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Huang Hua Sentenced to Long Prison Term

On 8 December 1990, the Kuomintang authorities in Taiwan sentenced Mr. Huang Hua, a leading member of the opposition Democratic Progressive Party (DPP), to 10 years imprisonment for his role in the **New Nation Movement**, an organization he established in November 1988, which advocates a new, democratic, and independent Taiwan.

The activities of the Movement culminated in the formation of the **New Nation Alliance**, a coalition of 32 DPP-candidates, who ran in the December 1989 elections on a joint pro-independence platform. The Alliance posted a major victory when 20 out of the 32 candidates were elected.

The soft-spoken Mr. Huang (51), a writer and editor, has long been a prominent advocate of political reform and a peaceful transition to an independent Taiwan under a new and democratic government. In March 1990, he ran as the DPP's candidate against President Lee Teng-hui in the island's Presidential "elections."



Mr. Huang Hua

He entered the elections to protest the anachronistic system of selecting the President, who is named by the National Assembly, which is still mainly made up of old mainlanders, elected in China in 1947.

Mr. Huang was jailed three times before on political charges, in 1963, 1967, and 1976, and has spent a total of 21 years and four months in jail for his political beliefs and his writings in favor of democratization and human rights.

On 20 December, Mr. Huang started a one-week hunger strike in prison. According to his wife, Ms. Wu Pao-yu, Mr. Huang did not want or demand anything for himself, but wanted to show solidarity with the hundreds of supporters who were staging hunger strikes island-wide to demand his release.

Mr. Huang's arrest prompted a number of demonstrations and hunger strikes by students at National Taiwan University, Soochow University, and the Tainan Theological College of the Presbyterian Church. On 25 December 1990, some 200 student representatives from 16 universities and colleges around the island went to Taipei to present a petition to the National Assembly -- which was holding its annual meeting at Chungshan Hall -- to request the release of Huang Hua, and to urge the Assembly to implement constitutional reforms.

However, the police prevented the students from getting close to the Assembly Hall. After a stand-off of approximately an hour, DPP-members of the National Assembly intervened on behalf of the students, and ten of them were allowed to enter the building. However, by that time the meeting had ended. Finally, DPP-member Wu Che-lang accepted the students' petition on behalf of the Assembly.

In the meantime, the London-based human rights organization Amnesty International announced in mid-December 1990 that it has re-adopted Mr. Huang as a prisoner of conscience.

The KMT clamps down on Independence

The Kuomintang authorities still continue to attempt to suppress advocacy of Taiwan independence, because it undermines their worn-out claim to legitimacy as government of all of China. Under the provisions of the National Security Law, which replaced the 38-years' old Martial Law in July 1987, advocacy of independence is considered "seditious" and punishable by up to 10 years imprisonment.

However, Mr. Huang was not charged under the National Security Law, but under the much more severe provisions of the outdated “**Statute for the Punishment of Sedition during the Period of Communist Rebellion**,” a law dating from 1948, when the KMT authorities still ruled mainland China. This statute stipulates a much heavier penalty for sedition cases: ten years to the death sentence.

However, there is a growing sentiment on the island that the time has come to discard the claim to sovereignty over all of China and to get Taiwan out of its international diplomatic isolation by moving towards a new political system on the island which fully represents the people of Taiwan. Such a new government could then be recognized by the international community as the sovereign and legitimate government of Taiwan.

DPP legislators start filibuster

Between 12 and 19 December 1990, a number of DPP members of the Legislative Yuan filibustered the proceedings of the Yuan in protest against Mr. Huang’s imprisonment. They argued that Mr. Huang had a right to free speech and free political expression, and that his arrest and sentence was a step backwards for democracy in Taiwan.

On 18 , 19 and 20 December, and again on 29 December 1990 the matter led to angry confrontations between the DPP legislators supporting Mr. Huang, and Kuomintang legislators who wanted to bulldoze several laws through the Legislative Yuan. Oddly enough, one of the laws was a proposed **Clemency Law**, which provided for an amnesty on the occasion of the 80th anniversary of the founding of the “Republic of China” in beginning 1991. However, the Kuomintang authorities wanted to exclude political prisoners such as Mr. Huang from the amnesty.

On 28 December, the Clemency Law was approved by the Legislative Yuan in spite of strong protests from DPP-members that there was no quorum present, and that the vote was thus invalid.

The December 25th demonstration

On 25 December 1990, the democratic opposition in Taiwan, the Democratic Progressive Party (DPP), held a large-scale public protest demonstration against Mr. Huang’s imprisonment, and against the outdated political system in Taiwan, in which

the Kuomintang authorities still claim sovereignty over mainland China, and maintain a political system dominated by elderly mainlanders elected in China in 1947.

The peaceful procession started a Chiang Kai-shek Memorial in the early afternoon, and -- after winding through the center of Taipei -- ended three hours later at the Sun Yat Sen Memorial. It was led by DPP-chairman Huang Hsin-hsieh, former chairman Yao Chia-wen, and Reverend Kao Chun-ming, the former secretary general of the Presbyterian Church in Taiwan.

Presbyterian Church issues

Statement of Protest

Two days after Mr. Huang's sentencing, the Church and Society Committee of the Presbyterian Church in Taiwan issued the following statement about Mr. Huang's imprisonment:

Regarding the Judicial Injustice of Huang Hua's Imprisonment

On the eve of the International Human Rights Day, Huang Hua was convicted and sentenced by Taiwan's Judiciary to ten years in prison on the charge of "preparing to commit sedition", by advocating Taiwan independence. We believe the Court's sentence is itself an abuse of human rights, and is totally against the UN Human Rights Resolution, which Taiwan's government endorsed. The 19th provision of the UN resolution states that everyone has the freedom of advocacy and the freedom of speech. Taiwan's own Constitution also guarantees the freedom speech.

As the Bible say, "But you have trampled and crushed beneath your feet the lowly of the world, and deprived people of their God-given rights, and refused them justice. No wonder the Lord has had to deal with you!" (Lamentations 3: 34-36).

The Presbyterian Church in Taiwan is deeply concerned about the unjust sentence given to Huang Hua.

We urge the Kuomintang to accept as soon as possible the peoples' desire that Taiwan not be taken over by Communist China, which include citizens' publishing of statements regarding Taiwan's sovereignty and movements to promote Taiwan independence.

We also call on the government to stop deceiving itself and others by continuing to claim that congressmen elected over forty years ago are the sole legitimate representatives of China, while in reality their role is to maintain the current government's benefits.

We also urge the government not to contradict itself, by, on the one hand making conciliatory gestures regarding the "February 28" Incident massacre, while on the other hand raising new tensions by suppressing the Taiwan people's movement for an independent Taiwan and the issue of Taiwan's sovereignty. For, by so doing, the government will only create greater instability and chaos in Taiwan's society.

10 December 1990

The Church and Society Committee of the Presbyterian Church in Taiwan

Huang Hua's Statement to the High Court

When Mr. Huang was brought to trial on 17 November 1990 before the High Court, he delivered a lengthy statement, recounting the reasons for his support of Taiwan independence. Here we reprint an excerpt of the statement:

"As has been pointed out by our Taiwanese hero Cheng Nan-jung [who burned to death in April 1989, when police stormed into his office to arrest him on "sedition" charges — Ed.] the Kuomintang is only a military regime occupying Taiwan. It has no legal authority whatsoever to charge Taiwanese people with sedition and bring them to trial.

In keeping with this view, Cheng Nan-jung refused to appear in Court and finally burned himself to death. I, A-hua [Huang Hua's nickname — Ed.], am unable to follow in Cheng Nan-jung's courageous footsteps. I have been brought to this court of the Kuomintang. I feel ashamed of it. However, I stand by Cheng Nan-jung's view and refuse to recognize the legality of the Kuomintang's rule on Taiwan.

I earnestly state that the Kuomintang is not qualified to try me on “sedition” charges, and I am not going to answer any questions by the judge. I do not stand here to defend myself. I am here to report to the Taiwanese people and to Taiwanese history. I am here to speak out my heart as a participant of the Taiwan Independence Movement.

I have only one wish: I wish that I can live to see the beautiful flag of the Republic of Taiwan being slowly raised while the sounds of our new national anthem are heard.

Huang Hua

First of all, I would like to emphasize that the New Nation Movement — which I set up and led — is an integral part of the Taiwan Independence Movement. After my arrest, I have been greatly pleased by the formation of the “Committee for Taiwan’s Independent Sovereignty Movement” by the Democratic Progressive Party. It shows the courage of the DPP to take the historical responsibility to strive for an independent and new nation. For that, I feel it worthwhile should I be sentenced to 15 years in prison.

I, A-Hua, am 52, counted in the Taiwanese way (51 by Western counting — Ed.). This is the fourth time I have been arrested due to political reasons. During the previous three time, I served 21 years and 4 months in total. This time, I have no idea how long I will serve. Nevertheless, I have no regret over my lifetime commitment to the independence movement. Even if I have to serve 10 or 20 years in prison, I would still engage in the Taiwanese independence movement when I walk out of prison and I find there is no real democracy and independence in Taiwan, although I will be in my sixties or seventies at that time.

I am a member of a peaceful movement. For the independence of Taiwan I have suffered all kind of torture and harm during my life. However, I do not seek revenge, nor do I intend to harm anybody. I only want to firmly express my opinion that all people of Taiwan should be respected as free individuals, and they should be able to enjoy basic human rights, of which no political power can deprive them.

In my life, I have noted that Taiwan is a society full of life and vigor. I have witnessed the Taiwan Independence Movement from the day it sprouted until today, when it is playing a decisive role in the future of our island. This movement can no longer be suppressed. It can no longer be ignored.

The growth of the Taiwan Independence Movement has been achieved at a price, many lives and much bloodshed. This movement grew out of the bitterness of the

“February 28th” Incident of 1947. It has been propelled forward by a new Taiwanese spirit. It responds to the needs of the 20 million people in Taiwan. I have confidence in this new movement.

Besides the loss of ten thousands lives in the “February 28th” Incident, the murder of the family of Assembly-member Lin Yi-hsiung (in 1980), the murder of professor Chen Wen-cheng (in 1981), the self-immolation of Cheng Nan-jung and Tseng Yi-hua (in 1989), the death of Legislative Yuan member Liu Wen-hsiung in the Yuan’s meeting hall, during a debate over Taiwan’s sovereignty — all these events have proved once and again that the Taiwan Independence Movement has a strong living power, and that it can survive the threat of death. Any repressive measure will only strengthen its power to grow.

Since the death of Cheng Nan-jung, I am the first one representing the Taiwanese people to stand in the court of the rulers and be charged with “sedition.” I feel it a great honor. The support by the people has led me to believe that under the rule of a violent government, sedition is the obligation of the people.

The independence of Taiwan is a matter of thought in the people’s minds. When everyone identifies with this beautiful island, regards it as the best place to live, and is willing to fight for it; when everyone recognizes that all Taiwanese share a common fate, then it is not difficult for Taiwan to become independent.

I have now been arrested four times and imprisoned. I have no hatred nor regret so long as my sacrifice brings the Taiwanese people hope and confidence.

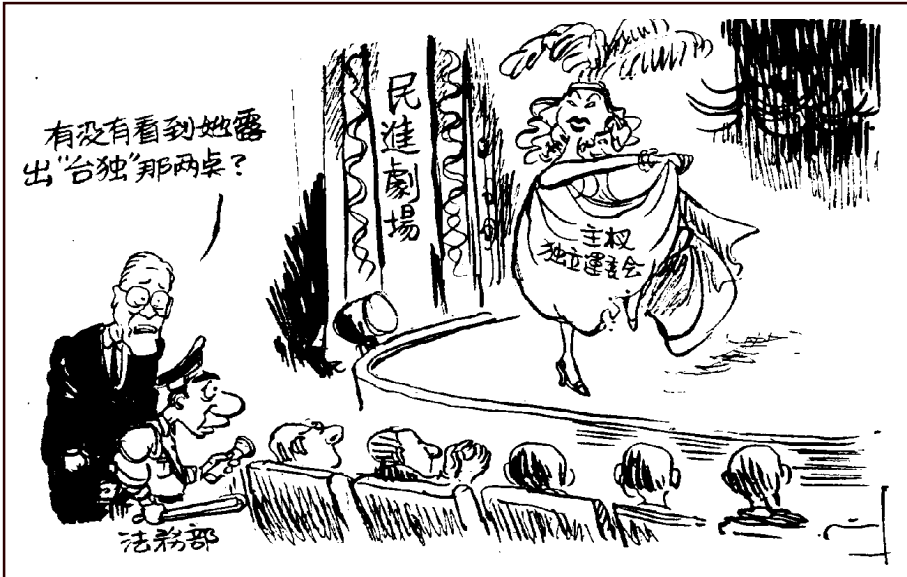
I have only one wish: I wish that I can live to see the beautiful flag of the Republic of Taiwan being slowly raised while our new national anthem is being played.

The DPP establishes

Sovereign Independence Movement Committee

On 14 November 1990, the democratic opposition of the DPP established a Taiwan Sovereign Independence Movement Committee (TSIMC), which has as its purpose to promote the principle that the sovereignty over Taiwan belongs solely to its people, and that formal independence is the most appropriate legal status of the island.

The move resulted in immediate threats by the Kuomintang authorities that people participating in this Committee would be arrested and sentenced to long prison terms. Government spokesman Shaw Yu-ming told a news conference on 15 November that his government would "...never tolerate any political party challenging the law ... and will definitely deal with seditious actions advocating independence in accordance with the law."



President Lee Teng-hui to eager policeman: "Has she (TSIMC-dancer) revealed her two (Taiwan independence) points yet?"

The Constitution and the laws of the Kuomintang authorities still date back to 1947 and 1948, the days when they ruled mainland China. Questioning this outdated claim, and being a proponent of a free, democratic, and independent Taiwan, is still not allowed by the Kuomintang authorities.

At the end of November 1990, President Lee Teng-hui even directed the Cultural Affairs department of the Kuomintang to issue a circular explaining the "...danger of the thought of Taiwan independence." On 1 December 1990, the Taiwan High Court ordered its prosecutors to start "collecting evidence" against the TSIMC, a foreboding of formal charges.

***Taiwan Communiqué comment:** it appears that the Kuomintang is returning to the days of George Orwell's "thought police" (see our review of professor James D. Seymour's article "Taiwan's thought police" in Communiqué no. 20, pp. 18-19). In a modern, democratic society in which freedom expression should be guaranteed, such directives as given by President Lee are totally out of place. We urge President Lee to withdraw the directive immediately, lest Taiwan slide back towards the dark days of repression.*

The Kuomintang's "reform" Charade

Trickery of Constitutional Reform Committee

After the National Affairs Conference (NAC), which was held from 28th June through 4 July 1990, there was a feeling in Taipei that democratic reforms were close at hand (see Communiqué no. 45, pp. 1-5). In our previous issue we already commented on the lack of progress during the first few months (see: "The Kuomintang backtracks on reforms", Communiqué no. 47, pp. 6-8).

The results that have come out of the Kuomintang's Constitutional Reform Committee (CRC) since then are even more disappointing. This is perhaps no surprise, as the CRC is stacked with elderly mainlanders and KMT-faithful ! No DPP-members or reform-minded academicians have been allowed on the CRC, in spite of the unanimous proposal by the National Affairs Conference itself that such a broad-based Committee be set up.



Elderly Assembly member

On 3 December 1990, the KMT's Constitutional Reform Committee voted to allow the present National Assembly — still largely made up of old mainlanders elected in 1947 — to formally be responsible for revising the Constitution.

The move drew strong criticism from DPP as well as progressive KMT legislators and the press. They pointed out that the legitimacy of the old mainlander Assembly-members was already seriously questioned by the people of the island, and that allowing these old diehards in charge of amending the Constitution would only create more problems. Many urged the Kuomintang and president Lee Teng-hui to stick to the original proposal of holding elections in 1991 for a new, democratically-elected National Assembly, and put this new Assembly in charge of changing the Constitution.

Not really ending “Period of Communist Rebellion”

In the beginning of December 1990, it also became known in Taipei that the Constitutional Reform Committee of the Kuomintang was proposing that in May 1991, the “Period of Communist Rebellion” and its associated 170 statutes would not be really repealed — as was promised by president Lee Teng-hui in May 1990 — but that on 20 May 1991, President Lee would only make an announcement that the “Period” has ended, but that the associated statutes will in practice remain in force until they have been replaced by new legislation, which still could take several years.

Taiwan Communiqué comment: *it appears that the Kuomintang intends to play a similar trick as in 1987, when they replaced the old Martial Law with the new National Security Law. This is a clear indication that the Kuomintang is not seriously interested in implementing the reforms promised in the Spring of 1990, but only wants to give the outside world the appearance it is going through the process of reform.*

If President Lee and his government indeed wish to gain the respect of the international community, and particularly of the democratic countries in Europe and North America, they should immediately implement the promised reforms, and not backtrack by using such deceptive tricks.

China Relations

The Kuomintang's "China will attack" ruse

Editorial

In the debate about the future of Taiwan, one often hears the argument that "China will attack if Taiwan declares itself independent." Oddly enough, this argument is mainly being voiced, not by the Chinese Communists in Peking themselves, but by their old archenemies, the Kuomintang authorities in Taipei.

The Kuomintang authorities have thus put themselves into the position of propaganda organ for the Communists. This is astounding, to say the least, since the Kuomintang has for four decades kept up a highly hostile attitude towards the PRC.

The real reason why the Kuomintang authorities are using this argument is that in a truly free and independent Taiwan, they would risk losing political power to the democratic opposition of the DPP, just like the Communist regimes in Eastern Europe lost power to the democratic forces there. The Kuomintang thus uses the "China will attack" ruse as a scare tactic to scare the Taiwanese people away from supporting independence.

The Cabinet establishes illegal foundation

In the previous issue of *Taiwan Communiqué*, we reported on the formation of three bodies which supposedly will be at the core of the Kuomintang's policy towards the mainland: the National Unification Committee (NUC) under the auspices of the Presidential Office, the Mainland Affairs Council (MAC) under the Executive Yuan, and a "private foundation" to handle day-to-day matters.

In mid-November 1990, this foundation, the Foundation for Exchanges Across the Taiwan Strait (FEATS) was established in Taipei. Presumably a private, non-profit organization, the foundation would act as the implementing arm of the Cabinet's "Mainland Affairs Council" and would be in day-to-day charge of "legal, trade, and other relations" between Taiwan and mainland China.



Prime Minister Hau Pei-tsun "overriding" Legislative Yuan

Mr. Koo Cheng-fu, a local business tycoon, was appointed chairman, and it was announced that the starting capital would be NT 700 million (US\$ 25 million), the government supplying NT\$ 520 million. The Board of Directors is to be made up of 43 members, mainly businessmen and prominent Kuomintang party and government officials.

The establishment of the foundation drew immediate protests from the DPP and even from a number of Kuomintang legislators, who argued that the formation of the foundation at this time was illegal, since the "Statute for people-to-people relations across the Taiwan Straits" — the legal basis for the Mainland Affairs Council and its FEATS subsidiary — had not been approved yet by the Legislative Yuan.

The matter led to a lengthy tug-of-war between the cabinet and the Legislative Yuan: on 27 November 1990, a heated debate took place in the Legislative Yuan, with both

the DPP and a number of Kuomintang legislators demanding that the Mainland Affairs Council and the FEATS be disbanded until their legal basis had been established. KMT legislator Wu Tzu charged the Cabinet with deliberately violating the law, saying that if the Yuan would allow what the Cabinet did to go unchecked, the Cabinet could do anything in the future.

On 28 November, the DPP submitted its own version of a new “Relations Across the Taiwan Strait” law, which would establish an official organization to handle day-to-day affairs in the relations with China. The principal difference with the Kuomintang’s version would be that the intermediary organization proposed by the DPP would be closely controlled by the Legislative Yuan, while the Kuomintang’s FEATS incorporates the usual blend of cronyism between the KMT-party and business.

On the next day, 29 November 1990, the Legislative Yuan decided to shelve the Administrative order allowing the establishment of the MAC, and issued a formal notice to the Cabinet asking it to stop the operations of the Mainland Affairs Commission, but agreed to complete legislation of the MAC Organic Bill within a month.

However, a few days later, Prime Minister Hau Pei-tsun said in a Cabinet meeting that the MAC and FEATS would continue their operations, regardless of any opposition in the Legislative Yuan.

Peculiar Red Cross role

A very peculiar role is being played in the whole game around the MAC and the FEATS by Mr. Chen Charng-ven, the secretary-general of the Red Cross in Taiwan. In his capacity as Red Cross official, Mr. Chen has had contacts with Communist officials regarding the repatriation of poor mainlander fishermen and farmers who attempted to go to Taiwan as present-day boat-refugees.

However, Mr. Chen is now also vice-chairman and secretary-general of the proposed FEATS, thus mixing a number of responsibilities. The matter even led to interpellations in the Legislative Yuan, with both KMT and DPP legislators questioning the legality of Mr. Chen holding on to his law practice and both the FEATS and Red Cross positions.

Chinese Communists discuss Taiwan

During the first half of December 1990, the PRC regime in Peking organized a week-long top-level meeting to discuss Taiwan affairs and decide on policy guidelines concerning the mainland's relations with the Taiwan.

While it will take some time before it will become fully clear what was really decided there in Peking, the first signals show the usual lack of flexibility and new ideas. The aging Peking authorities cling to the forlorn idea that they can “unify” Taiwan with their China, and continue to threaten to use force if Taiwan doesn't voluntarily subject itself to mainland rule.

Both the Kuomintang authorities and the democratic opposition in Taiwan dismissed the conclusions of the conference as “empty, impractical, and lacking any new meaning.”

In Memoriam General Sun Li-jen

A World War II warrior passes away

On 19 November 1990, former general Sun Li-jen (age 91) died in his home in central Taiwan. The general was one of the Kuomintang's few able and incorrupt military leaders during World War II. He trained and led the Chinese nationalist troops which served in the Burma Theater, and fought with distinction alongside American General Joseph Stilwell (see **Barbara W. Tuchman**: “*Sand against the Wind, Stilwell and the American Experience in China, 1911-45*”).

After the war, general Sun was less fortunate: in 1955 Generalissimo Chiang Kai-shek — who was always afraid that any able and brilliant men around him would outshine him — had him arrested after several of general Sun's officers attempted to issue a petition in which they listed a number of grievances.

After his arrest, general Sun and a number of his officers were falsely charged with “harboring Communists” — for which he could be sentenced to death — and court-

martialled. However, due to the high esteem in which he was held by the Americans, Mr. Sun was “fortunate” enough to be found guilty of “only culpable negligence”, and was put under permanent house arrest. However, most of his fellow-defendants were less fortunate (see below).

General Sun remained under house arrest for 33 years, until 1988, when the new “Taipei Spring” led to a review of his case by the Control Yuan, and to his release and rehabilitation (see *Taiwan Communiqué* no. 34, pp. 5-7).

On 11 December 1990, Mr. Sun was buried near his home in the central Taiwan city of Taichung. Some 10,000 people, including a number of prominent government officials, joined the funeral procession.

The Kuomintang’s Gulag Archipelago

General Sun’s death coincided with reports in Taiwan that some 135 of his officers, who were also arrested after the 1955 attempted petition, were first sent to the off-shore prison at Green Island — the Kuomintang’s version of Devil’s Island — where they were held for many years. A number of them became insane, apparently due to solitary confinement and mistreatment at the hands of the prison guards, and were later transferred to the Yuli Mental Asylum in Hualien County.

The Yuli Mental Asylum was reportedly one of a number of similar mental institutions around Taiwan. According to the report, the Yuli facility housed some 250 political prisoners as “psychiatric patients” among a total of some 1,700 patients. The report — which was issued by psychiatry professor Chen Kuang-chung of National Taiwan University — mentioned a number of specific cases, such as Mr. Sun Kuang-yien, a close associate of general Sun Li-jen, and Mr. Hsu Hsi-tuan, a graduate student at national Chenchih University, who was active in the student movement in the late 1960’s.

Professor Chen stated that the Yuli institution constituted only about 10% of the total sanitarium capacity on the island. He said that his research showed that in the records of quite a number of these institutions people are listed as “those who have written anti-government literature and threatened the nation’s security.” After Professor Chen issued his report, The Chinese-language newspaper Liberty Times interviewed several patients who said they had been brought in for political reasons, and were prevented from leaving.

In the beginning of December 1990, another Chinese-language newspaper, the **Independence Evening News**, carried a report of a former political prisoner, Mr. Huang Shu-lin, who stated that in 1961 he was sentenced to 15 years imprisonment for “sedition”, and that after he was released in 1976, he wanted to write a letter to President Chiang Ching-kuo, telling him how he had been tortured during his imprisonment. However, when it became known that he wanted to write this letter, the authorities simply picked him up and moved him to the Yuli Mental Institution, where he was kept against his will for 4 years.

Prison Report

Leo Yih-sheh back to freedom

In several previous Taiwan Communiqué's we reported on the arrest of, and charges against, Mr. Leo Yih-sheh, a prominent member of the Canadian-Taiwanese community, who was arrested in Taiwan in November 1989 and charged with “sedition” for speaking out in favor of Taiwan independence.

The pressure on the Kuomintang authorities, both by the democratic opposition in Taiwan, and by church and human rights organizations internationally, finally seem to have paid off: on 15 December 1990, Mr. Leo was released at the end of his ten months' imprisonment on “illegal entry” charges, and on 20



Mr. Leo Yih-shih

December he left Taiwan to return to freedom in Canada. As we reported in **Taiwan Communiqué** no. 46 (pp. 11-14), the High Court dropped the “sedition” charges on 1 October 1990, but referred the case back to District Court.

At the time of Mr. Leo departure, the District Court had not pronounced itself on the case, but the High Court had not put any restrictions on Mr. Leo’s departure from the island, thus providing the authorities a face-saving way to end the matter.

Ms. Chen Wan-chen on trial

As we reported in **Taiwan Communiqué** no. 47, in the beginning of November 1990, the Taipei authorities arrested two well-known independence advocates, Mr. Huang Hua and Ms. Chen Wan-chen. In our cover article we focused on Mr. Huang’s sentence. Below follows a report on Ms. Chen’s case.

On 10 November 1990, just 6 days after she was arrested, Ms. Chen was brought before the Taipei District Court. Ms. Chen and co-defendant Ms. Wu Pao-yu — wife of Huang Hua — were charged for organizing a demonstration near the Presidential Office on 10 October 1989 (see our report on the demonstration in **Taiwan Communiqué** no. 42, pp. 18-19).

The two women face separate charges for protesting the gold awards, which the Taipei authorities issue to defecting mainland pilots. On 7 September 1989, they disrupted a press conference held at the Government Information Office for the recently-defected Chinese airforce pilot Chiang Wen-hao.

At the 10 November 1990 court session, the judge adjourned the hearing after Chen and Wu refused to answer questions. On 17 November Ms. Chen was sentenced to six months imprisonment.

“Spreading rumors” may become offense

A draft Law on Maintaining Social Order, which was submitted to the Legislative Yuan for approval at the end of November 1990, contained a section which would make it a crime to “... spread rumors, or lead, control, or join bad organizations.” Another section would make it punishable to “wander around late at night without proper reasons and refusing to obey police.” According to the draft, police could —

without trial — punish these “crimes” with up to seven days in jail or a fine not in excess of NT\$ 30,000 (approx. US\$ 1,070).

During the first reading of the draft in the Legislative Yuan, several DPP and “Young Turk” KMT legislators stated that the wording of the law was ambiguous, and could easily be abused by the authorities to restrict freedom of political expression and association.

Clemency for gangsters ...

In January 1991, a general clemency was announced in Taiwan on the occasion of the 80th anniversary of the founding of the “Republic of China” in 1911. A total of some 14,000 prisoners had their sentences reduced by one-third, while some 10,000 others had their sentences reduced by one-half. To the surprise of many in Taiwan, the KMT authorities included several well-known gangsters and murderers in the amnesty.

Admiral Wang Hsi-ling, former director of the Military Intelligence Bureau, Mr. Chen Chi-li, leader of the notorious Bamboo Union gang, and Mr. Wu Tun, Chen’s lieutenant, would be eligible for parole once their sentences are commuted in January. The three are responsible for ordering and executing the murder of Chinese-American writer Henry Liu, in October 1984. Mr. Liu had written a critical biography of President Chiang Ching-kuo (see *Taiwan Communiqué* no. 47, pp. 17-18).

... but not for political prisoners

However, the Bill regulating the general amnesty initially did not allow for any clemency of political prisoners. When, on 4 December 1990, the Bill came before the Legislative Yuan for approval, the DPP protested strongly, and started to filibuster the proceedings. On 15 December 1990, even one old mainland-elected legislator, Mr. Chao Shih-hsi, strongly criticized the authorities for the lack of consistency: he pointed out that persons accused of “sedition” were included in the two previous general clemencies (in 1975 and 1988).

Mr. Chao also stated that the government would give the wrong signal to society in Taiwan if it included serious criminals like murderers in the amnesty, but excluded people who have participated in demonstrations for political freedom, farmers’ rights, and environmental protection.

On 12 December 1990, KMT-legislators reportedly agreed that persons sentenced under Article 100 of the Criminal Code for “sedition” or “obstructing official duties by staging illegal demonstrations” would also receive clemency under the Bill. During the period January through October 1990, some 472 persons were arrested and convicted under this Article of the Bill, mainly for participating in demonstrations.

However, a few days later it became clear that Prime Minister Hau Pei-tsun put his foot down, and ordered the Kuomintang legislators to nullify the agreement. The DPP then requested to meet with Hau to discuss the matter. As this issue of *Taiwan Communiqué* was going to press, the meeting was scheduled for the end of December 1990.

DPP legislators have long argued that Article 100 of the Criminal Code should be deleted altogether, because it gives the authorities the possibility to arrest anyone voicing criticism of the authorities by staging a demonstration. In this way, they say, it has become a means to clamp down on the democratic opposition, and persons in the farmers’ rights and environmental movement.

Economic / Environmental Report

The Economist: “When a miracle stalls”

On 6 October 1990, the London-based **The Economist** published a highly incisive article on the economic and political developments in Taiwan. It highlighted the downturn in the overheated stockmarket and economy in general, and the fact that the earlier strong growth has led to some major imbalances. Some excerpts:

“The miracles are over, and Taiwan’s people are losing faith. The island has already had a dreadful year. The stockmarket has fallen by 80%. The economy is growing at its slowest pace in five years. Investment is well down, and company profits outside the financial industry have fallen by a third. Asia’s most dynamic economy of the 1980s, indeed of the past 30 years, has lost its way.”

No wonder government officials in Taipei talk of a loss of popular confidence. When its economic energy flags, beleaguered Taiwan has little national self-confidence to fall back on. In the past few weeks Indonesia, Saudi Arabia and Singapore have severed diplomatic ties with Taiwan in favor of its communist rival on the mainland. Will South Korea be next to scorn (the Kuomintang's) claim to recognition as the legitimate government of China? A poorer Taiwan will surely be a friendless Taiwan."

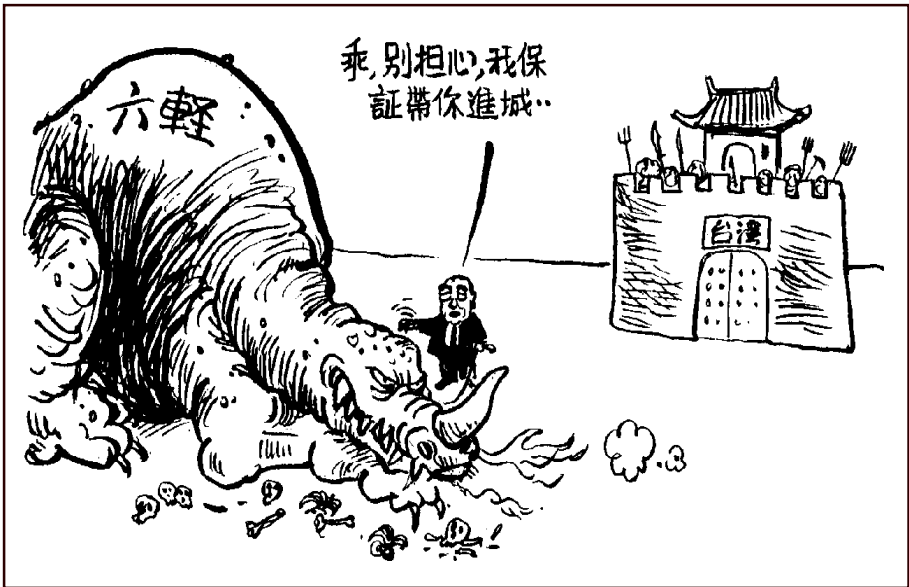
Debate over 6th naphta cracker intensifies

In *Taiwan Communiqué* issue no. 46 (October 1990) we reported on the plans of the Kuomintang authorities to go ahead with the construction of two new naphta cracking plants — the fifth and sixth on the island. The construction of the fifth one, to be owned and operated by the state-run China Petroleum Corporation (CPC), is now definitely going ahead in the Houchin suburb of Kaohsiung.

However, the debate over the sixth one, to be operated by the private Formosa Plastics Group (FPG), a conglomerate owned by a Kuomintang crony, Wang Yung-ching, is intensifying: Mr. Wang first attempted to gain favorable conditions in Taiwan by threatening to locate the new US\$ 7 billion plant on Hantsang Island, on the Fukien coast of mainland China. Later, he attempted to play off one location in Taiwan, Kuangyin (on the Taoyuan coast), against another, Li-tze, near Suao, on the eastern seaboard coast of Ilan County.

At the end of November 1990, residents of Suao and surrounding areas formed the **Anti Sixth Cracker Union** and vowed to oppose plans to locate the cracker in the Li-tze Industrial Zone. A key organizer of the movement is non-affiliated Legislative Yuan member Chen Ting-nan, the highly regarded former County Magistrate of Ilan County.

Even a number of pro-Kuomintang legislators expressed support of the movement: on 30 November, the Breakfast Club, a group of progressive Kuomintang legislators, called for the commissioning of environmental impact studies on all of the cracker's possible locations, and a referendum in Ilan County to decide whether to allow FPG to build the naphta cracker there.



Prime Minister Hau Pei-tsun to 6th Naphta Cracker Dinosaur":
"Don't worry, I'll get you into that fortress Taiwan."

On 4 December 1990, some 3,000 Ilan residents converged on Taipei to demonstrate. They first gathered in front of the Ministry of Economic Affairs and wanted to deliver a petition. However, Vice Economics Minister Li Shu-chiu refused to accept the petition from legislator Chen Ting-nan and nine representatives, because "in would not be in accordance with street rally regulations." After some two hours at the Ministry, the protesters marched towards the Formosa Plastics Group head office, where they remained until they dispersed and returned to Ilan.

A few days later, the young and dynamic Ilan County Magistrate, Yu Hsi-kun, threw his weight behind the anti-cracker movement, when in a press conference he said that to safeguard the health and well-being of the residents of his county, he felt compelled to oppose plans to locate the cracker near Suao. Mr. Yu pointed out that recent investigations showed that another plant owned and operated by FPG, a petrochemical plant in Lungteh, was one of the worst polluters of the area. What confidence did this give the residents of Ilan in FPG's promises that pollution by the naphta cracker would "minimal" ?, he asked.

A nuclear power plant near Taipei ?

In mid-November 1990, the Cabinet in Taipei reportedly decided to include the plans for the island's fourth nuclear power plant in the Six-Year Development Plan, which is being drawn up for the period 1991-1997. The announcement drew immediate protests from Mr. You Ch'ing, the DPP County Magistrate of Taipei County and from residents of Kungliao, the coastal town where the reactor is being planned.

According to the present plans of the Kuomintang authorities, construction of the plant would start in 1993, and it would be operational by 1998. The plant would have two light-water reactors, an installation capacity of two million kilowatts, and would cost NT\$ 160 billion (US\$ 5.9 billion). Taipower, the state-run power company would build the plant with the assistance of a number of foreign companies.

On 14 December 1990, the Environmental Protection Alliance, along with members of some 10 other civic organizations, submitted a petition to the Taipei City Council to vote against the location of a nuclear power plant so close (36 km, 22.5 miles) to the Taipei metropolitan area, with over four million inhabitants. The chairman of the Alliance, Mr. Liao Pin-liang, said he would also submit petitions to other legislative bodies, such as the Legislative Yuan and the Taiwan Provincial Assembly in Taichung.

On 20 December 1990, some 500 representatives from 45 organizations concerned with environmental protection rallied in front of the Legislative Yuan building in Taipei to express their opposition to the construction of the nuclear power plant. A petition with several tens of thousands of signatures was presented to the Legislative Yuan.

Articles / Publications / Notes

CTIR publishes "Let Taiwan be Taiwan"

Now that it is becoming increasingly clear that the Kuomintang's continuing claim to represent all of China is producing ever greater isolation in the international community, **Taiwan Communiqué** Washington editor Marc Cohen and Harvard

Scholar Emma Teng have edited a timely new study of the international status of Taiwan. Their book, entitled “Let Taiwan be Taiwan,” presents documents issued by the Chinese Ming and Ch’ing dynasties, the Kuomintang itself, and the Peoples’ Republic of China, as well as international treaties, United Nations documents, and statements by key political actors on Taiwan itself. A lengthy section presents key statements by the U.S. government since the late 1940’s.

Also included are important articles by leading legal scholars, along with analysis and commentary by Cohen and Teng. They demonstrate that the Chinese claim to sovereignty over Taiwan is extremely weak from the legal and historic point of view, despite belated KMT and Chinese Communist assertions to the contrary. The editors conclude that the case for Taiwanese self-determination is strong from a moral, legal, and political perspective, and urge support from the international community.

The book is available for US\$10 + postage from the **Center for Taiwan International Relations**: CTIR 538 7th Street, S.E. Washington, DC 20003. Telephone (202) 543-6287.

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Debate about national (or party ?) anthem

On 15 October 1990, a heated debate took place in the Legislative Yuan about the national anthem presently used by the Kuomintang authorities. DPP-members Mrs. Yeh Chu-lan and Mr. Wei Yao-chen, and unaffiliated legislator Chen Ting-nan argued that in 1936 the Kuomintang party anthem was only temporarily adopted as the national anthem. Wasn’t it therefore time to select a real national anthem, which reflects the present situation ?

Kuomintang legislators responded that changing the national anthem at this time would “... *give the people at home and abroad the (wrong ?) impression that Taiwan is heading towards independence.*”

The debate ended in a stalemate, but, since the song opens with the line “The Three Principles are the foundation of our **party**,” the matter will remain a hot issue for some time to come.

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