

Historical Perspectives on the Taiwan Relations Act

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There exist several ways to understand or explain the 1979 Taiwan Relations Act (TRA). First, the TRA represented a turning point in the history of United States relations with Taiwan. The first half of this story runs from the early Cold War to the late 1970s, when President Jimmy Carter completed the process of rapprochement begun by Richard Nixon. Taiwan's "consolation prize" for the switch in diplomatic recognition to the People's Republic was the ambiguous commitment of the TRA. This narrative continues to the present as the Republic of China (ROC) on Taiwan struggles to maintain its international space and ties to Washington. Second is the story of the troubled presidency of Jimmy Carter, where domestic economic woes, foreign crises, and a sense of malaise led to the land-slide victory of Ronald Reagan and the rebirth of the Conservative movement in the United States. The TRA is one of many signs of growing discontent with Carter. Third is the long history of conflict between Congress and the President over foreign policy. The trends of the Nixon/Ford era combined with President Jimmy Carter's weakness and a series of foreign policy crises to further embolden Congress. As one observer noted, "A careful analysis of the Taiwan Relations Act leaves no doubt that it does serve—in some respects, admirably—as an illuminating case study of congressional activism in foreign affairs."¹ He attributes this to a reaction to the growth of presidential power throughout the twentieth century. I would like to suggest that the existence of the TRA might have less to do

¹ Cecil V. Crabb, Jr., "An Assertive Congress and the TRA: Policy Influences and Implications," in Louis W. Koenig, et. al., eds. *Congress, The Presidency, and the Taiwan Relations Act* (New York: Praeger 1985), 89-90.

with Taiwan than it does with an assertive Congress and its contentious relationship with a beleaguered President.

History of Congressional Assertiveness

The TRA is part of over 200 years of conflict between the White House and Capitol Hill. Donald R. Wolfensberger, director of the Congress Project at the Woodrow Wilson International Center, noted that “Generally speaking, Congress does not try to upstage the president on major international issues but likes to keep an oar in the water.”² Compared to domestic policy, the United States Constitution gives the President great latitude to shape foreign and military policy independent of the other branches of government. Congress does, however, have a few enumerated powers: to approve cabinet secretaries, to provide funding for military and diplomatic efforts, to regulate international commerce, to write laws for naturalization, to declare war, and “to raise and support armies”³ Much of Congress’ power to shape American foreign policy comes from threatening to use these powers to force Presidents to compromise, by refusing to fund executive branch initiatives, by including mandates within funding bills, and by attaching conditions to the approval of treaties or cabinet officials. Long before President Jimmy Carter took office, Congress has shown itself willing to assert itself, often in reaction to Presidents who had embarked on active or aggressive foreign policies. For example, the Teller Amendment, which was attached to the declaration of war against Spain in April 1898, forbade the annexation of Cuba. Senators then attached the Platt Amendment to a 1901 Army appropriations bill, which forced Cubans to craft a constitution which would allow United States intervention to protect lives or property. The rejection of the League of Nations is perhaps the best example of Senate asserting its power. Senator Henry Cabot Lodge and the Foreign

² Council on Foreign Relations, “Congress and U.S. Foreign Policy,” <http://www.cfr.org/united-states/congress-us-foreign-policy/p29871#p1>, accessed on September 23, 2014.

³ Article I, sections 7 and 8.

Relations Committee made clear their anger at not being consulted over the negotiations at Versailles. They sought to add 46 amendments to the Treaty. They also demanded that invoking Article X, which would have required action to preserve the territorial integrity of League members, first obtain Congressional approval. The Treaty was ultimately rejected. Congress was often portrayed as a barrier to presidential initiatives. For example, after World War II President Truman famously railed against what he called the “do-nothing Congress,” which, he alleged, stymied his initiatives in order to seek for partisan gain. These conflicts continued into the Cold War.

Long before 1979, Sino-American relations were tied to domestic politics in the United States. The first time Congress stepped in to defy an American President on China policy was over 100 years ago when the legislature forced a reluctant President Chester A. Arthur to accept the first of the Chinese Exclusion Acts in 1882, despite the concerns over how these measures might harm American commercial interests and missionary efforts in the Qing Empire. Other examples were more closely tied to the fate of Taiwan. In the late 1940s and early 1950s, what became known as the China Lobby started a vigorous debate over American’s commitment to Chiang Kai-shek and his regime. The Lobby, which enjoyed strong support on Capitol Hill, helped put pressure on the Truman Administration to aid Chiang, and pushed the Eisenhower Administration to firmly back Chiang’s regime through the Mutual Defense Treaty and arms sales. In the early 1970s, Nixon’s efforts at rapprochement sparked concern among Congressional Republicans, as witnesses in the President’s difficult conversations with then Governor Ronald Reagan and Senator Barry Goldwater. In the latter half of 1971, Nixon spent as much time on the domestic political benefits and pitfalls of rapprochement as he did on its strategic aspects.

Vietnam and the presidency of Richard Nixon marked the height of the so-called Imperial Presidency, which led to a strong reaction to rein-in the executive branch. Perceived excesses of the Nixon Administration set the stage for a new round of Congressional activism that began in Southeast Asia, then spread into other areas. Only a few months prior to the December 1978 announcement of recognition of the PRC, Representative Lee Hamilton in *Foreign Affairs* wrote that the “national trauma” of Vietnam signaled a shift in “congressional or popular willingness to accept executive leadership.”⁴ Since 1974, “Congress has assumed an ever greater role in security matters...” he added. Congress’ efforts served the agendas of Republicans and Democrats—of Cold Warriors hawks and doves. Some acts were designed to reduce or control the President’s Cold War efforts in the third world. Other initiatives from Capitol Hill sought to weaken détente by constraining the President’s ability to cooperate with the Soviets. In general, the Democrats were more vocal in the Nixon and Ford years while Republicans tended to take the lead during the Carter era. Their legislative tactics, however, were almost identical. Further, most votes on foreign policy were bipartisan and, ultimately, reflected conflict between two branches of government rather than between two political parties.

Money was a key tool for Congress shape foreign and military policy. In 1973, Congress passed a law that cut off all funding to United States military activity in Laos, Cambodia or Vietnam after August 15, 1973. The War Powers Resolution (Public Law 93-148), passed over Nixon’s veto in November 1973, was one key example of the new political environment. It required the President to notify and seek Congressional support for sustained (greater than 60 days) military action overseas. The President was authorized to use his powers as Commander in China over the time-limit only when there was a declaration of war, an emergency due to an

⁴ Lee H. Hamilton and Michael H. Van Dusen, “Making the Separation of Powers Work,” *Foreign Affairs* 57, 1 (Fall 1978), 17.

attack on the United States, and or authorization by Congress. In 1974, Congress linked emigration and trade with the Soviet Union in the Trade Act. It limited Export-Import Bank Credits to the Soviet Union and made most-favored-nation status conditional on Moscow allowing freer emigration. The momentum of Congressional activism that began during the Nixon years continued into the administration of Gerald R. Ford. For example, in 1976 the Clark Amendment cut all aid to Angolan anti-communist rebels unless specifically authorized by Congress.

Rise and Fall of the Carter Administration

On November 2, 1976, Jimmy Carter, only a few years earlier a relatively unknown Democratic governor from Georgia, defeated incumbent Gerald Ford in a close contest. Carter came out slightly ahead in the popular vote, but enjoyed an Electoral College victory of 297 to 240. The new president offered a spirit of optimism and honesty after the debacles of Watergate and Vietnam. Carter would find himself, to a certain extent, trapped by expectations he had raised by promising a less cynical foreign policy and greater attention to human rights concerns. He also came into office announcing that he wished to move beyond the Cold War. However, his administration witnessed the resurgence of Cold War mentalities and hostilities—with the focus less on communism around the world than on the Soviet Union itself. Much of the anti-Soviet focus of American foreign policy and many of the new weapon systems designed to deter Moscow that became hallmarks of the Reagan era actually began under Carter.

While recognition of the People's Republic of China (PRC) is today often portrayed as a major diplomatic accomplishment, and the normalization of Sino-American relations is a significant event in the narrative of China's rise to global power, it is important to remember the extent to which it was buried among other issues in 1978 and 1979. Besides the death of detente,

the Carter years offered a mix-bag of controversies, accomplishments, and disasters. For example, the new president had promised to reduce the number of American troops in South Korea, but he soon reversed himself. The United States Ambassador to the United Nations, Andrew Young, embroiled the Administration in an embarrassing imbroglio over contacts with the Palestinians. A year before the Taiwan Relations Act became a reality, many in Congress were already mobilized to oppose the administration. The Panama Canal Treaty, signed in September 1977, garnered a one-vote margin of victory in the Senate vote of March 1978. The Treaty was unpopular among the public, and Congressmen were not eager to risk their constituents' support in order to back a president who was sinking in the polls. There was one triumph. The signing of the Camp David Accords after almost two weeks of face-to-face negotiations in September 1978, is still remembered as the most significant foreign policy accomplishment of the Carter era. However, the Administration was soon mired in a foreign policy challenge far greater than the Taiwan issue. Much of the debate over the TRA took place as the American position in Iran collapsed. The Shah fled his country on January 16, 1979, and Ayatollah Khomeini returned on February 1. By the end of 1979, Carter's retreat from détente and arms control was complete. In December 1979, nineteen Senators wrote to President Carter, making clear their opposition to the SALT II. It was a Democrat, Senator Henry Jackson of Washington state, who helped ensure the defeat of the treaty.

Carter's domestic political weakness, while not the result of China policy, or even exclusively his foreign policy, emboldened critics. It is also important to bear in mind that the American economy was sputtering during the TRA debate. While unemployment remained steady from late 1978 through 1979 at around 5.7% to 5.9%, consumer prices were increasing rapidly, from 6.5% in 1977 to 7.7% in 1978 to 11.3% in 1979. Growth in the gross national

product slowed from 4.8% in 1977 to 4.4% in 1978 to 2% in 1979. The President's popularity, shaped in large part by the nation's economic performance, was never high, and sank steadily over the course of his four years in office. In January 1978, Carter's Gallup poll approval rate was down to 54%, from a peak of 74% in March 1977. By April it was down to 40% with 43% disapproval. In January 1979 his approval was back to 50%, before plummeting to 28% by June. From November 1979 to February 1980, his approval was slightly above 50%, then fell to the low thirties for the rest of his tenure. Fairly or not, the personal popularity of President Carter opened the door to greater Congressional criticism and involvement in foreign policy.⁵

Bureaucratic and personal rivalries within the Administration further emboldened critics who charged that Carter was indecisive or inconsistent. The struggle between Secretary of State Cyrus Vance and Special Assistant for National Security Affairs Zbigniew Brzezinski epitomized the ambivalence and shifting nature of the President's thinking. There was little action of Sino-American rapprochement in 1977, as Vance tried to focus American efforts on improving, then at least salvaging, relations with the Soviets. Vance and his supporters saw China less as a "card" to play in order to control Moscow's behavior than as a potential barrier to improved Soviet-American ties. They also tended to give greater weight to Taiwan's security. Brzezinski saw competition with and containment of the Soviet Union as the centerpiece of American diplomacy. China was vital to this effort. As hopes for détente faded, in 1978 Brzezinski and his perspective gained influence in the White House. A series of meetings between Beijing and Washington in 1978 made clear that Carter, as had Ford and Nixon before him, acquiesced to almost all of China's demands

⁵ In series of ten cases studies of Carter foreign policy—which does not include the recognition of China—Robert A. Strong notes that the perception of the President's failures stemmed in part from the fact that "many of the major foreign policy goals Carter set for himself and subsequently achieves were either consistently unpopular, like the Panama Canal treaties, or entangled in long-standing controversies..." Strong emphasizes that Carter's popularity problem were related to the difficult decisions he made, but offers less attention to how those decisions were reached or how Congress was or was not involved. Robert A. Strong, *Working in the World: Jimmy Carter and the Making of American Foreign Policy* (Baton Rouge: Louisiana State University Press, 2000), 262.

concerning Taiwan. Brzezinski's May 1978 visit to Beijing marked a key breakthrough. Future ambassador to China, Leonard Woodcock, carried out further negotiations in July. Back in Washington, Carter met with Chai Zemin, China's representative in the United States, to iron out the final details of the communiqué.

Throughout 1978, Congress signaled its growing concern over Taiwan and its determination to be part of the policy process. Half a year prior to the formal announcement on normalization of relations with the People's Republic, Congress had indicated its bipartisan interest in Taiwan and its security. On July 25, an amendment to the International Security Assistance Act stated that "It is the sense of Congress that there should be prior consultation between the Congress and the executive branch on any proposed policy changes affecting the continuation in force of the Mutual Defense Treaty of 1954."⁶ This measure, which was not binding on the President, passed the Senate 94-0, and Carter signed the bill without comment in September. Some Representatives later made clear they felt Carter ignored the spirit of this law: "In particular, we object most to the fact that the provisions of Section 26 of the International Security Assistance Act of 1978 (P.L. 95-384), which became law on September 26, 1978 were not complied with."⁷

Reactions to Normalization

On December 15, Carter surprised Congress and American allies when he announced plans for normalization of relations with the Beijing government, which occurred on January 1, 1979. He also declared his intention of ending the mutual defense treaty between Washington and Taipei. The joint communiqué only referenced Taiwan once: "The Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of

⁶ PL 95-384.

⁷ "Implementation of the Taiwan Relations Act: Issues and Concerns," "Letter from Clement J. Zablocki and Lester L. Wolff to President Carter, December 19, 1978," in Subcommittee on Asian and Pacific Affairs, Committee on Foreign Relations, House of Representatives, February 14, 1979, (Washington: GPO, 1979), page 135.

China.”⁸ In a separate statement President Carter promised that while the mutual security treaty would be terminated and all United States military personnel withdrawn from the island, “In the future, the American people and the people of Taiwan will maintain commercial, cultural, and other relations without official government representation and without diplomatic relations.” His statement also touched briefly upon security issues: “The United States continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves.”⁹ The December 15 announcement set the stage for rapid progress in Sino-American relations. The architect of China’s reform and opening policy, Vice Premier Deng Xiaoping, paid a triumphant official visit to the United States from January 29 to February 4, 1979. During the final two years of the Carter Administration, Sino-American military and intelligence cooperation increased, although weapons sales came from Western Europeans. Deng Xiaoping’s reform and opening policies led to rapidly expanding economic ties.

The TRA developed as it did because Senators and Representatives with very different political outlooks and agendas agreed upon it. Support was bipartisan, as the House of Representatives voted 339 to 50 and the Senate voted 85 to 4 in favor of the measure. While the 37 of the 50 no votes in the House were Republican, the four no votes in the Senate were evenly divided between the parties. Champions of the TRA were not entirely motivated by concerns over Taiwan or China. As David Dawei Lee noted in his review of the Act, the drafting process represented “a classic example of how the American political system works”.¹⁰ Perceptions of President Jimmy Carter’s specific policies, such as those related to China or Taiwan, were

⁸ “Joint Communiqué on the Establishment of Diplomatic Relations between the United States of America and the People’s Republic of China,” December 15, 1978.

⁹ “Diplomatic Relations between the United States and the People’s Republic of China: United States Statement,” December 15, 1978.

¹⁰ David Tawei Lee, *The Making of the Taiwan Relations Act: Twenty Years in Retrospect* (Oxford: Oxford University Press, 2000), 3.

shaped by a larger narrative of the President's foreign policy failures and his difficult relationship with Congress.¹¹ Carter's overall popularity and approval ratings further emboldened critics on Capitol Hill, in the media, and among the general public. The political atmosphere of late 1978 and early 1979 became clear through three inter-related and often overlapping debates related to power, policy, and philosophy.

The first debate, legislative versus executive power, focused on prerogatives, procedure, and process of formulating foreign policy. The second debate related to American anxiety over Taiwan's long-term security, and the increase of China's influence relative to American allies in the region. This could be defined as a policy discussion. The third debate was more philosophical in nature. There existed a long-running conflict over what is sometimes defined as "realpolitik" in shaping America's alliances around the world. The switch of diplomatic recognition from the ROC to the PRC became a lightning rod for those who had criticized China policy since the Nixon/Kissinger era which, in turn, formed part of a larger debate over Realism and United States foreign policy.

At his press briefing on December 15, immediately his announcement, President Carter was asked, "How did the congressional leaders take it?" He responded, "With mixed response."¹² The Carter Administration expected opposition to the switch of recognition, but underestimated its vehemence and effectiveness. Representatives made clear their anger at the surprise announcement. For example, Lester Wolff, Chair of the Subcommittee on Asian and Pacific Affairs of the House Committee on Foreign Relations, later noted that "...may of the questions and most of the reservations which have been expressed to date could have been

¹¹ See also Enrico Farcella, "The Sino-American Normalization: A Reassessment," *Diplomatic History* 33, 4 (September 2009), 345.

¹² "Diplomatic Relations Between the United States and the People's Republic of China Remarks at a White House Briefing Following the Address to the Nation," December 15, 1978.

avoided if the administration had conducted prior consultations with the appropriate committees and subcommittees of the Congress in a timely fashion.”¹³ Tennyson Guyer, a Republican from Ohio, noted that Congress received about two hours of notice of the recognition decision in December 1978: “This does not portend to me the kind of congressional-executive companionship we were told, particularly when the President said during the campaign time there would be no secret deals and it would be a working relationship between Congress and the White House.”¹⁴

Even moderate Republicans, like Senator Jacob Javits from New York, criticized Carter’s announcement as “precipitate”¹⁵ Javits played an important role in shaping what would become the Taiwan Relations Act. He was not a hardline conservative, nor did he have a history of staunch support for the Republic of China on Taiwan. However, even years later in his *Foreign Affairs* article, he noted that

That announcement was made with only the briefest notice to congressional leaders. . . . Neither on the manner and timing of the decision nor on the substance of the understandings reached had there been effective consultation.

Democrats were generally more subdued, but few voiced approval of how recognition was handled. As reported in the *New York Times*, “Across the board, even among some supporters of the decision, there were complaints about not having been consulted.”¹⁶

¹³ “Implementation of the Taiwan Relations Act: Issues and Concerns,” Lester Wolff, Chairman, Subcommittee on Asian and Pacific Affairs, Committee on Foreign Relations, House of Representatives, February 14, 1979, (Washington: GPO, 1979), page 10. See also Lester L. Wolff and David L. Simon, eds., *Legislative History of the Taiwan Relations Act: An Analytic Compilation with Documents on Subsequent Developments*, (Jamaica, NY: American Association for Chinese Studies, 1982).

¹⁴ “Implementation of the Taiwan Relations Act: Issues and Concerns,” Tennyson Guyer, Subcommittee on Asian and Pacific Affairs, Committee on Foreign Relations, House of Representatives, February 14, 1979, (Washington: GPO, 1979), page 23.

¹⁵ For example, see Richard Halloran, “Carter’s Recognition Step Draws Applause and Anger,” *New York Times* December 16, 1978, 10.

¹⁶ Adam Clymer, “Old China Debate Flares,” *New York Times*, December 17, 1978, 1.

The TRA, however, was not simply a case of legislative obstructionism or interference, or of blind hostility toward the executive branch. Most of those involved in fashioning the law were not fundamentally opposed to Carter’s policy. For example, some of the first legislation concerning the security needs of Taiwan was introduced by Senators Edward Kennedy and Alan Cranston in mid-January 1979. They had first sought to use a joint resolution in order to placate the Republicans without hamstringing President Carter.¹⁷ Senators Kennedy, Cranston, Javits and others worked to limit amendments that would negate the agreement with Beijing—many of which had already provoked a veto threat from Carter. Other individuals (and staffs) important in crafting the TRA included Senator Frank Church, a Democrat of Idaho who chaired the Foreign Relations Committee; Clement Zablocki, Chair of the House Foreign Affairs Committee and Democrat from Wisconsin; and Lester Wolff, a Democrat from New York. None could be considered among Taiwan’s strongest supporters on Capitol Hill. The TRA was designed to flex Congress’ muscles and influence Carter’s China policy, not completely undermine it.¹⁸ Personal agendas further reinforced the drive to protect institutional prerogatives. As reported in the press, when Church took over the Foreign Relations Committee in January 1979, he was determined to make that body “the focal point for Congressional review of executive-branch foreign policy.”¹⁹

Conservative Republican offered the most vehement and public criticism of Carter’s policy, but they did not control the actual development of the TRA. Their approach, however, centered on claims of legislative prerogatives. Senator Barry Goldwater deemed the switch of recognition as “one of the most cowardly acts ever performed by a President of the United

¹⁷ Bernard Gwertzman, “2 Liberal Senators Moving to Protect Security of Taiwan,” *New York Times*, January 22, 1979, 1.

¹⁸ A good description of the atmosphere is in Bernard Gwertzman, “Carter Aides Defend China Policy,” *New York Times*, February 6, 1979, 1.

¹⁹ Richard Burt, “Strain and Rivalry Plague Senate Foreign Relations Panel,” *New York Times* May 23, 1979, A2.

States.”²⁰ Goldwater and other Conservatives first introduced a bill to require that the president obtain the Senate’s consent to withdraw from any treaty, but this gained little support among Democrats.²¹ He and fourteen other Senators also filed suit in Federal court based on the supposition that the President was already required to seek Senate approval to terminate a treaty.²² The courts soon ruled that since the treaty as approved by the Senate included provision for termination, it did not require Senate approval to terminate. In June, Senator Harry F. Byrd of Virginia introduced a sense of the Senate resolution criticizing Carter for ending the security treaty with Taiwan. The resolution returned to the controversy over who can abrogate treaties, and stated that “approval of the United States Senate is required to terminate any mutual defense treaty between the United States and another nation.”²³ The non-binding resolution passed 59 to 35. For many Senators, Taiwan was not so much a way to stymie relations with Beijing as it was one of many vehicles to attempt to increase their role in formulating United States foreign policy.²⁴ It was also a way to signal their discontent to the White House and to constituents.

Taiwan and American Allies

Besides the issue of sharing power with the executive branch, Congress engaged in a second debate concerning policies related to Taiwan’s security and the island’s role in regional security arrangements. Discussions of Taiwan’s geographic significance have a long history. The Dutch and Spanish understood the value of the island as stepping stone to China and Japan. The Japanese, who colonized Taiwan from 1895 to 1945, set the pattern for American interest in

²⁰ For example, see Richard Halloran, “Carter’s Recognition Step Draws Applause and Anger,” *New York Times* December 16, 1978, 10.

²¹ Warren Weaver, Jr., “Treaty Termination May Spur Senators,” December 18, 1978, A13.

²² “15 Lawmakers File Suit to Prevent Termination of Taiwan Defense Pact,” *New York Times*, December 23, 1978, 9.

²³ Bernard Gwertzman, “Senate Rebukes Carter Over Ending of Taiwan Pact,” *New York Times*, June 7, 1979, A9.

²⁴ In fact, some observers in 1979 suggested that Congressional power had gone too far, and that “SALT II, Panama, Zimbabwe and the recognition of China have become handy proxy weapons for domestic political wars.” William D. Rogers, “Who’s In Charge of Foreign Policy?” *New York Times Magazine*, September 9, 1979, SM111.

Taiwan. To leaders in Tokyo, the island was a vital base for influencing or trading with Southeast China, and a logical way to link Japan to China and to Southeast Asia. American discussions about Taiwan, particularly among naval officers during World War II, followed the same logic as Japanese imperialists. That interest ebbed in 1943, when the United States decided to pursue an island hopping strategy directly toward Japan. The Cold War containment structure marked the resurgence of the idea that Taiwan was essential to pressuring China and to supporting a regional strategy linking East and Southeast Asia. The bilateral pacts between the United States and Japan, South Korea, and Taiwan reflected the difficulty of forging a multilateral alliance due to Taiwan's ambiguous status and Japan's legacy of invasion and imperialism. Nevertheless, for decades American military leaders, diplomats, and politicians clearly considered these agreements to be mutually supporting parts of the containment structure. Congressional worries over Taiwan's security and the role of Taiwan in a regional context became clear in the reactions to Nixon's announcement of talks with China. The concerns that shaped opposition to rapprochement in 1971 and 1972 continued into discussions of normalization in 1978 and 1979.

The TRA represented the rejection of Carter's December 15 claim that the switch in recognition would "not jeopardize the well-being of the people of Taiwan." When the Carter Administration sent its draft bill on Taiwan relations to the Congress, Senator Frank Church, then chair of the Senate Foreign Relations Committee, characterized the plan as "woefully inadequate". That was among the milder reactions on Capitol Hill.²⁵ John Glenn, chair of the Far East subcommittee, complained that Carter's formula did not do enough to protect the island. He noted that "They [the Chinese] don't have the military capability of taking Taiwan right now,

²⁵ One question is the extent to which the Carter Administration was happy to give Congress a role in the process by starting with draft legislation the White House and Department of State knew would be enhanced and revised.

but it's 10 years from now that I'm concerned about." He was skeptical of Chinese sincerity of wanting peaceful resolution of the cross Strait impasse. Senate Foreign Relations Committee members objected to the omission of security concerns from the draft bill offered by the White House, using terms like "abandoned" to raise the rhetorical stakes. Perhaps the best examples of Congressional dissatisfaction are found in the Senator Foreign Relations Committee hearings of February 1979. Deputy Secretary of State Warren Christopher and Secretary of Defense Harold Brown were attacked for their assertion that the manner of de-recognition did not endanger the security of island and region.

Besides specific worries about Taiwan, the TRA reflected, in part, the shifting zeitgeist of the late 1970s. For example, in February 1979, news reports appeared which detailed the bipartisan criticism of Carter's foreign policy, including his approach to the China/Taiwan issue, as weak and indecisive. These articles included Taiwan, Iran, and Afghanistan as the most recent example of areas where even liberals wished to "stiffen the President's spine". Observers pointed to a new mood on Capitol Hill that was more "macho" and less shaped by the historical memory of Vietnam.²⁶ These concerns were magnified because 1979 was the first time a bilateral security treaty was abrogated by Washington. To some of the most vehement critics of normalization, the termination of the treaty became a symbol of America's waning influence and uncertain reliability in East Asia.

These views were expressed most clearly in efforts to create a commitment for the island's defense and to assure continued arms sales, including fighter aircraft such as F-5s or even F-16s. Much of this Congressional activity became more partisan, as Republicans used the Taiwan issue as part of a larger critique of Carter's foreign policy. Many conservatives alleged that Carter appeased America's enemies and abandoned its friends. At least twelve resolutions

²⁶ Hedrick Smith, "Carter's Leadership: Questions in Congress," *New York Times*, February 17, 1979, 3.

were introduced in the Senate to strengthen Taiwan's defense.²⁷ In February, Senators held up the appointment of Leonard Woodcock as Ambassador to China in order to gain leverage to strengthen security provisions in the TRA.²⁸ Congressional assertiveness had practical limits. Attempts to offer amendments to TRA legislation that would largely re-create the mutual defense treaty were defeated in the Senate.²⁹ Ultimately, these sentiments were expressed in the law's declaration that United States policy was "to provide Taiwan with arms of a defensive character", to maintain a robust military presence in the region, and to expect that Taiwan's ultimate fate be determined through peaceful means.³⁰

Some of these discussions were couched in terms of credibility. Even George Bush complained that the Carter agreement for recognition of the PRC would "diminish U.S. credibility around the world." Credibility, a concept that American presidents had used for decades to build congressional support for alliance structure to contain communism in the 1950s and 1960s, became a way to attack the executive branch for allegedly weakening that structure in early 1979. Senator Jacob Javits and others specifically referenced the problems that the switching of recognition might make with South Korea and Japan. He noted that "it raises more questions than it settles regarding the security and stability of the area and the assurances of our allies, especially the Japan and South Korea."³¹ The Senate Committee report on the Taiwan Relations Act detailed regional security concerns, and explicitly raised the role of allies ranging

²⁷ Bernard Gwertzman, "US Pledge to Sell Advanced Jets to be Sought in Senate," *New York Times*, February 5, 1979, A8.

²⁸ "Senate Panel Backs Woodcock as Envoy," *New York Times*, February 9, 1979, A13.

²⁹ See the efforts of Senator Charles Percy in March 1979. Mary Russell and Robert G. Kaiser, "Bill on Taiwan Ties Survives Early Tests in Senate and House," *Washington Post*, March 9, 1979, A2.

³⁰ From the TRA goals:

(3) to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(5) to provide Taiwan with arms of a defensive character; and

(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

³¹ Richard Halloran, "Carter's Recognition Step Draws Applause and Anger," *New York Times*, December 16, 1978, 10.

from South Korea to Southeast Asia. In the Taiwan Relations Act, Congress did more than attempt to provide for Taiwan's security, they also made clear that the island's fate remained connected to regional security, which was defined as the "Western Pacific".³²

Realpolitik and Its Critics

The third aspect of the Congressional debate was more philosophical in nature, and centered around what is sometimes labeled "realpolitik". The TRA and the public discourse related to it reflected a consistent, and persistent, American discomfort with the ideas and policies often defined as Realism. Han Morgenthau, through his famous "six principles of political realism" and a plethora of other experts have offered explanations of Realism, often focusing on the role power, the state, and "ineluctable tension between the moral command and the requirements of successful political action."³³ However, it is important to bear in mind that critics of normalization with the People's Republic were able to shape the debate by defining Realism in order to paint it in the most immoral—or un-American—light possible. Derecognition of the Republic of China on Taiwan was an opportunity for opponents to label and to criticize elements of China policy dating back to the Nixon/Kissinger period. Carter and his Assistant for National Security Affairs, Zbigniew Brzezinski, became particular targets. This criticism represented a "safe" way for conservatives to express discontent with policies from the Nixon/Kissinger foreign policy.

Republicans who had hesitated to attack Nixon had no problem assailing a Democratic leader. For example, Senator Jesse Helms would later describe the December 15 announcement

³² From the TRA goals:

(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

³³ Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, Fifth Edition, Revised, (New York: Alfred A. Knopf, 1978), 4-15.

as “one of the most regrettably cold-blooded, Realpolitik decisions in America’s history.”³⁴ He evoked Taiwan’s support of America’s war in Vietnam as an example of Taiwan’s faithfulness, and claimed that Taiwan was being “sold down the river” “in order to involve the United States in a conflict between two communist regimes.” Senator Goldwater used the phrase “10 minutes of infamy” to describe Carter’s December 15 address. He continued to note that this “called into question the honor, the very soul, of America’s word in the field of foreign relations.” Statements by Republicans and a few Democrats that democratic Taiwan had been “betrayed” reflected more than congressional pique over how derecognition was handled. It reflected an ideological commitment to anti-communism and a vision of American exceptionalism.

Critics of the switch in recognition focused upon with Taiwan was the wisdom and the morality of shifting ties from a relatively democratic ally to a communist regime, regardless of how such a move might serve a balance of power or America’s national interests. It is sometimes forgotten that anti-communism remained an important facet of American politics in the late 1970s. The further we get from the Cold War, the less anti-communism, and the values attached to it, are considered as factors in events like the Taiwan Relations Act. In fact, anti-communism was one of the forces that would help bring Ronald Reagan to power. Also, it is worth remembering that, in 1979, the full scope and scale of Deng Xiaoping’s reforms were only dimly perceived. Even if a certain amount of rhetorical flourish shaped comments from people like Senator Helms, these views resonated with a significant political constituency within the United States. In the end, the TRA included at least a nod to human rights, stating that

c) Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately

³⁴ For example, see “Remarks by Senator Jesse Helms, Chairman, Senate Foreign Relations Committee,” Heritage Foundation-American Enterprise Institute Conference on the 20th Anniversary of the Taiwan Relations Act, Washington, DC, April 14, 1999.

eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

Conclusion

The TRA legislation offered enough to Senators and Representatives who had different agendas to ensure its passage by wide margins. Those agendas were often seen through three overlapping debates: 1. Congress' role in foreign policy, 2. Taiwan's security and its role in regional security arrangements, and 3. the place of human rights or loyalty to allies in foreign policy. The creators of the TRA on Capitol Hill managed to forge a position that fell between President Carter's minimalist proposal and the initiatives of strongly anti-Carter Conservatives. In Carter's signing statement on April 10, he noted that "The act is consistent with the understandings we reached in normalizing relations with the Government of the People's Republic of China." He added that "In a number of sections of this legislation, the Congress has wisely granted discretion to the President."³⁵ Nevertheless, the TRA was a high-water mark of Congressional activism involving Taiwan. Capitol Hill would not become involved again in such a visible way until the conflict over President Lee Teng-hui's visit to the United States in 1995. Perhaps one lesson to be drawn from this very brief overview of Congress and the TRA is that Taiwan, or the ROC, needs more than Congressional sympathy—which is not difficult to find. To what extent does Taiwan benefit from Congressional-Presidential antagonism and a weak President? What might this suggest for future ROC efforts to build support in the United States?

³⁵ "Taiwan Relations Act: Statement on Signing HR 2479 into Law," April 10, 1979.