

HJR

42

SENATE STATE AFFAIRS COMMITTEE

Bill Number HJR 42 Title TAIWAN Date received \_\_\_\_\_

Fiscal Position Note	Paper	Date requested	From	Amount	Date Rec'd	
					Note	Paper

CONTACTS	Backup list

HEARING INFORMATION

NOTES:

FINAL ACTION \_\_\_\_\_ DATE \_\_\_\_\_

We contacted Stevens, Murkowski & Young.

Stevens contacted the State Department. They stressed that they have no control over a state wanting to establish a sister state relationship with Taiwan, but they wanted to extend a serious warning to us.

It is imperative that the language in the resolution in no way be provocative toward China. Sara Ann Smith from the State Department (202-632-7710), said that Taiwan has approached many U.S. states to solicit resolutions of this kind and that they attempt to have those states refer to them as "The Republic of China" or "RSC." This reference is highly inflammatory language and may create difficulties with U.S. relations toward China. They suggested that the resolution refer to them as "The People of Taiwan" or "The Province of Taiwan."

Further, that the resolution emphasizes people to people contact, cultural exchange and general goodwill. The resolution should avoid any political references.

The states of Virginia, Miss., Illinois, Arkansas, S. Carolina, Colorado, Kentucky and Hawaii have these resolutions. They highly suggest that you use these for models.

Although the State Department will not officially try to influence you, they continue to stress the problem with these resolutions inhibiting a formal U.S. relationship with China.

Sen. Stevens has sent a telegram to this office also warning of this.

*This top memo is from House State Affairs staff!*

Summary of U.S.State Dept. 1982 report to Senate & House Foreign Relations Committees on Human Rights Practices in Taiwan

Political history since 1949 - the political power and most positions of power in the government remain with the Nationalist Party, the Kuomintang, who were elected on mainland China before 1945. Native Taiwanese - about 85% of population - do not have significant power, and are structurally prevented from gaining it.

What is referred to in the report as the "taiwanese independence movement" is a loose movement to return control of the government to elected Taiwanese. This movement is considered sedition.

Martial Law - Martial law was imposed in 1949 and operated ever since. It is the means by which the Nationalist Party retains control and is the crucial fact for human rights in Taiwan. Martial law means that political crimes and other major crimes can and are tried in military, rather than civilian, courts. Cases in these categories are then reviewable only by the Ministry of Defense.

These are the observations on human rights conditions as listed in the State Dept. report:

Political murders - murders of a mother and twin daughters of an opposition figure and of a U.S. born Taiwanese professor in 1980 and 1981 "are believed to have been politically motivated".

Torture - Just last May, five policemen were tried and convicted for illegal arrest and causing bodily harm to a taxi driver beaten and then drowned while under arrest. "Physical violence...(is) a practice many believe police resort to frequently."

Arrest and warrants - Arrest is without warrant in many cases. Individuals may be held up to seven months and possibly more at prosecutor's request. Recently, attorneys were allowed to be present for interrogation of their clients, but that may only mean sitting behind a soundproof window - watching, but not hearing. There is no protection against self-incrimination.

For many minor crimes police not only arrest, but also prosecute and punish. Police are now trying to get the power to put certain of those detained in military prisons for "educational punishment" for crimes against "social peace" - all without trial.

"Monitoring of telephone calls(is)widely believed to exist", and in a recent case there was evidence of monitoring of international calls.

Political prisoners - There are, by government admission and the count of international organizations, approximately 100 political prisoners in Taiwan. 20 of them have been imprisoned over 30 years. sedition, which is defined as any opposition to basic government policy, especially the contention that the present government represents all of mainland China, is punishable in military courts under martial law. Native Taiwanese who say that their island should be self-governing are committing sedition and are commonly and frequently tried as such. Political candidates are known to be routinely monitored for such sentiments.

COPY

International security surveillance- Although authorities deny it, it is widely accepted that activities of students in the U.S. and other countries' universities who are Taiwanese are followed by the security service.

Censorship - Police may legally seize, ban and/or suspend publication licenses of publishers of printed material they think "confuses public opinion and affects the morale of the public and armed forces." This practice is very common. Major U.S. magazines such as Newsweek have been banned in recent past. Foreign correspondents' credentials have been revoked for reporting the wrong things.

Public assembly - Public assembly for political purposes is banned, except in recent years 15 day election periods have been created in which rallies are allowed but closely monitored.

Religious freedom - Churches have been warned against involvement in opposition political groups or groups which discuss Taiwanese independence. Authorities have made it clear that they intend to take control of religious educational institutions. In 1980 a confrontation with the Presbyterian church came to a head with the conviction of the church's general secretary and others in the church for their harboring a sedition defendant who sought help.

Travel freedom - Permission to leave the country for a trip or to study may be delayed or withheld for security reasons or because the person has criticized the political establishment. 20,000 people (about 2% of applicants) were denied travel permits in 1980 - over 300 for security reasons alone.

TAIWAN

More than thirty years of dynamic economic development contrasts sharply with the pace of political development in Taiwan, where the ruling authorities have emphasized stability rather than change. Nonetheless, the authorities have created an array of democratic institutions from village to province level, with candidates inside and outside the dominant Nationalist Party. Actual power, however, remains in the hands of the small leadership group elected in mainland China before 1945, which came to Taiwan after World War II and controls the Nationalist Party (Kuomintang), the military, and the executive bureaucracy. A high degree of political control is exercised through the security apparatus, which operates under martial law provisions enacted in 1949 and which the authorities justify by the threat of military action or subversion from mainland China.

The enhancement of human rights is publicly endorsed by the authorities but remains incompletely realized in Taiwan. Although individuals may run for elective office, coordinated opposition activity is greatly restricted. The publication of opposition political views is closely controlled and the activities of outspoken oppositionists are monitored, both at home and, apparently, abroad. Native Taiwanese, descendants of Chinese who migrated from the mainland mostly in the eighteenth century and who now constitute 85/percent of the population, dominate the economy but are under-represented within the ruling elite. Recent evidence suggests that torture and other forms of physical intimidation are still occasionally used by police, but probably are not officially condoned.

Nineteen eighty-two saw the continuation of a slow trend toward improvement in the human rights situation in Taiwan. Publication and public expression of oppositionist sentiment have become gradually freer, although there are still strict limits to what is acceptable. The authorities continue to recruit qualified Taiwanese to fill important economic and political, military, and security posts, a process which will contribute to an increased share of political power by the Taiwanese. With the rise of a prosperous middle class, popular concern about human rights is increasing. Despite Taiwan's diplomatic isolation and concern about the island's future after the passing of the current President, Chiang Ching-kuo, the outlook for continued improvement in human rights appears favorable.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Killing

No killings for political reasons have been substantiated in Taiwan in 1982, or indeed in recent years. However, the murder in February 1980 of the mother and twin daughters of jailed oppositionist Lin Yi-hsiung and the suspected murder in July 1981 of a Taiwan-born US resident, Professor Chen Wen-cheng, are widely believed to have been politically motivated.

b. Disappearance

In recent years, there have been no credible reports of persons being abducted or secretly arrested by the security services. There are no known terrorist organizations operating on the island.

Under martial law, which has been in effect in Taiwan since 1949, civilians who commit certain offenses, including sedition, may be tried in military court. Opposition to basic policy (such as expressing views contrary to the authorities' claim to represent all of China, or supporting an independent legal status for Taiwan) is considered seditious and thus punishable under martial law.

The authorities occasionally transfer "important" civilian cases (involving such crimes as homicide, kidnapping, and armed robbery) to the military courts. The authorities state that the military courts' swifter and generally more severe justice acts as a deterrent to potential criminals. Sentences are reviewed only within the Ministry of National Defense. In May 1982, the case of Li Shih-ko, who confessed to carrying out Taiwan's first armed bank robbery and murdering a policeman, was referred to the military courts for action. Li's trial on May 18 lasted less than two hours and the sentence, death, was carried out eight days later.

Neither civil nor martial law provides the defendant with protection from self-incrimination. Following the July 1982 revision of the criminal procedures code, suspects may for the first time have a lawyer present during interrogation. However, the authorities have indicated that the lawyer's role is to protect his client from mistreatment, rather than to provide legal counsel during questioning. In some cases, windows have been installed in police station interrogation rooms in order that lawyers (or family members) may see the suspect without hearing the questioning.

g. Invasion of the Home

Physical invasion of the home without a warrant is not a common practice in Taiwan, but does occur on occasion. The Code of Criminal Procedure requires that searches be authorized by warrants, signed by a prosecutor or, during a trial, by a judge. However, exceptions to this rule, previously few in number, were substantially increased by the revision of the code in July 1982. When making warrantless arrests, police may also make necessary searches of person or property without prior authority. Other types of violations of the home, such as monitoring telephone calls, are widely believed to exist.

2. Respect for Civil and Political Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and the press. These rights are limited, however, by the enforcement of martial law restrictions. Individuals are not free publicly to question the regime's basic political policy of anti-communism and claim to sovereignty over all of China. Persons who speak favorably of communism or the People's Republic of China, or persons (usually native Taiwanese) who question the legitimacy of Taiwan's mainland authorities by suggesting support for Taiwan independence or self-determination, can expect to be charged with sedition and tried in a military court.

Information brought to light during the investigation of the death of Professor Chen Wen-cheng in 1981 suggests that the security authorities closely monitor political expression, both at home and overseas. During questioning by the security

## c. Torture

Taiwan law specifically prohibits the use of torture. The Code of Criminal Procedure states that an accused shall be "frankly" examined, but that no violence, threat, inducement, fraud, or other improper means shall be used. This language is repeated in the Military Trial Law.

The death in police custody of a Taipei taxi driver, Wang Ying-hsien, in May 1982 focused public attention on the use of physical violence by police in interrogating criminal suspects, a practice many believe police resort to frequently. Wang was picked up on suspicion of robbing a bank and died while in police custody. The actual robber was captured a few hours later and Wang's daughter challenged the police account of Wang's death. The autopsy report, released on August 20, confirmed that Wang was beaten but ruled that his death was caused by drowning in the Keelung River. Although his death was officially declared a suicide, five policemen were tried and convicted for illegally arresting Wang and causing him bodily harm.

## d. Cruel, Inhuman, or Degrading Treatment or Punishment

Imprisonment is the usual form of punishment for both political and nonpolitical offenders. According to the authorities, nine executions were carried out in 1981, seven of convicted murderers, and two of persons convicted of robbery.

Taiwan's civilian prisons are severely overcrowded. In April 1982 the press reported that civilian prisons, built to accommodate 11,251 prisoners, were then holding 17,162 or 5,901 over capacity. Prisoners are forced to share cramped living quarters and have fewer opportunities for work, exercise, and family visits. Overcrowding was partially responsible for severe rioting which broke out in the juvenile section of Mainghu Prison in March 1982.

Conditions in the military prisons administered by the security police, where political prisoners are confined, are reportedly less crowded. Prisoners receive the same food as soldiers and have work and recreation opportunities. Although conditions for the Kaohsiung-incident prisoners have reportedly improved since their arrest in 1980, six non-Nationalist Party legislators charged in July 1982 that these prisoners continue to be denied access to regular work programs and recreational activities, are prohibited certain amenities accorded other prisoners, and are subject to special rules which keep them separate from one another. A few of the Kaohsiung-incident prisoners are alleged to still suffer from the effects of pretrial mistreatment.

There is no known discrimination in the treatment of prisoners because of class, race, sex, or religion.

## e. Arbitrary Arrest and Imprisonment

Taiwan's law of habeas corpus requires that, following an individual's arrest, the arresting authorities notify in writing the individual and his designated relative or friend within 24 hours of the reason for his arrest or detention. The Code of Criminal Procedure specifies that the authorities may detain an accused for up to two months during investigation prior to the filing of the formal indictment, and for up to three months during trial. During the investigation phase,

however, the prosecuting officer may apply to the court for one extension or two months. The period of detention may also be extended during the time the accused is on trial. In recent cases, including the Kaohsiung incident, the authorities generally have followed the requirements of the above provisions, with exceptions occurring more frequently in the military system.

Major changes in the Code of Criminal Procedure, affecting the rights of criminal suspects, were enacted by the Legislative Yuan in July 1982. Suspects were granted the right to legal counsel during the investigation phase, including the right to have a lawyer present during interrogation by police. This was viewed by legal experts as a positive step in the protection of arrestees' rights. However, despite the opposition of the legal establishment, the press, and many legislators, the authorities also forced passage of changes which allow police to arrest without a warrant anyone they suspect of committing a crime for which the punishment would be five years or more in prison. Police power was further augmented to allow police to call in suspects or witnesses for questioning without a formal summons. The authorities justified the new police powers by insisting that the revisions would only legalize long-standing police practices.

The authorities deny holding political prisoners. They have stated that at the end of 1975 there were 254 persons in prison on sedition charges. Some persons have been released and others arrested since that time, but this is the most recent figure made public by the authorities. In December 1982 the authorities disclosed that 92 prisoners convicted of sedition and related offenses are currently being held in the Green Island military prison, compared with 115 reported to be there by Amnesty International in February 1980. Nearly 20 of these, originally arrested for communist activities, have been imprisoned for more than 30 years and were excluded from a general amnesty in 1975. Many of these prisoners, all in their fifties and sixties, are reported to be in poor health.

Many minor crimes in Taiwan are handled under a statute which empowers the police not only to arrest but also to prosecute and punish offenders. This law sometimes has been used against political activists. A substitute law, long sought by legal reformers, was put forward by the authorities in October 1981 but quickly withdrawn after being publicly criticized by lawyers and legislators. Critics complained that the law was even harsher than the one it was meant to replace, particularly provisions for "educational punishment" in military prisons for those accused by police of disturbing "social peace." In March 1982 the authorities reintroduced the "educational punishment" provisions as a separate "hoodlums" law. Although they withdrew it again in the face of heavy criticism, the authorities have indicated that they still intend to enact a police powers law incorporating "educational punishment."

#### f. Denial of Fair Public Trial

Taiwan's legal system is based on European and Japanese models which do not incorporate trial by jury. Under a 1980 judicial reorganization, district and high courts were shifted from the control of the Executive Yuan to the Judicial Yuan, for the first time formally separating the courts from the prosecution function. It is generally held in Taiwan legal circles that the change has given the judiciary greater independence of action.

tions and enter three-year senior high and vocational school programs. Entry into Taiwan's extensive system of higher education is also based on competitive exams, and departures from a strict merit system are almost nonexistent. In 1982, more than 20 percent of college-age youth were enrolled as undergraduate or graduate students.

Senator

Murkowski's office  
is following this <sup>resolution</sup> ~~bill~~.

Suzy.



COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS

OFFICE IN SEATTLE

24TH FLOOR, WESTIN BUILDING  
1001 SIXTH AVENUE  
SEATTLE, WASHINGTON 98121

TEL. (206) 682-4586 OR 682-4867

June 14, 1983

The Honorable Victor Fisher  
Senator  
State of Alaska  
Pouch V  
Juneau, AK 99811

Dear Senator Fisher:

Further to my letter to you on June 9, 1983, I did talk with your able assistant this morning regarding proposed Alaska-Taiwan Sisterhood resolution in the Senate and learned from her that you are reluctant to proceed with that resolution in this session because you are concerned about the human rights and martial laws situation on Taiwan.

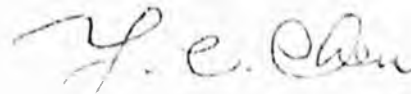
With a view to promoting your better understanding on that subject, I would like to present our views as following:

- (1) The ROC is still facing the belligerency of the Chinese Communist regime which, as is widely known, claims Taiwan as an integral part of its domain. The Communists have an article in the "constitution" specifically calling for the liberation of Taiwan. The Communist regime has established a "Taiwan office" under its "state council" to execute this policy. In recent years, while the PRC has taken a somewhat conciliatory attitude toward Taiwan, it has strengthened its political campaign and subversive activities against the ROC. Internationally, it has stepped up its campaign to isolate the ROC and thereby facilitate its ultimate goal of taking over Taiwan by force, if necessary. The PRC has also actively supported the violent subversive activities of the Taiwan Independence Movement. Despite the PRC's well-known opposition to Taiwan independence, the PRC's interests are aligned with the independence movement since an overthrow of the present government is beneficial to unification as it is to independence. In the light of such Communist schemes, the ROC government has no choice but to maintain the state of siege and protect its democratic system, and the freedom and human rights of its people.

- (2) In Taiwan, there are only four kinds of crimes--sedition, illegal sales of military supplies, robbery and damaging transportation equipment during wartime--for which the offenders will be tried in the military court. This shows that the martial law enforced in Taiwan exerts little influence over the lives of the public by and large. Many people in Taiwan are not aware of the existence of the martial law, and according to the poll, 88.9 percent of the population thinks that the martial law should be kept. As a matter of fact, the people in Taiwan are enjoying a harmonious and prosperous life. They are not only endowed with fundamental human rights but also possess the real democratic freedom. Therefore, none of the atmosphere of the state of curfew ever appear on the island.
- (3) There have been many criticisms and suggestions in the press and legal periodicals in Taiwan for further improvements of the legal system. In the future, if the United States would guarantee to provide Taiwan adequate defensive weapons and other security arrangements and if the PRC would be willing to compete with Taiwan peacefully and to forego the threat of the use of force and subversive activities, then the ROC on Taiwan would live in a more secure environment. Under those circumstances, one could expect that the ROC's constitutional rule and legal system would rapidly move to a higher stage of development.

Mr. Senator, you know our purpose for seeking Sister-State relationship with your great State is primarily for promoting people-to-people friendship, and potential mutual trades, not involve our basic interests for subsistence. I appreciate your understanding about our Sister-State ideal and our country as a whole.

Sincerely,



Y. C. Chen  
Director

YCC/11

Enclosure: "To Free China" By Aleksandr Solzhenitsyn

cc: Honorable Bill Sheffield, Governor  
Honorable Jay Kerttula, Sen. President  
Honorable Robert Ziggler, Senator

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



## MEMORANDUM

TO: Senator Vic Fischer

FROM: David Dye *DZ*  
Committee Aide

DATE: June 15, 1983

SUBJ: SJR 23 -- Establishment of a sister state relationship with  
Taiwan

On the advice of Representative Abood's staff, I contacted Senator Stevens' office regarding this resolution. Bill Phillips, a senior staffer, advised me that Senator Stevens does not support making Taiwan a sister state because such action might be interpreted by our other Asian trading partners as a preference for Taiwan -- a special relationship which others might not enjoy. Senator Stevens has stated these concerns in a letter to Rep. Abood in which he was also mindful of the great trade potential between Alaska and the People's Republic of China.

I also contacted Mr. Don Ferguson at the Taiwan desk of the U.S. State Department. He stressed that the language in the resolution should in no way be provocative toward the People's Republic. For instance, use of the term "Republic of China" to refer to Taiwan is considered highly inflammatory and could damage U.S. relations with the People's Republic. He also said that Taiwan officials have approached a number of state legislatures with these resolutions and he counseled extreme caution in considering them. Senator Ziegler's staff is aware of this problem and has submitted a draft committee substitute which has eliminated the "provocative" language.

Mr. Ferguson was very diplomatic about not trying to influence the Alaska Legislature but he did stress that these resolutions can cause problems in maintaining the United State's formal relationship with China.

Senator Vic Fischer  
Page 2  
June 15, 1983

At the suggestion of one of your constituents, I also contacted Nick Rizza in the San Francisco office of Amnesty International. That organization is very concerned about the long term detention of prisoners of conscience by the Taiwan government. There are approximately 120 such prisoners, 20 of whom have been jailed for more than 30 years for non-violent expression of political beliefs. One trade unionist has been imprisoned since 1950. Another "communist" was recently released after having been imprisoned since 1949 for tacking up a poster. There is also concern about secret executions.

Several Alaska human rights organizations have been following the progress of HJR 42, the identical House resolution, and are likely to have representatives at future hearings.

Given the sensitive foreign policy implications of this resolution, I suggest that the State Affairs Committee give it careful scrutiny before passage is considered.



COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS

OFFICE IN SEATTLE

24TH FLOOR, WESTIN BUILDING  
2001 SIXTH AVENUE  
SEATTLE, WASHINGTON 98121

TEL. (206) 682-4586 OR 682-4967

Dec. 16, 1983

The Hon. Vic Fisher  
Senator  
Alaska State Senate  
Pouch V, State Capitol  
Juneau, AK 99811

Dear Senator Fisher:

For your information, I am enclosing herewith a copy of the China Post article, which is self explanatory.

The proposal put forward by Mr. C.T. Koo is widely believed to be one of the best ways to better balance the two-way trade between our two countries. It is hoped that with continual mutual efforts and due deliberation, a good result beneficial to both side can be brought about.

Wishing you a merry Christmas and a happy New Year,

Sincerely,

Y.C. Chen  
Director

CYC/cl  
Encl: as noted

## Views and quotes from local press

### Alaskan oil

At the joint business conference of the USA-ROC and the ROC-USA Economic Councils, C. F. Koo, chairman of the ROC-USA Economic Council, appealed to the U.S. to sell Alaskan oil to the Republic of China. This would be a good way to improve the

structure of ROC-US trade and narrow the trade gap between the ROC and the U.S.

We hope that Mr. Koo's appeal will receive a response from the U.S. government and that the appeal will pave a new way for ROC-US trade. Economic Daily News, Nov. 30

( of the Republic of China )  
on Taiwan



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# To Free China

By Aleksandr Solzhenitsyn

An Address Delivered in Taipei  
Republic of China  
October 23, 1982  
(Translated from the Russian)

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# To Free China

By Aleksandr Solzhenitsyn

For 33 years, Taiwan, I believe, has attracted, by its specific fate, the attention of many people throughout the world. I myself felt that way long ago. Three score countries have already fallen under the yoke of Communism. Scarcely one of them has been fortunate enough to retain even a tiny patch of its independent national territory, where its state authority could continue to develop despite the disruption, and through comparison show the world the difference between itself and Communist disorganization. In Russia, such a patch of land could have been Wrangel's Crimea. But lacking any external support and abandoned by its unfaithful former allies, it was soon crushed by the Communists. But in China, thanks to a wide Strait, a fragment of the former state became the Republic of China on Taiwan, which, for a third of a century, has proved to the world what heights of development could have been reached if the whole of China had not fallen under the yoke of Communism. Today, the Republic of China on Taiwan differs from the other in its development, its industrial achievements and the well-being of its population, thereby proving how logically the forces of a nation can be guided, if they are not in inimical hands.

It would seem that the population of our planet should clearly perceive such an instructive comparison and should have its eyes opened to

see how peoples who escape Communism flourish and how those who fall victim to Communist tenets perish by the millions. The history of Communist destructions in the Soviet Union, Poland and Cambodia are now known to all. The history of the millions destroyed in China, Vietnam or North Korea is yet to be revealed in detail, but many signs allow us to judge this history even now.

But NO! It is Free China which has had to endure and suffer from the greatest injustices and ignoble attitudes of other countries. The United Nations, long degraded to an irresponsible side show, disgraced itself by expelling from membership the 17 millions of Free China. The majority of countries on our planet treacherously expelled your country from the U.N., whose delegates, adding insult to injury, whistled, jeered and shouted. The majority of Third World countries behaved like madmen who don't know the price of freedom but are themselves waiting for the kick of the boot.

For centuries the Western World has known very well the price of freedom. But with years passing and well-being achieved, it is less and less prepared to pay for it. The Western people value their state systems but are less and less inclined to defend them with their own bodies. From decade to decade, the West has become increasingly senile and unable to defend itself. The betrayal of one country after another had already begun before the Second World War. Afterward, no scruples were felt in abrogating the whole of Eastern Europe just for the sake of the West's own well-being. How easy it was to betray the government of Mikolaychik; how easy it was to withdraw support from one's ally, Chiang Kai-shek. And soon we shall witness how one country will betray another for the price of surviving just a little longer. Should it be surprising that the majority of the frightened Western countries are even afraid to sell you weapons for fear of angering Peking. That's how much their drive and con-

cern for freedom is worth. Meanwhile, threatened Europe should understand your position better but is so cowardly that it fails to recognize that the Republic of China and other countries of Asia are themselves endangered. Just recently, the former premier of Japan declared that the arming of Free China would destabilize the Far East! What more can be said?

They are all obsessed with the search for self-protection and the quest for a stand-in. So there emerged an attractive myth—that there are "bad" and "good" Communisms. And out of such a myth grew the image of Communist China as a good-natured peacemaker! But should that be surprising—when in South Korea, which herself survived a Communist assault, there exists a myth that actually the Soviet Union is not directly hostile to them, not so much an enemy, not like North Korea. The South Koreans have also been doing their utmost to curry favor with Peking. Now they are hesitating about whether to give a defecting Red Chinese aircraft to Free China.

No, it is not out of shortsightedness, not out of stupidity, that such myths are believed, but out of despair, out of the loss of spirit.

In a particular relationship to you is the United States of America. Up to this day, the United States provides the only outside guaranty restraining the Communists from attacking your island. But how difficult it becomes for the United States to remain faithful to Taiwan; how much has already been lost on the way! The Americans have also succumbed to the general world trend to leave the Republic of China to its perils, to abandon it to its fate. America moved to abrogate its diplomatic relations with the R.O.C. For what? For what fault of hers? Only to follow the futile Western dream of gaining an ally in Communist China. America has restricted its connections with you, curtailed its military support and is denying you much of what you need.

What pressures have been exerted upon American presidents, urging surrender of Taiwan! Not all of them could bear the strain. Here we have a former president, just back from a visit to China, where he flattered his hosts by saying that "a strong Communist China is a guarantee for peace" and that America seems to be interested in a strong Red China. Such people in former years have governed the United States and there is no guarantee that another such person might not succeed President Reagan.

The United States is highly heterogeneous. There are many currents, of which the capitulatory tides are quite powerful. Extremely powerful circles are leaning toward betrayal of a free country in favor of a friendship with a totalitarian one. They gladly picked up the hypocritical offer from Communist China on "peaceful unification." Many American journalists cry from the rooftops that Peking is now "bound by promises" to effect unification peacefully. They wanted to forget, and therefore successfully forgot, how many times the Communists have already cheated. The experience of "governments in concert with Communists" in postwar Eastern Europe has taught no lesson. This hopeless experiment now is being conducted in Cambodia. Similarly, according to Kissinger's agreement, North Vietnam was "bound by a ceasefire"—until it set the day for the seizure of South Vietnam. And leading American newsmen reached such heights of stupidity as to write that the United States doesn't make mistakes. If Red China "breaks its promise" and seizes Taiwan by force—then—only then—America would be freed from obligations and could again start to deliver arms...to whom, then?...Yes, such delirium appears on the pages of leading American newspapers, and they don't realize what they are doing!

And thus the influential circles in the United States want to force Taiwan to accept capitulatory negotiations, to relinquish voluntarily its freedom and power.

What, then, does Communist China want from you? Certainly, it is eager to grab your blossoming economy, to plunder and devour it. After all that has happened in the 20th century, only shortsighted simpletons can trust Peking's promises that it will totally preserve your economic and social system, and even your armed forces along with some elements of freedom. But the main issue is not to take away your wealth, to steal the fruits of your hard work. The main thing is that the Communist system does not tolerate any deviation in anything or anywhere. Not even the wealth of your island is important. What matters is the deviation from their system. Communist China hates you for your economic and social superiority. For them it is not permissible that other Chinese should know that there can be a better life without Communism. The Communist ideology does not tolerate any islets of freedom. And so, with all their might, the Communists want to cut off the sale to you even of defensive arms, to try to weaken your defense capability, to disturb your balance of power in the Straits—and thus to bring closer the day of intrusion into your island.

In order to nurture the apathy of the United States, Red China plays speculatively on the negotiations between Peking and Moscow on matters of China-Soviet rapprochement. Such rapprochement is not make-believe. It is a very realistic perspective. Both governments have long had common roots, a fact which everybody seems to forget. As far back as 1923, a Soviet agent Grusemberg, alias "Borodin," prepared a Communist coup, and it was he who promoted Mao Tse-tung and Chou En-lai to the highest positions in the party.

All that I am telling you—because of the deadly danger in which you find yourself—is understood well by many, if not yet by all. The threat is understood better here than in South Korea, where the young generation, the students, have quite forgotten the brief horrors of

Communist intrusion, so that the present freedom seems to them not enough. But they will remember and revalue their present "nonfreedom" when, after a command "hands back," they are driven under armed guards into concentration camps.

It seems to be fashionable in the West to demand from all who stand in the forefront of defense, under machine-gun fire, to demand the widest democracy, and not just simple, but absolute democracy, bordering on total dissoluteness, on state treason, on the right to destroy their own state and country—such freedom as Western countries tolerate. Such is the price the West demands from each menaced country, including yours. But it seems that on your island the logical limits are known and will sustain your struggle.

There is another danger stalking you. Your economic successes, your living standards and well-being are of a two-fold nature. These are the bright hope of all the Chinese people. But they also can become your weakness. All prosperous people tend to lose the awareness of danger, an addiction of the good living conditions of today, and consequently lose their will for resistance. I hope and I urge you to avoid such a weakening. Don't permit the youth of your country to become soft and placid, to become slaves to material goods, until finally they will prefer captivity and slavery to the struggle for freedom. That for 33 years you lived peacefully does not mean that you might not be attacked in the following three years. You are not a serene, care-free island; you are an army, constantly under the menace of war.

You are 18 millions, about as many as there are Jews in the world, and your problem is of the same dimensions. But the Jewish problem attracts the attention of all states and has become one of the central problems of contemporary times. Comparing this with the uniqueness of your position, I don't perceive why the fate of

Taiwan should not command the equal attention of the world.

But in today's world betrayal from weakness reigns supreme, and it is only your own strength upon which you can really rely. But there is also one bigger and brighter hope: the peoples of the enslaved nations, who will not endure indefinitely but who will rise in one menacing hour—menacing to their Communist rulers.

In your books you write that your island is a "bastion of national recovery." So be it! Not only defense, not only self-preservation should be your goal—but help, but the liberation of your compatriots suffering on the mainland, and first of all, through free and courageous radio broadcasts.

It may seem, since no one comes to mind, that you have no firm, reliable allies, although they might appear in the hour of destruction. But you have the most formidable ally in the world: one billion Chinese people. Their sympathy is your moral and spiritual support. Just a few days ago, you had an encouraging signal from your compatriots through the act of defection of a Red Chinese air force pilot. Often I think of still anonymous prisoners of the Chinese Gulags whose true story might not be told until the 21st century.

All the oppressed people, including the peoples of the Soviet Union, cannot rely on outside help, only on their own strength. At the best, the whole world would watch indifferently, but possibly with a great deal of relief, if the mad rulers of China and the USSR should unleash war among them, I hope that won't happen. But in any case, let us testify here and now to the mutual amicability and trust between the Chinese and Russian peoples, to the absence of contradictions amongst them; even more, let us hope for a union of our long suffering compatriots against both Communist governments. Whatever might happen be-

tween these two self-interested, anti-national governments, let us preserve mutual understanding, mutual compassion and friendship; let's not allow them to blind our eyes and deaden our ears through fruitless national hatred.

We don't know how long the plague of Communism will affect our world. One hundred and thirty-five years ago, who would have told the leaders of the then great empires that the tiny group of utopians—Communists who organized themselves in Europe—would conquer them all with iron and blood, and force to their knees their might and pride? They would not even have smiled at such a prophecy. Such forces could not then be seen anywhere. The strength of the Communists was based on their drive and their cruelty; the weakness of the West was rooted in the absence of the will to fight.

We don't know what whimsical zigzags human history will follow. I have already expressed a supposition that world Communism will outlive both Soviet and Chinese Communist regimes and spread over other countries, many of which are still eager to experience Communism. But in our two countries national common-sense shall finally prevail!

Anyway, both our peoples have suffered too much, lost too much! They are already moving along the way of liberation and recovery! □

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Report on

# Martial Law

and

# Political

# Development

in the Republic of China  
in Taiwan

By Thomas A. Metzger

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*A written testimony presented at the hearing on the "Martial Law on Taiwan and United States Foreign Policy Interests" before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives, ninety-seventh Congress, second session, May 20, 1982.*

# Report on Martial Law and Political Development in the Republic of China in Taiwan

by *Thomas A. Metzger*  
*Professor of Chinese History,*  
*University of California, San Diego*

In discussions of martial law as it exists in the Republic of China in Taiwan (R.O.C.) today, one often finds the following argument:

1. Martial law in the R.O.C. is severe and has a broad scope. Most people in Taiwan feel oppressed by it, just as the Poles feel oppressed by their system of martial law.
2. The R.O.C. faces no serious external or internal force threatening its survival and so lacks any excuse for perpetuating martial law.
3. Martial law in the R.O.C. is part of a repressive political system that has undergone no significant democratization and has made no major contributions to the well-being of the people of Taiwan. The great progress that has occurred on that island since the Kuomintang arrived there in 1945 is to be credited only to the hard work and ingenuity of the people of Taiwan, not to the policies of the Government set up by the Kuomintang.
4. Even if there has been a little democratization, the pace of democratization has been unreasonably slow.
5. If the pace of democratization in Taiwan were quickened, efforts to solve a number of international problems would be facilitated. The more democratic the R.O.C. becomes, the more easily will it be able to arrive at a satisfactory settlement with the P.R.C.
6. Unless the pace of democratization in Taiwan is quickened, the U.S. should reduce still more its

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remaining commitment to the security of the R.O.C.

This argument, however, is not sound. There are many reasons why we Americans have found it difficult to evaluate Taiwan's political development. For one thing, our political scientists have not provided us with handy concepts that we could use to sum up the nature of Taiwan's Government. As Su Nan-ch'eng, the Mayor of Tainan said in 1978 when, as a moderate dissident, he was interviewed for a dissident publication: "If you want to use current political theory to understand our political structure, I can guarantee that you won't get anywhere."<sup>1</sup> The R.O.C. is today classed as an "authoritarian" government, but it is very different from most others in this category. Moreover, ever since the Kuomintang was defeated by the Communists in 1949, many American China experts have had a low opinion of it and have developed the view that only the Communists should be taken seriously by the U.S. The Kuomintang deeply believes that China must be saved from Communism, but for many American intellectuals, anti communism is associated with McCarthyism, and an empathetic approach to the P.R.C. has become common.<sup>2</sup> In this climate of opinion, many Americans have overlooked massive human rights violation in Communist China while objecting strenuously whenever the R.O.C. put any limits on political dissent. Finally, we Westerners have had trouble understanding the political culture of the Chinese. Yet this political culture has greatly affected their political development.

## I

Turning now to the first of the six points above, I find convincing the evidence that martial law in Taiwan is applied only to a tiny percentage of the criminal cases and has no serious effect on the vast majority of the people. In 1976, only .29% of all criminal cases were handled on the basis of martial law.<sup>3</sup> As Professor Hundah Chiu has pointed out, the R.O.C.'s martial law resembles the "state of siege" in civil law countries,<sup>4</sup> and it is free of oppres-

sive measures like curfews that affect daily living. Despite the tenseness following the Kao-hsiung Incident of December 10, 1979, Taiwan's political and intellectual life has in recent years been becoming steadily more open and pluralistic. Martial law serves to fix the parameters of political dissent, but these parameters have become broader, not narrower, in the last decade, as discussed below. I am personally acquainted with a large variety of people in and from Taiwan, including native Taiwanese, and have found that among them, only those few who are radically and actively opposed to the Government feel seriously troubled by the R.O.C.'s martial law. Martial law is seen by many as needed to counter the threat of Communism, and in the Legislative Yuan, which has a good number of *tang-wai* (outside the Kuomintang) members, and which can request the President to terminate martial law, there has been no significant movement toward such a request. Needless to say, Taiwan entirely lacks any popular movement like Poland's Solidarity demanding the end of martial law.

## II

Second, the R.O.C. faces external and internal forces that seriously threaten its security and survival. As Professor A. James Gregor will establish in his testimony on May 20 before the Subcommittee on Asian and Pacific Affairs, threats of such a magnitude have in many modern nations been regarded as calling for the imposition of martial law or equivalent regulations, such as the "emergency regulations israel inherited from the British High Commissioner in 1948" and still maintains.<sup>5</sup>

One cannot say that there is no serious threat of a military invasion of Taiwan. One can only say that this invasion is unlikely within the very next months. The P.R.C. has made the take-over of Taiwan one of its three main goals in the 1980s; has repeatedly insisted (as late as July 4, 1981) that it may use force to realize this goal; and now confronts a relatively small state which not only is without any military ally but also is having great difficulties keeping up the technological credibility of its defenses.

Recently a group of top China experts was called together by the Council of Foreign Relations to analyze the Chinese situation, including the military threat posed by the P.R.C. to the R.O.C. Among them, Richard H. Solomon could conclude only that the R.O.C.'s "short term" security had not yet been compromised.<sup>6</sup> Yet any nation has to worry about its long-term security as well. Robert A. Scalapino, an especially objective observer, stated that under "present circumstances, the use of force to 'liberate' the island is completely unfeasible," but that if one asks whether the P.R.C. will ultimately use force, "no answer to this question is possible now." Added Scalapino: "There are ways in which PRC actions could strike at Taiwan's security and, more particularly, its economic and political stability, short of all-out warfare. A blockade or a single attack upon a Taiwan merchant ship, for example, might have a serious effect on the island's morale or political stability."<sup>7</sup>

The nervousness generated by this possibility of Communist aggression mingles with complex domestic feelings that could affect the stability of the Government. Most important, the Government is faced by a small group of revolutionaries who hate it just as the P.L.O. hates Israel. Their American friends regard them naively as brave and able citizens who have spoken out for democracy. Some of these people, though, have decided that the time in Taiwan is ripe for a bloody revolution, even though the overwhelming majority of the people in Taiwan abhor the thought of violent revolution and want peaceful, legal change.

For example, after the magazine of the extreme dissidents, *Mei-li-tao* (Formosa), was banned in late 1979, their sympathizers in the U.S. republished the four issues of *Formosa*, adding in a foreword that "More than thirty years ago, the February 28, 1947 revolution was crushed, but the torch of the struggle has been passed down without interruption, and through alternating legal and illegal forms of struggle, it has been kept alive."<sup>8</sup> Bombings, in the U.S. as well as Taiwan, have illustrated the "illegal forms of struggle." In the November 28, 1976 issue of

*T'ai-tu* (Taiwan Independence), these revolutionaries took credit for the bombing that blew off the left hand of Hsieh Tung-min a native Taiwanese who then was Governor of Taiwan. In a 1981 report of the State of California's Bureau of Organized Crime and Criminal Intelligence, "Organized Crime in California: 1980," it was stated: "A group of U.S. based Taiwanese extremists (often referred to as the Taiwan Independence Movement) seek the removal of the Nationalist Chinese government as the controlling force in Taiwan. In our 1979 assessment, we predicted the movement would become more violent. In 1980, at least five bomb incidents in Southern California were the suspected work of Taiwanese extremists. The targets included private residences and one airline company. These bombings resulted in one death" (pp. 1-2).

The revolutionary intentions of the extreme dissidents were also made clear in some of the testimony at the trial of those dissident leaders held responsible for the Kao-hsiung riot of December 10, 1979, even though these intentions were expressed ambiguously as the defendants denied they were guilty of sedition. I am referring here to testimony freely offered in an open court setting, not to the controversial confessions made before this public, open trial. On March 21, 1980, the defendant Yao Chia-wen admitted that in formulating "five principles" to guide the dissident movement, he adopted the idea of *peo-li pien-yuan* (at the margin of violence). He explained: "We do not want to use violence, but if someone violates our rights, we must use violence to protect ourselves; we cannot hesitate to use violence to resist" (*Chung-yang jih-pao*, March 22, 1980, p. 2).

To understand this statement, we have to remember that for Yao Chia-wen, "rights" included the right to hold political demonstrations in defiance of Government orders limiting them. No one denies that on December 10, 1979, the riot in Kao-hsiung occurred after the dissidents refused repeatedly to obey the Government order to hold their rally in front of their magazine offices. Yao Chia-wen's idea of justified violence is revealed

also by the following exchange at his trial:

- Prosecutor : "Did the Iran upheaval excite you people very much?"  
Yao Chia-wen: "It excited us a lot."  
Prosecutor : "Do you mean then that it showed that one could use the masses to overturn the Government?"  
Yao Chia-wen: "No. It just showed that the Iranian army could not keep down the masses" (*Chung-yang jih-pao*, March 22, 1980, p. 2)

Shih Ming-te's interrogation in open court was on March 20, 1980. He expressed clearly the extreme dissidents' hatred for the Government and their refusal to see that, whatever the shortcomings of Taiwan's political system, it was superior to Communist totalitarianism. Thus Shih Ming-te dismissed the danger of a Communist take-over as *i-pao i-pao* (replacing one tyranny with another) (*Chung-yang jih-pao*, March 21, 1980, p. 2).

In evaluating the internal threat to political stability in Taiwan, moreover, we should realize that although the Kao-hsiung defendants were extremists from whom moderate dissidents disassociated themselves, many Chinese intellectuals refuse to recognize the vast difference between Kuomintang shortcomings and Communist totalitarianism. Instead of criticizing their Government realistically, noting its successes as well as its failures, they insist on approaching politics with a lofty, utopian standpoint from which the difference between the two Chinese governments is only one of "degree." During the December, 1980 election campaign, for instance, I visited K'ang Ning-hsiang's campaign headquarters in Taipei and found a cartoon which, displayed on a sidewalk bulletin board, depicted dissenters imprisoned in both the R.O.C. and the P.R.C. and so suggested that in these two states, dissenters are identically treated. As is typical of them, the K'ang Ning-hsiang people did not realize that this claim of theirs was refuted by the simple fact that they were able to make it in the public way. (K'ang went on

to win the election and is a respected politician in Taiwan today.)

Still more basically, if one looks at all the political writings of Taiwan's two most distinguished political critics in the 1950s, Hsu Fu-kuan and Yin Hai-kuang, one finds only contempt for the Kuomintang, not one word of approval for any of its policies. Yet in those very years, the Kuomintang was initiating many of the economic and social policies that have since borne such amazing fruit.

This tendency toward one-sided political criticism has deep traditional roots, since the Chinese intellectual has traditionally had the self-image of one who "protests against" (*chien*) the abuses of government and so disassociates himself from "hypocrites" (*hsiang-yuan*) who praise the government. Whatever its roots, however, this tendency toward one-sided, exaggerated criticism of the R.O.C.'s Government has not helped the cause of political stability. Thankfully, political criticism in Taiwan has recently become more sober and sophisticated, as illustrated by magazines like *Chung-kuo lun-t'an* (Chinese Forum).

### III

With regard to the third point above, I think that it is mistaken to hold that the R.O.C.'s Government is an essentially repressive system which has failed to carry out significant democratization, and which deserves no credit for Taiwan's many successes in recent decades.

Taiwan today is a mix of dictatorial and democratic tendencies. Democratic tendencies are evident, first, in the Kuomintang's ideological commitment to democratization. This promise to democratize, based on Sun Yat-sen's "Three Principles of the People," is pounded daily into the minds of the people by the media and the educational system and so has become an important political factor.

Second, this promise is connected to the pluralism of intellectual life. Virtually anything can

be said and published in Taiwan today with the exception of two taboos, advocating Communism or advocating that the R.O.C. give up its quest to offer China an alternative to Communism, that is, advocating the establishment of Taiwan as an independent nation. The magazines are full of nearly all kinds of intellectual trends, ranging from Pragmatism, Freud, and the Frankfurt School to Confucian metaphysics and American social science.

Publications lambasting the Government can be openly bought. True, some go a bit too far and are banned, such as Chang Fu-chung's and Lin Cheng-chieh's *Hsüan-chü wan-sui* (Elections Forever!), an account of the 1977 riot in Chung-li. Yet one can openly buy Hsü Fu-Kuan's *Hsueh-shu yü cheng-chih-chih chien* (Between the Worlds of Scholarship and Politics, *T'ai-wan Hsüeh-sheng shu-chü*, 1980), which, as the work of one of modern China's most prestigious scholars, establishes a powerful critique of the Kuomintang and on p. 259 even questions the constitutional legitimacy of the Government. Similarly, the editor of another collection of Hsü's political writings, *Ju-chia cheng-chih ssu-hsiang yü min-chu tzu-yü jen-ch'üan* (Confucian Political Thought and Democracy, Freedom, and Human Rights), notes that Hsü "put hope" in Communist leaders like Chou En-lai, who sought to "reduce the suffering of the people" (*Pu-shih nien-tai ch'u-pan-she*, 1979, p. 23). Although thus contradicting the official view of the "Communist bandits," this book also was sold openly. My own *Escape from Predicament*, which includes an unbalanced, rather favorable view of Mao's leadership, was pirated and sold openly in Taipei until I bought up the last ten copies.

It should be added that banned books often circulate anyway, and that the authors of banned books often continue to prosper. Lin Cheng-chieh is today an elected, non-Kuomintang member of the Taipei City Assembly, but Chang Fu-chung was convicted and sent to jail for his part in the 1979 Kao-hsiung riot. Their respective fates precisely illustrate how the Government sets up rather broad parameters of dissent, uses mild sanctions for minor infractions, and uses the criminal law for actions seen

as threatening destabilization. By definition, a gradually democratizing country is not yet fully democratic and so still limits dissent more than the U.S. does. But in Taiwan the limits are demonstrably broad and are perceived as tolerable by many if not most of the people.

A third aspect of democratization is considerable respect for law. Even the dissidents have offered testimony on this. Interviewed by a dissident in 1978, one year before he was arrested for his part in the Kao-hsiung riot, the lawyer Yao Chia-wen was described by his interviewer as extremely successful in helping dissidents engage in political work by protecting them legally. Yao emphasized that his work helping dissident candidates in the elections had neither hurt his prosperous business as a lawyer nor in any other significant way involved him in difficulties with the Government. Could a civil rights lawyer in the American South one decade ago have been similarly free of harassment?

To be sure, equal justice under the law is not an ideal perfectly realized in Taiwan. Yao Chia-wen in this same interview also said that while the dissidents' slightest infraction provoked prosecution, Kuomintang people could commit minor crimes with impunity. Yet even if true, this very claim showed that the Government respected the law enough to leave alone any dissident who followed the law.<sup>9</sup> Such a degree of respect for the law is taken for granted in the U.S. but is a sign of progress in a gradually democratizing society.

A fourth aspect of democratization is the developing election system. True, most of the seats in the two key organs of power—the National Assembly and the Legislative Yuan, are still not filled by persons elected by the voters in Taiwan. But with the election of December 6, 1980, about 12% of the seats in the National Assembly and 35% of the seats in the Legislative Yuan were thus filled by voters in Taiwan. Thus the precedent for fully democratizing these two organs has been established.

Candidates bitterly critical of the Kuomintang

often run for office and win. In the December 6, 1980 elections for these two organs, roughly 26 such dissidents ran and 10 won, including Chou Ch'ing-yü, the wife of Yao Chia-wen (the Kao-hsiung defendant), and the prominent K'ang Ning-hsiang, a moderate dissident.

Nearly all important local and provincial offices are democratically filled through elections. The campaigning activities of all candidates are still restricted by law, but ballot counting, since at least 1977, has generally been honest, and the dissidents have repeatedly won 30% to 35% of the vote. The 1980 elections apparently marked the first time that the Kuomintang did not use the educational system to spread propaganda in favor of its candidates. Again, the basic neutrality of the educational system is taken for granted in the U.S., but the differentiation of cultural from political organizations is a major structural change in a gradually democratizing society.

A fifth aspect of democratization is the powerful role played by native Taiwanese in Taiwan: they dominate the booming economy; they constitute 60% or more of the Kuomintang membership; whether as Kuomintang members or dissidents, they run for and fill nearly all elective offices; they affect military policy because they dominate at least the lower military ranks; and they are increasingly occupying the most important offices, as illustrated by the current head of the Garrison Command, which administers martial law (Ch'en Shou-shan), the Governor of Taiwan (Li Teng-hui), and the Vice President (Hsieh Tung-min).

All in all, although dictatorial tendencies persist, including, no doubt, some manipulation of the law on behalf of elite interests, these five tendencies constitute a major chapter in the democratization of the Chinese political process.

Still better known, however, is the Kuomintang's contribution to Taiwan's excellent economic development, which cannot be credited only to the hard work and ingenuity of the people of Taiwan. Thus

Simon Kuznets, who won the Nobel Prize for his work on economic growth, and who was amazed by Taiwan's economic development, ascribed the latter partly to "the complex of policies and policy actions — by the government, by other decision-making institutions, and by voluntary social and economic groups . . ."<sup>10</sup>

The important role played by the R.O.C.'s Government can be quickly seen when we outline the nature of Taiwan's economic success and the factors that brought it about. This success has consisted not just of rapid growth of per capita GNP but also of rapid growth combined with containment of the ills of growth, namely, inflation, instability, unemployment, ecological damage, and a growing gap between rich and poor. The R.O.C.'s GNP grew in 1950-1980 at an average rate of 9.2%, compared to 4.8% in the P.R.C. Unemployment was virtually eliminated by the 1960s. Inflation after the 1950s and before 1980 was around 3%, except for the 1974 and 1979 oil crisis. Most strikingly, income distribution became fairer, a most unusual occurrence in developing countries.

Clearly, all this was possible because the R.O.C.'s leaders neither cut their country off from world capitalism by turning to the socialist model of wealth redistribution and collectivization, nor adopted a *laissez-faire* policy toward the forces of the international free market *a la* Milton Friedman. Instead they combined access to world capitalism with a complex of governmental policies modulating the economy.

Altogether, some nine policies and other factors were responsible for Taiwan's economic success. First, Taiwan enjoyed both the disadvantages and the advantages (cheap labor) of the typical backward country. Second, American aid was crucial for capital formation until 1963, when domestic savings took over. Third, population policy helped reduce the birth rate. Fourth, land reform in 1949-1953 eliminated landlordism and increased agricultural productivity. Fifth, the Government built up a large public sector while still emphasizing the private.

Sixth, it carefully nursed the private sector along. Beginning in 1953, it created a series of economic plans. Import substitution was the rule until 1961, when export growth became the main goal. Working with business leaders, the Government repeatedly switched from one export sector to another, from canned mushrooms to textiles in the late 60s, to electrical machinery in the 70s, and then to petrochemicals. It could encourage these shifts by using monetary, fiscal, and credit tools, and it habitually balanced its budget, stemming inflation and encouraging savings. Seventh, from the start it poured money into education, thus creating a skilled labor force that could move from one job to another learning new techniques and so enabling Taiwan to stay ahead of world market trends instead of pathetically depending on world demand for a single crop or mineral product. Eighth, the content and the quality of education were enhanced by Taiwan's ideological climate, which increasingly minimized taboos and allowed students access to all traditional learning and much cosmopolitan learning, in contrast to the Communist policy of cutting off nearly all such access. Ninth, the tendencies toward democratization, noted above, also facilitated the flow of information and the employment of the talented. At the same time, the Government, partly in a dictatorial way, provided the political stability vital for economic development, and outstanding leadership was supplied by President Chiang K'ai-shek and, later, by his son, President Chiang Ching-kuo.

#### IV

We turn now to the fourth point on the list above. Granting that the R.O.C.'s Government has greatly benefited the people of Taiwan by implementing a variety of successful economic and social policies while also carrying out significant democratization, some might nevertheless argue that the pace of democratization has been unreasonably slow. This point may be valid to some extent only if in making it one realizes that, whatever the pace, democratization in China can be carried out only gradually. The difficulties of democratization in China are too great to permit the kind of immediate

and total democratization that the Kuomintang's extreme critics often demand, and certainly a violent revolution in the name of immediate and full democratization would be catastrophic.

First, as is well known, democratization in any historical setting has proved to be a long, difficult process. Even the history of the U.S. has been repeatedly marred by tyrannical, unjust, and corrupt tendencies. As the great legal scholar Roscoe Pound said in about 1948, "It is wholly unreasonable to expect the administration of justice in China to be one hundred per cent perfect. Certainly American administration of justice is far from perfect, although it has had three centuries to develop in colonial and independent America . . ." <sup>11</sup>

Second, democratization has proved particularly difficult throughout most of the non-Western world. Professor A. James Gregor's testimony will indicate that in this framework of comparison, the R.O.C.'s record is good.

Third, one has to add the difficulties of democratizing while simultaneously mobilizing people in order to cope with the external and domestic threats to security noted above.

Fourth, one has to consider the ways in which China's inherited political culture has impeded democratization. The fact that mainland China turned to totalitarianism while Taiwan turned only slowly toward democratization cannot be blamed simply on the shortcomings of China's leaders. Although differing on the details, most specialists have agreed that democratization was impeded by inherited cultural or intellectual patterns. According to the recent work of an astute Hong Kong thinker, Lao Su-kuang, the disaster of Chinese Communism arose out of an irrational utopianism that in turn grew out of the frustrations suffered by the early Chinese modernizers, whose inherited culture prevented them from dealing realistically with the practical problems of their time. <sup>12</sup> In this inherited culture, one can find also other tendencies incompatible with what we Americans usually regard

as democracy, such as the authoritarianism inherent in the family system, and the intellectual's self-image as a utopian, moralistic, and distrustful critic of the government, discussed above. Similarly, Western scholars studying the concept of democracy advanced by key modernizers, such as Yen Fu, Liang Ch'i-ch'ao, and Sun Yat-sen, have noted that these ideological pioneers unconsciously filtered out key aspects of democracy as it had developed in Great Britain and the U.S. Emphasizing democracy as a totally moral community based on absolute moral knowledge and uniting the interests of the state and the individual, they filtered out the Western vision of democracy as a morally imperfect way of modulating the interplay of interests between individuals lacking absolute moral knowledge as well as any desire to become one with the state.

Therefore it is certain that as the Chinese in Taiwan pursue their ideal of democracy, they will build a political system somewhat different from what we regard as normal and desirable. If we then want to criticize them, we should remember not only that democratization in a non-Western culture is bound to be a slow process but also that the Chinese goal of political pluralism differs from ours. Trying to understand this complex Chinese situation is difficult, but one of the worse things we can do is automatically to side with the Chinese dissenter who believes that only tyrannical Chinese leaders stand in the way of China's immediate and total democratization. The more thoughtful among the dissenters have themselves granted that inherited cultural tendencies, not only governmental policies, impede democratization. That was the whole point of the famous liberal Yin Hai-kuang's major work, *Chung-kuo wen-hua-te ch'ian-wang* (A Reappraisal of Cultural Change in Modern China), published in 1966 in Taipei by *Wen-hsing shu-ch'u*.

## V

I will now try to turn to questions asked of the witnesses to the May 20, 1982 hearing which the above remarks have not touched on, while also dealing with points five and six on the list above.

"What would happen if Taiwan ended martial law? . . . If democratization occurred on Taiwan, . . . would it in any way make less likely what happened with the Shah in Iran?" In my view, Taiwan and the Shah's Iran are as different as two countries could be, as is obvious from the above discussion of Taiwan's successful modernization. Moreover, democratization is already under way in Taiwan. The question, as I see it, really refers to the pace of democratization. Martial law is one of the main factors limiting that pace. It should be ended as soon as hastening democratization does not endanger the security of the state, but identifying that moment is a judgment call we Americans are not equipped to make.

Would "a more democratic regime in Taipei . . . be more confident and able to respond to Peking's offer of exchanges in mail, family visits, culture, commerce, etc.?" This question presupposes that it is desirable for Taipei to respond positively to these offers. Taipei, however, is determined to keep Communism out of Taiwan. Why, then, cannot Taipei keep Communism out but let traffic with Communist China in? I think the answer is that in China, the process of politics is more ideological and less pragmatic than in the U.S. This is a point that I found was obvious to some Chinese Communists too. Talking with me, they agreed that any nation's activities depend on its *ssu-hsiang* (official way of thought). The R.O.C.'s way of thought, the Three Principles of the People, is vastly different from the Marxist and includes the proposition that Communism is evil. Once legal traffic between the Mainland and Taiwan began to flow, many in Taiwan would not understand why they should oppose Communism. Taiwan would then become susceptible to Communist propaganda, and a Communist takeover would soon follow. This is the legitimate fear that many have in Taiwan.

Would "Beijing . . . see democratization on Taiwan as threatening Beijing's vital interests?" I think so. If democratization took the route of turning Taiwan into an independent nation, Peking would certainly object. If democratization continues within the Kuomintang framework, Peking, I gather,

will perceive it as just another aspect of Taiwan's successful modernization, which indeed serves as a source of embarrassment in Peking.

"If democratization occurred on Taiwan, would it have a helpful impact elsewhere in Asia, China and the world?" I think democratization has already begun in Taiwan and is already seen by many Chinese as one of China's main sources of hope. The analysis cited above, that developed by the Hong Kong thinker Lao Ssu-kuang, is perhaps typical. According to him, the Mainland situation can be improved only as new tides of thought enter the Mainland from Taiwan and the overseas Chinese communities. Whether or not his view is on the mark, it seems obvious that so far as Chinese interests go, successful modernization in one part of China (Taiwan) is better than successful modernization nowhere in China. Moreover, competition with Taiwan may push the sluggish Communist bureaucracy in the direction of reform.

What is the "U.S. foreign policy interest" in Taiwan? Some suggest that the U.S. should be fearful of being closely identified with a Government in Taiwan that allegedly resembles that of the Shah and so may put the U.S. in the unfortunate position of backing an unpopular regime about to fall. As I have already tried to point out, however, the Taipei Government, although vulnerable to certain domestic pressures, does not resemble the Shah's; has begun to democratize; enjoys a great deal of popular support; and so will not fall unless faced by an intolerable conjuncture of Communist aggression and dwindling U.S. support.

While the R.O.C. does not resemble the Shah's regime, it also bears no resemblance to Poland's police state. As I have argued, it does not fit into any of the ready-made categories of political science and has to be understood on its own complex terms as the one part of China where the processes of economic and political modernization are being carried out with increasing success.

Morally speaking, therefore, the U.S. should do

everything it can to help the R.O.C. maintain its security. Closer relations between the U.S. and the R.O.C., moreover, are bound to further democratization in the R.O.C., since many or most of the elite there are to varying degrees committed to democratization and naturally associate it with the American model of political development (even if they unconsciously diverge from aspects of the American model). Moreover the U.S. also has important economic interests in Taiwan.

On the other hand, as everyone knows, the U.S. interest in Taiwan is shaped by strategic and diplomatic considerations, not only moral and economic ones. As illustrated by the recently published *The China Factor*, a book edited by Richard H. Solomon and sponsored by the Council on Foreign Relations, many American experts currently favor a strategic and diplomatic policy putting primacy on ties between Peking and Washington even at the risk of gradually attenuating the U.S.'s residual commitment to the security of Taiwan. President Reagan's China policy has grown out of this consensus and is now leading precisely to the weakening of this commitment, thus perhaps forcing Taiwan to succumb to Communist influence.

Such a tragedy, however, must be averted. Moreover, there is a school of global strategy which offers an alternative to the strategic outlook developed in *The China Factor*. This school is well represented in Ramon H. Myers, ed., *A U.S. Foreign Policy for Asia: The 1980s and Beyond* (Stanford, Hoover Institution Press, 1982). I hope that before it is too late, Congress will carefully investigate our policy toward the R.O.C. and explore all its moral, strategic, and economic implications.

Firmly implementing the Taiwan Relations Act requires, I think, four steps: selling the R.O.C. defensive arms; selling them the high quality defensive arms they need to counter the P.R.C.'s numerical advantage; carrying out the Taiwan Relations Act simply as a U.S. law, implementation of which is not contingent on consultation with a foreign power; and not leaning toward the P.R.C.

position on the reunification of China. The Reagan Administration has now already decided to carry out only the first of these four steps and even seems to be considering the ending of all arms sales. I think, though, that a careful review of the moral, strategic, and economic factors will show that the Administration's policy is mistaken, and that the U.S. ought to carry out the Taiwan Relations Act in a vigorous way.