

# The Institutional Constraints in the United States' China Policymaking: The Role of Congress\*

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*What role has Congress played and will continue to play in the United States' China policymaking? Which factors affect congressional behavior in this regard? By answering these questions, this article examines the domestic institutional forces in American China policymaking. It argues that the United States' China policy will not only be shaped by international constraints, but also by domestic institutional constraints. The article reviews the history of executive-legislative competition in U.S. foreign policymaking and argues that the United States' China policy has become an issue of interbranch contention, with a reemergence in Congress of a strong commitment to democracy and freedom after the collapse of communism. However, this article concludes that the U.S. federal government's unique constitutionally-arranged structure may help balance conflicting interests in its China policies.*

**Keywords:** the U.S. Congress; executive-legislative relations; China policy; the Taiwan Relations Act

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Sino-American relations have entered into a difficult period. The United States has condemned China for abusing human rights, engaging in unfair trade practices, violating arms limitations agreements, and pursuing military superiority in East Asia, while the People's Republic of China (PRC) has 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

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contain China.<sup>1</sup> Distrust and misperception have prevailed in their bilateral relations to such a degree that some are discussing potential Sino-American conflict in the twenty-first century.

To explain and predict U.S. policies toward China and Taiwan requires a multi-variate analysis of very complex and sometimes self-conflicting U.S. interests. These interests have also been significantly influenced by both 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, interactions across the Taiwan Strait, and the development of a Taiwan independence movement are beyond U.S. control. Domestically, U.S. foreign policymaking has become increasingly partisan, and Congress has become increasingly involved, as exemplified by its assertive postures in China policymaking since the Bush administration. The arrival of a Republican majority in both houses in January 1995 has made it even more difficult for the current executive branch to solicit support for its China policies.

This article will examine the domestic institutional constraints in American China policymaking, particularly the role Congress has played and will continue to play. Which factors affect congressional behavior in this regard? What reaction will Congress take if Taiwanese leaders decide to change Taiwan's de facto independence into a legal one? By answering these questions, this article will examine the entanglements of institutional factors and U.S. policies toward China.

### Historical and Institutional Reasons

To understand the institutional constraints in the United States' China policies, one has to trace the roots of the U.S. constitutional structure and the rationality (or irrationality) of having contradictory documents (three Sino-American communiqués and the Taiwan Relations Act) to guide U.S. policy.<sup>2</sup> It is first necessary to briefly examine

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<sup>1</sup>For discussions of current Sino-American relations, see Chas W. Freeman, Jr. "Sino-American Relations: Back to Basics," *Foreign Policy*, no. 104 (Fall 1996): 3-17; and David Shambaugh, "The United States and China: A New Cold War," *Current History* 94, no. 593 (September 1995): 241-47.

<sup>2</sup>The three communiqués refer to the Shanghai Communiqué of February 28, 1972, the Normalization Communiqué of December 15, 1978, and the Sino-American Communiqué of August 17, 1982.

the contours of the American constitutional framework and congressional activism.

### *Institutional Reasons*

The American 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 the president, and judicial power to the Supreme Court. In the U.S. federal system, Congress can make laws, but they require presidential signatures. The president can veto a law and thereby undo Congress' work, unless a veto can be overridden by a two-thirds vote in Congress. The Supreme Court's power of judicial review is a check on both Congress' lawmaking power and executive power; the court can invalidate a law, rule, or executive action by declaring it unconstitutional. 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 U.S. 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 defending national interests. However, the memory of British kings' abuses of power made them determined to prevent a concentration of power. Therefore, although the president was given the power of commander-in-chief, with the responsibilities of negotiating treaties and conducting day-to-day diplomacy, 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 in *Federalist* paper number 48: "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."<sup>3</sup> Though the U.S. Constitution granted legislative power to Congress and executive power to the president, it did not clearly define these powers,

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<sup>3</sup>Alexander Hamilton, John Jay, and James Madison, *The Federalist* (New York: Mentor Edition, 1963), no. 48:308.

instead leaving the boundaries between them blurred and giving rise to many controversies. Authorizing the government to take action is a legislative power, and taking action 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. The constitutional framework invited institutional struggles by requiring joint efforts in many areas and by failing to clearly define the appropriate boundaries between branches.<sup>4</sup> The executive and legislative branches have quarreled over those boundaries throughout the country's history, and after two centuries of experience, it is even more difficult to identify the boundary that divides the powers of the two branches in foreign affairs.

Executive branch weapons in the intra-organizational struggle include the president's power to veto Congress legislation, make appointments, gain access to the information sources required for effective decisionmaking, influence public opinions, and lead his 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, can help the president win support or at least 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 executive agencies to comply with stringent regulations, either by writing technical and specific laws or by requiring frequent reports and repeated authorizations.<sup>5</sup> Congress can also pass regulations expressing legislators' opinions on diplomatic issues. Although these resolutions are not legally binding, the president and his chief advisers rarely ignore the congressional sentiments expressed in them.

The congressional system was designed so that different branches would be captured by different interests, with each interest having to come to terms with the others for the system to operate at all. By

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<sup>4</sup>Michael A. Krasner, Stephen G. Chaberski, and D. Kelly Jones, *American Government: Structure and Process* (New York: Macmillan, 1977), 8.

<sup>5</sup>Nelson W. Polsby, *Congress and the Presidency*, 4th edition (Englewood Cliffs, N.J.: Prentice-Hall, 1986), 200.

dividing Congress into the Senate and the House of Representatives, the U.S. Constitution further facilitated the intrusion of parochial considerations into foreign policymaking. The founding fathers 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.<sup>6</sup> However, if the U.S. Constitution can be said to have granted legitimacy to anything, surely it has legitimized conflict and competition between Congress and the president.<sup>7</sup>

The involvement of the legislative branch in foreign policymaking does not mean that Congress is necessarily and instinctively anti-presidential. In fact, there have been far more cases in U.S. history in which the legislative branch has acquiesced to the executive branch for numerous reasons—including its lack of information and expertise in the conduct of international relations—than cases in which it opposed the president. To understand why Congress has challenged administrations' China policies since 1978 in an assertive manner, it is helpful to briefly review the history of executive-legislative competition in U.S. foreign policymaking and the resurgence of Congress since the 1970s.

### *Historical Assertiveness*

Constitutional ambiguities, due to the fragmentation and separation of powers, have created controversies ever since the U.S. republic was founded. As stated in the *Federalist* papers,<sup>8</sup> the founding fathers expected Congress to be the most powerful branch of government, and the Constitution granted substantial power to Congress in terms of foreign affairs. 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 the degree in which it [had] 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

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<sup>6</sup>Thomas E. Mann, “Making Foreign Policy: President and Congress,” in *A Question of Balance: The President, the Congress, and Foreign Policy*, ed. Thomas Mann (Washington, D.C.: Brookings Institution, 1990), 2.

<sup>7</sup>See note 5 above.

<sup>8</sup>*The Federalist*, no. 48:309.

than by calling it a government by the chairman of the Standing Committee of Congress.”<sup>9</sup> George Hoar, a senator from Massachusetts in the late nineteenth century, wrote that if senators “visited the White House, it was to give, not to receive advice.”<sup>10</sup> But organizations, like people, tend to learn from their experiences and modify their rules based on 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 increasing U.S. involvement in world affairs, all of which created a coequal partnership in the federal government and later made 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 came to look to the president for leadership rather than Congress.

During World War II and in subsequent years, Congress accepted a shift in foreign policymaking power to the president and was generally acquiescent and supportive of presidential leadership in foreign affairs, partly because of the blame it received for the isolationism and protectionism in the 1920s and 1930s which allegedly caused the Depression and aided the rise of Hitler, but also because of the nation’s global goals after World War II, especially its Soviet containment policy, which 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, there was a fairly widespread consensus 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. Constitution, was inappropriate for the task of leadership in the free world.<sup>11</sup> This consensus on foreign policymaking 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,

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<sup>9</sup>Woodrow Wilson, *Congressional Government: A Study in American Politics* (1885; World, 1956), 31, 49, 82, cited in James L. Sundquist, *The Decline and Resurgence of Congress* (Washington, D.C.: Brookings Institution, 1981), 28.

<sup>10</sup>George Hoar, *Autobiography of Seventy Years* (New York: Scribner’s, 1903), vol. 2:46, cited in Sundquist, *The Decline and Resurgence of Congress*, 28.

<sup>11</sup>James A. Nathan and James K. Oliver, *American Foreign Policy and World Order* (Boston: Little Brown, 1985), 92.

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 grant them the power to decide whether or not to enter conflicts, and in each case, Congress agreed to do so. It granted President Dwight D. Eisenhower the power of decision in the Formosa resolution in 1955 and the Middle East resolution in 1957. In the Kennedy administration, Congress gave the president the Cuba and Berlin resolutions, thus granting him broad congressional support in dealing with external conflicts.

Thus, precedents were established in a dozen years of successive crises: in the worldwide confrontation with communism, it was the president who set policy and then obtained congressional support. The chief function of Congress was essentially to legitimize presidential decisions. In its resolutions, Congress gave almost blank-check support in advance to what the president might do. Frans R. Bax notes, "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."<sup>12</sup>

If the 1950s and 1960s were a period of executive assertiveness, this was mainly due to the general consensus shared by the executive and legislative branches about America's role in world affairs. However, this national consensus collapsed at the beginning of the 1970s, when the Vietnam War led to widespread disillusionment with the United States' extensive overseas role. As the national mood changed, the legislative branch responded quickly, losing trust in the executive's handling of foreign policy and believing that Congress should protect national interests by becoming more actively involved in foreign policy.<sup>13</sup> Carl Albert of Oklahoma, the speaker of the House of Representatives, stated in early 1973 that Congress had to reverse the "accelerating usurpation of power by the Executive branch."<sup>14</sup>

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<sup>12</sup>Frans R. Bax, "The Legislative-Executive Relationship in Foreign Policy: New Partnership or New Competition?" *Orbis* 20, no. 4 (Winter 1977): 884-85.

<sup>13</sup>Francis O. Wilcox, "Cooperation Versus Confrontation: Congress and Foreign Policy Since Vietnam," in *Congress, the President, and the Taiwan Relations Act*, ed. Louis W. Keonig, James C. Hsiung, and King-yuh Chang (New York: Praeger, 1985), 39.

<sup>14</sup>*Congressional Record*, February 5, 1973, 3239.

Congress decided that the best way to share the power of foreign policymaking was to confine executive actions within strict boundaries by a series of congressional actions: the War Powers Resolution of 1973, which required all executive agreements to be reported to 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. It then 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 in formulating and carrying out American foreign policy.<sup>15</sup>

In line with its new concept of the legislative role in foreign affairs, Congress has rapidly increased the working staff available to congressmen and senators. The number of personal staff members has increased from about 1,750 in 1967 to more than 3,200 in the Senate and from 4,000 to over 6,000 in the House. Moreover, many of the newly-increased staff members have been hired to give policy-oriented legislative assistance instead of only performing non-policy chores such as answering constituent mail.

In 1976, before President Gerald 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.<sup>16</sup> The normalization of Sino-American relations and the derecognition of Taiwan coincided with the resurgence of the legislative branch and the executive branch's heavy dominance in foreign policymaking coming under intense criticism and attack. This helps explain the legislative activism regarding China policy in 1978-79, which led to the passage of the Taiwan Relations Act a few months after the Joint Communiqué on the Establishment of Diplomatic Relations between the PRC and the United States was announced.

### The Taiwan Relations Act

The normalization agreements signed in December 1978 dem-

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<sup>15</sup> John Tower, "Congress versus the President: The Formulation and Implementation of American Foreign Policy," *Foreign Affairs* 60 (Winter 1980-81): 223-34.

<sup>16</sup> Sundquist, *The Decline and Resurgence of Congress*, 289-91.



onstrated the willingness of the Carter administration to accept that Taiwan would eventually be reunified with the mainland, and that the United States was mainly concerned about the PRC using force in its reunification attempt. However, 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 Taiwan issue. The act virtually assured Taiwan of U.S. protection and promised continued arms sales to Taiwan for an indefinite period. 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.”<sup>17</sup> The TRA was a clear signal to Beijing and to the world that the United States hoped that the PRC would leave Taiwan alone.

Most critics of Jimmy Carter’s new China policy regarded the security clause as the heart of the TRA and a key departure from the administration’s wishes, seeing it as a definite commitment to support Taiwan’s security. As one scholar 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 Taiwan’s existing social and economic system, even through and beyond any process of reunification.<sup>18</sup> Because many in the legislative branch were concerned that the Carter administration might cease arms sales to Taiwan at its discretion, the act made 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

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<sup>17</sup>See Yufan Hao, *Dilemma and Decision: An Organizational Perspective on American China Policy Making* (Berkeley: Institute of East Asian Studies, University of Californian, 1997). For the Taiwan Relations Act, Public Law 96-8 (April 10, 1979) and President’s Statement (April 10, 1979), see *Weekly Compilation of Presidential Documents* 15, no. 15.

<sup>18</sup>Richard M. Pious, “The Taiwan Relations Act: The Constitutional and Legal Context,” in Keonig, Hsiung, and Chang, *Congress, the President, and the Taiwan Relations Act*, 160-61.

by China's People's Liberation Army (PLA), for example, the most effective defense would probably be a Taiwan offensive attack on mainland PLA air and navy bases. In regard to what the United States should provide Taiwan, the TRA states that the president and Congress have the right to determine the nature and quality of the weapons necessary for Taiwan, without considering the PRC's wishes.

One of the major differences between the TRA and the mutual defense treaty of 1954 is that the terminated defense treaty required each party to act together against common danger, while the TRA promises unilateral U.S. action in Taiwan's defense. In addition, there is no time limit on the security provisions 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 use of 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.<sup>19</sup> Therefore, one could easily argue that the U.S.-Taiwan mutual defense treaty has been wrapped in an entirely new domestic legal mask, although the United States now enjoys more flexibility in determining appropriate responses. According to many, the TRA is a functional parallel of a defense treaty and equivalent in domestic law to an international security arrangement.

Under normal circumstances, withdrawing recognition of another state causes serious legal problems for all private relationships between citizens of the United States and the derecognized state, as all treaties and agreements would lapse once a state ceased to exist in U.S. eyes. However, Congress adopted several changes in the final version of the TRA that enabled the United States to have legal but not formal diplomatic relations with Taiwan.<sup>20</sup> The act approves the continuation in force of all treaties and other international agreements, including multinational conventions, entered into by the United States and the Republic of China before January 1, 1979, "unless and until terminated in accordance with law." It also affirms that Taiwan can sue and be sued in U.S. courts, and treats Taiwan as a separate state under terms

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<sup>19</sup>J. Terry Emerson, "The Taiwan Relations Act: Legislative Rerecognition of the Republic of China," in *ROC-US Relations Under the Taiwan Relations Act: Practice and Prospects*, ed. King-yuh Chang (Taipei: Institute of International Relations, 1988), 56-57.

<sup>20</sup>Robert G. Sutter, "TRA and the United States' China Policy," in *A Unique Relationship: The United States and the Republic of China Under the Taiwan Relations Act*, ed. Ramon H. Myers (Stanford, Calif.: Hoover Institution Press, 1989), 58-59.

of the Immigration and Nationality Act. Congress also asked the president to allow Taiwan to maintain the same number of offices in the United States and authorized the president to grant privileges and immunities to Taiwan personnel in the United States equivalent to those granted American Institute in Taiwan (AIT) personnel in Taiwan.

Concerned with the Carter administration's lack of consultation on the normalization issue and with the termination of the mutual defense treaty, Congress included a provision that gives it a distinct overseeing role in the TRA's implementation, 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 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.

In sum, 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 an international personality and recognized that a government existed in Taiwan, although it chose not to conduct formal diplomatic relations with that government. It thus 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 Congress.

President Carter approved the Act, despite Beijing's charge that it violated the normalization agreements. As a result of this action, Sino-American relations were seriously complicated. In the years since 1979, the U.S. government has asserted the validity of both the TRA and the normalization agreements, and it has attempted, not without difficulties, to avoid conflicts between the two in conducting relations with both China and Taiwan. The United States' China policy since then has thus, in some respects, resembled one body being led by two

different heads. This unique and complex situation has not yet been adequately studied. Because one of the most important features of the TRA is its flexibility, many different approaches to Beijing and Taipei can be claimed to be in compliance with the TRA. Jimmy Carter, for example, was not restrained by the TRA in his efforts to improve Sino-American strategic relations in his last two years in office, while 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 Sino-American relations in the early 1980s. Relations between the United States and China were strained until a new understanding was reached, after a year of negotiation, on August 17, 1982, which set parameters on American arms sales to Taiwan.<sup>21</sup>

### Congress and America's China Policy

Throughout the 1980s, Sino-American relations saw 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 contributors from different institutions and with different skills and responsibilities to become involved in the policymaking process. China policymaking consequently became pluralized, decentralized, and institutionalized, with the legislative branch playing an increasingly important role in the process.<sup>22</sup> U.S. interests in promoting Chinese modernization and reforming the Chinese communist system gradually replaced the anti-Soviet strategic rationale which was 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

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<sup>21</sup>Under the terms of the 1982 agreement, Washington committed to gradually reduce sales of arms to Taipei both quantitatively and qualitatively.

<sup>22</sup>Tan Qingshan, *The Making of U.S. China Policy* (Boulder, Colo.: Lynne Rienner, 1992), 143-59.

States with interfering in Chinese internal affairs.<sup>23</sup>

Throughout this period, the Taiwan issue remained a potentially serious irritant in this relationship. Yet it did not become a major issue in bilateral relations until George 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 with the TRA, the support of sympathizers within different U.S. government institutions, 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 F-16 production lines in the Texas General Dynamics plant during an election year.

To make the situation worse, Bush decided to send a cabinet-level official, U.S. Trade Representative Carla Hills, to visit Taipei in December 1992, another action viewed by Beijing as a violation of previous Sino-American understandings on the Taiwan issue. However, Beijing did not take any retaliatory steps against the United States aside from withdrawing from the "five-power talks" on arms control, mainly because of its economic interests. Chinese foreign policy in the 1990s has focused on increasing China's wealth, and Beijing's leaders have therefore wanted to avoid any action that would interfere with the smooth development of economic and other interactions between Taiwan and mainland China. In addition, Beijing cannot afford to lose the U.S. market for Chinese goods or 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 and set a precedent for more sophisticated weapons to be sold in the future.

When Bill Clinton entered the White House, Sino-American relations were already in trouble. With little interest in foreign policy, President Clinton had no interest in bringing Sino-American relations

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<sup>23</sup>Steven Levine, "Sino-American Relations: Testing the Limits of Discord," in *China and the World*, ed. Samuel S. Kim (Boulder, Colo.: Westview Press, 1994), 77-93.

back to normal, and was not too closely associated with China at the outset, leaving the administration's China policy to Winston Lord, assistant secretary of state for East Asia and Pacific affairs. This lack of leadership in China policymaking in the first year of the Clinton administration gave Congress and several interest groups, especially human right activists, heavier weight in the policy process. On May 28, 1993, President Clinton issued an executive order, demanding China to fulfill a list of human rights-related conditions in order to have its most-favored-nation (MFN) trading status renewed the following year. This linkage policy was partly due to the increasing attacks from liberal members of Congress and vocal criticism from various interest groups, and partly due to neglect of China in the administration's foreign policy agenda. This linkage, however, failed to create domestic harmony over China policy and only deteriorated Sino-American relations. Although Clinton tried to engage China in constructive dialogue later, China remained highly suspicious of U.S. motives and 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, and together with other international and domestic factors, forced President Clinton to back away from the linkage policy.<sup>24</sup> On May 26, 1994, Clinton announced his decision to "de-link human rights from the annual extension of most-favored-nation trading status for China."<sup>25</sup> This policy shift indicated a victory of commercial pragmatism over the advocacy of American values and President Clinton's recognition of the importance of maintaining a cooperative relationship with Beijing. After two years of mishandling China policy, Clinton's China policy thus became similar to that of Bush and Reagan. However, Clinton continued sending inconsistent signals to Beijing: from 1994 to 1995, the administration tried to press China to observe intellectual property rights, open its markets to American goods and services, and meet strict conditions before gaining entry into the World Trade Organization (WTO). Washington also continued to humiliate China with human rights issues and tried pressuring China to restrict its sales of technology and weapons to other countries. These signals reinforced

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<sup>24</sup>See David M. Lampton, "America's China Policy in the Age of the Finance Minister: Clinton Ends Linkage," *The China Quarterly*, no. 139 (September 1994): 597-621.

<sup>25</sup>*The New York Times*, May 27, 1994, A8.

existing PRC suspicions that Washington had 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, trying to improve relations with Taipei quietly and recognizing the necessity to have a balanced policy toward both Taipei and Beijing. However, the quantitative restrictions contained in the August 17 Communiqué (with the reduction of US\$20 million each year) had shrunk U.S. arms sales to Taiwan from US\$830 million in 1982 to about US\$580 million in 1993. This concerned some congressional members who were determined to change the trend in Taiwan’s favor. In March 1994, Senator Frank Murkowski (R-Alas.) introduced an amendment to an authorization bill (HR 2333) that declared that the TRA of 1979 providing unlimited weapons transfers to Taiwan took precedence over the 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.<sup>26</sup> At the time the bill was 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; in the meantime, Secretary of State Warren Christopher reaffirmed the TRA’s legal precedence over the August 17 Communiqué in a private letter to Senator Murkowski.<sup>27</sup>

Congressional efforts to pressure President Clinton into promoting Taiwan’s political standing in the United States led to another 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 Frank 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

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<sup>26</sup>The sentence “[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 statements of U.S. policy, including communiqués” in the final bill. See *Congressional Quarterly Weekly Report*, April 23, 1994, 1012.

<sup>27</sup>Martin L. Lasater, *The Changing of the Guard* (Boulder, Colo.: Westview Press, 1995), 143.

to the international assistance program bill.<sup>28</sup> 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 the name for its representative offices, permits cabinet-level official visits, and authorizes official meetings to take place inside U.S. governmental buildings. However, much to the disappointment of the Taiwan government, which had high hopes for a major breakthrough in Taipei-Washington relations especially since the president had visited four times as governor of Arkansas, the change reflected minimal improvement in ties between Washington and Taipei. Although Beijing protested Washington's new Taiwan policy, stating that it violated previous bilateral accords, the minor refinements in the policy were generally seen 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 more drastic improvement in Washington-Taipei 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 Taiwan is an independent state. For example, Winston Lord has opposed Taipei's endeavors to apply for UN membership and 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."<sup>29</sup>

Several congressional leaders have 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 U.N. membership and suggesting cabinet-level exchanges with Taiwan. Congressmen Peter Deutsche (D-Fla.), W. J. Billy Tauzin (D-La.), and Rob Portman

<sup>28</sup>*Congressional Quarterly Weekly Report*, June 18, 1994, 640.

<sup>29</sup>Barber B. Conable, Jr. et al., eds., *United States and China Relations at a Crossroad* (Washington, D.C.: Atlantic Council of the United States and National Committee of United States-China Relations, 1993), 7.



(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.”<sup>30</sup> 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 discussions on trade, nuclear proliferation, national security, and other issues. The Senate also approved the bill, with a similar amendment initiated by Senator Hank Brown, on October 6, 1994. 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 again passed (the House 360-0 and the Senate 97-1) a resolution (H.C.J. 53 and S.C.J. 9), calling 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 President Lee to make his private visit to the United States, despite Beijing’s strong protests. In June 1995, Lee became the first ROC head of state to set foot in the United States.

Lee’s private visit to the United States plunged Sino-American relations to their lowest point since Nixon. Although the State Department reiterated 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 (MTCR) was postponed; an impending visit to China 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 in treating domestic dissidents, and refused to accept the American appointment of a new ambassador to Beijing. Chinese leaders seemed convinced that the United States was abandoning its “one China policy,” and were prepared to face a possible confrontation with Washington over the Taiwan issue.

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<sup>30</sup>See *Congressional Record*, August 5, 1993, E1997; July 20, 1993, H4837; and October 13, 1993, E2423.

## Congress and Future Problems

Sino-American relations have become fragile and uncertain in the 1990s, with fundamental problems rooted in their 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 worldwide, and views China as an obstacle (if not a threat) to its goal. While supporting a multipolar 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 U.S. long-term goal is to keep China weak and divided.

The problem China poses for U.S. interests is a challenge any emerging power would pose, as the rise of a country to great-power status has always been accompanied with uneasiness in international community. Although no consensus has emerged in the United States on how to cope with the China challenge, three approaches have been debated among the American public. One approach, shared by many in academia and in the executive branch, calls for comprehensive engagement, believing that the best way to deal with China is to constructively engage it and integrate it peacefully into the community of nations. At the other end of the spectrum is the confrontational approach, which believes that the best way to serve U.S. national interests is to undermine communist rule in Beijing and contain China before it is too late. In between, there is a conditional engagement approach, asking for engagement but with conditions, believing that the best way to bring China into the international community is through an accord on basic rules for international conduct.<sup>31</sup>

The United States' future China policy will less likely be based on strategic interests defined by the international system and more likely address bilateral political, economic, and security issues. Among the various problems, the Taiwan issue remains a major potential source

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<sup>31</sup>For the engagement argument, see Kenneth Lieberthal, "The China Challenge," *Foreign Affairs* 74, no. 6 (November/December 1995): 35-49; and William Overholt, "China After Deng," *ibid.* 75, no. 3 (May/June 1996): 63-78. For the containment argument, see Charles Krauthammer, "Why We Must Contain China," *Time*, July 31, 1995, 72; and Arthur Waldron, "Deterring China," *Commentary* 100, no. 4 (October 1995): 17-21. For the conditional engagement argument, see James Shinn, ed., *Weaving the Net: Conditional Engagement with China* (New York: Council on Foreign Relations Press, 1996).

of future dispute. The problem for U.S. policymakers 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. policymakers will need to determine how to simultaneously handle relations with a democratic Taiwan and a rising China while reconciling conflicting U.S. interests. Some China experts have begun to view the Taiwan issue as a time-bomb for future Sino-American relations.

The United States' future policies toward China and Taiwan will continue to be significantly influenced by domestic institutional forces, as Congress has become more assertive, particularly in China policymaking. Influential congressional leaders have been at the forefront of Congress' efforts to use trade sanctions to force liberalization in China. The arrival of a Republican majority in both houses in January 1995 has made it even more difficult for the executive branch to solicit support for its China policy. Many Republicans in Congress believe that the State Department has bowed to Beijing for too long, and that the executive branch has ignored the value of a democratic Taiwan for U.S. interests. Many in Congress have supported Taiwan's efforts to expand its "international space," and some have advocated elevating Taiwan's diplomatic presence in the United States. House Speaker Newt Gingrich (R-Ga.), for example, has publicly called for the admission of "the Republic of China" to the United Nations and diplomatic recognition by Washington.<sup>32</sup>

China policy has become an issue of interbranch contention with the reemergence in Congress of a strong commitment to democracy and freedom since the collapse of communism. The end of the Cold War has reduced the president's ability to dominate foreign policy issues on the ground of national security. Although it did not become a policy issue in the 1996 presidential debate, the general atmosphere in Congress has not been friendly regarding China. Some argue that the improvement of human rights in China should be a U.S. priority and that change can be achieved only through pressure. In addition, many members of Congress view China in the same light as North Korea and Cuba: a political pariah, an economic rival, and a potential military threat, all of which make it a perfect candidate for the U.S.'s next enemy. Several leading Republicans such as Senator Jesse Helms of North Carolina (Senate Foreign Relations Committee chairman),

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<sup>32</sup>*The New York Times*, June 18, 1995; A1, A3.

Senator Frank Murkowski of Alaska, Senator Alfonse D'Amato of New York, Representative Frank Wolf of Virginia, and Representative Benjamin Gilman of New York (chairman of the House International Relations Committee) are among the outspoken critics of China. The best way to cope with China, in their minds, is to change it, contain it, and weaken it. The American media has also joined efforts to demonize China, by helping to create a negative image of China among the American public. Sensing that the public has little positive opinion on the PRC, the newer and more radical members of Congress have seen little to lose politically in bashing Beijing.

The China policymaking process in the mid-1990s has also become more pluralized, with more players from various societal sectors becoming involved. The human rights and anti-abortion activists, conservative national security specialists, nuclear non-proliferation and arms control advocates, free trade proponents, and Chinese overseas dissidents have all joined in a collective effort to call for a tougher China policy, working through governmental process (Congress and the bureaucracy) to articulate their interests. In the absence of China policy consensus, the White House has found and will continue to find its China policy subject to increasing pressures exerted by various sectors of domestic society. This indicates that the executive branch will have to balance America's conflicting 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 restrained in remedying and amending the executive branch's initiatives in the 1970s and 1980s, the 1990s have witnessed a major change in its role. 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 Taiwan policy point to a new pattern of U.S. policymaking. 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 sanctions and the Taiwan issue; the executive branch applies the brakes to balance the conflicting interests, with the State Department reportedly playing a major restraining role in balancing the recent pro-Taiwan policy initiated by Congress. Thus, differences within Congress and between the executive branch and Congress regarding China's policy goals, priorities, and approaches will continue to affect China policy outcomes.

## **The Self-Adjusting Mechanism**

What if Taiwanese leaders decide to declare independence and Chinese leaders decide to use force to stop it? It is difficult for anyone to predict what reaction a future Congress may take in that kind of crisis, but a likely pattern may be discerned from recent trends. Obviously, some members of Congress may immediately support assistance of Taiwan, while the executive branch may continue, together with other members of Congress, to play a constraining role. Institutional structures and procedures determine that the U.S. government is less likely to undertake a dramatic policy change to help Taiwan in the event of such a crisis, as U.S. interests in both China and Taiwan have to be served and balanced simultaneously.

Given the constitutionally-arranged structure of the U.S. federal government, it is always possible that different branches of the government will approach issues differently, as their institutional positions bring with them various clusters of responsibilities. Because these responsibilities vary, officials will see different issues as being of consequence to them, and even when they do focus on the same issue, they will almost invariably emphasize different aspects of it.<sup>33</sup> For example, with its daily management of national foreign affairs, the executive branch tends to understand the importance of cooperation with Beijing. The legislative branch, however, generally tends to concern itself with U.S. interests in Taiwan. The legislative branch itself is not a monolithic or a unitary agency, as power within Congress is fragmented and dispersed. The divergent interests and opinions among Congress members thus offer the executive branch (and to a lesser extent, a foreign government) maneuvering room. Congressional studies reveal that the Senate and House of Representatives approach foreign policy issues differently. Since 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 policymaking 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 branch.<sup>34</sup> The House,

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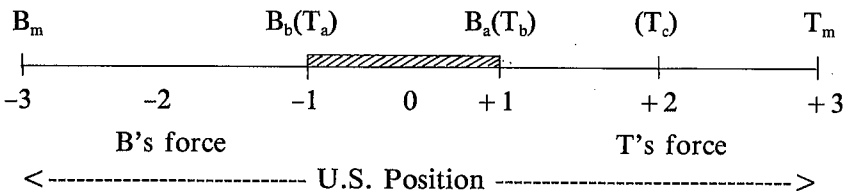
<sup>33</sup>Robert Art, "Bureaucratic Politics and American Foreign Policy: A Critique," *Policy Sciences*, no. 4 (December 1973): 468.

<sup>34</sup>Paul Peterson, ed., *The President, the Congress, and the Making of Foreign Policy* (Norman: University of Oklahoma, 1994), 10-12.

on the other hand, tends to fluctuate more in response to changes in the international environment and public preferences. Due to different electoral incentives, House members tend to view foreign policy issues through the lens of local distributional impacts and public opinion. Among the president, the Senate, and the House of Representatives, House members are the most parochial and have the shortest time horizons for judging a program; Senate members are less so; and the president has to be the most cosmopolitan, since he is directly identified with broad swings in national interests.<sup>35</sup>

The difference in approaches and emphasis among different branches is not only normal but healthy; without tensions and intra-organizational struggles, the organization tends to lose tone and vitality.<sup>36</sup> The involvement of more players from different units in the policymaking process also ensures that different interests will be considered. When conflicting interests are involved, i.e., the executive branch standing for American general interests in China and the legislative branch for American interests in Taiwan, it promises a situation in which none of the U.S. interests are completely sacrificed.

The United States' China policymaking since the late 1970s has been a task of coping with two inseparable problems, or two integral parts of one problem. In the simplest model of problem decomposition, having different branches speak for opposing interests in Washington's relations with both Beijing and Taipei is essentially the same as allowing two people to address two aspects of a problem at the same time. If we regard American interests as including both good relations with China and interests in Taiwan, the nature of the Beijing-Taipei-Washington relations can be represented visually in the following figure, which illustrates a simple "zero-sum" game between Beijing and Taipei in their relations with Washington:



<sup>35</sup>Peter F. Cowhey, "Domestic Institutions and the Credibility of International Commitments: Japan and the United States," *International Organization* 47, no. 2 (Spring 1993): 299-326.

<sup>36</sup>Douglas Brown, *The Human Nature of Organization* (New York: Amacom, 1973), 50.

where B (Beijing) and T (Taipei) represent the irreconcilable forces on opposite sides of the spectrum, pulling American policy positions toward each of them.  $B_m$  and  $T_m$  represent the best outcome for each, while  $B_a$  and  $T_a$  represent the minimal outcomes that could be *accepted* by Beijing and Taipei respectively, or the threat points beyond which neither will play.  $B_b$  and  $T_b$  represent a fairly good deal (better off) for Beijing and Taipei.

China and Taiwan's weights in the game have been asymmetrical, with Taiwan's bargaining power weak and limited. However, since any agreements reached between American negotiators and foreign governments must obtain U.S. domestic support and approval, the weight of U.S. Congress and American public opinions are counted on Taipei's side, balancing the U.S. position between B and T. Therefore,  $B_b(T_a)$  will also indicate the minimal stand of any deal reached between the executive branch and Beijing that is accepted by Congress and Taiwan. The range between  $B_a(T_b)$  and  $B_b(T_a)$  represents the acceptable range for both Beijing and Taipei (and the U.S. Congress). The normalization agreements reached between the Carter administration and the Chinese government represent an American position at  $B_b(T_a)$ , which tilted close to Beijing's best interests; the passage of the TRA moved the U.S. position toward  $B_a(T_b)$  (by exerting the security clause in the TRA and granting Taiwan de facto state status). It can be seen as an attempt by Congress to move the U.S. position back to the middle point in T's favor, but still within Beijing's acceptable range. However, if pro-Taipei forces, emboldened by this success, further shift the U.S. position toward  $T_c$  (i.e., by attempting to have security language in the TRA identical with the U.S.-Taiwan defense treaty, elevating U.S. relations with Taiwan to semiofficial status, or encouraging U.S. recognition of the Taiwan government at the time Taiwanese leaders declare independence), U.S. leaders would suddenly find themselves in a deadlock, for the acceptable areas of B and T would no longer overlap. Beijing would definitely prefer to quit the game (i.e., sever its diplomatic ties with Washington, or use force to prevent Taiwan from drifting away) if the U.S. position passes  $B_a$  toward  $T_m$ . Therefore, the legislative branch will likely be restrained in its attempts to serve American interests in Taiwan (i.e., to move the U.S. position toward  $T_m$ ) under pressure from both the executive branch and the Chinese government.

According to a number of theorists, the international system is expected to have a greater effect on the foreign policymaking of

small nations compared to that of large ones.<sup>37</sup> The United States has therefore been the best able to compel others to act in accordance with its wishes, and the nation least likely to be subjected to constraints imposed by external environments.<sup>38</sup> However, although domestic institutional sources are very important in explaining policy outcomes, we should not underestimate the importance of the international environment. The international system, or the needs imposed on America by the international system, both restrict the conscious choices of U.S. policymakers and shape the processes by which policies are reached. During the period 1979-89, international factors included global strategic interests which drew China toward the United States and security interests in Taiwan which dragged U.S. policy in the other direction. Since 1989, American strategic interests in the PRC have been gradually replaced by commercial interests and the desire to reform China's communist system, but its fundamental interests in Beijing remain. To a certain extent, international requirements have limited and will continue to limit congressional freedom in formulating a drastic change in U.S. Taiwan policy.

Since U.S. interests in both China and Taiwan must be served simultaneously, it would be to America's advantage to increase the area between  $B_a$  and  $T_a$ , as it would provide U.S. decisionmakers with more choices. Based on the premise that the United States simply cannot spare any of its interests, it becomes clear that Washington's interests are destined to be in conflict so long as there are two rival regimes across the Taiwan Strait. It is a fact that Washington has to live with, and this determines that the United States' China policy must be inconsistent, oscillating between the two opposite pulling forces. This also indicates that the United States' long-term China policy can only be stable when its conflicting interests find basic equilibrium within the overlapping area: that is, somewhere between the  $B_a(T_b)$  and  $B_b(T_a)$  points which can be accepted by both sides of the Taiwan Strait.

At one time, U.S. interests in China might have played a prominent role in the spectrum, as policymakers increasingly perceived

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<sup>37</sup>Peter Katzenstein, "The Small European States in the International Economy: Economic Dependence and Corporatist Politics," in *The Antinomies of Interdependence: National Welfare and the International Division of Labor*, ed. John G. Ruggie (New York: Columbia University Press, 1983), 91-130.

<sup>38</sup>Peterson, *The President, the Congress, and the Making of Foreign Policy*, 7.



China's importance; yet, no matter how close decisionmakers have moved the U.S. position toward Beijing ( $B_m$ ), as Carter and Bush did in the last two years of their administrations, opposition forces embodied by pro-Taiwan groups within U.S. institutions and domestic politics have exerted pressure until the pendulum swings back to the middle. Likewise, the same rule can apply to pro-Taiwan forces. For example, President Reagan at first was inclined to justify U.S. sales of advanced weapons to Taiwan. However, Beijing, by threatening to downgrade diplomatic relations with Washington, forced the United States back to the middle ground again. Under Beijing's pressure, the Reagan administration, which wished to maintain the strategic benefits deriving from its relations with Beijing, signed another joint communiqué on August 17, 1982, limiting U.S. arms sales to Taiwan both quantitatively and qualitatively. Perceiving that Beijing is less important, Congress has recently initiated policy changes in favor of Taiwan, but the executive branch has played its foot-dragging role within the institutions. America's conflicting interests have to be balanced, simply because none of the interests can be neglected; American institutional constraints help the government to maintain this balance.

### **Conclusion**

It is clear that U.S. foreign policy is not only shaped by international constraints, but will also be determined by U.S. governmental processes. Although the U.S. political process has had certain weaknesses in developing a steady, long-term, consistent policy that will engage China in economic and political interdependence, this study concludes that with its constitutional arrangements, the conflicting interests in the United States' China policies can and will be better served and balanced. 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 U.S. government structure and the presence of various participants from different institutions and with different preferences in the policy process. In tackling the volatile nature of China policy, the self-adjusting mechanism has been well developed within the governmental processes. 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 con-

straining force to balance that act. As Paul Peterson argues 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.”<sup>39</sup> As long as China’s rise remains a feature of global politics, and as long as Taiwan remains outside mainland China’s control, that mechanism in the United States’ China policymaking process will remain in place and continue to balance its conflicting interests.

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<sup>39</sup>Ibid., 22.