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38 Years of Martial Law

May 19, 1987 marked the 38th anniversary of martial law in Taiwan. It was declared in force on the island in 1949, after Chiang Kai-shek and his troops had lost the civil war on the mainland. In that year, Chiang moved his government to Taiwan - which had been placed under his temporary occupation by the Allied troops after Japan's defeat in 1945 — and vowed that he would “recover the mainland.” Until today, the Chinese Nationalists continue their anachronistic claim to be the legitimate government of all of China.

Taiwan's newly-formed opposition party — the Democratic Progressive Party (DPP) — marked May 19 by holding a rally at the Sun Yat-sen Memorial Hall in Taipei. In spite of a heavy police cordon, some 5,000 supporters were able to attend the gathering. DPP leaders, including legislators You Ch'ing and Kang Ning-hsiang, Taipei City Council-member Hsieh Ch'ang-t'ing, and ministers from the Catholic Church and the Presbyterian Church spoke, calling for an immediate end to martial law and for full democracy on the island.

The rally — which lasted for more than eight hours — was also the culmination of a DPP campaign against the Kuomintang's plans to replace the martial law with a new National Security Law (see story on page 3). Originally, the organizers also planned to march to the presidential palace to present a letter of protest. However, this proved impossible, since some 2,000 to 3,000 riot police had cordoned off the area surrounding Sun Yat-sen Memorial Hall. According to informed sources in Taiwan, the authorities deployed a total of some 20,000 riot police in the city.



Protest against the proposed new National Security Law

In April, an earlier plan to organize a demonstration in front of the presidential palace was abandoned. The event had been planned by the “May 19 Green Movement”, the more activist wing of the DPP. The group derives its name from the anti-martial law demonstration it organized a year ago on 19 May 1986 at the Lungshan Temple in Taipei.

However, a number of key DPP-leaders opposed the April demonstration, because they were wary that such large-scale street gathering could easily get out of hand and end in confrontation with the police. There were also indications that gangsters had been hired by right-wing extremist groups to provoke incidents. Furthermore, two prominent imprisoned opposition leaders, Huang Hsin-chieh and Chang Chun-hung also voiced their concern about having such a demonstration at that time. The two men were among a large group of opposition leaders who were imprisoned in December 1979, after a human rights demonstration in the Southern port-city of Kaohsiung ended in chaos when police and riot troops surrounded the rally, releasing teargas, and right-wing instigators similarly stirred trouble.

In any event, the 19 May 1987 demonstration fortunately passed without a confrontation — giving the DPP the satisfaction of having pulled off a large-scale protest against martial law, and the government the opportunity to claim that they had “contained” the demonstration.

The Longest Martial Law in Modern History

After 38 years, martial law still remains in force — severely restricting human rights and political freedoms on the island. From the fifties through the seventies, the western press paid little attention to the lack of freedom and democracy in Taiwan. The international news media focused on the rapid economic development, and overlooked the repressive and undemocratic nature of the political system.

It wasn't until the “Kaohsiung Incident” of December 1979 — when virtually all leading members of the native Taiwanese democratic opposition were imprisoned — that the outside world took note. Particularly a number of prominent members of the U.S. Congress, such as Senators Edward M. Kennedy and Claiborne Pell and Congressmen Stephen Solarz and Jim Leach, started to speak out for human rights and greater democracy on the island.

Inside Taiwan, the *tangwai* (“outside-the-party”) opposition movement began to organize itself and gradually became an increasingly cohesive and inventive political force. The combined internal and external pressures led President Chiang Ching-kuo

in mid-1986 to decide that change was necessary. On 7 October 1986, in an interview with Mrs. Katharine Graham of the **Washington Post**, he announced that martial law would be lifted and that new political parties would be allowed.

But today, martial law and the ban on the formation of new political parties are still in force the Kuomintang authorities say that first a new “National Security Law” has to be enacted, and laws regulating the activities of political parties are to be revised by the Legislative Yuan. Recent reports from Taiwan indicate that the lifting of the martial law might be delayed until after July or August 1987. Thus, on 19 May 1987, martial law was still in force in Taiwan — the longest martial law in modern history.

The “National Security Law” Debate Continues

During the past two months the debate on the proposed “National Security Law” has continued with full force (for an overview of the developments from October 1986 through March 1987, see *Taiwan Communiqué*’s no. 28 and 29). Proponents (mainly supporters of the Kuomintang) claim that such a law is needed for “national security”, while opponents (primarily the opposition Democratic Progressive Party and its supporters) argue that a new law is not necessary. Passage of such a law would in their view mean “old medicine in new bottles.”

As it was, on 8 April 1987 the Kuomintang approved two changes in the draft, which had been passed by the Executive Yuan on 8 January 1987:

- Hotly disputed Article 2 was revised to read “Assembly and association should not violate the Constitution, or advocate communism or *split the national territory*.” In earlier versions of the draft, the latter phrase had contained a ban on “advocating secessionism” or “advocating Taiwan Independence.”
- In Article 4, which regulates entry and exit, the authority to inspect luggage of travelers arriving in, and departing from, Taiwan was given to “Police authorities” instead of “Security personnel.”

Most observers in Taiwan agree that the change in Article 4 is a welcome improvement: “security personnel” includes the notorious Taiwan Garrison Command as well as the Bureau of Investigation and the Military Police. These will thus formally have no role in checking travelers. *Taiwan Communiqué comment: Whether this will indeed be the case remains to be seen.*

Article 2 thus remains the main item of dispute. The principal issue dividing Kuomintang and the DPP-opposition is whether advocacy of “Self-determination” and “Taiwan Independence” will be allowed. The DPP argues that the principle of democracy implies that the people have the right to voice their preference for a free and democratic Taiwan, separate from China. The Kuomintang, on the other hand, has based its hold on power in Taiwan on its claim to be the legitimate government of all of China and considers any move towards independence as a threat to its legitimacy.

The debates in the Legislative Yuan resulted in some fascinatingly incongruous statements by government officials. A few examples:

- On 12 March 1987, Interior Minister Wu Poh-hsiung stated in response to an interpellation in the Legislative Yuan that the proposed National Security Law “will *be implemented on the Chinese mainland after it is recovered from the Communists.*” He added: “although the proposed law will temporarily apply only to ‘free’ areas of the ROC, it is designed to govern all ROC territories including mainland China.” *Taiwan Communiqué* comment: *Mr. Wu’s statement does seem to lack a sense of realism.*
- On 20 March 1987, in response to an interpellation by DPP legislator Dr. You Ch’ing, Prime Minister Yu Kuo-hwa stated: “self-determination violates the Constitution and contradicts the nation’s basic policy of recovering the mainland.”

In his interpellation, Dr. You Ch’ing — a lawyer trained at Heidelberg University in West-Germany — had given a broad-ranging explanation of the principle of self-determination, referring to U.S. President Woodrow Wilson’s doctrine of self-determination, the United Nations’ Charter, the theories of German philosopher Immanuel Kant, and the Swiss Constitution. *Taiwan Communiqué* comment: *This was all clearly beyond the grasp of Prime Minister Yu Kuo-hwa.*

In his statement on 20 March 1987, Prime Minister Yu Kuo-hwa also repeated an often-heard assertion: “a move towards Taiwan independence will invite an invasion by the regime in Peking.”

Taiwan Communiqué comment: *this old “canard” is often repeated by the Kuomintang and by its apologists in the United States (such as professors Chiu Hungdah of the University of Maryland, James C. Hsiung of New York University, John F. Copper of Southwestern at Memphis and others). Firstly, we must state we find it rather odd to see people, who portray themselves as staunch anti-Communists, making such blatant*

propaganda for the communist regime in Peking. We suggest this is primarily a KMT scare-tactic, designed to maintain the status quo on the island and to smother any discussion on the future of Taiwan.

Secondly, while the authorities in Peking have indeed voiced concern about the independence sentiments among the Taiwanese, their traditional animosity is directed at their old arch-rivals of 40 years ago, the Kuomintang. They have thus always considered Taiwan as “the enemy” and are quite unfamiliar with the position of the newly-formed DPP, which would like to be able to work towards a “peaceful coexistence” with the mainland. There is reason to believe that in due time it will be possible for a scenario to evolve in which a new and younger generation of leaders in Peking can come to a friendly accord with a democratically-elected government in Taiwan.

Still claiming to represent China

Lost the election....but still in the Assembly

One of the most striking examples of the lack of democracy in Taiwan is the fact that the large majority of seats in the national legislative bodies are held by “permanent” members. These elderly legislators — their average age is over 80 — were elected in mainland China in 1947, and they have held on to their seats ever since then. As we have indicated in several previous Communiqué’s (our most recent overview was given in issue no. 28, p. 11) a considerable number of these “permanent members” in the National Assembly were not even elected in the 1947 elections. They were candidates...and lost, but in 1949 they came over to Taiwan with Chiang Kai-shek and were subsequently appointed by the Kuomintang to replace Assembly members who died since 1947.

On 3 April 1987, the Ministry of Interior in Taipei made public the following information about the number of these “selected alternate delegates” in the National Assembly. The number of people who became a member of the National Assembly in this way is as follows:

| | |
|-----------------------------------|-----|
| Appointed before 1954: | 108 |
| Appointed in 1954 alone: | 390 |
| Appointed from 1954 through 1986: | 166 |
| Total: | 664 |

Interestingly, the appointment of these “selected alternate delegates” continues to this day: on 2 April 1987, National Assembly secretary-general Irwin W. Ho said in response to an interpellation by DPP-legislator Kang Ning-hsiang that ten such delegates have been appointed since 1984.

According to the Ministry of Interior statement, the current total membership of the National Assembly is 961, out of which 343 are “selected alternate delegates.” This would mean that 321 (= 664 - 343) of the “alternate delegates” selected during the years between 1947 and 1986 have died. On 16 May 1987, the secretariat of the National Assembly gave an even lower figure for the total membership of the Assembly: 957.

| | LEGISLATIVE YUAN | NATIONAL ASSEMBLY | CONTROL YUAN |
|---|---------------------|----------------------|-----------------|
| Elected directly by the people in Taiwan: | 54 | 57 | -- |
| (S)ected from: | | | |
| Professional groups: | 16 | 16 | |
| Women's groups: | -- | 7 | |
| Aborigines: | 2 | 2 | |
| "Fukien Province": | 1 | 2 | |
| Total number of seats contested in Taiwan: | 73 | 84 | 22 |
| Appointed from overseas Chinese groups | 27 | -- | 10 |
| "Permanent members", remaining from 1947 | 231 | 530 | 37 |
| "Selected alternate delegates" Appointed since 1947 | -- | 343 | -- |
| <u>TOTAL PRESENT MEMBERSHIP</u> | 331 | 957 | 69 |
| Percentage elected directly by the people on Taiwan | 16.3 % | 5.9 % | 0.0 % |

With this additional information, we arrive at an overall picture of the three legislative bodies as presented above. The number of members of the Legislative Yuan and Control Yuan is based on information issued by the Government Information Office in Taipei on 25 November 1986. Of course, a few more of the “permanent members” may have died since then, so the present total membership may have decreased further. One clear indication that this indeed may be the case, is the fact that on 12 March 1987, only 65 members of the Control Yuan were present to vote in the elections for President and Vice-President of the Control Yuan.

Guaranteed seats for mainland representatives?

Six sensitive issues

During the past few months, a public debate has been going on in Taiwan about the desirability of maintaining “guaranteed seats” for mainland representatives in the Legislative Yuan, National Assembly and Control Yuan. The issue is prompted by the fact that the remaining legislators who were elected on the mainland in 1947 — as well as the “selected alternate delegates” discussed above — are dying out at an increasing rate. In the National Assembly the average death rate is approaching 50 deaths per year.

Until recently hardly any discussion on this issue was possible in Taiwan, but increasingly, wider sections of the population have participated in the debate. It is one of the “six sensitive issues” on which discussions started in a more open manner in mid-1986 after the ruling Kuomintang indicated — after considerable internal and external pressure — that it was planning political reforms.

The “six sensitive issues” were first discussed in the Kuomintang’s inner circles by a “committee on political reform”, made up of 12 members of the KMT’s 31-member Central Standing Committee. This committee was handpicked by President Chiang Ching-kuo after the Third Plenary Meeting of the KMT’s 12th Central Committee at the end of March 1986. Ironically, the committee was first headed by one of the most elderly of the Central Standing Committee members, 83-years’ old conservative former President Yen Chia-kan. However, after Yen suffered a stroke in mid-September 1986, Vice-President Lee Teng-hui chaired its meetings. The six sensitive issues are:

1. Ending martial law and replacing it with new National Security Legislation;
2. Ending the ban on new political parties;
3. Rejuvenating national legislative bodies;
4. Regulating the autonomy of local governments (presently the functioning of lower authorities, such as the “Taiwan Provincial Government”, is regulated by presidential decree);
5. Improving social security;
6. Reforms in the KMT’s internal party organization.

Thus, under the heading “rejuvenating national legislative bodies” the Kuomintang authorities are now trying to find arguments to maintain a number of guaranteed seats for mainland representatives in the three national-level legislative bodies, the Legislative Yuan, the National Assembly, and the Control Yuan.

Most of the Kuomintang's proposals for guaranteed seats boil down to a certain portion of the seats — usually one-third or half — in the respective body being appointed through the Kuomintang party apparatus or “elected” by the Nationalist Chinese mainlanders on the island (approximately 15 % of the island's population). Some people in Taiwan mockingly suggested that if the Taipei authorities seriously believe that they should have mainland representatives in these three legislative bodies, they should propose to the Peking authorities to have elections for these seats by the population on the mainland.

The opposition DPP-party advocates abolishing the system of main-land representatives in Taipei's legislative bodies altogether, and as soon as possible. DPP-leaders have expressed themselves strongly in favor of direct



Young runner: "Hey, it's my turn hand over the baton!"

elections for *all* seats in the three legislative bodies by the people on Taiwan — without making any distinction between Taiwanese and mainlanders. In their view this would be the best way to achieve a fully democratic political system on the island.

As we have indicated before, the Kuomintang and its supporters base their arguments on the KMT's claim to be the rightful government of *all* of China. They say that without these mainland representatives, the Taipei government will become a “local government” and will lose its international recognition. The DPP argues that it is precisely the reverse: because the Kuomintang is still pretending to be the government of all of China, it has driven itself into international political isolation and lost its diplomatic relations with the large majority of the countries in the world. DPP-leaders suggest that the Kuomintang should drop its outdated claim of sovereignty over China, and that a new and democratic Taiwan should gain a rightful place among the international family of nations.

Opinion poll: elections for all seats

In order to gauge the views of the people in Taiwan on the issue of “guaranteed seats”, the Taipei-based Independence Evening Post conducted an opinion poll. Below are some of the most important results:

The telephone survey was done on 11 April 1987. Some 700 numbers were selected at random from the telephone directories in Taipei and its vicinity. Almost 400 fell off because the persons questioned either did not want to respond, or were too young to be eligible voters. The results were based on the remaining 311 respondents, who were eligible voters of 20 years of age or older.

| QUESTION | ANSWER | YES | NO | NO |
|---|--------|------|------|----------------|
| | | (%) | (%) | OPINION (%) |
| Should elections be held for all seats in the national legislative bodies ? | | 51.4 | 28.9 | 19.6 |
| Should the Legislative Yuan have seats reserved for mainland representatives ? | | 43.1 | 43.4 | 13.5 |
| Should the National Assembly have seats reserved for mainland representatives ? | | 48.2 | 38.6 | 13.2 |
| Should the Control Yuan have seats reserved for mainland representatives ? | | 41.2 | 42.8 | 16.1 |
| Can mainland representatives elected in Taiwan represent the people in China ? | | 15.5 | 38.1 | 12.3 |
| The remaining 34.2 % of the respondents to this last question were of the opinion that legislators elected in Taiwan could “partially” represent their mainland constituencies. | | | | |

Taiwan Communiqué comments: We first wish to state that results of this survey should be looked at with some caution: the statistical sample size is rather small. Furthermore, because of the sensitivity of the issue, a number of respondents may not have given their true opinion. Having said this, we believe that a poll by the Independence Evening Post would still yield more accurate results than a poll by any other institution on the island, because the Post is generally considered the most objective publication in Taiwan.

We believe that — with the above mentioned caveats in mind — a number of important conclusions may be drawn from the results of this survey:

— A majority of the respondents believes that the system of “permanent seats” for mainland representatives should not be continued. They favor elections for all seats

in the three legislative bodies, although a number of them may favor elections for guaranteed seats for mainland representatives.

— A slight majority of the respondents believes that the Legislative Yuan and Control Yuan should not continue to have guaranteed seats for mainland representatives. They favor direct elections for all seats in these two bodies.

— In the case of the National Assembly, a majority of the respondents still expressed itself in favor of guaranteed seats for mainland representatives. This is perhaps due to the fact that the Assembly embodies the Kuomintang's "Fa-tung," meaning symbol of legitimacy. However, this body has the least power of the three legislative bodies: it meets once every six years to elect the President and Vice-President.

Lawyer Yao Chia-wen speaks out on lack of democracy

In *Taiwan Communiqué* No. 29, we gave a profile on Mr. Yao Chia-wen, Taiwan's foremost human rights lawyer, who was released on 20 January 1987. Just over two weeks after his release — on 8 February 1987 — Mr. Yao gave a speech at Chinan Presbyterian Church in Taipei. Below you find some excerpts from his speech:

"After my release from prison, I am often asked whether grievances, or do I have anything to protest ?

Yes, I do have deep grievances,

— If our advocacy of human rights and the ideals of democracy are not fully respected, I have deep grievances,

— If political prisoners — either convicted along with me in the "Formosa" case or in other cases — continue to be imprisoned, I have deep grievances,

— If people continue to be incarcerated because of their political beliefs, I have deep grievances,



Mr. Yao Chia-wen

- If the Democratic Progressive Party — a political party which we Taiwanese people support — still is not accorded equal status and protection that other political parties enjoy, I have deep grievances,
- If books and magazines — which are the fruits of our sweat and labor — continue to be banned or confiscated, I have deep grievances,
- If my fellow citizens of Taiwan in exile are denied their passage home, I have deep grievances,

As for myself: my hair has turned gray, my face wrinkled, my eye-sight deteriorated, my mind wearied, my wife ill, my daughter lonely, my father depressed, and my friends distant — but I have no grievances.

Seven years of prison life has taught me to be patient. And I have gained wisdom — I have read numerous books, and have written some three-million words of historical novels — what reason do I have for grievances ?

Do I wish to protest ? Indeed, I do.

I want to protest against the Kuomintang party, which has ruled Taiwan for 40 years but has failed to care for Taiwan. They believe that they can dominate Taiwan by means of political arrests, by locking up political dissidents. They are quite wrong about this. Throwing people in prison does not solve political problems, only exacerbate them. No threat of political arrests can deter people from pursuing their goals. Only when the wishes and the will of the people are respected, those in control can rest securely.

Presently about 60 political prisoners are still being held imprisoned. They are held in Green Island Military prison, Jenai Reformatory, Hsintien Detention Center, Kushan Prison, and other prisons. We miss them all.

It has been reported that all the political prisoners are to be released in the near future. I hope that the report turns out to be true. I hope that the term “political prisoner” will become extinct, a mere word in the history books. I deeply hope that it will never surface again on this beautiful island.

When a ruling party no longer rules by political oppression, then stability is enhanced. Never has a regime been able to hold on to political power by means of oppression. “Democracy” is the key to stability in the political system.

Even after all political prisoners have been released, I will continue to protest the discriminatory treatment suffered by political prisoners at the hands of the authorities after their release. Faulty policies must be rectified; political victims must be compensated, and the rights of former political prisoners must be restored. As long as there are people like myself, who have been unfairly deprived of basic rights, I will continue to protest.

I hope that the term “political prisoner” will become extinct, a mere word in the history books. I deeply hope that it will never surface again on this beautiful island.

Lawyer Yao Chia-wen

I want to protest by any means available. We want to protest by any means within our reach. Through protest our voices will be heard loud and clear, the echoes will reverberate, and the reverberations will produce strength.

Brothers and sisters, the strength produced by this protest is like the force of democracy — it cannot be turned back.

Someone asked me whether I would continue to participate in political activities now that I am out of prison. What an odd question !! Brothers and sisters, political participation is our obligation. I have heard that one can be deprived of one’s rights, but I have never heard that one can be deprived of one’s obligations. It is a duty as well as a responsibility for every one of us to participate in politics.

I shall stand side by side with you all. Together let us fulfill our duty to participate in the political process, to push forward a system of democracy, and to work for the preservation of human rights in Taiwan.

Seven years ago, when I was sentenced to prison in court, I said that “I shall return to Formosa to share our responsibility together.” *Here I am.*

Concern about Taiwan in United States Senate

Resolution about democracy introduced

On 9 April 1987, U.S. Senators Edward Kennedy (D-Massachusetts), Carl Levin (D-Michigan), and Claiborne Pell (D-Rhode Island) introduced a Resolution in the U.S. Senate, calling on the Taiwan authorities to allow the formation of genuine opposition parties, end censorship and guarantee freedom of speech, expression and assembly, and move towards full representative government. Below you find the full text of this Resolution. A similar Resolution is being prepared in the House of Representatives.

SENATE CONCURRENT RESOLUTION 46

Expressing the sense of the Congress concerning representative government, political parties, and freedom of expression on Taiwan.

Whereas stability and peace prevail on the island of Taiwan and in the Western Pacific region;

Whereas prosperity and educational progress on the island of Taiwan have created conditions in which a democratic system of government can thrive;

Whereas the people on Taiwan, both in national and local elections, have shown themselves fully capable of participating in a democratic political process;

Whereas only a small minority of the seats in the central legislature and central electoral college are filled through periodic election, with the vast majority of seats still being held by individuals who took office in the late 1940's;

Whereas on 7 October 1986, the President of Taiwan, Chiang Ching-kuo, announced that the Kuomintang-regime intends to end the 38 year-old state of martial law, and to lift the ban on the creation of political parties;

Whereas the Kuomintang-regime has also indicated a desire over the next few years to make more representative Taiwan's central representative bodies, to broaden decision-making powers within the Kuomintang party, to enhance the rule of law and to increase the power of local-level government;

Whereas on 28 September 1986, the democratic opposition of Taiwan announced the formation of the Democratic Progressive Party;

Whereas the acceleration of recent progress towards full democracy in Taiwan, including full respect for human rights, will strengthen the ties between the American people and the people of Taiwan;

Whereas the preservation and enhancement of human rights of all the people on Taiwan are objectives of the United States; and

Whereas section 806 of the Foreign Relations Authorization Act, Fiscal years 1986 and 1987, states the sense of the Congress that “one important element of a peaceful future for Taiwan is greater participation in the political process by all the people on Taiwan” and that “accordingly, the United States should encourage the authorities on Taiwan to work vigorously toward this end”;

Now, therefore, *be it resolved* by the Senate (the House of Representatives concurring),

1. That the United States Congress commends the authorities on Taiwan, the Democratic Progressive Party, and the people of the island for the recent progress in building a framework for full democracy in Taiwan;
2. That it is the sense of the Congress that the authorities on Taiwan should continue and accelerate progress toward a fully democratic system of government, in particular by —
 - (a) moving expeditiously to end the state and restrictions of martial law, and to lift the ban on new political parties;
 - (b) ending censorship and guaranteeing freedom of speech, expression, and assembly; and
 - (c) moving toward full representative government, including the free and fair election of all members of all central representative bodies.

Senator Claiborne Pell discusses Taiwan's future

On 23 February 1987, Senator Claiborne Pell — the chairman of the Foreign Relations Committee in the U.S. Senate — was invited to speak to the Washington-based Formosan Association for Public Affairs (FAPA). Below you find the text of Senator Pell's address. Interestingly, in mid-March 1987 the Foreign Ministry in Peking reacted very sharply to the speech, calling it "a gross interference in the internal affairs of China."

Taiwan Communiqué believes that Mr. Pell's address is a carefully-drafted and well-balanced statement and wish to let our readers judge for themselves.

Senator Pell's address:

"I am delighted to be with this distinguished group once again to discuss the future of Taiwan. As many of you may know, my interest in Taiwan dates back to World War 11 days. I was one of the several hundred officers selected at that time for a six-month intensive course designed to



Senator Claiborne Pell

prepare administrators for duty on the island in the event we recaptured it from the Japanese. In those days we called the island Formosa, and my views on Taiwan have been greatly influenced by that experience.

From that experience, and from my observations of the events which have unfolded in Taiwan since the end of the war, I have reached the same conclusion enunciated very clearly by Dr. Trong Chai in his recent article entitled "The future of Taiwan." Dr. Chai concluded that article with the following summation:

'Unless the future of Taiwan is determined by the people of Taiwan, there will be no just solution to the Taiwan problem.'

I believe strongly that that single statement should represent the basis for American thinking and for American policy towards Taiwan. Nothing is more consistent with American values than the principle that every people shall have the right to shape their own destiny.

Since I last addressed this distinguished group in 1984, I believe that Taiwan has moved forward on that path toward self-determination. The two most promising develop-

ments, as I see it, have been the government's pledge to abolish martial law and the recent formation of a vibrant new political party, the Democratic Progressive Party, or DPP. Let me briefly discuss each of these developments in turn.

The government's pledge to lift the regime of martial law that has suffocated political freedoms in Taiwan is a welcome sign, and the United States will watch closely to see whether that pledge is kept. It is important that we commend the government for its historic step as we encourage them to move further down the path of democratization. But, at the same time, we must not allow ourselves to be deceived by the cosmetic changes which put a new face on the same reality. The end of martial law must bring real change.

Specifically, American policy makers must monitor very closely the Taiwan government's implementation of the new National Security Act that will replace martial law. Neither the Taiwanese nor the American people can be satisfied with a National Security Act which simply gives martial law a new name. We cannot be satisfied by a National Security Act which grants full political rights to all political parties in one clause, but takes them away in another. Under the new Act, political parties must be guaranteed full political rights.

The question of political parties brings me to the second positive development which has taken place since the last time I spoke to you — the formation of the DPP. The creation of the DPP last November was an inspiration to all of us who want the Taiwanese people to have a greater voice in their own future. I hope the DPP members who recently visited the United States returned home with the message that Americans share their vision of a democratic Taiwan.

The government of Taiwan should be credited for the tolerance it has shown towards the DPP, and Americans will be following events with a powerful conviction that this tolerance must continue if Taiwan is to attain true democracy. The DPP should be recognized as a legitimate political party and accorded full political rights.

As many of you know, the National Security Act which will replace martial law may require all political parties to meet certain conditions, including the requirement that they support the concept of reunification with the mainland. There has been some speculation that this provision will be used as a pretext to ban the DPP. That would be a grave mistake.

The position of the DPP is clear. It does not call for separation; it calls for self-determination. It does not say that Taiwan should declare its independence from the mainland; it says the people of Taiwan must be free to determine their own future. It says, if the Taiwanese people freely vote for independence, the world should respect their judgement.

I fully support that position. And because I do, I am proud to serve, with Senator Kennedy, as an honorary co-chairman of the Committee for Democracy on Taiwan, along with Congressmen Solarz and Leach, who serve as operational co-chairmen. America was built on the principle that the American people should determine their own destiny. We cannot and should not expect the Taiwanese people to settle for anything less.

I know that the members of this fine organization have made great efforts to bring the message to the American people. And your message is being heard in Congress and around the country.

I think this year holds much promise for greater progress towards self-determination in Taiwan, and I know that FAPA will continue its energetic efforts to promote democracy and a respect for human rights on that beautiful island.”

Labor rights issue heating up on Taiwan

By Marc J. Cohen

For the past 38 years, the Kuomintang has used martial law to exert control over Taiwan's labor force. All national labor unions are under the direct control of the ruling party, and party cadres and security agents are present in most large enterprises to "assure labor peace." The government forbids the creation of public employee unions, and has outlawed all strikes.

In the last few years, however, Taiwan's workers have increasingly rejected these restrictions on their rights. Although the authorities will not permit the formation of new independent unions at the national or regional level, or on an industry-wide basis, workers at individual enterprises have voted out "useless" KMT-controlled unions and established independent organizations under the control of the rank-and-file.

Moreover, in some instances, workers have taken over enterprises to save their jobs from management corruption and incompetence. Employees of the Hsinchu Glass Works, which was almost bankrupted by embezzlement, have run the company's two plants in Hsinchu and Miaoli for well over a year. Rather than commending these workers for keeping the firm afloat, the authorities have engaged in a campaign of harassment and misinformation against them, fearing the spread of self-management.

Last December, President Chiang Ching-kuo called for a sweeping reorganization of the government's labor bureaucracy, including the centralization of such services as safety inspections, training, and job placement into a single agency. It is unclear whether this move is aimed merely at improving the delivery of services, or if it is also designed to reassert KMT control over the workforce.

The KMT's proposed National Security Law, which is supposed to replace martial law in the near future, has even more ominous implication for labor rights. Since all legal assemblies and associations would have to reject communism and Taiwan independence explicitly, the authorities could easily break up a strike or independent union by accusing it of communism or separatism.

Meanwhile, the U.S. Congress is taking an increasing interest in abuses of labor rights on Taiwan. Recent legislation has denied duty-free privileges to goods from countries which abridge freedom of association; the right to organize and bargain collectively; freedom from forced, compulsory, and child labor; and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Although Taiwan has been the largest recipient of duty free privileges from the U.S. in recent years, there is ample evidence that the Taiwan government has failed to protect the rights of its workers in at least three of the above areas. Not only does martial law abridge freedom of association and ban strikes, but, as the U.S. State Department has reported, "collective bargaining, although legal, does not take place." Since the present labor law covers barely half the workforce, many workers do not have any legal protections in the areas of safety, health, minimum wages, and maximum hours. Even those with legal rights are not protected, since there are few inspectors, and security agents discourage workers from bringing complaints.

The Reagan Administration insists that the situation on Taiwan is improving, but congressional labor rights advocates remain skeptical. In March 1987, Senator Donald W. Riegle, Jr. (Democrat, Michigan) and Representative Donald J. Pease (Democrat,

Ohio) introduced legislation to make denial of internationally recognized labor rights an “unfair trade practice” subject to tough economic sanctions. Both mentioned Taiwan as a possible target.

More information about labor rights on Taiwan is available from:

Taiwan Association for Labor Rights
5F-6, No. 121, Chung Ching S. Road, Section 1
Taipei, TAIWAN

On 26 April 1987, a group of scholars issued a 12-point declaration on the rights of laborers. The declaration was drafted by professor Chang Hsiao-chun, a prominent scholar at National Taiwan University who is a specialist on labor rights. The declaration was endorsed by 38 scholars, writers, and legislators, including elderly statesman Tao Pai-ch’uan, a prominent liberal politician within the KMT. The declaration focused on basic laborers rights, and called for better protection against injury at work, for health insurance, and for a comprehensive pension plan. It also emphasized the right to strike, and the right to form independent trade unions.

Prison Report

Yang Chin-hai and Chen Ming-chung released

In mid-March 1987, two well-know political prisoners in Taiwan were released on medical parole. Both men had been adopted by the London- based human rights organization **Amnesty International** as prisoners of conscience. Below you find some information on their cases:

Mr. **Yang Chin-hai**, was the owner of a trading company in Kaohsiung and president of the Kaohsiung District Chamber of Commerce when he was. arrested on 31 May 1976. In the December 1975 elections he had been a campaign manager for opposition candidate Yen Ming-shen, when the latter ran for a seat in the Legislative Yuan. Both men were arrested, along with six others who had been active in the campaign, after they supported proposals for the establishment of an opposition party. They were tried by a military court on 26 July 1976. Mr. Yen was sentenced to 12 years imprisonment, while Mr. Yang received a life sentence.

At the trial, and again in a petition to the Legislative Yuan in November 1982, Yang Chin-hai stated that he had been threatened with death during his interrogation and tortured to confess to the charges against him. He mentioned 19 types of torture, e.g. needles had been inserted under his fingernails, he had received electric shocks, etc. (for the full listing, see Taiwan Communiqué no. 10, pp. 20-21).



The treatment left him a human wreck. In the following years, Mr. Yang's health deteriorated further. He suffered from a severe case of duodenum ulcer, inflammation of the stomach, hepatitis, a lung infection and hemorrhoids (see *Taiwan Communiqué's* no. 25 and 26). His wife's petitions to the government for medical treatment were ignored until April 1986 when he was finally taken to a military hospital in Hualien. Since the hospital had few facilities for adequate treatment, at the end of April 1986 thirty-four tangwai officials jointly submitted an appeal to the authorities to grant Mr. Yang medical bail. This finally happened on 13 March 1987.

Mr. **Chen Ming-chung**, age 58, worked for a pharmaceutical company in Taipei when he was arrested, along with some 17 other people, on political charges. Just before his arrest, he had assisted and financially supported an opposition member, Mr. Huang Shun-hsing, in the Legislative Yuan elections of December 1975. In November 1976, Mr. Chen was tried in a secret military court. His family was not informed of the trial, nor were the lawyers they chose to represent him and the other defendants. On 27 November 1976, he was sentenced to 15 years' imprisonment.

Information presented by Amnesty International suggests that Mr. Chen may have been tortured during interrogation. He reportedly told his family much later that he was hung by the hands or feet for long periods of time and was forced to drink gasoline. In the following years his health deteriorated further due to the lack of medical attention (see our earlier reports on him in *Taiwan Communiqué's* no. 19, 22, 25, and 26). Mr. Chen was released on 9 March 1987.

Late News: Just when this issue of Taiwan Communiqué was going to press, we received the good news that on 29 and 30 May 1987, seven political prisoners were released. They are: writer/editor Huang Hua and Wei T'ing-ch'ao, former Legislative Yuan-member and Formosa magazine publisher Huang Hsin-chieh, former Provincial Assembly member and Formosa chief editor Chang Chün-hung, and former Kaohsiung politician Yen Ming-shen. Also released were two lesser-known political prisoners: Ms. Yu Su-chen and Mr. Chou Wen-lung.

Current Political Court Cases

By Marc J. Cohen

During the past few months, several court cases have been going on in Taiwan, most of which must be considered to be politically-motivated. All of the cases concern either members of the DPP or non-affiliated politicians. On the next pages we present a brief overview:

1. **27 September 1986 sit-in.** The Taiwan authorities have charged 10 persons with “insulting a court building” for staging a sit-in to protest the arrest of Mr. Lin Cheng-chieh at the end of September 1986. Mr. Lin was a DPP-member of the Taipei City Council, and is founder of **Ch'ien Chin** magazine. He was charged with violating the Election and Recall Law after he accused a KMT-member of the City Council of improprieties in obtaining loans from two banks in Taipei (see [Taiwan Communiqué](#) no. 27, pp. 19-22). On 17 February 1987, Mr. Lin was sentenced to an additional eight months imprisonment, on top of the one-and-a-half years' sentence on the original charge. Mr. Lin's wife, Yang Tsu-chun, was sentenced to 80 days imprisonment, but can opt to pay a fine of NT\$ 7,200. Eight others were sentenced to prison terms ranging from 50 days to five months.

2. **14 November 1986 Airport incident.** The authorities have charged Mr. Wu Ta-ching, an outspoken non-affiliated member of the Provincial Assembly, and three other Kaohsiung- and Pingtung-based politicians with “obstruction of official duties” during a protest at Taiwan's International Airport in Taoyuan. Similar charges were also brought against ten other people, who staged a peaceful sit-in at the airport. Mr. Wu and the others allegedly entered the customs area of the airport without authorization. The protest occurred when the authorities refused seven overseas Taiwanese political activists to enter the country. On 26 February 1987, Mr. Wu was sentenced to two-and-a-half years imprisonment. Twelve others were sentenced to prison terms ranging from eight months to two years. They are appealing their sentences. One person was acquitted.

3. **21 November 1986 election campaign incident.** Ms. Su Hui-chen, an unsuccessful non-affiliated candidate for the Legislative Yuan, two of her campaign aides, and three other Kaohsiung-based politicians have been charged in Kaohsiung District Court with “assaulting” an election official. The man was taking photographs of one of Ms. Su’s campaign rallies at Fengshan, and when he could not produce an identity card, he was pulled onto the platform. He was later found to be an active-duty soldier, working as a plain-clothesman for the Central Election Commission.

4. **30 November 1986 Airport incident.** The Taiwan authorities have charged the 11 members of the DPP Central Standing Committee with “conspiring to incite disorderly protest” at the International Airport on 30 November 1986. The protests occurred when troops and riot police cordoned off the airport and refused to allow several thousand people to proceed to the airport to welcome Mr. Hsu Hsin-liang, an exited opposition leader (see Taiwan Communiqué no. 28, pp. 15-18).

5. **Mr. Chen Pao-fu.** Mr. Chen, who is Hsu Hsin-liang’s brother-in-law, has been charged with “obstructing official duties by feigning injury” during the airport protests on November 30th.

6. **December 1st Cathay Pacific Airlines incident.** Two DPP-members who ran for a seat in the National Assembly, Mr. Tsai Shih-yuan and Ms. Hsiao Yu-chen, were charged in connection with an interesting incident during a rally in front of the office of Cathay Pacific Airlines on 1 December 1986. The rally was held to protest the airline’s refusal to carry Mr. Hsu Hsin-liang to Taiwan. Mr. Tsai and Ms. Hsiao restrained a man from throwing stones at the office. The man was subsequently discovered to be an agent of the Investigation Bureau of the Ministry of Justice. No charges were filed against him ... but Mr. Tsai and Ms. Hsiao were charged with “violating the civil rights” of the agent !!

7. **Mr. Wang Kun-ho.** Mr. Wang, an aide to DPP National Assembly member Mrs. Chou Ching-yu, has been charged with “inciting the crowd” in connection with an incident during the first week of the election-campaign, in which a video-camera taking pictures of a crowd attending an opposition rally was knocked to the ground.

8. **Mr. Chiu Yi-jen.** In September 1986, Mr. Chiu, the General Secretary of **the Editors and Writers Association**, organized a protest among farmers in Chiayi County who objected to an effort by the Formosa Plastics Company to gain control over their land. Police attempted to break up the demonstration, and reportedly beat some of the protesters with wooden sticks. The authorities charge that Mr. Chiu — who has since become a Deputy Secretary-General of the DPP — grabbed a policeman’s stick and hit back. Mr. Chiu was sentenced to five months imprisonment.

Another recent political case has been settled. On 27 January 1987, the High Court reduced to six months the nine-months' sentence of Mr. Yen Chin-fu, a DPP-member of the Taipei City Council, enabling Mr. Yen to pay a fine in lieu of serving a jail term. Mr. Yen's "violation" of the law consisted of speaking at a campaign rally which was not attended by the candidate, Mr. Chen Wen-hui an imprisoned opposition politician who *in absentia* ran for and won — a seat in the Miaoli County Council (see *Taiwan Communiqué* no. 24 p. 9).

Freedom of the Press ?

New DPP newspaper confiscated many times

As we reported in *Taiwan Communiqué* no. 29, on 15 February 1987, the Taiwan authorities confiscated several thousand copies of a first "trial issue" of the new weekly newspaper of the DPP opposition party, the **Min Chin Pao**, "because it was not registered." We have now learned that the number of copies confiscated was 6,000.

Stories in this trial issue focused on the visit of several DPP officials to the United States and on the release of 26 political prisoners, which took place on 20 January 1987.

During the weeks that followed, the DPP published several more issues of the newspaper, but the authorities continued to harass the paper: on March 6, more than 14,000 copies of issue no. 2 were confiscated by the Taiwan Garrison Command.

Magazine Executives Prosecuted for "Disseminating Rumors"

On 14 April 1987, formal charges of "disseminating rumors" were brought in Taipei District Court against **Min Chu Tien Ti** magazine, an outspoken Taipei-based opposition publication. The charges stemmed from two articles published in September and October 1986, in which the magazine had reported that two-thousand soldiers drowned when two military ships capsized in the wake of typhoon Wayne.

In December 1986, the Taiwan Garrison Command had filed a suit against both the Taipei-based **Min Chu Tien Ti** and the Taichung-based **Ling Hsien**, which also reported the incident [see *Taiwan Communiqué* no. 28, pp. 22-23]. The Garrison Command denied that the incident ever took place.

The Court dropped the charges against **Spot News Weekly** because the magazine had mentioned that the report had not been confirmed yet and required further investigation. However, the publisher of Min Chu Tien Ti, Ms. Yeh Chu-lan, and the magazine's chief editor, Lin Shih-yu are being prosecuted in accordance with article 92 of the "criminal code of the armed forces," which stipulates that persons convicted of "disseminating rumors" may be sentenced to up to five years imprisonment.

Presbyterians protest confiscation

In *Taiwan Communiqué* no. 29 (p. 21) we reported on the confiscation — on 20 February 1987 — of some 6,700 copies of a special issue of the **Taiwan Church News** which was published in commemoration of the 40th anniversary of the "February 28 Incident". The Church News is the official publication of the Presbyterian Church in Taiwan.

Following the confiscation, the Presbyterian Church sent a letter of protest to the Taiwan Garrison Command and demanded an apology and the return of the confiscated material. When the letter failed to elicit any response from the KMT authorities, the Church decided — in a highly unprecedented move — to organize a public demonstration. On 5 April 1987, more than 1,000 Presbyterians gathered in the southern city of Tainan, where the Church has an important theological college. They carried protest banners and placards demanding freedom of religion and freedom of speech. Singing religious hymns, they walked through the center of Tainan City, expressing their anger at the confiscation and urging the authorities to return the confiscated material to the Church.

At 1 p.m., as the protesters gathered on the square facing the Tainan Municipal government building to deliver their letter of protest to the mayor of Tainan, a small truck drove into the square. The mayor, who had come out of his office to accept the letter of protest, announced that the truck had brought back the confiscated copies of the **Church News**. However, the Presbyterians discovered that these were not the originals: apparently the originals had been destroyed already and the Taiwan Garrison Command had run off a pirate printing in order to placate the angry Presbyterians.

Notes

Sea Dragon Submarine Won't Submerge

On 2 April 1987 it was reported in Dutch newspapers and on the TV national evening news that the first Dutch-built submarine for Taiwan had to cut short its first series of

sea-trials at the end of March: in diving-trials near Scotland the Sea Dragon submarine simply didn't want to go underwater. Apparently the submarine — constructed by the Wilton-Feijenoord shipyard near Rotterdam — was too light. According to the news reports, approximately 20 tons of lead had to be added to the 20,000-ton ship, which already has a 80-ton ballast load of lead. Another reason for cutting short the sea trials was that the submarine had been damaged slightly during the stormy weather.

After repairs and addition of the 20 tons of lead, the Sea Dragon set sail for the waters off the Scottish coast again and on 14 April a successful test dive was made, according to Mr. T. Jonker, a director of the Wilton-Feijenoord shipyard.

In the meantime a debate took place in the Legislative Yuan in Taiwan on the costs and quality of the submarines. In response to an interpellation by DPP-member Dr. You Ch'ing, Premier Yu Kuo-hwa stated that the costs had been as follows:

| | Bln. NT\$ | Mln. US \$ * |
|--------------------------------|-----------|--------------|
| Construction of the submarines | 13.9 | 386.1 |
| Purchase of weapon systems | 10.2 | 283.3 |
| Engineering and software | 2.4 | 66.7 |
| Insurance and training | 2.9 | 80.6 |
| Total | 29.4 | 816.7 |

* Assuming an exchange rate of 1 US\$ = 36 NT\$, which was the case for most of the period during which the submarines were under construction.

The “Butcher of Kaohsiung” was Guest of Honor

During the past few weeks international attention has been focused on the trial, in Lyon (France), of the German war criminal Klaus Barbie, who headed the Gestapo — the dreaded Nazi secret police — during the Nazi occupation there. Mr. Barbie is often referred to as “the butcher of Lyon”.

Only a few years after Mr. Barbie allegedly committed his atrocities in Lyon, the Taiwanese people in the southern port city of Kaohsiung suffered a similar experience: in the aftermath of the “February 2811 incident of 1947 (see *Taiwan Communiqué* no. 29, pp. 13-15), one of Chiang Kai-shek's generals, Peng Meng-chi and his men tortured and executed thousands of innocent Taiwanese civilians. To this day, Peng is known to the Taiwanese people as “the butcher of Kaohsiung.” A description of Mr.

Peng's exploits can be found in Dr. George H. Kerr's excellent history of the February 28 Incident, **Formosa Betrayed**, p. 303. Dr. Kerr was a United States consular officer in Taipei during that period.

However, if Mr. Barbie finally has to face justice, Peng Meng-chi still roams around freely. In fact, the Kuomintang authorities still treat him with honor: at the most recent commemoration — on October 10 (thus “double ten”) 1986 — of the 1911 revolution which toppled the Manchu dynasty in Peking, Peng Meng-chi was an honorary guest, sitting on the platform, right next to Armed Forces Chief of Staff Hau Pei-tsun.

In the West, war criminals such as Eichmann, Hess, and Barbie were put on trial (the latter only belatedly). In Taiwan, they are allowed to roam around freely, and are even put on the honorary platform.
