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THE DRAGON AS DEMON: IMAGES OF CHINA ON CAPITOL HILL

Stanley Lubman*

INTRODUCTION

This article analyzes the images of China that emerge from statements by members of Congress in their debates, and reflects on the impact of those images on US policy toward China. It focuses on the most significant Congressional debate on China in recent years, which took place in 1999-2000 and preceded adoption in September, 2000 of H.R. 4444, the bill that extended Permanent Normal Trade Relations (PNTR) to China effective upon China's accession to the World Trade Organization (WTO).

The article first establishes the larger context, of policies and institutions in which the debate took place, and then identifies the principal clusters of issues that occupied Congress in the PNTR debate and analyzes Congressional emphases, factual assertions and the tone of Congressional argumentation. It concludes by noting the persistence of overheated rhetoric since China joined the WTO, and warns that in the future, when issues in Sino-American relations such as the economic and trade-related issues that appeared in 2003 have to be addressed, caricatures and one-dimensional portraits will inevitably cloud debate and the formulation of American policy.

The relatively stable state of US-China relations at the moment this article was completed (mid-January 2004) afforded a moment of reflection on US policy toward China. Since September 11, 2001 US-China relations have received less attention, like many other issues, than they otherwise would have before that tragic day.¹ Several commentators on foreign affairs have noted this lull with approval. Fareed Zakaria, for example, wrote early in 2003 that "gone is the talk of China as a 'strategic competitor'" by neoconservatives and Christian-right politicians.² In April, 2003, Zbigniew

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1 To be sure, since the terrorist attacks on the United States in September 2001 China has allied itself with the war on terrorism and has not opposed the war on Iraq as strongly and France and Russia. For this it has been rewarded by the United States: A Uighur separatist group has been listed as a terrorist organization, and the United States refrained in 2003 from attempting to obtain a resolution from the United Nations Commission on Human Rights in Geneva condemning human rights abuses in China. See 'American Gives Beijing Good News: Rebels on Terror List', *New York Times*, (27 August 2002); 'US Spokesman: Washington not to Sponsor Human Rights Resolution Against China', *Xinhua News Agency*, (12 April 2003). China's recent policies do not, however, amount to permanent and meaningful changes in its view of the world or of perceived US hegemony in Asia to the extent that they could be expected to cause Congressional critics of China to change their views.

2 Fareed Zakaria, 'The Big Story Everyone Missed', *Newsweek*, (30 December 2002).

Brzezinski, in a talk at Stanford University observed that the relative quiet in US-Chinese relations has fostered the evolution of a “relatively nuanced” US policy toward China.³ Secretary of State Colin Powell declared in September, 2003 that relations between the two countries were “the best that they have been since President Nixon’s first visit” to China.⁴

The relative calm in US- China relations, could create an opportunity for the US to formulate coherent policies toward China. Zakaria noted that how China integrates itself into the world “depends on China, but more crucially on Washington,” and beneath the current quiet there is no shortage of concern in Washington about the future direction of China’s economic and military development and foreign policy. Brzezinski recalled that before September 11, 2001 some of the “leading personalities on the public policy scene” who are now “prominent in the Bush administration” had openly spoken of China becoming “the number one threat to US security.”⁵ Within a week after he spoke, the appointment of an academic “hawk” on China as an aide to Vice President Cheney further strengthened the ranks of officials who predict the rise of a hostile China.⁶ The cleavages that are made vivid by the congressional oratory examined below will not go away.

In Congress, alliances of partisans of single issues insist vocally on highly negative views of China. Critics of China’s human rights practices, including a repressive criminal process and suppression of dissent, have joined with members who speak for the religious right in decrying China’s birth-control policies and hostility to religions not licensed by the state. Supporters of Tibetan independence and an autonomous Taiwan add further heat to debate, as do others in whose geostrategic perspective China has already become a threat to American security. Underlying the views of some, echoing the labor unions, is a commitment to protectionism. One respected Senator suggested during the debates that latent racism may lurk even deeper.

These views cloud debate because they often caricature a complex society and foster unconstructive moralizing rather than analysis of the problems that they address. By demonizing China they obstruct the formulation and maintenance of a coherent American policy toward China and weaken Congress’ contribution to making US policy.

This article examines only a highly specific component of US policy Congressional rhetoric, and does not address tactics that members use to affect that policy. No attempt is made to ascertain the extent to which Congressional utterances have been influenced by lobbies and campaign contributions. Rather, examining legislators’ words seems desirable because the visions and characterizations of China embedded in it

3 Zbigniew Brezezinski, talk given at Stanford University (29 April 2003), broadcast on radio program ‘It’s Your World’, *KQED* (May 5, 2003).

4 ‘Powell says US-China ties best since 1972’, Xinhua News Agency (7 September 2003), www.chinaview.cn 2003-09-06

5 Zbigniew Brezezinski talk, *supra* note 3.

6 The appointment of Princeton University professor Aaron Friedberg is discussed in ‘China Hawk settles in neocons’ nest’, *Asia Times*, (13 May 2003) (<http://www.atimes.com/atimes/China/EE13Ad03.html>).

are important in shaping and interacting with images in the media and the minds of the American public. In particular, the negative attitudes toward China of some of the members who are quoted here remain relevant today because they were so fervent that they seem unlikely to change. If China emphasis here on the narrowness of the perspectives of many members leaves unanswered questions about their motives, perhaps others will be stimulated to conduct deeper study that is required.

THE CONTEXT OF CONGRESSIONAL DEBATE

The debate on PNTR was only a chapter in a much broader discourse that has been carried on many years, over the content of US policy toward China and the relative roles of Congress and the President. American public opinion has long been marked by what one recent observer has characterized as “two images of China – one benign and constructive, and the other malevolent and threatening.”⁷ Recent history has endlessly complicated American perspectives on China. David Lampton has referred to the “grand bargain” that stabilized Sino-American relations in the 1970s and 1980s and the major influences that have since weakened that bargain. He cites as examples China’s rapid modernization, the rise of democracy in Taiwan, increased pluralism in domestic politics in the US and China, the rapidity of economic globalization, and the transformation of American military power; the Tiananmen tragedy in 1989, of course, changed American public opinion “overnight.”⁸

As Sino-American relations have changed, so have the institutional arrangements for making China policy. Recent American scholarship teaches that since the end of the Cold War, the role of Congress in making China policy has become greater and more complicated. Robert Sutter has noted the multiplication of federal agencies involved in policy, a shift of power from the executive branch, increased participation by nongovernmental organizations (NGOs), and “much less consensus within Congress” on foreign policy.⁹ As Sutter has observed, “[B]ecause security issues and opposition no longer dominate US foreign policy, economic interests, democratization abroad, and human rights have greater prominence in policy making.”¹⁰ Robert Suettinger has cited one study arguing that public apathy about foreign policy make it possible for politicians to “appeal to small constituencies with strongly held views on foreign policy without

7 See, e.g., David M. Lampton, *Same Bed, Different Dreams: Managing US-China Relations 1998-2000* (Berkeley: University of California Press, 2001), p. 257. See also Steven M. Teles, ‘Public Opinion and Interest Groups in the Making of US-China Policy’, in Robert S. Ross, ed, *After the Cold War: Domestic Factors and US-China Relations* (Armonk: M.E. Sharpe, 1998) pp. 42-45.

8 Lampton, *Same Bed*, pp.2- 5, 258.

9 Robert G. Sutter, ‘The US Congress: Personal, Partisan, Political’, in Ramon H. Myers, Michel C. Oksenberg and David Shambaugh, eds, *Making China Policy: Lessons from the Bush and Clinton Administrations*, (Lanham: Rowman & Littlefield, 2001), pp. 79, 82.

10 *Ibid.*

concern that they will alienate moderate voters;”¹¹ he cites another study asserting that “congressional inputs into foreign policy are now more likely to be negative and intentionally disruptive” and that “individual members of Congress with single-issue agendas for China - human rights, nonproliferation, abortion, and religious freedom - may have significant influence on the larger policy agenda.”¹² Sutter has noted “the virulence of the debate over the China threat” and the “often exaggerated congressional assertions about negative features of the Chinese government’s behavior”¹³

After Tiananmen, as Lampton and others have most usefully recalled, American policy was thrown into indecision over whether to engage or punish China.¹⁴ The conflict between these orientations was nowhere more apparent than in the annual Congressional debates over the renewal of Most Favored Nation (MFN) treatment of Chinese imports into the US. The annual ritual was required by the Jackson-Vanik Amendment to the Trade Act of 1974, which required Congressional agreement to approve or reject a Presidential decision to extend MFN to “non-market” economies. The debates, as Lampton says, “created an annual opportunity...for politicians and interest groups to demonstrate their commitment to American values and to promote their concerns.”¹⁵ The debates were further complicated by the vacillation of President Clinton, who early in his first term linked extension of MFN to China with progress on specific human rights issues, and then, less than a year later, delinked trading status and human rights.¹⁶

The institutional changes and policy debates during the 1990s that have been briefly noted here provide essential background to the PNTR debates of 1999-2000. Well before PNTR became an issue, debate in Congress and among both policy-makers and academics had produced sharply opposed views of China. The issues are fundamental: Will China’s economic growth lead to political reform domestically, and will China, with its enormous potential economic and military power, be a constructive member of the international community or a threat to the security of other nations, including the United States?

Those who urge continued US-China engagement emphasize that China has undergone extensive economic and social change since economic reforms began in 1979 that have improved the material lives of many Chinese and considerably increased their

11 Robert L. Suettinger, *Beyond Tiananmen: The Politics of US-China Relations 1989-2000*, (Washington, D.C: Brookings Institution Press, 2003), p. 425, citing James M. Lindsay, ‘The New Partisanship: The Changed Politics of American Foreign Policy’, in *The American Agenda*, (September 2000).

12 Suettinger, *Beyond Tiananmen*, citing Rebecca K.C. Herdsman, *Friends and Foes: How Congress and the President Really Make Foreign Policy* (Brookings, 2000).

13 Robert G. Sutter, ‘The US Congress’, pp.108-109.

14 Lampton, *Same Bed*, pp. 136-137.

15 Lampton, *Same Bed*, p. 117.

16 A close study of the rise of interest groups and their influence on Congressional debates during the administrations of Presidents Clinton and George P. Bush is Robert G. Sutter, *U.S. Policy Toward China: An Introduction to the Role of Interest Groups*, (Rowman & Littlefield, 1998).

personal freedoms. Supporters of engagement urge that a long-term view must be taken of the possibilities for change in China's political institutions. They recognize that China remains an authoritarian state dominated by the Chinese Communist Party (CCP) and that the Chinese party-state continues to maintain institutions and practices that violate principles of human rights that have been given expression in United Nations conventions. They argue, however, that the conditions necessary for the rise of civil society and democratic government can only develop slowly, if at all. Russia and Eastern Europe are examples of the difficulties that attend transitions from Communist totalitarianism and planned economies toward democratization and freer economies.

They also urge that China's involvement in international institutions will promote China's positive participation in the international community; that membership in the WTO will make China increasingly subject to international trade rules; and that expanded foreign trade and investment will aid China's economic development and, therefore, eventual political reform.

A quite different view of China's future argues that economic development will make China less reliant on the outside world generally and enhance its ability to exert economic pressure on other countries, especially in Asia.¹⁷ Moreover, increased trade and the promise of the China market will strengthen business lobbies that will try to limit the strategic options available to their governments in dealing with a China that may begin to act as a security threat to other nations.

In this view, too, China is seen as building up its military strength in order to project it beyond China's borders, to threaten Taiwan, to become a military rival of the United States and reduce American military ability to counter Chinese aggressiveness in Asia. China could also use its growing power to buttress diplomatic efforts to build alliances, in Asia and beyond, to counter American hegemony.

More extreme visions of China, sometimes expressed with a fervor reminiscent of Cold War rhetoric, press for US policies aimed at promoting changes in the governance and policies of China. (The capacity of US policies to change China's form of government is a question rarely addressed directly.) Others would expand China's trade with the US only as a reward for changes in non-trade conduct; they ignore any possible counterproductive consequences, for Chinese domestic reform or for Chinese policy toward the US, that might result from trade sanctions for non-trade conduct of which the US disapproves.

These opposed visions of China clashed when Congress considered whether to extend PNTR (formerly known as MFN) to China.¹⁸ PNTR treatment must be given by all members of the WTO to other members, and would have to be given to China by the US if China joined the US as a member of the WTO; negotiations on China's accession were drawing to a close in 1999. It was on this issue that battle was joined and heated debate ensued. The pages that follow first extract major themes in the Congressional debates and then attempt to analyze important characteristics of the debates and their implications for the future formulation of US policy toward China

17 A sober and thoughtful statement of some of the views summarized in this paragraph is Friedberg, '11 September and the Future of Sino-American Relations', *Survival* 44(1), (2002), pp 33-50.

18 Lampton, *Same Bed*, pp. 176-188, has reviewed the setting of the debate, as has Suettinger, *Beyond Tiananmen*, pp. 392-399.

THE CONGRESSIONAL DEBATES ON PNTR, 1999-2000

Economic issues

Advocates claimed that the bill was essential if American companies were to remain internationally competitive, and that increased American exports would create wealth for both Corporate and Main Street America. A number of proponents presented reasoned summaries of the terms of the US-Chinese bilateral agreement which, without any US concession, promised increased access to the Chinese market for US goods and services, safeguards against import surges and dumping, caps on Chinese subsidies of agricultural exports, enforcement within China of the WTO agreement on sanitary and phyto-sanitary regulation, and a commitment to open marketing and distribution by foreign sellers in China.

For example, Representative Hill of Montana declared:

This is really a one-sided agreement. China gives up everything. They give up access to their markets. They tear down the barriers and tariffs. And we get more access and opportunity in the process. (146 Cong Rec H 3662, 3682, May 24, 2000)

Representative Archer from Texas stated:

Exports to China support 200,000 US jobs. These are high-caliber high-paying jobs, paying about 15-18% above the average manufacturing wage. (145 Cong Rec H 6434, 6434, July 27, 1999)

The potential benefits to American exports of agricultural products were heavily emphasized by legislators from the farm states.

By contrast, PNTR critics, while rarely attacking international trade outright, claimed that the bill was a “wish list” for multinationals looking to take advantage of cheap, “exploited” Chinese workers at the expense of the domestic work force

Critics like Representative Gephardt (D. Mo.) emphasized the trade deficit:

They do not want our goods. They want one-way free trade. They want to support the deficits they have with most every other country in the world with what they can sell to the United States . . . If we continue to let them do what they want to do, the trade deficit with China will be \$100 billion soon, \$140 billion, \$200 billion. (145 Cong. Rec. H. 6434, H. 6471, July 27, 1999)

Opponents had little faith that China would abide by its WTO commitments, and focused on Beijing’s poor record of compliance with previous trade accords with the US. Congresswoman Nancy Pelosi (D. Cal.) pointed to:

....a history of absolute noncompliance on the part of China of any trade agreements they have ever signed with the US, be they trade agreements for market access of US products into China's market, be they trade agreements on

intellectual property violations by the Chinese, be they trade agreements on use of prison labor for export, China year in and year out continues to violate these agreements, and now the President has said, the Chinese will honor this one. (146 Cong. Rec. H. 3036, May 15, 2000)

PNTR opponents also argued at length that allowing China into the WTO would cause job losses at home. Congresswoman Kaptur (D. Ohio) proclaimed:

I refuse to be a placeholder in this Congress for Chinese state monopolies or the Communist Party, and I am certainly not going to be a placeholder for some of the largest multinationals on the face of the globe who merely want to make profits off the backs of those who work as slaves. (145 Cong. Rec. H. 6434, H. 6461, July, 27, 1999)

Senator Byrd (D. W.Va.) sarcastically caricatured the hopes of some PNTR proponents that ongoing economic reform in China would lead to political reform:

The unvarnished, unmitigated ungussied up truth is that American companies are eagerly eyeing China as an important production base for high-tech products. And these made-in-China goods are displacing goods made in the goodole USA. Additionally, most US manufacturing in China is produced in conjunction with Chinese government agencies and state-owned companies. So much for the claim that US corporate activity in China benefits Chinese entrepreneurs, and will lead to privatization and, lo and behold, a democratic China. Get it? The emergence of a democratic China. (146 Cong. Rec. S. 8667, H. 8683, Sept. 19, 2000)

Human Rights: in general

Despite the PNTR debate's ostensible roots in trade and commerce, much of the opposition in Congress centered on human rights. Members who were against the legislation on economic grounds were also not reluctant to link their stand to Beijing's violations of basic political and religious freedoms. Granting PNTR, the reasoning went, would constitute an endorsement of such reprehensible behavior and a betrayal of the American values. Representative Stark (D. Cal.) made the following charge:

This is just a matter of will Americans do business with murders, with torturers, with child molesters, with people who are being led by leaders who have no spark of humanity. (145 Cong. Rec. H. 6434, H. 6435, July 7, 1999)

Tiananmen was invoked by some, such as Congressman Brown (D. Ohio):

The men and women who gave their lives for freedom in Tiananmen Square in Beijing and those who are still languishing in Chinese prisons are in many ways the heirs to the legacy of our Founding Fathers. In the days leading up to their

slaughter, they quoted Jefferson not Mao. Their source of inspiration was not Mao's Little Red Book, but our Statue of Liberty. (145 Cong. Rec. H. 6412, July 26, 1999)

In response, advocates of PNTR, while accepting the premise of their critics that the Chinese government was a gross violator of human rights, argued that the answer to this problem was increased trade and investment by US companies. They saw American values and ideas as saving the Chinese people from their current predicament. The following comment is typical:

Free Trade is a potent catalyst for change because it works from the inside out. Under PNTR, we get to post the best advertisement in the world for democracy in the heart of China itself. (Representative Johnson, R. Conn., 146 Cong. Rec. H. 3662, H. 3685, May 24, 2000)

They also made a general argument that trade, PNTR, and membership in the WTO would lead to greater economic wealth, which in turn would eventually lead to societal demands for political pluralism. Representative Archer (R. Tex.) argued:

History has shown us that no government can withstand the power of individuals who are driven by the taste of freedom and the rewards of opportunity. (146 Cong. Rec. H. 3662, H. 3670, May 24, 2000)

Only a few bothered to mention the strong evidence that economic reforms have significantly improved living conditions for hundred of millions of Chinese during the last twenty years, expanding their personal freedoms as well. Most academic China-watchers would agree with the following views that were articulated on the floor of the Congress:

Many observers believe that freedom in China is greater now than at any time in its long history. The Chinese government has allowed an unprecedented increase in the ability to own property, a home or a business, to travel, to keep profits. In a few years, more than half of the state-run industries will be privatized (Representative Crane, R. Ill., 145 Cong. Rec. H. 6434, H. 6436, July 27, 1999)

One has only to compare China of 1978—the China of the Cultural Revolution, of Mao suits, and Marxism-Leninism-Mao Zedong theory – with the China of 2000, the China of the economic revolution, to see that changes are indeed both substantial and widespread. (Senator Thomas, R. Wyo., 146 Cong. Rec. S. 8067, Sept. 6, 2000)

Much pro-PNTR discussions, even when they note favorably the achievements of China's economic reforms, must necessarily also speculate about future, even distant, possibilities. Regardless of whether the proponents discussed the present or the future, their opponents weren't listening, as their insistence on raising religious issues suggests.

Religious freedom

In the House especially, opponents focused on religious persecution of Christians and of Tibetan culture and religion. Representative Wolf (R. Va.) spearheaded the attempts to defeat PNTR on religious freedom grounds, at one point listing the names of 66 bishops, priests and laity who had been allegedly harassed, imprisoned and even murdered by the Chinese government. (146 Cong. Rec. H. 11, 13, Jan. 27, 2000). In response to such charges, proponents of PNTR argued that economic reform not only created a more open society, but that international trade quite literally helped spread the message of Christianity. They frequently referred to the fact the East Gates Ministries International which was run by Ned Graham (the son of Billy Graham), was now exporting more bibles to China every year and expected even more increases once China entered the WTO.

Tibet was another issue. Congressman Wolf summarized the arguments:

The Tibetan culture and religion are still being systematically destroyed. Tibetan Buddhist monks and nuns are being arrested and tortured. Tibetan monasteries are still being controlled by cadres of Chinese communist security officials. The Tibetan people are still being deprived of their freedom, their livelihood and their culture.” (145 Cong. Rec. H. 6434, H. 6443, July 27, 1999)

Political dissent

The suppression of political dissent was another important subset of the human rights debate. The late Senator Wellstone (D. Minn.) commented as follows:

...we've had 20 years of more and more economic activity, more and more trade, more and more United States companies going to China and lots of change. Senator Kerry said that; I agree. But you know what hasn't changed? The human rights record has not gotten any better. (FDCH. Political Transcripts, Senate Foreign Relations Committee, July 19, 2000)

Advocates of PNTR expressed the hope that economic growth would lead to political pluralism, but the opponents sharply demurred. Minority Whip Bonior (D. Mich.) argued that “the advocates of this trade deal tell us that prosperity is a precondition for democracy. They’re wrong – they have to grow together.” (146 Cong. Rec. H. 3711, H. 3712, May 24, 2000).

Abortion

Pro-life House critics frequently and vocally denounced China’s one-child policy and the forced abortions that it has dictated. For example, when introducing another member to speak, Representative Stark made the following thinly-veiled reference to General Electric when he referred to his colleague as one “. . . who understands that the slogan ‘We Bring Good Things to Life’ will not help murdered female children in China.” (146 Cong. Rec. H. 3662, H. 3683, May 24, 2000)

Representative Wolf commented:

. . . we are a pro-family Congress and a pro-family party. Mr. Speaker, 500

woman a day in China commit suicide and endure forced abortion and forced sterilization. (146 Cong. Rec. H. 3662, H. 3688, May 24, 2000)

National Security: General

In pure emotion, the language used to discuss topics related to national security was often as heated as that which addressed human rights issues. Invoking the sale of nuclear weapons technology to “rogue” nations, alleged Chinese spying, and the political standoff over Taiwan, PNTR critics saw increased trade with China as increasing the military threat to the United States and its allies. Senator Jesse Helms (D. N. Car.), Chair of the Senate Committee on Foreign Relations, maintained an aggressive assault on PNTR. Helms asked rhetorically at one point:

Will China all of a sudden cease its relentless military buildup in the Taiwan Strait? Will China halt its brazen land grabs in the Spratly Islands? Will China stop its reckless proliferation of weapons among its fellow criminal regimes around the world? Any senator answering any such questions in the affirmative should wait around until the Sugar Plum Fairy dances around Lollipop Lane. (146 Cong. Rec. S. 7963, S. 7966, Sept. 5, 2000)

Chinese sales of military technology and equipment were a target of Congressional critics in both houses. In the Senate, Senators Thompson of Tennessee and Toricelli of New Jersey fought to add an amendment to the PNTR bill that would have required the President to impose sanctions against any company or country that was supplying weapons of mass destruction. (e.g. Senator Thompson, R. Tenn., 146 Cong. Rec. S. 7511-7514, July 25, 2000.)

Rebuttal by PNTR advocates was two-pronged. First, they argued that PNTR was a separate issue from that of deterring Chinese sales of weapons of mass destruction and related technology, and that passage of the former by no means lessened the need for diligence with regard to the latter. If the issues were separated, proponents such as Senator Graham (D. Fla.) argued, the economic advantages of market access and increased exports to China could be clearly perceived (146 Cong. Rec. S. 8297, S. 8328, Sept. 11, 2000). Others pointed out that unilateral sanctions are ineffective. Second, echoing the debate on engagement discussed below, proponents of the bill claimed that while China did present serious national security concerns, they would only be exacerbated if PNTR were rejected and China turned inward. Very few advocates examined closely China’s record on nuclear issues; Senator Kerry (D. Mass.) did, and concluded that from 1992 to 1998, China had made a series of engagements and commitments that tended to reduce proliferation of nuclear and chemical weapons. He referred to:

...a rather remarkable series of progressive movements towards the community of nations whereby China not only signed agreements but began to lay down a substantive record of making choices to enforce and to adhere to those standards. (146 Cong. Rec. S. 8297, S. 8322, Sept. 11, 2000)

Particularly in the House, the national security arguments of PNTR opponents

were frequently accusatory and emotional, as the following comments show:

They are stealing from us. They are stealing our secrets. They are an enemy of the free world. They threatened Taiwan, as well as the rest of that part of the world, and I think they are a threat to the entire world. (Representative Burton, R. Ind., 146 Cong. Rec. H. 3662, H. 3684, May 24, 2000)

Congressman Rohrabacher of California, in particular, charged that China's goal is "to dominate all of Asia, all the way from Central Asia... and we will see claims as we have already seen of the Communist Chinese, rights to dominate all of Southeast Asia down through Burma and Cambodia and, yes, our great ally Thailand." (145 Cong. Rec. H. 5084, H. 5086, June 29, 1999). Some like Rohrabacher simply take it for granted that China is an enemy of the United States; Rohrabacher blames China for the flow of heroin from Burma. (145 Cong. Rec. H. 5064, H. 5088, June 29, 1999) Congressman Hunter of California recalled warnings against American sales of steel and oil to Japan before Pearl Harbor and argued that American dollars were being used to develop weapons and technology that could be aimed at America by China when it became "another military superpower." (146 Cong. Rec. H. 3662, H. 3709, May 24, 2000)

Espionage

In light of the January 3, 1999 release of the Cox Report with its allegations of China's wide-scale theft of American nuclear secrets, accusations of spying were a notable aspect of the broader national security debate. Representative Rohrabacher was one of the most strident on these issues:

Because China has to be told that they are our strategic partner, we had a policy of letting these scientists from the People's Republic of China do their experiments in our laboratories, in our weapons laboratories.... We have had hearings on this and documented this over and over again. Now, what has this resulted in? What are we talking about here? We are talking about missile technology, and we are talking about technology that has permitted them to build weapons that can kill millions of Americans, probably the size of that little desk down there, that little table right there, put into a Chinese rocket that can kill millions of Americans, or millions of Tibetans or millions of Japanese or millions of South Koreans. (145 Cong. Rec. H. 8378, H. 8380, Sept. 17, 1999)

Taiwan

Taiwan was an important element of the national security debate. Continuing a long tradition of supporting Taiwan over China, Senator Helms paid particular attention to the issue:

Angry threats against Taiwan have become more frequent and increasingly venomous, both in the Chinese press and from the mouths of Chinese leaders. Recent headlines in Chinese newspapers have talked of smashing Taiwan and drowning Taiwan in a sea of fire. In a March 28 article in the South China Morning Post, Chinese President Jiang Zemin was quoted as saying "If we were

to take military action, it should be sooner rather than later." (S. 7963, S. 7966, Sept. 5, 2000)

Engagement, in General:

Underlying arguments made by the proponents of PNTR was the belief that the US must "engage" China, and that America's national interest is best served by bringing China into a more rule-based system. The country's size, population, economic potential and military capabilities required engagement even though the current government in Beijing is far from ideal. Representative Matsui (D. Cal.) expressed this view:

The reason we must continue to trade with China is pretty simple. China is 22 percent of the world population. One out of every five individuals on this planet is Chinese. Over the next 20 or 30 years, China will become one of the most dangerous players in the world if we begin to try to isolate them; or, on the other hand, if we engage the Chinese, perhaps, not certainly but perhaps, we can enter into a period where the US and China and other countries of the free world begin to operate and work together. (145 Cong. Rec. H. 6434, H. 6440, July 27, 1999)

If trade expanded, argued some, political transformation would follow. Representative Toomey (R. Penn.) argued that a vote for PNTR

will encourage policies that will allow individual liberty, the rule of law and thus respect for human rights ultimately to flourish in China (145 Cong. Rec. H. 6434, H. 6462, July 27, 1999)

Senator Hatch (R. Utah) noted that forgoing annual reviews of China's human rights record would not reduce the scrutiny to which Congress subjects that record (146 Cong. Rec. S. 8667, S. 8715, Sept. 19, 2000). He supported the bill firmly because he believed that China's leaders "...have been forced to acknowledge the failure of communism, and have conceded the irrefutable superiority of an open market economy" (146 Cong. Rec. S. 8667, S. 8716, Sept. 19, 2000). Proponents pointed to the downsides of denying China PNTR: Congressman Underwood of Guam observed that such a decision would affect American jobs that depend on exports from China and Hong Kong, incur Chinese animosity, and affect the Asian countries attempting to recover from the financial crisis that had begun in 1997. (145 Cong. Rec. H. 6434, H. 6469, July 27, 1999). Other members of Congress pointed out that even if the US denied PNTR to China, it could still be admitted into the WTO by a vote of two-thirds of its members and that, as Representative Levin (D. Mich.) said, "most of the benefits that we negotiated with the Chinese government will not be available to us but they will be to our competitors." (146 Cong. Rec. H. 3596, H. 3597, May 23, 2000) Most notably about the engagement argument, the proponents of PNTR all seemed to share without question the notion that the US can employ considerable leverage to influence the domestic policies of the Chinese government. Apart from the questions of members of Congress who doubted the efficacy of unilateral sanctions, there was surprisingly little open questioning of the extent of US influence over China's internal affairs.

Will accession make China subject to enforceable international rules?

The Administration argued that China's membership in the WTO would make it subject to the WTO dispute settlement process and, therefore, to international rules that could be enforced against China for violations of its obligations under the GATT and related treaties that members must follow. Thus, Congressman Bereuter (R. Neb.) said,

...most importantly, China's entry into the WTO subjects them to the WTO dispute settlement mechanism. That is the big advancement to require compliance with the trade promises in its accession agreements. (146 Cong. Rec. H. 3662, H. 3676, May 24, 2000)

Surprisingly few tried to counter the argument that China's accession would place it under a ruled-based regime, although then-Senator Ashcroft expressed doubt about the enforceability of WTO Panel Decisions. (146 Cong Rec S. 8667, S. 8706-8707, Sept. 19, 2000)

Is China an enemy?

Some opponents of PNTR flatly rejected the notion that the US could build a constructive relationship with the Beijing government – American foreign policy had been “engaging” China for nearly 20 years now, the reasoning went, and little good had come of it. Such sentiment was voiced particularly in the House by Representative Wynn (D. Md.), for example:

Let us talk about engagement. We have been engaged with China, and the report card is abysmal. They have not complied with the provisions of GATT, something that is already in place. We annually renew our trade relations with China. Let us see the results. Human rights violations continue to proliferate. They have not been reduced. We look at our trade deficit. It is the worst in the history of the United States. They outnumber us six to one in terms of our trade relationship. They have a distinct advantage in our relationship with them; our engagement with them certainly has not helped. (146 Cong. Rec. H. 3596, H. 3613, May 23, 2000)

Representative Brown of Ohio was more apocalyptic:

That is really what we are doing with engagement. We are feeding the suppressive regime, not just their military, but their police state, feeding of the police statement machine, too. And that is why the crackdown on religion, the crackdown on human rights, the oppression of workers, all of that have continued to get worse in China because the state apparatus is getting wealthier and wealthier, has better and better technology as they continue to get technology from American business and western business in China, as they continue to upgrade their oppressive regime and that regime is fed by all the investment and all the dollars that we send to China through our business investments. (146 H.3464, H. 3466, May 19, 2000)

Finally, some opponents threw up their hands at trading with China because it is

morally repugnant. Congressman Wolf called it an “evil empire” with more “labor camps” than the Soviet Union ever had (146 Cong. Rec. H. 3464, H. 6443, May 19, 2000). Another Representative, Strickland (D. Ohio) argued that “our national honor” required the United States to stand with “the persecuted in China [and] our own workers” and to oppose “this trade deal for multinational corporations. “Unrestricted trade” with China had to be opposed because it meant disregarding values for which “America’s heroes” had lost their lives. (146 Cong. Rec. H.3662, H.3708, May 24, 2000). Congressman Burton of Indiana minced no words:

Mr. Speaker, in just about every area I can think of China’s record stinks. They spy on us, they try to buy our elections, they send missile technology to just about every rogue regime in the world, they are actively working to improve the missile technology of our enemies, and they thumb their noses at our trade laws and have one of the worst human rights records in the world. How all this merits preferential treatment is beyond me. (145 Cong. Rec. H. 6434, H. 6444, July 27, 1999)

ANALYSIS

Vast differences in history, culture and language make mutual Sino-American comprehension difficult enough, but the extraordinary flux in China’s economy and society today renders analysis of contemporary China particularly difficult. It is natural for people on both sides of the Pacific to compress and oversimplify their visions of each other’s nation into stereotypes, caricature, and clichés. It is therefore not surprising that Congressional views are wildly disparate. Some Congressional views, however, are so charged ideologically that they distort current conditions in China, nourish ignorance and reinforce stereotypes among the general public.

Congressional debate: discourse v. fervor

It is important to contrast the argumentative techniques and the factual assertions of the two sides, as well as the tone of their arguments. Proponents of the PNTR bill stressed specific economic benefits of the bilateral US-China WTO accord negotiated in November, 1999, and the advantages this agreement would bring to US companies vis-à-vis competitors from the European Union and Japan. In addition, some argued in a necessarily speculative manner that China’s entry into the WTO, which all understood would follow the grant of PNTR to China, would promote the cause of economic and political reform in that country, and that a policy of “engagement” would help improve the behavior of the Beijing government. Surprisingly few noted what Congressman Dreier (R. Cal.) pointed out:

[China] has undergone a remarkable transformation driven by market-based economic reforms and an open door to trade and foreign investment. Now this transformation is changing Chinese society and accelerating progress toward increased personal freedom, individual economic choices, and access to outside sources of information. (145 Cong. Rec. H. 6434, H. 6470, July 27, 1999))

Another member, Leach (R. Iowa), recalled that

Chinese society is changing far more rapidly than most Americans realize...Twenty years of ad hoc, pragmatic economic reforms have moved China from the chaos of the Cultural revolution to unprecedented economic development and largely peaceful social change, quadrupling the standard of living and laying the foundation for systemic reforms. (146 Cong. Rec. H. 3711, H. 3735, May 24, 2000)

In contrast to broad views on the possible beneficial effects of engagement, opponents of PNTR preferred emotional attacks on the Chinese government that were highly focused on single issues. While few openly admitted to protectionist motives, they questioned why Congress should forego its ability to review economic relations annually with a country that they characterized as having an abysmal record on a wide range of issues stretching from abortion to nuclear proliferation. In essence, the anti-PNTR camp saw PNTR and China's entry into the WTO as rewards that the leaders in Beijing did not deserve.

Notably, though, the opponents did not deal directly with some of the obvious arguments against their positions. Few if any members of Congress responded to complaints about the size of the US trade deficit with China, and none drew attention to demonstration by respectable economists and China experts that a considerable portion of the deficit is explainable by the shifting of production by Hong Kong and Taiwan manufacturers to China -- which reduced the exports from those places, even as it increased Chinese exports to the US.

Those who emphasized the lack of labor rights in China never responded to the observation that if cheap imported goods didn't come from China they would come from other countries in which labor is cheap. Those who raised human rights issues never addressed the economic and political consequences of US actions, such as trade-related sanctions, which would hamper China's domestic economic reforms and, therefore, limit future possibilities for political reform. The narrowness of their focus and the fervor of their views enabled them to moralize and lecture, to both Beijing and their colleagues.

Most obviously missing was recognition of the complexity of the changes that have been unfolding in China and the range of implications for the Sino-American relationship. For example, very few referred to China's decentralization, except for one trenchant observation by Senator Reed (D. R.I), who noted that "central authority ... is constantly challenged by its provinces, constantly challenged by local political leaders...The power, the capability, the willingness of China to change is questionable." (146 Cong. Rec. S. 8529, S. 8530, Sept. 13, 2000)

The language used by the opponents, all so dedicated to their particular narrow focus, suggests that they are unwilling to address the complexities and multiplicity of forces that are contending in China's current circumstances. There was little or no discussion of obvious contradictions that are apparent today between the conflict of government control against free market forces, the tension between the rule of law and one-party rule, the assertion of rights in the face of authoritarianism, and the clash between maintaining CCP power and modifying long-sacrosanct ideology.

It is important to emphasize one other notable characteristic of Congressional debate about China, and that is the almost complete failure to analyze whether the US possesses "leverage" that it can employ to change China's governance. The existence of

such American power seems to be unquestioned in Congressional debate, although a cogent review of human rights issues in US-China relations suggests that

“...from the Chinese perspective there are two kinds of issues in US-China relations; those concerns where US interests are obvious, genuine, and large, and those that seem to derive more from the American political process, its need for symbolic issues, and its desire to change China’s system. The United States often has been effective in achieving results in the first domain, and almost without success in the latter.”¹⁹

New and ongoing problems – and how Congress will address them The enactment of H.R.4444 did not suppress the Congressional critics of China or cool their rhetorical heat. In Congress, the views of China already summarized here have continued to be displayed since debate was concluded.

The passage of the PNTR legislation and China’s entry into the WTO continued to gnaw at those who had most strenuously opposed both events; illustratively in July, 2001 a considerable number of members of the House supported a resolution disapproving extension of PNTR to China; the resolution lost, 259-169 (147 Cong Rec H 4303-4328, July 19, 2001).

Some Senators and Representatives have continued to recite the litany of complaints against China, such as, for example, Senator Kyl (R Arizona):

There are five specific aspects of China's behavior that require a straightforward, firm response from United States: China's proliferation of ballistic missiles and weapons of mass destruction; its threats and corresponding military buildup opposite Taiwan; its threatening rhetoric and missile buildup aimed at the United States; its human rights abuses; and its history of refusing to play by economic rules. (147 Cong Rec S 7713,7714, July 16, 2001)

Two instances of objectionable Chinese behavior inspired understandable Congressional anger, namely the detention in 2001 of the crew of a US airplane forced to land on Hainan Island while engaging in electronic surveillance off the China Coast, and the detention of a number of American scholars of Chinese ancestry. Human rights issues, so prominent since 1989, remained of high concern to certain NGOs and members of Congress, and the suppression of the Falun Gong was also strongly criticized by some.²⁰

Since the debate discussed here was concluded, familiar symbols have been repeatedly invoked, as when Taiwan has observed its national holiday and when another

19 Lampton, *Same Bed*, p. 155.

20 See, e.g., ‘Members of US Congress Urge US Court to Proceed with Lawsuit against Former Chinese Communist Leader’, *Falun Dafa Information Center* (11 June 2003) (<http://www.faluninfo.net/displayAnArticle.asp?ID=7469>). [The Congressional-Executive Commission on China, created in 2000 \(see text infra has held hearings on issues related to human rights and legality since its creation; see its website at http://www.cecc.gov/.](#)

anniversary of the suppression of the Democracy Movement and the Tiananmen massacre was observed. In 2003 and early 2004 the perennial problem of Taiwan's status once again promised to cause serious difficulties: The Bush Administration expanded political and military assistance to Taiwan²¹, and President Chen Shui-bien threatened to hold a referendum on independence despite both Chinese and American opposition.²² The current status quo in the Taiwan Straits is threatened not only by electoral politics on Taiwan, but the continuing growth of a Taiwanese national identity.²³ The existence of strong support for Taiwanese independence among many members of Congress augurs for future outbursts of impassioned argumentation in favor of what would be a seismic shift in US-China relations.²⁴

In late November 2003 the Republican Senate Policy Committee, headed by Senator Kyl, issued a lengthy statement of complaints that carried further most of the narrowly negative views of China that had been articulated during the PNTR debate :

- “the current economic relationship” between the United States and the PRC is “unsustainable”;
- PNTR was granted to China with the understanding that trade would be liberalized and political and legal reform would advance, but China's economic growth is “retarding the economic and political reforms on which the granting of PNTR was predicated”;
- The bilateral trade deficit is growing and China is denying access to Chinese markets of US agricultural products, subsidizing exports, imposing unfair capital controls, undervaluing and manipulating its currency against the US dollar, and failing to protect intellectual property;
- “the suggestion that China could be reformed solely by the influence of the West has proven to be wishful thinking.”

This statement urged the USTR to invoke the WTO dispute settlement process for failing to protect intellectual property; argued that the Administration should use the transitional review mechanism to demand progress on financial reforms; and advocated the use of safeguard mechanisms to protect US industries and workers against import surges, as it already had done earlier in the same month with regard to certain textiles.²⁵

²¹ See Michael Swaine, ‘Reverse Course? The Fragile Turnaround in US-China Relations’, *Carnegie Endowment for International Peace*, Policy Brief No. 22, (February 2003); [Robert Sutter, “Bush Administration Policy Toward Beijing and Taiwan,” *J. Contemp. China*, \(2003\) 12 \(36\) August, p. 477-492.](#)

²² See, e.g., “U.S. policy faults Taiwan president,” Dec. 9, 2003, <http://www.iht.com/articles/120818.html>

²³ See, e.g., “New National Identity Emerges in Taiwan,” *Washington Post*, Jan. 2, 2004.

²⁴ See, e.g., “US Congress set to affirm Taiwan ties,” *Taipei Times*, Jan. 9, 2004.

²⁵ [United States Senate Republican Policy Committee, Jon Kyl, Chairman, “Wishful Thinking, False Premises: The Wisdom Behind- And Reality of- Granting Permanent Normal Trade Relations to China, November 25, 2003, <http://rpc.senate.gov/files/tr112503pdf>.](#)

These policy recommendations reflect increasing apprehension provoked by trade-related issues, both in Congress and elsewhere in the nation, as 2003 drew to a close and economic issues began to raise the temperature of bilateral relations and, therefore, of Congressional debate. China was criticized for slowness in complying the obligations to which it agreed when it joined the WTO.²⁶ Apprehensions in the US about consequences of Chinese economic development sharpened by the end of 2003: Growing Chinese exports to the US and the outsourcing of some jobs to China continues to contribute to job losses in the US, the bilateral US-Chinese trade deficit remains a constant problem in the eyes of some, and allegations that China was deliberately undervaluing its Chinese currency against the US dollar stimulated US pressure on China to revalue the RMB.²⁷ The imminent expiration of the Multifiber Agreement, which limited Chinese textile exports to the United States, will provoke pressure for trade sanctions.²⁸

Meanwhile, issues perceived in the US to touch on American national security have not disappear, either. Chinese transfers of technology and equipment for weapons of mass destruction continue to cause disquiet, as well as Chinese acquisition of advanced technology and dual-use equipment. In Northeast Asia, tensions have not been reduced even though China played a constructive role in bringing a mutually suspicious and hostile North Korea and United States together at a negotiating table, China's handling of the outbreak of SARS raised questions about China's openness to the outside world, the capacity of Beijing to monitor and control the conduct of officials outside the capital, and the level of willingness to cooperate with international organizations.

The contention among very different views of China has also moved to new arenas. After Congress enacted the PNTR legislation, it created two commissions to monitor Chinese behavior. One, the Congressional-Executive Commission on China, has a legislative mandate to monitor human rights and the development of the rule of law in China, and to submit an annual report to the President and the Congress. It consists of nine Senators, nine members of the House of Representatives, and five senior Administration officials appointed by the President. The current Chair is Congressman Jim Leach (R-Iowa), and the Co-Chair is Senator Chuck Hagel (R-Nebraska). The appointment to the Commission of partisans of the opposing perspectives that have been described here has assured their continued clash. For example, Senator Baucus of

²⁶ See, e.g., United States Trade Representative, *2003 Report to Congress on China's WTO Compliance*, Dec. 18, 2003, downloaded from <http://www.ustr.gov/regions/china-hk-mongolia-taiwan/2003-12-18-china.pdf>. The Report, while noting "a number of positive developments" (p. 4), also stated that "...2003 also proved to be a year in which China's WTO implementation efforts lost a significant amount of momentum. In a number of different sectors, including some key sectors of economic importance to the United States, China fell far short to implementing its WTO commitments, offsetting many of the gains made in other areas. (*ibid.*)"

²⁷ See, e.g., The Associated Press, 'Senators Demand China Currency Probe', *Washington Post*, (17 July 2003); 'China Plays for Time Over Exchange Rate Trade Surplus', *Financial Times*, (3 September 2003); 'Beijing hits back at US tariff plan', *Financial Times* (9 September 2003) on Chinese reactions to a proposal by a group of U.S. Senators to impose a 27.5 percent tariff on Chinese imports if China did not move toward floating its currency.-

²⁸ See, e.g., 'Textile Industry Seeks Trade Limits on Chinese', *New York Times*, (25 July 2003).

Montana, who was a strong supporter of PNTR, was the first Chairman of the new Congressional-Executive Commission, while Commission members Representatives Wolf and Kaptur have maintained their strong criticism of China.

The Commission's first annual report in October, 2002 concluded that reforms inaugurated in 1978 had led to the growth of autonomy and freedom to engage in economic activity, but that Chinese were "still far from enjoying many of the fundamental human rights and freedoms set forth in the Universal Declaration of Human Rights and other international human rights instruments."²⁹ Five members of the Commission dissented, of whom three expressed the opinion that the Commission's report was not sufficiently critical of human rights abuses.³⁰ The Commission's second annual report in October, 2003 concluded that "human rights conditions in China have not improved overall in the past year" and that legal reforms that are underway have made only "incremental" changes.³¹

The second body, the US-China Security Review Commission, consists of 12 private citizens appointed on recommendations by the House and Senate leaderships. It has since renamed itself as the "US-China Commission" and its charter is to examine and report to the Congress on the national security implications and impact of the bilateral trade and economic ties between the United States and the People's Republic of China. In addition to transactions involving military or dual-use systems or technology, the Commission must study financial transactions, Chinese military behavior, any action taken in the context of the WTO that might affect US security interests, Chinese trade patterns, and the effect of the trade surplus with the U.S on China's military budget.³²

The members of this second commission include some strong conservative critics of China. An early member was Professor Arthur Waldron, Director of Asian Studies at the American Enterprise Institute, who begins an article on the Institute's website with his assumption that "China almost by definition poses a potential threat to her neighbors and to the US."³³ Although Professor Waldron is no longer a member, a strong negative view of China dominates the Commission's activities. The Commission's first annual report, issued in July, 2002, viewed with apprehension the extent to which China's economic growth and military modernization are supported by China's trade surplus with the US, the inflow of US private investment into China, and China's access to US capital markets. It proposed a detailed list of measures to monitor closely China's economic and

29 *Congressional-Executive Commission on China, Annual Report 2002*, p. 16, (107th Congress, Second Session, October, 2002).

30 They were Senator Brownback and Representatives Wolf and Brown.

31 [Congressional-Executive Commission on China, Annual Report 2003, p. 1, \(108th Congress, First Session, October, 2003\).](#)

32 [Among the subjects of the hearings that the Commission held in 2003 were the implications of SARS, China's proliferation practices and the North Korean nuclear crisis, China's energy needs and strategies, and China's growth as a regional economic power. Transcripts of its hearings and "technical briefings" can be accessed at <http://www.uscc.gov/tran.htm>](#)

33 —Arthur Waldron, 'The Chinese Military Threat', *The American Enterprise*, (July/August 1998) (http://www.theamericanenterprise.org/issues/articleid.16987/article_detail.asp).

military activities, including acquisition of advanced technology and the export of dual-use items that contribute to proliferation of weapons of mass destruction.³⁴ The Commission's hearing on implications for the US of China's industrial, investment and exchange rate policies is discussed briefly below.³⁵

Do Congressional perceptions of China reflect popular views?

If the views of Congressional opponents of PNTR are as narrow and emotional as their own words on the floor of Congress suggest, it must be asked whether they reflect the views of their constituents. Congressional elections usually turn on domestic issues, but a number of observers have noted that issues like human rights and birth control in China are symbols that attract the attention of voters.³⁶ Lampton noted that the key voters are "activists, persons who are often off the political center... In mobilizing such individuals, using foreign policy as a metaphor for domestic issues (such as abortion, religious freedom, or the environment) can be effective."³⁷

Quite apart from these suggestive links between China-related issues and domestic politics is a particular strain in the thinking of some Americans that may influence both their views of China and their elected representatives' mistrust of that country. The late Senator Moynihan (D. N.Y), in the last days of debate just before the Senate followed the House in approving H.R 4444, delivered a speech in which he wove together the history of US-China economic relations and US policy toward international trade. He then raised the possibility that if PNTR were defeated, China would view failure to enact the legislation as "an unfriendly act." He went on:

...we have a long and troubling history of antipathy toward the Chinese...Opposition to this measure...will be puzzling to many. But, sir, there is a long and rueful history in the United States of our racial antagonism toward Chinese emigration to this country, which now appears as an antagonism to the arrival of Chinese goods. (146 Cong Rec. S. 7974, S. 7977, Sept. 5, 2000)

As the extracts from the debates cited here show, the opponents of PNTR were opposed not to Chinese products, but to characteristics of Chinese government behavior, domestic and otherwise, that they deem to range from threatening to distasteful and immoral. But might there also be some lingering "racial antagonism," as Senator

34 [Report to Congress of the US-China Security Review Commission](#), (July 2002). The Executive Summary of the Report and many of its ten chapters are available at the Commission website, (www.uscc.gov/). Commissioner Waldron and two other Commissioners wrote additional views plainly regarding China as a growing military threat to the US, while Commissioner William Reinsch (who was appointed to the Commission by Senate Democratic Leader Tom Daschle) criticized the report as adding to the "the level of paranoia about China in this country." [A cogent critique of the report is Robert A Kapp, "Business, Economics, and Security," U.S.- China Business Review \(September-October 2002\) PAGE NEEDED](#)

35 [See text infra at](#)

36 E.g., Kenneth Lieberthal, 'Domestic Forces and Sino-US Relations', in Ezra F. Vogel, ed, *Living With China: US-China Relations in the Twenty-First Century*, (New York: W.W. Norton & Co., 1997), p. 262.

37 Lampton, *Same Bed*, p. 294.

Moynihan put it? His views might be considered as unfounded musing if evidence had not recently appeared of sentiments among some Americans that support his view.

In March 2001, at the request of the Committee of 100 (a Chinese-American organization headquartered in New York City) Yankelovitch Partners, the polling agency, conducted 1,216 telephone interviews in an effort to assess Americans' attitudes toward Chinese-Americans. Although substantial majorities of the respondents expressed approval of Chinese-Americans' strong family values, honesty in business, and patriotism, many (87% of respondents) voiced belief that Chinese-Americans are more loyal to China than to the US. Substantial majorities of the respondents expressed unfavorable impressions of the Chinese government (61%) and the view that China will be a future threat to the US (61%). These views were expressed against a background of sentiment that viewed Chinese Americans, and other Asian Americans, unfavorably.³⁸

Anti-Chinese sentiment among Americans is hardly irrelevant to the beliefs expressed by their elected representatives in Congress. Congressional debate on its surface lacks evidence of a racial animus, but an undercurrent of American nativism may flow beneath that surface and give energy to views that are expressed without reference to race.

The arguments of members of Congress on abortion, religious freedom, and dissent are grounded in domestic issues of high "symbolic" significance to some Americans. Such arguments, however, are one-dimensional, and project American values and institutions onto a different society and culture without nuance or awareness of the difficulty of transplanting those values and institutions. As already noted, these critics of China give no hint that American leverage over China's domestic policies might be extremely limited. Nor is there any evidence of recognition that considerable time would be required to realize any program of political reform undertaken in China.

Free from doubt, adamant in their moralism, unrelenting in their emotional criticism, and insistent on expressing the most idealistic representation of American values, the members of Congress who form an anti-China coalition have a significant debating advantage over those members who favor engagement. The latter must look to a future in which, they hope, economic and political reform will grow in a China benefited by trade, foreign investment, and a peaceful international environment. That future is uncertain, but the critics who have been quoted here can express their beliefs and hopes buttressed by a moral certainty that pro-engagement members cannot affect.

Recent developments could, conceivably, cause some shifts in the views of the groups that have been most critical of China. China's accession to the WTO and the establishment of permanent PNTR could suggest to the human rights critics that they ought to distance themselves from two other main groups of critics whose views seem rigid and unchangeable, the religious right and those who are convinced that China threatens US national security. These last two groups seem to share a Cold War distrust of China that impedes meaningful debate, although those who are convinced that China is a long-term threat to the US have recently been somewhat muted because of America's need for China's cooperation in the war against terrorism.

38 *American Attitudes Toward Chinese Americans and Asian Americans*, (New York: Committee of 100, 2001).

The expressed views of some of the human rights critics, by contrast to the religious right and the geostrategic pessimists, are sometimes more thoughtful than dogmatic. Take, for example, the words of the late Senator Wellstone:

...we should be very clear about what this debate is about and what it is not about. This debate is not about whether or not we have trade with China. We do have trade with China. We will have trade with China. It is not about whether or not we communicate with China. We most definitely will. It is not about whether we isolate China. We are not going to do that. It is not about whether we should have an embargo of China, as we do with Cuba. That is not even on the radar screen.

Nobody is talking about any of that. The question before us is whether or not we in the Congress give up our right to have annual review of normal trade relations with China--we used to call it most-favored-nation status--whether or not we give up what has been our only leverage to promote noncommercial values--I emphasize that, I say to my colleagues--noncommercial values in our trading relationships, such as human rights, labor rights, and environmental protection. Do we put human rights, labor rights, environmental protection, religious rights, the right not to be persecuted for practicing one's religious beliefs or exercising one's religious beliefs in parentheses, of no interest or concern to us, or do we maintain some leverage as a country to speak out on this? (146 Cong. Rec. S. 8035, Sept. 6, 2000)

It is probably too much to expect congressional critics of China to avoid linking Chinese human rights abuses to trade-related sanctions in the future, even if WTO rules present obstacles to such linkage. It is relevant, however, that some of the NGOs that are most actively trying to influence Congressional views and votes on human rights issues have adopted a nuanced position on the relationship between trade with China and US policy toward the Chinese government's treatment of its citizens. Even when human rights issues were linked to MFN treatment in the past, some human rights activists privately admitted that they preferred to maintain the trade relationship that MFN made possible.³⁹ In the future, especially if Congress is asked to affect China's domestic policies and institutions by applying trade-related sanctions, might some members of Congress be more flexible than they have previously been? The human rights critics, however, may not be able to distance themselves from others who criticize religious persecution, because they support each others' positions.

Any faint hope that narrow and dogmatically negative views of China might be tempered is no more than a whistle in the dark, but the debates that have been quoted here suggest that there is a good deal of darkness in Congress that needs to be illuminated. Unfortunately, the groups in Congress that have been identified here as anti-Chinese gather strength from their numbers taken together, and are more likely than not to continue to join forces, especially on the economic issues that grew prominent in 2003. On these latter issues, moreover, Congressional emotions are understandably fueled by

39 Steven M. Teles, 'Public Opinion,' p. 61.

knowledge of the pain of constituents who lose jobs because their employers move manufacturing activities to China or close in the face of competition from China.

This article has explored only the surface manifestations of deeper issues that lie beneath the Congressional debates because it has been concerned only with what has been said publicly, for the record. It undoubtedly slights many other members whose spoken words have been few, but who are more temperate in their judgments than some of their more vocal colleagues. More important, relationships with interest groups lie behind the one-dimensional images of China in Congress that have been illustrated here. Labor unions, human rights advocates and anti-abortion groups have been among China's strongest critics, and there are others less obvious, such as Taiwan-funded lobbyists. The impact of the lobbyists is reinforced, however, by what one veteran of thirty years of China-watching in the US government has noted as "the lack of professional training or experience in dealing with China on the part of congressional staff members critical of administration policy."⁴⁰ But when members of Congress reflect uncritically what lobbyists and poorly-informed staff tell them, ignoring the complexities of modern China, they are led into drastic oversimplification of their debate and thought on China policy.

It is impossible to differentiate among the reasons underlying the demonizing of China by some in Congress, but some ignorance, willful or not, underlies the words of the demonizers. More than ignorance is involved, of course, and inquiry into the dynamics of Congressional participation in making China policy obviously must go behind the Congressional debate that forms the public record. Whatever other factors are at work, however, the rhetoric that dominates discussions of China by some members of Congress promises to continue to deform not only their personal perspectives, but the contribution that Congress makes to formulation of this country's China policy. At the very least, administration policymakers are

"diverted from other tasks...Much time is spent dealing with often exaggerated congressional assertions about negative features of the Chinese government's behavior...The congressional critics are open to a wide range of Americans—some with partisan or other interests – who are prepared to highly in often graphic terms real or alleged policies and behaviors of the Chinese government in opposition to US interests."⁴¹

It is difficult not to agree with the conclusion of one recent study, that "the cumulative effect" of Congressional criticism of the China policies under both the first President Bush and President Clinton "reinforced a stasis in US-China relations and slowed forward movement."⁴² Of the PNTR debate itself, it has recently been said that

"...the rancorous partisanship in both House and Senate during the PNTR process, and the numerous other challenges highlighted by the protagonists –

40 Robert G. Sutter, 'The US Congress,' p. 108.

41 *Ibid.*

42 *Ibid.*

nonproliferation, human rights, trade deficits, and other issues – sharpened the disagreements and laid the ground for future battles... the potential remained for even more controversy and contention over China policy.”⁴³

Indeed, the passage of time and the growing power of economic issues since the PNTR debate underlines the trenchancy of this prediction, as the concluding section of this article suggests.

CONCLUSION

As we look to the future, Congressional heat seems likely to increase. The shortcomings in China’s compliance with WTO rules have received considerable attention. The USTR’s report in December 2003 on China’s compliance found a mixed picture, but provided many details of “a number of systemic concerns that remain, making further improvements in [the US-China economic and trade] relationship problematic” and raised the possibility that the US would invoke the WTO dispute resolution process.⁴⁴ The USTR report provides powerful support for a muscular US policy, and it is buttressed by the views expressed by the US-China Business Council⁴⁵ and the US Chamber of Commerce.⁴⁶ If American and other foreign complaints about Chinese violations of WTO rules mount, Congressional sentiment for retaliation will certainly grow. The considerable demonstrable proof of the problems will bring about another flowering of Congressional hyperbole.

On some other economic issues, however, the facts calling for strong US initiatives are not quite so clear. Nonetheless, some members of Congress have already firmly adhered to the most negative view of China despite substantial expert opinion that suggests a more balanced approach to the particular issue. Examples include the following:

The US-Chinese bilateral trade deficit: Although denunciation of the bilateral deficit is a constant refrain in Congress, many economists believe that the bilateral deficit

43 Suettinger *Beyond Tiananmen*, p. 398.

44 [United States Trade Representative, 2003 Report to Congress on China’s WTO Compliance, Dec. 18, 2003, supra note 8, at p. 8.](#)

45 [See US-China Business Council, “China’s WTO Implementation: an assessment of China’s Second Year of WTO Membership; Written Testimony by the US-China-Business Council prepared on September 10, 2003” submitted to the USTR in connection with hearings on China’s Compliance, <http://www.uschina.org/public/documents/2003/09/ustryeartwoassessment.pdf> \(p.9: “The PRC government has been slow to implement its most significant commitments, and in some important areas, efforts now appear stalled... Restrictive terms and new barriers threaten to negate the very terms of access to which China has committed”\)](#)

46 [Myron A. Brilliant, Vice President, Asia, U.S. Chamber of Commerce, “China’s WTO Record: A Two-Year assessment,” Testimony before the Trade Policy Staff Committee, September 18, 2003 <http://www.uschamber.com/press/testimony/030918wto>. \(p. 2: “China’s WTO compliance has been uneven and incomplete. Unless this picture improves, there will be an increasing crescendo of complaints about China’s record.”\)](#)

is not important and attention should rather be focused on the US multilateral trade deficit. The Director of the Congressional Budget Office (CBO), for example, testified in October, 2003 that “individual trade balances, even the United States’ growing deficit with China, generally are unimportant in and of themselves.”⁴⁷

Decline in manufacturing employment: Although there are certainly specific instances of US manufacturers moving their manufacturing activities to China or failing because of competition from China, much authority suggests that the causes of the decline in manufacturing employment are multiple; the Director of the CBO, for example, cited the “strong trend growth of productivity in the manufacturing sector and a pattern in consumption spending away from goods and toward services.”⁴⁸

The alleged undervaluing of Chinese currency: Some members of Congress have adopted the argument that, in the words of the Director of the CBO, China artificially undervalues the yuan “to the detriment of U.S. manufacturing output and employment in both import-competing and exporting industries,” and that if China is forced to allow the yuan to appreciate against the dollar, manufacturing output and employment in the US would benefit considerably.⁴⁹ Seven members of Congress testified at hearings held in September, 2003 by the U.S.-China Economic and Security Review Commission in favor of bills that would impose a punitive tariff on Chinese goods if the Secretary of the Treasury made a finding that China is engaged in “currency manipulation.”⁵⁰ The CBO found, however, that estimates of the supposed undervaluing varied from zero to 40 percent⁵¹, and concluded that the assertion of undervaluation “is by no means universally accepted.”⁵² Federal Reserve Chairman Alan Greenspan has stated that he rejects the “conventional wisdom” that a rise in the value of China’s currency would improve the job market in the US, and he characterized the arguments for revaluation as tending toward the kind of protectionism in which the United States has not engaged for fifty years.⁵³

⁴⁷ [“The Chinese Exchange Rate and U.S. Manufacturing Employment,” Statement of Douglas Holtz-Eakin, Director, before the Committee on Ways and Means, U.S. House of Representatives, Oct. 30, 2003, Congressional Budget Office, p. 16.](#)

⁴⁸ [Id. at 2. See also, e.g., Edmund L Andrews, “Imports Don’t Deserve All That Blame,” *New York Times* \(7 December, 2003\); R. Glenn Hubbard, “Don’t Blame the Yuan,” *Wall Street Journal* \(9 September 2003\); Charles Wolf, “Behind the Rhetoric,” *South China Morning Post*, \(9 September 26, 2003\).](#)

⁴⁹ [Statement of Douglas Hotz-Eakin, supra n. 41, at p. 16.](#)

⁵⁰ [“China’s Industrial, Investment and Exchange Rate Policies: Impact on the United States,” *Hearings before the U.S.-China Economic and Security Review Commission, 108th Congress, First Session, September 25, 2003, pp. 5-42. Sharply different testimony was given by three economists, see pp. 43-68.*](#)

⁵¹ [Id at 21.](#)

⁵² [Id at 24. See also “Don’t Blame the Yuan,” supra note 47.](#)

⁵³ [“Greenspan Sees China's Currency Peg Unrelated to U.S. Job Losses,” Dec. 11, 2003, <http://usinfo.state.gov>.](#)

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The PNTR debate illustrates the superficial and often caricatured images of China that are reflected in the utterances of some members of Congress; Congressional pronouncements since 2000, although uttered in a period of relative calm in US-Chinese relations, suggest that those images endure, and remain ready at hand to be used in the future. Emerging debate on these economic issues suggests that they will be invoked again, and will continue to cloud perceptions of China held by many members of Congress and, therefore, by many of their constituents.