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45

The National Affairs Conference *Milestone or window dressing ?*

Between 28 June and 4 July 1990, the Taiwan authorities organized a **National Affairs Conference (NAC)** at the Grand Hotel in Taipei. Some 140 politicians and scholars (both KMT and opposition), and a number of leading figures of the overseas Taiwanese community were invited to discuss options for political reforms.

The Conference was called by President Lee Teng-hui in March 1990, when widespread discontent about the KMT's outdated political system culminated in a six-day student demonstration just before the March presidential elections.

While the Conference agreed on direct presidential elections and on the need for parliamentary and constitutional reforms, the conclusions were generally vaguely worded (see overview on the following pages), so that considerable wrangling can be expected during the next few months before reforms are actually implemented and Taiwan can really be considered to have a democratic political system.

The Conference was significant because it was the first time that such a broad-based meeting was held to discuss the future of the island and the possibilities for reforming the political system. Until very recently such a dialogue would have been totally unthinkable. Still, it remains to be seen whether the Kuomintang will indeed implement reforms, or whether the NAC remains window dressing.

Still, it remains to be seen whether the Kuomintang will indeed implement reforms, or whether the NAC remains window dressing: the resistance against change within the ruling Kuomintang is strong, particularly within the conservative right wing, the military, and the secret police agencies.

NAC-agenda: Five hot topics

The delegates at the meeting were divided into five groups. Each debated a major issue. The results were then discussed in plenary sessions on the final two days of the gathering.

While the gathering was stacked with KMT-members, the DPP delegates, a number of independents, and non-aligned scholars — who together constituted approximately one-third of the delegates — formed a **Reform Group** which submitted a coherent set of proposals and dominated the discussions. On 28 June 1990 they held a press conference to present their proposals.

Below we briefly describe the five topics on the agenda, and give a short summary of the position taken by the **Reform Group**, and of the Kuomintang's response:

1. Parliamentary reform: how to make the transition from the present system, dominated by old mainlander members elected on the mainland in the late 1940's, to a fully democratic system.

Reform group position: The old mainlander members should all retire by the end of 1990. A unicameral parliament should be set up, and the government should consist of three instead of the present five branches, i.e., the executive, the legislative and the judicial. The National Assembly, Control Yuan and Examination Yuan should be abolished.

Elections for the new parliament should be completed by July 31, 1991. The number of legislators should be between 120 and 150. They are to be elected by popular vote in the area where the government has jurisdiction (i.e. Taiwan and surrounding islands). Abolish the system of mainland, overseas, professional and women representatives.

KMT's response: While the KMT is committed to reforming the legislative bodies, there will be considerable debate on the structure and make-up of the new legislative bodies: conservatives in the KMT will want to maintain the National Assembly and set aside a number of seats in the three bodies as “representing mainland China.” The DPP and progressive scholars see no need for the Assembly to exist, and consider “mainland seats” as outdated and a violation of democratic principles.

The case for parliamentary reform was helped along by a decision on 21 June 1990 by the **Council of Grand Justices** (a body responsible for “interpreting the Constitution”), which set 31 December 1991 as deadline for the retirement of the some 768 remaining “members-for-life” of the three legislative bodies, who were elected 40 years ago on the mainland. By that date, all remaining elderly members (612 of the 696 members of the National Assembly, 129 of the 259 members of the Legislative Yuan, and 18 of the 49 members of the Control Yuan) will have to be retired.

While the democratic opposition of the DPP argued for an earlier retirement deadline, it is unlikely that the KMT will deviate from the abovementioned date.

2. System of Central Government: in particular the question of election of the President, and whether Taiwan should have a presidential or cabinet system.

Reform group position: The president to be elected directly by popular vote. The president appoints the prime minister, and is in charge of foreign policy and national defense. He can issue emergency decrees.

The KMT's response: The president to be elected by a revamped National Assembly, which thus serves as an electoral college.

The “presidential vs. cabinet system” was the subject of a heated debate during the three months prior to the NAC: supporters of former premier Lee Huan and a group of KMT “young Turks” favored a strong cabinet system and a weaker presidency, with the president serving more or less as a figurehead. However, the debate suddenly died down when Hau Pei-tsun was named Premier: the “young Turks” did not want to get caught endorsing a position which would strengthen the role of the former four-star general !!

3. Constitutional reform: should the 1946 Constitution, dating back to the days when the Kuomintang still ruled the Chinese mainland, be amended or should a wholly new Constitution be drafted ?

Reform group position: first, the current Constitution should be frozen. Two months after the National Affairs Conference, a national referendum should be held to agree to the formation of a commission on the restructuring of the Constitution. Within six months after the formation of the commission, it should complete a draft on how to restructure the Constitution and put it to a national referendum.

The DPP and many liberal scholars thus favor a new Constitution, which takes into account the reality that the authorities in Taipei rule only Taiwan and the adjacent islands.

The ruling KMT favors maintaining a semblance of their pretense to rule all of China, and thus only want amend the present Constitution. To implement this, they see a key role for the National Assembly — without the elderly mainlander members — but beefed-up to a level of some 375 members. The additional 291 (375 minus the 84 elected in December 1986) should be elected in 1992.

4. Local autonomy: direct election of Provincial governor and of the positions of mayor of Taipei and Kaohsiung, which are presently appointive positions.

Reform group position: The governor of Taiwan and the mayors of Taipei and Kaohsiung should be elected by popular vote before July 31, 1991. Consider redrawing Taiwan into new administrative regions, consisting of six provinces and two cities which are directly under the jurisdiction of the central government.

The KMT's response: while agreeing on the election of the provincial governor and mayor positions of Taipei and Kaohsiung, there was considerable debate on the structure of the “provincial” administration.

5. Policy towards mainland China, especially concerning direct investment in China, as many Taiwanese businessmen have already invested in China by building factories there.

Reform group position: Before Taiwan can relax its restrictions on links with China, a peace agreement should be signed by the two governments on both sides of the Taiwan Strait on the basis of equality, then Taiwan could open direct trade with and investment in China.

Relations with China are a divisive issue within the KMT: the “Young Turks”, backed by a sizable element of the profit-oriented business community, want to speed up relaxation of the restrictions, while the old hardliners want to maintain the status quo.

How to implement results of the NAC ?

Since the NAC did not have formal legal standing, the question of how to implement its recommendations became a hotly-debated topic in itself: the NAC had recommended that President Lee set up a 15-member, broad-based *Constitutional Reform Committee*, made up of members of both the KMT and the DPP-opposition and a number of key academicians.

However, this recommendation came under fire from two sides: on the one hand from members of the Legislative Yuan, who had not been invited to the NAC and thus felt bypassed; they felt that a *Legislative Committee* should be set up to implement reforms, and that this important task should not be given to a presidentially-appointed body. However, on 12 July, the proposal to set up a legislative committee was voted down.

On the other hand, President Lee had to deal with conservative elements in his own party, who mistrusted the idea of the conference in the first place. At a meeting with 11 key KMT-leaders on 9 July, and at a Central Standing Committee of the KMT on 11 July, they pressed him into agreeing to setting up a 13-member *Constitutional Reform Planning Committee* within the KMT, stacked with elderly mainlanders.

A Step Backward for Democracy *Hau Pei-tsun becomes Prime Minister*

When the appointment of General Hau Pei-tsun as prime minister was announced on 3 May 1990, it caused an uproar in Taiwan. Neither the public nor the press had expected that President Lee would appoint a military strongman to such a crucial position when the people in Taiwan are demanding constitutional reforms. The opposition DPP and liberal newspapers and magazines in their editorials express strong disappointment at General Hau's appointment and called it a setback for democracy in Taiwan.

Speculations abounded as to the reasons why President Lee chose a military man to head the government. The general analysis by the press in Taiwan was that General Hau was the compromised choice as a result of power struggle between President Lee and former prime minister Lee Huan. In March, Lee Huan did not support President Lee



A military manturns civilian

Teng-hui in his bid for the presidency. Lee Huan was the key figure in the KMT faction, which supported the ticket of Lin Yang-kang, the president of Judicial Yuan and General Chiang Wei-kuo, the half brother of former President Chiang Chin-kuo.

Since then the President and the former prime minister continued to be at odds: Lee Huan's supporters openly advocated making the presidency to be only a ceremonial position, while executive power would stay in the hand of the prime minister. In May, Lee Huan's supporters in the Legislative Yuan were actively lobbying for his renomination as prime minister.

However, President Lee looked for a way to strike back: he obtained Hau's support, nominated him as Prime Minister, and thus secured the backing of the military in the internal KMT power struggle. President Lee also mentioned that Taiwan needed a military man's strong arm to deal with the rising crime rate in Taiwan.

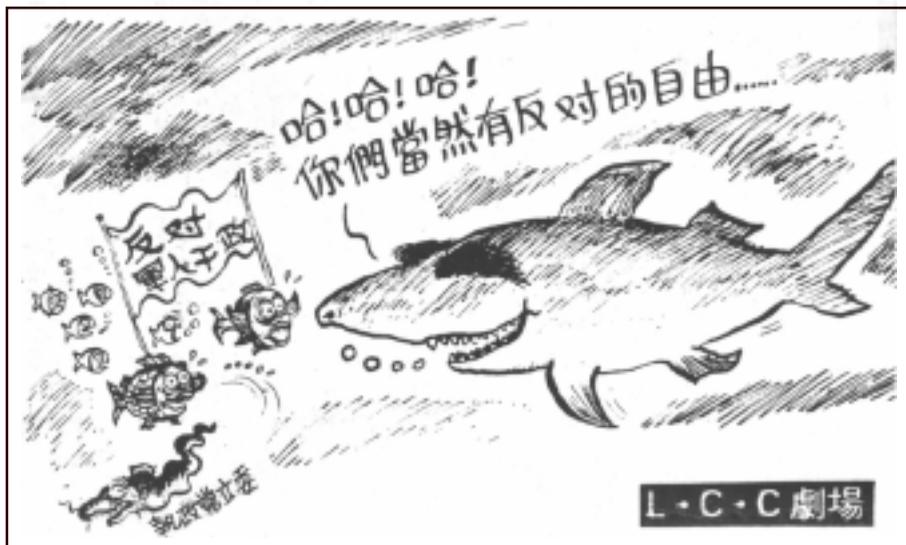
Given General Hau's past record as the guardian of martial law, censor of press freedom and the antagonist of the advocates of Taiwan independence, the press in Taiwan are not optimistic that General Hau will play a major role as the political reformer.

Demonstration against the General

On 20 May 1990, more than 10,000 people including students, professors, farmers, laborers, lawyers, women and religious organizations and the DPP gathered on the square of Chiang Kai-shek Memorial to hold a demonstration against the appointment of General Hau Pei-tsun to be the prime minister. In the afternoon, they held a four-hour long street parade through the center of Taipei.

On May 20, more than 300 professors, who had been holding a three-day demonstration in Taipei New Park beginning on May 18 to protest "military intervention in political affairs", also joined the street parade. This was the first time that professors came out of university campus to join a street demonstration.

The street parade, which began around 2 PM, wound its way through the center of Taipei and returned to the Chiang Kai-shek Memorial without any incident around 6 PM. The demonstration ended by unveiling a new "Wild Lily" made of stainless steel, the symbol of student movement in March. The students renamed the square in front of the Chiang Kai-shek Memorial as *Wild Lily Democracy Square*.



Little fish: "Oppose military interference in politics."

Big Shark: "Ha, Ha ! Of course you have freedom of expression, but....."

On 29 May 1990, demonstrators returned to the streets to protest the confirmation of General Hau Pei-tsun as prime minister by the Legislative Yuan. While the May 20th demonstration had ended peacefully, the May 29th ended in violence and injuries.

The confrontation began early in the morning, when demonstrators discovered that the police had cordoned off the area in front of the Legislative Yuan, even though the organizers had obtained a permit for a demonstration in front of the building. The crowd was then forced to retreat to several intersections in the vicinity of the Legislative Yuan. When the police began to use water canons to disperse the crowd, angry demonstrators hurled back gasoline bombs, rocks at the police. The police retaliated by throwing rocks and attacked the crowd with batons and water canon. More than 40 people were injured, 19 people were arrested.

The confrontation which began in the morning and ended at mid night, took place at several places, including Lai Lai Sheraton Hotel, which suffered a great amount of property damage, the Government Information Office, the General Police Administration, and in front of the Legislative Yuan building.

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China Relations

President Lee: "One country, two governments"

In mid-May 1990, just before his inauguration, President Lee injected a new element in the perennial shadow boxing match between the Kuomintang authorities in Taipei and the communist regime in Peking: in a May 15th meeting with KMT legislators who had just returned from a trip to the mainland, Mr. Lee stated that "*a dialogue must be ... on a government-to- government basis with the two sides having equal status.*"

The new position was a departure from the Kuomintang's long-standing "Three No's" policy ("*no contact, no negotiation, no compromise*"). In his inaugural speech on May 20th, President Lee attached four conditions to his new openness to the mainland: 1) Peking should give up its one-party political system, 2) it should embrace free-market economics, 3) renounce the use of force to retake Taiwan, and 4) stop frustrating Taiwan's "flexible diplomacy" overtures to other countries.

However, the communist authorities in Peking rejected the new opening: in separate statements in the beginning of June 1990, President Yang Shang-kun (“the butcher of Tienanmen”) and Communist party general-secretary Chiang Tse-min reiterated the earlier “one country, two systems” proposal, which serves as the basis for the transfer of Hong Kong’s sovereignty to PRC-control. The Peking officials also suggested talks between the Kuomintang party and the Chinese Communist party instead of government-to-government talks.

Taiwan Communiqué comment: *The Peking authorities’ disregard for human and political rights in their own front yard (“Tienanmen”), Tibet, and Hong Kong is the strongest reason why Taiwan should maintain a healthy distance from the mainland and should not give in to the lure of closer links across the Taiwan Strait.*

The proposal by President Lee is right as a matter of principle. Taiwan has never been a part of the PRC, and any dialogue on the future relations between the two countries should thus be conducted on a government-to-government basis.

It should be added that talks between the two parties are totally unacceptable: the Kuomintang cannot represent the Taiwanese people. Any dialogue can only be held by a government which truly represents the people in Taiwan: at the present time this is not the case yet. First, the political system should be restructured, and fully democratic elections should be held for all seats in the legislative bodies.

KMT torpedoes “Goddess of Democracy”

The lack of consistency of the Kuomintang authorities towards the mainland regime was also abundantly evident in the about-face in the case of the “Goddess of Democracy.” The radio ship which had been sponsored by the Paris-based magazine “Actuel” and by a coalition of groups supporting the Chinese democratic student movement to start broadcasting news and music from the East China Sea, off the northern point of Taiwan.

Before the ship’s departure from France in mid-March 1990, the Taiwan authorities voiced enthusiastic support for the effort, and a number of pro-government newsmedia in Taiwan provided a significant part of the financial and technical support. However, as the ship drew closer to Taiwan, the Kuomintang’s support became more subdued, and by the time the ship docked in the harbor of the Northern port-city of Keelung in mid-May, only one KMT official, a handful of right-wing anti-communist zealots, and a hoard of reporters turned up for a welcome ceremony.

During the next few days, the Kuomintang authorities, under strong pressure from Peking, withdrew their “support.” Instead, they started to actively hinder the preparations for the broadcasts from the ship, such as denying clearance for radio equipment to be brought on-board, and denying entry-visas to four mainland dissidents who were scheduled to be the broadcasters on the ship.

By 25 May 1990, the organizers announced that they would sell the boat to pay for the airfare tickets for the crew back to France. In the beginning of June the ship was purchased by a Tainan businessman for US\$ 550,000 and on 4 June it arrived in the shallow harbor of Anping in Southern Taiwan. The businessman planned to turn it into a floating museum.

Tibet

China in Tibet: “merciless repression”

On 29 May 1990, the U.S.-based human rights monitoring organization **Asia Watch** published a detailed report on China’s repression of the Tibetan people. The report concluded that the scale and volume of human rights violations in Tibet has dramatically increased over the past two years.

The report also concluded that the lifting of martial law in Lhasa on 1 May 1990 was basically meaningless, because “the level of repression is secure enough as to no longer require a conspicuous military role” in suppressing dissenters. **Asia Watch** noted that it thus appeared that the lifting of martial law was aimed at influencing U.S. Congressional opinion about “Most Favored Nation” status for the PRC.

The report paints a grim picture of political imprisonment, torture, suppression of religious freedom, and forced transfer of populations. It documents in detail the wide range of abuses that have taken place beyond the scrutiny of international observers. It cites numerous cases by name of students, monks, teachers, and nuns arrested for advocating independence for Tibet or “making counter-revolutionary propaganda.” Many of them have been sentenced to harsh prison terms or sent to labor camps, where they were subject to savage beatings, shocks with electric cattle prods, and other mistreatment.

The report criticizes President George Bush for turning a blind eye to the situation in Tibet, and for failing to acknowledge the severity of human rights violations in Tibet and in China as a whole.

The Kuomintang's double standards

While the Kuomintang authorities have always been vocal critics of the repressive Communist regime in Peking, they closely aligned themselves with Peking on the Tibet question: both Peking and the Kuomintang authorities in Taipei claim Tibet to be part of their respective "China."

The Kuomintang's legislature still counts a number of mainland seats representing Mongolia and Tibet, and the Taipei authorities even maintain a "Mongolian and Tibetan Affairs Commission" which presumably looks after the interests of the "compatriots" from these regions. In practice the Commission has functioned as a propaganda machine, mainly designed to lure unsuspecting Mongolians and Tibetans to Taipei as "representatives" from their areas, in order to give weight to the outdated pretension that the Kuomintang is still the rightful ruler of China.

The links between the Kuomintang and the Tibetan exile community were in the news recently when it was reported that several staffmembers of the Dalai Lama had allegedly maintained secret contacts with the Taiwan authorities and had accepted funds from Taipei.

Both Taiwan and the Dalai Lama were also in the news together in another interesting matter: when the courageous new President of Czechoslovakia, Mr. Vaclav Havel, received the Dalai Lama in a gesture of support which few Western leaders have dared to give the Tibetan leader, the protests from Peking were surprisingly subdued. The reason: according to *TIME Magazine*, this was due to the fact that a trade delegation from Taipei was in Prague, "checkbook in hand", ready to pounce on a possible deterioration of relations between Peking and Czechoslovakia !!

Taiwan Communiqué comment: *The Kuomintang's claims to sovereignty over Tibet are totally out of touch with reality. The people of Tibet have the right to self-determination and to choose independence, just like the people of Namibia, Lithuania, Taiwan itself, or any other nation in the modern world community.*

The Kuomintang's attempts to bribe Tibetans into their camp are reprehensible and should cease immediately. They should respect the Tibetan people's desire to maintain the territorial integrity of their country and their own national identity. The Tibetans are not Chinese, and Tibet should not be treated as a colony of the Chinese empire.

Washington Report

by *Marc J. Cohen*

U.S. Supreme Court to review Henry Liu Murder case

In our last issue, we reported that a U.S. federal appeals court had reinstated a lawsuit which Mrs. Helen Liu, the widow of Henry Liu, had filed against the Kuomintang authorities. Gangsters from Taiwan, working for the KMT's military intelligence chief, murdered Liu, a Chinese-American writer and critic of the KMT, at his home in California in 1984 (see *Taiwan Communiqué* no.s 18-21).

On May 14 1990, the KMT government appealed the ruling to the U.S. Supreme Court. A prestigious, and undoubtedly highly-paid, team prepared the KMT's brief. It reiterates the argument presented in U.S. District Court: Mrs. Liu cannot sue the KMT government because, under the "act of state" doctrine, one national government must accept the validity of the legal acts of another. Since Taiwan's courts said that Admiral Wang had acted on his own, and not on behalf of the KMT, U.S. courts cannot challenge this "fact," even if Taiwan's courts lack independence from the ruling party.

The Appeals Court had said that it was reasonable to assume that Admiral Wang acted within the scope of his employment. The judges based their view on the doctrine of *respondiat superior* (literally "the master is responsible for the servant's acts").

The KMT's Supreme Court brief insists that the Appeals Court erred, because the employer (the KMT) could not have foreseen the acts of the employee (Wang).

This is an interesting argument, since the KMT has for years used an exceedingly broad concept of *respondiat superior* as a tool to stifle dissent in Taiwan. The KMT's Law on Assemblies and Marches, revised after the end of martial law, makes the organizers of a protest responsible for the actions of all participants, even if the organizers attempt to maintain order. The organizers cannot defend themselves by saying, "we could not foresee that the demonstrators would become disorderly." The KMT has used this law to prosecute DPP leaders, including Legislative Yuan members Hsieh Chang-ting and Hong Chi-chang.

Meanwhile, a group of KMT legislators has publicly called for Admiral Wang's release, arguing that there is clear evidence that he acted on behalf of the government.

***Taiwan Communiqué comment:** the KMT's legal brief raises its hypocrisy to new heights. The KMT refuses to abide by the same standard of responsibility that it imposes on people in Taiwan ! Equally hypocritical is the suggestion that Wang and Chen should go free after spending only five years in jail. If higher-ups were involved in the Liu murder, they should be prosecuted, but that does not absolve the Admiral and the gangster.*

Finally, will their KMT legislative champions also press for payment of just compensation to Mrs. Liu ?

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Prison Report

Prominent Political Prisoners Released

On May 20, as a gesture of reconciliation, President Lee Teng-hui granted amnesty to Taiwan's political prisoners. The last group of 12 political prisoners were released. Among them were four of Taiwan's most prominent political prisoners.

Shih Ming-teh: Mr. Shih, the last of the "Kaohsiung Eight" to gain freedom, was released from the Tri-Military General Hospital in Taipei on 20 May. Mr. Shih was the most prominent political prisoner remaining imprisoned. In Taiwan he is often compared to South Africa's Nelson Mandela for his life-long dedication to democracy — and for paying for it with an imprisonment of over 25 years.

Mr. Shih, age 49, was first arrested and imprisoned in 1962 for advocating Taiwan independence while he was in the military service. He was released in 1977, and immediately re-entered politics. By 1979, he was one of the key organizers of the budding opposition democratic movement.

He became general-manager of *Formosa Magazine*, which organized Taiwan's first major human rights demonstration in Kaohsiung in December 1979. Violence at that gathering — primarily provoked by



Mr. Shih Ming-teh

pro-government instigators and by military police disguised as protesters (see *Taiwan Communiqué* no. 42, pp. 9-10) — led to large-scale arrests of opposition members and to Mr. Shih's second lengthy stay in prison.

Mr. Shih went on several hunger strikes to protest his imprisonment, even after 1986, when he was transferred from feared and isolated prison at Green Island to the Tri-military General Hospital in Taipei. He always insisted that he was not guilty of any crime, and he was put behind bars because of his political views. Even on the day of his release, he refused to sign official papers. The Ministry of Justice had to waive this requirement for him.

Right after Mr. Shih's release on 21 May, he was rejoined by his American wife Linda Arrigo, who was finally allowed to return to Taiwan. Ms. Arrigo and Mr. Shih married in 1978, when she was in Taiwan for her studies. She actively joined the Democratic Movement, but was forcibly deported from the island after the December 1979 Kaohsiung Incident, and was not allowed to return until now.

Tsai Yu-ch'üan and Hsu Tsao-teh: Two other well-known advocates of Taiwan independence, Reverend Tsai Yu-ch'üan and businessman Hsu Tsao-teh, were arrested in October 1987, and sentenced to long prison terms for their role in including a clause calling for Taiwan independence into the charter of the **Formosan Political Prisoners Association** in August 1987. Their case became a *cause célèbre* in Taiwan because it was the first major political trial after the end of martial law in July 1987. They were charged under the newly-passed National Security Law, which replaced the old martial law.

Just like Mr. Shih Ming-teh and the other "Formosa" prisoners, Reverend Tsai and Mr. Hsu were adopted by the London-based human rights organization **Amnesty International** as prisoners of conscience.

Hsü Hsin-liang: Mr. Hsü was one of the key people of the democratic movement in Taiwan in 1977-78. He became one of the first opposition persons to hold an administrative position when he was elected Taoyuan County Magistrate in 1977. However, he was ousted from this position in mid-1979 on trumped-up charges, and shortly afterwards left for the United States, where he became a prominent figure in the overseas Taiwanese community.

In the past few years he became well-known for his several — unsuccessful — attempts to return to Taiwan. He finally managed to return to the island in September 1989 disguised as a fisherman, only to be arrested and charged with "sedition" for his advocacy of Taiwan independence.

In December 1979, after a trial that was generally described as a major farce (see *Taiwan Communiqué* no. 43, pp. 20-21), he was sentenced to six years and eight months imprisonment. On 30 January a Taipei court handed down an additional sentence of one year for “illegal entry” into Taiwan. Mr. Hsü decided not to appeal the two sentences in protest against the fact that the Kuomintang authorities use the Court system to repress differing political views.

President Lee’s amnesty consisted of three categories

(1) Full amnesty. Both Messrs. Shih and Hsu received a full amnesty together with seven other Kaohsiung prisoners, who were previously released. Their conviction of sedition was repealed and their civil rights restored. The names of the others are as follows:

Huang Hsin-chieh, presently DPP chairman
Lin Yi-hsiung, former Provincial Assembly member
Lin Hung-hsuan, former Formosa activist
Ms. Lü Hsiu-lien, women rights leader
Ms. Chen Chü, prominent human rights coordinator
Yao Chia-wen, former DPP chairman
Chang Chün-hung, secretary-general of the DPP

(2) Released and civil rights restored on 20 May 1990, but conviction of sedition was not repealed.

Reverend Tsai Yu-ch’üan
Huang Chien-fong
Liu Kwang-shen
Liu Teh-chin
Huang Kuang-hsiung
Chuang Kuo-ming
Hsu Tsao-teh (released in April)

Mr. Chuang Kuo-ming was granted an amnesty, but remained in prison facing “additional criminal charges”.

Released, but civil rights not restored:

Chen Wei-tu, opposition magazine editor
Luo Shen-chu
Chiu Chin-yuan
Hsiao Fu-kong (released in April 1990)

(3) Civil rights restored to previously released prisoners:

Chen Ming-chung
Chang Hua-min
Hsu Chao-hung
Shao Tsui-hwa
Huang Hua
Wang Ching-hsiung
Tsai Ke-tang

Leo Yi-sheh released, trial still to come

On 1 July 1990, the Taiwan authorities released Mr. Leo Yi-sheh (“Columbus” Leo, 29), a prominent leader in the Canadian-Taiwanese community, who was arrested in November 1989, when he was in Taiwan to observe the elections. Mr. Leo had served a ten-months’ sentence on “illegal entry” charges.

The authorities announced that Mr. Leo would still have to stand trial on the much more serious “sedition” charges for his advocacy of Taiwan independence. The charges are based on the anachronistic “Statute for the Punishment of Rebellion”, an outdated statute dating back to the period when the KMT authorities still ruled mainland China. When this issue of *Taiwan Communiqué* was going to press, the trial date was set for 18 July 1990.

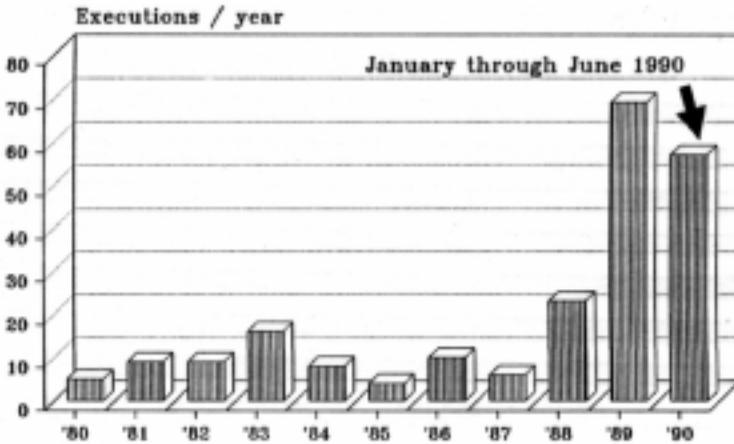
The death penalty in Taiwan: a sad record

According to official statistics, 69 persons were executed in Taiwan in 1989 on criminal charges, three times the number for the previous year. Press reports from Taiwan indicate that the number of executions for the first half of 1990 already amounts to 57. As the graph below shows, this is a record in recent history.

In January 1990, the London-based human rights organization **Amnesty International** wrote to Taiwan President Lee Teng-hui to express its concern about the use of the death penalty in Taiwan. In the letter, Amnesty pointed out that evidence does not support the argument of the Taiwan authorities that the death penalty has a deterrent effect against violent crime. Amnesty urged the Taiwan authorities to end all executions and to abolish the death penalty.

Amnesty also expressed its concern about a proposed new law, the “Temporary Law on Crimes that Endanger Social Order”, that will increase the use of the death penalty even further (see *Taiwan Communiqué* no. 42, pp. 20-21). The bill was submitted to the Legislative Yuan for approval, where it passed a first of three required readings in mid-January 1990.

The death penalty in Taiwan



Legal scholars have strongly criticized the bill, because it imposes the death penalty for a wide variety of rather vaguely defined “crimes”, such as “destabilizing the economy”, “harming social order”, and leading demonstrations which “illegally put barricades around factories.” The latter is a reference to the fast rising environmental movement on the island, which is protesting the pollution caused by factories by blocking access to those factories which pollute most heavily (see “Environmental concern growing” on pp. 22 of *Taiwan Communiqué* no. 44).

One professor at the prestigious National Taiwan University, Mr. Chen Chih-lung, stated that all academic courses on criminal law might as well be abolished if the bill is passed, because the proposal is “in serious violation of Taiwan’s legal system.” He likened the proposed bill to the “Temporary Provisions Effective During the Communist Rebellion,” the set of statutes passed by Chiang Kai-shek in 1948-49, which rendered the freedoms contained in the 1946 Constitution ineffective, and constituted the “legal” basis for the repressive and undemocratic system maintained by the Kuomintang over the past four decades.

Freedom of the Press ?

Two journalists released, another imprisoned

On 20 May 1990, Mr. Chen Wei-tu, editor of the opposition magazine **Democratic Progressive Weekly**, was released as part of the amnesty on the occasion of President Lee Teng-hui's inauguration. Mr. Chen had been sentenced to eight years imprisonment for alleging that then chief-of staff Hau Pei-tsun was planning to stage a *coup d'état* on 10 October 1988.

A couple of weeks earlier, another imprisoned editor of the same magazine, Mr. Hsieh Chien-ping, was also released. He had been imprisoned in the beginning of March 1990 for "failing to follow orders while facing the enemy" (a charge carrying the death penalty), and had been held incommunicado. Human rights organizations believe that Mr. Hsieh's writing were the real reason for his arrest (see *Taiwan Communiqué* no. 44, p. 21). The authorities subsequently stated that there was no evidence for the charges, and that Mr. Hsieh would be charged on a minor infringement.

However, on 16 May, a third person associated with the **Democratic Progressive Weekly**, its president Mr. Wu Hsiang-hui, was arrested on libel charges brought against him after his magazine published articles accusing a high ranking officer of the Military Police Command Headquarters of involvement in criminal operations. It was the third time Mr. Wu was jailed on libel charges.

Cheng Nan-jung's Death Commemorated

On 7 April 1990, a commemoration was held in Taipei to mark the first anniversary of the death of Mr. Cheng Nan-jung, the publisher and chief-editor of **Freedom Era Weekly**. Mr. Cheng set himself on fire in April 1989 rather than be arrested by police who were storming their way into his office to arrest him on "sedition" charges for publishing a draft-Constitution for a new, democratic, and independent Taiwan.

The commemoration was led by Mr. Cheng's wife, Ms. Yeh Chu-lan, who was elected to the Legislative Yuan in the December 1989 elections, and was attended by a large number of opposition leaders and supporters.

Students protest KMT control of the media

In mid-May 1990, students from various universities in Taiwan organized a campaign of protests against a number of major newspapers and the three television networks because of the continuing close control of the ruling Kuomintang authorities over these media. The students were particularly incensed by the fact that the *United Daily News* and the three TV-stations gave no coverage to the major sit-down protest organized by the student during the second week of May.

The student protests were directed against the nomination of general Hau Pei-tsun as prime Minister (see story on page ..), and had culminated on 13 May with a major demonstration attended by more than 5,000 people. However, the KMT authorities reportedly ordered the newsmedia not to give coverage to the events.

Notes

“February 28” into history books

(more or less)

In June 1990, the KMT authorities announced that the once taboo subject — the February 28 incident of 1947 — would be written into the textbooks of high schools. However, the rejoicing over this new openness was shortlived: disappointment set in, when it was learned that this major event was summarized only some 100 words. The text proposed by the Education authorities was as follows:

“After the restoration of Taiwan, the people of Taiwan were excited to return to the embrace of the motherland. Unfortunately, in 1947, because administrative official Chen Yi (then governor of Taiwan — Ed.) decided to crack down on illegal cigarette sales, it caused conflict and created the “2-28” incident. After the incident, the central government immediately sent officials to Taiwan to conduct an investigation. The provincial government was reorganized. Governor Chen Yi was replaced, and the people of Taiwan were consoled.”

Taiwan Communiqué comment: *The above description is highly misleading in many respects:*

- * *It attributed the incident solely to Chen Yi's crackdown on illegal cigarette sales. While this was the spark that ignited the event, the deeper underlying reason was the widespread discontent with corruption and repression by the newly arriving carpetbaggers from the mainland.*
- * *The text totally avoids any mention of the mass-executions of native Taiwanese by Chiang Kai-shek's troops sent in from the mainland, and of the widespread razzia's, arrests, and executions during the many months following the incident. The only "consolation" the people of Taiwan received was in fact mass execution.*
- * *It also neglects to mention important facts such as the scale of the conflict, time of conflict, how many people died, and the long-lasting repercussion for 40 years, the conflict between mainlanders and Taiwanese.*

The text writers made the excuse that the omission was due to the limited space available. In view of the fact that the February 28 incident can be considered as one of the most important events in Taiwan's history, it deserves just treatment in the textbooks. The younger generation deserves to know what really happened. If the KMT authorities are sincere about the process of reconciliation, they should have the courage to tell the full story.

To give our readers more insight into the feelings of the Taiwanese people about the "February 28 Holocaust" they experienced at the hands of Chiang Kai-shek's troops, we hereby reprint a highly personal story of a Taiwanese woman whose father was killed during the incident:

My father was that surgeon !

By Margaret Lu, MD, Bourbonnais, IL. This article first appeared in The Daily Journal, Kankakee, IL on 23 February 1987.

"One day, two of my American-born children came home and told me that their teachers asked them whether their Taiwanese-born parents are Japanese or Chinese.

I know that it is one familiar question that will be brought up again and again in my life, in my children's lives, and even in our future generations, no matter how

Americanized they become. The question seems to be simple, but the real answer is extremely difficult. Certainly we are not Japanese, yet we are not Chinese either, in strict political sense. The real answer is that we are Taiwanese American.

There was a book published in 1965 by Mr. George Kerr, who served in the American Consulate in Taiwan between 1946 and 1947. The book, titled “Formosa Betrayed” (Library of Congress catalog number: 65-20221) revealed a seldom reminded history of Taiwan, the “1947 Holocaust in Taiwan”, or the “February 28th Incident.”

Who betrayed Taiwan ? My answer is: the Chinese; and it happened in 1895, when Formosa was ceded to Japan after China was defeated by the Japanese in the Sino-Japanese War. The lawyer who represented China at the time was John Foster, grandfather of John Foster Dulles. The Japanese gave the Taiwanese two years to choose their nationality.

In 1943, the “Cairo Declaration” had decided that the island should be treated as a piece of real estate and “be given back to China”, along with five million Formosans as chattel property. This time the people there were not given any choices.

To put it short about the “February 28 Incident”, Mr. Chen Chi, the governor appointed by generalissimo Chiang Kai-shek, brutally murdered an estimated 20 to 30 thousand Taiwanese when they protested against the governor and his henchmen’s corruption and dictatorship. Mr. Kerr’s book gave a vivid testimony about how the Chinese Nationalists reconquered Taiwan in 1947. On page 306 of Mr. Kerr’s book, he describes one incident:

“A Formosan doctor – a surgeon and director (superintendent) of a local hospital which had been rehabilitated by the URRA – took a leading role in the Citizens Committee established to govern the community in the absence of all mainland officialdom. But when Chiang’s troops came in, the (Chinese) mayor and his men came out of hiding. Scores of local citizens were arrested. The director of the hospital, another doctor, five leading committee colleagues, and more than one hundred “ordinary” Formosans in the town were executed.”

My father was that surgeon. It was around 2 a.m., 18 March 1947, that some policemen and soldiers sent by governor Chen Yi broke into my parents’ residence, held my mother under gunpoint, blindfolded my father with one of his own neckties, and took him away. He was executed in less than twelve hours, along with seven other innocent

people, some teachers, one policeman, and one bank officer. Their bodies were dumped into a big pit and buried in very much the same way the Nazi's treated the Jews in the World War II Holocaust.

My mother was pregnant at the time, and I was born about six and a half months later. I am the only child in the family. The government has imposed its longest martial law in human history and has kept it like a "taboo" to even mention the "February 28 Incident."

I am glad that I became a naturalized American. I treasure my American passport very much. To me it is a document that guaranteed freedom of speech, freedom of thought, and freedom of mind. The only thing I have to complain about is that no matter how often I put down "Taiwan" as my birthplace, the immigration officer still puts down "China." As for most of the Taiwan-born Americans, we are like the Sinagporean people, whose ancestors also mostly emigrated from China more than 300 years ago. We would rather refer to ourselves as "Taiwanese America" until China gives up Communism, and just is done for those who died in 1947.

The PRC and the ROC (the Kuomintang government that fled from China after being defeated by the Communists) both claim that they are the legal government representing China. They also both claim that Taiwan is a piece of property that belongs to their respective China. Isn't it time for the world to tell them to wake up to reality, to normalize their relations, and to recognize each other as full, sovereign nations, which can live in peace with each other ?"

The KMT's foreign policy tribulations

In several earlier *Taiwan Communiqué's* we have focused on the Kuomintang's chummy relations with repressive regimes, particularly in Latin America (see *Communiqué's* no. 16, 32, and 43). In their eagerness to maintain a semblance of diplomatic ties, the KMT cozied up to right-wing dictators such as Chile's Pinochet, Paraguay's Stroessner, and Panama's Noriega.

That this strategy easily backfires, was clear from the awkward position in which the KMT found itself in November 1989 when the U.S. took military action against drug-trafficking dictator Noriega, with whom the Kuomintang authorities had established "an exceptionally good and friendly relationship."

Ironically, the Taipei authorities still haven't learned their lesson: during the past few months, they invited two more dictators to Taipei: in January 1990 Haiti's general Prosper Avril visited Taipei with a 25-member entourage, and in February El Salvador's President Alfredo Christiani followed. Both were welcomed with great fanfare and were treated as heads of state. Both also came to ask for economic aid: according to press reports in Taiwan, President Christiani asked for US\$ 70 million in aid. The reports did not say whether the request was granted.

General Avril's visit was a most comical one: he was deposed shortly afterwards !! In fact, his visit to Taiwan apparently played a role in his downfall: protests against his repressive rule escalated during his absence, and a group of civic leaders sent a message to the Taiwan authorities saying the military ruler did not represent the Haitian people, and that their organizations would not recognize any agreements negotiated during the visit !!

Another regime with which the Kuomintang established close relations during the past year was Samuel Doe's government in Liberia. This was heralded as a "diplomatic breakthrough" in Taipei, but cost the Taipei authorities a considerable sum of money (see "buying diplomatic recognition", in *Taiwan Communiqué* no. 42, November 1989). The recent upheaval in Liberia does not bode well for the stability of yet another one of the KMT's diplomatic relations.

Taiwan Communiqué comment: *if there is indeed a causal relationship between a visit to Taipei and the political downfall of dictators (of any persuasion) perhaps more dictators from around the world should visit Taipei !!*

More seriously, the developments show that Taipei will never get very far with its "flexible diplomacy" as long as it maintains that it still is the "Republic of China", and has a claim to sovereignty over the Chinese mainland. Only if it presents itself as "Taiwan" then there is a possibility for a breakthrough in recognition by the Western democratic countries.
