

Saving Mao's Last Dancer

By [Beth Taylor](#)

Charles C. Foster marshaled the force of the entire U.S. government to help a Chinese ballet artist who wanted to stay in Houston

Q: Tell me about a case you'll never forget.

A: I represented a banker from Libya, part of an economic class that Gadhafi wanted to get rid of or put in their place. The trial took place in a soccer stadium where he and a whole bevy of bankers and businessmen were let out, all chained together. They began to hang them, one by one, from a platform in the stadium.

They were going to hang the rest of them the next day. My man somehow, that evening, through bribery and through hook and crook, escaped and eventually got into the U.S. He had a video of his trial and the sentencing and the carrying out of the sentencing, i.e. the hanging of the men that had preceded him. I thought it was a perfect asylum case. The judge denied it. I had been in battles with a neocon fellow who was in a legal advisory position with the State Department. He wrote a scathing legal advisory opinion saying that there was no evidence that, just because 10 preceding men had been hung, my man would necessarily have been hung the following day. And furthermore, that all of the torture marks, including the burn marks, could have been self-inflicted by cigarettes. Finally, the fact that all of his fingernails had been pulled out, he could have done that himself.

We finally won that case on appeal, but I always talked about why I don't like to file asylum cases because of the uncertainty, using this as an example.

Q: And how about the Li Cunxin case?

A: Li Cunxin is a remarkable individual, who is godfather to my youngest son. And I'm godfather to his son. He's one of my closest friends.

When I was reading briefs in New York, the first case they had me work on was the right of the debenture holders in Shanghai Latin Tower. We started developing a brief ... to be given to the Nixon administration about the rights of these debenture-holders. On the eve of establishing diplomatic relations with China in '79, I was one of a handful of people that hosted, I think, the greatest leader in modern history of China, Deng Xiaoping, at a small rodeo.

I met Li right before Thanksgiving of '80. [There] was an agreement to establish a cultural exchange. Li's book [tells] just the most incredible story ever of how Li, who comes from a rural village going back many centuries—everyone in his family had worked in the rice fields—how this son of two peasants gets literally to the top of the pyramid of Madame Mao's, thus the name of his book, *Mao's Last Dancer*, Madame Mao's effort to re-establish, after having destroyed, a classical revolutionary ballet in China.

Li comes, and he has made an inquiry secretly that he wants to stay in the U.S. He winds up in my office. Basically, I tell him that if he wants to stay, welcome to America. We would have qualified him, not through political asylum—I had learned my lesson—but because he had a special skill.

He leaves my office. By that time, Li has become a cultural/social phenomenon in Houston. Everyone loves Li, in part because he has this incredible personality, and he is an incredible dancer. But he has to go home, and the Houston Ballet is going to take its entire ballet company [to] Red China.

Everyone shows up for a going-away party for Li except for Li himself. He's not going to go home. The Chinese go from concerned to being paranoid to outright anger, thinking that the ballet has kidnapped him. The ballet people are falling all over themselves saying, "Please don't hold us responsible."

I get a call and am asked to be at a meeting mid-evening on April 21, 1981, outside the Chinese consulate.

Q: And?

A: [Li] wants to save face for the ballet. He says, "Is it safe?" I say to him, "I promise you that you will be able to leave," never giving any serious thought that any responsible government would engage in the type of activity that eventually occurred inside the consulate.

All the Chinese officials were wearing their Mao suits. The [Houston] ballet was represented by Ben Stevenson, this wonderful artistic director, in tuxedo because he had gone to the going-away party for Li, along with the chairman of the board of the ballet ... the [ballet] president ... and [the ballet's] general counsel.

Li was huddled in one corner holding the hand of a member of the ballet corps; [he] had just informed everyone, and I had learned just a few minutes earlier, that he had married. For me, Li legally would have had a pretty straightforward case ... but at that moment, it was even more black and white. He was married to a U.S. citizen.

To my never-ending surprise, the entire conversation, for a good part of the evening, was about me and my views on U.S.-Sino relations. Of course, I just so happened to be full of views.

They asked me if I would go with a senior consular official to another room, along with the general counsel of the ballet. I thought, “Aha, now the grown-ups are going to talk about this.” At some point, like the figurative light bulb going off in your head, I realized they were stalling for time. I got up to say I was going back to see my client, whereupon the senior consular official yelled, “Sit down. You’re on Chinese soil.” The two men that had been holding serving trays dropped them, all the drinks spilling on the floor, and they took up positions like linebackers blocking my way. To make a long story short, we got into scuffles and pushing.

I got through just in time to hear Li say something very quiet, like, “Help, they’re taking me.” Li was stronger than any NFL linebacker. He could leap 6 feet in the air. He could catch a ballerina weighing 100 pounds and twist and pirouette at the same time. He came from the Russian school—extremely muscle-bound—and it took about five guys to gang-tackle him.

Q: What did you do?

A: Everyone reassembled and took their places. The Chinese were ever-polite; someone said, “Would you like more coffee or tea?” I say, “Excuse me, if I’m not mistaken, someone has just dragged my client out of here, and I’m not leaving until you bring him back.” You would have thought that I was talking about some crazy uncle. The Chinese looked aghast at me, and they said, “Wait a second. You told us you support U.S.-Sino relations.” I said, “You’re correct.” “Then you know that what’s best for U.S.-Sino relations is Li must go back.” I said, “You’re probably right.”

The ballet people said, “This is terrible for the ballet.” I said, “You’re all forgetting one little thing. None of us in this room gets to decide what Li’s going to do. What you’re doing is nothing short of kidnapping, and that’s a felony in the United States.”

We eventually ... get a restraining order and a writ of habeas corpus ... engaging the entire apparatus of the U.S. government at every level from the White House to the State Department to the security apparatuses, the FBI, and the U.S. courts and the U.S. marshal.

Q: How were you able to handle such a bizarre situation?

A: Indirectly, I had been involved in the other highest-profile case of forceful repatriation, involving a Lithuanian seaman by the name of Simas Kudirka. Simas, who I came to know very well, had jumped off a Soviet fishing crawler, which was really a spy boat, onto a Coast Guard cutter [off Martha’s Vineyard].

Q: The U.S. Coast Guard let the Soviets board the ship and take him.

A: Nixon was furious. The Coast Guard chain of command was all subject to court martial, and a State Department official was demoted because they had allowed a foreign government to forcefully remove someone from the soil of the U.S., which was viewed as the deck of that

Coast Guard cutter. Not only had I gotten, at the tail end, involved, but [Kudirka] had lived in my home for a period of time.

I was convinced I could persuade the Chinese to logically do the right thing and just release Li. They kept on telling me, "This is going to be embarrassing to the Chinese government." I said, "If you hold him, you're going to put his story on the front page of every newspaper in the world." Which is exactly what happened.

At 3 o'clock in the morning, I called federal Judge Woodrow Seals, and Seals says to me, "Charles, this really better be good." I'm able to say, [using] shorthand references, "I have another Simas Kudirka case. This is forcible repatriation." He says, "Meet me in the back of the federal courthouse at 6 in the morning." He has in tow the presiding federal judge, John Singleton, the U.S. marshal, the U.S. attorney, and Assistant U.S. Attorney Michael Conner.

We have our court session there on the loading dock of the federal courthouse. Judge Singleton says, "Goddamn it, Charles, I'm going to sign these goddamn orders, but you'd better not get me in trouble."

I know there will be a 24-hour China desk officer somewhere. I tell him very quickly—the Chinese are being polite and they're letting me use their telephone, but at some point, they're figuring out that I'm up to no good—I say, "The monkey is on your back," meaning the last guy who had demurred lost his job. I say, "My best guess is they are going to drug him and try to take him on the first flight out of the U.S. in the morning."

Q: How did it all wrap up?

A: I went over to the ballet folks. I started talking in the most basic terms [about] basic rights. Gradually, they all came around. I persuaded them to stay, and that allowed me to leave for my appointment at 6 in the morning. I come back at 6:30 in the morning or so. By that time, there is a little contingency of press ... which grows and grows until, at some point, NBC, CBS, ABC have flatbed trailers and they are live-broadcasting.

Someone comes up with hat in hand like a reporter, and he says to me, "I am your FBI contact. If they seek to remove Li, we will take him into our custody under court order." I know at that point that I've been successful.

I become a messenger between the U.S. government and the Chinese, talking first to Jim Lily, who was on the National Security Council. I also advised Vice President George H.W. Bush, because Barbara Bush, who I've come to know quite well, is on the ballet board, having served as one of our first envoys to China. Through my friend Chase Untermeyer, special assistant to the vice president, I notify the vice president, who notifies Jim Lily. At one point, Lily calls me and says, "President Reagan is taking a shower. He wants a report on this as soon as he gets out of the shower."

Around 4:30, I am meeting with the senior-most [Chinese] consular official. He says to me, “Do I have to release him?” The consulate is surrounded. They’ve cut off their phones. I said, “This is going to get worse and worse. You’ve got to let him go.” He actually broke down and cried.

Shortly thereafter, he produces Li, who’s been told that I had left, that everyone has left, that his family is going to be imprisoned. He has such strong moral certainty that he knows that his family is going to be OK. [And] somehow, based on our rather tenuous relationship, he doesn’t believe that I am going to abandon him.

I often thought—not at that time, but later—my greatest risk was that, if [the Chinese] had gotten to him after I had mobilized the entire U.S. government ... and he had walked out and started yawning and said, “What are you doing? I just took a nap. I’m going back to China.” ... I would probably have gone and taken a political asylum in Mexico. [Laughs.] I would have been, at the very least, forever embarrassed. But that never happened.

Li’s a strong personality. He just smiled big and said, in so many words, that he had a good opportunity to talk to his friends at the Consulate, that he was married, and that he was looking forward to continuing dancing and hoped to stay in Houston. The FBI then grabbed him and put him in a car. Funny little thing: They grabbed him and pushed aside his wife. I said, “You can’t do that. That’s his wife.” They said, “No one told us. They said just to take him.” I said, “Well, you’ve got to use some common sense. Let her go with him.”

Q: Was any retribution taken against his family?

A: No. The Chinese did contact the family while this was going on and told them that Li had betrayed his motherland. But his mother, who I later came to know, is very strong-willed and feisty. She was in rural China, in a little village, and began to yell, “You lost my son. How can you blame me? You took him away from me.” They took him at the age of 11 or so, for seven years, [and for] six days a week, hours a day, he was trained.

Q: What did you think of the movie *Mao’s Last Dancer*?

A: I like it very much. Li and I were both pleased that Jane Scott, the producer, and Bruce Beresford, the director, and everyone started out with a mission to make the story as accurate as possible. I was asked by the producer and the director who I’d like to play me. I actually had several rather modest suggestions. When they told me it was going to be Kyle [MacLachlan], at first I didn’t see him playing me.

He came down to Houston and spent three days with me. At the end of that, I just really respected and liked him. The first time I saw the movie, I saw it with Kyle. We were at the Toronto International Film Festival. He grabbed my shoulder and said, “How did I do?” I was in a semi-state of shock because, when I saw that movie—it had nothing to do with Kyle—it was like seeing something you know so well, a picture or painting like the Mona Lisa, but instead of seeing the Mona Lisa, you see a dot here, a dot there, a dot for the nose, a dot for the eyes.

I kept on thinking, “It’s just a little stroke here and a little stroke there. How can anyone like this?” Within a second, the audience is standing on their feet cheering, and giving it a 10-minute ovation, demanding that the production team and the actors come up.

Q: Where does your interest in immigration come from?

A: In McAllen, Texas, I lived, figuratively speaking, within walking distance of the border; and [then] moved to Corpus Christi. In both places, I was heavily influenced by the predominant Hispanic culture.

I would hear—it was just part of the culture—Anglos talk about “those people, why can't they learn to speak English?” As a child, it occurred to me, “Why don't we learn to speak Spanish? It's a two-way street.” Early on in my DNA, I thought it was important that I learn Spanish, and that the bilateral relationship between the U.S. and Mexico was important.

Q: Who were your main influences as a boy?

A: The biggest influence [was] my mother. She had a great interest in international travel. She was a humanist in the sense that she saw no barriers.

I wound up getting a degree from [the University of Texas at Austin] in government and history with a focus on Latin America and a minor in Spanish.

There was no law school in Texas that even taught immigration law. Having decided that I wanted to be an international lawyer, in my imagination—I later learned there wasn't much reality [in] what I envisioned—immigration had to be an important part of any international lawyer’s practice.

I started with a [New York] law firm that had the largest Latin American practice representing big companies like United Fruit and American Foreign Power doing business with Latin America. I quickly learned that no one else thought that immigration had anything to do with our day-to-day practice until one day, as the junior-most lawyer, I was asked to go over to Park Avenue to speak with the president of Marubeni International, a Japanese trading firm. That was a big deal in the late 1960s and early 1970s.

I went over there and met with the president of Marubeni USA to deal with his personal immigration issue. From that point on, I became the lawyer—in both that firm and later, when I moved to Houston, a large firm in Houston—that knew something about immigration.

Q: So you headed back to Texas.

A: I always felt like I was a tourist in New York. I wound up talking to the head of the international section at a law firm known as Butler Binion Rice Cook & Knapp. The job offer was almost identical to what I was doing in New York, doing international work.

There had been a fundamental change under the Immigration Act of '65. The real rippling effects did not really come along until the early 1970s. Our immigration system [had been] based upon national origins. There were huge quotas [allowed] for countries like the U.K., Scandinavian countries, Northern European countries. Then, for [most] of the world, there were minuscule quotas.

If you were from certain countries, coming to the U.S. was wide open. We had no quotas at all in Latin America. Under the 1965 act ... we leveled the playing field, and instead of coming simply because you were European or from Latin America, you had to qualify under a quota system that was based upon job skills or family relations.

Very few people know that [our current] big issue of undocumented immigration was self-inflicted when, not only did we impose quotas, but the quota for low-skilled workers went ... down to 5,000 worldwide. We cut off all legal avenues and, lo and behold, we began to have illegal immigration.

Q: You started your own firm, now known as FosterQuan, in 1973.

A: I was going to do what I had been doing: a combination of international work with representing foreign companies doing business in the U.S.; some litigation; a little bit of securities work, and the occasional immigration case. By doing immigration work, by definition, I always had a foreign national as a client. As I began developing my own practice, and as this area began to grow, because none of the big firms were touching immigration, I began to get more and more referrals. Once I had enough work where I could reasonably agree that I could do just immigration work ... it fulfilled me and my interests, and I would be a much more effective practitioner through specialization.

Q: You've been heavily involved in immigration reforms.

A: I have been working on this since 1985. I worked as a principal policy adviser to then-President George W. Bush when he ran for president in 2000. I talked to just about everyone wanting to run for president, for a decade or longer. Better than any of these prospective candidates, [Bush] got it that part of smart border enforcement was to have a legal system. He also said that the large undocumented population had become de facto long-term residents of the U.S. One of [Bush's] biggest domestic initiatives, and his biggest foreign policy initiative, was actually immigration reform.

Q: But then...

A: It didn't happen. I was scheduled to speak to his domestic policy adviser on the morning of 9/11. I could not have been more optimistic. [But] I never made the call because it was obvious, with all the horror of 9/11, nobody was going to be paying attention to this issue in any constructive way for a long, long time.

Q: What is the best part of your job?

A: People come up to me at every event—they could be executives, they could be a spouse of someone, they could be the wait staff—saying the same thing: “Do you remember me, Mr. Foster? Thanks to you, I’m here.”

<http://www.superlawyers.com/texas/article/Saving-Maos-Last-Dancer/5d48dc40-ca61-49a4-bf4c-0d8ddb8a05.html>