

RETHINKING BEEIJING

WHAT ROLE FOR U.S. SPONSORED HUMAN RIGHTS? 1989-1994

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1. THE PURPOSE OF THE RESEARCH

“How do we reconcile our competing goals in a post-Cold War agenda when security concerns no longer lend us a clear hierarchy?,” asked Winston Lord, Clinton’s Assistant Secretary of State for East Asian and Pacific Affairs, in a private memorandum submitted in 1994 to Secretary of State Warren Christopher.¹ Further complicating the former Ambassador to China’s post-Cold War dilemma was the People’s Republic of China (PRC), eventually the United States’ most strategic and problematic Asian interlocutor. Since tanks had brutally suppressed students and workers-led pro-democracy protests in Tiananmen Square on June 4, 1989, Americans had struggled to come up with a new convincing rationale for preserving the relations built over the previous two decades with Beijing. At a time in history when the main driver of the relationship between the two countries had progressively shifted from Cold War strategy to business, combining interests and values – the protection of human rights being among America’s most critical imperatives at stake since the late 1970s – turned into an unprecedented difficult job for Washington. Both the Bush and Clinton administrations found themselves trapped between the fear of losing a strategic partner – a recurrent anxiety in the history of Sino-U.S. relations – and the issue of how to sell to the American public a close relationship with a country guilty of a live broadcasted massacre of peaceful protesters calling for democratic reforms.²

This research looks at the role that human rights and its advocates have played in the making of U.S. foreign policy towards China in the aftermath of the Tiananmen crackdown. Perceived both as an obstacle to economic integration and as a moral imperative in the post-Cold War new global order, human rights ended up complicating not only Sino-American relations, but also the dynamics between the administration, the

¹ Winston Lord, “Emerging malaise in our relations with Asia,” in David Lampton, “America’s China Policy in the Age of the Finance Minister: Clinton Ends Linkage,” *The China Quarterly*, no.139 (Sep., 1994), pp. 597-621.

² See, among others, Jeremy Brown, *June Fourth. The Tiananmen Protests and Beijing Massacre of 1989* (Cambridge: Cambridge University Press, 2021).

Congress, and ever more influential stakeholders such as nongovernmental organizations, conservative anti-communist hawks, and lobbyist groups. My PhD's essential questions are:

- First, how did the Tiananmen crackdown and the end of the Cold War resettle America's priorities hierarchy in conducting its foreign policy towards China?
- Second, while losing its semi-insulation from domestic debate, to what extent was American post-1989 China Policy informed by the language of human rights?
- Third, by what kind of actors and for what reasons was the human rights rhetoric evoked and employed in the United States against the Chinese government?
- Fourth, when the main driver of the relationship between the U.S. and the PRC switched from Cold War strategy to business, what space was left for human rights advocates?

The topic retains enormous relevance for at least three reasons. First, the Tiananmen crackdown came as a shock to those Americans who believed that, under the leadership of Deng Xiaoping, the PRC had undergone an inexorable path toward a modernization process akin to Western standards. Although concerns on human rights in China had emerged prior to June 1989 – mainly at the time when the language of human rights was employed in Congress by the so-called Taiwan Lobby led by Senator Barry Goldwater (R-AZ) while opposing President Carter's decision to accord the PRC diplomatic recognition in 1979 – the diplomatic and economic ties between Washington and Beijing had helped in spreading a general feeling among the American public that China's economic reforms would eventually spearhead a gradual liberalization of the Chinese regime. According to Robert Ross, professor of political science at John King Fairbank Center for Chinese Studies at Harvard University, at that time and until the dissolution of the Soviet Union, “common strategic interests allowed for compromises over the Taiwan issue and encouraged the two sides to minimize their ideological differences, but they did not allow for resolution of important differences.”³ These differences came to the surface in June 1989 when the crackdown watered down the widespread perception that the PRC was a different style of Communist power, a so-called *Communist state*, as Reagan labeled it drawing a sharp distinction with the Soviets. How to confront the Chinese Communist Party without appearing too soft on values and

³ Robert Ross (eds.), *After the Cold War: Domestic Factors and U.S.-China Relations* (Armonk, New York: M.E. Sharpe 1998), p.viii.

practices within the sphere of human rights and, at the same time, preventing China to go back to the confrontational stance that had characterized the country under Mao, became the number one issue in the making of Washington's China policy.

Second, the year 1989 saw the emergence of a “new bilateral bargaining relationship reflecting new dependencies and new sources of negotiating leverage.”⁴ The efforts made by Nixon and Kissinger in the early 1970s seemed to be undermined in a matter of days, driving a remarkable shift in the internal balance of how U.S. foreign policy towards Beijing was conceived and conducted, but also narrated and represented. While for almost two decades the executive branch had dominated the making of China policy, which had been politically advantageous despite an evident sense of secrecy, the Tiananmen unrest disrupted Washington's foreign policy equation, fueling a triangular policymaking scheme where the Congress and the American public no longer accepted being on the margins. Dropping a sort of anti-Beijing “reserve”, members of Congress, human rights activists, conservative anti-communist hawks, and any sort of lobbyist groups opposing tighter ties with Beijing, all condemned – and began to exploit – Chinese inhumane practices. The crackdown took place at a time when the Cold War was coming to an end, translating into the impossibility for Washington to sell its China policy as a counterbalance strategy against the Soviet threat. Therefore, with the disappearance of the primary reason informing the Sino-U.S. cooperation since the early 1970s, the making of a post-Cold War policy towards Beijing was complicated by an unprecedented domestic negotiation among new influential stakeholders, while the economic interdependence between the two powers was becoming ever deeper and stronger. This unprecedented negotiation over China policy, the research argues, resulted in a blurred and less coherent position on China. Following two decades of Cold War complicity, Sino-U.S. relations were complicated and compromised by a multifaceted rhetorical effort through which the human rights category was constantly shaped, challenged, and adapted. The American bitter domestic debate over China, often driven by parochial interests aimed at appealing to domestic constituencies, ultimately contributed to moving the relationship from “amity and strategic cooperation to hostility, distrust, and misunderstanding.”⁵

⁴ Robert Ross, “The Strategic and Bilateral Context of Policy-Making in China and the United States. Why Domestic Factors Matter,” in Robert Ross (eds.), *After the Cold War: Domestic Factors and U.S.-China Relations* (Armonk, New York: M.E. Sharpe 1998), p.4.

⁵ Robert Suettinger, *Beyond Tiananmen: The Politics of U.S.-China Relations, 1989-2000* (Washington D.C.: Brookings Institution 2003), p.4.

Third, what was remarkable about the language of human rights in the specific context of the United States is that it appealed to both political factions, becoming a bipartisan grammar. It was used by both Cold War Republican Hawks to relaunch the pre-1989 anticommunist rhetoric and by Liberal Democrats against Washington's engagement with dictators in several world regions. In the case of China, this resulted in an unprecedented coalition of congress members with different political identities and third-party groups which translated into a serious challenge for the White House in its struggle to retain presidential control over foreign policy. Capitol Hill was animated by active advocates of legislative proposals confining the flexibility that the administrations, from Nixon to Reagan, had usually enjoyed when addressing China-related issues. These proposals, which often went beyond measured diplomatic protocols, were meant to convey a strong message to Beijing's leadership: human rights in China would be neither an internal matter of the PRC, nor an exclusive prerogative of the White House. However, after the initial moment of outrage caused by the Chinese government's response to the protests, human rights and their defense became a heavy burden as the relationship entered a new phase where globalization, rather than Cold War strategies, would matter. President Clinton's decision to delink human rights conditions from the Most Favored Nation commercial status renewal in 1994 is indicative of this shift. Therefore, focusing ⁴ on the early 1990s helps to trace the increasing, and peculiar, moral, economic, and emotional "interdependence" between the two countries at a time in history when their mutual understanding was at odds.

2. THE HISTORIOGRAPHICAL DEBATES

My research deals with two major research topics that have been at the center of vibrant historiographical debates and to which this study seeks to make a novel contribution. The first debate regards the history of human rights which study has boomed and radically evolved in the past two decades. Due to the wide variations in the methodology used, the discussion among historians has been, and still is, fervently intense. Different angles of analysis, from legal to intellectual to social, have provided a wide range of interpretations, as well as the geographical scope of the studies, be it either global, national, or regional, filling what Rossinow has dubbed a "mushrooming scholarship."⁶ According to Pendas, the absence of "a clear lack of consensus among

⁶ Review by Doug Rossinow, H-Diplo Roundtable XXII-15 on Søndergaard: Reagan, Congress, and Human Rights, *H-Diplo*, December 7, 2020, p.11.

leading historians of human rights about even the most elementary contours of the subject” indicates that the field as a whole is still evolving.⁷ Much of this recent human rights historiography has focused on the question of origins and foundational moments. For the sake of convenience – and simplifying a lot – scholars can be categorized as belonging to two main schools. Those who have emphasized a progressive, teleological, and rising path in the history of individual rights and those who have instead stressed discontinuities, backlashes, and turning points. In the realm of historiography, my research aligns with the second school of thought. China, I argue, will sit on the dock of a human rights global trial as the major accused only after 1989, when the logics of the Cold War will not guarantee the country the unprecedented exemption from the human rights US-led crusade began in the 1970s.

The 1970s have largely been covered by the works of historians who contends that human rights in the current forms – namely, as individual rights granted to every person beyond the notion of citizenship and the national framework – are a product of this decade. According to Samuel Moyn’ *The Last Utopia*, at that time the language of human rights came to occupy the central stage of international politics and of U.S. foreign policy. Human rights – with their minimalist and quasi-apolitical character that could appeal 5 across the political spectrum – seemed to fill a vacuum left by the failure of ambitious universal projects sponsored by the opposing Cold War superpowers during the 1950s and 1960s, Moyn argues. A major takeaway from Moyn’s book is the widespread two-way use of human rights from the top and from below, on which other scholars have built their own works. Barbara Keys’ *Reclaiming American Virtue* is a good example of how human rights experienced a significant top-down major use in the United States to regain America’s moral legitimacy after the failure of U.S.-sponsored modernization (as in the case of Vietnam). In other words, as Mario Del Pero has argued in reviewing Keys’ book, starting from the late 1970s human rights provided new universalistic codes to American foreign policy.⁸ Among others, the unprecedented bottom-up human rights global mobilization is discussed in Sarah Snyder’s *Human Rights Activism and the End of the Cold War*. Snyder has instead emphasized the transnational network of activists committed to human rights which originated from the 1975’s Helsinki Final Act. In her words, “domestic actors, confronted with obstacles to influencing their own governments,

⁷ Devin Pendas, “Towards a New Politics? On the Recent Historiography of Human Rights,” *Contemporary European History*, vol. 21, n. 1 (February 2021).

⁸ See Mario Del Pero, review of Barbara Keys, *Reclaiming American Virtue. The Human Rights Revolution of the 1970s*, Cambridge, Harvard University Press, 2014, *Ricerche di Storia Politica*.

identified external actors who could raise concerns internationally and exert pressure more effectively.”⁹ In doing so, human rights turned into one of the main recognized “working languages” of (un)official diplomacy, which soon fueled the path leading to the end of the Cold War. As far as the United States is concerned, Snyder has contended that the increasing professionalization of NGOs on the one hand – symbolized by the opening of headquarters in Washington DC and by their growing ability in providing key political and legal expertise to members of Congress – and the growing activity of US Congress on the other have pushed human rights inside the Administration. On a similar line of Keys’s and Snyder’s works but moving its focus to the 1980s, Rasmus Søndergaard’s *Reagan, Congress, and Human Rights Congress* explores how Congress’ pressure on the administration had the ultimate benefit of turning the debate “from whether human rights concerns should have a place in U.S. foreign policy to what role they should play.”¹⁰

Although the abovementioned debate on origins should not be the sole organizing criterion within this field of study, the emergence of a prominent human rights dilemma in the making of Washington’s China policy following the Tiananmen crackdown brings the research closer to those historians who have instead shed light on the salience of the “roaring” 1990s, perceived as the key transformational decade. With his edited volume *Human Rights in the Twentieth Century* and, especially, thanks to his groundbreaking contribution to the human rights debate published on *Past&Present* in 2016, Stefan-Ludwig Hoffman has highlighted the outbreak of human rights as a basic concept of the post-Cold War global politics. As the Berkeley’s historian has contended, the 1990s’ human rights idealism was not “the decisive catalyst” of the late-Cold War revolutions (in China and elsewhere) but it “gained currency as a response to these events.”¹¹ Taking as an explanatory example the 1989’s Tiananmen Square protests, Hoffman has observed that those who demonstrated in Beijing and other cities across China were mainly driven by a widespread mistrust against the corrupted political elites and a vociferous desire to claim the guarantee of their rights as citizens of the People’s Republic. Avoiding a diffuse triumphalist approach that sees in the history of human rights a climax of increasing success as moral, legal and political doxa starting during the Enlightenment period and mounting from the 1948’s UN Universal Declaration of Human Rights, Hoffman have

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⁹ Sarah B. Snyder, *Human Rights Activism and the End of the Cold War. A Transnational History of the Helsinki Network* (Cambridge: Cambridge University Press, 2011).

¹⁰ Rasmus Søndergaard, *Reagan, Congress, and Human Rights: Contesting Morality in US Foreign Policy* (Cambridge: Cambridge University Press, 2020).

¹¹ Stefan-Ludwig Hoffmann, “Human Rights and History,” *Past and Present*, no.232 (August 2016).

depicted human rights in their current form as a recent invention. Human rights became as self-evident tool of foreign policy only during the ethical – and humanitarian – turn occurred in the 1990s. Following Hoffman’s reasoning, this research looks at the way a major crisis, such as the Tiananmen massacre ended up being perceived, triggering an increasingly common use of a passionate, even if a times cosmetic, language of human rights in the U.S. political debate. It looks at human rights as they “put further pressure on more conventional notions of American state sovereignty and power in the late twentieth century,” as Mark Bradley puts it.¹² Human rights should have provided American foreign policy rhetoric with a rich vocabulary to articulate a credible and moral response to China, its government, and its people. Therefore, by focusing on the 1990s, this research proposes to embrace the very recent and still understudied examination of the post-Cold War human rights discourse.

As far as the second debate is concerned, the research aims at building on the extensive body of literature looking at America’s “preoccupation with China.” Beyond security and economic considerations, this study seeks to identify why the Tiananmen crackdown ended up generating such an impressive wave of frustration and discontent among Americans, boosting a strong human rights rhetoric within the U.S. It takes its first 7 steps from Chang’s *Fateful Ties* which contends that a major component in the history of Sino-U.S. relations has been about “the intangible, feelings, and will, as well as the promise or potential of the relationship instead of the tangible present.” Chang argued that Americans have often projected into the future their attachment to China and the relevance of tight Sino-American relations: “China was more a matter of an imagined future, of what it could become and what it might mean for America.”¹³ For this and other reasons, Washington had given China virtually a blanket exemption from its human rights crusade until 1989, as contended by James Mann in his *About Face*. According to this research, the crackdown exposed the shortcomings of an overly optimistic interpretation of the Cold War’s conclusion as a triumph for freedom, democracy, and human rights. It compelled the United States to confront the immediate reality of its relationship with China and its government, moving beyond the illusion of a special Sino-U.S. relationship. It builds on works of sinologists and sociologists like Richard Madsen’s *China and the*

¹² Mark Bradley, “General Introduction: What is America and the World?” in *The Cambridge History of America and the World*, edited by David Engerman, Max Paul Friedman, and Melani McAlister (Cambridge: Cambridge University Press, 2022), p.6.

¹³ Gordon Chang, *Fateful Ties: A History of America’s Preoccupation with China* (Cambridge, MA: Harvard University Press, 2015).

American Dream, A Moral Enquiry and David Lampton's *Same Bed Different Dreams. Managing U.S.-China Relations 1989-2000*. After the violence, American perception of China changed hopelessly, and the language of human rights seemed to give voice to this widespread loss of faith.

While placing America's domestic dynamics at the center of a global history project, this research embraces Daniel Bessner's and Fredrik Logevall's call for a methodological reexamination of how historians should approach and conduct their research on the post-1945 history of the United States in the global context.¹⁴ In this sense, this project seeks its transnational angle by exploring how changing world circumstances gave momentum to a tangible alteration in America's balance between values and interests, in the notion of U.S. security, and ultimately in Washington's China policy-making power equation. It argues that with the end of the Cold War, the China policy elitist/top-down model lost ground in favor of a more pluralist model where public opinion and lobbies gained leverage on members of Congress and, ultimately, on the White House itself. It builds on studies such as Robert Sutter's *U.S. Policy Toward China: An Introduction to the Role of Interest Groups* and Robert Ross's edited volume *After the Cold War: Domestic Factors and U.S.-China Relations*. It looks at how human rights groups on the one hand, and the business community on the other, have set the debate in Congress while contending the extent to which American domestic politics – in terms of policies, interests at stakes, and electoral gains – and foreign policy have been intertwined.

3. METHODOLOGY, THESIS STRUCTURE, AND SOURCES

This project builds on a tripartite partition of the actors involved in Washington's China policy-making – the administration, the Congress, and third-party groups – while exploring the different issues at stake following the Tiananmen massacre. It aims at providing a multilevel picture of the increasingly complex making of U.S. foreign policy while addressing the point of view and interests of the actors involved in America's response to China. The first issue regards the animated debate on the protection of Chinese students and scholars in the United States. This matter not only marked the beginning of a bitter dispute between the Bush Administration and a bipartisan group of

¹⁴ Daniel Bessner and Fredrik Logevall, "Recentring the United States in the Historiography of American Foreign Relations," *Texas National Security Review*, vol.3, n.2 (Spring 2020).

members of Congress led by Representative Nancy Pelosi (D-CA), but it also witnessed the emergence of a unique and understudied lobby group: the International Federation of Chinese Students and Scholars (IFCSS). The second issue looks at the long and complicated discussion on whether to grant, condition, or revoke China's Most Favored Nation commercial status, which had never been questioned since the time it was first granted in 1980. This debate provides the best example of bipartisanship: MFN opponents included some conservative Republicans, right-wing religious organizations, human rights organizations, liberal Democrats, and labor interests; proponents included party centrists, pro-business Republicans, conservative Democrats, and free traders. During the four-year discussion in Congress, several issues emerged. Among others, the Chinese forced labor camps practices were denounced by several congress members such as Senator Jesse Helms (R-NC) and by emerging powerful human rights advocates like Harry Wu, detained for thirteen years and author of the bestselling book *Laogai. The Chinese Gulag* in 1992. The third issue concerns the preoccupation with the status of Hong Kong, Taiwan, and Tibet. It looks at how the U.S. should be regarded as a guarantor of the right of self-determination, representation, and worship. The fourth issue explores the opposition to the inclusion of Beijing on the short list of the cities considered to be the host of the 2000 Summer Olympic Games. This debate provides a good explanatory

case study of how Congress was forced to find new contestation platforms against China's human rights practices when the growing economic interdependence between Washington and Beijing had made that MFN road too difficult to travel. With repeated comparisons to Hitler's German Olympic Games in 1936, the Beijing Olympics bid also serves as an excellent illustration of how the rhetoric of "the lessons of history" was used in Congress.

The archival research related to this project has begun in the Summer of 2022 when I spent several weeks at the Bush and Clinton Presidential Libraries in Texas and Arkansas, which both contain important sources for examining the administrations' approach and concerns towards China. Considering the very contemporary nature of the events discussed in this doctoral research, these archives provide a relatively good number of primary sources, but alone they are insufficient for the broader inquiry I want to undertake. As far as the administration is concerned, other useful archives that I have already visited are the Manuscript Division of the Library of Congress where are the National Security Advisor Anthony Lake's papers; Seley Mudd Princeton University Library for James Baker's papers; the Hoover Archives at Stanford University for

President Clinton's Secretary of State Warren Christopher's papers; Stanford Library Archives for Ambassador to China James Lilley's papers. Online archives include the Miller Center Presidential Oral History Program and the State Department FOIA Virtual Reading Room. In order to investigate the growing role of Congress in China policymaking and the bipartisan use of the human rights language, the research looks at both congressional hearings and records from 1989 to 1994, and at the private papers of congress members who played a relevant role in the making of China policy such as Tom Lantos (D-CA), founder of the Congressional Human Rights Caucus in 1983, and Bob Matsui (D-CA), ranking member of the United States House Committee on Ways and Means, at Berkley Bancroft Library. Other online useful platforms are the Congressional Quarterly and Biographical Directory of the United States Congress. Moving to the study of non-governmental actors, the Columbia University Center for Human Rights is of paramount importance, given the presence of the archives related to the two major NGOs dealing with human rights advocacy: Human Rights Watch and Amnesty International. Another useful collection is the AFL-CIO archive at the University of Maryland. Finally, the great advantage of working on the early 1990s is that some of the major players of that time are still alive and some of them seem to have not met the interest of historians or journalists. So far, I had the chance to talk with Sino-American relations experts who were themselves involved in the event covered by my project. They are Warren Cohen, a member of the Council on Foreign Relations and author of several studies on this topic such as *America's Response to China*, and James Mann, former Chief of the Beijing bureau of the *Los Angeles Times* from 1984 to 1987. I then had the pleasure to interview Judy Lemons, Nancy Pelosi's Chief of Staff from 1987 to 2000. I have also interviewed two members of the IFCSS: Alex Liu, the first president of the federation, and Ciping Huang, a founding member of the students' organization. I finally had the chance to interview J. Stapleton Roy, former American Ambassador to China from 1991 to 1995.

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4. A CASE STUDY:

THE CHINESE STUDENTS PROTECTION EFFORT

The protection of Chinese students and scholars who were living and studying in the United States holding a nonimmigrant visa at the time of the crackdown turned into the very first battleground on which the fight between the administration and Congress was fought. Being introduced in late June 1989 by congresswoman Nancy Pelosi (D-CA) – first elected in 1987 in the San Francisco district, home to the largest Asian-American

community in the United States – the H.R. 2712 Emergency Chinese Immigration Relief Act eventually made its way through a multitude of legislative proposals, progressively gaining wide support in the House, and later in Senate. The bill was co-sponsored by 259 representatives, of which 89 were Republicans. It foresaw an extension of the students’ stay in the United States for up to four years while additionally providing J-1 visa holders employment authorization.¹⁵ As noted by Jia Gao, “thanks to the strong, widespread sympathy in the USA for the students, the ‘Pelosi bill’ became a high priority for Congress and won quick approval from the House Judiciary Subcommittee.”¹⁶ The bill was approved by a large bipartisan majority in the House on July 31 and in the Senate on August 4 of 1989. However, as he was already introducing several provisions included in the bill through his Executive Order, President Bush insisted that the Congress’ effort was unnecessary, and he vetoed H.R. 2712 generating a harsh reaction among congress members.

On January 23, 1990, a bipartisan group of representatives held a joint press conference outside of Capitol Hill to explain why it was necessary to overcome the veto. At the conference, the statements made by the congress members serves as clear indications of how the discourse on human rights was sparking discussions about China. “We will vote not as Democrats and Republicans, but as Americans,” announced Representative Richard Gephardt (D-MO).¹⁷ According to the representative of Missouri, it was Congress’s responsibility to take care of those students who had been moved by the same revolutionary human spirit that had inspired America’s greatest founding fathers like Tom Paine and Thomas Jefferson. “Tomorrow,” Gephardt forecasted, “the spirit of Tiananmen Square will live again on the House floor when we send a message that will be heard from the Oval Office to the Forbidden City.”¹⁸ The President had “simply made a mistake,” according to Representative Mickey Edwards (R-OK), “but the American Congress and the American people stand very strongly with those people in China who wish to get the same rights of democracy and liberty that mean so much to us.”¹⁹ Edwards’ words were echoed by his colleague Senator Slade Gorton (R-WA) when stating that “the forces of democracy are in favor of this veto override” and that “there is certainly strong

¹⁵ H.R.2712 - Emergency Chinese Immigration Relief Act of 1989.

¹⁶ Jia Gao, *Chinese Activism of a Different Kind. The Chinese Student’s Campaign to Stay in Australia* (Leiden: Brill, 2013), p.94.

¹⁷ “Override of Veto on Chinese Student Status,” January 23, 1990, C-SPAN Live.

¹⁸ Ibid. C-SPAN, January 23, 1990.

¹⁹ Ibid. C-SPAN, January 23, 1990.

Republican sentiment in favor of an override.”²⁰ Whether or not it would be strong enough to override the veto, Gorton could not guarantee. The following day, on January 24, 1990, the House overrode the veto by a vote of 390 to 25 as many on Capitol Hill expected. However, as anticipated by Pelosi at the January news conference, the real battle would be fought in the Senate, where the administration had been trying for weeks to lobby members to sustain the veto. Although a majority of the senators (62) voted against the president’s veto on January 25, 1990, the required two-thirds majority was not reached, and the Pelosi Bill failed to pass. While some senators stood united under the banner of partisanship and loyalty to the administration, others held that only President Bush, who had served as the head of the U.S. Liaison Office in China in the mid-1970s and was an expert on Chinese dynamics, could efficiently manage relations with the PRC. China should not be antagonized as its role in global matters – nuclear proliferation and UN-related subjects being the quintessential examples – had begun to acquire major relevance.

Although the attempt to override President Bush’s veto was unsuccessful, the congressional debate surrounding the level of protection to be extended to Chinese students serves as a compelling case study for this research due to several noteworthy reasons. Firstly, it stands out as an illustrative example that embodies key aspects of America’s concerns regarding China, including bipartisan opposition to the administration and the prominent use of human rights rhetoric. As for bipartisanship, although it failed to override Bush’s veto, Congress was largely unwilling to accord the president the broad degree of flexibility that his predecessors had enjoyed in their approach to Beijing, and it would keep a wide-open eye on the administration’s actions. As Senator Ted Kennedy (D-MA), citing President Reagan, argued: “President Bush says, *Trust me. We say, Trust but verify.*”²¹ Flexibility, Pelosi contended while defending her bill would have sent the wrong message to both the Chinese government and students, who instead needed (legal) certainty. In response to the concerns of Chinese students, Senator Gorton claimed that Bush’s executive order could be “reversed in exactly the same kind of way in which it was issued in the first place,” notwithstanding the fact that it did certainly provide the students with an adequate level of protection.²² A law passed by Congress – Pelosi, Kennedy, and Gorton claimed – would have provided the students and the PRC government with strong assurance of America’s unwavering commitment to

²⁰ Ibid. C-SPAN, January 23, 1990.

²¹ Ibid. *Hearing*, January 23, 1990, p.2.

²² Ibid. *Hearing*, January 23, p.8.

human rights. Chinese students' delegates Haiching Zhao and Yuangen Huang stated a similar viewpoint during an interview that aired on C-SPAN Live in December 1989: "We've been here for many years, and we have lawyer advisors on this issue when we lobby Congress. This is a democratic society. It's a legal society. And we know the difference between a statute and a regulation. The statute provides protection that the regulation cannot match. Literally, this can be taken away any time."²³ They had picked up the game of politics quickly, and they were competent enough to use rhetorical categories able to attract media attention and Congress's sympathy.

Second, the debate surrounding the 'Pelosi bill' revealed the emergence of a highly influential, yet often overlooked, pressure group within Washington's China policymaking: the Independent Federations of Chinese Students and Scholars (IFCSS). Formally established during a three-day conference held in Chicago at the end of July 1989, the Federation had ended its political, organizational, and financial ties with China by announcing its independence from the Chinese Education Consul. It set up a lobbying committee and a headquarter in Washington to coordinate activities by over 40.000 students at 160 colleges and universities in the United States. Its leaders and activists testified in Congress several times on different issues (from their visa extension debate to issues related to trade with China), they hold press conferences, and they were hosted by American TV networks. The Federation attracted major media and congressional attention when gathering in Chicago, where the students decided to organize following the U.S. government model. A president and a vice president in charge for one year were elected. The U.S. territory was divided into eight districts based on a proportional principle considering the number of students and universities represented in a body similar to the Congress. A less sophisticated version of the U.S. Supreme Court was finally established. For the first time, Chinese students were experiencing democracy and its difficulties. "We immediately got into a fight, realizing the democratic system was not easy," Ciping Huang, one of the current IFCSS leaders, claimed.²⁴ The Federation was initially formed with the aim of continuing to promote the cause of freedom and democracy that students in China had begun. Already in 1990, the IFCSS planned to establish the Chinese Freedom and Democracy Party, as an opposition party to the

²³ "Bush Veto of Chinese Student Visa Bill," December 12, 1989, C-SPAN Live.

²⁴ Interview with Ciping Huang, IFCSS Leader, March 25, 2023.

Chinese Communist Party. Following this initial euphoric initial moment, their activity's focus progressively switched from China to the United States.

Thirdly, as it was the case for other issues, the debate surrounding the legal status of students in the United States introduced new perspectives that expanded the scope of human rights discourse. Specifically, this gave rise to a concerning phenomenon that adversely affected Chinese nationals residing on American soil. The students had progressively become a burden for the Chinese government which had begun to send its “best and brightest” abroad in the late 1970s believing they would serve as patriotic pioneers in the modernization of the country. As Arne Westad wrote in his *Restless Empires*, “some of China’s most vital links with the world have come through engaging with educational institutions abroad.”²⁵ By refusing to go back to China, the students – for the most part enrolled in American university programs in the fields of science and technology – were depriving their country of an important modernization asset. Activities of surveillance and intimidation perpetrated by the Chinese Embassy through its consulates nationwide in the United States were first denounced in Congress by representatives of the IFCSS and by congress members who had increasingly begun to work along with them. On July 20, just over a month after the massacre, Senator Barbara Boxer (D-CA) shed light on “the dark side to the wonders of the video age.”²⁶ The events in Tiananmen undoubtedly witnessed the unprecedented bond between technology and human rights. Although crackdowns on student protests and major violations of individual rights had been a common practice in China, the extended media coverage of the June 1989’s events exposed as never before the American public to those brutalities. Media – with television playing the preeminent role – had “a positive effect in that it enabled [Americans] to share the inspiring feats of the Chinese students and immunized [them] against subsequent lies of Chinese rulers.”²⁷ However, Boxer warned how modern technology was also favoring the illegal activities of Chinese authorities in their effort of taping and identifying the students involved in pro-democracy activities against the PRC government across American university campuses. “Whether we like it or not,” the congresswoman argued, “the struggle for democracy in China has been taken to our shores, and we must respond.”²⁸

²⁵ Arne Westad, *Restless Empire. China and the World since 1750* (London: Vintage Books, 2013).

²⁶ Ibid. *Hearing*, July 20, 1989, p.59.

²⁷ Ibid. *Hearing*, July 20, 1989, p.55.

²⁸ Ibid. *Hearing*, July 20, 1989, p.59.

These charges were confirmed by IFCSS's Haiching Zhao who testified in Congress reporting on the pressure exercised by the Chinese consulates on those students who were marginally involved in pro-democracy activities turning them into all effects spies against the movement leaders. According to Zhao's testimony, many students had stepped back from pro-democracy advocacy in the United States, fearing repercussions against them and their families back home. Rumors that some of them were collaborating with the Embassy instilled widespread distrust among the students, compromising the efficacy of their claims against the PRC government. Zhao's evidence was supported by the records provided by Xu Lin, a Chinese diplomat who defected in early 1990 while serving as the secretary for the education section of the Chinese Embassy in Washington. These files showed that Chinese officials had classified Chinese students studying overseas into five groups, "ranging from those who are loyal to the party to those who are the "reactionary core elements who actively organize and plan anti-government activities."²⁹ According to a *Washington Post* article quoted in Congress by Senator Paul Sarbanes (D-MD), through covert networks spreading in every American university, PRC authorities targeted about a hundred students considered to be the most active against China. The Embassy had therefore set up "a campaign to keep files on them, revoke passports, terminate government stipends, restrict contact with family members, fire them from jobs back home and revoke their special student status."³⁰ Congress members, not only students, had been targeted as well. "The Embassy has started to systematically organize a network in the U.S., presumably made up of those who are loyal, to lobby the Congress" on several issues related to Sino-U.S. relations.³¹

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The above charges against the PRC government proved that a congressional effort was still needed, and that China was not a safe place for those who had spoken against the PRC government. Introduced in the Senate on June 4, 1991, by Slade Gorton (R-WA) with Ted Kennedy (D-MA) and Alan Simpson (R-WY), the Chinese Students Act sought to give Chinese nationals covered by President Bush's 1989 Executive Order the opportunity of seeking for permanent residency in the United States, releasing them from their current immigration limbo. The bill applied to approximately 80,000 Chinese who

²⁹ Lena Sun, "Chinese Strategy Targets Exchange Students," *The Washington Post*, May 11, 1990.

³⁰ Ibid, "Chinese Strategy Targets Exchange Students."

³¹ U.S. Congress, House of Representatives, Committee on Foreign Affairs, *MFN Status for the PRC Hearing before the Subcommittees on Human Rights and International Organizations, Asian and Pacific Affairs, and on International Economic Policy and Trade*, 101st Congress, 2nd Session, May 16 and 24, 1990, p.63.

had lived continuously in the U.S. since April 11, 1990 – the date of the President’s Executive order – and who had not returned to China for longer than 90 days. The final draft of the legislation was reached following a yearlong negotiation at the end of which “all objections have been met due to an extraordinary degree of bipartisan cooperation to move forward on this measure,” Senator Gorton argued.³² Different from what had happened three years before with the ‘Pelosi bill,’ on October 9, 1992, President Bush signed the measure into law. According to Lei Zheng, “while the hyper-visible human rights discourse facilitated the passage of the CSPA, it is important to recognize how an economic discourse favoring the deserving and desirable immigrants who were deemed beneficial to the United States also undergirded its passage.”³³ Not only students were presented in Congress as the victims of the brutal human rights denial perpetrated by their government. They started to be seen as a resource for American society and economy. As Gorton argued introducing his bill, “if the students elect to remain in the United States, we will be the better for it. They are superbly educated, motivated and ready to work for this Nation. They possess a keen understanding of the American dream. These students will not be taking jobs from Americans, they will be creating new jobs, spawning new industries and contributing to American society.”³⁴ As economic concerns took center stage in the relationship between Washington and Beijing, the human rights momentum seemed to give way to considerations of a different kind. Members of Congress increasingly framed the Chinese students’ struggle as evidence of the allure of the American social and economic liberal paradigm. Along the same lines, an increasing number of students started to appreciate the financial benefit and professional opportunities that came with living in the United States. For instance, following the passage of the CSPA, some IFCSS leaders began selling “immigration packages” for \$200 each meant to provide their colleagues with bureaucratic support as they applied for permanent status.³⁵ This was a practice that caused major controversy and frustration within the Federation, signaling a watershed in the students’ movement activity in the United States and in their commitment to cause of human rights.

³² “Chinese Student Protection Act,” *Congressional Records*, 102nd Congress, May 21, 1992.

³³ Lei Zheng, “The Chinese Protection Act of 1992. Student Immigration and the Transpacific Neoliberal Model Minority,” *Journal of Asian American Studies*, vol.24, n.3, October 2021, pp. 444.

³⁴ “Implementation Date of The Chinese Student Protection Act,” *Congressional Records*, 103rd Congress, July 01, 1993.

³⁵ Interview with Ciping Huang, IFCSS Leader, March 25, 2023.

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