

TED KENNEDY'S ROLE IN RESTORING DIPLOMATIC RELATIONS WITH CHINA

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China looms so large in our consciousness today—and was so important to the United States even in the 1960s—that it is hard to believe Ted Kennedy's long and extraordinary life as a major American politician/statesman only took him there once. It is also difficult to fathom, especially for those of us who have devoted our lives to China, that Kennedy's fascinating 507-page memoir¹ spends only one page on his involvement with China, and his biographers have barely mentioned the topic.

Yet, in the crucial period of 1966–79, as the American people were developing a new image of China and considering a new policy toward it, Ted Kennedy played a significant role, albeit one that is now little understood or remembered. That role partially played out in public, and some of it took place behind the scenes. I cannot give a comprehensive account of this story, which would make a splendid master's thesis for a budding political scientist. But I know a good deal about it, since I helped advise Ted on China during this period. Although memory fades on certain details after almost half a century, many vivid events seem unforgettable.

I.

THE 1960s

It began in 1966 with a phone call from Carey Parker, Kennedy's legislative assistant. Parker, then near the start of a life-long, self-effacing career on the senator's staff, was not your garden-variety congressional aide. An outstanding graduate of the Harvard Law School, he had come to Cambridge as a Rhodes Scholar with a Ph.D. in biological science from Rockefeller University. Although Parker had not been my student at Harvard, he knew of my work on China and asked whether I would be willing to discuss China policy with Senator Ken-

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1. EDWARD M. KENNEDY, *TRUE COMPASS, A MEMOIR* 361–62 (2009).

nedy, who was slightly younger than I and still in his first term in the Senate.

That conversation launched a series of meetings designed to outline a new China policy for a United States government—the Lyndon Johnson administration—that was too timid to lead the electorate out of its hostility toward, and fear of, what was then called “Red China.” The impact of the Chinese Revolution that had culminated in Communist victory in 1949 and of the brutal American combat with Chinese “volunteers” during the Korean War was still very great. Any immediate change in policy regarding China became increasingly difficult as the apparent madness of the Great Proletarian Cultural Revolution began unfolding in mid-1966. Secretary of State Dean Rusk, who as president of the Rockefeller Foundation had earlier sponsored my own introduction to China, became the symbol of the executive branch’s frozen policy, intoning *ad nauseam* at congressional hearings and press conferences that “our China policy is under constant review,” a proposition quietly denied by some of the restless China specialists in the State Department.

If a relaxation of tensions with Chairman Mao’s regime was to ever come, one had to look to either the U.S. Congress or the president who would be elected in 1968 for leadership. Indeed, Senator J. William Fulbright, the brilliant but idiosyncratic chairman of the U.S. Senate Committee on Foreign Relations, had already shown the way forward. In spring 1966, his committee convened the first of several public hearings to urge reconsideration of the U.S. government’s insistence that Chiang Kai-shek’s remnant Nationalist Party regime in Taiwan should still be deemed the legitimate government of China.

The young Ted Kennedy saw a need and an opportunity to stake out a public position on a foreign policy issue where he could leave a mark. Despite the prevailing nationwide hostility toward what was becoming known as “Communist China,” a slight improvement over “Red China,” Kennedy’s Democratic constituents in Massachusetts—as well as liberals throughout the country—seemed ready for change toward China. This attitude was fueled in large part by growing opposition to our involvement in Vietnam’s civil war. The Johnson administration sought to justify our Vietnam debacle as necessary to eliminate the specter of “a billion Chinese armed with nuclear weapons” carrying out an alleged plan to gain control over all of Southeast Asia.

In a series of speeches, Ted began addressing the key problems that had long separated Washington and the Communist regime in Beijing, problems that for the most part continue to plague Sino-

American relations today: How to maintain relations with the government on Taiwan while establishing relations with Mainland China? How to provide representation in the United Nations and other public international organizations for both the government in Taipei and that in Beijing? What to do about the 1954 U.S.-Republic of China (i.e. Taiwan) defense treaty that was designed to protect Taiwan against attack from the Mainland? Should the United States clarify its position regarding the legal status of Taiwan? What about assuring democracy for the Taiwanese people, most of whom felt no allegiance to the Mainland or to the Chiang Kai-shek dictatorship that ruled them?

Kennedy had little political company in this quest. Only two independent-minded Senate colleagues, Democrat George McGovern and Republican Jacob L. Javits, prominently expressed similar interest following the first of the Fulbright hearings. Although Richard Nixon, maneuvering toward a second Republican nomination to run for the presidency in 1968, had briefly mentioned the importance of moving toward China in his famous 1967 article in *Foreign Affairs*,² Nixon, who had made his career as a staunch anti-Communist, did not dwell on this subject, either during his campaign or even after his election.

By the time of Nixon's election, a group of influential American scholars of East Asia and former U.S. government officials were in their third year of promoting an independent, nonpartisan educational organization called the National Committee on United States-China Relations. On March 20–21, 1969, just two months after Nixon took office, the National Committee held its first “national convocation” in New York, a huge event attended by 2,500 people, including thirty-five academics, business leaders, journalists, and government officials from various countries who served as speakers and panelists. The convocation's purpose was “to elicit new perspectives, fresh insight, and interactions of views on United States-China relations.” The conference was widely reported in national and international media—press, radio, and television. NBC, CBS, and ABC covered the entire proceedings, as did some radio stations and networks.

Ted was the banquet speaker and did exactly what the conference organizers had hoped for. He made many enlightened proposals for altering the country's China policy and gave them the publicity they had lacked. A page one *New York Times* story by Peter Grose, for example, carried the headline “Kennedy Bids U.S. End Taiwan Bases.” The sub-head read “In Speech Here, He Urges Withdrawal as a Part of New China Policy.” The lead paragraph said it all:

2. See Richard M. Nixon, *Asia After Viet Nam*, 46 FOREIGN AFF. 111 (1967).

Senator Edward M. Kennedy called on the Nixon [a]dministration last night for a sweeping overhaul of United States policy on China, the withdrawal of American military forces from Taiwan and the establishment of consular missions in Communist China as a prelude to eventual diplomatic recognition.³

The *Times* deemed Kennedy's speech so important that it printed five columns of excerpts and a photo of Ted on page three, alongside the remainder of its long story!⁴

This essay does not seek to parse the details of Kennedy's recommendations, but merely to stress his courage and far-sightedness in putting them forth in an effort to break the diplomatic stalemate. He urged the Nixon administration to offer Beijing "a clear and attractive alternative to the existing impasse in our relations." In words that should also be heeded by the Obama Administration forty years later as it contemplates the dilemmas of our North Korea policy, Kennedy said:

Every new [a]dministration has a new opportunity to rectify the errors of the past. . . . If the new [a]dministration allows this time to pass without new initiatives, if it allows inherited policies to rush unimpeded along their course, it will have wasted this opportunity.⁵

The convocation, and particularly Kennedy's speech, constituted a challenge to the Nixon administration, which was just beginning to prepare its own quiet approach to China. In the turmoil of the July 1968 Democratic Convention following Robert Kennedy's assassination a month earlier, Ted had turned away efforts to persuade him to seek immediate nomination for the presidency. However, by the spring of 1969, Nixon anticipated that Ted might be the Democratic nominee to oppose his re-election in 1972. Ted, attempting to recover from the shock of Robert's death and the new responsibilities he seemed to have inherited, did indeed appear to be taking on the new administration in many ways. I recall feeling that Ted was already forming an American equivalent of the British "shadow cabinet," which enables the party that is out of power to present a coherent opposition to the incumbents. I worried that he might be moving too early in the game, but I enjoyed the excitement and recognized that I was an amateur in American politics. Regardless, it was beginning to look like China policy might become a major issue in the 1972 presidential campaign.

3. Peter Grose, *Kennedy Bids U.S. End Taiwan Bases*, N.Y. TIMES, Mar. 21, 1969, at 1, 3.

4. *Excerpts From the Address by Kennedy*, N.Y. TIMES, Mar. 21, 1969, at 3.

5. Grose, *supra* note 3, at 1.

II. THE 1970s

All the presidential excitement over a third Kennedy brother ended, of course, with the tragic accident at Chappaquiddick several months later. By the time Ted was ready to take up foreign policy again in late 1970, the most violent days of the Cultural Revolution had ended and China was showing signs of breaking away from its largely self-imposed isolation. In October 1970, thanks to its dynamic Prime Minister Pierre Trudeau, Canada established formal diplomatic relations with China. That gave China a beachhead in North America and easy access to many influential Americans at a time when Americans were forbidden from visiting China, and no Chinese officials could visit the United States. To take advantage of the opportunity, China designated Huang Hua, its most skilled diplomat and an “America watcher,” to be its first ambassador to Ottawa. Many of us concerned with improving China policy began making frequent trips to Ottawa to meet with Huang. A year later, in October 1971, Beijing replaced the Chiang Kai-shek regime as China’s representative at the United Nations and Huang became its first ambassador to the U.N.⁶

In the spring of 1971, while the Nixon administration was quietly negotiating the final details of its plan to send Henry Kissinger, the president’s special assistant for national security, to Beijing on a secret trip to break the ice with China’s leaders, Ted decided he wanted to visit China as soon as possible. He unquestionably hoped to get there before any other U.S. government official or American politician made the trip. I spoke to Huang Hua of Ted’s hope, and he welcomed a meeting with Kennedy in Ottawa to get acquainted and discuss possible arrangements.

Prior to finalizing the date for their meeting, it was announced in July that Kissinger had just made the sensational secret trip to Beijing and scheduled a visit by President Nixon to China for February 1972. Although that news took some of the gloss off our efforts, we decided it was still worthwhile for Ted to meet Huang in Ottawa and determine whether he might get to China before Nixon. In September, Ted and I made what we hoped would be a more modest secret trip to the Canadian capital, and we remained undetected until we entered the elevator of Huang Hua’s office building, at which time a middle-aged female passenger blurted out, “Senator Kennedy, you’re so handsome!” Fortunately, she didn’t report us to the media.

6. See David Barboza, *Huang Hua, 97, a Top Diplomat Who Served China, Dies*, N.Y. TIMES, Nov. 25, 2010 at A37.

Once in Huang Hua's office, we began a several-hour discussion that focused on Taiwan. Ted had always been careful to keep Taiwan's security in mind, even while advocating U.S. recognition of Beijing as China's sole legitimate government and establishment of formal diplomatic relations with it. He did not believe that withdrawal of U.S. recognition and diplomatic relations from the Chiang Kai-shek regime on Taiwan should lead to reunification of the island with the Mainland unless the majority of people on Taiwan made clear this was their wish. While we pressed Ambassador Huang to arrange for us to visit China before the end of 1971, he pressed Senator Kennedy to issue a public statement that Taiwan was legally part of China and should be returned to it. Such a statement would have strengthened Beijing's position in the behind-the-scenes bargaining between the Nixon administration and the Chinese government over the U.S. position on this key question. It would also have put public pressure on the administration to acknowledge Beijing's claim to Taiwan.

Ted and I both had the impression that if he yielded to Huang's request, it might have become possible for us to make a China trip that fall. Indeed, as Huang signaled an end to a long afternoon by asking Ted to "summarize his position on Taiwan," Huang put his hand inside his suit jacket as though he was preparing to take the necessary visas from his inside pocket. To my relief, but to no surprise, Ted did not abandon his concern for the freedom of Taiwan's people. I then explained to the disappointed ambassador that Ted had to weigh his statements very cautiously, especially since he might someday become America's president.

Nixon's spectacular visit to China was a masterstroke for American foreign policy and a magnificent presidential re-election maneuver. It took the China issue away from his Democratic rival, George McGovern, who had helped Kennedy lead the initiative for a new China policy in the late '60s. But the Watergate scandal diverted Nixon from completing the task of normalizing relations with China in his second term, and although it maintained negotiations, the Ford administration made little progress in persuading China to show some flexibility on the many controversial questions involved.

In 1977, the new Democratic president, Jimmy Carter, renewed the normalization effort, but negotiations with Beijing proved to be even more difficult than before. China accused the Carter administration of offering even tougher terms than its predecessor. Three issues were especially challenging: (1) In normalizing relations, what position would the United States take about the legal status of Taiwan? (2) After normalization, would Beijing allow the U.S. to maintain some

form of official diplomatic representation in Taiwan, such as a consulate or a liaison office? And (3) would China tolerate a continuing U.S. commitment to defend Taiwan and to sell weapons to its de-recognized government?

Under the new Carter administration, Ted took the initiative to spur the normalization effort. On August 15, 1977, just days before Secretary of State Cyrus Vance was to leave on a trip to resume negotiations in Beijing, Ted gave another major China speech before the World Affairs Council of Boston. The *New York Times* called it “the most forthright and detailed proposal made by a politician who is influential with the Carter administration.”⁷ However, Ted’s speech was actually a blatant challenge to Carter and Vance—as well as to China—to show more flexibility in their bargaining. The *Times*’ story’s headline was “Kennedy Calls for Diplomatic Split With Taiwan and Ties With China.” Ted’s argument was that we could continue to protect Taiwan by unofficial and informal means while formalizing relations with Mainland China.

There had never been much love lost between Carter and Ted, but the World Affairs Council speech must have infuriated both the president and Vance. However, some China experts within the administration were pushing their bosses to show more flexibility. Ted not only “submitted a precise ‘agenda’ for Mr. Vance on his Peking visit,” as the *Times* dispatch put it, but he also proposed a deadline for normalization, calling for the exchange of embassies “no later than 1978.”⁸ Moreover, he increased pressure on the administration by announcing a plan to submit a resolution to Congress the following month containing his proposals.

The Vance visit proved a failure, though the State Department sought to disguise it as progress. Deng Xiaoping—whose political comeback had enabled him to gain responsibility over U.S. relations—was reportedly angered by Vance’s proffered terms, though he maintained China’s own rigidity in negotiations. By this time, Huang Hua had become China’s foreign minister and, not coincidentally, an invitation finally came for Ted to visit China, along with any members of his family he wished to accompany him. Until then, throughout the Nixon and Ford administrations, no Kennedy had been allowed to visit China, since the Chinese government felt that the need to cooperate with those in power in Washington had made a Kennedy visit “too sensitive” for China’s leaders.

7. David Binder, *Kennedy Calls for Diplomatic Split With Taiwan and Ties With China*, N.Y. TIMES, Aug. 16, 1977, at 3.

8. *Id.*

On Christmas Day 1977, eleven Kennedy family members, two Senate staffers, two Boston reporters, and yours truly left for two weeks in China, to be followed by a week in Japan, meeting Japanese leaders. Those who wish to pursue the many interesting and humorous aspects of a major American politician's venture in early cultural exchange with the Chinese bureaucracy should read *China Sweet and Sour*, the record of my account to Harvard's Nieman Fellows right after my return to Cambridge.⁹ Instead I want to discuss Ted's little known contribution to normalization—not the public stimulus of our own people and government but the private prodding that helped convince China's leaders that, unless they too showed a willingness to compromise on their conditions for normalization, it simply would not happen.

In our hard-won ninety-minute meeting with Deng Xiaoping, who was suffering from the flu at the time, and in conversations with other Chinese leaders, Ted made clear that whatever the differences in details among the various American proposals for normalization, there was broad and firm unanimity among the public and its representatives that Taiwan had to be protected. He said the Chinese and American sides both had to be imaginative and practical in devising a formula that would enable us to establish formal relations. This came as no surprise to our hosts, even though they knew Ted liked to be out in front in breaking the logjam. My presence as his only outside advisor signaled his continued position. While the Chinese government had appreciated my 1971 article in *Foreign Affairs* calling for recognition of Beijing,¹⁰ my 1976 sequel detailing the terms required for normalization¹¹ had angered them, as Huang Hua had told me in no uncertain terms while he was still at the United Nations.

Although Ted's memoir modestly notes that "the trip produced no significant breakthroughs,"¹² this Kennedy initiative undoubtedly helped restore momentum to Sino-American negotiations. On December 15, 1978, within the deadline proposed by Ted the previous year, the two governments announced establishment of diplomatic relations as of January 1, 1979. Despite the fact that Confucius, recently restored to heroic status in China, was at that time still reviled by China's media as the embodiment of benighted feudalism, the normal-

9. Jerome Alan Cohen, *China Sweet and Sour*, NIEMAN REP., Autumn 1978, at 3–17.

10. Jerome Alan Cohen, *Recognizing China*, 50 FOREIGN AFF. 30 (1971).

11. Jerome Alan Cohen, *A China Policy for the Next Administration*, 55 FOREIGN AFF. 20 (1976).

12. KENNEDY, *supra* note 1, at 362.

ization agreement was in the best Confucian tradition of settling disputes through mutual yielding by the disputants. And, though the people and the government in Taiwan were understandably concerned that the Kennedy trip might sacrifice Taiwan in favor of America's broader strategic interests, history has demonstrated that normalization—including the Taiwan Relations Act that soon followed it and that Ted joined in sponsoring—provided adequate protection for the island.

To be sure, the problems of continuing American arms sales to Taiwan and determining the island's relationship to the Mainland have yet to be solved and may at any time upset the delicate balance among Washington, Beijing, and Taipei. Yet Kennedy was clearly right, in the course of a debate with Senator Goldwater in the February 1979 issue of the American Bar Association Journal,¹³ to praise President Carter's courage and skill in successfully concluding the normalization process that Ted had been urging since 1966. Ted was also correct in his assurance to Taiwan that:

[T]he combination of improved Sino-American ties, continuing nongovernmental relations with Taiwan (including access to defensive arms) and Washington's statement of interest in a peaceful settlement of the island's future will give Taiwan increased security and prosperity.¹⁴

We, the Chinese, and the people of Taiwan should be grateful for Ted Kennedy's vision, statesmanship, and perseverance.

13. Edward M. Kennedy, *Normal Relations with China: Good Law, Good Policy*, 65 A.B.A. J. 194, 195 (1979).

14. *Id.* at 195.

