



TAIWAN COMMUNIQUÉ

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The murder of Henry Liu

On 15 October 1984, Mr. Henry Liu, a prominent Chinese-American journalist, was murdered at his home in Daly City, a suburb of San Francisco. The case has received wide international attention because of the subsequent revelations that the murder was committed by three underworld figures from Taiwan on the order of top-officials of the Military Intelligence Bureau of the Ministry of Defense. Furthermore, there are allegations that a link existed between the leader of the underworld gang, Mr. Chen Chi-li, and the second son of President Chiang Ching-kuo, Mr. Chiang Hsiao-wu. Below, we first present a chronological overview of the developments, which have taken place since our previous report on this case (see *Taiwan Communiqué* no. 18):

Chronological overview

- a. On 7 February 1985, the Subcommittee on Asian and Pacific Affairs of the U.S. House of Representatives held a hearing in Washington D. C. At this hearing a number of persons -- including Mr. Liu's courageous widow Helen Liu -- presented testimony, in particular regarding the possible motives for the murder.
- b. On 24 February 1985, the *San Francisco Examiner* reported that the person accused of masterminding the murder, Bamboo Union gangleader Chen Chi-li, had admitted to planning the killing with three top-officials of the Military Intelligence Bureau of the Ministry of Defense. The three officials had been arrested in Taiwan on January 15, after the Taiwan authorities learned that the U.S. FBI had obtained a tape-recording made by Chen Chi-li implicating the three in planning the murder [the full text of the tape



Henry Liu (1932 - 1984)

was published in a number of Chinese language publications in the U.S. and Taiwan, and by the San Francisco-based English-language publication *East West*, March 27, 1985]. U. S. investigators visited Taiwan on January 23-25 and questioned the two arrested Bamboo Union gangmembers, but **were not allowed** to question the three arrested Military Intelligence Bureau officials.

- c. On 26 February 1985, Taiwan's justice minister Shih Chi-yang stated that a Taiwan government probe into the killing showed that the murderers had been recruited by Taiwan's Military Intelligence Bureau in 1984 "to collect information about China." However, justice minister Shih denied that the murderers had been ordered to kill Henry Liu.
- d. On 27 February 1985, "Bamboo Union" gangleader Chen Chi-li and two of his gangmembers were indicted by a Taipei prosecutor on murder charges. The indictment said that "...after discussions with [Vice-Admiral] Wang Hsi-ling and others (now being separately investigated by military prosecutors) on August 2, 1984, Chen decided to map out plans to kill Henry Liu."
- e. On 3 March 1985, the well-known CBS investigative reporting TV-program "60 minutes" did a report on the murder case. On the same day, two prominent U.S. daily newspapers, the **Los Angeles Times** and the **San Francisco Examiner** published extensive articles about the case. Both newspapers reported allegations by a close associate of Chen Chi-li that Henry Liu was killed on orders from President Chiang Ching-kuo's son, Chiang Hsiao-wu. During the "60 minutes" TV-program the CBS reporter, Mr. Morley Safer, mentioned that Chen Chi-li had indicated during questioning by U.S. authorities that "...at the trial he will name even more prominent people than Admiral Wang as being involved."
- f. On 14 March 1985, U.S. Congressmen Mineta, Solarz and Leach requested the chairman of the Permanent Select Committee on Intelligence of the House of Representatives, Congressman Lee H. Hamilton, to initiate a congressional investigation into the activities of foreign agents in the U.S. (with special emphasis on Taiwan) who harass and intimidate American citizens.
- g. Up through the middle of March, Mr. Chen Chi-li was portrayed by the Taiwan authorities and the government-controlled press as a leading underworld figure, and a vicious killer, who -- out of misguided patriotism and with a little help from Military Intelligence Bureau officials acting "on their own" -- had taken the initiative to murder Mr. Liu. However, suddenly the picture changed: on March 18,

a new confession by Mr. Chen was widely circulated on the island. In it, he portrayed himself as a devout family man, and a loving father to his two children. He also denied being the leader of the “Bamboo Union”, and he emphasized that he was “patriotic” and had been willing to lose money in publishing his magazine, Mei Hua Pao Tao, a strongly pro-KMT show-business publication.

- h. On 20 March 1985, two of the suspected murderers, Mr. Chen Chi-li and fellow “Bamboo Union” gangmember Wu Tun, were questioned in a four-hour investigative hearing in Taipei District Court. A number of foreign observers were allowed to attend the hearing, including former Harvard University law professor Jerome Cohen, who was requested by Mrs. Liu to attend the trial on her behalf. However, the Taiwan authorities did not allow professor Cohen to act for Mrs. Liu in court: he was only allowed to observe the proceedings. He termed it a “well-rehearsed” performance: the two defendants mostly read their statements from a notebook, as if they had received the questions beforehand. In the process of the hearing Mr. Chen *did* tell the judge that Vice-Admiral Wang Hsi-ling of the Military Intelligence Bureau had told him to “teach Henry Liu a lesson” because he had written “bad things about our country and about President Chiang Ching-kuo.” However, he later stated that Vice-Admiral Wang’s ordered him to kill Henry Liu because he was a “double agent”, who had “betrayed his country.”

During the investigative hearing Mr. Chen also disclosed that between August 14, 1984 (when he received the order) and September 15 (when Chen departed for the U.S.) he had received training at the Intelligence Bureau’s training school at Yanmingshan (“Grass mountain” near Taipei), and that the Bureau gave him materials to use in the mission, including the address of Liu’s home and his gift store, maps, and Liu’s daily schedule.

At the above mentioned investigative hearing, the judge read a written statement from vice-admiral Wang (who had been questioned by the judge in a closed-door session on Monday, March 18, 1985), saying that Henry Liu had been “a spy” for both the PRC and the ROC. In a letter to Taiwan’s foreign minister Chu Fu-sung, Mrs. Liu -- through her lawyer -- immediately demanded that the Taiwan authorities retract the statement and issue an immediate public apology. She said she would start legal action against the Taiwan government if it did not comply with her request.

- i. A close associate of Chen Chi-li in the United States disclosed that during Chen’s training at the Intelligence Bureau’s school, he met with President Chiang’s son Chiang Hsiao-wu on three different occasions. Several Chinese-language papers in

the United States and Taiwan have reported that on one of these occasions Mr. Chen had a hidden tape recorder with him, with which he recorded the conversation. The tape was reportedly kept by associates of Mr. Chen in the United States. The **Los Angeles Times**, in an article on March 20, 1985, reported that the FBI had intensified its probe into the killing and was looking for this tape.

- j. On March 25, 1985 the Ministry of Defense in Taipei announced that vice-admiral Wang Hsi-ling, major-general Hu Yi-ming, and colonel Chen Hu-men (the three top officials at the Military Intelligence Bureau) were charged with being “a joint principal offender, a full accomplice” in the murder, and would be tried in military court -- behind closed doors. Later reports indicated the trials would open to the press and public. A first investigative hearing was held in Military Court in Taipei on April 4, while the main trial took place on April 12, 1985.
- k. On March 28, 1985 -- just before the beginning of the trial -- press reports from Taiwan indicated that the court was “studying a lighter sentence” for Chen Chi-li, because he had “turned himself in.” According to Mr. Chen’s testimony at the preliminary hearing of March 20, he had mentioned his role in the murder right after he was arrested on November 12, 1984. *Taiwan C_om_muniRu6* comment: if this was the case, why did Taiwan officials not disclose this information to U.S. investigators right away, but waited with “full cooperation” until the case had been cracked in the U.S. ?
- l. On April 2, 1985 the formal trial against Bamboo Union gangleader Chen Chi-li and two of his gangmembers (one in absentia) took place in Taipei District Court. However, the Court decided **not to summon** the three Military Intelligence Bureau officials to testify -- in our view a highly unusual move in view of the fact that the three had been charged as “full accomplices.”
- m. On April 9, 1985 Chen Chi-li and Wu Tun were both sentenced to life imprisonment.
- n. On April 19, vice admiral Wang Hsi-ling was sentenced to life imprisonment. His two co-defendants each received a sentence of two and a half years imprisonment.

Below we first focus on the two main questions in the whole affair:

1. what was the motive behind the slaying ?, and
2. what was the extent of the involvement of President Chiang’s son, Chiang Hsiao-wu?
3. In addition, we examine a third matter, which has been brought to light: the extensive cooperation which existed between the secret police and the underworld in Taiwan in harassing the native Taiwanese opposition leaders.

1. *What was the motive?*

Immediately after the murder occurred, there were already strong indications that the motive behind the murder was a political one. During the Congressional hearing of February 7, Mr. Liu's widow, Helen, summarized it as follows:

"I believe that my husband was murdered on the orders of high government officials of the Republic of China (Taiwan), and that he was killed by them for a threefold purpose:

- * to punish him for writing about the ruling Chiang family;
- * to prevent him from writing books and articles in the future about the Chiang family; and
- * to scare other journalists and writers who might also be interested in writing about this family and its history."

Mrs. Liu substantiated her charges with an impressive amount of evidence: see her testimony at the Congressional hearing of February 7, 1985, page 13 of this issue of *Taiwan Communiqué*.

During the first month after the murder, the Taiwan authorities maintained a studied silence on the case -- but confiscated opposition magazines which reported on the matter. It wasn't until the beginning of December, **after** local authorities in California issued arrest warrants for the three "Bamboo Union" gangmembers, that the Government Information Office (GIO) in Taipei said that the Taiwan authorities would "maintain close contacts" with the U.S. in the case. However, almost immediately members of the ruling Kuomintang voiced the opinion that the two gangmembers who had been arrested in Taiwan in November (the third one reportedly fled to the Philippines and was in hiding there) should not be extradited to the United States.

*If the Reagan Administration is really serious about its stated aim of combating terrorism, it should bring **full pressure** to bear on the Taiwan authorities to extradite Mr. Chen, so that **all** those responsible for the murder -- directly or indirectly -- are apprehended and brought to trial.*

Taiwan Communiqué

After the arrest of the three Military Intelligence Bureau officers in mid-January 1985, an unnamed senior Taiwan government official told **New York Times** reporter Steve

Lohr that Mr. Liu had been “a spy for Taiwan.” Pro-government publications in Taiwan quickly played up this matter, and even produced a page of an “intelligence report”, purportedly written by Mr. Liu. This campaign to make it appear as if Mr. Liu had somehow been a double or triple agent, caught in a confusing web of espionage and counter-espionage, was unwittingly aided by two major U.S. weekly magazines, which ~ reported that Mr. Liu was an “informant for the FBI” (**Newsweek**, January 28, 1985) or even a “triple agent”, collecting information for both the FBI, the Taiwan authorities, and China !! (**TIME**, January 23, 1985).

Taiwan Communiqué comment: *It is possible that Mr. Liu -- being a well-informed journalist -- may have been questioned by the FBI about the activities of secret agents from both Taiwan and China in the United States. This is not an uncommon occurrence, since -- as the **Far Eastern Economic Review** reports (“No more arms sales,” 31 January 1985) -- the FBI has been conducting a continuing investigation of KMT spying operations in the United States, and is undoubtedly closely watching the activities of PRC agents in the States.*

The “evidence” provided by the Taiwan authorities that Mr. Liu was a “spy for Taiwan” is utterly ridiculous. The purported “intelligence report” is -- in all probability -- nothing more than a letter about his recent trip to China, written to a friend in Taiwan, but intercepted by the highly efficient mail censorship system operated by Taiwan’s secret police.

The Taiwan authorities did not present any evidence that Mr. Liu passed on information to representatives of the PRC. If he did, it was more likely in the context of the exchange of journalistic information than “spying.”

The attempt by certain Taiwan authorities to portray Mr. Liu as a “spy” is most likely a desperate attempt to avoid facing the truth of the matter, which is that Mr. Liu was murdered because he had written an unflattering biography of President Chiang Ching-kuo, and was planning to write a book about former governor K.C. Wu, who was one of the very few incorruptible officials in Chiang Kai-shek’s government in the 1940’s and 1950’s. The book would in all probability bring to light a considerable amount of additional dirty linen of the Chiang family.

2. Was Chiang Hsiao-wu involved?

According to reports in the international press, President Chiang Ching-kuo’s second son, Mr. Chiang Hsiao-wu (39), is the executive secretary of Taiwan’s National

Security Council (NSC), a supervisory body, which has *de facto* jurisdiction over all other security organizations in Taiwan. There are approximately a dozen security agencies on the island, which often compete with each other.

The younger Chiang denies having anything to do with the NSC. In a letter responding to the March 3 reports in the **Los Angeles Times** and the **San Francisco Examiner**, Mr. Chiang stated that he had never held any office in any government institution in charge of national security affairs, and that he had “no relationship whatsoever” with Chen Chi-li. Chiang junior has led a reclusive life, and has hardly been seen in public in Taiwan. He serves as president of the Broadcasting Corporation of China, the Kuomintang’s radio and TV-network.

The allegation that the younger Chiang had ordered Chen Chi-li to murder Henry Liu came from “Bamboo Union” members in the United States, who made the disclosure in an acknowledged effort to gain revenge for Chen’s arrest (who they believe was double-crossed by the Taiwan government) and in an attempt to save Chen’s life. The **Los Angeles Times** (March 3, 1985) reported it as follows:

“Friends and associates of Chen Chi-li said Chen first became acquainted with the Chiang family through business contacts in the late 1970’s, and became friendly with Chiang Hsiao-wu in 1982. Chen Chi-li and Chiang met privately at Taipei spa’s and in Chiang’s office, according to one of Chen’s closest aides who claims to have arranged the meetings. The aide said the men were careful to screen their relationship from public view.”

Chen’s associates presumably felt that by disclosing this matter, they would make it more difficult for the Taiwan authorities to just declare Mr. Chen “guilty” and execute him, thereby forever silencing the one single person linking Chiang junior and the murder.

At the time of this writing (April 7, 1985), no hard evidence has been presented to prove or disprove Mr. Chiang’s alleged involvement. In all probability, only the second tape -- reportedly made by Chen Chili when he met with Mr. Chiang in August 1984 and discussed plans for the murder -- will constitute such evidence. There are, however, already a number of indications pointing in the direction of a major cover-up by the Taiwan authorities in the whole affair:

- * The smoke screen initiated by the Taiwan authorities during the second half of January, insinuating that Mr. Liu had somehow been entangled in a web of espionage and counter-espionage.

- * The refusal by the Taiwan authorities to allow U.S. investigators to question the three Military Intelligence Bureau officials arrested for their involvement in the murder, and the assertion by the Taiwan authorities that the three top intelligence officials acted “on their own.”
- * The refusal by the Taiwan authorities to extradite the alleged murderers to the United States.
- * The sudden turnabout in mid-March, when the pro-government press suddenly shed a much more favorable light on Chen Chi-li, and the Court indicated that it was “studying a lighter sentence” [even before the trial itself was held !!]. To a number of observers in Taiwan these are signs that an agreement had been reached: Chen was promised a lighter sentence (instead of the death sentence, which is virtually standard practice in Taiwan for murder cases, he received a life sentence, which might be reduced at a later time). In return he would not claim that anyone higher than Vice-Admiral Wang was involved.
- * The refusal of the Taipei District Court to summon the three arrested Military Intelligence Bureau officials for cross-examination in the trial of Chen Chi-li and his associate.

....surprisingly, President Reagan has said nothing in public on this case so far. He has not condemned the Taiwan government, nor has he demanded extradition of the two murder suspects from Taiwan.

Mrs. Helen Liu, 7 February 1985

Taiwan Communiqué conclusion: *it is rather obvious that the truth in this affair will not come out as long as Chen Chi-li and his associate are in the hands of the Taiwan authorities. If the Reagan Administration is really serious about its' stated aim of combating terrorism, it should bring full pressure to bear on the Taiwan authorities to extradite Mr. Chen, so that justice can be served, and all those responsible for the murder -- directly or indirectly -- are apprehended and brought to trial. Mr. Reagan's efforts in this direction have been less than half-hearted: Henry Liu's widow had this to say about Mr. Reagan's attitude:*

“In view of the fact that President Reagan protested the cruel murder of Rev. Jerzy Popieluszko in Poland last year, one would expect him to protest even more strongly to Taiwan the assassination of my husband; especially because some Taiwan government officials are suspected of being involved in the murder. But, surprisingly, President Reagan has said nothing in public on this case so far. He has not condemned the Taiwan government, nor has he demanded extradition of the two

murder suspects from Taiwan. He behaves as if nothing has happened at all. Why has President Reagan acted so strangely? Wasn't Henry a legally naturalized citizen and, as such, shouldn't we be entitled to the support and protection of the American government? (Helen Liu, in the San Jose Mercury News, February 24, 1985).

3. Using the “Bamboo Union” against the opposition

We now wish to examine a third matter, which has been brought to light by this sordid affair: the extensive cooperation which existed between the secret police in Taiwan and the underworld in harassing the native Taiwanese opposition leaders, especially after the “Kaohsiung Incident” of December 1979. On the tape recording of October 17, 1984, Chen Chi-li said the following:

“Four years ago, government agencies of all levels came to see me, because I was originally the leader of the biggest gang in Taiwan. Moreover, I had great “hidden potential” all over Taiwan. Therefore the government wanted me to come back to the gang and reorganize the Bamboo Union Gang. The government wanted me to develop the Gang. (...) The main purpose was to deal with the non-KMT politicians and Taiwan Independence Movement members.”

The **Los Angeles Times** (March 3, 1985) also reported on this matter:

Shortly [after the Kaohsiung Incident] the government asked Chen to reorganize the Bamboo gang as an unofficial arm of the national security apparatus. “(The) Kaohsiung (Incident) convinced the government that it needed to enforce martial law without dirtying its hands,” said a confidant of Chen.

In the ensuing years, according to Bamboo Gang members, the underworld syndicate grew from 1,000 members to 40,000, forming a pervasive intelligence network that spied on opposition leaders and dissidents in Taiwan and gathered sensitive information on China.

Newsweek also reported on this aspect in a recent article about “The Gangs of Asia” (April 1, 1985):

“In Taiwan, **Newsweek** has been told, underworld gangs were used in the 1970's to collect information on dissidents and disrupt election campaigns of opposition politicians.”

*Taiwan Communiqué comment: we would like to inform Newsweek that this did not only take place in the 1970's, but is continuing to **this day**, and will continue in the future, **unless** the international community -- and particularly the international press -- pays considerably more attention to the lack of freedom and human rights in Taiwan than it has until now.*

Hearings in the US Congress

On 7 February 1985, the Subcommittee on Asian and Pacific Affairs of the U.S. House of Representatives held a hearing regarding the murder of Mr. Henry Liu. The following people presented testimony:

- * An opening statement by the Subcommittee's chairman, Congressman Stephen J. Solarz of New York;
- * Congressman Norman Y. Mineta of California;
- * Mr. William Brown, deputy assistant secretary of State for East Asian and Pacific Affairs;
- * Mrs. Helen Liu; widow of Mr. Henry Liu;
- * Professor Michael Glennon, of the University of Cincinnati Law School. From 1977 to 1980 professor Glennon was legal counsel for the Senate Foreign Relations Committee. Among the subjects on which he specialized was foreign agent activity in the United States.

Opening statement by Congressman Stephen J. Solarz

Congressman Solarz gave a brief background statement about Mr. Liu, saying that he "... married the principles of American investigative reporting to a characteristically Chinese focus on the morality of public officials." Mr. Solarz then presented a number of details of the case, and said:

"I cannot exaggerate the sense of outrage which the reported involvement of officials of the Taiwan government in the murder of an American citizen on American soil provokes in me. The genius of the American system of government is that it offers broad opportunities for people politically to think, speak, and act as they wish. It should not offer any opportunity whatsoever to foreign government to punish critics of their regimes who reside in the United States. (...)

Part of my outrage stems from the knowledge that this is not the first time that Taiwan has abused the freedoms of individuals in the United States. In the past, there have been numerous credible charges of surveillance, intimidation, and harassment in the United States by agents of Taiwan's intelligence services, particularly with respect to Taiwanese students in our country.

Three and a half years ago, Professor Chen Wen-cheng, a Taiwanese permanent resident on the faculty of Carnegie-Mellon University, was detained, interrogated, and killed while in Taiwan. Members of the Foreign Affairs Committee will remember that the hearing of this subcommittee revealed that Professor Chen was targeted for this treatment because he had been spied upon at public meetings in the United States. As a result of the Chen case, Congressman Leach and I secured passage of an amendment to the Arms Export Control Act which forbids the sale of arms to countries which the President determines have engaged in a consistent pattern of acts of intimidation or harassment against individuals in the United States."

Mr. Solarz then listed three serious questions raised by this issue:

First of all, have the relevant agencies of the executive branch acted properly in trying to secure justice for Henry Liu, by mounting a vigorous investigation and taking appropriate diplomatic steps?

Second, is the murder of Henry Liu an isolated incident or is only the most visible manifestation of a consistent pattern of acts of intimidation or harassment?

Third, is the existing legal framework for restricting illegitimate foreign agent activity strong enough? Or is new legislation required to better protect the rights of people within the territorial boundaries of the United States?

Mr. Solarz said that the hearing was the beginning of a process through which this subcommittee would seek full answer to these questions.

After the witnesses presented their testimony and members of the sub-committee asked questions, the subcommittee approved House Concurrent Resolution 49, the text of which is presented on the next page.

HOUSE CONCURRENT RESOLUTION 49*Relating to the murder of Henry Liu***H.Con.Res. 49**

Expressing the sense of the Congress that the Taiwan authorities should cooperate fully in the case of Henry Liu by delivering to the United States for trial those citizens of Taiwan charged by authorities in the United States in connection with the murder of Henry Liu.

Whereas Henry Liu, a United States citizen of Chinese ancestry, was murdered in Daly City, California, on October 15, 1984;

Whereas certain citizens of Taiwan have been accused, and other may be accused, by authorities in the United States in connection with the crime;

Whereas both the cause of justice and sound American relations with the people on Taiwan will best be served if the individuals accused of a crime committed on American soil are tried in American courts; therefore, be it

Resolved by the House of Representatives (the Senate concurring) that it is the sense of the Congress that --

- (1) that the American Institute in Taiwan and the Coordination Council for North American Affairs should take steps to conclude an extradition agreement which meets the interests of both sides; and
- (2) in the interim, the Taiwan authorities should cooperate fully in the case of Henry Liu by delivering to the United States for trial those citizens of Taiwan and any other individuals charged by authorities in the United States in connection with the murder of Henry Liu.

Testimony by Congressman Norman Y. Mineta *Member of Congress from the State of California*

Mr. Mineta is the most senior member of the House of Representatives of Asian Ancestry. After a brief introduction he stated:

“Henry Liu was a journalist, whose writing did not always please the government of Taiwan. And while I do not assume to know who is ultimately responsible in a legal sense for his murder, I am confident he was killed because of his work. Let me put this bluntly as I can: Henry Liu was a U.S. citizen, just like all of us. Yet I am forced to believe that if Henry Liu was white, then this case would be handled differently by our government and other groups.

Imagine if you will the murder of an American journalist of Polish ancestry here in this country by agents of the Polish government because he wrote about the repression in the country from which he emigrated. Or imagine if you will, an experienced American reporter of Iranian ancestry murdered by Iranian terrorists because he had the courage to write about the Ayatollah Khomeini.

Led by an appropriately outraged press there would be an outcry to demand justice. The national outcry would be enormous. Does anyone doubt, that the President would take to the airwaves to denounce such an act? Does anyone question that issues would be raised at the highest levels of the State Department, the Justice Department, or the White House? Would not this story be front page news? Yet an American of Asian ancestry is killed and this has not happened.

Mr. Chairman, I wrote to the Attorney General on January 11th asking for a strong response from the Administration, and so far -- now, nearly a month later -- all I have gotten back is a two-sentence form letter. With your indulgence, Mr. Chairman, I'd like to read a portion of my letter to Attorney General Smith and ask to have it and the reply included as part of this hearing record.

“Given this Administration’s vociferous claim to be serious about stamping out terrorism, your silence is inexplicable. I am sorry to report that there is a growing feeling among Americans of Asian ancestry that this Administration is not seriously concerned with the most basic rights of minority citizens. (...)”

I urge this Subcommittee to send a signal that the time has come to put an end to the hypocrisy that condemns terrorism against U.S. citizens abroad, but turns a blind eye to it here at home when opposing such terrorism puts us at odds with our so-called friends. We cannot allow Taiwan to be a safe haven for those who murder U.S. citizens.

I understand that the government of Taiwan has said it will try the two men most directly responsible for this murder. Three senior officials of the Taiwanese military intelligence, including its head, are also under investigation. Apparently FBI and Daly City police were able to interview the two men who have already been charged but either did not seek or were not allowed to interview the intelligence officials. I regret we have not aggressively sought to have these men returned to U.S. courts.

I have been told that Taiwan's law would not allow the return of these men -- that perhaps, while they would want to return the two suspects in this case, that they are restrained from doing so by their own laws. I say to my friends in Taiwan that U.S. law does not allow us to sell arms to a country when there is a systematic pattern of intimidation or harassment against U.S. citizens.

And I urge my colleagues in Congress to make clear to Taiwan, and others, that policy decision involving foreign assistance by this country will not be constrained by technicalities when the safety of our citizens from terror is involved.

Perhaps even more importantly, I am saddened by the apparent unwillingness of this Administration to tell Americans of Asian ancestry that they have a right to hear that this nation values their rights and their lives just as highly -- no more, no less -- as all other citizens. (....).

Statement by Mr. William Brown

Deputy Assistant Secretary of State for East Asian and Pacific Affairs

Mr. Brown first briefly responded to a number of written questions from the sub-committee regarding the alleged involvement of the three Military Intelligence Bureau officials and regarding the (un)helpfulness of the Taiwan authorities in the investigation. He explained that it was premature to say what the position of the U.S. government was on the first matter, since it was still under "active investigation."

He stated that the Taiwan authorities had granted all U.S. requests for assistance, "except one": the transfer of the two suspects arrested in Taiwan to the United States for trial. Mr. Brown stated that the United States had **not asked** for the extradition of these two persons, but "by deportation" or "voluntarily," which would -- in Mr. Brown's view -- be a "more expeditious and less burdensome" process for the U.S. government.

The fifth and last question put to Mr. Brown went as follows:

Q: Does the U.S. believe that the killing of Henry Liu is an isolated case or part of a consistent pattern of acts of intimidation and harassment ?

A: As I have said, the investigation into the murder of Henry Liu is continuing; it would be premature, therefore, to reach such conclusions about it. Nonetheless, I can say that at this preliminary stage I have no reason to believe that the killing of Henry Liu was part of a consistent pattern of acts of intimidation or harassment.

Taiwan Communiqué comment: we are incredulous at the last part of Mr. Brown's statement. If he really believes that it is premature to arrive at the conclusion that Mr. Liu's murder is part of a consistent pattern of acts of intimidation and harassment, let him refrain from commenting on it. However, to say that "...at this preliminary stage there is no reason to believe that the killing was part of such a pattern", amounts to complicity by the State Department in a gross cover-up:

On the date of the hearing, there were already strong indications of involvement by three top officials of the Military Intelligence Bureau (they had been arrested in Taiwan !). At least one of these officials was known by the State Department to have been involved in the extensive spying activities and the harassment and intimidation of native Taiwanese in the United States: the arrested head of the Military Intelligence Bureau, Vice Admiral Wang Hsi-ling, served as military attaché in Washington D.C. in the seventies, and in that position coordinated surveillance and harassment of the native Taiwanese community in the United States.

Statement by Helen Liu Widow of Henry Liu

After a number of introductory remarks, Mrs. Liu said:

"I believe that my husband was murdered on the orders of high government officials of the Republic of China (Taiwan), and that he was killed by them for a threefold purpose: 1) to punish him for writing about the ruling Chiang family; 2) to prevent him from writing books and articles in the future about the Chiang family, and their political and family history; and 3) to scare other journalists and writers who might also be interested as Henry was in writing about this family and its history.

My belief that this is why he was killed is based on the following evidence, including the repeated efforts of Taiwan government officials to bribe Henry not to publish his

book on President Chiang Ching-kuo, the sworn confession of one of my husband's killers, Wu Tun, and on the continuing efforts of the Taiwan government to harm my husband's reputation as a writer, now that he is dead, and to cover-up all of the true facts about who in the Taiwan government ordered his murder and why.

Who was Henry Liu ?

Everyone who met my husband knew him to be an especially talented and resourceful journalist. He was born on December 7, 1932 in Jingjiang, Jiangsu, and grew up amidst the turmoil and chaos of war and revolution. When he was nine years old, his father fell victim to a Communist shooting. he was drafted into the Nationalist (Kuomintang) Army when he was 16, and was evacuated to Taiwan in 1949. During the 1950's he continued his education, and attended a Defense Ministry School for political cadres, run by Chiang Ching-kuo, son of president Chiang Kai-shek. There, he met Chiang Kai-shek's other son, General Chiang Wei-kuo, and General Wang Sheng [the latter was Taiwan's top secret police official until 1983, when he was demoted and sent to Paraguay as Taiwan's ambassador -- Ed.].

I ... fear that both Taiwan and the Reagan Administration will cover up the true story about my husband's murder for political reasons, and to protect the high officials who were really involved.

Mrs. Helen Liu, 7 February 1985

My husband, however, didn't like a military career, and wanted to be a journalist. First he worked for a government radio program. Later he became a reporter for the **Taiwan Daily News**, which was published by Mr. Hsia Hsiao-hua who became a mentor to Henry and helped his career along. I met Henry in 1962 when he had that job. Henry attended University courses at night at National Chengchi University where I also was a student. After the Taiwan Daily News sent him to cover a story in Hong Kong, Henry wrote a book about the island that was published in Taipei. The newspaper later sent him to report on Manila, and on the Vietnam War. Henry wrote his second book on the Vietnam War and Southeast Asia, which was also published in Taiwan.

Henry and I were married in 1967, and we moved to Washington, D.C. when Henry was appointed correspondent for his newspaper. In addition to writing for the paper, Henry took courses at American University Graduate School, for a Master's degree, and he worked as a part-time interpreter/escort for the State Department. Henry stopped writing for the Taiwan Daily News in 1973, and we both became U.S. citizens in 1973.

Beginning at about that time (1973), Henry wrote and published at least 25 articles, essays and books on the ruling Chiang family, its social and political history, and about several political leaders closely associated with them over the years. I have attached a bibliography of Henry's work during this time. His articles were about Chiang Kai-shek, Mrs. Chiang Kai-shek, Chiang Ching-kuo, Governor K.C. Wu (the former mayor of Shanghai) and general Wang Sheng. When he died Henry was working on a biography of former Yunnan Province Governor Long Yun, and had plans to write a full biography of the political career of Governor Wu. In fact, Henry had just signed a contract with the Wu family giving him exclusive access to their extensive archives, shortly before he was killed on October 15th, and some people feel that it was official fear of this book that prompted Taiwan to order Henry murdered.

Taiwan censors Henry Liu

Henry began writing articles about the Chiang family in the early 1970's as part of his graduate study work, and he arranged for publication of some of his work in several Hong Kong magazines. Around that time he received a letter from General Wang Sheng, the powerful head of the Taiwan government's Security Bureau, who told Henry to "take heed" of three things before he published his biography of Chiang Ching-kuo.

He was told to consult with as many people as possible before publishing, to think of what was good for Taiwan, and should "move cautiously, and think twice," before publishing such a book. As reported in a recently published letter Henry wrote to a friend in Hong Kong, Henry wrote General Wang back bluntly telling him: "I'm living in America and I am independent. No one could tell me what I should write about." This correspondence with General Wang was in 1973.

Two years later, General Chiang Kai-shek died, and his son Chiang Ching-kuo became KMT Chairman. Henry published three articles on Chiang Ching-kuo in Hong Kong that year. These were collected and published in book form in Hong Kong. In 1980, the book was translated without Henry's permission into Japanese and published there.

The 1975 book covered the life of Chiang Ching-kuo only through about 1949, and Henry was determined to bring it up to date. He would also publish chapters or installments in various magazines as they were completed, and hoped to base his Ph.D. thesis at American University in Political Science on this work.

Of course, the Taiwan government was aware of Henry's plans, since he did not keep any of it secret. In 1977 when we still lived in Washington D.C., Henry was approached

by Admiral Wang Hsi-ling, who was then military attaché at the Taiwan ~ government offices in Washington. Admiral Wang has since been dismissed, and arrested in Taipei because of his involvement with Henry's death. In 1977, Admiral Wang told my husband that he could write about whatever he wanted to write about, but "not about the Chiang family." Henry rebuffed him, and told him that this was in fact "the only thing" he wanted to write about. Henry also wrote to his friend in Hong Kong about his conversation.

These warnings were not the only attempts to interfere with Henry's work during the next few years. Henry told of rumors that he would be paid \$ 1 million if he would not write his book on Chiang Ching-kuo. Our friend, Van Lung, said recently that the Taiwan authorities had actually offered Henry \$40,000 to drop his plan to publish the book. A number of money offers and approaches were made to Henry's publisher, the American Tribune (Los Angeles) to get them to back off plans to print the book.

Henry and his publishers bravely rejected all of these censorship attempts, and continued with their plans. However, I believe that Henry was concerned about the reaction of the Chiang family to his book and made several efforts to show that he did not carry any personal antagonism towards them. For example, when Henry went to China in 1981 for research on his book, he took photo's of Hsi-k'ou where Chiang Ching-kuo has lived as a boy, and Henry sent these to General Chiang Wei-kuo. Not long after, Henry received a letter from a friend of the General asking for the negatives and larger photos. So, on his next trip to China, in 1982, Henry arranged with a Chinese film crew to take some films of the Chiang family's house there. These he also sent to the Chiang family, and received a letter of appreciation in return.

As arrangements for the publication of Henry's book neared completion, Henry was approached once again by the Taiwan government regarding the book. This time, the approach was made by Henry's old friend and mentor, Hsia Hsiao-hua, the publisher of **Taiwan Daily News**. Mr. Hsia was himself a former military intelligence officer who still had close ties to that agency. He came to California in December ,1983, and told Henry he was there on behalf of Admiral Ching Tsu-li, the Associate Director of Military Intelligence, under Admiral Wang Hsi-ling.

He made a personal appeal to Henry, based on their years of friendship and their mentor/protegé relationship, asking Henry to drop a chapter from his book dealing with the family history of the Chiangs, and to tone down the book's criticism of Chiang rule on Taiwan. No money was offered at this time. In the face of this personal appeal, Henry was unable to refuse Mr. Hsia's request, because to do so would have been an insult and

disrespectful under Chinese culture and tradition. So, Henry reluctantly agreed to Mr. Hsia's requests and modified the book in this way, because he felt that if he did this he could finally go ahead and safely publish the book, which really was his lifework.

Henry believed that this was the case because Mr. Hsia telephoned Henry from Taiwan in February 1984 and told him that Military Intelligence were happy about the changes and would give Henry \$ 20,000, to be paid in installments, to show their gratitude. Of this money, Henry received \$17,000 before he' died. Somehow the FBI found out about this and talked to Henry about it only a week before he was killed. Another strange fact is that just after Henry was killed, Mr. Hsia's friend in Military Intelligence, Admiral Ching Tzu-Ii was transferred out of that job, to a job Mr. Hsia formerly held as head of the Taiwan Government's propaganda radio station, Cheng Sheng (Righteous Sound) Broadcasting.

Who killed my husband and why?

In late November of 1984, the FBI identified four members of the United Bamboo Group, a large Mafia type organization, as the hit squad that murdered my husband. Last month, the Taiwan government identified four high level officers of their own military intelligence agency as being involved in Henry's death. Since then, a number of Chinese language newspapers here, in Hong Kong and in Taiwan have published reports identifying other high military and Kuomintang officials as being involved in ordering Henry's murder.

I believe that my husband was killed by the Taiwan government because he was not just another journalist or writer. Many people have compared Henry's work to that of William Shirer, Theodore White and Louis Fischer. Henry's work was widely published and read all throughout Asia, in China, Japan, Hong Kong, and in Taiwan, despite repeated government efforts to suppress it.

Just a few months before Henry was killed the Taiwan government impounded and suppressed the entire printing of a Taiwanese monthly publication, **China Tide Review**, which reprinted Henry's interview with Governor K.C. Wu. After Henry was killed, the government suspended this magazine for one year because it included excerpts from his book on Chiang Ching-kuo. The government has also closed a weekly named *Marching forward* which reported on the killing. Many Chinese Americans also believe that Taiwan officially interfered in the U.S. publication of the **China Times** and closed that newspaper because it fairly reported on Henry's death. (see the attached copy of Henry's last letter, to Jack Anderson, which he wrote regarding Taiwan's interference with the editorial policy of the *China Times* just before he was killed.)

Henry and I came to the United States because Henry could not live under the policy of fear, censorship, and suppression that prevails in Taiwan. Once he became a citizen, Henry believed he would be free to write what he wanted, as he wanted, and he told Taiwan's officials this on several occasions.

Henry had the courage to write about the official family of Taiwan when others did not. People who know China know the passion for secrecy that surrounds the Chiang family. Chiang Ching-kuo, who has been president of Taiwan for over six years, has not even had an official biography published about him, and Henry's book was the only reliable, documented, and accurate book. Certainly it was a controversial and critical book about Chiang Ching-kuo.

For example Henry wrote that Chiang Ching-kuo was the secret instigator of the May 1957 burning of the U.S. embassy in Taiwan, when an U.S. Army court-martial released a U.S. Army sergeant charged with the murder of a Taiwan national named Liu. This little remembered "May 24 incident," and Chiang Ching-kuo's early Russian education, and pro-Soviet activities, do not reflect well upon Taiwan's President. Many people feel that Henry's planned full biography of Governor Wu would contain many more shocking and damaging revelations about President Chiang and his family.

In his soon to be released book, **The Soong Dynasty** published by Harper & Row, Sterling Seagrave has written about the attitude of the Chiang family towards journalists and biographical writing and his comments give some insight into why my husband was killed:

*"It is characteristic of the Chinese, rich and poor to be reserved and private -- even secretive. The Soongs were the most Westernized of all Chinese, but the appearance of openness and accessibility was merely an acquired manner, not a total transformation. Close associates could not penetrate this mask. Their public image was enhanced and propagated by a legion of publicists. The Chiang regime was known to have spent hundreds of millions **each year** in the 1940's, 1950's and 1960's to guarantee its image in America and thus the continuance of the regime. At the same time, the regime suppressed negative publicity; for example, a critical biography of Chiang Kai-shek written by one of his ex-wives was purchased by the Taiwan authorities for a sum said to be in excess of \$ 1 million, and evidently destroyed."*

The Soong Dynasty (Harper & Row, 1985) page 10.

Attached is the Daly City Police Affidavit charging Wu Tun with my husband's murder, based on the police interrogation of Wu Tun in Taipei on January 24, 1985. In it Wu Tun confessed that Chen Chi-li, the hit squad leader, asked him to help "teach a lesson" to my husband, because Henry "had written some bad things about Taiwan and its president."

On January 31, 1985, a Taiwanese newspaper, **Fa-yang Weekly** reported that in September, Chen Chi-li agreed with Taiwan government officials to kill my husband after Admiral Wang Hsi-ling mentioned Henry's new book, and said that "A guy like Henry would have been killed long ago if a Chief of Police like Dai Li [a much-feared secret police official, who headed Chiang Kai-shek's, security police in the 1930's and 1940's -- Ed.] were alive."

This report and other confirm the several contacts between Chen Chi-li and several Taiwan military intelligence officers, some of whom are now under arrest in Taiwan, and confirm Chen Chi-li would hide the true purpose of his trip to the U.S. by holding a big reception in Houston, Texas ostensibly for the purpose of honoring the U.S. publication of his gang's magazine, **Mei Hua Reports**.

This reception, held at a Chinese restaurant in Houston on September 25th, was attended by Liu En-ti, the Houston head of the Taiwan official office (CCNAA), by Chang Ning-chih, the Houston based head of the official Taiwan Government Press Bureau, and by Chang, Hsueh-hai, the Secretary of the Committee of Overseas Chinese in Houston, also an official of the Taiwan government.

The involvement of government officials in my husband's murder is not subject to any question at this time. Nor is the true motive. The only questions remaining are whether all of the people involved will be identified, and whether all of these will really be punished for Henry's murder.

Is there a Political Cover-up in This Case?

I and the Committee fear that both Taiwan and the Reagan Administration will cover up the true story about my husband's murder for political reasons, and to protect the high officials who were really involved. We have the following evidence of such a cover-up:

1. The refusal of Taiwan to extradite or deport all the persons arrested for involvement in my husband's murder;

2. The failure of the Reagan Administration to publicly denounce my husband's terrorist murder, or to insist upon the delivery of the killers to U.S. Justice;
3. The continued suppression and concealment of Chen Chi-li's taped confession, which the F. B. I. has had for weeks, giving rise to concern about a joint U.S.-Taiwan doctoring of this taped confession; the growing conflicting newspaper reports of drastically differing versions of this tape recording, with a recently leaked one from Taipei alleging that Chen Chi-li had no official support in this murder;
4. A cowardly campaign orchestrated by the Taiwan government to discredit Henry Liu by leaking alleged spy letters, and spy rumors which have been given widespread publicity in the press;
5. Recent intimidating approaches by the FBI and Taiwan government officials to members of our Committee who were suspected of writing about the Chen Chi-li tape recording, or of having any information regarding this tape. In fact, one of our committee members was threatened by a CCNAA official over this matter;
6. The refusal of the Justice Department to seek federal civil rights indictments against any of the killers or their sponsors, and the instructions of the FBI and the Justice Department to local law enforcement to limit their indictments, and investigation away from Taiwan officials;
7. The failure of the federal FBI and local investigative team to interrogate the several Taiwan government officials arrested in connection with this murder during their January trip to Taipei;
8. Interference by CCNAA officials with local law enforcement and offering of gifts by the CCNAA to local police;
9. Disturbing statements from local and federal law enforcement that this case will soon be closed, without any U.S. or state prosecutions or trials of anybody;
10. The failure of the Taiwan government to appoint an independent Warren type commission or special prosecutor such as - was recently created in Aquino case and in Israel, to conduct a blue ribbon, bona fide investigation into Taiwan's official involvement in this crime. Instead, Taiwan has only entrusted the investigation of the crime to another military intelligence official, Gen. Wang Chinghsi, who himself has been identified in at least one news report of having approved the murder of Henry Liu in advance. (*Formosa Weekly*, Los Angeles);

11. The State Department recently stated that they would rather this whole incident and all of its details be kept quiet for twenty years, because of the political repercussions of the identification of government officials in Henry's murder;
12. The failure of U.S. authorities to arrange for the arrest and surrender of Tung Kuei-shen, alias Little Tung who is in hiding in the Philippines, and who is rumored to wish to surrender to the U. S. Published reports state that Tung fears he will be assassinated by Taiwan government agents, and would only feel safe in U.S. hands.

I and the Committee to Obtain Justice for Henry Liu are not pleased with the conduct of the U.S. government so far in this case. (...)

Since my husband's death, I have received no words of condolence or regret from any representative of the Taiwan government, despite the admitted involvement of Taiwan officials in his murder. On the contrary, that government has only acted coldly and insolently, in a manner which is unacceptable under both Chinese and American customs. It is disheartening to me, as Henry Liu's widow, to my Committee members, and, I believe, to the American public, that our government has taken this rude and insolent behavior from Taiwan, without any public reproof. I and the Committee appeal to you, the Congress, to express a sincere and stronger response to the killers and their sponsors in official places in Taiwan; we appeal to you to help us obtain Justice for my murdered husband, Henry Liu ! Thank you.

Testimony by Professor Michael Glennon

The dimension of the problem

Mr. Chairman, foreign intelligence agencies -- including those of Taiwan -- have conducted extensive harassment, intimidation, and surveillance of United States residents here on American soil. Typically, these activities are supervised by case officers . operating under diplomatic cover, although some may pose as students, businessmen, or tourists.

The case officers direct agents, who are "tasked" to carry out specific intelligence missions. The most frequent is surveillance, including the infiltration of groups thought to be inimical to the foreign regime, attendance at demonstrations, and similar activities directed at identifying critics of the regime. Another frequent mission is the disruption of anti-regime activities, such as speeches, demonstrations, and organizational planning.

Once the critics are identified, several things may occur. They may be threatened or assaulted. Relatives in their homeland may be harmed. Upon returning home, the critic may be imprisoned, possibly tortured. On rare occasions, he or she may be murdered here in this country.

The existing statutory framework

Under this heading, Professor Glennon first named three federal statutes which were violated by the abovementioned type of activities by foreign agents. He continued:

“The United States intelligence community has known for some time that these acts have been taking place. It has made occasional protests, but these appear to have been pro forma. Notwithstanding specific knowledge of these acts, it has in some cases continued to conduct liaison relationships with the agency in question. These relationships have embraced, among other things, training programs, information-sharing, and organizational support. In some instance that support has continued. Let us be clear: the United States intelligence community has continued to advise and train some of the same foreign services that have used their newly-acquired skills to violate United States law. And United States intelligence agencies have in some instances made no real effort to ensure that the skills they have imparted are not used in the United States against residents of our country.”

He then highlighted the weaknesses in the existing statutory framework, and the institutional and political impediments, which hamper effective law enforcement with regard to foreign agent activities. He continued by outlining several methods to improve the institutional mechanisms. His basic message was: “.. this problem can be resolved ... without further legislation, if the requisite will were mustered at the highest levels of the executive branch.” However, Professor Glennon was not optimistic that the Reagan Administration would take any action in this matter. He stated:

“I must say that I am frankly bewildered at the Administration’s inaction. The issue is, in the end, a law-and-order issue; there would seem few more squarely conservative objectives than that of protecting the exercise of constitutional rights from violation by foreign thugs (...).”

Professor Glennon then described four possible actions the Congress could take to rectify the situation:

1. The Solarz Amendment might be strengthened by requiring the President to transmit a written determination to Congress with respect to any country that engages “a consistent pattern of harassment and intimidation.” This would effectively mandate a cut-off of arms sales to that country.
2. The burden might be shifted to the Executive by providing that the cut-off will take effect unless the President determines that such a pattern of activities has not occurred.
3. A statutory requirement that the President expel foreign diplomats who violate diplomatic norms. However, this would, in Mr. Glennon’s view, raise constitutional problems. He then stated:

On the other hand, as members of this Subcommittee are well aware, Taiwan is not recognized by the United States, and the United States does not carry on diplomatic relations with Taiwan. Personnel affiliated with Taiwan’s Coordination Council for North American Affairs (CCNAA) do enjoy “privileges and immunities” of a sort, but this is different from the immunity accorded diplomats of recognized countries (...). It would be entirely appropriate for Congress to repeal this provision of the Taiwan Relation Act; it would also be entirely appropriate for Congress to amend the provision so as to confer immunity conditionally.

This Subcommittee may wish to consider, for example, engrafting the approach of the Solarz Amendment onto the Taiwan Relations Act: the Act might be amended to authorize the President to extend appropriate privileges and immunities to the CCNAA only after he has transmitted to the Congress his determination that the authorities on Taiwan are not engaged in a pattern of harassment, intimidation, or surveillance of persons in the United States.

4. Analogous to the “country reports” required by the human rights legislation, the executive branch might be required to report annually to Congress concerning every country engaged in a pattern of harassment, intimidation, or surveillance in the United States.

Mr. Glennon concluded his testimony as follows:

“Mr. Chairman, at one level, the most painful level, the problem we have been discussing today is the problem of relatively few individuals: Henry Liu, Wen-chen Chen, their widows, their children, their families, and other emigrés who dare to speak

out against oppression and who have nowhere to turn but to you -the United States Government -- when the forces of oppression seek to silence them.

On another level, however, the problem affects all Americans. For every resident of the United States is constitutionally accorded the rights of free speech, free association, and free assembly. If these rights are abridged by a foreign secret police force, it is not simply the individual “target” who is their victim -- it is our entire body politic (...). So when a foreign secret police force strikes out at these brave men on American soil, it strikes at the very heart of our political system.

The murder of Henry Liu represents an attack, Mr: Chairman -some might say a terrorist attack -- on our country and on the most precious ideals for which it stands. I hope that the Congress responds accordingly.”

Senate Committee passes “Future of Taiwan” Resolution

On April 2, 1985 the Senate Foreign Relations Committee passed -- by a large majority -- a resolution regarding the future of Taiwan. There was only one vote against (ultra-conservative Jesse Helms, R-North Carolina) and one abstaining (Dan Evans, R-Washington). The resolution had been introduced by Senator Claiborne Pell (D - Rhode Island). Below follows the full text:

Expressing the sense of the Senate concerning the importance of democracy for Taiwan’s future

Whereas peace has prevailed in the Taiwan Strait since the normalization of relations between the United States and the People’s Republic of China;

Whereas the United States expects the future of Taiwan to be settled peacefully and free of coercion;

Whereas the authorities on Taiwan have strived to achieve democracy at the local level;

Whereas an increasing number of native Taiwanese have been appointed to responsible positions at the provincial and national level on Taiwan;

Whereas martial law measures tend to impede attainment of democracy and abridge guarantees of human rights;

Whereas the attainment of greater democracy on Taiwan serves to bolster continued American public support for the moral and legal responsibilities set forth in the Taiwan Relations Act;

Whereas the United States in the Taiwan Relations Act has reaffirmed as a national objective the preservation and enhancement of the human rights of all the people on Taiwan; and

Whereas the United States considers democracy the most fundamental of human rights; **Now, therefore, be it**

Resolved, that it is the sense of the Senate that the best guarantee of a peaceful future for Taiwan -- one free of coercion -- is the attainment of full democracy, and therefore the United States should encourage the authorities on Taiwan, in the spirit of the Taiwan Relations Act, to find ways, with alacrity, to implement and promote democracy to its fullest extent among all the people on Taiwan.

US State Department Human Rights Report 1984

In the beginning of February 1985, the U.S. Department of State issued its annual "Country Report on Human Rights Practices." The report analyzes the human rights record of some 164 countries, based on information gathered from Congressional studies, U.S. embassies, the press in the United States and human rights groups.

The 17-page section about the developments in Taiwan presents a detailed look at the lack of civil and political rights on the island.

However, it still understates the severity of the restrictive actions by the secret police and the pervasive stranglehold the ruling Kuomintang has on the press and political activities. The report also contains a number of factual inaccuracies, in particular concerning the scale of press censorship. On the following pages we present the full text of the introductory statement and an excerpt from the section dealing with press censorship, followed by our correction of the State Department's inaccuracies:

Introduction

“Taiwan’s polity is dominated by the Nationalist Party (Kuomintang or KMT) in what is essentially a one-party authoritarian system, although there is a vocal opposition with a wide range of popular support. The Taiwan authorities, who claim to be the government of all of China, maintain the full array of central political bodies originally established on the Chinese mainland under the 1948 Constitution. In some ways these are vestigial, but supplemental elections have increased their vitality by bringing the addition of younger members in recent years. In particular, the Legislative Yuan is evolving into a forum for questioning policy, though still lacking power to change it.

In addition to these central bodies, a range of functioning democratic institutions from the village to the province level has been created in Taiwan. Nevertheless, effective power remains in the hands of the small leadership group from mainland China whose members came to Taiwan after World War II. This aging elite runs the KMT, the military, the security apparatus, and the executive bureaucracy, under a limited Constitution whose major democratic provisions have been circumscribed by the martial law provisions enacted in 1949. The authorities justify martial law as necessary to counter the threat of military action or subversion from mainland China.

Throughout the past 34 years, Taiwan’s authorities, while firmly controlling the political system to ensure stability, have promoted economic development. Taiwan’s vibrant, largely free enterprise economy has been one of the fastest growing in the world in recent decades. Its per capita gross national product of over \$2,673 ranks fourth highest in East Asia and is accompanied by high standards of education, health, and nutrition.

Political evolution has occurred on Taiwan, but it has not kept pace with economic development. Human rights are publicly endorsed, but incompletely realized. Although tolerated, opposition activity is restricted. The expression and publication of opposition political views is controlled and opposition activities are monitored, both at home and, apparently, abroad. Native Taiwanese, descendants of Chinese who migrated from the mainland in the 17th and 18th centuries, dominate the private economy but, although they now constitute 85 percent of the population, are still underrepresented at the upper levels of the ruling elite. Dissatisfaction of many on Taiwan with mainlander domination has resulted in demands for more representative government. The increasing prevalence of higher education, foreign travel, and access to news from abroad has accentuated the felt need for political development, particularly among the youth.

In 1984, the dramatic human rights violations that have marred Taiwan's record in the past were absent. The slow trend toward human rights improvements continued. The authorities continue gradually to recruit increasing numbers of qualified Taiwanese to fill important economic, political, military, and security posts. The expanding, prosperous, and educated middle class displays a growing willingness to pressure the authorities about human rights issues.

The remaining 13 long-term prisoners at the Green Island Military Prison who had been convicted of sedition 30 years ago were released during 1984. The last of the Kaohsiung Incident prisoners sentenced by civilian courts were released, while four who had been sentenced by military tribunal were given improved conditions after a brief hunger strike. In November, one of the latter, Lin Hung-hsuan, was transferred to the Green Island Military Prison."

Taiwan Communiqué comment: *The State Department is incorrect in saying that all of the Kaohsiung Incident prisoners sentenced by civilian courts have been released. As we reported in issue no. 17 (November 8, 1984) writer Wei T'ing-chao still remains jailed. The Taiwan authorities say that he is to serve out the remainder (two years and eight months) of an old sentence: In 1975, he was released on probation, and had subsequently become politically active again. Another prisoner, Mr. Li Shu-chih, who was sentenced in military court, together with Reverend Kao, is in a similar position: he completed his "Kaohsiung" sentence in 1982, but was kept in jail, because he has to serve the remainder (three years and four months) of an old sentence.*

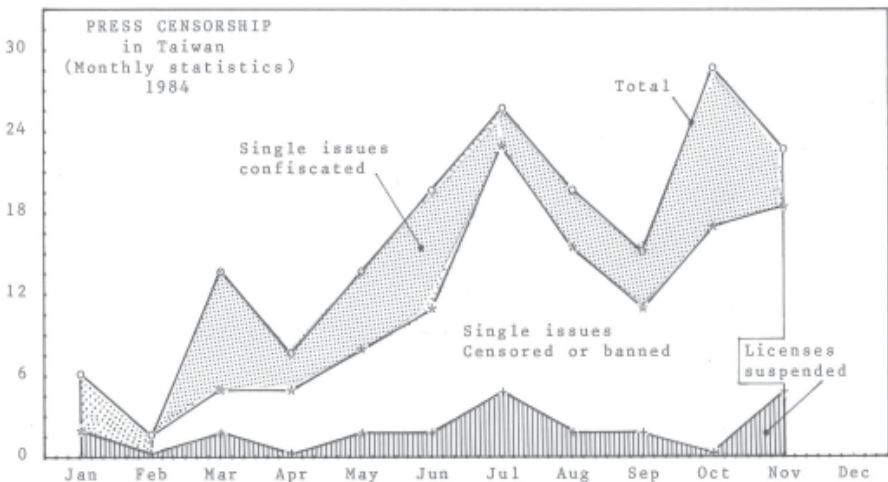
The Report continues:

"In the first half of the year confrontation developed over the issue of press freedom when proliferating opposition publications printed a rash of articles on a number of traditionally sensitive topics. The authorities responded with increased banning and confiscations. However, although there are strict limits to what is acceptable, critics of the political system and its policies have some freedom to express their views.

The unresolved conflict with the People's Republic of China (PRC) over Taiwan's future fuels local authorities' concerns which, in turn, influence human rights practices. However, the outlook for continued improvement in human rights appears favorable."

As we indicated earlier, there are a number of inaccuracies in the section on press censorship:

1. The State Department Report states that the "... dramatic rise in the quantity of publications was accompanied by a _similar jump in the frequency of bannings." As we already indicated in Taiwan Communiqué no. 18 (page 14), the overall publication frequency of the opposition magazines _did indeed increase in the beginning of 1984 (by a factor of approximately 2-11). However, the absolute number of censorship actions by the authorities increased much faster (by a factor of more than five). The jump in press censorship was thus _twice the increase in the overall quantity of publications, and not a "similar" jump.
2. The State Department reports that "according to unofficial statistics from August 1, 1983, to August 1, 1984, the authorities banned a total of 13 magazines for one year, plus 40 individual magazine issues..." Our comment: the number of suspensions (13) for the period in question is approximately correct, but the actual number of bannings and confiscations during this period is more than twice the number indicated in the State Department Report. It would have been rather easy for the officials at the Taiwan desk to deduce this from the statistics compiled by us and published in Taiwan Communiqué no's 14 through 16.
3. It is pertinently incorrect to state that from August 1984 on, the Taiwan authorities "eased the pace of their bannings." Below we present a graph of the data available to us through November 1984, which shows that after September press censorship increased to even higher levels than in July.



Press censorship in Taiwan in 1984

The indications at the time of this writing (April 10, 1985) are, that from November 1984 until now, press censorship in Taiwan has remained at a very high level (more than 20 actions per month). In the next issue of *Taiwan Communiqué* we will present our regular overview of confiscations and bannings.

Prison report

1. **Lü Hsiu-lien released on medical bail.** In the middle of March 1985, Ms. Lü's brother -- who is a lawyer -- submitted an appeal to the Minister of Defense, and to the head of the Taiwan Garrison Command, requesting that Lu Hsiu-lien be released on medical bail, so she can be treated for what he thinks is a relapse of thyroid cancer.

He stated in his appeal that during a visit to the prison, which took place on March 12, he found out that Lii Hsiu-lien was quite ill. He learned that on the day before she had been taken to the military hospital, and had been given an iodine treatment. Mr. Lü stated that he feared for a recurrence of his sister's thyroid cancer, which could threaten her life.



Annette Lü Hsiu-lien

On March 19, LG Hsiu-lien was transferred to the "Three Services" military hospital in Taipei, where the doctor diagnosed cancer cells in her thyroid. On March 28 she was released on "medical bail", and went to her brother's home in Taoyuan. According to press reports from Taiwan it will take six months to a year before it is known whether the iodine treatment will cure her. Ms. Lü's release leaves six of the original "Kaohsiung Eight" leading opposition figures in prison. They are:

Mr. Huang Hsin-chieh	(56)	-- Former member of the Legislative Yuan, and publisher of <u>Formosa Monthly</u> magazine;
Mr. Yao Chia-wen	(46)	-- Taiwan's most prominent human rights lawyer; legal advisor to <u>Formosa</u> ;
Mr. Chang Chün-hung	(46)	-- Former member of the Provincial Assembly; chief-editor of <u>Formosa</u> ;
Mr. Lin Hung-hsüan	(42)	-- Theologian of the Presbyterian Church;
Ms. Chen Chü	(34)	-- Deputy Director of <u>Formosa's</u> Kaohsiung office;
Mr. Shih Ming-teh	(43)	-- General manager of <u>Formosa</u> ;

Ms. Lu, who was deputy director of Formosa at the time of her imprisonment (December 1979), is Taiwan's leading women's rights advocate. She was also well-versed in international relations and law, having earned a Master's degree in comparative law from the University of Illinois, and an L.L.M. degree from Harvard Law School. She wrote a book about Taiwan's legal status, titled "The Past and Future of Taiwan." During the Kaohsiung Incident of December 1979 -which prompted the mass arrest of opposition leaders -- she gave an excellent speech, analyzing Taiwan's lack of status in the international arena [see The Kaohsiung Tapes, February 1981].

2. Lin Hung-hsuan still on Green Island. In issues no. 17 and 18 of Taiwan Communiqué we reported on the transfer to Green Island and the solitary confinement there of Mr. Lin, a theologian of the Presbyterian Church, who was imprisoned after the "Kaohsiung Incident" of December 10, 1979. Below we present some additional information on his present condition: On Feb. 9, 1985, he was moved from a first-aid room to a regular room. It is not know when and why Mr. Lin was moved to the first aid room. He is now incarcerated in a two-story prison building, which is divided into eight sections. Each section has four individual cells; each cell houses a single political prisoner. Aside from the time out for a walk and the time spent in a TV room (30 minutes every day after dinner), he is locked in his cell.

He is allowed 30 minutes in the morning and 50 minutes in the afternoon out for a walk. The three other inmates in his section have their walks at the same time. He has had an opportunity to speak with Yen Ming-sheng (a politician who was imprisoned in 1976 and sentenced to 10 years imprisonment), as the section to which Mr. Yen belongs also has the same time out for a walk.

Mr. Lin has seen Shih Ming-teh (one of the other prominent opposition leaders imprisoned after the "Kaohsiung Incident") from a distance, but was not able to talk to him because they are in different sections. He noticed that Shih looked very pale. [Reliable sources in Taiwan report that Mr. Shih rarely comes out of his cell, because prison guards ridicule him and shout insults at him when he is out for his walk -- Ed.]

Mr. Lin is permitted to read two newspapers, the Central Daily News and the Young Warrior Daily. Although both papers are propaganda organs for the Kuomintang government, they are heavily censored by the prison authorities: sections of the papers are cut out, so they become "holy" papers.

A number of his personal belongings were given back to him. However, since he was never given a receipt of his personal effects in the hands of the prison authorities, he could not determine whether they returned everything.

3. Chen Ming-chung's health deteriorating. Mr. Chen, a political prisoner, who has been serving a 15-years' sentence on Green Island since 1976, is reportedly suffering from a severe case of haemorrhoids, complicated by anaemia. Mr. Chen's wife recently submitted an urgent appeal to the Ministry of Defense, requesting that her husband be granted a medical parole. Mrs. Chen stated that on January 11, 1985 -- during a visit to her husband -- she learned that two days earlier he had required a blood transfusion of 500 cc. Since there is no blood bank on the island, the blood had to be donated directly by two soldiers.

Because of the lack of medical facilities on the island, Mr. Chen has not been able to receive adequate treatment for his illness. Mrs. Chen said that her husband's pulse sometimes reaches a rate of 150. He has frequent dizzy spells, and often feels numb in his arms and legs. Mrs. Chen requested the Ministry of Defense to take her husband to the "Three Military Services" hospital in Taipei for a full medical examination, and then release him on parole so that he can be treated in a private hospital. On March 11, 1985, Mr. Chen was indeed taken to the "Three Services" Military Hospital for treatment, but after having been given medication he was returned to Green Island.

Chen Ming-chung was arrested in July 1976. The reason for his arrest was apparently the fact that he had read "leftist books", and that he had assisted an opposition member of the Legislative Yuan in the election campaign of December 1975. After his arrest he was held incommunicado for approximately three months, during which he was reportedly tortured. After a closed trial he was sentenced to 15 years imprisonment. Amnesty International has adopted him as a prisoner of conscience.

4. Wu Cheng-ming still held incommunicado. In our previous Taiwan Communiqué we reported on the case of Mr. Wu, a former political prisoner, who was arrested again on December 26, 1984 in the government's "Clean Sweep" arrest campaign. There are strong indications that Mr. Wu's arrest was politically motivated: he had assisted opposition members in their election campaign in 1983, and had recently promised opposition lawyer Chen Shui-pien that he would help him in the upcoming (October 1985) election campaign, if Mr. Chen decides to run for the office of Tainan County magistrate.

Since December 1984, neither Mr. Wu's wife nor his lawyer have been allowed to see him. On March 15, she therefore decided to deliver a petition to the Legislative Yuan, requesting that she be allowed to see her husband as soon as possible, and that he be released immediately, because the arrest violated his human rights. A number of major *tangwai* leaders joined her in the protest, and a group of supporters stood silently at the entrance of the Legislative Yuan, holding placards asking for Wu Cheng-ming's release.

Freedom of the Press?

1. **Magazine publisher and wife injured during confiscation.** On March 2, 1985 at 5:30 a.m., a squad of agents from Taiwan Garrison Command's "Cultural Affairs Unit" of Taipei County arrived at a printing shop in Panchiao to confiscate issue No. 9 of **Progress Time**, a magazine published by Mr. Lin Cheng-chieh, an opposition member of Taipei City Council. The early morning raid resulted in a 10-hour stand-off, at the end of which the secret agents had called in more than 100 men as reinforcements. At around 3 p.m., they had completely surrounded the printing shop, and -- armed with batons -- pushed the magazine staff out of the way, entered the shop, and trucked away more than 5,000 copies of the magazine. In the scuffle between the more than 100 agents and the four (4) magazine staff, the publisher of the magazine, Mr. Lin Cheng-chieh was struck in the face, his wife, Ms. Yang Tsu-chun's arm was injured and Mr. Wu Hsiang-huei, the editor of the magazine, suffered injuries on his face, arms and legs.

Ms. Yang later said that the agents had shown up a little after 5 a.m., and -- without identifying themselves or showing a confiscation order -- had started to load magazines into their vehicles. Mr. Lin and his wife had been notified by the owner of the printing shop and arrived a little later. After their protests the agents finally produced a slip of paper of the Taiwan Garrison Command, which stated that "part of the content of this issue of the magazine is inappropriate." It did not say which particular article was found offensive by the authorities. Mr. Lin argued that according to the law, censorship action is enforced only after the magazine has been published. Therefore, the Garrison Command had no right to confiscate a magazine before it appeared in the public. However, the agents stated that they were "acting under orders."

After the raid, one of the secret police agents named Chou Fu-sheng -who had suffered a bloody lip in the scuffle -- pressed charges against publisher Lin, accusing him of "assaulting an agent on duty." Mr. Lin and his wife have termed this charge ludicrous: how would four people "assault" more than 100 military police and security agents, they asked.

2. **International concern about "libel" suits.** In the previous issue of *Taiwan Communiqué* (no. 18, February 8, 1985), we reported on the two "libel" suits brought in the beginning of January 1985 against the executives of two prominent Taiwanese opposition magazines (**Progress** and **Neo-Formosa Weekly**) by ardent supporters of the KMT authorities. At that time we stated that these cases constituted an attempt by

the Taiwan authorities to silence the opposition press and we expressed our concern that the executives would be taken into custody. Since the middle of January, a number of developments have taken place, which we summarize here:

- a. Mr. Chen Shui pien, the director of **Neo-Formosa Weekly** was invited to the United States by Senator Edward Kennedy. Mr. Chen flew to the U.S. on January 25 and returned to Taiwan on February 4, 1985. While in the U.S. he had discussions regarding the lack of press freedom in Taiwan with senators, congressmen, the State Department, and officials at the American Institute in Taiwan.
- b. Two well-known organizations which concern themselves with press freedom and human rights, the New York-based **Committee to Protect Journalists** and **Freedom House** were very quick to respond to the situation, and immediately expressed their deep concern about the libel suits in letters to President Chiang Ching-kuo. A third organization, the London-based **International Press Institute**, expressed its concern during its Annual Assembly at the beginning of March in Cairo. IPI's Executive Director, Mr. Peter Galliner, stated during his report to the Assembly that IPI was disturbed by the reports that some editors had been sentenced to imprisonment.
- c. On January 28, 1985 the wives of the three **Neo-Formosa** defendants appealed on behalf of their husbands to the Taiwan High Court. "To appeal or not to appeal" was a hotly debated subject among the *tangwai*, the more moderate grouping arguing in favor of appeal (in order to attempt to prove one's point in court), and the more outspoken "new generation" arguing against it, indicating their total lack of confidence that true justice can be achieved through Taiwan's party-controlled legal system.

On February 27, the High Court held its first hearing in the case. The three wives accompanied by their lawyers appeared. Some 200 supporters of **Neo-Formosa** crowded the courtroom and the corridors. The wife of lawyer Chen Shui-pien, requested the High Court in a lengthy statement to appoint a committee of prominent academicians to decide whether Mr. Feng Hu-hsiang's (who brought the libel-charges against Neo-Formosa) work, titled "A critique of new Marxism," was indeed original academic work or whether it was plagiarized.

At the time of this writing, we had received no new information on the two suits. However, the cases will gain further international attention, when the London-based **Index on Censorship** publishes an excellent article by Professor James D. Seymour in

its May 1985 issue. In the article, Dr. Seymour analyzes the text of the secret minutes of a high level meeting, held on October 17, 1984 in Taipei, which was attended by a number of high military and police officers and by two civilian officials responsible for press censorship on Taiwan: Mr. Chang King-yü (the head of Taiwan's Government Information Office), and Mr. James C.Y. Soong, the director of the Cultural Affairs Department of the Kuomintang party. The officials discussed a more "active" approach to bring Taiwan's opposition press under government control. Dr. Seymour refers as follows to the cases:

"Near the end of the transcript, Soong speaks of using "law" to control the opposition magazines. However, it must be understood what traditional Chinese mean by the term "law." (...) In Imperial China laws tended to be vague, and were sometimes even secret. Rather than protecting citizenry, laws served as tools to control the populace. It is in this sense that one should understand Soong's scheme for encouraging lawsuits. Indeed, the recent libel cases against opposition writers are precisely to prevent such people's articles from being published. Ostensibly these are private actions, but this document [the transcript of the secret minutes -- Ed.] makes clear that the suits are really promoted by the authorities for the purpose of repressing criticism (....).
