

Bill of Rights in Action



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THE UNITED STATES, CHINA, AND TAIWAN



In 1945, Chairman of the National Government of China Chiang Kai-shek met with Chinese Communist leader Mao Zedong in Chongqing, China, for the first time in 20 years to try to end the Chinese Civil War. In the front row, from l to r: U.S. Ambassador Patrick Hurley, Chiang Kai-shek, and Mao Zedong.

Since the Chinese Civil War ended in 1949, the large island of Taiwan near mainland China has functioned as a nation. The Taiwanese people say that Taiwan is an independent country, but the communist government of China claims Taiwan is part of China. American foreign policy has supported Taiwan over the years. In recent years, China has indicated it might invade the island. What should the U.S. do if that happens?

The Chinese Civil War and Its Aftermath

Beginning in 1927, communists in China led by Mao Zedong and anti-communists led by Chiang Kai-shek fought a civil war. In 1949, Mao's communists defeated Chiang's anti-communists, who were also called Nationalists. Chiang and his followers then fled to Taiwan, vowing to return someday to the mainland and overthrow Mao's communist regime.

Mao claimed Taiwan was always a part of China and must be unified with the mainland. Mainland China was

fully under the control of Mao's communist regime and called the People's Republic of China (aka China).

In the meantime, Chiang established his own Nationalist government on the island of Taiwan, which he called the Republic of China (ROC). Chiang's government was under one-party rule with martial law and no free elections.

At first, Taiwan was recognized by other nations as the true China and became a member of the United Nations (UN). But throughout the 1950s and 1960s, more and more nations voted to recognize the PRC as the representative of China in the UN. In 1971, a majority of member nations in the UN voted for official recognition of the much larger communist mainland China, and Chiang's ROC was expelled. Since that time, Taiwan's legal status has been unclear.

Changes came to Taiwan after the death of Chiang Kai-shek in 1975. His Nationalist Party gradually gave up sole control of Taiwan. The government ended martial law

IN THIS ISSUE

Current Events/World History: <i>The U.S., China, and Taiwan</i> by Carlton Martz	1
U.S. History: <i>The Haymarket Affair</i> by Carlton Martz	5
Current Events/U.S. Government: <i>Ranked-Choice Voting: Choosing One Candidate or Many?</i> by Damon Huss	9

SPECIAL NOTICE

Each year we publish two issues of the quarterly *Bill of Rights in Action* in electronic format only and two issues in print and electronic format. To receive notification of when the electronic edition is available for download, sign up at: www.crf-usa.org/bill-of-rights-in-action.

China, Taiwan, and East Asia



in 1987. In the 1990s, democratic reforms led to free elections. The first non-Nationalist president, calling for Taiwan's national independence, was elected in 2000. Over the past two decades, Taiwan has become a strong democracy. In 2016, the Taiwanese people elected Tsai Ing-wen, Taiwan's first female president.

The U.S. Recognizes Taiwan

In the mid-1950s, during the Eisenhower presidency, the first of several military crises occurred in the Taiwan Strait, the waterway separating Taiwan from mainland China. Mao ordered shelling of islands occupied by the Taiwanese Nationalists. In return, Chiang ordered bombing of the mainland coast. Both sides seemed to be preparing for war, but neither side was ready for war. The crisis soon ended.

As a result of this crisis, the U.S. and Taiwan agreed to the Mutual Defense Treaty of 1954. Approved by Congress, this treaty authorized the American president to use military force, if necessary, to protect territories in the Taiwan Strait. It also proclaimed a "Two China" policy, with Taiwan as an independent nation allied with the United States.

The Shanghai Communiqué

The Cold War made both communist China and its communist Soviet Union ally enemies of the United States. By the 1970s, there was a growing split between China and the Soviet Union. Seeing an opportunity to take advantage of the split, in 1971 U.S. President Richard Nixon sent his national security advisor Henry Kissinger to have secret talks with Chou Enlai, China's prime minister.

Soon after Kissinger's meeting, Nixon himself made a trip to China in 1972 to meet with Mao. This historic meeting overturned U.S. recognition of Taiwan's independence. In the resulting Shanghai Communiqué (diplomatic communication), Nixon agreed to three major things:

1. "The United States acknowledges that all Chinese in either side of the Taiwan Strait maintain that there is but one China and that Taiwan is a part of China. The United States government does not challenge this position." (Scholars have debated whether "acknowledges" means that the U.S. recognized that this was China's position on Taiwan, and not necessarily that it was official U.S. policy.)
2. The U.S. calls for a "peaceful settlement" between China and Taiwan.
3. As the peaceful process proceeds, the U.S. will gradually withdraw military forces from Taiwan.

The Shanghai Communiqué seemed to end the idea that Chiang Kai-shek led the only legitimate government of China. Nixon said the U.S. had to come to grips "with the reality of China."

Chiang and many of his supporters in the U.S. charged that Nixon had betrayed Taiwan.

Carter's 'One China' Policy

Several years later, U.S. President Jimmy Carter built upon Nixon's Shanghai Communiqué and cancelled the 1954 Mutual Defense Treaty that had assured U.S. military defense of Taiwan.

However, Carter's "One China" declarations drew anger from Taiwan and from its American supporters. As a result, Congress passed and Carter signed the Taiwan Relations Act of 1979 that modified and even reversed U.S. official policy on Taiwan and China. Key provisions included:

- The U.S. will maintain *unofficial* relations with the "governing authorities" of Taiwan.
- The U.S. will provide military aid to Taiwan for its self-defense.
- The U.S. will resist any form of force "that would jeopardize the security, or social or economic system, of the people of Taiwan," but use of U.S. military forces would require consent of Congress.
- The U.S. declares that the future of Taiwan must only be determined by "peaceful means."

Presidents after Carter made their own declarations on the U.S. "One China" policy. In 1998, President Bill Clinton stated the U.S. was opposed to Taiwan declaring its independence.

Strategic Ambiguity or Clarity

Today, both China and the U.S. say they support a “One China” policy. For China, it has always meant that Taiwan is a breakaway province. Taiwan must be united with the communist mainland by any means necessary. A use of force, the Chinese government says, will be necessary if Taiwan ever declares its independence.

For the U.S., “One China” is more ambiguous, or less clear. The U.S. says it “acknowledges” that Taiwan is part of China, but any unification must be done through peaceful negotiations acceptable to the Taiwanese people. The U.S. opposes Taiwan declaring itself an independent nation.

For many years, the U.S. has provided defensive weapons (such as anti-tank missiles) and training to Taiwan’s military. While the U.S. has promised to come to the aid of Taiwan in case of a Chinese invasion, it is not clear what this means. Would aid mean military aid, like that for Ukraine after the Russian invasion of 2022, or American troops?

Currently, there is a debate in the U.S. over how best to prevent China from invading Taiwan. Those in favor of “strategic ambiguity” argue that to prevent a Chinese attack, the U.S. should keep its intentions unclear. If China must guess what the U.S. would do, China will be deterred from invading Taiwan.

On the other side of the debate are those in favor of “strategic clarity.” They say the U.S. should make clear to China that America would respond militarily to any Chinese use of force against Taiwan to deter China from invading. This would include defensive weapons and deployment of U.S. military naval, air, and land forces with the approval of Congress.

Current Positions of China, the U.S., and Taiwan

The 2022 Communist Party Congress in China voted Xi Jinping into his third term as China’s president. (His family name is Xi, pronounced *Shee*.) Xi has declared an aggressive strategy of replacing the U.S. as the world’s

leading power. Throughout his presidency, he has rapidly modernized China’s military and nuclear weapons. (China currently has around 350 nuclear warheads, while the U.S. has around 5,400.)

An important element of Xi’s goal is unification with Taiwan. He promotes the idea of “One Country, Two Systems,” which seems to mean a degree of self-rule by the Taiwanese.

In recent years, American politicians of both major parties have visited Taiwan. U.S. House Speaker Nancy Pelosi made a high-profile visit to Taiwan in summer 2022. Congress has also approved military aid, angering the Chinese government. In response to these developments, Xi has ordered aircraft, warships, and missiles fired near Taiwan as a show of force. Speaking before the Communist Party Congress in October 2022, Xi said China wants a peaceful unification with Taiwan, but “we will never renounce the use of force.”

U.S. President Joe Biden released the latest National Defense Strategy in 2022. This document, prepared by the Defense Department, identified China as the most dangerous security threat to the United States.

Biden has stated that chances of U.S. conflict with China over Taiwan has increased significantly in recent years. In May 2022, Biden said he would use the U.S. military to defend Taiwan. But he insisted the U.S. still supports the “One China” policy.

In November 2022, Biden met with Xi and discussed the Taiwan situation. After the meeting, Biden said, “I do not think there’s an imminent [immediate] attempt on the part of China to invade Taiwan.”

Taiwan’s President Tsai Ing-wen rejects Xi’s “One Country, Two Systems” solution to unification. She points to what happened when China took over the British colony of Hong Kong in 1997, and local leaders had to be approved by the Communist Party in Beijing. She argues that Taiwan today already functions as an independent country and wants things to remain as they are.

Most Taiwanese people, especially young people, agree with President Tsai and want strong relations with

The Effects of the Russian Invasion of Ukraine

Soon after Russia invaded Ukraine in February 2022, many foreign policy experts wondered how it might effect China’s policy toward Taiwan. Would China feel more emboldened to invade Taiwan? Or would China hold back?

The early reports of Russia’s poor military performance in Ukraine made some experts believe that China would be deterred. “Surely the abysmal performance of Russian troops,” writes Elliot Abrams at the Council on Foreign Relations, “must make Xi, and every other high official in China, wonder what happens if stiff resistance is met.” Therefore, Abrams argues that the U.S. should arm Ukraine even more heavily, as well as Taiwan. The goal would be to make Taiwan a “porcupine”: too prickly for China to touch.

On the other hand, other experts argue that the Russia-Ukraine situation and the China-Taiwan situation are not closely analogous. “Ukraine is an internationally recognized state; Taiwan is not,” writes Nathalie Tocci at the *Istituto Affari Internazionali*. “Furthermore, China boasts an economy 10 times the size of Russia’s.” She concludes that European nations must boost economic ties to Taiwan and push back against China’s aggressive “One China” policy at the United Nations in order to “prevent war.”



Taiwan's President Tsai Ing-wen inspects Taiwanese military troops in March 2023.

the United States. Despite continued U.S. military aid to Taiwan, however, Taiwan alone would be no military match against China's military.

America's Interests

If China were to attempt to take over Taiwan by force, how should the U.S. respond? Would a Chinese invasion of Taiwan present a threat to America's commercial and national security interests?

Taiwan is a flourishing democracy with a population of 23 million people. It has strong trade ties with the U.S., especially as a source for microchips, a commercial interest to the United States and world. Microchips are essential for virtually all electronics, including computers; smart phones; automobiles and aircraft; and household appliances. Taiwan produces most of the world's microchips.

If China invades Taiwan, what would be the United States' best interest? If the U.S. did not defend Taiwan against China, it could make its Asian allies, like Japan and South Korea, feel insecure. But if the U.S. did defend Taiwan, it could cause a major war between China and the U.S. and allies on both sides.

WRITING & DISCUSSION

1. How do China and the U.S. differ about the "One China" policy?
2. Why does the U.S. oppose Taiwan declaring itself an independent nation?
3. Explain the policies of strategic ambiguity and strategic clarity. Which policy should the U.S. adopt for Taiwan? Why?

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ACTIVITY: Advising the President on Taiwan

You are an official of the U.S. State Department, and you have been tasked with advising the president on what policy the U.S. should have toward Taiwan. Form a group with three or four other State Department officials and decide an answer to this question:

Should the United States pledge to defend Taiwan?

To answer the question, examine the arguments below, both for and against the U.S. pledging to defend Taiwan. Deliberate within your group about how you want to answer the question and include at least two of the reasons your group thinks are most important. Use the arguments below and information from the article.

Assessment: After all groups have shared their answers and reasons, write a paragraph from your own perspective answering the question.

Arguments for Pledging to Defend

1. Strategic clarity sends a clear message to China about U.S. intentions and will dissuade China from using force.
2. The U.S. has a responsibility as a global power to defend its allies.
3. The U.S. should pledge to defend Taiwan, but only if (1) the U.S. also gives Taiwan defensive weapons and (2) gets commitments from other allies in the region to also defend Taiwan.
4. The U.S. should pledge to defend Taiwan, but only if Taiwan does not provoke China. (Provoking China could include Taiwan declaring its independence.)

Arguments Against Pledging to Defend

1. Strategic ambiguity has brought peace to Taiwan, China, and the U.S. for half a century.
2. Strategic clarity will provoke China, not deter China. China knows the U.S. is not militarily ready to commit to defending Taiwan.
3. China is a nuclear power. Even a slight risk of nuclear war is not worth the pledge.
4. A pledge to defend Taiwan will box the U.S. into a corner. If China ever invades Taiwan, the U.S. will need to assess the situation and decide the best course of action.

The arguments used in this activity are adapted from the following source: "Should the United States Pledge to Defend Taiwan?" *Foreign Affairs*, 15 November 2022, <https://www.foreignaffairs.com/ask-the-experts/should-united-states-pledge-defend-taiwan>. Accessed 10 March 2023.

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Standards Addressed

The United States, China, and Taiwan

California History-Social Science Standard 11.9: Students analyze U.S. foreign policy since World War II.

California History-Social Science Standard 12.4: Students analyze the unique roles and responsibilities of the three branches of government as established in the U.S. Constitution. (4) Discuss Article II of the Constitution as it relates to the executive branch . . . and the enumeration of executive powers.

National United States History Standard 30 (McREL): Understands developments in foreign policy and domestic politics between the Nixon and Clinton presidencies. High School Benchmark 5: Understands the impact of U.S. foreign policy on international events from Nixon to Clinton. . . .

National Civics Standard 22 (McREL): Understands how the world is organized politically into nation-states, how nation-states interact with one another, and issues surrounding U.S. foreign policy.

High School Benchmark 1: Understands the significance of principal foreign policies and events in the United States' relations with the world. 5: Understands the process by which United States foreign policy is made. 7: Understands the idea of the national interest and how it is used as a criterion for shaping American foreign policy.

Common Core State Standards: SL.9-10.1, SL. 9-10.3; RH. 9-10.1, RH. 9-10.2, RH. 9-10.10; WHST. 9-10.10; SL.11-12.1, SL.11-12.3; RH.11-12.1, RH.11-12.2, RH.11-12.10; WHST.11-12.10.

The Haymarket Affair

National United States History Standard 17: Understands massive immigration after 1870 and how new social patterns, conflicts, and ideas of national unity developed amid growing cultural diversity. High School Benchmark 1: Understands challenges immigrants faced in society in the late 19th century (e.g., experiences of new immigrants from 1870 to 1900, reasons for hostility toward the new immigrants, restrictive measures against immigrants, the tension between American ideas and reality).

National United States History Standard 18: Understands the rise of the American labor movement and how political issues reflected social and economic changes. High School Benchmark 2: Understands labor issues in the late 19th century (e.g., organizational and agenda differences between reform and trade unions, the extent of radicalism in the labor movements. . . .)

California History-Social Science Standard 8.12: Students analyze the transformation of the American economy and the changing social and political conditions in the United States in response to the Industrial Revolution. (6) Discuss. . . and examine

Ranked-Choice Voting

Atkinson, Nathan and Scott C. Ganz. "The flaw in ranked-choice voting: rewarding extremists." *The Hill*, 10/30/22, thehill.com/opinion/campaign/3711206-the-flaw-in-ranked-choice-voting-rewarding-extremists/. 3/5/23. • Brett Baber, et al., v. Matt Dunlap, et al., Decision and Motion on Order of Preliminary Injunction. United States District Court, District of Maine, 12/13/18, mediad.publicbroadcasting.net/p/mpbn/files/201812/poliquin_order.pdf. 4/10/23. • "Bringing Ranked-Choice Voting to Washington State," FairVote Washington, N.D., fairvotewa.org/. 4/10/23. • "Drutman: Ranked choice voting 'eliminates the spoiler effect'," *The Hill*, 11/20/21, thehill.com/hilltv/rising/582335-drutman-ranked-choice-voting-eliminates-the-spoiler-effect/. 4/10/23. • Fernandez, Madison. "Inside the novel voting system that could sink Palin's comeback bid," *Politico*, 8/31/22, politico.com/news/2022/08/31/novel-voting-system-that-could-sink-palins-comeback-bid-00054291. 3/6/23. • "Maine Ranked-Choice Voting for Presidential Elections Referendum." Ballotpedia, N.D., ballotpedia.org/Maine_Ranked-Choice_Voting_for_Presidential_Elections_Referendum_(2020). 4/10/23. • "Mary Peltola: First Alaskan Native elected to Congress as Sarah Palin loses," BBC, 9/1/22, bbc.com/news/world-us-canada-62747378. 4/10/23. • Mistler, Steve. "In Tight Race, Maine Republican Sues to Block State's Ranked-Choice Voting Law," WBUR, 11/13/18, wbur.org/npr/66743526/facing-defeat-maine-republican-sues-to-block-states-ranked-choice-voting-law. 3/7/23. • _____. "Federal Judge Strikes Down Poliquin's Challenge to Maine's Ranked-Choice Voting Law," WBUR, 12/13/18, wbur.org/news/2018/12/13/poliquin-ranked-choice-voting-lawsuit-2nd-district. • Piper, Jessica. "Maine's 2020 election turnout was among highest in US," *Bangor Daily News*, 11/25/20, bangordailynews.com/2020/11/25/politics/maines-2020-election-turnout-was-among-highest-in-us/. 3/6/23. • "Pros and Cons of Ranked-Choice Voting (RCV)." RankedVote, LLC, N.D., rankedvote.co/guides/understanding-ranked-choice-voting/pros-and-cons-of-rcv. 3/6/23. • "Ranked Choice Voting," FairVote, N.D., fairvote.org/our-reforms/ranked-choice-voting/. 4/10/23. • "Ranked-Choice Voting: A Curiosity or Coming Reform?" Close-Up Foundation, 9/6/22, closeup.org/democrat-mary-peltola-alaska-house-of-representatives-ranked-choice-voting/. 4/10/23. • "Ranked-Choice Voting: Legal Challenges and Considerations for Congress." Congressional Research Service, 10/12/22, crsreports.congress.gov/product/pdf/LSB/LSB10837. 4/10/23. • Slaughter, Anne-Marie. "Ranked-Choice Voting," *Politico*, N.D., politico.com/interactives/2019/how-to-fix-politics-in-america/polarization/ranked-choice-voting/. 3/5/23. • "Special Election." Legal Information Institute, Cornell Law School, N.D., law.cornell.edu/wex/special_election. • pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/12/02/dont-vote-for-just-one-ranked-choice-voting-is-gaining-ground. 4/10/23. • Thistle, Scott. "Gov. Mills allows ranked-choice voting in Maine's presidential elections," *Portland Press Herald*, 9/6/19, pressherald.com/2019/09/06/governor-mills-allows-ranked-choice-voting-in-maines-presidential-elections/. 3/6/23. • Watkins, Eli. "How Gary Johnson and Jill Stein helped elect Donald Trump," CNN, 11/25/16, cnn.com/2016/11/10/politics/gary-johnson-jill-stein-spoiler/index.html. 3/5/23. • Withers, Rachel. "The somewhat absurd controversy over Maine's ranked-choice voting system, explained," *Vox*, 12/9/18, vox.com/2018/12/9/18133184/maine-ranked-choice-voting-australia-ireland. 4/10/23.

the labor movement, including its leaders . . . , its demand for collective bargaining, and its strikes and protests over labor conditions.

California History-Social Science Standard 11.2: Students analyze the relationship among the rise of industrialization, large-scale rural-to-urban migration, and massive immigration from Southern and Eastern Europe. (2) Describe the changing landscape, including the growth of cities linked by industry and trade, and the development of cities divided according to race, ethnicity, and class.

Common Core State Standards: SL.6-8.1, SL.6-8.3; RH.6-8.4, RH.6-8.10; RL.8.10; WHST.6-8.10; SL.11-12.1, SL.11-12.3; RH.11-12.1, RH.11-12.2, RH.11-12.10; WHST.11-12.10.

Ranked-Choice Voting: Choosing One Candidate or Many?

National Civics Standard 20: Understands the roles of political parties, campaigns, elections, and associations and groups in American politics. Middle School Benchmark 2: Knows the various kinds of elections (e.g., primary and general, local and state, congressional, presidential, recall). High School Benchmark 1: Knows the origins and development of the two-party system in the United States and understands the role of third parties. 6: Understands the significance of campaigns and elections in the American political system and knows current criticisms of campaigns and proposals for their reform.

California History-Social Science Standard 8.3: Students understand the foundation of the American political system and the ways in which citizens participate in it. (6) Describe the basic law-making process and how the Constitution provides numerous opportunities for citizens to participate in the political process and to monitor and influence government (e.g., function of elections, political parties, interest groups).

California History-Social Science Standard 12.6: Students evaluate issues regarding campaigns for national, state, and local elective offices. (4) Describe the means that citizens use to participate in the political process (e.g., voting, campaigning, lobbying, filing a legal challenge, demonstrating, petitioning, picketing, running for political office).

Common Core State Standards: SL.6-8.1, SL.6-8.3; RH.6-8.4, RH.6-8.10; RL.8.10; WHST.6-8.10; SL.11-12.1, SL.11-12.3; RH.11-12.1, RH.11-12.2, RH.11-12.10; WHST.11-12.10.

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