

4-1-1979

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Recommended Citation

Rusk, Dean (1979) "One Man's Journey with China," *New Directions*: Vol. 6: Iss. 3, Article 3.
Available at: <http://dh.howard.edu/newdirections/vol6/iss3/3>

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One Man's Journey With China

Some Untold Truths

By Dean Rusk

EDITOR'S NOTE: The following was excerpted from an address by Dean Rusk, professor of international law at the University of Georgia Law School, and former U. S. secretary of state, 1961-1969. The occasion was the second annual Mordecai Wyatt Johnson Lecture at Howard University on January 26. The inaugural lecture last year in honor of the 13th president of the university was by Dr. Benjamin E. Mays, president emeritus of Morehouse College.

It was Napoleon who was supposed to have said: "Let China sleep, for when she awakes the world will tremble."

There are a few of you who can go back with me to my early boyhood days . . . my youth, back in the early part of this century. It was a period when there was an affectionate, warm and friendly benevolent attitude on the part of the American people towards the Chinese people, except for a few on the West Coast who were worried about Chinese and Japanese immigration and competition for jobs.

We studied China in the elementary school and incorporated China into our school plays and pageants and handicraft projects. At our churches, every year or two, our missionaries would come home and talk to us about China and show slides and tell us of their work there. As small boys, we would sit around in the backyard and talk about digging a hole—knowing that if we dug deep enough, we'd see Chinese peering at us at the other end.

We took some satisfaction out of the thought that the United States had somehow opposed the attempts by wicked colonial powers to carve up China into spheres of influence. Harvard went to China, so did Yale. The Rockefeller Foundation built the famous Peking Union Medical College—the finest medical school and hospital [at that time] in all of Asia.

Our attitude, undoubtedly, was somewhat patronizing and involved an enormous amount of ignorance about that

great people. Nevertheless, it was a very friendly one. 7

Then, in 1931, the year I graduated from college, the Japanese seized Manchuria. Most people told us at that time that it was too far away—it was none of our business. So, I was to find myself in an army uniform in Burma, which was even further away. Forever etched on my memory . . . from MovieTone News—no television in those days—is the picture of Wellington Koo, [Chinese diplomat] standing before the League of Nations, pleading for the help that never came. One of the things he got for his pains was a remark by the foreign secretary of Great Britain, "Oh dear, I wish he would be more Wellington and less Koo." Secretary of State Henry Stimson [U. S. secretary of state, 1929-1933] was not able to take any action beyond declaring that we would not recognize any situation brought about by force, the so-called "Stimson Doctrine."

As a student, I became quite an expert, or tried to become an expert, on the commissions appointed by the League of Nations . . . their reports . . . the futility of the world's approach to that problem. As a young man, I found myself in a picket line, protesting the scrap iron being shipped to Japan out of the Port of Oakland, Calif.

Then we saw the general attack on China and the attack [by Italy] on Ethiopia. And the [U. S.] Senate at that time did not even permit Secretary of State Cordell Hull [1933-1944] to make a statement saying that if the League of Nations decided to impose sanctions on these aggressions, that the United States would not insist upon its right to trade as a neutral nation.

My generation of students went down the chute into the catastrophe of World War II, which could have been prevented. And then came Pearl Harbor. During the weeks and months immediately following Pearl Harbor, we needed China for purposes of our own. Hitler's armies were smashing at the gates of Leningrad . . . Moscow . . . and Stalingrad. Rommel was rushing across North Africa toward Cairo. Our intelligence people were telling Pres-



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ident Franklin Roosevelt that Russia would be knocked out of the war in the next few weeks.

We did not have the arms with which to mobilize our own forces, except at a snail's pace. The Japanese had destroyed the heart of our fleet at Pearl Harbor and were rushing through Asia. And we saw no way to stop them. We needed to think of China as a great power, a faithful ally, stubbornly resisting the Japanese through an entire decade of unassisted effort, because, otherwise, the world would look very grim indeed, at that time. So, we underestimated the extent to which that decade of combat had brought about an attrition of the China which we had known . . . its institutions . . . its government . . . its economy. Nevertheless, we set out to do what we could.

It was my privilege to serve for two years as the chief of war plans to General Joe Stilwell in the China-Burma-India deal [CBI].

The China-Burma-India Theater was the lowest priority among the overseas theaters of operation. We all agreed that the war against Hitler should take first priority, that the Pacific Theaters would take second priority, with CBI at the bottom.

We were trying to punch through some communications into China to try to help China stay in the war. We were aware of the long-range contingency that there might have to be a major war fought on the mainland of China against the Japanese armies regardless of what might have happened in Tokyo. But then we had forgotten that General Stilwell had, in essence, an impossible mission. From the American point of view it was his job to try to get armies into China to fight the Japanese as soon, and as hard, as possible, and to get the British army in India to do the same. But, it became very clear that Generalissimo Chiang Kai-shek was not going to commit such armies as he had against the Japanese, because he was looking over his shoulders at the problem

of the control of China itself at the end of the war. In effect, looking over his shoulders at the Communists.

. . . There was never any serious question of the United States intervention to assist the nationalist Chinese forces on the mainland.

It was equally apparent that Prime Minister Winston Churchill was not going to commit the [British] army in India to a major involvement with the Japanese forces until after the defeat of Hitler, because the army in India was the only Imperial Reserve he had. Indeed, for a considerable period, the Middle East was held by the British army in India, and the Australians and the New Zealanders. So, the very nature of Stilwell's mission: I will hold your coat, you do the fighting. He had almost no resources of his own.

Stilwell had a deep love for the Chinese people at the grass roots. And he was very impatient with the inadequacies of the political and economic situation as far as the Chinese people were concerned. Then came the end of the war and the moves of the Communists to take over the entire country.

Let me say straightaway, there was never any serious question of the United States intervention to assist the nationalist Chinese forces on the mainland. In the first place, we did not have any capabilities in that direction, because of an almost total demobilization after V-J Day. By 1946, we were told by our Joint Chiefs of Staff that we did not have a single division in our army nor a single group in our air force that could be rated ready for combat. The ships of our navy were being put into mothballs as fast as we could find berths for them, and those that remained afloat were being manned by skeleton crews. For three fiscal years in that period, our defense budget came down to a little

more than \$11 billion, groping for a target of \$10 billion. So there was no capability.

But in any event, those of us who had had any experience with China knew that even a substantial remobilization of our armed forces could do no more than perhaps hold a few port cities without having an appreciable effect upon the hundreds of millions of Chinese in the back country. President Truman sent General George Marshall to China on a mission which was predictably doomed to failure because about all that he could inject into the conversation were thoughts . . . ideas . . . recommendations. But the forces in China were so powerful and so strong that the American voice speaking for a country that was so far away had very little influence on what happened.

After a rather brief civil war, the Communist forces succeeded in taking over the entire mainland. And the nationalist forces, their government, and many of their personnel fled to Taiwan. When they did so, the Communist authorities seemed to choose America as enemy number one. They took extraordinary measures to erase from memory—among the Chinese—a century of goodwill and friendly relations. They even arrested and beat up some of our consular officials who were on the mainland. They did such things as charge that the purpose of the Peking Union Medical College was to permit wicked Americans to practice vivisection on the Chinese.

Our reaction was that of a jilted lover: "The Chinese people, they've turned against us. They've become bitter, they are our enemies. How could this have happened." And it was China that provided much of the base for that evil chapter in our national history called McCarthyism, perhaps the lowest point of which was a charge by a senator from Indiana that George Marshall was a traitor—and the failure of the President of that day to give that senator a prompt and decisive rebuff.

When the British ambassador of that day came to inform me in 1949 that Britain

was proceeding to recognize the People's Republic of China on a purely personal basis, we rather agreed that it was regretful that the policy of our two governments would diverge on so important a matter. But then, purely personally, we speculated that perhaps our two policies would come together again, depending upon the conduct of the government in Peking. That, if they entered the world community on a cooperative basis and established a reasonable course of conduct, the American policy would move toward recognizing Peking. But if they acted in the other direction, the British policy might move back to where we were before the British recognized [Peking].

I helped to invent the parliamentary formula by which we kept the Chinese seat for the Republic of China on Taiwan.

Then came the Chinese intrusion into Korea, which led the United Nations for the first time—I think perhaps the only time—to call anybody an aggressor. Of course, the Korean adventure postponed, for the time being, any real thought in Washington about what might be called “normal relations.” I helped to invent the parliamentary formula by which we kept the Chinese seat [at the United Nations] for the Republic of China on Taiwan. At the time, we thought that this formula might last for perhaps four or five years. I personally was rather astonished to find that it lasted into the early 1970s.

Something happened in the mid-'50s that will interest you. You've never known this before. Mr. John Foster Dulles was then the secretary of state; I was in New York at the Rockefeller Foundation. In the latter part of 1955, he asked me to come to see him in Washington, and asked if I would be willing to undertake a very private and discreet negotiation between himself and Senator Walter George, then-chairman of the Senate Foreign Relations Committee, with regard to a possible

change in our China policy. I told him I'd be willing to do it if he wished me to, and we had two or three discussions on how the discussions might go.

But suddenly, then-Governor Herman Talmadge of Georgia announced that he was going to run against Senator George, and shortly thereafter, Senator George announced that he would not seek re-election. And Mr. Dulles made the judgment that under those circumstances Senator George would not take on so complicated and controversial an issue as the China question, and the whole matter was dropped. But Mr. Dulles' attitude toward a possible change had been reflected in an article which he had published before he became secretary of state, in which he seemed to point toward the notion of two Chinas.

When Kennedy became President, I had a long talk with him—just the two of us—about our China policy and the alternatives that might be open to us. He had in front of him a resolution passed by the Congress about two or three years earlier, almost unanimous, which strongly objected to any change in the Chinese seat at the United Nations and bi-lateral recognition. More importantly, he was told by President Eisenhower the day before inauguration, that Mr. Eisenhower would try to support him as much as possible on foreign policy, but on one matter he would oppose him publicly and strongly, and that would have to do with the Chinese seat at the United Nations or any bi-lateral recognition of Peking.

President Kennedy had been elected by only a few tens of thousands of votes in 1960. He used to say “Cook County, Illinois.” He did not feel that he had a strong mandate from the people in that election. And he was rather cautious about selecting the issues on which he was prepared to do battle—particularly with the Congress. So, he decided that there was not enough in it, from a foreign policy point of view, to warrant taking on so severe a confrontation as that. He decided that he did

not wish to re-open the China question. As I was leaving the room, he called out to me: “And what's more, Mr. Secretary, I don't want to read in *The Washington Post* or *The New York Times* that the State Department is thinking about a new look at the China policy.”

I went back to the [State] Department and when Adlai Stevenson and Chester Bowles and some others would drop in to talk about China, I simply played the role of the “village idiot.” I didn't tell them of my talk with the President because I would have read that in *The Washington Post* or *The New York Times*. My own guess is that had President Kennedy lived and been re-elected in '64 with a strong mandate, he might have moved toward a different attitude.

During the Johnson years, we had great difficulty with Peking over Southeast Asia. Peking took the view that Viet Nam and these other problems were not the business of the United Nations, that they shouldn't even try to deal with them. That led then-Secretary General U Thant and a good many members of the United Nations to think that it would be unwise for the United Nations to try to take up the matter. There were times, for example, when we wanted to put something about Southeast Asia to the Security Council, counted noses ahead of time and found that we did not have the nine votes with which to put the matter on the agenda, even for discussion. But then Peking also would not utilize the machinery of the Geneva Conference for the purpose of discussing the possibility of a peaceful settlement. So, that was not a very good time to take up the question of China policy.

When I left office in January 1969, the Republic of China on Taiwan was holding the Chinese seat in the United Nations and our recognition continued with Taiwan. But I would have to say here that our friends on the island of Taiwan have never fully realized what a burden they imposed

10 upon our diplomacy, and indeed upon our own rationality, by living with that fantasy that they were the government of all China, that they would return to the mainland, and that in doing so they would have major American support.

There were moments when this not only was an embarrassment to us, it came close to being a humiliation to us. I remember on one occasion in the early '60s, for example, we were concerned about some Americans who were being held prisoners in Peking. We tried various ways to get them out with no success. I happened to be meeting with a very high-ranking Soviet official, and in the course of my talk suggested that we would appreciate it if his government thought that they could put in a good word for these Americans in Peking. And he immediately said, "Oh no, you'll have to be in touch with them yourselves about that." And I said, perhaps unwisely, "But we don't recognize Peking." Whereupon, he shrugged his shoulders and said, "Well, then take it up with Chiang Kai-shek."

This gap between theory and the real world became increasingly hard to live with. One by one, we lost our NATO allies in votes in the United Nations. They long since moved to de-recognize Taiwan—whatever that means—and recognize Peking. Then came the dramatic moment of Mr. [Henry] Kissinger's secret visit to Peking to arrange a visit to that country by President Nixon. It caught people's imagination. There was substantial approval of what he had done around the country.

Forty years ago international lawyers would have said that if the President of the United States went to such a capital, met with the leaders of that government, issued a communique—such as the Shanghai Communique—that would have constituted recognition. But these days, in the post-war period, we require the essential element of *intent* to recognize. And so governments who don't recognize each other can sit in the same conferences, sign the same agreements, sit together at

the United Nations and ask each other for votes without exchanging recognition.

That visit [by Richard Nixon] and the later visit by President Ford proved to be a genuine watershed in the way in which we would handle this problem.

Who has the authority in our constitutional system to terminate a treaty?

President Carter, at the expense of considerable controversy, has addressed himself with courage to a series of questions he found festering on his desk when he became President. Panama . . . The Middle East . . . The SALT talks . . . China . . . Southern Africa. And so he decided to take the steps necessary to normalize relations with the People's Republic in Peking. That included giving notice—the one year notice of the termination of our mutual defense treaty with the Republic of China on Taiwan within the terms of the treaty itself. That raised a constitutional issue.

Who has the authority in our constitutional system to terminate a treaty?

This is not quite the case of an abrogation of a treaty, although the two are closely related. We've seen in the past that this has been done by the President and the Congress acting together, by the Congress acting alone, by the President acting alone. In any event, precedents are not clear guidance on such a question because each situation has many unique features and one can always debate how relevant the precedents are to the immediate situation. One also bears in mind these constitutional issues very seldom arise if there is agreement on the policy.

For example, three years ago President Ford gave notice—two years notice—that we would withdraw from the International Labor Organization as provided in the charter of the International Labor Organization. I don't recall any debate on the constitutional issue at that time, because the U.S. Chamber of Commerce, repre-

senting the employers, and the AFL-CIO, representing the workers, both clapped hands at the action taken. The constitutional question simply did not arise.

I was with President Kennedy when he met with about 30 leaders of the Congress to talk with them briefly about the Cuban missile crisis late in the afternoon of that famous Monday [October 1962] when he made his television speech to the nation on the Cuban missiles. In that discussion, no senator, no congressman, raised any question about whether the President had the constitutional authority to take the action which he was going to take without coming to the Congress. The general mood as expressed by three or four senators . . . on their way out of the door, in private remarks, was "Thank God, I'm not the President of the United States."

But now we have the constitutional issue stimulated by some serious differences on the policy. Senator [Barry] Goldwater and some of his colleagues have filed a brief in the Federal District Court in Washington, raising a constitutional challenge to the action taken by the President.

I've studied that brief and from that point of view it is an able brief. Now that I am a private citizen, I don't have to try to be a prophet anymore. But, if I had to guess, along with Jimmy-the-Greek, I would guess that the Federal Courts are not likely to try to decide this matter on its merits. They're likely to say that this is a political question which is to be determined by the political branches of our government.

If the courts decide to take up this question on merits alone, then I think we could have a very interesting decision, because I personally feel that it is a very close question of constitutional law if it is to be approached purely on that basis.

Why the timing?

I have not been briefed by anyone in the Executive Branch of the government so I can speak freely. My guess is that the timing of this move had important connections with things that seem to be happening in the People's Republic of China.

I hope there is no one, whether in government or out, who thinks of this move with respect to China as playing the China card against the Soviet Union.

improve our relations with the Soviet Union, try to find ways to improve our relations with the Chinese, and hope most profoundly, that they do not get into a general war with each other. □

They seem to be opening up the country to the rest of the world in a most unaccustomed way, as we think of this post-war period. They seem to be moving toward rapidly increasing trade and contacts with other countries in the interest of the modernization of their country. They are trying to restore higher education to the genuine role of higher education in a society. They are interested in exchange of students and professors, and in expansion of tourism—which, of course, must include Coca Cola. In other words, there are signs that this nation of almost a billion people now may be moving toward joining the rest of the human race in a good many common enterprises.

At the same time, I think the American people—many of them—continue to have a strong concern about what's going to happen to the 16 million or so people in Taiwan. It will be up to the Chinese in Peking to sort out for themselves in their own minds what benefits they hope to obtain from normalization from their point of view.

I would hope they would be understanding enough of our people and our government to know that any attempt to settle the question of Taiwan by force would surrender a great many of those benefits that they'd hoped for in connection with the normalization of our relations.

I hope there is no one, whether in government or out, who thinks of this move with respect to China as playing the China card against the Soviet Union. Moscow and Peking are much too intelligent to let us get away with any such child's game of maneuvers between them. Surely, we ought to—and I think the President hinted at this in his press conference [Jan. 26, 1979]—we ought to try to find ways to