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February 20, 1980

## Kaohsiung Incident trials to start

There are indications that the Nationalist Chinese authorities in Taiwan will start some of the trials of the arrested opposition leaders during the second half of February 1980 or the beginning of March. The members of the Presbyterian Church accused of harboring Formosa magazine manager Shih Ming-teh ( ) will apparently be tried separately.

At the end of January it was announced in Taiwan that the target date for the opening of the trials was February 12, but on Wednesday February 13 a spokesman for the Taiwan Garrison Command indicated at a press conference in Taipei that the trials would be delayed until after Chinese New Year (February 16).

According to our estimates more than 200 persons are still in detention. In January the Taiwan authorities announced that 65 of these would be charged with “sedition”, which carries a sentence from 15 years imprisonment to the death penalty. The number of “sedition” cases was later reduced to 61, and then down to 51. There are indications that — due to the mounting international protest campaign against the arrests — the number of cases will be further reduced.

In this issue we will discuss how “fair” and “open” the trials in military court can be expected to be. In particular we will focus on some disconcerting signs that the Taiwan authorities intend to conduct a quick show trial of the major opposition leaders. The verdict for the remaining people would then just be announced at the end of the trial of the major defendants (see “A Fair and Open Trial?” page 2 of this issue).

It is our conviction that only international pressure — and particularly from the United States will convince the Taiwan authorities to conduct a reasonably fair and open trial.

## KMT instigators in Kaohsiung

In our January Newsletter (#8, January 12, 1980) we reported briefly on the issue of KMT instigators in Kaohsiung. It appears that the authorities recruited off-duty policemen and paroled criminals to mingle in the crowd attending the opposition-sponsored Human Rights Day celebration. The U.S. State Department has now received confirmation of these reports: in testimony before a joint hearing of the Subcommittees on East Asian and Pacific Affairs and International Organizations, Professor Richard C. Kagan stated: “According to a U.S. State Department officer, the rioters included a large number of government agent provocateurs, and the injuries to the police were highly exaggerated.” Furthermore he stated: “The State Department found no basis for Taipei’s claim that specially prepared weapons were used by the demonstrators.”

Even police officials in Taiwan acknowledged the help of the provocateurs: **The Taiwan Times** ( , published in Kaohsiung) on December 13, 1979 reported that after the incident a police official had expressed satisfaction that “criminals from Kaohsiung’s underworld” had helped the police in “discrediting and destroying” the democratic opposition movement.

## A fair and open trial ?

Due to the large amount of international attention focused on the arrests, the Taiwan authorities will be forced to conduct the trials with some sort of “openness”. This is at least some improvement over the past: Amnesty International stated in a 1976 report on human rights in Taiwan:

Most trials of political offenders are held in secret by military courts and the press may only publish a statement of conviction prepared by the court. The court’s decision must be approved, before its delivery, by the security organ (usually either the Taiwan Garrison Command or the Investigation Bureau - Ed.) which arrested and investigated the defendant.

The persons accused of “sedition” will be tried in military court under the provisions of the 1949 martial law, which — again according to the Amnesty International report “suspended all provisions of individual rights and freedoms guaranteed by the Constitution.”

A Nationalist Chinese spokesman, Stanway Cheng of Los Angeles, discussed the upcoming trials in an interview with the *Seattle Times* (January 12, 1980) : “Opposition leaders ....will be tried by a military court with **limited** press attendance permitted...” He also indicated that he expected the defendants to be permitted to have **limited** defense counsel, adding: “In which form I cannot say.”

We do not consider these statements very encouraging.

Further insight into the way in which the Taiwan authorities intend to handle the trials can be gained from the **Central Daily News** ( ), owned by the Kuomintang and generally considered to reflect Government opinion. In the January 31, 1980 issue we find the following statement:

Because there are so many defendants, they cannot appear in court at the same time. The authorities are now studying whether there should be separate trials at different times, or whether the precedent of the Wu Chun-fa (see note below - Ed.) case should be followed, i.e. have only a trial for the major suspects: the verdict for the minor suspects would then just be announced at the end of the trial of the major defendants (emphasis added). It is most like that the second alternative will be followed, since a precedent already exists.

**Note:** The Wu Chun-fa ( , also called Wu Tai-an) case was indeed worthy of attention because of the many precedents: Mr. Wu, a rather shadowy figure, was arrested — together with several other persons — in Taitung in October 1978. The trial was postponed several times: the military authorities were apparently waiting for an opportune time, so they could “use” Wu Chun-fa. Their opportunity came in January 1979 when southern opposition leader Yu Teng-fa ( ) established closer contacts with the Taipei-based leaders of the democratic opposition movement. Mr. Wu was used by the military

authorities to implicate Yu Teng-fa. It is significant to note that the 76-year old Mr. Yu was arrested one day after he agreed to serve as chairman of an opposition fund-raising dinner in Kaohsiung. Wu Chun-fa and his group were brought to trial on January 24 1979 (three days after the arrest of Mr. Yu Teng-fa). One foreign reporter who attended the trial said: "*Obviously the whole business was prepared (by the military authorities - Ed.) for public display*". only Mr. Wu's activities were discussed during the four-hour trial: the others were pronounced guilty at the end of the trial !!

Mr. Yu Teng-fa and his son were brought to trial in mid-March 1979 for "meeting and failing to report a Communist spy (Wu Chun-fa)"; Mr. Wu's case was still pending at this time (see **Far Eastern Economic Review**, March 23, 1979). Mr. Wu was later sentenced to death in spite of his cooperation with the authorities in implicating Yu Teng-fa. He was executed on May 28, 1979. Opposition leader Yu was sentenced to eight years imprisonment, but was recently released because of his deteriorating health.

We end this analysis with another quote from the January 31, 1980 article in the KMT's **Central Daily News**:

The intelligence organizations want to have a speedy war (=trial Ed.) and a quick victory to show to the public.

It is thus apparent that the authorities do not perceive the trials as an occasion where justice is spoken, but rather as an opportunity to silence the embryonic but vocal opposition.

## What is sedition?

Since the most prominent opposition leaders will be tried on "sedition" or "treason" charges, we present an evaluation-in-a-nutshell of what these terms mean.

The Nationalist Chinese authorities still claim to represent all of China (witness their attempt to participate in the Winter Olympics under the name and flag of the "Republic of China") and continue to vow to "recover the mainland". As recently as December 10, 1979 President Chiang Ching-kuo stated that "*The major task.... is to accelerate the recovery and reconstruction of the Chinese mainland*" (**Free China Weekly**, December 16, 1979).

Of course most thoughtful people would consider it unwise to attempt to recover the mainland. Increasingly, people on Taiwan themselves have also started to question the validity of the Kuomintang's claims. While not denying a cultural and ethnic affinity with China, native Taiwanese have increasingly called for the establishment of a free and democratic political system, representative of the people on Taiwan. The Nationalist authorities — and particularly the military-dominated right wing of the Kuomintang as well as the secret police agencies — have branded these activities as "seditious" and "treason" and continue to persecute people who favor the end of martial law and the establishment of a multi-party political system.

The fact that the arrested opposition leaders are charged with "sedition" thus means that their true "crime" was not the confrontation with the police, but their opposition to the idea of "recovery of the mainland" and their advocacy of a more democratic political system in Taiwan.

## Arrest and torture of Presbyterians

In our newsletter #8 we reported briefly on the arrests of members of the Presbyterian Church. On December 23, 1979, the Reverend Hsu Tien-hsien was arrested while he was conducting the Christmas Service with his congregation in Chung-lin ( ) near Chiayi, in South-Central Taiwan. Other Church members who are known to have been arrested since the beginning of January are listed below. They include the personal secretary of the General Secretary of the Presbyterian General Assembly, the principal of the Church's Calvin Bible College for Women, a professor at the Church's Tainan Theological College, and the full editorial board of the **Taiwan Presbyterian Weekly**.

Two persons were released at the end of January, but two others' Mr. Lin Hung-hsuan ( ) and Mr. T'sai Yu-ch'uan ( ) have, according to a Presbyterian spokesman in the U.S. been tortured. The two latter persons are accused of helping opposition leader Shih Ming-teh hide from the secret police. Mr. Lin and Mr. Ts'ai were arrested on January 8th 1980. The Presbyterian spokesman said that Mr. Lin lost several of his teeth during the subsequent interrogation by the Taiwan Garrison Command. Like all other arrested persons who are accused of "sedition" or "insurrection" Messrs. Lin and Ts'ai are held incommunicado by the secret police.

### ARRESTED PRESBYTERIANS

NAME	AGE	OCCUPATION	ARREST STATUS
1. CHAO Chen-erh 趙振二	36	Graduate, Tainan Theological College (TTC); Editor, <u>Taiwan Presbyterian Weekly</u> (TPW).	around Jan. 10
2. CHUNG Ch'ung-ming 冬聰凍	29	Minister, Tu-Ku (土庫) Presbyterian Church; Chief-Editor TPW.	around Jan. 10
3. HSIEH Hsi-min 謝禧明		Minister, Suang-lien Presbyterian Church (雙連); Education secretary, Presb. National Headquarters.	released
4. HSIEH Hsiu-hsiung 謝秀雄	40	Professor, Tainan Theological College; Ph.D. (1976) Edinburgh; Head of <u>Formosa</u> branch office, Tainan.	released
5. HSÜ T'ien-hsien 許天賢	29	Minister, Chung-lin Church; arrested in mid-sermon.	arrested on Dec. 23 1979.
6. HUANG Chao-hui 黃昭輝	34	Graduate ('75) TTC; Manager of a business.	Jan. 10
7. KUO Ên-hsing 郭恩信	26	Editor, <u>Taiwan Presbyterian Weekly</u> .	Jan.

## ARRESTED PRESBYTERIANS Cont'd.

NAME	AGE	OCCUPATION	ARREST STATUS
8. LIN Hung-hsüan 林弘宣	36	Graduate, Tainan Theological College; Ph.D. Candidate, Drew University, NJ; manager Kaohsiung branch office of <u>Formosa</u> .	Jan 7 or 8; reportedly tortured.
9. Ms. LIN Shu-chüan 林淑娟	23	Student, Tainan Theological College.	
10. Ms. LIN Wen-chen 林文珍	40	Principal, Calvin Theological College for Women; studied at Juliard School of Music, NY.	
11. Ms. SHIH Jui-yün 施瑞雲	30	Secretary to Dr. C.M. Kao, General Secretary of the General Assembly of the Presbyterian Church.	Jan. 11
12. TS'AI Yu-ch'üan 蔡有全	28	Graduate, Tainan Theological College.	Jan. 7 or 8; reportedly tortured.
13. WU Wen 吳文	36	Minister in Southern Taiwan	Jan. 8, 7:30 am

## More on Kaohsiung

The debate on what actually happened in Kaohsiung on the evening of December 10, 1979 will continue to rage for a while longer. In our Newsletter #7 (December 15, 1979) we presented an eyewitness-account of the event by Ms, Linda Gail Arrigo. Here we present some additional information to substantiate the account given earlier.

In the beginning of the evening of December 10, 1979, the police fully encircled the opposition group, which at that point had gathered some 400 people around their core group of 200 persons. A crowd of several thousand was watching from the side-lines. The group moved to a nearby police station' where two leaders, **Formosa** manager Shih Ming-teh ( ) and Lawyer Yao Chia-wen ( ) negotiated for about half an hour with the police officials. The opposition's proposal was: If the police would lift their cordon so the crowd could attend the opposition's open-air meeting, then the torchlight parade would be called off. The offer was refused.

Before the two opposition leaders came out of the police office, several riot trucks – venting teargas — started to move towards the opposition group gathered outside. At this point the crowd on the sidelines became involved, rushing to the aid of the encircled opposition. The whole crowd then pushed away a thin line of riot police at the other side of the intersection and moved several blocks towards the

Kaohsiung office of **Formosa** magazine. Just before they reached the office another line of some 200 police in full riot gear blocked the road. This line was also pushed aside by the crowd. During this time the opposition leaders continually broadcast over their loudspeaker system: *“Don’t beat the police, don’t beat the police; they are Taiwanese people, just like us”*. However, a number of the people in the crowd did fight the police, As was discovered later, these were predominantly KMT instigators hired by the police to generate violence, which could then be blamed on the opposition.

The opposition then regrouped in front of the **Formosa** office and — for about one-and-a-half hour — had a peaceful meeting with speeches and the singing of hymns and folksongs. At approximately 10:00 p.m. **Formosa** publisher and legislative Yuan member Huang Hsin-chieh announced that the meeting was over and urged the crowd to go home. Most of the prominent opposition leaders — now in prison and accused of “insurrection” and “sedition” — left at that time.



**Picture #1: Peaceful crowd and arriving riot trucks.**

Shortly afterwards riot troops arrived in trucks (an observer on the scene estimated that there were some 40 trucks, loaded with troops and equipment). The riot troops then attempted to disperse the peaceful crowd (see picture #1) by firing teargas grenades and by ramming with their trucks through the crowd. Then riot troops in full gear advanced into the crowd, and started to battle the crowd (pictures #2 and #3). The first and second instances of violence of the evening each lasted less than 10 minutes. This last and major confrontation lasted from about 10:30 pm until after midnight.



Picture #2: Riot troops in full gear in teargas cloud.



Picture #3: Riot troops and trucks.

# Notes

On this page you find some brief notes as well as updates on issues discussed in our earlier Newsletters.

## 1. Harassment of Relatives

The wives and children and other relatives of the arrested opposition leaders have, according to persons who recently visited Taiwan, been harassed by officers of the secret police agencies and by so-called “patriots” — mainland Chinese refugees who consider it their duty to make life near unbearable for the families of the arrested persons. On a number of occasions following the mid-December 1979 arrests the “patriots” entered the houses of arrested opposition leaders at nighttime, turned on all the lights, and shouted insults at the wives and children. While this occurred, police which kept the houses under 24 hour a day surveillance — did not interfere.

The harassment stopped abruptly in mid-January 1980, just before the visits to Taiwan by Mr. David Dean, Director of the Washington-based American Institute in Taiwan (AIT), and by a Congressional delegation led by Congressman Lester L. Wolff (D-NY). Both Mr. Dean and members of the Wolff delegation met with relatives of the arrested democratic leaders.

## 2. What to Believe?

The case of the two **Formosa** magazine staff members who were beaten up on December 9, 1979 while in police custody at the Kushan ( ) police station in Kaohsiung provides an interesting example of how KMT newspapers manipulate facts: The U.S. State Department indicates that it has solid evidence that the incident did take place. The Coordinating Council for North American Affairs (CCNAA) even indicated to U.S. Government officials that President Chiang Ching-kuo was very indignant at police officials in Kaohsiung for not restraining their subordinates.

However, in January the case against the police officers charged with the beating was inexplicably dismissed for “lack of evidence”, and now the **World Journal** ( , February 9 1980), a New York-based pro-KMT newspaper attempts to imply that the two were never beaten up at all. The newspaper even goes so far as to show pictures to “prove” that the two were not injured. Someone should have told the newspaper editors that internal injuries, such as concussions indeed do not show on pictures — particularly if the pictures were taken one-and-a-half month after the injuries were sustained — and that it is even more difficult — if not sheer impossible — to detect bodily injuries on a picture which only shows the head of the person (as is the case with Ch’iu Sheng-hsiung).

In any case, the Taiwan Garrison Command was so “gracious” to drop sedition charges against the two (they were in bed recovering from their wounds at the time of the Kaohsiung Incident !) and transferred their cases to the civil court in Kaohsiung.



### 3. Arms sales go ahead

On February 4, 1980 the U.S. State Department/Pentagon formally notified the U.S. Congress of the major pending arms sales to Taiwan. The Congress has now until March 4, 1980 to decide on the sales. While it is not expected that the deal will be blocked, a number of Senators and Congressmen will attach amendments, making the sale conditional upon the observance of human rights by governing authorities in Taiwan.

### 4. Senate Foreign Relations Committee Hearings

Within the next two or three months, the Senate Foreign Relations Committee may hold hearings to evaluate the economic and political impact of the normalization of relations between the U.S. and China upon Taiwan. In view of the recent developments on the island the question of human rights will figure prominently in these hearings.

### 5. Law Professors send Telegram

On January 31, 1980 fifty seven law professors — including the Deans of both UC Berkeley Law School and Stanford Law School, as well as professors Jerome A. Cohen of Harvard and R. Randle Edwards of Columbia — sent a telegram to President Chiang Ching-kuo, expressing concern about the arrests. The professors note in their telegram: “*We are. . . especially concerned lest this event signal the repression of legitimate human rights activity in Taiwan.*”

They continue: “*Nor...should the nominal continuation of Martial Law...become an excuse for depriving those accused of their rights to trial before the regular civil courts.*” The professors conclude: “*We earnestly hope that any eventual trial of these political leaders, if it is thought justified at all, will not be in a form that would tarnish your country’s reputation as to Its treatment of the civil and political-human rights of all of its citizens.*”

The telegram prompted supportive articles in the **Stanford Daily** (February 7) and the **San Francisco Chronicle** (February 5) and an excellent editorial in the **Chronicle** of February 6, 1980.

### 6. Advertisements in the Washington Post

On February 5th and 6th the Washington Post carried two large advertisements, which called for the release of the arrested opposition leaders. One was placed by the Taiwanese American Scholars Association and was signed by 137 Taiwanese scholars in the United States. The other was sponsored by four major human rights organizations concerned with the arrests and repression in Taiwan.

### 7. Compilation of News Articles

In coordination with several other Taiwanese and human rights organizations we intend to prepare a compilation of newspaper articles about the recent events in Taiwan. The collection will include background information and analysis as well as straight news reports. We urge our readers to send newspaper clippings for inclusion in this collection.

## 8. Formosa Digest #2 Appears

Formosa magazine's English-language sister publication just appeared with issue #2, titled: A SPECIAL REPORT: NIPPING THE OPPOSITION IN THE BUD. It contains a detailed account of the Kaohsiung incident; an up-to-date list of arrested persons; a report on human rights in Taiwan by Dr. Laurie S. Wiseberg, Executive Director of the prestigious D.C.-based Human Rights Internet; and a brief history of the Democratic Movement in Taiwan by Linda Gail Arrigo. Copies of Formosa Digest are available from: P.O. Box 211, Belmont, MA 02178.

1. 緊急消息：據二月二十日清晨自台灣傳來的消息，國民黨決定以軍法審判下面八位黨外人士，黃信介，施明德，張俊宏，林義雄，姚嘉文，林弘宣，陳菊，呂秀蓮。國民黨將以「余登發模式」來審判黃信介，理由是：洪誌良（「富堡之聲」號行人）於去年訪問中國，受命回台統戰，洪誌良封黃信介一官職，因此黃信介是中共的同路人。其餘七人都與「台獨」有關係，張俊宏、林義雄是張金策的好友；姚嘉文是當年彭明敏在台大時期的學生；林弘宣、陳菊、呂秀蓮訪美時，都曾見過張燦燈。這是目前國民黨的羅織方法。請密切注意國民黨下一步的審判。
2. 更多的消息顯示，國民黨在高雄事件時僱用了一批流氓。據十二月十三日在高雄發行的台灣時報說：高雄的黑社會份子於十日晚間，「受高市刑警大隊大隊長施淵源之邀請，混入群眾中協助警方執行任務，施大隊長表示將在日後他們「有事」時，予以功過相補。」另外根據二月香港出版的《中報月刊》，張文彥所寫的「訪陳若曦談美麗島事件」，陳若曦指出：「根據可靠消息來源，警總在第一線出動鎮暴車；為了防止事件擴大，王玉雲在第二線準備了流氓。」總之跡象證明，國民黨有計劃地製造了陷阱，終使黨外人士落入他們的苦肉計。
3. 國民黨駐洛杉磯的一位姓鄭的（Stanway Cheng）特務，在一月十二日西雅圖時報（Seattle Times）的訪問中表示，「受軍法審判的黨外人士，將只獲准做有限的辯護，而且也只有有限的記者可以出席法庭。」這是國民黨所謂的公開公平的審判。根據一月三十日的中央日報說，這次審判將用「吳春榮」案的方法，只有重要的七嫌犯出庭，其餘都在判刑時一一宣佈罪名。這種嚴重違背犯人基本人權的做法，只有國民黨有勇氣蠻幹下去。
4. 國民黨及共報紙口口声声只逮捕八位宗教人士，但根據本會獲得可靠的消息，目前在國民黨監牢中有十一位，請參閱第四頁英文信。
5. 高雄事件後，台灣的一批反共義士，在國民黨特務的唆使下，往往在半夜騷擾被捕者的家眷，他們公然進入室內，打開所有的電燈，以髒話侮辱婦孺，在房子四周監視的警察竟視而不見。根據一月二十日台北出版的《中國報導》（第854期），被捕者的家眷已組成慰問團，守望相助。張俊宏的太太許榮淑又便曾組團慰問南部周平德、楊春霖、邱武男等人的眷屬。
6. 請你寫信給蔣經國、孫運璿、汪敬熙，請他們尊重被捕者家屬的人權，請他們尊重被捕者的人權，給予公開的充分的辯護。請寫信給你的國會議員，特別是 Glenn 和 Church，呼籲他們舉辦聽證會，並暫停售賣武器給國民黨，直到被捕的黨外人士受到尊重為止。同時，請你寫感謝信給國會議員，Pell, Durenberger, Leach, Don Bonker，感謝他們兩個月來的仗義直言。（請參閱第11、12頁英文信）。

## Action

All readers of this Newsletter should by now have a severe case of writer's cramp from writing so many letters! One group of some 15 families in Vancouver B.C. reported writing more than 1500 letters. The impact of such a large volume of mail is certainly felt in Washington D.C'

However, more work remains to be done. As it says on one U.S. postage stamp now in circulation: "*We have not yet begun to fight.*"

1. First, we believe it is necessary to send letters of thanks to Senators and Congressmen who have been particularly helpful, Senators Claiborne Pell (D-RI) and David Durenberger (R-Ill), as well as Congressmen Jim Leach (R-IO), Tony P. Hall (D-OH), Benjamin Gillman (R-NY) and Don Bonker (D-WA) may be mentioned. Write to these persons and thank them for their efforts on behalf of the arrested opposition leaders and the cause of democracy and human rights in Taiwan. Ask them to continue to monitor the developments in Taiwan, in particular the upcoming trials, and request that they take all action necessary to guarantee the observance of human rights by the authorities on the island.
2. Continue to write to members of the U.S. Senate Foreign Relations Committee and urge them to suspend the military arms sales. At this Point we should focus on the two most important Senators: Frank Church, Chairman of the Senate Foreign Relations Committee, and John Glenn, Chairman of the Subcommittee on East Asian and Pacific Affairs. Write something like:

"We urge you strongly to hold hearings to investigate the recent human rights violations in Taiwan, and to consider suspension of military arms sales to Taiwan until- (1) the members of the democratic opposition movement and the Presbyterian Church have been released, and (2) the Taiwan government has made progress towards the establishment of a free and democratic political system."

Addresses: Senators:

The Honorable.....  
Senate Office Building  
Washington, D.C. 20510

Congressmen:

The Honorable .....  
House Office Building  
Washington, D.C.20515

3. Continued pressure on the governing authorities in Taiwan is required. Write, and ask your friends and neighbors to write to the officials below. A short letter with a message such as the following is sufficient:

"As Americans/Canadians etc. we are very concerned about the recent arrest of members of Taiwan's democratic opposition movement and of the Presbyterian Church. As citizens of a democratic country we urge you not to tarnish your country's image by sentencing the arrested persons to long prison sentences. We request you to observe basic human rights and — if a trial is considered justified at all — to allow the detained persons an **open trial in civil court**, with unlimited access to a lawyer of their own choice. Furthermore we urge you to move towards the establishment of a free and democratic political system by ending the martial law and by allowing opposition parties to function fully and freely."

Write letters to:

Addresses: President Chiang Ching-kuo Chieh Shou Hall Chungking South Road Taipei TAIWAN	Prime Minister Y.S. Sun Executive Yuan 1 Chung Hsiao East Road, Sec. 1 Taipei TAIWAN
General Wang Sheng Political Warfare Department Chieh Shou Hall Chungking South Road Taipei TAIWAN	General Wang Ching-hsu Commander Taiwan Garrison Command Taipei TAIWAN

The International Committee for the Defense of Human Rights in Taiwan (ICDHRT) campaigns for the release of political prisoners in Taiwan, and supports the establishment of a free and democratic political system on the island. Please support our activities with your contributions.

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