

Chapter 3: Case Study of Congress and U.S. China Policy¹

Abstract: Understanding the course of the relationship between the United States and China in the decade following the end of the Cold War requires reference to the underresearched role of Congress, which contributed significant effects on American policy in six of the seven principal episodes in that relationship from 1989 to 2000. This chapter surveys the interaction between the President and Congress in each episode, and quantifies the extent of congressional influence in each episode along a 5-point Likert scale. Congress imposed its preferences most successfully when it moved earlier than the executive to change the status quo, or where it was able to find a budgetary or immigration aspect on which to challenge current policy. Policy preferences of the executive and legislative branches showed considerable stability across changes in partisan control. Presidents of both parties pursued a policy of engagement, while Congress under both parties preferred a confrontational posture toward China on human rights and Taiwan.

1. Introduction

This chapter examines seven episodes in the Sino-American relationship in the first Bush and Clinton administrations, with the aim of establishing the preferences of the President and congressional leaders with regard to U.S. China policy in that instance, documenting the reciprocal processes of influence resulting in the policy the United States finally adopted in each episode, and situating the final result relative to the prior preferences of both branches. A substantial difference in preferences existed between the branches in each episode but one; in five of the six remaining instances, Congress succeeded in bringing policy closer to its preferences, substantially so in four of those. The final section assigns numeric values to congressional influence in each episode, along a five-point Likert scale.

First, a word may be appropriate situating this case study in historiographic context. Though two journalistic accounts acknowledge (largely in passing) a congressional role in post-Cold War China policy, the case remains unresearched by diplomatic historians, and there has been particularly paucity of attention to patterns within the case.² One first scholarly effort has been a dissertation by Jian Yang, though circumstances unfortunately did not permit Yang to conduct research or interviews in Washington or to cover all of the episodes in the decade.³ This chapter attempts to expand research on a larger number

¹ For romanisation of Chinese proper names, this chapter employs pinyin as the current international standard.

² Though exceptionally, Suettinger characterises the relationship by cycles of destabilising events (often originating in domestic politics) interspersed with apparent but temporary progress in the relationship between executives: ‘Without mutually agreed-on goals, it has become mostly event driven, subject to sharp swings of attitude or sentiment depending on the nature and outcome of the driving events.’ Robert Suettinger, *Beyond Tiananmen: The Politics of US-China Relations, 1989-2000* (Washington, D.C.: Brookings, 2003), p. 434. Referenced are James H. Mann, *About Face: A History of America’s Curious Relationship with China from Nixon to Clinton* (Knopf, 1999), and David M. Lampton, *Same Bed, Different Dreams: Managing US-China Relations, 1989-2000* (University of California, 2002).

³ I also depart from his analysis. Yang privileges partisanship as the most important predictor, but it is not clear exactly what Yang is attempting to predict. His dependent variable at different points seems to correspond to the preferences of the congressional majority, the likelihood of Congress as a whole to act, or its efficacy in imprinting preferences upon the executive. Most frequently, he seems to refer to the likelihood of congressional majorities to act. Thus, in 1995 a desire to embarrass a Democratic president

of episodes, while separating them for analytic purposes, and categorising them numerically with regard to their result.

2. First episode: Tí_n'_nmén Square

With the suppression on 3 and 4 June, 1989, by Dèng Xiopíng's government of student protests commemorating the reformist legacy of deceased former Communist Party Chairman Hu Yaobang, an initial brief consensus among members of Congress and executive branch officials over the appropriate American response concealed a vast rift between the motivations and preferences of the two sides. For President Bush, a lifelong China expert and former chief of mission in Beijing who prided himself on special familiarity with the country's leaders and his personal role in the Sino-American rapprochement of 1972-79, the preferable U.S. response to Tí_n'_nmén would impose limited sanctions at the start to protect the bilateral relationship from more drastic measures by China critics in Congress, and then return the relationship as soon as practicable to one of close bilateral ties managed personally by the nations' leaders. For Senate Majority Leader George Mitchell, who in his first year as leader had cooperated with the Republican administration in negotiating an agreement over Nicaragua with Secretary of State Baker, and who was strongly devoted to human rights in China,⁴ the tasks for American policy were to 'condemn these acts personally and in the strongest possible terms,' and 'give voice to the feelings of the overwhelming majority of the American people.'⁵ Mitchell's views were shared broadly across both parties and chambers.

So long as the administration's policy consisted in actions taken to mollify congressional demands for a strong response, relations between the two branches of government on China remained amicable. Officials gathering at the Department of State on Sunday, 4 June decided to halt the bilateral military relationship, ending American sales of military equipment and contacts with the People's Liberation Army. Other specific responses were required by laws previously passed by Congress: for instance, Assistant Secretary of State for Human Rights Richard Schifter noted the government was legally required to oppose lending by the international financial institutions to any nation engaging in gross violations of human rights.⁶ Though the administration moved to coordinate policy with Western Europe and Japan on suspending a US\$2.3 billion loan the World Bank had been scheduled to lend China in fiscal year 1989-1990, it did not make the decision public at that time.

motivated the Republican majority to extend Lee a visa, whereas in the minority previously, those same Republicans had not similarly pushed Bush on Taiwan. However, a number of Democrats (Pelosi, Mitchell) had no difficulty opposing and pressuring the Clinton administration from 1992 on, and Republicans supporting Bush's policy of engagement continued to support that policy from the Clinton White House. Yang does not attempt to reconcile these contradictions, nor does he note them. *Congress and US China Policy, 1989-1999* (Huntington, NY: Nova Science Publishers, 2000).

⁴ i.e., Mitchell would later oppose the China policy of President Clinton with equal vigour.

⁵ 'House Stays with Bush on China', Associated Press, 23 June, 1989.

⁶ The relevant laws are U.S. Code, Title 22, Chapter 7, Section 262d and 262d-1, 'Human rights and United States assistance policies with international financial institutions' and 'Congressional statement of policy of human rights and United States assistance policies with international institutions'.

Congressional complaints quickly mounted that the suspension of military contacts constituted too mild a response. Secretary of State Baker, realising on 20 June before testifying before the Senate Foreign Relations Committee that he would face resistance to the administration's China policy, pre-empted criticism by announcing a suspension of high-level political contacts between the governments, and revealing the decision to oppose continued lending to China by the World Bank and other international financial institutions. Baker's announcement caught the White House unawares, but his moves were quickly adopted by the administration, and Baker succeeded for the moment in mollifying congressional calls for further reprisals.⁷

At this point, congressional preferences in China policy began to be shaped by a well-organised and politically attractive network of Chinese students, who had organised activities in support of the demonstrations in Tiananmen Square the previous month. Led by Zhao Haiqing, a post-doctoral fellow in biochemistry at Harvard and president of the Independent Federation of Chinese Students and Scholars in the U.S., they organised a rally which attracted between 5,000 and 10,000 participants on 5 June, including twelve members of Congress and several other politicians who ranged from across the ideological spectrum from Jesse Jackson to Senator Jesse Helms (R-N.C.). Mobilised by early adoption of e-mail listservs⁸ (the postgraduate student forum CHINANET began in 1986), the Chinese student network decided to use its newfound political influence to seek legal changes to permit them to remain in the United States, as their political activities would have rendered them vulnerable to persecution in China.

Enviably, the students could choose their congressional patrons. Zhao rejected as too ambitious Senator Slade Gorton's (R-Washington) bill offering the students permanent resident status, and instead endorsed a measure offered by Representative Nancy Pelosi (D-California) which only temporarily suspended the Chinese students' requirement to leave the nation when their student visas expired.⁹ The Emergency Chinese Immigration Relief Act of 1989 attracted little attention or opposition from the Bush administration. Congress passed the Pelosi legislation 1 November without a dissenting vote in either chamber.

Faced with this unexpected challenge to his foreign policy, President Bush vetoed the act on 30 November, and to prevent further damage to his China policy from an override

⁷ Secretary of State Baker's actions were in particular significantly affected by President Bush's efforts to mollify Congress. 'There was good cop, bad cop relationship under Bush I, which the White House used quite obviously. [To mollify Congress] they would use threats of congressional action to try to extract concessions from China. Bush wanted to smooth relations over as soon as possible; he needed cover, so he sent Baker to China with list of 800 political prisoners, and required at least some movement on some of the terms of Mitchell-Pelosi language (locations of political prisoners, etc....). That's precisely where they had leverage that they could have used to get a bit more out of Beijing.' Author interview with Michael Jendrzeczyk, Washington Director for Human Rights Watch, 17 December, 2002.

⁸ For an examination of the role of electronic technology, see David Alan Grier, Politics, 'Control and Computer Networks: The Chinese Student Lobby of 1989', *Communications of the Association for Computer Machinery*, 41:5 (1998): 137-145.

⁹ i.e., through June 1992

of his veto, announced he would grant the same legal protection to the students by executive order.¹⁰ Bush then found himself poised between contrary preferences of China and his own Congress, with Vice Foreign Minister Liu Huaqiu responding China's government and people could not 'swallow this bitter pill'.¹¹ On the Senate vote on 25 January to override the veto, the president's veto was sustained by a mere four votes, in spite of his having conceded by administrative action the same extension incorporated in the bill; even that slim victory required considerable pork to swing marginal votes.¹²

President Bush's difficulties in promulgating his China policies lay both in their substance and in his own rhetorical limitations.¹³ He felt acutely his position suspended between congressional and Chinese preferences, once remarking, 'But I say, it's a little lonely.'¹⁴ The resulting policy met with scarce success in either Washington or Beijing. Beijing's harsh tone continued after each presidential concession to Congress on China policy. Congress, for its part, had won a firmer response to China's repression of its student demonstrators, and forced the administration to adopt its immigration preferences on the point on which it chose to rebuke the president's China policy. It had also demonstrated in the future the President would be required to make China policy while casting an eye over his shoulder, down Pennsylvania Avenue, to Capitol Hill.

Dependent Variable: 4 (U.S. policy closer to congressional than presidential prior preferences.)

3. Second episode: Most Favoured Nation Status

Emboldened by their near success in the veto override vote and their victory in forcing upon Bush the policies in the act, Senator Mitchell and Representative Pelosi began to seek the next issue on which to challenge the administration's China policy. At the same moment, thirty-six representatives of Chinese student organisations were meeting in Harvard's Fairbank Centre on 6-7 January, 1990, to discuss the next step in their legislative strategy. The students' visibility and celebrity made them a valued commodity for politicians, and Pelosi and ten congressional staff members journeyed to Cambridge to attend the meeting. Zhao and the other student leaders eventually decided to challenge President Bush's China policy on the point of China's Most Favoured

¹⁰ 'Statement on the Disapproval of the Bill Providing Emergency Chinese Immigration Relief', Public Papers of the Presidents, November 30, 1989, volume 1, page 1612. In the veto message, President Bush wrote 'My administration has opposed congressional micromanagement of foreign policy. Such legislation puts America in a straitjacket and can render us incapable of responding to changing circumstances. HR 2712 is inconsistent with this policy.'

¹¹ State Department cable, 'PRC Suspends Post Graduate Student Exchange', Dec. 3, 1989, National Security Archives.

¹² 'The President's News Conference', Public Papers of the Presidents, 25 January, 1990, volume 1, page 106.

¹³ 'We have contacts with countries that have egregious records on human rights, and so I'm going to keep looking for ways to find common ground' 'Remarks and a Question-and-Answer Session with Newspaper Editors', Public Papers of the Presidents, 11 December, 1989, volume 1, page 1683.

¹⁴ 'Remarks and a Question-and-Answer Session at the Annual Dinner of the Business Council', Public Papers of the President, 21 February, 1990, page 254.

Nation trade status – the normalised trade relations which, under the Jackson-Vanik provision of the Trade Act of 1974, Congress was required to authorise annually for countries with non-market economies. The students saw in revocation of MFN the attractive and furthest reaching of all economic sanctions Congress might apply to China. In turn, Mitchell and Pelosi perceived that even if Congress were unable to reject the renewal of Chinese MFN status, the debate would provide a way for critics of the president's China policy to maintain pressure on the president and China, while creating through Congress's trade powers a role for themselves in a policy area lacking a more usual congressional competency such as appropriations or immigration. Business organisations, for their part, showed at first little interest in opposing the students: their memberships also found the suppression of the Tiananmen Square protests repugnant, and China's industrial growth was also negligible at the time due to post-Tiananmen austerity measures.¹⁵

The direction of congressional action evolved through compromise among congressional Democrats, with Pelosi and Mitchell seeking outright MFN revocation, and House Foreign Affairs Asia Subcommittee chair Rep. Stephen Solarz (D-NY) advocating a one-year renewal of trade relations with a series of human rights conditions for China to meet to secure further renewals. The latter proposal won greater support from congressional Democrats who were hesitant of the consequences of severance of trade ties for the American economy and that of Hong Kong, as well as the endorsement of Assistant Secretary of State Winston Lord.¹⁶

As a presidential candidate, Governor Clinton had adopted a China policy close to (and adopted from) the congressional Democratic leadership and strongly criticised the Bush administration for subordinating trade to the promotion of human rights. Once in office, his early presidency's domestic policy orientation led him to define success in his China policy in terms of its acceptability to Congress, preserving political capital for more highly prioritised health care and budget struggles. Drawing on the goodwill of the congressional leadership and the advice of aides seeking to safeguard presidential foreign policy prerogatives, President Clinton enacted the Solarz proposal by executive order on 28 May 1993, and Pelosi and Mitchell agreed to withdraw their legislation. His order extended most favoured nation status to China until 3 July, 1994, and imposed conditions on further renewal on Chinese progress on seven human rights areas. Violations of two of these—free emigration and export of goods manufactured with prison labour—would automatically require the Secretary of State to recommend denying further extension of MFN. For the remaining five, the Secretary was directed to determine whether China had 'made overall, significant progress': releasing peaceful protesters in Chinese prisons, treating remaining prisoners in accord with international human rights standards, recognising the distinctive regional culture of Tibet, permitting international television and radio broadcasts, and observing human rights specified in UN instruments to which

¹⁵ 'Most-Favored-Nation Status for the People's Republic of China', Hearings of the Committee on Foreign Affairs, 16 and 24 May, 1990, Government Printing Office; 'China Buys More Subsidized Wheat', Associated Press, 22 May, 1990.

¹⁶ Jim Mann, 'America and China's MFN Benefits: 1989-94', paper for American Assembly conference on China in 1995.

China was a party. Congressional Democrats and critics of China regarded the administration's imposition of conditionality on future normal trade relations with China as a success.

Large numbers of legislators travelled to China during recesses of Congress to clarify and reiterate U.S. requirements for 'overall, significant progress' on rights issues. Assistant Secretary of State John Shattuck travelled to Beijing in February and Secretary of State Christopher followed in March, delivering the administration's views on what would constitute grounds for a favourable determination of Chinese progress.¹⁷ China, however, refused to make any movement toward satisfying the American human rights conditions, and at the end of the year, Clinton admitted defeat but called for a renewal nonetheless of normal trade relations, under a revised policy of 'comprehensive engagement'. Under this retreat from his earlier policy, trade relations were to be 'delinked' from China's human rights practices: 'I believe the question, therefore, is not whether we continue to support human rights in China, but how we can best support human rights in China and advance our other very significant issues and interests.'

The congressional Democratic leadership reacted with anger and disappointment to Clinton's announcement. Pelosi pointed out that congressional Democrats had withdrawn their legislation in 1993 for complete revocation of trade ties or enactment of conditionality into law in a gesture of goodwill to a president of their party, and otherwise sanctions would have then taken effect against China automatically.¹⁸ However, the political moment had passed in which such legislation could have commanded a majority, and the House was capable of no better than passing a China Policy Act which imposed no sanctions, and was not taken up by the Senate. Congressional opposition to the administration's China policy would, however, roll over into the new forum of support for Taiwan.

Dependent Variable: 2 (U.S. policy closer to presidential than congressional prior preferences)
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4. Third episode: A Visa for President L_

Presidents who focus laser-like attention on their nation's economy are not generally known for habits of expending energy elsewhere. On Taiwan, the domestic focus of President Clinton's presidency permitted an assertive and active Congress to drive policy, first pushing Taiwanese arms sales and high-level visits on to the nation's political agenda, then forcing the administration to conduct a review of Taiwan policy to appease its calls for an upgraded American relationship. Finally, Congress forced President Clinton to invite the president of Taiwan to visit the United States, extending a level of officiality to the U.S.-Taiwan relationship which it had not enjoyed since the normalisation of ties between the U.S. and mainland China in 1979, and dramatically

¹⁷ Robert G. Sutter, *Chinese Policy Priorities and their Implications for the United States* (Rowman & Littlefield, 2001), p. 44.

¹⁸ Office of Representative Nancy Pelosi, 'Statement of Congresswoman Nancy Pelosi on President Clinton's Decision on China Most Favored Nation Status,' Press Statement, 26 May, 1994.

altering the character of the American relationship with both mainland China and Taiwan for the remainder of the decade.

Beginning with the establishment of diplomatic relations between the United States and the People's Republic of China in 1979, the United States had not permitted officials of the Taipei government to travel to America.¹⁹ (In further concessions to Beijing, the Shanghai Communiqué of 1972 acknowledged that there is only one China, while the 1978 Normalisation Communiqué recognised the People's Republic as 'the sole legal Government of China'.) Over protestations of the Carter administration, in 1979 Congress passed with strong bipartisan majorities a Taiwan Relations Act, which codified the United States commitment to Taiwanese security by maintaining a capacity to resist force or coercion against Taiwan, selling defensive arms to the Taiwanese government, and requiring the President to inform Congress of any threat to Taiwan, then consult with Congress to devise an appropriate response. (Responding to Chinese concerns about the Act, the Reagan administration signed a Joint Communiqué in 1982 indicating that the United States would limit and ultimately end arms sales to Taiwan, though not specifying a timetable.) A general consensus ensued over U.S. policy toward China and Taiwan—unofficial political relations, accompanied by a defence commitment— until the suppression of the demonstrations in Tiananmen Square.

In 1995 Congress successfully challenged and altered this policy, and was prompted in doing so by partisan changes in Congress, progressing democratisation in Taiwan, and extensive lobbying on the part of the Taipei government. In Congress, mid-term elections in 1994 deposited new Republican majorities in control of the House (230-204-1) and Senate (53-47). The predominant mood of the new congressional majority was assertive (Senate Majority Leader Robert Dole announced in December the White House would 'have to bow to the opinions' of the congressional Republicans²⁰), strongly in favour of Taiwan (both Speaker Gingrich and House International Affairs Chair Benjamin Gilman called for UN membership for Taiwan²¹), and sceptical of mainland China. The Taiwanese government had made itself a more attractive ally by lifting martial law in July 1987, and holding contested elections in December 1989 for the Yuan and several provincial and local offices, with the Kuomintang for the first time permitting challenges from opposition parties.²² Realising the political resource it possessed in congressional sympathy, in summer 1994 Taiwan launched a 3-year, \$4.5 million

¹⁹ 'US Downplays Taiwan President's Visit, Says Beijing Overreacted', Agence France Presse, 30 May, 1995.

²⁰ Lu Qichang and Zhao Shenggan, 'U.S. Mid-term Elections and Political Trends', *Xiandai Guoji Guanxi* (Contemporary International Relations), December 1994, pp. 26-32, carried in FBIS Daily Report, China, 27 March, 1995, pp. 6-12. p. 11. Also, Carroll Doherty, 'GOP Takes the Reins of Power: House Committee on Foreign Affairs', *Congressional Quarterly Weekly Report* (52:44, 12 November, 1994), p. 3261.

²¹ Nayan Chanda, 'Winds of Change', *Far Eastern Economic Review* (22 June, 1995), p. 15. Lin Ling, 'Refuting Newt Gingrich's Nonsense', *Wen Wei Po*, 6 February, 1995, p. B5, in FBIS Daily Report, China, 8 February, 1995, p. 3.

²² *Congressional Record*, 26 March, 1990, p. 5263.

contract with the lobbying firm Cassidy and Associates, surpassing any such lobbying effort made before by any foreign government.²³

On 4 May, 1994, Taiwanese President L_ D_nghu_ passed through Hawaii on a trip to Costa Rica and asked permission from the U.S. government to spend the night in Honolulu on a transit visa. Careful to avoid conceding ‘officiality’ to L_’s visit, the State Department refused L_ permission to spend more than a small number of hours in the Honolulu airport. The commander of the Air Force base on which L_’s plane landed was not permitted to greet L_; L_, for his part, refused to deplane. Senator Paul Simon (D-Illinois) brought the incident to congressional attention, expressing dismay at the grudging reception extended L_. Senator Frank Murkowski (R-Alaska) quickly emerged as the leader of a congressional movement to force Clinton to permit L_ to make an extended visit to the United States. Murkowski and Senator Hank Brown (R-Colorado) wrote to the Taiwanese president to invite him to their two states, and to Clinton expressing their concerns that L_’s treatment during his brief visit had been to mollify the Chinese ambassador. Senator Simon’s S. Res. 148, calling upon the U.S. to support Taiwanese participation in the United Nations and for Cabinet-level exchanges with Taiwan’s government, passed the Senate on 10 June with 40 cosponsors, over the objections of the Department of State. A second resolution (S. Res. 270) was introduced by Senators Murkowski, Brown, and Simon, to call on the executive branch to welcome visits by the Taiwanese president and other high-level officials, to send Cabinet-level officials to Taiwan on a regular basis, and allow unrestricted office calls by Taiwanese representatives to all U.S. government departments and agencies. It was agreed to without objection by the Senate on 5 October, 1994.

Matters rested there until the following March, when President L_’s alma mater of Cornell University invited L_ to return to Cornell to receive a Distinguished Alumni Award. A resolution calling on the executive to permit the visit, introduced Representative Tom Lantos (D-Calif.), passed the House without a dissenting vote on 2 May. An identical resolution by Murkowski was approved one week later by the Senate with only one opposing vote. Though the concurrent resolution was non-binding, leaders of both houses indicated their intention to bring a binding resolution to a vote if necessary.²⁴

The State Department continued to indicate its opposition to permit a visit by L_ (saying it would be ‘inconsistent with the informal character’ of U.S. relations with Taiwan, and would remove ‘an essential element of unofficiality’²⁵), but President Clinton faced strong congressional pressure to demonstrate, after MFN conditionality, his capability to withstand pressure from Beijing. Senator Helms engaged in hostage-taking, by threatening congressional budget cuts and structural reforms against the State

²³ ‘PR Firm Contracted to Lobby U.S. government for Improved Ties’, China Economic News Service, Reuter Business Briefing, 6 October, 1994.

²⁴ See Congressional Record, 30 March, 19 May, 5 August, and 5 October, 1994. John M. Broder, ‘Taiwan Lobbying in U.S. Gets Results’, *Los Angeles Times*, 4 November, 1996.

²⁵ Steven Greenhouse, ‘Clinton Rebuffs Senate on Letting Taiwan President Visit U.S.’, *New York Times*, 11 May, 1995, p. A6.

Department. On 18 May, Democratic Senators Charles Robb, Sam Nunn, Joseph Lieberman, and John Breaux raised the issue with President Clinton during budget negotiations, and Clinton indicated his disposition to grant the visa.²⁶ Reluctantly, National Security Advisor Anthony Lake, Secretary of State Warren Christopher, and Secretary of Defence William Perry concluded that if Clinton did not extend a visa to L_ through administrative channels, Congress would at the very least require him to do so by (making the administration seem even weaker against Congress), and perhaps would enact broader legislation in support of Taiwan as well. Retreating, the Department of State indicated on 19 May that L_'s visa was under consideration.²⁷ L_'s visit took place from 7 to 11 June, and he met with politicians including Los Angeles Mayor Richard Riordan and an aide to California Governor Pete Wilson.

President L_'s visit, a result of congressional foreign policymaking, brought about a halt to normal diplomatic and military relations between America and China. Beijing 'indefinitely' recalled its ambassador on 16 June, then suspended missile control talks with the United States and cross-Strait discussions with Taiwan. In July and August China conducted ballistic missile tests into waters north of Taiwan, and carried out large-scale exercises in coastal Fújiàn and Zhèji_ng in October. Sino-American relations had reached their lowest level since Henry Kissinger's trip to Beijing in autumn 1970. In January 1996, Chinese officials made veiled nuclear threats to a surprised former U.S. Ambassador Chas Freeman, telling him Beijing assumed in the event of a Chinese invasion of Taiwan, American officials would 'care more about Los Angeles than they do about Taiwan.'²⁸

Dependent Variable: 5 (U.S. policy fully incorporates congressional preferences)

5. Fourth episode: The detention of human rights activist Harry Wu

On 19 June, 1996, Harry Wu, a human rights activist born in Shanghai and naturalised as an American citizen in 1985, was detained when he attempted to exit China on its border with Kazakhstan. Wu had been held as a political prisoner from 1956 until 1979 after criticising the Soviet invasion of Hungary as a student, and after his release and emigration to the United States he became an advocate for the release of the 6 to 8 million inmates of China's 1,100 forced labour camps.²⁹ Violating consular agreements in place between the United States and China,³⁰ diplomats from the American embassy were denied access to Wu, and told they had never heard of him. Nineteen days after his detention—consular treaties required China to allow consular access to detained American citizens within six days of their detention—the Chinese government informed

²⁶ James Mann, 'How Taipei Outwitted U.S. Policy', *Los Angeles Times*, 8 June, 1995

²⁷ State Department Report, 19 May, 1995; POL502, 392236.

²⁸ Patrick Tyler, 'As China Threatens Taiwan, It Makes Sure U.S. Listens', *The New York Times*, 24 January, 1996, page A3.

²⁹ Wu wrote two books on the prison camps, *Laogai: The Chinese Gulag* (Westview 1992), and *Bitter Winds: A Memoir of My Years in China's Gulag* (Wiley 1994).

³⁰ The relevant diplomatic instruments: 'Agreement on the mutual establishment of consular relations and the opening of consulates general, with annex,' entered into force 31 January, 1979, 30 UST 17; and 'Consular convention, with exchange of notes,' 19 February, 1982, 33 UST 2973.

the United States Wu was being held in Wohun in central China, and charged with stealing state secrets regarding the prison camps with an intention to disseminate them outside of China (making particular mention of the U.S. Congress, the BBC, and CBS).³¹

In Congress, Representative Douglas Bereuter (R-Neb.), who chaired the International Relations subcommittee on Asia and the Pacific, drafted the China Policy Act of 1995, in response to an invitation from the Republican leadership to craft a compromise demanding strong action against China but which would not provoke a presidential veto. The China Policy Act did not remove China's normal trade status, but took a number of other measures including establishing a Radio Free Asia network and requiring the State Department to report to Congress semi-annually on China's human rights record and missile proliferation. Rep. Bereuter described his bill as a message to both the State Department and to Beijing. The State Department had told Congress 'to back off' in its past attempts to take action against China, he said, and he called the Department's policy on China 'a failure' across all issues of trade, human rights, and proliferation. The China Policy Act passed the House resoundingly (416-10) on 20 July, with the support of such leading China critics as Rep. Frank Wolf (R-Va.).³²

Rather than take up the China Policy Act, which remained lodged in committee, Senators instead adopted a strategy of linkage, and took hostage against the executive and China a planned trip by First Lady Hillary Clinton to Beijing, in which she was to serve as honorary chair of the United Nations Fourth World Conference on Women from 4 to 15 September. Senate Majority Leader Robert Dole moved to halve the Department's conference budget unless the Secretary of State certified no U.S. funds would be used to send delegates to the conference while Wu remained in prison. Secretary of State Albright protested the move, arguing 'it just does not make sense, in the name of human rights, to boycott a conference that has as a primary purpose the promotion of human rights'. Harry Wu's wife Ching Lee Wu received considerable attention from members of Congress while she pleaded publicly for Mrs. Clinton not to travel to Beijing, but her letter to the First Lady to ask her not to attend in protest against her husband's detainment went unanswered.

Facing embarrassment in a conference which it had hoped would boost its international stature, the government of China released and expelled Wu from the country on August 24, after convicting him with espionage for publicising China's labour camps and sentencing him to 15 years' imprisonment. Mrs Clinton went to Beijing, and acknowledged congressional sentiment by giving two speeches while there bluntly criticising Chinese human rights policies. Members of Congress generally demurred to Wu in their appraisal of Mrs Clinton's participation in the conference, and Wu was sceptical of the First Lady's trip at first, but after the speeches applauded her performance.

³¹ State Department spokesman Nicholas Burns, Department of State daily briefing; Robert A. Senser, 'Why Human Rights Can No Longer Be 'Delinked' From Foreign Policy', *Foreign Service Journal*, December 1995.

³² Jim Abrams, 'House to Vote on China Bill', *Associated Press*, 19 July, 1995; Bryan Sierra, 'House Sends China a Message', *United Press International*, 20 July, 1995.

Dependent Variable: 4 (U.S. policy closer to congressional than presidential prior preferences)

6. Fifth episode: The Taiwan Straits Crisis

During Taiwan's presidential elections from 8 to 25 March, 1996, Beijing conducted a series of ballistic missile tests, with three missiles launched on the first day of elections against points close to the major Taiwanese ports of G_o xióng and Jilóng. The next day, the government of China announced it would conduct live-fire military exercises at the southern end of the Taiwan Strait from 12 to 20 March. Beijing was motivated by the belief that conciliatory actions on its part had led Taiwan to proclaim state-like attributes and take on a more frequent tempo of contacts with other governments. By expressing military force during its elections, it sought to deter voters from moving toward Taiwanese independence.

With broad bipartisan support, Congress passed a concurrent resolution invoking the Taiwan Relations Act to call for interbranch consultation on an appropriate U.S. response should the Chinese exercise pose a serious threat to Taiwanese peace, security, or stability.³³ A spokesman from the Taiwanese foreign ministry said Taipei was 'sincerely grateful' for Congress's concern and friendship.³⁴ Complying with American treaty obligations toward Taiwan, on 10 March, President Clinton ordered the aircraft carrier *Independence* and her associated task force to stand off the Straits to monitor tensions; the following day, he ordered the carrier *Nimitz* and battle group to join *Independence*. On 15 March, Beijing announced that it would conduct a third series of exercises at the northern end of the Taiwan Strait, beginning on 18 March.³⁵ Tensions remained elevated through President L_'s inauguration on 20 May, at which he called for cross-Straits conciliation (though pointedly avoiding reference to 'one China'). On 26 June, President Ji_ng Zemin called for a resumption of cross-strait negotiations, and extended an invitation to L_ to visit the mainland in an appropriate capacity. Tensions eased considerably thereafter.

The Taiwan Straits crisis had short and longer term consequences on the three actors. In the immediate aftermath, Congress, the president, and the government of China each realised the two nations had come quite close to open military conflict. As Ambassador James Sasser commented, 'All of a sudden, senators and congressmen were looking around and seeing aircraft carriers speeding down there to Taiwan, and they were thinking, "How far do we really want this thing to go?"'³⁶ For his part, the president

³³ The measure read in part 'It is the sense of the Congress that...the United States should maintain a naval presence sufficient to keep open the sea lanes in and near the Taiwan Strait...and the United States...should assist in defend them against invasion, missile attack, or blockade by the People's Republic of China'.

³⁴ 'Taiwan 'Grateful' for Concern Expressed by US Congress about Taiwan's Security', Central News Agency (Taipei), 7 March, 1996.

³⁵ For a review of political and military aspects of the Taiwan Straits Crisis, see Douglas Porch, The Taiwan Strait Crisis of 1996, *Naval War College Review*, Vol. 52, No. 3 (Summer 1999), pp 15-48.

³⁶ Rone Tempest, 'U.S.-China Relations Enter New Era', *Los Angeles Times*, 5 January, 1997, p. A11.

adopted a policy of security engagement with China, working out a new *modus vivendi* about Taiwan.³⁷ Over the longer term, this policy of engagement provoked the seeds of a backlash amongst Taiwan supporters in Congress. Visiting China on 30 March, 1997, Speaker Gingrich warned Beijing that the United States would intervene militarily in the event of a Chinese attack upon Taiwan.³⁸

Dependent Variable: 2 (U.S. policy closer to presidential than congressional prior preferences)
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7: Sixth episode: the Taiwan Security Enhancement Act

In June of 1998, in a summit visit to China, President Clinton made a public statement known subsequently as the ‘Three Noes’. During a roundtable discussion in Shanghai, he responded to a question by saying, ‘I had a chance to reiterate our Taiwan policy, which is that we don’t support independence for Taiwan, or two Chinas, or one Taiwan-one China. And we don’t believe that Taiwan should be a member in any organization for which statehood is a requirement. So I think we have a consistent policy.’³⁹ A similar catalogue of ‘noes’ had been presented at a lower level a year earlier, by a Department of State spokesman two days following a 1997 summit between Clinton and Ji_ng in Washington.

Though not new, as members of the White House staff pointed out to reporters, the travelling president’s statement excited controversy back in Washington, as members of Congress perceived the statement as reflecting concessions toward Beijing on the subject of Taiwan. In fact, the President was indeed covertly making more sweeping assurances to President Ji_ng: as later emerged, in August 1995 President Clinton had quietly sent President Ji_ng a letter which indicated the United States would “oppose,” rather than merely “not support,” Taiwanese independence.

The response of Congress (led by Representatives Delay and Gilman, and Senators Helms and Torricelli) was to draft a Taiwan Security Enhancement Act, strengthening military ties between the Pentagon and the Taiwanese military, and clarifying United States defence commitments to the island. Under the act, the two countries would accelerate military exchanges, establish a direct military communications link, and the Pentagon would annually assess Chinese threats to Taiwan.⁴⁰ Congress would also begin to assume the collaborative role in determining the content of annual arms sales to Taiwan envisaged in the Taiwan Relations Act.

³⁷ Robert S. Ross, ‘The Strategic and Bilateral Context of Policy-Making in China and the United States: Why Domestic Factors Matter’, in Robert S. Ross (ed.), *After the Cold War: Domestic Factors and U.S.-China Relations* (New York: M.E. Sharpe, 1998), p. 14.

³⁸ Patrick E. Tyler, ‘China, Chiding Gingrich, Urges U.S. to Follow Single Policy’, *New York Times*, 4 April, 1997, p. A6.

³⁹ White House Transcript, President’s remarks during a roundtable discussion, Shanghai, 30 June, 1998.

⁴⁰ Ted Galen Carpenter, ‘Prospects for the Taiwan Security Enhancement’, *Cato Daily Commentary*, 15 March, 2001.

Representatives Lee Hamilton and Douglas Bereuter urged caution during House committee mark-up, but support for the legislation was bipartisan, and on 1 February, 2000, the House voted in favour of the TSEA by a margin of 341-70. Taiwanese Foreign Ministry Spokesman Henry Chen greeted the measure's passage, saying "We welcome the U.S. Congress' concerns for Taiwan's security—the law would absolutely help enhance Taiwan's safety."⁴¹

Beijing's response was harsher than the bill's supporters had envisaged. Liu Xiaomin, Chinese deputy chief of mission in Washington, told the president that the Taiwan security bill was of graver concern to his government than L_ Teng-hui's visit had been in 1995, and that 'consequences the bill would have already exceed the question of whether Beijing would withdraw its ambassador from D.C,' reaching beyond diplomacy into questions of 'peace and war'.⁴² Liu added that his desire was to send a clear message to 'every single Senator' that the Taiwan legislation would push Taiwan and the mainland closer to war, with the United States likely drawn into the conflict as well.

With Sino-American and cross-Strait tensions thus elevated, Taiwan elected a president. Chinese Premier Zhu Rongji threatened that "bloodshed" could result if Taiwan's voters elected pro-independence candidate Chen, who nevertheless won narrowly with 39.3 percent of the vote in a three-candidate field. Once again, two U.S. aircraft carrier groups were sent to the area during the elections: the USS *Kitty Hawk* left her Japanese home port of Yokosuka to be available and monitor the situation,⁴³ and USS *John C. Stennis* paused in Hong Kong for a rest and recreation en route to her final destination in the Middle East. Fleet commander Rear Admiral Gerard L. Hoering kept a low profile to avoid provoking Beijing, stressing the routine character of Carrier Group Seven's visit and avoiding the Strait en route to Hong Kong.⁴⁴ The Chinese military commander in Hong Kong, Xiong Zira, refused an invitation to visit the U.S. fleet at anchor, and Beijing moved its destroyer *Hangzhou* to the Straits.

Although Taiwanese officials had supported the Taiwan act through March, by April they had come to fear the measure would provoke Beijing excessively.⁴⁵ Outgoing President L_ and President-elect Chén Shu_bi_n thus both appealed to Alaska Republican Senator Frank Murkowski during the latter's visit to Taipei to delay a vote. Taiwan's supporters in the Senate Republican leadership deferred to Taipei's wishes, and they quietly postponed action on the bill indefinitely.⁴⁶

⁴¹ 'U.S. House Passes Taiwan Security Law', Taiwan Headlines (www.taiwanheadlines.gov.tw), 2 February, 2000.

⁴² 'Beijing Warns Washington about TSEA', Taipei Times, 5 February, 2000.

⁴³ Mike Chang and Victor Lai, 'U.S. Aircraft Carrier Monitoring Taiwan Situation, Says Japanese T.V.', Central News Agency (Taipei), 23 February, 2000.

⁴⁴ 'U.S. Carrier Fleet Avoids Taiwan Strait', United Daily News, 9 February, 2000.

⁴⁵ 'U.S. House Passes Taiwan Security Law', Taiwan Headlines, 2 February, 2000, and 'TSEA Backed by 13 Senators', Central News Agency (Taipei), 18 April, 2000.

⁴⁶ See 'TSEA Shelved by US Senate', Taipei Times, 1 May, 2000. A second dynamic contributing to the bill's demise in the Senate was the reluctance of senators most pivotal in backing the trade bill, such as Senator Max Baucus (D-Mont.), to endanger prospects for that bill's passage.

8. Seventh episode: Permanent normalised trade relations and Chinese WTO accession

Recovering from impeachment and seeking to salvage a presidential legacy, President Clinton returned in February 2000 to the foreign policy and free trade issues in which he had seen success earlier with the Northern Ireland peace talks and Nafta. He submitted to Congress a Permanent Normalised Trade Relations resolution halting annual congressional renewal of China's trade relations, and making normalised trade relations permanent with China's accession to the World Trade Organisation.⁴⁷

In Congress, human rights advocates such as Rep. Nancy Pelosi argued that removing annual public political scrutiny would send a signal to the Chinese government that the United States was no longer interested in how it treated its people. Also, as a free trade bill, PNTR attracted intense opposition from organised labour. In April, an estimated 10,000 union members travelled to Washington to demonstrate against its passage.⁴⁸ Arguing for the resolution were the agricultural sector and a newly emerging high-technology lobby which sought to enter the Chinese market. Ordinary lines of political contestation blurred, with daily consultations on legislative strategy between the White house and House Republican Whip (and Clinton critic) Tom Delay.⁴⁹

The two sides appeared fairly evenly matched in votes through most of the period from February to May 2000. President Clinton marshalled the remaining political resources of his presidency with great focus, treating the vote as the last major contest of his administration. With presidential and cabinet attention lavished daily upon wavering legislators, Republicans ordinarily in favour of normalised trade suggested requiring the president to pay for their support with concessions on other issues.⁵⁰ 'My personal view is I would give PNTR (permanent normal trade relations) to the president right after he signed the last appropriations bill, or it could just be the first accomplishment of the next administration,' said Senator Mitch McConnell of Kentucky.⁵¹

With support from the Republican leadership, the administration turned to House Ways and Means Committee member Sander Levin (D-Mich.) to craft compromise legislation to court wavering Democrats without losing Republican votes. With support from Ways and Means Chair Bill Archer (R-Tex.) and Rules chair David Dreier (R-Calif.), Levin was able to finalise major provisions and send the bill to the full House with a rule

⁴⁷ Initially the administration initially insisted on keeping the terms of China's accession from the public, though sharing them with legislators and their staffs, but reversed after blunt opposition on the point from Majority Leader Lott (R-Miss.) and House opponents. Allison Stevens and Alexander Bolton, 'China Trade Pact Details Boost Both Sides on Hill', *The Hill*, 15 March, 2000, page 1. 'Keeping the Public in the Dark', page 18.

⁴⁸ *Congressional Quarterly*, 11 April, 2000.

⁴⁹ Eric Schmitt, 'Unlikely Alliance is Formed to Pass Bill on China Trade', *The New York Times*, 8 May, 2000, page 1, column 1.

⁵⁰ Morton M. Kondracke, 'Chances Improve that China Trade Will Pass Congress', *Roll Call*, 16 March, 2000.

⁵¹ 'Republican Senator Hints at China Trade Bill Delay', *China Daily*, 29 May, 2000.

protecting it against amendments on the floor.⁵² Working with Nebraska Republican Douglas Bereuter, Levin proposed a high-level commission drawn from Congress and the higher levels of the executive branch officials to monitor conditions in China and report to the President and Congress. After annually reviewing China's human rights record, the commission would recommend rewards and penalties, such as the imposition or lifting of sanctions and adjusted U.S. support for World Bank and IMF loans. A second step enacted provisions allowing the United States to combat sudden surges of imports from China, to gain support from members pressured by labour.

In May the House approved Permanent Normalized Trade Relations, including the Levin-Bereuter compromise, by a vote of 237-197. Representative Robert Matsui (D-Calif.), who served as floor manager for the vote, credited the Levin-Bereuter amendment for deciding ten to fifteen votes and influencing a further fifteen to twenty.⁵³ In spite of the bipartisan nature of the final compromise and the unusual partisan configuration of the entire debate, in the end 65 percent of Democrats (138 representatives) voted against the measure, and 74 percent of Republicans (164 members) voted in favour. In the Senate, despite opposition from Foreign Relations chair Senator Helms, partisanship was ultimately much less pronounced: identical proportions of Democrats and Republicans voted for and against the measure, which carried in September by a vote of 83-15.⁵⁴ The Congressional-Executive Commission on China convened for the first time on 7 February, 2002, receiving testimony on human rights and the rule of law in China.

Dependent Variable: 3 (U.S. policy falls equally between presidential and congressional prior preferences)

9. Results

At this point, we may gauge the magnitude of influence exerted by Congress on American foreign policy at these seven points within the recent U.S.-China relationship. In *Ti_n'_nmén Square*, American policy fell closer to Congress's preferences than the president's. With MFN, policy was closer to presidential wishes. President L_'s visa resulted in a complete victory for Congress. American policy fell closer to Congress's preferences in the case of Wu, and closer to the president's in the case of the Straits. The president attained complete victory in the case of the Taiwan Security Enhancement Act, and the struggle over Permanent Normalised Trade Relations resulted in a balance between the preferences of each branch. Coding each case as above in terms of a five-point scale, with one indicating American policy following the president's initial preferences and five indicating perfect correspondence with those of Congress, produces the following table:

⁵² Susan Crabtree, 'Decision Day Finally Arrives for High-Stakes Debate', *Roll Call*, 22 May, 2000.

⁵³ John Burgess and Juliet Eilperin, China Trade Bill Advances: Hill Panels Support Normal Relations, *Washington Post*, 18 May, 2000.

⁵⁴ Thirty-seven Democrats and 46 Republicans voted yes; seven Democrats and eight Republicans voted no, and two Democrats did not vote.

Episode	Date	Extent of congressional influence
Ti_n'_nmén Square	June 1989 to January 1990	4
Chinese trade relations	May 1993 to May 1994	2
Visa for President L_	May 1995	5
Detention of Harry Wu	June 1995 to July 1995	4
The Taiwan Straits Crisis	March 1996	2
TSEA legislation	February 2000 to April 2000	1
PNTR act	March 2000 to May 2000	3

One pattern which becomes apparent is that both Congress and the president exerted their greatest influence in cases when they either led a challenge to the status quo (such as Congress did in the case of President L_'s visa,) or responded first to an altered international state of affairs (the president during the crisis in the Taiwan Straits, Congress L_'s visa, Congress during the detention of Harry Wu). The pattern does not hold for the TSEA legislation, which was initiated by Congress and resulted in the maintenance of a *status quo* policy preferred by the president—but in that case congressional leaders voluntarily chose to withdraw the act in deference to a Taiwanese request, a dynamic which is obscured by coding the case as a presidential victory.

A striking feature is the constancy in the positions of the two branches over time and across changes of party control. Rather than distinct Democratic or Republican approaches to China policy, appearing in this case are presidential policies (close bilateral cooperation in trade and security cooperation) and congressional policies (support for the democratic independence of Taiwan, strong American criticism of Chinese human rights practices, and use of trade as an instrument of human rights policy). The relationship between the two policies is particularly marked in the case of President Clinton in the conditionality issue: at the beginning of his administration, he absorbed the policy preferences of congressional Democrats for linked trade and human rights policies, and when exposed to the pressures of office, he evolved toward a China policy distinguishing between trade and human rights issues, and superordinating the former to the latter.

The views of significant individual legislators were also remarkably stable over time. Senators Jesse Helms and George Mitchell, and Representatives Nancy Pelosi and Newt Gingrich, opposed presidential policies of conciliation and cooperation with China with equal fervour under both the first Bush administration and the Clinton administration.

A structural explanation for this stability in views would argue that presidents are more exposed to the lobbying of foreign governments and stand in greater isolation from domestic pressures while in office, while members of Congress are more subject to the lobbying of domestic interest groups and labour organisations. Alternatively, an ideological explanation would instead argue that general orientations toward trade, great-power security cooperation, or the promotion of human rights concerns are deeply ingrained and stable across an office-holder's public career. The evidence in this case favours the structural hypothesis, in light of President Clinton's movement in office away from the human rights concerns of his candidacy and early presidency toward the trade

and great-power comity focus of his predecessor's administration. A third, partisan hypothesis—members of Congress support presidents of their party, and oppose presidents of the opposing party—receives little support in this case, given Helms, Mitchell, Pelosi, and Gingrich each held stable views (within the 'congressional' foreign-policy set) under presidencies of their party and of the opposing party. If politics did not quite stop at the water's edge, they certainly transformed there into something very different than politics ashore.

Finally, in the seven cases considered here, it was only in the Taiwan Security Enhancement Act that the president was able to pursue his preferred policy unaltered by congressional influence. Furthermore, two actions taken by the United States at congressional behest (Tiananmen Square and President Li's visa) profoundly altered all other aspects of the relations between the countries during that decade—impeding attempts by the White House to follow a close relationship with Beijing, slowing administration efforts to repair bilateral relations after China's crackdown on its student protesters in 1989, and imprinting support for Taiwan and human rights much more prominently on U.S. policy than either President Bush or Clinton would have preferred. That domestic politics should matter so, particularly in a crucial great-power relationship falling incontrovertibly in the domain of 'high' politics, stands as an important finding for understanding U.S. China policy, and as a useful lesson which the diplomatic historian can teach the political scientist.

The following chapter seeks correlations between variation in congressional influence derived here and the independent variables collected above. These are then used to score the comparative predictive strength of the four models developed in the first chapter.

Summary of China Case

Episode 1: 'Ti_n'_mèn Square

President's preferences: A quick restoration of normal relations with Beijing, after an initial protest gauged to vent domestic pressures in the United States and protect the relationship from domestic disruption in the longer term.

Congress's preferences: A strong demonstration of national disapproval for the suppression of the 'Ti_n'_mèn protest. In the words of Senate Majority Leader Mitchell, to 'give voice to the feelings of the overwhelming majority of the American people' by 'condemning these acts personally and in the strongest possible terms.'

Resulting policy: Closer to congressional than presidential preferences. Congress succeeded in forcing the president to adopt its immigration policy permitting Chinese students to remain in the United States, and heading off Congressional complaints that the administration's response was overly mild. Secretary Baker to get ahead of the administration by announcing a ban on high-level political contacts between the two governments and by opposing lending to China by the World Bank and IMF.

Episode 2: Suspension of Chinese MFN Status

President's preferences: Clinton's preferences at the beginning of his administration are initially to preserve political capital for his domestic economic agenda by adopting a foreign policy acceptable to Congress. By 1994, he moves to preferring a policy of 'constructive engagement,' which removes human rights issues from the agenda of the trade relationship.

Congress's preferences: Led both by the now-prominent Chinese students, and the desire to maintain pressure on the president through redefining China policy to involve the strong congressional trade powers. Rep. Pelosi and Sen. Mitchell find a majority for Rep. Solarz's proposal to impose conditionality on future renewals of MFN after a one-year grace period through a series of human rights conditions, then withdraw their legislation when President Clinton enacts the Solarz proposal by executive order.

Resulting policy: Clinton and China do nothing to satisfy conditionality between May 1993 and July 1994, and in the latter month Clinton announces trade relations would in the future be 'delinked' from China's human rights practices.

Episode 3: A Visa for President L_

President's preferences: The executive opposed any visit by the president of Taiwan as inconsistent with the informal, unofficial character of U.S.-Taiwan relations.

Congress's preferences: Mid-term elections in 1994 deposited confident Republican majorities in control of Congress. With Taiwan lifting martial law and holding multiparty elections, Taiwan becomes an attractive cause for congressional Republicans, and courts their support through intensive lobbying efforts. Sen. Murkowski and Rep. Lantos pass legislation calling on President Clinton to permit a visit from the Taiwanese president, and indicate their intention to force him to do so by law if necessary.

Resulting policy: The United States allowed President L_'s visit, with important symbolic consequences for Taiwan-U.S. relations, and disastrous consequences for Sino-American relations and cross-Straits tensions.

Episode 4: Detention of Harry Wu

President's preferences: Secretary Albright protested Senate's policy of linkage, and the department otherwise resisted a congressional role.

Congress's preferences: Rep. Bereuter's China Policy Act, which passed the House 416-10, established a Radio Free Asia network and required semi-annual reports from the State Department on China's record on human rights and proliferation. The Senate did not take up the legislation but took hostage the First Lady's scheduled trip to Beijing by threatening to halve the State Department's conference budget if the First Lady or any other U.S. representative travelled to Beijing while Wu remained in prison.

Resulting policy: China succumbed to the congressional threat and released and expelled Wu before the conference.

Episode 5: Taiwan Straits Crisis

President's preferences: Complying with American legal obligations toward Taiwan, President Clinton orders the carriers *Independence* and *Nimitz* and their associated battle groups to stand off the Straits.

Congress's preferences: Calls for interbranch consultation on an appropriate U.S. response under the Taiwan Relations Act, but is overtaken by events.

Resulting policy: Set and implemented by executive, though congressional and presidential preferences were congruent.

Episode 6: Taiwan Security Enhancement Act

President's preferences: President Clinton makes a 'Three Noes' assurance to President Jiang, and is correctly reported also to have privately promised him to 'oppose' rather than 'not support' independence for Taiwan. The executive branch opposes TSEA.

Congress's preferences: In the Taiwan Security Enhancement Act, which passes the House 341-70, Congress calls for strengthening Pentagon ties with the Taiwanese military, establishing a direct military communications link and requiring annual assessments of Chinese threat to the island.

Resulting policy: With a harsh military and diplomatic response from Beijing, Congress accedes to a Taiwanese request to drop the measure.

Episode 7: Permanent Normalised Trade Relations

President's preferences: President Clinton seeks to salvage his presidential legacy post-impeachment by halting annual congressional renewal of U.S.-China trade relations, and making normalised trade relations permanent concurrent with Chinese WTO accession.

Congress's preferences: Human rights advocates and China sceptics opposed the measure, as did some Republicans on partisan grounds of denying Clinton a victory late in his presidency. The congressional leadership nominate Reps. Levin and Bereuter to craft a compromise measure, granting China permanent normal trade relations but creating a permanent commission to review the Chinese human rights record and recommend rewards and penalties.

Resulting policy: The compromise measure passes with bipartisan support, securing both permanent normalised trade relations for China and creating the Congressional-Executive Commission on China.

