

Dilemma and Decision

To my mother and to the memory of my father



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Dilemma and Decision

An Organizational Perspective on
American China Policy Making

YUFAN HAO

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Preface

This is a study of the role of U.S. institutions in China policy making. It examines the dilemma that the United States faced in conducting its relations with both the People's Republic of China and the Republic of China in Taiwan in the late 1970s and how U.S. governmental institutions helped American leaders resolve the dilemma. By exploring the rationality or irrationality of concluding, within four months, two documents with seeming contradictions—the agreements to normalize U.S.-China relations signed in December 1978 and the Taiwan Relations Act (TRA) passed in April 1979—this book analyzes the various factors and the processes on the U.S. side that led to their occurrence and the dynamic between the president and the Congress in directing China policy. My purpose in writing this book is to provide a better understanding of how U.S. constitutional and institutional mechanisms helped to resolve the conflicting interests affecting China policy and the way in which various domestic political forces, groups, individuals, and institutions shaped the processes.

This book grew out of my doctoral dissertation. It was inspired by my interests in U.S. government and the policy-making process. As a graduate student from the People's Republic of China, I wanted to understand American government. I became interested in congressional involvement in China policy making and was particularly interested in the case of the Taiwan Relations Act (TRA). I chose the Johns Hopkins University School of Advanced International Studies (SAIS) for my graduate study, partly because of its geographical proximity to U.S. government.

The U.S. government is often viewed as decentralized and fragmented along bureaucratic, partisan, and institutional lines; in this view, Washington does not act purposefully and coherently in formulating "rational" national policy in the face of a complicated problem. Yet the process of formulating the TRA suggested something different. The TRA seemed to be a rational result of a

rational policy-making process. This interesting discrepancy drove me to explore the topic further, and that exploration eventually led to this book. From the research, I found an interesting organizational rationality in the American constitutional arrangement. The structural and procedural characteristics in U.S. governmental institutions can help to balance conflicting objectives in non-crisis situations; in such instances, congressional participation in foreign policy making can be constructive.

In my research and the writing of the manuscript, I have received financial and organizational assistance from several institutions and tremendous help from scholars and friends. It is my pleasure to acknowledge these debts.

I am grateful to the Institute of the Study of World Politics, the Social Science Research Council, and the MacArthur Foundation for their generous financial support. The Colgate University Research Council also provided a grant that made the transformation from a dissertation into a book much easier. Harvard University's Center for International Affairs (CFIA) provided me with an office, research facilities, and an ideal intellectual setting during the 1988–1989 period. I wish to thank Professor Robert Putnam for introducing to me his two-level game model, which has been cited in chapter 8, and for arranging for me to spend a fruitful year as a MacArthur Fellow at the CFIA. In preparing this study, I have also benefited from the critical comments and suggestions of many scholars. I thank Professors Kenneth Lieberthal and Michel Oksenberg of the University of Michigan and Sidney Verba and Samuel Huntington of Harvard University for their constructive suggestions. Professors Douglas MacDonald and Michael Hayes, my colleagues at Colgate University, also made useful comments and suggestions on an earlier draft of chapters 9 and 10. Many former and current American and Chinese officials generously took the time to talk with me about their experiences and understanding of Sino-American relations, sometimes more than once. The following American officials kindly granted me interviews: Michael Armacost, William Barnds, Zbigniew Brzezinski, William Gleysteen, Herbert Hansell, Richard Holbrooke, John Holdridge, Samuel Huntington, Michel Oksenberg, Marshall Shulman, Roger Sullivan, Cyrus Vance, and Leonard Woodcock. I owe a special thanks to Ambassador Woodcock, the first American ambassador to the PRC, for sharing with me his experience and knowledge of the Sino-American normalization negotiations.

I am particularly grateful to Professor Harry Harding of George Washington University and Professor Frederick Holborn at Johns Hopkins University SAIS, who patiently read several drafts of an early version and made major contributions to it. Their useful comments and often line-by-line suggestions and encouragement at the early stage of my writing helped me at a crucial juncture. Most of all, I want to express my greatest thanks and sincere gratitude to Professor A. Doak Barnett, my mentor at SAIS. Professor Barnett not only provided crucial help, criticism, and suggestions on conceiving the topic, pursuing the research, and later in reading the manuscript at various stages, but also devoted his valuable time to providing detailed editorial suggestions for many drafts. He also arranged most of my interviews with foreign policy makers in the Carter administration and provided me with every essential support I needed during the research and writing. His continuing advice, support, encouragement, and personal friendship have been vital; without them this study would have been impossible.

The professional assistance of the publications staff at the Institute of East Asian Studies at the University of California, Berkeley, has been indispensable and has made this a far better book than was originally the case.

I alone am responsible for any errors or shortcomings that remain in the study.

Note on Romanization

Since January 1, 1979, the People's Republic of China has used pinyin in standardizing the romanization of the names of people and places in China. This study adopts the Chinese pinyin system for names and places in the PRC but uses the old spelling system (Wade-Giles) in dealing with names and places for Taiwan and the Nationalist leaders (such as Chiang Kai-shek and Chiang Ching-kuo). Following is a list of names as romanized under each system:

<i>Wade-Giles</i>	<i>Pinyin</i>
Mao Tse-tung	Mao Zedong
Chou En-lai	Zhou Enlai
Teng Hsiao-p'ing	Deng Xiaoping
Hua Kuo-feng	Hua Guofeng

C'ai Tse-min
Han Nianlung
Chiao Kwuanhua
Huang Chen
Li Hsien-nien
Chiang Ch'ing
Wang Yu-p'ing
Huang Hua

Chai Zemin
Han Nianlong
Qiao Guanhua
Huang Zhen
Li Xiannian
Jiang Qing
Wang Youping
Huang Hua

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ONE

Introduction

The “normalization” of U.S.-China relations in January 1979 and the passage of the Taiwan Relations Act in April of the same year are two of the most important milestones in recent Sino-American relations. Following President Richard Nixon’s 1972 trip to the People’s Republic of China, normalization of diplomatic relations with China was one of the major goals of U.S. foreign policy, but until 1978, the United States was unwilling to meet Beijing’s three conditions for normalization, all of which related to the Taiwan issue: withdrawal of U.S. recognition from the Republic of China in Taiwan, withdrawal of U.S. military personnel and installations from Taiwan, and termination of the mutual defense treaty with Taiwan.

Then, in the Joint Communiqué on the Establishment of Diplomatic Relations, signed on December 15, 1978, the stalemate was broken. The United States basically accepted the three Chinese demands and stated in the communiqué that it “acknowledges the Chinese position that there is but one China and Taiwan is part of it.”¹ At the same time, President Jimmy Carter issued a unilateral statement that spelled out the changes that would occur in U.S. relations with Taiwan and emphasized the U.S. expectation that the Taiwan issue would be settled peacefully by the Chinese people.² The U.S. government also indicated that, despite Chinese objections, the sale of defensive arms to the island would continue. The normalization agreements demonstrated that the Carter administration was willing to accept the fact that Taiwan would

¹ The English-language text of the 1978 Joint Communiqué of the United States and the People’s Republic of China for the Establishment of Diplomatic Relations is in Carter, *Public Papers of the Presidents*, bk. 2, pp. 2264–65. The Chinese-language version is in *Renmin ribao*, December 16, 1978; see also appendix B of this study.

² See “U.S. Statement on Establishment of U.S.-PRC Diplomatic Relations, January 1, 1979,” in appendix C.

eventually be reunified with the mainland and that U.S. concern was simply that the PRC not try to use force in its reunification attempt.

Only a few months later, the U.S. Congress passed the Taiwan Relations Act (TRA), which highlighted the differences between the United States and China on the issue of Taiwan. The act virtually assured the Nationalists in Taiwan of U.S. protection for the island and promised continued arms sales to Taiwan indefinitely. More specifically, it wrote into American law a U.S. obligation to provide Taiwan with "such defense articles and defense services in such quantity as may be necessary" for Taiwan's defense; it openly declared the intention of the U.S. government to "resist any resort to force" against the people of Taiwan; and it put Beijing on notice that any use of force to achieve reunification would be a matter "of grave concern to the United States."³ It was a clear signal to Beijing and to the world that the United States hoped that the PRC would leave Taiwan alone.

Despite Beijing's charge that the TRA violated the normalization agreements, President Carter signed it. As a result of this action, U.S.-China relations were seriously complicated. In the years since 1979, the U.S. government has asserted the validity of both the TRA and the agreements on normalization and has attempted, not without difficulties, to avoid conflicts between the two in conducting relations with both the People's Republic of China and Taiwan. President Ronald Reagan's willingness to "faithfully observe" the TRA by restoring some "officiality" to American relations with Taiwan and selling advanced weapons to Taipei led to a rapid deterioration of U.S.-China relations in the early 1980s. Relations remained strained until a new understanding was reached, after a year of negotiation, on August 17, 1982; this understanding set the parameters of U.S. arms sales to Taiwan.⁴ Throughout the remainder of the 1980s, U.S.-China relations steadily improved, although the Taiwan issue remained a potentially serious irritant in this relationship.⁵ President George

³ For Taiwan Relations Act, Public Law 96-8, April 10, 1979, see *Weekly Compilation of Presidential Documents*, vol. 15, no. 15, President's Statement; see also appendix E of this study.

⁴ Under the terms of the 1982 agreement, Washington committed to gradual quantitative and qualitative reduction of sales of arms to Taipei. See appendix F of this study.

⁵ For a detailed examination of Sino-American relations in the 1980s, see Harding, *Fragile Relationship*.

Bush's decision in the fall of 1992 to sell F-16 jet fighters to Taiwan brought a new chill to the already tense Sino-American relations. Beijing accused Washington of violating the agreements, while Washington quoted the TRA as its legal basis for the action. President Bill Clinton's efforts to bolster Taiwan's political standing in 1994 were also based on the TRA, and there have naturally been sharp recriminations from Beijing. U.S. China policy since 1979 has thus in some respects resembled one body led by two heads. This unique and complex situation, which has not yet been adequately studied by scholars and policy analysts, merits academic attention.

The rationality, or irrationality, of having two documents that are in some respects contradictory guiding U.S. China policy cannot be fully understood unless one traces both the roots of the policy and the processes that led to the normalization agreements and the TRA and those factors that unavoidably connected the two. This study postulates answers to three basic questions: Why and how did the agreement on normalization of U.S.-China relations and the passage of the TRA occur at the time that they did and take the form that they took? What is the relationship between the two documents in the context of the perceptions of American leaders regarding U.S. interests? What role did American domestic organizations play in shaping the processes? In exploring the reasons for and the processes leading to the formulation and acceptance of the two documents in 1979, this study analyzes both how the United States defined its China policy when its interests were, in certain respects, inconsistent and conflicting and the role that various domestic institutions played in solving the dilemma created by the conflicting interests. It argues that American policy toward China during the Carter administration was both a function of U.S. global strategic interests, as perceived by American leaders, and a product of U.S. domestic institutional processes. The study does not attempt to reach any broad theoretical conclusion on the entanglements of domestic politics and international relations, but it provides, through a thorough examination of a particular case, some observations that may contribute to the future construction of an adequate theoretical framework for understanding the role of governmental institutions in foreign policy making when policy makers attempt to reconcile conflicting interests.

There are two theses in this study. First, conflicting interests in American policy toward China in the late 1970s led first to the

agreement on normalization of U.S.-China relations and then to the passage of the TRA; together these two documents represented an attempt to resolve these conflicts of interest. A conflict of interest, as defined here, occurs when an individual or group experiences difficulty in selecting one of two (or more) actions because of the existence of mutually exclusive interests.⁶ In this case, by 1978 U.S. global strategic interests increasingly required further improvement in U.S.-China relations; at the same time, historical U.S. ties to and interests in Taiwan were too strong for the United States to satisfy China's desire that U.S.-Taiwan ties be cut off entirely. The challenge facing U.S. policy makers was how to achieve both an improvement of relations with China and continued preservation of U.S. interests on Taiwan. This challenge motivated policy makers to look for new policy solutions. The search resulted in a complex process, shaped by the characteristics of institutional mechanisms in the United States, that resulted in two different documents. Without the two documents, U.S. interests, as perceived by U.S. leaders in this period, could not have been adequately served.

Most foreign policy decisions involve a range of often conflicting values and goals. Decision makers, especially those from different branches of government, may have different value preferences and goals. The second thesis examined in this study, therefore, is that unique U.S. domestic organizations, political forces, and policy-making processes were decisive factors in shaping the particular form and content of the normalization agreements and the TRA. To a great extent, U.S. organizations, with their structural and procedural characteristics, played an important role in helping U.S. leaders to resolve the dilemma of conflicting American interests in China and Taiwan. Trying to take into account inconsistent and conflicting interests, the Carter administration and Congress, each from its own perspective and power position, approached the problem in different ways. Carter and his aides, on the basis of their judgments about U.S. interests, decided to normalize U.S.-PRC relations with only implicit assurances for Taiwan's security through continued U.S. arms sales to Taiwan—a tactic believed to be tolerable to both the PRC

⁶ "Conflicts of interest" show what Alexander L. George called "value-complexity": the presence of multiple, competing values and interests imbedded in a single issue that make it difficult for decision makers to choose. See George, *Presidential Decisionmaking*.

and the United States. Most members of Congress, however, did not share Carter's perspective and wanted to make U.S. security assurances to Taiwan much more explicit. After a complex process of interaction, involving both conflict and accommodation between, and sometimes within, the executive branch and congressional institutions, a compromise was reached among the major participants and institutions involved in the policy-making process with the result that the TRA was passed by Congress soon after the agreements to normalize relations with the PRC. The normalization agreements and the TRA, despite their differences, supplemented and reinforced each other and served America's conflicting interests in this period. As a result, the contradictions in America's basic interests were reduced to a tolerable degree, from the U.S. perspective, and a stalemate avoided. In this way, the normalization agreement and the TRA were complementary as well as contradictory. Chinese leaders regarded the TRA as illegitimate and unjustified, and protested its passage; but from the U.S. perspective, without the TRA, normalization of U.S.-China relations would probably not have been possible, at least in 1978-1979.

Alexis de Tocqueville once concluded that American democracy, with its institutional fragmentation and increasingly democratized politics, constituted a "decidedly inferior" system for formulating and executing foreign policy.⁷ Foreign policy requires energy in the executive branch for decision, secrecy, and dispatch, yet the constitutional arrangement of U.S. government is an "invitation to struggle."⁸ The final outcome in this case was favorable for U.S. interests, however, because the TRA protected American interests in Taiwan. Was the TRA an anticipated result of a careful plan? Careful study of this case suggests that the achievement was unintentional. If this is true, how was this desirable and unanticipated result accomplished? Was this a case of luck, or can the outcome be explained by the nature of U.S. governmental institutions and the policy-making process? These case-specific questions can be encompassed by the following research questions of conceptual significance: How does an organization's structure affect the making of policy that involves resolving opposing interests? To what extent and under what conditions can an organization be a rational solution to a situation of conflicting

⁷ Tocqueville, *Democracy in America*, 1:243.

⁸ Corwin, *The President*.

interests? At the end of the study, we test a conceptual proposition suggesting that an organizational rationality that can be realized through organizational structure and procedures may exist in the U.S. federal government. It may be advantageous for the U.S. government to use this organizational rationality to reconcile conflicting interests in its foreign policy making. The rational behavior of the U.S. government in solving the dilemma of mutually inconsistent interests in its policies toward China during the Carter administration is another focus of this study.

There have been basically two approaches to the study of U.S. governmental institutions: organizational studies (bureaucratic studies fit here) and studies of the U.S. federal system concentrating on the two great institutions of the national government, Congress and the presidency. This study, based on both approaches, will put the normalization agreements and the TRA in a broader context to explore the historical, international, and institutional reasons for their occurrence. The rational actor (or strategic interest) approach explains, to a great extent, Washington's continuous efforts to improve its relations with China in the late 1970s, but it does not sufficiently explain why normalization and the Taiwan Relations Act occurred at the time and in the form that they did. It is important to look into the "black box" of the policy-making process within the U.S. government for further explanation. The U.S. government institutions are viewed in this study as a conglomerate of large, complex, semifeudal, and highly interdependent organizations staffed with bureaucrats with different responsibilities, interests, and influences, all of which determine the policy outcome. But this large organization is also constrained by the international system, which limits the rational choices a country can make and conditions the processes by which policies are made. To a certain extent, the timing and the contents of the normalization agreements and the TRA were determined by the structures, procedures, and characteristics of U.S. governmental organizations and were, therefore, results of institutional processes. At the same time, they were also products of world politics that required the United States to behave in a certain way to protect its national interests.

The fight between the executive and legislative branches during the formation of the TRA suggests that the U.S. government was not a unitary actor, but one with semifeudal agencies competing for power and for different policy outcomes. Yet, judging from the policy outcomes, the U.S. government acted as if it were

a unitary, rational, and value-maximizing actor and attained through its organizational routines what it could not gain from the negotiations with the Chinese. This study argues that the congressional involvement in foreign policy making represents a viable option, under certain circumstances including those prevailing in this case, in reconciling conflicting national interests. Although the checks and balances arrangement in the U.S. government offers an invitation for struggle, it also provides a mechanism for adjustment and coordination among various policy makers in different branches of the government that may help reconcile inconsistent interests in foreign policy making. Although organizational routines can sometimes constrain organizational actions and induce irrationality in state behavior, they may also enable organizations to achieve their conflicting goals and behave rationally, sometimes in an unintentional manner. The literature on decision making, congressional behaviors, and organizational studies are reviewed in chapter 9 to lay the groundwork for the institutional analysis and for the test of the conceptual proposition raised above. Chapters 2–8 work through the full presentation of factual materials and analysis.

Structurally, this study is divided into three parts. The first, consisting of chapters two and three, explores the broad trends and historical factors that created serious conflicts of interest in U.S. China policy and examines how these conflicts of interest affected the process that led to the normalization agreements and the TRA. It examines the historical setting in which U.S. China policy evolved and analyzes broad foreign policy considerations, especially the strategic factors shaping U.S. policy toward the Soviet Union and other issues of global and strategic significance that impelled U.S. leaders to move toward an “opening” and, finally, to the normalization of relations with China. The study also discusses the historical and domestic factors affecting U.S. policy toward China, in particular the long history of U.S. ties to and interests in the Kuomintang⁹ regime on Taiwan, that constrained U.S. leaders in considering how far they were willing and able to go in compromising with China.

The second part (chapters 4, 5, 6, and 7) focuses on the details of the processes that led to the agreements on normalization and the passage of the TRA. Several important questions are

⁹ *Guomindang* in pinyin. The traditional transliteration is used throughout this study.

examined in this part: Why did Carter and his national security adviser, Zbigniew Brzezinski, decide by the end of 1978 that they would accept China's "three conditions," but only with significant caveats, reservations, and conditions? What was the role of Congress in the administration's negotiations with the Chinese? Why did the Congress react strongly to the presidential agreement on normalization by passing the TRA in its final form? Why did President Carter eventually sign the act, despite China's protests and the fact that it was very different from what he had proposed to Congress? The study thoroughly examines these questions and their relevance to and influence on U.S. decisions made during the 1977-1979 period.

The second part also analyzes why the Carter administration decided to conduct normalization negotiations in secret rather than openly. Would the outcome of the negotiations have been different if the president had consulted with the Congress? Clearly, by the time normalization was achieved, some kind of legislation dealing with U.S.-Taiwan postnormalization relations was essential, but one can ask why President Carter proposed an act that said very little about Taiwan's security and why Congress insisted on more explicit statements about Taiwan security. Did the secrecy of the negotiations on normalization significantly influence congressional reaction and the final form of the TRA? Or was it likely or inevitable that the final act would in any case have gone much further than Carter's proposal in dealing explicitly with the issue of Taiwan's security because of U.S. public and congressional attitudes and domestic politics? The Taiwan question was one of the central issues in the 96th Congress. Approximately a hundred amendments relating to the Taiwan Enabling Bill were introduced in the Senate, thirty-five in the House. Of these, twenty-two in the Senate and twenty in the House were called up and acted upon; and of these, seventeen in the Senate and nine in the House were approved. How can one explain why the bill submitted by the executive branch was rewritten by the Congress in the way that it was? What were the roles of the administration and the Congress and what was the relationship between the two in producing the TRA? Who were the key participants in the process within and between the two major governmental branches? What were their attitudes and views, the roles they played, and their influence on the process of achieving normalization and passage of the TRA?

The third part consists of three analytical chapters that explore the institutional factors contributing to the executive branch's decision on normalization and to the passage of the TRA in its final form. It discusses the basic theme of this study, namely, the role of U.S. institutions in solving the dilemma of conflicting interests in U.S. China policy during the Carter administration. How and to what extent did U.S. domestic, political, and institutional mechanisms affect the negotiations that led to the agreements on normalization and to the subsequent passage of the TRA? Why did the TRA differ substantially from the bill proposed by the administration? What constrained the legislative branch from going too far in the legislative process in protecting U.S. interests in Taiwan? And finally, what can we learn from this case about the way in which the U.S. governmental policy-making process can produce a "rational" policy outcome?

Chapter 8 examines the nature of the TRA and its relationship to the normalization agreements. It also analyzes the interaction of the different institutional interests and viewpoints that resulted in documents that are both contradictory and complementary. In specific terms, it analyzes the extent to which the traditional executive-legislative relationship contributed to the final passage of the TRA, the extent to which the two documents are contradictory, and the extent to which they are complementary, in terms of U.S. interests. Many people, in both the People's Republic of China and Taiwan, regard the passage of the TRA as a reversal of the U.S. policy embodied in the normalization agreement and argue about which one of the two should legally prevail. This study will stress that, although sharp differences do exist between the two on the essential issue of Taiwan's security, the United States did not view the TRA as contradictory to the agreements on normalization. Instead, it was a device, produced by compromise among competing U.S. domestic forces and institutions, to try to minimize the contradictions in America's fundamental interests, as Washington perceived them. Congress basically accepted Carter's decision regarding concessions to Beijing over Taiwan but insisted on passing an act that stressed aspects of U.S. interests relating to Taiwan—especially security interests—that the presidential agreement, for complex reasons, had to leave vague or unsolved. In reference to the arms sales issue and the issue of China's possible use of force against Taiwan, the TRA specifically addressed those points on which the president and the Chinese had agreed to

disagree—or had laid aside to be dealt with in the future—in the normalization negotiations.

Chapter 9 explores the institutional reasons for the timing and the content of both the normalization agreements and the TRA. It focuses on the following questions: Why did normalization occur in late 1978, and not earlier? To what extent did Congress play a constraining role in determining the timing of normalization? Was bureaucratic politics a factor in explaining the timing and the terms? If so, how? Why did the TRA closely follow the normalization agreements in that form? And to what extent were the form and content of the two documents determined by structural characteristics of U.S. governmental organizations? The discussion starts with a brief look at the contour of the U.S. constitutional framework and then examines the historical reasons for congressional assertiveness in the late 1970s and the degree to which that assertiveness contributed to the final form of the TRA. The theoretical literature of organizational decision making and congressional studies is also reviewed before the institutional analysis, for some analytical approaches offer insights into our understanding of the government process in which these two documents were created.

Chapter 10 tests the conceptual proposition raised above that an organizational rationality may exist in American government. It carefully evaluates the role of U.S. policy-making mechanisms in balancing conflicting foreign policy objectives and examines those conditions under which successful and rational coordination may be achieved. In the final section, the study also evaluates some of the strengths and weaknesses of the U.S. institutional system as revealed in this case. The passage of the TRA suggests that there can be, or at least were in this case, four advantages resulting from the participation of Congress in reconciling conflicting interests: (1) The participation of Congress can reflect general public opinion in helping to reach a majority decision and increase the degree of stability in foreign policy; (2) Congress can serve as a useful forum for exploring policy options and testing new ideas; (3) the participation of the legislative branch can provide the U.S. government an opportunity to reinforce and amplify certain ideas implicit in an executive action and sometimes to repair a policy that may be ill-defined or arrived at in haste; (4) the participation of Congress in the policy-making process can exert pressure on the executive branch to strive harder for a policy option that best serves U.S. interests. Although the disadvantages of this frag-

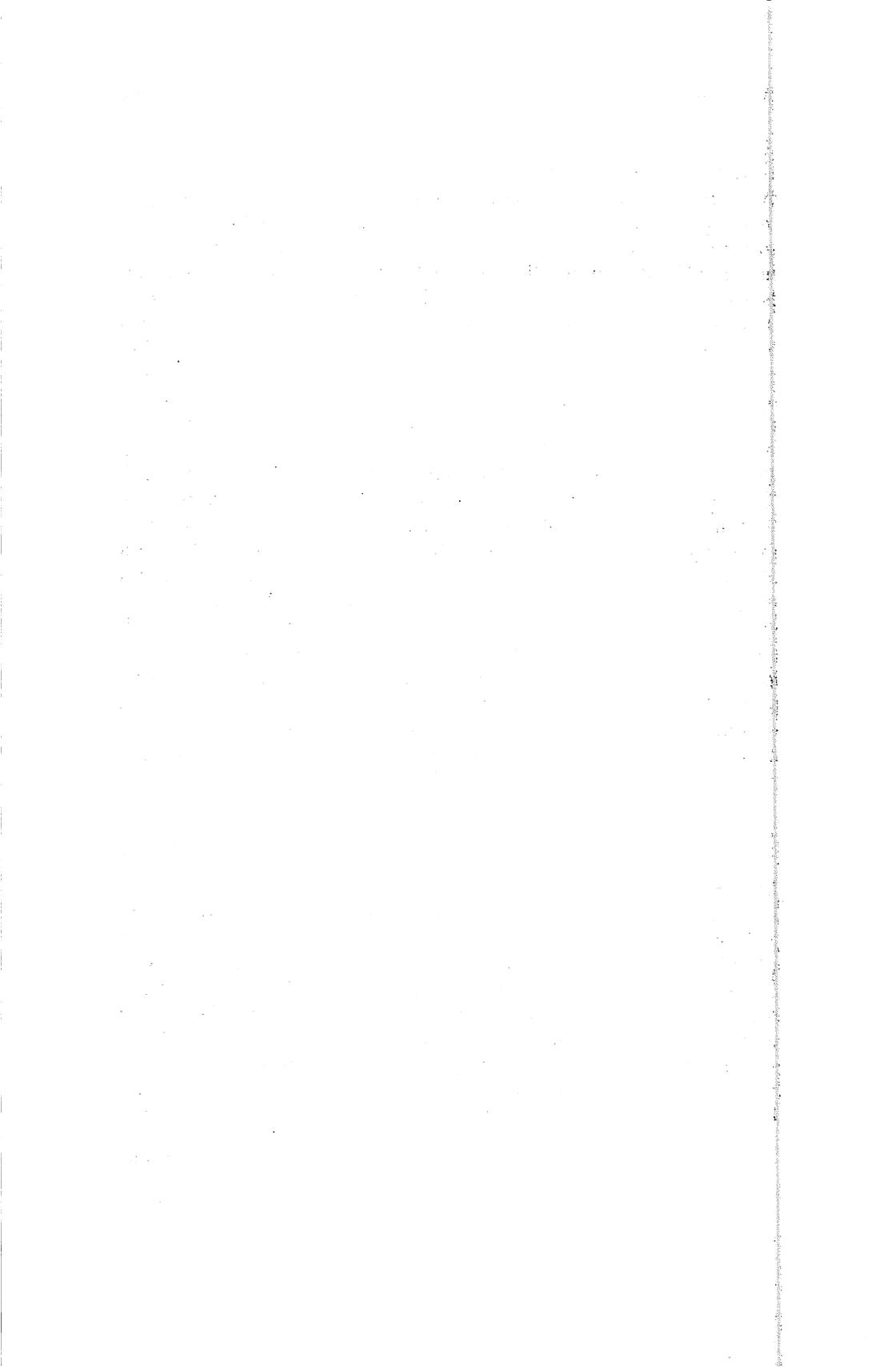
mented system are also discussed in chapter 10, this study argues that, under certain circumstances, U.S. institutional arrangements would be advantageous in reconciling conflicting interests.

The concluding chapter summarizes the main findings and moves the discussion beyond the years of the Carter administration to examine the problems of implementing the TRA in the 1980s and the first half of the 1990s. It explores the potential dilemma the United States might face in its future relations with both Beijing and Taipei and considers a possible pattern of congressional participation in U.S. China policy making. It is highly likely that the Taiwan issue will again become one of the major obstacles in the development of U.S.-China relations and that international as well as institutional sources will continue to shape future U.S. policies toward China and Taiwan.



PART I

Historical Background



TWO

U.S.-China Relations, 1949–1976

President Jimmy Carter's decision to normalize diplomatic relations with the People's Republic of China as of January 1, 1979, was determined by a complex mixture of strategic, political, historical, domestic, and other factors. If we are to understand why normalization occurred at that time and in the form that it did, we must first examine the historical setting in which U.S.-PRC relations and U.S. China policy evolved. This chapter analyzes the factors that affected U.S. policy and led to the opening of Sino-American relations in 1971–1972, as well as the Nixon and Ford legacy that Carter inherited. Only when one understands the motives and objectives of U.S. policy makers in the previous administrations, as well as the motives and objectives of their Chinese counterparts and the broad historical background, can one explain why President Carter decided by the end of 1978 to normalize relations with the PRC in the manner in which he did.

U.S. China Policy in the Late 1940s

Immediately after World War II, the United States became deeply involved in domestic Chinese politics, with its major effort directed toward the creation of a stable and friendly China. Although the United States did not take part in a direct military way in the civil war between the Chinese Communist Party (CCP) and the Kuomintang (KMT), it continued to furnish the KMT with diplomatic, economic, and military assistance while attempting to mediate the KMT's conflict with the Communists in the hope that the two factions could be brought together to establish a broad-based government that would unite the country.¹ Despite

¹ This discussion of the background of U.S. policy toward China from 1945 to 1949 benefited from the following studies: Tsou, *America's Failure*; Warren Cohen, *America's Response to China*; Dulles, *American Policy toward Communist China*; Bar-

hundreds of millions of dollars worth of economic and military aid provided to Chiang Kai-shek's (Jiang Jieshi) KMT forces, and despite American mediation efforts, by 1948 it was clear to the U.S. government that it was impossible to bring about a cease-fire between the KMT and the CCP and that the CCP was headed for victory.

By the end of 1948, the Truman administration recognized that unless the United States directly intervened militarily in the civil war, the Nationalist government was doomed. Washington decided to adopt a policy of disengagement and nonintervention, waiting to "let the dust settle" in China.² This decision was based on the assumptions that protecting U.S. interests in China was not worth a war and that the CCP, which had received only minor help from the Soviet Union, might pursue a policy comparable to that of Yugoslavia.³ On October 1, 1949, the People's Republic of China was established in Beijing by the CCP. By the end of 1949, the CCP had achieved control of most of the mainland, and the Nationalists had fled to Taiwan, an island ninety miles off the continent. Even though it was clear that the CCP and not the KMT was the controlling force in China, the Truman administration nevertheless thought it impractical and imprudent to establish diplomatic relations with the Chinese Communist regime: domestic politics made it impractical, and its potential adverse effect on American prestige made it imprudent. U.S. acceptance and recognition of the Communist government in Beijing as the government of all China would have meant abandoning Chiang Kai-shek, which Congress was not about to do. It was also believed that recognition of the CCP regime would be viewed as inconsistent with the American anti-Communist tradition and as disloyalty to a wartime ally. Although Washington urged its allies not to recognize the PRC precipitously, it apparently only sought delay, not long-term ostracism of Beijing. Inasmuch as the administration had earlier concluded that the Communists would be able to

nett, *China and the Major Powers in East Asia*; May, *The Truman Administration and China*. For official documents the relevant works are Department of State, *Foreign Relations of the United States (FRUS)*, for 1947, 1948, 1949; Department of State, White Paper, "United States Relations with China, With Special Reference to the Period 1944–49"; and the relevant issues of the *Department of State Bulletin*.

² Secretary of State Dean Acheson said in February 1949, "When a great tree falls in the forest one cannot see the extent of the damage until the dust settles." See Acheson, *Present at the Creation*, p. 306.

³ Tsou, *America's Failure*, pp. 443–445, 495.

capture Taiwan in the absence of American intervention,⁴ the United States was clearly prepared by early 1950 for the emergence of one, united China under Communist rule.⁵

As for Taiwan, the Truman administration adopted a hands-off policy toward the island in late 1949 and early 1950. Although the administration was undecided on the issue of recognition of the CCP government, it remained opposed to extending any further U.S. military aid to the KMT in Taiwan. However, many American political and military leaders had different views. Former president Herbert Hoover, Secretary of Defense Louis Johnson, General Douglas MacArthur, Senator Robert A. Taft, Senator William F. Knowland, and Congressman Alexander H. Smith advocated the protection of Taiwan against a Communist takeover.⁶ Various proposals to assure that Taiwan would be under a friendly, non-Communist regime were raised, including an appeal to the United Nations, U.S. support of a Taiwan independence movement, and large-scale economic and military aid to the Nationalist government. All of the aforementioned proposals were vetoed by Secretary of State Dean Acheson to avoid the creation of "Chinese irredentism" against the United States.⁷ On January 5, 1950, President Truman made a statement to the press supporting Acheson's viewpoint: "The United States has no desire to obtain special rights or privileges or to establish military bases in Formosa at this time. Nor does it have any intention of utilizing its armed forces to interfere in the present situation. The United States Government will not pursue a course which will lead to involvement in the civil conflict in China. Similarly, the U.S. government will not provide military aid or advice to Formosa."⁸

As to the legal status of Taiwan and in response to those who advocated treating the island as a part of Japan, President Truman

⁴ National Security Council (NSC) 48/1, December 29, 1949, in *FRUS, 1949*, 9:463–464.

⁵ Some hold that the Truman administration saw the fall of Taiwan as the solution to the recognition problem; see Tucker, *Patterns in the Dust*, p. 183.

⁶ Tsou, *America's Failure*, pp. 528–531.

⁷ Secretary Acheson stated in the NSC meeting, "We are most anxious to avoid raising the spectre of an American-created irredentist issue just at the time we shall be seeking to exploit the Chinese irredentism against Russian intention in the North of China." See NSC 37/5, March 1, 1949, in *FRUS, 1949*, 9:290–292.

⁸ *Department of State Bulletin*, vol. 22, no. 550 (January 16, 1950), p. 79. The terms "at this time" and "present situation" suggested that the United States might, at some future time, take a different position if U.S. interests required. These words were added at the recommendation of the Department of Defense.

stated, "In keeping with [the Cairo and Potsdam] declarations, [Taiwan] was surrendered to Generalissimo Chiang Kai-shek, and for the past four years, the United States and other Allied powers have accepted the exercise of Chinese authority over the island."⁹ Despite pressure from Chiang Kai-shek's friends in Washington, Truman appeared to be wholly persuaded that the United States should not allow itself to become involved in the final, hopeless stages of a civil war whose outcome was already decided.

Containment and Confrontation

The sudden outbreak of the Korean War and the decision to intervene with U.S. forces brought about a fundamental reassessment of U.S. policy toward China, causing a sharp change in the American position on the question of Taiwan from that defined before June 1950. The Truman administration took the view that the North Korean attack, directed by Moscow in support of the world strategy of international communism, endangered the fundamental principles and objectives of U.S. global policy and threatened U.S. national interests. The United States decided not only to intervene on behalf of South Korea, but also to reintervene in the Chinese civil war by interposing the Seventh Fleet between the China mainland and Taiwan to "neutralize" the Taiwan Strait.¹⁰

The decision to send the Seventh Fleet to the Taiwan Strait, made only hours after the Korean War broke out, assumed a crucial linkage between Taiwan and Korea—between the Chinese and the Korean civil conflicts—even though the Chinese did not initiate the Korean War or participate in it until about four months later.¹¹ This linkage resulted from the rationale of the Joint Chiefs of Staff (JCS) that the fall of Taiwan into the Communists' hands would threaten U.S. interests.¹² Truman justified his actions of intervention in both Korea and the Taiwan Strait on the basis of the global nature of monolithic communism and Soviet aggression as perceived in two secret National Security Council documents,

⁹ *Ibid.*, pp. 79–80.

¹⁰ *Ibid.*, no. 574 (July 3, 1950), p. 5.

¹¹ Hsiao, "Legal Status of Taiwan," pp. 28–81. Also see Hao and Zhai, "China's Decision to Enter the Korean War," pp. 94–115.

¹² Memorandum by the JCS to James Forrestal, Secretary of Defense, November 24, 1948, in *FRUS, 1948*, 8:261–262.

NSC 37 and NSC 68.¹³ The use of force by a Soviet proxy so soon after the formation of the Sino-Soviet alliance raised a serious question about a possible Chinese attack on Taiwan, and a CCP occupation of Taiwan was seen as a threat "to the security of the Pacific area and the United States forces performing their lawful and necessary function in that area."¹⁴ In addition, it would be difficult for Truman to explain to his domestic opponents why Taiwan should not be defended when troops were being sent to defend South Korea, which was beyond the American "defensive perimeter."

The Chinese Communists took the American action as an "armed aggression against Chinese territory" and made an immediate protest against Truman's decision.¹⁵ Preparations by the PRC for the military "liberation" of Taiwan had been under way in mainland China since early 1950. The U.S. decision to intervene in the Taiwan Strait compelled the PRC to delay its plans. Beijing's outraged leadership regarded U.S. involvement as the most serious obstacle to their goal of national unification.

When the U.S. forces under the name of the United Nations recaptured Seoul on September 26, 1950, and restored the South Koreans to their position prior to the war, leaders in Washington began to consider the idea that North Korea could be defeated and that all Korea might be united under a pro-Western government. The NSC finally recommended to the president that U.S.-UN forces might advance beyond the 38th parallel provided there were no indications of intervention by the Chinese Communists and the Soviets. On September 29, President Truman approved the recommendation and authorized General Douglas MacArthur to carry the war into North Korea. When U.S. troops, despite Chinese warnings, crossed the 38th parallel and marched toward the Yalu River, the PRC entered the conflict in support of North Korea's forces.¹⁶ In a brief period, the Korean War turned into a U.S.-China military conflict. The PRC and the United States became enemies, and U.S. recognition of China became impossible.

¹³ *FRUS, 1950*, 1:234-292.

¹⁴ Department of State, *American Foreign Policy, 1950-1955, Basic Documents*, 2:2468.

¹⁵ Yao, *From Yalu to Panmunjom*, pp. 6-7.

¹⁶ For the PRC's decision to send troops to the Korean War, see Hao and Zhai, "China's Decision," pp. 97-114; also see Goncharov, Lewis, and Xue, *Uncertain Partners*.

The Korean War not only resulted in huge casualties on both sides, but also created a deep wound in Sino-American relations that took more than two decades to heal. For most of the 1950s and 1960s, the bilateral relationship was characterized by antagonism and confrontation.¹⁷ In the 1950s, U.S. policy toward China reflected Washington's overall policy of global containment. The military confrontation with the CCP in Korea convinced Washington that the Beijing regime was an integral part of a monolithic, Soviet-led worldwide Communist movement that posed great threats to the United States and the "free world." Washington's Asian policy was thus to contain China, as Dulles articulated, to "isolate it, reduce its influence abroad, deter it from threatening or putting pressure on its neighbors and exert constant external pressure on it"—in the hope that it would prove to be a "passing phenomenon."¹⁸ The United States refused to recognize the PRC government and opposed its admission to the United Nations. It regarded the KMT regime in Taiwan as the sole legitimate government of all China and increased military and economic assistance to the Nationalists with the hope that the Chinese Nationalists would someday return to the mainland.

To contain China, the United States began, from the start of the Korean War, to build up a network of military alliances along the PRC's eastern and southern flanks. Washington signed mutual defense treaties with several East Asian and Pacific countries: the Philippines on August 30, 1951; Japan on September 8, 1951;¹⁹ Australia and New Zealand (ANZUS) on September 1, 1951; South Korea on October 1, 1951; and several countries in the Southeast Asia Treaty Organization (Thailand, the Philippines, and Pakistan were the Asian participants) in 1954.²⁰ The United States provided large-scale military and economic assistance to its Asian allies for the purpose of "building up the political, economic, and military

¹⁷ For studies on Sino-American relations from 1950 to 1971, see Kenneth Young, *Negotiating with the Chinese Communists*; Kalicki, *The Pattern of Sino-American Crises*; Warren Cohen, *America's Response to China*; Barnett, *China and the Major Powers*; Gordon H. Chang, *Friends and Enemies*; Schaller, *The United States and China*.

¹⁸ In his speech "Our Policy toward China" on June 28, 1958, Dulles regarded the CCP regime as "a passing and not a perpetual phase"; see Press Release, Department of State, Public Service Division, Series S., no. 58, June 28, 1958.

¹⁹ The security treaty with Japan contained general language, leaving the way open to Japan's inclusion in a "more comprehensive system of regional security in the Pacific Area." See *Basic Documents*, 1:873–897.

²⁰ Stolper, *China, Taiwan, and the Offshore Islands*, pp. 19–21.

strength of the free world.”²¹ It also supported covert anti-Communist activities against the mainland from Taiwan and a number of other areas including Thailand, Burma, and the Tibetan borderland.²² U.S. policy was committed to putting a great deal of military and political pressure on the PRC in the hope that the newly established Communist regime would collapse or that a wedge could be driven between Beijing and Moscow. To advocate change in this policy was considered by many to be suicidal in American politics, particularly in the face of the so-called China lobby—a group of lobbyists, legislators, and other officials who were able to use the anti-Communist atmosphere in the United States during the Cold War to foster policies of strong opposition to the PRC and firm support for Taiwan.

A Military Armistice Agreement was signed in Korea on June 27, 1953. The rationale that U.S. intervention in the Taiwan area had been justified by the regional conflict was no longer applicable after the cessation of hostilities in Korea. Chiang Kai-shek therefore proposed that the United States and Taiwan conclude a mutual defense treaty.²³ The signing of the U.S.-ROC Mutual Defense Treaty on December 2, 1954, practically made the United States a party to the Chinese civil war. Article V of the treaty declared that any armed attack “against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.” The treaty put the KMT regime on a par with Japan, South Korea, the Philippines, Australia, and New Zealand as far as its treaty relationship with the United States was concerned.

Beijing considered the United States a major threat to China’s sovereignty and national security. The newly established regime felt enormous pressure and a keen sense of insecurity over Washington’s policy of military encirclement.²⁴ Compelled at first to rely primarily on its defense treaty with Moscow and the Soviets’ diplomatic and military support to deter any major military attack, China worked hard to build up its own military strength. In a sense, Beijing’s entire foreign policy strategy,

²¹ See NSC 68, in *FRUS, 1950*, 1:234–292.

²² See the statement by Allen Whiting in Congress, Joint Economic Committee, Subcommittee on Priorities and Economy in Government, *Economics of National Priorities*, pp. 448–451.

²³ Chiu, “Taiwan in Sino-American Relations,” p. 158.

²⁴ Sutter, *China Watch*, pp. 31–46.

especially toward other Asian areas, was a response to its perception of the "American threat."

From about 1953, China moved gradually to abandon a dichotomous worldview and turned to a united-front strategy designed to "ally" China with all potential forces that could unite against "American imperialism."²⁵ Although the definition of "potential allies" gradually changed, with "socialist imperialism"—the Soviet Union—eventually also becoming a prime target of the struggle in the early 1960s, the fundamental purpose of fostering such a broad united front in the 1950s and 1960s was to mobilize all possible forces against the United States. During this period, even though relations between the United States and the PRC were nearly nonexistent, Chinese and American diplomatic representatives met frequently at the negotiation table, not simply in the talks at Panmunjom and in multilateral international conferences, but, from 1955 onward, in almost continuous bilateral talks at the ambassadorial level held in third countries, first in Geneva and later in Warsaw. The PRC, which had showed flexibility in its dealings with the United States during the 1955-1957 period, moved toward increasing rigidity. The United States, in contrast, showed great rigidity at the beginning, then moved toward increased flexibility. However, there was almost no movement toward compromise or understanding.

In light of these developments, the KMT regime in Taiwan became an important part of the American anti-Communist alliance system in Asia. Taiwan's geographic location and its government's pro-American attitude and anti-Communist ideology had made it a valuable link in the chain of defense pacts from Japan and South Korea to Australia and New Zealand concluded by the United States to contain potential Communist Chinese expansion in Asia. It became an article of faith in Washington that the United States would maintain strong support for the Nationalist Chinese government in Taiwan against the Communist regime in Beijing. For this purpose, the United States had to hold that the status of Taiwan was "undetermined," which Washington did from 1950 until 1972.²⁶

The early 1960s witnessed an attempt on the American side, first by President John F. Kennedy and then by President Lyndon

²⁵ Barnett, *China and the Major Powers*, p. 181.

²⁶ Chiu, "Taiwan in Sino-American Relations"; Hsiao, "Legal Status of Taiwan," pp. 35-44.

B. Johnson, to rationalize U.S. policy toward China.²⁷ President Kennedy came into office with a promise to reexamine the fixed posture of former Secretary of State Dulles concerning relations with China. Kennedy considered "the state of the U.S. relationship with the PRC as irrational" and did not exclude the possibility of making some changes in the course of his administration.²⁸ When the existence of a serious Sino-Soviet split became clear, the Kennedy administration began to downgrade the "China threat" and later hinted at the possibility of providing food to China and broadening nonofficial contacts.²⁹ But the intent to reconsider Sino-American relations was overwhelmed by a host of countervailing considerations; Kennedy was very much aware of the grave problems that confronted him and of his weak mandate in the election of 1960, as well as of China's bellicose policy toward the United States. Although the atmosphere was changing, policy did not change; nonrecognition of the PRC was still the norm.

The atmosphere continued to change during the Johnson administration. After the PRC became a nuclear power in 1964 and following the 47 to 47 vote in the 1965 UN General Assembly on the issue of Chinese representation, there were growing pressures for the United States to reconsider its China policy. One survey undertaken by the University of Michigan in the mid-1960s found that 51 percent of the respondents favored "exchanging ambassadors with Communist China the way we do with other countries."³⁰ In the Senate Foreign Relations Committee hearings held in March 1966, most of the prestigious China scholars argued that the U.S. policy of "containing" China should be modified.³¹ In that year Washington eased restrictions on the travel of scholars to Communist countries, and President Johnson said in a nationwide televised speech that eventually "reconciliation" with China was desirable.³² However, the Vietnam War and the domestic problems created by the war occupied Johnson almost entirely, leaving him unprepared to take any new initiatives on U.S. policy toward Beijing and Taiwan.

²⁷ Thomson, "On the Making of U.S. China Policy," pp. 220-243.

²⁸ Schlesinger, *A Thousand Days*, p. 479.

²⁹ Hilsman, *To Move a Nation*, pp. 302-357.

³⁰ Watts et al., *Japan, Korea, and China*, p. 128.

³¹ Senate, Committee on Foreign Affairs, Subcommittee on the Far East and the Pacific, *Hearings, United States Policy toward Asia*.

³² Thomson, "U.S. China Policy, 1961-1969," p. 241.

During this period, Beijing's policy toward the United States was more rigid than in previous years. Beijing resisted U.S. public initiatives and U.S. initiatives at the Warsaw talks, maintaining that the Taiwan question had to be resolved before any agreement on secondary issues could be reached.³³ The PRC insisted on "two points of principle": that "all disputes between China and the United States, including the dispute in the Taiwan region, should be settled through peaceful negotiations" and that "the United States must agree to withdraw its armed forces from Taiwan and the Taiwan Strait."³⁴ Since Washington showed no interest in agreeing to these principles, virtually no progress was made in bilateral relations.

During the middle and late 1960s, U.S.-China relations reached such a low point that there was little hope for any improvement. In Washington there were small signs of a more flexible attitude but no significant change in policy. China's leaders still viewed the United States as an extremely hostile power, pressing in on them at many points around China's periphery. At the height of the Vietnam War, although both China and the United States took pains to avoid direct military conflict, they were engaged in a struggle by proxy. During the 1966-1968 period, moreover, when China was preoccupied with the Cultural Revolution, Beijing's leaders adopted an isolationist yet bellicose posture toward most of the world.³⁵ Despite the fact that "social imperialism" (Soviet Union) rivaled the United States as a primary target of Chinese hostility, there were no signs of any inclination on China's part to reassess its policy toward the United States.

Not until Richard M. Nixon came into office as president and the Soviets invaded Czechoslovakia and began a military buildup along the Sino-Soviet border did Beijing and Washington begin to reexamine their fundamental approaches and move to redefine their basic policies toward each other. The results were the dramatic steps toward détente that culminated in President Nixon's trip to Beijing and the signing of the Shanghai Communiqué.

³³ Barnett, *China and the Major Powers*, pp. 191-192.

³⁴ Young, *Negotiating with the Chinese Communists*, p. 231.

³⁵ Sutter, *China Watch*, pp. 63-67.

Nixon's New Approach

When Nixon assumed the presidency on January 20, 1969, American foreign policy was at a low ebb. No longer would a foreign policy based simply on containment of Soviet expansion, dating from the years of the Truman Doctrine, be effective in the face of a rapidly changing global balance of power. President Nixon and his national security adviser, Henry Kissinger, believed that the coherence of American diplomacy had been substantially reduced as a result of four fundamental changes in the world.³⁶ The first fundamental change was in the nature of the military balance of power. The Soviet Union had achieved virtual equality in military power with the United States. No longer could the United States maintain its nuclear monopoly or clear superiority in the world arena, as it had been able to in the first two postwar decades.

Second, the Sino-Soviet conflict fundamentally changed big-power relations in the world. It also changed the view of many Americans concerning the monolithic nature of the Communist bloc and the prospect that the Chinese Communist regime would collapse if it was effectively contained by the United States. In terms of U.S. policy, Nixon and Kissinger realized the opportunity this Sino-Soviet conflict offered. China now tied down perhaps one-third of Soviet combat forces and as many of its conventional tactical and support equipment, thereby relieving some of the pressure on the defense forces of the North Atlantic Treaty Organization (NATO).

Third, after the economic and political recovery of Western Europe and Japan, and after the Sino-Soviet split, the structure of international relations had shifted from what was essentially bipolarity into a kind of multipolarity.³⁷

Fourth, at the end of the 1960s, the United States faced a set of economic, social, and political crises at home. A great many of the crises could be traced to the Vietnam War: the United States could neither win nor get out, and continued fighting only made the situation worse. The overwhelming public opinion during this period was for a quick end to the Vietnam War. Because of the

³⁶ For the background of the Nixon-Kissinger global perception and policy design, see Nixon, *RN: Memoirs*; Kissinger, *White House Years*; idem, *Years of Upheaval*; Schurmann, *The Foreign Politics of Richard Nixon*; Kalb and Kalb, *Kissinger*; and Hersh, *The Price of Power*.

³⁷ Kissinger, *American Foreign Policy*, pp. 53-97.

bitter American experience in Vietnam, the public mood in the United States had changed from an earlier idealism that called for an active role in world affairs to a "neo-isolationism" that emphasized the reduction of U.S. overseas commitments.³⁸

Thus by the end of the 1960s, U.S. foreign policy had to take account of parity with the primary adversary, increased multipolarity in the structure of international relations, and an increasing domestic call for a reduction of U.S. overseas commitments. The government needed to (1) reduce the U.S. military commitment overseas in response to changed public opinion (this meant, in the first place, bringing the Vietnam War to an end and implied a restriction of U.S. intervention in local situations in different parts of the world); (2) find a new policy toward the USSR (less expensive than containment) in the hopes of simultaneously lowering tensions between the two superpowers and placing restraints upon the exercise of Soviet power; and (3) create a stable international system that would take into account the new power centers of a more diversified world.³⁹

It was in this situation and with these problems in mind that Nixon and Kissinger began to frame their global strategy, in which the *détente* policy toward the Soviet Union stood in the center. It seemed that in Nixon's mind, *détente* was another means of updating containment, a means of containing the Soviet Union in a way that would be consistent with available resources. It was an attempt to redefine U.S. interests to accommodate U.S. capacities, the limitation of which was revealed by the Vietnam War, and to maintain the relationship between ends and means that any strategy must possess to succeed.

The Nixon administration sought first to reduce U.S. global interests, thereby lowering the danger of overextension. Some U.S. interests, such as European security, were believed to be vital; others, such as those in Southeast Asia, might not be. The United States had to distinguish between the two and concentrate on defending its vital interests with its limited means. Second, Nixon and Kissinger sought to "de-ideologize" U.S. foreign policy. In the earlier postwar period, American leaders had identified adversaries through ideological criteria. Communism was believed to be the natural enemy of American values. The Nixon administration tried to change the old approach, claiming that "the 'isms'

³⁸ Hahn, "The Nixon Doctrine," pp. 361-376.

³⁹ Hartley, *American Foreign Policy in the Nixon Era*, pp. 3-34.

[had] lost their vitality.”⁴⁰ “Our objective,” Kissinger noted, “was to purge our foreign policy of all sentimentality.”⁴¹ Nixon and Kissinger argued that even ideologically antagonistic states could share common objectives in certain situations and that countries sharing the same ideology could be antagonistic. With this change in policy approach, the administration opened the possibility of working with some Communist states to contain others. This reasoning created a new evaluation of China as a potential friend, or at least a nonhostile adversary, and led to a reduction in the number of potential enemies to be contained.⁴²

Third, for the first time in the postwar period, the Nixon administration sought to engage Washington’s primary adversary, the Soviet Union, in serious negotiations. “We are [moving] from an era of confrontation to an era of negotiation,” Nixon stated in his inaugural speech at the beginning of 1969.⁴³ The Nixon administration expected that the differences between the two superpowers could be managed, if not resolved, through negotiations. Despite competition between the two countries, common interests could be pursued cooperatively, thus lowering still further the number of threats to be contained. To draw Soviet concessions, deterrents and inducements both would have to be used. Nixon and Kissinger believed that trade benefits, loans, and technology transfers could be used as carrots to induce the Soviet Union to limit the strategic arms race with the United States and to cooperate in managing crises in the Third World. Most immediately, Washington hoped that this new *détente* policy would encourage Moscow, the principal patron of Hanoi, to pressure the North Vietnamese to come to some agreement with the United States.

How did Nixon and Kissinger perceive the role of China in their grand design of global foreign policy? China was perceived to be militarily weaker than the United States or the Soviet Union and economically weaker than Japan or Western Europe.⁴⁴ However, because of its sheer geographical size, strategic location, large population, and rich natural resources, China had the potential to be a major power.⁴⁵ It was clearly one power center in

⁴⁰ Nixon, *U.S. Foreign Policy for the 1970's*, p. 3.

⁴¹ Kissinger, *White House Years*, p. 191.

⁴² Gaddis, “The Rise, Fall and Future of *Détente*,” pp. 359–360.

⁴³ Nixon, *Public Papers of the President*, p. 59.

⁴⁴ Nixon, *RN: Memoirs*, 1:544–555; Kissinger, *White House Years*, pp. 691, 716–717, 735, 763–770.

⁴⁵ Nixon and Kissinger argued that the balance of power did not depend solely

Nixon's pentagonal world. In addition, because of the antagonistic relations between China and the Soviet Union and Beijing's patron relationship with the North Vietnamese, Nixon regarded the PRC as a potentially very important factor in carrying out his new foreign policy.⁴⁶

The Nixon administration believed that changing U.S. China policy from hostility to détente would benefit the United States significantly in the following ways: (1) it would reduce U.S. security responsibilities in Asia and allow the withdrawal of American troops from Vietnam; (2) it could enable the United States to benefit from Sino-Soviet hostility by gaining diplomatic leverage over both the Soviet Union and China, especially if China could be used to exert pressure on the Soviet Union; (3) it could preclude a possible Soviet attack on China—an attack that could lead to a large-scale Sino-Soviet military conflict (which could become a global war or which could lead to Soviet domination of China); (4) it could also prevent a possible Sino-Soviet rapprochement, which would increase the possibility of a coordinated Chinese and Soviet strategy against the United States.⁴⁷

Fear of Chinese Communist expansion had been a principal reason behind the U.S. military involvement in Vietnam. Asian communism was believed to be a monolithic movement controlled by Beijing through puppet governments in Southeast Asia.⁴⁸ The U.S. forces in Asia and the Pacific area had been deployed to contain China since the Korean War. As Harvard Sinologist John K. Fairbank noted, "We are in Vietnam because of the Chinese Communist revolution."⁴⁹ If U.S. troops were to be withdrawn from Vietnam, old views of the "China threat" would have to change. If Sino-American détente took place, the fighting in Vietnam would lose its original justification. In addition, Sino-American

on an equilibrium of military strength. See Kissinger, *American Foreign Policy*, pp. 128–129. Also, Nixon believed that China would "inevitably [be] an enormous economic power." See also *Department of State Bulletin*, vol. 65, no. 1674 (July 26, 1971), p. 951.

⁴⁶ Nixon, *RN: Memoirs*, 1:544–545.

⁴⁷ Garrett, "The United States and the Great Power Triangle," pp. 76–102.

⁴⁸ In 1965 both President Johnson and presidential candidate Nixon expressed this belief. "The rulers in Hanoi are urged on by Peking," said Johnson; "the contest in Vietnam is part of a wider pattern of aggressive purpose." Nixon stated, "A United States defeat in Vietnam means a Chinese Communist victory." See *Congressional Quarterly, China: American Policy since 1945*, p. 35.

⁴⁹ *Ibid.*

détente might also provide Washington with leverage to pressure the North Vietnamese at the negotiating table.

Among all of the Nixon administration's objectives, the possible strategic significance of relations with China vis-à-vis Washington-Moscow relations was potentially most important in the minds of Nixon and Kissinger because the relationship with the Soviets was the top priority of U.S. foreign policy.⁵⁰ Given that détente with China could align China and the United States against the Soviet Union, Moscow might seek to improve relations with the United States in competition with Beijing. As Nixon and Kissinger saw it, Soviet-American détente, Sino-American rapprochement, and Sino-Soviet hostility were interrelated and mutually reinforcing, and the United States was in the most advantageous position in the triangle. The interplay of hopes and anxieties on the part of the Soviets and the Chinese alike induced both sides to move closer to the United States and further from each other. Nixon could deal with Moscow through China's back door. Kissinger therefore planned summit meetings in both Beijing and Moscow in the same year.

Restoring relations with China could also have important implications for U.S. global military strategy. The U.S. military war plan had been based on a so-called two-and-a-half-wars strategy designed to fight two major wars simultaneously, one in Asia against China and the other in Europe against the Soviet Union, and at the same time meet a "minor contingency" elsewhere in world. In his memoirs, Kissinger wrote that the United States did not have the ability to implement such a strategy. If a war had broken out simultaneously against the Soviet Union and China, he argued, it would likely have been a nuclear war to compensate for weakness in conventional forces.⁵¹ Improved relations with the PRC would eliminate one major adversary and make it possible for the U.S. military plan to be based on a one-and-a-half-wars strategy, with clear emphasis on a possible war in Europe against the Soviet Union.

Thus, President Nixon came into office at a time when change in the U.S. China policy was necessary, when the international environment justified such change, and when the domestic

⁵⁰ Kissinger, *White House Years*, pp. 164–194; for the strategic logic of the China opening, see Dittmer, "Strategic Triangle," pp. 485–515.

⁵¹ Kissinger, *White House Years*, pp. 220–222. Kissinger notes that the shift from a two-and-a-half-wars strategy to a one-and-a-half-wars strategy was publicly announced in Nixon's first foreign policy report to the Congress, February 18, 1970.

political situation made it relatively easy for him to act. Although Nixon and Kissinger perceived long-term strategic benefits from the change in U.S. China policy, their immediate goal was to capitalize on Sino-Soviet hostility to gain diplomatic leverage over the Soviet Union and to help expedite the U.S. withdrawal from Vietnam. They put aside ideological considerations and pursued a pragmatic policy of *realpolitik*.

Sino-American Rapprochement

When he assumed office in January 1969, President Nixon immediately initiated an examination of possible changes in U.S. policy toward China and began to indicate Washington's desire to open a dialogue with China and to withdraw U.S. military forces from Vietnam.⁵² In July and again in December of 1969, the State Department took unilateral steps to relax U.S. travel and trade restrictions affecting the PRC. On November 7, 1969, the United States quietly ended the Seventh Fleet's nineteen-year patrolling of the Taiwan Strait, which had been a very important symbol of American commitment to the KMT.⁵³ These steps, although small, were significant, for they began to signal the change of the two-decades-old containment policy. Moreover, these unilateral steps were simultaneously supplemented by a series of secret initiatives by the Nixon administration—first through French president Charles De Gaulle and later through Pakistanis and Rumanians—to feel out the Chinese about the prospect of expanding talks with the United States. In July 1969, in Guam, Nixon articulated his so-called Nixon Doctrine, calling for reduced U.S. military involvement in all of Asia.⁵⁴ This doctrine further indicated a significant downgrading of the China threat in the eyes of U.S. leaders and implied an important reassessment of containment policies in Asia.⁵⁵

The PRC leaders had strategic and security concerns of their own.⁵⁶ In the middle of the 1960s, Chinese foreign policy was

⁵² For a useful assessment of U.S.-China interaction in the period 1969–1971, see Freeman, "Rapprochement," pp. 1–28; Jaw-ling Joanne Chang, *United States–China Normalization*; Ross, *Negotiating Cooperation*.

⁵³ Senate, Committee on Foreign Relations, *Hearings before the Subcommittee on U.S. Security Agreements and Commitments Abroad*, pt. 4, p. 1010.

⁵⁴ Department of State, *United States Foreign Policy, 1969–1970*, p. 36.

⁵⁵ See Nixon, "Informal Remarks in Guam with Newsmen," in *Public Papers of the President*, no. 279, pp. 544–556.

⁵⁶ In the course of preparing this study, I conducted more than ten interviews with Chinese officials and senior scholars concerned with Sino-American relations,

marked by acute Chinese isolation, stemming from the deleterious effects of the Cultural Revolution. China's international status was severely weakened and its influence limited to a small handful of states. The Cultural Revolution also made Beijing markedly more uncompromising toward U.S. "imperialism." The Soviet invasion of Czechoslovakia in August 1968 and the so-called Brezhnev Doctrine of limited sovereignty within the socialist camp, as well as Moscow's rapid military buildup along the Sino-Soviet border, prompted Chinese leaders to give more attention to foreign affairs. Mao Zedong and Zhou Enlai believed that the Soviet Union was collaborating and colluding with the United States in establishing "a military encirclement" of the PRC.⁵⁷ In the minds of the Chinese leaders, China was vulnerable to both superpowers. The long-standing Sino-Soviet ideological dispute made it difficult for Beijing's leaders to reach an accommodation with Moscow. The outbreak of Sino-Soviet border clashes in March 1969 further increased Chinese concern over Soviet military intentions. In contrast, Beijing cautiously downgraded the U.S. threat, particularly after the United States began to disengage from Vietnam and, starting in 1969, promised to reduce U.S. forces elsewhere in Asia. President Nixon's Guam speech and the American decision to end Seventh Fleet patrolling in the Taiwan Strait were assessed favorably by Beijing's leaders. To Mao Zedong and other Chinese leaders, the Soviet threat had surpassed the American threat, and the United States seemed increasingly attractive to the PRC as a potential counterweight to the Soviet threat. As a result, a fundamental change occurred in Chinese leaders' perception: Beijing now viewed Moscow as the greatest and most immediate threat to its security. In this new situation, the Chinese clearly hoped that they could deter the Soviet threat by improving relations with Washington. In achieving this end, Chinese leaders were ready to put aside the Taiwan issue temporarily if necessary and give higher priority to their new goal rather than to the long-term national objective regarding Taiwan. In fact, the Beijing leadership believed that because Washington could benefit greatly

with Chinese officials and senior scholars concerned with Sino-American relations, including several high-level diplomats. Since the intent of the interviews was to obtain as frank an assessment as possible of Chinese perspectives on Chinese policy toward the United States and the Soviet Union, and in light of the fact that many of these issues remain matters of personal sensitivity, individuals with whom I spoke were assured that their comments would not be for attribution.

⁵⁷ *Renmin ribao*, September 22, 1968.

from new relations with Beijing, U.S. leaders might be ready to make certain compromises regarding Taiwan.⁵⁸

Thereafter, events developed rapidly. In April 1971, Beijing formally invited a U.S. Ping-Pong team and some correspondents to visit China. A few days later, President Nixon announced that the twenty-one-year embargo on trade with China would be lifted.⁵⁹ From July 9 to 11, 1971, Henry Kissinger made a secret visit to Beijing, where he held long talks with Premier Zhou. Nixon's subsequent announcement on July 15 of his planned visit to China surprised the world and indicated to the international community that fundamental changes in Sino-American relations were under way. Finally, in February 1972, President Nixon arrived in Beijing. He was well received, and with Premier Zhou worked out the Shanghai Communiqué, the historic diplomatic document that set an entirely new framework for Sino-American relations.

The 1972 Shanghai Communiqué and the New Framework

The Shanghai Communiqué signed by Richard Nixon and Zhou Enlai on February 28, 1972, laid the basis for a new Sino-American relationship. Both sides agreed to end their decades-old antagonism and to move toward normalizing bilateral relations. The communiqué had two major features: on the one hand, it noted that the two countries had some shared interests regarding the international order in East Asia, namely in checking the Soviet Union's expansion. On the other hand, the communiqué affirmed that the Taiwan issue presented a major stumbling block in the normalization of Sino-American relations that was impossible to resolve immediately. Implicit in the communiqué was the view that it was necessary to lay the Taiwan issue temporarily aside and agree to disagree. The PRC asserted that Taiwan was a province of China, that its liberation was China's internal affair, and that all U.S. military forces had to be withdrawn from Taiwan. The United States acknowledged "that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China"; the United States "did not challenge" that position. Both the United States and the PRC also pledged to

⁵⁸ Interviews with Chinese officials, summer 1987, Beijing.

⁵⁹ Nixon, *RN: Memoirs*, 2:13.

continue to work toward normalization of relations, which meant the final establishment of diplomatic relations with each other.

The effect of the Shanghai Communiqué was profound. It marked the formal beginning of the process of normalization between the United States and the PRC and signaled the decline of U.S. diplomatic and military support for the KMT in Taiwan. The United States stopped viewing Taiwan as an important strategic link in an alliance system aimed at containing the PRC. Washington was also ready to accept the PRC government as the legitimate government on the China mainland. The PRC replacement of the KMT in the United Nations by an overwhelming majority vote of 76 to 35 was an important indicator of world opinion with respect to the representativeness and legitimacy of the two rival Chinese regimes.⁶⁰

The Shanghai Communiqué substantially reduced Beijing's security concern about its eastern and southern flanks and hinted at the possibility of U.S. assistance to China in case of a Sino-Soviet war. It also eased Beijing's longstanding concern that the United States and the Soviet Union might collude with one another against China. In the wake of Nixon's visit, PRC leaders were apparently satisfied with their improved position vis-à-vis the Soviet Union and were able to maintain an uncompromising stand in the face of Soviet military pressure.

Beijing also obtained political and diplomatic benefits from the new relationship with Washington. In September 1972, Sino-Japanese normalization of diplomatic relations was completed. By 1976 more than a hundred countries (including eight NATO countries) had shifted their recognition from Taiwan to the PRC.

The United States also gained a great many diplomatic and strategic benefits from the Shanghai Communiqué. The immediate

⁶⁰ There seemed to be a disparity between the State Department and National Security Adviser Kissinger on the UN seating issue. On August 2, 1971, Secretary Rogers announced that the United States would support PRC seating in the General Assembly but "will oppose any action to expel the Republic of China." While George Bush, the U.S. ambassador to the UN, tried to rally votes to save Taiwan's seat in the United Nations, Kissinger scheduled his second trip to Beijing. Ambassador Harvey Feldman observed that "had K[issinger]'s visit been delayed, we would have passed the Important Question, which would have meant defeat for the Albanian Resolution, and the ROC would have remained in the General Assembly that year. . . . Kissinger thought dual representation a disaster for his China policy, because he was convinced Beijing would not accept it and would regard it as an obstacle to better US-PRC relations." See Jaw-ling Joanne Chang, *United States-China Normalization*, p. 34.

goals of Nixon and Kissinger were to capitalize on the Sino-Soviet split and the Chinese overture to the United States to gain diplomatic leverage in dealing with Moscow and Hanoi. The opening to China in 1972 added new momentum to the development of Soviet-American relations. The Soviets, fearful of Sino-American collusion against them, sought to improve relations with the United States in competition with Beijing. Three months after his China trip, Nixon went to Moscow and signed the Strategic Arms Limitation Treaty (SALT I) with the Soviets, thus formalizing détente between Moscow and Washington.⁶¹ Thus, within four months, the United States achieved rapprochement with China and détente with the Soviet Union, and Richard Nixon was reelected in a landslide victory in the fall of 1972. Improved U.S. relations with both Beijing and Moscow also contributed to the isolation of Hanoi in 1972 and helped the U.S. ultimately disengage from Vietnam. In January 1973, the Vietnam Peace Agreement was signed in Paris, and U.S. combat forces were soon withdrawn from Indochina.

During the five years following Nixon's visit to China, the relationship between the United States and the PRC improved in many ways. There were substantial diplomatic, trade, cultural, and scientific exchanges between the two countries. In 1973, during Kissinger's trip to Beijing, the PRC agreed to his proposal that official liaison offices be established in both capitals. Communications between the two capitals improved, and the atmosphere in bilateral relations changed radically for the better. President Ford visited China, and Kissinger, both as national security adviser and as secretary of state after late 1973, paid seven visits to Beijing. Bipartisan congressional delegations began to travel to the PRC, and they published many reports of their impressions of the "New China."⁶² By the end of 1978, many key members of the Senate and the House of Representatives had visited Beijing.⁶³ Travel

⁶¹ Henry Kissinger believed that Sino-American rapprochement caused the Soviets to speed up efforts to reach the SALT I agreement with Washington; see Kissinger, *White House Years*, pp. 766–770.

⁶² See Senate, *Journey to the New China*; Senate, *China Report—Report of a Special Congressional Delegation*; House, *China: One Step Further toward Normalization*; Senate, *The United States and China*; House, *Report of a Visit to the People's Republic of China*; and Congress, *Ninth Congressional Delegation to the People's Republic of China*.

⁶³ According to the Congressional Quarterly's *China Report* (1980), three members visited Beijing in 1972, eight in 1973, six in 1974, twenty-two in 1975, thirteen in 1976, ten in 1977, and sixty-five in 1978 (p. 14).

went the other way as well. Cultural delegations came from Beijing in increasing numbers. U.S.-China trade grew from \$5 million in 1971 to \$930 million in 1974, with some export of high-technology items by the Americans.⁶⁴ The United States, as promised in the Shanghai Communiqué, gradually reduced its military forces in Taiwan to fewer than one thousand troops by the end of the Ford administration.

The Sino-American relationship began to cool down in 1973-1974, however. By 1975, the bilateral relationship seemed to be moving from a period of favorable expectations to a period of greater uncertainty. PRC officials had begun to complain during 1973-1974 that the lack of full diplomatic relations imposed limits on further improvement of bilateral relations, and they indicated that until diplomatic relations could be normalized, no high-level Chinese official would visit the United States, no long-term scientific or student exchanges could take place, and no U.S. correspondents could be stationed in Beijing. Sino-American trade fell from \$462 million in 1975 to \$336 million in 1976.⁶⁵ Negotiations on the disposition of U.S. claims against the PRC for confiscated property and PRC claims against the United States for frozen assets seemed to have reached a stalemate. Until the issue of claims was resolved, U.S. and PRC ships and airplanes could not enter each other's territory, nor could trade exhibits take place, because Americans with claims against the PRC could petition U.S. courts to hold PRC property in this country to satisfy their claims.

The stalemate in bilateral relations was also due in part to the different security interests in each country. U.S. policy toward the Soviet Union was to avoid conflict, encourage détente, and, to some extent, expand ties and improve relations. The Chinese, on the other hand, strongly opposed U.S.-Soviet détente, criticized all signs of improvement in U.S.-Soviet relations, and welcomed any sign of friction between Washington and Moscow. Chinese concern over agreements made between the United States and the Soviet Union at the summit meeting in Vladivostok in November 1974 and in Helsinki in August 1975 made Beijing fear that the United States might try to improve its relations with the Soviets at Beijing's expense.⁶⁶

⁶⁴ Clark and Avery, "Sino-American Commercial Relationship."

⁶⁵ Lubman, "Trade and Sino-American Relations," p. 201.

⁶⁶ U.S. Congress, House, Committee on Foreign Affairs, Subcommittee on Asia and Pacific Affairs, *Playing the China Card: Implications for U.S.-Soviet-Chinese Rela-*

Because of their concern over the American ability and willingness to counter Soviet expansion in East Asia, PRC leaders became less willing to sacrifice their interests in Taiwan in their relations with Washington. From 1974 on, Beijing gradually made its position on normalization clear; through a number of communications with U.S. officials it indicated that three conditions had to be met by the United States for the normalization of diplomatic relations to be possible: U.S. withdrawal of all military forces from Taiwan, the end of U.S. diplomatic relations with the Taiwan regime, and abrogation of the U.S.-Taiwan Mutual Defense Treaty.⁶⁷ The Chinese strongly implied that the United States should follow the example of Japan's agreement on normalization of relations with the PRC signed in September 1972.⁶⁸ Under the so-called Japanese formula, Japan ended diplomatic relations with the Taiwan regime and recognized Beijing as the sole legal government of China, but maintained nonofficial relations with Taiwan. Beijing indicated that, although the U.S.-Taiwan defense treaty would have to be terminated, U.S. economic relations with Taiwan could continue, and nonofficial relations could be maintained through private offices.

A political crisis in the United States during the second term of the Nixon administration imposed difficulties relating to U.S. concessions over Taiwan. Although President Nixon had appeared ready to consider normalizing diplomatic relations with the PRC during his second term, the Watergate affair forced the president to concentrate on saving his administration. Moreover, the Watergate crisis virtually paralyzed the U.S. government's policy-making apparatus during this period. By 1974 the obstacles to further development of the U.S.-China relationship were clear. Beijing began to accuse Washington of pursuing an "appeasement" policy toward the Soviets and charged that Washington had failed to follow through on the Shanghai Communiqué.

tions, a report prepared by the Congressional Research Service, October 1979, p. 2. See also Jaw-ling Joanne Chang, *United States-China Normalization*, pp. 36–38.

⁶⁷ Zhou Enlai had stated these terms for normalization in a conversation with U.S. journalists in June 1971; he repeated them in August 1971, shortly after the announcement of Nixon's prospective visit to Beijing. See *New York Times*, August 10, 1971. By 1975, Chinese officials had evolved from Zhou's view a formula of three "principles" for normalization; Clough, *Island China*, p. 206. The above statements were also supported by my interviews with Chinese officials.

⁶⁸ For a discussion of the Sino-Japanese normalization of relations, see Hsiao, "Sino-Japanese Rapprochement"; Barnett, *China and the Major Powers*, pp. 105–122.

Because of new strains in Washington-Beijing relations, the United States lost some leverage in its relations with the Soviet Union that had previously existed because of the Sino-American détente. By the fall of 1975, Washington's relations with Moscow had deteriorated, and the Ford administration was under increasing domestic pressure to take strong action against Moscow.

As Sino-American relations cooled down, some military officials in the U.S. government began to advocate the idea of developing a Sino-American military relationship.⁶⁹ Although some China experts did not believe that China would abandon self-reliance and seek to rely militarily on other powers, the advocates believed such a relationship possible and saw great strategic benefits in it. First, it would help the United States gain leverage over the Soviet Union in the SALT talks and other bilateral issues. Second, it would reduce the Chinese concern over Soviet military pressure and thus reduce the possibility of a Sino-Soviet rapprochement by tying the Chinese more closely to the West. Third, it would strengthen China's military capability, thus helping China to defend itself in the event of Soviet attack. Fourth, the strengthened Chinese military power could possibly make Moscow redeploy more of its forces to the Far East, thereby reducing pressure on NATO in Europe. Fifth, it would also serve as a signal to Moscow that Washington would provide military assistance to China in the event of a Sino-Soviet war, meaning that Moscow would have to fight on two fronts at the same time if global war occurred.⁷⁰ Before long the idea of military relations with China received attention from Secretary of Defense James Schlesinger, and by the fall of 1975 it became part of a larger debate within the administration over the U.S. détente policy.⁷¹

The debate was mainly between the Pentagon and the State Department. Secretary of Defense Schlesinger and Secretary of State Kissinger (who had succeeded William Rogers in that post in late 1973) saw China's role in the strategic triangle differently.⁷² For Kissinger, détente, the central theme of U.S. foreign policy,

⁶⁹ The idea of military ties with China was first publicly articulated by Michael Pillsbury, then a Rand consultant who explored the subject in detail in early 1974. For a useful assessment of the development of American military relations with China, see Garrett, "China Card."

⁷⁰ Pillsbury, "U.S.-China Military Ties?" pp. 50-64.

⁷¹ Garrett, "China Card," pp. 92-98.

⁷² For the difference between Kissinger and Schlesinger, see Garrett and Glaser, "From Nixon to Reagan," p. 291.

was an effort to constrain Soviet expansion at a time when Moscow's global power was growing. This strategy was fundamentally diplomatic in nature, and the relationship with China was largely in this context.⁷³ Schlesinger, however, believed that coping with Soviet power was not a diplomatic problem but a military one. Détente, he held, had not only failed to restrain the Soviet Union's behavior, but also had helped Moscow speed up its military buildup in both strategic and conventional terms. However, the U.S. global position had been greatly improved by its strategic relationship with China since 1971-1972, and Sino-American relations would become increasingly important in America's confrontational relationship with the Soviet Union. China provided the United States with a *de facto* strategic partner by tying down a great portion of Soviet military forces and resources in the Far East, substantially reducing Soviet military pressure on Western Europe. From his point of view the development of a strategic relationship with Beijing held a higher priority than did a détente policy with Moscow. The dismissal of Schlesinger in late 1975 signified Kissinger's victory in the debate.

The SALT II talks were to be resumed in early 1976, and the Ford administration wanted to regain the leverage over Moscow that Sino-American rapprochement had offered. During their trips to Beijing in December 1975, Ford and Kissinger tried to advance the bilateral relationship by approving the sale of British Rolls Royce Spey jet engines to China, a deal that had been under discussion since 1972. Beijing's leaders insisted on further U.S. compromises on the Taiwan issue. Domestic factors, however, constrained President Ford from going further in compromising and accommodating Chinese desires that U.S.-Taiwan ties be entirely severed; Ford had to contend with the twin burdens of the collapse of the non-Communist regime in Indochina and the looming challenge in the contest for the Republican presidential nomination posed by Ronald Reagan, who had criticized the administration's policy toward Taiwan and repeatedly emphasized that the interests of Taiwan should not be sacrificed in U.S.-China relations. These two concerns precluded Ford from moving swiftly toward further improvement of U.S.-China relations. Neither Kissinger's visits to Beijing during the 1973-1975 period nor the visit of President Ford to China in December 1975 produced any visible progress in bilateral relations.

⁷³ *Ibid.*, p. 259.

In 1975–1976, domestic factors affected policy in both Washington and Beijing. The U.S. presidential election was approaching. In Beijing, the PRC was facing the most serious succession problem since its establishment: since 1975, both Chairman Mao and Premier Zhou Enlai had become less active as a result of illness, and the death of Zhou Enlai on January 8, 1976, triggered a power struggle in Beijing.⁷⁴ In April, Deng Xiaoping was removed from his positions, and the CCP Politburo announced that Hua Guofeng had been named first vice-chairman of the Central Committee of the Chinese Communist Party and premier of the State Council. Chairman Mao Zedong died in September, and the power struggle reached its climax. One month later, Jiang Qing—Mao's widow—and three other Politburo members were purged. In December 1976 Huang Hua, a senior diplomat in the CCP, replaced Qiao Guanhua as foreign minister. The subsequent months witnessed considerable confusion and uncertainty in the leadership. In July 1977, Deng Xiaoping was restored to his previous Party and government posts, but the disruptions in continuity had diverted Beijing's attention from major foreign policy issues.

The power struggle in Beijing concerned Washington and brought into question the regime's stability and the possible consequences of China's turning against U.S. interests. Kissinger urged the National Security Council to approve the sale of two Control Data Cyber 72 computers with military applications to Beijing. At a news conference on October 15, 1976, Kissinger also warned Moscow and reassured Beijing that "the territorial integrity and sovereignty of China are very important to the world equilibrium and we would consider it a grave matter if this were threatened by an outside power."⁷⁵

Although Kissinger's actions may have signaled to the Soviets that Sino-American collusion was still a plausible option in U.S. foreign policy, Ford and Kissinger were unable to find a way to solve the Taiwan problem. The North Vietnamese victory over the South, however, in the spring of 1975 (as well as the victory of the Khmer Rouge in Cambodia), created widespread uncertainties about the U.S. position in Asia, and American leaders sought to reaffirm U.S. commitment elsewhere in the region. Many American leaders expressed serious doubts about the desirability of

⁷⁴ For background on China's domestic situation, see Barnett, *China and the Major Powers*; Sutter, *China Quandary*; Ross, *Negotiating Cooperation*.

⁷⁵ *Washington Post*, October 16, 1975.

further disengaging U.S. interests from Taiwan until greater stability prevailed. The death of Chiang Kai-shek during this period of uncertainty convinced a number of Republican leaders to oppose further compromises on U.S.-Taiwan relations that might weaken the Nationalist regime in Taiwan. House Minority Leader John J. Rhodes (R-Ariz.) stated that no further moves to loosen ties with Taiwan were likely "if President Ford wanted to be renominated by the Republican party."⁷⁶ Senator Barry Goldwater (R-Ariz.) spoke out against further compromise on the Taiwan issue. Later that year a draft resolution—the Mathis Resolution (H. Res. 360)—that contained similar warnings circulated in the House of Representatives and received wide support.⁷⁷ The resolution stated "that it is the sense of the Congress that the United States Government, while engaged in a lessening of tension with the People's Republic of China, do nothing to compromise the freedom of our friend and ally, the Republic of China and its People."⁷⁸ In the contest for the Republican presidential nomination, Ronald Reagan, governor of California, repeatedly emphasized that the interest of Taiwan should not be sacrificed in the process of normalization of relations with the PRC.⁷⁹

U.S. foreign policy interests regarding China were becoming increasingly contradictory, and the contradictions created tension in American China policy making. On the one hand, U.S. strategic interests required further improvement in U.S.-China relations. On the other hand, historical U.S. ties with and interests in Taiwan were much too strong for the United States to satisfy China's desire that U.S.-Taiwan ties be cut off entirely. Without further American compromise on the Taiwan issue, Beijing was unwilling to propel the bilateral relationship forward. These conflicts of

⁷⁶ Gelb, "Shift on Taiwan."

⁷⁷ While attending Chiang Kai-shek's funeral, Senator Goldwater denounced Washington's "shabby treatment of a former ally" and warned that if the administration considered withdrawal of recognition from the KMT regime, "I can assure the Secretary of State and the President that this will not be accomplished without strong opposition from myself and other Americans"; cited from Barnett, *China and the Major Powers*, p. 222, n. 168.

⁷⁸ *Ibid.*, p. 222.

⁷⁹ Ronald Reagan stated that the United States "should not abandon Taiwan to improve relations with China," and he warned against letting the Chinese succeed in "talking us into abandoning an ally and violating a treaty." See *New York Times*, February 14, 1976. See also "Reaganites for Ford?" *Christian Science Monitor*, August 24, 1976; "Republican vs. Democratic Platforms," *Christian Science Monitor*, August 19, 1976.

interest, which will be examined later, determined the dynamic process of both the conclusion of the normalization agreement between the United States and the PRC and the passage of the Taiwan Relations Act in the 1978–1979 period. President Ford found himself in a weak position and was unable to resolve the dilemma. The two concerns precluded him from moving strongly toward further improvement of U.S.-China relations.⁸⁰ President Ford's defeat in November 1976 removed the team that had attempted to improve relations with the Chinese. Jimmy Carter was inaugurated in early 1977, and he and his new advisers had to familiarize themselves with the inherited China problem.

What was the nature of the Taiwan issue? How and why did it become so important and create such constraints on U.S. leaders in their attempts to normalize relations with the PRC? If we are to understand the process of normalization and the related passage of the Taiwan Relations Act, we must examine these questions.

⁸⁰ Facing those domestic pressures, President Ford stated that his aim was "to reaffirm our commitment to Taiwan." See *Department of State Bulletin*, vol. 72, no. 1874 (May 26, 1975), p. 678.

THREE

America's Historical Ties with Taiwan

By the late 1970s, the Taiwan issue had been the most important problem in Sino-American relations for almost three decades, and it remained the principal obstacle to the normalization of U.S.-PRC diplomatic relations. PRC leaders perceived it as an internal matter and a symbol of more than a hundred years of foreign domination and humiliation of the Chinese people. U.S. leaders perceived the issue as one related to morality, to the credibility of the United States as an ally, and to U.S. security interests throughout Asia.¹ On both sides, the issue was highly emotional and sensitive. A key, therefore, to understanding why the agreement on normalization of U.S.-China relations took the form it did at the end of 1978 and why passage of the Taiwan Relations Act closely followed in 1979 lies in the history of U.S.-Taiwan ties and U.S. interest in the Kuomintang regime.²

American Interests in Taiwan

The Taiwan problem, simply stated, was and still is that of a divided country resulting from an uncompleted civil war in which the United States perceived only limited intrinsic interests until the Communist victory in China was imminent and in which the United States did not become deeply involved until the outbreak of the Korean War and the heightening of the Cold War between Communist countries and non-Communist countries.

¹ Garver, "Arms Sales," p. 999.

² The historical background in this chapter is based on Department of State, *United States Foreign Relations, 1945-1969*, and supplemented by materials from Clough, *Island China*; Tucker, *Taiwan, Hong Kong, and the United States*; Ballantine, *Formosa*; Grasso, *Truman's Two-China Policy*; Chiu, *China and the Question of Taiwan*; Bueler, *U.S. China Policy and the Problem of Taiwan*; Mancall, *Formosa Today*; and Jerome Alan Cohen et al., *Taiwan and American Policy*.

Before 1895, Taiwan had been a territory under Chinese administration.³ In the middle of the nineteenth century, when Americans crossed the Pacific and reached East Asia, they found a huge and weak China. The Manchu dynasty was decaying, and Western powers were wresting, sometimes by force of arms, privileges infringing on Chinese sovereignty. The Manchu's loose administration on Taiwan resulted in widespread lawlessness and banditry in that remote island. Interested in expanding U.S. trade and influence in the western Pacific, a few American overseas officers and missionaries had proposed to the U.S. government in the nineteenth century that the United States occupy, purchase, or colonize the island to use as a trading port or a base for overseas adventure,⁴ but the U.S. government did not show much interest in the island then.

In 1895, Japan acquired Taiwan by the Treaty of Shimonoseki after the Sino-Japanese War, thus joining the ranks of the imperialist powers competing for their interests in China.⁵ During World War II, when American and Japanese forces clashed in this area and when Taiwan became the base from which the Japanese military advanced into the Philippines and other parts of Southeast Asia and threatened the regional balance of power, Taiwan attracted the strategic attention of the United States.⁶ On December 9, 1941, following the Japanese attack on Pearl Harbor and the U.S. entry into the war, the Chinese government formally declared war against Japan and also nullified all treaties, conventions, agreements, and contracts regarding relations between China and Japan.⁷ The United States wanted to see Taiwan taken out of Japanese hands, so at the Cairo Conference in November 1943, U.S. President Franklin D. Roosevelt joined Prime Minister Winston Churchill of Great Britain and President Chiang Kai-shek of China in declaring that Taiwan would be restored to China.⁸

³ Department of State, *The Republic of China*; see also Morello, *International Legal Status of Formosa*.

⁴ Clough, *Island China*, p. 5. See also Lien, "Taiwan in China's External Relations," pp. 102-114.

⁵ For the Shimonoseki Treaty, see the Treaty of Peace between Japan and China (April 17, 1895), art. 2 (b) and (c), in MacMurray, *Treaties and Agreements*, 1:18-19.

⁶ Clough, *Island China*, p. 6.

⁷ Chiu, *China and the Question of Taiwan*, p. 148.

⁸ A press communiqué released at Cairo on November 26, 1943, read in part, "It is their [the United States, China, and Great Britain's] purpose that Japan be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the First World War in 1914, and has stolen from the Chinese, such as...Formosa...shall be restored to the Republic of China." See Department of

At the time of the conference, neither the Roosevelt administration nor the other Allied powers could foresee the coming struggle between the KMT and the CCP for the control of the Chinese mainland. In Washington, support for the return of Taiwan to the Republic of China was based on the belief that it would serve U.S. national interests to have a weak, disarmed Japan and a strong and united China cooperating with the United States.⁹ The intention to return Taiwan to China was confirmed in the Potsdam Proclamation of July 26, 1945, which was later concurred in by the Soviet Union and France and eventually accepted by Japan.¹⁰ The Office of Supreme Commander for the Allied Powers (SCAP) issued General Order No. 1, ordering Japanese forces in China and Taiwan to surrender to the Chinese government under Chiang Kai-shek.¹¹ It was the Allied intention that the Chinese KMT government would occupy the island and assume administrative control until a treaty of peace with Japan was effected and Taiwan formally retroceded to the Chinese government. In October 1945, the Chinese government under Chiang formally accepted the surrender of the Japanese forces in Taiwan and declared it to be a province of China again. Soon, Chinese troops were sent there and a governor was appointed.

Between the end of the war in 1945 and October 1949, there was virtually no international discussion of the Taiwan issue, and it was widely expected that the peace treaty with Japan would explicitly and formally provide for the return of Taiwan to China.¹² When the people of Taiwan rose in revolt against the KMT government in February 1947, the United States refused to become involved on the grounds that this was a Chinese internal affair.¹³ Within a few years, however, U.S. policy was in disarray as a result of fundamental changes in the situation in China. As noted in chapter 2, in the period 1947–1949, the Truman administration recognized that the CCP was heading for victory and

State, *Foreign Relations of the United States...: The Conference at Cairo and Teheran*, pp. 448–449.

⁹ Acheson, *Present at the Creation*, pp. 133–148, 202–211; and Truman, *Memoirs*, pp. 345–410.

¹⁰ Paragraph 8 of the proclamation specified that “the terms of the Cairo Declaration shall be carried out.” See “The Conference of Berlin (Potsdam),” *FRUS*, 1960, p. 1475.

¹¹ Whiteman, *Digest of International Law*, 3:487–488.

¹² Chiu, *China and the Question of Taiwan*, p. 148.

¹³ Garver, “Arms Sales,” p. 1001.

adopted a policy of disengagement toward the Chinese civil war and a hands-off policy toward Taiwan when the Nationalists fled to the island. Although the Joint Chiefs of Staff held that the strategic implications of Chinese Communist control of Taiwan would be "seriously unfavorable" to the United States, Truman realistically ruled out the use of force to defend Taiwan.¹⁴ This policy lasted until the sudden outbreak of the Korean War, which brought about a fundamental change of U.S. policy toward Taiwan, with U.S. direct intervention in the Taiwan Strait to blockade a Communist military takeover. Since then, the Nationalists have held Taiwan, with the support of the United States, while Beijing has remained committed to asserting its sovereignty and control over it.

When the United States and the PRC became involved in a direct military conflict on the Korean peninsula, Washington began its large-scale aid programs to Taiwan aimed at strengthening the Nationalist regime militarily and economically and making Taiwan a stronghold in the chain of alliances designed to contain PRC expansion. The program succeeded. First, in the 1950s the United States provided millions in military assistance to the KMT to upgrade the KMT army's weapons and equipment with modern rifles, machine guns, tanks, artillery, jet aircraft, and destroyers. In 1958, about one-third of the cost of the KMT's military equipment for 650,000 men was paid by U.S. taxpayers.¹⁵ Meanwhile, Washington also gave Taiwan economic aid in the form of surplus agricultural commodities and loans and grants for economic development; such aid averaged \$100 million annually in the period 1950–1965, exceeding the per capita contribution made to any other government in the world during the same period.¹⁶ U.S. aid on concessional terms ended in 1965 because the Taiwanese economy had developed to the point where it could qualify for loans on nonconcessional terms. But other U.S. economic and military assistance continued during the 1960s, and by the middle of 1969, total aid extended since 1950 exceeded \$4.5 billion.¹⁷

¹⁴ Memorandum by the JCS to James Forrestal, Secretary of Defense, November 24, 1948, in *FRUS, 1950*, pp. 261–262.

¹⁵ Mutual Security Agency, *Report to Congress on the Mutual Security Program*, p. 40.

¹⁶ Tucker, *Taiwan, Hong Kong, and the United States*, p. 54. American aid had constituted 10 percent of Taiwan's GNP in 1951, but it had declined to 2 percent of a much larger GNP in 1965. See Jacoby, *U.S. Aid to Taiwan*, p. 39.

¹⁷ U.S. Congress, *United States Security Agreements and Commitments Abroad*, Part 4: *Republic of China* (Washington, D.C.: USGPO, 1970), p. 943; cited from Clough,

During the Vietnam War, Taiwan served as an important base, in part because it had the best overhaul and repair facilities in East Asia outside Japan for U.S. fighter aircraft, tanks, and personnel carriers. The U.S. Air Force stationed a wing of C-130 transport aircraft, which provided tactical airlift support for U.S. forces in Vietnam, and a KC-135 tanker squadron, which refueled B-52s carrying out bombing missions there, at Kung Kuan airfield in Taiwan.¹⁸ Nearly 10,000 U.S. military personnel were stationed in Taiwan in the late 1960s.

The favorable international trade situation and the rapid expansion of Taiwanese exports to the United States fueled the growth of Taiwan's economy in the latter half of the 1960s. Exports to the United States quadrupled between 1964 and 1969, while imports from the United States doubled in the same period. Taiwan became an increasingly attractive location for U.S. investment. U.S. businessmen started to live in Taiwan in significant numbers, and so did U.S. missionaries and scholars. Several U.S. banks had established branches there, and the U.S. Export-Import Bank continued to make sizeable loans to Taiwan, encouraging the sale of U.S. products to the island. Thousands of Taiwan's college graduates went to the United States for advanced studies; most remained in the United States as permanent residents or became U.S. citizens. In sum, before President Nixon's historic trip to Beijing in 1972, a great many ties, official and private, had developed between the United States and Taiwan.¹⁹

U.S.-Taiwan Relations, 1972-1978

Consolidation of the bonds between the United States and Taiwan during the 1950s and 1960s did not prevent Nixon and Kissinger from taking a new approach to Beijing, however. As noted earlier, Nixon and Kissinger were primarily concerned with improving the U.S. global position for dealing with the Soviet Union, withdrawing U.S. troops from Vietnam, and reducing the number of threats to be contained in the changing world situation. An easing of hostility with Beijing, they believed, would contribute to achieving these goals. Moreover, ending the antagonistic relationship between Washington and Beijing was fundamental to

Island China, pp. 22-23.

¹⁸ Clough, *Island China*, p. 23.

¹⁹ *Ibid.*, p. 24.

a long-term policy of reducing the risk of war and increasing international stability in East Asia and therefore was good for U.S. interests. In this new perception of the U.S. purpose in East Asia, the importance of U.S. interests in Taiwan was substantially downgraded, although they nevertheless continued to be important.

The Taiwan Issue in the Shanghai Communiqué

By the time President Nixon made his historic trip to China, the PRC had apparently also decided to put the Taiwan issue aside and to concentrate instead on the strategic interests shared by the two countries. When negotiating the Shanghai Communiqué, Henry Kissinger, according to one source, came close to meeting Premier Zhou Enlai's demand that the United States explicitly recognize Taiwan as part of China. Zhou Enlai, however, rejected Nixon's insistence that in exchange for such recognition the Chinese must promise not to use force in their efforts to reunify Taiwan with the mainland as a violation of China's sovereign rights, and so no real breakthrough was achieved in this matter.²⁰

State Department officials apparently differed with Kissinger over the final wording of the Shanghai Communiqué regarding Taiwan's security. Both Secretary of State William P. Rogers and Marshall Green, assistant secretary for East Asian and Pacific Affairs, believed that the omission of any mention of the U.S. defense treaty with Taiwan in the Shanghai Communiqué was a "mistake" because Washington stated in the communiqué its continued support for South Vietnam, South Korea, and Japan. Although President Nixon tried to accommodate the State Department's view, he basically stood by his national security adviser.²¹

²⁰ Kissinger reportedly wanted to accept the PRC's position on Taiwan by stating in the communiqué that the United States "accepts" rather than "does not challenge" the belief of "all Chinese" in one China. See Stanley Karnow, "Toward Normal U.S.-China Ties," *New York Times*, November 26, 1974; see also idem, "Our Next Move on China," *New York Times Magazine*, August 14, 1977, p. 34; cited from Chiu, *China and the Question of Taiwan*, p. 181. However, neither Kissinger's nor Nixon's memoirs indicate that Kissinger was close to explicit recognition of Taiwan as part of China while drafting the Shanghai Communiqué.

²¹ Kissinger, *White House Years*, pp. 1082-84; also see Jaw-ling Joanne Chang, *United States-China Normalization*, p. 101. Nixon did not trust the State Department. He told Premier Zhou Enlai that "our State Department leaks like a sieve." See Kissinger, *White House Years*, p. 1070.

In the Shanghai Communiqué, the Chinese government reasserted its sovereignty over Taiwan and rejected any external interference in the solution of the Taiwan issue. The U.S. position on the Taiwan issue was stated as follows:

The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes.²²

This paragraph was deliberately ambiguous so that the United States could have maneuvering room in future negotiations with China on the Taiwan issue. However, several points seem clear. First, by promising not to challenge the one-China position held by both the CCP and the KMT, the United States seemed ready to accept the eventual reunification of Taiwan with mainland China. Although this was not a formal recognition of Chinese sovereignty over Taiwan, the United States is bound by this promise as long as the KMT in Taiwan agrees with that one-China position, and it virtually rules out U.S. support for an independent Taiwan.²³ Second, from Beijing's point of view, the U.S. statement that it had an interest in a peaceful settlement of the Taiwan issue by the Chinese themselves indicated a change of the U.S. position put forward at the Geneva talks, which held that the nature of the Taiwan question was international; it constituted a recognition of the domestic nature of the problem short of admitting the existence of the civil war. Finally, the United States agreed that it would eventually withdraw all forces and military installations from Taiwan; meanwhile, it would reduce them as tension in the area diminished. Although this was not a promise to withdraw its defense commitment to Taiwan, it did foreshadow the possibility of ending the mutual defense treaty as part of the price for achieving normalization of relations with the PRC.²⁴ However, in the wording they used in the Shanghai Communiqué, Nixon and

²² See appendix A of this study, which also contains the position of the Chinese government.

²³ *International Herald Tribune* (Paris), March 6, 1972, p. 2; see also Hsiao, "Legal Status of Taiwan," p. 43.

²⁴ Hsiao, "Legal Status of Taiwan," p. 43.

Kissinger subtly indicated an indirect linkage between the U.S. expectation of a peaceful settlement of the Taiwan issue and the prospect of a withdrawal of U.S. forces.

The Shanghai Communiqué was profound in its implications. The United States in effect gave up the two Chinas idea as an option, although it continued to maintain its existing relations with the Nationalist regime. Washington implied that it might look favorably on the idea of reunification, if that could be accomplished peacefully.²⁵

Soon after Nixon's visit to Beijing, Japan moved rapidly to establish formal relations with the PRC. Regarding Taiwan's status, Article 3 of the joint Sino-Japanese statement reads as follows:

The government of the People's Republic of China reaffirms that Taiwan is an inalienable part of the territory of the People's Republic of China. The Government of Japan fully understands and respects this stand of the Government of China and adheres to its stand of complying with Article 8 of the Potsdam Proclamation.²⁶

Although Japan's "understanding and respect" for China's stand was not a direct acceptance of Beijing's claim to the sovereignty of Taiwan, Tokyo's promise to adhere to the Potsdam Proclamation meant that Japan believed Taiwan should be returned to China.²⁷

Between February 1972 and December 1978 considerable progress was made in improving U.S.-PRC relations, but a number of factors, including domestic politics in both countries, prevented the normalization of relations. Yet the Taiwan issue remained the single most important obstacle to the normalization of U.S.-PRC diplomatic relations.²⁸ For the Beijing leadership, the Taiwan issue was two-pronged. On the one hand, it wanted the U.S. "occupation" of Taiwan ended, which meant the withdrawal of all U.S. forces from Taiwan and the ending of the U.S. defense commitment to the KMT regime. On the other hand, the Chinese held

²⁵ Barnett, *China and the Major Powers*, pp. 237–239.

²⁶ For the English text of the document, see *Beijing Review*, no. 40 (1972), pp. 12–13. For the Chinese version, see *Renmin ribao*, September 30, 1972.

²⁷ The Potsdam Proclamation stated that Taiwan should be returned to China; see Barnett, *China and the Major Powers*. For an analysis of this legal problem, see Hsiao, "Sino-Japanese Rapprochement," pp. 101–123.

²⁸ The importance of the issue in the PRC's U.S. policy is evident in official statements, PRC leaders' talks with foreign guests, and Chinese publications; see, for example, *Beijing Review*, September 19, 1974; January 4, 1975.

that the "liberation" of Taiwan, including the means of liberation, was entirely a domestic affair. To clear the way for full diplomatic relations, Beijing therefore asked Washington to accept three conditions, all relating to Taiwan: withdrawal of all U.S. military forces and installations from Taiwan, ending of U.S.-Taiwan diplomatic relations, and abrogation of the 1954 U.S.-Taiwan Mutual Defense Treaty.²⁹

The first two conditions were relatively easy for the United States to meet. When President Nixon visited Beijing in 1972, the U.S. government had recognized, *de facto*, the PRC government's governing authority in China. In addition, the U.S. military forces in Taiwan, while they had symbolic meaning for the Nationalists in Taiwan, had relatively little military significance when Washington stopped perceiving Beijing as a threat. The third condition, however, was difficult because the United States still had an interest in continuing both economic and security relations with Taiwan.

American Economic Interests in Taiwan.

Following the signing of the Shanghai Communiqué, the United States substantially reduced its military presence on Taiwan, but some other bonds with the island became stronger, especially its economic ties.³⁰ With the help of U.S. economic aid, Taiwan's economy had been gradually transformed from an agricultural one to an export-oriented industrial one, with a growth rate of 10.4 percent during 1964–1975 and 8.4 percent during 1953–1974.³¹ As an island with limited resources, Taiwan's economic growth and stability depended heavily upon its ability to import raw materials and export manufactured products.³²

After 1966, the United States became Taiwan's top trading partner. Taiwan's total imports from the United States jumped from \$98 million in 1954 to \$2.3 billion in 1978, and Taiwan's exports to the United States in the same period increased from \$5 million to \$5 billion.³³ In 1977, about 40 percent of Taiwan's

²⁹ Interviews with Chinese officials.

³⁰ For an assessment of U.S.-Taiwan relations in this period, see King-yuh Chang, "Partnership in Transition," 604.

³¹ Prybyla, "Economic Development in Taiwan," p. 77.

³² In 1952, the share of exports in GNP was 9 percent; by 1976, it had arisen to 51.7 percent. See Koo, "Economic Development of Taiwan," p. 418.

³³ King-yuh Chang, "Partnership in Transition," p. 604.

exports went to the United States, and more than 25 percent of all foreign investment in Taiwan was coming from American private investment, which amounted to more than \$566 million by the end of 1978.³⁴ Taiwan was the Export-Import Bank's second-largest customer (Brazil was first), with loans and guarantees outstanding in the amount of more than \$1.9 billion in 1975.³⁵ U.S. companies represented in the American Chamber of Commerce in Taipei increased from sixty in 1972 to two hundred in 1975. Eight American banks maintained branches in Taiwan, and more than four thousand U.S. civilians resided there. Several U.S. oil companies—Amoco, Gulf, Clinton, Continental, and others—had entered into joint ventures with Taiwanese companies for oil and gas exploration and had begun operations in waters surrounding Taiwan.³⁶ U.S.-Taiwan economic relations were not much affected by U.S.-PRC rapprochement. Taiwan ranked as the twelfth largest among U.S. trading partners in 1976 and eighth in 1978. Two-way trade between the United States and Taiwan amounted to \$7.2 billion in 1978.³⁷

Not only did the capital flow from the United States play a significant role in Taiwan's economic development; U.S. investment also provided advanced technology and management and marketing skills to the island. Most important, the U.S. connection helped maintain economic and social stability by giving confidence in the future of Taiwan to entrepreneurs, who were the mainstay of Taiwan's private enterprise economy. The authorities on Taiwan feared a loss of capital and skilled people if and when the United States decided to cut off its official diplomatic ties with the island to normalize relations with the People's Republic and feared that the termination of the U.S.-Taiwan defense treaty might create a strong sense of insecurity and political uncertainty in Taiwan and thus might disrupt economic and social stability on the island. U.S. policy makers had to consider whether normalization with the PRC under Beijing's terms would adversely affect U.S. economic interests in Taiwan.

³⁴ *Asian 1978 Yearbook* (Hong Kong: Far Eastern Economic Review, 1978), p. 318.

³⁵ U.S. Congress, Senate, *Taiwan Enabling Bill*, Report of the Committee on Foreign Relations, S. 245, March 1, 1979 (Washington, D.C.: USGPO, 1979), p. 22.

³⁶ Clough, *Island China*, pp. 27–28, 30–35.

³⁷ Snyder, Gregor, and Chang, *The Taiwan Relations Act*, pp. 2–3.

U.S. Security Concerns Relating to Taiwan

The most important issue relating to Taiwan in Washington's decision to normalize PRC-U.S. relations was its concern for the future of Taiwan's security. The United States had been a prime protector of Taiwan's physical security since the Korean War. Considering the historical CCP-KMT relationship and the relative military strength of the two old rivals, Washington felt responsible for the KMT's security and worried about a possible PRC attack on Taiwan after the United States cut its official ties with the island. In its contacts with the PRC in the 1950s and throughout the 1960s, the United States had insisted that any demand that it "abandon" its "commitment to the defense of Taiwan... was not ... open to negotiation" and insisted that "any final resolution concerning Taiwan should, in all events, meet with the approval of the Government of the Republic of China and its people, whose interests are most directly affected."³⁸ President Nixon had made the U.S. position clear even before his 1972 trip to Beijing: "In my address announcing my trip to Peking, and since then, I have emphasized that our new dialogue with the PRC would not be at the expense of friends.... [W]ith the Republic of China, we shall maintain our friendship, our diplomatic ties, and our defense commitment."³⁹ On March 3, 1972, a few days after Nixon left China, Assistant Secretary of State Marshall Green was sent to Taiwan with President Nixon's message of reassurance to the KMT regime, promising Chiang that "faithfully honoring all our commitments remains a cornerstone of U.S. policy."⁴⁰ According to one observer, from the time Nixon visited Beijing until he resigned the presidency in the summer of 1974, the Nixon administration assured the KMT regime on fifty-two occasions that Washington intended to honor its defense commitment to Taiwan.⁴¹

Although Taiwan's strategic importance to the United States had been reduced after Sino-American rapprochement, changes in the military equation there could run counter to U.S. interests. Withdrawal of the U.S. defense commitment to Taiwan, for

³⁸ Katzenbach, "Communist China," pp. 4, 6.

³⁹ "U.S. Foreign Policy for the 1970s: The Emerging Structure of Peace: A Report to the Congress by Richard Nixon," February 9, 1972, in *Department of State Bulletin*, vol. 64, no. 1707 (March 13, 1972), p. 330.

⁴⁰ *Department of State Bulletin*, vol. 66, no. 1708 (March 20, 1972), p. 428.

⁴¹ Joseph Lelyveld, "A 1½-China Policy," in *New York Times Magazine*, April 6, 1975, p. 32; cited from Snyder, Gregor, and Chang, *Taiwan Relations Act*, p. 11. See also Chiu, *China and the Question of Taiwan*, p. 180.

instance, could raise questions about U.S. willingness to stand by its defense commitments elsewhere in Asia. The Nationalist regime in Taiwan had been a loyal ally of the United States since World War II; U.S. unilateral abrogation of the defense treaty and diplomatic relations might encourage the PRC to attack Taiwan. U.S. credibility and reliability could be severely damaged if that happened, and the peace and security balance of East Asia would be threatened. There were also some moral constraints on the United States concerning Taiwan's security, and ideals and American values played their due role in this matter.⁴² The people on Taiwan enjoyed more freedom than those in the PRC; hence, it would be morally unjustifiable for the United States to sacrifice the security of the people on Taiwan for the sake of improved U.S.-PRC relations. If Washington were to accept Beijing's terms and terminate the mutual defense treaty with Taiwan, how could the United States ensure the security of Taiwan? The central problem was how to normalize relations with the PRC without abandoning the security of the KMT regime.⁴³

Nixon was cautious in handling the Taiwan issue. As a politician, he understood well the risk of offending those Americans who still believed that it was improper for the United States to show itself as "changeable" or "unreliable" in international affairs by cutting off ties with an ally of thirty years for the sake of the practical gains that might be made through cooperation with the PRC. Nixon managed to put aside the issue of cutting diplomatic ties and ending the defense treaty with Taiwan for the time being, although press reports suggested that he planned to follow up his initial opening with an agreement with the PRC over Taiwan during his second term.⁴⁴ Any such plans fell by the wayside, however, as he became embroiled in the Watergate scandal and was compelled to resign in the summer of 1974.

The attitude of the Ford administration toward the U.S. commitment to Taiwan was unclear at first. During his visit to Taiwan in April 1975 to attend the funeral of Chiang Kai-shek, Vice-president Nelson Rockefeller kept silent about the U.S. commitment to the ROC. It was only after the collapse of South

⁴² Senator William Roth Jr., statement in Congressional Hearing, October 13, 1977, in House, Committee on International Relations, Subcommittee on Asian and Pacific Affairs, *Normalization of Relations*, pp. 341-351.

⁴³ Jaw-Ling Joanne Chang, *United States-China Normalization*, pp. 56-57.

⁴⁴ *New York Times*, April 10, 1977.

Vietnam on April 30, 1975, that President Ford reaffirmed U.S. "commitments to Taiwan" at his press conference on May 7, 1975.⁴⁵ Ford was especially wary of any new approach to the Taiwan issue that might be seen as another blot on U.S. national honor or as a decline of U.S. commitment to Asian allies. During his visit to Beijing in December 1975, Ford was reported to have "promised" that if he was reelected he would accept the Japanese formula in normalizing diplomatic relations with Beijing.⁴⁶ Ford said later that he did suggest the Japanese formula as a "possibility" for normalization, but he emphasized that "any change toward normalization must be predicated on the peaceful solution of the Taiwan–People's Republic of China situation."⁴⁷

How to disengage from Taiwan smoothly, minimizing the pain inflicted on the KMT and the people of Taiwan and reassuring the American public that its leaders were not abandoning Taiwan, became a major concern for American policy makers in the 1970s and contributed to U.S. caution in determining its normalization policy. By slowing the process of normalization with Beijing, the United States was also buying more time for Taipei to prepare for the end of its special relationship with Washington. At the same time, the United States sought to strengthen Taiwan's defense capability by increasing arms sales to the KMT. Washington believed that the stronger and more confident Taiwan became, the easier it would be for the United States to withdraw from Taiwan.⁴⁸ U.S. arms sales to Taiwan through foreign military sales (FMS) and commercial channels increased significantly in the second half of the 1970s (compared with the early 1970s). Total deliveries from both FMS and commercial channels rose from \$181 million in 1975 to \$387.2 million in 1976 and to \$426.8 million in 1978.⁴⁹ In 1974, the United States also authorized the co-production of F-5E jet fighters with Taiwan. Also, some engineers from Taiwan studied inertial guidance systems in some of the most sophisticated laboratories in the United States.⁵⁰

⁴⁵ Chiu, *China and the Question of Taiwan*, p. 182.

⁴⁶ Butterfield, "U.S.-China Talks."

⁴⁷ "Ford Asserts He Called Severing of Taiwan Ties Only a Possibility," *New York Times*, September 8, 1977. See also Chiu, *China and the Question of Taiwan*, p. 182.

⁴⁸ Jaw-Ling Joanne Chang, *United States–China Normalization*, pp. 86–87.

⁴⁹ Lasater, *Taiwan: Facing Mounting Threats*, p. 57.

⁵⁰ Snyder, Gregor, and Chang, *The Taiwan Relations Act*, pp. 24–80; see also Clough, *Island China*, p. 27.

The China Lobby

Since World War II, U.S. China policy had been strongly influenced by a diverse yet interconnected group of people: a congressional China bloc, a private citizens' China lobby, individuals working within the executive branch, and to a certain extent the Nationalist Chinese diplomatic missions in Washington and New York. They shared a common cause: to support the interests of the KMT and the interests of Chiang Kai-shek in particular.⁵¹ To understand the importance of U.S.-Taiwan historical ties, it is also necessary to examine the role of pro-Taiwan forces—usually labeled the China lobby—in American domestic politics.⁵²

The China bloc on Capitol Hill was a loose coalition of senators and representatives in the Congress in the late 1940s, mostly Republican, who were interested in China. In the House, Republicans Walter H. Judd (Minn.), John Vorys (Ohio), and John Davis Lodge (Conn.) took the lead in attacking the administration for its weak support of Chiang Kai-shek. In the Senate, the leading Republican members in the China bloc were William F. Knowland (Calif.), Styles Bridges (N.H.), and H. Alexander Smith (N.J.).⁵³

The efforts of the congressional China bloc regarding the cause of the KMT was also supported by a group of private citizens who had little in common except their support for the KMT and opposition to the Chinese Communists. This group was a broad alliance of individuals and organizations including the American China Policy Association, headed by Alfred Kohlberg,⁵⁴ an import-export merchant, and William Loeb, a publisher; the China Emergency Committee, headed by Frederick C. McKee, a Pittsburgh industrialist; the Committee to Defend America by Aiding Anti-Communist China, led by Frederick McKee, Arthur Bliss Lane (former ambassador), David Dubinsky (president of the International Ladies' Garment Workers' Union), and James Farley (chairman of the board of the Coca-Cola Export Corporation); the Committee on National Affairs, another group headed by McKee; the American Legion; the Veterans of Foreign Wars; the executive

⁵¹ Blum, *Drawing the Line*, p. 18.

⁵² For background on the China lobby, see Wertenbaker, "China Lobby," pp. 14–15; Horton, "China Lobby—Part II," pp. 11–12; Bachrack, *Committee of One Million*; Koen, *China Lobby in American Politics*; Keeley, *China Lobby Man*; Tucker, *Patterns in the Dust*.

⁵³ Blum, *Drawing the Line*, p. 19.

⁵⁴ Keeley, *China Lobby Man*; see also Ross, *China Lobby*, pp. 51–58, 77–78, 161–167.

council of the American Federation of Labor–Congress of Industrial Organization (AFL-CIO); the American Conservative Union; the American Security Council; the Young Americans for Freedom; and some other organizations.⁵⁵

With the defeat of the KMT by the Communists in 1949, U.S. policy toward China became a major political issue in domestic politics, especially after the Korean War began in June 1950.⁵⁶ During this period, extensive propaganda campaigns were waged by many of the above named individuals and organizations to exert pressure for U.S. commitment to the Chinese Nationalists. They labeled those who were critical of the KMT as Communist “dupes” and “fronts” and later focused their attacks on individuals who were, in their minds, responsible for the “loss” of China.

The period 1950–1954 was the notorious McCarthy era. Senator Joseph McCarthy (R-Wisc.) charged that Communists were knowingly employed by the State Department and had sabotaged U.S. East Asian policies. The “old China hands”—foreign service officers and scholars with long experience in China—were major targets. After he became the chairman of the Senate Government Operations Committee and its permanent Investigations Subcommittee in 1953, McCarthy investigated the State Department, Voice of America, Department of the Army, and other agencies. An opinion-stifling “climate of fear” in many government agencies was said to be one of the results of his probes, and the State Department was virtually drained of its best China expertise and of farsighted, dispassionate specialists.⁵⁷ The main result of McCarthyism with regard to U.S. Asian policy was the creation of an atmosphere wherein most scholars and officials felt it necessary to favor an anti-Communist China and a pro-Taiwan stand in U.S. China policy discussion.

From 1950 on, pro-Nationalist groups devoted a great deal of effort to attempting to keep the PRC out of the United Nations. Starting with a petition to the president signed by prominent members of both parties, a Committee for One Million (Against the Admission of Communist China to the United Nations) was created in 1953. It became the most active such group and for many years fought fervently not only against admission of the

⁵⁵ Congressional Quarterly, *China: U.S. Policy since 1945*, p. 30.

⁵⁶ Actually it was a major issue even before 1949; see Tucker, *Patterns in the Dust*, and Blum, *Drawing the Line*.

⁵⁷ Congressional Quarterly, *China: U.S. Policy since 1945*, p. 28.

PRC to the United Nations but also against U.S. diplomatic recognition of and even trade with the PRC.⁵⁸

The Committee for One Million (later called the Committee of One Million) had considerable influence on Capitol Hill regarding U.S. policy toward Communist China during the 1950s and the first half of the 1960s. In describing the influence of the committee, Roger Hilsman, assistant secretary of state at the end of the Kennedy administration, once said,

In a sense the China lobby was not an interest group organized by general citizens to put pressure on Congress, but an interest group organized by one set of congressmen to put pressure both on other congressmen and on officials in the Executive Branch, and especially the latter, for the principal leaders of the Committee for One Million were Congressman Walter H. Judd of Minnesota and Senator William F. Knowland of California. Both of these men were ardent supporters of Chiang and the KMT and vehement opponents of the Chinese Communists, and they used the China lobby to further their own views.⁵⁹

After a period of activity in the 1950s and the first half of 1960s, the influence of the committee declined from the mid-1960s. In the new global situation that emerged after the Sino-Soviet split, especially after the Sino-Soviet border clashes in 1969, many congressional members in the Committee of One Million changed their attitudes toward Beijing. At the time when President Nixon made his trip to Beijing in 1972, the Committee of One Million changed its name to the Committee for a Free China. Walter Judd remained chairman of the new committee, and several representatives and senators including Senators Strom Thurmond (R-S.C.), Barry Goldwater, and later Jesse Helms (R-N.C.), Gordon Humphrey (R-N.H.), Orrin Hatch (R-Utah), and Harry Byrd Jr. (D-Va.) were among those who took the lead. The committee was still lobbying for grassroots support of Taiwan in the 1970s, but its influence had declined.

The American public and the Congress had long before accepted the fact that the KMT had no hope of returning to the mainland, yet the historical ties between the United States and the KMT that had developed during World War II and strengthened during the height of the Cold War had created an emotional attachment to Taiwan among U.S. politicians and to a certain

⁵⁸ Bachrack, *Committee of One Million*, pp. 58-76, 87-90.

⁵⁹ Hilsman, *Politics of Policy Making*, p. 71.

degree the public. Even though the situation had changed and the Nixon administration had adopted a new approach to Beijing in the early 1970s, the opposition from Congress and the general public against normalization of diplomatic relations with Beijing at the expense of Taiwan was still very strong. Although foreign policy goals and diplomatic behavior are not merely a response to domestic pressure, public opinion cannot be ignored in American politics and was undoubtedly one of the reasons why Nixon, during his 1972 trip to Beijing, could make no other concession on the Taiwan issue beyond those contained in the Shanghai Communiqué.

American Public Attitudes toward Taiwan

Although the American public looked with increasing favor during the 1970s on improved relations with the PRC, support for continuation of diplomatic ties with Taiwan remained strong.⁶⁰ In 1974 a Gallup poll of U.S. attitudes toward Taiwan revealed that 72 percent opposed Beijing's conditions for normalization of diplomatic relations.⁶¹ In a similar poll undertaken by Gallup in 1975, some 70 percent of Americans favored continuing "formal relations with Nationalist China on Taiwan" (14 percent opposed this idea).⁶² Only 10 percent believed that the United States "should withdraw recognition from Nationalist China in order to establish relations with the People's Republic of China."⁶³ A Gallup poll in August 1977 found that 64 percent of those surveyed favored the continuation of diplomatic relations with Taiwan, and only 12 percent were against it.⁶⁴ In April 1977, a Potomac Associates poll found that 61 percent supported continued diplomatic ties to Taiwan (22 percent opposed) and 47 percent were opposed to instituting official relations with the PRC at the cost of relations with Taiwan (28 percent in favor).⁶⁵ An April 1977 survey of

⁶⁰ The information in this section is based on the following studies: Kusnitz, *Public Opinion and Foreign Policy*; Watts, Clough, and Oxnam, *United States and China*; *The Gallup Poll: Public Opinion, 1935-1970*; *Gallup Opinion Index*, from 1973 to 1979; Reilly, *American Public Opinion*; Kau, Perolle, Marsh, and Berman, "Public Opinion and U.S. China Policy"; *The Harris Survey* together with the *Gallup Study of Public Attitudes toward Nations of the World*.

⁶¹ *Gallup Study of Public Attitudes*.

⁶² *Ibid.*, October 1975; see also Kusnitz, *Public Opinion and Foreign Policy*, p. 141.

⁶³ Poll cited in Kau et al., "Public Opinion and U.S. China Policy," p. 95.

⁶⁴ *Gallup Study of Public Attitudes* (August 1977).

⁶⁵ Watts, Clough, and Oxnam, *The United States and China*, p. 32.

Foreign Policy Association (FPA) members, who have a greater than average interest in foreign affairs and the international arena, indicated 68 percent supported continued diplomatic relations with Taiwan (19 percent opposed) and 53 percent opposed ending relations with Taiwan as the price of instituting relations with the PRC (33 percent in favor).⁶⁶ On October 27, 1977, Louis Harris and Associates found that 62 percent of respondents favored continued U.S. recognition of Taiwan (11 percent opposed), and in September 1978, 66 percent supported maintaining diplomatic relations with Taiwan (19 percent opposed).⁶⁷ Even Sinologist John K. Fairbank, who had long favored normalization of relations with the PRC, warned that if normalization entailed the abandonment of Taiwan, "many would brand it a major crime even for the 20th century."⁶⁸

Public opinion polls also indicated strong public support for the continuation of the mutual defense treaty with Taiwan in this period. Polls of the general public found that continuation of the defense treaty was favored by a majority of never less than roughly three to one.⁶⁹ The Harris poll found that continuation of the mutual defense treaty with Taiwan was favored by 55 percent of respondents in 1969, 65 percent in 1976, 57 percent in 1977, and 64 percent in 1978 (those opposed totaled, respectively, 19 percent, 6 percent, 12 percent, and 19 percent).⁷⁰ These figures might have reflected a sense among the public that the United States should keep its word to an ally, even though this ally was becoming less important in the changing situation. The public also seemed concerned that mainland China might once again turn hostile toward the United States. A poll conducted by Yankelovich, Skelly, and White in the spring of 1977 found that 58 percent of the public viewed the "emergence of Communist China as a major world power as a development unfavorable to U.S. interests."⁷¹

Public support for keeping the defense treaty with Taiwan was also based on the belief that Taiwan was an area of "vital interest" for the United States.⁷² During a poll undertaken from November 17 to 26, 1978, some 53 percent of the general public and 55 percent of the "elite" felt that the United States had a "vital interest"

⁶⁶ Kusnitz, *Public Opinion and Foreign Policy*, p. 143.

⁶⁷ *Ibid.*, p. 150, n. 66.

⁶⁸ Fairbank, "Ticklish Taiwan," p. 7.

⁶⁹ Kusnitz, *Public Opinion and Foreign Policy*, p. 150, n. 66.

⁷⁰ *Ibid.*, p. 150.

⁷¹ Yankelovich, "Cautious Internationalism," p. 14.

⁷² Reilly, *American Public Opinion*, p. 16.

in the Taiwan region (26 percent of the general public and 43 percent of the "elite" disagreed).⁷³ However, polls also indicated that many Americans were unwilling to have the United States directly involved in the defense of Taiwan. An early 1971 study by Gallup for the Potomac Associates group had found that only 11 percent of those surveyed were willing to send troops to defend the Nationalists; 30 percent were willing to send supplies.⁷⁴ A 1975 survey of the same kind found only 8 percent in favor of sending troops, and another 27 percent willing to send supplies, while 54 percent believed that the United States should "refuse to get involved" militarily if Taiwan were ever attacked by the PRC.⁷⁵ An April 1977 Potomac Associates poll found that the public mildly opposed military involvement (40 percent opposed, 36 percent favored such involvement), yet a ballot of FPA members that same month found that 43 percent backed military aid (i.e., troops or supplies or both) to Taiwan if it was attacked (40 percent were opposed).⁷⁶

The evidence suggests that public support in the United States for continued diplomatic relations with Taiwan remained strong throughout the 1970s, and there was also significant support for a U.S. security commitment to Taiwan (though opinion varied about the means of the commitment).⁷⁷ In a country like the United States, in which the populace elects its chief executive and legislators, electoral politics affects politicians' behavior. Neither president nor legislators can ignore public opinion when devising new policies.

However, data from polls also indicated that the American public tended to be ignorant of the issues involved in U.S.-PRC normalization. A poll conducted by Potomac Associates found that more than half of those surveyed did not know that the government of the Republic of China was not a Communist government. Indeed, almost 20 percent of those surveyed said that the ROC was Communist.⁷⁸ This finding suggests that a majority of Americans were either misinformed or uninformed.

⁷³ Kusnitz, *Public Opinion and Foreign Policy*, pp. 144–145.

⁷⁴ Gallup *Opinion Index*, July 1975; see also Cantril and Roll, *Hopes and Fears*, pp. 86, 89.

⁷⁵ Watts, Clough, and Oxnam, *The United States and China*, p. 32.

⁷⁶ Kau et al., "Normalizing Relations," cited from Kusnitz, *Public Opinion and Foreign Policy*, p. 150, n. 71.

⁷⁷ Kusnitz, *Public Opinion and Foreign Policy*, p. 151.

⁷⁸ Watts, Clough, and Oxnam, *The United States and China*, p. 41.

This fact had important policy implications for the Carter administration. The high level of public ignorance could give the president considerable room for maneuver and could also provide him an opportunity to educate the public to accept his view if he so desired.⁷⁹ Americans who are not vitally concerned with developments beyond their borders—and that is a large group—are not likely to stand in the way of vigorous presidential action if that action seems reasonable and compatible with the national interest.

Nevertheless, how to work out a formula for normalization of relations with the PRC without endangering Taiwan's security—a formula that could be accepted by the American public as well as by the Chinese—was the basic problem facing the Carter administration as it approached the normalization decision.

Alternative Proposals for Normalization

During 1976–1977, although the U.S. government had not determined its terms for normalization, various formulas were widely discussed and debated among U.S. leaders and scholars. Serious differences remained about how and on what terms the United States should try to normalize relations with the PRC. The challenge was to find a formula that would be clearly advantageous to the United States and acceptable to the PRC.

The Japanese Formula

At one extreme was the Japanese formula, under which Washington would accept Beijing's three conditions for normalization of bilateral relations and maintain its cultural and economic relations with Taiwan through an unofficial channel after normalization. The Japanese government, when negotiating with Beijing for normalization in 1972, recognized the PRC as the sole legitimate government of China, accepted Beijing's claim that Taiwan was an integral part of China, and let lapse the Taiwan-Japan Peace Treaty. Japan thereafter established an "unofficial organ" to maintain "trade and other private level relations" with Taiwan.⁸⁰

⁷⁹ Materials in the Carter Presidential Library at Atlanta indicate that as early as 1977 Michel Oksenberg was considering a campaign to educate the public on a possible new China policy.

⁸⁰ Yet Tokyo did it in a very skillful and subtle way. For Sino-Japanese normali-

Officials of the PRC had indicated since 1974 that they would find the Japanese formula acceptable for the normalization of relations between the United States and the PRC: the United States and the KMT regime could set up "unofficial" missions in Taipei and Washington, after the pattern of Taiwan's relations with Japan, staffed by officials of the two countries on leave from their official positions. Because the Japanese formula failed to provide any assurance for Taiwan's security, however (which was the major concern in the U.S. normalization decision), Washington found the Japanese formula unsuitable.

The German Formula

At the other extreme was the German formula, so called because under it the United States would maintain embassies in both parts of China, just as it did in both Bonn and East Berlin. Some suggested that the United States should respect reality and pursue a "two Chinas" policy, with embassies in both Beijing and Taipei, inasmuch as the PRC in Beijing and the KMT regime in Taiwan had functioned as separate governments in all but name for nearly thirty years.⁸¹ Congressman Lester Wolff (D-N.Y.) even recommended that the United States support the idea of a plebiscite in Taiwan, open to international inspection, as a first step to making Taiwan an independent country.⁸² By doing this, the United States would, he believed, be able to maintain diplomatic relations with both Beijing and Taipei.

Neither Beijing nor Taipei, however, would accept any formula for an independent Taiwan. Beijing had long made it clear that it would reject the German formula and had strongly opposed any attempt that aimed to separate Taiwan from the mainland. For Beijing to agree to so explicit a "two Chinas" or "one China, one Taiwan" arrangement would mean to give up its claim to sovereignty over Taiwan and its hope for unification. Had Washington officially made such a proposal, the improvement in bilateral relations would probably have been reversed. The possibility of an improvement in Sino-Soviet relations might have been enhanced, and the risk of future military confrontation between Washington and Beijing over Taiwan probably would have been

zation, see Barnett, *China and the Major Powers*, pp. 112-122; quote at p. 115.

⁸¹ See testimony of Ray Cline on September 29, 1977, in *Normalization of Relations*, pp. 194-209.

⁸² See statement of Congressman Wolff, September 20, 1977, *ibid.*

increased. Realizing these pitfalls, the Carter administration decided that, to make a continued separate existence for Taiwan compatible with improving relations between the United States and the PRC, Washington should seek a genuine compromise with Beijing rather than advance a proposition so patently unacceptable to the PRC as the German formula.

The German formula would have been acceptable to the United States, but not to the PRC. The Japanese formula, if not modified, would have been acceptable to the PRC, but not to the United States. Most people favored a negotiated compromise, even though a mutually acceptable compromise would require important concessions from both Washington and Beijing. American leaders and scholars began to consider some other formulas.⁸³

U.S.-Liason-Office-in-Taiwan Formula

Some scholars, such as Ralph Clough, suggested that the United States should accept in principle the three conditions set by Beijing, provided that Beijing acquiesce in the continuation of U.S.-Taiwan security relations. One way to maintain U.S. security relations with Taiwan would be to negotiate a formula for normalization by which Washington could hold out for consular relations with Taiwan rather than completely unofficial relations. Supporters of this formula argued that there was a long history of U.S. consular relations with political entities with which Washington did not have diplomatic relations; Beijing's conditions required only that the United States break its diplomatic relations with Taiwan, but said nothing about consular relations.⁸⁴

Consular relations with Taiwan would make it easier for Washington to maintain security and economic relations with the island. The United States could continue its arms sales to Taiwan, and if the PRC took military action against Taiwan, the United States would be in a legal position to take action that would best

⁸³ For useful background on scholarly opinions on normalization of Sino-American relations, see U.S. congressional hearings on this issue—notably House, Committee on International Relations, Subcommittee on Future Foreign Policy, *United States-Soviet Union-China; United States-China Relations*; see also the review of U.S. leaders' attitudes on this issue contained in Library of Congress, Congressional Research Service, "U.S.-PRC Normalization" (internal document); cited in Sutter, *China Quandary*.

⁸⁴ See testimony of Ralph N. Clough, September 28, 1977, in *Normalization of Relations*, pp. 147-149.

serve U.S. national interests. Some even suggested that following normalization of Sino-American relations, U.S. and Taiwan diplomats could be stationed in the embassies of third countries, as in the arrangement between the United States and Cuba in 1977, in which U.S. diplomats were working in the Swiss embassy in Havana and Cuban diplomats were stationed at the Czechoslovakian embassy in Washington.⁸⁵

U.S.-Unilateral-Statement Formula

Many experts urged that the United States adopt the essence of the Japanese formula but make a formal declaration strongly opposing any attempt to reach a settlement of the Taiwan issue by other than peaceful means.⁸⁶ Such a declaration, it was argued, would alert Beijing leaders and the people on Taiwan that the United States continued to have interests in Taiwan's security. If Beijing later decided to use military means to unify Taiwan with the mainland, the United States could respond with military actions and justify them on the basis of this U.S. declaration. Such a statement, it was suggested, could be issued in the name of Congress or the president or both.⁸⁷

The advocates of this formula argued that Beijing would have few grounds to oppose a unilateral U.S. statement. If such a statement referred explicitly to Taiwan, Beijing might accuse Washington of interfering in China's "internal affairs"; however, scholars suggested that "a U.S. statement need not refer to Taiwan in order to be effective"; it could declare U.S. opposition to the use of force to settle problems in "the Western Pacific along the rim of East Asia," a general formula that clearly would include Taiwan but would avoid directly affronting the PRC.⁸⁸ Some experts averred that even if the U.S. declaration were made after the formal establishment of U.S.-PRC diplomatic relations, Beijing would be unlikely to break formal relations over the issue.

Donald Zagoria of Columbia University also suggested that the United States seek a joint statement with the PRC that, without specifically mentioning Taiwan, would commit both Washington and Beijing to maintain peace and security in Northeast Asia.

⁸⁵ Sutter, *China Quandary*, p. 65.

⁸⁶ *Normalization of Relations*, p. xvii.

⁸⁷ *Ibid.*; see also Sutter, *China Quandary*, p. 63.

⁸⁸ *Ibid.* Library of Congress, Congressional Research Service, "U.S.-PRC Normalization" (internal document); cited in Sutter, *China Quandary*, p. 63.

Then the U.S. government could subsequently issue a public statement saying that, as far as the United States was concerned, the joint statement covered Taiwan. The United States could interpret this joint statement as a major concession from Beijing on the basis of which Washington could terminate its defense treaty with Taiwan.⁸⁹ Others even suggested that the Congress support this declaration against the use of force regarding Taiwan by amending the War Powers Act to include it. Such an action would give the president freedom to take action to protect Taiwan and would provide some security guarantee for Taiwan without a formal defense treaty.⁹⁰

PRC Renunciation of Force against Taiwan

Other scholars, such as Robert Scalapino, suggested that the United States should accept Beijing's three conditions in principle but should note clearly that, in the U.S. view, the Taiwan problem should be settled through peaceful means between Beijing and Taipei. Those supporting this view maintained that the PRC's renunciation of the use of force was the bare minimum needed to guarantee Taiwan's security following U.S. military withdrawal from the island and that Washington should set it as a condition of normalization with Beijing.⁹¹

Continuing-Arms-Sales Formula

Doak Barnett of the Brookings Institution and others suggested that Washington should insist that Beijing allow continued U.S. arms sales to Taiwan as a precondition for normalization.⁹² The United States could use the arms sales to strengthen Taiwan's ability to defend itself against possible PRC attack and to become militarily self-dependent, which would be in the U.S. interest. Arms sales could also serve to tangibly remind Beijing of Washington's continued interest in the island's security. Again, Beijing was unlikely to agree with the United States on the American arms sales issue; but leaders in Beijing, it was thought, might be willing

⁸⁹ See testimony of Donald Zagoria in *Normalization of Relations*, pp. 150–160.

⁹⁰ *Ibid.*, pp. 42–43.

⁹¹ See the testimony of Robert A. Scalapino and Ralph N. Clough, *ibid.*, pp. 24–42, 146–150; see also Sutter, *China Quandary*, p. 64.

⁹² Barnett, *China Policy*; also see Barnett's testimony in *Normalization of Relations*, pp. 7–13.

to turn a blind eye to continued arms sales if Washington strictly adhered to the PRC's three conditions for normalization.⁹³

Other Concerns

The willingness expressed by PRC officials to follow the Japanese model in normalizing relations with the United States indicated that Beijing would not oppose the continuance of extensive economic relations between the United States and Taiwan. However, U.S. economic relations with Taiwan differed from Japan's. Whereas most of the fifty-nine treaties and executive agreements between the United States and Taiwan could be terminated without significant damage, some were very important to economic relations between the two.⁹⁴ The Treaty of Friendship, Commerce, and Navigation created a framework for commerce and guaranteed reciprocal rights to private businesspeople. It also provided most-favored-nation treatment for Taiwan's exports to the United States. The air transport agreement established air routes and reciprocal landing rights. The agreement on civil uses of atomic energy, signed in 1972 and valid for thirty years, provided safeguards for the use of nuclear materials and technical data supplied to Taiwan by the United States. The agreement on investment guarantees made it possible for the Overseas Private Investment Corporation (OPIC) to guarantee private U.S. investments in Taiwan. Other important government-to-government agreements included the loan agreements of the Export-Import Bank and those agreements by which the KMT regime undertook to limit the export of textiles and shoes to the United States.⁹⁵

Many in both Washington and Taipei considered agreements on military matters to be important too. If Washington terminated the mutual defense treaty to reach agreement with the PRC on normalization, other agreements, it was argued, such as those lending destroyers to Taiwan, would need to be maintained if Taiwan's security were not to be weakened. Keeping Taiwan on the list of countries eligible to purchase weapons from the United States under the Foreign Military Sales Act would be particularly important, some felt. International law does not require the end

⁹³ Sutter, *China Quandary*, pp. 63–64.

⁹⁴ Clough, *Island China*, pp. 133–145.

⁹⁵ For the treaties between the United States and Taiwan, see Department of State, *Treaties in Force*.

of agreements between governments upon the severance of diplomatic relations; neither does it require that they remain in force.⁹⁶ But the United States would not only be severing diplomatic relations with Taiwan; it would also be withdrawing recognition of the ROC as the legitimate government of China without recognizing it as the government of a separate or independent state. Hence, some scholars suggested, to retain in force those agreements essential to Taiwan's security and economic well-being, the U.S. government would have to designate explicitly which agreements with Taiwan should be regarded as continuing to govern relations between the United States and Taiwan. Both executive and congressional action should be taken to ensure that Taiwan continue to have the benefits of U.S. laws normally denied to countries with which the United States has no diplomatic relations (including statutes authorizing U.S. government agencies to enter into agreements with foreign governments or persons concerning such matters as textile quotas or commercial communications satellites).⁹⁷

The new administration would have to consider various options and examine their possible consequences. By 1976–1977, a consensus seemed to be developing that the issue no longer was whether to normalize relations with the PRC, but when and how.

Taiwan Issue: A Conclusion

Controversy over the Taiwan problem is deeply rooted in the history of U.S. China policy, and a primary determinant of U.S. policy toward both Taiwan and the PRC is the U.S. national interest. As noted in the previous chapter, this interest has been, in part, a strategic one. After the Chinese Communists took control of the China mainland, U.S. leaders had several alternatives in regard to Taiwan: Washington could continue to recognize the KMT regime as the sole legitimate government of all China, could encourage some form of "one China, one Taiwan" outcome, or could allow Beijing to take over the island. The question was which policy best served U.S. interests.

Because of its dislike of the CCP, the Truman administration was undecided about recognizing Beijing in the late 1940s even though the CCP regime had become the fact. Truman changed the

⁹⁶ Li and Lewis, "Resolving the China Dilemma," p. 18.

⁹⁷ Li, *De-Recognizing Taiwan*, pp. 12–20, 33–34.

policy of disengagement by sending the fleet to protect Chiang's refugee regime on Taiwan at the outbreak of the Korean War. However, it appeared that Truman and Acheson did not conceive of this change as a fundamental long-term China policy, thinking that, after the Korean War, when the situation in the area stabilized, Beijing would be accepted as the legitimate government of China and some form of action would be taken to settle the status of Taiwan in light of that fact. MacArthur's march toward the Yalu and the Chinese involvement in the Korean War, however, vastly complicated the situation. After the Sino-American military confrontation in Korea, the policy of nonrecognition of Beijing and full support of the KMT as a "Free China" government on Taiwan had become a long-term, fundamental U.S. policy, which developed into one of the firmest and most widely accepted commitments in American foreign policy—due, in part, to strong domestic political pressure. No change was possible without a fundamental reordering of American priorities in East Asia.⁹⁸

Although President Kennedy, and later President Johnson, tried to change the assumption that communism in China was a passing phase, little changed in the U.S. approach to the KMT in Taiwan: U.S. strategic interests and other interests in retaining the island as part of the Pacific defense chain helped maintain the status quo. In addition, domestic political sentiment remained strongly tilted toward Taiwan. It was not until Nixon came into office that U.S. leaders and the public began to realize that the KMT had no hope of going back to the mainland and that the PRC was not going to collapse. With this acceptance came a recognition that U.S. global strategic interests required the United States to improve relations with the PRC, especially in light of the Sino-Soviet split. However, decades of close relations with Taiwan created strong domestic political pressure for Taiwan.

Closely linked with this U.S. strategic concern were two other important and interrelated concerns: (1) the principle of sovereignty and the status of Taiwan and (2) U.S. credibility and the morality of U.S. actions in the eyes of Americans and U.S. allies at the time of normalizing relations with the PRC. From the 1950s to 1978, the United States did not accept the position that Taiwan was simply a part of China. In fact, from 1950 to 1972, the United States held that the status of Taiwan was "undetermined." Taiwan might be or might not be a part of China.⁹⁹ This formula-

⁹⁸ Bueler, *U.S. China Policy and the Problem of Taiwan*, pp. 41, 42.

⁹⁹ Garver, "Arms Sales," p. 1001.

tion involved a reversal of the position held by the United States from 1945 to 1950, which had recognized China's sovereignty over Taiwan. Then in the Shanghai Communiqué of 1972, the United States said that it "acknowledges that all Chinese on either side of the Taiwan Strait maintain... that Taiwan is a part of China" and that the United States government "does not challenge that position."

The other important aspect of the Taiwan issue, from the U.S. perspective, involved U.S. credibility and a concern in Washington about the morality of the normalization decision. Debates in the United States during the 1940s and early 1950s, and subsequent steps after the start of the Korean War, allowed the United States to regard Taiwan as a faithful ally who could help Washington contain potential Communist Chinese expansion in Asia. This thinking had remained so firm an article of faith that members of Congress feared to recommend any change in this policy, particularly in the face of the pro-KMT lobby. Although the international environment had gradually changed, and Nixon's Beijing trip in 1972 had received broad U.S. support, Taiwan had not lost its importance in American politics. Nixon knew well that he had to stand firm on the Taiwan issue to avoid offending Americans as well as leaders of countries allied with the United States. A United States that cut ties with an ally of thirty years for the sake of practical gains to be made in cooperation with the PRC would be regarded as "changeable" and "unreliable" in international affairs.¹⁰⁰ By the late 1970s, it became clear that Washington wanted to normalize its relations with China and at the same time to keep its relations with Taiwan. Beijing's firm stand made those goals difficult. U.S. leaders experienced difficulty in selecting a course of action because of the mutually exclusive interests in their approach to Beijing and Taipei. The complexities and implications of the Taiwan issue, in both the domestic and international contexts, came fully to bear on the Carter administration when it considered moving toward normalization of relations with the PRC. Among the basic questions it faced were the following:

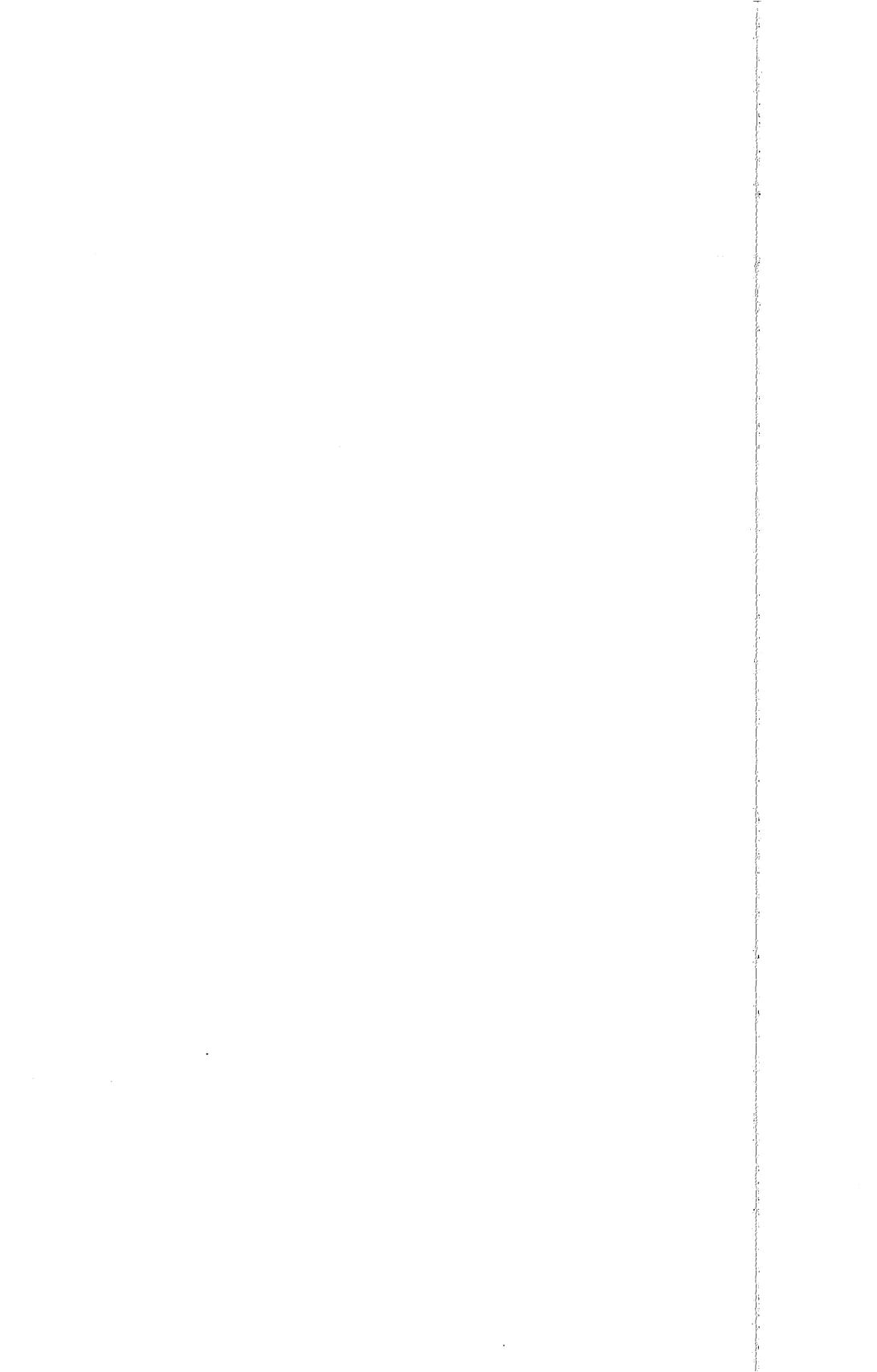
- Should the United States try to complete the process of normalization of relations with the PRC and, if so, on the basis of what formula and conditions?

¹⁰⁰ Sutter, *China Quandary*, pp. 2, 3.

- How should the Taiwan issue be handled in the normalization negotiations with Beijing, and to what extent should concern for Taiwan's security affect the U.S. position?
- What might be the best time for the United States to normalize relations with the PRC, taking into consideration the historical context of the Taiwan issue?
- Could Washington both normalize U.S.-China relations and maintain its current security relations with Taiwan?

PART II

Normalization and the
Taiwan Relations Act



FOUR

Normalizing U.S.-PRC Diplomatic Relations

It was within the context of Soviet-American-Chinese triangular relations, the unresolved Taiwan issue, and a still strong domestic attachment to the Chinese Nationalists that President Carter began his approach to completing the process of Sino-American normalization.

Jimmy Carter's Strategic Concerns

When Jimmy Carter won the 1976 presidential election, U.S.-Soviet relations had deteriorated from the early détente period as a result of Soviet actions in Angola and the Middle East. After the election, Carter quickly approved the détente policy pursued by Kissinger and indicated strong interest in arms control talks with the Soviets. The new president appointed pro-détente moderates to key cabinet positions, including Harold Brown as secretary of defense and Cyrus Vance as secretary of state. However, the key advisers Carter brought into his administration held conflicting views and styles. Whereas Secretary of State Cyrus Vance believed that improving Soviet-American relations should be of paramount concern for the new administration, Zbigniew Brzezinski, special assistant to the president for national security, believed that strengthening American power should be the main theme for the new administration and that the United States should strive to inject into détente "some genuine reciprocity" in its relations with Moscow.¹

¹ For background on Jimmy Carter's foreign policy, see Carter, *Keeping Faith*; Brzezinski, *Power and Principle* (p. 50 for material in this paragraph); Vance, *Hard Choices* (pp. 76-81 for material in this paragraph); Oksenberg, "Decade of Sino-American Relations," pp. 175-195.

Vance regarded the U.S.-Soviet relationship as far more important than U.S.-China relations, which he viewed as purely a bilateral matter, not as a card to be played against the Soviets. Vance, in fact, had suggested publicly that the normalization of Sino-American relations would be a relatively low priority for the new administration, telling *Newsweek* at the end of 1976 that he favored a slow pace in improving relations with China.² Zbigniew Brzezinski, in contrast, believed that the Sino-American relationship was more than a bilateral matter and that U.S.-Chinese collaboration could be valuable in helping Moscow understand the value of restraint and reciprocity.³ Brzezinski had advocated the establishment of strategic ties with China as early as 1973, and he selected as his NSC staff member for China affairs Michel Oksenberg, a professor from the University of Michigan who had long indicated strong interest in strategic ties with China.

In the first months of 1977, the bureaucratic politics within the Carter administration, represented by Secretary Vance on one side and National Security Adviser Brzezinski on the other, led to sharp differences on U.S. Soviet policy, and U.S. China policy was considered basically in the context of U.S.-Soviet relations. Both Brzezinski and Vance agreed that relations with China had direct implications for American-Soviet relations, and both agreed that normalization of U.S.-PRC relations was in the U.S. interest. But Vance and those who agreed with him, mainly in the State Department, worried about the possibility of damaging U.S.-Soviet relations if the United States moved toward China.⁴ They preferred to hold a China card unplayed, fearing that once the card was on the table, the myth and uncertainty of U.S.-China relations that had impelled the Soviets to be cooperative in the 1972-1973 period would be gone and that the Soviets might become more difficult to handle both in bilateral issues and in the international arena.⁵

Brzezinski and others who agreed with him believed that China was an important factor in U.S.-Soviet confrontation and thus had been pushing hard for development of strategic relations with China from the beginning. Defense Secretary Brown was not

² On December 13, 1976, *Newsweek* reported that "[Vance] does not believe there is any rush to establish relations with China, since it is important to maintain a careful balance in relations with the Soviets." Also see Vance, *Hard Choices*, pp. 75-83.

³ Brzezinski, *Power and Principle*, pp. 150-209.

⁴ Vance, *Hard Choices*, pp. 78, 99-119.

⁵ Garrett, "China Card," p. 115.

a proponent of strategic ties with China until later. But officials in the Pentagon had explored the possibility of U.S.-PRC military ties since late 1975, and some supported Brzezinski's advocacy of weakening Moscow's strategic position through developing strategic ties with Beijing.

The differences between Vance and Brzezinski made it difficult for President Carter to define a consistent and coherent foreign policy. He apparently hoped that his policies would lead to simultaneous improvement in relations with both China and the Soviet Union.⁶ His hesitation between the often conflicting policy views and options advocated by his senior advisers became one of the organizational characteristics of Carter's foreign policy structure. In 1977, the president tended to favor Vance's worldview and approach, and China policy had a relatively low priority on his foreign policy agenda; later he shifted toward Brzezinski's view and gave China policy a higher priority.

1977: The Strategic Factor in U.S. China Policy

There were no signs of any movement on the normalization issue at the start of the Carter administration. Officially, the administration talked of "abiding by the principles laid out in the Shanghai Communiqué."⁷ However, normalization with the PRC was not among Carter's highest foreign policy priorities during his first year in the White House.⁸

Uncertain about the new administration's China policy, Beijing's leaders put out certain feelers in the first months of 1977 to express their interest in moving forward the process of normalization. They indicated their wish to settle the dispute concerning the frozen Chinese assets in the United States and the U.S. financial claims against China dating back to 1950, and they emphasized their patience on the Taiwan issue.⁹ When President Carter met with Huang Zhen, the head of the Chinese Liaison

⁶ *Ibid.*, pp. 115, 88.

⁷ *Washington Post*, February 9, 1977.

⁸ Oksenberg, "Decade of Sino-American Relations," pp. 175-195.

⁹ Chinese leaders told David Rockefeller of Chase Manhattan Bank that they wished to settle the dispute concerning the financial claims on both sides; see *New York Times*, February 16, 1977. And in April, the United States and China had resumed talks in Washington regarding the financial claims; see *Washington Post*, May 1, 1977. Similar talks during 1973-1975 had ended in deadlock. See also Congressional Quarterly, *China: American Policy since 1945*, p. 227.

Mission at Washington on February 8, 1977, the Chinese representative reminded the new president that former President Nixon had promised Beijing in 1972 that normalization of U.S.-China diplomatic relations would be completed in the near future.¹⁰ During the meeting, Carter merely expressed a general desire for closer Sino-American relations and reaffirmed the Shanghai Communiqué. Inasmuch as the meeting had been designed simply to balance the new president's early meeting with Soviet ambassador Dobrynin, no initiative was made.¹¹

However, U.S.-China relations became important to the administration after Vance's unsuccessful visit to Moscow in late March, during which Soviet leaders bitterly rejected Carter's human rights policy and his new SALT proposal calling for major reductions in strategic weapons systems.¹² Facing the humiliating failure of his Soviet policy in the first months of his administration, Carter began to consider improvement of U.S. relations with Beijing as a way to pressure Moscow.¹³ Immediately after Vance returned empty-handed from Moscow, Carter made a series of highly positive gestures toward Beijing:¹⁴ On April 5, to indicate the "importance the President attaches" to Sino-American relations, President Carter added his son Chip Carter to a high-powered congressional delegation scheduled to visit Beijing in April. On April 6, President Carter told a group of Japanese business leaders that he himself wanted to visit China sometime. On April 10, administration officials revealed to the *New York Times* that former President Nixon had told Chinese leaders in 1972 that he strongly desired to normalize relations with China during his second term in office.¹⁵ On April 11, the State Department announced that Secretary Vance had briefed Chinese representative Huang Zhen on his talks in Moscow and that the secretary

¹⁰ *Washington Post*, February 27, 1977.

¹¹ Brzezinski, *Power and Principle*, p. 198.

¹² Andrei Gromyko commented on the U.S. initiative as a "cheap and shady maneuver" to gain unilateral advantage for the United States; see Brzezinski, *Power and Principle*, p. 164. For a detailed account of the SALT talks in this period, see Talbott, *Endgame*.

¹³ Brzezinski noted in his memoir that President Carter's first interest in taking more initiative toward Beijing came after he received a harsh letter from Brezhnev at the end of February 1977; see Brzezinski, *Power and Principle*, p. 155.

¹⁴ Garrett, "Carter Turns to Peking," p. 2.

¹⁵ The administration officials said that it was their opinion that Nixon's pledge was a statement of intention and not a binding agreement with the Chinese; see *New York Times*, April 11, 1977.

planned to visit China late that year. On April 15, President Carter revealed in a restricted news conference that the administration regularly informed the Chinese about developments in the SALT talks.¹⁶ On April 20, Carter chose United Auto Workers president Leonard Woodcock as chief of the U.S. Liaison Office in Beijing.¹⁷

Meanwhile, the State Department started to prepare the first extensive interagency memorandum on China for President Carter; Policy Review Memorandum (PRM) 24 was formulated under the direction of Assistant Secretary of State Richard Holbrooke and NSC staff member Michel Oksenberg. By that time Oksenberg had reviewed the entire record of U.S.-China discussions in the Nixon and Ford administrations.¹⁸ PRM 24, part 1, recommended that normalization be pursued in the "near term," which meant that the United States shift diplomatic relations from Taiwan to the PRC and terminate the defense treaty with Taiwan.¹⁹ It argued that unless normalization was completed, U.S. cultural and economic relations with the PRC probably would stagnate or even begin to reverse, and the Chinese would no longer trust U.S. pledges to normalize at a later date.²⁰ At the same time, PRM 24 also recommended to the president that the United States, while proceeding toward normalization, should make sure that the security of Taiwan not be jeopardized after the termination of the mutual defense treaty.

There was heated debate within the administration about the first draft of PRM 24. People in the Defense Department, NSC, and CIA favored the further improvement of U.S.-China relations to strengthen the U.S. position vis-à-vis the Soviet Union, whereas

¹⁶ Ibid.

¹⁷ The *New York Times* reported earlier that Woodcock's selection would be "one of several signals that the Carter administration is hoping to move to broader and more normal relations with China"; see *New York Times*, April 18, 1977.

¹⁸ Because some records were kept as presidential papers in the presidential libraries, it took a few months for Oksenberg and Chinese specialists in the State Department to review the voluminous records of conversations between the previous administration and the Chinese government. See Ogata, *Normalization with China*, p. 60.

¹⁹ The recommendations of PRM 24, part 1, were leaked to John Wallach of the Hearst News Service. See his report in the *San Francisco Examiner*, June 26, 1977, p. A3.

²⁰ It also argued that Sino-Soviet relations would improve unless Washington moved forward and that improving relations with China would help improvements in U.S.-Soviet relations, as had occurred in 1971-1973. See Oksenberg, "Decade of Sino-American Relations," p. 182.

officials in the State Department feared that improved relations with China might be too provocative to U.S.-Soviet relations.²¹ On April 15, 1977, Secretary Vance sent President Carter a memorandum stating that the approach suggested in PRM 24 "could be quite dangerous and going very far down the road would pose real risks. The Chinese might be receptive, but I would be concerned at the Russian—and Japanese—reaction. Nothing would be regarded as more hostile to the Soviet Union than the development of a U.S.-Chinese security relationship." Therefore, Vance believed, the United States should not be "compelled to establish diplomatic relations with Peking" under any artificial deadlines.²²

After months of debate, part 3 of PRM 24 was leaked to the press in late June. At this time, Vance's opinion prevailed. This part of PRM 24 recommended that the United States should continue the policy of "evenhandedness" in approving and denying requests for purchase of strategic technology by China and the Soviet Union.²³ It said that the "severity of Soviet reaction" to a U.S. policy aimed at facilitating the transfer of military-related equipment to China "would increase with the perceived threat to Soviet interests," and "Moscow would then be compelled to make a fundamental reassessment of its policies toward the U.S."²⁴

Still favoring the idea of improving relations with Moscow, President Carter had tilted toward Vance's view and decided to pursue an evenhanded policy toward Moscow and Beijing during the summer of 1977.²⁵ The issue of transferring military-related technology to China was rejected on the basis of PRM 24, part 3.²⁶ Besides reassuring Moscow that Washington was not moving toward military ties with Beijing, President Carter, at Vance's urging, toned down his criticisms of Soviet human rights policy and backed off from his tough SALT II proposals. In May 1977, the administration reached an agreement with the Soviet Union for

²¹ Garrett and Glaser, "From Nixon to Reagan," p. 264.

²² Vance, *Hard Choices*, p. 76.

²³ *New York Times*, June 24, 1977.

²⁴ Garrett, "China Card," p. 103.

²⁵ Carter, *Keeping Faith*, pp. 190–194.

²⁶ However, Brzezinski acted unilaterally to inform the Chinese leaders by a personal envoy in August that the administration had not ruled out arms sales to China. Retired Admiral Elmo Zumwalt told the *Washington Post*—in a report published on August 23, 1977—that Brzezinski told him to tell the Chinese leaders during his visit to China that the *New York Times* report on PRM 24 ruling out sales of military-related technology to China was wrong and that arms sales to Beijing had not been rejected; cited from Garrett, "China Card," p. 104.

negotiation of SALT II. On June 30, 1977, the United States announced its decision to stop production of the B-1 bomber, an action that pleased Moscow.

Although the Carter administration backed away from the idea of “playing the China card” against Moscow, the president’s active interest in relations with the PRC and his intention to seek some means by which the Taiwan problem could be overcome were also evident. On May 22, 1977, in a major foreign policy address at Notre Dame University, the president stated, “We see the American-Chinese relationship as a central element of our global policy, and China as a key force for global peace. We hope to find a formula which can bridge some of the difficulties that still separate us.”²⁷ Even though the administration’s China policy was still associated with its overall policy toward the Soviet Union in an evenhanded approach, and the “China card” had not been played, the leak about PRM 24 and other signals from Washington had clearly indicated that Sino-American military and strategic cooperation remained a live option for U.S. policy makers.

Normalization on the Agenda

In July 1977 the administration began to consider the normalization issue more seriously than ever when it started to plan for Secretary Vance’s trip to Beijing, scheduled for August. Still, for the administration the principal question remained how to assure the security and the well-being of the people on Taiwan. Several possible scenarios were widely debated. A consensus had gradually emerged within the State Department that the U.S. government should seek from Beijing the following assurances regarding Taiwan’s security:

- The PRC should provide an assurance—if possible, an explicit public statement—that it would not use force against Taiwan in its attempt to reunify the island with the mainland. It was hoped this would be a principal Chinese concession in return for the termination of the U.S.-ROC Mutual Defense Treaty.
- As an essential precondition for U.S. termination of more direct defense ties with Taiwan, the United States must be allowed to continue arms sales to Taiwan following recognition of the PRC.

²⁷ *Public Papers of the Presidents: Jimmy Carter, 1:961.*

- The United States must be allowed to continue an active political, economic, and cultural relationship with the Taiwan authorities following recognition of the PRC, if possible through a subdiplomatic liaison office system (meaning that the United States could have an unofficial entity with some official U.S. personnel).
- There should be no PRC objection raised to a unilateral policy declaration by Washington linking Taiwan's future security directly with U.S. security interests. The proposed declaration would substitute, as an informal assurance, for the formal commitment previously contained within the Mutual Defense Treaty.²⁸

With these concessions from Beijing, President Carter and his aides believed, the PRC's three conditions posed few problems for the United States. Washington had long been prepared to accept the fact of PRC governing authority on the mainland and was ready to transfer recognition from Taipei to Beijing. With these concessions from Beijing, the United States could feel confident that Taiwan's security would not be jeopardized by U.S. derecognition of the KMT regime in Taiwan. Ideally, Washington wanted to obtain all of these concessions from Beijing, but it had to obtain at least some of them.

In Carter's view a PRC promise not to use force against Taiwan in any reunification attempt would be best. Washington would then feel at ease in accepting Beijing's three conditions relating to the normalization issue, as the Carter administration could assure the public and the Congress that Taiwan's security could be guaranteed even if official U.S.-Taiwan ties were cut. Inasmuch as the PRC regarded the renunciation of the use of force as an issue of sovereignty, however, it seemed unlikely that the Carter administration could obtain this assurance from the PRC. PRC consent to the establishment of semiofficial liaison missions in Washington and Taipei would also represent an important move, for such missions would make it easier to maintain economic, cultural, and other relationships with the island. Yet Beijing seemed highly unlikely to grant Washington such a concession.

Among the U.S. positions, the continuation of arms sales to Taiwan in the postnormalization period was considered essential

²⁸ Vance, *Hard Choices*, p. 77. This consensus within the administration has been confirmed in my interviews with William Gleysteen, Richard Holbrooke, and Leonard Woodcock. See also Downen, *Taiwan Pawn*, pp. 16-17.

and feasible by the Carter administration. The administration's policy makers believed that the United States could use arms sales to enhance Taiwan's ability to defend itself against possible PRC attack and to tangibly remind Beijing of Washington's continued interest in Taiwan's security.

When a rumor circulated that the normalization with China might be worked out during Vance's trip to Beijing, the KMT and pro-Taiwan conservatives in the United States became nervous. The Nationalist government in Taiwan did not passively watch the movement of Sino-American normalization. It launched a campaign in the United States during this period appealing to Carter to stand by his Nationalist ally. Numerous articles and editorials appeared during July and August 1977 opposing any actions severing U.S. military and diplomatic ties with Taiwan.²⁹ And an open letter to President Carter urging him "to continue diplomatic ties with the Republic of China on Taiwan" was signed by 3,500 Americans.³⁰ Twelve residents of President Carter's hometown were invited by the KMT government to tour the island so that they could tell the president how wrong it would be to abandon Taiwan.³¹ On July 1 Taiwan's foreign minister, Shen Chang-huan, issued a statement reminding the United States that "the Republic of China and the United States have been friends of long standing. The two countries have diplomatic relations and are allies by virtue of the mutual defense treaty."³²

The KMT's efforts to slow the pace of Washington's move toward Beijing were not limited to the public pleas. It was reported that the Taiwan intelligence agency was considering using letter bombs to discourage American scholars who traveled to and spoke favorably for the PRC.³³ According to administration officials, the ROC embassy tried to infiltrate the U.S. government

²⁹ For example, see Joseph J. Sisco (former undersecretary of state and then president of American University), "Secretary Vance's trip to Peking," *Wall Street Journal*, July 8, 1977; Edward N. Luttwak, "United States Policy: Between the Two Chinas," *New York Times*, August 1, 1977; George W. Ball (former undersecretary of state), "Against 'Cravenly Yielding' to Peking," *New York Times*, August 24, 1977.

³⁰ The signers included Robert Murphy (former undersecretary of state), Frederick Seitz (president of Rockefeller University), and C. Martin Wilbur (former president of the Association for Asian Studies); see *New York Times*, August 14, 1977.

³¹ Carter, *Keeping Faith*.

³² "News from China," no. 77-624, July 1, 1977; cited from Chiu, "Question of Taiwan," in *China and the Question of Taiwan*, ed. Chiu, p. 183.

³³ Tucker, *Taiwan, Hong Kong, and the United States*, p. 130.

and to acquire classified information in order "to provoke a serious crisis with the PRC [and] to preempt our moves, permitting Taiwan to rally its congressional troops and control the administration's approach to Congress"; furthermore, "documents presented at a [State Department] meeting on Thursday would turn up in Taipei on Friday."³⁴ In 1977, concerned about Taiwan's efforts to provoke opposition to normalization, President Carter put Taiwan on a list of hostile foreign intelligence services and had Taiwan diplomats targeted for surveillance and wiretapping.³⁵

It was in this context that the administration went ahead, in July 1977, with plans for an exploratory visit by Secretary Vance to China. This would be the first high-level discussion between a cabinet member of the Carter administration and the new PRC leaders. In a three-hour meeting on July 30, President Carter decided to go ahead on normalization and told Vance to go directly to the issue and to move as rapidly as possible. He said, "Cy, lay it all out on the line. I've never gained from procrastinating. Describe our full position."³⁶ The basic points of the U.S. normalization policy that Vance was to put forward to the Chinese at that time were encompassed in two alternative positions: a maximum position that contained all the four points mentioned above and a minimum one that required the following assurances from Beijing: (1) that normalization would not prevent the United States from selling arms to Taiwan; (2) that the American people could continue, unimpaired, unofficial cultural, economic, and other relations with the people on Taiwan; and (3) that at the time of normalization, Beijing would not oppose a U.S. unilateral statement concerning its expectation that the Taiwan issue would be settled peacefully.³⁷ At the end of July, Carter seemed to tilt to the minimum position.³⁸ Vance was authorized to negotiate with the Chinese on the normalization issue and had a draft normalization communiqué with him in case Beijing had enough interest in Carter's package.

³⁴ Kaplan, *Fires of the Dragon*, p. 240.

³⁵ Tucker, *Taiwan, Hong Kong, and the United States*, pp. 130-131.

³⁶ Oksenberg, "Decade of Sino-American Relations," p. 182.

³⁷ *Ibid.*

³⁸ Schram, "Taiwan Issue." Also, Ambassador Woodcock was informed of the latter position before August 20, 1977. Interview with Woodcock.

Vance's Trip to Beijing

Just a few days before Secretary Vance's visit to Beijing, Senator Edward Kennedy (D-Mass.) helped the administration test the waters on the normalization issue at home. In his speech before the World Affairs Council in Boston on August 15, Kennedy advocated a formula by which the United States would accept in principle Beijing's three conditions to normalize diplomatic relations with the PRC. Considering the important role that the Congress would eventually play in the normalization issue, the State Department hoped that Senator Kennedy's speech would serve as a trial balloon for domestic critics and at the same time as a signal to Beijing's new leaders that the administration was considering their three conditions.³⁹

But before Vance left for Beijing, the administration began to be preoccupied by another major issue on its foreign policy agenda. In early August, the White House—after six months of intensive and difficult negotiations—had reached agreement with the Panamanian government on two new Panama Canal treaties to replace the accord that had given the United States “perpetual sovereignty” over the canal some seventy-five years before. Administration officials had to concentrate their full energies in a major campaign to obtain congressional support for the new treaties. President Carter, warned by Vice-president Walter Mondale, realized that he could not confront congressional critics with another sensitive foreign policy issue such as normalization with the PRC until the Panama treaties were ratified by the Senate.⁴⁰ Thus, a major move toward normalization of relations with China had to be delayed for a while.

Vance left for Beijing on August 22, 1977. He intended to, and the president agreed that he should, present the maximum position to the Chinese on the Taiwan issue, indicating that the United States wished to assign some governmental employees to the nonofficial entity that would represent the American people in Taiwan.⁴¹ This position was also tied to Vance's concern over the SALT II negotiations with the Soviets: Vance had no desire to have

³⁹ *Washington Post*, August 16, 1977. Although Senator Kennedy's associates denied that the senator was sending up “a trial balloon” for the Vance trip, they admitted that they had discussions with specialists inside the government in drafting the speech.

⁴⁰ Brzezinski, *Power and Principle*, p. 201.

⁴¹ Vance, *Hard Choices*, p. 79.

the China issue pushed up to a major level of consideration at this time for fear that it would upset the Soviets and adversely affect the SALT II negotiations.⁴² Inasmuch as the visit was exploratory, Vance did not expect the Chinese to accept, yet he felt it wise to make this proposal to test the limits of Chinese flexibility, even though he knew that he might eventually have to abandon it.⁴³

The NSC was totally uninvolved with and excluded from this Vance initiative. Neither Brzezinski nor Oksenberg knew about it.⁴⁴ Ambassador Leonard Woodcock was not informed of this maximum position until August 21, 1977, just one day before the Vance delegation arrived in Beijing, when he received a personal note from Assistant Secretary for East Asian and Pacific Affairs Richard Holbrooke telling him that "we will propose an official presence in Taipei after the normalization."⁴⁵

During his first meeting with Chinese foreign minister Huang Hua in Beijing on August 23, Vance carefully stated to his Chinese counterpart that "the President is prepared to normalize relations," but "it would be necessary for U.S. government personnel to remain on Taiwan under an informal arrangement" after Washington recognized Beijing; and because of the negative reaction in the United States to Chinese statements about liberating Taiwan by force, the U.S. government "would make a public statement of our interest in a peaceful settlement" at the appropriate time. Vance made a special point to his Chinese hosts that it would be necessary that China not contradict such a statement or make any new statement about liberating Taiwan by force.⁴⁶ Moreover, Vance urged that the Chinese explicitly promise not to use force against Taiwan.

Huang Hua rejected this portion of Vance's presentation the next morning, claiming that the U.S. proposals regarding a liaison

⁴² Interview with Ambassador Woodcock.

⁴³ Interview with Vance. Also on August 20, the *New York Times* had reported that a State Department spokesman said that no major progress was expected; see Congressional Quarterly, *China: U.S. Policy since 1945*, p. 232.

⁴⁴ "They said they knew that something was up, but they did not know what was up. It was totally an internal affair of the State Department," commented Ambassador Woodcock during my interview with him.

⁴⁵ Ambassador Woodcock recalled that one member of the Vance delegation arrived earlier and gave him a personal note from Holbrooke, saying that "there will be a surprise [for you] in the presentation, which was not contemplated in Washington, namely we will propose an official presence in Taipei after the normalization." Interview.

⁴⁶ Vance, *Hard Choices*, pp. 81, 82.

office in Taiwan went beyond what the Chinese could accept. Huang reiterated the three Chinese conditions and complained that the Americans only gave "lip service" to them.⁴⁷ The Chinese foreign minister indicated that the Chinese would not renounce the use of force to liberate Taiwan and asserted that normalization would be further delayed if the Carter administration held to this stand. Vance assembled Philip Habib, undersecretary of state for political affairs; Holbrooke; Oksenberg; William Gleysteen, deputy assistant secretary of state for East Asia; and other China experts from the State Department to discuss what to do about the draft communiqué he had brought with him. After discussion, Secretary Vance decided to stick with the maximum position and not put forward the draft communiqué for the next round of talks, primarily out of consideration of the Panama Canal debate at home and the ongoing SALT talks with the Soviets.⁴⁸

During his meeting with Vice-premier Deng Xiaoping in the afternoon, Secretary Vance did not show any sign of flexibility in his position on U.S.-Taiwan relations. Deng rejected the Vance proposal as absolutely impossible for the Chinese to accept.⁴⁹ He read to his American guests a portion of a memorandum of a conversation in which Henry Kissinger had allegedly agreed that the United States owed a debt to China and that normalization would be in conformity with the Chinese conditions. He also referred to a discussion with President Ford in December 1975 in which the president had stated he would normalize relations in accordance with the Japanese formula if he were reelected in 1976. Deng described Vance's proposal as calling for "an embassy that would not have a sign or a flag at its door" and stated that he regarded it as a retreat from the Shanghai Communiqué and from the previous state of affairs.⁵⁰

Vance's trip reestablished the dialogue between the Carter administration and PRC leadership and felt out the Chinese on the various options open for the solution of the Taiwan question, but it also created a sense of disappointment on both sides. U.S. leaders felt that the Chinese were not sufficiently flexible and that they were not ready to negotiate seriously. The Beijing leadership felt that the Carter administration was retreating from the

⁴⁷ Ibid., p. 82.

⁴⁸ Interview with Vance.

⁴⁹ Interview with Ambassador Woodcock.

⁵⁰ Vance, *Hard Choices*, p. 82.

previous Sino-American understandings.⁵¹ Deng took occasion to repudiate American press descriptions of Chinese “flexibility” regarding Beijing’s position on the Taiwan issue—unauthorized descriptions reported by the press in Washington as the secretary departed from China.⁵² They could not tolerate any misunderstanding over the Chinese principle that the United States had to sever official ties with Taipei unambiguously. In an interview with an Associated Press delegation, Deng said that efforts to normalize relations had suffered a setback during Vance’s visit. Deng complained that “the U.S. is playing with two cards [China and Taiwan].”⁵³

The Chinese leaders made clear that their three conditions were nonnegotiable and that the normalization of Sino-American diplomatic relations would have to be postponed unless the Carter administration was prepared to modify U.S. conditions.

Resuming the Normalization Process

Following the unsuccessful visit of Secretary of State Vance to Beijing, Sino-American relations were, in some respects, strained. The Chinese leadership was obviously disappointed with the Carter administration, as the process of normalization came almost to a standstill. The task for the Carter administration was to get the process moving again.

In a series of private meetings with Foreign Minister Huang Hua at the United Nations in late September, Secretary Vance tried to clear up misunderstandings about the U.S. policy on normalization.⁵⁴ To further indicate U.S. commitment to the normalization of U.S.-PRC relations, Secretary Vance told Huang Hua that the United States would reconsider its position on the normalization issue and that Leonard Woodcock would deliver the answer soon.⁵⁵ In the wake of these meetings, however, Beijing’s

⁵¹ Brzezinski, *Power and Principle*, pp. 201–202.

⁵² John Wallach, the diplomatic correspondent for the Hearst chain, wrote an article, published in the *Boston Herald*, reporting that members of the NSC staff, reading Vance’s report to the president on the trip, had seen signs of “progress” and that the Chinese became “flexible” and “responsive”; see Vance, *Hard Choices*, p. 83.

⁵³ *Washington Post*, September 7, 1977.

⁵⁴ “Secretary Vance’s News Conference of November 2,” in *Department of State Bulletin* 77, 2004 (November 21, 1977): 717.

⁵⁵ Interview with Ambassador Woodcock.

leadership advised journalists in early October that, as in the past, the PRC would never give up its right to unify Taiwan by any means it saw proper inasmuch as it regarded this an issue of sovereignty and that the PRC could not tolerate any U.S. unilateral statement expressing U.S. interest in the peaceful settlement of the Taiwan issue or arms sales to Taiwan after normalization.⁵⁶

From the fall of 1977 to the spring of 1978, the debate over the Panama Canal treaties dominated the U.S. foreign policy agenda. The administration had hoped to get the Panama treaties ratified in the fall of 1977, yet debate dragged on well into 1978. At the same time, the administration was working on SALT II negotiations with Moscow and on a Middle East peace proposal. However, President Carter viewed U.S.-Chinese relations as an important issue in U.S. foreign policy and believed that it was in the U.S. interest that the process of normalization of diplomatic relations with China not be halted. State Department officials, under the instruction of Secretary Vance, began to readjust U.S. policy toward normalization with the PRC and to rethink a fundamental negotiating strategy. In September 1977, legal experts at the State Department under Herbert Hansell were directed to work closely with Assistant Secretary of State Richard Holbrooke to create a new legal mechanism—a privately incorporated body—that could allow the United States to preserve its economic, cultural, and other ties with Taiwan after it ended its formal ties with the KMT on the island.⁵⁷ In late October 1977, the State Department decided to abandon its previous position regarding a Taiwan liaison office.⁵⁸ These moves were made in utmost secrecy because controversy was then raging over the Panama Canal treaties, and the administration feared that leaks on the Taiwan issue might furnish its opponents with ammunition.⁵⁹

During the final months of 1977 and the first months of 1978, there were signs that both Beijing and Washington wanted to improve the relationship. Beijing indicated its interests by

⁵⁶ See the interview with Yu Chan, the PRC's vice-foreign minister, in the *Wall Street Journal*, October 3, 1977.

⁵⁷ Vance, *Hard Choices*, p. 83.

⁵⁸ Interview with Ambassador Woodcock.

⁵⁹ For instance, in the summer of 1977 a plan briefly existed to bring Ambassador Leonard Unger home on protracted "leave" from Taipei to signal to Beijing that the U.S. diplomatic mission on the island was being downgraded. But when it was felt that his departure might arouse criticism in the Congress, he was sent back to Taiwan. See Vance, *Hard Choices*, p. 598.

resuming its purchase of U.S. wheat after a two-year lapse.⁶⁰ For the first time China gave up its insistence that all delegations to the United States be labeled "unofficial" and decided to send an official delegation from its Ministry of Petroleum to the United States at the invitation of U.S. energy secretary James Schlesinger.⁶¹ Congressional leaders such as Senators Henry Jackson (D-Wash.), Edward Kennedy, and Alan Cranston (D-Calif.) were separately invited to China in early 1978.⁶² And most important, in early November 1977, through two channels, the Chinese invited National Security Adviser Zbigniew Brzezinski to visit China.⁶³ It seemed that Beijing had not only increased its interest in improving relations with Washington but had also realized how to explore the policy difference between Vance and Brzezinski.⁶⁴

Within the bureaucracy, Brzezinski pressed for the expansion of bilateral relations through enhanced scientific contacts and also through a more favorable attitude toward the transfer of militarily sensitive technology to China. Secretary of Defense Harold Brown helped Brzezinski on this, and by early February 1978, despite objections from Vance, an interagency system was devised for a more positive handling of Chinese requests. Brzezinski also arranged for the Chinese to obtain a NATO briefing on global strategic problems, thereby initiating a tacit move toward developing a security relationship with Beijing.⁶⁵ He himself started holding regular consultative meetings with Ambassador Han Xu, the head of the Chinese Liaison Mission, to gain Chinese confidence in the Carter administration's global strategic thinking in the face of Soviet expansion.

⁶⁰ On April 10 the U.S. Department of Agriculture announced the sale of 600,000 tons of wheat to China, the first such sale to China since 1974. On April 18 it was announced that an additional 400,000 tons were to be sold. See Congressional Quarterly, *China: U.S. Policy since 1945*, p. 236.

⁶¹ Oksenberg, "Decade of Sino-American Relations," p. 183.

⁶² Senate, Committee on Energy and Natural Resources, *China and United States Policy*.

⁶³ In early November 1977, at a lunch at the White House for the departing chief of the Chinese Liaison Office, Huang Zhen, hosted by Vice-president Mondale, the Chinese guests invited Brzezinski to visit China; they later repeated the offer in front of the press; see Brzezinski, *Power and Principle*, pp. 203-204; see also Oksenberg, "Decade of Sino-American Relations," p. 183.

⁶⁴ Chinese officials in the Ministry of Foreign Affairs had been aware of the policy difference between Secretary Vance and National Security Adviser Brzezinski by late 1977. Interviews with Chinese officials.

⁶⁵ Brzezinski, *Power and Principle*, p. 203.

Leonard Woodcock, the chief of the U.S. Liaison Mission in Beijing, also gave an important push to the process through his trips to Washington in October 1977 and February 1978. Early in October 1977 Woodcock had insisted on obtaining instructions from the State Department authorizing him to tell the Chinese that the United States would withdraw its condition of having a sub-liaison office in Taiwan. In late October 1977 Woodcock finally got a definite answer from the State Department. After the State Department dropped the condition, Woodcock suggested that the United States insist on arms sales to Taiwan in this transitional period to serve U.S. security interests with Taiwan. Having been stationed in Beijing for about half a year, Woodcock believed it unlikely that Beijing would attack Taiwan; therefore the issue was to obtain reasonable assurance about the security of Taiwan. To Woodcock, the only feasible alternative left was to recognize Beijing and make a unilateral reservation to take action, including arms sales. "Let's go ahead with the normalization, and reserve the right to do what we have to do with Taiwan, including selling them defensive arms," Woodcock suggested to Secretary Vance in early February. Then on February 7, 1978, the president met with Ambassador Woodcock and gave his full support to Woodcock's determination to achieve normalization on the terms outlined the previous June, in which the arms sales issue was crucial.⁶⁶

Inasmuch as the Chinese would almost certainly not agree to the U.S. arms sales after the normalization because of their concern about sovereignty, the problem was how to convey U.S. intentions to the Chinese and try to get some acceptable Chinese response.⁶⁷ Upon his return to Beijing, Woodcock discreetly and indirectly began to test the waters to ascertain whether the Chinese would accept the package Carter had in mind. He expressed the U.S. determination to normalize relations and the U.S. intention to sell Taiwan arms in the postnormalization period in the public quarters of the U.S. embassy, where the Chinese house staff were present. To make sure that the Chinese would understand the U.S. position clearly, Woodcock also met with Pakistani, Yugoslavian, and Rumanian ambassadors to Beijing to

⁶⁶ This paragraph based on interview with Ambassador Woodcock; see also Ok-
senberg, "Decade of Sino-American Relations," p. 184.

⁶⁷ Richard Holbrooke called this the "Woodcock Formula," to which Secretary
Vance was uncommitted. Vance only responded that "for the thinking of those
terms, the Chinese had to know in advance what our intention was." Interview
with Ambassador Woodcock.

convey through them both the U.S. determination to normalize relations with Beijing and the intention to sell arms to Taiwan afterward.⁶⁸ He also began to lobby U.S. congressmen, businessmen, and journalists who came to the Liaison Office in Beijing in late 1977 and early 1978, to get support for this position.⁶⁹

Encouraged by Beijing's increasingly moderate policy and positive reactions to the new U.S. policy approach, the Carter administration began planning for another top-level meeting that would further correct the misunderstandings that had resulted from the Vance trip of the previous summer and establish a good basis for a final push toward normalization. Though both Vice-president Mondale and National Security Adviser Brzezinski were eager to go to Beijing, President Carter finally decided to send Brzezinski to China in early 1978. The administration's efforts in its campaign for Senate approval of the Panama Canal treaties impeded immediate forward movement in its normalization policy, but when the ratification of these treaties was impending in mid-March, Carter began planning for Brzezinski's trip to Beijing.⁷⁰ On the day after the first Panama Canal treaty was approved, Washington informed the Chinese that Brzezinski had decided to accept the invitation to visit China, and when the Senate passed the second treaty, the precise date for his visit was set.⁷¹ After the Panama Canal treaties were successfully ratified by the Congress, President Carter felt ready to proceed with his next major foreign policy initiative.

Carter's Calculations

In May 1978 the president and his principal advisers finally made up their minds to normalize relations with the PRC.⁷² At that time, the president approved a normalization strategy paper, prepared by the State Department and the NSC, proposing

⁶⁸ Woodcock recalled that inasmuch as the U.S. embassy house staff were sent by the Chinese Diplomatic Service Bureau, which was affiliated with the Ministry of Foreign Affairs, "I was reasonably sure that what I said was not secret and was getting back to the Chinese Foreign Ministry." *Ibid.*

⁶⁹ Oksenberg, "Decade of Sino-American Relations," p. 184.

⁷⁰ Brzezinski, *Power and Principle*, pp. 205-206.

⁷¹ Oksenberg, "Decade of Sino-American Relations," p. 184.

⁷² Brzezinski told the Chinese in May 1978 that President Carter had made up his mind. But one could argue they had decided earlier, in principle, though not in regard to specifics.

January 1, 1979, as a target date for U.S.-PRC diplomatic relations. Several factors contributed to this final decision: the perception of continuing Soviet expansion and the deterioration of U.S.-Soviet relations; the Soviet overture to the Chinese, in late 1977, to improve Sino-Soviet relations; and domestic trends in both the United States and China, as well as economic considerations.

Deterioration of U.S.-Soviet Relations

In early 1978, Soviet involvement in the Horn of Africa plunged U.S.-Soviet relations to their lowest point since Carter came into office. The Soviet airlift of Cuban troops and Russian military supplies into Ethiopia in January and February stalled Carter's *détente*. Domestic critics charged the president with being soft toward Moscow and put strong political pressure on him to take some action against Soviet expansion in that part of the world.⁷³

Nor was dissatisfaction with Carter's foreign policy limited to his critics. His own national security adviser felt the same way. Brzezinski believed that the administration's foreign policy had not been very successful during its first year basically because of Vance's soft policy toward the Soviet Union. The United States was forced to retreat from its initial proposals for deep cuts in nuclear weapons at the SALT talks. It had not effectively countered the Soviet expansion in Africa and the Middle East, and it had not given China policy enough attention. The national security adviser believed that U.S. "softness" would encourage further Soviet adventures and would make Senate approval of a SALT agreement more difficult.⁷⁴ Brzezinski advocated a harsh policy toward the Soviet Union and viewed Soviet involvement in Africa in the context of global U.S.-Soviet competition. Furthermore, Brzezinski wanted to link such various components of U.S. Soviet policy as human rights, technology transfer, Africa, and SALT. In contrast, the State Department viewed the situation in the Horn of Africa strictly in a local context. State sought to avoid turning the issue into an East-West conflict and opposed linking all aspects of the administration's Soviet policy.⁷⁵

⁷³ For U.S.-Soviet relations in this period and the Soviet involvement in Africa, see Brown, *Faces of Power*; Pipes, "Soviet Global Strategy."

⁷⁴ Oksenberg, "Decade of Sino-American Relations," pp. 183-184.

⁷⁵ Vance, *Hard Choices*, pp. 107-114.

President Carter began to adopt a harsher posture against the Soviet Union in early 1978. In a speech at Wake Forest University on March 17, 1978, Carter toughened his rhetoric by trying to link future U.S. scientific and economic cooperation with the Soviet Union with Soviet behavior in Africa.⁷⁶ He informed the Soviet leaders that if they "fail[ed] to demonstrate restraint" in their military buildup and in the "projection of Soviet proxy forces" into the Third World, U.S. public support for such cooperation would "certainly erode."⁷⁷ Carter's stiff opposition to Soviet behavior in Africa, revealed in his Wake Forest speech, reflected a shift from his previous pro-Vance Soviet policy toward Brzezinski's hard-line position. However, the president was still trying to strike a balance between the views of his secretary of state and those of his national security adviser, hoping that he could improve relations with Moscow by using both stick and carrot. In deciding not to link the SALT talks to other issues and to take military action to counter the Soviets and Cubans in Africa, Carter had sided with Vance and the State Department, but he sided with Brzezinski about improving the relationship with China to punish and pressure the Soviets.⁷⁸ In effect, he let Vance continue his efforts in pursuing détente policies toward Moscow while Brzezinski played on Soviet fears of U.S.-Chinese strategic and military collusion against the Soviet Union.

Potential of Sino-Soviet Détente

Another factor that contributed to Carter's decision to complete normalization of Sino-American relations was his concern about a possible Sino-Soviet détente.⁷⁹ Since the death of Mao, Moscow had made conciliatory gestures to Beijing to improve bilateral relations. Although Beijing did not respond positively toward Moscow's overtures at the time, signs indicated that in the summer of 1977 Beijing did consider reducing tensions with Moscow as an option.

⁷⁶ *Public Papers of the Presidents: Jimmy Carter*, pp. 124–127; 529–535.

⁷⁷ Garrett, "China Card," p. 120.

⁷⁸ Brzezinski, *Power and Principle*, pp. 185–190; see also Garrett, "China Card," p. 120.

⁷⁹ For a useful assessment of China's Soviet policy in this period, see Gottlieb, "Hundred-Day Thaw," pp. 3–14; Lieberthal, *Sino-Soviet Conflict in the 1970s*; Segal, "The Soviet Union and the Great Power Triangle," pp. 46–76.

Thomas Gottlieb of the Rand Corporation argued that there was a "hundred-day thaw" in China's Soviet policy between the Third Plenum of the Tenth Party Congress in July 1977 and late 1977.⁸⁰ After reemerging on the scene in July 1977, Deng Xiaoping, impelled by security concerns, began to respond positively to Moscow's overtures. This was a time when the PRC was hard pressed to find any strong external support to rely on: The Carter administration was enthusiastic in pursuing Soviet-American détente. Japan maintained an evenhanded policy in the Sino-Soviet conflict and refused to sign the Sino-Japanese peace treaty. Western Europe had done very little to strengthen China's position vis-à-vis the Soviet Union.

Therefore, Gottlieb maintained, the PRC leadership had to "deal directly with the source of its international problem" and consequently made a number of diplomatic and territorial concessions to Moscow during this period. The first such concession was that Beijing dropped its two-year insistence on including the issue of disputed territory in the initial negotiation agenda when it agreed to resume talks on Sino-Soviet border river navigation issues in July 1977. Second, in late summer 1977, Beijing decided to keep silent when two Soviet border patrols penetrated fifteen kilometers into Chinese territory on the Kazakhstan border of Sinkiang and killed one Chinese. Third, three days after Vance's unsuccessful trip to Beijing, PRC leaders decided to dispatch Wang Youping as ambassador to Moscow, a post that had been vacant for eighteen months. Ambassador Wang's arrival in Moscow upgraded Chinese diplomatic representation in Moscow and was another sign of Beijing's willingness to reduce tension in its relations with Moscow at least to some extent. Fourth, the PRC showed some flexibility on a disputed waterway near the Soviet port city of Khabarovsk, an issue that had originated in 1966 when Russians suddenly barred Chinese vessels from using the principal waterway connecting the Heilongjiang and Ussuri rivers. In the late summer of 1977, PRC leaders tacitly agreed to "give the Soviet river traffic authorities notice when passage through the confluence was intended," a condition Beijing had refused to accept for eleven years. Fifth, the high point of this hundred-day thaw, in Gottlieb's analysis, was the PRC leaders' decision to send

⁸⁰ Although the period between July 1977 and February 1978 was more than a hundred days, Gottlieb's study contains a good discussion of the subtle change in Sino-Soviet relations in that period. See Gottlieb, "Hundred-Day Thaw," pp. 3-14.

Foreign Minister Huang Hua to attend the USSR's National Day reception in early November 1977 at the Soviet embassy in Beijing. For more than a decade Beijing's leadership had sent only a deputy foreign minister or lesser official to attend this annual reception.⁸¹

The signs of détente in Sino-Soviet relations ended in early 1978 when the strategic situation tilted in China's favor. In early 1978, U.S.-Soviet relations worsened because of Soviet behavior in Africa and because of President Carter's harsh attitude toward Moscow. Japanese-Soviet relations deteriorated after Japanese foreign minister Sonoda's visit to Moscow, during which the Soviet leaders informed the Japanese that they no longer considered the dispute over the Kurile Islands to be unsettled. This Soviet attitude helped tilt the Japanese toward the Chinese. One month after Sonoda's visit to Moscow, Tokyo signed an eight-year trade agreement with Beijing; Tokyo also had shown interest in completing negotiations for a peace treaty in March 1978.⁸² Beijing then became tough in its policy toward the Soviet Union.

China's several-months-long thaw in policy toward the Soviet Union did indicate, however, that the PRC had the ability to manipulate triangular relations, thereby contradicting the Western assumption that Chinese opposition to the Soviets had been and would continue to be uncompromising and making the Carter administration realize that the United States could not take for granted Beijing's fear and hatred of Moscow and that perhaps Washington had overestimated Beijing's patience on the issue of normalizing relations with the United States.⁸³ If the United States valued Sino-American relations too lightly and postponed normalization, the PRC could decide to defuse the Soviet threat through a détente policy toward Moscow.

Domestic Considerations

Among the important factors that contributed to the 1978 decision to normalize relations with China were domestic considera-

⁸¹ *Ibid.*, pp. 6-9. The border incident was only made public a year later during a visit by a delegation of Western journalists to Sinkiang. Interviews with Chinese officials in Beijing, summer 1987. For background on the waterway dispute, see Su, "China and the Soviet Union."

⁸² Gottlieb, "Hundred-Day Thaw," pp. 9-10.

⁸³ Jaw-ling Joanne Chang, *United States-China Normalization*, p. 117.

tions. As noted previously, derecognition of Taiwan was a highly sensitive issue in U.S. domestic politics. In planning for normalization with the PRC, the administration had to take domestic critics, especially those in the legislative branch, into full account. At the initiative of Secretary Vance, the State Department prepared a paper on China policy discussing the strategy for normalization; the paper argued that "a window of opportunity for normalization would probably exist after the congressional elections in the fall of 1978" and would "remain open into 1979, but then could be closed by two factors: (1) an anticipated Senate fight over approval of a SALT treaty; and (2) eventually, politics relating to the next presidential election."⁸⁴ The paper strongly recommended that this window of opportunity be used and proposed January 1, 1979, as a target date for the normalization of U.S.-PRC diplomatic relations. The paper was approved by the president as a working plan.⁸⁵

Another factor in Carter's calculation was his concern over the Chinese domestic situation. The Chinese leadership demonstrated great instability in the period 1976–1977. The deaths of Zhou Enlai and Mao Zedong, the purge of Deng Xiaoping, the arrest and purge of the Gang of Four, and the rehabilitation of Deng Xiaoping all happened within a short time. By 1978, however, most U.S. China specialists thought that the post-Mao succession had been stabilized and that the Chinese leadership had become more pragmatic. Beijing leaders expressed their desire to improve relations with the United States and to become more open to the West than ever.⁸⁶ Many American China experts believed that the United States should speed the pace of normalization during this period to help the current pragmatic leadership become solidified in China, because it would be in the best interests of the United States to see that moderate leaders remain in power and not be

⁸⁴ Oksenberg, "Decade of Sino-American Relations," pp. 184–185. This memorandum, reviewed by Brzezinski and Brown on April 10, was sent to the president in early May. See Vance, *Hard Choices*, p. 115; see also Brzezinski, *Power and Principle*, p. 206.

⁸⁵ Interview with Oksenberg.

⁸⁶ In February 1978, Chairman Hua advocated the "four modernizations," and China increased its efforts in trade with Western countries. See *Beijing Review* 21, 9 (March 3, 1978): 7–8.

replaced by a more revolutionary, less accommodating regime.⁸⁷ President Carter and his advisers tended to share this view.⁸⁸

The Economic Factor

Economic considerations also played a role in the U.S. decision in 1978 to complete normalization of relations with China. Although China was not a major economic power in the world, it had great potential and promising economic prospects. The U.S. business community had long expected some share in China's huge market. This expectation was reinforced by the efforts of the Chinese leaders in modernizing their country's economy. At the Fifth National People's Congress in March 1978, Chinese leaders set as their top priority the "four modernizations program," a program to modernize Chinese agriculture, industry, science and technology, and national defense.⁸⁹ This shift to a national goal of economic development meant importation of Western technology and commodities and certainly gave the United States an extra incentive to complete the normalization process.⁹⁰

For years, the PRC had treated the United States as a residual rather than primary supplier.⁹¹ Beijing liked to link economic relations to politics, and trade preference was given to countries with which the PRC had established diplomatic relations. Facing a foreign trade deficit of \$30 billion in 1978, the United States certainly wished to share in the huge China market. In an interview with the Newspaper Farm Editors of America on September 30, 1977, President Carter said that "the Chinese have, in the past 8 or 9 months, bought large quantities of wheat from some of the other countries—Canada, Argentina, and perhaps, Australia. I would like to see us get our share of those Chinese purchases and we are

⁸⁷ For China experts' opinions in this regard, see Library of Congress, *U.S.-PRC Normalization*; also House, Committee on International Relations, Subcommittee on Asian and Pacific Affairs, *Normalization of Relations with the People's Republic of China: Practical Implications*.

⁸⁸ This observation is based on my interviews with Carter administration officials.

⁸⁹ *Beijing Review*, 21, 10 (March 10, 1978): 7–41.

⁹⁰ Jaw-ling Joanne Chang, *United States-China Normalization*, p. 118. For the background of U.S.-China economic relations, see Barnett, *China's Economy*, pp. 506–537.

⁹¹ Statement of Dwight Perkins, House, Committee on International Relations, Subcommittee on Asian and Pacific Affairs, *Normalization of Relations*, p. 288.

doing everything we can to meet that goal."⁹² Normalization of relations between Washington and Beijing would definitely have a positive effect on trade relations between the two countries.

Japan provided a good example. In the first few years after normalizing diplomatic relations with Beijing, Tokyo's trade with China rose sharply, from \$1.1 billion in 1972 to \$5.1 billion in 1978.⁹³ In February 1978, the PRC and Japan signed an eight-year trade agreement calling for \$20 billion in two-way exchange through 1985. Meanwhile, Japan maintained its economic relations with Taiwan, and this relationship even expanded rapidly.⁹⁴ Japan's experience suggested that the United States might accrue economic benefits from completion of normalization.⁹⁵

In sum, leaders in the Carter administration agreed that it was time to normalize relations with China; the key question was how to achieve this objective in a way that could maximize U.S. benefits in its global foreign policy, especially in its relations with the Soviet Union, and minimize the costs in U.S. relations with Taiwan. Carter and his advisers recognized the competing interests imbedded in the normalization issue. To move toward the final normalization, Washington had to sever its ties with Taiwan. Carter was therefore confronted with a difficult and painful problem. He and his advisers had to order their priorities and decide which of the competing values and interests to pursue. The completion of normalization was viewed as having important consequences for Carter's reelection and for the U.S. global strategic position, as well as for Carter's personal reputation. The Taiwan issue was also viewed through the lens of domestic intrainstitutional conflict. Congressional sympathy for Taiwan was a constant concern for the executive decision makers. Facing this dilemma, Carter attempted to deal with the issue strategically, hoping that he would be able to persuade Congress to share his view or that he would be able to settle his difference with

⁹² *Department of State Bulletin*, 77, 2003 (November 14, 1977): 681–682.

⁹³ According to the Japan Export and Trade Organization, Japan's two-way trade with China in 1978 hit a record \$5,079 million in a customs clearance basis; see Kim, "Sino-Japanese Relations in the Post-Mao Era." See also Lee, "Japanese Policy toward China."

⁹⁴ In 1978, Japan's trade with Taiwan had increased to a level more than two and a half times that of 1972. Prybyla, "Economic Development in Taiwan," pp. 77–124.

⁹⁵ *Beijing Review*, February 24, 1978, p. 4.

Congress by bargaining and negotiating within the policy-making process.⁹⁶

After Vance's visit, Beijing had used various channels and tactics to communicate to Washington its positions and firmness on the Taiwan question and PRC sovereignty. The Carter administration in early 1978 finally recognized that Beijing's position on Taiwan was nonnegotiable. The White House started to consider dropping American insistence on an explicit PRC guarantee not to use force against Taiwan, a precondition Washington had insisted upon since the mid-1950s. In a revealing comment, Woodcock said, "When you ask a sovereign government whether they are prepared to disavow the use of force against one of their own provinces, what do you expect them to say? Even if there is no thought of using force, they can't say that, either on the record or off the record."⁹⁷ This adjustment of policy objectives regarding Taiwan played no small part in producing the conditions conducive to the final completion of normalization.

The Carter administration finally decided in May 1978 that its basic conditions for normalization would be the following:

1. The United States would continue arms sales to Taiwan after the normalization of diplomatic relations with the PRC. This would be a central U.S. position in normalization negotiations.
2. The United States would make a unilateral statement on peaceful settlement of the Taiwan issue that would not be challenged by Beijing.
3. The United States would not "abrogate" the mutual defense treaty with the Chinese Nationalists, as Beijing had demanded. Rather, the treaty would be terminated in accordance with its own terms, which would allow it to expire after either side gave one year's notice.
4. The United States wished to ensure, moreover, that all other treaties and agreements in force with Taiwan would not automatically lapse with derecognition of the Taipei regime (as had occurred with other countries at the time of their recognition of the PRC).

⁹⁶ George, *Presidential Decisionmaking*, pp. 25–55.

⁹⁷ *Washington Post*, January 8, 1978. My interview with Brzezinski on April 12, 1986, also indicated that the national security adviser by then intended to drop this U.S. condition when considering the normalization issue.

5. The United States would continue a wide range of relationships with the people of Taiwan on an unofficial basis after normalization, in accord with the requirements of U.S. domestic law.⁹⁸

If Beijing could accept these counterconditions, President Carter and his principal advisers thought that the United States could accept Beijing's conditions.

The strategy of the administration's policy makers was to get Congress to do two things when the mutual defense treaty was terminated:⁹⁹ (1) pass legislation to govern postnormalization relations with Taiwan and (2) show congressional support for a presidential statement on the expectation of peaceful settlement of the Taiwan issue and, to further indicate to Beijing that the U.S. concern for Taiwan's security was real, issue a congressional resolution stating U.S. concern regarding Taiwan's security. This package was also aimed at minimizing congressional dissatisfaction and reducing congressional as well as public concerns for Taiwan's security.¹⁰⁰ The administration began to work for those objectives and prepared for Brzezinski's trip to Beijing.

⁹⁸ Vance, *Hard Choices*, pp. 115–116; see also Brzezinski, *Power and Principle*, pp. 205–207. On the fifth point, Secretary Vance said that "in particular, these post-normalization relations would have to include continued sale of defensive weapons to Taiwan." See Secretary of State Vance's Address, January 15, 1979, in Department of State, *Selected Documents*, no. 9, pp. 54–59.

⁹⁹ The whole package the administration policy makers had in mind contained three elements: a presidential statement, the Taiwan legislation, and a congressional resolution. The congressional resolution would not be legally binding and was to be only a statement of U.S. interest. Interview with Sullivan, March 17, 1988.

¹⁰⁰ Administration officials believed that this strategy might be successful, inasmuch as the Congress, although it might not like it, would probably have to swallow it. Interview with Sullivan, October 19, 1986. Also interview with Holbrooke.

FIVE

Final Move toward Normalization

President Carter's harsher rhetoric in his Soviet policy in early 1978 indicated to Beijing that Washington was considering a change in its détente policy toward Moscow and moving in the direction that Beijing desired. This shift helped to improve the atmosphere surrounding U.S.-China relations before the Brzezinski visit to the PRC.

Brzezinski's Trip to Beijing

Preparation for Brzezinski's trip was completed in the first two weeks of May. This time Harold Brown joined Brzezinski in his effort to convince President Carter that this trip should engage the Chinese in moving forward on normalization and that the whole visit should be focused on the question of normalization. Carter told Brzezinski he should move on the normalization issue if he found the opportunity. Carter insisted, however, that the Chinese had to meet two basic U.S. conditions: "no contradiction to our public statement that we trust there will be a peaceful resolution of the Taiwan problem, and our ability to continue military sales to Taiwan."¹

As Brzezinski recommended, Carter at this time made some important but highly secret decisions on China policy. Before Brzezinski left for Beijing, Carter signed a five-page presidential instruction to him in which two major issues were central: the strategic relationship with China and the question of normalization. With respect to the first, it instructed Brzezinski to tell the Chinese that "we see our relations with China as a central facet of U.S. global policy. The United States and China share certain common interests and...have parallel, long-term strategic con-

¹ Brzezinski, *Power and Principle*, pp. 207–208.

cerns. The most important of these is our common opposition to global or regional hegemony by any single power." As to the question of normalization, the president's instruction to Brzezinski was historically important: "You should convey to the Chinese our determination to move forward with the process of normalization. In this connection, you should reiterate U.S. acceptance of the three Chinese key points and reiterate the U.S. five points. You should state the United States has made up its mind on these issues."² With this broad and important mandate, Brzezinski's trip represented a major step forward. The United States now had clear-cut conditions for normalization. The question would be how to bargain with the Chinese.

Brzezinski arrived in Beijing on May 20, 1978, and met with Foreign Minister Huang Hua, Vice-premier Deng Xiaoping, and Premier Hua Guofeng during his seven-day visit. Brzezinski departed significantly from Vance's evenhanded policy expressed in the previous visit and made it very clear that the United States shared strategic interests with China.³ During his private conversation with Deng, Brzezinski told his Chinese host that President Carter had "made up his mind" regarding normalization. He emphasized that "the president personally is prepared to resolve this question as rapidly as it proves practical and... is prepared to undertake the political responsibility at home of resolving the outstanding issues between us." At the same time, Brzezinski gave Deng a sense of the difficulties the Carter administration confronted at home regarding Taiwan:

However, at the same time we have certain domestic problems and certain historical legacies which we will have to overcome. There are complex, difficult, and in some respects very emotional issues. That is why we have to find some formula which allows us to express our hope and our expectation regarding the peaceful resolution of the Taiwan issue, though we recognize that this is your own domestic affair and that we do so in the spirit of the Shanghai communiqué.⁴

² Brzezinski, *Power and Principle*, p. 207. Brzezinski, with the help of Michel Oksenberg, drafted for himself the president's instruction, which President Carter revised and signed.

³ In his trip to Beijing in August 1977, Vance emphasized that Sino-American relations "will threaten no one." See "Excerpt from Secretary Vance's Address, New York, N.Y., June 29, 1977," in Department of State, *Selected Documents*, no. 9, p. 32.

⁴ Brzezinski, *Power and Principle*, pp. 213-214.

Brzezinski reiterated to Deng that the U.S. "security commitment to Taiwan would continue even after normalization, during the historically transitional era." Specifically, Brzezinski told Chinese leaders of the U.S. need to make a unilateral statement expressing Washington's hope for a peaceful resolution of the Taiwan issue that would not be contradicted by the Chinese side. When Deng replied that each side could express its own opinion, Brzezinski stated that it was important that "our two statements not be in direct contradiction."⁵ The U.S. intention to continue arms sales to Taiwan after the normalization was not raised directly. The subject did come up indirectly, however, when Brzezinski pointed out that an insecure Taiwan, after normalization, might turn to the Soviet Union.

Finally, Brzezinski told the Chinese leaders that the United States wished to initiate highly confidential negotiations on normalization in June and that Leonard Woodcock, chief of the U.S. Liaison Office in Beijing, would soon be ready to start the negotiation "to see whether normalization could be reached on mutually acceptable terms."⁶ Thus, Brzezinski believed that on the two subjects of concern to the Carter administration—arms sales to Taiwan and the Chinese commitment not to contradict a U.S. public statement—the United States broke some new ground. The national security adviser believed that Beijing appeared ready to offer Washington a choice: to continue U.S. arms sales to Taiwan after normalization, but without a statement from Beijing indicating Chinese intent to resolve the Taiwan issue peacefully, or no future U.S. arms sales, coupled with a Chinese declaration of peaceful intent.⁷

Brzezinski's visit gave a major push to normalization and significantly speeded up the process, which was completed seven months later. The Chinese officials, who had expressed dissatisfaction with Vance's Beijing visit, regarded Brzezinski's visit as "beneficial."⁸

⁵ Brzezinski, *Power and Principle*, pp. 214, 218. Brzezinski deliberately used a vague phrase to describe Taiwan's continued separate status, prior to some eventual reunification.

⁶ Department of State, *Diplomatic Relations with the People's Republic of China and Future Relations with Taiwan*, pp. 2–3.

⁷ Brzezinski wrote in his memoir, "As Hua [Guofeng] put it, for us to sell arms and request China to commit itself to a peaceful resolution of the issue would clearly lead to a 'two Chinas' solution"; see Brzezinski, *Power and Principle*, pp. 218–219.

⁸ *Department of State Bulletin* 78, 2016 (July 1978): 26–28.

Starting the Negotiations

Upon Brzezinski's return from China, the administration began seriously considering the optimal date for normalization and the strategy for negotiation. Because of the strong domestic attachment to Taiwan, the president had to consider potential congressional opposition to normalization.⁹ On June 13, 1978, Vance sent a memorandum to the president recommending that "the best target date for public announcement of diplomatic relations would be mid-December," when the Congress would be in recess. Vance believed that "if SALT is completed this year, both the SALT agreement and normalization would be ready for action by the new Congress at about the same time," and, if that happened, he suggested that "congressional action on normalization precede SALT ratification debate on next year's legislative calendar" because the December target would allow the United States "to proceed with Peking at a reasonable pace and would have some negotiating advantages over a stretched-out process."¹⁰ Brzezinski agreed to the date suggested by Vance and insisted on "utmost confidentiality" in the ongoing normalization negotiations.

On June 20 the president met with Vance, Brown, Brzezinski, and Hamilton Jordan, the White House chief of staff, to review U.S. China policy. President Carter accepted his advisers' suggestion to aim for December 15 as the date to announce the normalization, but he emphasized that the Chinese should not be informed about this target. The president also agreed that congressional action relating to China precede SALT ratification. To prevent leaks, Carter also wanted to strictly limit the informed circle, which at that point included himself, Cyrus Vance, Zbigniew Brzezinski, and Harold Brown, with Vance and Brzezinski each bringing in an aide. Vance chose Richard Holbrooke and Brzezinski chose Michel Oksenberg. Vice-president Walter Mondale later joined the group. Carter told this group, "[L]eaks can kill the whole effort. We should limit the dispatches and the negotiating information strictly—maybe just to the PDB

⁹ Although the normalization agreement signed by the executive might not need congressional action, the postnormalization relations with Taiwan clearly needed action by Congress. In a Department of State publication (GIST series) released in August 1977, the administration maintained that under the U.S. constitutional system, recognition of and establishment of diplomatic relations with foreign countries were presidential prerogatives; see *Department of State Bulletin*, no. 1998 (October 1977), p. 462.

¹⁰ Brzezinski, *Power and Principle*, p. 223.

[presidential daily briefing] group. Avoid any public hints of degree of progress. I don't trust (1) Congress, (2) White House, (3) State, or (4) Defense to keep a secret. JC."¹¹ Carter genuinely feared that the KMT and the "Taiwan lobby" could sabotage his chance at normalization. Special precautions were made to stop the KMT's suspected penetration of the State Department. Woodcock was on the front line in the actual negotiations. All relevant messages to Woodcock were sent in a special communication channel, code-named *Voyager*, controlled by the White House, rather than through the usual State Department channel.¹² President Carter noted that "to maintain secrecy, the Secretary of State would leave his department and come join us while we did this work, and we communicated with Woodcock on his negotiations only from the White House."¹³

Brzezinski described the workings of this inner group as follows: Oksenberg and Holbrooke prepared the draft instructions for Woodcock periodically. Brzezinski and Vance reviewed them and submitted them to the president. Carter was directly involved in the process and reportedly gave "meticulous attention" to these draft instructions, "took out sentences and inserted and reworded others, carefully monitored every single paragraph and every proposal."¹⁴ Woodcock was instructed in late June to start negotiations by proposing a procedure by which he would meet approximately every two weeks with Foreign Minister Huang Hua to discuss the major issues of normalization.¹⁵ On July 5 Woodcock proposed to the Chinese that four issues be tackled: (1) the nature of the postnormalization U.S. presence on Taiwan, (2) a U.S. statement about the peaceful settlement of the Taiwan issue to be made on the occasion of normalization, (3) U.S. trade with Taiwan after normalization, and (4) a joint communiqué and the modalities of normalization. This agenda was decided by the White House.¹⁶

On July 14 Woodcock received the first response from the Chinese foreign minister, suggesting that the United States put its positions on the major issues on the table first. Obviously the Chinese negotiators wished to smoke out the U.S. positions.¹⁷

¹¹ *Ibid.*, p. 224.

¹² Kaplan, *Fires of the Dragon*, p. 262.

¹³ Carter, *Keeping Faith*, p. 197.

¹⁴ Brzezinski, *Power and Principle*, p. 225.

¹⁵ Interview with Ambassador Woodcock.

¹⁶ *Ibid.*; see also Brzezinski, *Power and Principle*, p. 225.

¹⁷ Brzezinski, *Power and Principle*, pp. 224-227.

Washington instructed Woodcock not to do that but to present the U.S. position gradually, one issue at a time. Among the four issues on Woodcock's agenda, the most sensitive ones continued to be arms sales and the unilateral U.S. statement on a peaceful settlement, and these two were to be postponed, while issues less likely to be stumbling blocks—such as the U.S. determination to continue economic, cultural, and other relations with Taiwan and the nature of the unofficial, nongovernmental representation on Taiwan—were addressed first. This strategy, according to Oksenberg, was to “unfold the U.S. position at a deliberate speed, and to prolong the negotiations if it became clear that the Chinese would not meet the minimum U.S. terms,” since “a Chinese ‘no’ to the minimum American offer would have done great damage to the relationship.” By following this slow and prudent strategy, the Carter administration hoped to test Chinese reaction on each sensitive issue before moving to the next. The essence of the U.S. negotiating strategy was to put the American position on the table when the White House was fairly certain that the Chinese answer would be a “yes.”¹⁸

Negotiations over normalization became intense from September to December 1978, when chief negotiator Leonard Woodcock held eight negotiating sessions in Beijing with Huang Hua and other Chinese officials.¹⁹ After substantive discussion in which he presented the American view of what the U.S. presence on Taiwan should be after normalization, Ambassador Woodcock defined the U.S. bottom line for normalization by late October: the United States would agree to accept Beijing's three conditions, provided that the PRC would accept the three U.S. conditions:

1. That the Chinese government would not contradict an American unilateral statement indicating U.S. interest in the peaceful settlement of the Taiwan issue.
2. That the United States would maintain a full range of economic, cultural, and other relations with Taiwan on an unofficial basis and would terminate the defense treaty with Taiwan rather than abrogate it.

¹⁸ Oksenberg, “Decade of Sino-American Relations,” pp. 186, 185.

¹⁹ Ambassador Woodcock held talks with Huang Hua before December 4, 1978. After that, Vice-Foreign Minister Han Nianlong replaced Huang Hua in the talks with Woodcock, and later Deng Xiaoping became directly involved in the negotiations. Interview with Ambassador Woodcock.

3. That the United States would continue to sell defensive arms to Taiwan.

The second position was relatively easy for Beijing to accept. But the first position—a U.S. statement on peaceful settlement of the Taiwan issue—sounded like U.S. interference in Chinese internal affairs. Beijing had long regarded Taiwan as a province of its “sacred territory” and had reiterated China’s position that when and how to unify the island “is entirely China’s internal affair.”²⁰ The third condition, the continuation of arms sales, was at the heart of Beijing’s concern. Chinese leaders hoped that the United States would cut all military ties with Taiwan after normalization, for if Taiwan could get sophisticated weapons from the United States, it would certainly not be interested in negotiating with the mainland for reunification. There was also a question of sovereignty involved in the arms sale issue. It would be very difficult for PRC leaders to swallow their pride to allow a foreign government to sell arms to Taiwan, their civil war rival.

However, the Chinese began to show an understanding of the domestic political problems posed for the Carter administration regarding its cutting of official ties with Taiwan. Although Beijing stood firm in principle to preserve its right to use any means to reunite Taiwan with the mainland, the PRC leaders began to emphasize their hope for a peaceful solution to the Taiwan problem; they called for direct negotiations with the Nationalist Chinese and publicly expressed their belief that reunification would take a long time. Deng Xiaoping himself indicated a special patience regarding Taiwan’s reunification problem at a press conference in Tokyo, October 25, 1978: “There is the problem of the two Koreas. There is the problem of the two Germanys. There is also the problem of two Chinas.... This kind of problem will inevitably be resolved—if not in 10 years, in 100 years; if not in 100 years, then in 1,000 years. This kind of aspiration and the flow of history cannot be stopped.”²¹

Although Woodcock’s presentations to the Chinese foreign minister from July to December were the main negotiating channel for the normalization issue, Oksenberg noted that Washington used two other channels to communicate with Beijing in that period.²² Brzezinski, who remained in close touch with Woodcock,

²⁰ *Beijing Review* 20, 51 (August 1977): 8.

²¹ *Los Angeles Times*, October 26, 1978.

²² Oksenberg, “Decade of Sino-American Relations,” p. 183.

held a dozen sessions in Washington with the Chinese representative, Chai Zemin; they talked about the world situation in general, including U.S.-Soviet arms control talks, the situation in the Persian Gulf, Soviet expansion in Africa, and the Middle East peace talks. The purpose of these talks was to help the Chinese understand the global strategic context in which the Carter administration viewed normalization.²³ Holbrooke's contacts with Han Xu provided another channel for Washington to communicate with the Chinese, and the Chinese protested U.S. arms sales to Taiwan through this channel. The existence of this channel helped to limit the Chinese expression of dissatisfaction and to keep these concerns from blocking the real negotiation between Woodcock and Huang Hua.²⁴

While the negotiations were under way, the administration took several other steps to improve the bilateral relationship. The president's science adviser, Frank Press, who had prepared an official program of science and technology exchanges with China beginning in early 1978, visited Beijing in July with an unprecedentedly large and distinguished delegation. Fifteen top scientific and technological government officials, including the heads of the National Aeronautics and Space Administration, the National Science Foundation, the National Institutes of Health, and the U.S. Geological Survey, were in the delegation.²⁵ Later Carter sent two other cabinet-level officials, Energy Secretary James Schlesinger and Agriculture Secretary Robert Bergland, to visit Beijing. These visits all helped warm the atmosphere for the ongoing negotiations.²⁶

In Washington, President Carter felt better able to deal with the normalization issue in the wake of his success dealing with the Middle East issue at Camp David. On September 19, upon his return from the presidential retreat, he invited Chai Zemin to the White House to give the normalization negotiation a decisive push. During this meeting with Chai, Carter spelled out the basic U.S. acceptance of Beijing's three demands; however, he also

²³ Brzezinski, *Power and Principle*, pp. 224–227.

²⁴ Oksenberg, "Decade of Sino-American Relations," p. 186.

²⁵ The delegation led by Press arrived in Beijing on July 7, 1978. The visit led to official opening of some channels for civilian scientific and technological exchanges between the two countries. The pro-Beijing press in Hong Kong called the visit "the most significant since Nixon"; see Congressional Quarterly, *China: U.S. Policy since 1945*, p. 238.

²⁶ Garrett, "China Card," pp. 134–135.

insisted that the United States would hold to the three conditions that Woodcock had put forward in Beijing.²⁷ U.S. insistence on continuing to sell Taiwan carefully selected arms that would not be threatening to China was a formula later repeated on several occasions. In subsequent negotiations, the U.S. side indicated the assumption that the Chinese side had studied the transcripts of Carter's September 19 meeting with Chai.²⁸

Through the fall of 1978, Sino-Vietnamese relations worsened, as Vietnam leaned increasingly toward the Soviet Union and began preparing to dominate Indochina by military means. By September, Hanoi had planned an invasion of Cambodia; consequently, the Vietnamese became flexible and ready to seek normalization of diplomatic relations with the United States. In a September 29 meeting with Holbrooke in New York, a Vietnamese representative at the UN, Nguyen Co Thach, formally indicated that the Vietnamese had dropped their demand for reparations as a precondition for normalization. In October, U.S.-Vietnam negotiations started on some issues relevant to normalization: settlement of frozen assets, planning for embassies, and so on.²⁹

For a short time, the question of how to relate the normalization negotiations with the Vietnamese and those with the Chinese became an issue within the administration. Carter and Brzezinski perceived the Sino-American normalization as the more important, and on October 11, President Carter told Woodcock that he had decided not to complicate the China negotiations with an early normalization with Vietnam.³⁰ In early November, the Vietnamese signed their treaty of alliance with the Soviet Union. This action, together with Hanoi's brutal expulsion of large numbers of Vietnamese who left by sea, had made U.S. recognition of Vietnam impossible at that time. Two days after the announcement of the Soviet-Vietnamese treaty, the United States notified all members of the UN Security Council that U.S. intelligence sources showed that a Vietnamese attack on Cambodia was imminent.³¹

²⁷ Karnow, "East Asia in 1978," p. 600.

²⁸ Garver, "Arms Sales," p. 1005.

²⁹ Oksenberg, "Decade of Sino-American Relations," p. 186.

³⁰ Ibid.

³¹ Brzezinski, *Power and Principle*, p. 241.

Congressional Concerns

In July 1978 the American Conservative Union conducted a poll among members of the House of Representatives on the normalization issue. All 435 members of the House of Representatives were asked the following question: "Would you support normalization of relations with the People's Republic of China if that meant that the United States would have to sever full diplomatic ties with the Republic of China and abrogate our mutual defense pact with that country?" Nearly half (211) of the 435 members opposed the idea of normalization with Beijing at the expense of Taiwan; 34 members were "leaning against" normalization on such terms. Of the remainder, 184 either made no response or were undecided; only 6 asserted that they were in favor of such action.³²

This concern for Taiwan's security in the event of normalization prompted some congressmen to take action to ensure presidential consultation on the Taiwan issue. On July 20, Senators Bob Dole (R-Kan.) and Richard Stone (R-Fla.), together with eighteen senators from both parties, cosponsored an amendment to the fiscal year 1979 Security Assistance Authorization Bill, S. 3075, that complicated the secret U.S.-China negotiations for normalization. This congressional action was also taken out of concern for preserving the legislative branch's constitutional right in major foreign policy decisions.³³ The language of the amendment required "prior consultation between the Senate and the Executive Branch on any proposed policy changes affecting the continuation in force of the mutual defense treaty" between the United States and Taiwan.³⁴

³² *American Conservative Union News*, July 29, 1978; see also David Nelson Rowe, *U.S. China Policy Today* (Washington: University Professors for Academic Order, 1979), p. 89; cited from Jaw-Ling Joanne Chang, *United States-China Normalization*, p. 134.

³³ Javits, "Congress and Foreign Relations," pp. 54-62.

³⁴ The complete text of the amendment reads as follows:

Sec. 27.(a) The Senate finds that—(1) the continued security and stability of East Asia is a matter of major strategic interest to the United States; (2) the United States and the Republic of China have for a period of twenty-four years been linked together by the mutual defense treaty of 1954; (3) the Republic of China has during that twenty-four-year period faithfully and continually carried out its duties and obligations under that treaty; (4) it is the responsibility of the Senate to give its advice and consent to treaties entered into by the United States; (5) it is the sense of the Senate that there should be prior consultation between the Senate and the Executive Branch

In introducing the amendment, Dole asserted that his intention was to make sure that the executive branch would not do anything affecting the treaty without congressional knowledge because "the question of abrogating our mutual defense treaty with Taiwan involves constitutional questions and the issues of congressional prerogative that transcend the China matter."³⁵ After extended Senate floor debate that resulted in minor alterations in the wording, the Dole-Stone amendment was unanimously adopted by the Senate on a roll call vote of 94 to 0. Even such liberal senators as Edward Kennedy voted for it, calling for close executive-congressional consultation regarding possible changes in U.S. policy toward Taiwan.

Later, a joint House-Senate conference committee finalized the language and authority of the amendment as follows: "It is the sense of the Congress that there should be prior consultation between the Congress and the executive branch on any proposed policy changes affecting the continuation in force of the mutual defense treaty of 1954."³⁶ The Security Assistance Authorization bill, with the amendment language intact, was signed into law (PL 95-384) by the president on September 26, just a week after his meeting with Chai Zemin.³⁷ This congressional maneuver further complicated the situation and sowed the seeds of discontent that later led to active legislative involvement in the policy-making process.

Congressional concern about the defense treaty, and about the future security of Taiwan, was highlighted a few weeks later when Senator Goldwater, together with twenty-four other senators, proposed Senate Concurrent Resolution 109, declaring that "the President should not unilaterally take any action which has the effect of abrogating or otherwise affecting the validity" of the 1954 treaty "without the advice and consent of the Senate, which was involved in the initial ratification, or the approval of both Houses of Congress."³⁸ This proposal was introduced too late in the

on any proposed policy changes affecting the continuation in force of the mutual defense treaty cited above.

³⁵ *Congressional Record*, 95th Cong., 2d sess., no. 137 (July 25, 1978), pp. S11714-S11715.

³⁶ *Ibid.*, no. 138 (September 7, 1978), p. H9229. The amendment was adopted by Congress on September 12, 1978.

³⁷ *Weekly Compilation of Presidential Documents*, September 26, 1978, p. 1636.

³⁸ *Congressional Record*, 95th Cong., 2d sess. (October 7-11, 1978), vol. 124, pt. 26, p. 35199.

Senate session to be voted upon, yet the size of the cosponsorship, together with Goldwater's repeated warning that the president risked impeachment if he unilaterally terminated the defense treaty with Taiwan, caused some discomfort within the Carter administration, especially when the secret negotiations for normalization entered into the final stages and the administration had already decided to accommodate PRC insistence on termination of the mutual defense treaty as a nonnegotiable condition.³⁹

How did the administration take into account congressional concerns about Taiwan, and what steps did it take to deal with the possible domestic opposition to its normalization approach? Although officials in the administration were generally aware of the congressional concerns shown in the amendment, a number of countervailing judgments caused them not to consult with members of Congress in late 1978. The primary concern of the administration was the fear that such consultation could have resulted in strong counteractions by critics in Congress that might have blocked the process of normalizing relations with China. Some administration officials began to study possible measures that congressional opponents of the new China policy might take. They believed that their chances to have congressional understanding and final support were good if President Carter exercised his initiative by giving Congress—without prior notice—a package deal: a definite agreement with the PRC and a list of the PRC concessions. Opponents in Congress were believed most likely to take efforts to strengthen U.S. ties with Taiwan during congressional consideration of legislation regarding future U.S.-Taiwan relations after the normalization of relations with Beijing. Key members of the administration believed that they could limit congressional reactions in this area.⁴⁰ Thus, the administration consulted very little with Congress.

Beijing's Rationale for Accelerating the Process

Among the Chinese calculations for normalizing its relations with the United States, the Soviet Union remained the most important factor. Since the late 1960s Beijing and Washington had been drawn together by their mutual concern about the Soviet

³⁹ Downen, *Taiwan Pawn*, p. 33.

⁴⁰ Sutter, *China Quandary*, pp. 89–93. Also from interviews with Herbert Hansell and with Roger Sullivan, March 17, 1988.

threat. Washington wanted to gain leverage in its global competition with the Soviet Union through improving relations with Beijing; Beijing wanted to use its better relationship with Washington to counter Soviet military pressure around China.⁴¹ This concern about the Soviet threat took on added weight in the late 1970s when Vietnam, after completing its reunification, turned from the PRC, with which North Vietnam had had a very good relationship during its war against the United States, to the Soviet Union. Hanoi began to move away from Beijing and closer to Moscow because only the Soviet Union could afford military and economic support for its postwar reconstruction.

Bilateral relations between Beijing and Hanoi further worsened in 1977–1978 because of Hanoi's ambition to dominate the whole of Indochina (to control Cambodia in particular) and Hanoi's brutal treatment of ethnic Chinese in Vietnam. Hundreds of thousands of Chinese Vietnamese were driven out of the country and became "boat people." In mid-1978 the PRC ceased its economic assistance to Vietnam and ordered the Vietnamese to close their consulates in the PRC. In the minds of Chinese leaders, Vietnam had become a "Cuba of Asia."

The looming Vietnamese-Cambodian conflict led the Chinese to consider military action against Vietnam to rescue Cambodia. However, Beijing had to consider possible Soviet intervention in the event of such action. PRC leaders sought to deter direct Soviet involvement by speeding up completion of normalization of relations with the United States and thereby obtaining, or at least seeming to obtain, U.S. support for China's possible actions in the impending conflict.⁴² Also, having just completed the Peace and Friendship Treaty with Japan, Deng Xiaoping felt ready to cope with normalization with the United States. On one occasion Deng expressed his desire to visit the United States, and in another interview he held that if the peace treaty with Japan took one second to settle, normalization with the United States would require but two seconds.⁴³

⁴¹ On September 18, 1978, the London *Daily Telegraph* reported that a recent study by the U.S. Central Intelligence Agency had detailed a new Soviet buildup on its border with China. Included among the more recently deployed weapons were the newest Soviet tanks, newer aircraft, and up to thirty of the SS-20 mobile ICBMs (intercontinental ballistic missiles) with MIRVs (multiple independently targetable reentry vehicles). See Congressional Quarterly, *China: U.S. Policy since 1945*, p. 239.

⁴² Garver, "Arms Sales, p. 1017.

⁴³ Carter, *Keeping Faith*, pp. 197–198; see also Congressional Quarterly, *China:*

Domestic concerns also played a role in Beijing's approach to completion of the Sino-American normalization negotiations. Since the death of Mao Zedong, the CCP had faced the urgent task of restoring China's economy. A major immediate objective was to improve the people's standard of living, which in 1977 was not much above the 1957 level. Chinese leaders believed that without improvement in the quality of life—higher incomes, better diet, more consumer goods—the Chinese would not retain faith in the socialism that the CCP had long advocated. Deng Xiaoping, after his second rehabilitation, believed that China's only hope was to abandon Mao's dogmatic revolutionary ideology and end its isolation by pursuing a path to economic development based on pragmatism and an increasingly open stance toward the outside world. Contact with the advanced industrial world would make the Chinese realize how backward their society was economically and how important it was to have Western technology and capital to overcome that backwardness. Deng seemed to believe that China must open up to advanced foreign science and technology even at the risk of some exposure to "bourgeois" values, for he saw this approach leading to a stronger, more prosperous, and more secure China.⁴⁴

Although returned to the leadership in July 1977, however, Deng Xiaoping had not yet established enough power within the CCP leadership to carry out his program. At the time, the CCP Politburo was divided between older veterans of the Long March and relatively younger leaders coming up from the Cultural Revolution.⁴⁵ Those younger leaders, although opposed to the radical policies of the Gang of Four in the early 1970s, found it difficult to give up the fundamental principles of Maoism. Deng believed that Chinese modernization could not succeed if those people remained in power, and he worked persistently to replace them with people associated with his ideas. For that purpose, Deng first rehabilitated most of the victims of the Cultural Revolution and allowed explicit repudiation of the Cultural Revolution. For a time in late 1978, he even relaxed the controls on popular expression to build support for his criticism of Mao and for his own policies.⁴⁶

U.S. Policy since 1945, p. 63.

⁴⁴ Bush, "Deng Xiaoping," p. 23.

⁴⁵ The Politburo Standing Committee consisted of Hua Guofeng, Deng Xiaoping, Yeh Jianying, Li Xiannian, and Wang Dongxing.

⁴⁶ Bush, "Deng Xiaoping," pp. 20–21.

Most important, Deng tried to establish his preeminence through rehabilitating those veterans associated with him. As a Long March survivor, Deng's power base consisted of those veterans who had fought side by side with him in the 1920s and 1930s and had been purged during the Cultural Revolution, not on those who had risen to power during the Cultural Revolution. Deng's efforts bore fruit in late 1978 when the CCP held its special working conference to prepare for the Third Plenary Session of the Eleventh Party Congress.⁴⁷ This central working conference had special implications for Deng Xiaoping and for the ongoing Sino-American normalization negotiations. The major policy change and the personnel arrangements outlined in the Third Plenary Session had been discussed and decided in the preparatory working conference. It was later revealed that three important issues were discussed at the meeting: the final consolidation of Deng Xiaoping's leadership, possible military action by China against the Vietnamese invasion of Cambodia, and future relations with the United States.⁴⁸ It was in this meeting that Deng Xiaoping further consolidated his power base through adding Chen Yun to the Politburo Standing Committee and some other veterans to the Politburo.⁴⁹ Deng's consolidation of his position after the meeting enhanced his ability to handle the sensitive issues involved in the Sino-American normalization negotiations.⁵⁰

It was equally important that Deng Xiaoping and his associates seemed to have made up their minds during the preparatory conference to "[shift] the whole Party's attention" away from isolation and self-reliance in the extreme Maoist sense. This fundamental change of Party policy was of great importance to the ongoing negotiations on the normalization of Sino-American diplomatic relations.⁵¹ The Chinese leadership regarded the

⁴⁷ See *Beijing Review* 21, 52 (December 29, 1978): 6–21. The Third Plenary Session was held December 18–22, 1978.

⁴⁸ Carter, *Keeping Faith*, p. 198.

⁴⁹ The decision was made in this working conference to elect Chen Yun as an additional member of the Politburo Standing Committee; Deng Yingchao, Hu Yaobang, and Wang Zhen additional members of the Politburo; and Huang Kecheng, Sung Renqiong, Hu Qiaomu, Xi Zhunghxun, Wang Renzhong, Huang Huoqing, Chen Zaidao, Han Guang, and Zhou Hui as members of the Central Committee. See *Beijing Review* 21, 52 (December 29, 1978): 7.

⁵⁰ My interviews with Chinese officials revealed that on the long disputed issue of frozen assets, the issue was immediately resolved only when Deng Xiaoping became involved.

⁵¹ *Beijing Review* 21, 52 (December 29, 1978): 6–21; also interviews with Chinese officials.

normalization of relations with the United States as a major step toward the opening of China to the world, not only because the U.S. was the only major power in the world that had not recognized the PRC, but also because it could provide science and technology to help China in its modernization drive.

Final Round of the Negotiations

By November 1978 the Carter administration had its own reasons to speed up normalization with China. With the Middle East peace settlement and the SALT agreement close at hand, President Carter hoped that he could announce three successes in foreign affairs to the American people before Christmas: completion of the Camp David accord, completion of the SALT II agreement with the Soviet Union, and normalization of relations with the PRC.

On November 4, 1978, Woodcock gave Huang Hua a draft of a joint communiqué on normalization, targeting January 1, 1979, as the date for the establishment of diplomatic relations.⁵² This time, as Woodcock observed, the Chinese foreign minister "paid special attention to the details of our position" and raised specific questions such as what kind of legislation was necessary to maintain U.S.-Taiwan unofficial relations.⁵³ Woodcock was instructed to tell the Chinese in the next session that the United States would terminate the mutual defense treaty with Taiwan in accordance with the provisions of that treaty when the joint U.S.-PRC communiqué was issued. Woodcock then completed the presentation of the U.S. positions, and the United States waited for the Chinese response.

The Chinese response to the U.S. final proposal was delayed until the beginning of December by the illness of Foreign Minister Huang Hua. On December 4, the Chinese vice-minister, Han Nianlong, replaced Huang Hua as negotiator and presented a second draft to Woodcock, a draft that contained "unacceptable language concerning American future relations with Taiwan" in the view of the White House.⁵⁴ Although Washington did not

⁵² Interview with Ambassador Woodcock. Brzezinski and Oksenberg suggested to President Carter that Woodcock submit a draft communiqué to the Chinese, with a date of January 15, to convey to the Chinese the seriousness of U.S. intent. President Carter agreed and advanced the date to January 1. See Brzezinski, *Power and Principle*, p. 229.

⁵³ Interview with Ambassador Woodcock.

⁵⁴ Carter, *Keeping Faith*, p. 198.

know it, Chinese leaders had already in early December decided to accept the U.S. position. Deng Xiaoping had personally instructed senior officials in the Foreign Affairs Ministry that he thought the time was ripe and the terms proposed by the Carter administration acceptable. Han's second draft was designed to test American flexibility and to bargain for more favorable terms for Beijing.⁵⁵ At this meeting Han Nianlong also indirectly indicated to Woodcock that the Chinese government too was considering January 1, 1979, as a possible date for normalization. Woodcock was then notified that Deng Xiaoping was prepared to join the negotiation, and Deng came on December 13 to meet him personally.

To try to get a quick and positive answer and to make the planned session between Woodcock and Deng more productive, Brzezinski met with Chai Zemin on December 11. For the first time, Brzezinski discussed with Ambassador Chai the normalization negotiations in Beijing, telling him that the time for normalization had finally come. Brzezinski also urged Chai to move rapidly on normalization and told him that "Woodcock would be inviting either Hua Guofeng or Deng Xiaoping to visit the United States in January."⁵⁶ Brzezinski also brought to the table a revised draft communiqué and let Chai know that the Americans had resolved all the major SALT II issues with the Soviet Union and would soon be deciding on a date for a summit meeting between Carter and Brezhnev.⁵⁷

On December 13, when he met with Woodcock, Deng Xiaoping discussed the draft communiqué and, on behalf of the CCP Politburo, accepted the American invitation to visit the United States.⁵⁸ As to the U.S. position on terminating the defense treaty with Taiwan in accordance with its terms, which meant having the treaty in effect throughout 1979, Deng agreed and requested that the United States sell no arms during that year.⁵⁹ Woodcock cabled the content of this conversation back to Washington, and President Carter believed that only one more meeting would be necessary to conclude the arrangements. Already plagued by the

⁵⁵ Interviews with Chinese officials.

⁵⁶ Brzezinski, *Power and Principle*, pp. 229, 230.

⁵⁷ President Carter wanted Deng Xiaoping to have his proposal ahead of time so that the Chinese vice-premier could prepare himself for the meeting with Woodcock; see Carter, *Keeping Faith*, p. 198.

⁵⁸ *Ibid.*

⁵⁹ Oksenberg, "Decade of Sino-American Relations," p. 188.

leaks in the Iran case, Carter felt that an agreement of this importance would be difficult to keep secret, and if rumors of the negotiation leaked out in bits and pieces, he would lose the initiative he sought in presenting a complete normalization package to the public. Brzezinski recommended that the president consider announcing the agreement on December 15; Carter agreed and decided to complete the negotiations swiftly.⁶⁰

Woodcock saw Deng Xiaoping twice on December 14, once to notify him of Carter's preference for an announcement on the fifteenth and once to review the final text of the communiqué and the U.S. unilateral statement. Woodcock conveyed Carter's decision not to make new U.S. arms sales to Taiwan in 1979, though this commitment did not include replacement parts or sales already in progress. At this crucial moment, according to Michel Oksenberg, there was some concern in the White House that the Chinese might have misinterpreted the one-year pause in Taiwan arms sales as indicating a willingness to forgo sales beyond that period.⁶¹ Woodcock was therefore instructed to seek an additional meeting with Deng to clarify the matter and to make sure that the U.S. position of continuing the sale of selective defense weapons to Taiwan was clearly understood.⁶² At that meeting, the president's formulation of September 19 was repeated. Deng Xiaoping reportedly held firm that arms sales to Taiwan intruded on Chinese sovereignty and could never be accepted. Hence, no agreement was reached on this most difficult issue in the negotiating sessions.

This arms sale condition was absolutely indispensable for Carter because it offered the best potential hope for convincing Congress and the American public to accept the normalization agreement after he had agreed to withdraw all U.S. military forces and to terminate the mutual defense treaty without a no-force assurance from the PRC and after having reached agreements with the PRC without consultation with Congress. The prospect of a last-minute fiasco required last-minute accommodation by both sides on the arms sales issue. Brzezinski devised an "agree to disagree" solution and immediately contacted Chai Zemin, emphasizing that this issue should not be allowed to reduce the immediate international effect of this historic event and stating

⁶⁰ Brzezinski, *Power and Principle*, pp. 230–232.

⁶¹ Oksenberg, "Decade of Sino-American Relations," p. 188.

⁶² Interview with Ambassador Woodcock.

that "they can disagree with American arms sales after 1979, but since both sides are going ahead with normalization we should try to minimize the difference."⁶³

Brzezinski also instructed Woodcock to tell Deng that we will try to be as restrained as we can on the subject of arms sales, but that within the United States political process it is simply impossible for the United States not to reaffirm its position on this subject. Recognizing Chinese sensitivities on this matter, we will not make a formal statement but will respond to the inevitable question which will surely be raised immediately both by the press and by opponents of normalization, in the following fashion: "Within the agreement to normalize, the United States has made it clear that it will continue to trade with Taiwan, including the restrained sale of selective defensive arms, after the expiration of the defense treaty, in a way that will not endanger the prospects of peace in the region."⁶⁴

Vice-premier Deng Xiaoping was reported to have become extremely angry and denounced the proposed U.S. policy, but then finally agreed to disagree on this arms sales issue and let the normalization proceed even though the two sides could not resolve this critical issue.

On December 15 the regularly scheduled White House briefing was postponed from 2:30 P.M. to 3:30 P.M., when President Carter's press secretary, Jody Powell, emerged to announce that the president would make a televised speech "on a matter of national and international importance." Later, members of the Democratic and Republican congressional leadership and key members of the Senate and House Foreign Relations Committees were summoned to a 6:15 P.M. special White House briefing. At 8:00 P.M. President Carter appeared on television, announcing that "the United States of America and the People's Republic of China have agreed to recognize each other and to establish diplomatic relations as of January 1, 1979."⁶⁵

⁶³ Brzezinski, *Power and Principle*, p. 231.

⁶⁴ *Ibid.*

⁶⁵ *New York Times*, December 16, 1978.

Normalization Agreements

The final agreements on normalization of U.S.-PRC relations were embodied in three documents, all released on December 15–16: a joint communiqué on the establishment of diplomatic relations between the United States of America and the People's Republic of China issued by Washington and Beijing, a unilateral statement by the Chinese government, and a unilateral statement by the government of the United States.⁶⁶ Further relevant statements were Chairman Hua Guofeng's remarks at a Beijing press conference, President Carter's address to the nation on December 15, and a background briefing by State Department officials.⁶⁷ Together, these documents and official remarks indicated that the Carter administration had basically accepted China's three conditions for normalization but had obtained some significant concessions from Beijing.

The joint communiqué on normalization stated that the United States would recognize the government of the PRC as the sole legal government of China as of January 1, 1979, and would exchange ambassadors and establish a U.S. embassy in Beijing on March 1, 1979.⁶⁸ At the same time, it stated that the people of the United States would "maintain cultural, commercial, and other unofficial relations with the people of Taiwan." As to the legal status of Taiwan, the government of the United States made it clear that it "acknowledges the Chinese position that there is but

⁶⁶ The text of the Joint Communiqué on the Establishment of Diplomatic Relations between the United States of America and the People's Republic of China, January 1, 1979, is in *Department of State Bulletin*, no. 2022 (January 1979), p. 25. The Chinese text of the Joint Communiqué was printed in *Renmin ribao* on December 16, 1978; the United States Statement Accompanying the Joint Communiqué on the Establishment of Diplomatic Relations between the United States and the People's Republic of China, December 15, 1978, is also in *Department of State Bulletin*, no. 2022 (January 1979), p. 26. The English text of the People's Republic of China Statement Accompanying the Joint Communiqué is in *Beijing Review* 21, 51 (December 22, 1978): 8–9.

⁶⁷ Hua's Press Conference on Establishing Diplomatic Relations with the United States, Beijing, December 16, 1978, can be found in *Beijing Review* 21, 51 (December 22, 1978): 9–11. Oksenberg, with assistance from Brzezinski and Holbrooke, drafted President Carter's normalization speech to the nation. Carter's press conference remarks are in *Department of State Bulletin*, no. 2022 (January 1979), pp. 25–26.

⁶⁸ See appendix B of this study for the Joint Communiqué on the Establishment of Diplomatic Relations between the United States of America and the People's Republic of China.

one China and Taiwan is part of China"—language that was a strengthened version of the Shanghai Communiqué formula.

The unilateral U.S. government statement, which the Chinese had seen in advance, stated that, at the beginning of 1979, the United States government "[would] notify Taiwan that it is terminating diplomatic relations and that the Mutual Defense Treaty between the United States and the Republic of China is being terminated in accordance with the provisions of the Treaty," that is, after one year, at the beginning of 1980. It further stated that appropriate adjustments would be made in U.S. laws and regulations to sustain unofficial relationships with the people on Taiwan. The statement also emphasized that "the United States continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves."⁶⁹ The United States also indicated that it would withdraw its remaining military personnel from Taiwan within four months.

The simultaneous unilateral Chinese government statement, which had been seen by the U.S. government in advance, stated that the establishment of diplomatic relations between the two countries ended the prolonged period of abnormal relations and therefore "is an historic event in Sino-American relations." As to the "crucial issue obstructing the normalization of relations between China and the United States," namely, Taiwan, the Chinese government stated that "the way of bringing Taiwan back to the embrace of the motherland and reunifying the country, is entirely China's internal affair."⁷⁰ Nevertheless, the Chinese government did not contradict the U.S. statement about its expectation that "settlement" of the Taiwan issue would be achieved by peaceful means. Subsequent statements and actions by the Chinese government stressed the possibility of peaceful "reunification" of Taiwan with the Chinese mainland rather than its "liberation" by force of arms.

On the difficult question of supplying Taiwan with arms, the United States publicized the fact that in the course of negotiations for normalization, it had "made clear its intention to continue the sale of defensive weapons to Taiwan on a restrained basis after termination of the defense treaty."⁷¹ However, in deference to

⁶⁹ See appendix C of this study.

⁷⁰ For the Chinese Government Statement, see appendix D of this study.

⁷¹ Department of State, *Diplomatic Relations with the People's Republic of China*, 4.

Chinese sensitivities, a moratorium on new sales commitments was imposed, as promised, during 1979, while the treaty remained in force.⁷² Speaking through Premier Hua Guofeng on the day of normalization, the Chinese government insisted, as stated above, that it could “absolutely not agree” to continued arms sales to Taiwan, but after stating the basis of opposition, went on to note that on this issue “the two sides had differing views, but nevertheless the Joint Communiqué was reached.”⁷³ By thus adopting an “agree to disagree” solution, the Chinese had tacitly acquiesced to an important U.S. demand.

In short, the United States had accepted the three conditions regarding Taiwan that the PRC had demanded since 1973; in return, the PRC had made several concessions of its own regarding Taiwan: (1) agreeing to go ahead with normalization even though the United States insisted on continuing arms sales to Taiwan after normalization; (2) accepting that, at the time the normalization communiqué was issued, President Carter would make a statement stating continued U.S. concern for the welfare of the people of Taiwan and U.S. expectation that there would be a peaceful resolution of the Taiwan question by the Chinese themselves—and agreeing not to contradict publicly or denounce this presidential statement;⁷⁴ (3) agreeing to allow the United States to terminate the 1954 treaty under its own terms (that is, with one year’s notice) and to normalize U.S.-PRC relations one year before the actual abrogation of that treaty; and (4) agreeing to allow the United States to use the word “acknowledge” rather than “recognize” in the English-language version of the normalization communiqué’s reference to Taiwan’s sovereignty. In effect, the United States was to be allowed to continue much of the substance of its security as well as economic relations with Taiwan after normalization, even though the form of those relations would change significantly.⁷⁵

⁷² *New York Times*, December 18, 1978.

⁷³ *Beijing Review* 21, 51 (December 22, 1978): 9–11.

⁷⁴ Carter’s statement is in Carter, *Public Papers of the Presidents*, pp. 2264–66.

⁷⁵ Garver, “Arms Sales,” p. 1003.

Formulating the Taiwan Relations Act

What were the reactions in Congress and among the American people to the Carter administration's agreements with China on the normalization of diplomatic relations? How did Congress and the public respond to Carter's handling of the Taiwan issue? Did the United States—in the view of Congress—get the best possible terms from the Chinese? Even if the Carter administration did get the best possible terms from Beijing, were they terms that the United States should have accepted? Inasmuch as President Carter's decision was made with almost no consultation with Congress, how did the administration obtain legislative support for its new policy toward China and Taiwan?

Because the U.S. constitution mandates "checks and balances" among the three branches of the government, normalization of U.S.-China relations was not completed with the president's signing of the agreements. Legislation still had to be written. The discussion in the following two chapters focuses on the differing views of the administration and Congress regarding Taiwan's security and the way those differences affected U.S. China policy and how they prompted Congress to rewrite the Taiwan legislation proposed by the administration. Specifically, the discussion will examine how the TRA was formulated, who contributed what and how, and the extent to which the adoption of the TRA altered the nature of the normalization of diplomatic relations between the PRC and the United States.

First Responses from Congress and the Public

The administration's agreement with China on the normalization of relations drew a wide range of reactions from the public and Congress. The first *New York Times*/CBS poll immediately following Carter's announcement of the normalization agreements

(December 16–17, 1978) found that 45 percent of the American public opposed the president's action of severing diplomatic ties with Taiwan, while 27 percent supported it. A survey taken by ABC/Harris a week later indicated nearly three-to-one support for the statement that the United States was "more right [than wrong]...to have agreed to official diplomatic recognition of the PRC"; the same poll found that a majority of people interviewed opposed the U.S. termination of its mutual defense treaty with Taiwan.¹ A Gallup poll released on January 14, 1979, produced similar results: By a 57 to 23 percent margin the people surveyed supported President Carter's recognition of the PRC. However, by a 48 to 34 percent margin people believed that the recognition of the PRC was not an "important enough reason to break off diplomatic relations with Taiwan." A NYT/CBS survey conducted from January 23 to 26, 1979, also found that the public still disapproved of recognizing Beijing at the expense of relations with Taiwan, by a 46 to 32 percent margin.² This conflicting attitude might be explained by the fact that people were not well informed about the content of the normalization agreements President Carter had reached with the Chinese. The Gallup poll found that only 16 percent of the "informed group" accurately knew of the U.S. conditions in recognizing the PRC.³

The congressional response to normalization was also mixed.⁴ Democrats were more supportive of the president's initiative than many Republicans.⁵ The Senate majority leader, Robert C. Byrd (D-W.Va.), said that the move was "an important step that will contribute to our national interest and the stability of world peace," and Senator Frank Church (D-Ida.), the chairman of the Senate Foreign Relations Committee, described it as a "gutsy, courageous decision"; former president Gerald Ford also expressed his approval of Carter's action by issuing a statement saying, "Based on my understanding of the terms for normalization of relations between the United States of America and the

¹ Both polls cited from Kusnitz, *Public Opinion*, p. 145.

² *New York Times*, January 29, 1979.

³ Cited from Kusnitz, *Public Opinion*, p. 145.

⁴ *New York Times*, December 16, 1978.

⁵ Several congressmen wrote to President Carter after December 15, 1978, supporting his action to normalize relations with the PRC. For instance, Congressman William Whitehurst (R-Va.) said, in his letter to the president, "History will judge you to have acted courageously and intelligently on this matter." See Carter Presidential Library, Atlanta, archive no. Co. 34-2 (1/1/79—1/17/79).

People's Republic of China, I approve of the action to be taken by the Carter administration."⁶

Others, however, strongly opposed the normalization agreement with China. Senator Goldwater called the president's action a "cowardly act" that "stab[bed] in the back the nation of Taiwan, one of the most faithful and trustworthy friends our country has ever had." Bill Brock, chairman of the Republican National Committee, termed the move "disgraceful" and "selfish and intemperate." Senator Jesse Helms believed that "no amount of sugar-coated rhetoric by the President can obscure the plain fact that he proposed to sell Taiwan down the river." Senate Minority Leader Howard H. Baker Jr. (R-Tenn.) labeled it a betrayal of an old friend. George Bush, former director of the CIA and once U.S. representative in Beijing, declared that Carter's initiative was not only "a major blow to the already declining credibility of the United States" but that it had also "darkened the prospects for peace." Senator Jacob K. Javits (R-N.Y.), the soon-to-be ranking minority member of the Foreign Relations Committee, said that although the recognition of China had been expected, "it seems precipitate right now."⁷

The focus of the disapproval of Carter's new China policy was not on the recognition of the PRC itself but on the manner in which the administration had achieved it and on the way the administration had handled the Taiwan issue.⁸ In general the criticism related to the following issues:

First and foremost, the criticism focused on the executive's lack of adequate consultation with Congress. The congressional response to the December 15 announcement was unanimous on one point: Carter had failed to respect the sense of the Congress that it should have been consulted on "any action relating to the termination of the defense treaty with Taiwan." "Calling a few of us in one hour before he goes on television doesn't seem like much consultation," Senator John Glenn (D-Ohio) said. Senator Richard Stone (D-Fla.) called Carter's move "a slap in the face to

⁶ *New York Times*, December 16, 1978.

⁷ All quotations *ibid.* Goldwater released his statement even before the president had finished speaking. Brock continued that he was "heart sick at the prospect that [President Carter] would act with such callous disregard for a true friend and loyal ally.... Republicans, and I hope millions of others, will reject this step and fight to defeat the President's incredible action." For Bush's opinions, see also Bush, "Our Deal with Peking."

⁸ Harding, *China and the U.S.*, pp. 9-13.

our staunch friend and ally, the Republic of China, and to the Congress."⁹

President Carter defended himself by claiming that he understood well the congressional concerns on the normalization issue through regular discussions with congressional leaders.¹⁰ As to the final round of negotiations, President Carter admitted that

when the negotiations were building up to a climax in an unanticipated degree of rapidity of movement, we did not consult with anyone outside of a very tiny group within the executive branch of Government about the prospective success. But what did happen should not be a surprise to anyone. The congressional views were well known to me. My views were well known to the Members of Congress.¹¹

When asked why there was a need for such haste and why he had not first consulted with congressional leaders, President Carter said,

My experience in negotiating sensitive and complicated agreements with foreign leaders, including the experience at Camp David and otherwise, is that to negotiate through the news media, through public pronouncements and with wide divergences of views expressed by different leaders in a country, is not conducive to success. And I am authorized and directed by the Constitution and my responsibility is to conduct negotiations of this kind.¹²

President Carter believed that constitutionally the authority for diplomatic recognition was exclusively his, and it was his prerogative to decide how the negotiations were conducted.

Second, some members of Congress strongly opposed Carter's termination of the defense treaty with Taiwan, and some even mounted a legal challenge to the president's constitutional right to terminate such a treaty. Senator Goldwater claimed that the chief executive had no constitutional right to terminate the treaty, which had been consented to by the Senate, without obtaining congressional approval. He and several other members of Congress filed suit in U.S. District Court on December 22, 1978, against what they considered Carter's abuse of power in this matter.¹³

⁹ Wire services of the Associated Press, in the *Los Angeles Times*, December 16, 1978. Consultation was required by the Dole-Stone amendment, which was passed unanimously by the Senate on September 28, 1978. For details, see chap. 5.

¹⁰ Sutter, *China Quandary*, pp. 100–103.

¹¹ See excerpt from President Carter's interview with Walter Cronkite, December 19, 1978, in Department of State, "U.S. Policy toward China," p. 48.

¹² *Ibid.*, p. 50.

¹³ "No President," Senator Goldwater asserted in a pamphlet published in Sep-

The executive branch had its own arguments. Administration officials held that although there were no precise precedents for presidential abrogation of a defense treaty, there were a number of examples of presidential termination of treaties over the years. In a White House fact sheet issued on January 5, 1979, the administration listed twelve cases in the years 1815, 1899, 1920, 1927, 1933, 1936, 1939, 1944, 1954, 1962, and 1965 of historical precedents.¹⁴ Even some members of Congress came to support the administration. Senator George McGovern (D-S.D.) maintained that the president had the clear authority to recognize Beijing and "this act alone voided any other treaty we had with Taiwan—including the Mutual Defense Treaty."¹⁵

Third, some critics believed that the administration paid too high a price and did not get anything from the Chinese in the normalization deal.¹⁶ Senator Gordon Humphrey (R-N.H.) asked, "Who made all the concessions? We did. I suggest that haste has botched up this thing. President Carter made a very poor deal, which stinks to high heaven."¹⁷ On the House side, Representative

tember 1978, "can terminate a treaty unless he first obtains the consent of Congress; the Constitution demands a role for Congress in the abrogation of treaties; any President who would violate the Constitution on such a major matter [as] breaking faith with the nation's treaty obligations would run the risk of impeachment." See *New York Times*, December 20, 1978; see also Congressional Quarterly, *China: U.S. Policy since 1945*, pp. 40–42.

¹⁴ For details, see *Department of State Bulletin* 79, 2023 (February 1979): 26. A comparable question was raised during the debate over the Panama Canal treaties when it was asserted that President Carter had no legal right to convey property (the canal) acquired by treaty without the express consent of a majority of both houses of Congress. At that time, a U.S. District Court supported the president's action and was sustained by a U.S. Court of Appeals. The Supreme Court refused to hear the case; thus the judgment of the lower court stood. There have been a number of cases in which a president abrogated treaties on his own authority, and others where the president and the Congress acted jointly to terminate treaties. However, none of these were of the importance of the mutual defense treaty with Taiwan, and therefore Senator Goldwater argued that it was a major act of state where good manners and sound bipartisan procedure were needed. See James Reston, "Goldwater on Taiwan," *New York Times*, December 20, 1978.

¹⁵ *U.S. News and World Report*, January 15, 1979, pp. 33–34.

¹⁶ George F. Will argued in his column that Washington got only three concessions from Beijing, namely, to delay termination of the treaty for one year, to say that it wanted the Taiwan question resolved peacefully, and to sell arms to Taiwan. "The first 'right' is trivial, the second vacuous, the third nugatory." See his article printed in the *Congressional Record*, 96th Cong., 1st sess., 1979, vol. 125, pt. 2, p. 1580.

¹⁷ *Congressional Record*, 96th Cong., 1st sess., February 1979, p. S2567.

Goldwater was highly critical of the administration's bargaining failure: "Why did the United States come out of the negotiations with nothing and the People's Republic of China with everything?...[China] wanted us to break the defense treaty—they got it. Red China wanted us to remove our troops [from Taiwan]—they got it."¹⁸ Even some Democrats felt disappointed with the deal: "The United States did not gain a single advantage in the exchange," said Senator Dale Bumpers (D-Ark.); "it made me wonder how much the president left on the negotiating table."¹⁹

The fourth issue focused on the crucial question of whether Taiwan's security could be assured by the normalization agreements reached between the administration and PRC leaders. The conflicting views of the administration and the PRC government on the arms sales issue puzzled the American public. The administration maintained, "We made it clear that we would continue in the period of postnormalization to supply a limited number of defensive weapons to the people of Taiwan, and we will continue to do so."²⁰ Premier Hua Guofeng, on the other hand, stated that the PRC government would absolutely not agree to this.²¹ There were growing concerns among congressional leaders and the public about whether the administration's approach to Taiwan's security was adequate. Some even feared that the Carter administration was abandoning Taiwan. "[R]ight now I am ashamed," Senator Humphrey lamented. "First, we abandon the Vietnamese and the Cambodians. Then we tell the Koreans we're pulling out. And now we break our word to the people of Taiwan."²²

In its defense, the administration maintained that Beijing did not have the military capability to invade Taiwan and would not develop such a capability for at least five years and that the continuation of U.S. arms sales to Taiwan should enable the island to maintain defensive capability such that a PRC attack would be too costly.²³ The administration believed that neither statutory

¹⁸ Representative Goldwater was a Republican from California and should not be confused with his father, Senator Barry Goldwater from Arizona. For his remark, see *Congressional Record*, 96th Cong., 1st sess., February 1979, H1284.

¹⁹ *Ibid.*

²⁰ See Secretary Vance's address at the Department of State briefing on China January 15, 1979, in Department of State, "U.S. Policy toward China," pp. 54-57.

²¹ *Beijing Review* 22, 51 (December 22, 1978): 10.

²² *Congressional Quarterly, China: U.S. Policy since 1945*, p. 22.

²³ Comments of Assistant Secretary of State Richard Holbrooke in a press

language declaring U.S. intentions to defend Taiwan nor specific PRC guarantees not to use force against Taiwan were necessary for Taiwan's security because of these factors. The administration and its supporters also pointed to signs of China's conciliatory approach to Taiwan. Even before the normalization announcement, Deng Xiaoping had emphasized that China was prepared to wait a hundred years for reunification of Taiwan with the rest of China.

U.S.-China relations became, once again, the subject of debate, first in the press in late December and January, and then in Congress. Meanwhile, the administration was taking concrete steps to maintain cultural and economic relations with Taiwan in the postnormalization era. State Department legal experts had for some time been preparing an omnibus bill to ensure that fifty-nine treaties and agreements with Taiwan, which covered such subjects as visas, tariffs, customs, and taxes, would continue to be valid on a nongovernmental basis.²⁴ A group of legal experts at the State Department under Herbert Hansell were working on the draft of legislation relating to Taiwan in late 1978. During the final stages of the normalization negotiations, Hansell joined Holbrooke and Oksenberg in closely following the messages between Woodcock and Washington; he was also involved in drafting some of the instructions for Woodcock. This work helped him get a sense of the whole package of possible agreements relating to the normalization issue. The drafting work was completed in mid-December 1978.²⁵ On January 3 Richard Holbrooke and Herbert Hansell sent to David Aaron, deputy assistant to the president for national security affairs, the draft of "omnibus legislation" for Taiwan.²⁶

From December 15 to 30, in cooperation with the Department of Justice, Herbert Hansell and his team worked out a temporary executive order for the transitional period between January 1, 1979, and the passing of the Taiwan legislation. This executive order was one of the steps required in the process of normalization and in Hansell's view was as important as the Taiwan Enab-

briefing on December 18, 1978; see *Washington Post*, December 19, 1978.

²⁴ Herbert Hansell, the State Department legal adviser, stated that the administration would continue the fifty-nine treaties "through some kind of special corporate arrangement." See *Washington Post*, December 19, 1978.

²⁵ Professor Stefan A. Riesenfeld of the University of California, Berkeley, former counselor in the Legal Advisers Office of the State Department, did most of the legal research and the drafting for Herbert Hansell. Interview with Herbert Hansell.

²⁶ See Carter Presidential Library, Atlanta, archive no. Co. 34-12.

ling Bill. "There was no way of knowing when Congress might act, or, in fact, if Congress [would] act," and there was the possibility that "we might never have legislation, and we might go forever on the basis of a presidential order," said Hansell.²⁷ On December 30, 1978, President Carter issued a President's Memorandum for All Departments and Agencies designed to continue a working relationship with Taiwan.²⁸ It stated that existing international agreements and arrangements with Taiwan would remain in force and that laws, regulations, or orders of the United States referring to a foreign country, state, government, or similar entity should be construed to apply to Taiwan.

Not only did the administration have to deal with domestic congressional opposition to its new policy; it also had to persuade the KMT government in Taiwan to accept its arrangement for future U.S.-Taiwan relations through a nongovernmental agency in the postnormalization era. The negotiations with Taipei on this matter began at the end of 1978 and turned out to be much more difficult than the administration had anticipated. Although KMT leaders had expected a major change in Washington's policy toward China, they still reacted with shock and a degree of panic.²⁹ The Carter administration tried to persuade the Taiwan leaders to face the reality and accept the U.S. deal, yet KMT leaders pressed hard for having at least some sort of official relationship. Taiwan's negotiator, Vice-minister Yang Hsi-kun, insisted that "the relationship with the U.S. was too complex to be handled by private organizations and in any case must have 'qualities of officiality' in order to be acceptable to his government and people." Later the negotiations moved from Taipei to Washington, and they dragged on into February 1979 because of the "qualities of officiality" issue. It was finally resolved when Feldman suggested to Yang that each side could interpret the nature of the future relationship in its own way.³⁰

²⁷ Interview with Hansell. According to Hansell, the whole package included (1) the normalization announcement, (2) the joint communiqué, (3) the presidential unilateral statement, (4) the executive order for relations with Taiwan in the transitional period (with a presidential speech), and (5) Taiwan legislation (with a presidential speech).

²⁸ For the text of the memorandum, see *Weekly Compilation of Presidential Documents*, vol. 42, no. 53 (January 8, 1979).

²⁹ The U.S. negotiators who went to Taiwan, Warren Christopher and Roger Sullivan, were attacked in their car by outraged crowds in Taipei; see Harvey J. Feldman, "Political and Diplomatic Relations," p. 19.

³⁰ *Ibid.*, pp. 19, 20.

Following the administration's announcement that it would terminate the defense treaty with Taiwan, Senate Minority Leader Howard Baker Jr. sent a telegram to President Carter asking him to postpone the cancellation of the mutual defense treaty with Taiwan until Congress could consider that action. "Time must be given for Congress to deal with such an important foreign policy matter," Baker said.³¹ But the president rejected this plea and formally notified Taiwan that the treaty would be terminated at the end of 1979.

In defense of its decision to normalize relations with China under those terms, in early January the administration circulated to the nation's press a background report entitled "China" and a fact sheet it labeled "Taiwan—The Mutual Defense Treaty."³² The State Department also organized a special task force, known as the China Working Group, to keep members of congressional foreign relations committees abreast of the ongoing developments of the major policy shift.³³ Meanwhile, the administration tried to deal with the subtle relationship with Taiwan in a way that would not influence the momentum of Sino-American normalization. President Carter refused to see the last KMT ambassador to the United States even when Senator Goldwater and twenty-two other congressmen wrote to him on December 27 requesting that he do so.³⁴

While many members of Congress promised a fight on Taiwan, the KMT government chose its strategy carefully. Instead of wasting their resources on a failed cause, Taiwan's government conceded that it had lost the battle on recognition and would push for the best deal possible: to have U.S. guarantees of protection, the sale of sophisticated weapons, and diplomatic privilege. Although conservative groups in Washington criticized Taiwan for its lack of resolve, KMT officials and their friends in Washington concentrated their forces to rally support on Capitol Hill. Along with Barry Goldwater, key allies included former CIA official Ray Cline and Senator Richard Stone, who later become a registered foreign agent for Taiwan.³⁵ Their aim was to create a de facto "two

³¹ Congressional Quarterly, *China: U.S. Policy since 1945*, p. 40.

³² *Department of State Bulletin* 79, 2023 (February 3, 1979): 25–26.

³³ Sutter, *China Quandary*, p. 95.

³⁴ Carter Presidential Library, Atlanta, Georgia, archive no. Co. 34.

³⁵ Kaplan, *Fires of the Dragon*, p. 274.

Chinas'' policy by restoring U.S.-Taiwan official relations as well as reviving the U.S.-Taiwan defense treaty.

Apparently, Beijing's leaders were well aware of the negative reactions of the U.S. Congress to President Carter's decision to normalize relations with Beijing and cut official ties with Taiwan. To support the Carter administration and help reduce American fears of an attack on Taiwan, Beijing began to try to appease the Taiwan authorities. On January 1, 1979, Beijing announced a halt in its sporadic bombardment of the offshore islands of Quemoy and Matsu and called for trade, travel, and military talks to reunify China with Taiwan. The PRC was also reported to have moved some of its military forces away from the coastal region facing Taiwan.³⁶ At the beginning of 1979 the National People's Congress was reported to have said that it would "take present realities into account" when negotiating reunification and would "respect the status quo on Taiwan and the opinion of people in all walks of life there and adopt reasonable policies and measures in settling the question of reunification so as not to cause the people of Taiwan any losses."³⁷ At the same time, Beijing for the first time televised a favorable film about Taiwan.

On January 2, 1979, Deng Xiaoping told a U.S. congressional delegation that China would use peaceful means to unify Taiwan with the mainland. He also said that Barry Goldwater, the leading Senate opponent of normalization, was welcome to visit Beijing. PRC leaders seemed to be attempting to help the Carter administration keep domestic critics from obstructing the shift of official relations from Taipei to Beijing.

Although the normalization agreement—unlike the Panama Canal treaties or a SALT—did not require direct congressional approval, there would be many opportunities for Congress to become directly involved in the issue. First, the Senate would have to confirm the first American ambassador to Beijing. The United States and China were scheduled to exchange ambassadors on March 1, 1979, and on January 15, President Carter nominated Leonard Woodcock, then head of the U.S. Liaison Office in Beijing, to be the first U.S. ambassador to the PRC. Confirmation of Woodcock's ambassadorship "would be an opportunity to air the whole China policy," said Terry Emerson, legislative aide to

³⁶ *Washington Post*, January 2, 1979.

³⁷ *Renmin ribao*, January 1, 1979.

Senator Goldwater.³⁸ Second, on January 15, Secretary of State Cyrus Vance indicated that the administration would seek to negotiate and then ask Congress to approve a series of treaties and agreements enabling the United States and the PRC to carry out trade, travel, and other normal relationships.³⁹ A major issue would concern granting China most-favored-nation status. Opponents of the new China policy could also use this occasion to register their opposition. Third and most significant, Congress would have to be asked to enact Taiwan legislation prepared by the administration to make it possible to continue commercial and cultural relations with Taiwan. Staffing a private institute with government employees could be a problem without legislative authority, and Congress would have to appropriate funds to support both the U.S. embassy in the PRC and the planned non-governmental agency in Taiwan.

To conduct future U.S.-Taiwan relations, the administration was planning to establish an entity called the American Institute in Taiwan (AIT) to carry out most of the functions previously carried out by the U.S. embassy in Taipei. The AIT would be patterned after a nongovernmental agency established by Japan when Tokyo broke off relations with Taiwan and established diplomatic relations with the PRC in 1972.⁴⁰ To Goldwater and other critics on Capitol Hill, the American office in Taiwan should have at least equal status with the liaison office the United States had kept in Beijing since 1973. "Why do we need to follow what Japan did?" asked Emerson. "I thought this country followed its own initiative."⁴¹ It was unclear in late December 1978 and early January 1979 to what extent Congress would use these occasions to change the administration's new China policy. Yet it was generally believed that Congress intended to put its imprint on the new U.S. China policy.

³⁸ *Congressional Quarterly, Weekly Report* 37, 5 (February 3, 1979): 60.

³⁹ Department of State, *Selected Documents* (Secretary Vance's address at the Department of State briefing on China January 15, 1979), pp. 54-57.

⁴⁰ This exchange entity was formed under the aegis of Japan's Foreign Ministry and its Ministry of International Trade and Industry (MITI). Headquarters were set up in Tokyo with offices in Taiwan. The Taiwan government set up a corresponding organization, known as the East Asian Relations Association, with branch offices in Japan.

⁴¹ *Congressional Quarterly, Weekly Report* 37, 3 (January 20, 1979): 7.

Congressional Initiatives

On January 15, 1979, the 96th Congress convened. Even before the administration sent its prepared legislation regarding future U.S. relations with Taiwan (which it finally did on January 26, 1979), more than a dozen bills and resolutions to ensure certain continuities in diplomatic and military relations with Taiwan were introduced in the Senate and the House.⁴² The most important among them were resolutions introduced by Senators Harry Byrd Jr. (Ind-Va.), John Danforth (R-Mo.), Bob Dole, Richard Stone, and Barry Goldwater and by Representatives Steven Neal (D-N.C.), Donald Pease (D-Ohio), David Bonior (D-Mich.), and Lester Wolff.

Less than an hour after the Senate convened on January 15, 1979, Senators Byrd and John Warner (R-Va.) introduced a resolution (S.J. Res. 3) in disapproval of Carter's decision to end the mutual defense treaty with Taiwan. The resolution stated that it was the sense of Congress "that approval by the Senate of the United States is required to terminate any mutual defense treaty between the United States and another nation."⁴³ On the same day, Senator Danforth, a moderate Republican with a reputation as a "GOP compromiser," and fourteen other senators introduced S.R. 12, which stated that the United States would withdraw all diplomatic and commercial relations with the PRC if Beijing attacked Taiwan.⁴⁴ Senator Dole's bill (S.R. 8) would have extended diplomatic privileges and immunities to any principal liaison office of Taiwan that might be established in Washington, D.C., and to any members thereof. Senator Stone's bill (S.R. 46) would have extended diplomatic privileges and immunities to all offices representing Taiwan in the United States.⁴⁵

⁴² The first such bills and resolutions were S.J. Res. 31, H. Res. 31, 35; S. Res. 11, 13; S. 8, 46; H. Res. 606; S. Res. 10. 96th Cong., 1st sess. See *Congressional Record* (Jan. 15-29, Jan. 31-Feb. 15, Feb. 15-Mar. 6, Mar. 7-15, 1979), vol. 25, parts 1-4, pp. 474, 704, 1023, 1057, 1335, 1610-12, 1660, 1818, 1820, 1319, 2892, and 4101.

⁴³ *Congressional Record* (1979), vol. 125, pt. 3, p. 3040.

⁴⁴ In a letter dated January 2, 1979, Danforth had informed President Carter that he intended to introduce such a resolution. See Carter Presidential Library, archive no. Co. 34. For the fourteen cosponsors, see *Congressional Record*, 96th Cong., 1st sess. (January 15-29, 1979), vol. 125, pt. 1, p. 316.

⁴⁵ Later, at the request of Senator Dole, Senators Thurmond, Cochran (R-Miss.), and Wallop (R-Wyo.) were added as cosponsors of S.R. 8 and S.R. 13. See *Congressional Record*, vol. 125, pt. 1, p. 564.

Senator Goldwater and sixteen cosponsors introduced a resolution (S.R. 2) "to uphold the separation of powers between the executive and legislative branches of government in the termination of treaties."⁴⁶ This resolution, like Byrd's, sought to alter the administration's decision to terminate the mutual defense treaty with Taiwan. On January 16 Representative Neal (R-N.C.) offered a bill (H.R. 606) to direct the president to establish a U.S. liaison office in Taiwan with the responsibility for representing U.S. interests in Taiwan.⁴⁷ Senator William Roth Jr. (R-Del.) offered a joint resolution (S.J. Res. 17) in the Senate to maintain a credible U.S. defense commitment to Taiwan.⁴⁸ Roth argued that this resolution, being domestic legislation, not an international treaty, should not undercut the new U.S.-PRC relations.

These numerous early proposals made it clear that many people in Congress did not share President Carter's approach to ensuring Taiwan's future security or at least regarded his arrangement as inadequate to protect Taiwan and preserve U.S. interests. Even moderates in Congress expressed concern about the administration's failure to obtain a clear-cut pledge from China not to use force against Taiwan. Senator Glenn, who had just returned from a China trip, warned that peaceful settlement of the Taiwan issue "must be the immediate guiding principle" of U.S. dealings with the PRC. Senator Glenn's warning was of significance in regard to the upcoming congressional debate over the administration's China policy: as chairman of the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs, he was an influential Senate moderate who was generally supportive of Carter's decision to recognize Beijing and whose backing the administration wanted to counter conservative attacks.⁴⁹

As conservatives in both Senate and House introduced resolutions designed to commit the United States to defend Taiwan and reverse President Carter's decision to break official ties with Taiwan, some liberals in Congress started efforts to save Carter's new China policy. On January 25, 1979, the day before the Carter administration sent its proposed legislation to Congress, a joint

⁴⁶ For the resolution and the other cosponsors, see *ibid.*, p. 474.

⁴⁷ *Ibid.*, p. 448.

⁴⁸ *Ibid.*, pp. 561-563.

⁴⁹ Senator Glenn visited the PRC in early January 1979. He published his detailed report on the trip, in which he called normalization of U.S.-China relations "a crucial step in U.S. foreign policy," in late January. See *Washington Post*, January 25, 1979.

resolution affirming U.S. support of Taiwan (S.J. Res. 31) was introduced by Senators Edward Kennedy and Alan Cranston. Twenty-eight senators—twenty-five Democrats and two Republicans—joined Senators Kennedy and Cranston in cosponsoring this Senate resolution.⁵⁰ Representative Wolff, chairman of the Asian and Pacific Affairs Subcommittee of the House International Relations Committee, agreed to sponsor the resolution in the House (H.J. Res. 167).

As noted earlier, the administration was originally planning to support a congressional resolution as part of the U.S. attempt to alert Beijing about U.S. concern over Taiwan's security. To that end, the administration apparently privately encouraged the Kennedy-Cranston resolution.⁵¹ The measure did not commit the United States to any specific action to protect Taiwan, but it restated the American interest in the security of Taiwan: "The Congress finds and declares that it is the policy of the United States to act in accordance with constitutional processes and procedures established by law to meet any danger [to Taiwan]."⁵²

Although the resolution was moderate compared with those from the conservatives, some senators believed that such a measure was unnecessary or potentially dangerous. Senator Edmund Muskie (D-Me.) said, "I don't see the need for the resolution." The Chinese "are well aware," he said, that action against Taiwan "would trigger a negative American reaction which would cost them probably all the benefits that they hope to achieve by normalization."⁵³ Representative Paul Findley (R-Ill.) warned that this resolution "would be cited by any future president as authorizing him to send U.S. military forces to fight a guerrilla war in Taiwan," and he refused to "give some future president a blank check to meet circumstances that cannot even be darkly guessed today." He argued that, under the 1973 War Powers Resolution, a president could send forces overseas for up to ninety days without congressional approval, and the Kennedy-Cranston resolution reminded him of the Tonkin Gulf resolution of 1965, which

⁵⁰ *Congressional Quarterly, Weekly Report* 37, 4 (January 27, 1979): 41. For the names of the twenty-eight senators, see Lester Wolff and David L. Simmon, eds., *Legislative History of the Taiwan Relations Act*, p. 5.

⁵¹ Administration officials in early January had briefed Senators Kennedy and Cranston on the administration's intention and the content of the administration's prepared Taiwan Enabling Bill. Interview with Roger Sullivan, March 17, 1988.

⁵² *Congressional Record* (1979), vol. 125, pt. 1, p. 1057.

⁵³ *Congressional Quarterly, Weekly Report*, vol. 37, no. 5 (February 3, 1979), p. 208.

President Johnson used as the legal basis for waging the Vietnam War.⁵⁴

The administration's reaction to the Kennedy-Cranston resolution was mixed at the beginning. President Carter stated in his January 26 news conference that he thought the administration's legislative proposal and the announcement made about normalization were adequate and therefore no resolution was needed.⁵⁵ In this instance, the president's negative response was probably not directed at the Kennedy-Cranston resolution per se; rather it reflected administration strategy to maintain a low profile on the resolution and thus limit more conservative congressional backlash. The statement was also intended to test the level of opposition to the administration's new China policy and to call for support for its Taiwan Enabling Bill, which was sent to Congress on the same day.

The administration apparently thought, however, that the Kennedy-Cranston resolution would support its China policy, or at least prevent Congress from proposing something that would clearly conflict with that policy. On February 1, 1979, House Speaker Thomas P. "Tip" O'Neill (D-Mass.) disclosed that Secretary of State Vance had told him and other congressional leaders that President Carter found the Kennedy-Cranston resolution acceptable. After O'Neill's statement, White House Press Secretary Jody Powell repeated Carter's early warning that any congressional resolution was unnecessary and that the president would veto any legislation that would violate the administration's agreements with Beijing. However, Powell also said, "What happens to something that falls between those areas, we'll just have to see."⁵⁶

The Administration's Taiwan Enabling Bill

On January 26 President Carter sent Congress a package of legislation "to promote the foreign policy of the United States through the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis, and for other purposes." Under the bill, the contents of which were similar to the so-called Japanese formula, the United States would end formal recognition of the Republic of China but continue

⁵⁴ *Congressional Record* (1979), vol. 125, pt. 1, pp. 1057-58.

⁵⁵ *Washington Post*, January 27, 1979.

⁵⁶ *Congressional Quarterly, Weekly Report* 37, 5 (February 3, 1979): 09.

nonofficial relations with “the people on Taiwan” through a nonprofit private corporation, the AIT, that would carry out duties previously conducted by the U.S. embassy.⁵⁷ The institute was to be headquartered in Washington, with an office in Taiwan; Taiwan was to be asked to establish a similar nonofficial agency in the United States.

The administration’s Taiwan Enabling Bill was divided into three titles and seventeen sections, with a separate section-by-section analysis of the bill prepared by the State Department.⁵⁸ It was technical, dealing with only how to create, staff, and operate the AIT, not with military and security issues. Its main purpose was to enable the United States and Taiwan to continue in force fifty-nine treaties and agreements on visas, communications, trade, transportation, and many other matters and to avoid possible lawsuits that could arise from the new relationship with Taiwan in the postnormalization era. The bill included the following major provisions:

- That the Taiwanese would not be denied eligibility for U.S. programs that legally required the maintenance of diplomatic relations with or recognition by the United States (sec. 101–103).
- That U.S. government agencies could deal with Taiwan through the AIT. The U.S. government could lend, sell, or transfer property (including the U.S. embassy in Taipei) to the AIT and would pay normal operating expenses of the institute, such as maintenance and security (sec. 302–303). Provision was also made for continuing existing agreements and making new ones with the people on Taiwan by or through the Institute (sec. 104–107).
- That U.S. government employees could work in the AIT without loss of government benefits for time served toward their pensions. They could go back to government employment after leaving the AIT with no break in continuity of their government service (sec. 204). The U.S. government could pay the employees of the institute, even though they would not work for the government.

⁵⁷ For President Carter’s letter of transmittal and the text of the Taiwan Enabling Bill, see U.S. Department of State, “Taiwan: Proposed Legislation,” *Current Policy*, no. 54 (January 1979), pp. 1–7. The bill uses “the people of Taiwan” to refer to the government of the ROC in a way that would not offend the PRC.

⁵⁸ House, *Taiwan Legislation*, pp. 2–6.

The bill was registered in the Senate (where Senator Church introduced it at the request of the administration) as S.R. 245 and in the House as H.R. 1614. It was grouped together with those resolutions introduced before January 26 for consideration by the foreign relations committees.

The most controversial aspect of the administration's draft Taiwan Enabling Bill was not what it included but what it failed to include. Although most people in Congress and the public in general agreed to accept the normalization of U.S.-China relations, concern continued to focus on Taiwan's future security in the wake of the termination of the U.S.-Taiwan defense treaty and on how the future economic and social well-being of the people in Taiwan could be promoted through a new, nonofficial relationship, yet there was no mention at all in the proposed bill of U.S. concern for Taiwan's future security. It did not even contain any explicit provision for the continued sales of U.S. weapons to Taiwan, the most important concession the administration had obtained from Beijing.⁵⁹ Apparently the administration wanted to have as much latitude and freedom as possible, particularly on security policy, and it did not want these security matters written into law. Regarding the arms sales issue, the administration felt that it had the authority to sell arms allowed by the Military Assistance Act as long as it had authority to sell products. Administration officials believed that sale of arms to Taiwan was purely an executive matter.⁶⁰

Another explanation of this omission of the arms sales issue in the Taiwan Enabling Bill was the concern on the side of the executive branch about the impending institutional fight. Administration officials knew that Congress would inevitably amend whatever they presented and wanted to be in a better position to bargain with the legislative branch. "It would be better to let Congress insert that into the bill, because if we had it there, they would make it worse."⁶¹

In a speech on January 26, President Carter reiterated that the United States would continue to have an interest in the "peaceful resolution" of the Taiwan issue. "But I don't see this [the lack of

⁵⁹ Herbert Hansell believed that the security issue "was not the purpose of the bill," and since "the United States still had the defense treaty with Taiwan for an entire year, there was nothing to be proposed in this regard.... We would have ample time to think about what to do." Interview with Hansell.

⁶⁰ Interview with Sullivan, March 17, 1986.

⁶¹ Interview with Oksenberg.

the concern for security in the proposed bill] as an opening for bloodshed or war. I think the statements made by the Chinese leaders since the announcement of intention to establish diplomatic relations have been very constructive and have indicated a peaceful intent."⁶² Administration officials including Secretary of State Vance asserted that this phrase indicated the importance the United States attached to the security of Taiwan. The administration seemed to feel that Congress should regard its expressed concern for Taiwan's security, coupled with continued U.S. arms sales, as well as the existing political and military restraints to military action by Beijing, as adequate to deter the PRC from attacking Taiwan.

The predominant congressional response to the administration's Taiwan bill was negative, however. Many members of Congress criticized the lack of any specific U.S. arrangements for the future security of Taiwan in the proposed bill. Senator Glenn challenged the administration's arrangement for the future security of Taiwan as one leaving a "nagging doubt" about whether Beijing would leave Taiwan alone.⁶³ Senator Church, chairman of the Senate Foreign Relations Committee, the man whom the administration had asked to sponsor the Taiwan Enabling Bill, characterized it as "deficient and in need of improvement" and went on to say that "the most glaring deficiency is the failure of the legislation to provide a statement of official U.S. policy concerning the future security of Taiwan."⁶⁴ Senator Church expressed the prevailing sentiment of the Congress when he said that "the Congress... will lay out the American expectation that no force will be used in the future against Taiwan."⁶⁵

It seems that the administration adopted a strategy of playing tough at the beginning. It had repeatedly asserted that any strong, official statement linking U.S. interests to the security of Taiwan from the legislative branch would violate the normalization agreements reached with the PRC and might endanger the

⁶² *Weekly Compilation of Presidential Documents*, January 29, 1979, p. 121.

⁶³ Senator Glenn said that Congress was determined to show that it was "an equal partner in this thing. Nothing is going to happen to implement this whole new recognition [of China] unless we in Congress get behind it and implement the legislation to make it work." *Congressional Quarterly, Weekly Report* 37, 6 (February 10, 1979): 261.

⁶⁴ *Washington Post*, January 27, 1979; see also *Congressional Record*, vol. 125, pt. 1 (January 15-29, 1979), p. 1283.

⁶⁵ *Congressional Quarterly, Weekly Report* 37, 5 (February 3, 1979): 207.

overall new relationship by offending Chinese sensitivities. On the same day he sent the draft Taiwan Enabling Bill to Congress, President Carter publicly warned that he would veto any congressional legislation he considered "contradictory" to the purposes of the normalization agreements with the PRC.⁶⁶

It was in this atmosphere on Capitol Hill over China policy that Vice-premier Deng Xiaoping, upon President Carter's invitation, made his official visit to the United States. Deng's visit to Washington from January 28 to February 1 strengthened the bilateral relationship between the two countries and, to some extent, quieted some U.S. domestic fears of a possible PRC attack on Taiwan.

As part of its effort to pacify the fears on Capitol Hill, the administration scheduled a full day of meetings between Vice-premier Deng and congressional leaders. On January 30, 1979, Deng Xiaoping dined with eighty-five senators, including the entire Foreign Relations Committee. He had private talks with Senate Majority Leader Robert Byrd, Minority Leader Howard Baker, and House Speaker "Tip" O'Neill and tea with members of the House International Relations Committee, the House leadership, and forty other House members. Members of both houses stood in line to shake Deng's hand and even to get his autograph. The Chinese vice-premier listened to welcoming speeches from four Senate leaders at lunch and from three House leaders at tea-time. All of the speakers expressed, either implicitly or explicitly, their concerns for the security of Taiwan. O'Neill, for example, told Deng, "We want you to know that we are vitally interested in the peaceful resolution of the Taiwan issue."⁶⁷

The administration hoped that the Chinese vice-premier would tell members of Congress what they wanted to hear: China would not attack Taiwan. Although Chinese officials had repeatedly stated that the future of Taiwan was a domestic issue for the Chinese themselves to solve, Deng did try to reassure concerned members of Congress about China's peaceful intentions toward Taiwan. "I'm sure you have already noted we no longer use the word 'liberation' of Taiwan," Deng told the senators. "We now say we want to solve the question of the return of Taiwan to the motherland and complete the great cause of reunification of the motherland. We say that, so long as Taiwan is returned to the

⁶⁶ *Washington Post*, January 27, 1979.

⁶⁷ *Congressional Quarterly, Weekly Report* 37, 5 (February 3, 1979): 208.

motherland and that there is only one China, then we will fully respect the present realities on Taiwan."⁶⁸

Without renouncing the option of using force against Taiwan, Deng Xiaoping outlined a variety of concessions that the PRC would offer if Taiwan would agree that it was part of China, including a promise that Taiwan would be allowed to keep its economic and social systems, and its military defenses, indefinitely. In a later interview, Deng explained his reluctance to renounce the use of force: "The question is, if we are to commit ourselves to not using armed force at all then that will be equivalent to tying our own hands, and the result then would be to have the Taiwan authorities refuse to negotiate with us for a peaceful reunification."⁶⁹ Deng's statement did reassure several members of Congress that China was not about to conquer Taiwan by force. "These people obviously intend to preserve Taiwan's autonomy," said Senator Paul Laxalt (R-Nev.).⁷⁰ Representative Tony P. Hall (D-Ohio) even attempted to get the House Foreign Affairs Committee to officially refer to Deng's statements in the Taiwan legislation. "His remarks were very reassuring," Hall said. "I don't think the Vice Premier of China would say anything to this committee in a frivolous manner."⁷¹

Deng's friendly attitude also impressed most of the congressional leaders. "He's a very good advocate of his country because he has a warm, friendly smile," said Senator Henry Jackson after the Senate luncheon.⁷² "He is clever," said Senator Jacob Javits after Deng's visit. "He gives you the feeling that he is being blunt and candid, but he is not saying anything he does not want to. He did not commit himself down the line [on Taiwan] but he said enough so that our normalization can go ahead."⁷³ On the whole, people in both the executive branch and the congressional branch agreed that Deng's visit had helped the administration soothe the fears of anxious congressmen over Taiwan's security.

⁶⁸ *Ibid.*, p. 207.

⁶⁹ *Washington Post*, February 2, 1979.

⁷⁰ *Congressional Quarterly, Weekly Report* 37, 5 (February 3, 1979): 208.

⁷¹ *Congressional Quarterly, China: U.S. Policy since 1945*, p. 35.

⁷² *Congressional Quarterly, Weekly Report* 37, 5 (February 3, 1979): 208.

⁷³ *New York Times*, February 1, 1979.

Senate Committee Hearings

The Taiwan legislation was the most important bill facing the Senate Committee on Foreign Relations in the 96th Congress. The new Congress witnessed some changes in its Committee on Foreign Relations. Senator Church became the new committee chairman, Senator Javits the new ranking minority member; and there were five new members among the total of fifteen. Church wanted to use the opportunity of dealing with the Taiwan legislation to strengthen his new chairmanship in the committee and to show his leadership capabilities as well. He knew that the best way to do this was to maintain a cooperative relationship with Republicans and Democrats on the committee and prevent it from division.

Church had already taken some measures to strengthen the committee and his power. First, he restored the principal legislative duties to the full committee from the subcommittees, which had grown into semiautonomous fiefdoms under his predecessor, Senator John Sparkman.⁷⁴ Second, believing that if the committee was to exercise better judgment and produce high-quality work it would need more public hearings and more qualified consultants, he hired William Barnds, an East Asian specialist with the Council on Foreign Relations, and Victor Li, an international law professor from Stanford University, to help his committee prepare the Taiwan bill.

On February 5, 1979, the committee opened four days of hearings on S.R. 245. Senator Church opened the hearings by praising the presidential decision to normalize relations with the PRC as a "long overdue acknowledgment of one of the central realities of Asian affairs" but added that "we must also face another reality: the importance the United States must attach to the future security and well-being of the people of Taiwan." He then defined the purpose of the hearings as consideration of the legislation designed to ensure and promote the continued growth of the Taiwanese economy on the basis of expanded trade with the United States and Japan and the continued U.S. security commitment to protect the well-being of the people of Taiwan.⁷⁵

⁷⁴ When Sparkman chaired the committee, he allowed it to become fragmented, preferring to let his colleagues have their way. Church wanted to change this arrangement. He was quoted as saying that "the Committee as body will be making news again." See Lanouette, "New Kind of Bipartisanship," p. 526.

⁷⁵ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, pp. 1-2.

Throughout the four days of public hearings (February 5–8, 1979), twenty-five witnesses including officials from the executive branch, interested members of Congress and their constituents, and academic experts were invited to appear before the committee; in addition, seventeen individuals and organizations submitted written testimony. During the hearings, witnesses from the executive branch defended the administration's policy position, and members of the pro-KMT circles and interest groups, as well as the Taiwan Independence Movement in the United States, spoke for their case.⁷⁶

Although the Democrats constituted the majority of members of both the Senate Foreign Relations Committee and the House Committee on International Relations (table 1), an overwhelming majority of members of Congress judged that special congressional efforts were needed to change several aspects of the administration's proposed bill in order to strengthen the U.S. security commitment to Taiwan and to clarify the new U.S. China policy. Of the several issues on which the hearing focused, Taiwan's security was the most significant one.

The Issue of Taiwan's Security

The primary focus from the start was on the matter the administration's proposed legislation failed to address, namely, the future security relationship between the United States and Taiwan. Committee chairman Frank Church warned that the

⁷⁶ *Ibid.*, pp. iii–vi. On the first day of the hearings, the witnesses from the executive branch were Secretary of Defense Harold Brown, Deputy Secretary of State Warren Christopher, State Department Chief Legal Adviser Herbert Hansell, and Assistant Secretary of State for Administration John Thomas. Leonard Unger, the last ambassador to Taiwan, and Victor Li, a law professor from Stanford University, were also invited. On February 6, the committee invited Senators Alan Cranston, Edward Kennedy, Robert Dole, and Barry Goldwater to give testimony. And on the third day of the hearings, the committee invited scholars and former military and intelligence officials to discuss diplomatic issues and the security of Taiwan; they were A. Doak Barnett from the Brookings Institution; Robert A. Scalapino from the University of California, Berkeley; Ray Cline from Georgetown University; and Vice Admiral Edwin K. Snyder, the former commander of the U.S. Taiwan Defense Command. On the fourth day of the hearings, witnesses from the State Department including Herbert Hansell, Assistant Secretary for Congressional Relations Douglas Bennett, and Deputy Assistant Secretary of State Roger Sullivan, Deputy Assistant Secretary of Defense for East Asia and the Pacific Michael Armacost, and Lt. Gen. Richard Lawson, director for plans and policy of the Joint Chiefs of Staff, appeared before the committee.

Table 1

Senate Committee on Foreign Relations	
Democrats (9)	Republicans (6)
Frank Church (Idaho), Chairman	Jacob K. Javits (N.Y.)
Claiborne Pell (R.I.)	Charles H. Percy (Ill.)
George McGovern (S.D.)	Howard Baker Jr. (Tenn.)
Joseph Biden (Del.)	Jesse Helms (N.C.)
John Glenn (Ohio)	S.I. Hayakawa (Calif.)
Richard Stone (Fla.)	Richard G. Lugar (Ind.)
Paul S. Sarbanes (Md.)	
Edmund S. Muskie (Maine)	
Edward Zorinski (Neb.)	
House Committee on International Relations	
Democrats (20)	Republicans (12)
Clement Zablocki (Wis.), Chairman	William Broomfield (Mich.)
L. H. Fountain (N.C.)	Edward J. Derwinski (Ill.)
Dante B. Fascell (Fla.)	Paul Findley (Ill.)
Charles C. Diggs Jr. (Mich.)	John Buchanan (Ala.)
Benjamin S. Rosenthal (N.Y.)	Larry Winn (Kan.)
Lee H. Hamilton (Ind.)	Benjamin A. Gilman (N.Y.)
Lester Wolff (N.Y.)	Tennyson Guyer (Ohio)
Jonathan B. Bingham (N.Y.)	Robert Lagomarsino (Calif.)
Gus Yatron (Pa.)	William F. Goodling (Pa.)
Cardiss Collins (Ill.)	Joel Pritchard (Wash.)
Stephen Solarz (N.Y.)	Millicent Fenwick (N.J.)
Don Bonker (Wash.)	Dan Quayle (Ind.)
Gerry R. Studds (Mass.)	
Andy Ireland (Fla.)	
Donald J. Pease (Ohio)	
Dan Mica (Fla.)	
Michael D. Barnes (Md.)	
William H. Gray III (Pa.)	
Tony P. Hall (Ohio)	
Howard Wolpe (Mich.)	

SOURCE: *Congressional Quarterly, Weekly Report*, vol. 37, no. 4 (January 27, 1979), pp. 158-162.

administration's proposed bill was "woefully inadequate to the task, ambiguous in language, and uncertain in tone," and he believed that the committee would spend much of its time deliberating the issue of Taiwan's security. Ranking committee Republican Jacob Javits bluntly told administration witnesses that "it is not enough that [the Chinese] don't contradict [the U.S. unilateral statement]. We have to make it clear to them that we will not tolerate [any military action against Taiwan]"; he averred that he was "prepared to forego [normalization with Beijing], hot as [he was] for it," if Beijing refused to accept a U.S. declaration in support of Taiwan's security.⁷⁷

Members of the committee seemed to agree that President Carter's new China policy did not include enough specific measures relating to Taiwan's security. Inasmuch as more than a dozen resolutions promising varying levels of U.S. security protection to Taiwan had been introduced in the Senate, committee members felt that some type of language dealing with Taiwan's security had to be included in the bill.⁷⁸ The committee disagreed, however, on what language to use. Much of the discussion during the early stage focused on the language in the Kennedy-Cranston resolution. Several Republicans on the committee, led by Senator Javits, preferred strong language in the bill committing the United States to the protection of Taiwan in the event of a PRC attack. Javits stated:

I want to make very clear to Mr. Teng [Deng Xiaoping], to the Communist authorities in the People's Republic and to those who may succeed them, that the United States will not tolerate the use of force or what is tantamount to force, whether it's boycott, blockade or other devious devices, to suffocate Taiwan so that it must conform to the PRC socially and economically. . . . It has to be very strong, very definite and now.⁷⁹

In fact, Javits wished to have wording similar to that in the U.S.-Taiwan Mutual Defense Treaty. He offered an amendment to the bill defining U.S. interests in Taiwan, saying that an attack against Taiwan would be "a common danger to the peace and security of the people of Taiwan and the United States in the Western Pacific."⁸⁰

⁷⁷ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, pp. 11, 29.

⁷⁸ Interview with William Barnds.

⁷⁹ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, pp. 29-30.

⁸⁰ *Congressional Record*, vol. 125, pt. 1 (January 15-29, 1979), p. 1058.

On February 7 Senator Church and Senate Minority Leader Baker, also a member of the committee, agreed to circulate the draft amendment offered by Senator Javits among other committee members, despite the fact that administration officials repeatedly urged the committee not to adopt a binding security pledge to Taiwan, for fear that such a commitment might damage the new U.S. relationship with the PRC. When, on February 8, committee leaders appeared to reach an agreement on Javits's language supporting Taiwan, White House and State Department lobbyists quickly intervened and tried to convince Church and other Democrats to delay committee action. President Carter immediately invited Church to the White House for a lunch on February 8. After the luncheon, Church publicly backed away from the Javits proposal, saying that it had been "hastily drawn up." "As far as the future security and well-being of the people of Taiwan are concerned," he said, "I think we all are in common agreement. I am anxious that the words that we find to express that agreement should not conflict with any understanding [between the United States and the PRC]." ⁸¹ Church and several other Democrats favored a clear statement of U.S. support for Taiwan, but not a formal commitment to defend the island under all circumstances.

A few members of the committee preferred that no security clause be included in the bill at all. Democrats Joseph Biden (Del.) and Edmund Muskie believed that there was no need for any congressional statement on Taiwan's security. On the other end of the political spectrum, however, Barry Goldwater testified before the committee and strongly urged the Senate to take action to revitalize the mutual defense treaty approved in 1955, which specifically committed the United States to meet a common danger of an armed attack on Taiwan. ⁸² Republican senator Jesse Helms demanded a pledge even stronger than that in the U.S.-Taiwan Mutual Defense Treaty. ⁸³ None of these groups appeared to have clear majority support of the fifteen-member committee after the first session of hearings. John Glenn, who tried to work out compromise language, held that it was difficult to negotiate a compromise among members because not all the senators had seen the suggested amendments. "We are at odds over how far this statement [of support for Taiwan] should go." ⁸⁴

⁸¹ *Congressional Quarterly, Weekly Report* 37, 6 (February 10, 1979): 260.

⁸² Senate, Committee on Foreign Relations, *Taiwan: Hearings*, pp. 346-359.

⁸³ *Congressional Quarterly, Weekly Report* 37, 6 (February 10, 1979): 260.

⁸⁴ *Ibid.*

The PRC's Intentions and Regional Stability

Another focus of the hearings, which also related to the Taiwan security issue, was the PRC's military intentions regarding Taiwan. Administration witnesses tried their best to convince the committee members that mainland China was neither intending to use nor capable of using military means to take over Taiwan. Defense Secretary Harold Brown told the committee that the PRC was "not now capable of mounting a successful air and sea invasion of Taiwan," and the Chinese could not "discount the possibility of a U.S. military response."⁸⁵

Another administration witness, Warren Christopher, pointed out that China's new relationship with the United States, Japan, and other industrial countries would also deter an invasion of Taiwan: "A decision by China to use force against Taiwan would in effect be a decision to renounce good relations with these nations and hence to abandon the program of modernization and growth"; thus, "such a sharp reversal of policy would in our view appear to be highly unlikely." Most witnesses and senators seemed to agree with the administration's assessment of the situation. Brookings's Doak Barnett maintained that "as long as relations between the United States and PRC are improving, the risk that Peking will pose a military threat to Taiwan is very low." Senator Church also believed that because Beijing would benefit from trade with the United States and other countries, "it will have less incentive to jeopardize those benefits by an attack" on Taiwan.⁸⁶

There were also witnesses expressing pessimistic views. Ray Cline of the Georgetown University Center for Strategic and International Studies believed that Beijing would take action against Taiwan. "I think they [Beijing leaders] will apply economic boycotts and harassment against Taiwan immediately or almost, and will ultimately use force," he said. Robert A. Scalapino, professor of political science at the University of California, Berkeley, held that "regional stability is not guaranteed, either now or in the future," by the normalization of U.S.-China relations. He believed that Taiwan's "security issues are real, and made more so by the failure of the U.S. government to obtain explicit assurance from the People's Republic of China regarding the nonuse of force and our right to furnish defensive arms to Taiwan."⁸⁷

⁸⁵ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, pp. 31-38.

⁸⁶ *Ibid.*, pp. 19-21, 23-30, 608.

⁸⁷ *Ibid.*, pp. 583-585, 607-608, 617-632, 656-659.

Congressional members expressed concern not only about the future security of Taiwan, but also about the serious implications of a sudden change in U.S. China policy for U.S. credibility and reliability as a defense partner. Senator Dennis DeConcini (D-Ariz.) argued that "the President's action in terminating the mutual defense treaty with Taiwan shakes American credibility and invites our opponents to test our resolve." Speaking for the other side, Warren Christopher tried to convince the committee that the new U.S. relationship with Beijing would not only assure Taiwan's future but would also contribute to the overall stability of East Asia because "full and normal relations will allow us to work more effectively toward a stable system of independent nations in Asia."⁸⁸

Future Relations with Taiwan

During the hearings, the administration's witnesses refused to use the phrase "Republic of China," instead using phrases such as the "people on Taiwan" and "authorities on Taiwan." Some senators on the committee felt uneasy about this terminology and questioned administration officials whether, in the minds of the administration's policy makers, there was a "government" existing on Taiwan. Senator Stone pointed out that even Deng Xiaoping had used the phrase "government of Taiwan" when he spoke to the Foreign Relations Committee about allowing Taiwan to carry on "people-to-people" relations with other countries. "For us to do less is to be more Chinese than [Deng]," he said. Under Stone's strenuous questioning, Herbert Hansell ultimately admitted that Taiwan had "governing authorities."⁸⁹

White House lobbyists firmly opposed suggestions that the United States and Taiwan should have "liaison offices" in each other's capitals. "The liaison office concept would not be acceptable to Peking," Christopher told the committee, and "we would not want to have a name that seems inappropriate" in light of the new U.S.-PRC relations. In addition, administration officials firmly maintained that Taiwan officials in the United States not be granted diplomatic immunity. "We cannot and do not think it would be appropriate to provide diplomatic privileges" for those

⁸⁸ *Ibid.*, pp. 415, 20–21.

⁸⁹ *Ibid.*, pp. 88–90.

officials "because we are not dealing with diplomatic personnel," said Hansell.⁹⁰

After the hearings, a markup session was scheduled. But the failure to reach consensus in the committee over the language on the Taiwan security issue and the strong opposition from the administration made Chairman Church postpone the markup session until February 20, after the congressional recess for Lincoln's Birthday.⁹¹ This hiatus would give the committee more time to work out language acceptable to all its members. Having sensed the strong feelings expressed during the hearings by both private civilian witnesses and senators, and having decided to make a trade-off for Senator Church's compromise, the administration altered its position. Administration officials commented on the evening of February 8 that "we still prefer no language, but we now face the political reality that we are going to have something. We want it to be something that does not disrupt the normalization process."⁹² The administration's strategy was still to minimize congressional opposition to its arrangement regarding Taiwan's security.

Ambassador's Confirmation and AIT Budget Issue

The confirmation of a U.S. ambassador to China provided another opportunity for the legislative branch to register its discontent over the administration's new China policy. In early February 1979 the administration won a first round in the battle when the nomination of Leonard Woodcock as the first U.S. ambassador to the People's Republic of China was quickly cleared by the Senate Foreign Relations Committee. The vote was fourteen to one, with Senator Jesse Helms casting the only "no" vote.⁹³

During a two-hour committee hearing, Senator Helms strongly criticized Woodcock for not asking for a guarantee of nonuse of force against Taiwan from the PRC in the normalization negotiations. "I fully realize that the policies Mr. Woodcock was

⁹⁰ *Ibid.*, pp. 88–90, 121.

⁹¹ Interview with Barnds.

⁹² Robert Kaiser, "Woodcock Nomination Is Supported," *Washington Post*, February 9, 1979.

⁹³ Helms said that he did not object to Woodcock personally, but he did not want to approve any ambassador "until we know what we're going to do about Taiwan"; see *Congressional Record*, vol. 125, pt. 3 (February 15–March 6, 1979), p. 3161.

following were dictated from the White House and from the State Department. But there was little evidence that Mr. Woodcock himself intervened to obtain assurance for Taiwan." Woodcock, in response, strongly defended the terms he helped negotiate for the normalization, stating that "we have the best possible assurances [on Taiwan security]...from the Chinese government." Besides, "we are absolutely free to take any action we see necessary for the security of the United States and the stability of that region," Woodcock added. Although Woodcock did not oppose the legislation reaffirming U.S. security interests in Taiwan, he held that it would be "most unfortunate" if such legislation would "contradict" the new relationship with the PRC.⁹⁴

The White House had asked the Senate to confirm Woodcock quickly, so that the first U.S. ambassador could make it to Beijing to attend the ceremony scheduled on March 1. If the Senate had decided not to expedite the approval of the new U.S. ambassador to Beijing before March 1, it would have been a strong gesture and an embarrassment to the administration. In a February 12 press conference, President Carter finally changed his tone and said, "I have never said that I would not accept any resolution from the Congress." He outlined his last-ditch position as follows: "I think that any resolution or amendment that would go as far or further than the defense commitments to Taiwan would be unacceptable."⁹⁵

Matters were complicated when, on February 17, Beijing, to punish Hanoi for its occupation of Cambodia, launched a military action against the Vietnamese in the Sino-Vietnamese border area. The action became a major concern to many people in Congress. On February 26, the Senate opened floor debate on Woodcock's confirmation. In the three-hour debate, although no one in the Senate doubted Woodcock's qualifications to be ambassador, many Republicans favored postponing his confirmation because of their concern that Congress had not acted on the Taiwan legislation and that China had just engaged in a war against Vietnam.⁹⁶ Senators Charles Mathias (R-Md.) and S. I. Hayakawa (R-Calif.) said they

⁹⁴ *Ibid.*, p. 3167. Woodcock said, "I personally came to the conclusion that to insist on that would be to run into a roadblock, because it was in essence the negotiation of sovereignty"; "it was a question of trying to negotiate directly a guarantee of the nonuse of force by a sovereign government against what in the mind of that government was its own province." See *ibid.*

⁹⁵ *New York Times*, February 14, 1979.

⁹⁶ *Congressional Quarterly, Weekly Report* 37, 9 (March 3, 1979): 363.

voted against Woodcock solely because of the Chinese action in Vietnam, because they did not want to send out a wrong signal to that troubled region. "We should tell the Chinese clearly and forcefully that they cannot make war and expect our new relationship to prosper. The best way to get that message across at this point is to defer our consideration of the Woodcock nomination until a more propitious time."⁹⁷

Committee chairman Frank Church came to defend the administration's position. He stated his belief that the appointment of an ambassador did not mean that the United States approved Chinese action. "When the president...recognized the People's Republic of China...[he] did not create an alliance with China. Recognition of China did not officially approve of that government or its policies. All the president did was to say that...the time had finally come to set aside the illusion which had disguised American policy in Asia for 30 years; namely, that the government of China was situated on the island of Formosa." Majority Leader Robert Byrd supported Senator Church. He noted that delaying confirmation of Woodcock's ambassadorship "would give undue comfort to the Soviet Union. The Soviets know that normalization [by the United States] with the People's Republic is a reality, but I would imagine that they would not be at all unhappy to see an obstacle in the way of normalization."⁹⁸

The motion to decide whether the Senate should consider the nomination passed, 56 to 29; all 29 votes against taking up the nomination were cast by Republicans.⁹⁹ In the final vote, Woodcock's nomination was confirmed by a vote of 82 to 9. Again all the "no" votes were cast by Republicans. Some of the Senate's renowned conservatives, like Barry Goldwater and Paul Laxalt, voted for Woodcock, even though they had earlier voted against him on the procedural motion voting.

Woodcock finally arrived in Beijing on March 1, 1979. His counterpart, Chinese ambassador to the United States Chai Zemin, also presented his credentials to President Carter in a White House ceremony on the same day. Meanwhile, the administration's new policy toward China and Taiwan was also disturbed by

⁹⁷ *Congressional Record*, vol. 125, pt. 3 (February 15–March 6, 1979), p. 3161; see also *ibid.*

⁹⁸ *Congressional Record*, vol. 125, pt. 3 (1979), pp. 3164, 3169–71; see also *Congressional Quarterly, Weekly Report* 37, 9 (March 3, 1979): 389.

⁹⁹ *Congressional Quarterly, Weekly Report* 37, 9 (March 3, 1979): 389.

the AIT budget issue. Senator Ernest F. Hollings (D-S.C.), chairman of the Senate Appropriations Subcommittee, refused to transfer \$2 million of the State Department's fiscal 1979 budget for the American embassy in Taipei to the new AIT office. Hollings justified his refusal on the fact that although the AIT already had been incorporated under Washington, D.C., law, legislation authorizing it to act on behalf of the United States was still awaiting action in Congress. "We can't reprogram the money because there is no institute to transfer it to," Hollings said, and added that he would not allow the money to be reprogrammed until Congress had passed the enabling legislation.¹⁰⁰

The senator from South Carolina stood firm on his decision even when President Carter called him to the White House on February 27 and asked him to approve a transfer of the money. A basic reason for holding up the money, as Hollings explained, was his anger over the administration's treatment of Taiwan since the December announcement of the new China policy. "It appears to me that the State Department is moving swiftly to submerge Taiwan," he said, because "they don't have that much interest in Taiwan."¹⁰¹

¹⁰⁰ Ibid., p. 352.

¹⁰¹ Ibid.

The Passage of the Taiwan Relations Act

During a markup, committee members attempt to redraft portions of a bill, attempt to insert new provisions and to delete others, bargain over the language, and in general try to shape the final committee product. The Senate Foreign Relations Committee convened for the markup session on February 21, 1979. As usual, the problem was to keep the committee moving.

Senate Committee Markup

The PRC's military attack on Vietnam on February 17 had complicated the situation. Several senators, worried about a possible PRC action against Taiwan, persisted in their efforts to add specific language about U.S. obligations relating to Taiwan's security to the administration's proposed legislation. Senator Charles Percy (R-Ill.), for example, had not taken a strong stand on the Taiwan security issue during the early part of the hearings. However, on February 21, the first day of the markup session, he accused the Chinese of accelerating the process of normalizing relations with the United States prior to their invasion of Vietnam. He said, "Since our last meeting, in view of the events that have transpired, there is all the more reason for this Committee to write [a provision for Taiwan's security] into the statute and make it unmistakably clear how we stand on that particular issue."¹ The administration, in contrast, tried to play down the Chinese invasion of Vietnam. In a speech at Georgia Tech on February 20, President Carter described the Chinese action in Vietnam, saying, "Just in the last few weeks we have seen a Vietnamese invasion of Cambodia [and] as a result, a Chinese frontier penetration in Vietnam."² This statement, made in a prepared speech, not in the

¹ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, p. 705.

² *Weekly Compilation of Presidential Documents*, February 26, 1979, p. 303.

spontaneous question-and-answer session during the press conference, signified the administration's attempt to convince the public that the military conflict in that region was an unimportant conflict between Communists and did not jeopardize U.S. interests.

By the time of the committee markup, a temporary bipartisan compromise on the security language had been reached. During the Senate's mid-February recess, Warren Christopher had met privately with Senators Church and Javits and their staffs several times to discuss the Taiwan bill.³ After that Church and Javits drafted a compromise that quickly won support from a majority of the committee. The final Church-Javits compromise was proposed by Senators Church, Pell, Javits, Baker, and Glenn and was approved unanimously by the committee on February 22. Section 110 (a) stated,

It is the policy of the United States: (1) to maintain extensive, close and friendly relations with the people on Taiwan; (2) to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rested on the expectation that any resolution of the Taiwan issue will be by peaceful means; (3) to consider any efforts to resolve the Taiwan issue by other than peaceful means a threat to the peace and security of the Western Pacific area and of grave concern to the United States; and (4) to provide the people of Taiwan with arms of a defensive character.

Part (b) read,

In order to achieve the objectives of this section: (1) the United States will maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or social or economic system of the people of Taiwan; (2) the United States will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of arms of a defensive character; and (3) the president is directed to inform the Congress promptly of any threat to the security of Taiwan and any danger to the interests of the United States arising therefrom.⁴

Javits held that the amendment was "not a pledge to go to war" if Taiwan was attacked, but was "the equivalent" of and had "the same moral force" as the expiring Taiwan defense treaty.⁵ The committee adopted an additional change proposed by Senator

³ Interview with Barnds.

⁴ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, p. 772.

⁵ *Congressional Quarterly, Weekly Report* 37, 9 (March 3, 1979): 346.

John Glenn, which said, "The United States shall act in accordance with constitutional provisions established by law to meet any danger described under section 110(b)(3)." Glenn insisted that his measure had "nothing to do with the military action. We may do nothing more than discuss what we're going to do" if Taiwan was ever threatened.⁶

Senator Percy made the only challenge to the Church-Javits compromise in the committee markup sessions. He proposed to use the phrase "[a threat] to the security interests of the United States" in section 110(a)(3) instead of using the wording "of grave concern" contained in the Church-Javits resolution. Percy argued that there had been many situations in which the United States had expressed "grave concern," such as in Eastern Europe, Afghanistan, and the Middle East, but had done nothing militarily:

The term "of grave concern to the United States" does not adequately express what this Nation's policy would be and what the American people would feel should be our policy. It is not reassuring to the people of Taiwan, and is not reassuring to others who have security agreements with the United States, if we replace a security agreement, a treaty that we have with Taiwan, with this piece of legislation that simply says that we express "grave concern". We have to stand for something. We have to say to them "this is the line beyond which if you go we will act".⁷

Many committee members, however, opposed this amendment. Javits believed that tying Taiwan directly to U.S. security interests would be making too formal a commitment to defend Taiwan. "Once you deal with security or security interests, it is clearly implied that we must, as a national duty, undertake military action," said Javits. "I don't want to make it [Taiwan] such a hot spot that we're compelled to act by force." Chairman Church simply saw this amendment as unnecessary. "It adds nothing to the clarity, breadth or importance of the commitment we make" but "could hugely complicate the objective we seek to serve in recognizing the Peking Government."⁸ Percy's amendment was defeated ten to four in a roll call vote. Voting in favor of the amendment were Senators Percy, Stone, Helms, and Richard Lugar (R-Ind.).

⁶ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, p. 783.

⁷ *Ibid.*, pp. 775-785; quotation on p. 785.

⁸ *Ibid.*, pp. 784-785.

Administration officials opposed the wording on the arms sale provision, which stated that "the President and the Congress shall determine the nature and the quantity of... defense articles and services based solely upon their judgement of the needs of Taiwan." This language was added to ensure that arms sales to Taiwan would not be dictated by Beijing and to establish a new standard of consultation between the two branches. After his early attempts to have the language deleted were resisted, Lee Marks, a State Department attorney who was attending the markup session, suggested that an additional sentence—"in accordance with procedures established by law"—be inserted at the end of the sentence "as a technical change." The committee agreed. Later the administration took that additional sentence as a loophole for avoiding the joint consultation the legislators had intended. The State Department insisted in late 1979 that its only obligation was to notify Congress of its arms sales decisions as provided in the Arms Export Control Act.⁹

Concerning the issue of diplomatic privileges, committee members approved an amendment offered by Senator Stone, who threatened to delay the bill unless he was assured that Taiwan's representatives in the United States would have diplomatic privileges. Attorney Marks told Senator Stone that the administration planned to give the Taiwan representatives such rights as diplomatic pouches, exemption from customs, and personal tax exemptions on official income, but only partial immunity from criminal prosecution for actions taken while performing their functions. However, Stone's amendment required the president to "extend to the instrumentality established by the people on Taiwan and the appropriate members thereof [Taiwan representatives], privileges and immunities comparable to those provided to missions of foreign countries" in the United States. It also defined the administration's chosen term, "people on Taiwan," as including the "governing authorities on Taiwan, recognized by the United States prior to January 1, 1979, as the Republic of China; its agencies, instrumentalities, and political subdivisions; and the people governed by it in the islands of Taiwan and the Pescadores."¹⁰ Approval of the Stone amendment constituted a victory for pro-Taiwan interest groups.

⁹ See Bader and Bergner, eds., *Taiwan Relations Act*, p. 87.

¹⁰ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, pp. 766-767.

Other approved changes in the bill, many of which were suggested by business and banking lobbyists to protect U.S. business investments in Taiwan, were primarily technical. They provided that

- the fifty-nine treaties and agreements between the United States and Taiwan (except the defense treaty) would continue in effect (the administration's bill left unclear the status of such treaties and agreements);
- U.S. business investments in Taiwan would continue to be eligible for guarantees by the Overseas Private Investment Corporation (OPIC activities are curtailed by U.S. law in nations with per capita incomes over \$1,000, a level Taiwan would reach in 1979);
- property and assets acquired in the United States by Taiwan citizens and businesses between 1949 and 1978 had been legally acquired (the bill left open the legal status of the Taiwan embassy in Washington);
- the American Institute would be directed to "promote the human rights of all the people on Taiwan" (this was a compromise adopted instead of a Pell amendment calling for expanded U.S. ties with the native Taiwanese).

The committee bill was accepted by a vote of 13 to 0 and was reported favorably to the Senate on February 22, 1979.¹¹ Senator Church had achieved his goal of bipartisan cooperation, but the text of the bill was difficult for the administration to accept.

House Committee Markup

The literature of congressional studies reveals that the Senate and House approach foreign policy issues differently. Because the Senate has the constitutional responsibility of ratifying treaties and approving presidential nominations for executive positions, it has historically been more directly involved in foreign policy making than the lower chamber. The Senate has also developed a body of procedure, expertise, and information that allows it to have a stable relationship with the executive.¹² In contrast, the behavior

¹¹ The Senate bill (S.B. 245) was reported out of the Senate Committee on Foreign Relations on March 1, 1979, accompanied by Senate Report no. 96-7 (96th Cong., 1st sess., 1979), reprinted in *U.S. Code: Congress and Administration News* (Washington, D.C.: USGPO, 1980), vol. 36.

¹² Peterson, ed., *The President, the Congress, and the Making of Foreign Policy*.

of House members fluctuates more in response to changes in the international environment and public preferences. Because of the different electoral incentives (House members, being elected every two years, have the shortest time horizons), House members tend to view foreign policy issues through local lenses. Senators, who serve six-year terms, have farther horizons. The president, elected by national vote, has to be the most cosmopolitan because he is directly identified with broad swings in national interests.¹³

The different rules in the two chambers' decision-making process also determines that the behaviors of senators and House members differ. The most significant difference is the rule in the Senate that allows unlimited debate as long as 60 percent of its members agree, a requirement that makes it difficult for the majority party to rule without the cooperation of the minority. Coalition politics have thus become the institutional norm in the Senate. In contrast, the House of Representative still practices the principle of simple majority rule and thus is more partisan than the Senate. However, even when the legislative and executive branches were in the hands of the same party in 1979, House support for the president was not guaranteed. Because the U.S. electoral system favors those House members who act around the range of policy preferences around which most voters cluster, the House became an arena for an expression of public concerns about Taiwan's security and U.S. credibility in Asia in this period.

Clement Zablocki, chairman of the House Committee on Foreign Affairs, introduced the administration's Taiwan legislation in the House on January 29 as H.R. 1614. The Committee on Foreign Affairs began its hearings on the bill on February 5, with Secretary of State Cyrus Vance as its first witness and Deputy Secretary Warren Christopher testifying on February 7. On February 8, Congressman George Hansen (R-Ida.); Leonard Unger, former ambassador to Taiwan; David Kennedy, chairman of the USA-ROC Economic Council; and Ray Cline of Georgetown University testified before the full committee.¹⁴ Following the hearings of the full committee, the Subcommittee on Asian and Pacific Affairs, chaired by Lester Wolff, held its own public hearings on February 14 and 15; administration witnesses and

¹³ Cowhey, "Domestic Institutions and the Credibility of International Commitments," pp. 299-326.

¹⁴ House, Committee on Foreign Affairs, *Taiwan Relations Act: Additional Views*, p. 3.

concerned citizens testified. In addition, the full committee and the subcommittee received extensive materials in the course of the hearings.¹⁵

During the hearings, various shortcomings and deficiencies in the administration's bill were debated and alternative suggestions provided. Based on the views expressed during the hearings, on February 22 Chairman Zablocki circulated among committee members a new draft bill, which had been written by senior committee members and staff in consultation with State Department representatives. On February 27 the full committee spent a whole day in a markup session working on the new draft. Zablocki skillfully prevented serious challenges to the administration's bill and avoided major divisions within the committee. For example, whenever a committee member proposed an amendment to make the bill more detailed, Zablocki suggested that the specific proposals be included in the report accompanying the bill.¹⁶

Like its Senate counterpart, the House committee in its markup session on February 27 witnessed an attempt by conservatives to substantially strengthen the Taiwan security language in the administration bill. Representative Dan Quayle (R-Ind.), like Senator Percy in the Senate committee's markup, sponsored an amendment declaring that hostile action against Taiwan would constitute a threat to "the security interests of the United States." This would have replaced language that actions against Taiwan would be "of grave concern" to the United States.¹⁷ However, many committee members opposed the Quayle amendment. Subcommittee chairman Lester Wolff held that Quayle's amendment reminded him of the 1965 Tonkin Gulf resolution, which gave President Johnson a blank check to escalate the Vietnam War.¹⁸ Douglas J. Bennett Jr., who was present at the markup session for the

¹⁵ Richard Holbrooke; Michael Armacost, deputy assistant secretary of defense for East Asia, Pacific and Inter-American Affairs; Lee Mark, State Department deputy legal adviser; Harvey J. Feldman, State Department Taiwan coordinator; Jim Leach (R-Iowa); Peng Ming-min (Taiwanese-American Society); Winston Lord, Council on Foreign Relations; and Walter P. McConaughy, former ambassador to Taiwan, all appeared. House, Committee on Foreign Affairs, *Hearings on Taiwan Enabling Act*, pp. 2-4.

¹⁶ *Congressional Quarterly, Weekly Report* 37, 9 (March 3, 1979): 364.

¹⁷ Representative Quayle held, "To say this is a matter of grave concern is so ambiguous, it means so many things," and "Our reputation is at stake. We should make the language as clear as possible." See House, Committee on Foreign Affairs, *Hearings on Taiwan Enabling Act*, p. 31.

¹⁸ *Congressional Quarterly, Weekly Report* 37, 9 (March 3, 1979): 364.

administration, preferred the term "grave concern" and believed it a "very important compromise" between the administration and Congress. The Quayle amendment was thus rejected by a vote of 6 to 19 on a show of hands.

As for future U.S.-Taiwan relations, Representative Quayle suggested an amendment that would elevate the U.S. office in Taipei to a "U.S. Liaison Office," similar to the one the United States had had in Beijing from 1975 to March 1, 1979. Administration officials had repeatedly warned the House committee that the president would veto any attempt to change the nonofficial character of that relationship, and committee members apparently took that warning to heart. Before the vote, Wolff warned that acceptance of the Quayle amendment would be "destroying everything we have done up to now" in normalizing bilateral relations between the United States and the PRC, because "the PRC won't accept it and the President will veto it."¹⁹ The Quayle proposal was rejected by a vote of 12 to 5.

Administration representatives also strongly opposed the language in the House bill referring to the performance of "consular" duties by employees of the American Institute on Taiwan. Bennett believed that such language would put "an official stamp on their duties that we'd rather not have" and "would present some very, very serious problems."²⁰ Although the House committee went far beyond what its Senate counterpart had done on this issue, administration officials did not insist on having the language removed from the House bill but left the issues to be decided by a conference committee.

The House committee also spent some time discussing the issue of the ownership of the former Chinese (ROC) embassy in Washington, called Twin Oaks, which had been the embassy of the Chinese KMT government since before the Communist takeover of the mainland in 1949 and continued to serve as the KMT's embassy after 1949. On December 22, 1978, to prevent Beijing from acquiring the property, the Nationalist government in Taiwan sold the embassy and chancery (valued at more than \$3 million) for \$10 to the Friends of Free China, a private, Washington-based group. Co-chairmen of that group were Senator Barry Goldwater and Washington lawyer Thomas Corcoran. Ronald Reagan sat on the group's national advisory board.

¹⁹ Ibid.

²⁰ Ibid.

The State Department challenged Goldwater's view that the property transfer was valid. State's Marks insisted in the House committee that questions about ownership of the embassy should be settled in the courts, not by the Congress. However, "as a matter of equity," the government position was that the embassy belonged to mainland China. Although administration representatives indicated that the United States had "no agreement with the PRC" to turn the embassy over to Beijing, Marks believed that "the better claimant [to the property] is the government recognized by the United States as the government of China." Nevertheless, by a vote of 13 to 7 the committee accepted an amendment proposed by Representative Robert Lagomarsino (R-Calif.) stating that Taiwan's property holdings "shall not be affected in any way by United States recognition of the People's Republic of China."²¹ Enacted into law, this amendment would give the Taiwan government the legal right to keep the embassy.

On February 28, Zablocki introduced a clean bill reflecting the committee's markup action; it had twenty-eight cosponsors. This House bill (H.R. 2479), which declared that "any armed attack against Taiwan, or use of force, boycott, or embargo to prevent Taiwan from engaging in trade with other nations, would be a threat to the peace and stability of the Western Pacific area and of grave concern to the United States," was almost identical to the Senate Foreign Relations Committee bill (S.R. 245). The House committee's markup language also committed the United States to provide Taiwan with defense equipment and defense services for use against armed attack. The House bill went further than the Senate bill in recommending that, in the event of any threat to Taiwan's security, "the President shall promptly inform the Congress of any danger to the United States interest arising from any threat to the security of Taiwan" and that both the president and the Congress should jointly determine "appropriate action" for the U.S. response. Like the Senate committee, the House committee provided special privileges and immunities for Taiwan's representatives to the United States.²²

The House committee bill included three provisions that made the administration uncomfortable. First, the bill was labeled the "U.S.-Taiwan Relations Act," which looked too official to the

²¹ Ibid.

²² House, Committee on Foreign Affairs, *Taiwan Relations Act: Additional Views*, p. 3.

White House. Second, it gave the Taiwan authorities the legal right to keep Taiwan's embassy building and other holdings in the United States. Third, the bill referred to "consular duties" that were to be performed by the AIT. The administration believed that these provisions would complicate the nonofficial character of U.S.-Taiwan relations, thus endangering U.S. relations with Beijing.²³ Considering the strong discontent in the House with the administration's handling of the Taiwan issue, however, the administration's spokesmen followed an effective strategy of give-and-take and were relatively satisfied with the final committee version. Douglas J. Bennett called the committee bill "an excellent resolution of a difficult issue" and "an important achievement" by the committee. The House bill, H.R. 2479, was reported out of the House Foreign Affairs Committee on March 3, 1979, accompanied by House Report no. 96-6.

The Administration's Strategy and Efforts

The goal of the executive branch was clear: it did not want to have any formal security commitment to Taiwan, nor did it want to give future U.S.-Taiwan relations any official character. The administration's main strategy to rescue its Taiwan Enabling Bill was to stress the importance of the normalization of diplomatic relations with the PRC and to argue that nothing should be done to undermine that achievement. Since Congress and the administration disagreed mainly on the issue of Taiwan's future security, the best way for the Carter administration to win congressional support for its new policy was to convince the legislative branch that Taiwan's security was not a problem in the wake of the normalization of U.S.-PRC relations.

For this purpose, President Carter made a number of remarks emphasizing the concessions the administration had obtained from the PRC in exchange for its acceptance of three Chinese conditions for normalization, as well as his views on the security of Taiwan. First, he held that the Chinese agreed that the mutual defense treaty between Taiwan and the United States would be "terminated" according to its own terms, instead of being "abrogated," as the Chinese had originally demanded. Second, the Chinese had also agreed that the other fifty-nine U.S. agreements

²³ *Congressional Record* (1979), vol. 125, pt. 2, p. 435.

with the KMT regime would remain in force, even though the United States cut its diplomatic ties with the KMT regime in Taiwan. Third, the president stated that one of his administration's goals in the negotiation was to obtain China's public renunciation of the use of force in any attempt to reunify the island with the mainland. Although this was not achieved, Washington would make a unilateral statement that it expected any differences between Taiwan and China to be resolved peacefully, and the leaders in China would not contradict that statement.²⁴ Fourth, the United States had obtained an important concession from Beijing: the continuation of U.S. arms sales to Taiwan, which Carter believed would ensure Taiwan's security. Although Chinese Premier Hua Guofeng's statement following the joint communiqué did not endorse U.S. arms sales, President Carter and his advisers interpreted Hua's silence as China's acquiescence to the U.S. policy to sell weapons to Taiwan.

The most crucial question the president faced was how the United States would respond to a PRC attack on Taiwan. President Carter refused to speculate on the subject because he believed (1) that the PRC had insufficient military capability, especially amphibious capability, to attack Taiwan, and it had to cope with both the Soviet military pressure along its northern border and hostile Vietnamese troops along its southern border; an attack on Taiwan would leave the Chinese vulnerable to both the Soviets and the Vietnamese; (2) that Taiwan's defense had been greatly strengthened, and it would simply be too costly for the PRC to try to take over the island by force; (3) that the continued U.S. arms sales to Taiwan would ensure the continued superior quality of Taiwan's forces; and (4) that the people of China wanted peace and a good relationship with the United States. A PRC attack on Taiwan would reverse the political gains made in the West and jeopardize continued U.S. help for China's modernization. A violation of the "understanding" by the Chinese that the Taiwan issue should be settled peacefully "would be to wipe out all the benefits to them and to Asia of peace and their new relationship with us."²⁵

The administration's approach to Taiwan's security was, as one scholar argued, an "escalated response"; that is, if the PRC attacked Taiwan, the United States would escalate its response as

²⁴ See Carter, *Public Papers of the President*, 1979, 1:50, 53.

²⁵ *Ibid.*, 1978, 2:2275-76.

aggression against Taiwan escalated.²⁶ Therefore, the president did not believe it necessary to have a strictly defined policy at this stage.

In mid-January, facing increasing congressional determination to include strong language on the Taiwan security issue in the administration's proposed bill, the president began to warn Capitol Hill that he would veto any legislation presented by Congress that would contradict or violate the agreement he had concluded with the PRC.²⁷ The administration also continued to issue comments with strong objections concerning resolutions from both the Senate and House.²⁸

Meanwhile, President Carter made an unusual statement with respect to the defense of Taiwan at a press conference on February 9, 1979:

If a catastrophe should occur in China or any other country, and the existing government should be changed, then we'd have to reassess our relationships with them anew. But that's a constant responsibility that a President has. We have protected our ability to deal with the people of Taiwan in a continuing, constructive, supportive basis—trade, cultural affairs, and defense. There is nothing to prohibit a future President or a future Congress, if we feel that Taiwan is unnecessarily endangered, from interposing the American Pacific Fleet between the island and the Mainland. And there is certainly nothing to prevent a future President or Congress from even going to war, if they choose, to protect the people of Taiwan, or to protect any other people in the country [world] that we look on with favor. So we still have complete flexibility to deal with that kind of conjectural possibility if we choose.²⁹

This was the administration's strongest official statement made during this period regarding the security of Taiwan. Carter apparently hoped that this tough stand, together with his decision to suspend the withdrawal of U.S. troops from Korea pending further study, would be enough to dissuade Congress from attaching any unacceptable security amendment to the administration bill.

Another strategy of the administration was to downgrade the importance of Taiwan to U.S. strategic interests in that region.

²⁶ Kau, "Security of Taiwan," p. 127; see also Frost, "Taiwan's Security and United States Policy," pp. 6–7.

²⁷ *Weekly Compilation of Presidential Documents*, February 2, 1979, p. 182.

²⁸ Carter Presidential Library, archive no. Co. 34-2.

²⁹ Carter, *Public Papers*, 1979, 1:243, 248–249.

Deputy Defense Secretary Charles Duncan articulated the administration's new strategic view of Taiwan:

At present our principal security concerns in Northeast Asia are the gradual buildup of Soviet military power and the residual danger of conflict on the Korean peninsula. In Southeast Asia, we are concerned about developments in Indochina and Vietnam's close association with the USSR, which could lead to the establishment of bases there. U.S. forces on Taiwan would not be well positioned to counter these components of the Soviet threat in Asia. While U.S. bases on Taiwan could be useful for logistical support and refueling purposes, they are certainly not essential for the successful defense of South Korea.³⁰

Speaking at the Senate hearings, General David Jones, chairman of the JCS, also stated that, in the judgment of the JCS, Taiwan was strategically less important to the United States than South Korea, Japan, the Philippines, and Thailand were:

Taiwan is there by itself while the others are very much linked to broader interests. South Korea is linked to Japan. Thailand is linked to the whole area of Southeast Asia and the Philippines with the ASEAN nations....If we have conflict in South Korea, operations from Taiwan could be of marginal help in logistic support.³¹

General Jones downgraded the importance of Taiwan for deploying U.S. forces in the area, for gathering "technical intelligence," and for keeping shipping lanes safe.³² U.S. military leaders seemed to have returned to the position taken by their predecessors before the Korean War, when Okinawa was regarded as more important than Taiwan to the United States.³³

Gradually, however, in response to the strong sentiment on Capitol Hill over the Taiwan security issue, the administration changed its position relating to the security clause in the proposed Taiwan bill. On March 7, President Carter told Senator Church that he was prepared to accept the committee's language because it was drafted in such a way that it did not infringe upon any commitment he had made on behalf of the United States.³⁴ Yet the

³⁰ House, Committee on Foreign Affairs, *Hearings on Taiwan Enabling Act*, pp. 12-13; cited from Frost, "Taiwan's Security and United States Policy," pp. 6-7.

³¹ Senate, Committee on Foreign Relations, *Taiwan: Hearings*, p. 742. The rest of General Jones's testimony in this respect was deleted by the Senate.

³² *Ibid.*, pp. 742-744.

³³ *FRUS*, 1949, 9:263-265.

³⁴ *Congressional Record*, vol. 125, pt. 2 (1979), p. 4800.

president stuck to his position that he would not approve any legislation that violated the normalization agreements with China. As for bilateral relations with Beijing, President Carter decided that Treasury Secretary W. Michael Blumenthal should go ahead with his scheduled trip to Beijing despite the war that broke out on February 17 between China and Vietnam. Blumenthal visited China during the week of February 25 and represented the United States at March 1 ceremonies in Beijing. The highest U.S. official to visit China since the normalization agreement between the United States and the PRC, Blumenthal opened negotiations with the Chinese on some of the existing trade and economic issues and quickly reached an initial agreement on how to settle a thirty-year-old dispute involving Chinese assets frozen by the United States and the U.S. claims for reimbursement for American property seized by China following the Communist takeover of the mainland in 1949. Beijing agreed to pay the United States \$80.5 million in cash—a settlement of about 41 cents on the dollar—with an initial down payment of \$30 million on October 1 and the remainder in installments of \$10 million annually, to settle \$196 million in American claims. In return, the United States would release Chinese assets frozen at the beginning of the Korean War.

Senate Floor Action

The Senate as a whole took action on the Taiwan bill (S.R. 245) in the week of March 5, 1979. Although a committee's report is rarely rejected on the floor, administration officials had good reason to worry about potential damage to the bill from conservative members of the Senate. Although the administration won two victories relating to Taiwan by comfortable margins during the early stages of floor debate on the bill, when the debate shifted to security concerns on March 8, it quickly became clear that opponents of Carter's China policy had attracted substantial support from moderate Republicans and Democrats. Most of them wanted to strengthen support for Taiwan's future security; others felt that the issue provided an opportunity for Congress to try to halt what they saw as the deterioration of U.S. power around the world.³⁵ Finally, after nearly sixteen hours of floor debate, the Senate narrowly rejected efforts from conservatives to strengthen U.S. support for Taiwan's security and to restore the semiofficial

³⁵ *Ibid.*, pt. 4, pp. 4323–24.

relationship between the United States and Taiwan in the post-normalization era.

As expected, the debate on Taiwan's security boiled down to a question of how strong, and how formal, the U.S. commitment to defend Taiwan should be. Senator Charles Percy, again, offered an amendment eliminating the phrase "grave concern" in the bill reported by the committee and substituted language stating that an attack against Taiwan would be a threat to the "security interests" of the United States. Many senators thought it unnecessary to commit the United States to that degree, however, and also worried about disrupting the new relationship with China. Committee Chairman Church maintained that "the China we see today is not a China teetering on its coastline ready to leap on that island for the purpose of subjugating its people"; the Percy amendment, he continued, "brings us back very close to the phraseology" in the 1955 U.S.-Taiwan Mutual Defense Treaty. Accepting this amendment, Church warned, "would place in jeopardy the new relationship we seek with mainland China," and the president was "deeply disturbed that we not make this mistake."³⁶

Nonetheless, the first vote on a motion to table the Percy amendment, offered by Senate Majority Leader Byrd failed, 45 to 49 (yes, 1 Republican, 44 Democrats; no, 39 Republicans, 10 Democrats); four Republicans switched their votes at the last minute to keep the Percy amendment alive.³⁷ This result alarmed the administration and the Democratic leaders in Congress, who had expected to be able to kill the amendment with votes to spare.³⁸ Vice-president Walter F. Mondale and chief White House lobbyist Frank Moore were called in to lobby hesitant members, while Senator Church made an impassioned plea for the Senate to reconsider its action. Noting that President Carter was beginning peace talks in the Middle East that day, Church reminded his colleagues that "a vote of this kind while the President is in Cairo will send a very unfortunate message."³⁹ On the other side, Senator Barry Goldwater strongly supported the Percy amendment and urged senators not to worry about how the Chinese would view it. "I

³⁶ *Ibid.*, pp. 4318–25. "The words 'grave concern' do not convey to the People's Republic of China the seriousness of our concern" (p. 4319).

³⁷ *Ibid.*, p. 4321.

³⁸ *Congressional Quarterly, Weekly Report* 37, 11 (March 17, 1979): 436.

³⁹ *Congressional Record*, vol. 125, pt. 4 (1979), p. 4322.

don't give a damn if we make them mad. I'd like to make them real mad," he said. "We ought to give the world an indication we're not going to sit here and back away from everything that's done to us." Despite such opposition, however, the administration's lobbying efforts appeared to have some effect. The Percy amendment was rejected 50 to 42 in the final vote. Seven senators—5 Republicans and 2 Democrats—who had opposed the tabling motion changed their positions and voted against the amendment.⁴⁰

Another effort that nearly jeopardized the normalization agreement was made by Senator Gordon Humphrey, who submitted an amendment during the debate designed to elevate the U.S. presence in Taiwan to the status of a "liaison office." Regarding the proposed institute as a "charade," Humphrey held that a higher-level liaison office was needed in Taipei for "simple fairness" to Taiwan. Opponents maintained that the Humphrey amendment would violate the agreement President Carter had reached with the PRC. "I think every senator who wants to vote for this had better understand this calls off the deal," said Senator Javits. "So if you want to normalize relations with the People's Republic of China, you cannot vote for this amendment." Humphrey's amendment was tabled by a vote of 57 to 38, with all but 8 of the votes against tabling cast by Republicans. Soon after that Senator Humphrey offered an amendment requiring that U.S. recognition of the PRC be "contingent upon the President of the United States securing written assurance from the PRC that the People's Republic of China will not undertake military operation against the people of Taiwan." It was tabled by a vote of 74 to 21.⁴¹

On a 33 to 62 vote, the Senate rejected an amendment offered by Senator Dole that called for referring to "Taiwan" rather than to "the people on Taiwan" throughout the bill. Opponents of the amendment argued that it would come too close to creating official relations between the United States and Taiwan. Dole offered another amendment that would have required Senate confirmation of the director of the new AIT that would replace the U.S. embassy in Taiwan. He argued that the director had to be confirmed by the Senate because he or she would perform the same functions as an ambassador.⁴² Many senators disagreed with

⁴⁰ *Ibid.*, pp. 4333–34, 4339.

⁴¹ *Ibid.*, pp. 4105–6, 4112–13, 4114, 4829.

⁴² *Ibid.*, pp. 4104, 4821.

Dole and feared that Senate confirmation would make the institute director a government official and would disrupt "the delicate set of relationships this legislation is intended to promote." Dole's amendment was tabled and rejected on a 54 to 38 vote.⁴³

As Senate conservatives persisted in proposing amendments to every section of the bill, the Taiwan bill began to resemble the traditional congressional "Christmas tree." Most of the controversial issues had been settled during the first two days, leaving secondary amendments and one sentimental issue (saving the Twin Oaks Taiwan embassy) for the final two days, March 12 and 13. Conservatives managed to strengthen several technical provisions benefiting Taiwan, and all but six of them ended up voting for the bill. The amendments approved by voice votes included the following:

- One submitted by Ernest F. Hollings to establish a joint Commission on Security and Cooperation in East Asia, to be composed of twelve members of Congress. The commission would monitor operations of the new institute and U.S. policies toward Taiwan in general. Half its members would be appointed by the Senate, half by the House.
- Another submitted by Hollings stating that future U.S.-Taiwan relations would not be the basis for expelling or excluding Taiwan from membership in international organizations.
- One submitted by James A. McClure (R-Ida.) to specify that Taiwan would continue to be eligible to obtain nuclear fuel from the United States.
- One submitted by Dole requiring the president to make an annual report to Congress on arms sales and transfers to Taiwan.

Also, despite opposition from the administration and a compromise proposal by Chairman Church, the Senate voted for an amendment sponsored by David Boren (D-Okla.) to ensure that all property held by the "Republic of China" before January 1, 1979, including the embassy building, would continue to belong to that government.⁴⁴ Senator Church warned that "sentimental

⁴³ See the statement of Senator Joseph R. Biden, *ibid.*, pp. 4822–23; for the vote, *ibid.*, p. 4849.

⁴⁴ Boren argued that this would be "small compensation for a long and trusted ally. In light of the backhanded treatment received by our friend and ally on Taiwan, there is no justification for adding summary eviction to the list"; *ibid.*, pp. 4599–4604. Rumors that Taiwan would be forced to withdraw some \$6 billion from U.S. banks were also said to have exerted pressures that helped pass this pro-

reasons" were influencing those senators who wanted to save Twin Oaks for Taiwan. "This is the first time in my experience in this body that the Senate has ever undertaken to determine the ownership of real property. I rather doubt that we have the authority to do that. I am positive that we lack the competence to do it."⁴⁵

Recognizing that legislation on the embassy issue could have a negative effect on U.S. claims to 180 buildings on fifty-one tracts of land in mainland China that had been seized in 1949, Senators Church, Javits, and Kennedy offered a substitute amendment stating that the embassy ownership be settled by the courts.⁴⁶ That amendment was tabled on a 49 to 36 vote.⁴⁷ Several moderate and liberal Democrats joined conservatives to kill the substitute. The Boren amendment was then adopted by voice vote. The Senate finally completed action after four days of debate, and on March 13, the bill (S.R. 245) was passed by a vote of 90 to 6.⁴⁸

House Floor Action

The congressional reform of the 1970s removed many restrictions on the ability of House representatives to offer amendments to bills on the House floor and provided more time for debate, thereby making it easier for those offering amendments to win adherents to their cause.⁴⁹ Because many House members used the amendment process to score political points with interests groups and constituents back home, many amendments to the Taiwan legislation were offered on the floor of the House. In the two days of debate (March 8 and March 13) on the House bill (H.R. 2479), the focus, like that in the Senate, centered on how strong the security clause should be in the final bill and what kind of "unofficial" relationship should exist between the United States and Taiwan.

House conservatives had tried to enhance the official nature of the future U.S.-Taiwan relationship. The amendments introduced on the House floor during debate on U.S. representation included

vision to protect the KMT's assets in the United States from confiscation by the PRC. See Tucker, *Taiwan, Hong Kong, and the United States*, p. 135.

⁴⁵ *Congressional Record*, vol. 125, pt. 4 (1979), pp. 4609–10.

⁴⁶ *Congressional Quarterly, Weekly Report* 37, 9 (March 3, 1979): 436.

⁴⁷ See *Congressional Record*, 1979, vol. 125, pt. 4, p. 4611.

⁴⁸ *Ibid.*, p. 4850.

⁴⁹ Meernik, "Presidential Support in Congress," pp. 569–587; also Smith, *Call to Order*.

an amendment by Dan Quayle that would have substituted an official U.S. liaison office for the "nongovernmental" institute as the channel for U.S. dealings with Taiwan; an amendment by John Ashbrook (R-Ohio) that AIT employees be put on the U.S. government payroll; an amendment by Gerald Solomon (R-N.Y.) that consular relations be established between Washington and Taipei; an amendment by William E. Dannemeyer (R-Calif.) that relations with Taiwan be conducted through a "quasi-government" agency called "the U.S. Commission in Taiwan"; and an amendment by George Hansen deleting the requirement that the U.S. agency in Taiwan be nongovernmental.⁵⁰

The Quayle amendment would have given future U.S.-Taiwan relations an official character. Although the administration maintained that relations with Taiwan had to be entirely unofficial, Quayle argued that if President Carter told Chinese Vice-premier Deng Xiaoping "that it is the will of Congress to have at least a liaison office [in Taiwan], it just may be a reality."⁵¹ The Quayle amendment was narrowly killed by a vote of 172 to 181 on March 8, and all other amendments on these issues were soundly defeated.⁵²

In the House debate on the Taiwan security issue, conservatives tried to strengthen the U.S. security commitment to the island, while liberals tried to prevent them from going too far. Representative Ken Kramer (R-Colo.) submitted an amendment that revitalized Article V of the defense treaty, declaring that an armed attack against Taiwan "would be dangerous to U.S. peace and security." But many representatives argued that such an amendment would "scuttle the entire policy of normalization" with Beijing. The House rejected the Kramer amendment by a vote of 149 to 221.⁵³

⁵⁰ *Congressional Quarterly, Weekly Report* 37, 11 (March 17, 1979): 437; see also *Congressional Record*, 1979, vol. 125, pt. 4, pp. 4519-20, 4486, 4758, 4766, 4499.

⁵¹ *Congressional Record*, vol. 125, pt. 4, pp. 4520-21; see also *Congressional Quarterly, Weekly Report* 37, 10 (March 10, 1979): 431.

⁵² For the Quayle amendment, see *Congressional Record*, vol. 125, pt. 4, p. 4527. Others *ibid.*, pp. 4515-28. Solomon's amendment, which suggested the establishment of consular relations between the United States and Taiwan, was rejected by a vote of 179 to 225 on March 13, 1979. Dannemeyer's amendment, which required that "the dealing of the United States government with Taiwan shall be conducted" through a quasi-government entity to be designated "The United States Commission in Taiwan," was defeated by a vote of 182 to 221. See *ibid.*, pp. 4766-70.

⁵³ *Ibid.*, p. 4513; see the statement of Stephen Solarz in *ibid.*, p. 4515; for the vote, see *ibid.*, p. 4516. Representative Lagomarsino introduced an amendment requiring the president to consider withdrawing recognition from Beijing in the event

The House accepted two amendments to ensure that Taiwan would be able to get supplies of modern military equipment from the United States, although each amendment was modified so that Taiwan would not be given primacy over all other allies. Representative Kramer offered an amendment that would have guaranteed Taiwan access to U.S. weapons "incorporating the highest available technology."⁵⁴ When several representatives protested that no other U.S. ally had such a guarantee of unrestricted access to the most advanced U.S. weapons,⁵⁵ Richard C. White (D-Tex.) offered a substitute amendment requiring the United States to provide Taiwan with modern military equipment and services. The White amendment was adopted by voice vote.

The House rejected an amendment offered by Edward J. Derwinski (R-Ill.) that would have required that U.S. decisions to sell sophisticated weapons to Taiwan be based on an estimation of Taiwan's defense needs by the military authorities on Taiwan. After many representatives argued that the Derwinski language would exempt Taiwan from the normal U.S. arms sales review process, Paul Findley proposed a substitute; it guaranteed that Congress would receive the U.S. military assessment of Taiwan's defense needs but did not exempt proposed arms sales from the normal review process.⁵⁶ The Findley amendment, which also required that U.S. decisions on weapons sales to Taiwan not take into account any objections raised by Beijing, was accepted by a voice vote.

The question of the two tiny islands of Quemoy and Matsu surfaced during the House floor debate. An amendment offered by Mickey Edwards (R-Okla.) expressed concern for the security of the two islands. But the liberals pointed out that even the expiring U.S.-Taiwan Mutual Defense Treaty excluded Quemoy and Matsu. "We should not be expanding the U.S. security commitment beyond what was in the treaty," Zablocki said. Finally, Edwards's amendment was rejected, 146 to 25.⁵⁷

The House adopted three additional amendments:⁵⁸

of a threat to the security of Taiwan. This amendment was also rejected, by a vote of 169 to 197; see *ibid.*, pp. 4516-17.

⁵⁴ *Congressional Quarterly, Weekly Report* 37, 10 (March 10, 1979): 404.

⁵⁵ See the statements of Representatives Ike Skelton (D-Mo.) and Lester Wolf in *Congressional Record*, 1979, vol. 125, pt. 4, pp. 4508-9.

⁵⁶ *Ibid.*, pp. 4510-13.

⁵⁷ *Ibid.*, pp. 4755-57.

⁵⁸ *Congressional Quarterly, Weekly Report* 37, 12 (March 19, 1979): 431.

- One offered by Quayle, stating that the United States would remain capable of resisting any coercion that would jeopardize the security of Taiwan, was accepted by a voice vote.
- Another, proposed by Robert Lagomarsino, stated that the president must inform Congress of any threats to peace in the Western Pacific or to U.S. interests because of threats to Taiwan. It, too, was passed by a voice vote.
- An amendment proposed by Stevens D. Symms (R-Ida.) required the administration to allow Taiwan to maintain fourteen of its consular offices in the United States. The State Department had originally planned to permit only eight offices. The amendment was passed by voice vote.

The House bill (H.R. 2475) was passed by a vote of 345 to 55 on March 13, 1979. Voting in favor of the bill were 241 Democrats and 104 Republicans.

Conference Report and the Taiwan Relations Act

The House and Senate bills were passed on March 13 and 14, 1979, respectively. Before major legislation could be sent to the president to be signed, however, it had to pass both houses in identical form. Because the House and Senate versions of the Taiwan bills differed on some critical points, the two versions had to be reconciled by mutual agreement. To do that, a House-Senate conference committee was formed. A markup session was held and the final version was completed on March 20, 1979.⁵⁹

The conference committee helped the administration regain some ground that it had lost in each chamber during the early period, deleting or softening many provisions in the bills passed by the House and Senate that the administration opposed for fear of damaging the new relationship with the PRC. If the administration's goal in the Taiwan legislation was to have no formal security commitments to Taiwan and no "official" relationship between Taiwan and the United States, then, generally speaking, it succeeded in both.⁶⁰ Regarding U.S. security interests in Taiwan,

⁵⁹ The managers and conferees from the House were Representatives Zablocki, Fascell (D-Fla.), Wolff, Mica, Hall, Broomfield (R-Mich.), Derwinski, and Findley. The Senate managers and conferees were Senators Church, Pell, Glenn, Biden, Stone, Javits, Percy, and Helms. For the final version, see House Conference Report, no. 96-71, 96th Cong., 1st sess., issued on March 24, 1979.

⁶⁰ *Congressional Quarterly, Weekly Report* 37, 13 (March 24, 1979): 543.

both the House and Senate bills had included language expressing strong concern for Taiwan's future security but pledging not to take any direct action other than the continued sale of defensive weapons. The security clause in the final version incorporated a combination of the Church-Javits amendment and House Foreign Affairs Committee markup language. It set forth the following six-point statement of U.S. policy:

- (1) to preserve and promote extensive, close and friendly commercial, cultural and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other people of the Western Pacific area;
- (2) to declare that peace and stability in the area are in the political, security and economic interests of the United States, and are matters of international concern;
- (3) to make clear that the United States' decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;
- (4) to consider any effort to determine the future of Taiwan by other than peaceful means, including boycotts or embargoes, as a threat to the peace and security of the Western Pacific area and of grave concern to the United States;
- (5) to provide Taiwan with arms of a defensive character; and
- (6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.⁶¹

Although the clause defined American economic, political, and strategic interests in Taiwan, contained more explicit language on U.S. concern for Taiwan's security, and linked the United States more closely to ensuring Taiwan's security than the original bill submitted by the administration, it left undefined how the United States should respond in any future situation involving a threat from or invasion by the PRC.

The conferees modified the final version to align it with the administration's position that the United States would conduct its relations with Taiwan on a strictly nongovernmental basis. Several changes had been made in this respect: the House bill, titled the United States-Taiwan Relations Act, proclaimed that it was "an Act to help maintain peace, security, and stability in the Western Pacific and to promote continued extensive, close, and friendly relations between the people of the United States and the people on Taiwan." The Senate's read, "an Act to promote the

⁶¹ House Conference Report, no. 96-71, 96th Cong., 1st sess., 1979, pp. 12-14.

foreign policy of the United States by authorizing the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis, and for other purposes." Taking into account the administration's opposition, the conference committee titled the act the Taiwan Relations Act and proclaimed that it was "an Act to help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan, and for other purposes."⁶²

The administration had opposed a reference in the House bill to the performance of "consular" duties by employees of the new unofficial agency. The conferees referred to those duties "as if" they were consular functions. The House bill did not specify which private agency was to conduct future relations with Taiwan. Instead, it referred to a "designated entity." As a compromise, the conferees referred to the AIT "or such comparable successor" agency designated by the president.⁶³ Also, a provision in the House bill would have prohibited use of any federal funds for the institute without express authorization and appropriation by Congress. The administration strongly opposed this provision and held that it would hamper the institute and make it impossible for government agencies to contract with the institute without prior approval of Congress. The provision was eliminated.⁶⁴ Under the Senate bill, the United States was to conduct unofficial relations with "the people on Taiwan"; the House bill simply referred to Taiwan. The administration preferred the Senate version, which the conferees adopted, because it sounded less official.⁶⁵

There were other key provisions in the final act:

- It required that the president promptly inform Congress of "any threat to the security of the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom." The executive and legislative branches "shall determine, in accordance with constitutional processes, appropriate action by the United States in response to such danger."

⁶² *Ibid.*, pp. 11–13.

⁶³ *Congressional Quarterly, Weekly Report* 37, 13 (March 24, 1979): 543.

⁶⁴ Wolff and Simon, eds., *Legislative History of the Taiwan Relations Act*, pp. 9–16.

⁶⁵ *Ibid.*, pp. 9–10.

- It authorized the United States to conduct its future relations with Taiwan through the private, nonprofit corporation, the American Institute on Taiwan.
- It stated that the absence of diplomatic relations shall not affect the application of U.S. law with respect to Taiwan, and recognized, for purposes of U.S. law, the validity of Taiwan domestic law and of contracts entered into under Taiwan law.
- It stated that the establishment of diplomatic relations with the PRC would not affect the ownership of property acquired by the Taiwan government before December 31, 1978, including the KMT government's embassy building.
- It exempted Taiwan for three years from restrictions on guarantees, insurance, and loans by OPIC.
- It authorized the president to grant Taiwan's representatives in the United States those diplomatic privileges and immunities "as may be necessary to the effective performance of their functions," provided that employees of the AIT were granted comparable privileges.
- It defined "Taiwan" to include the island of Taiwan and the Pescadores, "the people on those islands, corporations and other entities and associations created or organized under the laws applied on those islands, and governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979."

The fact that the conference committee helped the executive branch regain some ground indicated that the policy-making system was constrained by its international environment. Most of the conferees had helped make foreign policy for a long time and were thus aware of the ways in which the international system was constraining choice. Some scholars discovered that these committee members were less likely to be influenced by domestic pressures than were those who engaged in foreign policy issues less frequently.⁶⁶

An overwhelming majority of Congress considered the bill as adequate to provide the relationship with Taiwan that they wanted without undermining the U.S. relationship with the PRC. Although important changes had been made in the administration's proposed bill, the final form of the conference report was, in general, acceptable to the Carter administration. Douglas J. Bennett reacted positively to the final conference report,

⁶⁶ Peterson, ed., *The President, the Congress, and the Making of Foreign Policy*, p. 21.

viewing it as "generally supportive of the administration's policy."⁶⁷ On March 20, 1979, President Carter wrote to Senator Church and Representative Zablocki expressing his thanks for a "good bill."⁶⁸ The conference report on the bill (H. Report no. 96-71) was adopted by the House on March 28, 1979, by a vote of 339 to 50 and by the Senate on March 29 by a vote of 85 to 4. The final version of the legislation (H.R. 2479) was sent to the White House on March 29, 1979, for the president's signature.

Between March 29 and April 5 the enrolled bill was shuffled among different departments and offices within the executive branch for comments and opinions. By April 5 the bill had been formally and informally approved by all departments. In a letter expressing its view, the State Department acknowledged that some policy statements in the enrolled bill "could arguably be read as contravening our acknowledgement of the Chinese position that Taiwan is a part of China" and stated that "the interpretation given by the President in signing that it does not do this and is consistent with the legislative history should carry great weight."⁶⁹ According to Harvey Feldman, President Carter was at first troubled by several of the provisions being added to the final bill. Some senior administration figures advised him to veto it. But "given the enormous majorities by which the TRA passed both House (339-50) and Senate (85-4), a veto would have meant a very risky (and probably losing) battle for the Administration, and would have jeopardized weighty commercial interests."⁷⁰

James M. Frey, the assistant director of the Office of Management and Budget for Legislative Reference, concluded in his memorandum to the president that

while not entirely in the form you proposed, the enrolled bill will enable us to resume with the people on Taiwan, through unofficial means and to the degree consistent with normalization of our relations with the PRC, those programs and activities which were suspended on January 1, 1979. While the PRC may perceive

⁶⁷ In explaining the final bill on March 29, Senator Church held that the changes made by Congress were "a vast improvement over the legislation initially proposed by the administration," for they "clarified many uncertainties and ambiguities concerning trade, legal and economic issues." See *Congressional Quarterly, Weekly Report* 37, 15 (April 7, 1979): 651-52.

⁶⁸ Carter Presidential Library, archive no. Co. 34-3.

⁶⁹ See "Memorandum for the President," April 5, 1979, p. 3, Carter Presidential Library, *ibid.*

⁷⁰ Feldman, "Political and Diplomatic Relations," p. 18.

certain of the features above as inhibiting the normalization process, we join State in believing that the risk of such misunderstanding would be substantially reduced if you issue a signing statement (1) emphasizing the unofficial character of the relationship with Taiwan authorized by the enrolled bill and (2) expressing your intention to implement this legislation in a manner fully consistent with our normalization of relations with the PRC.⁷¹

The bill was signed into law by President Carter and became effective on April 10, 1979, as Public Law 96-8, the Taiwan Relations Act.

The Reaction of the PRC to the Taiwan Relations Act

The PRC was unhappy with the final form of the Taiwan legislation. At the beginning of March 1979, Chinese officials quietly objected to certain provisions of the proposed legislation.⁷² Chinese ambassador Chai Zemin expressed "grave concern" to Secretary of State Vance over the Taiwan security language.⁷³ The belated and quiet Chinese protests seemed to reflect the PRC's ignorance of the American political system. Leaders in Beijing did not understand the power of Congress. For instance, no Beijing diplomats attended the Senate hearings. They first appeared during the Senate markup sessions. As Senator Church commented, "The Chinese Ambassador wants to talk to me. It comes as a surprise to him that he has several governments to contend with here in Washington, not just the President and the administration but the Congress too."⁷⁴

The first serious formal protest from the Chinese government came on March 16, when Beijing officially deemed the Taiwan security provisions of the legislation "unacceptable."⁷⁵ On March 16, 1979, Chinese foreign minister Huang Hua summoned U.S. ambassador Leonard Woodcock in Beijing and seriously disapproved the TRA, charging that it was another mutual defense treaty disguised as domestic law and was an attempt to upgrade

⁷¹ "Memorandum for the President from Assistant Director for Legislative Reference," in Carter Presidential Library, archive no. Co. 34-3.

⁷² No details of these objections were released. See memorandum from Michel Oksenberg to Zbigniew Brzezinski, dated March 6, 1979, Carter Presidential Library, archive materials, MC 3 Fo FG 35 Co. 34-1 PR 7-1.

⁷³ Kaiser, "House and Senate Adopt Taiwan Bills."

⁷⁴ Lanouette, "A New Kind of Bipartisanship," p. 527.

⁷⁵ *Beijing Review* 22, 13 (March 20, 1979): 8.

the official status of Taiwan in its future relations with the United States:

On a number of points the bills due to be adopted by both houses of Congress contravene the principles agreed to by the two sides and the undertaking of the U.S. side at the time of the establishment of diplomatic relations; they constitute, in essence, an attempt to maintain to a certain extent the U.S.-China "Joint Defense Treaty," continue to intervene in China's internal affairs and give official status to future U.S.-Taiwan relations. This is of course unacceptable to the Chinese Government. If the bills are passed as they are worded now, and are signed into law, great harm will be done to the new relationship that has just been established between China and the United States.⁷⁶

The Chinese foreign minister also urged the Carter administration to "exercise its influence and powers to ensure that nothing in the legislative readjustment of U.S.-Taiwan relations will contravene" the provision of the Joint Communiqué of December 15, 1978.⁷⁷ The Chinese leaders did not seem to realize how belated their response was and that President Carter did not have the power to change the act even if he wanted to.

The Carter administration believed that China's dissatisfaction with the bill would not seriously undermine U.S.-China relations; after all, the administration was giving both private and public assurances that the TRA would be interpreted in a way consistent with the U.S.-PRC normalization agreements.⁷⁸ When asked whether China's negative reaction would damage bilateral relations, Ambassador Woodcock said that there was "no evidence that Peking's dissatisfaction had interfered with talks now being held on several issues, including financial claims, limits on Chinese textile imports and a trade pact."⁷⁹ Although the Chinese protests in mid-March did not alarm Congress in general, they did exert a certain pressure on the Senate-House conference committee, which convened March 19-20. Although the security clause remained intact, the conference committee did, as noted earlier, eliminate and soften many provisions in the bill passed by the House and Senate that were opposed by the White House and were regarded as irritating to the Chinese. The conference committee also gave up the original Senate provision for establishing a

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Hsiao, "Renewed Crisis," pp. 84-85.

⁷⁹ *New York Times*, April 20, 1979.

joint congressional committee (similar to the one set up to supervise the Helsinki Agreement) to oversee the operation of the AIT. The conference version gave oversight authority to House and Senate foreign policy committees and other "appropriate" committees.

China's possible reaction to the TRA made the president believe that he needed to make his position clear in public. When signing the TRA into law on April 10, 1979, President Carter stated,

The act is consistent with the understandings we reached in normalizing relations with the Government of the People's Republic of China. It reflects our recognition of that Government as the sole legal government of China. . . . In a number of sections of this legislation the Congress has wisely granted discretion to the President. In all instances, I will exercise that discretion *in a manner consistent with our interest in the well-being of the people on Taiwan and with the understandings we reached on the normalization of relations with the People's Republic of China as expressed in our Joint Communiqué of January 1, 1979.*⁸⁰

After Carter signed the bill, Deng Xiaoping registered his strong dissatisfaction when he talked to a visiting delegation from the U.S. Senate Committee on Foreign Relations, headed by Senator Frank Church. Deng alerted Washington that the passage of the TRA had come close to "nullifying" the normalization of relations and promised to watch carefully American actions relating to Taiwan. Deng added that the United States should not worry too much about a Chinese attack on Taiwan because Beijing would have neither the will nor the military capability to attack before 1985. During his Washington trip, he reiterated his earlier promise to President Carter and the Congress that China would not use force against Taiwan unless Taiwan authorities indefinitely ignored Beijing's proposal to negotiate for peaceful reunification or decided to play the Soviet card. He believed that the TRA and its arms sales provision would make Taiwan more stubborn in its rejection of Beijing's negotiation initiatives.⁸¹

Although the Chinese government issued another formal protest to Washington on April 28, 1979, emphasizing its unyielding objection to the U.S. "two Chinas" policy,⁸² it seemed that PRC

⁸⁰ See "Statement of the President on Public Law 96-8 (H.R. 2479)," from Office of the White House Press Secretary, April 10, 1979; emphasis added.

⁸¹ *New York Times*, April 20, 1979.

⁸² *People's Daily*, April 16, 1979.

leaders had decided not to make the TRA a major issue, and thus their reaction was in general muted. Deng Xiaoping had good reasons to want to improve the U.S.-China relationship. With the outbreak of the Sino-Vietnamese border war, China had to be concerned about threats from both the north and the south. Domestically, Deng was using U.S. ties to strengthen his own power and to push his open door policy and programs of economic reform.

In January 1980, when the United States resumed arms sales to Taiwan, the only comment from the Chinese press was, "It is recalled that the Chinese Government had stated its opposition to the position of the U.S. Government to continue to sell weapons to Taiwan."⁸³ Beijing officials still held high hopes for the development of relations on the basis of the Carter administration's assurances that the United States was "totally committed to the agreement on the establishment of diplomatic relations with China."⁸⁴ It has to be remembered, however, that at this point Beijing was not satisfied with the TRA and had not surrendered to it. Deng was simply biding his time.

Taiwan's Response to the Taiwan Relations Act

Taiwan's response to the TRA was mixed. On the one hand, ROC leaders were outraged with the Carter administration's decision to switch U.S. diplomatic recognition from Taipei to Beijing and deeply concerned about the implications of the termination of the U.S.-Taiwan defense treaty on the island's physical security. Yet they had few means of changing the situation. Despite the feeling of betrayal and pain, the Taiwan government hoped that it could continue some sort of official relations with the United States and maintain U.S. support for Taiwan's security. In early 1979 Taiwan pressed hard for having "qualities of officiality" in future U.S.-Taiwan relations, but the high-handed policy of the State Department toward Taipei made the KMT leaders drop their insistence. To a certain extent, the TRA passed by the legislative branch made the best of a bad situation. It reassured Taiwan that the United States would not stand by idly in the face of an attack by the PRC and that the economic relations between the United States and Taiwan would continue. For all practical purposes, the

⁸³ Foreign Broadcast Information Service (FBIS), *Daily Report—China*, January 7, 1980.

⁸⁴ *Beijing Review* 22, 24 (May 5, 1979): 27–28.

TRA provided Taiwan with de facto diplomatic relations with the United States and recognized, in a substantial manner, the sovereignty of the government in Taiwan. Taiwan leaders clearly understood, however, that the implementation of the TRA rested on the good faith of the U.S. executive branch.

After the passage of the TRA, the first task of the government of Taiwan was to develop, organize, and staff the "unofficial instrumentalities" designated by the TRA to handle Taiwan-U.S. relations. The name of the future Taiwan's new instrumentality became an issue. After being informed that the new U.S. instrumentality was to be called the American Institute in Taiwan (AIT), the ROC government insisted on having its equivalent named the ROC Institute in America. The administration rejected the idea of having any office with *China*, *Chinese*, *Republic of China*, *ROC*, or even *Taiwan* in the name. Officials in the State Department feared that the use of the term *Taiwan* might imply U.S. acceptance of a "one China, one Taiwan" position. Frustrated, Taiwan's negotiators informally asked their American counterparts what name would be acceptable. Harvey Feldman suggested that the Taiwan government consider using the name Institute or Council for North American Affairs inasmuch as the division in the ROC Ministry of Foreign Affairs responsible for relations with the United States was called the North American Affairs Bureau. Feldman's suggestion was accepted, and Taiwan's instrumentality was named the Coordination Council for North American Affairs (CCNAA).⁸⁵

The AIT, as a nonprofit institution, registered its headquarters in Washington, D.C., with field offices in Taipei and Kaohsiung. With its head (director) appointed by the secretary of state, the AIT took policy directions from the State Department's Bureau of East Asian and Pacific Affairs. It was funded by the State Department budget and staffed by officials from the Foreign Service, Defense, and Commerce Departments and other governmental agencies. The AIT did just about everything the U.S. embassy in Taipei had done in the past except the consular functions of shipping and seaman service.

The offices of the CCNAA in the United States operated in a similar way, but with some differences. The CCNAA's relationship with its Ministry of Foreign Affairs was closer and more open than State's with the AIT. Unlike the AIT, the CCNAA could

⁸⁵ Feldman, "New Kind of Relationship," p. 33.

issue visas and perform consular service in its own name. The head of the CCNAA, or the chief representative (not ambassador), had more frequent contacts with U.S. government officials in Washington, D.C., than his American counterpart in the AIT in Taipei had with ROC officials. The working procedures, set by the State Department after the passage of the TRA, required that all interactions between the two governments go through the AIT. ROC representatives were not allowed to call on U.S. officials in their offices, and all meetings between the CCNAA and U.S. government officials had to take place at AIT offices or in neutral territory, such as in restaurants. This working pattern, however, proved difficult for AIT officials in terms of handling the rapidly increasing activities between the two countries: the AIT's budget would not allow its officials to eat so many meals in restaurants. Eventually, CCNAA officials were allowed to call on their U.S. government counterparts in their offices except the State Department and the Executive Office of the President.⁸⁶

Despite this relaxation, the administration still prohibited ROC military officers above the rank of major from receiving professional training in the United States. The U.S. Air Force planes that took congressional delegations to Taipei flew immediately to Okinawa or Hong Kong for an overnight stay so the visit would not be defined as an official contact with Taiwan.⁸⁷ In October 1980, despite Beijing's strong protest, Washington endorsed the agreement signed by the AIT and the CCNAA granting diplomatic privileges and immunities to each other's personnel. As Harvey Feldman observed, "The instrumentalities created by the two sides operate as embassies and consulates in everything but name; they even negotiate agreements on behalf of their governments. The Act and the relationship it created are wholly without precedent in international relations."⁸⁸

The new mechanism created by the TRA worked remarkably well because both sides wanted it to: there was much at stake. Taiwan had been a long-standing friend of the United States, and the large and growing U.S. economic interests there made it imperative that relations with Taiwan not fail.

⁸⁶ *Ibid.*, pp. 36–37.

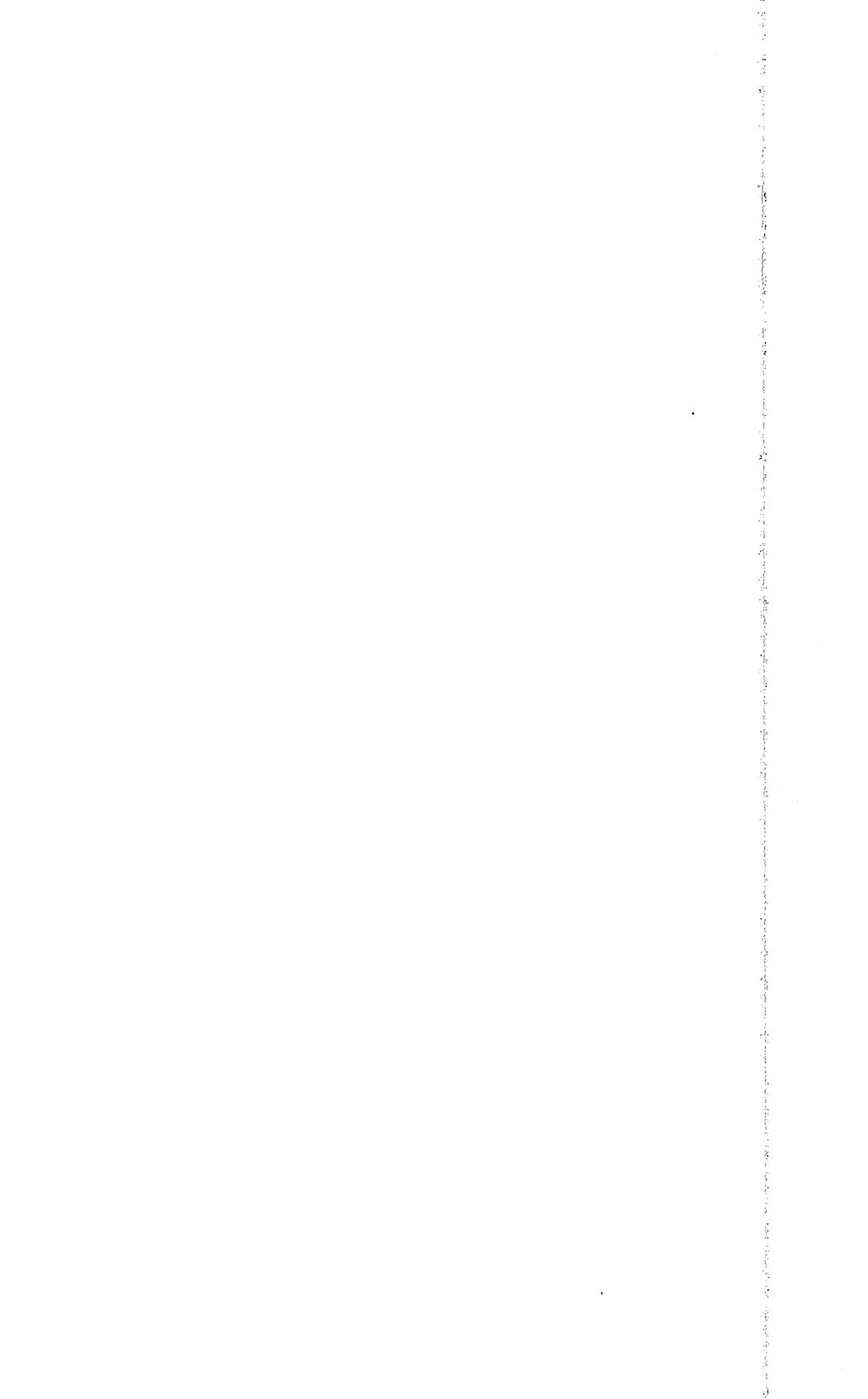
⁸⁷ Chou, "The Republic of China and the Taiwan Relations Act," p. 148.

⁸⁸ Feldman, "New Kind of Relationship," p. 33.

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PART III

Institutional Analysis



Normalization and the TRA in Perspective

The Taiwan Relations Act enacted by the legislative branch differed considerably from the bill initially proposed by the executive branch in late January 1979. The administration's bill was very technical and dealt only with the administrative matters of how to handle the unofficial relationship with Taiwan through the AIT. In the final version of the Taiwan legislation, however, Congress explicitly spelled out America's strong political, security, and economic interests in Taiwan and set a comprehensive legal framework designed to protect these interests in future U.S.-Taiwan relations.

An Analysis of the Taiwan Relations Act

In general, the concerns of the legislative branch in passing the TRA focused on two major aspects: First, the United States could not be assured of Taiwan's future security once it cut off official ties with Taiwan. Congress was particularly worried that the termination of the U.S.-Taiwan Mutual Defense Treaty might encourage a PRC attack on Taiwan and might also be misinterpreted in Asia and elsewhere as part of a continued U.S. withdrawal from its commitments in East Asia. Second, without official U.S.-Taiwan ties, the United States was unsure how to maintain its economic and other relations with the island. In broad terms, Congress thought that the administration's bill paid too little attention to U.S. security interests in Taiwan; inadequately handled future U.S.-Taiwan economic, cultural, and other interests; and overlooked several important legal questions regarding relations with Taiwan.¹

¹ House, Committee on Foreign Affairs, *Hearings on Taiwan Enabling Act*, p. 4.

Security Section

The TRA clearly departed from the administration's proposed bill in its security section, which committed the U.S. to support the security of the people on Taiwan. In section 2 of the act, Congress added a six-point policy declaration² that posed the question of how to view a policy statement in a piece of legislation. Does it have any binding force? Those who favor congressional involvement in foreign policy making might answer affirmatively; those who endorse a strong executive branch in foreign affairs might answer negatively. Also, should the policy stated in a piece of legislation be regarded as a statement of facts or as a prescription for administrative action? Even some working in the legislative branch hold that the use of the verb *is* in the TRA—"it *is* the policy of the United States"—indicates that what follows has no binding force.³

Most critics of the administration's draft bill recognized this section of the congressional proposal as the heart of the legislation and a key departure from the administration's wishes. They saw it as a definite commitment of the United States to support Taiwan's security. As one scholar specializing on Congress observed, "This language (section 2 of the Act) may be taken as an even broader commitment than the one made in the Mutual Defense Treaty of 1954" because it could imply that the United States is committed to the existing social and economic system on Taiwan, even through and beyond any process of reunification.⁴ However, one could argue that this six-point policy statement was not in conflict with the position of the executive branch. The Carter administration had long made it clear to Beijing that the U.S. expected the Taiwan issue to be resolved by peaceful means and that it would continue the sales of arms to Taiwan after U.S.-PRC normalization. Subsections 3, 4, and 5 of the TRA simply reaffirm the administration's two conditions and make them explicit. Subsection 6, however, goes beyond the administration's position, yet this commitment of support is expressed in terms of capabilities only, not intentions.⁵

Because many people in the legislative branch were concerned that the Carter administration might stop arms sales to Taiwan at

² See appendix E.

³ Bush, "Helping the ROC to Defend Itself," p. 84.

⁴ Pious, "Taiwan Relations Act," pp. 160-161.

⁵ Bush, "Helping the ROC to Defend Itself," pp. 83-84.

its discretion, in section 3 of the implementation provision the act makes it a law of the land that the United States "will make available to Taiwan such defense articles and defense services as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." Obviously, it is often difficult to distinguish between defensive and offensive weapons. If Taiwan were attacked by the PRC's People's Liberation Army (PLA), for example, the most effective defense would probably be a KMT offensive attack on the mainland PLA air and navy bases. Regarding precisely what the United States should provide Taiwan, the TRA states that the president and the Congress have the right to determine the nature and quality of the weapons necessary to Taiwan, without considering the PRC's wishes.

Subsection (c) of section 3 directs the president "to inform the Congress promptly of any threat to the security or social or economic system of the people on Taiwan, and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger." As the Senate report on the bill points out, the language in the final version of the TRA makes it very similar to the mutual defense treaty with Taiwan:

No mutual security to which the United States currently is a party authorizes the President to introduce the armed forces into hostilities or requires the United States to do so, automatically, if another party to any such treaty is attacked. Each of the treaties provides that it will be carried out by the United States in accordance with its "constitutional processes" or contains other language to make clear that the United States' commitment is a qualified one—that the distribution of power within the United States Government is precisely what it would be in the absence of the treaty, and that the United States reserves the right to determine for itself what military action, if any, is appropriate. Thus, an "absolute" security guarantee for Taiwan would go further than any current mutual defense treaty to which the United States is a party.⁶

The House report shares the same view:

If, nonetheless, an armed attack or use of force were to occur, the legislation makes clear that there should be a prompt response by the United States. What would be appropriate action, including

⁶ See Wolff and Simon, eds., "Conference Report," in *Legislative History*, p. 141.

possible use of force in Taiwan's defense, would be depend on the specific circumstances.⁷

In comparison, the U.S.-Taiwan Mutual Defense Treaty of 1954 declared in its Article V that "each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional process."⁸ Few security treaties between the United States and foreign states promise more than that. Only the security treaty between the United States and its NATO allies contains an automatic engagement clause applicable in the event of enemy attack on any of the signatories.

A major difference between the TRA and the mutual defense treaty is that the terminated defense treaty required each party to act together against common danger, while the TRA promises U.S. unilateral action in the defense of Taiwan. Also, there is no time limit on the security provision in the TRA. The legislative text does not limit the length of U.S. arms sales to Taiwan nor the duration of the U.S. obligation to respond to any resort to force or coercion against Taiwan. In other words, the TRA provides an indefinite U.S. commitment to support Taiwan's security and economic progress as long as any need exists.⁹ One could therefore easily argue that the U.S.-Taiwan Mutual Defense Treaty has been wrapped in an entirely new domestic legal mask, although this time the United States enjoys more flexibility in determining appropriate responses. According to many people, the TRA is functionally parallel to a defense treaty and the equivalent in domestic law of an international security arrangement.

The security section of the TRA could, however, be interpreted differently. Richard Bush, a staff consultant for the House Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, sees the ambiguity in this section. He argues that "in U.S. legislative practice, the Congress requires an action by the executive branch through the use of the word *shall*. To say that 'the United States will make available to Taiwan such defense articles and defense services' represents less a mandate for action than a statement of intention."¹⁰

⁷ Ibid., pp. 142-143.

⁸ See U.S.-Taiwan Mutual Defense Treaty in appendix G.

⁹ Emerson, "The Taiwan Relations Act," pp. 56-57.

¹⁰ Bush, "Helping the ROC to Defend Itself," p. 84.

One thing seems clear: after heated debate and consideration of many different proposals in both houses, Congress decided to add language to the Taiwan legislation to more clearly demonstrate the U.S. commitment to support the security of Taiwan. Although the act did not directly state that any attack would be perceived as a threat to U.S. interests, as some congressmen suggested, it did maintain and somewhat strengthen U.S. security relations with Taiwan.

At the same time, the TRA does not include any direct national commitment to use force to defend Taiwan. It does not provide "specific statutory authorization" for the use of armed forces to defend Taiwan within the meaning of section 2 (c) or section 8 (a) of the War Powers Act. Section 8 (d) (1), which many regard as a "loophole" in the War Powers Act, states that nothing is intended to change "provisions of existing treaties"; this phrase may be interpreted by presidents to mean that the executive branch may use U.S. armed forces to implement security provisions in treaties without further congressional action. But because the TRA is a domestic law, the president cannot use that provision of the War Powers Act to justify any use of force to defend Taiwan.¹¹

Commercial Interests and Legal Issues

Under normal circumstances, withdrawal of recognition would cause serious legal problems for all private relationships between citizens of the United States and the de-recognized state inasmuch as all treaties and agreements would lapse once a state ceased to exist in U.S. eyes. The problem for Congress, then, was how to maintain normal relations with Taiwan under the new situation.

Many members of the legislative branch regarded the administration's bill as inadequate regarding the complicated economic and legal issues in U.S.-Taiwan relations after normalization with the PRC. During the hearings, and after soliciting the opinions of many business leaders and legal experts, Congress adopted several changes in the final version of the legislation that enabled the United States to have legal relations but not formal diplomatic relations with Taiwan.¹² Section 4 of the act, for example, approves the continuation in force of all treaties and other international agreements, including multinational conventions,

¹¹ Pious, "Taiwan Relations Act," p. 163.

¹² Sutter, "The TRA and the United States' China Policy," pp. 58-59.

entered into by the United States and the Republic of China before January 1, 1979, "unless and until terminated in accordance with law." It treats Taiwan as a sovereign state. It affirms that Taiwan can sue and be sued in U.S. courts and treats Taiwan as a separate state under terms of the Immigration and Nationality Act. Congress also asked the president to allow the instrumentality established by Taiwan to maintain the same numbers of offices in the United States as the Taiwan government had had and authorized the president to grant privileges and immunities to Taiwan personnel in the United States equivalent to those granted AIT personnel in Taiwan. Senator Humphrey commented that the AIT and its counterpart would be "a government agency in everything but name."¹³

Congress added provisions that permitted OPIC to continue to provide insurance, reinsurance, loans, or guarantees to American investors in Taiwan even though Taiwan's per capita GNP had surpassed the \$1,000 per capita income restriction imposed by OPIC at that time. Congress also added specific language that allowed the United States to continue to transfer nuclear power supplies and technology to Taiwan. It also specified that nothing in the act, nor the facts of the administration's extending diplomatic recognition to the PRC, could be construed as supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organizations. To make it more clear, the legislation defines "Taiwan" in section 15 as "the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and the successor governing authorities."¹⁴ Thus Taiwan was granted full international entity. Congress went even further, adding a provision in the legislation to protect Taiwan's properties and assets in the United States.

Congressional Oversight

Concerned with the Carter administration's lack of consultation on the normalization issue and with the termination of the mutual defense treaty, Congress wrote into the legislation a provision (section 14) that gives it a distinct oversight role with regard to

¹³ *Congressional Record*, March 1979, p. S2139.

¹⁴ Part 2 of section 15 reads, "The term Taiwan includes, as the context may require, the islands of Taiwan and the Pescadores [and] the people on those islands"; see appendix E.

the implementation of the TRA, the operation of the AIT, and the general conduct of relations with Taiwan. Not only does the legislation require the president to promptly inform Congress of any threat to Taiwan, but it also establishes reporting procedures. Section 12 of the act requires that the executive branch transmit every agreement made by the AIT for congressional approval and that the secretary of state send Congress a report "describing and reviewing economic relations between the United States and Taiwan" every six months for two years after the effective date of the act. As Senator John Glenn commented,

The combined requirements constituted one of the most sweeping oversight provisions ever adopted by the Congress. Appropriated committees in the House and Senate were instructed to focus not just narrowly on the implementation of the Act itself. Although this was to be a major area of attention, they were also asked to monitor U.S. foreign and security policies in East Asia for any potential impact these might have on Taiwan.¹⁵

In section 3 (b), which states that "the president and the Congress shall determine the nature and quality of such defense articles and services based solely upon their judgement of the needs of Taiwan, in accordance with procedures established by law," the legislative branch sets for itself a large role in decision making about arms sales. Congressman Robert Lagomarsino told administration officials at a House Foreign Affairs Committee hearing on November 8, 1979, that "this body and specifically this committee takes a direct interest in the nature and quality of arms sold to Taiwan and intend to be a full partner in any decision made on this matter."¹⁶

The wording "in accordance with the procedures established by law," however, suggests a certain ambiguity. Richard Bush discovered that no efforts were made to establish such procedures in the matter of arms transfer to Taiwan, and a General Accounting Office report on the TRA concluded that the legislation "as written does not give the Congress a voice in determining Taiwan's defensive arms needs earlier in the decision making process."¹⁷ Congress also failed to clarify what the phrase "necessary to enable Taiwan to maintain a sufficient self-defense capability"

¹⁵ John Glenn, "Commentary," in Bader and Bergner, eds., *Taiwan Relations Act*.

¹⁶ House, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, *Implementation . . . : Issues and Concerns*, p. 51.

¹⁷ Bush, "Helping the ROC to Defend Itself," p. 86.

meant and failed to define how the Congress was to be a decision-making partner with the executive branch. President Carter believed that the ambiguity in the legislation authorized him to do what he deemed appropriate in U.S.-Taiwan relations.

Despite this ambiguity, the TRA of 1979 was more comprehensive and outspoken than the administration's proposed bill in dealing with U.S. security and economic interests in Taiwan and provided U.S.-Taiwan relations with an adequate legal framework. It was unique legislation, in which a government, although not formally recognized, would continue to be treated as a "friendly government" for all purposes of domestic law. It made clear that the United States regarded Taiwan as a *de facto* entity with international personality and recognized that a government existed in Taiwan, but chose not to conduct formal diplomatic relations with that government. The TRA treated Taiwan as a sovereign nation-state and put U.S.-Taiwan nation-to-nation relations back on track. Although the TRA was in many respects based on legislation proposed by the executive branch, members of Congress, with multiple motives, registered their dissatisfaction during the debate on the Taiwan bill and substantially changed the legislation. In this way, the TRA was a creation of the Congress. As Senator Frank Church commented, the final legislation was "a vast improvement over the legislation initially presented by the administration. The measure as it now stands clarifies many uncertainties and ambiguities concerning trade, legal, and economic issues."¹⁸

Under pressure from the administration, Congress did not violate President Carter's guidelines that relations with Taiwan be unofficial and that the United States not have a formal security commitment to the island. Although the TRA dealt with U.S. policy relating to Taiwan's security much more explicitly than did the bill proposed by the administration, certain flexibilities are evident. Besides the aforementioned ambiguity, the TRA is a U.S. law, not an international treaty, and so does not legally compel the United States to defend Taiwan militarily. Although Congress agreed that Taiwan be allowed to have access to U.S. defense weapons and gained the oversight role in this matter, it could not initiate arms sales. Congress can, by concurrent resolution, veto arms sales to foreign countries, but it cannot execute sales. The power to initiate policies in this respect is in the executive branch.¹⁹ The ambiguity, although providing a flexible and

¹⁸ *Congressional Record*, Senate, vol. 125, pt. 4 (March 29, 1979), p. S3639.

¹⁹ Frost, *Taiwan's Security*, p. 37.

efficient system to cope with unforeseeable problems in U.S.-Taiwan relations, left room for future interbranch conflict.

In the enactment of the Taiwan Relations Act, the role of Congress was essentially one of repairing and legitimizing the executive branch's initiative regarding U.S. policy toward China and Taiwan. The role of the legislative branch was basically reactive and "remedial," but Congress played a crucial role in the policy-making process, modifying the nature of U.S.-Taiwan relations in the postnormalization era. Although the TRA was not a treaty, it did write into domestic law certain requirements for U.S. foreign policy that Beijing believed were in conflict with the normalization agreements reached during the secret negotiations in late 1978, thus creating an issue that has complicated U.S.-China relations ever since.

Conflicting Interests, Contradictory Results

At the beginning of this study, the following questions were raised: Why did the Carter administration decide in 1978 to normalize relations with the PRC as of January 1, 1979? What were the major factors, both international and domestic, that made the Carter administration conclude that it could accept the PRC's three basic demands for normalization if Beijing offered certain concessions relating to Taiwan's future security? Why did the administration not consult with Congress during the normalization negotiations? Finally, why was the Taiwan Relations Act passed, in the form that it was, within four months? The answers lie in the (conflicting) U.S. interests at that time, as perceived by American leaders, to have diplomatic relations with the PRC while at the same time ensuring Taiwan's security.

In reference to the behavior of states, the classic rational or strategic-geopolitical approach tells us that the behavior of a state reflects a purpose or intention, that an action is chosen as a calculated solution to a strategic problem, and that national interest defined in terms of power is the primary motivating factor for the interaction of states. Previous examination in earlier chapters indicates that the existence of conflicting interests in U.S. policy toward China in the late 1970s was the fundamental reason that led initially to the agreements that normalized U.S.-PRC diplomatic relations and subsequently led to the passage of the TRA. Conflicting American interests in U.S. China policy in this period emerged when the U.S. strategic interest in achieving a counterbalance to the Soviet Union required that the United States seek to

normalize relations with the PRC. At the same time, long-standing U.S. interests in Taiwan limited the willingness and ability of the United States to alter its ties with Taiwan.

Although deciding on the best timing and the terms for normalization was a difficult task for the Carter administration, normalization did not have to be achieved immediately.²⁰ When George Bush, former envoy to Beijing, visited China in 1977, Deng Xiaoping told him, "If you need time on the Taiwan problem, you have it."²¹ Thus, President Carter was allowed enough time to consider how to maximize the U.S. bargaining position in the normalization negotiations.

American national interests affecting U.S. policy toward China and Taiwan in this period could thus be defined as follows: The fundamental long-term importance of achieving a lasting relationship with the PRC required, in the Carter administration's view, that Washington normalize relations with Beijing as soon as possible. This was true both from the broad strategic and geopolitical viewpoints and in the specific sense that China could be used as leverage against the Soviet Union. In other words, a lasting relationship with Beijing was seen as essential for achieving the avowed U.S. goal in Asia of a stable equilibrium among all powers. Without normalization there was a risk of future deterioration of Sino-American relations and of a possible Sino-Soviet rapprochement which, if it occurred, would damage U.S. interests. In any event, the United States could not count on an indefinite continuation of relations with Beijing as it had from 1972 to 1978.

At the same time, U.S. interests required that the United States maintain some sort of relationship with Taiwan. In theory, Washington's best option was to have official relations with Taiwan and to maintain the mutual defense treaty signed in 1954. However, Beijing had stood very firm in its opposition to any "two Chinas," "one China, one Taiwan," or "independent Taiwan" stance. Beijing had consistently stressed that it would only accept a U.S.-Taiwan relationship comparable to the Japanese model, which would allow only unofficial commercial, cultural, and other relations between the United States and Taiwan.

By 1978, therefore, it was clear that American interests were in conflict. These conflicting U.S. objectives created a dilemma for

²⁰ Jaw-ling Joanne Chang, *United States-China Normalization*, p. 134.

²¹ *Christian Science Monitor*, November 2, 1977.

American policy makers. They had to decide on their priorities and make difficult choices and compromises. The question was which aspects of U.S. interests could be compromised, and which could not. It was impossible for Washington to have formal diplomatic relations with both Beijing and Taipei: the United States had to choose.

Faced with conflicting objectives, policy makers from different power positions often have different views and preferences. In the period 1977–1978 President Carter and his aides judged that the formal relationship with Taiwan had to be sacrificed to the larger geopolitical importance of closer links to the PRC. As Robert Putnam observes, the politics of international negotiation can be conceived as a two-level game with national leaders simultaneously confronting their foreign counterparts at an international table and facing their constituencies and domestic groups at a national table. A national leader has to make a package that will be acceptable both to foreign counterparts and to the domestic audience. “Any key player at the international table who is dissatisfied with the outcome may upset the game board and conversely, any leader who fails to satisfy his fellow players at the domestic table risks being evicted from his seat.”²²

To make his China initiative acceptable to his domestic audience, President Carter agreed that U.S. interests in Taiwan’s future security could not be sacrificed. The historical ties that had linked Taiwan closely to U.S. domestic politics, the moral concerns, and the problem of credibility could not be jeopardized when Washington shifted its recognition from Taipei to Beijing. The key policy question focused, therefore, on how to ensure Taiwan’s security after normalizing relations with Beijing. It would have been simple if the United States could have obtained a PRC pledge not to use force against Taiwan or could have established a quasi-governmental relationship with Taiwan that would have allowed the United States to continue its formal security commitment to the island. But after twenty years of fruitless U.S. efforts to obtain a no-force pledge from the PRC and after serious efforts to get the PRC to agree that the United States could, after recognizing Beijing, maintain some sort of official relations with Taiwan, U.S. leaders realized that they had to look for other ways to protect their interests and Taiwan’s security.

²² Putnam, “Diplomacy and Domestic Politics,” pp. 430–432.

President Carter finally judged that the security of Taiwan could be maintained if the United States could continue arms sales to Taiwan. This sale of arms would make clear to the Beijing leadership that the United States still had security interests in Taiwan; it would enhance Taiwan's ability to defend itself against possible PRC attack by making such an attack too costly to be undertaken. It seemed likely that PRC leaders might at least tacitly acquiesce to U.S. arms sales to Taiwan if the United States strictly adhered to Beijing's three basic demands for normalization.

The executive branch under Jimmy Carter was not a neat and coherent pyramid with a president sitting at the top. Bureaucratic friction and policy differences within the administration (which will be discussed in next chapter) precluded such unity. However, major policy makers in the administration agreed that it would be advantageous for the United States to negotiate a compromise on Taiwan and normalize relations with Beijing before a Sino-Soviet rapprochement might occur. If the PRC decided to seek a *détente* with the Soviet Union, or even if Sino-Soviet tensions simply eased, the United States might be less valued as a counterweight to the USSR, and there would be less reason for Beijing to make concessions on the issue of Taiwan. Washington would then have fewer bargaining chips. Also, the administration believed that the United States was in a better bargaining position in regard to the Taiwan issue with the current pragmatic leadership in power in Beijing; furthermore, speeding the pace of normalization probably would help the moderate leaders solidify their positions in Beijing.

Because normalization of U.S.-PRC relations would have to involve concessions from Washington on U.S.-Taiwan relations, the United States would be in a better position to normalize relations with Beijing when Taiwan was politically, militarily, and economically strong and stable and therefore could withstand the shock of U.S. de-recognition. As long as Taiwan was stable and strong, the PRC would be less likely to consider an attack on the island. Considering continued U.S. arms sales to Taiwan, the barrier posed by the Taiwan Strait, Taiwan's own substantial military capability, and the PRC's lack of any amphibious forces of consequence, Carter and his advisers believed the likelihood of a military attack on Taiwan by the PRC to be extremely slight and likely to remain so as long as the United States and Japan maintained good relations with Beijing. In a word, the administration

believed that normalization should occur in the context of a situation in which there was a low risk to Taiwan and could occur under terms at least tolerable to both Beijing and Washington. From the point of view of the Carter administration, the final agreement with Beijing represented the best achievable arrangement in terms of U.S. interests.

The timing of the announcement of the normalization agreements was based on these considerations and on international trends and events such as the changing U.S.-Soviet relations, the SALT II negotiations, the Camp David accord on the Middle East, the signing of the Soviet-Vietnam alliance treaty, the conclusion of the Panama Canal treaties, and U.S. and PRC domestic trends and events, including changes of leadership, the strength of pro-Taiwan forces in the U.S. domestic political scene, and the start of the modernization program in Beijing. All these factors constituted the international sources of the Carter administration's decision to normalize relations with the PRC at the time it did and on the terms it did.

President Carter knew that his approach to the problem of protecting Taiwan's security, though feasible in his view, might be unacceptable to many leaders in Congress. Moreover, if his approach was leaked to Congress, the so-called China lobby and conservative members of Congress would use their power to block his initiative toward the PRC and kill the entire normalization agreement before it was completed.²³ According to Michel Oksenberg, the reasons for the secrecy were several:

- (1) It was by no means certain the negotiations would prove successful. The Chinese position on continued U.S. arms sales to Taiwan was unknown, and the normalization could not occur unless the Administration was confident that arms sales could continue.
- (2) Had the negotiations been conducted in the glare of publicity and had the two sides been unable to bridge their differences, the fragile relationship could have been entirely disrupted, rather than maintained at the levels President Nixon and [President] Ford had established.
- (3) Secrecy also permitted both sides to control the pace of the negotiations.
- (4) Secrecy deprived the Chinese Nationalists on Taiwan and their allies of the opportunity to disrupt the normalization process. It enabled the

²³ President Carter wrote on June 20, 1978: "Devise special procedure; leak can kill the whole effort. We should limit the dispatches and the negotiating information strictly—maybe just to the PDB group"; see Brzezinski, *Power and Principle*, p. 224.

President to extract the best agreement he thought possible and then to present it to the Congress and the American public in its entirety. Otherwise, he risked having his opponents attack the weak parts of the agreement before he could present its strengths. Secrecy guaranteed the President the initiative.²⁴

The president announced the normalization agreements in mid-December 1978, when Congress was in recess. By this timing, he hoped to prevent an immediate and strong congressional backlash, including the possibility of a harsh resolution or amendments expressing disapproval. Also, the subsequent month could be used to pressure the Taiwan regime to accede to the *fait accompli*, thereby reducing the enthusiasm of Congress for a reversal of the new policy.²⁵

Although few members of Congress opposed the normalization of relations with Beijing, an overwhelming majority of them were dissatisfied with President Carter's handling of the Taiwan problem and believed that special congressional efforts were needed to change several parts of the proposed Taiwan legislation. Many members of Congress also criticized the administration's secrecy in coming to an agreement with Beijing, especially because only a few months earlier Congress had passed an amendment to the International Security Assistance Act of 1978 expressing its sense that the president should consult with Congress before he made any policy changes concerning the defense treaty with Taiwan.²⁶

A complex process of governmental action and reaction then started in response to the administration's initiative. It involved both conflict and accommodation between, and sometimes within, the executive branch and the legislative branch. Ultimately, the executive and legislative branches reached a compromise. The result was the TRA, passed by Congress soon after the agreement to normalize relations with the PRC. In the TRA the two branches succeeded in meshing their different interests and policy concerns into a relatively coherent policy. The congressional intent was clear: although the United States had changed the form of its relations with Taiwan, the substance of that relationship had to be maintained.

²⁴ Oksenberg, "Congress, Executive-Legislative Relations, and American China Policy," p. 215.

²⁵ Before the Senate markup session, the KMT regime agreed on February 13 to accept the administration-proposed American Institute in Taiwan as the vehicle for continued relations.

²⁶ Sutter, *China Quandary*, pp. 75-77, 89-109.

The Relationship between the Normalization Agreement and the TRA

Careful examination of the normalization agreement, the enabling bill proposed by the executive branch, and the final TRA reveals their major differences. The diverse nature of U.S. interests and the interaction of different institutional interests and viewpoints in the policy process resulted in documents that are both contradictory and complementary.

One contradiction concerned a fundamental position: should the United States have a "one China" policy or a "two Chinas" (one China, one Taiwan) policy? The normalization agreement demonstrated the Carter administration's willingness to accept Taiwan's eventual reunification with the mainland; Washington's only concern was that reunification be peaceful. The TRA took a different position: it gave Taiwan the right to decide its future. Because Taiwan preferred to remain apart for the time being, the TRA supported de facto separation. Unification was to be resolved in the future. It might take a long time; it might never happen. The two positions manifested in the two documents were confusing but provided one advantage: policy makers could select whichever position suited their needs at a given moment.²⁷

Many people, including some in the PRC and some in Taiwan, regard the passage of the TRA as a reversal of the U.S. policy that was embodied in the normalization agreement and argue about which of the two should legally prevail. Although sharp differences do exist between the normalization agreement and the TRA on the essential issue of Taiwan's security, Washington did not view the TRA as contradictory to the agreements on normalization but as an effort to minimize the contradictions among competing U.S. domestic forces and institutions. Congress accepted Carter's decisions on concessions to Beijing regarding Taiwan but insisted on passing an act that stressed aspects of U.S. interests, especially security interests, relating to Taiwan that the presidential agreement, for complex reasons, had to leave vague or undefined. The TRA dealt specifically with those points on which the president and the Chinese, in the normalization negotiations, had "agreed to disagree" or to lay aside to be dealt with in the future (e.g., the arms sales issue and the question of China's possible use of force against Taiwan).

²⁷ Copper, *China Diplomacy*, p. 135.

If we regard U.S. interests as including interest in good relations with the PRC and with protecting U.S. interests in Taiwan, the TRA represented an attempt by Congress to put a brake on the pro-Beijing tilt and move back to the middle. It can be argued that the congressional act was formulated generally within the framework of the normalization agreement: it did not change the unofficial nature of U.S.-Taiwan relations, and it only defined U.S. security interests in broader and more explicit terms. In rewriting the president's draft act, Congress wanted (1) to make sure that U.S. sales of defensive weapons to Taiwan would continue; (2) to make it clear that the United States had security interests in Taiwan and insisted that the Taiwan issue be solved peacefully; (3) to demonstrate to the Chinese leaders that U.S. concern about Taiwan's security and prosperity was genuine; and (4) to show the Chinese leaders that the legislative branch of the U.S. government was involved in the policy-making process.

It can be argued, therefore, that from the American viewpoint, the normalization agreements and the TRA are not contradictory but complementary; they supplement each other to serve U.S. interests. Their inconsistency lies in their different approaches to the Taiwan problem, which were determined by the nature of America's competing interests at the time the acts were written. Nevertheless, successive administrations and later sessions of Congress have accepted the validity of both documents as guides to U.S. China policy.

Despite their differences, the normalization agreement and the TRA supplemented and reinforced each other and served Washington's varied and somewhat conflicting interests in this period. From the American perspective, the passage of the TRA reduced the contradictions among basic U.S. interests to a tolerable degree. The major participants in the policy-making process ultimately found a way to compromise and cope with the existing conflicts of interest and differing views, thus avoiding a stalemate.

In addition, the passage of the TRA soon after the normalization agreements can be explained if the nature of the Beijing-Taipei-Washington relationship is considered. The nature of this relationship is represented visually in figure 1, which illustrates a simple "zero-sum" game between Beijing and Taipei in their relations with Washington. B (Beijing) and T (Taipei) represent the irreconcilable forces on the opposite ends of the spectrum pulling U.S. policy position toward each of them. B_m and T_m represent the best outcome for each, while B_a and T_a represent the minimal

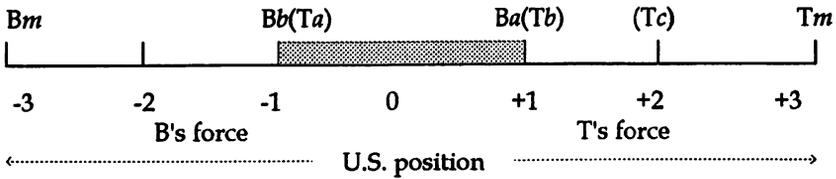


Figure 1

outcomes that could be accepted by Beijing and Taipei respectively or the threat points beyond which neither of them will play. B_b and T_b represent the reasonably good outcomes for Beijing and Taipei.

The PRC and Taiwan did not have equal weight in the game, however; Taiwan's bargaining power was weak and limited. But because any agreements reached between U.S. negotiators and foreign governments had to obtain U.S. domestic support and approval, the weight of congressional opinion and American public opinion was counted on Taipei's side, thus balancing B and T. Therefore, $B_b(T_a)$ will also mean the minimal stand of any deal reached between the executive branch and Beijing that can be accepted by Congress and Taiwan. The range between $B_a(T_b)$ and $T_a(B_b)$ represents the acceptable area to both Beijing and Taipei (and the U.S. Congress). The normalization agreements reached between the Carter administration and the Chinese government represented a U.S. position between B_m and $B_b(T_a)$, which tilted close to Beijing's best interests; the passage of the TRA then moved the U.S. position into the shaded area between $B_b(T_a)$ and $B_a(T_b)$. If pro-Taipei forces, emboldened by this success, had been able to further shift the U.S. position rightward toward T_c (perhaps try to have security language identical with the U.S.-Taiwan Mutual Defense Treaty inserted into the TRA and to elevate relations with Taiwan to a semiofficial status, or the German formula), U.S. leaders would have found themselves in a deadlock, for the acceptable areas for B and T would no longer have overlapped at all. Beijing would have quit the game if the U.S. position had passed B_a . Therefore, both the executive branch and the Chinese government restrained legislative attempts to secure U.S. interests in Taiwan, and the final act did not depart substantially from the basic framework of the normalization agreements.

According to a number of theorists, the international system has a greater effect on the foreign policy making of small nations than on that of large ones.²⁸ The United States was therefore better able to compel others to act in accord with its wishes and less likely to be subjected to constraints imposed by external environments.²⁹ The formulation of the TRA indicated that the international environment can significantly constrain U.S. foreign policy, however, and condition the process in which particular policies are made. Although domestic institutional sources (which will be discussed later) are very important in explaining the policy outcome, we should not underestimate the importance of the international environment. The international system, or the need imposed on the United States by the potentially anarchic quality of the international system, both restricts the conscious choices of U.S. policy makers and shapes the processes by which policies are reached. What constraints did the international environment impose on the U.S. domestic policy-making process in its China policy during this period? U.S. global strategic interests drew China toward the United States, and U.S. security interests in Taiwan dragged U.S. policy in the other direction. To a certain extent, international requirements also limited the U.S. Congress in its formulation of the Taiwan legislation.

Washington's interests are destined to be conflicting as long as there are rival regimes across the Taiwan Strait. These conflicting interests determined the inconsistencies in U.S. China policy. They also indicate that the long-term U.S. China policy can be stable only when conflicting U.S. interests find basic equilibrium within the overlapping area. Only when U.S. policy stays in this area will it be acceptable to U.S. domestic constituencies, Taipei, and the PRC.

At one time, U.S. interests in Beijing might have ascended to a prominent position as policy makers increasingly perceived the importance of Beijing; yet no matter how close the decision makers might have moved the U.S. position toward Beijing (*Bm*), as Jimmy Carter did in the last two years of his presidency, the opposing force embodied in pro-Taiwan groups within the U.S. institutions and domestic politics kept exerting force until the pendulum swung back to the middle. The same rule applies to pro-Taiwan forces. President Reagan at first was inclined to interpret

²⁸ Katzenstein, "Small European States," pp. 91-130.

²⁹ Peterson, ed., *The President, the Congress, and the Making of Foreign Policy*.

the situation in a way that might have justified U.S. sales of advanced weapons to Taiwan. Then Beijing, by threatening to downgrade diplomatic relations with Washington, forced the United States back to the middle area again. Under Beijing's pressure, the Reagan administration, which wished to maintain the strategic benefits deriving from its relations with Beijing, compromised again and, on August 17, 1982, signed another joint communiqué, which limited U.S. arms sales to Taiwan both quantitatively and qualitatively. America's conflicting interests had to be balanced, simply because none of the interests could be neglected.

Institutional Analysis

The Taiwan Relations Act, protecting as it did U.S. interests in Taiwan, was favorable for those interests. Can this outcome be attributed to luck, or should it be explained by the nature of the U.S. governmental institutions and the policy-making process? This chapter will investigate the institutional reasons for and the historical timing of congressional assertiveness in the late 1970s, which significantly contributed to the timing and final form of the two events. It is argued that the normalization agreements, initiated by the executive branch, and the TRA, passed by the legislative branch, were to a great extent the result of a complicated policy-making process and that they were influenced by the bureaucratic and organizational characteristics of U.S. government. In other words, U.S. policy toward China during the Carter administration was not only a function of U.S. strategic and geopolitical interests but also a function of U.S. governmental processes and bureaucratic politics.

Institutional Structure and Historical Timing

To understand how the two events were affected by institutional factors and bureaucratic politics, we need first to look at the contours of the U.S. constitutional framework and the timing of congressional activism.

U.S. Institutional Structure

The U.S. government was designed to be one in which power is limited and divided among the legislative, executive, and judicial branches. Legislative power was given to a Congress composed of two houses, executive power to a president, and judicial power to the Supreme Court. In the U.S. federal system, Congress

can make laws, but the laws require a presidential signature. The president can veto the law and thereby undo Congress' work, but a veto can be overridden by a two-thirds vote in Congress. The Supreme Court's power of judicial review, whereby the Court can invalidate a law or executive action by declaring it unconstitutional, is a check on both Congress' law-making power and on executive power. This structure, based on the idea of checks and balances and the separation of powers, is designed to prevent abuses of power.

Those who drafted the constitution understood that the complexities and dangers of the world in the late eighteenth century required a strong national government capable of responding to threats to national security and of defending national interests. Yet the memory of the British king's abuse of power made them determined to prevent a concentration of power.¹ Therefore, although the president was given the power of commander in chief, with responsibility to negotiate treaties and conduct day-to-day diplomacy, the Congress was given the authority to maintain the army and navy, declare wars, give advice and consent to executive appointments, approve treaties before they became the law of the land, and control the authorization and appropriation of funds. Although the complexity of this governmental structure was recognized, James Madison argued that "unless these departments be so far connected and blended as to give to each a constitutional control over the others, the degree of separation which the maxim requires, as essential to a free government, can never in practice be duly maintained."² Although the constitution granted legislative power to the Congress and executive power to the president, it did not clearly define those powers; thus many controversies arose over their respective powers. Authorizing the government to do things is a legislative power, and doing things is an executive power; but in between there are vast gray areas, and it is inevitable that the institutions sharing power will be in competition. In terms of foreign affairs, it is hard to determine whether the founding fathers intended to make the conduct of foreign policy an executive responsibility or wanted Congress to be the dominant organ in the foreign policy field. Does the president's constitutional power give him or her the right to proclaim a foreign policy for the country, or is the definition of

¹ Schlesinger, *Imperial Presidency*, pp. 1-34.

² Hamilton, Jay, and Madison, *The Federalist*, no. 48, p. 308.

foreign policy a legislative matter? If both branches have a say, which has the final say in cases of disagreement?³

The constitutional framework invited institutional struggles by requiring joint efforts in many areas and by failing to clearly define the boundaries between branches.⁴ The executive and legislative branches have quarreled over those boundaries throughout the country's history. Two centuries after the founding of the country, it is even more difficult to identify the boundary that divides the powers of the two branches in foreign affairs.

Presidential weapons in the intraorganizational struggle include the president's power to veto legislation desired by members of Congress, to make appointments, to gain access to the information sources required for effective decision making, to influence public opinion, and to lead his or her political party. The high status of the president is itself a formidable weapon. A private breakfast, a walk in the White House rose garden, or an intimate conference, for example, helps the president to win support or at least to mitigate opposition in Congress. Congressional weapons include the power to delay or not to act at all; the power to cut appropriations, thereby curtailing programs desired by the executive branch; and the power to require the executive agencies to comply with stringent regulations, either by writing technical and specific laws or by requiring frequent reports and repeated authorizations.⁵ The Congress can also pass regulations expressing legislators' opinions on diplomatic issues. Although these resolutions are not legally binding, the president rarely ignores the congressional sentiment expressed in them.

The congressional system was designed so that different branches would be captured by different interests and would have to come to terms with each other to operate the system at all. By dividing Congress into the Senate and the House of Representatives, the Constitution further facilitated the intrusion of parochial considerations into foreign policy making. The founders expected a partnership between two major branches, with decision, activity, secrecy, and dispatch in the executive branch and democracy, deliberation, and the development of consensus in the legislative branch.⁶ However, if the Constitution can be said to grant

³ Sundquist, *Decline and Resurgence of Congress*, p. 17.

⁴ Krasner, Chaberski, and Jones, *American Government, Structure, and Process*, p. 8.

⁵ Polsby, *Congress and the Presidency*, p. 200.

⁶ Mann, "Making Foreign Policy," p. 2.

legitimacy to anything, surely it legitimizes conflict and competition between Congress and the president.⁷ The case of U.S. China policy making in 1978–1979 provides a good example.

Historical Timing and Legislative Assertiveness

The involvement of the legislative branch in foreign policy making does not mean that Congress is necessarily and instinctively antipresidential. In fact, there have been far more cases in U.S. history in which the legislative branch acquiesced to the executive branch than cases in which it opposed the president. To understand why Congress challenged the Carter administration's China policy in 1979 and rewrote the Taiwan legislation proposed by the president, it is helpful to review briefly the history of executive-legislative competition in U.S. foreign policy making. This competition influenced the context in which the normalization of U.S.-China relations and the passage of the TRA occurred. Institutional competition and the resurgence of Congress in the 1970s significantly affected the timing and the content of the TRA.

Constitutional ambiguities resulting from the fragmentation and separation of powers have created controversies ever since the republic was founded. The founders expected Congress to be the most powerful branch of government,⁸ and the Constitution granted substantial power to Congress in terms of foreign affairs.⁹ To a large extent, the legislative branch was the predominant and controlling force in U.S. governmental organization in the late eighteenth century and most of the nineteenth century. As young Woodrow Wilson described American government in 1885, the legislature had "entered more and more into the details of administration, until it has . . . virtually taken into its own hands all the substantial powers of government. . . . I know not how better to describe our form of government in a single phrase than by calling it a government by the chairman of the Standing Committee of Congress."¹⁰ George Hoar, a senator from Massachusetts in the late nineteenth century, wrote that if senators "visited the White

⁷ Polsby, *Congress and the Presidency*, p. 200.

⁸ Hamilton, Jay, and Madison, *The Federalist*, no. 48, p. 309.

⁹ See Kegley and Wittkopf, *American Foreign Policy*; Henkin, *Foreign Affairs and the Constitution*, pp. 67–88; and James Lindsay, *Congress and the Politics of U.S. Foreign Policy*, pp. 11–32.

¹⁰ Wilson, *Congressional Government*, pp. 31, 49, 82; cited in Sundquist, *Decline and Resurgence of Congress*, p. 28.

House, it was to give, not to receive advice."¹¹ But organizations, like people, learn from their experiences and modify the rules for actions incrementally on the basis of feedback from the environment. The president's preeminent position in foreign affairs developed gradually, as a result of presidential assertiveness, judicial interpretation, legislative acquiescence, custom and tradition, and the increasing U.S. involvement in world affairs, this last of which, particularly, changed the situation, first creating a coequal partnership in the federal government and later making the executive office more powerful. From Theodore Roosevelt to Richard Nixon, the executive branch gradually asserted a position of leadership in foreign policy. In most crises, the American people looked to the president for leadership, not to Congress, which was made up of two houses numbering more than five hundred individuals.

During World War II and in subsequent years, Congress accepted a shift in foreign policy making power to the president and was generally acquiescent and supportive of presidential leadership in foreign affairs, partly because of the blame placed on Congress for the isolationism and protectionism in the 1920s and 1930s, which was said to have caused the recession and aided the rise of Hitler, but also because the nation's global goals after World War II, especially its policy of containment of alleged Soviet expansionism, required strong executive action. Throughout most of the period between the end of World War II and the emergence of increasing difficulties in Vietnam in the early 1970s, however, a consensus emerged in Congress as well as in successive presidencies that, in some respects, the checks and balances system, which was the essence of the U.S. constitutional design, was inappropriate to the task of leadership in the free world.¹² This consensus on foreign policy making developed during the late 1940s and was firmly in place in the mid-1950s and throughout most of the 1960s. To the extent that both Democratic and Republican members of Congress found themselves in basic agreement with Democratic and Republican presidents throughout the period, it was possible to develop and sustain a system of bipartisanship in executive-legislative relationships that overcame the difficulties inherent in the constitutional design. In several Cold War crises during this period, presidents asked Congress to

¹¹ Hoar, *Autobiography of Seventy Years*, 2:46, cited *ibid.*

¹² Nathan and Oliver, *American Foreign Policy*, p. 92.

grant them the power to decide whether or not to enter conflicts. In each case, Congress agreed to do so; it granted President Eisenhower this power of decision in the Formosa resolution in 1955 and the Middle East resolution in 1957. During the Kennedy administration, Congress gave the president the Cuba resolution and the Berlin resolution, thus granting President Kennedy broad congressional support in dealing with external conflicts.

So many precedents had been established in a dozen years of successive crises that in the worldwide confrontation with communism it was the president who set the policy, then obtained congressional support. The chief function of Congress was to legitimize presidential decisions. In its resolutions, Congress gave almost blank-check support in advance to what the president might do. "On some occasions, the Congress did deliberate upon and then agree with presidential plans, but all too often the Congress simply swallowed its lingering doubts, preferring not to share the responsibility of decision with the President."¹³

Senator William Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee, argued for regularizing the shift of power over foreign policy to the president and acknowledged the weakness of Congress.

I wonder whether the time has not arrived, or indeed already passed, when we must give the Executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld. The source of an effective foreign policy under our system is presidential power. . . . The President alone can act to mobilize our power and resources toward the realization of clearly defined objectives and to wean the American people and their representatives from the luxuries of parochialism and self-indulgence that they can no longer afford.¹⁴

The executive assertiveness of the 1950s and 1960s was largely shaped by the consensus shared by the executive and legislative branches about the U.S. role in world affairs. This national consensus collapsed at the beginning of the 1970s, however, when the Vietnam War led to widespread disillusionment with that role. The legislative branch responded quickly to the change in national mood, becoming more actively involved in foreign policy.¹⁵ In

¹³ Bax, "The Legislative-Executive Relationship in Foreign Policy," pp. 884-885.

¹⁴ William J. Fulbright, "American Foreign Policy in the Twentieth Century under an Eighteenth-Century Constitution," a lecture delivered at Cornell University, May 6, 1961. Cited in Sundquist, *Decline and Resurgence of Congress*, p. 120.

¹⁵ Wilcox, "Cooperation versus Confrontation," p. 39.

early 1973 Carl Albert of Oklahoma, the Speaker of the House, stated that the Congress had to reverse the "accelerating usurpation of power by the Executive branch."¹⁶

Congress decided that the best way to share the power of foreign policy making was to confine executive actions within strict boundaries by a series of congressional actions: the War Powers Act of 1973, a new requirement that all executive agreements be reported to the Congress, the establishment of congressional surveillance over the covert activities of the CIA, and the application of the legislative veto to arms sales and international atomic energy agreements.¹⁷ Then it used its strengthened authority, as well as its new access to information, to reverse presidential policy in a series of operational decisions. One observer estimates that in the 1970s more than 150 separate prohibitions and restrictions were placed on the authority of the executive branch to formulate and carry out U.S. foreign policy.¹⁸

The legislative branch had also become more active in the day-to-day conduct of foreign policy. Congress cut off U.S. military aid to Turkey in 1974 and refused to provide \$30 million worth of military supplies to one faction in the Angolan civil war, primarily because of the Soviet-American competition in Africa. It also cut off military assistance to Chile and Uruguay for violations of human rights, reduced assistance to South Korea for the same reason, and slashed assistance to India because it persisted in developing nuclear weapons. The legislative branch reduced the amounts the executive branch requested for economic and military assistance to the faltering Vietnamese and Cambodian regimes, and when the Saigon and Phnom Penh regimes finally collapsed in the spring of 1975, Congress even refused to extend to the Ford administration emergency funds for refugee assistance. Also in this period, when Kissinger pressed Israel for concessions in his peace-seeking maneuvers in the Middle East, seventy-six senators intervened with a letter to Kissinger backing the Israeli position.¹⁹

In line with their new concept of the legislative role in foreign affairs, Congress has rapidly increased the working staff available to members of Congress: the number of personal staff members increased from about 4,000 (House) and 1,750 (Senate) in 1967 to

¹⁶ *Congressional Record*, February 5, 1973, p. 3239.

¹⁷ Wilcox, "Cooperation versus Confrontation," p. 48.

¹⁸ Tower, "Congress versus the President," p. 234.

¹⁹ Sundquist, *Decline and Resurgence of Congress*, p. 284, n. 32.

more than 6,000 (House) and more than 3,200 (Senate). Many of these new staff have been hired to give policy-oriented legislative assistance instead of only doing nonpolicy chores such as answering constituents' mail. In 1976, before President Ford left office, he complained loudly about the "impermissible shackles on the President's ability to carry out the laws and conduct of foreign relations of the United States" imposed by the legislative branch.²⁰ All these assertions of congressional power were part of the background for the Carter administration's relationship with Capitol Hill.

Before Jimmy Carter took office, key spokesmen for Congress put him on notice that there would be no return to the times of presidential supremacy and congressional acquiescence in foreign relations. Both houses' foreign affairs committees met with the president-elect to press their demands for a collaborative role in making foreign policy. They insisted on full and timely information and demanded they be consulted before policies were formed and commitments made that would make congressional intervention awkward and embarrassing. Carter agreed and promised to keep the legislative branch informed on major policy initiatives.²¹

The normalization of U.S.-PRC relations and the de-recognition of Taiwan coincided with the resurgence of the legislative branch. The TRA provides evidence of Congress' strong determination to exert its prerogatives and to increase its influence in U.S. foreign policy making. During the debate on the TRA in both the Senate and the House, many legislators emphasized that officials within both the United States and other countries must become accustomed to the fact that Congress plays an essential role in formulating and implementing American foreign policy. Congress insisted on participating in decision making in a meaningful, rather than a merely symbolic or cosmetic way. One member of the House concluded that, as a result of the TRA, Congress was functioning as "an equal partner in dealing with threats to Taiwan." Another member of the House stated that the passage of the TRA would "serve notice on this and future Administrations, and encourage future Congresses, that the national legislature should not sit idly by and allow its prerogatives and place in international policy-making to be undercut or ill-served by executive officials."²²

²⁰ Ibid., pp. 289-291.

²¹ Ibid., pp. 294; 295, n. 72.

²² Crabb, "An Assertive Congress and the TRA," pp. 95-97. The "equal partner" quotation is from the *Congressional Record*, vol. 125, pt. 5 (March 28,

Institutional Reasons for Normalization and the TRA

How did U.S. domestic organizations, policy-making processes, and bureaucratic politics shape the particular form and content of the normalization agreement and the TRA? To understand what happened, we first look at the literature of foreign policy making and governmental studies for concepts and theories that aid our analysis and explanation of the two events. We consider two basic approaches: organizational studies, with bureaucratic studies identified as one particular type of organizational structure; and the study of the U.S. federal system, concentrating on the two great institutions of the national government, Congress and the presidency.

Organizational Studies

In most contemporary theories of politics, organization and political institutions have important positions. Organized political institutions have been regarded as arenas within which political behaviors and decision-making actions, determined by fundamental structural factors, occur. Most theories of organization focus on the decision-making process within an organization and see this process as the act of choosing among alternatives. According to the organizational theorist, making a decision involves selecting a path that will move the system—the individual, departments, committees, or the whole organization—from some initial state to some goal. There may be more than one goal, and usually many paths stem from each initial state. The rational choice theory—or “rational unitary actor” theory—treats decision making as a process of maximizing expected utility; according to such theory, an organization, like an individual, chooses the best alternative, taking into account consequences, probabilities, and utilities. In this rational choice model, members of organizations agree about, and the organizations always act to reach, the optimal attainable goal.²³ There is no hint in this model that decisions may result from the play of opposing forces.

This rational theory met behavioral challenges: decision processes often appear to follow other kinds of logic, and the rational element in decision making often appears to be more symbolic than real.²⁴ In the organization, unlike the rational model,

1979): 6604; cited *ibid.*, p. 97.

²³ Crabb, “An Assertive Congress and the TRA,” p. 97.

²⁴ March and Simon, *Organizations*.

goals may be ill-specified or not agreed upon, information may be incomplete and ambiguous, and decision makers may be pursuing multiple or competing objectives and lack the time and ability to use the available information. It is, therefore, inadequate to assume that a state acts as a unified rational actor. Rather, the characteristics of large organizations, such as specialization, hierarchy, and standard operating procedures, as well as interagency bargaining, are believed to influence the decision-making process.

In search of other explanations, Herbert Simon proposed the notion of bounded rationality, in which choices are made in terms of goals by decision makers with limited information and limited cognitive processing abilities; here the decision-making process results from "feedback-react" procedures. According to Simon, the organization attempts to find a "satisficing" (a notion that combines "suffice" and "satisfy") goal rather than to maximize the outcome, which is biased toward the status quo.²⁵ James March prefers "contextual rationality," in which a complex of other claims on the attention of decision makers and other structures of cognitive relations affect the choices made and in which organizational decision makers pursue multiple objectives subject to a variety of pressures and constraints, often with ambiguity surrounding the choice process.²⁶ Charles Lindblom describes policy making as "muddling through" and sees policy outcome as the result of intense bargaining, conflict, and compromise within and across agencies of organization.²⁷ Others even use the metaphor of a garbage can to describe the decision-making process in an organization, arguing that it is an irrational, unreliable, and ambiguous process in which goals, plans, and actions are variously paired.²⁸

Organizational Process Model. Graham Allison developed his organizational process model to supplement the rational actor model in his analysis of the Cuban missile crisis and argued convincingly that the organizational process played an important role in foreign policy making. This model regards the government not as a unitary and monolithic agent but rather as a constellation of

²⁵ Simon, *Model of Man*; idem, "On the Concept of Organizational Goal," pp. 1-16.

²⁶ March, "Bounded Rationality," pp. 587-608.

²⁷ Lindblom, "Muddling Through," 79-88.

²⁸ March and Olsen, *Ambiguity and Choice*.

large, complex, semifederal, loosely allied organizations that determine policy outcomes. Leaders head these organizations, but this constellation perceives problems with organizational logic and acts only when component organizations routinely perform their own duties. Governmental behavior can thus be understood less as rational choice and more as the outputs of institutional restraints and rules.²⁹

Bureaucratic Politics Model. To seek the answer to how U.S. foreign policy is made, some began to look at the role and influence of bureaucracies in the executive branch. Allison, Halperin, Destler, George, Snyder, and others believed that the government is composed of a set of bureaus, departments, or branches staffed with bureaucrats with different responsibilities, resources, information sources, and influence.³⁰ Therefore the behavior of bureaucratic players is restrained and can even be anticipated by their institutional roles. The decisions and actions are believed to result from compromise, conflict, and the confusion of officials with diverse interests and unequal influences and can best be characterized as bargaining and negotiating along regularized channels among individual members of the government.³¹ The bureaucratic politics model views policy making as a process of building a coalition among major players, each having different priorities, perceptions, goals, interests, and powers. This model helps us understand why a policy is more often a product of a dysfunctional decision-making process than a deliberate cost-benefit calculation. However, it does not sufficiently explain why bureaucrats sometimes search for allies among like-minded players in other organizations; it also neglects the important role of Congress in policy making, especially since the Vietnam War.

Political Process Model. To supplement the organizational process model and the bureaucratic politics model, Roger Hilsman developed his political process model, according to which a wide variety of people is involved in the making of governmental decisions: the president, members of Congress, bureaucrats in different departments, interests groups, the press, and even nongovernmental scholars.³² The organization is one determinant of what the

²⁹ Allison, *Essence of Decision*, pp. 67–100.

³⁰ Ibid.; Halperin, *Bureaucratic Politics*; Destler, *Presidents, Bureaucrats, and Foreign Policy*; George, "The Case of Multiple Advocacy"; Snyder and Diesing, *Conflict among Nations*.

³¹ Allison, *Essence of Decision*, p. 5.

³² Hilsman, *Politics of Policy Making*.

participants espouse, and the bureaucracies are an important, but not nearly the most important, determinant of the policy outcome. Policy making is, therefore, a political process in which players act and exercise power through organizations. There are often several power centers, each with different motives and goals, each trying to influence policy outcome. Policy struggle can cut across institutional lines, as when factions in one unit are allied with like-minded factions in other units.

Presidential and Congressional Studies

Another basic approach to the study of the U.S. government focuses on the separate roles that Congress and the president played in the policy-making process. David Mayhew, in his study of congressional behavior, concluded that Congress is composed of people who are not interested in national policy making but in their reelection. Richard Fenno found that congressional decisions were constrained by the congressional external environment, the policy-making process, congressional rules, and committee members' personal preferences.³³

In the study of foreign policy making, attention is focused on executive-legislative relations. Robert Dahl, in his study of Congress' role in foreign policy making, concluded that the relationship between the two branches was one in which "the President proposes and the Congress disposes," and "in a very large number of highly important decisions about foreign policy, the Congress does not even have the opportunity to dispose." James Robinson found that the influence of Congress in the policy-making process was "primarily (and increasingly) to legitimate and to amend recommendations initiated by the executive to deal with situations usually identified by the executive." Aaron Wildavsky put forth his "two presidency" theory arguing that modern presidencies were twins: one domestic-policy president, subjected to pressure politics, and one foreign-policy president, having independence to manage the country's external relations. John Lehman saw executive-legislative relations as a zero-sum game in terms of power, whereby the increase in one branch's power results in the decrease in the other's. Frans Bax viewed foreign policy making as an interactive process between the two branches in which interbranch differences are expressed,

³³ Mayhew, *Congress: The Electoral Connection*; Fenno, *Congressmen in Committee*.

accommodated, and compromised. Samuel Huntington outlined the situation as one in which there is a "fusion of function and division of power." Nelson Polsby argued that the different branches of the American government were designed so that they "would be captured by different interests." Robert Pastor constructed what he called an "interbranch politics model," which assumes that "U.S. foreign policy was the resultant of a sometimes subtle or tacit, sometimes forceful or conflictual, always interactive process between two branches or institutions." According to this model, the best way to understand the congressional-executive interactive process is from the perspective of two institutions with distinct sets of institutional biases or predispositions relating to each other.³⁴

This study does not intend to prove the strengths and weakness of each model or to subject any models (or approaches) to a case analysis. Instead, it will view the two events in a broader organizational context and explore the institutional reasons for their occurrence through these analytical lenses. Each of the models—organizational process, bureaucratic politics, political process, and interbranch politics—offers insights to help clarify why the normalization of U.S.-China relations and the TRA occurred when and how they did. The approval of these contradictory documents suggests that the U.S. government was not a unitary actor, but one with semifeudal agencies competing for power and for different policy outcomes. The timing and the forms of the two agreements and the processes that led to them were to a great extent determined by the characteristics of the U.S. government and can be explained from an institutional perspective as the outcomes of a complicated policy-making process in which bureaucratic politics, interbranch politics, institutional structure, and standard operating procedures determined each branch's behavior and style of interaction.

³⁴ Dahl, *Congress and Foreign Policy*; Robinson, *Congress and Foreign Policy-making*; Wildavsky, ed., *Perspectives on the Presidency*; Bax, "Legislative-Executive Relationship"; Lehman, *The Executive, Congress, and Foreign Policy*; Huntington, *Political Order*; Polsby, *Congress and the Presidency*; Pastor, *Congress and the Politics of U.S. Foreign Economic Policy*.

Congressional Constraints on the Timing of Normalization

The institutional context imposes limitations upon the policy-making process. Allison argues that governmental decisions and actions are largely determined within the government organization, with each organizational unit perceiving problems, processing information, and performing a range of actions in quasi independence.³⁵ How did the fragmented structure of the U.S. government and an assertive legislative branch in the late 1970s affect the timing of U.S.-China normalization and the passing of the Taiwan Relations Act? To what extent was the content of the two events influenced by the characteristics of the U.S. government?

Congress and the executive branch, as two different organizational units, see issues differently because of their different institutional responsibilities and interests. Because the performance of each has major consequences for and imposes constraints upon the other, both organizational units experience institutional constraints in carrying out their responsibilities.³⁶

The timing of the U.S.-China normalization was strongly influenced by institutional constraints within the U.S. government. The legislative and executive branches alike had been interested in normalizing diplomatic relations with the PRC ever since Nixon's visit to Beijing in 1972. Domestic reality made them both also concerned about protecting U.S. interests in Taiwan. These competing U.S. national interests thus set a clearly defined goal for the government to normalize relations with the PRC without abandoning Taiwan. Beijing's rigid stance created a policy dilemma for U.S. policy makers, however, and the problems brought forth by the external constraints were not viewed in the same way between units or even among the participants within each unit. The president and Congress had access to different information and had different concerns and interests. The executive branch's institutional interest was to maintain its traditional dominance in foreign affairs and its ability to protect U.S. global interests effectively. It was partly because of its institutional responsibility

³⁵ Allison, *Essence of Decision*, p. 82.

³⁶ Halperin and Kanter, eds., *Readings in American Foreign Policy*, p. 10. *Units* here refers to the executive, legislative, and even judicial branch in a specific sense. Agencies such as the State Department, NSC, Pentagon, House Committee on Foreign Affairs, and Senate Committee on Foreign Relations are units (or subunits) within units.

in the 1970s that the executive branch saw "the big picture" of global balance of power and wanted to act decisively to improve U.S.-PRC relations, thereby improving the global strategic position of the United States. The legislative branch, however, wanted to defend its constitutional right in foreign affairs and to share the power with the executive branch in those undefined gray areas. The traditional attachment of the legislative branch to the KMT in Taiwan, together with the public pressure to ensure Taiwan's security and economic prosperity, had made Congress the watchdog for U.S. interests in Taiwan in the policy-making process. Congress feared that the executive branch would neglect U.S. interests in Taiwan.

Based on its experience in dealing with Beijing, the executive branch understood that it could not normalize relations with the PRC without severing U.S. ties with Taiwan. Weighing U.S. interests in both Beijing and Taipei, the executive branch tended to exaggerate the favorable consequences of normalizing relations with Beijing, a common tactic used by decision makers in a situation of conflicting values. The legislative branch, which lacked experience in conducting day-to-day foreign affairs, supported normalization with the PRC in principle, but opposed accepting Beijing's terms. Many legislators wanted to ensure that U.S. interests in Taiwan, particularly security interests, would not be jeopardized by normalization. In a simple sense, the legislative branch in the late 1970s could be viewed as a unit within the organization that represented U.S. political, security, and economic interests in Taiwan, while the executive branch promoted U.S. strategic interests in Beijing. To a certain extent, the underlying conflict of interests in U.S. China policy was reflected in the institutional conflict between the two branches. Both branches found the available alternatives either unacceptable or unfeasible. Many legislators, for example, found the Japanese formula inadequate to serve U.S. interests. Other solutions, namely the German formula, satisfied legislators—but not the PRC. Evidence indicates that the timing of Carter's decision to normalize U.S.-China relations and the content of the agreement were influenced by his concern over the institutional fight with Congress.

A congressional refusal to accept Beijing's terms for normalization had been a constraining factor in delaying the executive's move, especially when the latter's political position was weakened in situations such as Watergate and the withdrawal of U.S. forces from Vietnam. Given U.S. electoral politics, a weak president—

fearing that congressional criticism on one foreign policy issue might jeopardize his or her entire political life—would be more vulnerable to pressure from the legislative branch. This consideration partly explains why Presidents Nixon and Ford were unable to move toward normalization with the PRC even though they wanted very much to do so. They adopted a strategy of calculated procrastination to delay the settlement of the Taiwan issue.

The decision makers in the Carter administration were constrained by external and internal factors. Externally, China's three conditions limited U.S. alternatives. Internally, because its decision could not be implemented without the participation of the legislative branch, the administration was concerned with congressional opposition to any of its possible China initiatives. In fact, the administration viewed Beijing's three conditions as "unacceptable" in the first year mainly because of the concern that they would not be accepted by Congress.

The common reaction of an organization to an impasse is to maneuver the existing rules of the games and to seek to exploit an existing set of constraints for its advantage or try to modify constraints to increase the probability of success.³⁷ Externally, the Carter administration tried to test the flexibility of China's position; internally, it explored the possibility of reducing the degree of intraorganizational fighting over the change in U.S. China policy. In addition, an organizational search for alternative courses of action is usually oriented toward avoiding discomfort. Wishing to avoid uncertainty and discomfort, the administration was reluctant to take efforts to break the impasse because the only way out, in the opinion of the State Department, was to accept Beijing's terms, and that acceptance would look like failure. Consequently, in addition to deciding to pursue a détente policy with Moscow, Secretary of State Vance adopted a play-safe strategy, a "calculated inactivity," in the matter of the normalization decision at the beginning of the Carter administration. This partly explains why normalization with China remained a low priority on Carter's agenda in 1977 and was viewed largely in the context of other major issues such as SALT II and the Panama Canal treaties, which required congressional actions.³⁸ It also explains why the

³⁷ March and Simons, *Organizations*, pp. 112–161.

³⁸ Carter told Brzezinski, who had tried to push for a big move during Vance's trip, that "we should not ass-kiss them [the Chinese] the way Nixon and Kissinger did, and also be careful not to antagonize domestic constituencies." Brzezinski, *Power and Principle*, p. 200.

administration proposed its maximal position (which it knew the Chinese would not accept) to the Chinese during Vance's trip in August 1977.

The issue for Carter and his advisers was not whether or not to normalize relations with China, but rather the timing of such a move. Timing was viewed not only in the context of Soviet-American relations and Sino-American relations, but also in light of the difficulty of managing many delicate issues through Congress. The executive branch usually has more than one issue to cope with in its efforts to protect U.S. global interests. As one problem arises, the agency most concerned with that problem must deal with it in terms of the pressure the agency takes to be most important. The Panama Canal treaties signed by Carter and General Torrijos on September 7, 1977, required immediate congressional action. Had Carter decided to complete normalization by accepting Beijing's terms regarding Taiwan, he would certainly have sparked a severe institutional fight with Congress over two issues.³⁹ Evidence indicates that the president was not ready to deal with the intraorganizational conflict over both the normalization and the Panama Canal treaties in 1977: On July 30, 1977, at the meeting in preparation for Vance's trip to Beijing, Carter decided, quite abruptly, to aim for normalization. On the eve of Vance's trip, however, Carter changed his mind because of the Panama Canal treaties. Organizational constraints, therefore, made Carter favor a somewhat slower pace for the normalization process. Both Vance and Michel Oksenberg revealed that Vance's trip in August 1977 could have led to serious negotiations on normalization had there been no institutional obstacles over the passage of the Panama Canal treaties.

Participants will change their options when a situation occurs that reopens the issue for a new decision or when the expected probability of success increases.⁴⁰ Changes in international relations in late 1977 and the successful passage of the Panama Canal treaties helped to create a situation in which new options on the normalization issue appeared feasible or even necessary. As I

³⁹ Carter recounts in his memoirs that "the Taiwan influence was very strong in the United States, particularly in Congress....I [didn't] want to make a move on China until after the Panama Canal issue was resolved. At this time, Senator Barry Goldwater and a few other members of the 'Taiwan Lobby' were undecided about the treaties, and any move away from Taiwan would have driven them against us in the treaty votes." See Carter, *Keeping Faith*, pp. 187, 192.

⁴⁰ Halperin and Kanter, *Readings in American Foreign Policy*, pp. 16-17.

discussed in chapter 4, only when the successful passage of the Panama Canal treaties reduced domestic obstacles did Carter decide to send his national security adviser to Beijing. On the day following the vote on those treaties, a precise schedule for Brzezinski's visit was set.

The strength of the motivation to solve a dilemma depends on the availability of alternatives and on time pressure.⁴¹ By late 1977, the executive branch felt pressured to end the stalemate. The deterioration of American-Soviet relations, the potential Sino-Soviet détente, and considerations of both PRC domestic politics and U.S. domestic institutional resistance all made the normalization of U.S.-Chinese relations an important issue for President Carter to consider. Organizations tend to focus on one goal at a time, thereby temporarily ignoring the conflict of inconsistent goals and concentrating on the problems that seem to be limiting progress at a given time.⁴² In fact, the favorable international and domestic situation in the spring of 1978 helped President Carter make up his mind. He approved a normalization strategy paper and decided to send Brzezinski to Beijing. His decision was based on his assessment of what was in his and the nation's best interests and the increased probability of success in overcoming the domestic institutional opposition. To a certain extent, Carter's final decision was the result of both international and domestic politics.

Carter's decision started a problem-directed search for a solution to the stalemate. Repeated failures to discover "acceptable" alternatives generally lead to redefinition of the word "acceptable,"⁴³ and such was the case here. The State Department and the NSC tried to downgrade the importance of Taiwan in U.S. Asian policy and carefully considered the American counter-conditions to reduce the damage created by Beijing's terms. Department of Defense and intelligence agencies also involved themselves by assessing the probability of a PRC attack on Taiwan. In May 1978, key players within the executive branch agreed that Taiwan's strategic importance had diminished considerably and therefore the benefits of normalization with Beijing outweighed the potential costs of cutting off ties with Taiwan.

⁴¹ March and Simon, *Organizations*, pp. 84-110.

⁴² This sequential attention to goals bears some similarity to the "bottleneck" theory of organizational decision making. See March, *Handbook of Organizations*, p. 640; also see Devons, *Planning in Practice*.

⁴³ March and Simon, *Organizations*, p. 116.

The military and intelligence agencies further concluded that the PRC was not capable of waging a war against Taiwan in the near future; therefore, there would be no immediate danger to Taiwan's security. Although disagreements still existed on the operational level, the top-level players in the executive branch concluded that Beijing's three conditions could be redefined as "acceptable."⁴⁴

Internally, the administration started to plan how to get the normalization past domestic institutional opposition even before Brzezinski's trip to Beijing. At the initiative of Vance and Holbrooke, the State Department paper argued that a window of opportunity for normalization would probably exist after the fall 1978 congressional election and remain open in 1979; after that the congressional window would be limited by two factors: (1) an anticipated Senate fight over approval of the SALT II treaty and (2) eventually, the politics of the presidential election.⁴⁵ The State Department strongly recommended that the window be used. In fact, the timing of normalization as of January 1, 1979, was quite deliberate: because Congress was in recess for three months after the congressional elections, it would be difficult for opponents in the legislative branch to mobilize a meaningful bashing on the executive branch's China initiative.⁴⁶

Hilsman emphasized the general constraints that Congress placed on the executive branch:

Congress participates only fitfully in the actual formulation of foreign policy.... Yet it is equally clear that Congress—subtly and indirectly, but nevertheless, effectively—sets the tone of many policies and limits on many others.... It seems obvious that Executive proposals are shaped by estimates of how Congress and individual congressmen will react, the mood of Congress, and the probability, circumstance, and possible means they may use in reprisal.⁴⁷

In theory, the president had the power to take the initiative on the normalization issue any time before 1978. But the executive branch chose to delay the normalization decision in view of the unfavorable domestic organizational resistance. This situation reveals that, although Congress cannot initiate a policy, it can affect the policy outcome in a significant way, especially when the

⁴⁴ Jaw-Ling Chang, *United States-China Normalization*, p. 112.

⁴⁵ Oksenberg, "Decade of Sino-American Relations," p. 185.

⁴⁶ As President Carter recalled in his diary about the ideal timing of the normalization, "Our preference is to take final action after the November election." Carter, *Keeping Faith*, p. 194.

⁴⁷ Hilsman, "Congressional-Executive Relations," pp. 725-744.

responsiveness and interaction between the two branches are considered.⁴⁸ Congress affected the policy debate within the administration when the administration weighed congressional concerns and potential congressional opposition. The more responsive the administration was to congressional concerns, the more influence Congress had in restraining the executive's preference. Some scholars argue that had there been no congressional opposition to Beijing's terms, full diplomatic relations between Washington and Beijing might have been achieved long before 1978.⁴⁹

Bureaucratic Constraints on the Normalization Decision

But states do not make decisions; decisions are made by individuals who hold high-level governmental positions. Leaders have different personalities and preferences, and the information they rely on is filtered through their advisers and their supporting bureaucracies. The literature of bureaucratic studies reminds us of the effect of domestic concerns, bureaucracies, personalities, and the views and strengths of individual leaders on state behaviors.⁵⁰ It assumes that the decision-making process, influenced by the views and strengths of leaders and bureaucracies, involves building a coalition among the major players and that policy action results from intraorganizational interaction—

[results] in the sense that what happens is not chosen as a solution to a problem but rather results from compromise, conflict, and confusion of officials with diverse interests and unequal influence; political in the sense that the activity from which decisions and action emerged is best characterized as bargaining along regularized channels among individual members of the government.⁵¹

The timing of normalization can also be explained by the institutional conflicts between the State Department and the National Security Council in the Carter administration. Since the ascendance of the national security adviser as a rival to the secretary of state in the Nixon administration, the executive branch has increasingly become disunified and uncoordinated in foreign affairs. Unlike Nixon, who was determined to reduce the influence of the State Department in foreign policy making, Carter

⁴⁸ Pastor, *Congress and the Politics of U.S. Foreign Economic Policy*, p. 61.

⁴⁹ Jaw-Ling Joanne Chang, *United States-China Normalization*, p. 136.

⁵⁰ Art and Jervis, *International Politics*, pp. 434–438.

⁵¹ Allison, *Essence of Decision*, p. 162.

avored a "collegial approach" in which relevant cabinet members would discuss the issues as equals and then the president would make the decision.⁵² Although Carter realized that Brzezinski, as his national security adviser, "might not be adequately deferential to a secretary of state" and that the different attitudes and personalities of Vance and Brzezinski would lead to competition between the State Department and the NSC, the president believed that he could benefit by weighing their diverse views before reaching a final decision.⁵³

However, this "collegial approach" quickly led to a significant rivalry. As political appointees who came into the government for a limited time, both Vance and Brzezinski wanted to be effective, to be involved, and to be powerful.⁵⁴ Their positions generated pressures on them to advocate policies that would enhance their power and prestige. These pressures inevitably led to a clash between the two. As Brzezinski recounts in his memoirs, his fighting with Vance "divided the administration, at first ideologically and eventually personally."⁵⁵ The competing recommendations and the pulling and hauling between Vance and Brzezinski as well as Carter's intention to maintain a balance between his two principal advisers became one of the organizational characteristics of the Carter administration's foreign policy making and contributed to the president's indecisiveness throughout 1977.

One of the State Department's operational goals was to preserve what it viewed as the essence of its institutional prerogatives and to protect its domain in foreign affairs from encroachment. Vance was determined to involve the State Department more fully in the process of making and implementing foreign policy, for he believed that an institutionalized mechanism guaranteed an enduring foreign policy. For that purpose, Vance set two conditions to the president in agreeing to the appointment of Brzezinski as the national security adviser: "first, that it be made clear that [Vance] would be the President's spokesman of foreign policy, second, that [Vance] must be able to present to

⁵² Ogata, *Normalization with China*, p. 59.

⁵³ As Carter recounts, "The different strengths of Zbig and Cy matched the roles they played, and also permitted the natural competition between the two organizations to stay alive. I appreciated those differences. In making the final decisions on foreign policy, I needed to weigh as many points of views as possible." See Carter, *Keeping Faith*, pp. 52-53.

⁵⁴ Downs, *Inside Bureaucracy*, pp. 92-101.

⁵⁵ Brzezinski, *Power and Principle*, p. 146.

[the president] [his] own unfiltered views before [the president] made any foreign policy decision."⁵⁶

One major goal of the NSC under Brzezinski was to enhance its influence for its own sake and to compete with the State Department for power over major foreign policy issues. Believing that he and his associates in the NSC could best judge the national security interests, Brzezinski tried to build his own power based on the NSC organization. Because Carter preferred a limited governmental apparatus, only two main committees were set up in the NSC: the Policy Review Committee, which was designed to handle foreign, defense, and international economic issues and was chaired by the secretary of the department in charge of the issue; and the Special Coordination Committee (SCC), which dealt with intelligence policy issues, arms control, and crisis management. Brzezinski wanted to chair this committee, since the SCC's "very title required a chairman who was not a departmental head" and the matters it often considered posed "jurisdictional conflicts between interested agencies." Carter accepted Brzezinski's request and allowed his national security adviser to chair the SCC. In addition, Brzezinski made certain that the authority to round up the NSC discussions and formulate the presidential directives would be left to him.⁵⁷ Vance opposed this arrangement and requested that he be given the right to review the summaries and presidential directives prepared by the NSC in draft before they were sent to the president. Carter rejected Vance's request on the grounds that he had to prevent the possibility of leaks in handling sensitive documents.⁵⁸ Those two arrangements put the NSC above the departments and later led to repeated bureaucratic rivalry between the State Department and the NSC.

The ability to influence decisions is dispersed over a wide range of individuals and organizations, each with its own agency and each possessing clearly discernible institutional interests. Therefore the goals of each agency are not only to help achieve U.S. foreign policy goals but also to maintain its own institutional interests or subgoals.⁵⁹ The deep and fundamental differences between Vance and Brzezinski over the China policy were rooted in their respective attitudes toward Moscow. Although they

⁵⁶ Vance, *Hard Choices*, p. 34.

⁵⁷ Brzezinski, *Power and Principle*, pp. 58–63; quotations on p. 59.

⁵⁸ Vance, *Hard Choices*, pp. 36–38.

⁵⁹ Halperin and Kanter, *Readings in American Foreign Policy*, pp. 23–30.

agreed on the importance of normalization, Carter's two chief foreign affairs advisers disagreed about how to approach Moscow and Beijing at the same time. Vance favored an "evenhanded" policy toward Beijing and Moscow; Brzezinski advocated a tougher stand toward Moscow and viewed normalization with China as an important means of dealing with the Soviets. In Brzezinski's mind, closer China-U.S. collaboration was meant to help Moscow understand the value of restraint and reciprocity. The rift between Vance and Brzezinski over policy and power grew to such a degree that in 1978 the House Committee on International Relations wrote a letter to President Carter asking who was running foreign policy.⁶⁰

Brzezinski originally came to Carter's policy-making circle with little interest in China. It was Vance who initiated a State Department study on China and argued for normalization in the first few months of the administration. Yet, as it turned out, Brzezinski later became an internal advocate and played the central role in completing the normalization. The institutional friction over the issue arose as Brzezinski gradually recognized the attractiveness of "the China card" in Soviet-American relations. In April 1977, at the suggestion of Michel Oksenberg, Brzezinski recommended that the president reaffirm to the Chinese Nixon's five points on Taiwan. Upon learning of the president's decision to accept Brzezinski's idea, Vance requested a reconsideration, arguing that this step was premature.⁶¹ Vance's objection could partly be explained by his concern that the NSC was undercutting the conduct of the State Department's China policy.⁶²

After the spring of 1977, the position within the executive branch gradually changed, with the national security adviser pushing for quick completion of the normalization in order to punish the Soviets while the secretary of state argued for a slower pace.⁶³ As Graham Allison points out, one's bargaining advantage and one's skill and will in using this bargaining advantage help determine one's effect on the outcome.⁶⁴ Brzezinski's unique

⁶⁰ *Washington Post*, December 20, 1979, p. C3.

⁶¹ Brzezinski, *Power and Principle*, p. 198.

⁶² Interview with Vance.

⁶³ In the meeting concerning PRM 24 on China, chaired by Vance at the end of June 1977, Brzezinski "came out strongly for a commitment to normalization when Cy goes to China"; however, he felt isolated, with "most participants feeling that we could not move that rapidly." See Brzezinski, *Power and Principle*, p. 200.

⁶⁴ Allison, *Essence of Decision*, pp. 168-169.

position as national security adviser gave him great advantages in winning the bureaucratic fight with Vance. He used every opportunity he had, especially the morning national security briefings, to pressure the president for a major move in China policy. After Vance's trip to Beijing, Brzezinski saw national and institutional as well as personal interests involved in competing to formulate the administration's China policy; he succeeded in convincing the president to let Vance pursue détente with the Soviets and to let him handle the China policy.

In late 1977 and early 1978, the battle between the NSC and the State Department over formulating China policy unfolded in a presidential decision of "who goes to China next." Brzezinski wanted to go to China himself to give normalization a major push. At his encouragement, the Chinese extended him an invitation in November 1977, thereby irritating Vance, who told Brzezinski explicitly that he was "strongly against" this visit to China. Vance argued that the visit would "undercut our negotiation efforts with the Chinese" and "imply too much about possible normalization."⁶⁵ The secretary also insisted "that any negotiations be carried out through him."⁶⁶ Brzezinski made a "sustained effort" to obtain presidential approval for his trip to China, however, arguing that such a trip could help restore momentum to the relationship. As he recalled, "To succeed, I had to overcome strong resistance by State. That resistance, I suspect, was partially institutional: the State Department is probably more 'turf-conscious' than any other agency in Washington; and the Secretary of State was, I imagine, concerned about the political symbolism of a mission to China undertaken by the President's Assistant for National Security Affairs."⁶⁷ To overcome State's resistance, Brzezinski tried to fashion an alliance with Vice-president Mondale and Defense Secretary Brown within the bureaucracy. On the other side, Vance and his State Department tried to block Brzezinski's trip by encouraging Mondale to visit Beijing, and at one point, the attempt almost succeeded. By using his morning briefing opportunity and his alliance with other major players, Brzezinski finally convinced Carter to overrule State's objection to his visit. Carter decided to send Vance to Moscow and Brzezinski to Beijing.

⁶⁵ Brzezinski, *Power and Principle*, p. 204.

⁶⁶ Carter, *Keeping Faith*, pp. 193-194.

⁶⁷ Brzezinski, *Power and Principle*, p. 203.

Brzezinski's trip was significant not only because he wanted to use it to give normalization a major push, but because the trip itself signaled his predominant role in formulating the administration's China policy. After Carter approved Brzezinski's trip, Vance had no choice but to involve himself in planning the trip because his personal interests and institutional responsibilities made it impossible for him to opt out. Vance also, of course, wanted to limit Brzezinski's mandate during his trip and set boundaries for what the national security adviser was allowed to do and how far he could go. On May 10, Vance asked Brown and Brzezinski to join him in sending the president a memo outlining the trip. According to this memo, Brzezinski would be allowed to tell the Chinese only that President Carter was serious about normalization and that in June Ambassador Woodcock would begin a series of presentations that would outline a formal U.S. position.⁶⁸ Brzezinski, however, wanted more than that. He personally drafted and had Carter sign a presidential instruction authorizing him to "convey to the Chinese our determination to move forward with the process of normalization...reiterate U.S acceptance of the three Chinese key points and reiterate U.S. five points." He was instructed to tell the Chinese that "the most important [of our common interests] is our common opposition to the global hegemony [namely, the Soviet Union]...and that the United States has made up its mind on these issues."⁶⁹ This presidential instruction was historically important not only because it outlined the U.S. position in principle, but also because it marked an end of Washington's evenhanded policy in the Washington-Beijing-Moscow triangle. Vance later indicated that Brzezinski's actions in Beijing and after went beyond what the national security adviser was instructed to do.⁷⁰ This accusation showed a lack of communication between Vance and Brzezinski before the latter's trip to Beijing: Vance seemed unaware of the presidential instruction and thought that Brzezinski had done something behind his back.

The variable determining the degree of congruence between decision and action is whether or not the executors favor implementation. As Halperin and Kanter point out, complete and faithful implementation of the president's will is the exception rather than the rule because of the divergence of actors' opinions about

⁶⁸ Vance, *Hard Choices*, p. 115.

⁶⁹ See chapter 5 of this study.

⁷⁰ Interview with Vance.

how to interpret the president's decision. Deliberate noncompliance and overcommitment may result depending on the executors' position on the issue. Opportunities for subordinates' discretion are enormous.⁷¹ Some who are supposed to implement a decision do not feel obliged to strive for faithful implementation. Some who favor an action will move beyond the original decision. In short, the executors make a big difference. Vance's trip was authorized to negotiate normalization, yet it resulted in a setback. Brzezinski was authorized only to convey a message, yet he ended up in a negotiation. It is hard to determine what would have happened if Mondale, not Brzezinski, had gone to Beijing in May of 1978.

After Brzezinski's trip, Vance and Brzezinski seemed to have agreed on the terms, timing, and way to approach normalization. Vance changed his strategy and authorized Holbrooke to actively participate in Brzezinski's efforts to prepare the new China policy. As assistant secretary of state for East Asian and Pacific affairs, Richard Holbrooke was likely to view normalization as one of his bureaucratic prerogatives. To a certain extent, Holbrooke played an interesting "floating" role between Vance and Brzezinski in the formulation of China policy, and along with Oksenberg, he helped move the normalization through the Brzezinski-Vance rift.

Fear of leaks and bureaucratic fights compelled Carter to limit the final negotiation to only a few people. In this case, the president created a whole new organizational pattern with new channels. Woodcock was assigned to negotiate in Beijing, instead of having high-level officials shuffle between the two capitals. Having sensed the Vance-Brzezinski rift, the president decided to involve himself. This involvement not only indicated Carter's strong interests in normalization, but also made it hard for officials to resist what he had ordered.

Brzezinski was the key figure in determining the final timing of the announcement of normalization. Originally, the Chinese proposed January 1, 1979, as the date for the announcement, and Carter's inner circle agreed. But Brzezinski wanted to change the date to December 15 and successfully convinced the president to agree. Vance was justifiably upset about being excluded from the decision, made when he was in Jerusalem:

The President called me in Jerusalem to say that we had an agreement, and to my surprise told me that he wanted to move the date

⁷¹ Halperin and Kanter, *Readings in American Foreign Policy*, p. 33.

of the announcement up to December 15. This news came as a shock. At a critical moment, Brzezinski had blacked Christopher and Holbrooke out of the decision making for hours and they had been unable to inform me of what was taking place.⁷²

In retrospect, Brzezinski definitely played a central role in the timing and terms of the normalization. Two days after the normalization announcement, President Carter told Brzezinski, "You are genuinely the driving force behind the whole effort. Whenever I wavered, you pushed me and pressed me to go through with this."⁷³ Vance and Brzezinski agreed on the necessity of having normalization but differed in their assessment of how to pursue it under the context of U.S.-Soviet relations. The difference was also institutional and personal as Brzezinski saw the normalization as his personal triumph and Vance attempted to preserve the State Department's right to conduct U.S.-China relations. Organizational constraints and bureaucratic politics definitely affected the final result. It is hard to say whether the normalization would have happened the way it did without Brzezinski's strong push and without the Vance-Brzezinski bureaucratic fight. Considering Vance's concerns over Moscow's sensitivity and his desire to see the SALT II treaty and a Carter-Brezhnev summit before the normalization, normalization would probably not have occurred until later.

Interbranch Conflict and the TRA

Negotiations on normalization led to the conclusion of the normalization agreements between the Carter administration and the Chinese government. The equilibrium of the Beijing-Washington-Taipei triangle was broken, with Washington tilting substantially toward Beijing. However, the U.S. constitutional arrangement determined that the policy-making process had not yet been completed. The governmental institutions began to adjust to the change brought forth by the White House's initiative. Procedural and structural factors help explain why the TRA closely followed the normalization agreements.

⁷² Vance, *Hard Choices*, pp. 118–119.

⁷³ Brzezinski, *Power and Principle*, p. 233.

The Inevitability of Legislature Involvement

Institutionally, although the U.S. Constitution does not clearly assign the power of recognition to any branch, the executive branch traditionally enjoys the privilege of negotiating the issue of diplomatic recognition with foreign countries because it has the constitutional right to receive representatives of foreign governments. Congress, while not openly disputing the executive's claim to control diplomatic recognition, has never fully reconciled itself to it. In general, presidents have freely exercised that power, except in cases where recognition might have dangerous international consequences.⁷⁴ However, the executive branch's initiative in recognizing the People's Republic of China required the involvement of the legislative branch; more important, it touched on several issues relating to the institutional boundaries.

Obviously, the legislative branch had to pass legislation to govern future U.S.-Taiwan relations by creating a nongovernmental entity to conduct unofficial U.S. business with the island. A law was needed to indicate that previous agreements with Taiwan remained in force and that the people on Taiwan had the juridical standing of a country in U.S. law even though diplomatic relations were cut off. It had to confirm the president's appointment of an ambassador to China and to appropriate funds for both a U.S. embassy in Beijing and the AIT in Taipei. The institutional constraints on the executive branch were imposed by the rules embodied in the Constitution, which required that the legislative branch be involved in implementing Carter's China policy. President Carter had no choice but to obtain support from the legislative branch for his China initiatives.

The inevitability of congressional involvement per se had not led to the conflict between the executive and legislative branches. Congress could have passed legislation to support the president. The inconsistencies between rewriting Taiwan legislation and the president's will in this case was partly due to congressional dissatisfaction and anger resulting from several issues relating to the institutional boundaries and the deficient bill prepared by the administration.

Treaty Termination Issue. First, the termination of the U.S.-Taiwan Mutual Defense Treaty (one of the Chinese prerequisites for normalization) raised the constitutional issue of who has the power to terminate a treaty. Citing *United States v. Curtiss Wright*

⁷⁴ Schlesinger, *Imperial Presidency*, pp. 14-15.

and other cases, as well as presidential power as defined in Article II of the Constitution and in the supremacy clause of Article VI, which defines executive powers in this field,⁷⁵ the executive branch asserted that the power to terminate a treaty is an exclusive executive prerogative.⁷⁶ The State Department also argued that the "treaty was being terminated in accordance with its own terms" and maintained that "the President's authority to terminate a treaty derived from his authority and responsibility—as stated in the Constitution—to conduct the nation's foreign affairs and to execute the laws."⁷⁷

Some members of the legislative branch, especially in the Senate, challenged this claim, arguing that inasmuch as the president had to have the advice and consent of the Senate to make treaties with foreign nations, he couldn't abrogate them unilaterally. Some senators even claimed that treaties, as laws of the land, could only be superseded by subsequent law. The interbranch conflict between the executive and legislative branches drew the judicial branch into the fight. Contending that President Carter's action had violated their legislative right, Senator Goldwater and twenty-five other members of Congress filed a lawsuit in the District Court of Washington, D.C., on December 22, 1978, before Carter formally notified Taiwan of the U.S. intention to terminate the mutual defense treaty. The suit, which exemplified the long-standing competition between the two branches over the power to make foreign policy, had strong policy implications for the country's foreign relations. If the plaintiffs had won the case, the newly established diplomatic relations between the PRC and the United States might have suffered a severe setback, which consequently might have had a profound effect on the long-term relations between the two countries and on U.S. global strategic interests. On June 6, 1979, Judge Oliver Gasch first dismissed the complaint, stating that the complainants lacked the legal standing to sue. Later, Gasch changed his mind and favored the plaintiffs when he determined, on October 17, 1979, that they did have the legal standing to sue on the ground that their votes as legislators were at issue.

⁷⁵ Herbert Hansell, "President's Power to Give Notice of Termination of U.S.-ROC Mutual Defense Treaty," December 15, 1978 (White House press release).

⁷⁶ For a useful analysis, see Pious, "Taiwan Relations Act," pp. 142-144.

⁷⁷ Brzezinski, *Power and Principle*, p. 59.

On October 18, 1979, the Justice Department filed a notice of appeal with the U.S. Court of Appeals for the District of Columbia, which reversed the ruling of the District Court by a vote of 6 to 1 on November 30, 1979.⁷⁸ On the same day, Goldwater and the other plaintiffs filed a petition for a writ of certiorari with the U.S. Supreme Court, and on December 13, the Supreme Court decided to leave the issue to the executive and the legislative branches. This decision of nondecision by the Supreme Court implied that the president's decision to abrogate the treaty was valid and that the president had acted within his constitutional authority when he opted to end the defense treaty with Taiwan.

Consultation Issue. Second, Congress passed a resolution in November 1978 expressing its sense that the executive branch should consult with the legislative branch regarding any major change in China policy.⁷⁹ However, there was actually little consultation between the two branches during the last stage of the normalization negotiations. Since many legislators felt that the executive-legislative consultation was an essential key to a united U.S. foreign policy, Carter's action complicated the situation by provoking discontent among the legislative branch and deepening the intrainstitutional frictions. As Representative Lester Wolff criticized, "The Administration's failure to live up to its pledge of last summer creates needless potential domestic obstacles, and also raises serious concerns that we have returned to the era of secret agreements concluded primarily for the purpose of avoiding rigorous debate in Congress on the merits of the issues involved."⁸⁰ Republicans and Democrats alike were unhappy about Carter's failure to "consult" Congress. In light of the prevailing resurgent mood on Capitol Hill during this period, it was inevitable that Congress would register its discontent over Carter's change in China policy. Had there been meaningful consultation between the executive and legislative branches over the normalization issue and coordination on the issue of terminating the defense

⁷⁸ *Goldwater v. Carter*, no. 78-2412 (D.C.C., filed December 22, 1978), Decision of U.S. Court of Appeals for the District Appeal in 964 F. Supp. 99 (1979). See also Pious, "Taiwan Relations Act," p. 151.

⁷⁹ An amendment cosponsored by Senators Bob Dole and Dick Stone to the fiscal year 1979 Security Assistance Authorization Bill, S. 3075, stated that "it is the sense of the Senate that there should be prior consultation between the Senate and the Executive Branch on any proposed policy changes" affecting the U.S.-Taiwan defense treaties. See chapter 6 of this study.

⁸⁰ Bader and Bergner, *Taiwan Relations Act*, p. 7.

treaty with Taiwan, Congress might have been more supportive of Carter's policy change, and the final outcome might have been different. Some scholars attribute the rewriting of the Taiwan bill to this lack of consultation.⁸¹

Why didn't the executive branch consult with Congress to avoid congressional backlash? The nature and structure of the U.S. government makes consultation difficult in a situation like this. The organizational weakness of the U.S. Congress—such as its parochialism, its inability to act quickly, its incapacity to plan and integrate a policy, its decentralized power structure, its lack of expertise, and the individualistic tendencies of its 500 plus members—make it almost impossible for a president to consult Congress if the action is highly sensitive or risky or if it involves conflicting values. Negotiations with a foreign authoritarian government like China obviously created great uncertainty. The president and his national security adviser understood that Congress might not share their perceptions and preferences; therefore, an early consultation with Congress, even with a small group of congressional leaders, would complicate the negotiation process and render a final agreement impossible. It would be better for their institutional and personal interests to keep the legislative branch in the dark. As Carter said, "I don't have any doubt that what I did was right and correct. I don't have any doubts that had we made a public issue of it, it would have complicated the issue unnecessarily."⁸²

Cyrus Vance recounts in his memoir that because of the existing Senate resolution of 1978 he once argued in favor of secret consultation with the congressional leadership.⁸³ Brzezinski, however, objected to any form of consultation with Congress before the final agreement was reached with the Chinese. The president, willing to risk offending Congress rather than allow leaks to complicate the negotiations with the Chinese, sided with Brzezinski. This decision was also partly due to Carter's growing confidence in his ability to handle Congress over the Taiwan issue, given the successful completion of normalization.⁸⁴

⁸¹ Sutter, *China Quandary*.

⁸² Department of State, *U.S. Policy toward China, July 15, 1971–January 15, 1979*, p. 50.

⁸³ Vance, *Hard Choices*, p. 118.

⁸⁴ Ogata, *Normalization with China*, p. 75.

The legislative branch's institutional interests determined that it demanded consultation in this case; the characteristics of the legislative branch and the nature of the issue determined that the executive branch had little choice but to keep Congress in the dark. This lack of consultation, in turn, would almost guarantee an interbranch conflict. In a word, the organizational contention was unavoidable, given the nature of Sino-American normalization negotiations, the congressional structure, interbranch competition, and the historical timing of congressional assertiveness. To a great extent, congressional rewriting of certain parts of Carter's policy toward China and Taiwan was rooted in the constitutional framework, which, by assigning most power to a legislative branch divided between two chambers, guarantees the intrusion of parochial considerations into the making of foreign policy.

Commitment of National Power. A third issue is related to the commitment of national power. We have seen that Taiwan's security was a crucial issue. The Carter administration wanted to indicate Washington's intention of maintaining the future security of the island through administrative discretion, rather than legal statutory means. The executive branch planned to rely on its statement that it expected the Taiwan issue to be resolved peacefully by the Chinese themselves and on its understandings with Beijing leaders at the time of negotiations for normalization. Therefore, the draft of the Taiwan legislation sent to Congress contained no national commitment to the security of Taiwan. Had Congress accepted the administration's Taiwan enabling bill, it would have confirmed the private understanding reached between the executive branch and Chinese leaders and therefore have recognized the power of the executive branch to make a national commitment. For their institutional interests, legislators wanted to make U.S. commitment their organizational responsibility. Many in the legislative branch believed that the right and power to make a national commitment, including the possible use of force, rested in the Congress, and that there had to be congressional action through legislation to legitimize the commitment.

The poorly drafted Taiwan enabling bill did not help reduce congressional dissatisfaction. The preparation of such legislation necessitated a wide range of interorganizational consultation, involving legal specialists in the Defense, Justice, Treasury, and Transportation Departments. Because of concerns over a possible leak, however, the draft was not undertaken during the secret negotiations with the Chinese. Drafting did not begin until after

December 16, 1978, and did not receive the care it deserved.⁸⁵ Even many Democrats who supported Carter's China policy change believed that the administration's bill needed improvement concerning the future security of Taiwan. Some legislators insisted that the arrangements for Taiwan's security were not sufficient, and some even suspected that the Carter administration was abandoning Taiwan; thus, many believed that congressional action was desperately needed to protect the island and U.S. political, economic, and other interests there. Some legislators believed that the price paid by the executive branch for normalization was too high and that the United States did not get anything from the Chinese in the deal. Some were uncomfortable because they could not maintain even semiofficial relations with their old ally Taiwan. Most of the dozen or so bills and resolutions in the Senate and the House in January 1979 were aimed at repairing what members of Congress viewed as a bad deal reached between the executive branch and the Chinese government.

The combination of factors discussed above motivated many legislators to register their dissatisfaction in the legislation process. From an organizational perspective, therefore, the involvement of the legislative branch in legitimizing the executive branch's initiative and rewriting the Taiwan bill was inevitable. It was inevitable because institutional boundaries were involved and because the two branches differed over policy. The passage of a modified TRA following the normalization agreements was determined by the nature of the organizational structure, by the rules, and by each agency's perceived constitutional power and interests.

Mutual Adjustment and Cooperation

Immediately after the normalization agreements with Beijing's leaders were signed, the external constraints became secondary to internal constraints and intraorganizational conflict. President Carter had to struggle to defend his China policy action on the domestic battlefield, while Congress sought to rescue what many legislators perceived as the unprotected U.S. interests in Taiwan. Compromises were necessary to achieve the cooperation required if the organization was to implement its decisions. Organizational adjustment and coordination did not end until the passage of the Taiwan Relations Act.

⁸⁵ Oksenberg, "Congress, Executive-Legislative Relations," p. 216.

The rules of the game in fighting intraorganizational conflict affect policy outputs. Rules are usually the constitutional provisions, regulations, procedures, customs, and traditions that organize the government. The rules determined that, in this case, the organizational machine move slowly along a well-defined road in response to the specific stimuli brought forth by the executive branch. When the Taiwan legislation was sent to the legislative branch, constant bargaining and negotiations between the two branches started. Within the legislative branch, potential opponents can block legislation at many "veto points": subcommittees, full committees, the full House, the full Senate, and the conference committee. The advantage lies with those who oppose a specific policy, because it is difficult to jump all the hurdles along its route of legislative enactment. Given this widespread participation in the policy process, great efforts were needed to pass Carter's new China policy in the 98th Congress.

In intraorganizational fighting, each branch has its own weapons. The president can disturb but not control the behaviors of many legislators. As has been discussed in chapters 7 and 8, Carter's Taiwan bill encountered serious congressional challenges from the beginning. Senator Javits and later Senator Percy were among those who had attempted to modify the Taiwan legislation in the Senate Foreign Relations Committee by inserting strong language similar to that of the defense treaty to protect Taiwan. In the House Committee on Foreign Affairs, the amendments of Representative Dan Quayle and others also threatened to revive the U.S.-Taiwan Mutual Defense Treaty. During the Senate floor action, Senators Goldwater, Helms, and other firmly committed anti-Communists and pro-Taiwan advocates collaborated to torpedo Carter's China policy change by adding unacceptable amendments to the bill. Many others simply wanted to ensure Taiwan's security and to elevate the U.S. presence in Taiwan. Any one of the key players could block the process, as did Senator Helms, by delaying the ambassador's confirmation, and Senator Hollings, by refusing to transfer funds to the AIT. Some used the standard organizational procedures—like the Percy amendment—and almost succeeded in killing the deal.⁸⁶

But the legislative branch of the U.S. government is not a monolithic or a unitary agency. Power within the Congress is fragmented and dispersed. The divergent interests and opinions

⁸⁶ See chapter 6 of this study.

among members of Congress offer the executive branch maneuvering room. The 98th Congress also happened to be a Democratic-controlled Congress. Among the fifteen members of the Senate Committee on Foreign Relations, nine were Democrats; in the House committee on International Affairs, twenty of thirty-two members belonged to the president's political party. As an acknowledged leader in the Democratic Party, President Carter enjoyed certain advantages in forming alliances and influencing the voting behavior of many legislators. To some extent, partisan politics helped the executive branch save the normalization deal. President Carter found allies in Senators Frank Church, Joseph Biden, George McGovern, Edmund Muskie, and John Glenn in the Senate committee and Representatives Clement Zablocki, Lester Wolff, Dante Fascell, and others in the House committee. These key members played an important role in collaborating with the president and in convincing their Republican colleagues that the Taiwan legislation should not substantially violate the normalization agreements. Their attitudes and voices, especially their efforts in the markup session of the House-Senate conference committee, helped pass legislation that was generally within the framework of the normalization agreements.

Halperin and Kanter point out that an agency's best strategy to cope with constraints and conflicts is to maximize support on behalf of the desired decision and action by persuasion, offers of compromise, and resort to coercion.⁸⁷ Implicit in the use of persuasion is the belief that at some level major organizational goals are shared and that disagreements over subgoals can be mediated by referring to common goals.⁸⁸ If institutional rivals possess blocking power, the task of a president who wants to get something done is to convince others that the desired presidential action is also in their best interests.⁸⁹ The executive branch therefore tried to persuade people in the legislative branch that they had a stake in the normalization of U.S.-PRC relations. The executive branch emphasized the importance of normalization to U.S. strategic interests and tried to convince the members of Congress that only the president's decision could protect U.S. global interests. Secretary of State Vance said, in January 1979, that "failure to try to move forward would have left us in danger of moving back-

⁸⁷ Halperin and Kanter, *Readings in American Foreign Policy*, p. 23.

⁸⁸ March and Simon, *Organizations*, p. 129.

⁸⁹ Huntington, *Common Defense*, p. 167.

ward—at great cost to our global position.”⁹⁰ The message to Congress was clear: normalization now with less cost, or later with more cost. Also, because the difference between the legislative and the executive branches boiled down to the issue of Taiwan’s security, the executive branch emphasized that Beijing’s allowing the continuation of U.S. arms sale to Taiwan was an important concession that would guarantee Taiwan’s security.

In a situation of different preferences, information is a strategic instrument for actors. Secret hearings were therefore arranged and important military assessments and intelligence passed to important legislators as evidence supporting the view of the executive branch. In providing information, the executive branch tried to deemphasize the possibility of a PRC attack on Taiwan and downplay any threat to Taiwan’s security.

The strategy of the executive branch worked. With the help of many Democrats in Congress, the administration convinced hesitant senators and representatives to restrain their efforts to protect Taiwan’s interests. The shift of Senator Javits’ position was an example of how the administration and its allies in Congress could win Republican votes. A main Republican figure advocating strong U.S. commitment to Taiwan’s security at the beginning, Senator Javits later joined Frank Church and Robert Byrd in torpedoing the Percy amendment. In general, the administration tried to form a broad alliance including those who either shared their views or were affiliated with the president’s political party in the fight against those who strongly opposed the new China policy.

The executive branch also offered a compromise, altering the proposal in a way that would please those opponents to make it appear as if the executive branch was reasonably flexible in coping with those issues raised by the legislators and willing to consider their concerns. Although claiming that it was unnecessary to have security language in the Taiwan legislation bill, the Carter administration later agreed to include the security clause in the legislation. When several unacceptable clauses were written into the bill during the Senate committee’s markup session, Warren Christopher and later the president himself began to lobby the senators, an effort that helped the committee reach a bipartisan compromise on the security language. In return, the president

⁹⁰ Department of State, *U.S. Policy toward China, July 15, 1971–January 15, 1979*, p. 56.

agreed to go to the public and make it clear that his China policy change "does nothing to prohibit a future president or a future Congress... from even going to war, if [we] choose, to protect the people of Taiwan."⁹¹ This gesture also helped to win over some hesitant congress members.

The administration also made concessions on issues such as the ownership of Twin Oaks and the granting of diplomatic privileges and immunity to Taiwan representatives. As I noted in chapter 8, the State Department at first maintained that the "better claimant [to the embassy property] is the government recognized by the United States as the government of China" and that the questions concerning ownership of the embassy should be settled in the courts, not by Congress. Later, State agreed to compromise on this issue and use it as a means of bargaining with legislators. One of the president's most effective weapons, however, was his willingness to resort to his veto power. On several occasions the president mentioned that he would veto the bill if it violated the normalization agreements he had reached with the Chinese. In seeking to convince players in the legislative branch that he had the power and ability to undo their efforts, President Carter was able to persuade potential opponents to reassess the situation and even quit the game.

Final Product of the Institutional Process

Students of foreign policy making tell us that governmental decisions and actions are largely determined by organizational structure and by procedures and constraints within the policy-making process, with each organizational unit perceiving problems, processing information, and performing a range of actions quasi independently. The decision to normalize U.S.-China relations and the passage of the Taiwan Relations Act resulted from the compromises of two branches that routinely performed their own roles and had their own institutional perceptions, priorities, and standard operating procedures. The China policy-making process thus became a political process of building consensus and support for a policy among those participants who had the power to affect the outcome but who often disagreed over its nature. The process was political in that the participants who could to varying degrees influence the choices that were made and the policy

⁹¹ *Public Papers of the Presidents: Jimmy Carter*, pp. 243, 248-249.

formation, disagreed over the ends and means of policy making. Consensus was achieved through the standard techniques of negotiation, bargaining, and compromise along regular channels.⁹² The process was institutional in that it followed the organizations' standard operating procedures and was greatly influenced by institutional structures and procedures. The initiative, made by the executive branch in late 1978 with the hope of improving the U.S. global strategic situation, triggered the mechanism of the institutional machine, and the whole system started to work, with the legislative branch quickly responding to and trying to legitimize the executive initiatives with its own institutional interests and perceptions, while acting in accordance with its own rules and standard operating procedures. Different institutional perspectives partially accounted for differing congressional policy stances and led to intraorganizational contention. Through reaction, interaction, persuasion, bargaining, and compromises, the administration's Taiwan enabling bill was greatly modified and the TRA was created. This specific government action was made unintentionally. As a result of the TRA, the conflicting U.S. interests were reduced and U.S. interests in both Beijing and Taipei protected.

An analysis of the passage of the TRA illustrates the complexity of U.S. bureaucratic politics, the relationship between the president and Congress, and the assertiveness of Congress in foreign affairs in 1978–1979. It confirms the suggestion made at the beginning of this study that U.S. China policy making during the Carter administration was not only the result of U.S. strategic-geopolitical interests, but also the political result of interaction of different government branches pursuing their own institutional interests and policy preferences. Congress was determined to leave its imprint upon U.S. policy toward the PRC and Taiwan; to a great extent, it did so; it also partially redefined U.S.-Taiwan relations. By enacting the TRA, a resurgent legislative branch made the U.S. commitment to Taiwan's security much clearer, asserted Congress' role in the making of U.S. China policy, and attempted to demand treaty termination power.

To a certain extent, congressional involvement readjusted the organizational goal from a pro-Beijing direction back to the mutually acceptable area defined in the previous chapter, but with a slight tilt toward Taiwan. The new round of policy making was a solution-driven search, stimulated by the problems perceived by

⁹² Art, "Bureaucratic Politics."

the legislative branch in the deal reached between the Carter administration and the Chinese. New alternatives were sought in the "neighborhood" of the old one. The Taiwan legislation became the battleground between two branches over the issue of U.S. interests in Taiwan. The search for a solution continued until it revealed an alternative that was good enough to satisfy the existing goal and could be accepted by the executive branch and possibly by the Chinese. After a complex process of interaction, a compromise was reached, and the TRA was passed to supplement the normalization agreements. The substantially modified TRA was generally within the framework of the normalization agreement and was thus accepted, although with reservations, by the Chinese.

This examination also supports the proposition raised at the beginning of the study that both the decision to normalize U.S.-China relations and the passage of the TRA were the organizational outcomes of a complex intraorganizational process involving reaction and interaction between, and sometimes among, the executive and the legislative branches. The final form and timing of the two documents were determined and shaped by the nature and characteristics of the U.S. government. The existing organizational structures and the rules of the game made Congress' involvement inevitable, and the passage of the TRA was the end product of this involvement.

From an organizational perspective, the Taiwan Relations Act was inevitable. The organizational structure and characteristics of the U.S. government, when added to the nature of the issue, assured that the executive branch would not consult Congress. This lack of consultation led naturally to congressional dissatisfaction, which in turn led to congressional assertiveness and direct intervention. The rules and procedures provided the opportunity for legislators to easily register their dissatisfaction. The dissatisfaction and assertiveness, together with the diversity of opinions among legislators with different perspectives over policy actions, determined the final modification of the Taiwan legislation.

Institutional Rationality and Advantages

The previous chapter suggests that the processes leading to the formulation of the TRA were shaped by the structural and procedural characteristics of U.S. institutions and that the final outcome was achieved unintentionally. If this was not a case of luck, how was this desirable and unanticipated result accomplished? To what extent and under what conditions can an organization offer a rational solution to a situation involving conflicting interests? This chapter tests the conceptual hypothesis raised at the beginning of the study, which argues that the unique U.S. constitutional arrangement offers a good mechanism for mutual adjustment and coordination and holds a certain "rationality" in coping with the conflict among foreign policy interests absent a crisis.

Organizational Rationality

The literature of bureaucratic politics sees bureaucratic dysfunction as rational choice being refracted by rules, procedures, and bureaucracies' parochial interest in the policy-making process. Congressional studies also remind us of congressional nonrationality stemming from Congress' special interests, various constituent roots, or committee structure. Indeed, bureaucracies and Congress do not make "rational" national policy, nor do they reflect their own interests.¹ Yet the end product in this case looks like a "rational" result created by a rational policy-making system. We use the term "policy-making system," not "decision-making system," to distinguish between decisions made and governmental actions actually taken.² Inasmuch as the executive and legislative

¹ Pastor, *Congress and the Politics of U.S. Foreign Economic Policy*, pp. 30–42.

² As Alexander George distinguishes "resulting decisional outputs and eventual policy outcomes." See George, *Presidential Decision Making in Foreign Policy*.

branches were able to construct two documents to serve opposing U.S. interests, there seems to be some kind of organizational rationality that allows the U.S. government to act as a unitary, rational, and value-maximizing actor. Although the U.S. government could not maintain normal official relations with Taiwan, it was able to maintain "normal" relations with Taiwan and ensure its security. To a great extent, it attained through its organizational processes what it could not get from the negotiations with the Chinese.

The organizational rationality referred to here is a relative concept. It differs from the concept of classical rational choice theorists, who maintain that organizational behavior can be understood as intentional, consequential action. The presumption of organizational rationality assumes the following organizational characteristics:

A knowledge of alternatives. Organizations have a set of alternatives for action, which are defined by the situation and known unambiguously.

A knowledge of consequences. Organizations know the consequences of alternative actions, at least up to a probability distribution.

A consistent preference ordering. [Organizations can] specify an objective function by which alternative results of action can be associated with their subjective value.

A decision rule. Organizations have rules by which they select an alternative on the basis of its consequences for organizational preferences.³

The analysis of this case illustrates a different kind of logic. The U.S. government generally had a broad, yet self-contradictory goal. Because of the uncontrollable external constraint embodied in Beijing's three prerequisites and Washington's need to protect U.S. interests in Taiwan, however, the U.S. government did not know how to achieve that goal, nor did it know the probable distribution of consequences conditional on each available alternative. Also, the organization as a whole had neither a consistent preference order nor an agreed-upon alternative; it had only the conflicting preferences of segmented branches. After calculating U.S. global interests, the executive branch wanted to normalize relations with Beijing and decided to trade off some U.S. interests in Taiwan in the first phase of the process. The legislative branch intervened with a different preference, in accordance with

³ March and Simon, *Organizations*, p. 210.

standard operating procedures, to restore the alleged "lost" interests in Taiwan in the second phase. The policy-making process became a bargaining process in which each unit fought for what it believed to be essential to U.S. interests until all participants agreed on the final alternative. Organizational rationality was realized through unintentional and inconsequential interaction among all participants in all organizational units; only the consequence was "rational."

The question is, How could this "rational" result have been achieved in this unintentional manner, and under what conditions was it achieved? Was this "rationality" related to organizational processes, or was the achievement in this case purely accidental? If there was a connection between organizational process and rationality, how were they interrelated? The answers may be found in U.S. constitutional arrangements, the institutional capability for mutual adjustment and coordination, and the nature and content of the issue.

Rationality in the Structure

A particular organizational structure performs a particular function. We have seen that the U.S. system of checks and balances creates a situation in which no branch has authority over the others and in which it is often essential to achieve agreement between the executive and legislative branches. This constitutionally arranged structure provides an opportunity for institutional contention by requiring joint efforts in many areas and by not clearly defining the appropriate boundaries between branches. Ambiguity in the rules of the game invites struggles, but it also allows optimal results to be developed through action and interaction among competing branches. To a certain extent, ambiguity is a form of intelligence that provides flexibility and maneuvering room in achieving certain organizational goals that are difficult to achieve under other kinds of structures such as a centrally controlled structure.⁴

The essence of the U.S. federal organization is the subdivision of function, both in the areas to be covered and at its various levels, and it is always possible that different branches of the organization will approach issues differently, primarily because their institutional positions bring with them various clusters of respon-

⁴ Brown, *Human Nature of the Organization*, pp. 33-52.

sibilities. Because their departments' responsibilities vary, people see different issues as of consequence to them, and even when they do focus on the same issue, they will almost invariably emphasize different aspects of it.⁵ The variation in approaches and emphasis among the branches is not only normal but healthy: without tensions and intraorganizational struggles, the organization tends to lose tone and vitality.⁶ Further, the involvement of more players from different units in the policy-making process assures that the different interests represented by different players in different units will be considered. In a situation involving conflicting interests, this institutional feature becomes even more significant. When each unit with equal power speaks for one interest in a conflicting pair—just as in this case the executive branch stood for U.S. strategic interests in the PRC and the legislative branch spoke for U.S. interests in Taiwan—it promises a situation in which none of the interests is sacrificed completely.

A division of labor is to the advantage of an organization. If one large problem can be broken down into many subproblems, an organization can increase its information processing and give the problem due attention by assigning each subproblem to a different unit. March and Simon note an important difference between individual and collective capabilities in coping with complex issues: "The individual possesses only a single focus of attention, hence can only deal with one aspect of the problem at a time. In organizations, however, there is no limit to the number of attention centers that can be allocated to the parts of a problem."⁷ During the Carter period, the making of U.S. China policy resembled a task of coping with two inseparable problems or two integral parts of one problem. In the simplest model of problem decomposition, having branches speak for opposing interests in Washington's relations with Beijing and Taipei was like allowing two people to address two aspects of a problem at the same time.

Of course, there is no guarantee that any given division of labor will be effective in protecting mutually exclusive interests, but at least each side of the conflicting interests can be articulated and represented in the policy-making process. As a general rule, the group with the greatest interest in a specific issue is also likely to hold the most extreme position on that issue. If a group of

⁵ Robert Art, "Bureaucratic Politics and American Foreign Policy," p. 468.

⁶ Brown, *Human Nature of the Organization*, p. 50.

⁷ March and Simon, *Organizations*, p. 193.

players becomes the watchdog for interests they fear will be neglected by another group, the other group becomes sensitive to certain consequences. When the legislative branch held a strong position on U.S. interests in Taiwan, the executive branch developed a sensitivity to congressional concerns. Likewise, when the executive branch vigorously advocated normalization with China, legislators became cautious in their efforts to rescue Taiwan so that their efforts would not jeopardize U.S.-China normalization. In fact, both branches had a common interest in Taiwan, but the normalization efforts restricted the ways the executive branch could take care of those interests. When some of the neglected interests in Taiwan were spoken for in the second phase, they coincided with some of the administration officials' original wish.⁸ Other interests that involve differences—such as, in this case, the issue of how strong the security clause in the Taiwan legislation should be—may wait for coordination among players. When this is the case, the constraint embodied in the conflicting interests situation can be eased.

The advantage of division of labor seems to be applicable to all sorts of organizations, however. What did the characteristics of the U.S. governmental structure contribute to the final results in this case? The final desirable outcomes in this case resulted from the coordinating capabilities of the U.S. government. The unique U.S. structure invites policy contention but also promises coordination. Without the fragmented structure of authority from which the institutional struggle emanated, the Taiwan Relations Act would not have been created in that particular form; and without the organizational capability of coordination, institutional struggles would have led to a deadlock, and U.S. interests in Taiwan would not have been properly protected.

Coordinating Capability

Mutual adjustment and a process of coordination are recognized as fundamental features of organizations. The final outcome in this case was the result of organizational compromise and coordination. Institutionally, Congress can use its legislative power to support and improve presidential initiatives; it can also push policy views that differ from those of the executive branch. In terms

⁸ The administration had privately encouraged a congressional resolution for that purpose; see chapter 6 of this study.

of U.S. interests, it would have been desirable to have some sort of security and official relations with Taiwan. Why did Congress not adopt a security clause identical to the defense treaty and raise U.S.-Taiwan relations to a semidiplomatic level? Had Congress gone that far, Sino-American relations would certainly have suffered a serious setback, and the organizational goal of having both Beijing and Taiwan would have failed. Instead, Congress refrained from undermining the normalization agreement. Several amendments calling for official relations with Taiwan or the establishment of a liaison office in Taipei were offered, but they were not passed. Was this legislative restraint accidental?

The reasons for legislative restraints lay not only in the structure that makes institutional contention inevitable, but also in the characteristics of the organizational structure, which enable and encourage players in each branch to accommodate, coordinate, and cooperate with the players in other branches in pursuit of the organizational goal. As Lindblom states, "In the decision and patterns of decisions reached through a system of partisan mutual adjustment, the weight given to each of various conflicting values depends on and can systematically be made to depend on characteristics of that particular system."⁹ One of the key organizational features revealed by this case was the ability of the U.S. government to achieve coordination and mutual adjustment during institutional infighting. When a structure provides no arbiter or judge, with all agencies involved having mutual veto power over the issue, joint efforts are needed. Such a structure promises meaningful contention, compromise, and cooperation. Cooperation results from mutually recognized and accepted interdependence. Decisional units have to coordinate if they want to accomplish a task.¹⁰ As Huntington points out, "Meaningful policy requires both content and consensus. Consensus is a cost to each participant in the policy-making process, but it is a prerequisite to any policy."¹¹

American organizational structure allows an aggregation or reconciliation of interests, preferences, or values not by sacrificing one or more of the conflicting values to others, but by modifying

⁹ Lindblom, *Intelligence of Democracy*, p. 228.

¹⁰ Thompson finds three approaches to coordination in a mutual adjustment process: command, group-identification, and cooperation based on recognized interdependency, of which recognized interdependence counts heavily in achieving cooperation. See Thompson, *Modern Organization*, pp. 181-190.

¹¹ Huntington, *Common Defense*, p. 167.

values, interests, or preferences and by dropping some troublesome values and formulating new ones, so that agreement replaces conflict to an important degree.¹² During the process of creating the TRA, both sides showed considerable flexibility and a willingness to adjust, without which it would have been impossible to create a desirable outcome for U.S. interests. The final form of the TRA reflected the aggregation of U.S. interests in both Beijing and Taiwan and a reconciliation of preferences of both branches. Therefore, to understand organizational rationality, we have to look at coordination.

According to Lindblom, successful coordination occurs when, in a set of interdependent decisions, "each decision is adapted to the others in such a way that for each adjusted decision, the adjustment is thought to be better than no adjustment in the eyes of at least one decision maker." The process by which decisions deal with the adverse consequences of other decisions, either as they come to be felt or in anticipation of them, is a process of coordination. The process of formulating the TRA was such a process of coordination. Had the legislative branch gone too far in protecting Taiwanese interests, the normalization agreements would have been derailed (in the view of the executive branch, at least). The incentive for policy makers to prefer some adaptation to no adaptation at all was that the coordination reduced adverse consequences for the initial decision in the coordinated set. As Lindblom puts it, "A set of decisions is coordinated if adjustments have been made in such a way that the adverse consequences of any one decision for other decisions in the set are to a degree and in some frequency avoided, reduced, counterbalanced and outweighed."¹³

In this case, both branches found coordination desirable. The legislative branch wanted coordination because it would lose nothing but gain much in terms of what it claimed were the "lost" interests in Taiwan after the coordination. It was willing to compromise because it also wanted to see U.S.-China normalization move forward. The executive branch preferred coordination because it wanted to save the newly achieved normalization with China and because there was a reputational cost to reneging on it.

¹² Ibid., p. 207.

¹³ Lindblom, *Intelligence of Democracy*, pp. 24, 154. "Adjustment is better than no adjustment" is identical to the Pareto criterion, which states that change should be made if at least one person benefits by it and none is any worse off.

It also wanted to avoid and reduce the negative effect of the normalization of U.S.-China relations on Taiwan. Many officials in the executive branch viewed such avoidance and reduction as an integral part of the organizational goal but one that could not be achieved at the negotiation table with the Chinese.

Conventional wisdom assumes that the greater the number of policy makers, the more difficult the process of coordination. That might not be the case when a situation is not a crisis and a decision need not be made immediately. Lindblom argues,

Because of the necessity for a division of labor and for other reasons where decision making is dispersed over a large group of decision makers—and in complex problem solving it always is—their very number afford them the possibility of coordination. And if they represent different interests and look at problems differently, then the possibilities are even greater. If numbers sometime create a problem of coordination, it is only traditional bias that causes us to overlook the contribution numbers can make to its solution. A multiplicity of energies, interests, and intelligences can itself be exploited to achieve coordination.¹⁴

Therefore, an organizational structure that requires many participants to be involved in the policy-making process may not be a bad thing in terms of coordination. It promises institutional contention but also assures the possibility of meaningful coordination among many decision makers. When many decision makers try to solve a problem, they strengthen, not weaken, the process of attending to neglected interests. The multiplicity of participants in U.S. policy making can actually strengthen the organizational capability to achieve coordination.

In sum, this case reveals that the built-in checks and balances of the U.S. government offer not only “invitation for struggle” but also a mechanism for adjustment and coordination among various policy makers in different units. In dealing with inconsistent or conflicting interests, the organization works in its own way, as self-interested players coincide with each other within the organizational setting. Although there might have been a number of random irrational players (irrational in terms of achieving the specifically defined goal in this case) among rational players,¹⁵ the

¹⁴ *Ibid.*, pp. 156–157. This point, I think, is more true to the U.S. structure of partisan mutual adjustment than it is to centrally controlled structures.

¹⁵ Senators Goldwater, Helms, and Percy and Representative Quayle were among those who could hardly be regarded as rational players in achieving the specific organizational goals of having normalization and not abandoning Taiwan. See chapter 7 of this study.

aggregate behavior was dominated by elements of rationality, at least in terms of the final outcome. The rationality was, to a certain degree, the consequence of interlocking choices by subunits, each acting in terms of expectations and preferences, and the interlocking of standard operating procedures and rules at the organizational level. The fragmented U.S. government is always criticized as being weak, yet this "rationality" seems to indicate a power or a form of state strength in the structure that can be interpreted as the opposite of governmental fragmentation.

Although state structure varies little from issue to issue and from year to year, coordination is sometimes good and successful, sometimes loose and poor, with a variety of consequences depending on different conditions. Under what conditions can coordination be successful? We used the term "successful" to indicate actions contributing to the attainment of the final goal. In other words, what are the conditions under which coordination can be realized rationally and a governmental organization advantageously cope with conflicting interests in its foreign policy making?

Conditions for Successful Coordination

Although without other cases it is impossible to identify any clear organizational pattern for rational consequences achieved through organizational processes, an analysis of the conditions for a highly complex set of bargaining and coordinating relationships between or among branches within the U.S. government is beyond the scope of this study. However, this study can at least suggest two conditions under which a successful and rational coordination might be possible:

1. a well-developed internal consensus exists among the overwhelming majority of major players in each unit of the organization about the desirability of achieving more than one foreign policy interest;
2. the difference that caused intraorganizational conflict is contained in the perception of reality in each decisional unit about how to achieve the general goal of the organization.

Regarding the first point, an important condition for a successful coordination, as was revealed in this case, is that most players recognize the existence of conflicting interests and that each opposing interest is properly represented by a unit within the organization. When all units of the organization agree that none

of the interests embodied in the organizational goal should be neglected, units become cooperative and flexible, and mutual adjustment becomes possible.

The literature of organizational studies suggests that the organizational goal is an important variable: it helps maintain the dynamism within the organization.¹⁶ Max Weber assumes that mechanisms for the ideal organization would eliminate behavior that didn't contribute to the goals of the organization and that lines of authority flow from the top of a hierarchy, where an individual determines or interprets the goals for the organization.¹⁷ We may safely assume that people in both the executive and the legislative branch seek the same goal of a unified, successful foreign policy of the United States.¹⁸ In this particular case, the U.S. national interest as perceived by most players in both branches was to normalize diplomatic relations with Beijing while maintaining Taiwan's future stability. Because of the nature of the Beijing-Taipei relationship and Beijing's three rigid prerequisites, however, this general goal was self-conflicting. Had Washington accepted Beijing's terms, the United States would have had to sever not only diplomatic relations with Taiwan but also its military ties with the island, thus sacrificing part of the U.S. foreign policy goal. To solve the dilemma and protect U.S. interests, the executive and legislative branches were to provide inputs to the governmental organization to achieve that goal. Yet because the goal was general and vaguely defined, it was unable to guide each branch to act in a consistent way.

There is a difference between weighing and choosing from conflicting values or interests and molding values or interests to reduce conflict. In the case of the TRA, players were not choosing among interests in conflict but trying to reduce conflict among their interests. How could the interests in conflict be reduced? Lindblom believes that other things being equal, the more widely shared a value, interest, or preference, the heavier its weight in mutual adjustment.¹⁹ The normalization of relations with China was a truly bipartisan enterprise in the 1970s, with Democrats in Congress supporting Republican Presidents Nixon and Ford in their first moves. To most members of Congress, diplomatic

¹⁶ March and Simon, *Organizations*.

¹⁷ Weber, *Social and Economic Organization*.

¹⁸ Crabb and Holt, *Invitation for Struggle*, p. 244.

¹⁹ Lindblom, *Intelligence of Democracy*, pp. 154–157.

recognition of the PRC was recognition of reality; it had been a commonly accepted goal that the United States should normalize relations with China. Not abandoning Taiwan was also a shared value among most players within the government, especially in the legislative branch. A shared foreign policy goal produces bipartisan consensus, which can lead to interbranch cooperation. This is what happened during the passage of the TRA: legislators sought to reduce interests in conflict by using explicit language concerning Taiwan's security, but within the framework of the normalization agreement.

Despite the differences embodied in its institutional interests, the executive branch agreed to go along with the legislative branch to make some changes in the Taiwan legislation because it was also in their interest to assure Taiwan's security. Their primary concern was not whether there should be legislative action to protect Taiwan's interests, but that the action would not go too far in damaging America's newly acquired interests in the PRC. It may be assumed that both the executive and the legislative branches had the same foreign policy goals and that the difference between them on these goals was only a matter of degree. The situation can thus be regarded as one with multiple decision makers and a single goal. The executive branch lost some of its institutional interests and the privilege of handling Taiwan's security through administrative discretion. Some of those U.S. interests in Taiwan, however, were rescued in the second phase of the policy-making process.

On the other side, the executive branch's lobbying efforts convinced the majority of Congress that the Taiwan legislation was not simply an intranational affair but an international issue: it involved not only the executive and legislative branches, but also Beijing. The international environment limited the sensible choices the United States could make and shaped the processes by which the TRA was formulated. Normalization would be jeopardized if Chinese sensitivities were not taken into account. For this reason, the Taiwan legislation had to be within the framework of the normalization agreements. It was this shared goal that prevented Congress from going too far and made the members willing to compromise. Again, when the two branches agree on well-defined national interests and a position enjoys bipartisan support, as it did in this case, it is likely that both sides will compromise. The normalization of U.S.-China relations and the protection of U.S. interests in Taiwan were too important for

partisan disagreement. The nature of this issue created bipartisanship, which moved the whole system from a vaguely defined general goal to the desirable consequences. The greater the desire to achieve a certain goal, the more internal coordination and coalition can be achieved. When the issue enjoys bipartisan support from both branches, and the desire to achieve the task is strong, the players have more reason to compromise.

Regarding the second point, a goal is an independent variable that determines behavior. When there is a broadly defined organizational goal but no commonly accepted approach to achieve the goal in a situation of conflicting interests, however, the general goal might become nonoperational.²⁰ Because each unit had not only the general goal of the large organization but also its own subgoals defined in terms of that general goal and its own institutional interests, the problem of how to adjust subgoals arose. In this situation, each agency needed to adjust its subgoals in accordance with the general organizational goal. Yet the players in each agency tended to evaluate actions only in terms of subgoals, especially when they conflicted with the goals of the large organization and when a knowledge of the consequences was closely related to selective attention to subgoals.²¹

Because of their different institutional interests and responsibilities, players in different subunits sometimes differ in their understanding of the goal and in their goal-defining and goal-adjusting behavior. When the goal is self-contradictory, different subunits might emphasize different aspects of the goal. The executive branch thought it impossible to achieve two conflicting goals and believed that U.S. strategic interests required immediate action on normalization. The executive branch did not adjust the general organizational goal but pragmatically adjusted the criteria for viewing the goal by accepting Beijing's terms with some American counterconditions sufficient, the executive believed, to ensure Taiwan's physical security. The legislative branch, on the other hand, emphasized U.S. interests in Taiwan and believed that U.S. interests in Beijing and Taipei should be balanced.

²⁰ According to March and Simon, goals influence choices only if there are some means for determining the connection between alternative actions and goal satisfaction. If it can be determined whether and to what extent a goal will be realized through particular courses of action, it is an operational goal; otherwise, nonoperational. See March and Simon, *Organizations*, pp. 155–156.

²¹ *Ibid.*, p. 155.

It is important to distinguish between differences over goals and differences over the way to achieve the goals. In our case, the main difference among the majority of players in the government was over the way to achieve the goal. Although most people in the legislative branch disagreed with Carter's China policy, the focus of disapproval was not on the recognition of the PRC itself, but on the manner in which the administration had achieved the recognition and the way the executive branch had handled the Taiwan issue. With all decision-making units agreeing on the general organizational goal, each unit was willing to consider others' analysis of the consequences, to cooperate, and to make subgoal adjustments. March and Simon classify two types of processes that attempt to solve such conflicting interests: analytical and bargaining. When a number of players with the same operational goals participate in a decision-making process, differences in opinion about the course of action will be resolved through an analytical process, that is, by analysis of the expected consequences of courses of action for realization of the shared goals. When goals are not shared or when the shared goals are not operational and the operational subgoals are not shared, the decision will be reached by a bargaining process.²² The organizational fights between the two branches during the passage of the TRA involved both analytical and bargaining processes. The executive branch tried its best to analyze the expected negative consequences of using strong language in the bill in relation to Taiwan's security and in other amendments that might violate the normalization agreements, but the interaction between the two contending branches mainly involved bargaining rather than analysis. Some clauses of the TRA could be regarded as the results of such "pulling and hauling" between the two branches, especially during the last phase of the processes.

In this situation, the struggle between the agencies in their goal-defining behavior became part of the process of coordination and created a solution for the problem. Because the various units did not agree on the way to achieve the goal, each branch tried to justify its action by claiming it served the general organizational goal; each branch also attacked the other decision-making units for not serving that general goal well. In a situation with two

²² Where bargaining is used, disagreement over how to achieve goals is taken as given. A rational, analytical process takes precedence over a bargaining process to the extent that the former is feasible and easy to achieve. *Ibid.*, p. 156.

mutually exclusive interests, as in this case, where each unit represented a constituent of the conflicting interests, each defended what it believed most worth defending and sacrificed less important matters; this type of accommodation ensured that major parts of the conflicting interests would be protected. The organizational fighting also served the general goal in such a way that each branch had to adjust its perceived alternative to achieve the goal to the other's preferred alternative; thus the general goal of the large organization was not sacrificed but better served in a process of subgoal adjustment that produced a desirable result. The behavior was both preference driven and goal driven.

When an overwhelming majority of players shared and supported foreign policy goals made infeasible by external constraints, the system of fragmented authority worked like a unitary actor or a "rational" team and made policy without being constrained by domestic political forces. Because the executive branch did not object to protecting Taiwan's interest, the nature of the issue shifted from internal contention to external confrontation with Beijing. This external pressure became an independent variable. The executive branch only served to remind the other branch that it be aware of Beijing's sensitivities. In this situation, coordination and coalition between and among the branches within the organization could be achieved because the administration and Congress were on the same team, and the differences between them were only a matter of degree.

In sum, the organizational rationality revealed in this case could be characterized as unintentional and mechanical, achieved mainly by an incremental method in which persuasion, debate, negotiation, and compromise were the key features. Neither branch designed or planned this scheme. It was realized only after each branch fought for what it believed was right for U.S. national interests and for individual institutional interests. The process emphasized feasibility more than optimality. Each step tended to make marginal improvements by identifying problems and searching for solutions. The executive branch took the initiative by breaking the stalemate, and Congress followed the initiative by repairing the deal and making it better. No one could predict the final result. The two events did not result from intentional action taken in the name of the organization (even though the Chinese government suspected that it was a "well-designed U.S. trick"²³). They were derived from the interaction between the

²³ Interviews with Chinese officials, summer of 1987.

branches, each defending its beliefs and pursuing what it perceived to be national and institutional interests. Some invisible hand seemed to be operating, coordinating all parts and putting them together. Thus the organization produced desirable outcomes, sometimes unanticipated even by its leaders.

It remains to be seen whether the conditions discussed above are relevant in explaining the "rational" behavior of the U.S. government. However, this case has not only theoretical implications for understanding the role of the organization in policy making, but also strong policy implications for U.S. government. It suggests a possible alternative for U.S. leaders in their foreign policy making when interests become self-conflicting. The executive branch can take care of one foreign client's interest and let the legislative branch take care of the opposing interests. Then the branches can work to iron out their differences. In this way, the structural and procedural characteristics of the U.S. government, if skillfully used, can produce a rational solution to the complexities of a problem when conflicting interests are involved.

Organizational Flexibility and Potential

Graham Allison argues that standard operating procedures and routinized responses keep organizations from being far-sighted and flexible. Alternatives are defined on the basis of information and estimation provided by existing routines: the standard operating procedures are rarely tailored to the specific situation and are at best appropriate to the programs in the existing repertoire. Also, because repertoires are developed by parochial organizations for standard scenarios that the organization has defined, programs available for dealing with a particular situation are often ill suited to it.²⁴ According to Welch, Allison suggests that (1) existing organizational routine limits the range of available choices in a new situation; (2) organizational performance resists change; and, as a result, (3) organizational routines systematically induce instrumental irrationality in state behavior.²⁵

What has been disclosed in this case seems to indicate a certain organizational flexibility. The Beijing-Washington-Taipei triangle put U.S. interests in a unique dilemma, for which the existing routine had no answer. The final result demonstrates that existing

²⁴ Allison, *Essence of Decision*, p. 89.

²⁵ Welch, "Organizational Process," p. 120.

routines in the U.S. governmental process neither limited the range of available choices, nor resisted change, nor brought on irrationality in state behavior. The result proved to be a good solution for a situation that could have remained stalemated. Although what has been suggested above appears to be an outcome-oriented conception of "rational" behavior, it can also be viewed as a process-oriented rationality. The process of passing the TRA, in which all actions and interactions among players between and sometimes among different institutions took place, suggests clearly that "rationality" has something to do with the process itself.

The passage of the TRA illustrates that existing organizational routines did not exhaust the range of options available to American leaders. China's insistence on its three conditions for the normalization made the executive branch unable to protect U.S. interests in Taiwan as it had hoped, yet those interests could not be ignored and needed to be protected. The actions of the two branches after the announcement of the normalization justifies the assumption that the U.S. government had a certain "rationality" in its structure and processes as well as some flexibility in coping with a specific situation involving conflicting interests. Organizations, unlike alarm clocks, operate differently throughout the world and throughout time because of the cultural, political, economic, and social influences upon their members and because of various problems and needs.²⁶ The U.S. government, with its unique structure and policy processes, proved to be flexible enough to cope with new problems.

Although organizational actions are often incremental, they sometimes reflect a heroic leap. The passage of the Taiwan Relations Act demonstrated a breakdown of institutional routine, a departure from the normal operation. Although organizations often learn from their past experiences, they sometimes appear to create rules as an organizational tour de force. The unusual congressional action of rewriting the Taiwan legislation forged a *de facto* international treaty with a regime not diplomatically recognized by the United States, the Republic of China on Taiwan. This distinctive legislation has virtually re-created the full range of government-to-government relations on a private basis. The legislation is a unique experiment in modern diplomatic history, for there is, perhaps, no other legislation in the two hundred years of

²⁶ Brown, *Human Nature of the Organization*, p. 143.

the American republic that spells out so fully and so forcefully the congressional interest in a foreign government and its oversight that the TRA requires.²⁷ As Bendor and Hammond note, the organizational literature of Simon and March portrays standard operating procedures and routines as enabling choices and action, whereas Allison's organizational process model depicts them as constraining choices and action.²⁸ It seems that they see different aspects of the organizational features and functions. In this case, the organizational routine of the U.S. government enabled choice and action in response to different needs.

Organizational actions are instantaneous and unique adaptations to an exogenous environment. According to some scholars, a knowledge of the process of decision making is not necessary to predict decision outcome because results are uniquely determined by external and internal constraints. As March points out, theories of organizational decision making are theories of organizational responses to environmental constraints.²⁹ Beijing's position set an external constraint that shaped and constrained the organizational setting; Washington's need to improve its global strategic position required a response to the constraint. Every action and interaction among units was triggered by external and internal circumstances. The policy-making process in an organization can thus be viewed as a purposive system in which there is a collective rationality.

Organizational routine plays a central role in state behavior, yet there seems to be no necessary contradiction between rational action and organizational routine, as has been suggested. In any given situation, organizational routines may help or hinder the promotion of an organizational goal: Following standard procedures may constrain an ideally rational action. In a complicated situation, however, it may also produce rational action. Although organizational routine might induce irrationality in state behavior, in this case it produced desired consequences in terms of U.S. China interests.

Organizational rationality has been explored by scholars in the field in recent years. This study joins them in arguing that there may be a mechanism generating rationality within U.S. governmental organizations when policy makers cope with conflicting interests in foreign policy making when the situation at hand is

²⁷ Bader and Bergner, *The Taiwan Relations Act*, pp. 1–2, 146.

²⁸ Bendor and Hammond, "Rethinking Allison's Models."

²⁹ March, "Decision-making Perspective."

not a crisis. This case suggests that there is an interesting relationship between rational choice and organizational routines—rational choice in a rule-driven organization—and that attention should be given to conflate the rational choice model with the organizational process model.

Other Characteristics of Congressional Involvement

Early in the nineteenth century, Alexis de Tocqueville concluded that American democracy, with its institutional fragmentation and increasingly democratized politics, constituted a “decidedly inferior” system for formulating and executing foreign policy.³⁰ According to earlier critics, foreign policy requires “energy in the executive,” for “decision, activity, secrecy, and dispatch.”³¹ Yet the U.S. Constitution is “an invitation to struggle for the privilege of directing American foreign policy.”³² What else can we learn from this case about U.S. institutions?

Some issues of foreign policy need to be handled with secrecy, resolution, and dispatch; others do not. In a world in which national interests determine states’ behavior, secrecy is still highly valued in diplomacy. Dispatch is required if a state wants to take advantage of passing opportunities. Issues of this type are usually not controversial; often they require immediate action, especially in wartime or other crisis. The second type of issue has less urgency. It may be more controversial, require more deliberation, and depend more upon efforts to obtain public support than the first type.

The executive branch is widely believed to be more qualified to handle the first type of issue. The president is capable of rapid and resolute responses and can act with more secrecy and dispatch than can the slower-paced legislature with its fragmented structure and elaborate procedures. As a policy-making institution, Congress has obvious institutional weaknesses: parochialism, incapacity to act quickly, incapacity to plan and integrate a policy, a decentralized organizational power structure, a lack of expertise, and individualistic tendencies among its members. For the second type of issue, however, Congress enjoys certain advantages because it can provide a forum for blending and reconciling sharp

³⁰ Tocqueville, *Democracy in America*, 1:243.

³¹ Hamilton, Jay, and Madison, *The Federalist*, no. 70, pp. 454–455.

³² Corwin, *The President*, p. 200.

differences among the country's conflicting values.³³ In the case of the normalization of U.S.-China relations, which obviously belongs to the second type of issue, Congress demonstrated certain strengths as it helped the executive branch successfully deal with conflicting interests.

Advantages of Congressional Involvement

The passage of the TRA suggests that congressional involvement can have four other advantages. First, Congress has much broader contacts with the public than the executive branch has and may have a better understanding of what policy the public will support. To the extent that this is true, Congress may be better qualified to reflect the general public's opinion regarding a decision that will receive broad support. If this is the case, congressional involvement can increase the degree of stability and predictability in U.S. policy and at the same time be an expression of democracy.³⁴

In the case of the TRA, the public's support of Taiwan was strong. Although the American people generally supported the normalization of diplomatic relations with the PRC, the majority of the public opposed achieving it at the cost of Taiwan's security. In a country like the United States, in which the populace elects its chief executive, electoral politics strongly influence politicians' behavior. No president can ignore public opinion, and policy makers cannot take policy initiatives without concern for public support. Because of this, when a foreign policy lacks public support, its stability is doubtful. Congressional participation in the 1978-1979 period had the strong support of a tentative public; congressional efforts to balance conflicting interests were consistent with the American public mood and desirable in term of the future stability of U.S. China policy. Of course, in foreign affairs, specific policy is often shaped by uncontrollable external factors, in which case public opinion might not mean much. In the Beijing-Washington-Taipei nexus in this period, China's insistence on three conditions could not be ignored or changed regardless of U.S. public opinion. Moves from a pro-Beijing position back to a middle course might have been acceptable to

³³ Keonig, "Introduction," in Keonig, Hsiung, and Chang, *Congress, the President, and the Taiwan Relations Act*, pp. 1-14.

³⁴ In this analysis, I benefited from Wilcox, "Cooperation versus Confrontation," and Crabb, "Assertive Congress."

Beijing, but any position that Beijing viewed as pro-Taipei would have been unacceptable.

Second, the legislative branch can serve as a forum for exploring foreign policy options and testing new ideas. The executive branch has no monopoly on wisdom and sound judgment: although well-informed, it may be a prisoner of its own rhetoric.³⁵ It is often useful, therefore, to have a forum in which various opinions can be examined. Through committee hearings, where experts representing many opinions testify; committee and floor debates; public addresses; and constituency reaction, Congress can help the executive branch find desirable solutions for specific issues and help it define new policies responsive to changes in the external situation (especially if the situation is not critical).³⁶ Although some of the policy options formulated in Congress will not be to the executive's taste, a thorough airing of foreign policy is likely to produce better policies in the long run, and sometimes the solutions suggested by Congress improve policies to more closely conform to the national interest of the United States. In addition, Congress can also send messages to both friends and adversaries in a given foreign country, thus enabling them to understand U.S. policy better.³⁷

In the case of the TRA, congressional hearings in 1976 and 1978 contributed to clarifying the issues and stimulating public discussion of new policy issues. It is worth noting that the administration's insistence on arms sales to Taiwan in postnormalization relations with the PRC was originally and publicly aired by scholars. Ideas first publicly advocated by John K. Fairbank and A. Doak Barnett during hearings were later reflected in PRM 24, which defined the framework for U.S. normalization policy.³⁸ During public hearings in February 1979, the House and the Senate also found various shortcomings, in terms of U.S. interests, in the administration's proposal for nongovernmental relations with Taiwan, and suggested alternatives. The executive bill did not mention arms sales, even though a key element in Carter's normalization strategy was the continuation of arms sales to Taiwan and one of the main concessions obtained from Beijing was

³⁵ Wilcox, "Cooperation versus Confrontation," pp. 52-53.

³⁶ Christopher, "Cease-fire between the Branches," pp. 989-1000.

³⁷ Wilcox, "Cooperation versus Confrontation," pp. 52-53.

³⁸ In the *Washington Post*, August 17, 1977, columnists Rowland Evans and Robert Novak cited Barnett and Fairbank as the spiritual fathers of PRM 24.

acquiescence to this. Congress dealt explicitly with the issue in the TRA, pledging U.S. arms sales, and in doing so reemphasized U.S. interests in Taiwan's future security. After thorough debate, Congress redrafted the executive branch's bill and strengthened it in the TRA.

Third, the TRA further illustrated what has been called Congress' role as an "amplifier" of U.S. foreign policy.³⁹ Congressional response to executive initiatives provides the U.S. government with an opportunity to reinforce and amplify certain ideas implicit in an executive action. In the case of U.S. China policy, the actions of members of the House and Senate clearly reinforced and amplified certain ideas implicit in the executive branch's agreements with the PRC and Taiwan. The legislators repeatedly underscored the crucial importance of U.S.-PRC relations; at the same time they emphasized that normalization rested on the expectation that the Taiwan question would be solved by peaceful means.

Under certain circumstances, the legislative branch can use its consent function and power as a means to force its way into the process—with unforeseen consequences. All negotiations with foreign governments require mutual compromise. In such negotiations the executive branch sometimes feels compelled to put aside disagreements and reach a compromise on what can be mutually agreed. The legislative branch, however, can voice disagreement publicly because it does not directly confront the foreign government in the negotiations. This "advantage" resulting from the fragmentation of the U.S. institutional system can give the U.S. government time to reconsider a policy and its consequences, and Congress can decide whether to accept it unconditionally, to accept it with certain modifications, or to reject it. The participation of the legislative branch can provide an important means by which the U.S. government can try to modify a policy that may be ill defined or hastily made and that after deliberation appears not to serve U.S. interests adequately, as well as to consider other options. In some circumstance, it gives the U.S. government more leverage on foreign governments and can even help it gain something it had failed to win at the negotiating table.

In the case under discussion here, the administration believed that it had to meet Beijing's three conditions if it wanted to reach

³⁹ Crabb, "Assertive Congress," pp. 98–99.

an agreement. The Congress felt less constrained in considering options because it did not directly confront the Chinese and because it knew that even after diplomatic agreements were reached, it could use its unique legislative position to thoroughly reexamine the agreements and the policy as a whole. It could reduce the costs and limit the external constraints. In general terms, Congress can offer a mechanism to repair a bad deal and can make a good deal even better.

The executive branch's proposed bill to deal with relations with Taiwan became a point of departure; the bill was greatly changed by Congress. The changes were formulated by a working group of House and Senate committee members and their staffs as well as by the China specialists of the State Department. U.S. national interests were well served by the passage of the TRA, and with congressional help, the United States defined a position that the executive branch had felt unable to state publicly. Regarding U.S. policy toward Taipei, Congress loudly and explicitly amplified and embodied in the TRA certain ideas and themes already conveyed by the executive branch, such as a determination to continue arms sales to Taiwan. It also dealt with the issue of the status of Taiwan's representatives and Taiwan's de facto international status and reasserted the Carter administration's interest in the problem of international human rights on Taiwan as well as on the mainland.

A fourth advantage of participation of the legislative branch in policy making is that it pressures the executive branch to strive harder for a policy option that best serves U.S. interests. The executive branch almost always must consider the necessity—or desirability—of obtaining congressional support when it makes decisions about a specific issue. Congress enjoys leverage that constantly reminds the executive branch that it must consider the possibility of disapproval. As President Carter has written, "Under the Constitution, thirty-four of the one hundred senators can block ratification of any treaty. This is an unhappy and unique feature of our democracy. Because of the effective veto power of a small group, many worthy agreements have been rejected, and many treaties are never considered for ratification."⁴⁰ The difficulties of winning congressional approval are often exploited by U.S. negotiators to increase their bargaining power. For example, President Carter and Secretary of State Vance had

⁴⁰ Carter, *Keeping Faith*, p. 225.

warned the Panamanian leaders several times during the negotiation of the Panama Canal treaties that the new treaty "would have to be acceptable to at least sixty-seven senators."⁴¹ In the case of U.S.-PRC normalization, this pressure was obvious. The Carter administration was constantly aware of possible domestic opposition to its China initiative. That was part of the reason why Carter, when deciding to accept Beijing's three conditions, put forward three counterconditions. When they dealt with the Chinese, both Brzezinski and Woodcock had frequently referred to the domestic difficulties the administration faced in terms of Taiwan's security.

In the case of the TRA, Congress used fairly general terms in defining future U.S.-Taiwan security relations. In theory, the TRA left open the possibility that the United States might, under certain circumstances, take strong actions to preserve Taiwan's security; but it left decisions about what sort of action might be taken up to the executive branch. The vague terms used in the TRA resulted from some collaboration, as well as friction, in executive-legislative relations. In this case congressional involvement in foreign policy making was, in my judgment, constructive.

The passage of the TRA indicated that bipartisan collaboration in foreign policy making is possible, at least on some issues. Partisanship has long been regarded as contributing to Congress' organizational weakness and promoting a disunity harmful to the country's foreign policy. Most people agree that foreign policy issues should stand above party rivalry and factionalism—and in certain circumstances, members of the two parties are able to collaborate to produce solutions to complex and important issues in foreign relations. In this case, although a Democratic president had a Democratic majority in the 98th Congress, that majority did not support his proposed Taiwan enabling bill in its original form. Many Democratic members collaborated with their Republican colleagues to define, in the TRA, positions that they believed would better serve U.S. national interests. On the Republican side, in spite of their reservations about some aspects of Carter's China policy, most Republicans sought to avoid a confrontation over the TRA. Fundamental challenges to the executive branch's China initiative such as that posed by Senator Goldwater and his followers attracted little support in Congress, and the few harmful proposed amendments to the TRA were defeated. That an overwhelming

⁴¹ Habeeb and Zartman, *Panama Canal Negotiations*, p. 40.

majority in both chambers approved the TRA in its final form indicated that there was successful bipartisanship in dealing with this policy issue.⁴²

Disadvantages of Congressional Involvement

If there were advantages, such as those discussed above, in congressional participation in China policy making in this period, there also were weaknesses, rooted in the character of the executive-legislative interrelations. The most obvious weaknesses revealed in this case were the inconsistency and incoherence of policy resulting from fragmentation in the system and from the participation of Congress.

The TRA indicated that there may have been significant differences in the understandings of the Carter administration, Congress, and the PRC government. In the talks between Brzezinski and Deng Xiaoping in Beijing in May 1978 that laid the foundation for the normalization negotiations, Carter's national security adviser used the phrase "the historically transitional period of our relations with the people of Taiwan." As he explained in his memoir, he deliberately used that term "to describe Taiwan's continued separate status prior to some eventual reunification."⁴³ The terminology implied that the administration expected such reunification and that the United States was simply concerned that the PRC not try to use force in any reunification attempt. The normalization agreement reached on December 15, 1978, indicated that the Carter administration was willing to accept Taiwan's eventual reunification with the mainland.

However, in passing the TRA (which the president signed), the U.S. government committed itself in an open-ended way to the security of Taiwan for an unlimited time; this kind of commitment was inconsistent with the five points agreed to by the Carter administration and the PRC government. Although the TRA did not specifically promise U.S. protection of the island, its security clause set forth explicitly six U.S. political and strategic interests in Taiwan and linked the United States more closely to Taiwan's security.⁴⁴ The statement that "any threat to the security of the social or economic system of people on Taiwan and any danger to

⁴² Crabb, "Assertive Congress," p. 99.

⁴³ Brzezinski, *Power and Principle*, p. 214.

⁴⁴ For the six points contained in the TRA security clause, see appendix E of this study.

the interests of the United States arising therefrom" was a clear signal to Beijing that the United States hoped Beijing would leave Taiwan alone. The TRA upset the PRC and confused both friends and foes in many foreign countries. The extensive congressional modifications of the administration's proposed bill raised potentially damaging questions about the stability, continuity, and dependability of U.S. policy as defined by the executive branch.

Executive-legislative interactions in regard to the TRA highlighted the dilemma faced by executive policy makers in pursuing an effective and coherent foreign policy. A foreign policy developed with the help of the legislative branch, in which at least a measure of consensus between the executive and legislative branches evolves through debate, is likely to gain greater legitimacy and is more likely to be supported in the future by Congress and the public. The subjection of a policy to congressional debate before it is adopted and implemented, however, with all of the public exposure that such a debate entails, may cancel many of the benefits that the policy was designed to achieve. Had Carter, for example, fully consulted with Congress before he initiated the normalization negotiations with Beijing, his approach probably would have been rejected, totally or piecemeal, before he could have reached agreements with the Chinese or could have presented a final agreement with a balanced package of pro-Beijing and pro-Taipei ingredients. If so, the normalization of U.S.-PRC relations could not have happened, at least not on January 1, 1979.

Besides, the executive branch found it difficult to inform Congress of its secret negotiations with the Chinese because it assumed that Congress would leak information. Some executive branch officials expected that any bill it presented to Capitol Hill would be rewritten anyway.⁴⁵ By not consulting Congress, however, President Carter irritated the legislative branch and gave members of Congress ammunition to try to modify U.S. policy. When one branch sees the other as untrustworthy or undependable, it will see itself as called upon to assume full responsibility for policy making.⁴⁶ Ernest Barker commented on this tendency:

Every human institution tends naturally to institutionalism. It exaggerates itself. Not content with discharging its specific function, it readily seeks to encroach.... Instead of seeing itself as a part, which must play its function as such, and claim no more than

⁴⁵ Interview with Roger Sullivan, March 17, 1988, Washington, D.C.

⁴⁶ Jones, "Congress and the President," p. 228.

that, each institution is prone to see itself as a whole, to regard itself as a rounded O, and to claim a total sovereignty.⁴⁷

When partnership dissolves, the other branch inevitably reacts to the challenger. The institutional conflict that inevitably follows may have important consequences for national policy. Institutional fragmentation frequently causes this kind of dilemma.

The second weakness is the potential risk of involuntary defection. Uncertainty about the size of domestic support can be both a bargaining device and a stumbling block in two-level negotiation. It can be used as an incentive to induce the other side to accept a package when American leaders seek to exploit divisions within their own government by telling foreign governments that a particular deal is the only one likely to be approved by Congress. On the other hand, uncertainty about the opponents' domestic support increases foreign governments' concern about the risk of involuntary defection. Deals can be struck only if each negotiator is convinced that the proposed deal is within his opponent's ability to attain domestic approval.⁴⁸ Uncertainty about the ability of the executive branch to handle its domestic organizational rivals may reduce an American negotiator's bargaining power and credibility in general.

The third weakness resulting from the participation of the legislative branch in the making of China policy derived from its parochialism. Congress is more oriented toward domestic than toward foreign interests. As David Mayhew has suggested, a principal motivation of almost all members of the Congress is to seek reelection.⁴⁹ Therefore, members of Congress are largely motivated by competing regional and parochial interests, which influence the way they see the world. Unlike the president, people in the legislative branch do not have a national mandate. As Senator John Tower wrote, "Five hundred and thirty-five Congressmen with different philosophies, regional interests, and objectives in mind cannot forge a unified foreign policy that reflects the interests of the United States as a whole."⁵⁰

Consequently, congressional involvement in foreign policy making may damage—overnight—long-time efforts made by the executive branch. In the process of passing the TRA, several

⁴⁷ Barker, *Essays on Government*, pp. 70–71.

⁴⁸ Putnam, "Diplomacy and Domestic Politics," pp. 452–453.

⁴⁹ Mayhew, *Congress: The Electoral Connection*.

⁵⁰ Tower, "Congress versus the President," pp. 233–234.

potentially damaging amendments were offered by conservative members of Congress; some of them were barely defeated.⁵¹ Had these amendments been accepted, the Chinese government might have regarded them as insuperable obstacles to good relations—or even as a trick played by the U.S. government; such an inference could have derailed the newly established relations with the United States. Had this happened, the efforts to normalize relations with Beijing, started in the Nixon administration, might have been halted, or at least delayed, by a few members acting in response to parochial interests and biases. The U.S. system thus raises the odds for involuntary defection and makes potential partners more wary of dealing with the Americans.⁵²

Parochialism is reinforced by the congressional committee system, in which most of Congress' real work is done. The committee system, which highlights the fragmentation of power and responsibility within the Congress, means that no one can speak for the institution as a whole. The organizational structure makes it extremely slow and difficult to get a bill passed. There are many ways for a bill to fail, and only a twisting road to success. Every member of the Congress, at least in theory, can block a bill by offering unacceptable amendments, and there are a great many small groups and individuals able to obstruct, and possibly defeat, a bill. Thus it is extremely difficult for Congress to plan and initiate actions; it usually responds to executive initiatives. In contrast, the president has a nationwide constituency and a much broader perspective on foreign policy problems. He usually can afford to alienate some local and narrow interests without fear of failure in a reelection. In the case of U.S. China policy in 1978–1979, although Congress ultimately played an important role in the process, President Carter played a crucial role in achieving normalization.

Despite these institutional weakness, this study concludes that the U.S. institutional arrangement has certain strengths in and of itself and can be advantageous, if properly employed, in reconciling conflicting interests in a non-crisis situation.

⁵¹ In floor debate, Senator Charles Percy's amendment was defeated only 42 to 50. See chapter 6 of this study.

⁵² Putnam distinguishes two types of defection: voluntary defection refers to renegeing by a rational egoist in the absence of enforceable contracts; involuntary defection refers to the behaviors of a leader unable to deliver on a promise because of failed domestic ratification. Putnam, "Diplomacy and Domestic Politics," p. 14.

Conclusion

President Carter's signing of the TRA on April 10, 1979, did not end the complex story. The conflicting U.S. interests in Beijing and Taipei remained and in fact soon created a serious crisis in Sino-American relations. What happened to Beijing-Washington-Taipei relations in the implementation of the TRA since 1979 supports one of the themes raised at the beginning of this study, namely, that conflicting U.S. interests were the driving forces shaping the two events.

Implementation of the TRA

One of the most important features of the TRA was its flexibility. In it, Congress only designated the guiding principles for maintaining U.S.-Taiwan relations; the act empowered the president "to prescribe such rules and regulations as he may deem appropriate to carry out the purpose of the Act." This clause is open to interpretation. Many different approaches to Beijing and Taipei can be claimed to be in compliance with the TRA. President Carter, for example, was not restrained by the TRA in his efforts to improve U.S.-China strategic relations; in fact, in his last two years in office, he focused his attention on developing U.S.-PRC relations.

The normalization of diplomatic relations between Beijing and Washington and Deng's visit to the United States rapidly improved Sino-American relations. Following a series of high-level visits between the two countries in the 1979-1980 period, thirty-five treaties and agreements concerning scientific and technological cooperation, cultural exchanges, postal service, aviation, and trade were signed. The expansionist Soviet behavior throughout the world also helped accelerate the Sino-American strategic alignment. In the summer and fall of 1979, the adminis-

tration even took steps toward forming military ties with China. In August 1979, during his path-breaking visit to Beijing, Vice-president Walter Mondale announced that Sino-American relations had assumed a "maturity and directness" comparable to that of the United States and its European allies and that "any nation which seeks to weaken or isolate you [China] in world affairs assumes a stance counter to American interests."¹

In early October 1979 the administration's sources leaked a secret Pentagon study, "Consolidated Guidance Number 8: Asia during a Worldwide Conventional War," which recommended possible U.S. military assistance to China, including advanced technology and intelligence data, sales of arms, Chinese production of U.S. weapons, and joint military exercises.² Although Vance and those in the State Department opposed this idea for fear of provoking the Soviets, Moscow's invasion of Afghanistan weakened their position, and President Carter tilted further toward forming military ties with China. Before Harold Brown's departure for Beijing, Carter instructed him to inform the Chinese leadership that Washington was willing to consider selling non-lethal military equipment to Beijing on a case-by-case basis and that the two countries should begin a program of intelligence sharing. During Brown's trip, Deputy Assistant Secretary of Defense Morton Abramowitz gave Chinese leaders a highly classified briefing on Soviet deployments and complete satellite photographs of the Sino-Soviet frontiers.³ By the end of 1980, the strategic dimension of the bilateral relations had developed at such a rapid pace and to such a degree that administration officials described talks with the Chinese on military matters as "almost like talking to an ally."⁴

As Sino-American relations developed, U.S.-Taiwan relations were relatively strained. In the last two years of the Carter administration, Washington-Taipei relations were generally cool and tense, with Taiwan frequently charging that the administration did not faithfully implement the TRA in accordance with the letter and spirit of the act.⁵ The first issue arose when the Carter administration decided to conclude an air treaty with the PRC. Because Beijing had insisted that an air treaty was impossible

¹ *New York Times*, August 23, 1979.

² *Ibid.*, October 4, 1979.

³ *Washington Post*, June 25, 1989, pp. A1, A24.

⁴ Garrett and Glaser, "From Nixon to Reagan," p. 269.

⁵ Chou, "The Republic of China and the Taiwan Relations Act," p. 146.

unless Washington first terminated any similar treaty between the United States and Taiwan, in August 1979 Vice-president Mondale announced, during his visit to Canton, that the administration had decided to terminate the 1946 air transport agreement with Taiwan and to replace it with an unofficial agreement.

The administration's decision irritated the Taiwan government, as well as members of Congress, because the TRA stipulated, and the administration had repeatedly promised during the debate for it, that all agreements with Taiwan, except the mutual defense treaty and related military agreements, would remain in force. Taipei was afraid that the termination of the air transport agreement might set a precedent whereby all existing agreements would be replaced by informal agreements, if and when Beijing so demanded.⁶ Congress complained not only about the air transport agreement itself, but also about the executive branch's lack of consultation on the matter. Senator John Glenn, commenting during the hearing of the Subcommittee on East Asian and Pacific Affairs regarding the oversight of the TRA, said, "Clearly, terminating the air transport agreement goes beyond anything I contemplated when we voted to establish our new and unofficial relationship with Taiwan."⁷ Although unhappy about Carter's decision, Congress did not try to revoke it. On March 5, 1980, an unofficial air transport agreement was signed by the people of the CCNAA and the AIT. Although China Airline, the flag line of the ROC, would retain its name and emblem of identification, Taiwan was unhappy with the Carter administration's unilateral decision.

The most controversial issue in Beijing-Washington-Taipei relations related to arms sales to Taiwan. On January 3, 1980, after a one-year moratorium on arms sales, the Carter administration announced an arms sales contract with Taiwan worth \$278 million. Although the package contained some sophisticated weapons, Taiwan authorities complained that the administration approved only six of the seventeen defense items requested by Taiwan; rejected was Taiwan's request for naval Harpoon missiles and FX jet fighters; Taipei particularly wanted the fighter, a more advanced model developed by Northrop and General Dynamics in the late 1970s for possible export to ally countries. Many members of Congress urged the Carter administration to sell the FX fighters to Taiwan. Carter at first agreed and authorized Northrop and

⁶ Chang, "Partnership in Transition," p. 619.

⁷ John Glenn, "Comments," in Bader and Bergner, eds., *The Taiwan Relations Act*.

General Dynamics to conduct preliminary discussions with Taiwan, but his concerns regarding the prospects of an adverse reaction by the Chinese made him postpone his approval of such a sale. Many legislators criticized the administration for its failure to consult the legislative branch in determining which U.S. arms would be sold to Taiwan because they perceived such consultation as required by the TRA. Because the administration's decision to terminate the air transport agreement with Taiwan and the details of its arms sale package to Taiwan were announced while Congress was not in session, many members of Congress believed that the administration was attempting to outmaneuver congressional opposition. The administration countered this charge by stating that the president had complied with all the requirements regarding arms sales to Taiwan and that the TRA did not specifically require any consultation with Congress on this matter.

Criticisms of Carter's handling of the Taiwan problem were expressed during the 1980 election campaign. Presidential candidate Ronald Reagan strongly criticized Carter for violating the TRA and neglecting U.S. interests in Taiwan. Reagan wanted to provide a more official character to the relations between Washington and Taipei. He said, "I would not pretend, as Carter does, that the relationship we have with Taiwan is not official. I am satisfied that [TRA] provides an official and adequate basis for safeguarding our relationship with Taiwan. And I pledge to enforce it."

Reagan's campaign speeches created serious apprehension in Beijing. Chinese leaders perceived his remarks as a unilateral repudiation of the normalization agreements. Beijing declared that the TRA was a U.S. domestic law that in many ways contradicted the principles of the normalization agreements and thus could not serve as a legal basis for conducting Sino-American relations. Under pressure from Beijing, Reagan quickly changed his original position of giving U.S.-Taiwan relations an official character; once in office, he continued his predecessor's practice of restricting direct access of CCNAA officials to the U.S. government.

From the middle of 1980 until August 1982, the sale of FX jet fighters to Taiwan was a central focus of relations between the United States and the PRC. Because of Reagan's campaign speeches and his personal position, as well as congressional pressures, many people expected that the new president would approve the sale to Taiwan. But strong pressure from Beijing made Reagan respond slowly and cautiously to Taiwan's requests.

In early 1981 Beijing downgraded its relations with the Netherlands from ambassadorial to *chargé d'affaires* level because the Netherlands had sold two submarines to Taiwan despite Beijing's repeated warnings. By mid-1981, Beijing decided to make U.S. arms sales to Taiwan a central issue in Sino-American relations. The Reagan administration attempted to use Gerald Ford's visit to Beijing in March 1981 and Alexander Haig's trip in June of the same year to test whether China would tolerate the sale of the FX fighter to Taiwan provided Washington agree to furnish Beijing with some military equipment. On both occasions, the offer was rejected.

In August 1981, Beijing indefinitely postponed the scheduled visit to Washington of Liu Huaqing, the PLA deputy chief of staff; in October, Huang Hua, the Chinese foreign minister, set three conditions for the United States to solve the crisis: that U.S. arms sales to Taiwan not exceed the level reached during the Carter administration, that the United States gradually reduce arms sales to Taiwan, and that a timetable be set for the termination of weapons transfer.⁸ Otherwise, Beijing would reduce its level of representation in Washington to that of a liaison office, or even withdraw it altogether. From December 1981 through mid-August 1982, Washington and Beijing negotiated. The final agreement was announced on August 17, 1982, in the form of a joint communiqué between the United States and the People's Republic of China in which both sides made certain concessions. The United States apparently agreed to most of China's three conditions, stating "that it does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sale to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution." The Reagan administration refused, however, to commit itself explicitly to terminating arms sales to Taiwan, and Beijing finally stopped demanding that a date for such termination be set.

On its side, Beijing declared that it had a "fundamental policy of striving for the peaceful reunification" of China but refused to renounce the use of force against Taiwan. Again, the United States had to reiterate its interest in a peaceful future with Taiwan

⁸ Interviews with Chinese officials, summer of 1987.

in a unilateral statement accompanying the joint communiqué. Washington also stressed that the communiqué was fully consistent with the TRA. Beijing, however, had different interpretations. The Chinese foreign minister stated, "All interpretation designed to link the present joint communiqué to the 'Taiwan Relations Act' are in violation of the spirit and substance of this communiqué and are thus unacceptable." On August 17, the *People's Daily* editorial commented on the communiqué and further alerted Washington to the fact that U.S.-PRC relations would "face another crisis" like the recent impasse over arms sales if Washington continued to adhere to the TRA, which was regarded as "the fundamental obstacle to the development of Sino-American relations."⁹

Although Reagan was committed ideologically to supporting Taiwan, the 1982 Sino-American communiqué indicated that he had had to adjust his personal views to coincide with the prevailing bipartisan consensus in Congress regarding China policy and compromise some of his "interests" in Taiwan to preserve U.S.-PRC relations. Unlike its predecessor, however, the Reagan administration carefully maintained a balance in its relations with Beijing and Taipei. It kept Taiwan informed of all developments during the Sino-American negotiations. On July 14 the administration gave Taiwan six assurances. The United States pledged (1) not to set a date for ending arms sale to Taiwan, (2) not to hold prior consultation with Beijing on arms sales to Taiwan, (3) not to play any mediatory role between Beijing and Taipei, (4) not to revise the TRA, (5) not to alter its position regarding Taiwan's sovereignty, and (6) not to exert pressure on Taipei to enter into negotiations with Beijing.¹⁰

In addition to the six assurances, the Reagan administration took several steps to limit any damage in Washington-Taipei relations caused by the U.S.-PRC joint communiqué. Two days after the communiqué, it announced that it intended to complete the sale of sixty F-5E fighters, to be coproduced in Taiwan from 1983 to 1986. When Washington set the dollar amount for arms sales in fiscal year 1983, it recalculated the level of arms sales in 1979, the highest year during the Carter administration, in 1983 dollars to account for inflation. This raised the ceiling on U.S. arms sales from \$587 million to \$830 million; the administration then set a FY

⁹ FBIS, *Daily Report—China*, August 18, 1982.

¹⁰ Clough, "The PRC and the TRA," p. 130.

1983 target of \$800 million.¹¹ Since then, Washington has decided to reduce the overall ceiling for its arms sales to Taiwan by \$20 million each year (see appendix H, table H-2).

Moreover, Washington attempted to minimize the adverse effect of the communiqué on Taiwan's security by offering a flexible interpretation of the qualitative restriction on arms sales to Taiwan. Inasmuch as Taiwan could have purchased a weapons system in 1979 that was five years behind the state of the art, the United States reserved the right to sell the island a system in 1987 that lagged behind the most advanced levels of military technology by a comparable degree. This meant that Washington could sell Taiwan a system that, in absolute terms, was more advanced than that sold in 1979. In July 1983 Washington sold Taipei SM-1 standard missiles for ship-borne air defense and AIM-7F Sparrow air-to-air missiles; in June 1985 it sold 262 Chaparral surface-to-air missiles. More significant was the Reagan administration's flexible interpretation of the August 17 communiqué, saying that it applied only to "arms sales" and said nothing about the transfer of defense production technology. It soon became clear that the United States had agreed to transfer military technology to assist Taipei in achieving self-sufficiency in weapons production. In 1986 Washington allowed U.S. firms to help Taiwan develop fighter planes; in 1987, the United States sold Taiwan a blueprint and data package necessary for the production of the FFG-7 Oliver Hazard Perry-class frigate.

Some of Taiwan's supporters interpreted the communiqué as moving toward meeting PRC demands while gradually cutting back contacts and ties with Taiwan for the sake of U.S. strategic interests vis-à-vis Asia and the Soviet Union. Nevertheless, it is fair to say that the communiqué represented the Reagan administration's serious effort to cope with the crisis created by conflicting U.S. interests. The August 17 communiqué defused the immediate crisis over U.S. arms sales to Taiwan, but it was not a long-term resolution for the problems created by the dispute. The United States had refused to agree to China's most central concern: the eventual termination of arms sales to Taiwan and a clear timetable for that termination. Indeed, the unilateral interpretation of the communiqué made by Washington indicated clearly that Beijing would have to expect a continued flow of weapons and of production technology to Taiwan.

¹¹ Bush, "Helping the ROC to Defend Itself," p. 100.

From 1982 to 1994, the overall goal of U.S. policy was to maintain reasonably favorable relations with both Beijing and Taipei. The friction that occurred from time to time in Washington's relations with Beijing and Taipei was almost entirely due to bilateral issues; it rarely involved the triangular relationship.¹² Beijing and Taipei continued to represent irreconcilable forces on opposite sides of the U.S. China policy spectrum. Washington carefully adhered to a policy of neutrality, refusing to be too close to one side or to play the role of mediator between Beijing and Taipei. After the 1984 Sino-British joint declaration regarding Hong Kong, Beijing began to promote the concept of "one country, two systems." Twice, Deng Xiaoping expressed to President Reagan his wish that the United States "do something" to help Taiwan's unification with China; twice, the request was turned down by the Reagan administration.¹³

Although the implementation of the TRA has been marked by twists and turns, the legislation has worked well, providing a unique, flexible, and efficient system for promoting U.S. relations with Taiwan. Taiwan did not fall prey to PRC aggression and has maintained and developed its relations with the United States. Taiwan has become a remarkable success story in terms of political and economic development. Initial problems in the AIT-CCNAA relationship have been resolved, and the relationship has settled into a "routine and normal" one. The occasional disputes between Washington and Taipei have not been a result of failure in the mechanism created by the TRA. The TRA has withstood the test of time and has justified the strong congressional involvement in its drafting in 1979.

Throughout the 1980s, U.S.-PRC relations also manifested a steady progression, with bilateral political, military, economic, cultural, and other links expanding rapidly. Many new issues arose in the areas of trade, investment, technology transfer, educational exchange, human rights, security dialogue, and arms sales to Third World countries; efforts to resolve these issues created opportunities for more policy makers, from different institutions and with different skills and responsibilities, to get involved in the policy-making process. U.S. China policy making has become pluralized, decentralized, and institutionalized, with the legislative branch playing an increasingly important role in the process.¹⁴

¹² Clough, *Reaching across the Taiwan Strait*.

¹³ Lasater, *Policy in Evolution*, p. 148.

¹⁴ Tan, *Making of U.S. China Policy*.

U.S. interests in promoting Chinese modernization and reforming the Chinese communist system gradually replaced the anti-Soviet strategic rationale, the basis of the Sino-American rapprochement in the 1970s. The Beijing massacre of June 4, 1989, however, tarnished the positive U.S. image of China and placed bilateral relations in crisis. Washington immediately imposed economic sanctions against Beijing, while Beijing publicly charged the United States with interfering in China's internal affairs.¹⁵

The Bush administration and Congress differed over how far the sanctions imposed on China should go. Bush valued Sino-American relations more than Congress did and therefore blocked various sanctions proposed by the legislative branch. He even sent his national security adviser and undersecretary of state on a secret mission to Beijing in July 1989 and again in December 1989 to maintain contact. Congress had become more assertive in China policy making, however, and persistently pushed the executive branch to link China's most-favored-nation (MFN) status to its domestic politics. Bush, however, vetoed every attempt by the Democrat-controlled Congress to place conditions on China's MFN tariff, and Democrats were unable to gather enough votes to override his veto.

Throughout this period, the Taiwan issue remained a potentially serious irritant in the U.S.-PRC relationship. Yet it did not become a major issue in bilateral relations until Bush decided to sell F-16 jet fighters to Taiwan in September 1992, thereby bringing a new chill to the already tense Sino-American relations. Beijing accused Washington of violating the three important agreements, while Washington quoted the TRA as its legal basis for the action. Bush's decision was a result of several factors, including Taiwan's persistence in maneuvering the TRA, the support of sympathizers in different institutions of U.S. government, the PRC's recent purchase of Russian SU-27 jet fighters, the French competition for selling Mirage 2000-5 jets to Taiwan, and domestic political motivations to prevent the closing down of the F-16 production line in the Texas General Dynamics plant during an election year.

Chinese leaders were shocked and infuriated by Bush's decision. The U.S. action, charged Beijing, "completely violates the Sino-American joint communiqué of August 17, 1982, grossly interferes in China's internal affairs, [and] seriously jeopardizes Sino-American relations."¹⁶ To make the situation worse, Bush

¹⁵ Levine, "Sino-American Relations," pp. 77-93.

¹⁶ FBIS, *Daily Report—China*, September 3, 1992, p. 1.

decided to send a cabinet-level official, U.S. Trade Representative Carla Hills, to visit Taipei in December 1992, another action Beijing viewed as a violation of the previous Sino-American understanding on the Taiwan issue. However, Beijing did not take any retaliatory steps against the United States, aside from withdrawing from the "five-powers talks" on arms control. China failed to retaliate as it had threatened because of its economic interests. The theme of Chinese foreign policy in the 1990s has focused on how to make China rich, and Beijing's leaders therefore wanted to avoid any action that would interfere with the smooth development of economic and other interaction between Taiwan and mainland China. In addition, Beijing could not afford to lose the U.S. market for Chinese goods or to obstruct the flow of capital and technology from the United States and Taiwan, factors that were necessary for China's economic development.

Taiwan, on the other hand, won an important victory with Bush's decision, inasmuch as the sale of F-16 jet fighters broke the limitations set by the Washington-Beijing agreement on August 17, 1982; thus any sophisticated weapons can justifiably be sold in the future. The F-16 jet fighters deal indicated that Taiwan, the "weak" player in the Washington-Beijing-Taipei triangle, had proven to be capable of manipulating the U.S. government, rallying interest groups and U.S. public opinion on its behalf, and achieving some of its foreign policy goals.

When Bill Clinton came into the White House, Sino-American relations had already been troubled for some time. With little interest in foreign policy, Clinton had no interest in getting those relations back to normal. He left the administration's China policy to Winston Lord, assistant secretary of state for East Asian and Pacific affairs. This lack of leadership in China policy making in the first year of the Clinton administration gave several interest groups, especially human right activists, an undue weight in the policy process. On May 28, 1993, President Clinton issued an executive order demanding that China fulfill a list of human-rights-related conditions if it wanted its MFN status renewed the following year. This linkage policy was due partly to the increasing attacks from liberal members of Congress and vocal criticism from various interests groups and partly to the neglect of China in the administration's foreign policy agenda. The linkage, however, failed to create domestic harmony over China policy; it only caused Sino-American relations to deteriorate. Although Clinton tried to engage China in a constructive dialogue later, China

remained highly suspicious about U.S. motives and about Clinton's ability to set a clear China policy.

From the summer of 1993 to May 1994, the U.S. business community organized to articulate their interests more effectively. Pressure from the business community, together with other international and domestic factors, forced Clinton to back away from the linkage policy.¹⁷ On May 26, 1994, the president announced his decision to "de-link human rights from the annual extension of most-favored-nation trading status for China."¹⁸ This policy shift indicates a victory of commercial pragmatism over the advocacy of American values and Clinton's recognition of the importance of maintaining a cooperative relationship with Beijing. After two years of mishandling China policy, Clinton's China policy became similar to that of Bush and Reagan.

Clinton's belated attention to China can be traced at least in part to the PRC's increasing economic clout. During 1992–1994, China, with a two-digit growth rate, was the world's fastest-growing economy. China's foreign trade also dramatically increased, from \$89 billion in 1989 to \$230 billion in 1994, making China one of the world's major trading powers. Despite China's growing economic importance, however, Clinton kept sending inconsistent signals to Beijing: from 1994 to 1995, the administration tried to press China to observe intellectual property rights, to open its markets to U.S. goods and services, and to meet strict conditions before gaining entry into the World Trade Organization; Washington also continued to humiliate China with human rights issues and tried to pressure China to restrict its sales of technology and weapons to other countries; there was also mounting evidence of U.S. efforts to support Taiwan, Tibet, and Hong Kong in their efforts to separate from the PRC. These signals reinforced existing PRC suspicions that Washington may have decided to "contain" China in a post-Cold War world.

As for Taiwan, the Clinton administration followed the path set by the Reagan and Bush administrations from late 1982 to 1992. The administration tried to improve relations with Taipei quietly, recognizing the necessity of having a balanced policy toward both Taipei and Beijing. U.S.-Taiwan trade reached \$40 billion in 1993, making Taiwan the sixth-largest trading partner of the United

¹⁷ See Lampton, "America's China Policy in the Age of the Finance Minister," pp. 597–621.

¹⁸ *New York Times*, May 27, 1994, p. A8.

States. Meanwhile, the Clinton administration quietly escalated its arms sales to Taiwan qualitatively. In addition to honoring Bush's decision to sell F-16s to Taiwan, Clinton authorized several new arms transfers to Taipei:

- In early 1993 Washington gave the green light to Raytheon Company, manufacturer of the Patriot missile system, to negotiate with Taiwan for the coproduction of the hardware and software for a Patriot derivative known as the Modified Air Defense System. In April 1994 Taiwan announced that it would purchase two hundred of the Patriot missiles at a cost of about \$337 million.¹⁹
- In September 1993 the administration agreed to sell Taiwan forty-one Harpoon antiship missiles for \$68 million including training. The sale was viewed as the most significant U.S. arms sales since the F-16 deals because Taipei had sought to purchase Harpoon missiles for as long as the F-16 jet fighter.²⁰
- The Department of Defense was considering selling 465 Stinger RMP missiles and 55 dual-mounted Stinger launcher systems to Taiwan.

However, the quantitative restrictions contained in the August 17 communiqué (with the reduction of \$20 million each year) had begun to shrink U.S. arms sales to Taiwan—from \$830 million in 1982 to about \$580 million in 1993. This limit worried some congressional members who were determined to change it in Taiwan's favor. In March 1994 Senator Frank Murkowski (R-Ala.) introduced an amendment to an authorization bill (H.R. 2333) that declared that a 1982 law providing unlimited weapons transfers to Taiwan took precedence over a 1982 U.S.-China communiqué in which the United States pledged to reduce arms sales to Taiwan. The amendment was approved by the Senate. Since no such provision was contained in the House version of the bill, a Senate-House conference committee was formed. Under strong pressure from the administration, the conference committee modified the amendment and made it nonbinding.²¹ At the time the bill was

¹⁹ It was reported that the Patriot system Taiwan purchased is the Patriot PAC-2, an upgraded version of the system used in the 1991 Persian Gulf War.

²⁰ Lasater, *Changing of the Guard*, p. 133.

²¹ The sentence "[The TRA] shall supersede any provision of the August 17, 1982, Joint U.S.-China Communiqué" was replaced by "The Taiwan Relations Act takes primacy over statement of U.S. policy, including communiqué" in the final bill. See *Congressional Quarterly, Weekly Report*, April 23, 1994, p. 1012.

signed by President Clinton, the administration assured Beijing in public that the nonbinding language in the conference report would not change U.S. policy toward China and Taiwan; meanwhile, Secretary of State Warren Christopher reaffirmed the TRA's legal precedence over the August 17 communiqué in a private letter to Senator Murkowski.²²

Congressional efforts to pressure President Clinton into promoting Taiwan's political standing in the United States led to a policy change in the summer of 1994. The issue was brought to a head in May 1994 through the State Department's refusal to allow ROC president Lee Teng-hui the courtesy of landing on U.S. soil during his trip to Latin America. Several senators, led by Murkowski, began to pressure the administration for a change. Senator Hank Brown (R-Colo.) even added an amendment requiring the establishment of high-level diplomatic contacts between the United States and Taiwan to the international assistance program bill.²³ Compromising between the State Department's position and that of some lawmakers in Congress, the president finally approved a policy recommendation in favor of promoting Taiwan's status in the United States. Accordingly, the new Taiwan policy allows the ROC to use "Taipei" in its name for the representative office, permits cabinet-level official visits, and authorizes official meetings to take place inside U.S. governmental buildings. Much to the disappointment of the Taiwanese government, however, which had high hopes for a major breakthrough in Taipei-Washington relations especially inasmuch as the president had visited four times as governor of Arkansas, the change reflected minimal improvement in the ties between Washington and Taipei. Although Beijing protested Washington's new Taiwan policy, saying it violated previous bilateral accords, the minor refinements in the policy were seen generally as yielding to Beijing's pressure.

It was reported that the State Department played a major role in this matter by dragging its feet, without which the sympathetic Congress would probably have compelled a hesitant president to support a more drastic improvement in U.S.-Taiwan relations. The State Department has taken steps, particularly since 1993, to caution people in Taiwan against pursuing independence and has also refrained from making any gestures that may indicate that

²² Lasater, *Changing of the Guard*, p. 143

²³ *Congressional Quarterly, Weekly Report*, June 18, 1994, p. 640.

Taiwan is an independent state. Winston Lord, for example, has opposed Taipei's endeavors to apply for UN membership and has refrained from granting President Lee Teng-hui a state visit to the United States. Some U.S. China experts have taken similar positions. In a 1993 policy paper, the Atlantic Council and the National Committee on U.S.-China Relations advised the government to "suggest to the Taiwanese that the autonomy that is now enjoyed would be jeopardized if the people of Taiwan declare *de jure* independence."²⁴

Several congressional leaders embraced a different perspective. In June 1994 the U.S. Senate adopted a resolution, initiated by Paul Simon (D-Ill.), supporting Taiwan's bid for UN membership and suggesting cabinet-level exchanges with Taiwan. Congressmen Peter Deutsche (D-Fla.), W. J. "Billy" Tauzin (D-La.), and Rob Portman (R-Ohio) argued that Taiwan should be allowed to enter the UN because "a separate Taiwan seat in the United Nations would help confirm the reality of Taiwan's independence."²⁵

On October 7, 1994, the House of Representatives passed an amendment to the Immigration and Nationality Technical Corrections Act of 1993 allowing the ROC president and other high-level officials to visit the United States for discussion on trade, nuclear proliferation, national security, and other issues. On October 6, 1994, the Senate also approved the bill with a similar amendment, initiated by Hank Brown. The approval marked the first time that a bill favoring enhanced contact between Taiwan and U.S. officials passed both chambers. In April 1995 both houses passed (the House 360 to 0 and the Senate 97 to 1) a resolution (H.C. J. 53 and S.C. J. 9) to allow President Lee Teng-hui to pay a "private" visit to Cornell University, his alma mater. On May 15, 1995, the House Committee on International Relations approved a rider to amend the TRA to allow a visit by the ROC president and to lift restrictions on U.S. arms sales to Taiwan; a few days later, the Senate Committee on Foreign Relations approved a similar provision. On May 22, 1995, President Clinton decided, under strong congressional pressure, to permit Lee Teng-hui to make a private visit to the United States, despite Beijing's strong protest. In June 1995 Lee became the first ROC head of state to set foot in the United States.

²⁴ Conable, *United States and China Relations*.

²⁵ *Congressional Record*, August 5, 1993, p. E1997; see also July 20, 1993, p. H4837; October 13, 1993, p. E2423.

Lee's private visit to the United States plunged Sino-American relations into their lowest point since the Nixon era. Although the State Department reaffirmed the administration's "one China" policy, PRC leaders reacted furiously with a series of retaliatory actions: a visiting Chinese air force delegation was immediately recalled, a scheduled visit by Defense Minister Chi Haotian was canceled, bilateral consultation on the Missile Technology Control Regime was postponed, the impending visit by the U.S. Arms Control and Disarmament Agency director was postponed, and the Chinese ambassador to Washington was recalled for "indefinite consultations." Beijing also toughened its position toward domestic dissidents and refused to accept appointment of a new U.S. ambassador to Beijing. Chinese leaders seemed to be convinced that the United States was abandoning its "one China" policy, and they were prepared to face possible confrontation with Washington over the Taiwan issue.

Lee's visit to the United States also caused relations between China and Taiwan to deteriorate. Since the mid-1980s, economic, cultural, and people-to-people contacts between Taiwan and mainland China have been growing. Cross-strait trade increased from \$400 million in 1980 to \$15 billion in 1993. At the end of 1993, Taiwanese cumulative investment in the mainland had reached \$4.6 billion.²⁶ In a historical breakthrough in bilateral relations, Taiwan and mainland China held their first official meeting in more than forty years in Singapore in April 1993, and since then the two old rivals have held periodical meetings to discuss various nonpolitical issues. In the wake of Lee's visit to the United States, however, Beijing postponed any official contact with Taiwan and accelerated its criticism of the ROC president. Tensions in the strait continued to mount in early 1996 as Taiwan's presidential election neared. Hoping to intimidate the Taiwanese and keep them from reelecting Lee, the PLA initiated a series of military exercises near Taiwan in March 1996, during the island's presidential election. The PRC's live-fire war games worried the international community and made Washington decide to send two aircraft carriers to the region, the biggest military assembly since the Vietnam War, to monitor the Chinese military exercises. This military action further complicated Sino-American relations.

²⁶ Harding, *Greater China*, p. 11.

Future Problems and the Role of Congress

Sino-American relations have become fragile and uncertain in the 1990s. The United States condemned China for abusing human rights, engaging in unfair trade practices, violating arms limitations agreements, and pursuing military superiority in East Asia; the PRC charged the United States with interfering in Chinese domestic affairs, attempting to subvert China's socialist system through a strategy of "peaceful evolution," and trying to contain China.²⁷ The fundamental problems in Sino-American relations are rooted in Beijing's and Washington's different views of the world order and their different perceptions of each other. The United States wants to spread and consolidate democracy and a free market economic system worldwide, and it views China as a problem (if not a threat) to that goal. While supporting a multi-polar world characterized by noninterference in the internal affairs of other countries, China views the United States as a bullying hegemon trying to impose its will upon others. Some Chinese leaders even believe that the long-term U.S. goal is to keep China weak and divided.

The problem China poses for U.S. interests is a challenge any emerging power would pose. The rise of a country to great-power status has always caused uneasiness in the international community. Although no consensus has emerged in the United States on how to cope with the challenge of a more powerful China, three approaches are frequently debated among the U.S. polity. One approach, shared by many in academia and in the executive branch, calls for comprehensive engagement; according to this view, the best way to deal with China is to engage it constructively and to integrate it peacefully into the community of nations. At the other end of the spectrum is the confrontational approach; according to this view, the best way to serve U.S. national interests is to undermine the Communist rule in Beijing and to contain China before it is too late. In between is a conditional engagement approach, which asks for engagement but with conditions; according to this view, the best way to bring China into the international community is through an accord on basic rules for international conduct.²⁸

²⁷ For discussion of current Sino-American relations, see Shambaugh, "United States and China," pp. 241-247; Levine, "Sino-American Relations," pp. 77-91.

²⁸ For the engagement argument, see Lieberthal, "China Challenge," pp. 35-49; Overholt, "China after Deng," pp. 63-78. For the containment argument, see Krauthammer, "Why We Must Contain China," p. 72; Waldron, "Deterring China,"

Future U.S. China policy is less likely to be based on strategic interests defined by the international system and more likely to be directed at addressing bilateral political, economic, and security issues. Among various problems, the Taiwan issue remains one of the major potential sources of future disputes. The problem for U.S. policy makers will continue to revolve around balancing U.S. interests in both Beijing and Taipei. As long as Taiwan remains outside mainland China's control, U.S. policy makers will need to figure out how to simultaneously handle relations with a democratic Taiwan and a rising China while reconciling conflicting U.S. interests. In fact, Taiwan's future is a policy problem for Washington because the United States is the only major power deeply involved in its security and can therefore heavily influence its future. Some China experts view the Taiwan issue as a time bomb for future U.S.-China relations.²⁹

Future U.S. policies toward the PRC and Taiwan will continue to be significantly influenced by international and domestic institutional forces. Internationally, the development of Chinese domestic politics, Chinese policies toward the United States and Taiwan, Taiwan's domestic and political development, the interaction cross the Taiwan Strait, and the development of a Taiwanese independence movement—all of which bear on international policies—are beyond U.S. control. Domestically, as many studies have indicated, foreign policy making has become increasingly partisan, and Congress has become increasingly involved. This is especially true in U.S. China policy making.

In reference to the international constraints involved in the Taiwan issue, three possible options exist for Taiwan's future, each posing a different challenge for U.S. policy makers: reunification with mainland China, maintenance of the status quo in cross-strait relations, and Taiwan's independence. The governments of Beijing and Taipei agree that there is only one China, that Taiwan is part of it, and that Taiwan and the mainland should be unified. However, the PRC and the ROC differ widely on the conditions for unification. Beijing urges early unification; Taipei favors a long period before that goal can be achieved. Taiwan has set three conditions for a reunification negotiation: the right to participate in intergovernmental organizations, reciprocal status in government-to-government negotiations, and the PRC's renuncia-

pp. 17–21. For the conditional engagement, see Shinn, *Weaving the Net*.

²⁹ Clough, *Reaching across the Taiwan Strait*.

tion of the use of force. The PRC has so far refused to fulfill any of the three conditions. The United States, which has long endorsed the reunification of both Germany and Korea, has refrained from endorsing the reunification of China, even though it has not challenged China's reunification efforts. Current U.S. policy calls for the Taiwan issue to be peacefully settled by the Chinese themselves. Meanwhile, the United States has not publicly endorsed the PRC's reunification program as the only option for Taiwan's future and has refused to pressure Taiwan into reaching a compromise with Beijing.³⁰ Therefore, reunification is not likely to occur in the near future.

Most people on Taiwan, and many in the United States and China, prefer the continuation of the status quo, and Taiwan will probably retain its political independence from Beijing, at least until the end of this century. But the status quo by no means suggests that the situation in the Taiwan Strait will be static. In fact, both Chinese sides are undergoing remarkable political and economic changes, and there has been rapid expansion of interaction across the strait. As of early 1995, trade was increasing, and the trend in investments from Taiwan was toward larger amounts, higher technology, and diversification to all parts of China. The current interaction is likely to narrow their differences and move Taiwan toward integration with mainland China economically, but it may also drive Taiwan away from mainland China if internal political developments in China do not coincide with Taiwan's interests.

Taiwan's independence is becoming more and more a viable option. The PRC has, since 1979, repeatedly threatened to use force against Taiwan if it declares *de jure* independence from China. A PRC attack against Taiwan could draw the United States into a military conflict with China, which both Washington and Beijing have tried hard to avoid since the Korean War. The U.S. government and people have welcomed Taiwan's progress toward a more democratic system. However, this democratization may create a dilemma for U.S. policy makers if it results in growing popular support for the establishment of an independent Taiwan. If native Taiwanese gain control of the island's political process; or if reform in China collapses, making peaceful incremental reunification impossible; or if Beijing's "one country, two systems" formula for Hong Kong proves to be unworkable, Taiwan

³⁰ Lin, "The U.S. Factor."

may declare independence and become an internationally recognized independent state. If this occurs, Beijing will be forced to use force to prevent the rebellious island from drifting away, even at the risk of confronting the United States militarily. In fact, Beijing has never relinquished its suspicion that the long-term goal of the United States has been to keep Taiwan separate from the China mainland and that the TRA is the device created to achieve that objective. This possibility poses the principal challenge to U.S. policy makers.

The United States has three policy options open in regard to the Taiwan issue: (1) support a specific outcome of Taiwan's future, such as Taiwan independence or reunification, (2) enjoy the status quo and continue the current U.S. policy of noninvolvement save to support the process of peaceful resolution of the Taiwan issue by the Chinese themselves, or (3) disengage from the Taiwan issue. In the late 1980s the United States pursued a policy of supporting incremental integration in the Taiwan Strait without becoming more directly involved.³¹ However, after the Tiananmen Square massacre, the U.S. government appeared to have no clear vision of what policy it should adopt in regard to the Taiwan issue. The United States is at a crossroads, not knowing where to go and what policy will most benefit the country.

As previous chapters have revealed, unless Taiwan decides to reunify with the mainland, the nature of Beijing-Taipei relations determines that Washington will have to position itself, with difficulty, between two rival regimes. Reunification would eliminate the conflict of U.S. interests in that Washington would no longer have to choose between the two regimes (but the effects of such reunification on U.S. strategic, political, and economic interests in that region are unclear). In contrast, if Taiwan becomes an independent state, it will become more difficult for Washington to balance conflicting interests, unless the United States chooses not to support an independent Taiwan or Beijing decides to embrace an independent Taiwan.

A middle-of-the-road approach would be to maintain the status quo and take action in response to changes in this dynamic area of East Asia. Conflicting interests may decrease as the interaction between Taiwan and mainland China increases, and the more they get involved with one another, the less likely they will be to react adversely to Washington's dealings with either regime. But since

³¹ Lasater, *Policy in Evolution*, p. 185.

the early 1990s Taiwan has been engaged in "flexible diplomacy," seeking international recognition; this stance may increase the probability of U.S.-PRC confrontation over Taiwan. The status quo approach requires that Washington continue its "dual-track" China policy and strive to keep a delicate balance between the requirements of the "three communiqués" and the TRA. U.S. interests will be best served by having the best of both worlds: formal relations with the PRC and "normal" relations with Taiwan.

In reference to domestic institutional constraints, Congress has become more assertive in China policy making. Clinton's decision to de-link China's progress on human rights from the annual question of whether its MFN status should be renewed set up a clash with a bipartisan group of lawmakers in Congress who favor harsher retaliation against Beijing. Influential congressional leaders, including House Majority Leader Richard A. Gephardt (D-Mo.), Whip David E. Bonior, Representative Nancy Pelosi (D-Calif.), and Senator Majority Leader George J. Mitchell (D-Me.), have been at the forefront of congressional efforts to use trade sanctions to force liberalization in China. Throughout the summer of 1994, they introduced several resolutions (all defeated) that would have revoked MFN status for all Chinese products. The Taiwan issue is intermingled with general congressional dissatisfaction with the executive branch's overall China policy. Congressional opposition to China's MFN status, in part, made the administration change its policy of opposing Taiwan's entrance into GATT.

The arrival of a Republican majority in both houses in January 1995 made it even more difficult for the executive branch to solicit support for its China policy. Many Republicans in Congress believed that the State Department had bowed to Beijing for too long and that the executive branch had ignored the value of a democratic Taiwan to U.S. interest. Many in Congress supported Taiwan's efforts to expand its "international space," and some advocated elevating Taiwan's diplomatic presence in the United State. House Speaker Newt Gingrich (R-Ga.), for example, publicly called for the admission of "the Republic of China" to the UN and for diplomatic recognition by Washington.³²

China policy became an issue of interbranch contention with the reemergence in the Congress of a strong commitment to

³² *New York Times*, June 18, 1995, p. A1.

democracy and freedom after the collapse of communism. The end of the Cold War reduced the president's ability to dominate foreign policy issues on the ground of national security. Some argued that the improvement of human rights in China should be a U.S. priority and that change could be achieved only through pressure. In addition, many members of Congress began to view China in the same light as North Korea and Cuba. In their minds, China is a political pariah, an economic rival, and a potential military threat, a combination that makes the PRC a perfect candidate for next U.S. enemy. Several leading Republicans—such as Senators Jesse Helms, Frank Murkowski, and Alfonse D'Amato (N.Y.) and Representatives Frank Wolf (Va.) and Benjamin Gilman (N.Y.), chairman of the House International Relations Committee—are among those outspoken critics of China. The best way to cope with China, in their minds, is to change it, contain it, and weaken it. The U.S. media also join the efforts to demonize China, thus helping to create a negative image of China among the American public. Sensing that the public has little positive opinion about the PRC, the newer and more radical members of Congress see little to lose politically in bashing Beijing.

The China policy making process in the mid-1990s has also become more pluralized with more and more players from various societal sectors getting involved. Human rights and antiabortion activists, conservative national security specialists, nuclear proliferation and arms control advocates, free trade proponents, and Chinese overseas dissidents all join in a collective effort to call for a tougher China policy. They have worked through governmental processes (Congress and the bureaucracy) to articulate their interests. In the absence of a consensus on China policy, the White House has found and will continue to find its China policy subject to increasing pressures exerted by various sectors of domestic society; consequently, the executive branch will have to balance conflicting U.S. interests in Taiwan and China not only through U.S. institutional processes but also through domestic politics.

If Congress was acquiescent in foreign affairs in the 1950s and 1960s and assertive yet still restrained in remedying and amending the executive branch's initiatives in the 1970s and 1980s, the 1990s have witnessed a major change in that role. Recently, Congress has even begun to initiate policies regarding Taiwan. Both the Taiwan policy review in the summer of 1994 and Clinton's decision to allow Lee Teng-hui to visit the United States were initiated

by Congress. These recent changes in U.S. Taiwan policy point to a new pattern of U.S. China policy making. Traditionally, the executive initiated policy; Congress, asserting its power, tried to compete with and balance the executive initiatives. Today, Congress is more eager to take the initiative on trade sanction issues and the Taiwan issue; the executive branch applies the brakes to balance the conflicting interests. The State Department is reported to play a major restraining role in balancing the recent pro-Taiwan policy preferences initiated by Congress. Some lawmakers in Congress want to pressure China to improve its treatment of dissidents and address human rights injustices; others want to improve and strengthen U.S.-Taiwan relations. Differences within Congress and between the executive branch and Congress regarding China's policy goals, priorities, and approaches will continue to affect U.S. China policy outcomes.

It is clear that U.S. foreign policy will not be shaped by international constraints only, but will also be determined by U.S. governmental processes. Although the U.S. political process seems to reveal certain weaknesses in developing a steady, long-term, consistent policy that will engage China in economic and political interdependence, this study concludes that congressional participation in the policy process will better serve and balance the conflicting interests in future U.S. China policy. Despite some zealots in the legislative branch who support Taiwan's independence or harsher treatment of China, U.S. interests will be balanced by the structure of U.S. governmental institutions and the presence of various participants from different institutions with different preferences in the policy process. In the process of tackling the volatile nature of U.S. China policy, the self-adjusting mechanism has been well developed within the governmental process. Even if a president chooses to play a personal role in China's reunification and determines to resolve the Taiwan issue once and for all by pressuring Taipei into reunification talks with the mainland, Congress will serve as a constraining force to balance that act. As Paul Peterson argued in his study of executive-legislative relations, although major foreign policy decisions will continue to be executive decisions, "if a rational statesman is not to be found in the executive branch of government, one will emerge in the legislative branch."³³ As long as China's rise to great-power status remains a feature of global politics, and as long

³³ Peterson, *The President, the Congress, and the Making of Foreign Policy*, p. 22.

as Taiwan remains outside mainland China's control, that mechanism in the U.S. China-policy-making process will remain in place and continue to balance conflicting U.S. interests.

Summary of Findings

The normalization of U.S.-China relations and the Taiwan Relations Act are two of the most important milestones in recent Sino-American relations. At the beginning of the study, questions were posed about why and how these two historical events occurred at the time and in the form they did and about the relationship between the two in reference to American leaders' perceptions of U.S. interests. In tracing the roots of the policy and the processes that led to the normalization agreements and the Taiwan Relations Act, this study has examined the historical, international, and institutional reasons and implications of having two somewhat contradictory documents guiding U.S. China policy since 1979 and those factors that unavoidably connected the two. It has also investigated how the United States defined its China policy when its interests were inconsistent and conflicting and the role that various domestic institutions, political forces, and bureaucracies played in resolving the dilemma.

Efforts to interpret U.S. China policy during the Cold War era have focused largely on a realist perspective, which assumed that U.S. China policy was made by a rational U.S. government that defined U.S. national interests in strategic terms, set policy goals, and chose appropriate means to maximize those goals. This rational actor (or strategic interest) approach does explain, to a great extent, Washington's continuous efforts to improve its relations with China during the Carter administration, but it does not sufficiently explain why these two historical events occurred at the time and in the form that they did. It is important to look into the "black box" of policy-making processes within U.S. governmental institutions for further explanation. Admittedly, no two foreign policy issues are identical, and any specific policy may simply be a function of a set of particular conditions. However, it is reasonable to conclude that international, institutional, domestic, and historical factors significantly influenced U.S. China policy making during the Carter administration. Based on our analysis of executive-legislative interactions regarding U.S. China policy in this period, we can draw several conclusions:

1. The international context, and the constraints it presented, influenced U.S. China policy making. The existence of conflicting interests in U.S. policy toward China in the late 1970s led at first to the agreement to normalize U.S.-China relations and then to the passage of the TRA. Together, these two documents represented an attempt to resolve those conflicting interests. U.S. global strategic interests in the late 1970s drew Washington toward normalization of diplomatic relations with the PRC. However, because of historical U.S.-Taiwan ties and U.S. concern with morality and credibility, most Americans believed that the normalization of U.S.-PRC relations should not jeopardize the future security of Taiwan. When Beijing demanded that the United States cut off its military relations with Taiwan as the precondition for normalization, U.S. interests became self-conflicting, posing a dilemma for U.S. leaders who felt pressured to complete the normalization process in order to improve the country's global strategic position. The challenge of competing interests in U.S. China policy moved policy makers toward seeking new policy solutions. The search resulted in a complex process, shaped by the characteristics of institutional mechanisms in the United States, that resulted in two different documents. The international system constituted a reality that policy makers could not ignore.

2. U.S. domestic institutions, political forces, and policy-making processes were decisive factors in shaping the particular form and content of the normalization agreements and the TRA. To a great extent, the structural and procedural characteristics of U.S. governmental organizations helped American leaders resolve the dilemma created by the conflicting interests in U.S. China policy. Congress and the executive branch were the two major institutional players in the process, and their interaction shaped the final policy outcomes. Trying to take into account inconsistent and conflicting interests, the Carter administration and the Congress, each from its own perspective and position of power, approached the problem in different ways. When the executive branch decided to normalize relations with Beijing, basically under Beijing's terms, it did so with important U.S. reservations, namely, that the United States would continue arms sales to Taiwan and would unilaterally assert its expectation that the Taiwan issue would be solved peacefully—a tactic believed to be tolerable to both the PRC and the United States. Most legislators did not share Carter's perspective, however, and believed that the executive branch had not sufficiently emphasized U.S. interests in

Taiwan. Congress was determined to more explicitly define U.S. interests in and policies toward Taiwan. After a complex process of interaction, involving both conflict and accommodation between, and sometimes within, the executive branch and Congress, a compromise was reached among the major participants and institutions involved in the policy process. The result was the Taiwan Relations Act.

3. Institutional factors help answer how and why the TRA was passed in its specific form. The U.S. constitutional framework determined that the legislative branch had to be involved in legitimizing the administration's normalization decision. The lack of consultation between the two branches during the normalization negotiations led to congressional dissatisfaction and a willingness to register displeasure during the new round of policy making. In the minds of many legislators, the bill proposed by the administration paid too little attention to U.S. security interests in Taiwan; inadequately handled future U.S.-Taiwan economic, cultural, and other interests; and overlooked several important legal questions regarding relations with the island. Congress amplified certain points that the executive branch had felt compelled to leave vague or was unable to handle explicitly in the normalization agreements. The TRA specifically emphasized U.S. security interests in Taiwan and the U.S. intention of protecting those interests. The final passage of the TRA was achieved through the "pulling and hauling" between Congress and the Carter administration, a process that involved both cooperation and compromise.

4. Government processes were responsible not only for the passage of the TRA, but also for the timing of the executive decision on normalization. Organizational factors in part explain why normalization occurred in late 1978, and not earlier. Congressional refusal to accept Beijing's terms served as a constraining factor and delayed the executive branch's decision to complete the normalization process. Yet the importance of U.S. strategic interests, as perceived by President Carter and National Security Adviser Brzezinski, and the latter's push within the bureaucracy, as well as the existence of a window of opportunity to reduce possible congressional opposition, allowed Carter to decide, without consultation with Congress, to conclude the process of normalization with the PRC at that time and under those terms.

5. U.S. China policy making during the Carter administration revealed a complicated policy-making process, in which different individuals and institutions with different powers and influences

were involved. Although all participants shared a commitment to state goals, each had a different view of how to define and achieve those goals. They persuaded each other, bargained, compromised, and built a coalition among like-minded players. The TRA was the product of what they got through this institutional process. The institutional structure and procedures also constrained the legislative branch from going beyond a particular point, for fear of damaging the new relations with Beijing. Although congressional involvement produced some confusion and incoherence in the U.S. China policy, the leaders of Congress acted cautiously and exercised restraint, and thus the TRA was generally within the framework of the executive branch's normalization agreements with Beijing and did not undermine the overall U.S.-PRC relationship. The shared goal of the two branches, therefore, led to the compromise.

6. U.S. China policy making during this period was not solely a function of U.S. strategic and geopolitical interests but also a function of the U.S. governmental process in which U.S. strategic interests in the PRC, U.S. historical and security interests in Taiwan, and the institutional interests and personal preferences of various policy makers in different institutions converged to form the final policy. In this convergence, different preferences of policy makers from the different units involved were balanced and compromised; the final results were two documents that, despite their differences, supplemented and reinforced each other and served America's conflicting national interests in this period. U.S. governmental processes were the domestic institutional sources of the two historic events in Sino-American relations.

7. The institutional context imposes limitations upon the policy-making process, but it is also shaped by previous experiences and historical timing. Although presidents have generally been recognized as the primary authority in foreign policy making, Congress has strongly asserted its role since the early 1970s, partly because of the Vietnam War and Watergate. The normalization of Sino-American relations and the derecognition of Taiwan coincided with the resurgence of the legislative branch at a time when the executive branch's strong dominance in foreign policy was under intense attack. Congressional rewriting of the Taiwan enabling bill proposed by the executive branch was partly due to the historical timing of legislative assertiveness and activism in foreign affairs in the 1970s. The legislative-executive competition for power in foreign policy making significantly affected the final

content of the TRA. The resurgence of the U.S. Congress in foreign affairs in the 1970s was clearly the historical source of the Taiwan Relations Act.

8. The U.S. national government is viewed by many as decentralized and fragmented along bureaucratic or institutional lines, and policy makers find it difficult to act purposefully and coherently in formulating "rational" national policy in the face of a complicated problem. Yet the TRA seems to be the rational result of a rational policy-making team. It suggests the existence of an organizational rationality in the U.S. constitutional arrangement, a rationality realized through the institutional processes that have enabled U.S. leaders to obtain additional gains in international negotiations. The U.S. system of checks and balances offers an invitation for institutional struggle, but it also provides a mechanism for adjustment and coordination among various policy makers in different branches of the government to help cope with competing interests in foreign policy making. It enables and encourages players in each branch to accommodate to and compromise with the players in other government branches as they pursue their foreign policy goals. Even if the process invites interbranch conflict, the result often justifies the troubles and tension. The TRA is a good example of a positive result in the face of tension and conflict. On balance, analysis of executive-legislative interactions in China policy making during this period highlights the advantages of the U.S. institutional structure, which makes it possible to balance conflicting objectives in situations where rapid response is not critical. This case shows that legislative power can be used constructively in U.S. foreign policy making.

Appendixes

APPENDIX A

Shanghai Communiqué, Feb. 27, 1972

President Richard Nixon of the United States of America visited the People's Republic of China at the invitation of Premier Chou En-lai of the People's Republic of China from February 21 to February 28, 1972. Accompanying the President were Mrs. Nixon, U.S. Secretary of State William Rogers, Assistant to the President Dr. Henry Kissinger, and other American officials.

President Nixon met with Chairman Mao Tse-tung of the Communist Party of China on February 21. The two leaders had a serious and frank exchange of views on Sino-U.S. relations and world affairs.

During the visit, extensive, earnest and frank discussions were held between President Nixon and Premier Chou En-lai on the normalization of relations between the United States of America and the People's Republic of China, as well as on other matters of interest to both sides. In addition, Secretary of State William Rogers and Foreign Minister Chi Peng-fei held talks in the same spirit.

President Nixon and his party visited Peking and viewed cultural, industrial and agricultural sites, and they also toured Hangchow and Shanghai where, continuing discussions with Chinese leaders, they viewed similar places of interest.

The leaders of the People's Republic of China and the United States of America found it beneficial to have this opportunity, after so many years without contact, to present candidly to one another their views on a variety of issues. They reviewed the international situation in which important changes and great upheavals are taking place and expounded their respective positions and attitudes.

The U.S. side stated: Peace in Asia and peace in the world require efforts both to reduce immediate tensions and to eliminate the basic causes of conflict. The United States will work for a just and secure peace: just, because it fulfills the aspirations of peoples and nations for freedom and progress; secure, because it removes the danger of foreign aggression. The United States supports individual freedom and social progress for all the peoples of the world, free of outside pressure or intervention. The United States believes that the effort to reduce tensions is served by improving communication between countries that have different ideologies so as to lessen the risks of confrontation through

accident, miscalculation or misunderstanding. Countries should treat each other with mutual respect and be willing to compete peacefully, letting performance be the ultimate judge. No country should claim infallibility and each country should be prepared to re-examine its own attitudes for the common good. The United States stressed that the peoples of Indochina should be allowed to determine their destiny without outside intervention; its constant primary objective has been a negotiated solution; the eight-points proposal put forward by the Republic of Vietnam and the United States on January 27, 1972, represents a basis for the attainment of that objective; in the absence of a negotiated settlement the United States envisages the ultimate withdrawal of all U.S. forces from the region consistent with the aim of self-determination for each country of Indochina. The United States will maintain its close ties with and support for the Republic of Korea; the United States will support efforts of the Republic of Korea to seek a relaxation of tension and increased communication in the Korean peninsula. The United States places the highest value on its friendly relations with Japan; it will continue to develop the existing close bonds. Consistent with the United Nations Security Council Resolution of December 21, 1971, the United States favors the continuation of the ceasefire between India and Pakistan and the withdrawal of all military forces to within their own territories and to their own sides of the ceasefire line Jammu and Kashmir; the United States supports the right of the peoples of South Asia to shape their own future in peace, free of military threat, and without having the area become the subject of great power rivalry.

The Chinese side stated: Wherever there is oppression, there is resistance. Countries want independence, nations want liberation and the people want revolution—this has become the irresistible trend of history. All nations, big or small, should be equal; big nations should not bully the small and strong nations should not bully the weak. China will never be a superpower and it opposes hegemony and power politics of any kind. The Chinese side stated that it firmly supports the struggles of all the oppressed people and nations for freedom and liberation and that the people of all countries have the right to choose their social systems according to their own wishes and the right to safeguard the independence, sovereignty and territorial integrity of their own countries and oppose foreign aggression, interference, control and subversion. All foreign troops should be withdrawn to their own countries.

The Chinese side expressed its firm support to the people of Vietnam, Laos and Cambodia in their efforts for the attainment of their goals and its firm support to the seven-point proposal of the Provisional Revolutionary Government of the Republic of South Vietnam and the elaboration of February this year on the two key problems in the proposal, and to the Joint Declaration of the Summit Conference of the Indochina Peoples. It firmly supports the eight-point program for the peaceful unification of Korea put forward by the Government of the Democratic People's

Republic of Korea on April 12, 1971, and the stand for the abolition of the "U.N. Commission for the Unification and Rehabilitation of Korea." It firmly opposed the revival and outward expansion of Japanese militarism and firmly supports the Japanese people's desire to build an independent, democratic, peaceful and neutral Japan. It firmly maintains that India and Pakistan should, in accordance with the United Nations resolutions on the India-Pakistan question, immediately withdraw all their forces to their respective territories and to their own sides of the ceasefire line in Jammu and Kashmir and firmly supports the Pakistan Government and people in their struggle to preserve their independence and sovereignty and the people of Jammu and Kashmir in their struggle for the right of self-determination.

There are essential differences between China and the United States in their social systems and foreign policies. However, the two sides agreed that countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all states, non-aggression against other states, non-interference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence. International disputes should be settled on this basis, without resorting to the use or threat of force. The United States and the People's Republic of China are prepared to apply these principles to their mutual relations.

With these principles of international relations in mind the two sides stated that:

- progress toward the normalization of relations between China and the United States is in the interests of all countries;
- both wish to reduce the danger of international military conflict;
- neither should seek hegemony in the Asia-Pacific region and each is opposed to efforts by any other country or group of countries to establish such hegemony; and
- neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.

Both sides are of the view that it would be against the interests of the peoples of the world for any major country to collude with another against other countries, or for major countries to divide up the world into spheres of interest.

The two sides reviewed the long-standing serious disputes between China and the United States. The Chinese side reaffirmed its position: The Taiwan question is the crucial question obstructing the normalization of relations between China and the United States; the Government of the People's Republic of China is the sole legal government of China; Taiwan is a province of China which has long been returned to the motherland; the liberation of Taiwan is China's internal affair in which no other country has the right to interfere; and all U.S. forces and military installations must be withdrawn from Taiwan. The Chinese Government firmly

opposes any activities which aim at the creation of "one China, one Taiwan": "one China, two governments," "two Chinas," and "independent Taiwan," or advocate that "the status of Taiwan remains to be determined."

The U.S. side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes.

The two sides agreed that it is desirable to broaden the understanding between the two peoples. To this end, they discussed specific areas in such fields as science, technology, culture, sports and journalism, in which people-to-people contacts and exchanges would be mutually beneficial. Each side undertakes to facilitate the further development of such contacts and exchanges.

Both sides view bilateral trade as another area from which mutual benefit can be derived, and agreed that economic relations based on equality and mutual benefit are in the interest of the people of the two countries. They agree to facilitate the progressive development of trade between their two countries.

The two sides agreed that they will stay in contact through various channels, including the sending of a senior U.S. representative to Peking from time to time for concrete consultations to further the normalization of relations between the two countries and continue to exchange views on issues of common interest.

The two sides expressed the hope that the gains achieved during this visit would open up new prospects for the relations between the two countries. They believe that the normalization of relations between the two countries is not only in the interest of the Chinese and American peoples but also contributes to the relaxation of tension in Asia and the world.

President Nixon, Mrs. Nixon and the American party expressed their appreciation for the gracious hospitality shown them by the Government and people of the People's Republic of China.

APPENDIX B

Joint Communiqué

Joint Communiqué on Establishment of Diplomatic Relations between the United States of America and the People's Republic of China December 15, 1978

The United States of America and the People's Republic of China have agreed to recognize each other and to establish relations as of January 1, 1979.

The United States of America recognizes the Government of the People's Republic of China as the sole legal Government of China. Within this context, the people of the United States will maintain cultural, commercial and other unofficial relations with the people of Taiwan.

The United States of America and the People's Republic of China reaffirm the principles agreed on by the two sides in the Shanghai Communiqué and emphasize once again that:

- Both wish to reduce the danger of international military conflict.
- Neither should seek hegemony in the Asia-Pacific region or in any other region of the world and each is opposed to efforts by any other country or group of countries to establish such hegemony.
- Neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.
- The Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China.
- Both believe that normalization of Sino-American relations is not only in the interest of the Chinese and American people but also contributes to the cause of peace in Asia and the world.

The United States of America and the People's Republic of China will exchange Ambassadors and establish Embassies on March 1, 1979.

APPENDIX C

Establishment of U.S.-PRC Diplomatic Relations

U.S. Statement on Establishment of U.S.-PRC Diplomatic Relations December 15, 1978

As of January 1, 1979, the United States of America recognizes the People's Republic of China as the sole legal government of China. On the same date, the People's Republic of China accords similar recognition to the United States of America. The United States thereby establishes diplomatic relations with the People's Republic of China.

On the same date, January 1, 1979, the United States of America will notify Taiwan that it is terminating diplomatic relations and that the Mutual Defense Treaty between the U.S. and the Republic of China is being terminated in accordance with the provisions of the Treaty. The United States also states that it will be withdrawing its remaining military personnel from Taiwan within four months.

In the future, the American people and the people of Taiwan will maintain commercial, cultural and other relations without official government representation and without diplomatic relations.

The Administration will seek adjustments to our laws and regulations to permit the maintenance of commercial, cultural and other non-governmental relationships in the new circumstances that will exist after normalization.

The United States is confident that the people of Taiwan face a peaceful and prosperous future. The United States continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves.

The United States believes that the establishment of diplomatic relations with the People's Republic will contribute to the welfare of the American people, to the stability of Asia where the United States has major security and economic interest, and to the peace of the entire world.

APPENDIX D

Establishment of PRC-U.S. Diplomatic Relations

Statement of the Government of the People's Republic of China on Establishment of U.S.-PRC Diplomatic Relations December 15, 1978

As of January 1, 1979, the People's Republic of China and the United States of America recognize each other and establish diplomatic relations, thereby ending the prolonged abnormal relationship between them. This is a historic event in Sino-U.S. relations.

As is known to all, the Government of the People's Republic of China is the sole legal government of China and Taiwan is a part of China. The question of Taiwan was the crucial issue obstructing the normalization of relations between China and the United States. It has now been resolved between the two countries in the spirit of the Shanghai Communiqué and through their joint efforts, thus enabling the normalization of relations so ardently desired by the people of the two countries. As for the way of bringing Taiwan back to the embrace of the motherland and reunifying the country, it is entirely China's internal affair.

At the invitation of the U.S. Government, Teng Hsiao-ping, Vice Premier of the State Council of the People's Republic of China, will pay an official visit to the United States in January 1979, with a view to further promoting the friendship between the two peoples and good relations between the two countries.

APPENDIX E

Taiwan Relations Act

Taiwan Relations Act, April 10, 1979 (United States), P.L. 96-8

“An Act to help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between people of the United States and the people on Taiwan, and for other purposes.”

Short Title

SECTION 1. This Act may be cited as the “Taiwan Relations Act.”

Findings and Declaration of Policy

SEC. 2(a). The President having terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, the Congress finds that the enactment of this Act is necessary

(1) to help maintain peace, security, and stability in the Western Pacific; and

(2) to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.

(b). It is the policy of the United States

(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on China mainland and all other peoples of the Western Pacific area;

(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

(3) to make clear that the United States decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

(5) to provide Taiwan with arms of a defensive character; and

(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(c). Nothing contained in this Act shall contravene the interest of the United States in human rights especially with respect to the human rights of all the approximately 18 million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

Implementation of the United States Policy with Regard to Taiwan

SEC. 3(a). In furtherance of the policy set forth in section 2 of this Act, the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

(b). The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendation to the President and the Congress.

(c). The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

Application of Laws; International Agreements

SEC. 4(a). The absence of diplomatic relations or recognition shall not affect the application of laws of the United States with respect to Taiwan and the laws of the United States shall apply with respect to Taiwan in the manner that the laws of the United States applied with respect to Taiwan prior to January 1, 1979.

(b). The application of subsection (a) of this section shall include, but shall not be limited to, the following:

(1) Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.

(2) Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments, or similar entities, the President or any agency of the United States Government is authorized to conduct and carry out, in accordance with section 6 of this Act, such programs, transaction, and other relations with respect to Taiwan (including, but not limited to, the performance of services for the United States through contracts with commercial entities on Taiwan), in accordance with the applicable laws of the United States.

(3)(A) The absence of diplomatic relations and recognition with respect to Taiwan shall not abrogate, infringe, modify, deny, or otherwise affect in any way any rights or obligations (including but not limited to those involving contracts, debts, or property interests of any kind) under the laws of the United States heretofore or hereafter required by or with respect to Taiwan.

(3)(B) For all purposes under the laws of the United States, including actions in any court in the United States, recognition of the People's Republic of China shall not affect in any way the ownership of or other rights or interest in properties, tangible and intangible, and other things of value, owned or held on or prior to December 31, 1978, or thereafter acquired or earned by the governing authorities on Taiwan.

(4) Whenever the application of laws of the United States depends upon the law that is or was applicable on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.

(5) Nothing in this Act, nor the facts of the President's action in extending diplomatic recognition to the People's Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States, or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission, or departments to make a finding of fact or determination of law, under the Atomic Energy Act of 1954 and the Nuclear Non-Proliferation Act of 1978, to deny an export license application or to revoke an existing export license for nuclear exports to Taiwan.

(6) For purposes of the Immigration and Nationality Act, Taiwan may be treated in the manner specified in the first sentence of section 202(b) of that Act.

(7) The capacity of Taiwan to sue and be sued in courts in the United States, in accordance with the laws of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the absence of diplomatic relations or recognition.

(8) No requirement, whether expressed or implied, under the laws of the United States with respect to maintenance of diplomatic relations or recognition shall be applicable with respect to Taiwan.

(c). For all purposes, including actions in any courts in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multinational conventions, entered into by the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and in force between them on December 31, 1978, unless and until terminated in accordance with law.

(d). Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

Overseas Private Investment Corporation

SEC. 5(a). During the three-year period beginning on the date of enactment of this Act, the \$1,000 per capita income restriction in clause (2) of the second undesignated paragraph of section 231 of the Foreign Assistance Act of 1961 shall not restrict the activities of the Overseas Private Investment Corporation in determining whether to provide any insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan.

(b). Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan, the Overseas Private Insurance Corporation shall apply the same criteria to those applicable in other parts of the world.

The American Institute in Taiwan

SEC. 6(a). Programs, transactions, and other relations conducted or carried out by the President or any agency of the United States Government with respect to Taiwan shall, in the manner and to the extent directed by the President, be conducted and carried out by or through

(1) The American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia, or

(2) such comparable successor nongovernmental entity as the President may designate (hereafter in this Act referred to as the "Institute")

(b). Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to enter into, perform, enforce, or have in force an agreement or transaction relative to Taiwan, such agreement or transaction shall be entered into, performed, and enforced, in the manner and to the extent directed by the President, by or through the Institute.

Services by the Institute to United States Citizens on Taiwan

SEC. 7(a). The Institute may authorize any of its employees on Taiwan

(1) to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;

(2) to act as provisional conservator of the personal estates of deceased United States citizens; and

(3) to assist and protect the interests of United States persons by performing other acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify.

(b). Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as if performed by any other person authorized under the laws of the United States to perform such acts.

The Exempt Status of the Institute

SEC. 8(a). The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 11(a)(3) of this Act requires the imposition of taxes imposed under chapter 21 of the Internal Revenue Code of 1954, relating to the Federal Insurance Contributions Act) or by any State or local taxing authority of the United States.

(b). For purposes of the Internal Revenue Code of 1954, the Institute shall be treated as an organization described in sections 170(b)(1)(A), 170(c), 2055(a), 2106(a)(2)(A), 2522(a), and 2522(b).

Furnishing Property and Services to and Obtaining Services from the Institute

SEC. 9(a). Any agency of the United States Government is authorized to sell, loan, or lease property (including interest therein) to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to agencies under this subsection shall be credited to the current applicable appropriation of the agency concerned.

(b). Any agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement of services by such agencies from the Institute may be effected without regard

to such laws of the United States normally applicable to the acquisition of services by such agencies as the President may specify by Executive order.

(c). Any agency of the United States Government making funds available to the Institute in accordance with this Act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the books and records of the Institute and the opportunity to audit the operations of the Institute.

Taiwan Instrumentality

SEC. 10(a). Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to render or provide to or to receive or accept from Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the President, be rendered or provided to, or received or accepted from, an instrumentality established by Taiwan which the President determines has the necessary authority under the laws applied by the people on Taiwan to provide assurance and take other actions on behalf of Taiwan in accordance with this Act.

(b). The President is required to extend to the instrumentality established by Taiwan the same number of offices and complement of personnel as were previously operated in the United States by the governing authorities on Taiwan recognized as the Republic of China prior to January 1, 1979.

(c). Upon the granting by Taiwan of comparable privileges and immunities with respect to the Institute and its appropriated personnel, the President is authorized to extend with respect to the Taiwan instrumentality and its appropriate personnel, such privileges and immunities (subject to appropriate conditions and obligations) as may be necessary for the effective performance of their functions.

Separation of Government Personnel for Employment with the Institute

SEC. 11(a)(1). Under such terms and conditions as the President may direct, any agency of the United States Government may separate from Government service for a specified period any officer and employee of that agency who accepts employment with the Institute.

(2) An officer or employee separated by an agency under paragraph (1) of this subsection for employment with the Institute shall be entitled upon termination of such employment to reemployment or reinstatement with such agency (or a successor agency) in an appropriate position with the attendant rights, privileges, and benefits which the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

(3) An officer or employee entitled to reemployment or reinstatement rights under paragraph (2) of this subsection shall, while continuously employed by the Institute with no break in continuity of service, continue to participate in any benefit program in which such officer or employee was participating prior to employment by the Institute, including programs for compensation for job-related death, injury, or illness; programs for health and life insurance; programs for annual, sick, and other statutory leave; and programs for retirement under any system established by the laws of the United States; except that employment with the Institute shall be the basis for participating in such programs only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the programs' or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in or retirement from Government service for purposes of any employee or survivor benefits acquired by reason of service with an agency of the United States Government.

(4) Any officer or employee of an agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this section for the period of such service.

(b). Any agency of the United States employing alien personnel on Taiwan may transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purpose of retirement and other benefits, including continued participation in any system established by the laws of the United States for the retirement of employee in which the alien was participating prior to the transfer to the Institute, except that employment with the Institute, shall be creditable for retirement purposes only to the extent that employee deductions and employer contributions, as required in payment of such participation for the period of employment with the Institute, are currently deposited in the system's fund or depository.

(c). Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempt from section 207 of title 18, United States Code.

(d)(1). For purpose of section 911 and 913 of the Internal Revenue Code of 1954, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees of the Institute shall not be included in gross income, and shall be exempted from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempted from taxation under section 912 of such Code.

(2) Except to the extent required by subsection (a)(30) of this section, service performed in the employ of the Institute shall constitute

employment for purposes of chapter 21 of such Code and title II of the Social Security Act.

Reporting Requirements

SEC. 12(a). The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

(b). For purposes of subsection (a), the term "agreement" includes

(1) any agreement entered into between the Institute and the governing authorities on Taiwan or the instrumentality established by Taiwan; and

(2) any agreement entered into between the Institute and an agency of the United States Government.

(c). Agreements and transactions made or to be made by or through the Institute shall be subject to the same congressional notification, review, and approval requirements and procedures as if such agreements and transactions were made by or through the agency of the United States Government on behalf of which the Institute is action.

(d). During the two-year period beginning on the effective date of this Act, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, every six months, a report describing and reviewing economic relations between the United States and Taiwan, noting any interference with normal commercial relations.

Rules and Regulations

SEC. 13. The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act, such rules and regulations shall be transmitted promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate. Such action shall not, however, relieve the Institute of the responsibilities placed upon it by this Act.

Congressional Oversight

SEC. 14(a). The Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress shall monitor

- (1) the implementation of the provisions of the Act;
- (2) the operation and procedures of the Institute;
- (3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and
- (4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

(b). Such committees shall report, as appropriate, to their respective Houses on the results of their monitoring.

Definitions

SEC. 15. For purposes of this Act

- (1) the term "laws of the United States" includes any statute, rule, regulations, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof; and
- (2) the term "Taiwan" includes, as the context may require, the islands of Taiwan and the Pescadores, the people on those islands, corporations and other entities and associations created or organized under the laws applied to those islands, and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and any successor governing authorities (including political subdivisions, agencies, and instrumentalities thereof).

Severability of Provisions

SEC. 16. In addition to funds otherwise available to carry out the provisions of this Act, there are authorized to be appropriated to the Secretary of State for the fiscal year 1980 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended.

Authorization of Appropriations

SEC. 17. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstances shall not be affected thereby.

Effective Date

SEC. 18. This Act shall be effective as of January 1, 1979.

(Approved April 10, 1979)

APPENDIX F

United States–China Joint Communiqué of August 17, 1982

(1) In the Joint Communiqué on the Establishment of Diplomatic Relations on January 1, 1979, issued by the Government of the United States of America and the Government of the People's Republic of China, the United States of America recognized the Government of China, and it acknowledged the Chinese position that there is but one China and Taiwan is part of China. Within that context, the two sides agreed that the people of the United States would continue to maintain cultural, commercial, and other unofficial relations with the people of Taiwan. On this basis, relations between the United States and China were normalized.

(2) The question of United States arms sales to Taiwan was not settled in the course of negotiations between the two countries on establishing diplomatic relations. The two sides held differing positions, and the Chinese side stated that it would raise the issue again following normalization. Recognizing that this issue would seriously hamper the development of United States–China relations, they have held further discussions on it, during and since the meetings between President Ronald Reagan and Premier Zhao Ziyang and between Secretary of State Alexander M. Haig, Jr., and Vice Premier and Foreign Minister Huang Hua in October, 1981.

(3) Respect for each other's sovereignty and territorial integrity and non-interference in each other's internal affairs constitute the fundamental principles guiding United States–China relations. These principles were confirmed in the Shanghai Communiqué of February 28, 1972, and reaffirmed in the Joint Communiqué on the Establishment of Diplomatic Relations which came into effect on January 1, 1979. Both sides emphatically state that these principles continue to govern all aspects of their relations.

(4) The Chinese government reiterates that the question of Taiwan is China's internal affair. The Message to Compatriots in Taiwan issued by China on January 1, 1979, promulgated a fundamental policy of striving for peaceful reunification of the Motherland. The Nine Point Proposal put forward by China on September 30, 1981 represented a further major

effort under this fundamental policy to strive for a peaceful solution to the Taiwan question.

(5) The United States government attaches great importance to its relations with China, and reiterates that it has no intention of infringing on Chinese sovereignty and territorial integrity, or interfering in China's internal affairs, or pursuing a policy of "two Chinas" or "one China, one Taiwan." The United States Government understands and appreciates the Chinese policy of striving for a peaceful resolution of the Taiwan question as indicated in China's Message to Compatriots in Taiwan issued on January 1, 1979 and the Nine-Point Proposal put forward by China on September 30, 1981. The new situation which has emerged with regard to the Taiwan question also provides favorable conditions for the settlement of United States-China differences over the question of United States arms sales to Taiwan.

(6) Having in mind the foregoing statements of both sides, the United States Government states that it does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution. In so stating, the United States acknowledges China's consistent position regarding the thorough settlement of this issue.

(7) In order to bring about, over a period of time, a final settlement of the question of United States arms sales to Taiwan, which is an issue rooted in history, the two governments will make every effort to adopt measures and create conditions conducive to the thorough settlement of this issue.

(8) The development of United States-China relations is not only in the interests of the two peoples but also conducive to peace and stability in the world. The two sides are determined, on the principle of equality and mutual benefit, to strengthen their ties in the economic, cultural, educational, scientific, technological and other fields and make strong, joint efforts for the continued development of relations between the governments and peoples of the United States and China.

(9) In order to bring about the healthy development of United States-China relations, maintain world peace and oppose aggression and expansion, the two governments reaffirm the principles agreed on by the two sides in the Shanghai Communiqué and the Joint Communiqué on the Establishment of Diplomatic Relations. The two sides will maintain contact and hold appropriate consultations on bilateral and international issues of common interest.

APPENDIX G

U.S.-Taiwan Mutual Defense Treaty

**Mutual Defense Treaty between the United States
and the Republic of China
December 2, 1954
and Notes Exchanged on December 10, 1954**

The Parties to this Treaty,

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments, and desiring to strengthen the fabric of peace in the West Pacific Area,

Recalling with mutual pride the relationship which brought their two peoples together in a common bond of sympathy and mutual ideals to fight side by side against imperialist aggression during the last war,

Desiring to declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the West Pacific Area, and

Desiring, further to strengthen their present efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the West Pacific Area,

Have agreed as follows:

Article I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace, security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purpose of the United Nations.

Article II

In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

Article III

The Parties undertake to strengthen their free institutions and to cooperate with each other in the development of economic progress and social well-being and to further their individual and collective efforts towards these ends.

Article IV

The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty.

Article V

Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article VI

For the purposes of Articles II and V, the terms "territorial" and "territories" shall mean in respect of the Republic of China, Taiwan and the Pescadores; and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement.

Article VII

The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement.

Article VIII

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

Article IX

This Treaty shall be ratified by the United States of America and the Republic of China in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Taipei.

Article X

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

Done in duplicate, in the English and Chinese languages, at Washington on this second day of December of the Year One Thousand Nine Hundred and Fifty-four, corresponding to the second day of the twelfth month of the Forty-third year of the Republic of China.

For the United States of America:
JOHN FOSTER DULLES

For the Republic of China:
GEORGE K. C. YEH

Exchange of Notes
Department of State
Washington, December 10, 1954

APPENDIX H

U.S. Military Sales to Taiwan

Table H-1
Public Opinion on the PRC and Taiwan (ROC)
(in percentages)

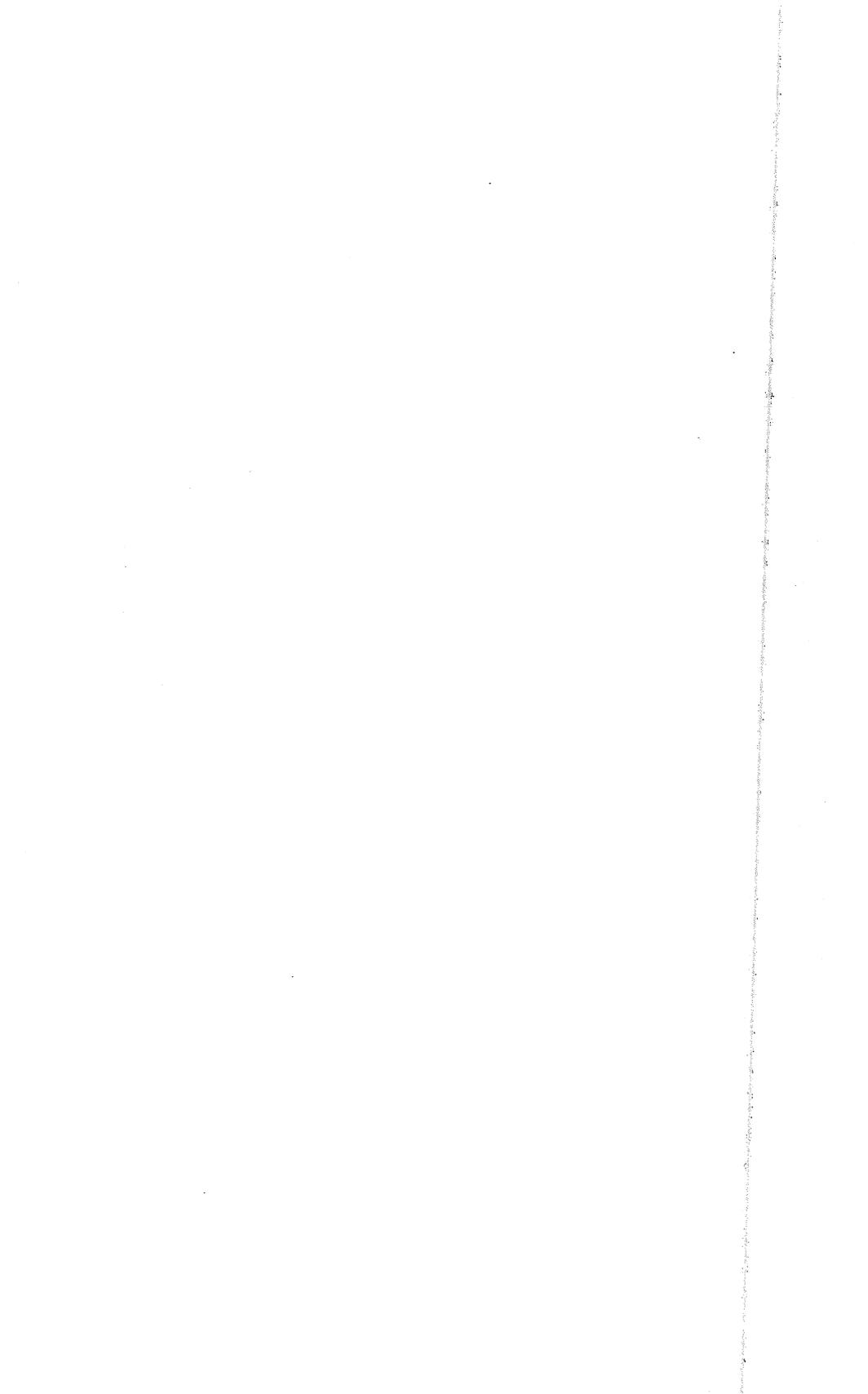
Date	Establish ties with PRC		Continue ties with Taiwan		Derecognize Taiwan in favor of normalization		Source
	Yes	No	Yes	No	Yes	No	
1966	43	33					Harris
1967	41	34					Harris
1968	39	44					Harris
1971	55	20					Harris
1975	61	23	70	14	10	70	Gallup
1976	64	18			26	51	Foreign Policy Association
1977 (April)			68	19	33	53	Foreign Policy Association
1977 (April)	62	21	61	22	28	47	Potomac Associates
1978	66	25					Harris
1979	60	27					Harris

SOURCE: Jaw-ling Joanne Chang, *United States-China Normalization*, p. 124.

Table H-2
U.S. Military Sales to Taiwan, 1972-1990
 (thousands of current U.S. dollars)

Fiscal year	FMS agreements	Commercial export deliveries	Commercial deliveries plus FMS agreements	FMS deliveries	Total deliveries
1972	72,261	5,697	77,958	35,347	41,044
1973	204,241	6,001	210,242	66,264	72,265
1974	72,826	8,086	80,912	92,763	100,849
1975	127,249	44,982	172,231	113,017	157,999
1976	327,353	42,531	369,884	134,269	176,800
1977	143,656	46,140	189,796	139,397	185,537
1978	336,107	73,637	409,744	134,178	207,815
1979	520,632	44,547	565,179	180,752	225,299
1980	455,449	57,770	513,219	209,059	266,829
1981	309,456	66,731	376,187	373,427	440,158
1982	524,155	75,000	599,155	386,343	461,343
1983	698,231	85,000	783,231	388,639	473,639
1984	707,217	70,000	777,217	274,896	344,896
1985	699,786	54,463	754,249	339,413	393,876
1986	510,416	228,400	738,816	247,291	475,691
1987	509,322	210,000	719,322	372,676	582,676
1988	505,062	195,069	700,131	488,068	683,137
1989	526,310	84,753	611,063	349,806	434,559
1990	509,998	149,963	659,961	573,981	723,944

SOURCES: Cited from Harry Harding, *Fragile Relations*, Table A-10, p. 370.



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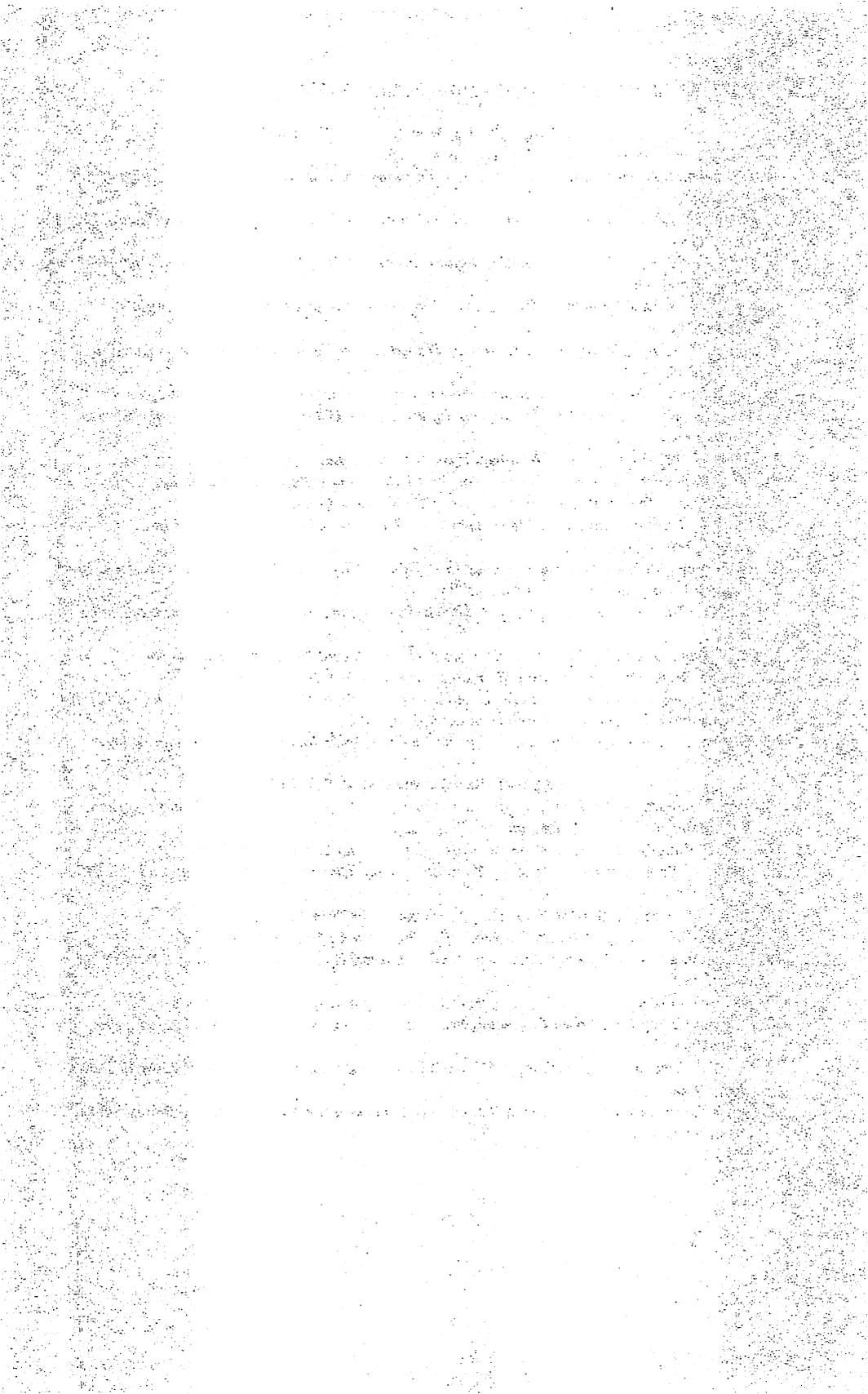
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