

Notes from The NATIONAL COMMITTEE ON UNITED STATES-CHINA RELATIONS

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YOUNG LEADERS FORUM FELLOWS CONVENE AT FIRST RETREAT

The quotes to the right are just a sampling of the rave reviews of the Young Leaders Forum inaugural meeting. Held in Santa Barbara May 12 to 15, the Forum brought together 12 American and 13 Chinese Fellows under the age of 40 to get acquainted and learn from one another in a relaxed, beautiful setting. Chosen for their outstanding achievements and potential in career fields ranging from architecture to business to the military, the Fellows found common ground during many hours of discussion interspersed with a few equally intense hours of play.

Presentations each of the Fellows made about creative elements in their work formed the core of the three-day program. (The theme of this year's Forum was "The Creative Process.") The first panel, made up of artists and media professionals, led a discussion of the different ways in which music, dance, and fashion affect our lives, and what inspires their work. Subsequent panels explored such topics as network building among civil society organizations, creating

Continued on page 4

"The dream of the YLF program was to bring young American and Chinese leaders together so we could begin to understand one another. I expected that would be a long process. Instead, we all bonded with a stunning immediacy, pulled together by our shared aspirations even as we were fascinated and engaged by our differences. And, incredibly, after three intense days, we all remain hungry for more interaction. The YLF was, by a long way, the most successful gathering of its type I have been involved with."

Joshua Ramo, Editor-at-Large, Time, Inc.

"The 2002 Forum was an unforgettable experience for me. It helped me understand the United States better through direct contact and discussion with American Fellows. I think that the YLF can be a positive force for creating awareness and building relationships in both countries."

Colonel Guo Xinning, Associate Professor, National Defense University of the PRC

VICE PRESIDENT HU JINTAO SPEAKS TO NATIONAL COMMITTEE

China's Vice President Hu Jintao urged continued cooperation between the United States and China, but cautioned that Taiwan will be the most important issue in future progress of Sino-American relations. The vice president touched on these topics, as well as counter-terrorism, non-proliferation and economic development, in a speech to more than 600 guests at a May 1 dinner in Washington, D.C.

The National Committee hosted the dinner, in cooperation with the America-China Forum, Asia Society, Committee of 100, Council on Foreign Relations, U.S. Chamber of Commerce, U.S.-China Business Council and U.S.-China Policy Foundation. National Committee Chair Carla A. Hills acted as emcee for the dinner; former Secretary of State Henry Kissinger introduced Vice President Hu.

Hu Jintao was in the United States at the invitation of Vice President Dick Cheney, visiting Honolulu, New York, Washington and San Francisco in a week. This was his first

trip to the United States, offering many government officials, business leaders and policy experts a first glimpse of the man presumed to be President Jiang Zemin's successor.

Most of the vice president's brief prepared remarks focused on strengthening U.S.-China relations through increased contact. He urged both sides to step up high-level strategic dialogue, intensify exchanges in all fields, and further develop economic cooperation and trade. "History and reality tell us that cooperation between China and the United States will benefit both countries, while confrontation will leave neither unharmed," he said.

Mr. Hu's comments about cross-Strait relations were less strongly worded than some China specialists expected. "The question of Taiwan has always been the most important and sensitive issue at the heart of China-U.S. relations," Hu said. "...If any trouble occurs on the Taiwan question, it would be difficult for China-U.S. relations to move forward and a retrogression may even occur." The full text of the

Continued on page 2

National Committee Chair Carla Hills and President John Holden greet China's Vice President Hu Jintao.

Continued from page 1

speech can be found on the National Committee website at www.ncuscr.org.

The Vice President was extremely well prepared for the question-and-answer session that followed the speech and gave lengthy replies. A question about what measures China would take to create sufficient jobs elicited a detailed

reply that gave policy wonks in the audience much to think about. To a question about what China would do to make reunification attractive to the people of Taiwan, Hu stated that the polls in Taiwan show that the numbers favoring reunification are growing, and explained how China's offer to Taiwan is generous and flexible. As to prospects for political reform, he noted that China has made significant political reform since the late 1970's, and that the process would continue.

In an e-mail broadcast sent to National Committee members in late April, director Ezra Vogel compared the 60-year old Hu to "a CEO who has risen from the ranks in a large and diverse modern corporation." Professor Vogel suggested that Hu's tenure as president of the

Party School may be significant, as this post gave him opportunities to meet officials during their months of training for top positions and to receive briefings less constrained by current policy than the formal briefings in administrative units. Vice President Hu's "long service in positions in Beijing gives him a big initial advantage over President Jiang, who was brought in with little advance preparation from Shanghai."

PRESIDENT'S MESSAGE

Two recent Committee programs looked over the horizon at future dimensions of U.S.-China relations; another will do so about the time this newsletter reaches you.

Our May 1 dinner for PRC Vice President Hu Jintao qualifies as one such program, since Hu is slated to accede to the top Party and State positions now held by Jiang Zemin over the course of the next nine months or so. Assuming he does in fact take these positions and hold them for the maximum two terms, Hu will be in a position to play a major role in defining at least the next ten years of China's future and the future of U.S.-China relations.

The most important statements the Vice President made at the dinner were in response to a question about Taiwan that asked, "The overwhelming majority of people on Taiwan prefer the status quo; what will the Chinese government do to convince them that reunification is in their best interests?" He began his reply by stating that polls have revealed that the numbers favoring reunification are rising. What is most interesting to me is that he did not challenge the assumption of the question, which is that the views of the people of Taiwan should be taken into account. This is significant because it confirms earlier PRC statements about Taiwan (such as those of Vice Premier Qian Qichen in January 2002; Hu's presence at his side during that speech showed him to be a supporter of Qian's statements) that indicated a heightened sensitivity to Taiwanese concerns, and because it reconfirms that Hu stands with the more progressive and moderate elements in the PRC hierarchy with regard to Taiwan.

If the PRC's approach to reunification with Taiwan can focus on how to construct an arrangement that the Taiwan

people welcome, while at the same time diminishes or eliminates the possibility that military force is used, that would bode well for U.S.-China relations. Most important, of course, this would reduce the chance of confrontation between the United States and the PRC over Taiwan. It would also be important because it would signal to the United States that China has a clear and confident vision of its future that includes significant political reforms. Precisely what these reforms might be is difficult to predict, but one has to assume that, to attract people who have experienced free elections and a free press, they would involve systems that would make government more accountable to the people.

Our second program that looked to the future of U.S.-China relations is the Young Leaders Forum, which is described in detail in these pages. Of all the China-related programs I have experienced, this one gave me the greatest hope for the future of bilateral relations. We plan to expand the program, firmly believing that there is no better investment than one that centers on younger people.

Another program that looks to the future of U.S.-China relations is the 11th session of the U.S.-China Dialogue, which will take place June 14-16 at the Pocantico Conference Center of the Rockefeller Brothers Fund. This program has been an important forum for non-official dialogue with China since the Committee initiated it in 1984. This year the meeting will examine the core interests of both countries, appraise where misunderstandings arise, and discuss actionable ideas on how to improve relations. I look forward to reporting the results.

John L. Holden
June 2002

PRESS CORPS RECALLS NIXON'S TRIP TO CHINA ON ANNIVERSARY

President Nixon's 1972 trip to China opened a new chapter in history, caused a fundamental change in the world's balance of power and ended over two decades of Sino-American estrangement. To commemorate the 30th anniversary of that event, more than 40 journalists, communications specialists, White House press staff, and Chinese officials associated with the Nixon visit participated in a day-long reunion on March 5 in Washington, D.C., cosponsored by the National Committee and the National Press Club.

The press corps for the trip was limited to 87 people, a significant increase over the 12 slots China initially allowed, but still a small enough group to leave out many important news agencies. Former Gannett reporter Bill Ringle (who provided the initial inspiration for the reunion and diligently tracked everyone down) recalled that professional envy among the working press prompted Art Buchwald to write a column about the "87 most hated journalists in America." (Stanley Karnow later learned just how fortunate he was to be included in this number; President Nixon, still seething over the publication of the Pentagon Papers the previous year, had written "under no circumstances!" next to the *Washington Post* reporter's name on the official press list.) The Nixon White House was eager to tap the power of television, so a team of 69 technicians flew to China six weeks before the president's arrival to assemble an earth satellite station to transmit images back to the United States. (Those satellite stations, plopped in the middle of farms on the outskirts of Shanghai, are now surrounded by high-rise apartments and townhouses!)

Participants shared their memories and insights about the trip at a panel discussion attended by more than 100 National Committee members and friends. The program featured moderator Ted Koppel (ABC News) and panelists Gerald Warren (deputy press secretary in the Nixon White House), Ma Yuzhen (the PRC's Ministry of Foreign Affairs Information Office), Av Westin (ABC News), Stanley Karnow (*Washington Post*), Jerrold Schecter (*TIME*) and Yao Wei (Friendship Association/Ministry of Foreign Affairs Information Office).

In their remarks, Jerry Warren and Ma Yuzhen talked about the signals American and Chinese leaders used to indicate interest in opening discussions. One such overture, Ma said, was an invitation Mao Zedong passed along in 1970 to American journalist Edgar Snow, suggesting that President Nixon visit China, but his signal went unnoticed in Washington, where Snow was regarded as a Communist sympathizer. Warren said that a foreign policy address by Richard Nixon in Kansas City in early July 1971 electrified members of the foreign press corps, who realized it varied enough from previous speeches to indicate a major policy shift might be in the works. A week later, this was confirmed by the President's surprise announcement of Henry Kissinger's secret visit to the PRC.

Some of the secrecy that had surrounded Dr. Kissinger's diplomatic moves carried over to the visit itself. Information about President Nixon's meetings with Chinese leaders Mao Zedong and Zhou Enlai, as well as the progress of diplomatic negotiations, was tightly controlled, so press corps members had ample time to look for other stories during their week in China. The site visits scheduled by the Chinese offered mostly "soft" news prospects, as reporters toured department stores, schools and even pig farms. Yet, Jerry Schecter said, U.S.-based editors viewed stories about these visits as "gold," offering the American public its first glimpse into ordinary life in the PRC. Yao Wei, who helped manage the day-to-day arrangements for the press corps, jokingly compared the reporters to a "pack of news-hungry wolves." Reluctant to let any detail go unreported, journalists quizzed Yao Wei and his colleagues about their clothing, the significance of the style, the fabric, even the number and placement of buttons and pockets.

The reporters, operating under strict pool arrangements, had to find inventive ways to "score a beat." Producer Av Westin revealed that Diane Sawyer, then on the White House press staff, provided him with valuable information on when to expect announcements about the negotiations. This enabled ABC to send its cameras and crews out all over the city in search of other stories over the course of the day. Koppel revealed that he and his crew deliberately missed the bus back to their hotel from the Ming Tombs. By staying behind, they discovered that a group of happy picnickers, outfitted with cameras and radios, had been part of an elaborate stage setting, created for the benefit of the press.

After the formal program, attended by over 100 National Committee members and friends, the National Press Club hosted a reception for the journalists who had gone to China. This was followed by a dinner during which anecdotes about the trip by the journalists, the technicians and their White House and Chinese "handlers," "spinnners," and interpreters engendered both laughter and tears.

Earlier in the day, many of the reunion journalists joined about 200 other guests at a breakfast speech by former Secretary of State Henry A. Kissinger at the National Press Club. Dr. Kissinger described the evolution of the opening to China, from the initial, unsigned messages sent via Pakistan, to discussions during his two 1971 visits to China, to the drafting of the Shanghai Communiqué, the framework that would enable relations between the two countries to finally move forward.

Do We Have Your Email Address?

In February and April, many National Committee members and friends received exclusive analytical articles about major events affecting U.S.-China relations via email.

If you would like to receive our email broadcasts in the future, please send your name and email address to info@ncuscr.org. The full text of the all the articles can now be found at www.ncuscr.org



2002 YLF FELLOWS

First row (kneeling), left to right: Mr. Zhao Min, Chairman, Sinotrust Management Consulting; Dr. Robert Yung, Worldwide CTO, Enterprise Processors, Intel Corporation; Mr. Steven Okun, International Public Affairs Manager, United Parcel Service; Ms. Lu Hongyan, Lecturer and Director, Environmental Education Center, Sichuan University; Ms. Xing Yi, General Manager, Fund Department, Ping An Insurance Company; Colonel Guo Xinning, Fellow, Institute for Strategic Studies, National Defense University.

Second row (standing foreground), left to right: Mr. Orlando Wang, Vice President, Deutsche Bank, Shanghai; Mr. Ma Liangwei, Deputy Director, Beijing Municipal Institute of City Planning and Design; Mr. Zheng Baohua, Director, Center for Community Development Studies; Mr. Todd Sigaty, Executive Director, Village Focus International; Mr. Rui Chenggang, Anchor and Director, China Central Television; Ms. Jil Zilligen, Vice President, Environmental Initiatives, Patagonia Inc.; Ms. Tara Wang, President, Opus Productions; Ms. Verna Kuo, Investment Manager, Stanford Management Company; Major Paul Thomas Haenle, Army Attache Designate, U.S. Embassy, Beijing.

Third row (standing background), left to right: Dr. Fu Jun, Associate Dean, Tsinghua University School of Public Policy and Management; Mr. Liu Yadong, Managing Director (Asia), Medley Global Advisors; Mr. Damian Woetzel, Choreographer and Principal Dancer, New York City Ballet; Mr. Joshua Ramo, Editor-at-Large, Time Inc.; Mr. Philip Reeker, Deputy Spokesman, Department of State; Mr. Yu Long, Artistic Director, Beijing Music Festival and Director, China Philharmonic Orchestra; Mr. Jack Hiday, Limited Partner, Prism Fund; Mr. Gregg Pasquarelli, Partner, SHoP Architects; Mr. Darryll Hendricks, Sr. Vice President, Federal Reserve Bank of New York.

Not pictured: Mr. Brian Li, Executive Director, Goldman Sachs (China) LLC.

Continued from page 1 YLF

the city of the future, adjusting to changing security concerns, managing global economic growth, and investing in new ideas in business and technology.

The Forum was honored to have former Secretary of Defense William Perry with the group for the entire meeting to discuss global security issues, both formally and informally, and to answer probing questions about challenges and opportunities in the U.S.-China relationship. It was also an honor to have Mickey Kantor, former Secretary of Commerce and U.S. Trade Representative, make a lunchtime presentation that included many inside stories and thoughtful perspectives from his years in government.

Ken Robinson, senior education advisor for The Getty Trust and an expert on creativity, used a combination of humor and analytical insight to speak about creativity in education. Mihalyi Csikszentmihalyi, noted for developing the “flow” theory of creativity and director of Claremont Graduate University’s Quality of Life Center, spoke about

creative people and the contexts in which they work. Other program highlights included a dinner cruise, a private pre-release screening of the new Warner Bros. film *Insomnia* (and a discussion with the film’s producer, Broderick Johnson), and a team cooking competition led by television chefs Leann and Katie Chin.

The National Committee is extremely grateful for generous financial support from American International Group, AOL Time Warner Inc., Goldman Sachs, PepsiCo, and BP. The Committee was pleased that Steering Committee Members I. Peter Wolff and Louise Finnerty were able to join President John Holden, Vice President Jan Berris and Senior Program Officer Sean Molloy at this year’s Forum meeting.

Planning is now underway to build on the success of this important investment in the future of U.S.-China relations. Additional information on the YLF and more detailed biographical information on this year’s Fellows can be found on the National Committee website, www.ncusr.org.



All aboard! Fellows enjoy their last evening together aboard the Channel Cat, Wesco Financial CEO Charlie Munger's 85-foot catamaran which he generously loaned to the Forum for the evening. Fellows, left to right: Todd Sigaty, Joshua Ramo, Jack Hidary, Ma Liangwei, Tara Wang, Robert Yung, Zhao Min, Fu Jun, Rui Chenggang (standing), Yu Long, and Lu Hongyan.

"The YLF has given me a far clearer understanding of how my contemporaries work both in America and in China.... I was fascinated to hear how the business world is making synergies across the Pacific, and the connections I made at the Forum are already proving to be more than theoretical discussions. I fully expect to collaborate with the contacts I have made, and these connections would have been impossible or at the very least unlikely without the common bond of YLF Fellowship."

Damian Woetzel, Principal Dancer and Choreographer, New York Ballet Company



Everyone wins! Phil Reeker, Damian Woetzel, Lu Hongyan, and Rui Chenggang show off their dumplings during a creative cooking competition. Each team of four displayed so much creativity and enthusiasm that everyone was named a winner.



Shipmates Liu Yadong, Jack Hidary, and Rui Chenggang take turns in the captain's chair aboard the Channel Cat.

"What the YLF has meant for me is that there is now a great platform for people interested in making a contribution to Sino-American relations. I myself have been working in the field for many years, but this is the first time I feel I belong to a group of talented and policy oriented people who have the passion and influence to make a difference."

Liu Yadong, Managing Director (Asia), Medley Global Advisors



Many Fellows have already made plans to visit one another across the Pacific. Pictured here (left to right) Robert Yung, Liu Yadong, Jack Hidary, Rui Chenggang, and Steve Okun.

AMERICAN MUNICIPAL LEADERS MEET COUNTERPARTS IN CHINA

In cooperation with the National League of Cities (NLC) and the Chinese People's Institute of Foreign Affairs (CPIFA), the National Committee sponsored a municipal leaders delegation on a two-week program in the People's Republic of China in March. NLC Executive Director Donald J. Borut, a delegation member, published the following excerpted report about the program on the NLC website in April. For the full text of the report, go to www.nlc.org. The Department of State Bureau of Educational and Cultural Affairs, the NLC, and CPIFA contributed funds for the program.

Under the sponsorship of the National Committee on U.S.-China Relations, NLC President Karen Anderson led a delegation of seven mayors and council members on a study trip to the People's Republic of China. The purpose was to provide an exposure to current developments in the PRC, specifically, economic and land-use planning and development, creative municipal programs that might be transferable to U.S. cities, and opportunities for expanded relations between American and Chinese cities.

The overwhelming impression of the delegation members was the incredible economic development and investment experienced by the cities they visited — Shanghai, Suzhou, Tongxiang, Hangzhou and Beijing. This contrasted with the group's pre-trip assumptions about China as an undeveloped, totally controlled, depressed country. The reality they saw was a vibrant, and in many instances highly modern, market-driven economy. As Mary Lou Makepeace, mayor of Colorado Springs, observed, this was a “whack in the head... for American cities and leaders to see the enormous investment of capital for infrastructure from roads to airports in anticipation of future economic development.”

The delegation met with direct counterparts such as mayors, vice mayors and city council members (called People's Congress representatives), as well as others directly responsible for urban issues—land use and environmental planners, directors of economic development zones, municipal department directors. In addition, they met with others whose work influences the day-to-day activities of urban citizens, including leaders of the All-China Women's Federation, political activists, elementary school educators,

and the editor of the *Shanghai Daily*. There was also the opportunity to obtain a sense of how foreigners living in China view the country and its development through meetings with China-based American journalists, members of the U.S. Embassy staff in Beijing and the U.S. Consul General in Shanghai, and the American manager of a joint venture in Suzhou.

Members of the delegation identified specific programs that they saw as relevant to their cities. Leo Chaney, Jr., Dallas Council Member, was impressed with Shanghai's development of small vest-pocket parks with a goal of a park 500 meters from every home and the strategic decision to concentrate resources in specific areas rather than per capita allocations. C. Virginia Fields, Manhattan Borough President, noted the systematic commitment to tree planting in urban areas and the “pro business” attitude that has attracted hundreds if not thousands of U.S. companies to China.

For Council Member Jim Hunt from Clarksburg, W.Va., the idea that commercialism is not a dirty word was unanticipated. “It surprised me to find that many cities embrace commercialism as a way of reducing costs to cities.

Seeing Pepsi Cola signs on streetlight poles would seem at odds with the communist philosophy, but it seems to work, and it generates revenue to the municipality.”

A major challenge for the NLC participants was trying to understand the magnitude of change now going on in China and the many facets of that complex country that often are in conflict, such as central control and free market economics, the drive to make money

and the commitment to communism, the policy of one child per family and the inconsistent application of the policy, the seeming obsession with numbers and plans and the apparent unreliability of the numbers, the repression of certain civil rights and the vast improvement in day-to-day freedoms for the average person.

The delegation included NLC President Karen Anderson, mayor, Minnetonka, Minn., NLC Past President Clarence Anthony, mayor, South Bay, Fla., Leo V. Chaney Jr., council member, Dallas, Tex., C. Virginia Fields, Manhattan Borough president, New York, N.Y., James Hunt, council member, Clarksburg, W.Va., Mary Lou Makepeace, mayor, Colorado Springs, Colo., Joseph Moore, alderman, Chicago, Ill., and Jan Berris, National Committee vice president.



C. Virginia Fields, Manhattan borough president, and Clarence Anthony, mayor of South Bay, Fla. entrance residents of Wuzhen with their digital camera.

A. DOAK BARNETT ESSAY CONTEST 2001 - 2002 WINNERS

A. Doak Barnett (1921-1999) was an internationally renowned scholar, journalist and teacher whose life's work contributed enormously to the development of U.S.-China relations. One of the founders of the National Committee, he was the Committee's second chairman and served on the board from 1966 to 1992 and from 1993 to 1999. Over the course of these 33 years, the Committee relied heavily upon Doak Barnett's strategic vision, astute analysis and sound judgment to chart our course. We were therefore both honored and grateful that Doak's family named the National Committee as one of two recipients for memorial contributions in his name. In consultation with Mrs. Jeanne Barnett, Doak's partner of 45 years, we decided that a fitting use for the memorial fund would be to sponsor an annual writing competition for American and Chinese graduate students.

The A. Doak Barnett Essay Contest is designed to encourage and recognize original thinking and clear writing by students of Sino-American relations. The contest is open to American and Chinese graduate students. Essays are coded to assure anonymity and evaluated on the basis of demonstrated understanding of the issues, quality of analysis, and writing style. The 2001-2002 academic year's contest asked students to "Identify a source of strength in United States-China relations. In what ways could both sides build on this strength to further cooperation, reduce tensions, or avoid potential problems?"

Authors of the first place American and Chinese essays below were each awarded cash prizes of \$1,000; the judges also chose one American and one Chinese Honorable Mention essay. All four are printed below. The National Committee is grateful to the 11 American and 15 Chinese students who entered this year's contest, to our panel of highly qualified judges, and all those who donated to the Committee's Doak Barnett Fund for making this contest possible.

2001 – 2002 Essay Contest Judges Committee

Mrs. Jeanne Barnett, wife of A. Doak Barnett
Prof. Hao Yufan, Colgate University
Prof. David M. Lampton, Johns Hopkins School of
Advanced International Studies
Prof. Lucian Pye, Massachusetts Institute of
Technology
Prof. Anne Thurston, Johns Hopkins School of
Advanced International Studies
Prof. Wang Jisi, Chinese Academy of Social Science,
Institute of American Studies

Can't We Think Bigger?: Prospects for Fostering Rule of Law in China by Expanding Sino-American Legal Exchanges



First Place - American

Alexander Brenner
**Johns Hopkins School of Advanced
International Studies, Washington, D.C.**

Following his graduation from Yale College in 1998, the author spent two years as a Yale-China teaching fellow at Zhongshan University in Guangzhou. He completed a year's study at the Hopkins-Nanjing Center for Chinese and American Studies before returning to Washington's Johns Hopkins-SAIS to complete an MA with concentrations in China Studies and International Economics. His career interests center around U.S.-China relations either through journalism, academia, or government service, but he says he reserves the right to go to law school and deal with the Sino-American relationship from within the legal profession.

In May 1919, John Dewey arrived in China and caused a tremendous stir. New York's *Chinese Student's Monthly* gushed "Mr. Dewey's arrival in China is one of singular success. From the time of his arrival to the present, continual ovation follows his footprints." Historian Barry Kennan recounts how many intellectuals "closely associated [Dewey's] thought with modernity itself." Dewey's tour was emblematic of the rich pre-1949 period of Sino-American academic exchange. Certainly, American missionaries and the schools they established in China beginning in the late 19th Century deserve credit for building the broad foundation of the Sino-American educational and academic relationship. Chinese reaction to Dewey, however, encapsulates the general excitement generated by American thinkers, American thought, and America itself — a nation that by 1919 had emerged as world superpower and epitome of the modern.

In Chinese eyes, America remains today both superpower and symbol of modernity. Perceptions of the United States, however, have changed dramatically since China's post-Mao honeymoon with America swept the country in the 1980s. The events of June 4, 1989 and the vanished need for an anti-Soviet alliance ushered in a period in which each side was forced to view relations more realistically. As events of the 1990s further stripped away illusions, what elements in the relationship have remained solid and deserve strengthening? With China's accession to

A. DOAK BARNETT ESSAY CONTEST 2001 - 2002 WINNERS

the World Trade Organization, we need not worry about robust trade and investment flows. Talk of the international trading system and complying with its complex rules leads, however, to an inevitable question: will China learn to embrace the one rule bolstering all the others — the rule of law?

The 1979 Carter-Deng “Agreement on Cooperation in Science and Technology” paved the way for a blossoming of Sino-American academic exchange across the disciplines. In part due to WTO accession, it is time to bring new vision and scope to a particularly important area of academic cooperation: exchange focusing on legal education. Word on the Chinese campus is that law has become the “hot” major for students; when asked by the *Christian Science Monitor* last August about legal education programs, a western diplomat in Beijing proposed that “Whether China implodes or whether it becomes dynamic through WTO and trade, the legal system will remain important. If the best and brightest are going into law, if you want some influence with the next generation of leaders – you should be in the game.” America should deepen its involvement in this game, and gaining influence with future leaders is just one benefit. Educational exchange focusing on legal reform is a win-win proposition: here is an issue where China welcomes American involvement, where both sides can present cooperation as being firmly in the national interest.

China is, of course, already part-way through a legal revolution. At the end of the Maoist era, China had about 3,000 lawyers and some dozen law schools; today China counts 125,000 lawyers and hundreds of law schools. The 5.5 million new annual litigations show that average Chinese citizens increasingly understand the role of their developing legal system. In 1999, the concept of “socialist rule of law state” was enshrined in the Chinese Constitution by way of amendment. And no need to wait for today’s law students to take power: studies of the incoming “fourth generation” leadership reveal the already growing influence of legal specialists.

While China is firmly on the path to legal reform, the road is long and strewn with obstacles. The central problem is that China’s judiciary remains a dependent, and not an independent, branch of government. At the local level, judges are underpaid and often appointed and promoted by party officials, making the courts beholden to politicians and not the law. At the national level, the People’s Supreme Court has encouraged non-transparent communication between higher and lower courts, and broken civil procedure transparency rules when dealing with its own cases. A major consequence of such an opaque and arbitrary judiciary is rampant corruption; Qinghua University’s Hu Angang has estimated that corruption in China swallows around 15% of GDP annually. The flawed judicial system also leads to discontent among a public increasingly aware of its legal rights.

Fortunately, there is a great deal of government support for continued legal reform. Beijing sees an improved legal system as a tool to enhance social stability, to increase Party legitimacy, to reign in unruly local governments, and to attract foreign investment. To achieve these ends, China has encouraged U.S. participation in the legal reform process. The pioneering American group called the Committee on Legal Education Exchange with China (CLEEC) provides an example of successful academic exchange: between 1982 and 1997 CLEEC sponsored the education of over 200 Chinese legal scholars, many of whom came to America and trained at 40 law schools. CLEEC alumni now head five of China’s leading law faculties; one alumnus is vice-chairman of the Chinese People’s Consultative Conference, and another sits on the Supreme People’s Court. While CLEEC was funded by the Ford Foundation, a growing portion of Sino-American legal exchange is now financed by the federal government — either through programs administered directly or through grants to universities.

It should not be forgotten that such exchange is a two-way street. As a Chinese participant at a June 1998 legal education conference commented, “Although Sino-U.S. legal education exchanges undertaken to date have advanced mutual understanding... Chinese legal educators especially hope to make every effort to promote U.S. understanding of China’s jurisprudence and rule of law.” The larger goal behind educational exchange, however, should be to help foster rule of law in China by helping modernize the legal system and improve the quality of the judiciary. In February 2002 testimony to the Congressional-Executive Commission on China, William Alford, Director of East Asian Legal Studies at Harvard Law School, asserted that “it is not realistic to think that we can advance the rule of law in China without engaging those who oversee and operate the legal system.” Professor Alford concluded his remarks by noting that “given the importance of this undertaking and the difficulty of securing greater private support, substantial federal support would be very helpful.”

The professor is too polite. Legal exchange and education deserve vastly more federal attention. At the same hearings, Georgetown’s Chinese legal scholar James Feinerman noted that the federal government now provides less than half the support for academic exchange with China than it gave in 1988; he added the startling statistic that current funding for American cultural and academic exchanges with China amount to 1/40th the funding given equivalent programs with Russia and Eastern Europe. Even taking into account a new Chinese rule of law program run by the State Department’s Bureau of Democracy, Human Rights, and Labor, European Union countries still outspend America on legal exchange with China. While recent efforts are a good start, there is much more the federal government could and should do.

A forthcoming independent review of CLEEC programs details how professors trained in the United States returned to China with broadened horizons, both legal and personal. In interviews some note that their way of thinking became more “modern,” and that their experience of how rule of law was lived in America was “spiritual.” While being physically on the ground in the United States was a critical part of such transformational experiences, the review indicates that the “training the trainers” model — educating law professors who then return to Chinese classrooms to spread their knowledge through the “multiplier effect” — has also yielded positive results. Given the clear success of this approach, why not replicate it exponentially? Instead of training 200 legal scholars over 15 years, why not provide courses to 200 professors *every year*? Or, as a related proposal, why can’t Washington take the lead in funding an annual program offering hundreds of Chinese students a chance for subsidized JD or LLM study at American law schools in return for, say, a year of intensive training of local judges in western provinces — a sort of Chinese legal Peace Corps? The Department of Commerce, charged with monitoring China’s WTO compliance, has announced plans for training seminars like “Rule of Law for Distribution and Franchising in Beijing and Guangzhou.” Fine, this is important too, but can’t we think bigger?

Might Beijing come to perceive an aggressive American initiative on rule of law as threatening? To counter such concerns, America’s efforts to work with China should be built on “thin” and not “thick” legal theories. While “thick” theories build in claims about political morality, “thin” theories lay emphasis on a legal system’s instrumental, formal characteristics, i.e. those that allow for effective functioning of a system of laws regardless of the specific content of those laws. China’s “socialist rule of law” may differ from America’s democracy-based rule of law, but everyone, from Chinese farmers to American factory owners, benefits from a more predictable and less arbitrary Chinese legal system. In fact, many laws on China’s books are similar to their international equivalents; the problem lies in enforcement and interpretation. Legal exchange should serve not as cover for American moralizing, but rather as assistance in working toward the creation of a more efficient, modern legal system in China — a result that in turn would smooth the way for progressive political reform. Given sufficient support and a bit of vision, legal exchange and education could become a new centerpiece of bilateral ties, a meaningful tool bringing stability and continuity to Sino-American relations.

To learn more about the A. Doak Barnett Essay Contest or to read last year’s winning essays, be sure to visit our website at www.ncuser.org. If you would like to receive information about entering next year’s contest, please send an email info@ncuser.org or call our office.

Building U.S. and China Relations Through Educational Exchange



First Place – Chinese
Huang Jinxin
University of Wisconsin, Madison

Jinxin Huang received her B.A. in English and International Studies from the Foreign Affairs College in Beijing in 1997. Currently, she is a Ph. D. Candidate in political science at the University of Wisconsin, Madison. Her research interests include welfare states, post-Communist economic transition, and China’s social security reform in particular. She is expecting to receive her doctorate in 2003 and plans to teach at a university afterwards.

The future of U.S.-China relations lies in individuals.

Former U.S. Secretary of State Madeleine Albright’s visit to North Korea two years ago, if anything, reminded people of 1972 China. The slogans, the well-orchestrated crowd, and the awkwardness of both parties all resembled Nixon’s ground-breaking visit to China. Thirty years later, when we look at U.S.-China relations again, the ease of communication at all levels makes all policy differences pale in comparison.

Diplomatic communications matured and became part of the daily routine. The hotline between the presidents of these two countries now provides a channel for crisis management. Regular diplomatic meetings minimize the possibilities of policy blunders resulting from misunderstandings. More importantly, personal-level contacts are now flourishing. In the mid-70s, it was almost impossible to make a phone call from Beijing. Today, phone calls from China to the United States can be as inexpensive as 2.4 RMB (\$0.4) a minute, while wholesale phone cards in the United States cost only \$0.10 a minute. Major airlines, such as Northwestern Airlines, United Airlines, and Air China, all have regular flights between the United States and China. Despite the Chinese government’s repeated efforts to block it, the Internet is flourishing in China. It creates numerous invisible connections between the United States and China in cyber space, resulting in some real “constructive engagement” untenable by governments.

Various groups are active in this process. Among all the powerful groups of individuals who are shaping U.S.-China relations, one often neglected group is the thousands of Americans studying in China, and thousands more Chinese students in the United States. Their international experience expands their education and makes them more con-

nected to U.S.-China relations than ever before.

My personal experience tells the story. I had two college roommates; one is now working for the government in Beijing, the other studying in New York. Right after the 9/11 attacks on the United States, my roommate in Beijing was callous, and even gloated over such attacks on a “superpower.” The other roommate, in New York, signed up to donate her blood. I would never say that the one in New York is morally superior, or the one in Beijing is more patriotic. They are both Chinese, coming from similar family background. Personal experience—what they hear, see, and speak of everyday—makes the difference. Certainly, the international educational experience makes the one in New York better prepared for an increasingly globalized world, which is the key challenge in U.S.-China relations.

It is hard to say whether these returning Chinese students will be like the “Chicago boys” or the “Berkeley mafia” in Latin American countries, or the returning Americans end up being “Sinophiles.” Their future impact certainly should not be underestimated, especially when options for conventional diplomatic efforts are limited in both countries, as they always are.

In China, when economic reform encountered obstacles in recent years, leaders of the Chinese Communist Party, especially President Jiang Zemin, have looked to popular sentiment to garner support. In the United States, nationalism facilitated by the view that China is a threat has mounted over the years. Constrained by the zeal of the moment, leaders from both countries become less flexible and are more swayed by public opinion, hampering both parties’ ability to seriously engage their counterparts. Students in both countries are more flexible and better equipped with their first-hand knowledge. They now serve as informal diplomats without rank while at school, and will be leaders with a new vision in the future. Thus, the contributions of the Chinese students in America and American students in China are two-fold: achieving mutual understanding at the societal level in the short term, and preventing isolation in the long run. This vision is widely shared at colleges and universities in both countries.

According to recent statistics published by the Institute of International Education, “Last year alone, enrollment of students from China has risen by 7 percent, topping 50,000, and the number of American students in China has risen by 30 percent to nearly 3,000.” Chinese students in the United States participated in numerous online conversations and engaged in serious debates with their peers in China on issues from human rights to terrorism in the United States. They are also very active in local communities. Student organizations, such as chapters of China Economic Forum, launched across U.S. campuses, actively campaigned for China’s entrance to the World Trade Organization. Those Chinese who have completed their studies in the United States and have returned to China occupy important aca-

demical and administrative positions at China’s key institutions.

It is difficult to evaluate the influence of Americans who have studied in China due to the fact that there are far less American students in China than Chinese students in America. First-hand experience in China by these Americans certainly clears popular misunderstandings on both sides. Increasing numbers of American students are participating in research tours, sharing their findings with their Chinese counterparts and making policy recommendations for the Chinese government. It is obvious that diplomatic progress through Chinese and American students’ efforts is a very slow process. Without simultaneous government efforts, the achievements so far would not have been possible.

What the governments can do is to provide more funding for educational exchange, and to facilitate student-initiated cultural and economic programs. Based on the experience of Taiwan, it is reasonable to believe that 20 years from now, there will be as many returning Chinese as there are entering ones, and they will be the backbone for China’s economic development and democratization. In the same way, American citizens with personal experiences in China will be helpful in U.S. policy-making. Educational exchanges should be continued and expanded to students beyond the college and graduate level. Though the payoffs of these efforts are gradual, they will eventually provide a solid foundation for the future of U.S.-China relations.

Although the Cold War has been over for more than a decade, U.S.-China relations are still undergoing a transition after losing a common enemy—the U.S.S.R. The attacks of 9/11 may provide an opportunity for cooperation on the U.S. “war against terrorism.” However; it is hardly imaginable that China will support a U.S. anti-terrorism front ranging from the Atlantic to the Pacific, or that the United States will treat China as a trustworthy ally without a wary eye. Experience has taught us that a common threat makes a quick alliance, but not a lasting one. Therefore, a stable relationship between the United States and China resides in common interests upheld not only by leaders at the top level but also by individual citizens of both countries. This can only be guaranteed with a new generation of elite citizens who share an appreciation of both countries’ values.

Uncertainties are abundant. On the China side, unemployment, labor unrest, and ideological decay will provide fertile ground for chauvinism. On the American side, China serves as an easy target to cater to the increasing popularity of protectionism in American politics. No matter what lies ahead for the United States and China, as long as there is continuing support for educational exchange, more Chinese and Americans will understand their counterparts not just through books but also through their own eyes. With this in mind, it is hard to believe that the future will roll back to the past.

Why America and China Need A New Military Maritime Agreement

Honorable Mention - American

Andrew Sven Erickson

Princeton University

Andrew Erickson is a student in Princeton University's Politics Ph.D. Program, where he focuses on comparative politics and international relations. Andrew graduated magna cum laude from Amherst College with a B.A. in history and political science. In the summer of 2001, he interned in the Economic Section of the U.S. Embassy in Beijing. Andrew hopes to promote better U.S.-China relations by pursuing a career combining academia and government service.

On April 1, 2001, a Chinese F-8 fighter collided with a U.S. EP-3 plane on a routine reconnaissance mission in international airspace seventy nautical miles southeast of China's Hainan Island. The F-8 and its pilot were lost; the EP-3's 24 crew members managed to land on Hainan. Beijing detained them for 12 days and kept their plane for three months in the worst U.S.-China relations crisis since the 1999 Belgrade embassy tragedy.

I suggest in this essay that these problems might have been averted had America and China followed the rules of engagement to which America and Russia adhere, especially the requirement that pilots should remain prepared to communicate during visual encounters. Between the time they were intercepted by F-8 fighters and their landing on Hainan Island, EP-3 crew members were unable to persuade their Chinese counterparts to reply to their "mayday" request. This debacle demonstrates that America and China would benefit from an improved military maritime agreement specifying appropriate conduct for encounters in or near territorial waters or airspace.

The current U.S.-PRC 1998 Military Maritime Safety Agreement offers no specific procedures. It does provide for annual consultations, but these were of little use during the EP-3 crisis. And thanks to the agreement's ambiguity, each side was able to claim that the other had violated it.¹ Instead, both sides need a new agreement based on a successful 1989 U.S.-Soviet accord, and updated to stress the role of early communication between military vehicles in an era of advanced communications and sensing technology.

The U.S.-Soviet 1972 Incidents at Sea and 1989 Prevention of Dangerous Military Activities agreements established specific guidelines that have been credited with preventing countless crises. As Captain Robert D. Ford, a U.S. Navy Maritime Patrol and Reconnaissance Aviation Flight Officer states, "Based on personal experience flying P-3C reconnaissance missions in the 1970s and 1980s off the coasts of both China and the U.S.S.R., I applauded the

epochal 1989 U.S.-Soviet agreement. It fostered a safer flying environment for both the U.S. and the U.S.S.R."²

On this account, had the EP-3 made a forced landing in Vladivostok instead of Hainan in 2001, American crew members would have been "(a) accorded an opportunity to contact their Defense Attaché or consular authorities as soon as possible; (b) cared for properly and their equipment protected; and (c) assisted in repairing their equipment in order to facilitate their [early] departure..."³ Instead, American crew members were detained in Hainan and were subjected to the manipulation of Chinese politics. For example, they were forced to wait to contact U.S. authorities. They were subjected to anti-American propaganda for 12 days. Their equipment was investigated with suspicion. Their \$80-million aircraft was only released after three months on the condition that it be rendered un-repairable.

Though challenging to negotiate, a specific agreement would benefit America and China for at least five major reasons. First, there is considerable risk of similar crises erupting in the future. China has resumed its dangerous practice of intercepting EP-3 reconnaissance planes. On January 18, 2002, a Chinese jet flew within 500 feet of a U.S. EP-3.⁴ "An agreement with China like the one with the U.S.S.R. would have a similarly beneficial effect on the safety of reconnaissance missions, no doubt about it," states Ford. "I am sure I speak for the large majority of U.S. military aviators in this regard."⁵ Reconnaissance aircraft are only one of many types of surveillance and force deployments America maintains near China, which strives to control its 10,230-mile coastline; 7,100 islands; and 1,240,000 square miles of continental shelf.⁶

Second, rather than giving China too many prerogatives, specific rules would help moderate its behavior. International law supports both America's right to continue reconnaissance flights in international airspace and China's right to send up fighter jets in response. "Like China, the United States maintains a 200-mile Air Defense Intercept Zone along its coast, and U.S. fighter jets scramble to intercept and escort any foreign military aircraft that crosses the line," reports the *Boston Globe's* Indira Lakshmanan. "During the Cold War, the [U.S.S.R.] routinely flew surveillance planes along the East and West coasts of the United States, outside 12-mile United States territorial waters but inside the 200-nautical-mile exclusive economic zone. Russia continues the flights to a lesser extent today."⁷ It is United States policy to tolerate such surveillance.⁸

Only when Beijing acknowledges that reconnaissance flights are normal missions carried out by many nations (including China itself) can it enter into an agreement to protect its interests. As Ford notes, "Both the United States and [the] Soviet Union recognized the need to gather intelligence about each other, and came to respect the notion that to do so in a civilized fashion with some standardized guidelines in the case of intercept was preferable to the alternative."⁹

Third, rather than humiliating China, specific rules would treat Beijing like the equal partner it wants to be, not a loser in a hegemonic street fight. The EP-3 crisis was not in China's interest. It killed one of China's top F-8 pilots, destroyed his aircraft, and burdened Beijing with a fruitless rescue operation. It caused Beijing to lose face before the Chinese public. Such humiliation is particularly dangerous for a government that bases its legitimacy on nationalism and techno-nationalist development. Lacking an effective agreement to implement, Beijing officials were caught in political crossfire, suffering a barrage of misstatements and anti-Chinese rhetoric from Washington and accusations that they were not safeguarding national interests from Chinese citizens. This rhetoric threatened to undermine U.S.-China relations just when events vital to China's future progress—such as permanent Normal Trade Relations with America and WTO accession—were being negotiated.

Fourth, achieving better relations with America and safeguarding national sovereignty are not a zero-sum challenge for China. Beijing's reference to international law reflects a legitimate desire to be respected as a sovereign nation following a century of unjust invasion and colonization by foreigners. If Beijing accepts the standard of territorial waters and airspace adhered to by the majority of nations, including the United States, China can take an important step to safeguard its national sovereignty.

The military maritime agreement I propose will acknowledge legitimate Chinese interests. It would affirm freedom of navigation in international waters and airspace. This would help prevent continued confrontations from jeopardizing both nations' crew members and equipment, destabilizing Chinese domestic politics, and damaging bilateral relations. It would reduce China's risk in managing its air-and-water-space, and could facilitate joint military exercises to improve training of Chinese forces and reduce regional tensions. It could be part of a larger framework of confidence-building measures that would accord China greater status. Since Sino-American military encounters are currently asymmetric in America's favor, the agreement could be tied to other economic and diplomatic measures in China's interest.

Rapprochement with America has already eliminated what were once flagrant violations of China's national sovereignty. According to William Burr of George Washington University's National Security Archive, America has had "a long and complex history of ... aerial reconnaissance activity over and near Chinese territory. During the Cold War days of the 1950s and 1960s, the CIA flew U-2 and other aircraft over Chinese territory, with many of the flights piloted by Taiwanese..."¹⁰ Whereas last year's accident occurred 70 nautical miles from China's coast, "before April 1969, U.S. reconnaissance aircraft could fly [just] 20 miles from the Chinese coast."¹¹

Fifth, rather than weaken U.S. freedom of action, specific rules would be in Washington's interest. The EP-3 crisis

was definitely not in Washington's interest. It endangered the lives of American crew members and exposed sensitive technology to China. If America could sign two agreements with its old enemy the U.S.S.R., it would not demean Washington to sign one with its new "strategic competitor" China. Instead, it would reaffirm practices to which America already adheres. In 1974 and 1994, Russian reconnaissance aircraft running low on fuel were permitted to land at U.S. airbases. In 1993 a stricken Chinese airliner was permitted to land at a restricted U.S. airbase. In each case America provided free food and fuel so the planes could depart promptly.¹² Had America and China signed a specific agreement, the EP-3 crisis could have been more like these incidents: an opportunity for cooperation and confidence building, not confrontation.

America and China would realize numerous benefits from negotiating an improved military maritime agreement before Jiang Zemin steps down this fall. Given President Bush's determination to build a global anti-terror coalition and President Jiang's desire to leave a legacy of productive U.S.-China relations, 2002 offers the best opportunity to conclude this agreement. "Having sold himself as a statesman," explains *TIME*'s Matthew Forney, Jiang "risks tarnishing that image if relations with the world's only superpower plummet like a downed spyplane."¹³ Jiang is at the zenith of his power; it will take his successor Hu Jintao time to consolidate the influence necessary to make such a controversial but rewarding decision. Signing an improved military maritime agreement soon will enable America and China to secure better relations by exchanging fire breathing for breathing room.

ENDNOTES

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From Conflicts to Peace

Honorable Mention - Chinese

Cheng Sijin

Boston University

A native of Beijing, Cheng Sijin graduated from the Foreign Affairs College in 1996 and enrolled in the Department of Political Science at Boston University. Sijin specializes in international security and is writing her dissertation on the subject of the role of credibility in Chinese use of deterrence. She is honored to have received the University's Presidential Fellowship and the Best Teaching Fellow award and currently teaches her own seminar in the university's Writing Program.

The United States and China share a long history of repeated conflicts and tension during the first half of the Cold War, a full-blown rival relationship subject to frequent challenges. This tumultuous past may help preserve peace and stability between the two states in the future, however, if both sides can learn from one another's established patterns of behavior and dispel dangerous myths that may contribute to confrontations over issues such as Taiwan.

Although Europe was the initial stage of contention between the United States and the Soviet Union in the burgeoning Cold War, the first shot was fired on the Korean Peninsula. The war soon took on enormous significance when U.S. intervention and the rapid advance of United Nations forces brought China into the war, after repeated threats aimed at deterring the United States failed to stop it

from crossing the 38th parallel. China's entry shocked Washington policymakers, who discounted the possibility of Chinese intervention, citing the weakness of the regime, and relied on its own reassurances as a means of deterrence. The ensuing war forced both sides to reevaluate their perceptions of each other's propensity for war and led to an entrenched U.S. containment policy.

In this context, it is remarkable that the two states, though subsequently driven to the brink of direct military confrontation on several occasions, somehow managed to avoid it. In the two Taiwan Straits crises in the 1950s, Chinese shelling of offshore islands did not result in war between the United States and China despite the mutual defense treaty between the United States and the Republic of China. When the United States increased its presence in South Vietnam in the early 1960s, it became Beijing's imperative to deter the United States from enlarging the conflict into North Vietnam and possibly China. By sending military advisors and engineer corps to North Vietnam, Beijing demonstrated its resolve and successfully prevented the enlargement of the war. Both parties drew heavily on the lessons learned from Chinese intervention in the Korean War; the United States tried to limit the scope of its operation in Vietnam, while China learned new ways to strengthen the credibility of its threats.

Sino-American conflicts have largely fallen into deterrence scenarios. Deterrence, the attempt to dissuade an enemy from undertaking an undesirable action by threatening the use of force in retaliation, has been studied mostly as a one-shot interaction, with the primary focus on the values both sides place on the immediate issue. Yet both parties in a crisis look beyond immediate interests when pondering their policies: not only may both consider the shadow that their actions cast in the future, they are also influenced and restrained by the legacies of the past. Thus deterrence cases must be studied over time because deterrence is established through engagement in the long run. Elli Lieberman argues that "a defender cannot establish the requirements of deterrence, a credible threat based on a demonstrated capability and will, in any single deterrence episode"¹ and asserts that "requirements for deterrence stability can only be created through war."² Only by defeating the opponent repeatedly and unequivocally can a reputation for resolve be established and deterrence achieved. It seems that the Korean War, through its protracted violence, successfully convinced both China and the United States that a decisive victory by either party was unlikely and the cost exorbitant, which explains China's more restrained support for the North Korean government after the war and American caution from provoking Beijing in the Vietnam War.

Do such lessons from the past still carry any weight in the dramatically different political landscape today? Some argue that China and the United States should leave the painful history behind and focus on more immediate issues.

Negligence of the past, however, may revitalize dangerous misperceptions that have previously led to bloodshed. Admittedly, the rapprochement of the two states and the peaceful resolution of the Cold War have transformed the relationship between the two former adversaries and their interests. China's status as a major power in East Asia is recognized by the United States and compatible with the latter's extensive global interests. No longer are the two countries poised in a competition over fundamental concerns, ready to resort to the use of force as sometimes the only feasible solution to disputes. Yet there remain areas of disagreement, even contention.

Taiwan is, and will remain, the most likely reason for direct military confrontation between China and the United States. Although both sides have agreed since 1972 that there is only one China and that Taiwan is part of China, the United States could benefit enormously if Taiwan remains an independent entity outside the PRC's jurisdiction. It links the future of Taiwan with U.S. security interests in Asia and retains the choice of resisting any use of force or coercion on the part of Beijing, as stipulated in the legally binding Taiwan Relations Act. On the other hand, China has both political and emotional reasons to insist on the unification of Taiwan and refuses to forgo violence as a last resort. Although China does not possess the military might to take over Taiwan with confidence, which is a powerful deterrent, the disparity of interests over Taiwan is still a cause for serious concern.

China, Taiwan, and the United States are locked into a complicated mutual deterrence, maintained by a delicate balance between warnings by Beijing and ambiguity by Washington. Taiwan, on the other hand, is exerting greater influence in shaping the dynamics of this mutual deterrence relationship as it evolves from an authoritarian regime exiled from the mainland to an indigenous democracy, with an increasingly assertive drive for recognition.

The 25 years of tumultuous history between the two countries could strengthen the deterrence relationship by providing invaluable lessons to policymakers on both sides. In recent years, scholars and key analysts in the Chinese military have emphasized U.S. aversion to casualties during military clashes. They point to its overwhelming reliance on air campaigns in post-Cold War conflicts and its hasty withdrawal from Somalia after the loss of a dozen peacekeepers as evidence that the United States would base its intervention decisions on the possibility of incurring casualties. As a result, some have spoken confidently that were the United States to intervene over Taiwan, China could force a quick end to its involvement by targeting specifically United States personnel. Such a perception of an easily discouraged United States could weaken the deterrent effects of a strong American military presence in East Asia and its undisputed prowess.

However, a careful reading of U.S. military policies during the Cold War questions such an exaggerated picture of

American sensitivity to body count. Despite the loss of tens of thousands of troops in the first year after confronting Chinese forces in Korea, U.S. forces stayed for two more years without gaining much territory. In Vietnam, mounting domestic opposition, the highest casualty figure in post-World War II U.S. military history, and a change in administration did not bring forth immediate withdrawal. The United States might be reluctant to initiate a war when casualties are likely to be high, but when convinced that its national interests are threatened, it is just as likely to tolerate the human costs of war. History does not support the perception of an indecisive administration ready to pull back at the first cry of domestic protest.

The United States should also learn from Chinese use of force that verbal promises are too weak to alleviate Chinese concern with its security. Despite U.S. reassurances to the contrary, China considered the rapidly advancing United Nations troops a real menace to the short-term and long-term security of the state and chose to intervene on behalf of North Korea. The Chinese government was also prone to associating domestic instability with foreign intervention, making it dangerous to assume that as long as China is clearly the weaker party of the conflict, it would shun open confrontation. Washington should understand that the Chinese government has both strategic and political reasons to prevent Taiwan from declaring independence; although it seems that Taiwan is already enjoying *de facto* independence, a legal confirmation, if unchallenged, would undermine the very legitimacy of the communist regime and carry hefty domestic political costs.

The irony of this scenario, of course, is that the United States might fight with China over the latter's attempts to reunify a piece of territory that both accept as part of China. Open conflicts can be avoided if both sides manage their relations with Taiwan carefully and maintain the strength of deterrence. The basis for Sino-American cooperation lies in their common interests in avoiding conflict. As long as both sides perceive each other's security interests accurately and take the possibility of war seriously, deterrence can remain strong in the Taiwan Straits and peace may be achieved.

A history rich in confrontations and fierce competition may be a strange place to look for source of cooperation. However, this past, if understood and applied judiciously, serves as the best guide to the future. If, as statesmen sometimes argue, some wars have to be fought now so that they do not have to be fought in the future, the least we can do today is to draw upon the lessons taught in blood and treasure peace when it is viable.

ENDNOTES

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AMERICAN, CHINESE SPECIALISTS DISCUSS INTERNATIONAL INTERVENTION

Under what conditions should outside forces be permitted or encouraged to intervene in interstate conflict or intrastate humanitarian crises? What body should rule on such matters? Who should intervene, and what should be the nature of the intervention? How have traditional conceptions of state sovereignty changed? These questions have been raised in recent years with increasing frequency, especially after the interventions in Iraq, Somalia, Bosnia, Haiti, Rwanda, Kosovo, and East Timor. In the words of U.N. Secretary-General Kofi A. Annan, “State sovereignty, in its most basic sense, is being redefined . . . At the same time individual sovereignty – by which I mean the fundamental freedom

of each individual, enshrined in the charter of the United Nations and subsequent international treaties – has been enhanced . . .”¹ The People’s Republic of China, however, has traditionally rejected these notions. In a speech to the United Nations on September 23, 1999 Foreign Minister Tang Jiaxuan said that “respect for national sovereignty and noninterference are ‘the basic principles governing international relations,’ and any deviation would lead to gunboat diplomacy that would ‘wreak havoc.’”²

Until recently, the United States and China have had very little understanding of, or sympathy toward, the other’s views on international intervention and sovereignty. There has been a general perception in China that the driving force behind U.S. interventionism is its desire to impose its will and extend its influence. In the United States there is a widespread perception that China is insensitive to the sufferings of those in other countries and is concerned only about ensuring that no precedents are set that might permit outside interference in its own internal affairs.

Hoping to spark more discussion on this topic, the National Committee assembled five highly-qualified American specialists with diverse backgrounds that included Allen Carlson, assistant professor in Cornell University’s government department; Adam Garfinkle, editor of *The National Interest*; Sean D. Murphy, professor at George Washington University Law School; William L. Nash, a retired Army officer who is currently Senior Fellow and Director of the Council on Foreign Relations’ Center for Preventative Action; and Thomas G. Weiss, Presidential Professor at The CUNY Graduate Center and Director of the Ralph Bunche Institute for International Studies. National Committee Vice President Jan Berris accompanied them.



From left to right, Sean Murphy, Thomas Weiss, Adam Garfinkle, and William Nash discuss international intervention at a panel presentation for students and scholars moderated by Hopkins-Nanjing Center Professor Cai Jiahe (far right) in Nanjing. Photo courtesy of Robert Daly.

The group visited Shanghai, Nanjing and Beijing for 12 days in January, participating in seminars, workshops, panels, meetings and sundry other activities that helped introduce five China neophytes to that complex country. The National Committee is very grateful to the China Reform Forum in Beijing, the Shanghai Institute for International Relations, and the Hopkins-Nanjing Center for Chinese and American Studies for hosting the groups in their respective cities and providing both financial and logistical support.

The Forum and the Institute organized two seminars that brought Chinese researchers and scholars together with the Americans to explore the issues in depth and, in Nanjing, the group participated in a variety of programs with the Chinese and American students at the Hopkins Nanjing Center. The Committee is also very grateful to the U.S. State Department’s Bureau of Educational and Cultural Affairs and the Ford Foundation for their financial support of this project.

The China Reform Forum is publishing a book that contains papers written by the Americans and several of the participants in the Beijing seminar. In addition, the National Committee will soon publish a monograph in its *China Policy Series* on the subjects explored by the delegation. “Protecting Sovereignty, Accepting Intervention: The Dilemma of Chinese Foreign Relations in the 1990s,” written by Allen Carlson, will be available this summer in booklet form and on our website, www.ncuser.org.

¹ *The Economist*, September 18, 1999. See also Walter Wriston and Henry Grunwald, “The Twilight of Sovereignty,” *RSA Journal*, August/September 1992.

² *The New York Times*, September 23, 1999, page A5.

TWO SPRING DELEGATIONS FOCUS ON RULE OF LAW

For several years the National Committee has been committed to facilitating exchanges between American and Chinese legal professionals who are engaged in implementing the rule of law in China. This spring the Committee sponsored two programs to further this goal. In March, we hosted a Chinese delegation on court specialization and in April we welcomed a delegation from China focusing on university-based clinical legal aid.

One of the many differences between the judicial systems of China and the United States involves the adjudication of lesser disputes. While the United States employs a wide range of strategies for handling these cases, including specialized courts, the Chinese lack a similar differentiation of procedures. Growth in China's business sector, changes in social norms, and an increase in new laws have caused the number of civil cases flooding China's legal system to surge in recent years. If China's judicial system is to become more effective and efficient, streamlining the handling of disputes is an important area for China to examine.

The National Committee therefore invited a group of eight judges, court administrators, academics, and officials to the United States to look at this issue. Funding was from the State Department's Bureau of Educational and Cultural Affairs and the Ford Foundation. During the two-week study tour, delegation members traveled to Washington, D.C., Pittsburgh, Oklahoma City, and San Francisco visiting



Judge Xi presents Judge Baldwin with a gift during the Court Specialization delegation's visit to Pittsburgh.

A month later, the focus was on a different aspect of the legal system. The National Committee worked with the Ford Foundation in hosting ten judges, legal officials, and professors involved in the enhancement of university-based legal aid programs in China.

The idea for the study tour emerged from a Ford Foundation program that has been helping legal professionals in China strengthen their clinical legal aid programs for law students. The delegation members spent two weeks in Boston, New York City, and Washington D.C. learning about the history, regulation, and practice of legal aid in the American judicial system. Their itinerary placed special emphasis on how the U.S. system simultaneously trains and uses law students in this field through clinical education programs.

Legal aid is still a fairly new concept in China, the first legal aid programs there having started in the early to mid-1990s. The Ministry of Justice and the Ministry of Education have expressed a strong interest in encouraging law school students to take part in clinical programs now being established at the university level to strengthen and expand legal services. The purpose of the April study tour was to expose the group members to American legal aid programs so that they could return to China with ideas and information to expand similar programs for legal students in their own communities.

Rather than a full roster of university professionals who run clinical programs and already understand their benefits, this delegation included six government officials from various departments, a Supreme People's Court judge, and scholars from three different universities – all people essential to making Chinese university-based clinical aid programs successful, but who might not otherwise have much exposure to the programs' potential applications throughout the community. The variety of their professional backgrounds encouraged dynamic discussions between group members throughout the study tour. The network formed among them will provide a firm foundation for expansion of China's clinical legal education programs.

Continued on page 17



Professor Jenny Lyman, George Washington University, and Professor Jay Pottenger, Yale University meet the university-based clinical legal aid delegation in Washington, D.C.

different kinds of American courts to learn how they function. The group met with judges and legal professionals at federal, state and local courts that specialize in everything from taxes to domestic relations. In meetings with specialists at several law schools and non-governmental agencies, the delegation members discussed the pros and cons of alternative dispute resolution, and the training judges working in specialized courts require.

Despite a full schedule of meetings, the group also participated in some cultural activities (their favorite being a rodeo in Oklahoma City). The delegation members returned to China full of ideas and suggestions and eager to begin adapting them to fit the Chinese system.

NATIONAL COMMITTEE NEWS

NATIONAL COMMITTEE WELCOMES TEACHER EXCHANGE PROGRAM

We are pleased to announce that the U.S.-China Teachers Exchange Program (USCTEP) will relocate to the National Committee on U.S.-China Relations this summer from its current location at the American Council of Learned Societies. Supported generously by the Freeman Foundation, USCTEP began the exchange between American and Chinese K-12 school teachers during the 1996-1997 school year.

Since the program began, 69 American teachers have taught in Chinese secondary schools, and 119 Chinese teachers have taught in American elementary, middle, and high schools. The Chinese teachers typically spend a school year teaching Chinese language and culture or English as a second language in American schools across the country. Similarly, American teachers teach oral English in secondary schools in Chinese cities including Beijing, Changzhou, Chengdu, Dalian, Hohhot, Luoyang, Nanjing, Suzhou, and Yangzhou. USCTEP provides the teachers a unique opportunity to improve their own language and teaching skills, develop a deeper understanding of another culture, and share new ideas and experiences in their home classrooms upon their return.

USCTEP's founding director Margot Landman works with the Chinese Education Association for International Exchange (CEAIE), the program's counterpart organization

China Leadership Monitor debuts

Several National Committee members and directors have teamed up to create a new publication, *China Leadership Monitor*. This online journal, sponsored by the Hoover Institution on War, Revolution, and Peace at Stanford University, provides quarterly analysis of Chinese foreign and domestic policy as well as politics. The *Monitor* offers current information on China's leadership that can be difficult for scholars and policy-makers to find among mainstream media sources and other international affairs journals. National Committee member and general editor of the *Monitor* H. Lyman Miller contributes some analysis to the publication and recruits other scholars and policy experts as contributors, including Committee members Barry Naughton, Joseph Fewsmith, and Cheng Li and director Thomas C. Christensen. The *China Leadership Monitor* is available for free online at <http://www.chinaleadershipmonitor.org>. The Hoover Institution also publishes a paper version; subscription information is located on the website.

New York Financial Group Teams Up with Committee

The National Committee is now administering the New York Financial Group, 20-30 financial professionals who meet occasionally to discuss finance in China. Several times a year, the group hosts luncheons featuring interesting and well-informed Chinese guest speakers for informal, off-the-record discussion.

in China, to make the program possible. In addition to the teacher exchanges themselves, Margot and her staff have organized conferences and workshops for current participants and program "alumni" in both countries to help them form networks and enable them to share curriculum and other information for their own classrooms and with their colleagues at their home schools and districts. USCTEP has collaborated with the National Committee during the past few years on the Teacher Orientation Program – a two-week intensive study tour that provides an opportunity for USCTEP teachers to learn about American history, culture, politics, and society, similar to the Committee's Scholar Orientation Program.

Margot and her staff are looking forward to joining colleagues at the National Committee. "The Committee is dedicated to promoting mutual understanding and respect through exchange and dialogue and to improving teaching and learning opportunities for Chinese and Americans," Margot commented. "USCTEP will surely mesh well with existing and future activities."

The National Committee welcomes USCTEP with open arms and we are confident that the new arrangement will be mutually beneficial as we design future educational exchanges between China and the United States.

National Committee Begins Survey Project

At the request of the Ford Foundation, the National Committee will be conducting a survey of scholarly programs on international relations and security in China and United States, including conferences, seminars, dialogues, and various other kinds of programs. Results of the survey will be compiled in a database and report, some of which will be posted on the National Committee's website, www.ncuscr.org, in fall, 2002. If you are affiliated with a program that we should include, please call our office, or send an email to info@ncuscr.org.

Continued from page 16 **Rule of Law**

The delegation's itinerary included visits to clinical law centers at various universities including Harvard, Northeastern, Columbia, City University of New York, Georgetown, and George Washington. In addition, the group met with legal specialists at several non-governmental organizations that deal with legal aid and talked with judges in several courts about their experiences with law students participating in legal aid programs.

The National Committee is eager to build on the success of recent projects in this program area and encourage the strong network of legal professionals we have found on both sides of the Pacific eager to participate in more exchange activities.

BOARD NEWS

JOHN KAMM WINS ELEANOR ROOSEVELT HUMAN RIGHTS AWARD

National Committee director John Kamm has received the 2001 Eleanor Roosevelt Human Rights Award. Kamm is the executive director of The Dui Hua Foundation, which he established in 1999 to promote human rights in the United States and China. An international businessman and former president of the American Chamber of Commerce in Hong Kong, he began raising public awareness of political detainees in China in 1990. Since 1991, he has made more than 60 trips to Beijing in an effort to engage the Chinese government in a dialogue on human rights. Kamm's work has received much recognition in the media over the years; he was the subject of a March 3 cover story in the *New York Times Magazine* and Dui Hua is often mentioned in the press when Chinese political prisoners are released.

President Bill Clinton established the Eleanor Roosevelt Award in 1998 to commemorate the former first lady's work to ensure the 1948 adoption of the Universal Declaration of

Human Rights and to honor her lifetime commitment to human rights. Each year the President and Secretary of State choose several distinguished individuals to receive the award. Deputy Secretary of State Richard Armitage presented the award to Kamm and the two other 2001 recipients at a special ceremony in December.

"First as a business leader and then as the executive director of the Dui Hua Foundation, John Kamm has worked hard to engage the Chinese government in a results-oriented dialogue on human rights," Armitage said. "...Mr. Kamm has shown that business people can not only open markets to American products, they can touch hearts with their pursuit of American values."

Kamm is the second National Committee director to receive the Eleanor Roosevelt Award. In 1998, former director Bette Bao Lord received the award for her work with Freedom House, a non-profit human rights organization.

CHANGES OF ADDRESS

During the past few months, the following National Committee Board members have taken on new positions, retired, or moved. **Michael Armacost**, retires from his position as Brookings Institution president on June 30, 2002. He will spend part of his time working with Stanford University's Institute of International Studies and its Asia/Pacific Research Center, as well as being involved with a variety of corporate and non-profit boards and traveling with his wife and family. **Bates Gill**, senior fellow in foreign policy studies and director of the Center for Northeast Asian Policy Studies at the Brookings Institution will join the Center for Strategic and International Studies (CSIS) as Freeman Chair in China Studies beginning July 1, 2002. **Jamie Horsley**, former adjunct professor at Florida Gulf Coast University and consultant for The Carter Center's Village

Election Project, has relocated to Yale's China Law Center, where she is associate director and senior research fellow. **Sidney Jones**, former executive director of Asia Watch, is now Jakarta-based Indonesia project director for the International Crisis Group. We are sad that Sidney has officially resigned from her role on the Committee's Board, but we wish her all the best in her new position. **Kathryn Mohrman**, President of Colorado College in Colorado Springs, will spend the 2002-2003 academic year on a Fulbright fellowship in Hong Kong as director of research and development at the Hong Kong-America Center based at the Chinese University of Hong Kong. Past National Committee director **Douglas Paal**, former president of the Asia Pacific Policy Center, will take up his new position as director of the American Institute in Taiwan this summer.

DIRECTOR'S BOOKSHELF

Integrating China Into the Global Economy (Brookings, 2002) by director Nicholas Lardy examines reforms adopted in anticipation of China's WTO accession, considers the likely impact on China's domestic economy and its trading partners, and suggests policy choices for the United States in dealing with this growing economic power. Lardy reflects on how China's WTO membership will alter the ways in which China's leadership interacts with foreign businesses and how increasing international business could affect China's domestic economic growth, which has hit record levels in recent years. He discussed the key points of his book with John Holden in an interview-style National Committee-Asia Society program in New York on May 6.

In *Challenging the Mandate of Heaven: Social Protest and State Power in China* (M.E. Sharpe, 2001),

director Elizabeth J. Perry examines the impact of social movements and revolts on Chinese politics throughout history. Starting from the 3rd century B.C., Perry recalls significant incidents of rebellion and uprisings and explores how they shaped China's ruling regimes throughout the civilization's long history. Perry explains the Confucian idea of the mandate of heaven and demonstrates its effects on Chinese popular political consciousness right up to modern uprisings such as China's Cultural Revolution and even current Falun Gong demonstrations. The book offers insight on how China's tradition of popular uprisings could affect the current government.

The National Committee has added a Member's Bookshelf feature to its website. Members who have recently had books published may email info@ncuser.org.

PROGRAM CALENDAR

Panel Discussion Series:

Editor David M. Lampton, a former National Committee president and current director of the China Studies Program at Johns Hopkins University School of Advanced International Studies, and 15 contributing authors (many of them Committee members and directors) researched and wrote The Making of Chinese Foreign and Security Policy in the Era of Reform (Stanford University Press, 2001). The variety of perspectives presented in the book encouraged the National Committee to sponsor the following panel discussions featuring several of the book's contributors. We are grateful to the Smith Richardson Foundation for funding both projects.

*Understanding China's Foreign and Security Policy
Seattle
December 13, 2001*

The National Committee and the Washington State China Relations Council cosponsored this breakfast program featuring Dr. H. Lyman Miller, research fellow at the Hoover Institution and associate professor at the U.S. Naval Postgraduate School, and Dr. Stanley Rosen of the University of Southern California.

*China's New World View:
A Post-9/11 Re-examination
Philadelphia
January 31, 2002*

The National Committee and the World Affairs Council of Philadelphia hosted a panel discussion with Dr. David M. Lampton; Dr. Bates Gill, director of Northeast Asian Policy Studies at the Brookings Institution; and Dr. Elizabeth Economy, deputy director for Asia Studies at the Council on Foreign Relations.

*China's Changing Foreign Policy:
Public Opinion, WTO, and Taiwan
Atlanta
March 20, 2002*

Dr. Joseph Fewsmith of Boston University, Dr. Margaret Pearson, of the University of Maryland, and Dr. Michael

Swaine of the Carnegie Endowment for International Peace discussed how Chinese leaders and citizens view recent events and how China's foreign policy institutions are responding at a panel cosponsored by the National Committee and the China Research Center (a consortium of Atlanta-area institutions).

*China: A 21st Century Superpower?
World Affairs Conference
Cincinnati
April 22, 2002*

Dr. Joseph Fewsmith of Boston University, and Dr. Thomas Moore of the University of Cincinnati spoke about China's foreign and security policy at the 48th Annual World Affairs Conference.

Corporate and Public Programs:

*"Is China's New Land Reform the Most Important Ever?
A Report from the Field"
Washington, D.C.
February 5, 2002
New York
February 6, 2002*

The National Committee cooperated with the Rural Development Institute (RDI) to sponsor two programs on China's land reform. At a luncheon cosponsored by the National Committee and the Cato Institute in Washington, D.C., RDI President Roy Prosterman and China Project Coordinator Brian Schwarzwald discussed the current status of the reform and a survey they recently completed in China. The following day, the National Committee hosted the two RDI representatives at our offices for a roundtable discussion on the same topic.

*Corporate Program with
Tong Daochi, China Securities
Regulatory Commission
New York
February 26, 2002*

The China Securities Regulatory Commission (CSRC) is focusing greater attention on the quality of firms listed on the country's stock markets, in its efforts to address corruption and reduce risk to investors. Dr. Tong Daochi, deputy director general of

CSRC's Department of Listed Company Supervision, spoke with National Committee corporate members about specific reform initiatives.

*Book Discussion
with Nicholas R. Lardy
New York
March 6, 2002*

The National Committee and the Asia Society sponsored a program in New York with author, economist, and National Committee Director Nicholas R. Lardy. For more information, see the article on page 18.

*China and the 'stans':
Forging Regional Cooperation,
New York
March 25, 2002*

The National Committee and the China Institute cosponsored a panel discussion to provide insight into the issues confronting China and the Central Asian countries it borders. Panelists were Ian Bremmer, president of the Eurasia Group and director of Eurasia Studies at The World Policy Institute; Scott Horton, partner, Patterson, Belknap, Webb and Tyler; and Peter Sinnot, adjunct assistant professor at Columbia University School of International and Public Affairs. Morris Rossabi, professor of History at Queens College, CUNY, moderated the discussion.

Exchanges:

*K-12 Education
January 22 – February 5, 2002*

The National Committee hosted a two-week visit to the United States of ten Chinese education officials, K-12 school teachers, and principals. The Department of Education provided financial support for the program.

*Court Specialization
March 2-14, 2002*

The National Committee hosted eight Chinese judges, court administrators, academics, and officials for a two-week study tour in the United States. See article, page 16.

*Municipal Government Leaders
March 15-27, 2002*

Seven American municipal government leaders traveled to China sponsored by the National Committee and the National League of Cities. See article, page 6.

*University-based Clinical
Legal Aid
April 6-17, 2002*

The Ford Foundation and the National Committee hosted 10 judges legal officials and professors from China for a two-week study tour. See article, page 16.

Email Broadcasts:

*President Bush in Northeast Asia
February 18, 2002*

For the benefit of our members, in advance of President Bush's February trip to Northeast Asia the National Committee asked George Packard, president of the U.S.-Japan Foundation; Donald Gregg, president of the Korea Society; and our president, John Holden to identify some of the issues likely to be raised during

President Bush's stops in Japan, the Republic of Korea, and the People's Republic of China. National Committee Director Ken Lieberthal provided an overview of, and recommendations for, U.S. strategy in the region.

*Hu Jintao's Visit to the U.S.
April 23, 2002.*

The National Committee asked vice chairman and renowned Asia scholar

Ezra F. Vogel to contribute a short commentary about Vice President Hu Jintao's first visit to the United States in April. All of our email broadcasts are delivered directly to National Committee members and friends via email. To add your name to the database or update your email address, send an email to info@ncuscr.org.

Speeches and Appearances:

A 34-minute feature program on National Committee President John Holden was broadcast nationwide in China on March 2, 2002. John was interviewed in Chinese for the popular "Tell It Like It Is" weekly talk show which airs on CCTV's Channel One.

On February 25, John offered his insights on the 30th Anniversary of the Shanghai Communiqué in a formal address delivered in Chinese at the Commemoration of the event held in Beijing's Great Hall of the People, hosted by The Chinese People's Association for Friendship with Foreign Countries (CPAFFC).

Back in the United States, John was the keynote speaker at two World Affairs Council conferences. In April, he spoke on "China in the 21st Century." at the 48th Annual World Affairs Conference in Cincinnati, sponsored by the World Affairs Council of Greater Cincinnati. At World Trade Week 2002 in Grand Rapids, Mich. in May, John delivered a speech on "Doing Business in China." The World Affairs Council of Western Michigan sponsored the conference.

For transcripts and more information on these appearances, please see our website, www.ncuscr.org.

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