaging Beijing has created an environment of tension. The logical remedy is being clear with Beijing where the US stands, which is why Congress should pass this bill, according to Tiahrt. In conclusion, an important difference between this debate and the previously discussed debates is that it is now clear to the House that China's commitment to its side of the Taiwan issue is serious. This being acknowledged, the disagreement centers on whether

\textsuperscript{119} Besides voting representatives of states, a number of members of the House are non-voting delegates of US territories, such as Guam.
\textsuperscript{120} Congressional Record, February 1, 2000, p. H107.
\textsuperscript{121} Ibid., p. H106.
\textsuperscript{122} Ibid. p. H119
expanded military cooperation with Taiwan is a good idea. Opponents argue that the TRA still suffices as the basis for US-Taiwan relations, and this bill will unnecessarily provoke tensions with the PRC. Proponents argue that China's military buildup and supposed aggressive intent towards Taiwan requires a US response that leaves no doubt to China that the US stands with Taiwan.

**H.R. 441**

One issue that had been pending for some time was Taiwan's accession as an observer to the World Health Organization (WHO). Taiwan had first made it clear that it wanted to join the World Health Assembly (WHA), the forum of member states through which the WHO is governed, in 1997. Its allies within the WHA had proposed a possible invitation to Taiwan every year since 1997, but the PRC had consistently vetoed it. The PRC refused to allow a separate Taiwanese delegation, inviting the Taiwanese delegation to attend as part of the Chinese delegation instead, which Taiwan refused. The US had taken a lukewarm stance beginning in 1997. While the Clinton administration stated it would like Taiwan to join in some form, the US delegation to the WHA every year abstained from voting on the issue of an invitation to Taiwan. The US opposed Taiwan's accession as an observer, because that required statehood.

Pressure for an active US stance in favor of Taiwan's accession as an observer began to build in Congress in 1998. Several bills were introduced, and one was passed in 1999 (H.R. 1794, which became Public Law 106-137) which required the State Department to produce a report by January 1, 2000 on the status of Taiwan's accession bid and what the US was doing to help. In this report, the State Department admitted it was not taking a very active attitude. The US supported Taiwan having a voice in the WHA, but being an observer required statehood. Taiwan had only 28 allies within the WHA (reflecting its limited diplomatic recognition), so the odds were stacked against it. The US Congress kept pushing for a more active attitude throughout the early years of the Bush administration. The Bush administration itself was also more active than Clinton in looking for a way to let Taiwan join the WHA in some form. The Republican campaign for the presidential elections in 2000 had announced that Bush would seek Taiwan's participation in the WHA, and after the elections the Bush administration engaged in low-key discussions with Taiwanese officials on the topic. In 2002, the US government declared it was in favor of Taiwan's accession as an observer, and several other countries followed suit. Eventually, following improved PRC-ROC relations, China dropped its opposition in 2009, acquiescing to Taiwan sending a delegation (though not as an observer) under the name “Chinese Taipei”.

H.R. 441 was one of the bills passed over the years to “…to authorize a United States plan to

124 Ibid., p. 177-180.
endorse and obtain observer status for Taiwan...” at the WHA by amending Public Law 106-137. It passed the House on March 11, 2003, following a 414-0 vote. It did not get voted on in the Senate. Despite the fact that observer status for Taiwan would implicitly place it on the same level as sovereign states, the representatives' arguments are not centered around Taiwan's disputed sovereignty. This debate is centered around the practical issue of Taiwan contributing to the functioning of the WHO rather than taking a stand for Taiwan against Beijing. Representative Chabot recalls an outbreak of entovirus in Taiwan in 1998 whereby the WHO was unable to help due to Taiwan's complicated status. In addition, he argues, Taiwan's achievements in the medical field are substantial, so it could make a great contribution to the WHO, however it is not allowed to do so because of opposition from the 'Communists Chinese'. It should be obvious by now that Taiwan always gets a measure of sympathy from the Congress for being democratic in contrast to China. However, that is not the main issue in this debate. Representative Lantos makes a similar argument. The WHO is dealing with the ebola virus as well a HIV/Aids, so the organization “...must look for help from every nation..”, and Taiwan “...has the resources and the expertise to make a significant contribution to the work of the World Health Organization”. Representative Hastings argues that “...Taiwan's exclusion from the WHO not only hurts Taiwan, but also the entire international community”, while also stating that “H.R. 441 is not a political statement against the People's Republic of China”. While statements from any politician should be regarded with healthy skepticism, it appears that Hastings' last statement is correct. In this debate, the argument in favor revolves around the contribution that Taiwan could be making to the WHO, rather than making a political statement to the PRC on behalf of Taiwan.

**H. Con. Res. 98**

This was a resolution in the House in reaction to China's passing of the Anti-Secession Law (ASL) on March 14, 2005. It was a resolution “expressing grave concern” over the passing of the ASL. The Bush administration had reacted rather flatly to the passage of the ASL, with White House spokespersons calling it “unhelpful”. Secretary of State Rice commented that the ASL “...clearly raises tensions, and it's not necessary or a good thing to raise tensions”.

The House expressed “grave concern” as per the resolution, but its response could also have been sharper. Before the ASL was passed, in 2005, two bills were already introduced to the Subcommittee on Asia and the Pacific of the House International Relations Committee. Both these bills were introduced in February, before the ASL was passed, while H. Con. Res 98 was introduced a day after the ASL was passed. The Subcommittee did not approve them for a vote on the floor.

125 Congressional Record, March 11, 2003, P. H1705.
126 Ibid., p. H1706.
127 Tkacik, J., p. 45.
These other two bills were H. Con. Res. 70 and H. Con. Res. 76. H. Con Res. 70 was titled “expressing the sense of Congress that the United States should strongly oppose China's anti-secession legislation” (emphasis added). Within the text of the bill itself, there was no elaboration of what form this 'strong opposition' should take. This bill was actually quite similar to H. Con. Res 98; the main difference was that resolution 98 simply expresses 'grave concern’ while resolution 70 states that the US should 'strongly oppose' the ASL. H. Con. Res. 76 was more specific, and called on the United States to “..urge the People's Republic of China not to enact into law the so-called 'anti-secession legislation' with respect to Taiwan”. This bill specified that the US government should urge this “in the strongest possible terms” and furthermore should “...seek from the leaders of the People's Republic of China an immediate and unequivocal renunciation of any use of force”. Both resolutions 70 and 76 were introduced a month before the ASL was passed, when information on the content of the ASL existed only as rumors. When the ASL came out, the resolution that was passed was the least strongly worded of those that were under consideration. It only expressed 'grave concern' rather than stating the US should 'oppose' the ASL in unspecified terms, or urging the PRC not to pass it and seek a renunciation of the use of force, which the PRC would surely not have given. The somewhat tame response of the House in this matter is remarkable given the content of the ASL, which, as noted, directly contradicted the US' view of the Taiwan issue.

The debate around H. Con. Res. 98 was fairly short; since this was a non-controversial bill the debate was shortened (under 'suspension of the rules’) and the bill was passed by a vote of 424-4. As noted, this resolution was less sharply worded than two other resolutions that were being considered. The debate on this resolution was not very sharp either. Five representatives took the floor, but interestingly only one of them (mr. Lantos) noted that the ASL states that at some point in the future the PRC will no longer accept the status quo and force Taiwan to unify. Another representative, Chris Smith, emphasizes that the ASL should not be taken as “...an idle threat”, because “History shows that this is not the case”. Representative Chabot notes it is in contradiction to US policy towards Taiwan. Nevertheless, the ASL is mostly condemned in rather mild terms, such as “unfortunate” (used by two representatives), “Ill-advised”, “provocative and ill-timed” and “a wasted opportunity”. Somewhat stronger words are also used: “threatening”, “reckless”, and “...a dangerous escalation of tensions”. An outright moral condemnation is given only by representative Lantos, who calls it “reprehensible”. All in all, compared to the first debate analysed in this chapter, the tone of this debate is far less ideological, judgmental and morally charged, especially given the rather serious implications of the ASL.

129 All of these terms are scattered throughout the debate, which is only two pages long. Rather than providing seven notes for seven words, the author will suffice by saying that all these terms appear in Congressional Record, March 16, 2005, p. H1528-H1529.
130 Ibid., p. H1529.
Concluding remarks

Given the trend of a rapidly strengthening China, the US’ policy towards Taiwan is likely to be hard to maintain in the long term. There is no doubt that China is and will likely remain committed to gaining sovereignty over the island. The Taiwanese themselves are unlikely to welcome absorption into the PRC, but if current trends (that is, China’s economic growth and its related military development) continue it is only a matter of time before the government and people of the island will have little power to resist China. In this case it which country gets its way vis-à-vis Taiwan would be determined by the relative strength and willpower of China versus that of the US.

Currently, US military strength in the area is still superior to China’s and will likely remain so for a while. Nevertheless, in terms of willpower, China is undoubtedly more committed to reunification than the US is to maintaining the status quo. While the US would not abandon Taiwan lightly, for them it is a matter of protecting a regional ally and maintaining their presence in east Asia. For China, it is a matter of restoring the unity and integrity of the nation. Robert Kaplan, writing in the Washington Post described how China’s military development is already chipping away at Taiwan’s capacity for independence: “...China will annex Taiwan by, in effect, going around it: by adjusting the correlation of forces in its favor so that China will never have to fight for what it will soon possess”. 131

If Beijing were to become overbearing to Taiwan, would the US push back on behalf of Taiwan's de facto independence knowing that the PRC is unlikely to back down even if the possibility of war is threatened? The stronger the PRC becomes, economically, diplomatically and militarily, the greater the likelihood that it would escalate a standoff with Washington over Taiwan as far as it needs to, and in turn the greater the likelihood that Washington would back down first. At least, that would seem to be the rational calculation: the defense of a relatively small though strategically located regional ally is not worth risking direct confrontation that could escalate into war with a substantial and determined, not to mention nuclear-armed, great power. Nevertheless, as the above analysis shows, politics in Congress is not always about rational calculation. The debates in 1995 especially show Congress' sympathy for Taiwan compared to antipathy for Beijing, as well as its capacity for rash action with little consideration of the sensitivity and potential explosiveness of the issue. In the case of disagreement with China over Taiwan, it is possible that Congress would push for a stand on behalf of Taiwan. Despite this, another trend can also be discerned from these debates. Several participants in the debate over the Taiwan Security Enhancement Act took note of Beijing's possible reaction to actions of Congress. They did so in terms negative towards Beijing, of course, but the realization that Beijing’s reaction needed to be considered was there. In addition, the Congress’ reaction to the Anti-Secession Law was decidedly lukewarm given what that law

131 Kaplan, R., 2011.

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implied. A larger study of more congressional debates over topics related to Taiwan could shed light on whether there is a trend on Congress’ attitude on this topic. For now, it is concluded that in the later debates the prevailing attitude is less rigidly pro-Taiwan than in the first debate of 1995. If it can be shown that there is indeed a trend in congressional attitude, this could be part of a larger trend. The latest weapons sale to Taiwan, carried out by the Obama administration, did not include new F-16 C/D’s which Taiwan had indicated it needed. The decision not to include this particular plane and instead upgrade older Taiwanese planes was made after intense pressure from Beijing. Perhaps the world is seeing the start of a gradual retreat from Taiwan by Washington, though at this point in time it would be too soon to posit any definite conclusions on this.

4. Economic issues

4.1 The Sino-American economic relation and its reflections in American politics

The 1990s: “slave labor” and IPR infringement

China's phenomenal economic development over the last decades has been fueled to a substantial extent by an expanding trade relationship with the United States. The largest sources of Foreign Direct Investment for China have come from Asian localities such as Hong Kong and Taiwan, which moved their labor intensive production capacity to the Chinese mainland. The United States, for its part, has served as an enormous market for China's industrial exports. Up until 1982, the US enjoyed a small trade surplus with China, but as China's industrial development gathered steam that surplus was replaced by a growing deficit. By 1998, the trade deficit had grown to over 60 billion dollars. However, during the 1990s the trade deficit was not a major policy issue in the relation yet. David Lampton notes that “...the US government could downplay this huge gap, given that the national unemployment rate was the lowest it had been since January 1970”134, perceptively adding that this might not be so easy when unemployment was higher.

At any rate, the economic relation between the countries in the 1990s was at times intertwined with human rights concerns. As discussed in chapter 2, a major direct conflict between trade interests and human rights concerns arose over the issue of China's MFN status. In this issue, a strong lobby by various business interests made sure that economic concerns trumped human rights activism. In one topical issue in the 1990s, economic criticism and human rights criticism overlapped rather than conflicted. As noted in the introduction, a substantial part of Americans feels that China engages in 'unfair' trade practices, and one prime example of this was China's alleged use of prison labor (or “slave labor” according to American critics). The accusation was that the PRC exported goods produced forcibly by prisoners, which seemed to Americans to be both morally reprehensible and a form of unfair competition. The PRC predictably denied it, so it was difficult to establish whether it happened and if so, what the value of such exports would be. The commissioner of the US Customs service, George Weiss, testified to the Senate that the total value of all Chinese exports made in prison was around 100 million dollars in 1988, but not all of that went to the US.135

Clearly, this practice was not of great significance economically but it nevertheless found resonance in the United States. When the possibility of repeal of China's MFN status was being discussed in Congress in the early 1990s, ceasing prison labor exports appeared as one of the concerns on which China would have to improve. The issue brought together human rights groups and labor groups growing concerned with competition from low-wage economies. Congressional pressure on this issue led the George H.W. Bush administration to conclude an MOU with the Chinese in 1992 in

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135 Ibid., p. 125.
which American officials would be allowed to inspect suspicious Chinese prisons to see whether goods were produced there for exports. The Chinese, however, found this a non-issue and interference in their internal affairs and refused to cooperate further after two of such visits. In the House, the issue of prison labor led to the passing of the 'Laogai Slave Labor Products Act of 1997', which subsequently was not voted on in the Senate.

More economically significant and more lasting was the issue of intellectual property rights (IPR) protection. This issue concerned production in China of copied CDs, VHS cassetes, or fake fashion items. Many of these items were exported and thus found their way into world markets at the expense of American businesses holding the copyright. IPR infringement had been signaled by the Americans early after rapprochement, and it had been given a place in their 1979 Agreement on Trade Relations. The practice of producing copied goods was widespread in China, and the Chinese legal system appeared to be poorly equipped to enforce intellectual property rights. After June 1989, IPR infringement became one of many American grievances with China that gained additional prominence. Adding to the friction, the Chinese and American governments had a fundamentally different perception of the problem. The Americans regarded IPR infringement as illegal and something that the Chinese government ought to stop without delay. The Chinese regarded it as a negotiable issue within the economic sphere of their relation whereby concessions on their side should be exchanged for concessions on another issue from the American side. The Americans responded by threatening retaliatory sanctions in January 1992 (which led to a last-minute Chinese concession) and actually imposing 2.8 billion dollars worth of sanctions in February 1995. The 1995 sanctions did lead to more action on the Chinese side against producers of fake goods in their country, leading US Trade Representative Charlene Barshefsky to declare that the US was satisfied with Chinese measures in 1996. Nevertheless, the Chinese had not been entirely passive before and in fact, throughout the 1980s and 1990s they ratified several internal laws to protect IPR. The problem had been, as noted above, that such laws were hard to enforce.

After 1996, the issue of IPR violation moved to the background somewhat as the Chinese government gradually became more capable of tackling the problem. Despite this, the issue did not subside entirely. IPR violations remained widespread in China, leading again to American irritation in the 2000s. In 2007, the United States filed a complaint against China in the World Trade Organisation, which reached a verdict in January 2009. The verdict was mostly favorable to the US, agreeing in any case that the Chinese government was lax in enforcement of IPR regulations in several cases. The practices of IPR violations and prison labor led to a sense among Americans

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136 Ibid., p. 128.
137 Ibid., p. 120.
138 Ibid.
139 Ibid., p. 124.
that China was somehow not 'playing fair' and thus cheating the US. The same feeling also surfaced when the trade deficit between the countries took the fore as a major irritant in the bilateral relation in the next decade, the 2000s. Equally, the 2000s saw the high-profile Unocal-CNOOC case whereby a potential takeover of an American company by a Chinese company was halted because of congressional worries over 'unfair' practices and energy security concerns.

**The 2000s: the trade deficit and UNOCAL**

In the background of the above issues, the Chinese economy continued its rapid growth. As it did, the trade ties between China and the United States grew as well, and with it, the American trade deficit. In 2008, this deficit amounted to over 266 billion dollars in 2008, according to US government figures.\(^{141}\) Voices began to be heard in the US Congress that China was manipulating its currency to keep its exchange value against the dollar low. This criticism was centered on China's policy of keeping its currency, the yuan, pegged to the dollar at 8.27 RMB for one dollar. As a consequence, Chinese exports were cheaper because the yuan was not allowed to appreciate in value. China changed its monetary policy in July 2005, removing the peg and allowing the yuan to float within strict limits.\(^{142}\) In the years following this, the yuan has slowly gained in value against the dollar. Before China removed the peg, pressure was building in Congress to force China to allow the yuan to appreciate in value in order to decrease the US' trade deficit with China. The annual report of the US-China Economic and Security Review Commission of 2004 concluded that the trade deficit with China contributed to job loss in the manufacturing sector.\(^{143}\) This was a major concern, according to its authors, because manufacturing is critical to the national security and economic security of the country. The commission also found the yuan to be kept low artificially, which in practice came down to accusing China of currency manipulation.

The year 2005 especially saw substantial criticism on China's currency peg. The yuan was at the time undervalued against the dollar by 15 to 40 percent, according to different estimates.\(^{144}\) One notable bill (S295), introduced in February 2005 by senators Lindsey Graham and Charles Schumer, would have labeled China a 'currency manipulator' and introduced a 27.5% import tax on all Chinese exports to the US. Schumer and Graham announced that the bill would be voted on if China did not relax its control on the yuan within six months.\(^{145}\) In fact, in early 2004 Schumer and Graham had introduced a similar bill, but then they did not push its passage through committee as they decided to allow the administration time to persuade the Chinese to change their monetary

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\(^{142}\) Lenard, 2005.
\(^{143}\) Williams, 2005.
\(^{144}\) “US Bill Aims to Shake China off the Peg”, 2005.
\(^{145}\) Ibid.
policy. In 2005, however, the senators had concluded that “...The Chinese are not taking the administration seriously, so we have to show we are serious about it”\textsuperscript{146} At the same time, two other senators were proposing a milder alternative to the Schumer-Graham bill. Charles Grassley and Max Baucus saw the idea of a 27.5 percent tariff across the board as far too blunt and damaging to bilateral relations. They favored a bill in which the Treasury Department would determine whether China intentionally manipulated its currency, rather than simply assuming this, as in the Schumer-Graham bill, and if this was found to be true, imposing a variety of lower-key measures rather than a tariff on all imports. In the end, neither of the two bills was ever voted on, as China did in fact loosen its control of the yuan in mid-2005. The accompanying press release did not mention any foreign pressure, so if this was the result of congressional initiative the Chinese certainly were not admitting it. In the following years, the issue did not entirely die down. Schumer and Graham themselves remained irritated over the fact that after de-pegging the yuan was only allowed to appreciate in small steps (a 'managed float')\textsuperscript{147} The decision to switch to a managed float had taken some pressure of off China's monetary policy. Whether that will last is another thing. China did temporarily (from mid-2008 to mid-2010) re-instate the peg in response to the financial crisis of 2008. In addition, unemployment in the United States has increased sharply since the 2008 financial crisis. Between 2000 and 2007, unemployment hovered between 4 and 6 percent, whereas in 2010 it had risen to 9.4 percent\textsuperscript{148} With the consequences of the economic crisis ongoing, the reasoning that led to congressional criticisms in 2004-2005 could still appeal: that China deliberately keeps its currency cheap, thus stimulating its manufacturing sector at the expense of the American manufacturing sector.

The above episode illustrates the potential for disruption that the trade deficit combined with unemployment in the US could mean for bilateral trade ties. Though important, when these events were transpiring they were actually overshadowed by a high-profile dispute where Congress did decisively act. On June 22, 2005, the Chinese state corporation CNOOC made a bid for the American oil company Unocal to the tune of 18.5 billion dollars. The American oil major Chevron also made a bid of 16.6 billion dollar. In the end, Chevron's lower bid (raised to 17.8 billion) prevailed due to congressional interference. Two days after CNOOC made its bid, representative William Jefferson circulated a letter through Congress demanding that President Bush review their bid and its implications. Jefferson's letter stirred up a response among his colleagues; throughout June Congress was debating what action to take on the case. Their concern was partially economic in nature. CNOOC was a state-owned company, and as such it was thought to have an unfair

\textsuperscript{146} Ibid.
\textsuperscript{147} Stakelbeck, 2006.
advantage over Chevron because the Chinese government could conceivably have funded CNOOC's higher bid. Energy security concerns also came into play. Unocal owned a (modest) reserve of oil within the US, and some members of Congress feared that CNOOC could direct this oil to China, reducing the supply to the US. In response, CNOOC stated that in the event of a takeover all of Unocal's oil production would continue to be sold on the US market. A further concern was that Unocal had technical expertise, mainly in deep-water offshore oil drilling which could pass to CNOOC, thus enhancing the competitiveness of this Chinese oil major.

The validity of these concerns was questionable. First of all, it was unclear whether CNOOC actually benefited from Chinese government support, or whether it was directed by the government to attempt the Unocal purchase. Secondly, the nature of the global oil market is such that it would not have mattered for the oil supply to the US even if CNOOC had decided to direct all of Unocal's oil to China. The gap would immediately be filled by alternative supplies. Thirdly, Unocal possessed technological know-how, but no unique technology that CNOOC could not have acquired through other sources. Nevertheless, congressional worries resulted in H.R. 344, a non-binding resolution that requested the President to initiate a “thorough review” of the proposed takeover and its consequences. While this was not strictly a prohibition of the deal, it would have resulted in a lengthy review process for the bid with the possibility that the US government would end up prohibiting it after all. CNOOC withdrew its bid in response, and Unocal merged with Chevron. The Chinese government responded angrily, demanding that Congress “...stop interfering in the normal commercial exchanges between enterprises of the two countries”. The congressional debate around HR 344 will be discussed in the next section.

4.2 Debates in Congress

In variation to the previous two chapters, this section opens with a brief discussion of a research similar to this one by author Stanley Lubman which appeared in the Journal of Contemporary China. Lubman's findings will be compared to the findings of this study in three congressional debates over resolutions that were passed in 1997, 2003 and 2005.

'Dragon as demon': the debates around PNTR for China

Lubman analyzed the congressional debates surrounding H.R. 4444, which was passed in September 2000 to grant Permanent Normal Trade Relations to China, thus ending the requirement to extend Most Favored Nation status every year. With the passing of H.R. 4444, the issue of MFN


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status for China was basically settled for good. Within the sphere of economic relations between the two countries, this resolution was therefore one of the most important pieces of legislation passed by Congress. The US’ extending PNTR to China was also a prerequisite for Chinese membership of the World Trade Organization, which China at the time was aspiring to.

Lubman distinguishes two main lines of argumentation employed by proponents of H.R. 4444. First and foremost, they stressed the economic benefits to the US of extending PNTR to China. Secondly, they argued that China’s entry into the WTO, which everyone understood would follow H.R. 4444, would integrate China into the globalized world and thus strengthen the incentives towards reform in that country. Clearly, the proponents won the day, as H.R. 4444 was passed in both chambers of Congress. However, Lubman is most interested in the arguments wielded by opponents of the bill, which he characterizes as “...emotional attacks on the Chinese government that were highly focused on single issues”. These single issues were not necessarily related to economics, which is what PNTR is essentially about. Lubman found that national security issues (including weapons proliferation, the standoff over Taiwan and Chinese espionage in the US) as well as human rights issues (mainly the suppression of dissent and religious freedom as well as forced abortions) weighed heavily in the debates. Argumentation constructed in this manner, Lubman states, missed an essential point:

“Most obviously missing was was recognition of the complexity of the changes that have been unfolding in China and the range of implications for the Sino-American relationship.”

Lubman thus concludes that the members of Congress oversimplify matters, both in the subject at hand and in their wider view of China. Besides oversimplifying, some opponents were also quick to conclude that China is hostile or at least potentially hostile. These forms of argumentation, despite being oversimplified, mean that opponents of both H.R. 4444 and engagement with China (they overlap) can argue their point with a stronger “moral certainty” than proponents, who have to rely on more academic arguments in favor of the economic benefits of PNTR and speculative arguments on the good that increased trade will do for the cause of reform in China. In other words, Lubman finds that the opponents of PNTR and engagement of China in the wider sense make use of arguments grounded in human rights or national security that are not always factually sound but make for strong, emotive rhetoric. In spite of all the negativity that Lubman finds, there was apparently still enough goodwill toward the resolution to pass it. Nevertheless, Lubman's conclusions also hold true to an important extent for the three debates analyzed by the present

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152 Ibid.
153 Ibid., p. 541.
author. These debates will be discussed now.

**H.R. 2195**

H.R. 2195 was supposed to become the Laogai Slave Labor Products Act, had it been passed by the Senate. It only passed the House, on November 5, 1997. This resolution was interesting because it dealt with an issue that concerned both trade and human rights. The resolution text itself (article 8 of section 2) mentions the State Department's Human Rights report, and the word “Slave” in the title obviously hints at a specific type of human rights violation, slavery. Nevertheless, the text also states (section 3) that products of forced labor are barred entry into US markets based on the Tariff Act of 1930. The Tariff Act of 1930 was borne out of protectionist sentiment, and included the provision against forced labor products as a protection of American laborers. In the debate over this resolution, several members note the duality of the issue, arguing that a vote in favor of the resolution strikes a blow for both human rights in China and American laborers.

So, in a debate where proponents can choose to frame their support for the bill as beneficial for human rights and beneficial for American laborers, which line of argumentation appears to be favored? The answer is that, on the whole, human rights arguments are more prevalent in this debate, especially since during this debate a number of Chinese ex-prisoners testified in vivid detail on their experiences as prisoners/laborers. Most members bring up both human rights and the unfair trade advantage that prison labor yields, but dwell more on the human rights argument. This recalls Lubman's finding, discussed above, that emotive, human rights-centered arguments appealing to a sense of justice and morality are a rhetorically powerful way of criticizing the Chinese government. In addition, in this debate, such argumentation allows for a crossover to self-flattering US exceptionalism, as exemplified by representative Dan Burton. Burton, as member of the Subcommittee on International Operations Human Rights obviously focuses on the human rights argument, and adds the following:

“The United States is [...] arguably the only nation on Earth with both the economic might and the moral legitimacy to make the observance of human rights a pillar of its foreign policy”.154

Nevertheless, the economics argument is powerful too, especially when the scope of the problem is strongly exaggerated by some members. Dan Burton states that the 60 billion dollar trade deficit with China is caused by prison labor exports.155 Representative Gerald Solomon states that the scale of prison labor exports to the US is such that it provides “...the financial lifeline to the wardens of

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155 Ibid., p. H10083.
that vast prison [China], the Communists”\textsuperscript{156}. In fact, as noted above, as far as US Customs knew the value of prison labor imports was some unclear portion of approximately 100 million dollars.

While not all proponents of the bill go this far, several others also point out that trade with China (including, apparently, the legitimate kind) ‘rewards’ a country that they see as posing a security risk. Representative Tim Hutchinson makes this most explicit: “...they [“the commonsense people of Arkansas”, Hutchinson’s state] do not want to give aid to the enemy by purchasing products that are made with slave labor” [emphasis added].\textsuperscript{157} In this debate, several themes come forward that are also found in the two later debates discussed here: ‘unfairness’ in trade causing the American trade deficit, trade feeding the growth of the Chinese military, and trade ‘rewarding’ a government that really does not deserve to be rewarded. However, the most interesting feature of this debate is that in an issue that can be seen as both a ‘fair trade’ issue and a human rights issue, most of the argumentation in favor of the bill centers on human rights. Evidently, in 1997, the members which argued their case in favor of the bill felt that human rights arguments resonated more strongly than economics-centered arguments, a testament perhaps to the impact that the events of June 4, 1989 still had on the mood of the House.

**H.R. 414**

H.R. 414 was a resolution passed by the House on October 29, 2003, which “encouraged” China to do two things primarily: abide by WTO regulations and other international trade regulations, and to introduce a market-based exchange rate for its currency rather than pegging it to the dollar. In a way, this resolution included a range of criticisms, especially in the rather vague appeal to China to abide by “...trade rules and principles of the international community..” (article 3).\textsuperscript{158} The debate is therefore not necessarily about one specific topic in the economic relation between the countries, and participants in the debate vent a wide range of frustrations with China, though China's currency peg figures most prominently. Specifically, many of those who take the floor mention the US trade deficit with China, the loss of jobs in the American manufacturing sector, and then place much and in some cases all of the blame for these problems on China. They contend that the currency peg keeps the value of the Chinese yuan artificially low, giving Chinese manufactures an advantage over American ones and thus causing job loss. Representative Mike Rogers summarizes this point in especially stark terms:

“One of the things we have seen is that China is not willing to embrace the tenets of fair trade. Currency manipulation is the greatest of all its evils standing up front. What it does is it artificially

\textsuperscript{156} Ibid., p. H10091.
\textsuperscript{157} Ibid., p. H10089.
\textsuperscript{158} Congressional Record, October 29, 2003, p. H10063.
leaches off the value of the dollar, automatically making any deal put together by an American manufacturer uncompetitive”.

The 'manipulation' of China's currency is described as “unfair” by many participants in this debate, and the solution according to them is to “level the playing field” (another recurring phrase) by getting the Chinese to float their currency. If this is achieved, several representatives add, there is no doubt that American industry can easily compete with China. Secondary criticisms of China's economic policies that appear in this debate are assertions that its market is largely closed to American investments and imports, its inadequate protection of Intellectual Property Rights, and the assertion China does not abide by international trade rules without much elaboration on which rules exactly it does not abide by. Representative Phil English describes China's economic policy as “mercantalistic”. The overall image of China that can be discerned in this debate is best summarized by quoting representative Cass Ballenger:

“It goes without saying that China has emerged as the biggest threat to our manufacturing base, and it is not because they make things better than we can, because they cannot. It is because China is cheating the system”.

It is remarkable how ready these representatives are to lay a large portion of the blame for America's economic problems on China. This is not to claim that they are wrong per se; it is possible that China's economic development has negative effects on certain sectors of the American economy. However, there are a myriad of possible causes for issues like the trade deficit with China and job loss in the American manufacturing sector, the former being seen as a cause for the latter. In fact, the US runs a trade deficit not just with China but with many countries, so overall, the US imports more from abroad than it exports. Also, a 2009 study that appeared in China & World Economy found that the American trade deficit with China was a logical consequence of the countries' respective roles in the production chain. American companies produce component parts in various Asian countries, and then ship them to China for final assembly, a role in which Chinese industry has increasingly specialized. The final product will therefore be 'made in China', but that masks the fact that a whole production chain spread over Asia has contributed to its production. It is beyond the scope of this paper to provide an in-depth analysis of the American trade deficit with China, so no more will be said about this. The point here is that laying the blame for economic

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159 Ibid., p. H10065.
160 Ibid., p. H10068.
161 Ibid., p. H10064.
problems on China (or any other country for that matter) may be politically convenient for the House but it clearly oversimplifies complex matters while also contributing to an overly hostile view of China, as several quotes in this section illustrate.

**H.R. 344**

H.R. 344 was the resolution that led the Chinese oil company CNOOC to withdraw its bid on the American company Unocal. The basic concerns that the House had with this deal were much discussed at the time and have been noted in the previous section. In short, they were that CNOOC was a 70 percent government-owned company; that this made the bid unfair in itself, as the American company Chevron would have to compete with Chinese government money; and moreover, that Unocal possessed cutting edge technology as well as oil reserves in the US, both of which would fall in the hands of the Chinese government. This discussion will focus on two relevant aspects of this debate: the sense of threat that is implied by several representatives, and the assumption of devious motives on the side of the Chinese government.

Beginning with the sense of threat, there is a fairly consistent view in this debate (among those who support the resolution) that the sale of Unocal would enhance China's power vis-à-vis the US, which is obviously undesirable. Representative Duncan Hunter sees the sale of Unocal in the same vein as the growth of Chinese military power:

“This would be a major lever that would accumulate to the Chinese Communist government on top of the Sovereign class missile cruisers that they have acquired, on top of the MiG fighter production that they have acquired, on top of the other acquisitions of major U.S. economic interests”.  

Representative John David Hayworth states that “... a nation that surrenders its energy concerns, its energy technology is a nation inviting vulnerability”, and proceeds to urge his colleagues to “Support this resolution because we dare not yield our energy future to the Communist Chinese”.  

This debate also ties into a broader worry of energy security. Several opponents of the bill state that it is merely a symbolic gesture while it ignores the fact that the US is critically dependent on foreign oil. Two representatives also mention the large amount of American public debt owned by China. One of them is an opponent of the bill, and defends his opposition by stating that passing bills like these might cause the Chinese to rethink their purchases of American debt, which could raise interest rates. The points of dependence on foreign oil and Chinese purchase of American debt do not necessarily put forward China as a threat; however, they do add to the generally pessimistic tone

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164 Ibid., p. H5573.
and the sense of threat in this debate.

Moving on, the proponents of the bill seem convinced that the Chinese government is playing some kind of dirty game. There is little doubt in this debate that this is not a company merging with another company, but the Chinese government purchasing a critical strategic asset. Several representatives explicitly state that they are certain that CNOOC is directed and funded by the Chinese Communist government to purchase Unocal, and though some representatives (mainly opponents of the bill) do not seem to wholly accept this statement, it is accepted by most and not explicitly challenged by anyone. Given that it is the Chinese government at work here, the bid to purchase Unocal is widely described as 'unfair', a word often used in the debate over H.R. 414 as well. Some representatives even present a zero-sum perspective by implying that the Chinese government is deliberately trying to strengthen itself at the expense of the United States. Consider the following two quotes, the first by representative Robin Hayes:

“What type of precedent would it [the Unocal purchase] set? What would the Chinese take next? They have already taken the textile industry jobs, thousands of jobs from other business, whether it is currency manipulation, the intellectual property rights or even government subsidies” [emphasis added].

According to Hayes American companies apparently do not outsource to China, but China 'takes' jobs forcibly from the US. The second quote is by representative Gary Miller:

“I urge my colleagues to support this resolution to demonstrate that we will not let China damage our economy or compromise our national security through hostile acquisitions of oil and natural gas resources’.

The fact that Miller describes the proposed deal as "hostile" already denies the possibility that the Chinese were making the bid for purely commercial reasons; instead, it signals that Miller assumes that they had an intention of harming the US when they made their bid.

**Concluding remarks**

In the 1997 debate analyzed above, criticism of China focused mainly on human rights abuses in China. As for the debates over PNTR in 2000, Stanley Lubman found that human rights criticisms still figured prominently, though the issue at hand dealt with the economic relation between the

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165 Ibid., p. H.5572.
166 Ibid., p. H5576.
countries. In the 2003 debate, human rights was mentioned just once, and in the 2005 debate, it was not brought up at all. Within these debates over economical issues, there seems to a shift between 1997 and 2005 from perceiving China as a country with an objectionable government that ought to change to perceiving China as a country that not only has an objectionable government but actually threatens the US. In other words, in 1997, the House could deliver moral criticism of China's handling of its own citizens from a position of strength. In 2003 and 2005, the focus of criticism is more that China is a direct threat to the general well-being (including economic strength, national security and energy security) of the US itself. It should be noted, though, that this conclusion is somewhat tentative as it is based on three debates and one other research only. Further research could explore whether this shift in perception is also evident in other congressional debates or perhaps wider American political discourse. Nevertheless, the present author is fairly confident of the above observation.

A sense of threat to the American economic position could be explained by the fact that China's rise so far has been mainly its growing economic power, more than its military, diplomatic or 'soft' power (i.e. the appeal of its culture). These debates therefore deal with the field where China is strongest and could surpass the US the soonest. That China's economic growth and by extension China as a whole is seen as a threat is evident in some of the quotes provided in this section: trading with 'the enemy', 'hostile' acquisitions, a 'threat' to the manufacturing base, and so on. On the whole, the House seems to embrace the notion that China has an intent or, perhaps more mildly, is on a course to harm the US economy, and, as evident in the 2005 debate, increasingly also a capability to do so. The structural realist assertion that the dominant power will always come to regard a rising power as a threat seems to bear out in these debates.

The assumption that the government of China acts deliberately against US interests, which is especially prevalent in the debate on Unocal, may at times prove to be accurate. China can be assumed to act in its own interests first and foremost, like any state, and in doing that it can knowingly take actions that harm US interests. Nevertheless, the strong distrust that is evident in the statements of quite a few representatives is unreasonable. The debate on Unocal is the best example in that regard. It might never be known publicly whether there was an ulterior motive on the side of the Chinese government or CNOOC, but there was hardly any evidence to suggest that there was. The representatives quoted in this section simply assumed this based on the fact that CNOOC was largely state-owned. In chapter 2, it was noted that the Chinese government tends to be highly skeptical of the issue of human rights in US foreign policy. The Chinese assume this is no more than a cover-up for a policy of interfering in other countries' internal affairs to advance US interests. That is unreasonable too; while it may at times be true, in a democratic political culture there is a genuine attachment to individual rights. Even then, though politicians are capable of using human
rights cynically, the issue is also pushed on the political agenda by human rights advocacy groups which really do care about human rights for their own sake. China makes an incorrect estimation of the US when it assumes that any pressures exerted on it by the US in the name of human rights cannot be sincere but must necessarily cover a more cynical, geopolitical goal, probably harmful to its interests. The point here is that the findings of this chapter indicate that the US Congress is making a similar error with regard to China when it comes to trade. China as a country is working to increase its wealth, so in certain areas it emerges as a serious competitor to American trade, yet there is nothing unacceptable about this by any reasonable standard. In some cases, China may indeed be crossing the line of acceptable behavior in trade, as surely the US also does in some cases. In that case, the issue may be discussed bilaterally or brought before the WTO. None of this means that China is necessarily hostile to the US, yet from these debates in the House this image of China does emerge. While the growth of China's economy may and probably will pose challenges to the American economy, this in itself is no reasonable grounds for assuming that China has a hostile or harmful intent towards the US.
5. Discussion
This chapter will reflect on two aspects of the dominant image of China in Congress, as evident from this research. The first aspect discussed here is the general dislike of China's government and the form that it takes over the years. The second is the view that the Congress has of the power equation between China and the US. This chapter mostly refers back to points already made in earlier chapters, but provides additional information and quotes when it is deemed appropriate.

5.1 China's image problem
The most pervasive characteristic of all the debates analyzed here, in all three topics, is that China appears to have a very negative image in the Congress. In part, this is likely due to the nature of this set of sources. This set consists of debates on legislation in which Congress made its voice heard on various topics of disagreement between China and the US. In that sense, this set could be expected to contain a lot of negative sentiments on China. That, however, does not diminish the relevance of this observation because, firstly, these topics of contention do constitute an important part of the relation between the American and Chinese governments. The relation between the two countries as a whole is not necessarily hostile or contentious, since there are also a large amount of people-to-people contacts and far-reaching integration between the two economies. On a political level, however, there are many areas of disagreement. Even though the sense of contention is probably heightened in congressional debates, this does not mean it is not representative of the relationship between the two governments. Secondly, the negative sentiments are also quite remarkable because they are present in every single debate to some extent and in some debates they almost reach a sense of hysteria, especially in the House.

What forms does this negative sentiment take? In chapter 2, it has already been concluded that the Chinese government is seen to engage in morally repugnant behavior. In fact, examples of negative sentiments have appeared throughout the preceding chapters, but some more will be provided here. To start with, in almost all debates discussed here, China is referred to as 'communist' with some regularity. It has been specifically pointed out in chapter 3 on Taiwan, and in the debate over 'freedom' in Hong Kong in chapter 2, because in these debates the distinction between the communist and democratic systems was especially important. However, it appears at least several times in every debate except one; in the 2007 debate over China's relation with Sudan the words 'communist' or 'communism' are not used once. This is most likely because China being communist did not have anything to do with its relation with Sudan. References to China's communist system do appear many times in the 2005 debate on Unocal, so it is unlikely that the debate on Sudan is devoid of them because the members do not care about it anymore two years later. By itself, it is not unreasonable to refer to China as 'communist', as that is also how the
Chinese government defines itself. However, within American politics, communism is despised. It is regarded as not just a bad political system but as hostile to the US itself as well as all of its ideals. The fact that many members of Congress keep reminding their colleagues that China is communist is a strong sign that China is distrusted in this institution.

Another indication of pervasive negative sentiment is the rather telling tendency of members who vote against any of the bills studied in this paper (which are all critical of some of China's behavior) to state their 'anti-China' credentials in their defense. Opposition to these bills was in itself quite rare, and most of them were passed by a large majority or even unanimously. In four of these debates (those over H.R. 2712, H. Con. Res. 53, H.R. 408 and H.R. 344), opponents do take the floor, and in some cases they apparently want to ensure their colleagues that they are not 'pro-China' by any means, they just do not approve of the content of the bill. This was the case for representative Tom Lantos in the debate over H.R. 408, the Taiwan Security Enhancement Act, as has been pointed out in chapter 3. Another example is Democratic representative Pete Stark in the debate over H.R. 344, which blocked the sale of Unocal. He opposes the resolution because he considers it too little too late:

"The Republican Majority has already sold the entire farm to foreign central banks and multinational corporations, and now they're trying to tell the American people that they're standing up for them by stopping China from buying a leftover chicken"[167]

Following this, he wonders why his Republican colleagues are not more critical of China when it matters:

"Where were they when we passed trade deals and tax laws to make it easier for their corporate friends to ship jobs to China? Why has President Bush refused to stand up for American workers who wither against illegal dumping practices and an undervalued Chinese currency?"[168]

This statement is mainly directed at the opposing political party, but in passing he makes it known that he too is critical of China.

A third and final point to be made here that shows the depth of antipathy for China is that in all these debates there are hardly any positive comments on China. On the contrary, almost everything that China does is described in negative terms. This has been discussed in chapter 4 on the economic relation: China is not said to be 'competing' with the US as much as it is said to

[168] Ibid.
'damage' the American economy, 'cheat' the system and 'manipulate' its currency. The debate on the Taiwan Security Enhancement Act (H.R. 408) is interesting too for its semantics. This debate was basically about whether the US should enhance Taiwan's military strength to counter China's growing military strength, and the House decided that it should. In essence, China and the US are doing the same thing in the Taiwan Strait. China uses a credible military capability to deter Taiwanese moves towards independence and US interference if that should happen. The US arms Taiwan under the TRA and maintains a commitment to the island to deter a Chinese attack on it. Both sides attempt to deter the other in order to eventually get the outcome that they desire, be it continuing the status quo or absorption of Taiwan. Yet in the debate over H.R. 408 both sides' respective strategies are set apart in a dichotomy of good and evil. To describe the US policy of providing military aid to Taiwan, words such as 'defending', 'securing' and 'assisting' or 'stabilizing' are used. China's actions, by contrast, are described as 'intimidating', 'bullying' or simply 'aggression'. Obviously, the members of Congress can be expected to reason from an American perspective. However, in this debate this wording indicates that the Chinese military is regarded as a hostile military. The bilateral relation between China and the US has seen many problems, but the two sides are not strategic enemies in the way that the US and the Soviet Union were. Judging from this debate, one would think that they are or were at the time. This debate contains discussion on China's military strategy towards Taiwan specifically, but in debates on the various topics researched here China's behavior is always described in terms indicating opposition to the US' interests or world view.

In summary, there are numerous indications that China (meaning mostly its government) has a substantial image problem in the US Congress. Through the 1990s and 2000s the Congress has adopted a number of bills that turned out to disrupt Sino-American relations, and while simple dislike of China is unlikely to be the main cause of the creation of those bills it will certainly have helped in passing them on the floor. The problem that China's bad image creates is that it can influence the members' judgment of bills relating to China in such a way that they are more inclined à priori to support provocative measures, as more value is attached to 'standing up to China' than to maintaining a positive atmosphere in the bilateral relation. Within an institutional culture of strong skepticism of or even hostility towards China it becomes both politically and rhetorically difficult to defend a more nuanced position. It is politically difficult because a member who takes such a position singles themselves out by going against a widely shared view and opens themselves up to accusations of not defending American goals and therefore not picking the right side. It is rhetorically difficult because the opposing arguments are more often heard and more widely known and accepted on the floor. Also, as Stanley Lubman pointed out in his research, those defending a negative view of China can make use of simple, emotive arguments (and, this author would add,
appeal to American nationalism) while those defending a more nuanced view have to rely more on abstract academic arguments.

5.2 Diminishing sense of power
While the negative view of China in Congress is consistent throughout the set of sources, a more dynamic perspective is the growing awareness in Congress of China's increasing strength and growth as a great power. This is, of course, to be expected, as the fact of China's growth should be known to anyone who reads a newspaper every now and then. In the Congress, there is a shift from a rather arrogant perspective reasoning from an unquestioned position of power to a more cautious and even more anxious perspective that recognizes that China's position relative to the US is strengthening.

In the 1990s, there is a clear yet unspoken assumption in most of the debates discussed here that the US can take whatever actions it deems necessary to advance its goals without having to give much thought to how US actions might be interpreted in China. This is most pronounced in the debates in both chambers on H. Con. Res. 53 which cleared the way for the visit to Cornell of Taiwanese president Lee. As discussed in chapter 3, there is simply no discussion of the nature of China's objections. This is a clear indication that the Congress reasoned from a position of absolute power: whatever China thinks about it is not worth considering, because we, the US, will invite Lee and China will have no choice but to accept it. Such a perspective is also evident in a statement made by representative Chris Smith in the debate over the Laogai Slave Labor Products Act. Smith complains that the Chinese are not cooperating with the US in implementing the 1992 MOU between the two countries. Specifically, Smith takes issue with the way the agreement works: the US first has to provide credible information that certain Chinese products are made in a certain prison, which Smith finds "ridiculous". Then, the Chinese are supposed to first check the allegation themselves and then, 60 days later, American inspectors are supposed to be allowed to check the prison. However, and this is the reason for Smith's misgivings, as it turned out the Chinese were not motivated at all to allow inspections of their prison and usually frustrated and delayed the entire process. According to Smith:

"The Chinese, then, under the MOU, investigated themselves and then they come back to us. So we have the alleged perpetrator investigating themselves and then they come back to us. Then, we have 60 days that we have to wait to actually make a site visit and and very often it far exceeds 60 days."170

170 Ibid.
This needs to change, according to Smith:

"...it is about time we enhanced our access, hopefully unfettered access. [...] We need to tighten this MOU."

From the perspective of the Chinese themselves, it is quite understandable that they did not cooperate with a rather invasive procedure like that in the MOU. It is even understandable that they signed the MOU in bad faith; in 1992, China was still fairly isolated internationally because of the Tiananmen crackdown, so they probably wanted to appease the Americans on this point without intending to really cooperate. If this is the case, it is understandable too that an American lawmaker has a problem with this, but consider the solution that Smith would like to see. He disapproves of the requirement for the Americans to provide specific information, for the Chinese to first investigate the prison themselves, and of the 60-day waiting period for American inspection. In his view, then, the American government should be allowed to inspect any Chinese prison on short notice based on a suspicion that something undesirable is going on. One only needs to imagine how the American government would respond if China would want to inspect any American prison anytime it wanted if it only suspected that something was wrong. It is unrealistic to expect that any country would go along with something like this, except when something substantial is offered in return (which was not the case) or when it is a weak and pliable country that has little choice but to do as the US asks. China was not such a country even in the 1990s, but the fact that Smith expects that the Clinton administration can renegotiate the MOU along the lines he describes show that he was probably not aware of this. He assumed an unrealistic amount of American leverage over China. This is one example of a statement made in a debate that on closer inspection reveals an underlying assumption that the US can work its will with regard to China if only it chooses to be firm. There are more of such statements in the debates of the 1990s, though there is no room here to elaborate on them. For now, attention will turn to the debate over the Taiwan Security Enhancement Act of 2000, where one recurring word shows a very large degree of assumed power.

In this case, of course, there is far more reason for the Congress to assume power, because it concerns the military security of Taiwan vis-à-vis China, and the US is obviously very strong where military power is concerned. The word in question is 'miscalculating'. Throughout this debate, proponents argue that the US should enhance military cooperation with Taiwan because that reduces the risk that China 'miscalculates' and believes it can 'intimidate' Taiwan. In other words, if the US shows strength and stands by Taiwan militarily, then China will know that any attempt to exercise power over Taiwan (whether absorbing it or merely intimidating it) will be futile. In this debate, the

171 Ibid.
Third Taiwan Strait Crisis has made the proponents aware of China's commitment to Taiwan, but they believe increased US commitment and assistance will counter that. China will not 'miscalculate' and take provocative action because it knows it stands no chance against the US. This is the assumption here. As far as the military balance in the Taiwan Strait in 2000 is concerned, China would indeed have been on the weaker side, probably even without the Taiwan Security Enhancement Act. Then again, given China's commitment to recovering Taiwan this would probably not have meant that they would give up and accept the status quo. The use of the word 'miscalculating' and the position of power that it implies shows how much has changed since 2000 in the relative power positions of these two countries. As discussed in the concluding remarks of chapter 3, the balance of power in the Taiwan Strait has made a significant shift to China's side over the last ten years. Just 11 years ago, however, the House could still discuss increased military assistance to Taiwan in terms suggesting that this would decisively shift the balance in Taiwan's favor and reliably deter China. At the time, they might have been right, though the strategic balance in the Taiwan Strait would probably have shifted to China later on anyway. In that sense, the proponents of this law still assume greater power over China than was the case in reality, as greater military assistance to Taiwan would not likely have deterred China in the long term.

Within this set of sources, this debate from 2000 is the last one where there is such a pronounced sense of strength relative to China. This does not mean that there is suddenly a sense of weakness in later debates. The only debate in this set where a clear and, frankly, exaggerated sense of vulnerability could be discerned is the debate over Unocal from 2005. The shift in perspective on the relative power between the countries is evident because the sense of power and leverage described above is largely absent in debates from the 2000s. In chapter 2 on moral issues, in the debates over dissident Yang Jianli in 2003 and the debate over China's relation to Sudan in 2007 it was repeatedly stated that China is a great power that does not yet act in a way befitting a great power. In chapter 3 on Taiwan, it has been shown that the 2003 debate on Taiwan's accession to the WHA was not framed around making a statement towards China. The response to the Anti-Secession Law in 2005 was decidedly tame. Finally, in chapter 4 on economic issues the debates in 2003 and 2005 were not at all positive about China, but there was no trace of the arrogance of power of some of the debates in the 1990s. On the contrary, there was more of a sense of frustration and the perception that China's economic growth came about because it 'cheats' the system and the US.

All in all, the notion that the US can work its will without taking much notice of China's actions or position is not there in the debates from the 2000s. Of course, there is only a limited number of years between the 1990s and the early 2000s. Not all of this change in attitude can be explained by saying that the members of Congress became aware that China has become too
powerful to push around. The growth of China's power in itself is only a part of the explanation for this change in attitude. Another important part was probably the experience of having dealt with China in the post-Cold War world for a number of years already. As noted in chapter 3, an important difference between the debates on president Lee's visa and the Taiwan Security Enhancement Act is that in the former, China's perspective is ignored, while in the latter there is an awareness that China could take action in response to the bill. The House had not forgotten the Third Taiwan Strait Crisis. China's growing strength doubtlessly meant that the Congress took it more seriously as a great power, but in addition to that, the members also had experienced in the 1990s that China cannot easily be moved to conform to US policy.
6. Conclusion

The main questions will now be concisely answered on the basis of this research. This will be followed by some final comments and suggestions for further research.

1. What views of China were dominant within the debates in Congress in the 1990s and 2000s?

There is a strongly held view in the Congress, particularly in the 1990s, that the Chinese government is objectionable because it denies its people both basic human rights and democratic rights, which the Congress assumes the Chinese people desperately want. Moreover, the Chinese government is regarded as a threat to democracy in both Taiwan and Hong Kong. The threat to democratic and US-allied Taiwan is seen as particularly objectionable. In addition, China is seen as engaging in unfair trade with the US. It is regularly implied or explicitly stated that the American trade deficit with China is due in large part to various unfair trade methods on the part of the Chinese, and by extension, that China is therefore largely responsible for job loss in the US.

2. What underlying feeling among the members about China and the relation between the US and China can be constructed from the debates under study?

There is a strongly negative feeling about China underlying many of the statements and policy positions of the members in these debates. To an important extent, this negative feeling seems to be derived from the basic fact that China is a communist authoritarian state. However, throughout these debates part of this negative sentiment also appears to come from the observation that China is not a friend of the US. It is often seen as something of an opponent, a competitor and a country that often does not act in accordance with US goals or values. Generally in their bilateral relation China and the US are neither friends nor enemies, but in these debates the impression emerges that China is close to being an enemy. It would go to far to state that China is seen as an enemy in these debates, but there is a strong sense of distrust of the motives and goals behind its actions, which are almost always interpreted negatively.

3. Did these views and feelings change during the timespan of the 1990s and 2000? If so, how?

The generally negative sentiments on China described in the preceding point are consistent throughout this set of debates. The biggest change is the diminishing sense of power in the later debates compared to the earlier debates. In the earlier debates of the 1990s there is still an implicit assumption, which is not discussed or argued explicitly, that the US can move China to conform to its policy goals. In the later debates of the 2000s this assumption is largely gone and there is a realization that China has grown in power and cannot be influenced by the US quite so easily. This does not translate to increased respect, because as noted the sense of dislike of China does not
Comments

The two most important aspects of the debates pointed out above, pervasive dislike of China and a diminishing sense of power over China can turn out to be a volatile combination in the future. China acts in ways that it sees fit to advance its goals, yet so does the US and so does Congress. Congress is not likely to lie down and accept China's behavior if it is seen as being at odds with US goals anymore than China will ever conform to US goals because the US tells it to. If China is difficult to influence, then a logical response on the part of Congress would be to push harder. If China becomes increasingly powerful but its image in Congress does not improve, it is likely to be taken increasingly serious in Congress as a challenger and an opponent. The result could be an increase in confrontational bills being passed that shake up the bilateral relation. This is especially the case in the economic relation between the countries. In the debates of the early and mid-2000s, China was already being seen as a threat to the American economy. This leaves one to wonder how Congress would respond if and when the Chinese economy nears the US' position as the world's biggest economy. Add to this the difficulty that the political leaders of the two countries have historically had in understanding each other's position (which was part of the cause of the Third Taiwan Crisis) and the prospects for amiable Sino-American relations in the future look rather bleak.

Further research

In this author's opinion, the main weakness of this research was the scarcity of debates in the Senate to analyze. However, in those bills that were discussed in both chambers, the Senate and the House spoke in more or less the same voice: the same lines of argumentation, largely the same tone, and a similar voting result. The main difference was that the senators were usually more diplomatic than the representatives in their choice of words, but by and large there were no significant differences between the debates in the two chambers. Therefore, the best course of action for further research would not be to analyze more debates in the Senate. A more important difference between the two chambers within this topic, the relation with China, is that quite a few bills discussed here were passed in the House, but were not passed to the Senate floor by the committee involved. In some cases, there is a mundane explanation for this; for instance, there may not have been time to vote on a certain bill before the Senate went on summer recess, and after this recess events in the world drew the senators' attention elsewhere. In other cases, however, a bill that received broad support in the House was deliberately held in committee in the Senate. To better understand the Congress' role in US-China relations, further research should focus on why certain bills that were popular in the
House were held back in the Senate. It would be interesting to see whether there are recurring similarities between bills that Senate committee members deem unworthy of a vote.
Bibliography


New York: Palgrave Macmillan.


**Congressional Record, in chronological order**

*Congressional Record* (July 31, 1989). House Section, H4544-H4550.

*Congressional Record* (August 4, 1989). Senate Section, S10389-S10391.
Congressional Record (November 20, 1989). Senate Section, S16282-S16286.

Congressional Record (July 26, 1993). House Section, H5096-H5100.

Congressional Record (May 2, 1995). House Section, H4449-H4454.

Congressional Record (May 9, 1995). Senate Section, S6306-S6315.

Congressional Record (November 5, 1997). House Section, H10080-H10092.

Congressional Record (February 1, 2000). House Section, H103-H121.

Congressional Record (March 11, 2003). House Section, H1704-H1706.

Congressional Record (June 25, 2003). House Section, H5837-H5841.

Congressional Record (June 25, 2003). House Section, H5850-H5853.

Congressional Record (October 29, 2003). House Section, H10062-H10071.

Congressional Record (March 16, 2005). House Section, H1527-H1529.

Congressional Record (June 30, 2005). House Section, H557-H5577.

Congressional Record (June 5, 2007). House Section, H5955-H5963.