



# TAIWAN COMMUNIQUÉ

Published by:

*International Committee for Human Rights in Taiwan*

Europe : P.O. Box 31, 3984 ZG ODIJK, The Netherlands

U.S.A. : P.O. Box 45205, SEATTLE, Washington 98105-0205

European edition, August 1982

Published 6 times a year

ISSN number: 1027-3999

# 7/8

## 33 years of Martial Law

May 20, 1982 marked the 33th anniversary of martial law in Taiwan. In this regard the Taiwan authorities are record holders of sorts: it represents the longest uninterrupted stretch of martial law in modern history. Several prominent American senators and congressmen took this occasion to call for an end to martial law and institution of a democratic political system on the island. Our report contains the following components:

1. A *joint statement* by more than 30 members of the U.S. Congress
2. Four statements, given at a *press conference*, held in the morning of May 20th at the Dirksen Senate Office Building in Washington, by:
  - Senator Edward M. Kennedy (D-Mass.),
  - Senator Claiborne Pell (D-RI, Mr. Pell is the ranking Democrat on the Senate Foreign Relations Committee),
  - Congressman Stephen Solarz (D-NY, Mr. Solarz is the chairman of the Subcommittee on Asian and Pacific Affairs, House of Representatives), and
  - Congressman Jim Leach (R-IA, Mr. Leach is the ranking Republican on the Subcommittee on Human Rights and is also a member of the Subcommittee on Asian and Pacific Affairs).
3. Some *excerpts from testimony* given at a hearing, held in the afternoon of May



**From left to right: Congressmen Leach and Solarz, Senators Kennedy and Pell at press conference**

20th, before the Sub-committee on Asian and Pacific Affairs in the Rayburn House Office Building in Washington. The witnesses were:

- Professor James A. Gregor, University of California at Berkeley.
- Dr. Truong R. Chai, President of the Formosan Association for Public Affairs.
- Professor Richard C. Kagan, Hamline University, Minneapolis.
- Professor Yu-san Wang, Association of Free Chinese in the U.S.

Messrs. Gregor and Wang spoke in favor of continuation of the martial law, while Dr. Chai and Professor Kagan spoke critical of the situation in Taiwan and for abolishment of martial law.

4. *News reports.* Both the Washington Post and the New York Times carried articles about the day's events.

### ***Congressmen appeal for end of martial law in Taiwan***

Below follows the full text of a statement issued by Congressman Stephen J. Solarz, and signed by more than 30 other members of the U.S. House of Representatives. After the statement was issued, a number of other members of the House - including Speaker Thomas O'Neill and Republican Mrs. Millicent Fenwick also let it be known that they supported Mr. Solarz' initiative.

“On May 20th, the courageous people of Poland will be suffering their 158th day under a hated martial law regime. The President and the Congress have both publicly called for an end to martial law in Poland. But May 20th will also mark the 12,053rd day (twelve thousand and fifty third) of martial law for the people of Taiwan. In both Poland and Taiwan strikes are outlawed, severe restrictions are placed on freedom of speech and association, and civilians are all too frequently hauled before military courts.

What makes the case for an end to martial law on Taiwan, as in Poland, so poignant and compelling is that, in both cases, brave and able citizens have, through years of sacrifice and courageous effort proved to the whole world that they know how to make a more democratic system work. The living standards of the people on Taiwan are the envy of much of the developing world. The people of Taiwan, by their hard work and ingenuity, have created an educated citizenry, a relatively prosperous middle class society, and a respected body of politically able local representatives.

Despite these most admirable achievements, the martial law regime is so feared that Americans of Taiwan descent who have spoken out for democracy, are often too

frightened to return to Taiwan, even for the funeral of a beloved parent. In fact, if the rationale for martial law in Poland is weak, the justification for martial law on Taiwan is even weaker. There is no serious threat of a military invasion of Taiwan. Martial law actually weakens the ability of Taiwan to meet the challenges now confronting it. Martial law is used on Taiwan to suppress legitimate political expression. Were Taiwan a more free, open, and democratic society, it would strengthen Taiwan's moral claim to American support.

We are joining together to call for an end to martial law on Taiwan so that the people on Taiwan can enjoy the blessings of freedom and due process to which they are entitled.”

The above statement was attacked by a group of six ultra-conservative members of the House of Representatives, led by retiring Congressman Edward J. Derwinski of Illinois. The group sent a letter to all members of the House, requesting them not to support Mr. Solarz' initiative. Instead, Mr. Derwinski urged his fellow Congressman to support his own initiative calling for “... heightened U.S. economic pressure against the Soviet Union and its Moscow puppet regime (sic) until such time as martial law is lifted in Poland.”

We suggest that Mr. Derwinski study his geography more carefully before he ventures out again into foreign policy.

### *Press Conference in Washington*

Here follows the text of four statements, given at a press conference, held in the morning of May 20, 1982 in the Dirksen Senate Office Building in Washington D.C. The Congressmen were joined in responding to questions from the reporters by two prominent Taiwanese leaders, professor P'eng Ming-min and Dr. Chai Trong-rong of the Formosan Association for Public Affairs.

#### **Senator Edward M. Kennedy**

"Today marks the 33rd anniversary of the declaration of Martial Law on Taiwan. That declaration has long outlived its usefulness, and I am pleased to join my distinguished colleagues Senator Pell, Congressman Solarz and Congressman Leach in issuing a statement today calling for an end to martial law and for progress toward restoring individual freedoms and human rights for all the people of Taiwan. I am also very pleased to announce this morning that Speaker O'Neill has called to ask that I report his own endorsement of our joint statement.

During my years in the Senate, I have spoken out as forcefully as I can against abuses of human rights wherever they occur. I have opposed the serious abuses of those basic rights by the rulers of the People's Republic of China. But one cannot look the other way when such abuses occur on the island of Taiwan.

In Taiwan today, a broad range of basic liberties are denied. Serious restrictions are placed on press and political freedoms. Strikes are out-lawed. Political and religious leaders have been subjected to arbitrary arrest and imprisonment. Military tribunals are used for civil cases, and a range of other abuses persist.

Some members of the legislature in Taiwan have had the courage to question these restrictions and have called upon the government to set them aside. But despite these protests, there has been insufficient progress in restoring human rights for the people of Taiwan.

For several years I have persisted in private efforts to alleviate this burden of repression. I have urged the authorities on Taiwan to release the political and religious leaders who were imprisoned after the Kao-hsiung incident in 1979, including The Reverend Kao, leader of the Presby-terian Church, and Lin Yi-hsiung, a Provincial Assemblyman whose mother and two daughters were murdered after his arrest. I have also sought improvements in their prison conditions, and I am informed that the conditions have improved.

While I welcome these improvements, it is clear that too many citizens are jailed in Taiwan for expressing their political views and defending their human rights. I therefore call on the leadership of Taiwan to take immediate action to release the political and religious prisoners and to improve the human rights situation on the island.

In addition, I urge the authorities on Taiwan to take advantage of the opportunities that are clearly available to broaden participation in the government by all inhabitants of the island. While there have been com-mendable increases in the proportion of native Taiwanese serving as local officials, a tiny minority of mainland Chinese living on Taiwan retain virtually full control at the national level. A number of legislators have been elected who are not members of the ruling Nationalist party, but genuine opposition parties continue to be outlawed on the island. A more broadly-based government founded on the respect for human dignity and the preservation of individual liberties offers the best hope for the island's continued stability, well-being and future peace.

The United States is proud of its long and close relationship with those who live on Taiwan. And I am proud of my own role in the Senate as the principal sponsor of the

Taiwan Security Resolution in 1979 — now part of the law of our land — which was specifically designed to reassure the people of Taiwan about our concern for their security and prosperity and for peace in the area.

Now, as then, our friendship with Taiwan is based on a continued interest in their well-being and on a common belief in freedom and in fundamental human rights. The continuation of political repression blights our mutual interest and friendship. There is no acceptable justification for such repression. A restoration of basic guarantees of individual liberties on Taiwan would contribute immeasurably to the future of the island and to relations between our two peoples. I call on the leaders there to take these actions as soon as possible. The era of martial law on Taiwan must end."

### **Senator Claiborne Pell**

"Today marks the 33rd anniversary of martial law on Taiwan. I join my colleagues — Senator Kennedy and Congressmen Solarz and Leach — in calling for an end of this unnecessary and repressive measure. For the native Taiwanese — some 16 million strong — martial law continues to frustrate their quest for a free society. The mainlander Chinese dominated Kuomintang (KMT) enforces its authoritarian one-party rule in Taiwan on the grounds of a national emergency — a continuing civil war with the communists.

Under martial law provisions, the KMT controls the press, censors mail, severely restricts freedom of speech, assembly and other political activities. The authorities' preoccupation with communist subversion and a broad definition of subversive activities combine to constrain political opposition and dissent, and encourage a tendency for the security apparatus to abuse its power. For too long the KMT has by its actions impeded respect for human rights and the growth of a democratic system on Taiwan.

The authorities on Taiwan argue that martial law in the true sense does not exist on the island. They point out that there is no:

1. Military government superior to the civilian government;
2. Curfew; or
3. Military court superior to the civilian

They also point out that under the criminal code, there are 106 offenses, but only four under the jurisdiction of the military court:

1. Subversion;
2. Treason;
3. Destruction or theft of military equipment; and
4. Destruction or theft of signal equipment or radar.

Unfortunately, this self-serving explanation does not guarantee a rule of law, only “rule by law.” Citing the threat of subversion the KMT has used the police, the security apparatus, the court, and the lawmaking organs as its instruments of control over the majority Taiwanese. Dissent is considered disloyal. Opposition to the KMT is equated with opposition to the government, and anti-government activities are frequently associated with communist agitation. If the Taiwanese come to the sad conclusion that open, fair, and legitimate political activities are no longer feasible, the KMT has no one to blame but itself.

I remain optimistic, however, that the KMT is capable of significant reform. It is not yet too late for the regime to win the support of many Taiwanese who want freedom, prosperity and stability. In this context, I propose a four-point program for the KMT’s consideration. In my judgment, the regime should immediately establish a clearly defined timetable for reforms that include:

1. An end to martial law;
2. Provision for the organization of new political parties;
3. Freedom of the press; and
4. A plan for including a fair representation of Taiwanese in all national level offices.

If accepted, such a program would greatly improve the human rights conditions on Taiwan and begin the process of opening up the political process to all of the Taiwanese people.

### **Congressman Stephen J. Solarz**

Today Taiwan begins its 33rd year of martial law. That probably makes Taiwan the longest running martial law regime in the world today. The time has long since passed to end martial law on Taiwan. The people should be given the opportunity to participate in a genuine democratic system. To be sure, the economic system on Taiwan is a great success.

The people enjoy a high and improving standard of living. In addition, compared to the People’s Republic of China, there is a much greater degree of human rights on Taiwan. There is freedom of movement, the right to work and live where you want, greater freedom of religion, and freer access to exit permits.

Still, Taiwan remains essentially a one-party police state with hundreds, maybe thousands, of political prisoners. Citizens who run foul of the authorities are regularly tortured.

In fact, the secret police, which places agents in virtually all organizations, is a pervasive fact of everyday life. In addition, strikes are prohibited and independent views and journals are censored and silenced.

I certainly recognize the legitimate fears and concerns of the people and authorities on Taiwan. No one wants to see them lose the relative measure of freedom they enjoy. I do not want to see them submerged in a Communist system they do not want. I believe we should support them in their desire to have their own non-Communist social and economic system.

I am fully persuaded that if Taiwan would end martial law and move toward a more free and open system with legal due process, Taiwan thereby would strengthen its claim to the moral support of the American people.

### **Congressman Jim Leach**

It is tragic that the ruling Kuomintang continues to impose martial law after three decades of peace. Few governments in the world have as stable an economic infrastructure, as great a social cohesion, and as high levels of literacy. To maintain martial law under these circumstances is inexcusable.

While it requires great delicacy and respect for the citizens of one country to express views critical of affairs elsewhere, the traditionally close relations between the people of the U.S. and Taiwan, as well as the shared democratic aspirations articulated by statesmen of the stature of Thomas Jefferson and Sun Yat-sen, dictate that Americans speak out in opposition to the KMT-imposed martial law. In response to those, such as Governor (now Taiwan's Minister of Interior) Lin Yang-kang, who says that martial law is innocuous and is enforced "only three percent," conscience dictates that we point out:

- \* The Martial Law states clearly in Article 11 that the military authorities have the power to suspend all of the rights laid out in Chapter Two of the R.O.C. Constitution, including the freedoms of speech, assembly, association, demonstration, petition, strike, travel, and other rights. Martial law provisions permit the government to routinely revoke the publishing licenses of journals whose criticism goes beyond the cosmetic.
- \* Martial law gives carte blanche to the Taiwan Garrison Command and the other intelligence apparatus that function largely beyond civilian control to arrest, interrogate, harass, and to read the correspondence and tap the phones of any person

suspected of opposing the ruling party.

- \* Under Martial law, hundreds of political prisoners tried by military courts are serving long, harsh prison terms on often trumped-up charges of “sedition” or “propagating rebellion.”
- \* Citing the “crisis during the period of communist rebellion,” the KMT has refused to allow the formation of new political parties, which the Executive Yuan has declared would “harm national unity.”

Martial law may have been warranted by war conditions a generation ago, but today it is the most destabilizing of all factors in Taiwan’s domestic political context. The period of democratic tutelage defined by Sun Yat-sen as a necessary step toward democracy should be brought to an end. It is time for martial law to be repealed and for Taiwan’s democracy to flourish without interference from the Taiwan Garrison Command.

## *Hearings in the US Congress*

The following section contains some excerpts from testimony given at a hearing, held in the afternoon of May 20<sup>th</sup> 1982, before the Subcommittee on Asian and Pacific Affairs in the Rayburn House Office Building in Washington. The witnesses were (in order of appearance):

- Professor James A. Gregor, University of California at Berkeley.
- Dr. Trong R. Chai, President of the Formosan Association for Public Affairs (FAPA).
- Professor Richard C. Kagan, Hamline University, Minneapolis.
- Professor Yu-san Wang, Association of Free Chinese in the U.S.

### **Professor James A. Gregor**

Mr. Gregor wrote a lengthy statement justifying the present martial law in Taiwan. It is evident from the following quotes that he is not unaware of the repressive atmosphere created by martial law:

‘The Publication Law, for example, which allows for post-publication censorship still acts as a major constraint on the expression of public opinion’ (p. 22).

‘The use of the military in dealing with a select class of infractions, the vexatiously vague definition of “subversive,” the post-publication censorship, civil regulations, all have a “chilling effect” on the openness of public life in Taiwan’ (p. 22).



‘That there remain serious derogations of civil and political rights on Taiwan hardly needs emphasis’ (p. 38).

However, in spite of this knowledge, Mr. Gregor still has the audacity to suggest:

“In my judgment — and it is a judgment expressed with full knowledge of all the doleful consequences it implies for all of us committed to the defense of liberty — is that under present circumstances it would be unwise to abolish all emergency controls now operative on Taiwan...” (p. 23).

Possibly Mr. Gregor should apply for a position in Warsaw: the Polish authorities may be looking for a good person to defend martial law there.

In his statement Mr. Gregor also made a considerable number of errors of fact. Below we present the most obvious ones:

1. *“Even the pre-indictment interrogations ... today provide suspects with legal counsel of his own choice.”*

The Taiwan authorities may want to give the **appearance** that this is the case already, but to this day there have not been any reports that this provision is being implemented. Just a few days before Mr. Gregor wrote this sentence an innocent taxi-driver was tortured to death while under police-interrogation (see “The untimely death of two taxi-drivers” on page 26 of this issue of *Taiwan Communiqué*).

In June 1982 there was yet another report of a person who had died under similar circumstances. Also, the authorities still have to deal with the case of Professor Chen Wen-cheng, the American-based Taiwanese scholar who died after a thirteen hour interrogation by the Taiwan Garrison Command in July 1981.

2. *“... the authorities on Taiwan .... have allowed non-governmental human rights agencies like Amnesty International ready access to Taiwan.”*

This is another case of **appearance**: the Taiwan authorities pretend to give “ready” access. In fact, information gathering on human rights violations in Taiwan is extremely difficult. An Amnesty International delegation was indeed allowed to visit Taiwan, and was even given a guided tour of the notorious prison on Green Island, but the delegation was not allowed to meet any prisoners.

When they finally happened to bump into (and talk to) three prisoners who worked in a laundry room, these three were later put into leg-chains for their willingness to talk to the AI-delegation (see 'Long-term prisoners on Green Island', in our predecessor-publication *ICHRT-Newsletter*, no. 14, November 8, 1980). Amnesty International itself reports in its Memorandum of August 5, 1981 (p. 2):

*“Although they asked to, the delegates were not allowed to meet the eight defendants arrested after the Kaohsiung Incident, believed to be detained in Hsintien military prison, who had been charged with “sedition” on February 20, 1980. They were therefore unable to verify at first-hand reports that these suspects had been ill-treated during a two-month period of incommunicado interrogation.”*

We must say that this does not even give the appearance of the “ready access” Mr. Gregor talks about.

### **Dr. Trong R. Chai**

Dr. Chai is an Associate Professor of Political Science at Medgar Evers College, City University of New York, and President of the **Formosan Association for Public Affairs** (FAPA). We may say that Dr. Chai 's testimony was more incisive than Mr. Gregor's. Below we reprint some of the questions and answers from Dr. Chai 's prepared statement.

“Since its retreat to Taiwan in 1949, the Nationalist Chinese government has relied on martial law to suspend civil liberties and constitutional guarantees of freedom of speech, teaching and publication, freedom of correspondence and political assembly, etc. By denying freedom of speech, the Nationalist Government has silenced the Taiwanese voice and its clamor for democracy. Those who dare speak their minds and openly aspire to self-determination are charged with sedition and court-martialed. They are brutally suppressed. Thus martial law has been effectively employed by Taiwan authorities to stop those advocating changes and to prevent political democracy” (p. 1).

“Since the expulsion of the Nationalist Chinese regime from the United Nations and its loss of legitimacy to represent China in the world body, the government has increasingly relied upon censors, secret police and extreme right-wing hit squads to intimidate and terrorize the population. In 1980, for example, 453 journals were arbitrarily closed or banned by the government. The various branch offices of Formosa Magazine were ransacked and magazine personnel physically attacked. The mother and two young daughters of one opposition leader, Lin Yi-hsiung, were

assassinated after the official threat of physical harm failed to silence him. Indeed, the level of fear and police state rule on Taiwan has drastically increased” (p. 2).

Dr. Chai was asked how martial law on Taiwan compared to the situation in other nations in Asia. His answer:

“Again, the unique feature of the martial law in Taiwan is its long duration which has taken on a permanent nature. While civil liberties in such other Asian countries as Singapore, the Philippines, South Korea and Pakistan may be suspended temporarily under martial law, in Taiwan the government has maintained that those liberties must be suspended until the Nationalist Chinese Government reconquers the mainland of China — that is, indefinitely. The martial law system in Taiwan has indeed become a deliberate instrument of government to monopolize power and to deprive [the people of their] human rights” (p. 3).

Furthermore, Dr. Chai stated:

“..... the power-holders of the ruling Nationalist regime .... rely on martial law to stay in power. Other martial law beneficiaries include the upper echelon of the secret police, who regard the democratic process as a subversive activity and who see in each and every non-KMT politician and intellectual a potential traitor. They are opposed to the aspirations of the Taiwanese and treat the Taiwanese desire for self-determination as treason. They desperately need martial law power to suppress the majority Taiwanese who aspire to self-determination. Unfortunately, this small segment of the population is also the Chinese on this side of the Taiwan Straits who maintained that “Taiwan is part of China” — a baseless claim of the 1972 Shanghai Communiqué not shared by the Taiwanese” (p. 3).

Dr. Chai was asked whether there are groups on Taiwan who work to end martial law. His response:

“In the past, public debate on the merits of martial law were outlawed. Since suggestions to end martial law were regarded as seditious crime, past attempts were countered by the martial law regime. Because of the great risks involved, few would publicly speak out. Yet, from time to time, public officials of the ruling Nationalist regime as well as intellectuals and scholars have denounced its negative effects, particularly its human rights abuses” (p. 4).

The next question was: “What would happen if Taiwan ended martial law? Is there a basis from which democracy would grow, or would it be more likely that chaos and something worse than today’s martial law would develop?” Dr. Chai:

“It should be pointed out that the high degree of peace, stability and progress in Taiwan reflects the peaceful nature of the people of Taiwan and their pursuit of happiness, [and is not the result of] the repression by martial law. Today the educated middle class citizenry of Taiwan is capable of democratic government. The basis for democracy is solid and strong.

Martial law, however, tends to sow distrust among the population and stifle dialog between people and government because of its heavy reliance on the secret police. It also tends to polarize political issues and contribute to the increasingly radical form of expressions of discontent. Lifting martial law would, therefore, facilitate communication between the various segments of Taiwanese society and broaden the basis for democracy. It would remove the major obstacle to social, political and economic progress, and accelerate Taiwan’s further development” (p. 5).

Another question related to Peking’s reaction to democratization in Taiwan. Dr. Chai’s response:

“Democratization on Taiwan would mean the governance of Taiwan without martial law. Such a positive development can only be welcomed by Peking, because it would mark the end of the age-old hostility between the two parties. Henceforth, there would be no need of any pretense for attack or counterattack from either side. Instead, when China and Taiwan are two separate entities, each respecting the other, both can embark on a constructive road to peace” (p. 6).

The next question read as follows: “If democratization occurred on Taiwan, would it have a helpful impact elsewhere in Asia, China and the world? Would U.S. Government identification with forces of democratization in any way make less likely what happened with the Shah in Iran and Somoza in Nicaragua, where military regimes closely identified with the U.S. Government were overthrown in a way that brought to power anti-U.S. regimes, thus injuring U.S. foreign policy interests?” Dr. Chai’s response:

“Democratization on Taiwan will occur when martial law is lifted and the government genuinely respects the wishes of a people who in turn support their government. When this happens, removal of internal tension and possible external hostility will

significantly contribute to peace and stability in Asia. It is in the long-term interest of the United States for the American government to identify with the forces of democratization, rather than with the repressive regime. Often time, endorsement of repressive regimes has antagonized forces of democratization within those countries and led to hostilities once the regimes were overthrown. In case of Taiwan, the growing democratic forces outside of the ruling Kuomintang party deserve special attention from the United States Government.”

“.... the United States should use all appropriate avenues to persuade and pressure the Taiwan Government to respect human rights, allow organization of political parties, declare a political amnesty, discontinue press and media censorship, lift the current martial law system, and restore constitutional guarantees” (p. 7).

Dr. Chai’s testimony was followed by that of **Dr. Richard C. Kagan**, Professor of History at Hamline University in Minneapolis. Dr. Kagan presented detailed information about the activities and methods of the secret police organizations in Taiwan (in particular the Taiwan Garrison Command and the Investigation Bureau of the Ministry of Justice). A copy of his excellent statement is available upon request from Dr. Kagan (History Department, Hamline University, St. Paul, MN 55104, U.S.A.).

We conclude our report on the hearing with some excerpts from the statement made by professor **Yu-san Wang** of the “Association of Free Chinese” in the U.S. Mr. Wang attempted to justify martial law in Taiwan by saying that most Western nations in their past also had martial law at some time or another. The main examples he gave referred to several short periods in actual time of war in Europe and the U.S. during the nineteenth century and the beginning of the twentieth century. In the remainder of his statement Mr. Wang — like Mr. Gregor — also made a considerable number of errors of fact. Below we present the most obvious ones:

1. Mr. Wang wishes us to believe that: *“Only four categories out of a possible 106 offenses may be tried by military organs [Courts — Ed.], only 3.7% of the freedoms protected by the Constitution are restricted by Martial Law”* (p. 4).

We must point out that Mr. Wang’s calculation is contradicted by more objective observers. E.g., Amnesty International states in its **Briefing Paper on Taiwan** (1980):

“However, the state of siege and martial law proclaimed by the Chinese Nationalist Garrison Command (commonly known as Taiwan Garrison Command) in May 1949 suspended **all provisions** for individual rights and freedoms guaranteed by the

constitution. The state of siege was declared before the Nationalist government retreated to Taiwan and is supposed to last as long as ‘communist rebellion’ continues on the Chinese mainland” [emphasis added — Ed.].

The four categories mentioned in Mr. Wang’s testimony (also mentioned in the statement by Senator PeIl— see page 5 of this *Taiwan Communiqué*) don’t jibe with recent statements by the Executive Yuan. In the middle of June the Executive Yuan issued a statement saying that “... the forming of clubs and associations by citizens should be subject to the provisions of martial law” (China Post, June 15, 1982). We don’t find this provision in Mr. Wang’s four categories.

An offense usually tried in military court in Taiwan is bank robbery. We searched in vain for the category “bank robberies” in Mr. Wang’s list of offenses which might endanger the security of the state.

2. Further down on page 4 of his testimony, Mr. Wang states: “*Economic prosperity, social stability, political development, civil rights and living standard have become one of the best among nations in East Asia.*”

Again, we must contrast Mr. Wang’s opinion with that of objective observers. While significant progress has been made with regard to economic development and living standards in Taiwan, the same cannot be said for political and civil rights. Freedom House, the highly regarded New York-based organization gives Taiwan low ratings on both. On a scale of 1 (best) to 7 (worst) Taiwan scores a 5 for political freedom and a 6-(six-minus) for civil liberties.

With regard to civil liberties Taiwan — together with South Korea — ranks at the bottom of the following list of Asian countries with which it can reasonably be compared: Indo-nesia, Japan, South Korea, Malaysia, Philippines, Thailand and Singapore. (See ‘The comparative survey of freedom - the ninth year’, by Raymond D. Gastil. Freedom at Issue, January-February 1981, no. 59, p. 4-5).

3. With regard to the use of torture Mr. Wang states: “*The national law on Taiwan specifically prohibits the use of tor-ture. Article 98 of the code of Criminal Procedure states that an accused shall be frankly examined, but that no violence, threat, in-ducement, fraud or other improper means shall be used. Allegations of torture had been extremely rare*” (p. 5).

We may comment that, if the law on Taiwan indeed prohibits the use of torture, then someone should inform the police agencies that this is the case. Apparently neither the secret police nor the regular police agencies have heard about this law: with great

frequency there are reports of mistreatment of prisoners. In our discussion of the State Department's **Human Rights Report** we have already pointed to the main incidents of torture of persons who were imprisoned after the Kaohsiung Incident (see *Taiwan Communiqué* no. 6, p. 2). The recent cases of death under police interrogation (see "The untimely death of two taxi-drivers" on page 26 of *Taiwan Communiqué* no. 7/8) indicate that Mr. Wang's opinion is not very close to the truth.

4. Mr. Wang also presents the opinion that "*Travel abroad and emigrations are free with exception of going to mainland China*" (p. 5). If this is the case, we wonder why the Taiwan authorities recently did not grant exit permits to two prominent non-party leaders, Mrs. Hsü Jung-hsu (member of the Legislative Yuan) and Mrs. Chou Ching-yu (member of the National Assembly), who were planning to visit the United States. Mr. Wang's statement is also contradicted by the **State Department's Human Rights Report** of 1981, which states that *in 1980 alone some 20,000 people were refused an exit permit*.
5. Mr. Wang's testimony becomes rather hilarious when he compares the situation in Taiwan with that in Japan: "*... the Nationalist party (Kuomintang).... does not have a monopoly on control of the government. The reason this party continues to be in power is solely because the overwhelming majority of the people support it. In Japan the Liberal Democratic Party has been in power since 1946. No one criticizes Japan or accuses them of being undemocratic because it has been under a one-party government for so long*" (p. 9).

Mr. Wang apparently overlooks some "minor" differences between Japan and Taiwan. Just to name a few:

- a) In Japan opposition parties are allowed to function, and indeed play an important part on the national political scene. The Kuomintang. allows no opposition parties.
- b) In Japan *all* seats of the national parliamentary bodies are up for election at regular intervals. In Taiwan more than 80 percent of the seats in national elective bodies are permanent positions (until the Kuomintang "recovers" the mainland !).
- c) In Japan there is freedom of the press, assembly, and religion. In Taiwan the press is muzzled by the publication Law, freedom of assembly is restricted by Martial Law, and Presbyterian Church leaders are imprisoned for urging the government to move towards a free and democratic political system.

## *News reports*

The press conference and hearings received wide publicity in the press. Both the **Washington Post** (“Hill group demands democracy on Taiwan”, May 21, 1982) and the **New York Times** (“Congressmen ask Reagan to press for end to martial law in Taiwan”, May 25, 1982) reported on the day’s events, while in Hong Kong the **Hong Kong Standard** published an article titled “US Congressmen appeal to Taiwan: Put an end to martial law.” Some excerpts from this article:

“[during the press conference the congressmen] were asked about their stand on independence of Taiwan. Pell said he was for it. Leach and Solarz said it was a question that should be considered separately, and that the people of Taiwan should have more freedom first to say what they want.

The group was asked about any reaction from President Ronald Reagan’s administration to the joint appeal. Kennedy said that Congress is a separate branch of government and he thought many members support his views. They would be communicated to the administration he added. Solarz added: ‘You know the administration is devoted to quiet diplomacy. It’s been *véry* quiet.’

The article was concluded with a quote from a statement by Dr. Chai Trong-rong of the Formosan Association for Public Affairs:

*“The more I enjoy freedom here, the more I feel I should help my brothers there to fight for it.”*

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## **Prison report**

1. **Investigating the murder of Lin Yi-hsiung’s family.** On February 28, 1980 the mother and twin-daughters of imprisoned Taiwan Provincial Assembly member Lin Yi-hsiung were murdered, after Mr. Lin had been warned by his interrogators that he should not tell his family about his “treatment” in prison, or else his “unfavorable” things would happen to his family (see the **New York Times**, March 26, 1980). The Taiwan authorities are apparently not making much progress in solving the murders.



At the recent National Policy Conference (a gathering organized by the Taiwan authorities to discuss issues of importance to national policy) Mr. Ho En-ting, Chief of Taiwan's police department, declared that the murder of Mr. Lin's family members had not been solved yet "..... because relatives arrived earlier at the scene than the police, and thus made it impossible for the police to find evidence."

*This statement by Mr. Ho is an outright lie.* When Mr. Lin's wife and his secretary arrived at the scene of the murder, the whole building had already been cordoned off by the police. **The Asian Monthly**, which discusses Mr. Ho's statement in its August 1982 issue, also presents interviews with other persons who were quickly at the scene of the murder. These persons also contradict Mr. Ho. They say that -- apart from keep-ing people out of the house — the policemen present at the scene displayed a distinct lack of enthusiasm for finding evidence.

The latter point is also confirmed by a Swiss reporter, who was in Taipei in February 1980. He wrote in the Zürich-based **Tagesanzeiger**:

One of the first doctors who arrived at the scene of the murder told me: "*If the six or seven policemen had not used all means to prevent me from entering the basement [where the two young girls died] I would probably have been able to save the two children, who had crawled into a corner. I also felt that the police forces — which had appeared in large numbers — displayed an indescribable lack of activity*" (translated from German, **Tagesanzeiger**, March 3, 1980).

- 2. Shih Ming-teh not allowed to see his family.** From the beginning of April until the end of June Mr. Shih Ming-teh — the main "Kaoh-siung" prisoner, who received a life sentence and who is incarcerated in the isolated prison on Green Island (off the Southeast coast of Taiwan) — was not allowed to receive visits from his relatives. Starting on April 5, his sister Shih Ming-chu, was not permitted to enter the prison and pay him the customary weekly visit. Ms. Shih made the first trip together with dental technician Ms. Chang Wen-ying, who had just been released from two years imprisonment herself. The two women were told that Mr. Shih had not written the required "study report."

Following this refusal by the authorities, Ms. Shih Ming-chu submitted a petition to the Control Yuan, the Legislative Yuan, and the Ministry of Defense. Several non-party members of the Legislative Yuan and the Control Yuan also sent an inquiry to the Ministry of Defense. On June 1, Minister of Defense Soong Chang-chih replied,

saying that Mr. Shih 's punishment was "proper." Minister Soong also stated that "the relatives of Mr. Shih were not notified, so they went to Green Island anyway. In the future we will let the relatives know when a prisoner is being punished in this manner."

In the meantime Ms. Shih made several futile trips to Green Island. On May 7th, she did not get further than Taitung (still a four hour train ride from her home in Kaohsiung). She was told that the plane was full, but other passengers indicated that there were still two open seats. On May 16th she went with her daughter; she got on the train in Kaohsiung at twelve midnight, arriving in Taitung at four in the morning. This time they were allowed on the airplane and arrived at the prison at eight o'clock. Again, they were not allowed to see Shih Ming-teh. The warden informed her that "from May 10, for three weeks" Mr. Shih was not allowed to see his family because of his refusal to write study reports on the "Three Peoples' Principles."

It wasn't until June 29th that Shih Ming-chu was allowed to see her brother. Mr. Shih indicated that he had pains in his chin (where he had undergone plastic surgery before his arrest). He also said that he can hardly eat because of problems with his dentures. He requested his sister to submit an application for medical care for these problems.

Mr. Shih also said that the prison authorities had put new prisoners in the cells next to his own cell. These new prisoners seemed to be insane, making a considerable amount of noise both day and night. Mr. Shih said he feared that these insane men had been put there intentionally, in order to make him also lose his mind. He requested his sister to apply for a transfer to a less isolated prison on Taiwan itself. The meeting between Mr. Shih and his sister was broken off abruptly by prison guards when Mr. Shih blurted out that he had been beaten up again.

- 3. Hunger strikes on Green Island.** Recently more information has come out of Taiwan about the hunger strike by prisoners at Green Island in November 1981. The hunger strike started on November 5th, when Mr. Shih Ming-teh heard about the murder of Professor Chen Wen-cheng (which occurred in July 1981). He was able to send a message to other prisoners, appealing to them to join him in order to protest the murder of Dr. Chen as well as the earlier murders of the mother and two young daughters of Lin Yi-hsiung on February 28, 1980.

Mr. Shih indicated to the other prisoners that he hoped their action would help improve the conditions in prison. Mr. Shih was joined by the prisoners listed below.

They were also protesting the fact that the prison authorities had not provided any medical attention for two prisoners who died in the beginning of November (see our 'Prison Report', *Taiwan Communiqué* no. 6, p. 12). To the right of each name is indicated how many days the respective prisoners participated in the hunger strike.

NAME	DURATION	NAME	DURATION
Chuang Hsin-nan (莊信男)	10 days	Lin Shu-chih (林樹枝)	10 days
Chen Chin-huo (陳金火)	3 days	Liu Kuo-chih (劉國基)	4 days
Chen Ming-chuang (陳明忠)	10 days	Lin Shu-yang (林書揚)	3 days
Chen Shui-ching (陳水清)	3 days	Pai Ya-tsan (白雅燦)	10 days
Huang Hua (黃華)	5 days	Shih Ming-teh (施明德)	30 days
Huang Shen-neng (黃坤能)	10 days	Wang Hsin-nan (王幸男)	10 days
Hung Wei-ho (洪維和)	10 days	Yang Chin-hai (楊金海)	10 days
Kao Hao-yuan (高造遠)	3 days	Yen Ming-sheng (嚴明聖)	8 days

The following prisoners working in the kitchen of the prison also went on hunger strike for four days during the time they were not on duty:

Chien Shui-chuan (陳水泉), Lin Cheng-sung (劉貞松)  
 Hsieh Chiu-lin (謝秋波), Lai Ming-lieh (賴明烈)  
 Kuo Yueh-wen (郭越文), Shih Ting-hui (史廷輝)  
 Wu Tsau-yuan (吳紫元)

On December 10, 1981 a group totaling more than 30 prisoners went on hunger strike to commemorate International Human Rights Day.

4. **Health condition of long-term prisoners on Green Island.** Recently we received a partial list of Green Island prisoners. Most of these persons have been imprisoned since the early fifties, and are suffering various illnesses. The list presents only some basic information, such as the age, number of years in jail, birthplace, and type of illness:

NAME	AGE	YEARS IN JAIL	BIRTHPLACE	TYPE OF ILLNESS
Chen Lieh-cheng (陳烈珍)	58	32	Taichung	ulcer
Chen Shui-chuan (陳水泉)	56	32	Matou	ulcer
Chu Wei-huang (朱煒煌)	54	32	Hsinchu	gland disorder
Fan Yueh-chiao (范月樵)	59	20	Chiang-hsi*	?
Hsieh Chiu-lin (謝秋臨)	58	32	Taichung	ulcer/rheumatic
Hsu Wen-chang (徐文贊)	58	32	Taoyuan	health OK
Hung Shui-liu (洪水流)	65	32	Matou	?
Li Cheng-san (李振山)	54	32	Peitou	ulcer/paralysed
Li Kuo-ming (李國民)	65	32	Matou	tuberculosis / mental problems
Li Shih-chieh (李世傑)	68	15	Fukien*	rheumatic
Lin Cheng-ting (林振霆)	60	32	Kwantung*	one tooth left
Lin Shu-yang (林壽揚)	56	32	Matou	hemorrhoid
Liu Chen-sung (劉辰松)	52	32+	Taichung	ulcer
Liu Tien-chao (劉天照)	-	-	Shantung*	died in 1981 of tongue cancer
Lu Chin-mu (呂金木)	56	32	Matou	ulcer
Meng Chao-san (孟昭三)	61	20	Shantung*	mental problems
Wang Chi-shih (王繼視)	57	20	Shantung*	mental problems
Wang Chin-hui (王金輝)	56	32	Matou	ulcer/arthritis
Wang Ju-san (王如山)	60	32	Taichung	asthmatic
Wang Teh-sheng (王德勝)	62	32	Taichung	ulcer/rheumatic
Wang Wei-ching (王維清)	50	32	Taichung	hemorrhoid / mental problems
Wang Yun-fu (王永富)	54	32	Peitou	heart condition
Wu Yueh-ming (吳約明)**	62	32	Taichung	eye disease

\* in China

\*\* Amnesty International has reported that Mr. Wu was released on parole on medical grounds on 24 February 1982 (Amnesty International Newsletter, April 1982)

5. **No bibles for FORMOSA prisoners at Hsin-tien prison.** In June it was reported that several of the imprisoned opposition leaders — in particular Taiwan Provincial Assembly member Lin Yi-hsiung and theologian Lin Hung-hsüan — had requested the use of an English-language Good News Bible. However, the prison authorities have until now refused to allow the family members to give such a bible to the prisoners.

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## Mr. Reagan's letters to China

For the past several months US President Ronald Reagan has been trying to patch up the slowly deteriorating relations between the U.S. and the People's Republic. The problems stem from Mr. Reagan's determination — voiced during the elections in 1980 — to upgrade relations with Taiwan. Since taking office Mr. Reagan has found out that upgrading of these relations with his "old friends" isn't possible, but he has also discovered that continuation of weapon sales to the present regime in Taiwan also proves to be quite difficult.

In order to try to resolve the situation Mr. Reagan decided to send letters to the three most prominent Chinese officials. In a letter, dated April 5, 1982 he told Communist Party Deputy-Chairman Deng Xiao-ping:

*"We fully recognize the significance of the nine-point proposal of September 30, 1981 and the policy set forth by your Government as early as January 1, 1979."*

This statement constitutes an endorsement of the plan for peaceful unification that Peking proposed to the Taiwan authorities last September. In a letter to China's Premier Zhao Zi-yang — also dated April 5, 1982 --Mr. Reagan indicated that "in the context of progress towards a peaceful solution, there will naturally be a decrease in the need for arms by Taiwan."

The third letter — dated May 3, 1982 — was hand-carried to Peking by Vice-President George Bush. It was addressed to Communist Party Chairman Hu Yao-bang and reiterated Mr. Reagan's commitment to a one-China policy. Mr. Reagan wrote:

*"....we will not permit the unofficial relations between the American people and the Chinese people on Taiwan to weaken our commitment to this principle."*

Subsequent press reports have indicated that the three letters are part of a negotiating-process leading up to what has been called “Shanghai Communiqué no. 2” (see ‘The president’s seal’, **Far Eastern Economic Review** June 4, 1982, and ‘A new U.S.-China romance’ **Newsweek**, June 14, 1982). The new “Shanghai Communiqué” would contain the three elements outlined in Mr. Reagan’s letters:

1. U.S. reaffirmation of the principle of “one China”,
2. restatement of Peking’s commitment to reunification with Taiwan by peaceful means, and
3. U.S. commitment to gradually phase out arms sales to Taiwan (it is apparently being debated rather hotly, whether this phasing out should be “in the context of progress towards a peaceful solution” or not — the U.S. insisting on it, while China opposes this condition).

The changing of the guard at the State Department - replacing Mr. Haig by Mr. Schultz — will, in all probability, not change the course of U.S.-policy significantly. However, it is interesting to note that during his confirmation hearings in the U.S. Senate Mr. Schultz agreed with Senator Barry Goldwater that the U.S. has never officially recognized China’s claims to jurisdiction or sovereignty over Taiwan.

**Taiwan Communiqué comment:** *The principle of “one China” is a proper one. It should not, however, imply any **recognition** of China’s claims to Taiwan. The U.S. has in the past **acknowledged** such claims, but not **agreed** with them. An emphasis on a peaceful resolution of the differences between Taiwan and China is also to be applauded, but it is essential to point out that such a peaceful resolution will never be possible if the native Taiwanese are not represented by democratically--elected leaders. In other words: internal democracy in Taiwan is a prerequisite for a peaceful resolution.*

*The fact that the Kuomintang-authorities continue to claim themselves to be the government of all of China is the major reason for China to claim Taiwan. However, a democratically-elected government on Taiwan would strive for peaceful coexistence with China, which would — over time — decrease the hostilities between the two countries and would eventually lead to the much-desired peaceful settlement. It is there-fore essential for the U.S. government to urge the Taiwan authorities to move towards a democratic political system.*

*The Taiwanese people are the ones who live, work and die on Taiwan. In accordance with the principle of self-determination — as stated in the Charter of the United Nations,*

Article 1 (2) — *they themselves should decide the political status of the island. It is time for the inter-national community (including Mr. Reagan) to recognize this fact.*

In closing our comment, we wish to quote Dr. Mark Chen, President of the **World Federation of Taiwanese Associations**, who stated in a letter to Secretary of State Alexander Haig (dated February 12, 1982):

*“... we the Taiwanese, now wish to go on record that any communiqués, understandings, agreements or treaties based on the fallacious premise of Chinese sovereignty over Taiwan are not binding on the Taiwanese people. Any such accords reached between the Communists and the Nationalist Chinese, or between them and any other nations affecting the destiny of Taiwan will not have binding effect without **genuine** Taiwanese people’s representation. Taiwan is not a piece of real estate. Nor are the Taiwanese people to be made pawns of power politics.”*

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## Ms. Lü Hsiu-lien, portrait of a prisoner

Lü Hsiu-lien is Taiwan’s foremost feminist. In 1971 — at the age of 27 — she became well-known in Taiwan by her series of articles on “*The traditional roles of men and women*”, published in the United Daily News. In the following years she also had columns in the China Times and in the Taiwan Times. By the time of her arrest in December 1979 — following the Kaohsiung Incident — she had written three books: “New Feminism”, “The Amendment for Legalizing Abortion” and “The Past and Future of Taiwan.”

She also set up centers for assistance to women in Taiwan’s two largest cities, Taipei and Kaohsiung and found time to spend two years in the United States, where she first earned a Master’s degree in comparative law from the University of Illinois, and subsequently went on to Harvard Law School, where she received her L.L.M. degree.

In 1978 she ran for office: she would certainly have been elected to a seat in the Legislative Yuan if the Taiwan authorities had not cancelled the elections at the last minute — following President Carter’s normalization of relations with China. In the summer of 1979 she joined **Formosa Monthly** magazine, becoming its deputy director. During the Kao-hsiung Incident she gave an excellent speech, analyzing Taiwan’s international status (see **The Kaohsiung Tapes**, published in February 1981 by the International



Committee for Human Rights in Taiwan and by the Society for the Protection of East Asians' Human Rights). Website: <http://www.taiwandc.org/kao-tapes.pdf>).

After her arrest she — like the other imprisoned opposition leaders — was held incommunicado for two-and-a-half months. At her trial in March 1980 it became apparent what those months were like:

*Lü Hsiu-lien, 36 years old, was allowed to describe 50 days of interrogation in which she said her questioners threatened to arrest members of her family if she did not copy and sign a composed confession. Ms. Lü, who holds a master of arts in comparative law from the University of Illinois and a master of law degree from Harvard University, broke down into tears as she described 400 hours of questioning in which, she said, she was advised to prepare a will because she would probably be executed.*

*... She said she was forced to stand for long periods, denied food for one full day .... She said her questioners showed her a photo-graph "again and again" of the grotesque body of a man executed for sedition and told her to compose a will because she was about to meet the same fate. "The so-called confession was something they read and I took down," she said (quoted from the **New York Times**, March 20, 1980).*



**Annette Lu**

Based on the above-described "confession" the military court sentenced her to twelve years imprisonment. She is now serving her sentence in Tu-cheng prison in Panchiao, just southwest of Taipei. She and Ms. Chen Chü — a fellow "Kaohsiung Eight" defendant — share adjacent cells. In our previous *Taiwan Communiqué* (no. 6, March 28, 1982, p. 13) we already described the stifling conditions in the prison. In March and April there was increased international concern about Ms. Lü's health. U.S. columnist Jack Anderson wrote:

"She is almost in constant pain; she has trouble breathing and feels a strangling sensation in her throat. Lately she has reportedly been vomiting blood, and her weight



has increased alarmingly, make her face and body puffy. When Lü suffers her attacks, usually at night, she cries out for help. But her jailers do not respond. Only her cellmate is there to offer solace in their unlighted cell” (*Formosa - rule is benign, but it's still military*’, **Washington Post**, May 20, 1982).

In response to expressions of concern from abroad the Taiwan authorities apparently allowed Lü Hsiu-lien to be treated in a military hospital in Taipei. However, officials downplay the possibility of recurrence of Ms. Lü’s thyroid cancer (for which she was operated in 1974).

We believe that continued expressions of concern are necessary, and we request our readers to send letters, urging the release of Ms. Lü for medical reasons, to:

Prime Minister SUN Yun-suan  
1, Chung-hsiao East Road, Section 1  
Taipei, TAIWAN

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## Is the Taiwanese Association “seditious” ?

During the past few years the Taiwanese Association has played an increasingly important role in the Taiwanese communities abroad. Its social functions, such as the Lunar New Year and summer barbeques and baseball games, are generally the highpoints of any Taiwanese grouping — large or small. It thus serves as meeting point for all Taiwanese, no matter what his or her political opinion. Invariably, discussions about politics are hot debates, but the meetings are very open and democratic in nature.

In 1974 the World Federation of Taiwanese Associations was founded as the international umbrella-organization for all local and national Taiwanese Associations. Its annual convention (which, this year, was held in Houston) became the rallying points for the international Taiwanese community. Because of the free flow of political debate it became suspect in the eyes of the Taiwan authorities as a “Taiwan Independence” (Tai-tu) organization. However, in a surprise move, Premier Sun Yun-suan declared on March 21, 1982 that

“... the government has never regarded Taiwan provincial associations abroad as Tai-tu (Taiwan Independent) organizations or Tai-tu’s satellites. In his reply to Legislator Chung Jung-chi ‘s inter-pellation, he indicated that any such talks arise from misunderstandings only” (**China Post**, March 22, 1982).

Mr. Sun's position changed again, however, when six non-party members of Taiwan's Legislative Yuan, Control Yuan, and National Assembly wanted to travel to Houston to attend the annual meeting of the World Federation in the beginning of July. In a statement issued on June 27th, the Executive Yuan declared that "...Government officials should not take part in any meeting controlled by elements of the Taiwan Independence League."

*Taiwan Communiqué comment:* There is no organization by that name. The formal organization favoring Independence is the World United Formosans for Independence (WUFI), but the Taiwan authorities apparently hesitate to even pronounce the name.

The statement also indicated in no uncertain terms that any officials who went to the meeting anyway would have to face the legal consequences of their actions (**China Post**, June 28, 1982).

In the end, only four non-party members were allowed to fly to the United States, but only because they were also invited by the North America Taiwanese Professors' Association (NATPA) — which held its annual meeting a week later. The four did visit Houston, but attended a meeting of the *local* Taiwanese Association, which just happened to be held in the same general area as the World Federation's meeting.

Two women, Mrs. Chou Ching-yü (non-party member of the National Assembly) and Mrs. Hsü Jung-shu (non-party member of the Legislative Yuan) did not even get an exit permit to travel to the U.S. This fact seems to contradict the pious statement by pro-KMT witness Mr. Wang Yu-san — made during last May's Congressional hearings on martial law in Taiwan that "travel abroad and emigrations are free with exception of going to mainland China."

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## Articles and Publications

1. **A Calendar of Hope.** At the beginning of 1982 Mrs. Chou Ching-yu, wife of imprisoned lawyer Yao Chia-wen, published a "Calendar of Hope."

The calendar — a 110 page booklet (in Chinese) with space for notes and names/addresses — was designed by Mr. Yao. The cover (a painting of a plum blossom branch) was also painted by Mr. Yao. The calendar runs from December 10, 1979 (the date of the "Kaohsiung incident", after which Mr. Yao and other opposition leaders

were imprisoned) to December 9, 1991 (The approximate date of his release). Chou Ching-yu wrote the following foreword:

“Ever since my husband and other friends associated with Formosa Magazine were imprisoned, our lives began to be dominated by counting the days. I began to realize the significance of every single day. Days are long, but not endless. I sincerely hope that this “Calendar of Hope” will be helpful to those who are waiting for these difficult days to end, and who are looking forward to better times to come. I know personally that one needs hope to make it through these long days of waiting. This calendar is full of HOPE.”

The calendar may be ordered from: Mrs. Helen Tu, P.O. Box 2377, Richmond, CA 94802, U.S.A. At this address one may also order a subscription to Care Magazine, a monthly publication — published by Chou Ching-yu — about social welfare in Taiwan (in Chinese). 18 U.S. dollars per half year, or 30 U.S. dollars for a one year’s subscription.



**2. Taiwanese Professors’ Association Bulletin.** The North America Taiwanese Professors’ Association (NATPA) has — since its foundation in the beginning of 1980 — published a bulletin with very interesting articles about a variety of scholarly topics. The most recent issue (Volume II, no. 1, March 1982) contained the following excellent articles about politics and human rights:

- a. ‘Why Taiwan rejects China’s Unification offer,’ by Dr. Parris Chang of Pennsylvania State University.
- b. ‘Random thoughts on the future of Taiwan,’ by Dr. Fu-mei C. Chang of Hoover Institution, Stanford University.
- c. ‘The Beijing-Taipei-Washington tangle and the Taiwan issue,’ by Dr. Tsuangkuang Lin of Drake University.

The NATPA Bulletin is available (published 3 times per year, Annual subscription \$10.00, single copies \$4.00) from NATPA, 5632 South Woodlawn Avenue, Chicago, III 60637, U.S.A.

3. **The Christian Science Monitor reports.** This Boston-based newspaper (known for its objective reporting) recently published two excellent articles about the Taiwan issue. The first one, titled “The two Taiwans”, was published in the April 8, 1982 issue. In the article reporter Anne Shutt gives her impressions from interviews with both Taiwan-based and U.S.-based leaders of the Taiwanese community. Some excerpts:

“Political magazines — including K’ang [Ning-hsiang’s *The Eighties* and *The Asian*] — have a precarious existence in Taiwan. Antonio Chiang [Chief editor of both magazines] will attest to that. He met K’ang when he covered the legislature for the *China Times*, one of Taipei’s biggest newspapers. The *China Times* is known to be carefully controlled by the KMT.

Chiang was a frustrated reporter. Most of his copy (his beat was politics) got censored. So, after eight years of reporting for the establishment, Chiang was easily persuaded to edit the opposition magazines — even with a 50 percent cut in pay. But the frustration wasn’t over. One of the magazines, **The Eighties**, was banned the day after the “Kaohsiung incident” of December 10<sup>th</sup>, 1979.

The rally was originally intended to celebrate the 31st anniversary of the Universal Declaration of Human Rights. But it ended with violence - incited, according to many observers, by KMT -sponsored rabblers.

“... [A] subject, very close to the hearts of their publishers, is covered extensively by the opposition editors: Taiwan’s national identity. The KMT -controlled school system teaches children Chinese mainland history, geography, and culture — but doesn’t teach the students anything about their own homeland. Yet, Taiwanese children seem to be able to maintain a sense of national identity different from what they get in the classroom. As one American analyst describes the situation, many Taiwanese students who study in the U.S. or Europe want to return and use their education to Taiwan’s benefit. Not so with the children of the mainlanders. ‘They have no reason to go back — no homeland. The mainland elite is not reproducing itself,’ says the analyst. This is exactly what the moderate oppositionists hope for — a war of attrition in which the results are a generation of spirited, well-educated young Taiwanese and the demise of what they see as incestuous and inefficient KMT-style government.”

Thus far the first article from the *Christian Science Monitor*. A second article appeared in the July 14, 1982 issue. It was an excellent opinion-page essay, titled ‘Let the Taiwanese

decide', authored by **Mr. Fulton T. Armstrong**. Mr. Armstrong lived in Taiwan from 1976 to 1980, and presently serves as legislative aide to Republican Congressman Jim Leach of Iowa. A few highpoints:

“The United States is treating Taiwan like a chip in the Asia card game. It’s about time we dealt the Taiwanese in. But Washington, Peking, and Taiwan’s ruling Kuomintang (KMT) have all been reluctant to allow the people of Taiwan a voice in their own future. Washing-ton feared giving offense first to Chiang Kai-shek and now to Pe-king, both of whose cooperation at different times has been per-ceived more important to US interests than Taiwanese democracy. Thus the US has consistently failed to support the Taiwanese democratic movement.

Without US pressure, the KMT has not allowed the movement to blossom for obvious reasons. Liberation would mean repeal of martial law (now beginning its 34th year) and retirement of the hundreds of officials whose jobs and power are derived exclusively from martial law, including many elected in the 1940’s in Nanking who have enjoyed “permanent” seats since.

Peking also, in designing its peaceful unification plans to appeal to the KMT only, has failed to acknowledge that a democratic — and thus anti-communist — movement even exists in Taiwan. If the Taiwanese were allowed a role in the game to decide their future, China knows they sooner or later would call its bluff.

The Taiwanese — anyone of Chinese, Hakka, or aboriginal extraction whose identity is integrally linked to Taiwan — have shown in their “economic miracle” how united and powerful they can be. Under often inspired economic leadership, in just one generation they have transformed the island from a backward colony of Japan into a formi-dable player in international trade with one of the best-educated populaces in the world, adequate housing, no starvation — a society perfectly ripe for democracy.

What the Taiwanese would choose if given a chance to determine their future is tightly linked to how they resolve their centuries-old identity crisis, which has its roots in a late Ch’ing Dynasty policy towards the island. Around 1870, when Tokyo demanded redress from China for the massacre of 50 Japanese sailors shipwrecked on Taiwan, a Ch’ing official told the Japanese foreign minister that Peking could not take responsibility because the “Taiwan savages” were outside the influence of Chinese government and civilization (Japan proceeded to invade Taiwan and punish the “savages”).

Through the Treaty of Shimonoseki 22 years later, Japan officially gained from China full control over Taiwan. From 1895 until the end of World War I, the Taiwanese lived as Japanese subjects — speak-ing and studying Japanese, serving (and dying) in the Imperial Army, and working under their foreign rulers for a pittance.

Less than two years after becoming “Chinese” again, in February 1947 the Taiwanese rose up in the most widespread rejection of what they saw as the cangue of Chinese identity. In that “2-28 Incident” against the KMT, armed forces — recently arrived from China --killed more people than had been killed during the 50 years of Japanese rule preceding it and in the three-and-a-half decades of often harsh KMT rule since.

Taiwanese desperation in the search for identity has not reached such a high, violent level since. In fact, a great deal of progress has been made in people-government relations, partly because many dissidents have been eliminated over the years, but mostly because the “native” Taiwanese (whose families were there before the 1940’s), who now make up about 90 percent of the population, have set political differences aside and united with the government in developing the economy.

But setback after setback — loss of voice in the United Nations, de-recognition by all but an insignificant handful of nations, denial of participation in world sporting events, in essence becoming a pariah state - have convinced the Taiwanese that the new challenges they face demand new policies developed by a younger, more moderate generation. Finding an identity means an enhanced role in democratic government, which is only slowly being permitted by the KMT, but is being facilitated by the natural passing away of old cadres within the ruling party. At home, time is on the Taiwanese’s side.

Internationally, however, it is not. The longer it takes the Taiwanese to establish their own voice and earn international support for their right to have that voice, the dimmer the chance that they can effectively counter efforts to defeat them. Just recently, for exam-ple, President Reagan ‘s letters to Chinese leaders were released stating: “there is only one China. We will not permit the unoffi-cial relations between the American people and the people of Taiwan to weaken our commitment to this principle.”

For the US and the KMT to continue to deny the Taiwanese a role in determining their future in unconscionable. No matter what the Taiwanese might decide, to unify or confederate with China, to declare independence, or to simply maintain the status quo — we should not be party to the conspiracy to deny them the right to decide.”

4. **Newsweek: Spies in the classroom.** On May 17, 1982 the New York-based weekly published an article, titled 'Spies in the Classroom,' about spying by Kuomintang agents in the United States. A few excerpts:

“Student-agents of Taiwan’s ruling Kuomintang Party (KMT) haunt cam-puses all across the United States, taking names of suspected dissi-dents .... The problem was spotlighted most dramatically last sum-mer when Chen Wen-cheng, a professor at Carnegie-Mellon University, went home to visit his parents and then was found dead on the campus of National Taiwan University. Although Chen’s death was officially said to be an accident or suicide, many believe he was killed by the KMT because of alleged anti-government activities reported by spies in the United States.”

“According to Taiwan students here, as many as five branches of the KMT government .... gather intelligence in the United States. They are loosely orga-nized through Taiwan’s Coordination Council for North American Affairs. Students say the KMT often recruit its spies out of military academies. Most are bona fide students who moonlight as spies; a few are full-time agents posing as students. KMT officials in Taipei reportedly keep tabs on which U.S. schools need more informants and which students need to be watched. Accor-ding to sources in the United States, some informants receive a monthly salary of \$ 600 ; others get \$ 50 or \$ 100 for each report they submit.”

“When the KMT gets a negative report about a student, it usually issues a warning. Further transgressions can prompt a visit by secu-rity police to the student’s family; ultimately, “dissidents” may have their passports revoked and be imprisoned. Rita Yeh, a former University of Minnesota student, was sen-tenced to a fourteen-year prison term in January 1981, in part because she attended Chinese movies in the United States.”

“Taiwan Government officials in the United States deny that any spying goes on. According to Congressional sources, however, the U.S. Justice Department and the FBI acknowledged the problem during House Asian and Pacific Affairs subcommittee hearings last year on Chen’s death. The House passed legislation, softened in conference with the Senate, that would have banned arms sales to countries that have spies on American campuses.”

5. **Herald Tribune on Taiwan's spying.** On June 2, 1982 the Paris-based English-language International Herald Tribune also carried an article about spying by Taiwan. The article by **Washington Post** reporter Patrick E. Tyler, titled 'Taiwan's spies wage skillful covert war inside the U.S.', focused on military spying and theft of classified U.S. government documents by the KMT, but it also touched on the issue of spying by agents of the Nationalist Chinese government on native Taiwanese students in the United States. Two quotes from the report:

“classified reports that circulated at the State Department's China desk on a given Friday were circulating in Taipei by the following Monday, according to one senior official of the former administration of President Jimmy Carter.”

“By 1977, the Taiwanese government had become so involved in fomenting political opposition to the normalization process in the United States by secretly funding demonstrations and other activities that the Carter administration added Taiwan to the secret list of hostile foreign intelligence services and targeted Taiwanese diplomats for surveillance and wiretaps.”

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## Notes

1. **The untimely death of two taxi-drivers.** On April 14, at 3:20 in the afternoon, the Kuting branch of the Taiwan Land Bank in Taipei was robbed. The skinny robber, speaking Mandarin with a Shantung accent, got away in a taxi, carrying NT\$ 5.3 million (approximately 126,800 U.S. dollars) with him. In the course of the robbery a bank-employee was wounded by a shot from the robber's handgun. The case caused a large-scale manhunt, led by the larceny division of Taipei's Police Department. However, by the beginning of May, still no suspect had been found — in spite of a large reward of almost 50,000 U.S. dollars.

In the evening of May 4, the police questioned taxi driver Wang Ying--hsien, a heavy-set mainlander from Shantung province. He was released, but on May 6 he was called in again. His daughter, who went with him to a police “guest house” near Taipei 's airport (address for those who are interested: 407 Fu-ching street), later said that while she was being questioned — and slapped in the face — she heard sound of torture in the next room, where her father was being interrogated: after she had seen a detective walk into the room with a piece of rope she heard her father moan with pain



and vomit. At three o'clock in the morning Mr. Wang was taken away from the police office. The next morning his body --with seven broken ribs, a 10 cm. long wound on the back of the head, and a cracked pelvic bone — was found in the Hsintien river.

The police claimed that Wang had “committed suicide for fear of punishment” by jumping from the bridge at four o'clock in the morning. The police didn't explain why Mr. Wang should be walking on the bridge at that time of night.

However, the same night, another branch of the Taipei Police Department arrested taxi driver Li Shi-ko — a skinny mainlander from Shantung --who readily confessed that he had committed the robbery. This certainly made the police's task of explaining Mr. Wang's death more difficult. The five detectives implicated in Wang's death were called in for questioning, but released on bail. At the time of this writing (August 7<sup>th</sup> 1982) there have been no reports that any legal action has been taken against them. They were all graduates from Taiwan's Central Police College. Two held master's degrees, one studied at the University of Vienna, while two had received training from America 's Central Intelligence Agency (see ‘The case of the duckbilled robber’, *Asiaweek*, June 11, 1982).

On May 18, Mr. Li was tried in military court (apparently robbing a bank endangers the security of the state - Ed.). On May 21 he was sentenced to death and on May 26 he was executed. In the meantime the police offered condolence money to the family of Mr. Wang. Initially they were offered approximately 5,000.- U.S. dollars, but later the offer was more than doubled — amid reports that the police was trying to buy off the family. Mr. Wang's son confirmed that the police had requested the family not to press charges.

## **2. Revising the Criminal Code — one step forward and two backward.**

The events following the bank robbery renewed the discussion of interrogation methods by the various police agencies. This matter had been raised in early 1980 in connection with the two month-long interrogations of non-party members arrested after the Kaohsiung Incident and, last summer, in connection with the death of Professor Chen Wen-cheng (after a thirteen-hour interrogation by the Taiwan Garrison Command).

In the beginning of July 1982 the Executive Yuan approved a revision of the Criminal Procedure Code. The revision (of Article 27 of the Code) would make it possible for

an accused to have a lawyer during the investigation process. Up until now an accused could not retain a lawyer until the indictment had been filed by the prosecutor — which, in most cases, was several months after the arrest. During this time the much-feared interrogations took place.

*However*, in a classic “one step forward, two steps backward” move, the Executive Yuan simultaneously introduced revisions of Article 71 (Title 1) and Article 88 (Title 1) of the Code. The revisions make it possible for the police to question and arrest people without a warrant under a broad range of conditions. The four “specific” conditions are sufficiently vague to give the police virtually full freedom:

- a. If a suspect is informed on by a major criminal who has been caught red-handed with enough evidence showing that the suspect had allegedly committed a crime.
- b. one who escapes arrest or escapes when being conveyed by the police.
- c. one who escapes after police questioning and against whom solid evidence has been found to link him with the crime; and
- d. one suspected of a crime which would carry a sentence of at least five years in jail.

The Executive Yuan sent the proposed revisions to Taiwan’s Legislative Yuan, where it ran into opposition from non-party legislators. The major non-party leaders were in the United States (maybe that’s why the Executive Yuan moved so quickly on the proposed changes). Although the debate was quite heated, the bill was passed 122 votes for and 4 against. The following are some excerpts from a statement issued by eight non-party members:

“For more than twenty years, the people of Taiwan have been asking for legislation to allow defendants to have a lawyer present during the interrogation by the police. After so many human lives have been lost [due to death after torture — Ed.] the Executive Yuan finally send a bill to the Legislative Yuan for examination.

However, it is a watered-down version in which the positive provision is virtually nullified by the expansion of police powers to arrest people without a warrant. We cannot understand why it took the Executive Yuan twenty years to come around to submitting legislation protecting human rights [in Taiwan only the executive branch of the government has the power to initiate legislation — Ed.] but it took the Executive Yuan only two weeks to present us with proposed legislation to expand the powers of the police.

It is a generally known fact that the quality of the police is very low in Taiwan: last year the Chen Wen-cheng case happened, and this year Wang Ying-hsien was killed. This proposed law does not make the situation better, but only worse. We are very disappointed by this decision by the Government, which always claims to be “for the people.”

Quotes from ‘A statement by non-party legislators on the proposed revisions in the Criminal Procedure Code.’ **Asian Monthly** magazine no. 15, August 1982, p. 28.

**3. Fraud during elections ? Don't have elections !** In March 1982 there was a furore in Taiwan over bribery during the election of the speaker of the Taipei County Council. The newly-elected speaker of the Council was arrested on the accusation of bribing members of the Council. He had apparently offered several members NT\$ 1.2 million (more than 25,000 U.S. dollars) each to vote for him. The speaker-elect, Mr. Chen Wan-fu, and his brother in law were later sentenced to one-and-a-half year imprisonment, while several Council members received sentences from three to six months for accepting NT\$ 200,000 from Mr. Chen.

The episode is interesting for two reasons: first, according to sources in Taiwan the Government's decision to persecute Mr. Chen is not so much a “clean up” operation by the authorities, but more a part of an intra--Kuomintang power struggle. Mr. Chen was apparently associated with the slightly less-conservative wing of the KMT, led by KMT secretary-general Tsiang Yien-si, which is under great pressure from the more conservative wing headed by Premier Sun Yun-suan. The latter also seems to be able to count on more support from the secret police agencies, while the former has stronger ties to the business community.

The second interesting aspect is that a number of officials used the episode to show that “Taiwan has too many elections: more officials should be appointed instead of elected.” The most prominent person espousing this view was Mr. Liu Yü-yu, Minister of Interior of the Taiwan provincial Government. In response, **The Eighties Monthly** magazine (no. 21, April 1982, p. 34) printed an article titled ‘Please do not murder democracy’, in which it argued for more elective offices, instead of less. The main points:

- a. We should improve our election system, not destroy it.
- b. There is election fraud at all levels— from the national elections down to the local level. To solve this problem we have to strengthen our judicial system, so fraud and violence during elections can be prevented.

- c. The reason that there is so much waste of money and resources during elections is that our democracy is not completely moving yet. The history of our democracy is still too short. To solve this problem we should have more elections, we should educate the people so they can make wise choices. Only when the people have become used to the democratic way of life, *thén* will elections run their course and make our country a stable democracy. “

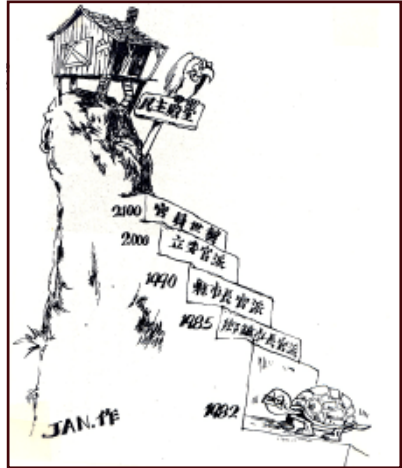
The article was accompanied by a cartoon picturing the “turtle of democracy” on its way to the “sacred hall of democracy.” Apparently the poor turtle still has to take a few unsurmountable hurdles:

1985 : village chiefs and small-city mayor are appointed.

1990 : county magistrates and city mayors are appointed.

2000 : national legislators are appointed.

2100 : all government officials can be succeeded by their sons.



The cartoon does not indicate a name for the vulture at the top of this “stairway to democracy”.

**4. Banning publications.** During the past several months the Taiwan authorities have continued to ban magazines containing articles critical of the government. In *Taiwan Communiqué* no. 6 (March we already mentioned two magazines, *Deep Plough* (*Sheng Kéng*, and *The Politician*, which had their February banned. In June and July three more issues of *Deep Plough* (10, 11 and 12) were also banned because they contained “forbidden topics.”

*Deep Plough* no. 10 carried an article about the death of taxi-driver Wang Ying-hsien (see ‘The untimely death of two taxi drivers’, p. 26). Apparently It was not to the liking of the police authorities. The next Issue, no. 11, reprinted the *Newsweek* article about Kuomintang spying in the United States (see p. 25). That issue didn’t make It to the news-stands either. The most recent banning concerned issue no. 12, which carried an article about the murder — one year ago — of Professor Chen Wen-cheng.

Other publications were also at the receiving end of the wrath of Taiwan’s censors (i.e. the police): *Ocean Tide* magazine published in Kaohsiung — was banned for a year,

because its no. 5 issue contained an article suggesting that there should be democratization on both sides before unification with China could be discussed. In 1980 Ocean Tide also had stopped publishing for a year because of a banning order.

Taipei-based **Horizontal-Vertical** magazine (Chung Héng) lost its two most recent issues in the Government's banning spree. No. 15 contained an article about the problems of poor, single, old, main-lander soldiers, who came over to Taiwan with Chiang Kai-shek in 1949. Apparently their unhappy condition is a sensitive issue for the Kuomin-tang, so it cannot be discussed. The soldiers have been separated from their families on the mainland for more than 30 years and many would like to go back before they die.

No. 16 of **Vertical-Horizontal** didn't fare any better than its predecessor: it discussed the issue of Chiang Ching-kuo's succession and thus disappeared from the newsstands into the trucks of the police. An additional reason for the banning of no. 16 may have been the fact that the editors quoted from a letter — written in 1979 by World Federation of Taiwanese Associations President Dr. Mark Chen to then Senate Foreign Relations Committee Chairman Frank Church — in which Dr. Chen emphasized the Taiwanese people's right to self-determination.

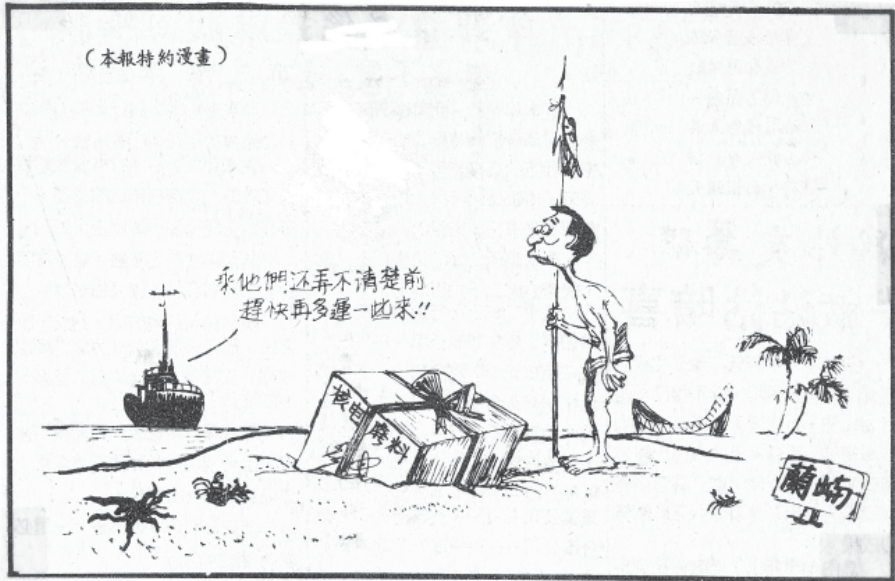
**5. Orchid islander "like" nuclear dump?** Recent events with regard to the disposal of nuclear waste on Orchid Island (off the southeast coast of Taiwan) illustrates the twisted logic of some of Taiwan's authorities. The Taiwan Power Company (a government-owned utility) decided to deposit some 12,000 barrels of untreated nuclear waste from its power plant at Chinshan (near Taipei) on the island.

According to reports in the pro-government newspapers in Taiwan the islanders are supposed to like to have the dump there:

“Orchid island residents want to know what all the fuss over nuclear waste material is all about. Inhabitants of this small offshore island claim they are proud that Orchid Island has been chosen as the site of the first storage dump for untreated radio-active waste materials and are urging the Provincial Government to declare the storage dump and official national tourist attraction” (**China Post**, April 28, 1982).

In order to show that he didn't treat the matter lightly, the Minister of Economic Affairs, Mr. Chao Yao-tung “..... donned a hard hat and rode in a truck loaded with barrels of nuclear waste material, stating “if nuclear waste material is a threat to life, let me be the first to die” (**China Post**, May 3, 1982).

The New York-based Taiwanese newspaper **Taiwan Tribune** commented on this situation with the following cartoon:



The captain of the ship which has just deposited a package of nuclear waste on Orchid Island: *“Let us bring some more nuclear waste, before these islanders realize what it is.”*

**A note to our subscribers:**

This double issue of *Taiwan Communiqué* was made necessary by the large amount of information generated by the Congressional hearings of May 20, 1982. We felt it would be more useful to our readers if one issue contained a full overview of the important statements made during that day. We thank Congressman Stephen Solarz and the **Taiwan Tribune** for making the material available to us.

FROM:  
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ISSN Number: 1027-3999

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August 1983

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Taiwan Communiqué supports a free, democratic, and independent Taiwan, and campaigns for full and equal membership of Taiwan in the international community, including a seat in the UN.

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