



# TAIWAN COMMUNIQUÉ

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## Electing the President ?

In the first half of March 1992, a heated debate erupted in Taiwan about the issue of presidential elections. Ironically, the debate was not between the DPP and the KMT — as is usually the case — but between the conservative and progressive wings of the Kuomintang itself.

The debate centered around the way in which the future President should be elected: by *direct elections*, or continuation of the present system of *indirect elections* through the National Assembly. Until the beginning of March 1992, the general Kuomintang-line had been based on the present system, with only a minor modification, and thus euphemistically called “direct election by delegation.” It required National Assembly members to declare which presidential candidates they support before being elected to the electoral college.



**Banner at opposition rally in Taichung on 23 February 1992**

The discussions were taking place in preparation for the National Assembly session, which started on 20 March, and which is considering possible changes to the Constitution. In the following report, we give an overview of the events.

## *Direct or Indirect Elections ?*

The debate within the Kuomintang spilled out into the open, when, in the first week of March 1992, a major KMT faction within the Legislative Yuan — the **New KMT Alliance** — suddenly broke ranks with the established party line, and came out in favor of direct elections. A number of more progressive party leaders, such as Judicial Yuan President Lin Yang-kang, KMT Secretary-General James Soong, Taiwan Provincial Governor Lien Chan, Interior Minister Wuh Poh-hsiung also spoke out in favor of a direct vote instead of the indirect system.

On 7 and 9 March, the Central Standing Committee of the Kuomintang held two marathon talks, each lasting from six to seven hours, in an attempt to resolve the issue. However, the Committee could not reach a consensus, as 14 members of the “Mainstream faction” — led by President Lee Teng-hui — spoke out in favor of direct elections, while ten conservative members — among whom Prime Minister Hau Pei-tsun — remained in favor of the indirect system. Five members were reportedly undecided or non-committal.

The matter was then referred to the Plenary Session of the 180-member Central Committee, which took place on 14 and 15 March 1992. However, even after several rounds of lengthy negotiations, the gathering could not arrive at a consensus either.

The third plenum was attended by some 900 Kuomintang figures, 180 of whom could vote on the issue as members of the Central Committee of the KMT. The gathering was marked by heated debates over the issue. In the plenary meeting, some of the elderly, conservative, Kuomintang members mounted a vicious attack on President Lee, accusing him of “*harboring ambitions to become a dictator*” (although President Lee has stated repeatedly he will not continue for a second term as President). The conservatives even threatened to withdraw from the party if the leadership forced a vote on the method of electing the president.

As a compromise, a resolution was drafted stating that “*.the next president will be elected by voters in the free area of the Republic of China,*” and the method of election the president will be decided by the new National Assembly.

## *National Assembly becomes focus of attention*

The battlefield thus moved to the National Assembly, where the debate could result in an interesting alliance between the democratic opposition of the DPP and the progressive wing of the Kuomintang. If this coalition could muster a 75% majority on the issue, then the next president will be popularly-elected. However, if opponents of direct presidential elections can gain support from a quarter of the 423 members of the Assembly, they can block the passage of the direct elections clause.

In a cover article of 15 March 1992, the Taipei-based magazine **The Journalist** reported that President Lee Teng-hui himself is in favor of direct presidential election, because he believes only a strong president who is directly elected by the people has the mandate to carry out reforms in the military, in the party and in the government. At the moment, the military is still dominated by a clique around Premier Hau, the former chief of staff of the armed forces, the party elders resist reforms, and the government bureaucracy has a lot of deadwood.



**President Lee's dilemma: *direct elections (by automobile) or indirect elections (by rickshaw) ??***

The local news media, such as the more liberal **Independence Evening Post**, **Freedom Times** and the pro-government **China Times** all favor of direct presidential election and a presidential system of government that will provide leadership in the present stage of political development in Taiwan.

The opposition DPP has long called for direct presidential elections. It is also in favor of streamlining the complex five-chamber system of government which came over from mainland China in the 1940's, and has called for abolition of the National Assembly, the Examination Yuan and the Control Yuan, arguing that these don't fulfill any useful function in the present-day political system. The DPP favors the establishment of a presidential system where power is divided among the executive, the legislative and the judicial branches of government.

# A Showdown Averted

## *KMT threatens to disband DPP*

On 13 October 1991, at its Fifth Annual Convention, the DPP adopted a clause in its party Charter calling for “... *the establishment of an independent and sovereign Republic of Taiwan and the enactment of a new Constitution, to be decided by the people of Taiwan in a plebiscite.*”

After the adoption, the Kuomintang authorities launched a strong fear-and-slander campaign against the opposition (see *Taiwan Communiqué* no. 52, pp. 8-9). The KMT also threatened to disband the DPP. The political tension reduced slightly after a November 4th meeting between Premier Hau Pei-tsun and leading DPP legislators. The authorities didn't follow up on the disbandment threat at the time, apparently fearing a backlash in the run-up towards the 21 December 1991 National Assembly elections.

The matter came to a boil again in the beginning of February 1992, after the Cabinet Political Party Screening Committee decided that the DPP clause was “illegal” and stated that the party should be disbanded. The Committee, which falls under the auspices of Premier Hau Pei-tsun's Cabinet, has led a shady existence, and — according to press reports in Taiwan — “...has rarely done anything substantial during the past decades.” DPP legislators have questioned the legality of the Committee, which has never been formally approved by the Legislative Yuan.



**DPP to KMT: "Go ahead .... if you are not afraid to be stung by those bees !!"**

During the first half of February, KMT government officials, like Vice Premier Shih Chi-yang, who is the chairman of the Political Party Screening Committee, sounded ominous warnings of disbandment and told the DPP to drop the pro-independence clause before the deadline of 24 February 1992, or else....

However, the DPP ignored the warnings, and refused to drop the clause. DPP-leaders said there would be a major political uproar if the KMT authorities would follow through on the disbandment threat, and stated they would simply form another party under a different name, perhaps even “**Taiwan Independence Party.**” They also indicated that they would forcefully raise the issue during the opening of the Legislative Yuan on 21 February, and that the DPP would boycott the upcoming National Assembly session, leaving the Kuomintang with an empty shell.

The DPP also stated it would propose that the Council on Grand Justices should study whether the Law on Organizations of Civic Groups — the law under which it is prohibited for groups to advocate Taiwan independence — is unconstitutional, since the Constitution provides for freedom of expression and assembly.

On 19 February 1992 — just five days before the deadline of 24 February — the whole matter was abruptly put on hold again, when the Kuomintang authorities decided to delay the decision on the disbandment of the DPP “... for an indefinite period.” The opening of the Legislative Yuan on 21 February thus occurred peacefully, and on 22 February 1992, a meeting was held between delegations of the DPP and KMT in order to arrive at an understanding. While the two delegations couldn’t come to an agreement on any major political issue, they did decide to meet regularly to “communicate differences” and attempt to resolve the major issues dividing the two parties.

## *Demonstrating for Independence in Taichung*

On 23 February 1992, a large demonstration took place in the Central Taiwan city of Taichung urging the KMT government to end its isolationist policies and work towards rejoining the United Nations, and to protests the KMT attempts to disband the DPP for its position in favor of Taiwan independence.

A crowd estimated at between 20,000 and 40,000 people gathered at the Taichung stadium, and after speeches by major opposition leaders, filed out of the stadium in a five-kilometer long procession, winding its way through the center of the city.

There were groups from other major cities like Taipei, Kaohsiung, Changhua, and Tainan, but also “theme” groups, such as the Presbyterian Church with a contingent of close to 1,000 people, and Buddhists in orange robes. The presence of the Presbyterian Church group had an interesting side-story to it: the Church has long been active in support of democracy and human rights — to the dislike of the KMT se-

curity agencies. Thus, the secret police, time and again, attempted to undermine the determination of the Church. This time, they drafted a forged letter, which was sent to some 1,000 Church members in the Tainan area, informing the members that the Church's participation in the Taichung march had been called off, "due to lack of funds." To no avail, the Church was present in full force.

There was also a contingent from the Association for a Plebiscite in Taiwan, the new Formosa Political Care Foundation, a strong contingent of the main pro-independence organization — the World United Formosans for Independence (WUFI) — led by Mrs. Tina Chang, the wife of imprisoned WUFI leader George Chang, the Taiwan Association of University Professors (TAUP), students (with red headbands), and the Taiwan Environmental Protection Union.

There were many banners, such as *"One Taiwan, One China"*, *"Plebiscite for Joining the UN under the name of Taiwan"*, *"Direct presidential Elections"*, and also the famous 500



**500-meter long banner in Taichung**

meter long banner urging that a plebiscite be held for Taiwan to join the UN. This banner gained fame in the earlier demonstrations in Taipei (7-8 September 1991) and Kaohsiung (25 October 1991).

After some three hours, the procession wound its way back to the stadium. At the end there were fire crackers and fireworks at each intersection. The event proceeded peacefully. There were hardly any police in sight, except some traffic police, stopping traffic at intersections. However, according to press reports, the authorities had kept some 3,000 riot troops at hand.

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## **Revising “Article 100” of the Criminal Code**

During the past year, **Article 100** of the **Criminal Code** has become a major source of contention between the Kuomintang authorities and the democratic opposition. Since May 1991, the authorities have used the Article as the “legal basis” for arresting and sentencing opposition supporters for their advocacy of Taiwan independence.

After the earlier major instrument for prosecution of independence advocates, the **Statute for the Punishment of Seditious**, was repealed in May 1991, after the ending of the Mobilization Period for the Suppression of the Communist Rebellion on 30 April 1991 (see *Taiwan Communiqué* no. 50, pp. 1-12), the democratic opposition expected that freedom of speech would be fully respected, and that independence advocates would not be prosecuted anymore.

However, in total at least 20 independence advocates have been arrested since May 1991 for openly expressing their political views, and about a dozen have thus far been sentenced to prison terms under Article 100 (see **Prison Report**, pp. 17-22).

During the run-up to the National Assembly in December 1991, the opposition and academic groups pushed strongly in favor of repealing Article 100, arguing that it violated freedom of speech (see *Taiwan Communiqué* no. 51, pp. 11-12, and no. 52, pp. 17-19).

During the abovementioned negotiations between the DPP and KMT on 22 February 1992, the DPP reiterated its position, while the **Action 100 Alliance** of university professors took to the streets again to press for abolition of the law. Finally, on 29 February 1992, the Kuomintang authorities took a first step in the direction of revising the particular section of the law. Vice premier Shih Chi-yang announced that a Cabinet task force had decided that the controversial sedition law would be changed.

# “February 28” Commemorated

This year marks the 45th anniversary of the February 28 incident of 1947, in which tens of thousands of Taiwanese were massacred in a bloody incident, two years after Taiwan was taken over by the Chinese mainlanders under Chiang Kai-shek at the end of World War II.

While until very recently, the events of 1947 were a taboo subject on Taiwan, during the past year there has been gradual shift in the position of the Kuomintang authorities. This occurred under the persistent pressure by the democratic opposition of the DPP and the Presbyterian Church, which urged the Kuomintang to stop covering up the facts, and let the truth be known.

This year, in a significant gesture, President Lee Teng-hui attended a memorial concert held in Taipei. Other memorial gatherings were held in Taipei and elsewhere on the island. Below is a brief account.

Secondly, the Presbyterian Church, in a commemorative booklet, elaborated four points which in its view are essential in order to come to a full reconciliation on the “2-28 issue.” We present the four points below.

Thirdly, the Taipei government issued the final report of a one-year study by a committee of five scholars (see *Taiwan Communiqué* no. 53, pp. 16-18). The report estimated the number of people who were killed in the incident to be between 18,000 and 28,000 — higher than the estimates we quoted until now from **Formosa Betrayed**, the book written in 1965 by U.S. diplomat George Kerr. Below, we present the main conclusions from the report.



**Symbol of this year's Commemoration**



## *President Lee attends Memorial Concert*

On 24 February 1992, relatives of the victims of the 2-28 incident and high officials of the government, including President Lee Teng-hui and premier Hau Pei-sun, and leaders of the DPP attended a memorial concert at the National Concert Hall in Taipei, in which Mozart's *Requiem* was played with choral and orchestra music. The programme also included Taiwanese and Chinese folksongs, and a recital of violin music composed by Taiwanese-American composer Hsiao Ty-zen, who returned to Taiwan after having been blacklisted for many years.

A moment of silence was observed before President Lee greeted and shook hands with families of victims. In his speech, President Lee asked for reconciliation of the nation and declared that a monument to commemorate the 2-28 incident will be built within 18 months.

After the first 2-28 monument was built in Chia-yi in 1988, another one — in the shape of a pyramid — was inaugurated in Ping-tung on 28 February 1992.

Families of the victims, the Presbyterian Church, and leading DPP figures have pointed out that only building another 2-28 monument is not enough. They say that, if the government is sincere about healing the wounds, it should extend a formal apology to the families of the victims and offer them compensation. DPP legislators on 25 February 1992 also proposed legislation to build a 2-28 memorial museum and to designate February 28 as a Memorial Peace Day. DPP legislator Hsieh Chang-tien together with KMT legislator Hung Chao-nan proposed legislation to offer compensation to the families of the victims.

## *Presbyterian Church issues Statement*

A few days before 28 February 1992, the Presbyterian Church in Taiwan issued a statement to commemorate the 45th anniversary of the Incident. In the statement, the Church outlined four points of principle, which — if adopted — would contribute to healing the wounds of the past, and would help avoid a similar event in the future. Below is a translation of the statement:

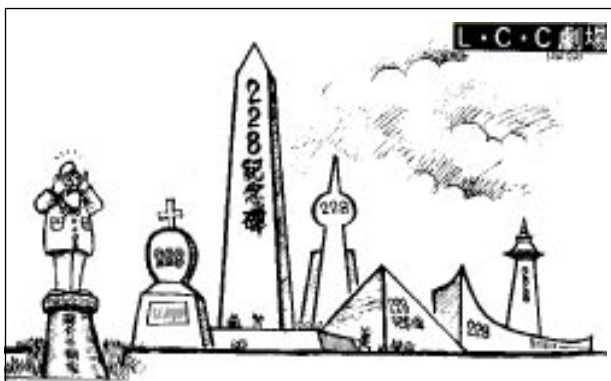
“Although it has been 45 years since the massacre of the February 28 incident happened, the KMT authorities still have not yet apologized to the people of Taiwan and compensated the families of victims accordingly. The true facts of history also

have not been fully uncovered. On the eve of the 45th anniversary of the February 28 incident, the Presbyterian Church, abiding by our beliefs in the love for our country and in the protection of human rights, issue herewith a four-point statement:

### ***1. End the glorification of Chiang Kai-shek and his family***

Increasingly, records have showed that Chiang Kai-shek should bear responsibility for the February 28 incident, because he was the one who secretly ordered troops from the mainland to Taiwan to suppress the people. Chiang Kai-shek and his son ruled Taiwan under martial law dictatorship for nearly 40 years, depriving the people of Taiwan their rights, especially their rights for self-determination.

At the moment there are thousands of Chiang Kai-shek statues around the island. Many roads and public buildings are named after him. Text-books and the Kuomintang propaganda machine still glorify Chiang Kai-shek as “the savior of our people”, “the giant of the world” even “the savior of mankind”. They are trying to perpetrate the worship of



**Statue of Chiang Kai-shek: "Goodness ... where are all those monuments coming from ??"**

idols and to stifle the mind of the people of Taiwan. Only if the myth of the Chiang family is thoroughly eliminated, can the spirit of the people of Taiwan be healthy and lively again. Then the process of true Taiwanization can begin, and a democratic political system be implemented.

### ***2. The military should be nationalized***

The military troops, which occupied Taiwan after the war ended, were controlled by a few military strongmen like Chiang Kai-shek, Chen Yi, Ko Yuan-fen, and Peng Meng-chi, and the parliament was powerless to rein in the military. This is the main reason that the abuses perpetrated by the military in the massacre of the February 28 incident, and the subsequent purge afterwards could go unchecked.

The military in Taiwan is presently still in the hands of the KMT, it has not been truly nationalized. This violates Article 138 of the Constitution, which states: *“The military — the army, the navy and the air force — should be above the control of individuals, regions and political parties, and should be loyal to the country and should protect the people.”*

The people of Taiwan are now in the course of pursuing an independent state. When the time comes for a political transition to take place, the military should not be the private property of a political party. Nor should it be controlled by ambitious military men and/or politicians. The military should be nationalized as soon as possible in order to prevent a recurrence of the February 28 incident. It should be put under the close supervision of the parliament, and should be loyal to the country and protect the people.

### ***3. Revive the true Taiwanese spirit***

During the 28 February 1947 incident, many courageous people sacrificed their lives in an attempt to rescue their fellow men, who were being hunted down by the Nationalist Army. This is in line with Jesus Christ’s words: *“Nobody has greater love than those who are willing to give their lives for their friends”* (John 15, verse 13).

The terror surrounding the incident and the subsequent long period of martial law have greatly influenced the people of Taiwan and made them lose the sense of justice and the spirit of cooperation and sacrifice. They have become selfish and pay attention only to their own self-interest and private gain. To save the people of Taiwan from further degeneration of their spirit, and also to counter any possible future invasion by force, we — in commemorating the 2-28 incident — should try to revive the Taiwanese spirit of courage, sacrifice, cooperation and hard work.

### ***4. Build a New Taiwan***

To safeguard the freedom and security of the 20 million people of Taiwan, we should work hard to prevent an invasion and annexation by Communist China. Therefore, in August 1990, the Presbyterian Church in Taiwan issued a statement on the independence of the sovereignty of Taiwan. We stated:

**“Taiwan is an independent, sovereign nation, the sovereignty over Taiwan and its territory belong only to the people of Taiwan. Taiwan and China are two separate, sovereign countries.”**

We are in favor of enacting a new Constitution, building a new nation, and ensure a new relationship between Taiwan and China. The two countries should co-exist on the principle of equality, mutual recognition and respect in order to promote harmony and peace in the Asian-Pacific region and throughout the whole world.

To prevent that incidents similar to 2-28 from happening again to our future generations, we pray to God to help us work together in building a new and independent Taiwan.”

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## ***Government Committee presents Report***

Another important event was the publication of an official report on the February 28 Incident. The report was commissioned by the Executive Yuan and was written by five scholars from prominent academic institutions on Taiwan. Mr. Lai Che-han of the **Academia Sinica** was the coordinator and the chief editor of the report.

The long-awaited report, which took the scholars a year to complete, was an attempt by the government to give answers to the many questions surrounding the incident with regard to the historical background, the massacre itself, and who should be held responsible for the incident.

The preliminary report was made public in December 1991. *Taiwan Communiqué* No. 53 gave a brief summary of that report. The final report, consisting of 400 pages and containing more than 400,000 words was made public on 22 February 1992.

In general, the report was lauded as reasonably fair and objective. However, a number of scholars — such as Dr. Chang Fu-mei, senior researcher at the Hoover Institution of Stanford University — criticized the report for not going deep enough in uncovering the facts.

The report blames then key government and military officials for using military force to suppress wide-spread protests against corruption and repression by the newly arriving Nationalist Chinese troops and officials. These protests erupted after a woman vendor selling cigarettes without a vending license was beaten by police and a man coming to her rescue was shot dead.

The main conclusion of the report was that the incident was not “an organized conspiracy to overthrow the government” — as claimed by then governor Chen Yi and

General Ko Yuan-fen, chief of the Taiwan Garrison Command — but a spontaneous protest by native Taiwanese to show their long pent-up anger over the rampant corruption in Governor Chen Yi's government.

According to the report, many innocent people, including young intellectuals, scholars, doctors, and lawyers were rounded up and executed without trial or simply disappeared in the aftermath of the incident.



The report put the blame on Governor Chen Yi for his mis-handling of the incident, and on generals Ko Yuan-fen and Peng

Meng-chi for the bloody suppression following it. It also discloses that General Peng Meng-chi, commander of the troops in the southern port city of Kaohsiung, was responsible for the massacre of innocent people on the streets.

While in the preliminary report, the researchers said that Chiang Kai-shek could not be absolved from responsibility for sending troops to Taiwan to crush the incident, in the final report, they are vague about the former President's role in the incident.

Some scholars and DPP legislator Chen Shui-pien criticized the report for being far from complete, because the Garrison Command and the Investigation Bureau still refused to open their archives to the researchers, claiming they contain military secrets. They pointed out unless the military make these archives available, the true facts about the massacre will never be uncovered.

The report came into being as a result of public pressure, which began in 1987, when Mr. **Cheng Nan-jung** — the former publisher of *Freedom Era*, who died on 7 April 1989 when he burned himself to death when police came to arrest him on sedition charges — and Dr. **Chen Yung-hsin** broke the taboo by forming the “Committee to Promote 2-28 as a Peace Day”, and demonstrated and held rallies in the face of riot-control troops to demand to know the truth about 2-28. Their efforts saw the first 2-28 monument build in Chia-yi in 1988.

# Report from Washington

## *The DPP goes to Washington*

In mid-March 1992, a large DPP-delegation led by its new chairman, Mr. **Hsu Hsin-liang**, headed for Washington. The delegation numbered some 30 people, and included prominent DPP legislators, such as Ms. Yeh Chu-lan and Hsieh Chang-ting, lawyers Yao Chia-wen and Chen Shui-bian, and scholars, such as Dr. Chang Fu-mei and professor Lin Chung-yi.

The purpose of the trip was to increase the visibility of DPP internationally in order to win international support for Taiwan's bid to join the United Nations and GATT.

In Washington, the delegation had talks with U.S. government officials, and leading figures in political organizations and research institutions.

The delegation was well received by the American Congress. A congressional luncheon was held on 11 March 1992. More than 200 people including senators, congressmen and their aides, scholars and government officials attended the luncheon. Prominent Senators such as Kennedy and Pell and Congressmen Solarz and Leach were there.

Mr. Kennedy gave a speech, in which he first lauded the DPP and the U.S.-based **Formosan Association for Public Affairs** for their steadfast efforts to advance democracy and human rights in Taiwan. Mr. Kennedy praised the significant improvements in this area in Taiwan, such as the lifting of martial law, the release of political prisoners, and the legal recognition of political parties. However, he stated that much more remains to be done before the people of Taiwan can enjoy a fully democratic political order.

In particular, he expressed his concern about the continued blacklisting of overseas Taiwanese (see below), the recent threats by the Kuomintang that it would disband the DPP for its inclusion in its party charter of a clause in support of independence (see our article "*A Showdown averted*", on pp. 4-5), and the continued arrest and imprisonment of advocates of Taiwan independence.

Mr. Kennedy sounded also a warning at the People's Republic of China:

*“I am particularly concerned over recent political developments with respect to the relations with the mainland. Thirteen years ago, in the Taiwan Relations Act of 1979, Congress established the cornerstone of America’s close relations with the people of Taiwan. ..*

*In that Act we stated clearly that the U.S. decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by **peaceful** means. The law also states that any effort to determine the future of Taiwan by any other than peaceful means will be considered a threat to the peace and security of the Western Pacific and of grave concern to the United States.*

*In the light of this commitment by the United States to the peaceful evolution of Taiwan’s political status, I have been concerned by periodic statements from the PRC indicating that it might use force to crush attempts by Taiwanese citizens to establish an independent state. Such threats are irreconcilable with previous commitments by the PRC, and they are inappropriate and unacceptable in today’s international arrangements.”*

Mr. Hsu in his speech thanked the American Congress for its enduring support of the democratic opposition, and its concern about human rights and the future of Taiwan. Mr. Hsu emphasized that the DPP has been striving to compete in a fair race in order to bring more democracy to the island.

Mr. Hsu stated, that if the DPP became the ruling party, it would not necessarily mean it would immediately declare independence. He said: *“We would consider the international and domestic situation at that time, before deciding whether to declare independence.”* He added that he favored peaceful relations with China, and wanted to strengthen the tri-lateral relationship between Taiwan, mainland China, and the United States.

However, Mr. Hsu pointed out that the DPP would never compromise on the principle that only the people of Taiwan can determine the future of the island, no foreign power can interfere with force in this process.

Members of the delegation also met with several high officials of the departments of Commerce and Labor, and special assistant to President Bush, Mr. Douglas Paal to lobby American support for Taiwan’s membership in General Agreement on Tariffs and Trade (GATT).

After Washington D.C., the DPP delegation went to New York on March 13-14. The delegation held meetings with the Council on Foreign Relations and visited representatives of the members of the United Nations in order to lobby their support for Taiwan's bid to join the United Nations.

The final stop was Los Angeles, which has the largest population of immigrants from Taiwan. The delegation held meetings with leaders of the Taiwanese community, held talks with the lieutenant governor of California and the mayor of Los Angeles.

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## ***Resolution on Taiwan Blacklisting in Senate***

On 10 March 1992, three prominent U.S. Senators — Mr. Pell (who serves as the Chairman of the Senate Foreign Relations Committee), Mr. Edward Kennedy (Dem-Mass.), Mr. Lieberman (Dem-Connecticut) — introduced a resolution in the U.S. Senate, calling on the authorities in Taiwan to stop the practice of blacklisting overseas Taiwanese. A similar resolution was introduced in the House of Representatives by Congressman Stephen Solarz, the chairman of the Subcommittee on Asian and Pacific Affairs in the House.

During the past years, the Kuomintang authorities have refused to allow overseas Taiwanese who had been politically active in the overseas democratic movement, and who had spoken out in favor of Taiwan independence, to return home (see our report in *Taiwan Communiqué* no. 50, June 1991, p. 23).

The operative part of the Resolution states:

**Therefore be it Resolved by the Senate (the House of Representatives Concurring) That it is the sense of the Congress that the authorities on Taiwan should permit the return to Taiwan of all current and former citizens who are committed to peaceful change.**

In his statement introducing the Resolution, Mr. Pell said the following:

*...We have all been impressed by the significant political and economic changes that have occurred in Taiwan over the last few years. The old order is disappearing and a new order is emerging, based on free market economics and political pluralism. ...*



*Recently, a Government task force even recommended revisions in the Criminal Code eliminating sedition charges against anyone calling for independence of Taiwan. I hope those changes will shortly become law.*

*A country as mature as Taiwan has become should not fear those who call for independence of their country from the mainland. Whether there is one China or two should be left to the people of Taiwan to determine.*

*Despite these developments, however, the Taiwan Government continues to maintain a blacklist of certain Taiwanese living abroad. The Taiwanese on the blacklist, many of whom are American citizens, including government officials, are almost always refused visas to return to their homeland because they advocate self-determination in Taiwan. They have been excluded from visiting the country of their birth or of their ancestors, even for the purpose of attending family reunions, weddings, and funerals.*

*A country that wants free trade, that depends on open trade for its well-being must also be open to the free exchange of people and, with them, ideas. Taiwan has nothing to fear from peaceful advocacy of self-determination.*

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## **Prison Report**

### ***Overseas Independence Leaders appear in Court***

In *Taiwan Communiqué* issues no. 51, 52 and 53 we reported on the arrests of prominent overseas Taiwanese leaders, who were returning home to Taiwan to work for an independent Taiwan. During the past three months they appeared in Court individually. The authorities apparently feared that a Court session for them together would attract too much international attention or local demonstrators.

Dr. (George) **Chang Tsang-hung** (55), who had been arrested on 7 December 1991 as he flew in from Tokyo, was first brought to the High Court on 17 January 1992, but he refused to answer questions because his lawyers were not present, as the authorities had not notified them.

A second session was held on 15 February 1992. This time his lawyers were informed, and they appeared in full force — together with some 300 supporters, who braved the rains and held a protest outside the courthouse.

For his advocacy of Taiwan independence, Mr. Chang was charged with “sedition for inciting the violent overthrow of the government and attempting to divide the national territory.” The authorities also attempted to link Mr. Chang to the case of Mr. **Wang Hsing-nan** (50), a Taiwanese-American businessman who was arrested in 1977, and charged with sending a letter-bomb to then vice-President Hsieh Tung-min. Mr. Wang served 13 years’ of a life sentence in a military prison on Green Island, and was released in late 1989.



**WUFI-leader, Dr. George Chang**

Dr. Chang denied in court the charges of having anything to do with the letter-bomb case. He said that he learned about

it from newspaper reports. He pointed out that the indictment contained several factual errors concerning WUFI and his relationship with Mr. Wang.

The defense lawyers then requested the judge to let Mr. Wang — who was present in the Court room — testify himself. After much hesitation the judge agreed to the request. Mr. Wang denied that he received instructions from Dr. Chang. He said that he was coerced into implicating Dr. Chang in his confession at the Military Detention Center, because he was threatened that if he did not cooperate, his father, brother and friends would also be prosecuted as accomplices.

Mr. Wang acknowledge being responsible for the letter bomb, but stated it was purely his own decision. He argued that it seemed justified at the time because of the repressiveness of the KMT’s system. He said he considered vice-president Hsieh to be equivalent to a nazi-collaborator.

In his own testimony in court, Dr. Chang emphasized that WUFI is dedicated to non-violence, and strives to build a free, democratic and independent Taiwan by

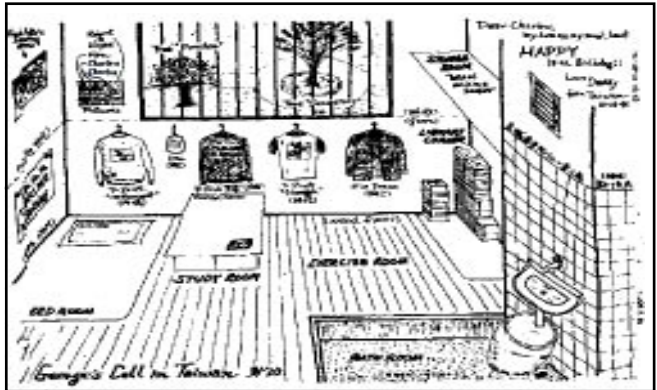
peaceful means. In contrast, the ruling KMT has systematically used violence against the people of Taiwan. He cited the examples of the murder of Professor Chen Wen-chen, the murder of lawyer Lin Yi-hsiung's mother and twin daughters and the murder of writer Henry Liu. Except for the last one, these murders still remain "unsolved."

## ***Kuo Pei-hung's Birthday Present to his Daughter***

The second overseas independence leader to be brought into Court was Mr. **Kuo Pei-hung**, the President of the U.S. chapter of the World United Formosans for Independence. On 25 January 1992, Mr. Kuo was led before the High Court in Taipei. The prosecutor produced a videotape with a recording of a speech made by Kuo at a rally for DPP-candidate Mrs. Chou Hui-ying in the 1989 elections. The defense lawyers argued that Kuo's calls for independence were an exercise of free speech.

Recently, *Taiwan Communiqué* obtained a copy of a letter which Mr. Kuo sent to his daughter, who turned 10 years old in October 1991. In the letter, Mr. Kuo's made a detailed drawing of his cell in prison, shown below:

In his letter to his daughter, he wrote: "In the past 20 years, I have never made a drawing. Today, I tried my best and made a drawing because I wanted to give you a surprise on your tenth birthday. This drawing depicts the room I live in in "Tu Cheng



Hotel" near Taipei. As you can see, this room is big enough to be divided into five small rooms and a library. Can you imagine that this room is just as big as your bedroom? Every day I read, write, sing, dance and exercise here.

My sweetheart, I am really sorry that I could not be with you on your birthday. This is a difficult time for all of us. As I am not able to come home, I am sending you this drawing instead. But I am also sending along the love from my heart."

## *Dr. Wang Kang-lu on Trial*

The third overseas independence leader to appear in High Court, was Dr. **Wang Kang-lu**, the Secretary-General of WUFI. His court hearing took place on 29 February 1992. Before the trial began, about a hundred supporters gathered on the steps of the High Court and staged a demonstration to demand the release of Mr. Wang. Some 60 people had obtained passes to enter the court room to attend the trial.

The trial began with the showing of a videotape of Mr. Wang's speech made on 20 October 1991, at a meeting when the Taiwan chapter of WUFI was formally established. The defense lawyers argued that the videotape was in fact beneficial to the defendant, because it showed that Mr. Wang advocated the use of non-violent means to establish an independent state of Taiwan.



**Dr. Wang Kang-lu**

The lawyers then stated that it was unjust to prosecute Mr. Wang for making a short speech on 20 October 1991, whereas others, such as the chairman of the meeting, Mr. Yang Chin-hai, and legislators Mrs. Yeh Chu-lan and Mr. Hong Chi-chang, who also spoke at the meeting, were not prosecuted. The defense lawyers then requested the judge to call Mr. Yang, Ms. Yeh and Mr. Hong, who sat on the front row of spectators to testify. After considerable hesitation, the judge agreed.

The fact that the judge allowed the three to testify was surprising, since until now hardly any witnesses for the defense were allowed in the courts in Taiwan. When the three testified, several times the spectators burst into applause when legislators Yeh and Hong in their testimony praised Mr. Wang's integrity and supported WUFI's action to form a local chapter.

In conclusion, the defense lawyers demanded that the defendant be acquitted because there was no substantial evidence to support the prosecution's charges of se-

dition. They asked that Mr. Wang should no longer be incarcerated, and should be released on bail, and his continuing incarceration violates his human rights. The judge said that he had no authority to free Mr. Wang on bail.

From the handling of the trial by the judge, it was clear that he had very little leeway, and that he was mainly going through the motions of a trial, while the actual decisions were being made by the higher authorities. He asked only superficial questions, and had to be prodded by the defense lawyers to get to the heart of the matter.

Another interesting aspect was the absence of the prosecutor who was in charge of the case. He did send a replacement, but this person sat through the whole trial without uttering a word !!

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## ***Taichung Independence Activists sentenced***

On 10 January 1992, the Taiwan High Court in Taichung sentenced four opposition activists to prison terms ranging from two to three-and-a-half years. They had been charged under the anachronistic Article 100 of the Criminal Code, which prohibits advocacy of Taiwan independence. The Taipei authorities equate this with “sedition” and term it “stealing the national territory” (since the KMT still consider itself the rightful government of all of China).

The person receiving the longest prison term — three years and six months — was **Lin Yung-sheng** (47), the secretary-general of the ***Organization for Taiwan Nation Building*** (OTNB). Mr. Lin is long-time independence advocate: in his third year of college at Tam Kang University he was already arrested for speaking out in favor of independence. In 1987 he became the general-secretary of the Taiwan Political Prisoners Association. In 1988 he joined other independence advocates in an island-wide march led by Mr. Huang Hua. In 1990, he was the executive secretary of the Taipei County Branch of the DPP.

The OTNB group was set up in May 1991 by former journalist **Chen Wan-chen** to broaden local support for independence (see below). Mr. Lin was one of six OTNB activists arrested in October 1991. Three of these have since then be released for lack of evidence, while two others received lesser sentences.

The three other persons sentenced on 10 January 1992 were members of the local chapter of the World United Formosans for Independence (WUFI):

Mr. **Chiang Kai-shi**, born in 1958 in Taoyuan, received a three years' prison term. Mr. Chiang is often referred to as Taiwan's Gandhi, because of his advocacy of peaceful resistance against the KMT's repressive measures. He is a graduate of the Political Science Department of National Taiwan University. In the early and mid-1980's he served as editor of several opposition magazines, including *Cultivate* (published by Mrs. Hsu Jung-shu), and *Freedom Era* (published by Mr. Cheng Nan-jung).

Mr. **Hsu Long-chun** (40), received a sentence of two years and six months. Mr. Hsu is a dentist, who in 1987 received a Master's Degree in Public Health from Amherst University in Massachusetts. He joined WUFI in 1988 while in California, and returned to Taiwan earlier last year to help set up the Taiwan organization. On 4 September 1991 he coordinated the first open meeting of WUFI in Taiwan: at the indoor gathering in Taichung some 63 people openly declared themselves to be WUFI-members.

The third person, Mr. **Chou Wu-chien** (41), was sentenced to two years imprisonment. Mr. Chou is a former highschool math teacher from Nantou. In 1984 he went to the United States for graduate study at Columbia University in New York, where he became a PH.D. Candidate in Statistics (biology). In 1988 he joined WUFI and subsequently returned to Taiwan.

All four defendants said they would appeal the verdicts to the Supreme Court.

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## **Ms. Chen Wan-chen arrested and sentenced**

Ms. Chen Wan-chen, the founder of the Organization for Taiwan National Building was arrested on 7 February 1992 in Taichung, after spending more than five months in hiding. She was stopped by agents of the Investigation Bureau when she was driven in a car on her way to an appointment in a local Presbyterian church.

Ms. Chen is a major activist for Taiwan Independence. In May 1991, she broke the taboo by forming the Organization for Taiwan National Building and openly advocated an independent Taiwan (see *Taiwan Communiqué* No. 51, pp. 15-17). She went into hiding after a warrant for her arrest was issued in June 1991. She is being charged with "sedition" under Article 100 of the outdated Criminal Code. Four of her colleagues also charged with sedition were sentenced to prison terms ranging from two to three and one half years.

Ms. Chen is being detained in the Taichung Detention Center, a sprawling complex of buildings with high walls on a hill overlooking Taichung. She shares a cell of about two by three meters with a cellmate.

On 14 March 1992, the Taiwan High Court sentenced Ms. Chen to three years and ten months imprisonment for “attempting to overthrow the government.”

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## **Economic / Environmental Report**

### ***Authorities push ahead with Nuclear Power Plant***

In mid-February 1992, the Cabinet in Taipei approved the construction of Taiwan’s Fourth Nuclear Power Plant complex. The plant is estimated to cost NT\$ 170 billion (US\$ 6.8 billion), and has generated intense political debate because the proposed site is only 36 kilometers from the Taipei metropolitan area, and is located in a region prone to earth quakes.

The opposition DPP, environmental groups such as the **Taiwan Environmental Protection Union**, and local groups in Kungliao have strongly protested the plans. A major demonstration took place in Taipei on 5 May 1991 (see ***Taiwan Communiqué*** no. 50, pp. 20-22). In mid-March 1992, the groups started a series of demonstrations at the Legislative Yuan, the American Institute in Taiwan, and the representative office of France: industries from these two countries are planning a major role in the design and construction of the plant. The anti-nuclear groups plan to let the demonstrations culminate in a large-scale rally on 26 April 1992, the date on which the Chernobyl nuclear disaster took place six years ago, in 1986.

Interestingly, Mr. Chao Shao-kung, the administrator of the Taipei government’s Environmental Protection Administration, said he remained concerned about the plant’s environmental impact. He said: *“Whether (the proposed plant’s) air, water, and nuclear waste disposal violate current regulations has yet to be determined.”*

Further information can be obtained from the ***Taiwan Environmental Protection Union***. Its address is: **3rd Floor - 4, no. 12, Lane 74, Wen Chou Street, Taipei TAIWAN. Faxnumber: (02) 362-3458.**

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