

**American Domestic Politics, Public Opinion, and the South China Sea Disputes\***

James M. McCormick  
Department of Political Science  
Iowa State University  
Ames, IA 50011 USA

\*Paper prepared for presentation at the International Studies Association International Conference, University of Hong Kong, Hong Kong, June 15-18, 2017

## **American Domestic Politics, Public Opinion, and the South China Sea Disputes**

James M. McCormick

### **Abstract**

The United States has called for a negotiated and peaceful resolution of territorial disputes in the South China Sea, and reaffirmed its commitment to freedom of navigation through the area in both speech and actions. Domestic politics—including election politics—played a role in the policy stance adopted by the Obama Administration and continues to affect the Trump administration’s South China Sea policies as well. In this paper, I examine the extent to which the South China Sea disputes have entered into American domestic politics and, in turn, how domestic politics have shaped the South China Sea policy choices of the United States. These concerns are analyzed from several different angles. First, I briefly set out the nature of the disputes and the extent to which these disputes have captured the attention of the American public. Second, I identify trends in public mood toward China and these territorial disputes and how that mood limits American policy toward addressing the issue. Third, I identify and discuss alternate policy proposals for addressing the South China Sea issues developed by analysts from several think tanks and academe. Fourth, I assess the role of Congress and the actions that it has taken (or attempted to take) to address the South China Sea disputes. Fifth, I analyze how the executive branch has responded to this issue and how it has addressed the concerns of various domestic players, if at all, on the issue. Finally, I seek to draw some conclusions about how much effect domestic politics can have on shaping foreign policy on this type of issue.

### **Introduction**

In late October 2015, a guided missile destroyer, the *USS Lassen*, sailed within the 12-mile territorial seas of disputed and artificial islands in the South China Sea that are part of the

People's Republic of China's (hereafter China) reclamation projects in the Spratly Islands chain. A few weeks later, two U.S. B-52's flew near these same islands. The aims of these American actions were twofold: to reassure allies in the region who are in dispute with China over some of these islands and to demonstrate America's willingness to "fly, sail, and operate wherever international law permits."<sup>1</sup> Moreover, a Pentagon spokesperson later declared that the United States "conduct[s] B-52 flights in international air space in that part of the world all the time."<sup>2</sup>

Yet both American actions brought quick and angry responses from the Chinese government. It claimed the action by the *Lassen* "threatened China's sovereignty and security interests, jeopardized the safety of personnel and facilities on the reefs, and damaged regional peace and stability."<sup>3</sup> The Chinese government also saw the B-52 flights as a challenge to China's territorial sovereignty over the islands. The Chinese Foreign Ministry spokesperson stated that it "firmly opposes violating international law and undermining China's sovereignty and security interests under the pretext of navigation and overflight freedom."<sup>4</sup>

The Trump administration has also weighed in with statements and actions on the South China Sea disputes, from the earliest days in office and even before. At his Senate nomination hearing as Secretary of State, Rex Tillerson, for instance, addressed the Chinese reclamation projects in the South China Sea by saying that "We're going to have to send China a clear signal that, first, the island-building stops and, second, your access to those islands also is not going to be allowed." Such comments brought a sharp response from the Chinese foreign ministry. Its spokesperson declared that "China's resolve to protect its sovereignty and maritime rights in the South China Sea will not change."<sup>5</sup>

The Trump administration continued the American position of asserting the freedom of navigation in the South China Sea. In mid-February 2017, the aircraft carrier *USS Carl Vinson*

deployed to that area as part of “routine operations.” A week earlier, the *USS Coronado*, a littoral combat vessel based for a time in Singapore, conducted training operations in the area as well. Further, a few months before, a guided-missile destroyer *USS Decatur* also conducted “freedom of navigation” operations near the reclamation projects developed by China.<sup>6</sup>

Such words and deeds by the United States to promote the freedom of the seas and the skies, address the competing claims over several islands in the South China Sea between China and its neighbors. Further, such efforts assess the legitimacy and conformity with international law of China’s reclamation projects for several reefs, and they highlight how this region may be future flashpoints in American, Asian, and Chinese relations. In this paper, I examine these disputes from the perspective of American domestic politics. To what extent has this South China Sea issue entered into domestic politics? To what extent has American public opinion affected the direction of American policy toward this region? What proposals have analysts at various think tanks or in academe advanced for addressing these disputes, and how has the U.S. Congress sought to shape American policy toward the South China Sea? Finally, how did the Obama administration and now the Trump administration responded to these differing perspectives?

### **Background to the South China Sea Disputes**

The disputes over competing claims in the South China Sea have a considerable history, as do the American interests in them. Indeed, some of the claims go back centuries, and these historical traditions have largely informed the debate for some participants. China, for instance, has long made claims to virtually all of the territory of the Spratly and the Paracel Islands (and other territories) through its invocation of the “nine-dash line,” several decades ago and through historical events centuries ago. For instance, China points to naval expedition in the second century (Han Dynasty) and in the 15<sup>th</sup> century (Ming Dynasty) in the Spratly Island as well as

pointing to a map with the nine-dash line in 1947. More recently, China utilized a 1992 law to restate its claims in the South China Sea.<sup>7</sup> The Republic of China (hereafter Taiwan) also invokes this nine-dash line (or even ten-dash-line earlier) to make a claim for at least one island in the Spratly chain.

Several other states in the area also lay claim to parts of this island chain. The Republic of the Philippines, for instance, draws upon historical claims to the South China Sea as a part of its original archipelago emanating from Spain and the United States as its former colonial powers. The original claims by the Philippines have been modified somewhat as it has sought to comply with the requirements of the United Nations Law of the Sea Convention (UNCLOS). However, one recent legal analysis makes clear that the Philippines has considerable claim to the Scarborough Shoal as well as some of the 50 or so features in the Spratly Island chain.<sup>8</sup> Similarly, Vietnam bases some of its claims in the Spratly Islands on a legal annexation document drawn up by France in 1933. While there is some evidence that Vietnam acquiesced in the control of one island by Taiwan in the Spratly chain, its claim for other features directly conflict with those of the Philippines.<sup>9</sup>

Brunei and Malaysia also assert claims in the South China Sea. Malaysia claims sovereignty over four islands and three rock formations in the Spratly Islands. These are based upon its territorial sea, its continental shelf, and its Exclusive Economic Zone (EEZ). (At least three of the islands claimed by Malaysia, however, directly clash with claims by Vietnam and the Philippines.) Malaysia also makes several other claims to “low-tide” features beyond the 12-mile limit, but its claim over these features is much weaker because they are beyond its territorial sea. At the same time, some low-tide elevations and some submerged features that are within its continental shelf, at least one analyst argues, enables Malaysia to assert “sovereign rights over

them.”<sup>10</sup> Brunei is yet another state in the region that makes a claim to part of the Spratly Islands. It does so for only one reef (Louisa Reef), and it does so on the basis that the feature is part of its continental shelf. Previously, Malaysia has laid a similar claim to this reef, but it has subsequently dropped its claim. Still, China and Vietnam have claimed this reef and the area generally. In this sense, this portion of the Spratly islands is another point of contention among various states in the South China Sea.<sup>11</sup>

The Paracel Islands in the South China Sea have also generated conflict, as both China and Vietnam claim them. Vietnam has made historical claims to these islands, going back to the 17<sup>th</sup> century. Further, France claimed the Paracels (and the Spratlys) for Vietnam when it was the colonial power there. China, too, has asserted historical claims to the Paracel Islands, and, more recently; it seized control of them from Vietnam. Still, conflicts have emerged between these two states, including a clash between Chinese and Vietnamese ships over the placement of a Chinese drilling rig in this island chain.<sup>12</sup>

Such territorial and sovereignty disputes are surely important in themselves, but at least two other considerations also affect the nature of these competing claims. One, of course, is that the South China Sea serves as the lifeblood for global commerce with over half of the world’s merchant fleet and more than half of the world’s oil tankers passing through this sea. It is also the “main artery of transportation” for imports and exports in East Asia.<sup>13</sup> Five billion dollars in goods pass through this important shipping channel on a yearly basis. If the competing claims were to produce more frequent and direct confrontations among the parties, global commerce would be endangered, and these regional disputes would be internationalized quickly. Second, and perhaps more immediately consequential to the disputes, is that both of these island chains (the Paracel and the Spratly Islands) are believed to possess important quantities of precious

minerals and commodities (e.g., oil and gas), and are traditional fishing grounds for the competing nations. Hence, the economic incentives for maintaining access and control over these various areas and islands may also exacerbate the level of competition among these states.

To be sure, over the past two decades accommodation efforts among the competing parties have been attempted. In 2002, for instance, China and all the members of the Association of Southeast Asian Nations (ASEAN) issued a *declaration* on conduct in the South China Sea. In particular, the parties to this declaration committed to exercising “self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability” in the South China Sea and reaffirmed “that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region.”<sup>14</sup> Despite such efforts, the parties did not agree on a Code of Conduct during the subsequent decade and a half. In comments after the ASEAN Regional Forum (ARF) meetings in 2010, then Secretary of State Hillary Clinton reiterated the call for a code of conduct among the competitors in the South China Sea and set out the key principles shaping American policy towards this area:

The United States supports a collaborative diplomatic process by all claimants for resolving the various territorial disputes without coercion. We oppose the use or threat of force by any claimant. While the United States does not take sides on the competing territorial disputes over land feature in the South China Sea, we believe claimants should pursue their territorial claims and the company and rights to maritime space in accordance with the UN convention on the law of the sea. Consistent with customary international law, legitimate claims to maritime space in the South China Sea should be derived solely from legitimate claims to land features.... We encourage the parties to reach agreement on a full code of conduct.<sup>15</sup>

Despite this imperative for a Code of Conduct, however, the various parties have not reached such an agreement. Secretary Clinton’s support for seeking a “collaborative diplomatic process” among the parties, implying a multilateral approach, angered China. Moreover, China

prefers a bilateral approach to resolve the disputes. Presumably, China believes that in bilateral bargaining with other contesting states, its relative size and capabilities would be an advantage.

These disputes in the South China Sea have clearly generated considerable attention among the regional participants, Asian nations generally, and some American academics and policymakers. Which country has been the focal point of these disputes for these policymakers? Have these disputes entered American domestic politics to any degree? Have American domestic interests served to any extent as a constraint or impetus for U.S. actions with regard to these disputes? Thus, we now turn to consider how two domestic nongovernmental actors—the public at large and Washington policy analysts—and a governmental actor—the U.S. Congress—have viewed and reacted to these disputes and assess whether these various actors are influencing or affecting the direction of U.S. behavior in dealing with the disputes in the South China Sea.

### **The South China Sea Disputes, China, and American Public Opinion**

The disputes in the South China Sea have garnered only limited attention among the American public. Indeed, there is little systematic evidence that suggests the public has much interest or knowledge of the *specifics* of these disputes, except for the occasional mentions of them in the media. On this basis, then, it is difficult to argue that the public has a direct effect on American policymakers' actions on these disputes. Yet the public does exercise some indirect effect, especially in light of its views of China and the central role that China plays in these disputes. That is, the American public has a particularly well developed perception of China and how the United States might address relations with that nation. Hence, we can gain some insight into the American public's view on possible actions in the South China Sea disputes by considering the "public mood" toward China in general as well as assessing some limited evidence about the public's views of the South China Sea disputes.



The use of “mood theory” in foreign policy analysis turns on identifying the general set of values and beliefs that the public possesses toward a particular issue or set of issues during a specific time and assessing how that mood may affect policymakers.<sup>16</sup> More than five decades ago, of course, Gabriel Almond argued that the public mood on foreign policy was fickle and changeable, often subject to presidential leadership, and thus not a reliable constraint upon policymakers.<sup>17</sup> In this sense, it was not a good guide for assessing the public’s influence on foreign policy. Other scholars, and more recent empirical research, have suggested that the public mood is often more stable and structured than previously believed and thus can affect the actions of policymakers in the foreign policy arena. In one classic study, Page and Shapiro point to the “rational public” in the foreign (and domestic) areas. As they note, the views of the public do indeed change, albeit rather slowly and for important reasons. At the same time, the mood is remarkably stable for various periods. Importantly, they point out that policymakers more often *follow* the views of the public in the choices that they make, rather than leading the public.<sup>18</sup> In this sense, the public can and do place general limitations on foreign policy direction, if not directing specific foreign policy behavior by policymakers. In this connection, then, an understanding of the current public mood toward China and East Asia generally, and, to some extent toward the South China Sea specifically, can be helpful in assessing how the public seeks to influence American policymakers over these disputes.

To identify this particular public mood, I draw upon some systematic polling data on how the public views China in general and how it views Chinese activities in the East and South China Seas in particular. As I will demonstrate, the public holds a skeptical and ambivalent view of China, but it also supports a cautious posture regarding American policy, particularly in the South China Sea. In this sense, such a mood should serve as an important constraint—as well as

an incentive—for particular policy actions for domestic policymakers, whether it be the president or the Congress in addressing these disputes.

How then does the American public view China and its foreign policy behavior? On one level, the public views China with great concern and suspicion. For more than a decade now, Gallup has been asking the public to identify the “United States’ greatest enemy.” In 2014, for the first time, China was ranked as the top enemy of the United States by 20 percent of the public, with Iran and North Korea following and tied for second, with 16 percent of the public identifying each one as the leading enemy. By Gallup’s 2015 survey, though, China had fallen back to third place behind Russia and North Korea, but 12 percent of the public still ranked it as the “greatest enemy” of the United States. Nonetheless, China has consistently been viewed by the public as among the top four greatest enemies since this question was initially asked in 2001 and one of the top two enemy countries (after Iran) from 2011 through 2014. Overall, and on average, slightly more than 14 percent of the public consistently has viewed China as America’s leading enemy over the past two decades.<sup>19</sup>

One-seventh of the American public viewing China as the nation’s greatest enemy may not appear to be highly significant in itself, but couple that result with how favorably or unfavorably the American public views China provides a fuller insight into the public’s current mood toward that nation. In polling data going back to the late 1970s (and covering 31 surveys) in which the public was asked whether they viewed China as “very favorable,” “mostly favorable,” “mostly unfavorable,” or “very unfavorable,” the American public has generally viewed China as unfavorable (the combination of mostly and very unfavorable) in all those surveys. In 21 of them, a majority of the public viewed China unfavorably and in eight, a plurality did so. Only in one survey in September 1979 and another in February/March 1989 did

a majority of the public view China favorably.<sup>20</sup> In Pew Center surveys in spring 2016 and spring 2017, 55 percent and 47 percent of the American public (combining “somewhat unfavorable” and “very unfavorable”), respectively, had an unfavorable view of China.<sup>21</sup>

Other survey data from the Pew Research Center provide yet another measure of the public’s general assessment of China. From 1997 through 2014, Pew asked the public whether they viewed China as an “adversary,” as a “serious problem,” or as “not a problem” for the United States. The results are instructive and largely consistent with the earlier results cited. Pew found that a solid plurality judged China as a “serious problem,” rather than as an “adversary” or as “not a problem.” Interestingly, and especially in light of the earlier Gallup results, between 14 and 22 percent of the public viewed China as an adversary across these surveys, and now including 22 percent in a 2017 Pew survey as well.<sup>22</sup>

In sum, then, a significant segment of the public views China as a key enemy of the United States, a plurality see China as a “serious problem” for the United States and a majority of the public view China unfavorably—and these views have persisted for some time. Put differently, the public is wary and skeptical of China, and American policymakers thus must operate within the confines of this general concern expressed by the American public.

What Chinese behavior might account for such a view? Do these general perceptions translate into recommending specific policy across economic, political, military, and environmental issues? Once again, the 2015 Pew survey data provide some insight. In general, the greatest concerns among the American public about China focus on the nature of the economic relationship between the two countries. Supermajorities of the American public (in the mid-80 percent range) are concerned about the large American debt held by China, the loss of

American jobs to that country, and the burgeoning trade deficit that the United States has with China, and they judge each of these items as a “very serious” or a “somewhat serious” problem.

More directly germane to this analysis are the results for a series of political/military issues. Equally, large supermajorities (again in the 80 percent range) are concerned about these kinds of issues with China: the cyber-attacks that are emanating from there, the human rights conditions in China, and China’s increasing military power. The American public views each of these as very serious or somewhat serious problems. Further, over 80 percent of the American public are also concerned about Chinese impact on the environment, and, only somewhat less (although still a large majority at 66 percent), are concerned about Chinese and Taiwan relations.<sup>23</sup> In sum, large segments of the American public are concerned with China across a broad array of issues.

Unfortunately, the Pew survey did not directly ask the public about the disputes in the South China Sea or Chinese actions there.<sup>24</sup> Instead, the public evaluated only the items asked by the interviewer. Yet the results for “China’s growing military power”—in which 47 percent of the public see this growth as a “very serious” problem and another 35 percent view it as a “somewhat serious” problem—have important implications for the South China Sea disputes. After all, the public views China’s reclamation efforts and its territorial aggrandizement there largely as part of China’s effort to enhance its military presence and posture in the region.

Three other recent surveys move us a bit closer to a direct assessment of the American public’s concern about the territorial disputes between China and its neighbors and the direction that American policy should take. Indeed, the results from the Pew Research Center in 2015 suggest that the public appears less concerned with these specific disputes when compared with other global concerns and largely advises caution regarding the United States taking actions on

them. The 2015 Pew survey of 40 countries asked differing global publics to assess the greatest global threats. Across these threats, they found that the “territorial disputes between China and its neighbors” ranked at the bottom behind seven other issues (global climate change, global economic instability, ISIS, Iran’s nuclear program, cyber-attacks, and tension between Russia and its neighbors) about which the public was “very concerned.” A median of 18 percent of the global public surveyed was very concerned about these territorial disputes. For the portion of the American public in these global surveys, the territorial disputes also ranked last—with the threats from ISIS, Iran’s nuclear program, and cyber-attacks ranking relatively close together at the top with a median of between 59 and 68 percent of the public very concerned about these issues. A median of only 30 percent of the American public was very concerned about the territorial disputes between China and its neighbors.<sup>25</sup>

The 2015 Chicago Council on Global Affairs survey of the American public on foreign policy generally comports with these Pew findings. This survey found that only 22 percent of the American public viewed the “territorial disputes between China and its neighbors” as a “critical threat” for the United States. Although that survey reported considerable political party differences on several current foreign policy issues, the party differences on this one were negligible: twenty-four percent of Democrats assessed these disputes as a critical threat; 23 percent of Republicans did so; and only 20 percent of the Independents did. At the same time, it is worth noting that 41 percent of the public viewed the development of Chinese military power as a critical threat, indicating considerable public concern about that country’s direction.

A more recent Pew survey in the spring of 2017, however, found the public more concerned about these disputes. When the respondents were asked whether the “territorial disputes between China and neighboring countries” were a “very serious,” “somewhat serious,”

“not too serious,” or “not a problem at all” for the United States, the results are revealing and suggest how much these regional issues are now higher on the public’s radar screen. Seventy-three percent of the American public (combining the 32 percent who see these disputes as “very serious” and 41 percent who see them as “somewhat serious”) see the disputes as a serious issue for the United States.<sup>26</sup>

The American public, however, is generally reluctant to support the use of U.S. troops over the disputes within Asia—as least as indicated by the responses to two questions in the 2015 Chicago Council survey. Only 33 percent of the public supported the use of American forces if China were to initiate a military conflict with Japan over disputed islands in the East China Sea, and only 28 percent supported the use of U.S. troops if China invaded Taiwan. In light of these results, it is not too much of an inferential leap to suggest that the majority of the public would not favor the use of American forces in the South China Sea disputes. Importantly, for American foreign policy, though, the findings also reveal that a large majority of the public (64 percent) supports the continued presence of American military forces in Asia at their present level.<sup>27</sup> Hence, American military presence as a deterrent or hedge to expansion by China (and others) in the region is currently viewed positively by the American public and is currently part of the foreign policy “mood” of the public.

In sum, although the public mood toward China is marked by concern and suspicion generally, the South China Sea disputes—and Chinese involvement there—currently do not rank as important as other threats that the United States is facing. Rather, the public appears more concerned about the increase in Chinese military power than these disputes per se. Yet, most of the American public seems reluctant to support the use of military force to counteract or rollback

Chinese actions in the region. Instead, the American public favors the sustained forward presence of the United States military, largely as hedge and deterrent to Chinese action.

Such a public mood thus sets some important parameters on American foreign policymakers and their options in addressing these disputes. We will return to them in discussing the role of Congress, the Obama administration's actions, and the Trump administration in shaping policy on this issue shortly. Before we do that, we first consider the proposals of another nongovernmental actor in the foreign policy process, namely policy analysts from different think tanks and academe, and assess how these actors may affect the decision making process in Washington.

### **Policy Analysts and the South China Sea**

If the American public at large has paid only limited attention to the South China Sea, foreign policy analysts affiliated with Washington think tanks or academics regularly monitor development there. The domestic proposals that these analysts offer have been numerous and wide-ranging in how the United States should address the issues in the South China Sea. For the sake of discussion, we can array these proposals along a continuum that calls for little or no involvement by the United States, a more vigorous American diplomatic effort, or a larger diplomatic/military effort on the part of the United States. More specifically, some analysts recommend reducing the present American involvement since it only has the potential of exacerbating the conflict. Others outline in some detail the need for a more comprehensive diplomatic approach than at present. Still others point to the fact that diplomacy is not sufficient and that some sustained military presence must accompany the diplomatic efforts. Finally, others call for a robust and muscular military strategy as the best way to stabilize the area. The focal point of these proposals has been primarily over how to address Chinese actions over its

continuing reclamation projects on the reefs in the Spratly Islands. In addition, though, these proposals recognize the need for a general solution among the competing parties with the South China Sea interests.

Advocates for a more non-involved, isolationist posture for the United States in these disputes originate largely from those analysts associated with the CATO Institute. Although these analysts recognize that freedom of the seas as an important concern for the United States in the South China Sea, they recommend that the competing parties should out the disputes among themselves—without much U.S. involvement. In this view, American involvement has the potential of escalating the disputes, entrapping the United States in the regional conflicts, and increasing the level of confrontation with China. As a proponent of this view noted in 2012 during one of the disputes between China and the Philippines, the United States “reflexively backing” the Philippines could only “entangle” the United States. “Washington needs to back off,” he declared.<sup>28</sup> In late 2015, when the *USS Lassen* sailed within the 12-mile territorial sea of one of the reefs that was part of China’s reclamation project, this same analyst repeated that message.<sup>29</sup> Writing from this same perspective, another analyst was even more emphatic about the dangers of American involvement in these South China territorial disputes: “The disputed territory is important, but not worth war.... Instead of sleepwalking into a shooting war while assuming the other party will bend, both America and China should renew their determination to defuse territorial controversies peacefully.”<sup>30</sup>

The Obama administration was cautious in its actions in the South China Sea, albeit not as guarded as the position advanced by these analysts. Yet, the administration was undoubtedly mindful of the dangers these analysts advanced, and thus it largely supported a diplomatic solution. Based upon its initial focus on an “America First” approach, the Trump administration



seemingly might have embraced a diplomatic solution and a level of non-involvement along the lines of these proposals. Yet, virtually from the outset (and even in the presidential campaign), Trump and his advisers have been rather outspoken and adamant about the need to confront the Chinese over these reclamation projects and their effect on the South and East Asia areas. In this sense, this “hands-off” approach have not been the Trump administration’s policy direction.

Three former governmental officials, Jeffrey Bader, Kenneth Lieberthal, and Michael McDevitt, now associated with the Brookings Institution, did argue for a diplomatic resolution, but they focused on the important role that the United States could play in facilitating that resolution. Indeed, they outlined, in considerable detail, how such a diplomatic approach should proceed.<sup>31</sup> Their starting point was identifying the principles and interests that the United States should pursue in addressing the multiple issues in the region. In general, Bader, Lieberthal, and McDevitt noted that the United States should seek to reduce tensions and prevent the use of force by the competing parties but should also protect “the lawful rights of the international community” and seek “to reconcile the various claimants.” These goals should be achieved, they argued, while the United States is “maintaining ... good relations and credibility with all the parties.”

This array of complex goals would require “a sound and active diplomatic strategy” that includes several key components. First, the United States should operate based on consistent principles, applicable to all parties, and critique, in an even-handed way, any party that seeks a unilateral advantage in the South China Sea. Second, the United States should seek to get all parties, and indeed the international community, to accept the criteria set out in the UN Convention on the Law of the Sea regarding all maritime rights. In addition, the American

government should support the completion of a Code of Conduct for the region to govern for interaction among the parties and serve as a mechanism for the resolution of disputes. Third, this strategy should call for China to clarify how its reliance on the nine-dash line comports with UNCLOS in making its claims in the South China Sea. Further, the strategy should encourage all parties that have disputes over the boundaries of the Exclusive Economic Zones “to reach either comprehensive or piecemeal agreements” on fishing rights. Fourth, the United States should back bilateral and multilateral negotiations among the parties—and not insist on only one format. Finally, and simultaneously, the American strategy should contain several clear warnings and limitations to all parties not to escalate the disputes. That is, coercive behavior by any of the claimants would necessitate costs, all states must have freedom of navigation and overflight rights, and all parties to the disputes should be encouraged to freeze or limit the construction of new military facilities in disputed territories.

In sum, their policy proposal focused on a more robust and comprehensive diplomatic strategy than the Obama administration pursued, but one that the Trump administration might support and encourage. In this sense, these scholars are seeking to nudge policy in a broader direction than in the past. Their proposal thus aimed to protect American interests and reassure allies and friends of sustained involvement by the United States, but it “avoid[s] putting U.S. credibility at stake in cases where the United States is unlikely to act militarily...” Still, Bader, Lieberthal, and McDevitt agree that the United States may need to consider “additional options” if Chinese behavior moved to an “aggressive military strategy that threatens regional stability.”

Some of the proposed initiatives by these analysts may be getting some traction recently. In March 2017, a first draft Code of Conduct was agreed between the ASEAN nations and China. If finally agreed, and ultimately put into effect, this Code would halt the militarization of

the islands in the South China Sea, but it may allow defensive (but not offensive) weapons on some structures. Given the long-running disputes, a final agreement may still be out of reach.<sup>32</sup>

Two former officials in the Obama administration, Dennis Blair and Jon Huntsman, who are affiliated with the Sasakawa Peace Foundation and the Atlantic Council, respectively, have also advanced a diplomatic strategy for the United States toward the South China Sea.<sup>33</sup> Their approach focuses more upon China than the strategy advanced by Bader, Lieberthal, and McDevitt, but it has a similar aim. Blair and Huntsman began from the position that the current Chinese strategy aims “to make enforceable the strongest possible claim to actual civil control of the South China Sea, leading eventually to formal legal control,” and that the U.S. efforts “to protect its interests” against such Chinese actions “have been ineffective.” Hence, they called for a strategy that would work toward a diplomatic agreement among the claimant states, with or without Chinese participation, that would affirm freedom of the seas in accord with UNCLOS, and that would enable the United States to take “legal, civil and military” actions to support the agreement. Under their design, the United States would be able to “assist Vietnam, the Philippines, and other claimants to develop and protect their territory...and [would] reinforce freedom of the seas outside of territorial waters.” At the same time, they cautioned against the United States turning “immediately to military power.” Too often, U.S. policy has focused on military actions rather than “wise policy and solid strategy supported by judicious application of military force.” In part, because there is a focus on China, this proposal may actually be more attractive to the Trump administration, especially in light of some of its early statement toward the South China Sea issue.

Other Washington analysts do not agree with this eschewing of the use of military capabilities and force to deter Chinese actions and instead suggest the marrying of diplomacy with some military capabilities by the United States. Analyst Patrick Cronin, head of an Asian

security program at the Center for a New American Security at the time,<sup>34</sup> for instance, contended that the Obama administration's rebalancing toward Asia "makes eminent geostrategic sense," but the administration "suffers from half-hearted follow-through" with its approach.<sup>35</sup> Further, its diplomatic actions regarding the South China Sea issues "appear feckless" and have limited chance of success. Indeed, the United States has been "too timid at times to ensure that unilateral changes to the status quo through force or coercion are met with costs." Instead, he called for a U.S. strategy that incorporates a larger American and partner military capacity in the region "to counter coercion and China's growing anti-access and area-denial capabilities." Moreover, he declared that "not a day should go by when our forces are not deployed to the South China Sea." The aim of such actions is not to provoke China or initiate war; rather, it is to promote and maintain "stability, rules, commerce, and freedom."

Another policy analyst from academe, Marvin Ott, professorial lecturer and visiting scholar at the Johns Hopkins University and public policy scholar at the Woodrow Wilson Center, agrees with this military component of an American strategy, but he called for an even more robust military presence to deter Chinese behavior.<sup>36</sup> First, and essentially, he argued that there should be "a continuous 24/7, 365 [American] presence in the South China Sea." Further, he called for the United States and the Philippines to consider creating an agreement in which the U.S. Navy would escort Filipino ships to their outposts in the South China Sea, and he proposed the creation of joint naval and air patrols by allies and friends for the region. In addition, Ott suggested that the United States "consult with Manila" over "the feasibility of US built military air and naval facilities" on the Philippines' Palawan Island. He also outlined two other possible military components for this strategy: consulting with Vietnam over increasing American naval visits to Cam Ranh Bay, and consulting with Malaysia and Vietnam on U.S.

naval visit to its selected outposts in the South China Sea. Finally, he envisioned two additional diplomatic initiatives through the creation of a permanent ASEAN-U.S. working group on the South China Sea and a multilateral program with key allies (e.g., Japan and Australia) to assist the countries of Southeast Asia in maintaining their maritime capacities. In all, Ott argued that the goal of this strategy would be “to establish sufficient hard power deterrence to induce China to see the South China Sea as a diplomatic and legal challenge, not an arena of military expansion.”

The last two proposals by Cronin and Ott particularly challenged the approach of the Obama administration with their calls for a more robust military component to American policy in the South China Sea. These analysts also raise the possibility for a more vigorous approach by the Trump administration, especially since Cronin is now Director of the Asia-Pacific Center for Security Studies, a DOD think-tank in Hawaii. Yet, and importantly, these proposals appeared to go beyond the limits of the present public mood. In this sense, it is useful to see how policymakers in the Congress and the executive branch have reacted to the domestic political environment that these differing views represent.

### **Congress and the South China Sea Disputes**

Like the policy analysts, some individual members of Congress, and Congress as a whole, have been important observers of the events in the South China Sea and have sought to influence the direction of administration policy toward the region. In general, Congress, and undoubtedly driven in part by partisan politics of the Republican majority in both chambers,<sup>37</sup> has called for a more vigorous and robust policy toward Chinese actions over its reclamation projects in the South China Sea. In particular, it has called for the United States to provide additional assistance and reassurance to its allies and friends with territorial claims in the Spratly

and Paracel Islands and even proposed sanctioning behavior toward China. These congressional positions are largely consonant with the public mood and its concerns about China generally and about its increasing military power specifically. That is, these positions reflect the need for the U.S. to maintain a well-defined presence in the region, as the public has supported. In addition, and importantly, some members in Congress have advocated policy positions more in line with the proposals advanced by analysts who seek to move American behavior beyond the current diplomatic and limited military efforts.

Congress, however, does not implement foreign policy actions, even though it has important constitutional responsibilities in shaping foreign, defense, and budgetary policy. Instead, it has relied upon differing actions to influence the direction of American foreign policy. One way to exercise influence is through passing *legislation* on a foreign policy issue. In fact, substantive legislation and procedural legislation are two kinds of legislation used by Congress to advance its foreign policy goals.<sup>38</sup> *Substantive legislation* directs the executive branch to take particular *actions* on an issue. *Procedural legislation* instructs the executive branch to follow particular *processes* as the administration develops or carries out its policy (and such legislation usually requires the executive to inform Congress of its particular actions). Congress utilized both types of legislation in its effort to influence the Obama administration's policy over the South China Sea. These kinds of legislation remain available and active in seeking to affect the policy actions of the Trump administration. Further, they illustrate how domestic politics and actions can and do shape American foreign policy abroad.

Furthermore, although we often think of Congress using only legislation to affect foreign policy, it also has second way to exercise influence. Congress, and its individual members, have a number of *non-legislative* mechanisms (e.g., public hearings, House or Senate resolutions,

letters to executive officials, member statements on the floor in Congress, media interviews) available to influence foreign policy as well. These mechanisms have been especially prominent when Congress wants to bring an issue to the attention of the American people as well as to prod the administration in a particular direction on policy. Moreover, key congressional leaders, across party lines, have increasingly used their “voice” on foreign policy to highlight an issue—and the South China Sea disputes have been no exception.

First, though, let us consider legislative action by Congress on this issue. The National Defense Authorization Act (NDAA) of 2016 provides a useful window for demonstrating how Congress has used substantive legislation for the South China Sea disputes and for identifying congressional priorities on this issue.<sup>39</sup> In section 1263 of that legislation, aptly labeled the “South China Sea Initiative,”<sup>40</sup> Congress authorized the Secretary of Defense, with the agreement of the Secretary of State, to provide military assistance and training for the “purpose of increasing maritime security and maritime domain awareness of foreign countries along the South China Sea.” The countries specifically identified for such assistance were Indonesia, Malaysia, The Philippines, Thailand, and Vietnam. The initiative also authorized that \$50 million of the defense appropriations for 2016 would be available to provide assistance and training. In this sense, Congress clearly wants the Obama administration to do more to assist friendly nations than it has previously been doing—a position consistent with many of the policy analysts discussed as well as with the public mood outlined toward these disputes.

This same legislation also puts in place other *substantive* and *procedural* policy requirements for the administration regarding the wider Asia-Pacific region. Procedurally, the NDAA called for the president to develop “an overall strategy to promote United States interests in the Indo-Asia-Pacific region” by no later than March 1, 2017. Substantively, it specified that

the administration's strategy must be informed by the current broader national strategy statement, the quadrennial defense review, the quadrennial diplomacy and development review and must include an "integrated multi-year planning and budget strategy for a rebalancing of United States policy in Asia" based upon what was previously submitted to Congress. Further, and importantly, the legislation requires that the president issue a "Presidential Policy Directive" to the appropriate governmental agencies outlining this comprehensive strategy and provide "guidance" for those agencies and bureaucracies to implement it. In all, the NDAA sought to put a congressional stamp on U.S. policy toward the South China Sea.

In March 2017, Senators Marco Rubio and Ben Cardin introduced a sanctions bill in the U.S. Senate over the Chinese actions in the South China Sea. That legislation had several provisions. First, it expressed the sense of Congress that the United States opposed any effort to disrupt the free passage in the South and East China Seas and that China should not make claims of territory in those areas or seek to militarize them. Further, the United States should expand its navigation operations in those areas, oppose Chinese provocations with similar responses, and support Japan's jurisdiction over the Senkaku Islands. Moreover, the legislation, too, takes considerable note of the 2016 Permanent Court of Arbitration of the International Tribunal of the Law of the Sea's decision that rejected Chinese sovereignty claims to the South China Sea territories, further reducing the legitimacy of the reclamation projects on the seven reefs. Second, and importantly, the proposed legislation would authorize the president to impose sanctions on those persons and companies involved in the construction of projects in the South China Sea and to place restrictions on financial transactions in the United States of those involved in these projects. Finally, the bill would prohibit foreign assistance to those countries that recognize Chinese sovereignty over the contested areas and would restrict any actions by



several U.S. government departments from acknowledging China's sovereignty over territory or airspace. In all, this legislation would clearly establish congressional policy on this issue. To date, however, the bill is still languishing in the Committee on Foreign Relations.<sup>41</sup> With the North Korea crisis overshadowing the South China Sea issue and the Trump administration seeking China's assistance on that issue, this legislation will likely remain in the Committee for some time.

As noted, Congress can also utilize *non-legislative* ways to affect foreign policy, and these measures have called for a more vigorous policy on the part of the United States toward these disputes—as well as calling for prompt decision-making by the president. Perhaps the most significant and specific non-legislative measure regarding the South China Sea disputes—and one of the earliest—was a U.S. Senate resolution passed by unanimous consent in July, 2013.<sup>42</sup> That resolution, introduced by Senator Menendez (D-NJ), but co-sponsored by several Republican and Democratic senators (Rubio [R-FL], Cardin [D-MD], Corker [R-TN], Donnelly [D-IN], and Murphy [D-CT]), importantly reaffirmed the American commitment to its allies in the region. In addition, the resolution supported the efforts of ASEAN in seeking a diplomatic approach to the ongoing disputes, and it reiterated the American position of neutrality regarding the competing territorial claims. At the same time, it identified several actions by China that appeared to escalate tensions in the region. Significantly, the resolution specifically condemned “the use of coercion, threats, or force by naval, maritime security or fishing vessels and military or civilian aircraft in the South China Sea and the East China Sea to assert disputed maritime or territorial claims or alter the status quo.” Further, the resolution encouraged the “deepening of efforts by the United States Government to develop partnerships with other countries in the

region for maritime domain awareness and capacity building” as well as supporting “the continuation of operations by the United States Armed Forces in the Western Pacific.”

A Senate resolution, of course, does not have the force of law; rather, in this instance, it was a strong, bipartisan expression of the Senate position. Its proximate domestic aim, of course, was to affect the direction of policy by the Obama administration, but its impact went much further than that. Indeed, the reaction of the Chinese government to the resolution’s passage was immediate. The Chinese government “lodged a formal complaint” with the U.S. government, objecting to the resolution as “unjustifiably blaming China and sending the wrong message” regarding the South China Sea disputes. Further, the Chinese Foreign Ministry urged “the relevant senators to respect the facts and correct their mistakes in order to avoid further complicating the issue and the regional situation.”<sup>43</sup> Such a reaction is instructive of how crucial non-legislative means can be in affecting foreign policy.

More recently, after the Permanent Court of Arbitration rendered its decision in July, 2016, several Republican senators introduced another Senate resolution calling on all parties to respect the Court’s decision and to reaffirm the American policy of freedom of navigation and overflight rights in the East China Sea and the South China Sea. Furthermore, the resolution called for China to “cease all reclamation and militarization activities in the South China Sea and provocative actions in the East China Sea.” It also reaffirmed security treaty commitments to Japan and the Philippines. As with the previous resolution, though, it was more a statement of position by these members. The resolution was sent to the Senate Committee on Foreign Relations for further consideration, but no further action resulted in the 114<sup>th</sup> Congress.

These resolutions, of course, do not represent the only Senate non-legislative action on the issues involving the South China Sea, as singularly potent as they might be. Rather, the

Senate Armed Services Committee, the Senate Foreign Relations Committee and their committee counterparts in the House (the House Armed Services and the House Foreign Affairs) have been particularly important venues for conducting oversight hearings on the nature of American foreign policy in this area and for calling on administration officials to explain current policy more fully. The activities of the Senate Armed Services Committee, and particularly its Chairman, Senator John McCain (R-AZ), was particularly assertive in questioning the policy actions of the Obama administration with regard to the South China Sea issue and illustrate this non-legislative role of Congress as well.

At one of its hearings, the Senate Armed Services Committee was particularly concerned about whether the American military had moved within the 12-mile limit on the reefs in which the Chinese were undertaking their reclamation projects (and thus challenging Chinese sovereignty rights), or whether it was staying outside that limit (and thus implicitly recognizing Chinese sovereignty over these reefs).<sup>44</sup> One such series of testy exchanges on this matter occurred between Assistant Secretary of Defense David Shear, Admiral Harry Harris, Commander of the U.S. Pacific Command, and several senators over whether the United States had conducted such “freedom of navigations operations.” Both administrative officials were reluctant to say whether such operations had or should occur, and they largely deferred to the White House for policy decisions on this matter. These responses troubled several members of the Committee, especially the apparent lack of American action to challenge Chinese sovereignty over these reclaimed reefs. Then Senator Kelly Ayotte (R-NH) put her concern in this way: “The Chinese have to be looking at this situation, saying the United States has declared that under international law, this is not legitimate, and that we have the right to obviously put our

vessels in these areas—but the Navy has not sailed within, you know, 12 nautical miles of the Chinese artificial islands at this point.”<sup>45</sup>

After the *USS Lassen* had apparently sailed within the 12-mile limit in late October 2015, Secretary of Defense Ashton Carter also was reluctant to acknowledge that this action had taken place, apparently in deference to Chinese sensitivities. This reluctance, too, brought a snappy exchange with the Senate Armed Services Committee when Secretary of Defense Ashton Carter testified only a few days after the action by the *USS Lassen*. While Secretary Carter ultimately acknowledged that the *Lassen* went inside the 12-mile limit, Senator McCain was still not satisfied with the explanation of American action and policy and used yet another non-legislative mechanism to obtain additional information. He wrote a letter to the Secretary seeking a fuller statement as to American actions. After almost two months, Senator McCain received a reply in which Secretary Carter acknowledged that the *Lassen* had traveled “inside 12 nautical miles of five maritime features in the Spratly Islands—Subi Reef, Northeast Cay, Southwest Cay, South Reef, and Sandy Cay—which are claimed by China, Taiwan, Vietnam and the Philippines” in an action to exercise the right of innocent passage and freedom of navigation.<sup>46</sup>

Earlier, the two chairmen of the Senate Armed Services and the Foreign Relations Committee, (Senator John McCain and Senator Bob Corker) and ranking members from these committees (Senator Bob Menendez and Senator Jack Reed) also used this non-legislative mechanism to advance a policy position as well. These Senate leaders co-authored a lengthy letter to then Secretary of State John Kerry and Secretary of Defense Ashton Carter expressing concern and alarm over the rapidity with which China is engaged in its reclamation projects in the South China Sea, the apparent coercive actions that China is undertaking in the area, and the need for “a formal policy and clearly articulated strategy to address these forms of Chinese

coercion.” Moreover, the senators went on to outline what they view as the important components that “such a strategy should address or consider.”<sup>47</sup>

In May 2017, Senators Bob Corker (R-Tennessee) and Ben Cardin (D-Maryland), chair and ranking member, respectively, of the Senate Foreign Relations Committee in the 115<sup>th</sup> Congress wrote to President Trump urging him to resume Freedom of Navigation Operations and Overflight in the South China Sea and expressed concerns about the continuing actions of China in their militarizing the regions with these continuous actions on the seven reefs there. China, the senators wrote, “has taken a series of aggressive steps in disputed areas of the South China Sea,” which “raise serious questions about China’s commitment to regional security, the free flow of commerce, and freedom of navigation and overflight.” A bipartisan group senators, including Senators Jack Reed (D-R.I.), Cory Gardner (R-Colo.), Ed Markey (D-Mass), Marco Rubio (R-Fla.), and Brian Schatz (D-Hawaii), joined Senators Corker and Cardin in this letter.<sup>48</sup> In short, Congress has utilized several legislative and non-legislative actions to try to redirect American foreign policy related to the South China Sea disputes—and they are likely to continue to do so during the Trump administration.

### **The Obama and Trump Administrations and the South China Sea Disputes**

Although the Congress can and does clearly propose actions regarding the South China Sea disputes, and even incorporates some of them into law, the executive branch largely retains the prerogative to put American policy into practice. The Obama administration’s strategy toward the South China Sea disputes was indeed broad-gauged, but it was insufficient in light of the response of the Congress and policy analysts. The Obama administration’s policy placed significant emphasis on diplomatic and collaborative efforts—from increasing criticisms of

Chinese actions in the region, to mobilizing legal dispute mechanisms over these disputes, to calling for the Southeast Asian “claimants” to work with one another and the United States to increase diplomatic leverage. To be sure, it also backed multilateral efforts to bolster U.S. military presence and capabilities in the area and to enhance allies and partners’ capabilities.<sup>49</sup>

On balance, though, the policy focused more on the diplomatic side with considerable caution on increasing military involvement or actions, especially toward China. Note, for example, the length of time for the American military to undertake the action of moving within the 12-nautical mile limit of the refurbished Chinese reefs, the reluctance to discuss his action, and, ultimately, the length of time to acknowledge that such actions took place. It seems clear that the Obama administration was more concerned about not taking any actions that might exacerbate the situation and less is interested in military and security actions that might confront China.

In this sense, the Obama approach did not appear to be responsive to domestic calls, both from Congress—across party lines—and many in the policy community, for a more vigorous stand on these disputes. Instead, the administration seemed to be following an approach consistent with its more measured and accommodative course to foreign policy, an approach applauded by some and derided by others.<sup>50</sup> Although the administration’s policy appeared generally consistent with the public mood toward China and the South China Sea disputes, its policy was at odds with the mood of many in Congress and policy community. Further, the public was surely leery and skeptical of Chinese intentions and actions. They viewed many of Chinese actions as concerning (as no doubt the administration did), but the public remained reluctant to embrace more military-focused actions. However, the public does support continued

American presence and alliances in Asia, and the Obama administration seemed to be following those imperatives through its actions regarding the “pivot” or “rebalancing” toward the region.

As part of that rebalance, the Obama administration initiated several steps to demonstrate its commitment there. First, the Obama administration bolstered American involvement with the regional organizations in Asia by expanding the activities of the ASEAN Regional Forum, signing the ASEAN Treaty of Amity and Cooperation, and joining the East Asian Summit. Second, and on the diplomatic side as well, American officials increased their visits to the region—a phenomenon particularly evident during the tenure of the Hillary Clinton as secretary of state, although less so with her successor John Kerry. Third, on the economic side, the administration completed the free trade agreement with South Korea, continued to promote the importance of APEC, and, most importantly, persisted in completing the negotiations on the Trans-Pacific Partnership (TPP), a trade pact that incorporates key countries that are claimants in the South China Sea (Brunei, Malaysia, Singapore, and Vietnam). Fourth, on the security side specifically, the Obama administration enhanced ties with two claimant countries in the South China Sea—with Vietnam (obtaining access to Cam Ranh Bay for U.S. naval vessels and lifting some defense sales to that country) and with the Philippines (reestablishing base access rights).<sup>51</sup> In Singapore, too, the United States will eventually be basing four Littoral Combat ships.<sup>52</sup>

In all, serious domestic questions remain over whether these measures were sufficient to stop the “salami-slicing” strategy that the Chinese were employing in the South China Sea. Although China is taking steps that apparently are insufficient to incite a vigorous response by others, those steps, overtime, change the status quo. Clearly, the intent of the Obama policy was “to shape China’s policy choices by increasing the costs to Beijing of using coercion against its

neighbors and flouting international law,<sup>53</sup> but others saw the need for a more vigorous and robust response.

The Trump administration's approach so far has pursued a more mixed response on the South China Sea issue. Initially, the administration seemed to signal a more robust response to China in the South China Sea, as evidenced by Rex Tillerson's statements at his Senate confirmation hearing and other national security personnel (e.g., Secretary of Defense James Mattis) affirmation of America's alliance commitment to the region. President Trump, though, seemed to waver over alliance ties in the early days of the administration, but his staunch statement on the Japanese-American ties during Prime Minister Shinzo Abe's visit pointed in another direction. Further, and significantly, however, the Trump administration has not authorized any Freedom of Navigation operations within the 12-mile limit of any disputed territory in the South China Sea during the first 100 days of its administration<sup>54</sup> (partly sparking the letter from Senators Corker and Cardin noted earlier). Instead, the administration has seeming deferred to the China, as it seems to gain support from that country in addressing the North Korean nuclear issue.

Nonetheless, the present political environment provides the *necessary* conditions for domestic politics to affect the future direction of policy toward the South China Sea. First, only about one-third of the American public approved of the Obama administration's handling of foreign policy as President Obama completed his second term.<sup>55</sup> Second, key foreign policy members of Congress, and particularly in the Senate, remain committed to a more vigorous response to Chinese actions in the South and East China Seas. Third, the public mood, albeit hesitant to support militant action in the region, remains skeptical of China and its intention, and public concern about Chinese actions are increasing.



Still, the *sufficient* condition for the effects of American domestic politics to actualize a policy change ultimately will depend upon one crucial, remaining factor: Chinese behavior, both in the South China Sea and, now, on the issue of North Korea. In the former issue, will China modify its actions in the South China Sea generally and with the reclamation and militarization projects specifically? If it were to do so and fully embrace and adhere to the proposed Code of Conduct with ASEAN, the present American domestic incentives for a more vigorous policy under the Trump administration would be lessened. If China continues to view the reclamation projects and the South China Sea as an important nationalist issue at home and a sovereignty issue abroad<sup>56</sup>—as seems more likely—American domestic politics would continue to foreshadow a more robust response by the Trump administration. On the Korean issue, if China would assist the international community, including the United States, in halting the development and testing of nuclear weapons and long-range missiles by the DPRK, the South China Sea issue may remain on the backburner and could ultimately become an issue of subsequent negotiations between Donald Trump and Xi Jinping at a future summit meeting.

---

### Endnotes

---

<sup>1</sup>Helene Cooper and Jane Perlez, “White House Moves to Reassure Allies with South China Sea Patrol, but Quietly,” *New York Times*, October 27, 2015, accessed on November 16, 2015 at <http://www.nytimes.com/2015/10/28/world/asia/south-china-sea-uss-lassen-spratly-islands.html>

<sup>2</sup>“U.S. B-52 bombers fly near Chinese man-made islands in South China Sea,” FoxNews.com, November 13, 2015, accessed on November 13, 2015 at <http://www.foxnews.com/politics/2015/11/13/us-b-52-bombers-fly-near-chinese-man-made-islands-in-south-china-sea/>.

<sup>3</sup>Kirk Spitzer, “China condemns U.S. warship’s route in South China Sea,” USA Today, October 27, 2015 at <http://www.usatoday.com/story/news/world/2015/10/27/china-south-china-seas-territory-islands-dispute-uss-lassen/74668522/#>, accessed on February 8, 2016.

<sup>4</sup>Associated Press, “China Says it Respects Navigation Freedom in South China Sea,” *Voice of America*, November 13, 2015 at <http://www.voanews.com/content/china-says-it-respects-navigation-freedom-in-south-china-asea/3056391.html>, accessed February 8, 2016.

<sup>5</sup>These quoted passages are taken from Ben Blanchard and David Brunnstrom, “China says will protect South China Sea sovereignty,” Reuters, January 24, 2017 at <http://www.reuters.com/article/us-usa-china-southchinasea-idUSKBN1572M4>

<sup>6</sup>CNN Wire, “U.S. Carrier Starts ‘Routine’ Patrols in South China Sea,” February 20, 2017, at <http://ktla.com/2017/02/20/u-s-carrier-starts-routine-patrols-in-south-china-sea/>, accessed May 21, 2017.

<sup>7</sup>See “Territorial Claims in the Spratly and Paracel Islands,” GlobalSecurity.org at <http://www.globalsecurity.org/military/world/war/spratly-claims.htm>, accessed December 3, 2015.

<sup>8</sup>Mark E. Rosen, *Philippine Claims in the South China Sea: A Legal Analysis*. Arlington, VA: CNA Analysis and Solutions, August 2014 at <https://seasresearch.files.wordpress.com/2014/08/iop-2014-u-008393.pdf>, accessed December 3, 2015.

<sup>9</sup>Ibid.

<sup>10</sup>J. Ashley Roach, *Malaysia and Brunei: An Analysis of Their Claims in the South China Sea*. Arlington, VA: CNA Analysis and Solutions, August 2014 at <https://seasresearch.files.wordpress.com/2014/08/malaysia-brunei-claims.pdf>, accessed December 3, 2015.

<sup>11</sup>Ibid.

---

<sup>12</sup>“Territorial Claims in the Paracel and Spratly Islands,” and “Q&A: South China Sea Dispute,” *BBC News*, October 27, 2015 at <http://www.bbc.com/news/world-asia-pacific-13748349>, accessed on December 3, 2015.

<sup>13</sup>David Rosenberg "Governing the South China Sea: From Freedom of the Seas to Ocean Enclosure Movements," *Harvard Asia Quarterly*, Vol. XII, No. 3 & 4 (Winter 2010). Another estimate of the commerce through the South China Sea puts it this way: “Almost a third of global crude oil and over half of global liquefied natural gas (LNG) passes through the South China Sea each year.” See U.S. Energy Information Administration, “The South China Sea is an important world energy trade route,” April 4, 2013 at <http://www.eia.gov/todayinenergy/detail.cfm?id=10671>, accessed December 27, 2015.

<sup>14</sup>Association of Southeast Asian Nations. “Declaration on the Conduct of Parties in the South China Sea.” November 4, 2002 at <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>, accessed on December 10, 2015. Also see Jeffrey Bader, Kenneth Lieberthal, and Michael McDevitt, “Keeping the South China Sea in Perspective,” *The Foreign Policy Brief*, The Brookings Institution, August 2014, p. 4.

<sup>15</sup>Secretary of State Hillary Clinton, “Comments by Secretary Clinton in Hanoi, Vietnam,” U.S. Department of State, July 23, 2010 at <http://iipdigital.usembassy.gov/st/english/texttrans/2010/07/20100723164658su0.4912989.html#axzz3txeI4quO>, accessed on December 10, 2015.

<sup>16</sup>See my extended discussion of the meaning of the public mood and its role in foreign policymaking in James M. McCormick, *American Foreign Policy and Process*. Sixth Edition. Boston, MA: Cengage Learning, 2014, pp. 515-16 and 520-527.

<sup>17</sup>Gabriel A. Almond, *The American People and Foreign Policy* (New York: Frederick A. Praeger, 1960).

<sup>18</sup>See Benjamin I. Page and Robert Y. Shapiro, *The Rational Public: Fifty Years of Trends in Americans' Policy Preferences*. (Chicago: The University of Chicago Press, 1992), and Benjamin I. Page and Robert Y. Shapiro, “Effects of Public Opinion on Policy,” *American Political Science Review* 77 (March 1983): 175-190. For a summary of various recent public mood, especially since the Vietnam War, see McCormick, *American Foreign Policy*, pp. 520-525. For a recent summary of the public mood as well as the cyclical swings in the mood over time, see Colin Dueck, *The Obama Doctrine: American Grand Strategy Today*, New York: Oxford University Press, pp. 110-114.

<sup>19</sup>Gallup. “China.” February, 2015 at <http://www.gallup.com/1627/chin.aspx.?version=print>, accessed on November 12, 2015.

<sup>20</sup>*Ibid.*

---

<sup>21</sup>Richard Wike, “Americans’ View of China Improve as Economic Concerns Ease,” *The Pew Research Center*, April 4, 2017, p. 12.

<sup>22</sup>See PollingReport.com. “China.” for the summary of the Pew Research finding at <http://www.pollingreport.com/china.htm>. For the 2017 data, see Pew Research Center, “The World Facing Trump: Public Sees ISIS, Cyberattacks, North Korea as Top Threats,” January, 2017, p. 12.

<sup>23</sup>Richard Wike, “Americans’ Concerns about China: Economics, Cyberattacks, Human Rights Top the List.” *The Pew Research Center*, September 9, 2015.

<sup>24</sup>Since an open-ended interview question was used, the respondents were asked only to evaluate each of the items asked by the interviewer. For the specific questions and percentage responses to each of the items here as well as to note that no specific mention is made of the South China Sea disputes, see “Topline Results,” Pew Research Center, Spring 2015 Survey, September 9, 2015 Release at <http://www.pewglobal.org/files/2015/09/Pew-Research-Center-U.S.-Perceptions-of-China-TOPLINE-FOR-RELEASE-September-9-2015.pdf>, accessed on December 22, 2015.

<sup>25</sup>Jill Carle, “Climate Change Seen as Top Global Threat,” *Pew Research Center: Global Attitudes and Trends*, July 14, 2015 at <http://www.pewglobal.org/2015/07/14/climate-change-seen-as-top-global-threat/>, accessed October 20, 2015.

<sup>26</sup>Richard Wike, “Americans’ View of China Improve as Economic Concerns Ease,” p. 13.

<sup>27</sup>Dina Smeltz, Ivo Daalder, Karl Friedhoff, and Craig Kafura, *America Divided: Political Partisanship and US Foreign Policy*. Chicago: Chicago Council on Global Affairs, 2015, pp. 29-30.

<sup>28</sup>Ted Galen Carpenter, “The Roiling South China Sea Dispute,” Cato Institute, (originally in *National Interest* [online]), July 10, 2012 at <http://www.cato.org/publications/commentary/roiling-south-china-sea-dispute>, accessed on December 29, 2015.

<sup>29</sup>See Ted Galen Carpenter, “Washington Needlessly Escalates South China Sea Crisis,” *China-US Focus*, November 4, 2015 at <http://www.chinausfocus.com/foreign-policy/washington-needlessly-escalates-south-china-sea-crisis/>, accessed November 26, 2015.

<sup>30</sup>Doug Bandow, “The South China Sea Is Not Worth The Risk of War,” Cato Institute, June 19, 2015 at <http://www.cato.org/blog/south-china-sea-not-worth-risk-war>Cato At Liberty, accessed on December 29, 2015.

<sup>31</sup>Jeffrey Bader, Kenneth Lieberthal, and Michael McDevitt, “Keeping the South China Sea in Perspective,” *The Foreign Policy Brief*, Brookings Institution, August 2014, 11 pages. All quoted material is from this brief.

---

<sup>32</sup>Kristin Huang, “China and Asean agree on draft code of conduct for South China Sea, says Beijing’s top envoy,” *South China Morning Post*, March 8, 2017, CNBC at <http://www.cnbc.com/2017/03/08/china-and-asean-agree-on-draft-code-of-conduct-for-south-china-sea-says-beijings-top-envoy.html>, accessed May 15, 2017.

<sup>33</sup>Dennis Blair and Jon Huntsman, “Commentary: A Strategy for South China Sea,” *DefenseNews*, July 13, 2015 at <http://www.defensenews.com/story/defense/commentary/2015/07/13/commentary-strategy-south-china-sea/30084573/>, accessed December 28, 2015.

<sup>34</sup>Patrick Cronin was appointed in March, 2017 to be Director of the Asia-Pacific Center for Security Studies, a Department of Defense think-tank.

<sup>35</sup>Patrick M. Cronin, “America Must Take a Stand in the South China Sea,” *The National Interest*, September 5, 2015 at <http://www.nationalinterest.org/feature/america-must-take-stand-the-south-china-sea-13779>, accessed on December 28, 2015.

<sup>36</sup>Marvin C. Ott, “Time for a U.S. Military Strategy to Stop China in the South China Sea,” *The National Interest*, August 24, 2015 at <http://www.nationalinterest.org/blog/the-buzz/time-us-military-strategy-stop-china-the-south-china-sea-13674>, accessed on December 28, 2015.

<sup>37</sup>Indeed, the 2012 Republican Party platform explicitly condemned China’s “destabilizing claims in the South China Sea;” hence, the Republican majorities in Congress to pursue a more robust policy is consistent with that platform concern. See VOA News, “Republican Platform Outlines Tough China Stance,” *Voice of America*, August 29, 2012 at <http://www.voanews.com/content/republican-platform-outlines-tough-china-stance/1497659.html>, accessed February 10, 2016 for the passage quoted from the Republican platform.

<sup>38</sup>See James M. McCormick, *American Foreign Policy and Process*. Sixth Edition. Boston: Wadsworth/Cengage Learning, 2014, pp. 321-323 and James M. Lindsay, “Congress and Foreign Policy: Avenues of Influence,” in Eugene R. Wittkopf, *The Domestic Sources of American Foreign Policy: Insights and Evidence*, 2nd ed. New York: St. Martin’s Press, 1994, pp. 191-207.

<sup>39</sup> See Public Law 114-92, passed by the Congress and signed by President Obama on November 25, 2015.

<sup>40</sup>The National Defense Authorization Act of FY2017 changed the title of this section of the act from the South China Sea Initiative to the Southeast Asia Maritime Security Initiative.

<sup>41</sup>The details of this bill are available in S. 659, 115<sup>th</sup> Congress, 1<sup>st</sup> Session and at Congress.Gov, <https://www.congress.gov/bill/115th-congress/senate-bill/659>

---

<sup>42</sup>S. Res 167, 113<sup>th</sup> Congress, passed by unanimous consent on July 29, 2013 at <https://www.govtrack.us/congress/bills/113/sres167/text>, accessed on December 27, 2015. All quoted passages are from the resolution.

<sup>43</sup>“China Condemns US Senate over Sea Dispute Resolution,” VOA News, August 1, 2013 at <http://www.voanews.com/content/reu-china-condemns-us-senate-over-sea-dispute-resolution/1714456.html>, accessed October 14, 2015.

<sup>44</sup>See the extracted portion of this September 17, 2015 hearing of the Senate Armed Services Committee as reprinted in Ronald O’Rourke, “Maritime Territorial and Exclusive Economic Zones (EEZ) Disputes Involving China: Issues for China.” Washington, D.C.: Congressional Research Service, September 18, 2015, pp. 41-46.

<sup>45</sup>Ibid., p. 46.

<sup>46</sup>Sam LaGrone, “SecDef Carter Clarifies South China Sea Freedom of Navigation in Letter to McCain,” USNI News, January 5, 2016 at <http://news.usni.org/2016/01/05/secdef-carter-clarifies-south-china-sea-freedom-of-navigation-operation-in-letter-to-mccain>, accessed January 7, 2016.

<sup>47</sup>“Senators McCain, Reed, Corker, and Menendez Send Letter on Chinese Maritime Strategy, Senate Armed Services Committee, March 19, 2015 at <https://www.armed-services.senate.gov/press-releases/senators-mccain-reed-corker-and-menendez-send-letter-on-chinese-maritime-strategy>, accessed June 4, 2017.

<sup>48</sup>“Cardin, Corker, Colleagues Write to Trump About U.S. Navigation Operations in South China Sea,” United States Senate Committee on Foreign Relations Committee, May 10, 2017 at <https://www.foreign.senate.gov/press/ranking/release/cardin-corker-colleagues-write-to-trump-about-us-navigation-operations-in-south-china-sea>, accessed May 15, 2017.

<sup>49</sup>This summary of the Obama position is set out in Bonnie S. Glaser, “U.S Strategy Seeks to Calm the Roiled Waters of the South China Sea in Murray Hiebert, Phuong Nguyen, and Gregory B. Polling, *Perspectives on the South China Sea: Diplomatic, Legal, and Security Dimensions of the Dispute*. Center for Strategic and International Studies. Lanham, MD: Rowman & Littlefield, September 2014.

<sup>50</sup>See, for example, Gideon Rose, “What Obama Gets Right: Keep Calm and Carry the Liberal Order On,” *Foreign Affairs*, 94, September/October 2015, pp. 2-12, and especially at p. 10 for approving of this strategy, and Colin Dueck, *The Obama Doctrine: American Grand Strategy Today*. New York: Oxford University Press, 2015 for a discussion of the strategy of accommodation and retrenchment and a critique of this approach.

<sup>51</sup>For a discussion of these various initiatives by the Obama administration, see James M. McCormick, “The Asian Pivot after Obama,” paper presented at the annual meeting of the European Consortium for Political Research, Université de Montréal, Montréal, Quebec, Canada, 26-29 August 2015.

---

<sup>52</sup>“Four US littoral combat ships to operate out of Singapore by 2018,” Yahoo News, February 17, 2015 at [http://news.yahoo.com/four-us-littoral-combat-ships-operate-singapore-2018-001809687.html;\\_ylt=A0LEVvAjHZ1WjhEAIw0nnIIQ;\\_ylu=X3oDMTBybGY3bmpvBGNvbG8DYmYxBHBvcwMyBHZ0aWQDBHNIYwNzcg--](http://news.yahoo.com/four-us-littoral-combat-ships-operate-singapore-2018-001809687.html;_ylt=A0LEVvAjHZ1WjhEAIw0nnIIQ;_ylu=X3oDMTBybGY3bmpvBGNvbG8DYmYxBHBvcwMyBHZ0aWQDBHNIYwNzcg--), accessed on January 1, 2016.

<sup>53</sup>Glaser, “U.S. Strategy Seeks to Calm the Roiled Waters of the South China Sea,” p. 62. “Salami-slicing” is Glaser’s terminology.

<sup>54</sup>Helene Cooper, “Trump’s Turn Toward China Curtails Navy Patrols in Disputed Zone,” *New York Times*, May 2, 2017 at [https://www.nytimes.com/2017/05/02/world/asia/navy-south-china-sea.html?\\_r=0](https://www.nytimes.com/2017/05/02/world/asia/navy-south-china-sea.html?_r=0), accessed May 3, 2017.

<sup>55</sup>Obama Job Approval—Foreign Policy at <http://elections.huffingtonpost.com/pollster/obama-job-approval-foreign-policy>, accessed January 13, 2016.

<sup>56</sup> See Glaser, “U.S. Strategy Seeks to Calm the Roiled Waters of the South China Sea,” p. 62 on this point.