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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: 29144-006

Folder Title:
H.R. 2712/Chinese Students (1989) [2]

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



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

Withdrawal/Redaction Sheet (George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Memo	From Sichan Siv to Ed Rogers Re: New Information for Gov. Sununu's Meeting w/Chinese American Leaders (1 pp.)	1/22/89	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) [2]

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

Date Closed: 12/2/2004	OA/ID Number: 29144-006
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

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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

January 22, 1989

MEMORANDUM FOR ED ROGERS

FROM:

SICHAN SIV *S*

SUBJECT:

NEW INFORMATION FOR GOV. SUNUNU'S MEETING WITH
CHINESE AMERICAN LEADERS

The following information could be useful for Gov. Sununu's meeting with Chinese American leaders this afternoon.

Chinese Americans are divided on Pelosi bill. The number of people who support the President has drastically increased. There has been a massive letter and phone campaign in support of the President over the weekend. These are worth mentioning:

- From 100 Chinese Americans in San Francisco to the President: **YOUR POLICY HAS OUR FULL SUPPORT**

- From the 150 year old Chinese Consolidated Benevolent Association to the Washington Post: **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**

- From Taiwan born Prof. Y. T. Lee of UC-Berkeley (1986 Nobel Prize winner) to the Washington Post: **I AGREE MORE WITH BUSH ON CHINA**

- From three Washington-based Chinese organizations to the Washington Post: **THE PRESIDENT HAS ACTED IN THE LONG TERM INTEREST OF AMERICA. WE URGE CONGRESS NOT TO OVERRIDE THE PRESIDENTIAL DECISION TO WITHHOLD APPROVAL OF HR 2712**

I believe the support will continue to increase, if the President could approve the extension of work authorization beyond June 1990. The deferral of the veto override would be extremely helpful for us to get more support to sustain the veto.

THE WHITE HOUSE

WASHINGTON

PROSPECTIVE ATTENDEES
BRIEFING ON H.R. 2712 WITH CHINESE AMERICAN LEADERS
JANUARY 22, 1990 -- 5 P.M.
ROOM 180, OLD EXECUTIVE

GRANT MOY, JR.
General Counsel
Government Printing Office
275-2757

ALFRED HONG (New York)
Chairman;
Chinese American Citizen Alliance
New York State Heritage Council
Chinese American Republican Club - Queens, New York
Chinese American Republican Nationality Federation
718-454-1697

BARRY TIEN (New Jersey)
Director
New Jersey Asian American Political Coalition
718-463-0011

REV. MAN-KING TSO
Baptist Church, Georgetown
333-7212
289-3611

REV. JONATHAN LIU
Chinese Bible Church
460-4963
924-4855

CAROL CHEN
Producer, Chinese Program
Channel 26 TV (Maryland)
Member, School Board, Montgomery County, Maryland
230-0674

JULIE RAO
President
Asian American Congressional Forum
Special Assistant to the Commissioner
Federal Food & Drug Administration
485-0009

I-CHUAN CHEN
Director, International Relations, United Technology
International Corp.
785-7403

DR. SAM LIN
Deputy Assistant to the Surgeon General
Department of Health and Human Services
443-6670

ED MOY
Director
Pre-paid Health Care Insurance
Department of Health and Human Services
Former member, Central Committee
Wisconsin Republican Party
245-0811

DANIEL HO
Chairman
Department of Computer Information and Mathematics
Southeastern University
488-8162

JAMES WHANG, Ph.D.
President
AEPCO, Inc. (Over 500 employees)
670-6770

PATRICK SUNG
Attorney
Mobil Oil Company
Chairman, Maryland Chapter
National Republican Asian Assembly
849-7730

MIMI TSE
Vice President
Chinese American Music Society
Vice President
Creative Associate International Inc.
229-2198

ROBERT KWOK, MD
President
Chinese American Music Society
262-0330

EUGENE Y. HSI
Chairman
Organization of Chinese American - Baltimore
Chief Executive Officer
Transviron Inc.
301-321-6961

ELEANOR WANG
Member, Central Committee
Baltimore Republican Committee
301-363-7558, 301-655-7373

HOMER CHEN
Lt. Governor
Toastmaster Club
962-1342

DR. GRACE SHU (Pennsylvania)
Assistant Treasurer
National Republican Heritage Council
717-322-0228

JOHN T. CHEN, Ph.D.
President
Chinese Cultural & Community Services Center, Inc.
Senior Researcher
Nuclear Regulatory Commission
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HEO-PEH LEE, Ph.D. (New York)
Chairman
Chinese American Political Action Association of Metropolitan New York
Chairman, Board Of Director
Shie-Jie Enterprise

CHONG-PIN LIN, Ph.D.
Associate Director
China Study Program
American Enterprise Institute
862-5865

ROBERT HSUEH (Texas)
National Co-Chairman
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214-991-5367

CHI WANG, Ph.D.
Professor of History
Georgetown University
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IGNATIUS TSAO, Ph.D.
Professor
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(607)431-3553

NELSON F. L. LEE
Vice President
Quan Gdong Benevolent Association

HUN J. GOON
Vice President
Chew Long Association

Member of the Board
Chinese Consolidated Benevolent Association

LAWRENCE T. TOM
President
Chew Long Association

Member of the Board
Chinese Consolidated Benevolent Association

YEN-DEN A. CHAN
Secretary
Chinese Consolidated Benevolent Association

DR. JOHN YOUNG
Professor of History
Seton Hall University

Secretary
Chinese Language Teacher's Association

VERN JARVIS
Deputy Director, Public Affairs
Immigration and Naturalization Service

BILL COOK
Immigration and Naturalization Service

JIM PULEO
Immigration and Naturalization Service



Office of the Attorney General

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

January 16, 1990

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The White House
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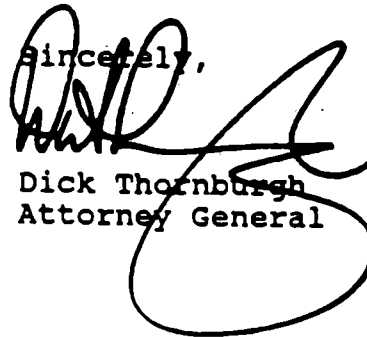
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Sincerely,

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

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:

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Sincerely,


Dick Thornburgh
Attorney General

cc: David L. Milhollan

UNITED STATES PUBLIC DIPLOMACY IN CHINA

A REPORT OF THE
UNITED STATES
ADVISORY COMMISSION
ON PUBLIC DIPLOMACY



THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 30, 1989

STATEMENT BY THE PRESIDENT

On the 6th 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 possible 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, I have 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 China's ^{emigration} family policies -- I have also instructed the Attorney General to ensure that 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 straightjacket and can render us incapable of responding to changing circumstances. H.R. 2712 is inconsistent with this policy.

The Chinese students should know that this is not a temporary action. America will always stand with them, and with freedom-loving men and women around the world. *I will always*
where

#

B6

WEDNESDAY, NOVEMBER 29, 1989



Los Angeles Times

A Times Mirror Newspaper

Publishers

HARRISON GRAY OTIS, 1882-1917

HARRY CHANDLER, 1917-1944

NORMAN CHANDLER, 1944-1960

OTIS CHANDLER, 1960-1980

TOM JOHNSON, 1980-1989
Chairman, 1989

DAVID LAVENTHOL, *Publisher and Chief Executive Officer*

RICHARD T. SCHLOSBERG III, *President and Chief Operating Officer*

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A Matter of Honor

If President George Bush vetoes a measure that would halt the forced repatriation of more than 30,000 Chinese students now living in the United States, his Administration doubtless will defend his action as realistic. In fact, it will be dishonorable.

It also will be pointless, since both the House and Senate passed the bill by margins more than sufficient to override a presidential veto. While the Administration seems to believe that it can deny the implications of last June's massacre of peaceful pro-democracy demonstrators in Tian An Men Square and put Sino-American relations back on a business-as-usual footing, Congress harbors no such delusions.

Speaking on the House floor last week, Democrat Nancy Pelosi of San Francisco, author of the bill to allow the Chinese students to remain here after their visas expire in June, was clear on the fate that awaits them if they are forced to return home: "We can be certain," she said, "that most of these students will be subject to . . . repression."

In the Administration's view, this chilling fact must be discounted in the interest of maintaining open Sino-American relations. Privately, its

spokesmen also argue that if they are compelled to go home, those among the Chinese students who survive and prosper will constitute a future bloc of pro-American sentiment. Such calculation may be characterized by some as *Realpolitik*; others with a clearer eye will see it as moral squalor.

In the Middle Ages, Europe's churches were places of inviolable sanctuary for the persecuted. As the cathedral of democracy, the United States has provided similar refuge for those courageous enough to act in defense of human rights. Over the past two centuries, this Republic has sheltered Poles victimized by czarist usurpation and Irish Fenians struggling under the yoke of British imperialism, visionary Zionists and Hungarian freedom-fighters, early Korean opponents of Japanese militarism and the first champions of Czechoslovak freedom.

Now, Congress wishes to extend the American people's protective hand of friendship to young people who have risked their very lives in the cause of Chinese freedom. If the Bush Administration puts its power in the way of that altogether decent gesture, it will incur lasting shame.

Burlington Free Press
November 30, 1989

Increasing the income tax rate.

Help Chinese students

President George Bush appears ready to abandon American support for basic human rights in exchange for improving U.S. relations with the tyrants in Beijing who massacred their own people just six months ago in Tiananmen Square.

White House spokesmen have said Bush may veto a bill that would provide four-year visa extensions for Chinese students in the United States. The measure, which passed the House unanimously and the Senate on a voice vote, also waives a requirement that the students return home before getting new visas.

A visit to China could mean imprisonment or execution for students who spoke out in support of pro-democracy demonstrations. For most, returning home will likely mean permanently losing their freedom to live and study outside China.

The White House claims that a visa clemency program Bush offered provides all the opportunity the students need to wait out the crackdown in China. But that program ends in June 1990. Few students have applied for the waiver, no doubt not wanting to risk repercussions from their government for delaying their scheduled return dates.

The United States can do little to help Chinese who live under the rule of Beijing's dictators. But we can, and must, help people who are visiting America and are afraid to go home. Their lives, and American commitment to human rights in all countries, is far more vital to U.S. interests than rebuilding relations with a regime that murders its people.

Forum

Bus stop action

There has been a reference in your paper to the unsafe bus stop at Susie Wilson Road. ...

The public can be assured that CCTA has taken immediate action to change the location of its bus stop. As a temporary measure, patrons who used to board or disembark at Susie Wilson Road will be required to walk to the bus stop at the east entrance of Fort Ethan Allen. The town of Essex will maintain a walkway from the bus stop to Susie Wilson Road and keep it clear in the winter. The bus will not stop at Susie Wilson Road.

A permanent solution is being assessed with the town of Essex. Alternatives will be evaluated to see how we can provide better service that will be safe and accommodating. The changes will be built into our schedule at a future date and the public will be notified.

The safety of our patrons is important to us. We hope that the security of the new stop will be worth the inconvenience of walking to the shopping centers in that vicinity.

more in-depth coverage of labor issues throughout the city, state and country and to work quickly towards a contract resolution with its own employees.

LEN SCHMIDT
Starksboro

Yankee support

That the Salvadoran army killed six American priests is not too surprising. After all it was only a few years ago that they raped and killed four American nuns, and only a while before that they assassinated their own archbishop. Five decades ago they massacred 25,000 Indians that they lured into a city square. And betwixt and between they have murdered countless of their own civilians.

They are now what they always have been, ruthless fascists who enjoy nothing better than butchering helpless people. It is obvious that they are also cowards and have no soldier's valor or stomach for fighting, or they would have dislodged the rebels from their capitol. ...

What is surprising and disgusting is that we continue to arm and train these butchers. They would

stepfather, raped and otherwise molested the little girl. Stephanie was not only aware of what happened, she encouraged her daughter to cooperate.

Because her husband was in the Army and the crime occurred in military housing, both were tried in federal district court in Kentucky.

The husband pleaded guilty and was sentenced to 20 years in prison.

Stephanie was found guilty of aiding and abetting her husband and received an eight-year sentence.

The child, of course, was taken from her and placed with foster parents.

But the story doesn't end there.

After serving about three years of her sentence, Stephan was paroled. But her legal difficulties didn't end with her parole.

Stephanie is not a citizen of this country. She is German. She met the degenerate while he was stationed in Germany. They married and she and her daughter came here with him.

Because she isn't a citizen, she could be deported. The immigration laws say that if an alien convicted of a crime involving "moral turpitude" within five years of coming here, the alien can get the boot.

So the immigration authorities decided that there was something reprehensible about allowing one

Insurance

WASHINGTON — Consumer advocates are taking scissors to the veil of mystery and complexity that shrouds the insurance industry, and the industry is in a panic.

That panic surfaced at a recent insurance convention that turned into a vicious pro-industry rally when John Crosby, vice president of the National Association of Independent Insurers, took the podium. In a carefully crafted analogy, he suggested that propaganda espoused by consumer groups "parallels Hitler" and the deception of the Third Reich.

Crosby jumped on the consumer advocates who criticize the insurance industry for taking big profits. "Ralph Nader wants our Persian rug off our floors, h

MORE NEWS

MILWAUKEE

WILLIAM LOEB, President and Publisher, 1946-1981
 NACKEY S. LOEB, President and Publisher

Where the Spirit of the Lord Is, There Is Liberty

II CORINTHIANS 3:17

"There is nothing so powerful as truth"

DANIEL WEBSTER

Sign It, Mr. President!

Perhaps there was more than meets the eye to President George Bush's seemingly inexplicable reticence dramatically to proclaim East Germany's momentous opening of the Berlin Wall as a victory for freedom and decades-old U.S. policy. Perhaps the President's reluctance involved more than his personal style, more than his proclaimed desire not to appear to be gloating as the Malta conference with Soviet leader Mikhail Gorbachev approached.

Perhaps, just perhaps, Bush sensed that it would be poor form to



PRESIDENT BUSH

be perceived as extolling the extraordinary flowering of democracy and freedom in Eastern Europe even as he was preparing to slam the door of freedom in the face of 40,000 Chinese students studying in the United States — slam it, that is, for fear of offending the Butchers of Tiananmen Square.

Students Association at Harvard University, Zheng Liao, pointed out in a letter sent Tuesday to The Union Leader:

"What is at stake is the very survival of the Chinese student pro-democracy movement in the U.S.

The Chinese government has silenced the voice of democracy in Tiananmen Square by violence. Now it attempts to silence the voice of democracy for China in the U.S. by intimidation."

Will the President himself be intimidated? It would appear that he already has been. While he has acted, through his administration's Extended Deferred Departure Program, to assure the Chinese students that they won't be deported until next June 5th, he knows full well — or has every reason to know — that few Chinese students have been naive enough to apply for EDD's "protection." In the words of the student leaders of IFCSS:

"Once a student enters the program, there is no way out and they will be deported to China in June 1990. Students entering the EDD program offend the Chinese government and they will be marked as traitors; for these reasons, students will not apply. Many would rather go underground than face the consequences of political persecution upon their return to China. . . . This is not a bill of immigration, but a bill of human rights."

p. 2

Even as the encouraging news came in from Berlin, administration representatives were passing the word that the President was preparing to veto (or pocket veto) the Emergency Chinese Immigration Relief Act of 1989, which would waive the requirement that Chinese students and scholars here on visas must return to their home country for a minimum of two years. And now that both houses of Congress have passed the measure without a single dissenting vote, passed it with bipartisan and liberal and conservative support that ranged from Massachusetts' Senator Edward Kennedy to New Hampshire's Senator Gordon Humphrey, the moment of Presidential decision is at hand.

Will Bush consign these students, united under the umbrella of the Independent Federation of Chinese Students and Scholars, officially designated a "counterrevolutionary" organization by the Chinese government, to a future that is at best uncertain, at worst life-threatening, or will he resist efforts of Chinese diplomats to intimidate them here in this land of the free by signing H.R. 2712 into law? (See also Cal Thomas' timely column elsewhere on this page. —Editors)

The President knows that these students are "criminals" in the eyes of the Beijing regime. He knows that Xiang Cunyi, vice chairman of the Judiciary Committee of the National People's Congress of China, only recently announced that Chinese citizens who committed "counterrevolutionary crime" in foreign countries will be punished when, their visas expired, they return to China.

As the chairman of the Chinese

And who opposes this bill? Certainly not Congress. Certainly not the people of the United States. No. H.R. 2712 is opposed by the State Department, which fears that its enactment would hamper efforts to restore Sino-American relations to their pre-June levels and, of immediate concern, anticipates that the Chinese government would react to the President's signature by suspending educational exchange programs!

Well, Beijing's attitude toward Sino-American relations can be seen in its suspension last June of the Fulbright program under which American scholars study in China and by its move to reduce to a trickle the number of Chinese scholars who have been able to leave China under the Exchange Visitor Program. Moreover, warned 28 U.S. senators (not including New Hampshire's Warren Rudman) in a November 22nd letter to the President:

"It is clear that the Chinese government will send here only the most ideologically tested and reliable students for the foreseeable future, and, should Beijing decide in the future to restore the Fulbright program, there is no doubt that our scholars would be subjected to far greater scrutiny than they were before the Tiananmen massacre."

Will the President stand with the students who played such a vital role in the pro-democracy movement in China? Or will he aid and abet the campaign of intimidation that Chinese authorities have waged against them by vetoing (or pocket vetoing) this bill?

We anticipate the latter. We pray we are wrong.

—Jim Finnegan

7a 50

DAILY NEWS

220 E. 42d St. New York, N.Y. 10017

JAMES HOGE, *Publisher and President*
JAMES P. WILLSE, *Editor* MICHAEL PAKENHAM, *Editorial Page Editor*

Don't betray the Chinese students

LYING UNSIGNED ON PRESIDENT BUSH'S desk is a bill that could save hundreds, perhaps thousands, of lives and yield a major contribution to America's pool of brainpower. It passed the House by a vote of 403 to 0 with the Senate going along by voice vote. There is absolutely nothing wrong with the measure — on U.S. terms. But the Communist warlords of Beijing don't like it. Not a bit. And there is talk that Bush may give in to their pressure and veto.

That would be tragic.

The bill would affect the 40,000 Chinese citizens who are in the U.S. today by virtue of student visas. Such visas are issued for fixed periods of time. Under existing law, when one expires the person holding it must go home for at least two years before applying for another U.S. visa, student or otherwise.

That makes a good deal of sense for the U.S. and for students' home countries. Under normal circumstances.

These are not normal circumstances for Chinese students.

The bloodbath at Tiananmen Square on June 4 made that very clear. The Chinese government's position is that dissenting students deserve to be shot, imprisoned indefinitely or exiled to labor camps — without due process or hope. The whole world saw that played out, and heard wonderful stories of courage and horrible ones of repression — a lot of that through contacts made by the students this legislation seeks to protect.

It would simply give the Chinese students four years more to live in the U.S., at which time they could apply for additional visas without returning to China. The majority of them are studying scientific or technical subjects. Those are skills and knowledge that are in very short supply in U.S. industry, education and government. The majority of the students would be very high risks in today's police state in China.

Why would Bush veto such a bill? Simply because the Chinese are demanding that he do so — and threatening to chill other relations with the U.S. if he fails them.

To give in to such blackmail would be pitiful. To allow American due process to force thousands of Chinese back to a terrifying fate would be outrageous. The bill must become law.

New York Post

THURSDAY, NOVEMBER 30, 1989

Don't force students back to China

On Tuesday, a delegation of Chinese students studying in America presented the White House with an urgent request. They asked President Bush to sign a bill which both houses of Congress passed last week by overwhelming margins.

The bill would allow the 40,000 Chinese students currently in the United States to extend their student visas — so that they won't be forced to return to China when the visas expire. In light of the massacre at Tiananmen Square last spring, and the ongoing repression in China, the bill makes a great deal of sense.

Unfortunately, President Bush is threatening either to veto the measure outright, or to ignore it, thus killing it by pocket veto.

Apparently, the State Department is recommending such a course, claiming that the legislation will offend the Chinese government, and put further exchange programs at risk.

Beijing, having crushed the student opposition movement inside China, is doubtless eager to get its hands on students who are keeping the flame alive in the United States. For China's current rulers, the students are both valuable intellectual capital and — so long as they are free — a political threat.

On humanitarian grounds alone, it would be wrong for the President to veto this legislation — the fate of the students compelled to return may well be grim. Our failure to afford them refuge would amount to delivering them into the hands of a regime inclined to do them harm.

Moreover, what strategic interests call on America to endeavor to appease

a government that has just massacred thousands of its best and brightest young people — students whose only "crime" was peaceful protest aimed at democratization?

Chinese embassy officials in this country have reportedly been harassing Chinese students active in the democracy movement — threatening reprisals against them and their families. If the Bush administration deprives these students of legal grounds to remain here, it will implicitly assist the Chinese government in this policy of intimidation.

Indeed, America's strategic interests require us to take a long view: China's future probably lies with those university students — in China, here and elsewhere — who yearn to oust the Marxist gerontocracy in Beijing. In the long run, fruitful ties between China and the United States rest on our relationship with the students. Cultivating an amicable relationship with the aging ideologues who are now forcing students throughout China to undergo Orwellian "re-education" programs is both unseemly and — in terms of long-term American interests — unwise.

Finally, it is clear that most of the Chinese students now in the United States are a highly talented and motivated group — many have advanced training in science and engineering. If worst comes to worst in China and the repression continues, many of these students could and would — as immigrants — make a valuable contribution to American life, just as have hundreds of thousands of refugees from oppression throughout American history.

We urge the President to sign the bill.

THE WHITE HOUSE
WASHINGTON

November 30, 1989

MEMORANDUM FOR THE SECRETARY OF STATE
THE ATTORNEY GENERAL
THE DIRECTOR OF THE UNITED STATES
INFORMATION AGENCY

As you know, I wish to improve the immigration status of nationals of the People's Republic of China currently in the United States. At my direction, a number of measures already have been taken to accomplish this.

I now direct you to take further action, pursuant to your authorities under law, including the Immigration and Nationality Act, to provide, to persons covered by the Attorney General's June 6th order deferring the enforced departure for nationals of China:

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 direct that you 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 family planning policy of forced abortion or coerced sterilization.

These further actions will provide effectively the same protection for nationals of China as would H.R. 2712 as presented to me on November 21, 1989.

These measures should be taken today, November 30, 1989. I request that you report to me on the status of your actions under this memorandum within 45 days.

The News and Courier

ARTHUR M. WILCOX, Editor
ROBERT J. COX, Assistant Editor

Founded Jan. 10, 1803

MICHAEL J. BONAFIELD, Associate Editor

CHARLESTON, S.C. THURSDAY, NOVEMBER 30, 1989 PAGE 14-A

When Peking demands, say no

President Bush has to be a contortionist in his policy on China — maintaining close ties with Peking while admonishing the communist gerontocracy for its murderous suppression of democracy.

The line between a normal diplomatic relationship and the limits and conditions that Washington has been insisting upon in its dealings with Peking is easily blurred. Richard Nixon achieved exactly the right balance during his recent visit to China. He didn't mince words in letting his old friends know that they will not be allowed to get away with the massacre of students that ended the Peking Spring in a welter of bloodshed. But he made it equally clear that the United States values its relationship with China. Henry Kissinger, however, failed to impress upon the Chinese leadership the importance that the American people — and, to a lesser extent, the U.S. government — places on the basic rights of every individual to express himself freely and go about his lawful business without official interference.

It is in the blurred area between the State Department's wish to improve relations with Peking and the American's people's desire to see rule of law and, eventually, democracy in China, that several thousand Chinese students who are studying in the United States are caught. The Chinese authorities are demanding that President Bush veto an act of Congress that would have allowed the students to stay in this country until such time as it is safe for them to return. It is estimated that as many as 32,000 of the 40,000 Chinese

students currently studying in the United States would find themselves in jail, possibly facing execution or, at the very least, "re-education" if they were forced to return to China, as Peking wishes.

It is suspicious that the Peking regime is demanding that the president veto the act. And that is one very good reason for Mr. Bush to refuse to give in to such a demand, and ignore those diplomats in the State Department who appear to be suffering from that professional disease known as "clientitis." Those afflicted with it tend to put the interests of the country to which they are assigned ahead of those of the United States.

President Bush should either sign the Emergency Chinese Immigration Relief Act without delay or make it clear that the United States will remain a haven for those students whose lives would be in danger if they were forced to return. To please the diplomats who want to make their clients happy, he should suggest an easy and painless way for the old men of Peking to solve the problem. All they need do is heed the students, who were speaking for the people of China, and give democracy a chance. The reforms sought by the pro-democracy movement would benefit the Chinese people — at the relatively minor cost of causing the gerontology some slight discomfort. President Bush could sugar the pill when he spurns the Chinese government's demand that the students be sent home, by telling Deng Xiaoping and company that the future these days isn't red. The future is democracy.

An unethical business

The conviction of a man for knowingly selling his tainted blood to a plasma center in North Charleston raises a

deficiency virus in the man's blood was detected, and the plasma destroyed, he did not expose anyone else the the risk of contacting



Sumn Gorba

By George F. W.
WASHINGTON — believes that he and bachev have a ground rule: No su Gorbachev might a gigantic diplo cause of his envelo sis, which is th exhaustion of humu socialism.

A Warsaw joke: lutions to Poland's one rational, the e The rational one l Czestochowa appe llion. The miraculo Poles become indu

The damage soci social vigor is just understood. Bush what Gorbachev Perestroika will fa society the vitall modernization. So

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Replacement for Paragraph on Page 2

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 this authority vigorously, and the protection accorded under this authority will not be revocable.

WILLIAM LOEB, President and Publisher, 1946-1981
NACKEY S. LOEB, President and Publisher

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PRESIDENT BUSH

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Continues on p. 2

*Manchester NH
Union Leader
11/30/89*

p. 2

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Replacement for Paragraph on Page 2

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to ~~to~~ these students .

LIST OF PARTICIPANTS FOR THE
MEETING WITH CHINESE STUDENT LEADERS

November 30, 1989

Liu, Yong Chuan (Mr.)

Previously studied at Beijing University.

Presently enrolled at Stanford University, pursuing a Ph.D. in Sociology.

Mr. Liu is the President of the Independent Federation of Chinese Students and Scholars in the United States (IFCSS). The IFCSS was founded in Chicago in July 1989. About 500 Chinese students and scholars from 202 U.S. Universities were present at their first Congress

Han, Lian Chao (Mr.)

Previously studied at the Foreign Affairs College of Beijing.

Has completed a Master of Law at Yale University.

Zhao, Haqing (Dr.)

Previously studied at Beijing University.

Presently enrolled at Harvard University, pursuing a Post Doctorate degree in Biochemistry.

Huang, Yuangeng (Mr.)

Previously studied at Transportation University in Shanghai.

Presently enrolled at the University of Maryland, pursuing a Ph.D. in Computer Science.

Wides, Burton

Lawyer for the Chinese students.

Presently affiliated with the Washington, D.C., law firm of Arent, Fox, Kintner, Plotkin & Kahn.

4/30 - 10:00 a.m.

MEMORANDUM OF DISAPPROVAL

In light of the all-encompassing action I have taken today, I am withholding my approval of H.R. 2712, the "Emergency Chinese Immigration Relief Act of 1989." My action today makes H.R. 2712 wholly unnecessary.

I share the objectives of the overwhelming majority in 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 additional protections. I am directing the Attorney General, the Secretary of State, and the Director of the United States Information Agency 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) waiver of the two-year home country residence requirement; (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 such persons; 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 family planning policy of forced abortion or coerced sterilization.

These further actions will provide effectively the same protection ~~for nationals of China~~ as would H.R. 2712 as presented to me on November 21, 1989. 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.

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 democratic ideals 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 Congress in passing H.R. 2712 while preserving my ability to manage foreign relations.

I believe that China will return to the policy of greater freedom pursued before June 3rd. I further believe that the Chinese visitors would wish to return to China in those circumstances. It would be the goal of my Administration to ensure that the knowledge and experience gained by the Chinese visitors temporarily in our country be applied to help create a freer and more prosperous China.

The adjournment of 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.

MEMORANDUM OF DISAPPROVAL

In light of the all-encompassing 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, the Secretary of State, and the Director of the United States Information Agency 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 family planning 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, I am exercising 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.

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 family planning policies, my actions today~~ provide greater protection than would H.R. 2712 by extending such protection worldwide rather than just to Chinese nationals.

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 greater 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.

THE WHITE HOUSE,

November 30, 1989.

THE WHITE HOUSE
WASHINGTON

November 28, 1989

TO: CHIEF OF STAFF

FROM: JAMES W. CICCONI
Assistant to the President and
Deputy to the Chief of Staff

Attached is the Congressional letter on the Chinese student bill.

Also enclosed is the memo you asked me to write on pocket veto Catch-22.



Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Memo	From Jim Cicconi to John Sununu Re: Disapproval of H.R. 2712: Immigration Relief for Chinese Students (1 pp.)	11/28/89	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) [2]

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

Date Closed: 12/2/2004	OA/ID Number: 29144-006
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

November 28, 1989

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Jim Cicconi *JC*
SUBJECT: Disapproval of H.R. 2712: Immigration Relief
for Chinese Students

✓ In your conversations with the President on whether to sign or veto the bill extending the stay of Chinese students, there is an added point you should weigh carefully. This relates to the pocket veto.

✓ In short, to protect the President's prerogative to pocket veto bills when Congress is not in session, we have maintained that a return of the bill (i.e. a normal veto) is not possible since there is no agent of the Congress empowered to accept it when they are not meeting. Congress, of course, disputes this view; we have, however, acted consistent with it so far.

Our quandary is this: if we pocket veto the bill, it is more open to challenge by private plaintiffs (as opposed to Congress). This is not ideal for a test case. It will also keep alive a politically volatile issue throughout the court challenge. Finally, if we lose, the bill becomes law.

✓ If, on the other hand, we do a regular return veto (or a hybrid of pocket and return) we will badly undercut our argument for sustaining any future test of the pocket veto since, by returning a bill when Congress is out, we implicitly agree that Congress has an agent in town empowered to receive measures on its behalf.

✓ I realize that I'm presenting you with a series of bad choices-- if we do a regular return veto, we undercut our assertion of a pocket veto power, and would quite possibly be overridden when Congress returns in January. And if we pocket veto the bill, it will be challenged in court on less than favorable (for us) legal grounds, with attendant and lengthy press criticism during the case.

Obviously, we will do our best whatever the President decides, but I thought you should be aware of the problems. Boyden and I have discussed the above, and he concurs.

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Subseries: Issues Files
WHORM Cat.:
File Location: H.R. 2712/Chinese Students (1989) [2]

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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

<p>Presidential Records Act - [44 U.S.C. 2204(a)]</p> <ul style="list-style-type: none"> 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] <p>C. Closed in accordance with restrictions contained in donor's deed of gift.</p> <p>PRM. Removed as a personal record misfile.</p>	<p>Freedom of Information Act - [5 U.S.C. 552(b)]</p> <ul style="list-style-type: none"> (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
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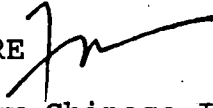
THE PRESIDENT HAS SEEN

THE WHITE HOUSE
WASHINGTON

November 28, 1989

1989 NOV 28 PM 7:07

MEMORANDUM FOR THE PRESIDENT

FROM: FREDERICK D. McCLURE 
SUBJECT: > H.R. 2712; Emergency Chinese Immigration Relief Act of 1989

This evening we received by hand delivery the attached letter concerning H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989, signed by 55 Senators. You will note the bipartisan nature of the signatories.

This measure is one of those in which we noted during floor consideration that the Administration opposed the measure's enactment. ✓ The letter was originated by Senators Bill Armstrong (R-CO) and Ted Kennedy (D-MA). Kennedy is chairman of the Immigration Subcommittee. Armstrong is the only member of the Republican leadership who signed the letter. The Senate Majority Leader, George Mitchell, is also a signatory. ✓ Senator Alan Simpson (R-WY), ranking member of the Immigration Subcommittee, made a very strong floor statement in opposition to the bill.

I decided to forward the letter to you, particularly given the philosophical mix represented by the signers.

Attachment

United States Senate

WASHINGTON, DC 20510

November 28, 1989

The President
The White House
Washington, DC 20500

Dear Mr. President:

✓ We are writing to urge you to support Chinese students in America in their struggle for democracy in China by signing into law the "Emergency Chinese Immigration Relief Act of 1989."

✓ Today's extraordinary flowering of democracy in Eastern Europe reminds us of a similar movement just a few months ago in China, but which was brutally suppressed. This bill adopted by Congress provides new hope to a beleaguered democratic effort for freedom in China by protecting its most effective representatives -- the Chinese students in America.

✓ Yet, with every day that passes, more and more students fall into unlawful status through the expiration of their visas. And while you have acted to assure them they will not be deported before June 5, 1990, they live in constant fear that whatever they say or do in America today will bring punishment should they be required to return after that date.

✓ Our bill also establishes for the first time in our law that asylum is available to victims of China's "one couple, one child" policies. You vetoed one bill over U.N. population funding for China; you should support this bill which protects the victims of that same policy.

However, your representatives have indicated that this important measure may be subject to a veto or pocket veto. It is significant that the primary opposition to the bill comes not from the United States, but from the Chinese government -- the very government that ordered the troops into Tiananmen Square in June.

Mr. President, your representatives have articulated three reasons for a veto.

✓ First, they claim that the Chinese government may suspend educational exchange programs if this bill is enacted. We ask you not to be intimidated by cynical threats made in Beijing. China has already suspended the Fulbright program in June, under which our scholars go there, and only a handful of Chinese scholars have been able to leave China under the Exchange Visitor Program in the past few months. It is clear that the Chinese government will send here only the most ideologically tested and "reliable" students for the foreseeable future, and, should Beijing decide in the future to restore the Fulbright program, there is no doubt that our

scholars would be subjected to far greater scrutiny than they were before the Tiananmen massacre.


① Second, your representatives state that the bill would hamper efforts to restore Sino-American relations to their pre-June levels. Our first priority must be to stand with the students who are here and have played such a significant role in the pro-democracy movement in China. The very fact that so many of the students here have been harrassed by officials of their own embassy for their pro-democracy activities suggests their vulnerability if returned to China, and this bill addresses that vulnerability in concrete, legislative terms.

Finally, your representatives state that this bill is not needed because the Attorney General has already acted to defer any departures until next June. But, Mr. President, this is only a few months away. Students are already concerned about their fate after that time, and have scaled down their pro-democracy activities as that deadline approaches. Many even fear that to participate in the Attorney General's deferred departure program becomes an act of rebellion against the Chinese government, and marks them for retribution once that program is ended and they are required to return. This bill provides them with the security they need to plan their lives and pursue their dreams of a more democratic future in China.

Mr. President, we understand your desire to strike the proper balance between maintaining ties with Beijing and being faithful to those who promote democracy. We urge you not to aid the campaign of intimidation and harassment that the Chinese authorities have waged against these students by vetoing this bill. Just as you have celebrated the courage of the peoples of Eastern Europe in their recent democratic successes, we ask only that you support the students of China in their continuing struggle.

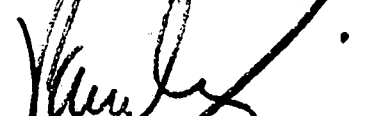
With respect and best wishes,

Sincerely,


William L. Armstrong


Edward M. Kennedy


Slade Gorton


Paul Simon


George J. Mitchell

Quentin N. Burdick

Quentin N. Burdick

John Glenn

John Glenn

Wendell H. Ford

Wendell H. Ford

Herb Kohl

Herbert Kohl

Mitch McConnell

Mitch McConnell

Rudy Boschwitz

Rudy Boschwitz

Orrin G. Hatch

Orrin G. Hatch

Bill Bradley

Bill Bradley

Terry Sanford

Terry Sanford

Pete Wilson

Pete Wilson

Chris Dodd

Christopher J. Dodd

Robert C. Byrd

Robert C. Byrd

Brock Adams

Brock Adams

Dennis DeConcini

Dennis DeConcini

Mark O. Hatfield

Mark O. Hatfield

Robert W. Kasten, Jr.

Robert W. Kasten, Jr.

Timothy E. Wirth

Timothy E. Wirth

Daniel Patrick Moynihan

Daniel Patrick Moynihan

Gordon J. Humphrey
Gordon J. Humphrey

Dan Coats
Dan Coats

Joseph I. Lieberman
Joseph I. Lieberman

Dave Durenberger
Dave Durenberger

John Heinz
John Heinz

Alan Cranston
Alan Cranston

Steve Symms
Steve Symms

John F. Kerry
John F. Kerry

Arlen Specter
Arlen Specter

Patrick J. Leahy
Patrick J. Leahy

Joseph R. Biden
Joseph R. Biden

Malcolm Wallop
Malcolm Wallop

Donald W. Riegle, Jr.
Donald W. Riegle, Jr.

John McCain
John McCain

Christopher S. Bond
Christopher S. Bond

Ernest F. Hollings
Ernest F. Hollings

Dale Bumpers
Dale Bumpers

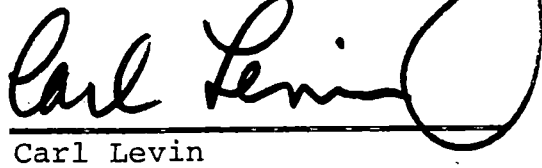
Phil Gramm
Phil Gramm

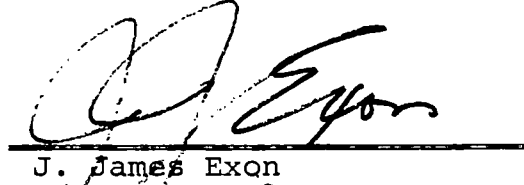
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Claiborne Pell

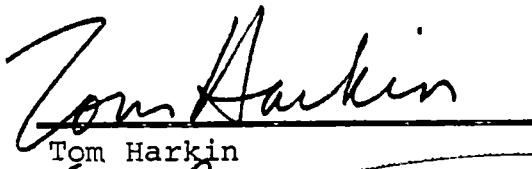
Conrad Burns
Conrad Burns

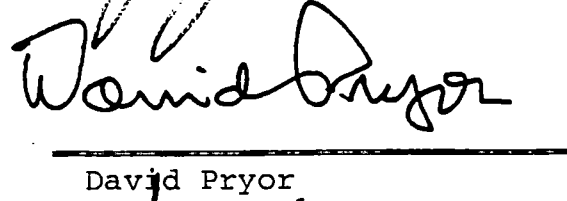

Frank R. Lautenberg

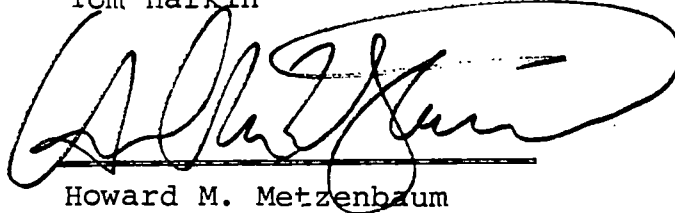

Paul S. Sarbanes

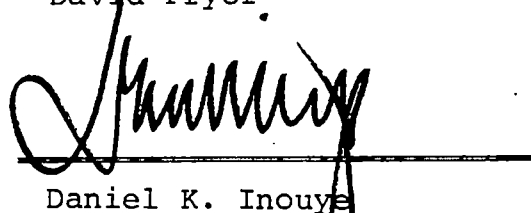

Carl Levin

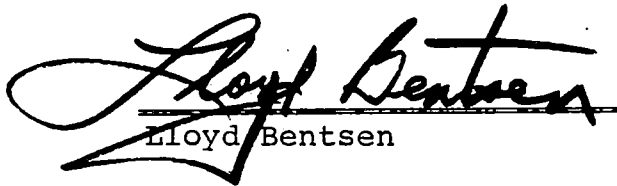

J. James Exon

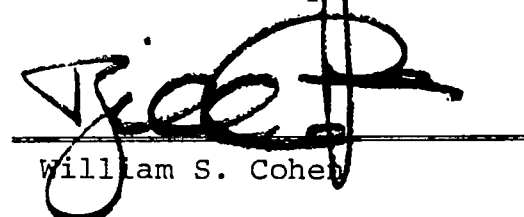

Tom Harkin

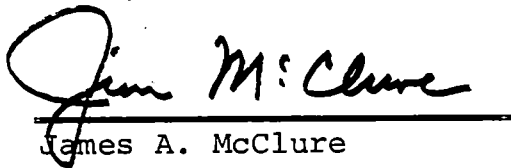

David Pryor

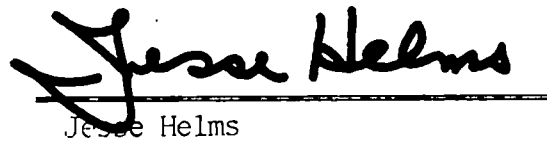

Howard M. Metzenbaum


Daniel K. Inouye


Lloyd Bentsen


William S. Cohen


James A. McClure


Jesse Helms
