

Originally Processed With FOIA(s):
1998-0004-F[1]; 2016-2614-F

FOIA Number:
S

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files

OA/ID Number: 29144
Folder ID Number: 29144-005

Folder Title:
H.R. 2712/Chinese Students (1989) [1]

Stack:	Row:	Section:	Shelf:	Position:
G	15	24	7	3

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

April 11, 1990

EXECUTIVE ORDER

- - - - -

POLICY IMPLEMENTATION WITH RESPECT TO
NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

By the authority vested in me as President by the Constitution and laws of the United States of America, the Attorney General and the Secretary of State are hereby ordered to exercise their authority, including that under the Immigration and Nationality Act (8 U.S.C. 1101-1557), as follows:

Section 1. The Attorney General is directed to take any steps necessary to defer until January 1, 1994, the enforced departure of all nationals of the People's Republic of China (PRC) and their dependents who were in the United States on or after June 5, 1989, up to and including the date of this order (hereinafter "such PRC nationals").

Sec. 2. The Secretary of State and the Attorney General are directed to take all steps necessary with respect to such PRC nationals (a) to waive through January 1, 1994, the requirement of a valid passport and (b) to process and provide necessary documents, both within the United States and at U.S. consulates overseas, to facilitate travel across the borders of other nations and reentry into the United States in the same status such PRC nationals had upon departure.

Sec. 3. The Secretary of State and the Attorney General are directed to provide the following protections:

(a) irrevocable waiver of the 2-year home country residence requirement that may be exercised until January 1, 1994, for such PRC nationals;

(b) maintenance of lawful status for purposes of adjustment of status or change of nonimmigrant status for such PRC nationals who were in lawful status at any time on or after June 5, 1989, up to and including the date of this order;

(c) authorization for employment of such PRC nationals through January 1, 1994; and

(d) notice of expiration of nonimmigrant status (if applicable) rather than the institution of deportation proceedings, and explanation of options available for such PRC nationals eligible for deferral of enforced departure whose nonimmigrant status has expired.

Sec. 4. The Secretary of State and the Attorney General are directed to provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization, as implemented by the Attorney General's regulation effective January 29, 1990.

more

(OVER)

Sec. 5. The Attorney General is directed to ensure that the Immigration and Naturalization Service finalizes and makes public its position on the issue of training for individuals in F-1 visa status and on the issue of reinstatement into lawful nonimmigrant status of such PRC nationals who have withdrawn their applications for asylum.

Sec. 6. The Departments of Justice and State are directed to consider other steps to assist such PRC nationals in their efforts to utilize the protections that I have extended pursuant to this order.

Sec. 7. This order shall be effective immediately.

GEORGE BUSH

THE WHITE HOUSE,
April 11, 1990.

#

United States Senate

WASHINGTON, DC 20510-0602

THE CHIEF OF STAFF
has seen

April 5, 1990

The Honorable Dick Thornburgh
Attorney General
Department of Justice
Room 4400
10th and Constitution Avenue, NW
Washington, D.C. 20530

Dear Dick:

Many of the Chinese here in the United States who are fleeing persecution in their country have yet to receive the protections promised during the debate on H.R. 2712. The following deserve your immediate attention:

*Matter of Chang has yet to be resolved. The background, as you will probably remember, is that I brought this precedent-setting case to your attention at the White House breakfast on January 24th. You assured me that should this case create any confusion, you would personally intervene to ensure any wrongly decided cases were granted asylum or refugee status. I also recorded the facts of the case in a letter to you dated January 25th. I received a brief response from your office on March 19th stating the precedential nature of the case had been overruled. However, Mr. Chang, whose case was submitted to your office in November, has yet to be granted asylum.

*Other Chinese fleeing China's "one couple, one child" policy who applied for asylum before December 1, 1989 are still affected by Matter of Chang too. Here is an example that stands out. Mr. and Mrs. "Ming" (case no. A29 598 818 and A29 297 239) both applied for asylum based on fear of persecution for their failure to abort their second child. They checked with the INS office on February 16, 1990 and were told their application was still pending with the State Department. However, on March 9th, they received a letter from the INS saying their application had been denied -- based on a State Department opinion dated November 28th, which cited the Board of Immigration Appeals decision in Matter of Chang as the rationale for denying the Mings' claim to asylum. Cases like this raise a real concern about whether Matter of Chang's precedential nature really has been overruled.

John - FYI
Reganios,
Bay

The Honorable Dick Thornburgh
April 5, 1990

*Those fleeing China's persecutive policies may land in INS detention centers, sometimes for months at a time. Many of these centers are noted for their very harsh conditions. A recent Denver Post editorial entitled "The INS Hellhole in Aurora" describes this facility as one in which "some are detained for months. There is no exercise yard, no windows in the holding rooms and poor ventilation." Terrible conditions coupled with the detention centers' tendency to mingle criminally violent detainees in large dormitories with others has meant the death of at least one student who overstayed his visa. Conditions like these are degrading to men and women we have promised to protect. What can be done to ensure refugee and asylum claimants receive better treatment at INS facilities?

*On January 12th, I forwarded to the Justice Department the cases, which had come to my attention, of one Chinese student active in the prodemocracy movement and two Chinese fleeing the PRC's coercive population control policies. All three had been detained for months in INS detention centers around the country, and were not even allowed to post bond. Please give me an update on their current status, and on whether or not they have been granted asylum.

*A Chinese couple, pregnant with their second child, recently entered Buffalo, New York seeking asylum due to China's coercive population control policies. The wife has been forced to have four abortions since the birth of their first child. Fearing a forced abortion and a forced sterilization, the couple escaped the PRC and fled to the United States, where they have applied for asylum. Since arriving, they've had their second child. Now, rather than consider their request as one falling within the purview of the President's provisions for those fleeing China's coercive population control policies, the INS is treating this case simply as one of illegal entry -- even though the attorney specifically requested asylum based on the new Justice Department regulations. It seems to me we should be able to do more to ensure justice is done in this specific case. Let me know what you decide to do.

*On February 12th, I also requested a monthly summary of all Chinese nationals being held in INS detention centers and the reason for their detention, so other Senators and I might closely follow their plight. Such a summary would be very helpful, but I have yet to receive any response to my request.

*Chinese students continue to face harassment, much of it in a very subtle fashion. The Chinese consulates in Chicago and New York have announced a new policy making it impossible for

page 3

The Honorable Dick Thornburgh

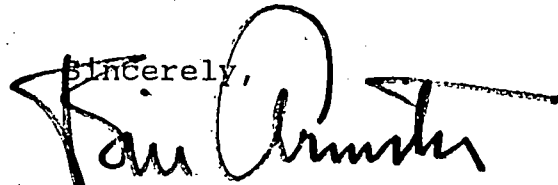
April 5, 1990

students to apply for the Administration's J-1 visa program without getting into trouble with the Chinese passport authorities. To renew their passport, they must now submit their I-94 form, issued by the INS, which has a record of the passport holder's most recent visa status. The students fear that the INS marking on their I-94, indicating the change of visa status, will prevent them from getting a Chinese passport extension. The current passport waiver extended by the President will expire on June 5, 1990, giving the Chinese officials a date they cite as the apparent end of American protection for students. Is there anything INS can do to change the formal requirements of U.S. documentation and afford the students a measure of protection from the PRC authorities?

Each and every one of these issues deserves your attention. I look forward to hearing from you at your earliest convenience.

Best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. L. Armstrong", with a large, stylized initial "W" and a long horizontal stroke extending to the right.

William L. Armstrong

WLA:cp

Bush Never Issued Executive Order Protecting Chinese Students in U.S.

By David Hoffman
Washington Post Staff Writer

President Bush promised in January to issue an executive order protecting Chinese students in the United States but never did so, relying instead on a directive by the attorney general that some students say has led to confusion and uncertainty about their status.

Bush vowed earlier this year that "no Chinese student will be returned to China against his or her own will." He made the promise as part of a successful effort to defeat congressional legislation protecting the students.

In a handwritten note Jan. 24 to Sen. Connie Mack (R-Fla.), the president said he would issue an "executive order" that "does

better by the students" than the proposed congressional legislation. Bush later reiterated several times that he had issued such an order to protect the students.

Yesterday, White House press secretary Marlin Fitzwater said that, although Bush "used that term," referring to the executive order, "in fact what he meant was the instructions to the Justice Department."

Fitzwater, questioned about a report in the New York Times that Bush had never issued the order, said "the executive order is not the right tool" and "what he did do was order the attorney general to take the legal steps necessary to assure that that was the case"

Attorney General Dick Thornburgh wrote a letter to Gene McNary, director of the Im-

migration and Naturalization Service, Dec. 1 directing him to protect the students.

Rep. Nancy Pelosi (D-Calif.), a sponsor of the Chinese students legislation, said the administration had not fulfilled its promise.

"It's typical of a syndrome in this administration of 'let's not do anything about it and say we did Let's say my executive order will protect the Chinese students but not do one,'" she said.

"He was talking about an executive order," Pelosi added. "He didn't say a letter I wrote to the attorney general."

Pelosi said that, as a result, nothing has been published in the Federal Register that would provide firm procedures for the INS to follow with regard to the students, many of whom did not want to return to China after

the Tiananmen Square massacre last June. In dealing with the students, she said, this has led to confusion and uneven practices. Some students, an aide said, have been asked to fill out lengthy waiver forms that include categories in which many would not qualify under normal circumstances, while others had been told no waiver application is necessary.

Haiching Zhao, chairman of the National Committee on Chinese Student Affairs, said some Chinese students have traveled outside the United States and had difficulty returning. In addition, he said, some students who apply for a change of status are being rejected on grounds that they cannot prove that they do not intend to remain indefinitely. Also, he said, the Chinese government is resisting passport renewal for some students.

"Right now, there is no written executive order, and people don't know what to do," he said. "There are always tricky questions and problems, and people don't know what to follow." Zhao said "we appreciate the public announcement that nobody will be sent back against his or her will. We trust that." But, he said, it has been suggested to the students that they not travel outside the United States.

"They are concerned," he said. "Many people are postponing their own research plans or whatever. I don't know how many cases, but there is a general tendency that people are having a hard time coming into the United States."

Special correspondent Marianne Yen in Cambridge, Mass., contributed to this report.



Office of the Attorney General
Washington, D. C. 20530

January 16, 1990

The President
The White House
Washington

My dear Mr. President:

On November 30, 1989, you directed me to take certain actions to improve the immigration status of nationals of the People's Republic of China ("PRC") currently in the United States. You requested that I report to you on the status of these actions. This letter sets forth the actions I have taken. In each instance, the action I have taken affords relief equivalent to, or greater than, the relief that would have been provided by H.R. 2712 (the "bill"). (I have attached copies of my letter to the Immigration and Naturalization Service ("INS") of December 1, 1989, and INS' cable to its field offices of the same date, implementing your directives).

1. You directed that I provide PRC nationals with an irrevocable waiver, that they may exercise until January 1, 1994, of the foreign residence requirement of 8 U.S.C. § 1182(e).

I have waived this requirement for all PRC aliens present in the United States as of December 1, 1989. This waiver is irrevocable. Any such alien who makes a nonfrivolous application for adjustment or any change of status may avail himself of the waiver until January 1, 1994. This action provides adjustment relief equivalent to that provided by the bill.

2. You directed that I take steps to assure the continued lawful status of PRC aliens lawfully present in the United States on June 5, 1989.

I have directed that PRC aliens who were in lawful status as of June 5, 1989, be considered to have maintained lawful status for the purposes of adjustment or change of nonimmigrant status. Again, this action provides relief equivalent to that provided by the bill.

3. You directed that I provide authorization for employment of PRC nationals present in the United States on June 5, 1989.

I have directed that INS grant all PRC aliens who were present in the United States as of June 5, 1989, the necessary authorization to engage in employment. This action provides employment opportunities greater than those afforded by the bill, which would have granted employment authorization only to certain PRC aliens, i.e., Chinese students in the F, J, or M visa categories.

4. You directed that I provide notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, to PRC aliens who are eligible for deferral of enforced departure and whose nonimmigrant status has expired.

I have directed that any PRC aliens who are eligible for deferral of enforced departure and whose authorized period of stay has expired be given notice of expiration of nonimmigrant status. This notice will be nonadversarial in nature and will explain the options available. This action provides for notification equivalent to that required by the bill.

5. Finally, you directed that I provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or sterilization.

I have directed that, with respect to all applications for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing fear of persecution related to family planning policies of forced abortion or sterilization. If an applicant establishes that the applicant has refused to abort or to be sterilized, he or she will be considered to have established a well-founded fear of persecution. All other factors that may contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, will also be given additional weight. These actions provide broader relief to persons fearing coercive family planning policies than that provided by the bill, which extended only to PRC aliens. Draft regulations to implement this directive, effective upon publication, will be available within a week.

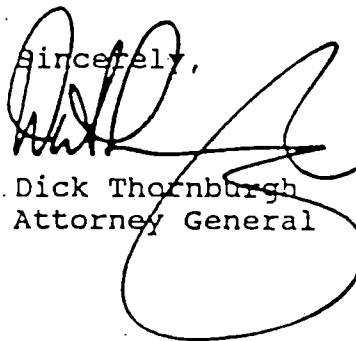
In addition to these measures, INS has established an Outreach Program to assist PRC aliens in the United States. INS has held briefings and consultations with representatives of PRC student leaders, the National Association of Foreign Student Affairs, and private groups interested in the PRC, to inform them of available options. Many INS district offices have also arranged meetings with local Chinese community and educational

institutions. Each INS District Office has designated a point of contact specifically to assist PRC nationals under this program.

INS field offices are also making every effort to expedite the processing of applications for benefits provided under the emergency relief measures. As of January 12, 1990, INS has granted work authorization to 2,779 PRC nationals; granted adjustment to permanent resident status for 87, with 108 cases still pending; authorized a change in temporary status for 225; and granted waivers of the foreign residence requirement of section 1182(e) for 70.

Initial results of the program indicate that these outreach efforts have been successful and that PRC aliens are aware of the available options and are filing applications. Of course, I will continue to monitor developments to assure the success of your policy of providing necessary relief to PRC nationals present in the United States.

Sincerely,

A large, stylized handwritten signature in black ink, likely belonging to Dick Thornburgh, is written over the typed name and title.

Dick Thornburgh
Attorney General

EXISTING LAW

H.R. 2712

**ADMINISTRATION'S
DIRECTIVE**

Provides for waiver of home residence requirement if certain prerequisites are met; does not preclude granting waiver to all members of a specified group

Grants waiver of home residence requirement to PRC nationals subject to requirement

Waives home residence requirement for PRC nationals in US on 12/1/89; satisfies requirements for granting of waivers

**CONSISTENT WITH
EXISTING LAW**

Constitution gives the Executive Branch the discretion not to enforce departure of certain nationality group; this discretion exercised by the Attorney General

Provides no independent basis under which PRC can remain in US; benefits contingent on Attorney General's exercise of his authority to defer enforced departure.

Consistent with Executive's constitutional authority, thus,

**CONSISTENT WITH
EXISTING LAW**

Permits any PRC national to seek asylum in order to avoid return to PRC

Protects PRC national in the US. on 6/5/89 in a lawful status against return to PRC only so long as deferral of enforced departure is in effect; adds no further protection to that provided by the Administration.

Protects all PRC nationals in the US on 6/6/89 against return to PRC, even if status was already unlawful. Protection lasts as long as deferral of enforced departure is in effect.

Provides that
aliens in unlawful
status may not
adjust to lawful
status.

Gives the Attorney
General authority
to interpret INA by
resolving legal
questions arising
under it.

Does not provide
basis for PRCs to
adjust status;
merely provides
they are to be
considered in
status for purposes
of adjustment, but
only while Attorney
General's directive
is in effect.

Determines that PRC
nationals in status
on 6/5/89 will be
considered still in
status for purposes
of adjustment while
deferral of
enforced departure
is in effect.
Proper exercise of
authority to
interpret the INA.

Honorable George Mitchell
United States Senate
Washington, D.C. 20510

January 22, 1990

Dear Senator Mitchell,

We applaud and support the President's decision to withhold approval of H.R. 2712, the " Emergency Chinese Immigration Relief Act of 1989."

The relationship between the United States and China has been difficult since June 1989 and the positive steps taken by President Bush to normalize relationship with China is serving the best interest of this nation. An override of the Presidential veto at this time will definitely send the wrong message to the leadership in China about American intentions. It will also complicate a very sensitive situation, not to mention the negative effect of limiting the President's ability to conduct diplomacy.

We strongly believe that the Presidential Directive makes H.R. 2712 totally unnecessary. We also believe that the Presidential Directive provides broader and better protection for the Chinese students. We also oppose legislation that put America in a straightjacket and Congressional actions that limit options available to the Executive Branch in responding to changing circumstances.

The President has acted in the long term best interest of America. We urge Congress NOT to override the Presidential decision to withhold approval of H.R. 2712.

Sincerely,

Samuel T Mok, Hun J Goon, Lawrence T Tom, Yen-Den A. Chen
The Chinese Consolidated Benevolent Association of Washington DC
Alfred Hong
Chinese American Citizen Alliance
Barry Tien
New Jersey Asian American Political Coalition
Julie Rao
Asian American Congressional Forum
Robert Kwok
Chinese American Music Society
Heo-Peh Lee
Chinese American Political Action Association of New York

Grant Moy, Attorney, Bethesda, MD; Rev. Man-King Tso, Baptist Church, Georgetown, Wash DC; Rev. Jonathan Liu, Chinese Bible Church, Rockville MD; Daniel Ho, Professor, Wash DC; Patrick Sung, Attorney, Arlington, VA; Dr. Robert Kwok, MD, Silver Spring MD; Eleanor Wang, Businesswoman, Annapolis, MD; Homer Chen, Engineer, Wash DC; Dr. Grace Shu, Williamsport, PA; Dr. Robert Hsueh, Attorney, Dallas, TX; Professor Chi Wang, Wash DC; Nelson Lee, Businessman, Silver Spring, MD

January 22, 1990

The Honorable President George Bush
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We are writing this letter to support your position and policy regarding the Chinese students present in the United States. We know you would never allow any action that would force the return of Chinese students if their lives or liberty are in danger. We know you have firm commitment and are supportive of the humanitarian principles that Chinese students are fighting for. We think your Executive Order provides immediate and broader protection than H.R. 2712.

Therefore, we strongly support your memorandum of disapproval issued on November 30, 1989. You have a long record being a supporter of fighter for human rights. We firmly believe that you and America will always stand with freedom-loving men and women around the world.

Respectfully yours,

Robert Hsueh
Chairman, Dallas Asian American Chamber of Commerce
5757 Alpha Rd. #1000
Dallas, TX. 75240
214-661-5114

Danny Lee
President Chinese Lions Club
721 W Arapaho Rd
Richardson TX 75080
214 234-2149

J.P. Bhatia
(Jyoti P. BHATIA)
CHAIRMAN, DALLAS Asian American
Voters Coalition
6516 WRENWOOD DRIVE
DALLAS TX-75252
(214) 680-4146
(214) 867-3224
Nguyen Lee
CHINESE CHAMBER OF COMMERCE, CHAIRMAN
10560 WALNUT ST. #100 DALLAS
TX 75243.
214-487-0115.

美京廣東同鄉會

THE GUANGDONG BENEVOLENT ASSOCIATION OF GREATER WASHINGTON

805 - 6th STREET, N.W. * WASHINGTON, D.C. 20001 * U.S.A.

Tel. (202) 371-2068
723-3261

January 19, 1990

Honorable George Mitchell
Senate Majority Leader
United States Senate
Washington DC 20510

Dear Senator Mitchell,

The Guangdong Benevolent Association of Greater Washinton and the following organizations wish to convey to all the United States Senators a message. The organizations are:

Chinese American Communities of USA
National Association of Chinese Americans, Washington, DC
The Fujian Residents Association, Washington DC
Associated Organizations of Chinese American Heritage, Washington, DC
American Center for Medical Sciences
American Chinese Freemason Society
Moy's Association
Chinese American Chamber of Commerce, USA
The Gee How Oak Tin Association
China Reunification Alliance, Washington DC
KiangSu Residents Association

The message is a simple one.

We believe the President did the right thing when he withheld approval of the Emergency Chinese Immigration Relief Act of 1989. We also believe that an override of this Presidential decision will not serve the best interest of United States, China, and the Chinese students in this country. As Chinese Americans, we speak with compassion for these students. As American taxpayers and voters, we speak with the interest of United States in mind. An override will endanger longterm relationship between China and the United States. It will also mislead the Chinese Government about the intentions of the American people and their perception of President Bush.

Please DO NOT allow the override of the President's decision on H.R. 2712 to take place.

Respectfully

Douglas Y. Toy
Douglas Toy

Chairman

POSITIVE STEPS BY CHINA

- Following the Scowcroft/Eagleburger trip, China **muted its propaganda attacks** on the U.S.
- Beijing publicly **denied it will sell M-9 missiles** to Syria and added a broader assurance for the first time that it **will sell no medium range ballistic missile** to any Middle East country.
- The Chinese reopened discussions to **resume the Fulbright exchange program**. Beijing had suspended it last summer in response to Chinese hardliners who see the program as an agency of "bourgeois" influence.
- The Chinese reversed themselves and **agreed to receive the first Peace Corps volunteers**, on schedule in Sichuan Province next September. Again this has been a sensitive issue inside China, with hardliners arguing that the volunteers are spies or carriers of "bourgeois democracy."
- More importantly, China **lifted martial law** in Beijing. The implications of this move are complex, and the action has not fundamentally changed the situation at one stroke. But hardliners were anxious to retain the extra powers given them by martial law, and symbolically it is very significant that the regime has shown it is willing to bend to foreign pressure. To declare that the lifting of martial law is anything other than a positive step runs the risk of strengthening those who refuse to bend.
- Our **Embassy in Beijing is no longer being harassed** by security forces and is back to the situation prior to Tiananmen. Our Ambassador's access is greatly improved.
- On January 18, Beijing announced it had recently **released 573 people** termed "lawbreakers who took part in the turmoil." While we still seek the fullest possible accounting of all those detained and sentenced since Tiananmen and seek further acts of amenesty and leniency, we see this as a move in the right direction.

COMPARISON OF THE EMERGENCY CHINESE IMMIGRATION RELIEF ACT
WITH THE RELIEF PROVIDED ADMINISTRATIVELY TO CHINESE ALIENS

The following comparison of the provisions of the Emergency Chinese Immigration Relief Act of 1989 (the "bill") with the analogous actions taken by the Administration demonstrates that, in each instance, the Administration has afforded relief to students and other Chinese aliens equivalent to, or greater than, the relief provided by the bill.

1. Waiver of Foreign Residence Requirement of Section 1182(e)

The bill would have provided for the waiver of the foreign residence requirement of 8 U.S.C. §1182(e) for Chinese students present in the United States on the date of enactment who filed nonfrivolous applications for adjustment or any change of nonimmigrant status within four years (i.e., through November 30, 1993, had the President signed the bill).

The Attorney General has waived this requirement for all Chinese aliens present in the United States as of December 1, 1989. This waiver is irrevocable. Any such alien who makes a nonfrivolous application for adjustment or any change of status may avail himself of the waiver until January 1, 1994. Thus, the Administration has provided adjustment relief superior to that provided by the bill.

2. Presumption of Continuous Residence

The bill would have provided that, for the purposes of any adjustment or change of nonimmigrant status, a Chinese alien present in the United States in the lawful status of a nonimmigrant as of June 5, 1989, be considered to have continuously maintained lawful status for the period during which the Attorney General has in effect a deferral of enforced departure for Chinese nationals.

The Attorney General has directed that Chinese aliens who were in lawful status as of June 5, 1989, be considered to have maintained lawful status for the purposes of adjustment or change of nonimmigrant status. Thus, the Administration has provided relief equivalent to that provided by the bill.

3. Employment Authorization

The bill would have provided that certain Chinese aliens present in the United States in the lawful status of nonimmigrants on June 5, 1989, be granted authorization to engage in employment in the United States for the period during which the Attorney General has in effect a deferral of enforced departure for Chinese nationals.

The Attorney General has directed that the Immigration and Naturalization Service ("INS") grant all Chinese aliens who were present in the United States as of June 5, 1989, the necessary

authorization to engage in employment. Thus, the Administration has provided employment opportunities beyond those afforded by the bill.

4. Notification

The bill would have directed the Attorney General to provide notice of expiration of nonimmigrant status to Chinese aliens whose authorized period of stay had expired and who were eligible for deferral of enforced departure. Such notice was to be nonadversarial in nature and was to explain the options available.

The Attorney General has directed that any Chinese aliens who are eligible for deferral of enforced departure and whose authorized period of stay has expired be given notice of expiration of nonimmigrant status. This notice will be nonadversarial in nature and will explain the options available. Thus, the Administration has provided for notification equivalent to that required by the bill.

5. Asylum, Withholding of Deportation, and Refugee Status

The bill would have required that, with respect to applications from Chinese nationals for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing a fear of persecution based on China's "one couple, one child" family planning program. Under the bill, an applicant would have been considered to have established a well-founded fear of persecution if the applicant could establish that he or she had refused to abort or to be sterilized in accordance with the Chinese program. The bill would have provided that all other factors (such as overt political activities, membership in an ethnic or religious minority, and family background and history) that might contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, be given additional weight in such determinations, and would have directed the Attorney General to promulgate implementing regulations.

The Attorney General has directed that, with respect to all applications for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing fear of persecution related to family planning policies of forced abortion or sterilization. If an applicant establishes that the applicant has refused to abort or to be sterilized, he or she will be considered to have established a well-founded fear of persecution. All other factors that may contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, are also to be given additional weight in such determinations. The Attorney General has ordered INS to promulgate any necessary implementing regulations. Thus, the Administration has provided broader relief than the bill to persons fearing coercive family planning policies, as its directive extends to all applicants, not just Chinese aliens.

Increasingly, Bush Seems Right on China

A. Doak Barnett is professor emeritus of Chinese studies at The Johns Hopkins University's School of Advanced International Studies. This article is adapted from his testimony last month before the House Foreign Affairs Committee.

By A. Doak Barnett

Like virtually all Americans, and most people in the Western world, I was shocked and outraged as well as saddened by the massacre of several hundred demonstrators in Beijing in early June.

I strongly supported President Bush's condemnation of the massacre and his imposition, by executive action, of carefully defined, limited sanctions. But I also strongly support his decision to try to reopen a dialogue with China's leaders — although I am critical of the way he did it, particularly of his decision, at China's request, to maintain secrecy until the national security adviser, Brent Scowcroft and the Deputy Secretary of State, Lawrence Eagleburger, arrived in Beijing. However, I think the action should be judged on the basis of more fundamental considerations than the style and method of renewing a dialogue.

China is a country of great importance, a member of the nuclear club, a country whose policies have an enormous influence on the stability of Asia — as well as on global stability. The ending of the old U.S.-China-Soviet triangle does not end the need for U.S.-China consultation and, where possible, cooperation. Some argue that this can be done at the ambassadorial level. I disagree. To deal with major issues, a dialogue at the highest levels is essential.

Our objective must be to encourage a return to active, effective economic and political reform in China. We have to recognize the severe limits of any foreign power's ability to determine domestic trends in China, and we cannot expect rapid democratization on the Western model; China's traditions and circumstances are different from Eastern Europe's.

But we can hope for renewed progress toward political liberalization. I am convinced that this can and will resume over time — but in a process of two steps forward and one step backward — with retreats occurring whenever social instability reaches a critical point.

The key question is how progress toward reform and liberalization can be encouraged by outside powers. Many Americans now assume that strong, continuing outside pressure

Beijing is beginning to respond.

will help. I strongly disagree. Outside pressures will almost certainly strengthen conservative hardliners and weaken moderate reformers. To the extent that contacts with the outside increase in the future, this will strengthen reform, as it has during the past decade.

The tragedy in June has created an unstable, uncertain situation. The present leadership is not monolithic.

Conservative hardliners are temporarily in the ascendancy, but most of China's reformers are still in place, waiting for a change in the country's leadership and policies.

While present economic policies are regressive, there has been no basic reversal of the policies of economic reform, only a partial, and I believe temporary, retreat. The post-Tiananmen policies of political repression of individuals and groups most active in the events of April-June continue, even after the lifting of martial law in Beijing. But when I was in China in September I was struck by the fact that the repression has not resulted in the purging of most reformers. Even if temporarily cowed, most reformers are not demoralized or intimidated.

I feel very strongly that prolonged

Sanctions would scuttle the progress.

and strong U.S. pressures on China — and ostracism of China — will simply delay, not accelerate, a revival of needed reforms. Punitive action and intemperate rhetoric will, if prolonged, simply encourage hostile xenophobia on the part of hardliners.

Much will depend on the Chinese response to the President's Initiative. The early response is encouraging: Beijing's assurance on refraining

from selling missiles to the Middle East, the lifting of martial law, allowing a Voice of America correspondent in the country, possible flexibility on Cambodia and discussions about a renewal of the Fulbright program and creation of a Peace Corps program.

The U.S. and others have urged Beijing to go further. Encouraging, in this regard, is the recent announcement by the Ministry of Public Security of the release of 573 people who were detained after the Tiananmen demonstrations and had pleaded guilty.

There are many other things China could do, including the following: End jamming of V.O.A. broadcasts and allow journalists greater freedom; finally resolve the case of the dissident physicist, Fang Lizhi, and his wife, who are now taking refuge in the U.S. Embassy; clarify Beijing's commitment to continued intellectual and student exchanges with the West; and further moderate domestic political policies.

We cannot expect that Chinese leaders will immediately do all these things. No list of this kind should be used as a litmus test. But we can and should expect significant Chinese responses to Mr. Bush's initiative.

I believe Congress should allow some time — at least another month or two — to see what the Chinese responses will be. Congress should not move to pass, over the President's vetoes, its legislative sanctions amendment or its Emergency Chinese Immigration Relief Act. The sanctions are likely to be counterproductive, and the immigration act seems gratuitous, because the President has pledged to achieve its objectives by administrative means.

If both of these are passed over the President's vetoes, China clearly will feel compelled to retaliate, possibly quite strongly. This is likely to cause a serious further deterioration of U.S.-China relations, and a further downward spiral, for at least a year or two, before new efforts can be made to repair relations.

Further U.S. punitive actions against China would almost certainly create serious divisions between the U.S. and our allies in Europe and Japan. Some Western diplomats in Beijing have already argued to their home governments that sanctions have encouraged conservative, isolationist and xenophobic trends, and have recommended that their governments renew high-level contacts. They have praised, at least privately, the Scowcroft-Eagleburger visit, saying that it will bolster moderates and improve U.S.-China relations.

I believe they are right, and that President Bush needs to be given time to test whether his judgment was right. □

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF CHEMISTRY

BERKELEY, CALIFORNIA 94720
FAX: (415) 686-8349

Telephone No. (415) 486-6154
Fax No. (415) 486-5311

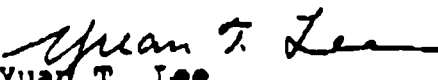
January 22, 1990

Fax #202 334-4480
Ms. Meg Greenfield, Editor
Editorial Page
Washington Post
1150 15th St. N.W.
Washington, DC 20071

Dear Ms. Greenfield:

I am respectfully submitting the attached article for your consideration to be published as a letter to the editor in Washington Post.

Sincerely yours,


Yuan T. Lee
Professor of Chemistry



DEPARTMENT OF CHEMISTRY

BERKELEY, CALIFORNIA 94720
FAX: (415) 642-8369

Telephone No. (415) 486-6154
Fax No. (415) 486-5311

January 22, 1990

Letter to the Editor
Washington Post

I Agree More with Bush on China

Y.T. Lee

Like everybody else around the world, I was shocked, outraged, and extremely disappointed by the tragic events which took place in Beijing in June of last year. My disappointment was mainly in the inability of the leaders of China to handle a complex situation reasonably, and once again diminished the active role that the intellectuals of China should be playing in the quest for modernization. Without hesitation, I joined in the strong protest and condemnation toward the Chinese government and cancelled my scheduled August trip to Beijing to deliver a plenary lecture to the International Photochemistry Conference. I decided to not engage in further academic exchanges with China until some positive signs of turning around in the views and attitudes of the Chinese leaders was clearly indicated.

Although I feel strongly that the international condemnation is important, if our objective is to encourage a return to active and effective economic and political reform in China, I doubt very much that it will be accomplished by prolonged and strong pressure by foreign powers. The progress toward reform and liberalization can only be encouraged by carefully designed actions in accordance with the reality of China.

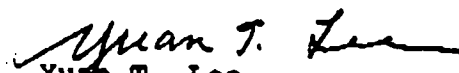
China is a country with 23% illiteracy. Less than one percent of her population receives higher education. In spite of the fact that some important progress has been made in many different areas in recent years, China, after all, is still quite backward and is ridden with many problems. A large number of students and scholars who are studying in the U.S. at present should be a great asset toward their effort in modernization. Unfortunately, undesirable conditions given to

the intellectuals in China have prevented China from enticing these students to return, even before the tragic events of last June. After losing an entire generation to the misguided cultural revolution, China simply can ill afford to lose another generation of their best and brightest abroad. Although it is the responsibility of China's leaders to help create favorable and satisfactory conditions in China in order to attract a significant fraction of the students who are studying abroad to return home, it is understandable that any sweeping action which makes it easier for Chinese students and scholars who came here with an exchange visa not to return home is likely to arouse strong reactions from the Chinese government and to terminate the future student and scholar exchange program, as well as their open-door policy.

Administrative actions taken by President Bush, with his commitment to never allow any action that would force the return of Chinese students if their lives or liberty are at risk, has certainly provided important and adequate protection to Chinese students who were here in June. This along with the President's carefully designed limited sanctions and the President's decision to try to start a dialogue with China are likely to be more effective than either the passage by Congress of its legislative sanctions amendment or its emergency Chinese Immigration Relief Act over the President's veto in persuading China to return to active and effective reform and to restart meaningful and productive U.S.-China relations for the next decade.

I do not consider the recent lifting of martial law and the announcement of the release of 573 people to be an adequate, strong indication of reaching the turning point, but I do hope that these are the first steps for Beijing to move toward granting amnesty to demonstrators, acknowledging that the events of June were a tragedy and changing their hostile attitude towards students and intellectuals.

Sincerely yours,


Yuan T. Lee
Professor of Chemistry

Letter to the Editor
Washington Post

-3-

January 22, 1990

Y.T. Lee, born in Taiwan and became a naturalized citizen in 1968, is Professor of Chemistry at the University of California at Berkeley. He visited China for the first time in 1978 as a member of the U.S. Delegation in Pure and Applied Chemistry. He received the National Medal of Science and the Nobel Prize in Chemistry, both in 1986.

館會華中京美
Chinese Consolidated Benevolent Association

803 H Street, N.W., Washington, D.C. 20001
202-638-1041

MEMBERS:

Chew Lun Association
Chinese American Citizens
Alliance
Chinese Community Church
Chinese Cultural Service
Center
Chinese Fraternal
Association
Chinese Medical & Health
Association
Chinese Senior Citizens
Club
Eng's Association
Gee How Oak Tin
Association
Hip Sing Association
Kuo Min Tang
Lee's Benevolent
Association
Lun Ming Club
Lung Kong Tin Yee
Association
Min Chee Tang
Moy's Association
On Leong Association
Rong Kuang Association
Wah Shing Social Club
Wing Wor Club
Wong's Association
Yee Fung Toy Hong

January 20, 1990

Letters to the Editor
The Washington Post
1150 15th Street, NW
Washington, DC 20071

Fax No: 202-334-4480

Dear Sirs:

The Chinese Consolidated Benevolent Association in Washington, DC (CCBA) was shocked and outraged by the massacre of students in Beijing last June. We strongly support the President's condemnation of the massacre and his measured actions taken in response to the tragic event.

We are, however, very concerned that Congress and the Executive Branch are divided over how best to protect the Chinese students in this country. While CCBA is supportive of the humanitarian principles underlying HR 2712, we are also very pleased to see the President sharing this same objective in his Executive Order. In the best interest of the Chinese students we urge Congress to defer voting on the veto override. This delay will allow time for the Administration and Congress to find a mutually agreeable way to serve the best interest of the students in question.

It is our view that HR 2712 is similar to the Presidential Executive Order. The latter may provide the President more flexibility and therefore serves the Chinese students' interest better. We strongly believe that a deferral on the vote override will provide the necessary time to arrive at a solution that will serve our national interest as well as the Chinese students.

Yours truly,


Bosco Lee
Chairman

Faxed to
Boyd
1/22 - LBS

January 20, 1990

Letters to the Editor
The Washington Post
1150 15th Street NW
Washington DC 20071

Dear Editor,

We applaud and support the President's decision to withhold approval of H.R. 2721.

The relationship between the united States and China has been difficult since June 1989 and the positive steps taken by President Bush to normalize relationship with China is serving the best interest of this nation. An override of the presidential veto at this time will definitely send the wrong signal to the leadership in China about American intentions. It will also complicate a very sensitive situation, not to mention the negative effect of limiting the President's ability to conduct diplomacy.

We strongly believe that the Presidential Directive makes H.R. 2712 totally unnecessary. We also believe that the Presidential Directive provides broader and better protection for the Chinese students. We also oppose legislation that put America in a straightjacket and Congressional actions that limit options available to the Executive Branch in responding to changing circumstances.

The President has acted in the long term best interest of America. We urge Congress NOT to override the Presidential decision to withhold approval of H.R. 2712.

Sincerely,

GUANDONG BENEVOLENT ASSOCIATION OF
GREATER WASHINGTON DC

THE GEE KUNG TONG ASSOCIATION

NATIONAL ASSOCIATION OF CHINESE
AMERICANS

805 6TH STREET, NW
WASHINGTON, DC 20001



Pablo J. Wong
NCI Real Estate
3237 MISSION STREET, SAN FRANCISCO, CA 94110
(415) 647-7240

January 18, 1990

Letters to the Editor
San Francisco Chronicle
901 Mission Street
San Francisco, Ca. 94103

Editor:

I am an American-chinese concerned about the safety of chinese people in the United States if they are forced to return to China under the present communist regime. Many Chinese americans and I support President's Bush Executive Order (EO) instead of Congress H.R. 2712.

The EO provides relief to the students and other Chinese aliens equivalent to, or greater than, the relief provided by the bill. For example, the President's EO makes the waiver of foreign residence requirements of section 1182(e) irrevocable until January 1, 1994. Also, the EO grants all Chinese aliens who were present in the U.S. as of June 5, 1989, the necessary authorization to engage in employment (the bill provides employment to certain Chinese aliens only). Another protection under the EO is to all applicants, not just Chinese aliens, for fear of persecution related to family planning policies of forced abortion or sterilization.

I recomend that Congress stop its efforts to override

CHINESE AMERICAN OUTREACH PROGRAM

1 Hallidie Plaza, Suite 450 (Market & Eddy Sts.) San Francisco, CA 94102 (415) 986-7698 Fax (415) 986-2877

January 22, 1990

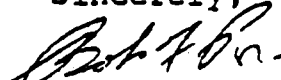
Dear Hon. Sichan Siv
Asst. to the President
White House
Washington D.C.

Enclosed are two copies of letter to the Editor of San Francisco Examiner and the San Francisco Chronicle newspapers.

I hope the American public would read the true sensitivities of the President of the United States toward the Chinese students.

If I can be at any service, please call me at the San Francisco Republican Party headquarter.

Sincerely,


Bok F. Pon
Director

6218
FAX to Ms. Dab Amend 202-456-2528
total 3 pages

CHINESE AMERICAN OUTREACH PROGRAM

1 Hallidie Plaza, Suite 450 (Market & Eddy Sts.) San Francisco, CA 94102 (415) 986-7698 Fax (415) 986-2877

January 22, 1990

Letter to the Editor

Attn: Mr. Larry Kramer
Executive Editor
San Francisco Examiner

Dear Sir:

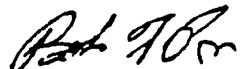
Presidential Executive Order, I am challenging the San Francisco Examiner paper to report the Presidential Executive Order more accurately. Your newspaper are giving the American public the false image of the President's veto concerning the Pelosi bill on the Chinese students.

The E.O. does provide even much more protection for the students than the Pelosi bill. The E.O. goes beyond for all Chinese aliens who were in lawful status as of June 5, 1989 presumption of continuous residence and grant not only just the Chinese students but fair for all Chinese aliens an employment opportunities.

For the Chinese students and all Chinese aliens waived departure, protection until Jan. 1, 1994 and this E.O. is irrevocable. the same as the Polosi bill that covered the students only.

In addition the E.O. provide all applicants, not just Chinese aliens, for asylum, withholding of deportation for those fear of persecution related to family planning and forced abortion or sterilization.

I am speaking on my behalf, not as a former trustee member of the Chinese for Affirmative Action or as a current board member of the Chinatown Newcomer Service Center, do wholeheartedly support President Bush's Executive Order and considered this Order is much more superior than the Pelosi bill. I do fully respect for Pelosi's concern for the Chinese students.


Bok F. Pon
San Francisco

CHINESE AMERICAN OUTREACH PROGRAM

1 Hallidie Plaza, Suite 450 (Market & Eddy Sts.) San Francisco, CA 94102 (415) 986-7698 Fax (415) 986-2877

January 22, 1990

Letter to the Editor
Executive Editor
San Francisco Chronicle
5th Street and Mission
San Francisco, CA 94103

Dear Editor,

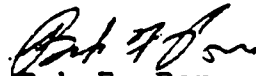
Presidential Executive Order, I am challenging the San Francisco Chronicle newspaper to report the Presidential Executive Order more accurately. Your newspaper are giving the American public the false image of the President's veto concerning the Pelosi bill on the Chinese students.

The E.O. does provide even much more protection for the students than the Pelosi bill. The E.O. goes beyond for all Chinese aliens who were in lawful status as of June 5, 1989 presumption of continuous residence and grant not only just the Chinese students but fair for all Chinese aliens an employment opportunities.

For the Chinese students and all Chinese aliens waived departure, protection until Jan. 1, 1994 and this E.O. is irrevocable, the same as the Pelosi bill that covered the students only.

In addition the E.O. provide all applicants, not just Chinese aliens for asylum, withholding the deportation for those fear of persecution related to family planning and forced abortion or sterilization.

I am speaking on my behalf, not as a former trustee member of the Chinese for Affirmative Action or as a current board member of the Chinatown Newcomer Service Center, do wholeheartedly support President Bush's Executive Order and considered this Order is much more superior than the Pelosi bill. I do fully respect for Pelosi's concern for the Chinese students.


Bok F. Pon
San Francisco

BOB DOLE
KANSAS

United States Senate

OFFICE OF THE REPUBLICAN LEADER
WASHINGTON, DC 20510OFFICE OF THE SENATE REPUBLICAN LEADER
FACSIMILE COVER SHEET

TIME: _____

DATE: 1/26/90

TO: _____

GovernorSununu

FROM: _____

SenatorDole

RE: _____

1 PAGES FOLLOW THIS COVER SHEET

DELIVERY: _____



URGENT - PLEASE HAND CARRY TO ADDRESSEE

IMMEDIATE - PLEASE DELIVER A.S.A.P.

COMMENTS:

SENT BY: _____

(OFFICE OF THE SENATE REPUBLICAN LEADER)
(TELEPHONE: 202/224-3135 FACSIMILE: 202/224-3163)

K.C. Star
1-25-90
P.O.

Area Chinese students not worried about bill

By Mary Sanchez
staff writer

Chinese students at the University of Missouri-Kansas City said today they were watching but were not overly concerned about the veto override vote in the Senate to help them stay in the United States.

The House voted 390-25 on Wednesday to override President Bush's veto of a bill eliminating a requirement that Chinese students return to their homeland for two years before applying for a visa to return to the United States.

The Senate was expected to have a close vote today.

Ji Wenxun, a doctoral candidate at UMKC, said she plans to return to China eventually so the fate of the bill did not concern her.

"It is a big deal for those people who want desperately to stay and become an American citizen," she said. "But many students want to go back."

Members of Congress fear some students may be in danger if they return to their country after the battles between Chinese soldiers and students in Tiananmen Square.

visa that does not call for the two-year return to China, Burns said.

"Congress says that as long as the human rights violations are continuing we should not be doing business with the Beijing government," Burns said.

Some members of Congress have argued that Bush could repeal or change his administrative order. A law would be harder to change and, therefore, would offer the students more protection.

Chinese students are, for the most part, not concerned about which branch of the United States government protects them, Burns said.

"It's a classical question of American politics," Burns said. "But it's too much to assume that a Chinese student or scholar would follow it."

The Associated Press contributed some information to this article.

Tiananmen Square.

Another UMKC student, Yifu Guan, had similar feelings.

"If Congress overrides President Bush's veto that's OK," Guan said. "But Bush says he has the procedure to protect the Chinese students."

Bush reportedly vetoed the bill because he felt it was unnecessary after he signed an administrative order allowing Chinese students to stay in the United States.

Guan said that order made him feel secure enough. His student visa expires in 1992.

There are about 100 Chinese students, researchers or faculty members at UMKC, said Thomas Burns, manager of international student affairs for the university.

Burns said most of the students are not concerned about Congress' efforts to override the veto. He said most students feel they are protected by Bush's administrative order.

Bush's order gives Chinese people who are in this country illegally the right to stay until June 5, 1990, one year after the Tiananmen Square incident, where Chinese students were killed after trying to promote a more democratic government for their country, Burns said.

The order also gives Chinese students and scholars until 1994 to change to a different type of

(INSERT NAME OF DISTRICT LEAD OFFICER) AT (PHONE NUMBER).

SINCERELY,

(SIGNATURE)

DISTRICT DIRECTOR"

ORDERS TO SHOW CAUSE SHALL NOT BE ISSUED AGAINST CHINESE NATIONALS WHO WERE IN A LAWFUL NONIMMIGRANT STATUS ON JUNE 5, 1989, AND WHO ARE ELIGIBLE FOR DEFERRAL OF ENFORCED DEPARTURE. ORDERS TO SHOW CAUSE THAT WERE ISSUED AFTER JUNE 5, 1989, TO ANY OF THESE CHINESE NATIONALS SHALL BE CANCELLED AS IMPROVIDENTLY ISSUED.

COCOM

THE WHITE HOUSE
WASHINGTON

JANUARY 12, 1990

MEMORANDUM FOR GOVERNOR SUNUNU

THROUGH: DAVID DEMAREST *DD*

FROM: DEB AMEND *DA*

RE: VETO OVERRIDE COMMUNICATIONS PLAN

We've got several things in the works to help try and keep the Congress from overriding the President's veto of H.R. 2712, the Pelosi immigration legislation.

1. Guest Editorials. Two newspapers are critical, The New York Times and The Washington Post. We are asking former President Richard Nixon to write a guest editorial for the Times and former Carter Administration NSC official Michel Oksenberg to write an editorial for the Post.

2. USA Today. This paper has a column on their editorial page called "Inquiry". It has a very simple question and answer format which I believe would lend itself well to a discussion of how effective the President's administrative action has been. I've got a request in to the Attorney General's public affairs office to see if they can't offer an exclusive interview on this subject. They are enthusiastic about it.

3. Fact Sheet and Information package. We've compiled an easy to read and understand fact sheet and background package for distribution to our supporters, Republican Members of Congress and the Cabinet. We'd like to distribute this as soon as we can. A draft is attached.

4. One hundred and fifty Asian American Republicans are in town today and we are seeking their support. We've asked them to write their Senators and their hometown newspapers. Sichan Siv will be in San Francisco tomorrow seeking support from another group of Asian American leaders.

5. Director Darmon's strategy of a whip organization in the Senate should work well, but we need to nail down support quickly. Legislative Affairs should take the lead on this.

6. As soon as we take these immediate steps we'll focus on the other critical areas around the country. Here are some of our ideas:

Memorandum to Governor Sununu
Page Two

Administration Spokesmen

1. Backgrounder by General Scowcroft or Under Secretary Eagleburger.
2. Exclusive interview or OP/ED by Governor Sununu for the National Journal.
3. Others we should ask to write guest editorials include Secretary of State Baker, and both the INS Commissioner and the Director of USIA, who are responsible for implementing the administrative policy.

Opinion Leaders outside the Administration we should call on to help galvanize support:

1. Wall Street Journal OP/ED by Congressman Jim Leach.
2. Chicago Tribune OP/ED by Congressman Henry Hyde.
3. Guest Editorial in the San Francisco papers by former Secretary of State Zibignew Brezhenski.
4. Dallas Morning News guest editorial by Chinese American supporter and immigration lawyer, Robert Hseuh.
5. Others we should round up to help us with the fight include:

Jeanne Kirkpatrick
Leaders in the Chinese American Community
Senators on our side
Corporate leaders with an interest in China, such as
Coca-Cola
China experts from the academic community

DRAFT

China Fact Sheet

Following the tragic events in China's Tianamen Square, the President took action to ensure that all Chinese nationals in America - students and teachers, visitors and temporary workers - would not have to return to China and face the risk of persecution.

"Chinese and other foreign visitors should know that this is not an expedient or temporary action, but one reflecting fundamental American humanitarian values."

-- President George Bush

1. Today no Chinese national need fear returning to China to face persecution. The President's policy is irrevocable and ensures that:

Every Chinese student in America is welcome to stay in this country and continue his or her studies;

Every Chinese national in America who wants employment is legally authorized to seek it;

All foreign nationals, regardless of their country of origin, will be entitled to asylum if they have resisted forced abortion or sterilization.

2. The Pelosi Bill, H.R. 2712, provides no greater protection and in some respects is more restrictive.

Employment authorization is granted only to Chinese students, not all Chinese nationals, under the Pelosi legislation.

Only Chinese nationals are offered asylum protection if they have resisted forced abortion or sterilization.

3. The Pelosi legislation is not necessary; the President's policy is working effectively:

Already 2,100 Chinese nationals have been granted the immigration benefits of the President's policy.

4. The President opposes congressional micromanagement of foreign policy. It restricts his ability to respond quickly and creatively to unanticipated international developments. The President acted administratively in this instance to preserve his authority.

COMPARISON OF THE EMERGENCY CHINESE IMMIGRATION RELIEF ACT
WITH THE RELIEF PROVIDED ADMINISTRATIVELY TO CHINESE ALIENS

The following comparison of the provisions of the Emergency Chinese Immigration Relief Act of 1989 (the "bill") with the analogous actions taken by the Administration demonstrates that, in each instance, the Administration has afforded relief to students and other Chinese aliens equivalent to, or greater than, the relief provided by the bill.

1. Waiver of Foreign Residence Requirement of Section 1182(e)

The bill would have provided for the waiver of the foreign residence requirement of 8 U.S.C. §1182(e) for Chinese students present in the United States on the date of enactment who filed nonfrivolous applications for adjustment or any change of nonimmigrant status within four years (i.e., through November 30, 1993, had the President signed the bill).

The Attorney General has waived this requirement for all Chinese aliens present in the United States as of December 1, 1989. This waiver is irrevocable. Any such alien who makes a nonfrivolous application for adjustment or any change of status may avail himself of the waiver until January 1, 1994. Thus, the Administration has provided adjustment relief for a slightly longer period than that provided by the bill.

2. Presumption of Continuous Residence

The bill would have provided that, for the purposes of any adjustment or change of nonimmigrant status, a Chinese alien present in the United States in the lawful status of a nonimmigrant as of June 5, 1989, be considered to have continuously maintained lawful status for the period during which the Attorney General has in effect a deferral of enforced departure for Chinese nationals.

The Attorney General has directed that Chinese aliens who were in lawful status as of June 5, 1989, be considered to have maintained lawful status for the purposes of adjustment or change of nonimmigrant status. Thus, the Administration has provided relief equivalent to that provided by the bill.

3. Employment Authorization

The bill would have provided that certain Chinese aliens present in the United States in the lawful status of nonimmigrants on June 5, 1989, be granted authorization to engage in employment in the United States for the period during which the Attorney General has in effect a deferral of enforced departure for Chinese nationals.

The Attorney General has directed that the Immigration and Naturalization Service ("INS") grant all Chinese aliens who were present in the United States as of June 5, 1989, the necessary

authorization to engage in employment. Thus, the Administration has provided employment opportunities beyond those afforded by the bill.

4. Notification

The bill would have directed the Attorney General to provide notice of expiration of nonimmigrant status to Chinese aliens whose authorized period of stay had expired and who were eligible for deferral of enforced departure. Such notice was to be nonadversarial in nature and was to explain the options available.

The Attorney General has directed that any Chinese aliens who are eligible for deferral of enforced departure and whose authorized period of stay has expired be given notice of expiration of nonimmigrant status. This notice will be nonadversarial in nature and will explain the options available. Thus, the Administration has provided for notification equivalent to that required by the bill.

5. Asylum, Withholding of Deportation, and Refugee Status

The bill would have required that, with respect to applications from Chinese nationals for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing a fear of persecution based on China's "one couple, one child" family planning program. Under the bill, an applicant would have been considered to have established a well-founded fear of persecution if the applicant could establish that he or she had refused to abort or to be sterilized in accordance with the Chinese program. The bill would have provided that all other factors (such as overt political activities, membership in an ethnic or religious minority, and family background and history) that might contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, be given additional weight in such determinations, and would have directed the Attorney General to promulgate implementing regulations.

The Attorney General has directed that, with respect to all applications for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing fear of persecution related to family planning policies of forced abortion or sterilization. If an applicant establishes that the applicant has refused to abort or to be sterilized, he or she will be considered to have established a well-founded fear of persecution. All other factors that may contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, are also to be given additional weight in such determinations. The Attorney General has ordered INS to promulgate any necessary implementing regulations. Thus, the Administration has provided broader relief than the bill to persons fearing coercive family planning policies, as its directive extends to all applicants, not just Chinese aliens.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 30, 1989

STATEMENT BY THE PRESIDENT

On the 5th of June, following the tragic events in China, I took action to guard against the chance that any Chinese student would be forcibly returned to face persecution.

Today I re-emphasize my commitment -- as I have told Chinese students in America, and as I have told Congress -- to never allow any action that would force the return of Chinese students if their lives or liberty are at risk. Because of this firm commitment, I am supportive of the humanitarian principles underlying H.R. 2712.

For these same humanitarian reasons, I have today taken administrative action that will offer the same protections as those provided for in H.R. 2712. I have instructed the Attorney General to take the steps necessary to extend administratively to all Chinese students in the United States the same benefits that H.R. 2712 would have extended. In addition, last June I exercised my authority to provide opportunity for employment to a wider class of Chinese aliens than the bill would have required. And -- going further than the bill's provisions concerning asylum cases arising in connection with policies of forced abortion and coerced sterilization -- I have also instructed the Attorney General to ensure that, rather than single out one country, this provision is implemented administratively and in such a way as to offer this protection to all foreign nationals, regardless of their country of origin.

Because these administrative steps make it unnecessary, I have at the same time disapproved H.R. 2712. My Administration has opposed Congressional micromanagement of foreign policy. Such legislation puts America in a straitjacket and can render us incapable of responding to changing circumstances. H.R. 2712 is inconsistent with this policy.

Chinese and other foreign visitors should know that this is not an expedient or temporary action, but one reflecting fundamental American humanitarian values. I will always adhere to the principle that no one will be returned forcibly to a country where he or she faces persecution. America will always stand with freedom-loving men and women around the world.

#

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

November 30, 1989

MEMORANDUM OF DISAPPROVAL

In light of the actions I have taken in June and again today, I am withholding my approval of H.R. 2712, the "Emergency Chinese Immigration Relief Act of 1989." These actions make H.R. 2712 wholly unnecessary.

I share the objectives of the overwhelming majority in the Congress who passed this legislation. Within hours of the events of Tiananmen Square in June, I ordered the Attorney General to ensure that no nationals from the People's Republic of China be deported against their will, and no such nationals have been deported. Since June, my Administration has taken numerous additional and substantive actions to further guarantee this objective.

Today I am extending and broadening these measures to provide the same protections as H.R. 2712. I am directing the Attorney General and the Secretary of State to provide additional protections to persons covered by the Attorney General's June 6th order deferring the enforced departure for nationals of China. These protections will include: (1) irrevocable waiver of the 2-year home country residence requirement which may be exercised until January 1, 1994; (2) assurance of continued lawful immigration status for individuals who were lawfully in the United States on June 5, 1989; (3) authorization for employment of Chinese nationals present in the United States on June 5, 1989; and (4) notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, for individuals eligible for deferral of enforced departure whose nonimmigrant status has expired.

In addition, I have directed that enhanced consideration be provided under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization.

These further actions will provide effectively the same protection as would H.R. 2712 as presented to me on November 21, 1989. Indeed, last June I exercised my authority to provide opportunity for employment to a wider class of Chinese aliens than the statute would have required. My action today provides complete assurance that the United States will provide to Chinese nationals here the protection they deserve.

It has always been my view, and it is my policy as President, that the United States shall not return any person to a country where he or she faces persecution.

I have under current law sufficient authority to provide the necessary relief for Chinese students and others who fear returning to China in the near future. I will continue to exercise vigorously this authority. Waivers granted under this authority will not be revoked.

more

(OVER)

Maintaining flexibility in administering our productive student and scholar exchange program with China is important. As many as 80,000 Chinese have studied and conducted research in the United States since these exchanges began. I want to see these exchanges continue because it is in the national interest of the United States to promote the exchange of technical skills and ideas between Chinese and Americans. It is my hope that by acting administratively, we will help foster the continuation of these programs.

My actions today accomplish the laudable objectives of the Congress in passing H.R. 2712 while preserving my ability to manage foreign relations. I would note that, with respect to individuals expressing a fear of persecution related to their country's coercive family policies, my actions today provide greater protection than would H.R. 2712 by extending such protection worldwide rather than just to Chinese nationals. Despite my strong support for the basic principles of international family planning, the United States cannot condone any policy involving forced abortion or coercive sterilization.

I deplore the violence and repression employed in the Tiananmen events. I believe that China, as its leaders state, will return to the policy of reform pursued before June 3. I further believe that the Chinese visitors would wish to return to China in those circumstances, in which case I would hope that the knowledge and experience gained by the Chinese visitors temporarily in our country be applied to help promote China's reforms and modernization.

The adjournment of the Congress has prevented my return of H.R. 2712 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). Because of the questions raised in opinions issued by the United States Court of Appeals for the District of Columbia Circuit, I am sending H.R. 2712 with my objections to the Clerk of the House of Representatives.

GEORGE BUSH

THE WHITE HOUSE,
November 30, 1989.

LETTERS TO THE EDITOR

A Presidential Kowtow?

An editorial Nov. 30 called a presidential veto of the bill continuing the student status of Chinese students after next June "kowtowing" to China. This fundamentally misstates the real visa and foreign policy issues involved.

The Chinese students in the United States are not in jeopardy. The Chinese know full well which students are here and when they came; those who do not return when they are scheduled will be presumed to have remained on with U.S. approval—with or without the legislation. The president has the power, and it is clear he will use it, to extend the stay of Chinese students in the United States whose student visas may expire virtually indefinitely if they are fearful of returning. This has been done previously for Ethiopian, Polish, Nicaraguan and Vietnamese students, among others. The legislation that was passed was an "easy" vote for members of Congress but totally unnecessary. It is an empty statement and one that offends without punishing China.

The legislation feeds the anti-American faction within a Beijing leadership that clearly remains sharply divided on relations with the outside world. Nor is it a trivial matter if all students exchange

es are terminated between the United States and China.

The presidential veto of Rep. Nancy Pelosi's bill tells China that the president and his administration will not engage in gratuitous gestures without basically changing American sympathetic treatment for Chinese students. It sends a signal that the United States wants to call a halt to escalating tensions with China. If China does not respond in some way, Congress will certainly override the president's veto when it reconvenes. But precisely because a veto carries that risk, it may carry weight in Beijing for those who want to try to ease tensions on the Chinese side.

If the Chinese pocket the gesture and make no response on their side, the Sino-U.S. freeze will continue. The veto of the bill is a gamble, but a statesman-like one. It should be supported by anyone looking beyond momentary congressional constituency politics and nose-thumbing at Beijing.

PAUL H. KREISBERG

Senior Associate
Carnegie Endowment for International Peace
Washington

Bush Is Right on China

145

By Michel Oksenberg

As a centrist Democrat who advocates policies that advance our national values and our national interest, I am troubled by the eagerness of many fellow Democrats to score debating points off President Bush's China policy.

The President is accused of being a wimp, this time for dispatching his national security adviser, Brent Scowcroft, and Under Secretary of State Lawrence Eagleberger, to Beijing to "kowtow" before the Chinese.

In reality, President Bush's sending of the Scowcroft mission was an act of courageous leadership that his critics on other days claim he never exhibits.

The President decided to endure the predictable condemnations from the left and right. Further, he knew that dialogue at high levels in Beijing rarely leads to public agreements and that the results come out slowly. In the meantime, critics will point to the absence of immediate gains to prove the exercise was futile.

The principal reason that George Bush has given for Mr. Scowcroft's trip is persuasive: to maintain official contact with the leadership that is slipping into a position of dangerous isolation.

Governments throughout the world, including our own, appropriately and immediately responded to the brutality and callousness of China's leaders last June by condemning the gross violation of human rights, by ceasing high-level contacts and applying an array of costly economic sanctions that

Michel Oksenberg, professor of political science at the University of Michigan, served on the Carter Administration's National Security Council staff.

mostly still remain in effect. Foreign investment, scientific exchanges and tourism have all dropped precipitously.

The cumulative impact of these justifiable measures is taking hold. They have placed the hard-bitten and stubborn leaders in Beijing in a bind. But the measures also are creating a siege mentality.

It seems prudent in this context to do exactly what George Bush has done: To probe and to ascertain whether the pressure is inducing any flexibility and to discourage Deng Xiaoping and his associates from sinking into the totally isolationist and antiforeign posture that has all too often characterized China in this century.

While the events in China since June 1 are deeply abhorrent to us, the situation could easily become worse: even more oppression at home and a troublesome and recalcitrant China abroad. That is what the Administration is attempting to prevent, recognizing that additional pressure and continued absence of dialogue only increase the danger.

The continued tranquility and prosperity of East Asia depends upon China's constructive engagement in the region. In Indochina, Beijing has an indispensable role in influencing the Khmer Rouge and in forging a viable coalition government to bring peace to Cambodia.

China's arms sales policies obviously concern the U.S., especially in the Middle East. As China's foreign currency reserves drop, it is important to obtain renewed assurances that revenue shortfalls will not be remedied through weapons sales.

Finally, as the Soviet-American relationship undergoes fundamental change, it is important that both Washington and Moscow — not just Moscow through its improved channels with Beijing — inform the top leaders of China of what transpired in Malta.

The burden is now on Beijing to help the Administration. Rather than directing fire at George Bush, bipartisan pressure should now be exerted on Beijing for what measures it now will undertake to halt continued deterioration in China-American relations.

Beijing should be urged to grant amnesty to demonstrators, acknowledge that the events of June were a tragedy, release an even incomplete

Democrats' cheap shots undermine courageous realpolitik.

list of the names of those killed in June, diminish the pointed criticisms of foreign ideas and influence and halt the oppressive climate that now pervades many universities and research institutes. These measures would begin to alleviate the quiet anger among the populace and make Beijing a somewhat more comfortable place for foreigners.

To signal an interest in joining President Bush's effort to keep the relationship alive, the Chinese could also take such steps as stopping the jamming of the Voice of America, allowing the dissident physicist Fang Lizhi and his wife to go abroad, resuming the Fulbright program and renewing negotiations over establishing a Peace Corps presence.

Unfortunately, since the June tragedy, Democrats have been swift to criticize but have offered no plausible alternative to the President's

China policy. Instead, they have tended to indulge in the rhetoric of moral indignation, to treat the Chinese leaders as pariahs in world affairs and to advocate sanctions that our Asian allies are unlikely to sustain and that will therefore separate us from them on a key issue.

Not a single leading Democrat has seen fit to go to China to express his or her views directly. We have a right to expect more from a party that properly condemned the Reagan Administration for failing to have adequate contact with top Soviet leaders during his first five years in office, while Democrats boldly paraded to Moscow to plead the cause of human rights directly to Soviet leaders.

The result is that China policy has again become a partisan issue, as it was in the 1950's and 1960's. The President and moderate Republicans are defending a constructive relationship with the most populous nation on earth, while Democrats are drifting toward what appears to be a willingness to risk isolating China's Government and to court its animosity. This is bad politics and an abdication of statesmanship.

The American people are unlikely to support for long a policy that treats the leaders of China as the enemy and isolates them in world affairs. In terms of statesmanship, the U.S. tried to isolate China for 20 years, following the 1949 revolution. Its efforts ended in failure.

A centrist policy demands both strong condemnation for China's human rights violations and an unequivocal and repeated acknowledgment that we continue to share many interests with Beijing, repulsive as its deeds of June and thereafter are. And high-level consultations with the leaders in Beijing realistically are a necessary part of the process of making sure these principles and interests are served. □

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Memo	Response to 1/22/90 memo comparing H.R. 2712 with the administration's immigration relief plan for nationals of the People's Republic of China (3 pp.)	n.d.	P/5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: H.R. 2712/Chinese Students (1989) [1]

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29144-005
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition: *
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

- 1 -

This memorandum responds to the Congressional Research Service memorandum of January 22, 1990, which compares H.R. 2712 and the Bush Administration's immigration relief plan for nationals of the Peoples' Republic of China.

There are two matters that should be mentioned at the outset. The first is the allegation that the Administration's initiative is "vulnerable to court challenge." We cannot conceive of a single context in which any party would have standing to challenge in court the Attorney General's directives giving relief to PRC nationals. The directives benefit PRC nationals and harm the legal interests of no one.

Secondly, it is important to note, as the CRS memorandum does, that the benefits under H.R. 2712 that relate to work authorization, presumption of lawful status, and notification of expiration of stay are effective only so long as the Administration's deferral of enforced departure remains in effect. If H.R. 2712 becomes law, but the Administration's directive expires, the H.R. 2712 will not give any PRC national any independent basis for remaining in the United States lawfully, beyond the expiration of the Administration's directive.

1. Waiver of the Foreign Residence Requirement of Exchange Visitors

The CRS memorandum suggests that there exists no authority under current law to grant a blanket waiver of the foreign residence requirement which INA § 212(e) imposes on certain exchange visitors. CRS Memorandum at 6. It is important to note, however, that nothing in section 212(e) prevents the Attorney General from granting a waiver on a blanket basis. INA § 212(e), 8 U.S.C. § 1182(e). Even the CRS Memorandum acknowledges that section 212(e) "does not clearly preclude group relief." CRS Memorandum at 6. The Attorney General has authority to take such actions as he deems proper to carry out his authority under the INA. INA § 103(a), 8 U.S.C. § 1103(a).

The CRS Memorandum also suggests that the USIA Director's recommendation is problematic. CRS Memorandum at 6. However, the actions of the USIA Director and of the Attorney General clearly comply with the requirements of section 212(e). It is true that the USIA Director recommended that the Attorney General grant the waiver to all PRC nationals in the United States on June 5, 1989. The Attorney General granted this waiver. The USIA Director then sent a second recommendation, setting the date at December 1, 1989. The Attorney General also granted this waiver.

- 2 -

Next the CRS Memorandum suggests that the Administration's Directive is not clear on what PRC nationals must do to obtain the benefits of the waiver. CRS Memorandum at 6. Again, this is not correct. All a PRC national needs to do to obtain the benefit of the waiver is to file a nonfrivolous application for adjustment or change of status, or for an immigrant visa, at any time before January 1, 1994. It should be noted that H.R. 2712 had the same requirement: H.R. 2712 would have granted the waiver only to PRC nationals who filed nonfrivolous adjustment applications within four years of the date of enactment. H.R. 2712 § 2(a).

2. Employment Authorization

The CRS Memorandum notes that the Attorney General has "ample authority under current law to carry out its work authorization relief." CRS Memorandum at 8. The Memorandum also notes that the Administration has granted this relief to a larger group than would have been covered by H.R. 2712. *Id.* Under H.R. 2712, only students and scholars would have received employment authorization. The Attorney General has granted this relief to all PRC nationals in the United States on June 5, 1989.

3. Presumption of Continued Lawful Residence

The CRS Memorandum suggests that the Administration's Directive may conflict with INA section 245(c)(2). CRS Memorandum at 9. This provision bars the adjustment of status of most aliens who are in an "unlawful immigration status" on the date they apply for adjustment. INA § 245(c)(2), 8 U.S.C. § 1255(c)(2). The memorandum itself, however, notes that the Attorney General has authority to "set standards for lawful residence." CRS Memorandum at 12. There are "no detailed requirements for remaining in lawful status." *Id.* The CRS also notes that the Attorney General has authority to determine how long and under what conditions an alien may remain in the United States as a non-immigrant. *Id.* The source of this authority is section 214 of the INA. Regulations promulgated under this authority permit the extension of an alien's authorized period of stay. 8 C.F.R. § 214.1(c). In appropriate circumstances, these extensions can be granted even after the initial period of stay has expired, so long as the failure to obtain the extension in a timely manner is excusable. 8 C.F.R. § 214.1(c)(2). In addition, section 245 itself provides additional flexibility to deal with aliens who have fallen out of status "through no fault of their own or for technical reasons." INA § 245(c)(2), 8 U.S.C. § 1255(c)(2). INS regulations reflect this flexibility. 8 C.F.R. § 245.1(c)(2)(ii). The Attorney General has, in his discretion, deemed that the PRC nationals who cannot return to China at the present time are in an analogous situation.

- 3 -

The CRS Memorandum notes that "the Attorney General may be able to assist PRC nationals to maintain lawful status through" the use of this authority. CRS Memorandum at 12. The CRS believes that regulations may be necessary to accomplish this result. *Id.* The Attorney General, however, already has the authority to exercise, in person, the authority given under INA § 214 and 8 C.F.R. § 214.1(c)(2). INA § 103(a), 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1. Thus, additional regulations are not needed.

4. Asylum Standards Relative to Coercive Population Control Policies

The CRS Memorandum notes that the Attorney General's directive conflicts with the decision in Matter of Chang, I.D. No. 3107 (BIA 1989), in which case the Board of Immigration Appeals denied an asylum request that was based on the alien's fleeing the PRC's population control policies. CRS Memorandum at 13ff. The CRS suggests that the Attorney General's directive may not bind the BIA and the immigration judges, since the Attorney General may not dictate results to the BIA in a given case. *Id.* at 16. The Attorney General may, however, reverse the Board after certifying a case to himself. 8 C.F.R. § 3.1(h)(1)(i). Chang, therefore, does not stand in the way of full implementation of the Attorney General's directive.

The CRS Memorandum also suggests that a regulation promulgated by INS to implement the Attorney General's directive may not bind the Board. CRS Memorandum at 16. The Attorney General himself, however, promulgated these regulations. Thus, there can be no question that these regulations will bind the Board and the immigration judges.

5. Notification of Expired Status

The CRS Memorandum acknowledges that the Attorney General has the authority to notify PRC nationals of the expiration of their period of authorized stay, without initiation of deportation proceedings. CRS Memorandum at 17. The CRS also notes that there is no legal bar to the cancellation of orders to show cause that had been issued against PRC nationals who were in lawful status on June 5, 1989.



BOB DOLE
UNITED STATES SENATE

January 17, 1990

Dear John:

A young lawyer -- a Chinese national who has lived and worked here for a number of years -- just sent me the attached. He is offering it as an op ed to the New York Times.

It's a very eloquent statement of the case against isolating the PRC. I thought you and the President might enjoy reading it.

Sincerely yours,

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a smaller loop and a trailing line.

BOB DOLE
United States Senate

The Honorable John Sununu
Chief of Staff
The White House
Washington

By Yang Jun

Many Americans advocate imposing further economic sanctions against China because they believe isolating China's leaders will pressure them to move the country toward democracy.

As a Chinese citizen living in New York, I too would like to see my country turn democratic someday. I cheered those who demonstrated last spring in Tiananmen Square, and I wept when thousands fell last June. But I believe the imposition of more economic and diplomatic sanctions against China will achieve the opposite of what their advocates seek. Contact with the outside world brought the spark of democracy to China. Further isolation from the outside world will keep the spark from catching fire again.

Even though I have been living in the United States for over three years, I still feel as though I am living in a wonderful dream. I am a Chinese lawyer currently working for a Wall Street law firm. I graduated last year from Columbia Law School and have passed the New York and New Jersey state bar examinations. None of this would have been possible for me or my family before our nations reestablished relations in 1972. But I feel the way I do about sanctions against China not only for my own sake but for the sake of the millions of other Chinese who have benefited from renewed contact with the West.

Page 2

Before I came to the States, I never had any formal English training in China. I started to learn English on my own in 1972 when some friends and I were fortunate enough to borrow a two-volume English textbook brought to China by President Nixon as a gift to the Chinese people. At that time, there were few such textbooks available. We had to spend the night typing the entire book in order to return it the next day. We did not have access to English language tapes or records. Broadcasts by the Voice of America were available, but VOA was blocked by my government and listening to it was illegal. Each night we had to secretly tie a wire onto the plumbing to improve the reception of my radio. I can say that almost every Chinese student studying in the States had similar experiences.

I would hate to see young Chinese students have to do the same again to learn English the hard way.

More economic sanctions imposed against China would only hurt the Chinese people whom the American people seek to help. A friend who arrived from China a few days ago told me that there is a new slogan among the workers. It says: "We do not want democracy; we do not want freedom; We just want work." To continue to grow and create work for people, China's economy needs more foreign investment, not less.

Page 3

Many of my American friends were deeply touched by the scenes on TV showing the Chinese students carrying a model of the Statue of Liberty when demonstrating in the streets for democracy. Would the Chinese students have been able to learn about democracy if China had been cut off from the democratic world?

It took China seven years after President Nixon's visit in 1972 to open up to the outside world and adopt economic reforms. It took another seven years for the pro-democracy movement to start in 1986. If China is politically isolated again, it will take much longer for it to develop a democratic system. As a Chinese who lived through a period of political isolationism, I hope the nightmare I experienced will never be repeated.

COMPARISON OF THE EMERGENCY CHINESE IMMIGRATION RELIEF ACT
WITH THE RELIEF PROVIDED ADMINISTRATIVELY TO CHINESE ALIENS

The following comparison of the provisions of the Emergency Chinese Immigration Relief Act of 1989 (the "bill") with the analogous actions taken by the Administration demonstrates that, in each instance, the Administration has afforded relief to students and other Chinese aliens equivalent to, or greater than, the relief provided by the bill.

1. Waiver of Foreign Residence Requirement of Section 1182(e)

The bill would have provided for the waiver of the foreign residence requirement of 8 U.S.C. §1182(e) for Chinese students present in the United States on the date of enactment who filed nonfrivolous applications for adjustment or any change of nonimmigrant status within four years (i.e., through November 30, 1993, had the President signed the bill).

The Attorney General has waived this requirement for all Chinese aliens present in the United States as of December 1, 1989. This waiver is irrevocable. Any such alien who makes a nonfrivolous application for adjustment or any change of status may avail himself of the waiver until January 1, 1994. Thus, the Administration has provided adjustment relief superior to that provided by the bill.

2. Presumption of Continuous Residence

The bill would have provided that, for the purposes of any adjustment or change of nonimmigrant status, a Chinese alien present in the United States in the lawful status of a nonimmigrant as of June 5, 1989, be considered to have continuously maintained lawful status for the period during which the Attorney General has in effect a deferral of enforced departure for Chinese nationals.

The Attorney General has directed that Chinese aliens who were in lawful status as of June 5, 1989, be considered to have maintained lawful status for the purposes of adjustment or change of nonimmigrant status. Thus, the Administration has provided relief equivalent to that provided by the bill.

3. Employment Authorization

The bill would have provided that certain Chinese aliens present in the United States in the lawful status of nonimmigrants on June 5, 1989, be granted authorization to engage in employment in the United States for the period during which the Attorney General has in effect a deferral of enforced departure for Chinese nationals.

The Attorney General has directed that the Immigration and Naturalization Service ("INS") grant all Chinese aliens who were present in the United States as of June 5, 1989, the necessary



authorization to engage in employment. Thus, the Administration has provided employment opportunities beyond those afforded by the bill.

4. Notification

The bill would have directed the Attorney General to provide notice of expiration of nonimmigrant status to Chinese aliens whose authorized period of stay had expired and who were eligible for deferral of enforced departure. Such notice was to be nonadversarial in nature and was to explain the options available.

The Attorney General has directed that any Chinese aliens who are eligible for deferral of enforced departure and whose authorized period of stay has expired be given notice of expiration of nonimmigrant status. This notice will be nonadversarial in nature and will explain the options available. Thus, the Administration has provided for notification equivalent to that required by the bill.

5. Asylum, Withholding of Deportation, and Refugee Status

The bill would have required that, with respect to applications from Chinese nationals for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing a fear of persecution based on China's "one couple, one child" family planning program. Under the bill, an applicant would have been considered to have established a well-founded fear of persecution if the applicant could establish that he or she had refused to abort or to be sterilized in accordance with the Chinese program. The bill would have provided that all other factors (such as overt political activities, membership in an ethnic or religious minority, and family background and history) that might contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, be given additional weight in such determinations, and would have directed the Attorney General to promulgate implementing regulations.

The Attorney General has directed that, with respect to all applications for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing fear of persecution related to family planning policies of forced abortion or sterilization. If an applicant establishes that the applicant has refused to abort or to be sterilized, he or she will be considered to have established a well-founded fear of persecution. All other factors that may contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, are also to be given additional weight in such determinations. The Attorney General has ordered INS to promulgate any necessary implementing regulations. Thus, the Administration has provided broader relief than the bill to persons fearing coercive family planning policies, as its directive extends to all applicants, not just Chinese aliens.



Office of the Attorney General

Washington, D. C. 20530 7 PM 1:06

January 16, 1990

The President
The White House
Washington

My dear Mr. President:

On November 30, 1989, you directed me to take certain actions to improve the immigration status of nationals of the People's Republic of China ("PRC") currently in the United States. You requested that I report to you on the status of these actions. This letter sets forth the actions I have taken. In each instance, the action I have taken affords relief equivalent to, or greater than, the relief that would have been provided by H.R. 2712 (the "bill"). (I have attached copies of my letter to the Immigration and Naturalization Service ("INS") of December 1, 1989, and INS' cable to its field offices of the same date, implementing your directives).

1. You directed that I provide PRC nationals with an irrevocable waiver, that they may exercise until January 1, 1994, of the foreign residence requirement of 8 U.S.C. § 1182(e).

I have waived this requirement for all PRC aliens present in the United States as of December 1, 1989. This waiver is irrevocable. Any such alien who makes a nonfrivolous application for adjustment or any change of status may avail himself of the waiver until January 1, 1994. This action provides adjustment relief equivalent to that provided by the bill.

2. You directed that I take steps to assure the continued lawful status of PRC aliens lawfully present in the United States on June 5, 1989.

I have directed that PRC aliens who were in lawful status as of June 5, 1989, be considered to have maintained lawful status for the purposes of adjustment or change of nonimmigrant status. Again, this action provides relief equivalent to that provided by the bill.

3. You directed that I provide authorization for employment of PRC nationals present in the United States on June 5, 1989.

I have directed that INS grant all PRC aliens who were present in the United States as of June 5, 1989, the necessary authorization to engage in employment. This action provides employment opportunities greater than those afforded by the bill, which would have granted employment authorization only to certain PRC aliens, i.e., Chinese students in the F, J, or M visa categories.

4. You directed that I provide notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, to PRC aliens who are eligible for deferral of enforced departure and whose nonimmigrant status has expired.

I have directed that any PRC aliens who are eligible for deferral of enforced departure and whose authorized period of stay has expired be given notice of expiration of nonimmigrant status. This notice will be nonadversarial in nature and will explain the options available. This action provides for notification equivalent to that required by the bill.

5. Finally, you directed that I provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or sterilization.

I have directed that, with respect to all applications for asylum, withholding of deportation, and refugee status, careful consideration be given to applicants expressing fear of persecution related to family planning policies of forced abortion or sterilization. If an applicant establishes that the applicant has refused to abort or to be sterilized, he or she will be considered to have established a well-founded fear of persecution. All other factors that may contribute to a determination of eligibility for asylum, withholding of deportation, and refugee status, will also be given additional weight. These actions provide broader relief to persons fearing coercive family planning policies than that provided by the bill, which extended only to PRC aliens. Draft regulations to implement this directive, effective upon publication, will be available within a week.

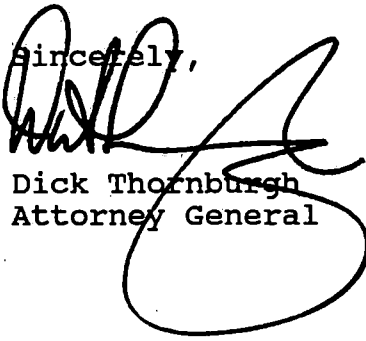
In addition to these measures, INS has established an Outreach Program to assist PRC aliens in the United States. INS has held briefings and consultations with representatives of PRC student leaders, the National Association of Foreign Student Affairs, and private groups interested in the PRC, to inform them of available options. Many INS district offices have also arranged meetings with local Chinese community and educational

institutions. Each INS District Office has designated a point of contact specifically to assist PRC nationals under this program.

INS field offices are also making every effort to expedite the processing of applications for benefits provided under the emergency relief measures. As of January 12, 1990, INS has granted work authorization to 2,779 PRC nationals; granted adjustment to permanent resident status for 87, with 108 cases still pending; authorized a change in temporary status for 225; and granted waivers of the foreign residence requirement of section 1182(e) for 70.

Initial results of the program indicate that these outreach efforts have been successful and that PRC aliens are aware of the available options and are filing applications. Of course, I will continue to monitor developments to assure the success of your policy of providing necessary relief to PRC nationals present in the United States.

Sincerely,



Dick Thornburgh
Attorney General



Office of the Attorney General
Washington, D.C. 20530

December 1, 1989

Honorable Gene McNary
Commissioner
Immigration and Naturalization Service
7100 Chester Arthur Building
425 Eye Street
Washington, D.C. 20536

Dear Commissioner:

I am writing to you with regard to an issue of great concern to the President and this Department: the status of Chinese nationals who, as of June 5, 1989, were present in the United States ("Chinese aliens"). In order to eliminate any concern about their status and to make clear that they are entitled to remain in the United States, I am directing the Immigration and Naturalization Service (INS) to undertake the following steps.

First, I have received a favorable recommendation from the United States Information Agency that I waive the two-year foreign residency requirement found in 8 U.S.C. § 1182(e) for Chinese aliens who, as of June 5, 1989, were present in the United States. I have determined that the admission of these aliens into the United States is in the public interest. Therefore, I hereby waive the two-year residency requirement for any such alien. These waivers are irrevocable and may be exercised until January 1, 1994 by any such alien who makes a nonfrivolous application for adjustment or any change of status. 8 U.S.C. § 1182(e).

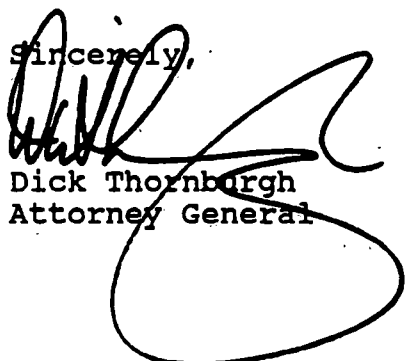
Second, I direct that Chinese aliens who were in lawful status as of June 5, 1989 shall be considered to have maintained lawful status for purposes of adjustment of status or change of nonimmigrant status.

Third, INS shall grant all Chinese aliens the necessary authorization to engage in employment.

Fourth, any Chinese aliens who are eligible for deferral of enforced departure and whose authorized period of stay has expired shall be given a notice of expiration of nonimmigrant status. Such notice shall be nonadversarial in nature and shall contain an explanation of the options available to such aliens pursuant to my directives and those of INS.

Finally, with respect to the adjudication of all applications to the Executive Branch for asylum, withholding of deportation, or refugee status, careful consideration shall now be given to such an applicant who expresses a fear of persecution upon return to their country related to that country's family planning policy of forced abortion or coerced sterilization. If the applicant establishes that such an applicant has refused to abort or be sterilized, then the applicant will now be considered to have established a well-founded fear of persecution on the basis of political opinion. 8 U.S.C. § 1101(a)(42). All other factors (such as overt political activities, membership in an ethnic or religious minority, and family background and history) which may contribute to a determination that an applicant is eligible for asylum, withholding of deportation, or refugee status, are also to be given additional weight. INS shall, in consultation with the Executive Office for Immigration Review and the Department of State, issue any necessary implementing regulations.

Sincerely,



Dick Thornburgh
Attorney General

cc: David L. Milhollan

IMMIGRATION AND NATURALIZATION SERVICE
WASHINGTON, DC
CENTRAL OFFICE

IMMEDIATE

UNCLASSIFIED

2211

01 DEC 1989

CO 243.69-P

Joseph D. Cuddihy

633-5014

X

IN LIGHT OF THE PRESIDENT'S AND THE ATTORNEY GENERAL'S CONTINUING CONCERNS ABOUT THE STATUS OF CHINESE EXCHANGE VISITORS AND OTHER CHINESE NATIONALS IN THE UNITED STATES, AND THEIR ABILITY TO REMAIN HERE, I DIRECT THAT THE FOLLOWING ADDITIONAL POLICIES BE IMMEDIATELY IMPLEMENTED. THIS DIRECTIVE APPLIES TO PRC NATIONALS WHO WERE PRESENT IN THE UNITED STATES AS OF JUNE 5, 1989 OR WHO WOULD HAVE BEEN PRESENT BUT FOR A BRIEF, CASUAL AND INNOCENT DEPARTURE FROM THE UNITED STATES. PREVIOUS INSTRUCTIONS REGARDING PRC NATIONALS REMAIN IN EFFECT EXCEPT AS SUPERSEDED BY THIS CABLE.

ALL ROCOMS
ALL DIDIRS
(INCLUDING
FOREIGN)
ALL OICS
(INCLUDING
FOREIGN)
ALL CPAS
ALL RSCDIRS
ODTF GLYNCO:
DIRECTOR

EACH DISTRICT OFFICE SHALL DESIGNATE A LEAD OFFICER AS POINT OF CONTACT WHO SHALL INFORM THE CHINESE COMMUNITY OF THIS DIRECTIVE AND ASSIST IN CARRYING OUT THE POLICIES OF THIS ADMINISTRATION.

1. WAIVER OF FOREIGN RESIDENCE REQUIREMENT.

THE DIRECTOR, UNITED STATES INFORMATION AGENCY, HAS RECOMMENDED TO THE ATTORNEY GENERAL THAT A WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT BE GRANTED TO ANY CHINESE NATIONAL WHO WAS PRESENT IN THE UNITED STATES ON DECEMBER 1, 1989 OR WHO WOULD HAVE BEEN PRESENT BUT FOR A BRIEF, CASUAL AND INNOCENT DEPARTURE. THE ATTORNEY GENERAL HAS GRANTED WAIVERS TO SUCH ALIENS. THESE WAIVERS ARE IRREVOCABLE AND MAY BE EXERCISED UNTIL JANUARY 1, 1994 BY ANY SUCH ALIEN WHO MAKES A NON-FRIVOLOUS APPLICATION FOR AN IMMIGRANT VISA OR FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE OR FOR A CHANGE OF STATUS TO ANOTHER NONIMMIGRANT CLASSIFICATION. DISTRICT OFFICES WILL BE PROVIDED COPIES OF THE LETTER OF RECOMMENDATION FROM THE DIRECTOR, USIA, AND THE LETTER FROM THE ATTORNEY GENERAL GRANTING THE WAIVER BY SEPARATE CORRESPONDENCE. A COPY OF THESE LETTERS WILL BE ATTACHED TO EACH APPROVED

I-485 OR I-506. IF AN APPLICANT INTENDS TO APPLY FOR AN IMMIGRANT VISA, THE SAME PROCEDURES WHICH ARE CURRENTLY IN EFFECT IN INTERESTED GOVERNMENT AGENCY WAIVER CASES WILL APPLY. (SEE EXAMINATIONS HANDBOOK, PART V). REQUESTS MAY BE FILED IN CONJUNCTION WITH AN APPLICATION FOR CHANGE OF STATUS OR APPLICATION FOR ADJUSTMENT OF STATUS. THIS WAIVER WILL EXPIRE IF THE APPLICANT DOES NOT APPLY FOR AN IMMIGRANT VISA OR FILE AN APPLICATION FOR ADJUSTMENT OF STATUS OR CHANGE OF STATUS PRIOR TO JANUARY 1, 1994.

2. MAINTAINING LAWFUL STATUS.

FOR PURPOSES OF ADJUSTMENT OF STATUS UNDER SECTION 245 OR CHANGE OF NONIMMIGRANT STATUS UNDER SECTION 248, CHINESE NATIONALS WHO WERE IN LAWFUL STATUS ON JUNE 5, 1989 SHALL BE CONSIDERED TO HAVE MAINTAINED LAWFUL STATUS. THE QUOTE UNLAWFUL IMMIGRATION STATUS UNQUOTE

AND THE QUOTE FAILURE TO MAINTAIN LAWFUL STATUS UNQUOTE CLAUSES OF SECTION 245 (SMALL C) OF THE ACT, OR THE QUOTE CONTINUING TO MAINTAIN STATUS UNQUOTE CLAUSE OF SECTION 248 WILL NOT PERTAIN TO THESE ALIENS. ALL OTHER PROVISIONS OF SECTION 245 OR SECTION 248 MUST STILL BE MET.

3. EMPLOYMENT AUTHORIZATION.

ALL CHINESE NATIONALS WHO WERE PRESENT IN THE UNITED STATES ON JUNE 5, 1989, OR WHO WOULD HAVE BEEN PRESENT ON THAT DATE BUT FOR A BRIEF, CASUAL AND INNOCENT DEPARTURE ARE AUTHORIZED TO ACCEPT EMPLOYMENT AND SHALL BE GIVEN EVIDENCE OF THAT EMPLOYMENT AUTHORIZATION AS PROVIDED BY 8 CFR 274 SMALL A.12 (SMALL A)(11). EMPLOYMENT AUTHORIZATION IS INCIDENT TO STATUS AND DOES NOT REQUIRE THAT THE APPLICANT ESTABLISH ECONOMIC NECESSITY. THE APPLICANT SHALL REQUEST EVIDENCE OF

EMPLOYMENT AUTHORIZATION ON FORM I-765 WITHOUT FEE.
THERE IS NO NECESSITY THAT THE APPLICANT FIRST BE PLACED
IN DEFERRED DEPARTURE STATUS. A CHINESE NATIONAL WHO IS
STILL IN A LAWFUL NONIMMIGRANT STATUS NEED NOT ABANDON
THAT STATUS IN ORDER TO OBTAIN EMPLOYMENT AUTHORIZATION.
EMPLOYMENT IS AUTHORIZED UNTIL JUNE 5, 1990. REQUESTS
FOR EVIDENCE OF EMPLOYMENT AUTHORIZATION BEYOND THAT DATE
WILL BE ACCEPTED AT SUCH TIME AS THE ATTORNEY GENERAL
EXTENDS THE DEFERRAL OF ENFORCED DEPARTURE POLICY BEYOND
JUNE 5, 1990, OR AS OTHERWISE PROVIDED BY REGULATION.

4. NOTICE TO CHINESE NATIONALS WHOSE LAWFUL NONIMMIGRANT
STATUS HAS EXPIRED.

THE FOLLOWING NOTICE SHALL BE SERVED ON CHINESE ALIENS
WHOSE PERIOD OF LAWFUL NONIMMIGRANT STAY HAS EXPIRED:

"FILE NO.: _____

DATE: _____

ALIEN'S NAME AND ADDRESS

DEAR SIR/MADAM:

IT APPEARS THAT THE PERIOD OF YOUR AUTHORIZED STAY AS A
NONIMMIGRANT HAS EXPIRED. HOWEVER, THE ATTORNEY GENERAL
HAS DIRECTED THAT YOU BE PERMITTED TO REMAIN IN THE
UNITED STATES UNTIL JUNE 5, 1990.

YOU ARE AUTHORIZED TO ACCEPT EMPLOYMENT IN THE UNITED
STATES WHILE THE DIRECTIVE REMAINS IN EFFECT. HOWEVER,
BEFORE YOU MAY SEEK EMPLOYMENT, YOU MUST OBTAIN EVIDENCE

OF EMPLOYMENT AUTHORIZATION BY SUBMITTING FORM I-765 WITHOUT FEE, TO THIS OFFICE.

YOU ALSO HAVE THE RIGHT TO APPLY FOR ANY BENEFIT UNDER THE IMMIGRATION LAWS FOR WHICH YOU BELIEVE YOU ARE ELIGIBLE. IF YOU OTHERWISE QUALIFY FOR PERMANENT RESIDENCE OR CHANGE OF NONIMMIGRANT CLASSIFICATION AND WERE IN A LAWFUL NONIMMIGRANT STATUS ON JUNE 5, 1989, YOU MAY FILE FOR ADJUSTMENT OR CHANGE OF STATUS SO LONG AS THE ATTORNEY GENERAL'S DIRECTIVE REMAINS IN EFFECT. IF YOU WERE AN EXCHANGE VISITOR, THE ATTORNEY GENERAL HAS WAIVED THE TWO YEAR FOREIGN RESIDENCE REQUIREMENT. YOU MAY USE THIS IRREVOCABLE WAIVER AT ANY TIME FOR AN IMMIGRANT VISA OR FOR ADJUSTMENT OR CHANGE OF STATUS UP TO JANUARY 1, 1994.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT

✓ Gov. Sununu

THE WHITE HOUSE
WASHINGTON

January 17, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: FREDERICK D. McCLURE *fm*
SUBJECT: Pelosi Bill Override (China)

The Speaker has tentatively scheduled the veto override attempt on H.R. 2712, the so-called Pelosi Chinese Students bill, for Wednesday, January 24. In a letter to all Senators yesterday, Majority Leader Mitchell indicated that should the veto be overridden in the House, it is his intention to consider the veto in the Senate "as soon as possible thereafter." Although he notes that it is not possible to precisely predict the time of the vote, he alerts all Senators that chances are good that the veto will be considered in Senate on the same day, January 24, or Thursday, January 25.

Last week, my staff and I, in conjunction with the Offices of Legislative Affairs at the National Security Council and Department of State, spoke directly with 37 Republican Senators.

Attached are recommended telephone call memoranda for six key Senators, including the views expressed by these Senators in our conversations. The calls we made were to gather information and were not "hard sell" conversations. I would note that although our best chance for success in sustaining your veto is in the Senate, we are continuing to make an effort in the House.

As soon as you begin your telephone calls, calls will be initiated as well by Secretary of State James Baker and John Sununu. For your information, they have been asked to contact the individuals shown below:

Secretary of State

Sen. Rudy Boschwitz (leaning yes)
Sen. Mark Hatfield (undecided)
Sen. Bob Packwood (undecided)
Sen. Nancy Kassebaum (leaning no)
Sen. Jim McClure (no response)

John Sununu

Sen. Malcolm Wallop (leaning yes)
Sen. Warren Rudman (undecided)
Sen. Strom Thurmond (undecided)
Sen. Al D'Amato (leaning no)
Sen. John McCain (leaning no)
Sen. Steve Symms (no)

In my view, it is important that these telephone calls occur roughly simultaneously and before a number of Senators return next week for conversations with their staffs. As always, your feedback on conversations will be very useful.

Attachments

Recommended Telephone Calls with Suggested Talking Points

Senator Kit Bond
Senator Dave Durenberger
Senator John Heinz
Senator Bob Kasten
Senator Arlen Specter
Senator Phil Gramm

Summary of Positive Steps Taken by China

THE WHITE HOUSE

WASHINGTON

RECOMMENDED TELEPHONE CALL BY THE PRESIDENT

TO: Senator Kit Bond (R-MO)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator Bond for your veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. You subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Bond has indicated that he is in the "leaning no" category. His comments were that he is likely to vote to override, but is "willing to listen to our arguments."

Jack Danforth, Senator Bond's Missouri colleague, is expected to support your veto, a point that might be useful during your conversation.

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under my administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override my veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since I sent Brent Scowcroft and Larry Eagleburger to China, we have seen some modest but positive steps [attached]. I want to keep that process moving in the direction of more substantial progress; I would hate to see it set back by an override that will do nothing materially for the students here.
- My policy is beginning to work; let me manage it.

THE WHITE HOUSE

WASHINGTON

RECOMMENDED TELEPHONE CALL BY THE PRESIDENT

TO: Senator Dave Durenberger (R-MN)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator Durenberger for your veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. You subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Durenberger has indicated that he is in the "leaning no" category. His comment was to "put him down as likely to vote to override."

Rudy Boschwitz, Senator Durenberger's Minnesota colleague, is leaning toward supporting your veto, a point that might be useful during your conversation.

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under my administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override my veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since I sent Brent Scowcroft and Larry Eagleburger to China, we have seen some modest but positive steps [attached]. I want to keep that process moving in the direction of more substantial progress; I would hate to see it set back by an override that will do nothing materially for the students here.
- My policy is beginning to work; let me manage it.

THE WHITE HOUSE
WASHINGTON

RECOMMENDED TELEPHONE CALL BY THE PRESIDENT

TO: Senator John Heinz (R-PA)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator Heinz for your veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. You subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Heinz has indicated that he is in the "leaning no" category. His comments were that he is likely to vote to override. He noted that "only if the Chinese take dramatic action to reverse their present repressive policies, will [he] reconsider."

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under my administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override my veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since I sent Brent Scowcroft and Larry Eagleburger to China, we have seen some modest but positive steps [attached]. I want to keep that process moving in the direction of more substantial progress; I would hate to see it set back by an override that will do nothing materially for the students here.
- My policy is beginning to work; let me manage it.

THE WHITE HOUSE
WASHINGTON

RECOMMENDED TELEPHONE CALL BY THE PRESIDENT

TO: Senator Bob Kasten (R-WI)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *FM*

PURPOSE: To enlist the support of Senator Kasten for your veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. You subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Kasten has indicated that he is in the "leaning no" category. His comments were that he "had some political problems and needs some good reason to vote with us." He was not convinced by the administrative action did more argument. At the time of the conversation, however, he had not seen our side-by-side analysis.

KEY POINTS: See Attachment.

DATE OF
SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under my administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override my veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since I sent Brent Scowcroft and Larry Eagleburger to China, we have seen some modest but positive steps [attached]. I want to keep that process moving in the direction of more substantial progress; I would hate to see it set back by an override that will do nothing materially for the students here.
- My policy is beginning to work; let me manage it.

THE WHITE HOUSE
WASHINGTON

RECOMMENDED TELEPHONE CALL BY THE PRESIDENT

TO: Senator Arlen Specter (R-PA)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator Specter for your veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. You subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Specter's staff indicated that he was in the "leaning no" category.

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under my administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override my veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since I sent Brent Scowcroft and Larry Eagleburger to China, we have seen some modest but positive steps [attached]. I want to keep that process moving in the direction of more substantial progress; I would hate to see it set back by an override that will do nothing materially for the students here.
- My policy is beginning to work; let me manage it.

THE WHITE HOUSE

WASHINGTON

RECOMMENDED TELEPHONE CALL BY THE PRESIDENT

TO: Senator Phil Gramm (R-TX)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator Gramm for your veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. You subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Gramm initially indicated that he was in the "no" category. His comments were that he "was outspoken on this issue early on." He believes that we can possibly turn the issue around, "but that it is not worth the huge amount of political capital it would take." Republican Leader Dole spoke with Gramm on the issue yesterday, and Gramm agreed to take another look. As such, I believe Gramm should be in the "leaning no" category.

KEY POINTS: See Attachment.

DATE OF
SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under my administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override my veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since I sent Brent Scowcroft and Larry Eagleburger to China, we have seen some modest but positive steps [attached]. I want to keep that process moving in the direction of more substantial progress; I would hate to see it set back by an override that will do nothing materially for the students here.
- My policy is beginning to work; let me manage it.

POSITIVE STEPS BY CHINA

- Following the Scowcroft/Eagleburger trip, China muted its **propaganda attacks** on the U.S.
- Beijing publicly **denied** it will sell M-9 missiles to Syria and added a broader assurance for the first time that it **will sell no medium range ballistic missile** to any Middle East country.
- The Chinese reopened discussions to **resume the Fulbright exchange program**. Beijing had suspended it last summer in response to Chinese hardliners who see the program as an agency of "bourgeois" influence.
- The Chinese reversed themselves and **agreed to receive the first Peace Corps volunteers**, on schedule in Sichuan Province next September. Again this has been a sensitive issue inside China, with hardliners arguing that the volunteers are spies or carriers of "bourgeois democracy."
- More importantly, China **lifted martial law** in Beijing. The implications of this move are complex, and the action has not fundamentally changed the situation at one stroke. But hardliners were anxious to retain the extra powers given them by martial law, and symbolically it is very significant that the regime has shown it is willing to bend to foreign pressure. To declare that the lifting of martial law is anything other than a positive step runs the risk of strengthening those who refuse to bend.
- Our **Embassy in Beijing** is no longer being harassed by security forces and is back to the situation prior to Tiananmen. Our Ambassador's access is greatly improved.

THE WHITE HOUSE

WASHINGTON

January 19, 1990

Dear Senator Dole:

Last July I submitted to the Congress a comprehensive proposal for reauthorizing and strengthening the Clean Air Act. That proposal was the result of a long and careful debate within the Administration, and reflected extensive consultation with Members of the House and Senate, representatives of affected industries, state and local governments, and environmental and public health groups.

Consistent with my belief that environmental protection and economic growth can be compatible, the Administration's Clean Air bill seeks to achieve public health and environmental protection in an economically efficient way by making extensive use of market principles. My comprehensive proposal carefully balanced our mutual desire for enhanced public health, a cleaner environment, and sustained economic growth. Even so, the cost estimate of the Administration's bill to the American economy is approximately \$19 billion annually when fully phased-in.

As the Senate moves toward floor consideration of the Clean Air Act, I am convinced that we must maintain the balance reflected in the Administration's bill. Initial cost estimates of the Clean Air bill reported by the Senate Environment and Public Works Committee exceed \$40 billion annually -- more than double the cost of the Administration's bill. Yet the Committee bill provides little incremental environmental benefit above that proposed by the Administration. And the additional costs of some of the Committee bill's far-reaching provisions have yet to be incorporated in these estimates.

I want to sign a Clean Air bill this year -- so that the 1990s can indeed be known as the "Clean Air decade." But I will only sign legislation that balances environmental and economic progress.

Specifically, I will only approve legislation which meets the following minimum tests of balance and reasonableness:

1.) The important environmental protections afforded by the Administration's bill must be maintained in the final legislation and preserved over time. The Administration proposes to: reduce sulfur dioxide emissions permanently by 10 million tons; achieve attainment of ozone, carbon monoxide and particulate matters standards; and sharply curtail the hazards posed by air toxics emissions. These represent critically important steps in achieving clean and healthy air for all Americans. In view of the environmental and health risks posed by acid rain; the fact that 100 million Americans now live in cities which are out of attainment with public health standards for ozone; and the estimate that current excessive levels of air toxics emissions may result in premature cancer deaths and other serious adverse health effects; it is vital that we move quickly and decisively to reduce these pollutants. The Administration's proposed bill would do just that.

2.) The bill should not impose aggregate costs on the economy that exceed the already considerable costs embodied in the Administration's bill -- with an adjustment of no more than ten percent to reflect certain mobile source provisions added in the House Energy and Commerce Subcommittee on Health and the Environment. The House subcommittee added certain provisions affecting mobile sources to the titles of the bill which relate to non-attainment that will modestly increase the cost of these titles. Unfortunately, several provisions currently contained in the Senate Environment and Public Works Committee's bill -- such as mandatory nationwide second phase tailpipe standards for automobiles, an inflexible second phase of air toxics control, and carbon dioxide emissions standards for mobile sources -- cause the Senate bill to exceed substantially the cost of the Administration bill. The result of an excessively costly bill will be a less competitive American economy with fewer jobs for American workers.

The Administration has received letters from around the country, for example, indicating that a considerable number of plant closings could result from adoption of the Senate's air toxics provisions. The Administration has set up a task force under the chairmanship of the Council of Economic Advisers, and including the Environmental Protection Agency, the Office of Management and Budget, the Department of Energy, and the White House Office of Policy Development, to monitor and estimate the economic cost of various clean air proposals as the debate proceeds.

3.) Controls in the bill should be designed to achieve reductions in the most cost-efficient way -- that is, for the least cost per ton of reduced pollutant. By incorporating flexibility and innovation in its recommended control strategies, the Administration's bill would allow environmental and health standards to be met in a way that creates maximum choice for both states and regulated industries and places fewer burdens on consumers. For example, the Administration's alternative fuels proposal will challenge the automobile and oil industries to produce cleaner vehicles and cleaner fuels at the lowest cost to the consumer.

The "command and control" approach embodied in several provisions of the Environment and Public Works Committee's bill -- such as that which disallows "netting" for factories and commercial facilities seeking to meet ozone non-attainment standards in the most cost-effective way -- results in the same environmental benefit, but at greatly increased cost and with sharply increased impediments to economic growth. Similarly, the provisions in the Environment and Public Works Committee's bill which move up emissions reduction deadlines while failing to provide incentives for clean coal technology needlessly inflate the cost of acid rain control.

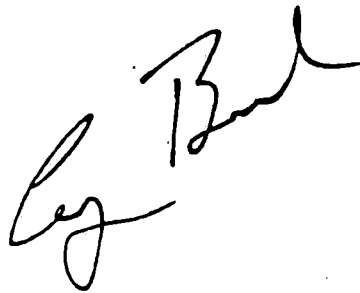
4.) The system of emissions trading, which allows acid rain reductions to be achieved in the least costly and most equitable fashion, must be allowed to work. The Administration's proposed acid rain emissions trading program inherently reduces the cost of any given level of sulfur dioxide or nitrogen oxide reduction, and provides an efficient mechanism for balancing the burdens imposed on any given region of the country. The Administration has provided information to several Senators which indicates that this trading system can dramatically reduce the impact of acid rain controls on electric utility rates in any given state, while at the same time reducing the cost of the overall bill by up to billions of dollars per year. In the first phase, the initial allocation of required reductions to 107 plants is essential to ensuring that effective trading opportunities exist. The trading system must survive in a form that achieves environmental benefits comparable to those in the Administration's bill and involves a sufficient number of plants in the first phase to ensure its workability.

5.) The legislation must not include a national electricity tax to pay for controls, which would penalize consumers in those states which have already undertaken reductions by making them in effect "pay twice" for clean air. Supporters of such "cost sharing" argue that it is needed to address regional inequities. Any imbalance in control costs can be addressed far more effectively, efficiently, and equitably through the operation of a robust emissions trading system -- which would not require new taxes.

The Administration took substantial time and effort to craft a balanced proposal. My staff and I stand ready to assist you and the other Members of both the House and Senate as you work to develop legislation which maintains this vitally important balance, and which does not violate one or more of the above mentioned "tests."

I look forward to signing legislation that will accelerate progress toward cleaner air for a growing America at the earliest possible opportunity.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Bob Dole', written in a cursive style.

The Honorable Robert Dole
Republican Leader
United States Senate
Washington, D.C. 20510

Honorable George Mitchell
United States Senate
Washington, D.C. 20510

January 22, 1990

Dear Senator Mitchell,

We applaud and support the President's decision to withhold approval of H.R. 2712, the " Emergency Chinese Immigration Relief Act of 1989."

The relationship between the United States and China has been difficult since June 1989 and the positive steps taken by President Bush to normalize relationship with China is serving the best interest of this nation. An override of the Presidential veto at this time will definitely send the wrong message to the leadership in China about American intentions. It will also complicate a very sensitive situation, not to mention the negative effect of limiting the President's ability to conduct diplomacy.

We strongly believe that the Presidential Directive makes H.R. 2712 totally unnecessary. We also believe that the Presidential Directive provides broader and better protection for the Chinese students. We also oppose legislation that put America in a straightjacket and Congressional actions that limit options available to the Executive Branch in responding to changing circumstances.

The President has acted in the long term best interest of America. We urge Congress NOT to override the Presidential decision to withhold approval of H.R. 2712.

Sincerely,

Samuel T Mok, Hun J Goon, Lawrence T Tom, Yen-Den A. Chen
The Chinese Consolidated Benevolent Association of Washington DC
Alfred Hong
Chinese American Citizen Alliance
Barry Tien
New Jersey Asian American Political Coalition
Julie Rao
Asian American Congressional Forum
Robert Kwok
Chinese American Music Society
Heo-Peh Lee
Chinese American Political Action Association of New York

Grant Moy, Attorney, Bethesda, MD; Rev. Man-King Tso, Baptist Church, Georgetown, Wash DC; Rev. Jonathan Liu, Chinese Bible Church, Rockville, MD; Daniel Ho, Professor, Wash DC; Patrick Sung, Attorney, Arlington, VA; Dr. Robert Kwok, MD, Silver Spring MD; Eleanor Wang, Businesswoman, Annapolis, MD; Homer Chen, Engineer, Wash DC; Dr. Grace Shu, Williamsport, PA; Dr. Robert Hsueh, Attorney, Dallas, TX; Professor Chi Wang, Wash DC; Nelson Lee, Businessman, Silver Spring, MD

January 22, 1990

The Honorable President George Bush
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We are writing this letter to support your position and policy regarding the Chinese students present in the United States. We know you would never allow any action that would force the return of Chinese students if their lives or liberty are in danger. We know you have firm commitment and are supportive of the humanitarian principles that Chinese students are fighting for. We think your Executive Order provides immediate and broader protection than H.R. 2712.

Therefore, we strongly support your memorandum of disapproval issued on November 30, 1989. You have a long record being a supporter of fighter for human rights. We firmly believe that you and America will always stand with freedom-loving men and women around the world.

Respectfully yours,

Robert H. Hsu
Chairman, Dallas Asian American Chamber of Commerce
5757 Alpha Rd. #1000
Dallas, TX 75240
214-661-5114

Danny Lu
President Chinese Lions Club
721 W Arapaho Rd
Richardson TX 75080
214 234-2149

J. P. Bhatia
(Jyoti P. BHATIA)
CHAIRMAN, DALLAS ASIAN American
Voters Coalition
6516 WRENWOOD DRIVE
DALLAS TX-75252
(214) 680-4146
(214) 867-3224
Nguyen Lee
CHINESE CHAMBER OF COMMERCE, CHAIRMAN
10560 WALNUT ST. #100 DALLAS
TX 75243.
214-487-0115.

美京廣東同鄉會

THE GUANGDONG BENEVOLENT ASSOCIATION OF GREATER WASHINGTON

805 - 6th STREET, N.W. * WASHINGTON, D.C. 20001 * U.S.A.

Tel. (202) 371-2068
723-3261

January 19, 1990

Honorable George Mitchell
Senate Majority Leader
United States Senate
Washington DC 20510

Dear Senator Mitchell,

The Guangdong Benevolent Association of Greater Washinton and the following organizations wish to convey to all the United States Senators a message. The organizations are:

Chinese American Communities of USA
National Association of Chinese Americans, Washington, DC
The Fujian Residents Association, Washington DC
Associated Organizations of Chinese American Heritage, Washington, DC
American Center for Medical Sciences
American Chinese Freemason Society
Moy's Association
Chinese American Chamber of Commerce, USA
The Gee How Oak Tin Association
China Reunification Alliance, Washington DC
KiangSu Residents Association

The message is a simple one.

We believe the President did the right thing when he withheld approval of the Emergency Chinese Immigration Relief Act of 1989. We also believe that an override of this Presidential decision will not serve the best interest of United States, China, and the Chinese students in this country. As Chinese Americans, we speak with compassion for these students. As American taxpayers and voters, we speak with the interest of United States in mind. An override will endanger longterm relationship between China and the United States. It will also mislead the Chinese Government about the intentions of the American people and their perception of President Bush.

Please DO NOT allow the override of the President's decision on H.R. 2712 to take place.

Respectfully
Douglas Y. Toy
Douglas Toy
Chairman

Senate Resolution
House Resolution

> Applauding Panama -
Recognize Heron



AGENDA/RESULTS

- 1) SEQUESTER
- 2) PANAMA
- 3) CHINA
- 4) VETOES
- 5) CFE
- 6) MALTA
- 7) EDUCATION → STATES.
- 8) DRUGS.

Gallery

PRIORITIES

Honorable George Mitchell
United States Senate
Washington, D.C. 20510

January 22, 1990

Dear Senator Mitchell,

We applaud and support the President's decision to withhold approval of H.R. 2712, the " Emergency Chinese Immigration Relief Act of 1989."

The relationship between the United States and China has been difficult since June 1989 and the positive steps taken by President Bush to normalize relationship with China is serving the best interest of this nation. An override of the Presidential veto at this time will definitely send the wrong message to the leadership in China about American intentions. It will also complicate a very sensitive situation, not to mention the negative effect of limiting the President's ability to conduct diplomacy.

We strongly believe that the Presidential Directive makes H.R. 2712 totally unnecessary. We also believe that the Presidential Directive provides broader and better protection for the Chinese students. We also oppose legislation that put America in a straightjacket and Congressional actions that limit options available to the Executive Branch in responding to changing circumstances.

The President has acted in the long term best interest of America. We urge Congress NOT to override the Presidential decision to withhold approval of H.R. 2712.

Sincerely,

Samuel T Mok, Hun J Goon, Lawrence T Tom, Yen-Den A. Chen
The Chinese Consolidated Benevolent Association of Washington DC
Alfred Hong
Chinese American Citizen Alliance
Barry Tien
New Jersey Asian American Political Coalition
Julie Rao
Asian American Congressional Forum
Robert Kwok
Chinese American Music Society
Heo-Peh Lee
Chinese American Political Action Association of New York

Grant Moy, Attorney, Bethesda, MD; Rev. Man-King Tso, Baptist Church, Georgetown, Wash DC; Rev. Jonathan Liu, Chinese Bible Church, Rockville, MD; Daniel Ho, Professor, Wash DC; Patrick Sung, Attorney, Arlington, VA; Dr. Robert Kwok, MD, Silver Spring MD; Eleanor Wang, Businesswoman, Annapolis, MD; Homer Chen, Engineer, Wash DC; Dr. Grace Shu, Williamsport, PA; Dr. Robert Hsueh, Attorney, Dallas, TX; Professor Chi Wang, Wash DC; Nelson Lee, Businessman, Silver Spring, MD

January 22, 1990

The Honorable President George Bush
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We are writing this letter to support your position and policy regarding the Chinese students present in the United States. We know you would never allow any action that would force the return of Chinese students if their lives or liberty are in danger. We know you have firm commitment and are supportive of the humanitarian principles that Chinese students are fighting for. We think your Executive Order provides immediate and broader protection than H.R. 2712.

Therefore, we strongly support your memorandum of disapproval issued on November 30, 1989. You have a long record being a supporter of fighter for human rights. We firmly believe that you and America will always stand with freedom-loving men and women around the world.

Respectfully yours,

Robert H. Snel
Chairman, Dallas Asian American Chamber of Commerce
5757 Alpha Rd. #1000
Dallas, TX 75240
214-661-5114

Danny Lee
President Chinese Lions Club
721 W Arapaho Rd
Richardson TX 75080
214 234-2149

J. P. Bhatia
(Jyoti P. BHATIA)
CHAIRMAN, DALLAS ASIAN American
Voters Coalition
6516 WRENWOOD DRIVE
DALLAS TX-75252
(214) 680-4146
(214) 867-3224
Nguyen Lee
CHINESE CHAMBER OF COMMERCE, CHAIRMAN
10560 WALNUT ST. #100 DALLAS
TX 75243.
214-487-0115.

美京廣東同鄉會

THE GUANGDONG BENEVOLENT ASSOCIATION OF GREATER WASHINGTON

805 - 6th STREET, N.W. * WASHINGTON, D.C. 20001 * U.S.A.

Tel. (202) 371-2068
723-3261

January 19, 1990

Honorable George Mitchell
Senate Majority Leader
United States Senate
Washington DC 20510

Dear Senator Mitchell,

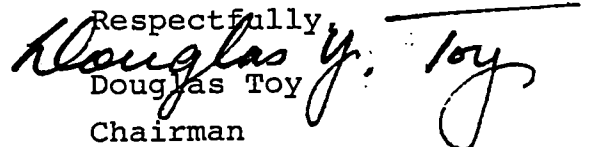
The Guangdong Benevolent Association of Greater Washinton and the following organizations wish to convey to all the United States Senators a message. The organizations are:

Chinese American Communities of USA
National Association of Chinese Americans, Washington, DC
The Fujian Residents Association, Washington DC
Associated Organizations of Chinese American Heritage, Washington, DC
American Center for Medical Sciences
American Chinese Freemason Society
Moy's Association
Chinese American Chamber of Commerce, USA
The Gee How Oak Tin Association
China Reunification Alliance, Washington DC
KiangSu Residents Association

The message is a simple one.

We believe the President did the right thing when he withheld approval of the Emergency Chinese Immigration Relief Act of 1989. We also believe that an override of this Presidential decision will not serve the best interest of United States, China, and the Chinese students in this country. As Chinese Americans, we speak with compassion for these students. As American taxpayers and voters, we speak with the interest of United States in mind. An override will endanger longterm relationship between China and the United States. It will also mislead the Chinese Government about the intentions of the American people and their perception of President Bush.

Please DO NOT allow the override of the President's decision on H.R. 2712 to take place.

Respectfully

Douglas Toy
Chairman

CHINESE AMERICAN OUTREACH PROGRAM

1 Hallidie Plaza, Suite 450 (Market & Eddy Sts.) San Francisco, CA 94102 (415) 986-7698 Fax (415) 986-2877

January 22, 1990

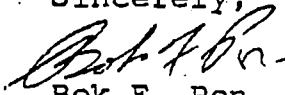
Dear Hon. Sichan Siv
Asst. to the President
White House
Washington D.C.

Enclosed are two copies of letter to the Editor of San Francisco Examiner and the San Francisco Chronicle newspapers.

I hope the American public would read the true sensitivities of the President of the United States toward the Chinese students.

If I can be at any service, please call me at the San Francisco Republican Party headquarter.

Sincerely,



Bok F. Pon
Director

6218
FAX to Ms. Dab Amend 202-456-2618
total 3 pages

CHINESE AMERICAN OUTREACH PROGRAM

1 Hallide Plaza, Suite 450 (Market & Eddy Sts.) San Francisco, CA 94102 (415) 986-7698 Fax (415) 986-2877

January 22, 1990

Letter to the Editor

Attn: Mr. Larry Kramer
Executive Editor
San Francisco Examiner

Dear Sir:

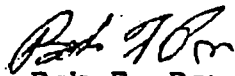
Presidential Executive Order, I am challenging the San Francisco Examiner paper to report the Presidential Executive Order more accurately. Your newspaper are giving the American public the false image of the President's veto concerning the Pelosi bill on the Chinese students.

The E.O. does provide even much more protection for the students than the Pelosi bill. The E.O. goes beyond for all Chinese aliens who were in lawful status as of June 5, 1989 presumption of continuous residence and grant not only just the Chinese students but fair for all Chinese aliens an employment opportunities.

For the Chinese students and all Chinese aliens waived departure, protection until Jan. 1, 1994 and this E.O. is irrevocable. the same as the Pelosi bill that covered the students only.

In addition the E.O. provide all applicants, not just Chinese aliens, for asylum, withholding of deportation for those fear of persecution related to family planning and forced abortion or sterilization.

I am speaking on my behalf, not as a former trustee member of the Chinese for Affirmative Action or as a current board member of the Chinatown Newcomer Service Center, do wholeheartedly support President Bush's Executive Order and considered this Order is much more superior than the Pelosi bill. I do fully respect for Pelosi's concern for the Chinese students.


Bok F. Pon
San Francisco

CHINESE AMERICAN OUTREACH PROGRAM

1 Hallidie Plaza, Suite 450 (Market & Eddy Sts.) San Francisco, CA 94102 (415) 986-7698 Fax (415) 986-2877

January 22, 1990

Letter to the Editor
Executive Editor
San Francisco Chronicle
5th Street and Mission
San Francisco, CA 94103

Dear Editor,

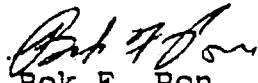
Presidential Executive Order, I am challenging the San Francisco Chronicle newspaper to report the Presidential Executive Order more accurately. Your newspaper are giving the American public the false image of the President's veto concerning the Pelosi bill on the Chinese students.

The E.O. does provide even much more protection for the students than the Pelosi bill. The E.O. goes beyond for all Chinese aliens who were in lawful status as of June 5, 1989 presumption of continuous residence and grant not only just the Chinese students but fair for all Chinese aliens an employment opportunities.

For the Chinese students and all Chinese aliens waived departure, protection until Jan. 1, 1994 and this E.O. is irrevocable, the same as the Pelosi bill that covered the students only.

In addition the E.O. provide all applicants, not just Chinese aliens for asylum, withholding the deportation for those fear of persecution related to family planning and forced abortion or sterilization.

I am speaking on my behalf, not as a former trustee member of the Chinese for Affirmative Action or as a current board member of the Chinatown Newcomer Service Center, do wholeheartedly support President Bush's Executive Order and considered this Order is much more superior than the Pelosi bill. I do fully respect for Pelosi's concern for the Chinese students.


Bok F. Pon
San Francisco

Letter to the Editor
Washington Post

-3-

January 22, 1990

Y.T. Lee, born in Taiwan and became a naturalized citizen in 1968, is Professor of Chemistry at the University of California at Berkeley. He visited China for the first time in 1978 as a member of the U.S. Delegation in Pure and Applied Chemistry. He received the National Medal of Science and the Nobel Prize in Chemistry, both in 1986.

January 1990

RESTORING U.S. - CHINA RELATIONS

By Harry Bang Ph. D.

There have been some loud protests of Scowcroft - Eagleburger mission to China. They are understandable since the Chinese government's atrocities against the pro-democratic student movement occurred only last June. However, the support for the mission is based on a deeper understanding of China and its historic and cultural reasons.

In August 1988, while I attended seminars held at Paiwa (Peking University) in Beijing, I saw a few remarkable changes which were unforgettable. They were the removal of two statues of Mao Tze-dong on the campus by the students; the mushrooming of self-profit seeking small business owned by individuals throughout the northern China; and the freedom to travel throughout the northern China. In addition, most of the students and professors that I talked with were well exposed to the outside world, and they shared the view that "Communism doesn't work well in China." They pointed out that South Korea and Taiwan were much further ahead of China economically. It seemed that the germ of democracy and the spirit of private business had spread effectively into the Chinese society. We, the colleagues from the State, felt that the U.S. made an extensive social, economic, and political investment in China during the last decade.

The purpose of the Scowcroft-Eagleburger mission to China was to restore not only the U.S.-China relationship but also the exchange programs in education, culture, and business. The exchange programs appeared to have played a leading role in changing Chinese society, modelling political consciousness, and transforming its centralized economy during the past fifteen years. Last June, the Chinese students erected the Goddess of Democracy in Tiananmen Square. It was carefully modelled after the Statue of Liberty in America.

Scowcroft's mission to China overlapped the Bush-Gorbachev summit meeting at Malta which has been estimated to have shortened the cold war by 10 to 20 years. Is the cold war in Asia over? Since China has the most powerful military and the strongest regional power in Asia, she can continuously influence on the Korean peninsula which is still divided into hostile armed camps, and in the Cambodian settlement and nuclear proliferation issues in South Asia. After returning from Malta summit, Mr. Bush said, "We just had a meeting with the Soviets, we can't leave China out of it... We got to get back to speaking to each other..." This remark reflected the continued importance of the geopolitical dimension of the Sino-U.S. cooperation. It also reflected that the end of the cold wars in Europe and Asia are inevitably interlocked.

Congress has been critical of Scowcroft-Eagleburger mission to China. If the Congress override Bush's veto next week on HR2712 (Emergency Chinese Adjustment Status Facilitation Act, 1989), the Beijing government might kill the resumption of U.S.-Chinese cultural and academic exchange programs. The administration maintains that the executive order that substitutes the Bill, HR2712, provides protection to Chinese students as much as the legislation. If the U.S. imposes exceedingly rigorous

sanctions demanding strong reprisals in response to the Chinese army's atrocities against members of the student pro-democracy movement, China's reaction will be to crawl back into its prior isolation from the international community. China has had centuries of experience dealing with foreign pressures. However, Chinese influence does not seem to shrink during isolation. Rather, it imposes constant problems and troubles to non-Communist countries in Asian region as perhaps was the cases of containment policies during the Truman and Johnson presidencies.

During the past decades, the Asian region has been the center for major military conflict between Communist and non-Communist forces. The U.S. has fought in Asia two of the three major twentieth century wars. This has made Asia a region of major importance to the U.S. Mr. Bush seems to understand the Chinese historical and cultural behaviors and is trying to direct a considerably balanced China policy that promote American interests, supports American democratic principles, and leads the way to a better future for China.

Many Sinologists point to prior disputes with China and argue that many American policy makers were slow to grasp the real meaning of the Chinese diplomatic behavior. In fact, the case studies prove that most Chinese leaders were less inclined to compromise with Western governments than were those in the Kremlin. China is still, in a sense, a mysterious realm. The Sino-American relationship has lacked firm ties and mutual interests like those linking the U.S. to Western Europe. This is due in part to American policymakers treating China as if it were a Western culture like those found in the U.S. and Europe. Diplomatic results have not been equivalent to those achieved in Europe. The American experience in Europe is only partially relevant to Asian situations for historic and cultural reasons. Although we saw the unforgettable transformation in Eastern Europe in a week, the liberalization of China will probably take years and will require different strategies.

Harry K. Bang
1-20-90

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04. Memo	From Frederick D. McClure to John Sununu Re: Recommended phone call to Sen. Warren Rudman (2 pp.)	1/17/90	P 5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: H.R. 2712/Chinese Students (1989) [1]

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29144-005
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

RECOMMENDED TELEPHONE CALL BY JOHN SUNUNU

TO: Senator Warren Rudman (R-NH)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator Rudman for the President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. The President subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Rudman has indicated that he is in the "**undecided**" category. His comments were that he had been "out of touch on this issue because it had been so long." He noted that he thought he "voted with Gore on a related issue in the last Congress" and to "officially count him as undecided."

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under the President's administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override the President's veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since Brent Scowcroft and Larry Eagleburger went to China, we have seen some modest but positive steps [attached]. The President wants to keep that process moving in the direction of more substantial progress; he would hate to see it set back by an override that will do nothing materially for the students here.
- The President's policy is beginning to work; let him manage it.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Memo	From Frederick D. McClure to John Sununu Re: Recommended phone call to Sen. Strom Thurmond (2 pp.)	1/17/90	P/s	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: H.R. 2712/Chinese Students (1989) [1]

Open on Expiration of PRA
 (Document Follows)
 By 9/1 (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29144-005
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

RECOMMENDED TELEPHONE CALL BY JOHN SUNUNU

TO: Senator Strom Thurmond (R-SC)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator Thurmond for the President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. The President subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Thurmond has indicated that he is in the **"undecided"** category. His comments were that he wants to consider any and all views before making a decision.

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under the President's administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override the President's veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since Brent Scowcroft and Larry Eagleburger went to China, we have seen some modest but positive steps [attached]. The President wants to keep that process moving in the direction of more substantial progress; he would hate to see it set back by an override that will do nothing materially for the students here.
- The President's policy is beginning to work; let him manage it.

POSITIVE STEPS BY CHINA

- Following the Scowcroft trip, China muted its propaganda attacks on the US.
- Beijing publicly denied it will sell M-9 missiles to Syria and added a broader assurance for the first time that it will sell no medium range ballistic missile to any Middle East country.
- The Chinese reopened discussions to resume the Fulbright exchange program. Beijing had suspended it last summer in response to Chinese hardliners who see the program as an agency of "bourgeois" influence.
- The Chinese reversed themselves and agreed to receive the first Peace Corps volunteers, on schedule in Sichuan Province next September. Again this has been a sensitive issue inside China, with hardliners arguing that the volunteers are spies or carriers of "bourgeois democracy."
- More importantly, China lifted martial law in Beijing. The implications of this move are complex, and the action has not fundamentally changed the situation at one stroke. But hardliners were anxious to retain the extra powers given them by martial law, and symbolically it is very significant

that the regime has shown it is willing to bend to foreign pressure. To declare that the lifting of martial law is anything other than a positive step runs the risk of strengthening those who refuse to bend.

- On January 18, Beijing announced it had recently released 573 people termed "lawbreakers who took part in the turmoil." While we still seek the fullest possible accounting of all those detained and sentenced since Tiananmen and seek further acts of amnesty and leniency, we see this as a move in the right direction.

- Our Embassy in Beijing is no longer being harrassed by security forces and is back to the situation prior to Tiananmen. Our Ambassador's access is greatly improved.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
07. Memo	From Frederick D. McClure to John Sununu Re: Recommended phone call to Sen. Al D'Amato (2 pp.)	1/17/90	P/5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: H.R. 2712/Chinese Students (1989) [1]

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29144-005
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

RECOMMENDED TELEPHONE CALL BY JOHN SUNUNU

TO: Senator Al D'Amato (R-NY)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator D'Amato for the President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. The President subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator D'Amato is in the "leaning no" category.

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under the President's administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override the President's veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since Brent Scowcroft and Larry Eagleburger went to China, we have seen some modest but positive steps [attached]. The President wants to keep that process moving in the direction of more substantial progress; he would hate to see it set back by an override that will do nothing materially for the students here.
- The President's policy is beginning to work; let him manage it.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
08. Memo	From Frederick D. McClure to John Sununu Re: Recommended phone call to Sen. John McCain (2 pp.)	1/17/90	P 5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: H.R. 2712/Chinese Students (1989) [1]

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29144-005
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P-1 National Security Classified Information [(a)(1) of the PRA]
 P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
 P-3 Release would violate a Federal statute [(a)(3) of the PRA]
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

THE WHITE HOUSE
WASHINGTON

RECOMMENDED TELEPHONE CALL BY JOHN SUNUNU

TO: Senator John McCain (R-AZ)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator McCain for the President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. The President subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator McCain has indicated that he is in the "**leaning no**" category. His comment was that he "was likely to vote to override."

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under the President's administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override the President's veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since Brent Scowcroft and Larry Eagleburger went to China, we have seen some modest but positive steps [attached]. The President wants to keep that process moving in the direction of more substantial progress; he would hate to see it set back by an override that will do nothing materially for the students here.
- The President's policy is beginning to work; let him manage it.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
09. Memo	From Frederick D. McClure to John Sununu Re: Recommended phone call to Sen. Steve Symms (2 pp.)	1/17/90	P/5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: H.R. 2712/Chinese Students (1989) [1]

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29144-005
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National Security Classified Information [(a)(1) of the PRA]
- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-3 Release would violate a Federal statute [(a)(3) of the PRA]
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE
WASHINGTON

RECOMMENDED TELEPHONE CALL BY JOHN SUNUNU

TO: Senator Steve Symms (R-ID)

DATE: January 17, 1990

RECOMMENDED BY: Frederick D. McClure *fm*

PURPOSE: To enlist the support of Senator Symms for the President's veto of H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989.

BACKGROUND: When the Senate considered H.R. 2712, the measure was adopted by voice vote. The President subsequently vetoed the legislation but directed the Attorney General and Secretary of State to implement the provisions of the legislation administratively. Indeed, this administrative action was broader than the measure enacted by Congress. Republican Leader Bob Dole has provided each Republican Senator with a copy of our side-by-side analysis of the Administration's actions and the Pelosi bill.

The House is expected to attempt a veto override Wednesday, January 24. Should the override attempt in the House be successful, the Senate is expected to consider the veto either on the same day or on Thursday, January 25.

Senator Symms has indicated that he is in the "no" category. His comments were that he "hates not to support the President, but is likely to vote to override." Symms thinks the "issue is not important enough for the President to expend political capital."

KEY POINTS: See Attachment.

DATE OF SUBMISSION: January 17, 1990

ACTION:

Attachment A

- I am calling about China policy and upcoming votes on the Pelosi bill.
- I want you to know that under the President's administrative actions, no Chinese students or scholars are going to be sent home against their will.
- The Pelosi Bill is the Democrats' bill.
- A vote to override the President's veto will not protect even one additional student, but it may well provide China's hardliners a pretext to shut down these student exchanges altogether.
- I hope the Chinese students already here will show more concern that their fellow students in China also have the opportunity to come here to study.
- There is a power struggle going on in China between hardliner isolationist forces and more moderate leaders. It's at a delicate stage.
- Since Brent Scowcroft and Larry Eagleburger went to China, we have seen some modest but positive steps [attached]. The President wants to keep that process moving in the direction of more substantial progress; he would hate to see it set back by an override that will do nothing materially for the students here.
- The President's policy is beginning to work; let him manage it.

POSITIVE STEPS BY CHINA

- Following the Scowcroft/Eagleburger trip, China **muted its propaganda attacks** on the U.S.
- Beijing publicly **denied it will sell M-9 missiles** to Syria and added a broader assurance for the first time that it **will sell no medium range ballistic missile** to any Middle East country.
- The Chinese reopened discussions to **resume the Fulbright exchange program**. Beijing had suspended it last summer in response to Chinese hardliners who see the program as an agency of "bourgeois" influence.
- The Chinese reversed themselves and **agreed to receive the first Peace Corps volunteers**, on schedule in Sichuan Province next September. Again this has been a sensitive issue inside China, with hardliners arguing that the volunteers are spies or carriers of "bourgeois democracy."
- More importantly, China **lifted martial law** in Beijing. The implications of this move are complex, and the action has not fundamentally changed the situation at one stroke. But hardliners were anxious to retain the extra powers given them by martial law, and symbolically it is very significant that the regime has shown it is willing to bend to foreign pressure. To declare that the lifting of martial law is anything other than a positive step runs the risk of strengthening those who refuse to bend.
- Our **Embassy in Beijing is no longer being harassed** by security forces and is back to the situation prior to Tiananmen. Our Ambassador's access is greatly improved.