

Human Rights in Taiwan: Past, Present and Future

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Part I

Historiography of the White Terror in Taiwan

I am pleased to have been asked to present my views on the history and future of human rights in Taiwan. I have been interviewing former political prisoners over a period of decades, going back to my human rights work beginning 1975, but I still feel that I am not prepared to talk about this topic in as much depth as I have hoped for. I have been trying to understand the pattern of human rights abuses in the authoritarian past in its function as a system of control and maintenance of the regime. But that system of control seems to be still largely unrevealed and hidden.

So I am going to talk about the problems in the process of trying to understand the past human rights abuses, and also the prejudices and unevenness in the reporting from various sources. As is my unwelcome wont, I will be critical about everything and everyone. I will also show my anthropological bent in focusing on my own experiences and interviewing, and I hope this will be useful in adding to the academic record views that might not be found elsewhere.

It is not easy to return to the sense of that past authoritarian terror. Everyone's memory has dulled, including my own, since the substantial opening in democratic processes. Particularly since the financial awards to former political prisoners and the public recognition of their suffering under the Democratic Progressive Party administration, they have also become less sharp in recriminations against the historical abuses, and have often moved on to other aspects of current life. However, the awards and social recognition have also given many former political prisoners the time and opportunity to write their biographies, and now there are so many printed (often privately distributed rather than sold by publishing houses) that I despair of being able to read them all given my slow reading in Chinese. However, many former political prisoners or victims are totally unremembered and uncompensated; they do not belong to groups that encourage the records, and/or their low level of literacy in Chinese (especially because the earlier native Taiwanese political prisoners were educated in Japanese) makes it difficult for them to set down their life histories.

What is more worrisome as a social process, however, is the recent creation of an academic industry in human rights in Taiwan that quite blithely replaces and covers up the voices of those who are still present to talk about their own experience. A recent example of that was the July 30, 2005 Conference at National Taiwan University Law School on Kuo Yu-hsin, the long-suffering and modest opposition leader in the Provincial Assembly who died in exile in the United States in 1984. Chen Chu quite aptly used this occasion to bring together the group of (formerly) young activists who had emerged in Kuo's 1975 National Legislature campaign, and then gone on to spearhead the new democratic movement. But the conference itself was dominated by academic presentations by professors who had no personal knowledge of the era, and after their long presentations and exegeses of textual material there was no time for

those who themselves knew Kuo and participated in that campaign to speak. In my opinion, the academic world in general does not adequately understand the issues and tenor and terror of those times. And with the academic emphasis on texts, that understanding will not emerge, and the social process of personal and emotional exchange that could advance that understanding will be buried in tomes of dry academic prose. The elitism of academia will socially isolate and sanitize the remembrance of the White Terror.

The continuing over-reliance on texts (of course part of the authoritarian Confucian tradition) and denigration of personal accounts as “too subjective” serves to continue to obscure a history that was intentionally repressed and persecuted by the martial law authorities. Despite the fact that this was a system of control that penetrated every aspect of society, there are very few official texts extant that explain the system and its purposes. Public documents extolled “Free China” while the secret police arrested those who said otherwise. What documents can scholars use? It is not a surprise that under dictatorships criticism of the regime, labeled “problems of thinking”, is a crime. For the sake of control, it is necessary to penalize speech and writing in order to nip in the bud the coalescence of a group of people who may join to oppose the regime. It is essential to keep dissenters isolated and dispirited and convinced that any effort to protest will result only in fruitless personal travail. Reporters and writers are heavily represented among those arrested in the late 1960's and 70's. Even those who pointed out problems out of sincere concern for the regime were punished.

For example, Liao Ching-hsiu, a ship radio operator who traveled abroad for his employment, in 1972 wrote a letter to Chiang Ching-kuo urging reform to improve the international image of the country. He was visited in Hong Kong by an intelligence officer who requested that he join the KMT and promised benefits; but Liao declined. To his surprise Liao was arrested as soon as he got off the boat in Kaohsiung, and sentenced to three years imprisonment, with revocation of his radio operator license as well. (Liao is currently suing the KMT for his lost career earnings.)

Books that were printed but banned are still not generally available in the libraries, for example Lee Ao's book of a hundred or so court judgments in political cases, actually compiled for him by former political prisoners in the mid-1980's. (Secret Documents of the National Security Bureau, Vol. 1 & 2, edited by Lee Ao, No. 72 in the series Chen Hsiang Pu Shu. I could find no publication date or address on the book; I would guess about 1986. The book cannot be found in any current Taipei city library holdings.) Moreover, as can be inferred from reading the preposterous indictments and judgments in this book, the government documents had little to do with what the defendants actually said or did, because their main function was plainly to concoct a communist or other conspiracy that merited heavy punishment, which was often execution for the central offenders. So even the ugly side of the official record, the documents that were usually kept secret, does not explain what happened, much less why.

The National Archives' collection of documents on the martial law period similarly does not provide much in explanation of the actions of the regime. For example, those concerning the Meilidao Incident of December 10, 1979 only begin after the arrests have been made on December 13. It seems from the earliest drafts of a directive dividing the case into three portions of defendants that the security agents have been charged with creating a case indictment that will ensnare all three kinds; but subsequently it was strategically decided to overlook and release the few pro-PRC defendants, at least for the time being. There is no indication of a higher-level or earlier strategy of how to rein in the snowballing public agitation for democratization. Aside from the narrowness of the content of the documents, it is not easy to get access to the documents in the National Archives; they are not open to general examination until they are thirty years old. If it is possible to request one's own records, but the cataloguing is not well done, and much of the material will be blacked out if it includes other names. Shih Ming-deh suing the National Archives for violation of his privacy has further

damaged accessibility; it is hard to imagine whom he seeks to protect, the White Terror victims or the perpetrators.

A rare effort in bringing together the official record and the accounts of personal experiences is to be found in Professor Chen Yi-shen's book on the Su Tung-chi case (Oral History 10: Special Issue on the Su Tung-chi case. Institute of Modern History, Academia Sinica, Dec. 10, 2000). A casual plan for mutiny among Taiwanese soldiers stationed in Chiayi was called off when some of the soldiers were reassigned; but this plan was later discovered and became the grist for a case in 1962 against Su Tung-chi and other local Taiwanese politicians who had participated in Lei Chen's plans for an opposition party. These relationships in the case only became clear after Chen Yi-shen's investigation.

A case that I have done some interviewing on is the compilation and leaking of a long list of political prisoners (about 400) and basic case information to the international news in 1971. This was carried off because Hsieh Tsung-min (Roger Hsieh, arrested in 1964 together with Professor Peng Ming-min and Wei Ting-chao for printing a statement demanding Taiwan's right to self-determination) after his release in 1968 determined to prepare a list for Amnesty International, which had sent an AI representative to Taiwan to inquire. The list (actually the final of four lists) was collected over a period of months with the aid of a prisoner who was also a doctor in the infirmary, Chen Chung-tong. Tsai Tsai-yuan and his confederates casually interviewed inmates over chess, and copied the final compilation in tiny characters on a single sheet of paper before the list was transmitted out of the prison in January or February 1971. Tsai Tsai-yuan, close to the end of his sentence, was allowed to leave the prison grounds due to his work delivering clothing sewn in the prison industries in the Garrison Command Chingmei prison. He brought the list to Tsai Jin-chien, recently released, who passed it to Hsieh Tsung-min who had cultivated contacts with American military and Japanese. Hsieh gave it to Miyake Kyoko, a Japanese woman living in Taipei married to a Taiwanese, and she hand-copied several sets and distributed them to a Japanese diplomat and others. Tsai Tsai-yuan was gratified to see a small item in a Hong Kong magazine two or three weeks after the list was transmitted (he had an arrangement with a merchant to deliver used magazines to the prison); he knew the list had made it out of the country. This comforted him when he was suddenly sent to the Bao An Ju (National Security Bureau) on April 5 to make him reveal his contacts in transmitting the list; Tsai Tsai-yuan says he was able to endure the torture (beating kidneys, fingers in vise, electric current through extremities and genitals that could potentially cause heart damage and death) and avoid incriminating the 8-9 other participants (interview with Tsai Tsai-yuan, Arrigo 2004). Hsieh Tsung-min was rearrested in 1971, ostensibly for setting a bomb at the Bank of America, and severely tortured, such that he still needs physical therapy decades later. The real reasons probably included the list. Miyake Kyoko was harassed by the security agencies and forced to leave Taiwan, but she remains actively concerned with Taiwan human rights to present. I believe Hsieh's role in the list leak and in relentlessly making social contacts and preaching resistance despite being tailed during the year and a half he was out of prison have not been sufficiently recognized as a precursor of the 1975 and 1978 breakthroughs in public opposition to the KMT's dictatorship (multiple interviews with Hsieh Tsung-min). My own resources are somewhat inadequate to put this story to writing in Chinese.

But the whole academic effort is clearly inadequate to the scale of the oral history to be recorded if history is to be set straight, and meanwhile the former political prisoners – those who have survived to tell their stories – are becoming senile and passing away. My idea on this is that some agency should fund large-scale oral history projects managed by the political prisoner associations themselves; and they should organize many seminars at which these former prisoners can brainstorm on various aspects of their experiences, with video and audio records made for later analysis. It is true that such discussions by the historical participants often get sidetracked from recounting their factual experiences to vehement denunciations of the former ruling party and restatement of their political ideals, but patience is required in any

historical endeavor, and the group discussion can be guided. People who have shared an experience can ask better questions than any outside researcher; memories are stirred when others who were there are sitting in the same room and reacting.

It would also be erroneous in social analysis to take only former political prisoners as the subjects of interview. The tragedy they experienced deeply influenced their families, friends, and colleagues. It split apart communities. According to a friend whose family was long in politics in Panchiao (interview with Guo Ming-nan, Taiwanese-Canadian citizen now living in China, Arrigo 2003), and whose father's associates included a famous anti-Japanese communist who was executed in 1953 after agreeing to join with the KMT, the KMT's partisan favoritism fractured the community into factions and spurred the habits of short-sighted division of spoils that we are familiar with in local politics.

The Course of the White Terror over Time

Let me touch briefly on several historical topics concerning the White Terror that may be familiar to those who have observed 2-28 remembrances and read a little in the last few years since the information has been more readily available.

Of course the Kuomintang would not have been able to rule without local collaborators. Some who had rallied against Japanese imperialism initially saw the KMT as the hope of China and Chinese people, including those in Taiwan. This sentiment is well described in Tsai Tehpen's *Elegy of Sweet Potatoes*, conveniently available in Japanese, English, and now Chinese. Those who had idealism and believed in the KMT's promise of local rule that it brought from the mainland often served as officials, but later themselves became political prisoners sentenced to death. Others who had collaborated with the Japanese moved smoothly into collaboration with the KMT.

As shown in the case of Yang Kuei, the novelist/gardener in Taichung, those who experienced short imprisonments and considerable legal process under the Japanese were hardly prepared for the arbitrary and draconian punishments of the KMT. The KMT brought with it the vast security apparatus and personnel from its operations in China. But in Taiwan it inherited from the Japanese a system of total registration of the population and detailed mapping of addresses such as it never possessed in China; also it took over the gauntlet of checkpoints and military roads into the rugged mountains that allowed the Japanese to subjugate the indigenous people in the interior, and segregate them from the rice farmers on the plains.

The security agencies had to justify their massive existence and their budgets, which they did by creating communist conspiracies out of even the mild reformers who fled together with the KMT to Taiwan. For those who came from the mainland, only a picture with classmates who later became members of youth groups charged with communist sympathies was sufficient to prove guilt as a communist infiltrator. The sentence was death. The typical case was a mainland teacher with twenty or so native Taiwanese students, learning Mandarin and discussing social issues. The number of mainlanders charged and executed was proportionally much greater, I believe, than the number of native Taiwanese; the security agencies tended to believe that the native Taiwanese were innocent dupes of communist infiltrators, so only due for ten to fifteen years of imprisonment.

I have heard that within the government bureaucracies, in the early days nearly all mainlanders, there were quotas of numbers to be reported by the "cheng feng shih", the office in charge of surveillance of loyalty and political thinking. At least two or three a year. What is hard to understand is that people terrorized within the system of ideological control over bureaucratic organs, schools, and military villages (settlements of mainland refugees connected with the military) could be both resentful and fearful of the threat that they faced, and at least passively supportive of the regime's system of domination over native Taiwanese

by mainlanders. (This is not contradictory in terms of personal interests, and some mainlanders did feel it morally reprehensible.) In this sense they were tacit participants in a conspiracy of silence as well as victims. The depth of psychological suppression and denial is astounding both for perpetrators and for victims. In the case of a personal acquaintance that I thought I knew well forty years ago, a mainland professor, I only found out last year that he himself in 1950 was taken in for questioning at the feared execution ground Ma-Chang-Ding, the horse race track near the river, and two of his colleagues were executed (see “The Executed Colleagues of Professor Chu”, Arrigo 2005).

In all these years, I have only met one man who after much interviewing volunteered that he really was a communist infiltrator, sent by the CCP to Taiwan after studying in the Shanghai foreign concessions, and even fighting as a guerilla around Shanghai. He took up a job in a trading company in Keelung in late 1947. He married a Taiwanese girl, the love of his life, which violated CCP directives, and he never received further instructions. In 1952 he was jailed and beaten for two months, but then released for lack of evidence. After he went back to visit China in the late 1980's, he decided that there was nothing of the original communist ideals left there, and he came out in support of independence for Taiwan. (Interview Arrigo 2003; name and details withheld for now.)

Following 2-2-8, native Taiwanese social activists were caught in the “cleanse the countryside” sweeps of 1950-53. For example, in Ma-dou, Tainan County, the leaders of the sugarcane workers' union from the Japanese period were caught in the net. Elsewhere, those who had some record carrying over from 2-2-8 were taken in if they could be found. Networks of Taiwanese who had linked up during or following 2-2-8 were uprooted during these years also.

There are phenomenal stories of audacity waiting to be researched and recorded, stories of those long since executed that can be gleaned from those who were imprisoned together with them: A man named Hong Yang, formerly in the Japanese army in Southeast Asia, who fought to try to dislodge the KMT from the Chiayi airport during 2-28, organized a group of youth in 1949 to paste up anti-KMT posters in Chiayi, and then infiltrated the KMT intelligence service in Taipei. (See interview with Lee Rong-chung, Arrigo 2003) He was finally recognized and executed in 1953 because of a bullet-graze scar across his forehead, incurred during World War II.

Some patterns in the history of the White Terror can be guessed from numerous interviews. Especially in the early days of KMT rule, the security agencies arrested the sons of rich families (e.g. Chen Shao-ting, from a left-leaning landlord family; marked for arrest at age 17, but escaped; interview Arrigo 2002), and would take a relative as hostage if the one targeted for arrest could not be immediately apprehended. Exorbitant sums of money would be demanded for their return. The son or cousin or husband would often be returned in severely beaten condition even if the ransom were paid, and in some cases the victim was reportedly brain-damaged for life, or died a premature death due to the lingering effects. Some such deaths were ordinary farmers caught “smuggling” rice contrary to Chen Yi's command-economy controls (father of Liao Ching-hsiu, ship radio operator cited above).

The system of bonuses for agents worked to encourage them to concoct enemies and conspiracies. The property of political offenders could be confiscated, and the agents would be awarded with 30% of the value. Former political prisoners often talk of men being executed for a paltry sum to be earned by some agent or informer, and the wives of political prisoners being coerced into providing sexual favors to the agents, with the false lure of leniency for their husbands.

By the late 1950's, there were probably few targets remaining for the plausible accusation of communist conspiracy. In the early 1960's the multiple security agencies seemed to feed on

each other; over a dozen Investigation Bureau officers were executed as communist spies. Military judges were themselves convicted of being communist spies, but those sentenced under them none the same did not get their sentences reversed even if they appealed. We might expect that cynicism and the international reverses of the Republic of China might have dulled the security agencies by the early 1970's; but I have no specific evidence.

From talking to the political prisoners in general, it can be surmised that the majority were arrested for nothing more than discussion critical of the ruling government. But there was some minority who were conscious revolutionaries. And those jailed seemingly by caprice of the security agencies often became politically aware through the slipshod process of their own sentencing, as well as by education by their cellmates. I believe that if the hidden history of political repression can be compiled and revealed, Taiwanese may be surprised to find that there was much more active resistance and courageous, if perhaps sometimes foolhardy, planning for insurrection.

The Changing Composition of the Political Prisoners and their Ideology

By the accounts of several political prisoners, there was a gradual transformation in the composition of the political prisoner population. In the 1950's probably one-third or less were mainlanders, while mainlanders suffered a higher rate of execution, so overall the victims might have been closer to half Taiwanese/ half mainlander. But in this earlier period those pro-communist and/or looking to the Peoples Republic of China for their ideals were clearly in the majority. A large number of those remaining were ideologically non-committed and fairly innocent of any political intentions. But in 1962 the military cadet cases (Shih Ming-deh, Tsai Tsai-yuan) and also the Su Tung-chi cases brought a large influx of Taiwan independence advocates into the prisons, and then those students returning from Japan further increased the numbers. There were heated ideological debates in the prisons, and the camps were clearly separated, even though both sides were largely native Taiwanese. According to Tsai Jin-chien (discussion February 2006, videotaped during tour of Jinmei Prison laundry facilities; Tsai's case was related to Su Tung-chi's and he was imprisoned about 1962-1970), the Taiwan independence group in that era was also largely in favor of socialism, but the disagreement centered on national identity. In recent decades some of the early adamantly pro-PRC political prisoners have changed their opinions; but a large group of the 1950's political prisoners still align with the pro-PRC China Tide group and insist that China is a socialist paradise.

I believe that these thousands of former political prisoners and those influenced by them was a hidden reservoir that fed the rise of the democratic movement from 1975 on. Particularly as large numbers of political prisoners were released following sentence reduction (one-third reduction, or life sentence reduced to 15 years) in the wake of Chiang Kai-shek's death in April 1975, they began to have an impact on the society. And by that time many native Taiwanese had risen to middle class status under the export economy, and filled part of the bureaucracy. The children of the ruling class had moved on to the United States and other places of refuge, and the manpower of lower government and military needed to be refilled. The balance was beginning to shift, imperceptibly, towards the majority. Chiang Ching-kuo wisely chose to coopt as well as repress, but that also gradually brought the majority group into positions of power.

In 1978/79 the Ministry of Justice Bureau of Investigation greatly expanded its recruiting of native Taiwanese (begun in 1963), perhaps conscious that it needed to improve its intelligence capacities to meet the rise of the dangwai. But it did not trust the Taiwanese it recruited, and by mistreatment of them bred traitors in its own ranks (see interview with Yang Ching-hai, Arrigo 2002). From some scattered signs, I believe that after 1980 intelligence personnel used the surveillance of the restive overseas Taiwanese communities as an excuse to jump ship and leave Taiwan, as the power of native Taiwanese rose – an implied threat to their security.

It could of course help solve many mysteries if some high ranking security personnel with long experience chose to explain the actions and rationale of the KMT over the decades. The closest I have heard is that the KMT would have had to accept losing power then if it accepted democracy. Another explanation, from a senior officer in foreign affairs, is that the United States pushed virulent anti-communism on the Chiang regime for its own Cold War interests. Highly visible as I am, a foreigner, I have gotten tantalizing bits of information from authoritative-looking men speaking precise Mandarin who have come up to me on the street, saying with surprising friendliness that they were officers on Green Island, or present at the Kaohsiung Incident, and they approve of democratization, but Taiwanese shouldn't go too far. No name and no further interview. But I do also believe that if a concerted effort were made to contact some of those former military judges who themselves became political prisoners (and there are former political prisoners who know where to find them), the barrier of silence might be cracked.

Part II

Problems of Selectivity in Human Rights History Recording

Here I wish to make a transition to discussion of another problem of the historical record, the selectiveness of the current participants and recorders of the historical materials.

Recent years have seen the flowering of “native Taiwan consciousness” and much celebration of those who sacrificed to bring an end to dictatorship in the name of the native Taiwanese majority. Conferences have been held and special dates, such as the arrest of Lei Chen, commemorated. It is not surprising that these activities are almost all run by friends of the Democratic Progressive Party – the precursor of which was the democratic movement of 1978/79, which campaigned for the end of martial law. The DPP is most associated with the Hokkien-speaking majority, although it has made considerable effort to expand its following among Hakka, mainlanders, and indigenous people. So now the issue of political prisoners seems to be owned by Hokkien-speaking native Taiwanese, although Hakka and mainland political victims and their families usually attend the activities also, in some smaller numbers.

Unfortunately, there does not seem to be an autonomous organization of mainlander former political prisoners and political victims, one that could represent an independent critique of the White Terror, although there are, I suspect, thousands of them still alive. The Kuomintang, although it claims to have turned over a new leaf, shows no inclination to investigate the sufferings of mainlanders under its rule; nor do the other “Blue” parties. The vaguely pro-PRC activists, i.e. the Workers' Party (Lao Dung Dang) and the China Tide group, have done considerable work in documenting lives of the anti-Japanese and leftist political figures of the 1940's and 1950's who suffered under the White Terror. Among those researched by this group, many had links with the revolutionary ferment in China and many had Hakka cultural backgrounds. Lan Bo-zhou, the present head of China Tide, is a young writer who has done a great deal of oral history interviewing, and produced four or five thick books. There is also a large organization (the organization's name quite clearly proclaims its nationalism in that it says it represents “Taiwan province”) of former political prisoners, most from the early White Terror and now advanced in age; almost all of these I have met are also native Taiwanese. But it is likely that a very large portion of early political victims, especially mainlanders who voiced some opposition to the KMT tyranny but did not align with the communists, or who were just snared due to the random paranoia and avarice of the security agencies, would not join this organization.

My point in this description is to explain why I believe the early mainlander victims of the White Terror are underrepresented in current historical accounts. And this will be a continuing bias in the ongoing research unless some great effort is made to overcome it. Another reason

for the bias is demographic: by many accounts, among those arrested a higher percentage among the mainlanders were sentenced to death, because they could be accused of direct links with the Chinese communists; and fewer of those executed mainlanders had families to carry on their stories and request White Terror compensation, whereas native Taiwanese had parents and siblings and often wives and children who have labored in recent years to piece together the information about executed husbands and fathers.

There are several other blind spots in the research agenda for most of the White Terror historians, I believe. For one, most of these historians are more or less in the Taiwan identity and Taiwan independence camp, and the audience for their research is tied up in creating an identity for Taiwanese that is distinct from China. So anything dealing with China tends to be shunned: whether migration and travel or ideological inspiration or institutional sources.

For example, Hsu Chao-rong, a former political prisoner himself (1958-68), has spent over 15 years researching the fate of the thousands of Taiwanese-Japanese soldiers that the KMT forcibly inducted after Japan surrendered, and shipped to China to expend as cannon-fodder in the Chinese civil war. He traveled to China to find the few left alive there. He told me he encountered some antipathy to his work in the Taiwan independence camp. But in 2005 he was finally able to establish the monument he worked so long for near the seashore in Kaohsiung (interviews with Hsu Chao-rong, Arrigo 2003 and 2004, and his book *A Record of Hsu Chao-rong's Words and Actions*, 444 pp., self-published, November 2002).

Ignoring Chinese history is an unfortunate blind spot in understanding Taiwan history, even if a Taiwan-centered perspective is to be taken. Even during the Japanese period there was travel and influence and an imagined homeland. Recently I learned about the ancestry of an overseas Taiwanese activist, Wang Neng-hsiang, who began lobbying for the Taiwanese cause in Washington D.C. in 1969; he was labeled “Chinese” and treated as a second-class citizen in the Japanese period because his grandfather, allied with the Manchus, fled to Taiwan when the Qing Dynasty fell (interview of Wang Neng-hsiang at Academia Historica, August 2005).

A more recent and significant issue for understanding the White Terror is that the KMT security apparatus and its personnel came out of the heritage of triads, warlords, and civil war in China. They were brutalizing the countryside of China long before they arrived in Taiwan. On a visit to Nanking in 2000, I was surprised to find, not far from the burial place of Sun Yat-sen, a huge hilly wooded area called Yu Hua Tai (Rain Flower Platform). At the bottom of the hill is a huge white marble monument of the struggling revolutionary masses, figures larger than life. After trudging up the hill about twenty minutes, at the top one finds a sizeable museum with very few visitors. It is the museum to the martyrs of the communist revolution, some tens of thousands of peasant, labor, and student leaders who were tortured and killed from the late 1920's to the 40's after being brought from all around China to the KMT security headquarters in buildings on the mountain. The museum showcases their diaries and parting letters to their families, and even their bloody shirts and the instruments of torture; the bodies may be buried anywhere on the mountain.

A related story I have to tell is more personal and ends in Taiwan, and so deserves more detail that I hope the reader will find entertaining, aside from frightening. In November 2003 I received a phone call from a man with a thick Nanking accent who said he had some pictures to return to me. And so I came to interview Da Fei, born 1925, and now over 80 years old (interviewed on January 16, 2004 together with historian Shih Chuo-chun and an assistant of Chen Yi-shen of Academia Sinica). But he is still tall and straight and has a shock of thick naturally black hair. This is his account. His name Da Fei (“Arrive, Fly”) is from the Hui (Muslim) minority. At age 16 he served as an infiltrator for the KMT into the communist ranks, but he had to flee when his mentor was unmasked. He knew Dai Li personally, and doesn't believe the airplane crash story. He rose quickly in the security agencies to become the head of the Nanking station, and wielded extraordinary powers; he could take in a pair of

refugee girl students and give employment to their fathers (the story, elicited when I asked Da Fei if he married, implies a romantic outcome but is incomplete). In mid-1949 the city was coming into encirclement by the communist forces; they held the other side of the Yangtze River. Da Fei says that at the last moment he went to the prisons personally to make sure that the 800 prisoners were released rather than massacred as they were at Chungking and elsewhere. He may have overseen the execution of 3,000 or so in earlier years. Da Fei and troops loyal to him and other important figures in the city, about 300 persons, were finally totally surrounded. He had prepared in advance a low-rank uniform, and at the end switched out of his high-rank uniform before capture. None of his troops betrayed his identity, and he was able to convince the communists that he was a teacher by playing the piano; he was released from a concentration camp with two weeks supply of rice. After a few months in the Nanking countryside under various aliases, he traveled far away to Anhui to avoid being identified. He had medical skills handed down in his Hui family. He was taken in by a rich peasant woman who needed treatment and who thought he would make a fine handsome educated husband for her 15-year-old daughter. Combining Western medicine from all the books he could find with traditional Chinese medicine, he became renowned in the area and even treated the governor. His wife, though illiterate, was intelligent, and he taught her modern nursing. After several years he was recognized by a traveler who told his mother-in-law, but this was not fatal. The ultimate error is that he wrote to his father to say where he was, and his father told his uncle – formerly a communist leader in Shanghai that Da Fei had himself saved from execution. After eight years in hiding, Da Fei was arrested in 1957 and returned to his home county for trial. The investigation was thorough, but they never realized more than a small fraction of the full number he had killed, and releasing the prisoners spoke well for him. He was sent to Qinghai, and he released his wife and two children from the black association with him by divorce. In Qinghai, however, he still fared rather well because of his medical skills and winning ways.

In 1978 Da Fei was released from prison together with eighteen high-ranking Kuomintang prisoners; Deng Xiao-ping wanted to make a conciliatory gesture to Chiang Ching-kuo. After being feasted in Beijing, the eighteen were conveyed from Amoy to Kinmen Island in a small boat, by prior agreement. Once on the other side, they were debriefed in isolation over a period of months, with the suspicion that they were now communist spies. Da Fei passed, and was given ranking employment in the security agencies planning propaganda against the PRC through Hong Kong. According to Da Fei, he spoke against crackdown on the Formosa Magazine, and this was held against him; his Hong Kong plan was sabotaged by others, too. Inside the security agencies it was said that their enemies murdered Lin Yi-hsiung's daughters to embarrass the authorities. Finally Da Fei was in late 1980 accused of being a communist spy, and severely tortured over a period of time; he said he came close to death five times. Sentenced to eight years imprisonment and shipped to Green Island, he shared a set of high-security cells with Shih Ming-deh and heard a great deal about Shih's American wife. Da Fei wrote a letter to Chiang Ching-kuo detailing his torture; he felt sure his torturers would be chastised. He appreciated blankets from the Care organization started by the wife of Kaohsiung Incident prisoner Yao Chia-wen, and he felt warmly towards Chen Chu who wrote a card to him in her role as head of the Taiwan Human Rights Association after she was released in 1986. The photos? Shih had slipped two photos of me behind a wooden shelf sometime before he was released. Da Fei had recovered them. The photos had white paint on one edge. The next year Da Fei invited me to accompany him to a dinner in support of People's First Party candidates; fortunately I realized in time what the activity was and declined.

Like the majority of the older KMT personnel I have met, Da Fei seems to take refuge in his traditional Chinese skills and values; he says that he can cure most people in coma if they are treated quickly after onset and intensively over a period of months, and his "feng shui" choices are unparalleled. He seems to have no ideology, only personal "guanxi," and believes that he can be personal friends with CCP, KMT, and DPP figures. His main goal in life now is

to recover an astronomical sum that he says the KMT owes him, his high-ranking salary continuing since 1949, and he expects the DPP could help him in this.

As for the details of the interview with Da Fei, Chen Yi-shen of the Institute of Modern History, Academia Sinica, has assisted greatly in providing transcription. Some graduate student should be put to researching this complex life history; but none are found. Now in the twilight of their lives, some such lesser-known KMT figures might well be persuaded to divulge their secrets, whether Chinese or Taiwanese history.

The second blind spot of history of the White Terror, one that I am much concerned with restoring, is in the realm of political ideology.

From the 1920's through to the late 1970's was the era of the national liberation movement. The young Soviet Union inspired struggles against colonialism, dictatorship, imperialism, and inequality that spawned the huge Chinese revolution and de-colonization around the globe. Taiwan's social movements of the 1920's were part of these world currents. The tide of anti-imperialism and socialist ideals swelled again in the period of the Vietnam war, and the Taiwan national liberation movement framework of Shih Ming (a Taiwanese communist who served with the Chinese Communist Party in the 1940's and returned to Taiwan after 2-28; he fled to Japan after a failed plot to assassinate Chiang Kai-shek in 1950) flowed from Tokyo to Taiwanese youth in the United States in the early 1970's. Although overall the overseas Taiwanese independence organizations in the United States and Japan were politically conservative and pro-American and rejected social class mobilization, they still mouthed the rhetoric of national liberation movements and their leaders took pictures with world-renowned radicals as if to boast of their revolutionary credentials. And in Taiwan, structurally, the middle-class leadership of the democratic movement could only mobilize the restive peasants and workers in their struggle against the KMT dictatorship. As repeatedly described by former political prisoners, there were heated discussions in the prisons on political line and the realization of socialism, aside from the divide on the issue of national identity (most recently interview with Tsai Jin-chien during Jinmei prison tour, February 2006).

But with Taiwan enjoying prosperity under U.S.-sponsored export-led rapid economic development since the 1970's, and then joining the ranks of nearly-developed nations with its corner on electronics commodities in the global economy, all social ideals except for a pale version of social welfare entitlement have faded. In Taiwan "the end of history" following the fall of the Soviet Union (to use the term coined by Fukuyama) seems to have been realized; even social activists seem to think of only maintaining international competitiveness and high profits to capitalists in the issue of preventing job loss to China.

But historians should not be so short-sighted. To accurately represent the political climate and interactions of the past, the ideology of that era must be represented as well; it cannot be flattened to simply pro-China versus pro-Taiwan independence.

Now Shih Ming, 86 years old and his sight failing, but still on the front lines of street protest since his return to Taiwan in 1994, is celebrated only as a champion of Taiwan nationalism; his condemnation of the Taiwanese capitalists who cooperated with the KMT dictatorship is forgotten. However, over the decades he trained thousands; his operatives for intelligence and sabotage work were the most dedicated and most secret, and some paid with their lives. To my experience within the recent decade there have still been weekly gatherings of middle-aged semi-proletarians, meeting in parks and on river banks for tea or simple home-cooked food, revolutionaries in intent who look to Shih Ming for direction. Mobilization that is actually class-based may remain latent for some time, but I do not believe it evaporates; at a crucial juncture it may break forth again as it did in 1988-92. The Friends of Lee Teng-hui, the Ketagalan School, and the North Society or the Taiwan Association of

University Professors are highly visible in that they issue press releases, stage large public activities, and hold banquets requiring NT\$5,000 donation per seat, i.e. largely sponsored by businessmen. They leave a paper trail for historians, and are easy meat for the political scientists who are however even more tied to election tabulations and governmental proclamations. But the foot soldiers of social movements and nationalist movements are not necessarily or even generally from the same mold as the public intellectuals, in the present or in the past; and they are definitely underrepresented in historical accounts whether as a social force or as political prisoners and victims.

Yes, times have changed. At his Chinese New Year's party, 2006, Shih Ming told me that Taiwan must not go up against the United States on any issue, e.g. Iraq, because the United States is the only force that protects Taiwan from China. So much for the international solidarity of national liberation movements.

Part III

The Present and Possibly Future: Continuing Human Rights Abuses in Taiwan

Here I wish to move from the issues in researching Taiwan's past, to the present practice. Despite the rapid advances of recent years, I am not particularly optimistic about the present or future condition of human rights in Taiwan. But then, my habitually pessimistic outlook has often been proven wrong in the past, and it may be again.

I wish to explain why I am pessimistic, and along the way address some particular abuses.

First, Taiwan has not made a sharp break with the past. Despite the general shift towards a national consciousness of Taiwan's history and identity, there has not been much examination of conscience in the public realm. The Kuomintang, now an opposition party, has not apologized for its past deeds and ill-gotten gains. Its criticisms of the presently-ruling Democratic Progressive Party are shamelessly partisan, with little appeal to general principles. Collaborators have not been unmasked or grilled. Only a few of the highest perpetrators, Chiang Kai-shek and Peng Meng-chi, have been named. The social expectations remain with division of the spoils and conspiracy of silence for a protected in-group. Though the seachange of ruling party has shaken up many previously comfortable and profitable relationships between bureaucracy and business, the mold has not been broken. The KMT and its associated economic interests began compromising and neutralizing DPP legislators as soon as they became a significant voting block, in 1993, if not sooner. And although the change of ruling party and lack of martial law to shut up critics means that there is more openness of information and more people to potentially spill the beans, cozy relationships between business and politicians can continue on a more discrete scale.

On the side of the Chen Shui-bian administration, and even the Taiwan independence movement, there has been much accommodation with the previous status quo. The Democratic Progressive Party has failed to even put its own house in order, though it does act occasionally in spin-doctoring after embarrassing revelations of internal vote-buying. It has consistently expelled whistle-blowers rather than search its own soul. Old and new vested interests stymie reform. But lest I exaggerate these problems, let me note that Taiwan is ranked 27th in a list of over ninety countries examined by Transparency International in 2004; that is, it is perceived as relatively low in corruption. Taiwan is clearly modernizing and internationalizing. However, the deeply ingrained pattern of collusion between politicians and business in general means that there are still secrets that would tempt the application of means of control of information and freedom of speech.

The bureaucracy, though much improved with the spirit of serving the public, still largely retains the Confucian virtues of sycophancy and subservience. The bureaucracy also retains

more of the Chinese cultural chauvinism and xenophobia – harking back to the rallying cry against the Opium War, and the May Fourth Movement of 1919 – that the Republic of China brought with it when it transplanted itself to Taiwan in 1949. The authoritarianism of the past remains in institutions and in attitudes.

Given that the Chen Shui-bian government proclaimed itself the champion of human rights, it has been completely amazing that in June and July 2003 the ruling party proposed legislation that would place extreme controls on lobbying, in the name of resisting influence from China, and perhaps roughly modeled on U.S. laws requiring registration of “agents of foreign governments”. But it would also in effect criminalize normal activities of expressing opinions and disseminating information. *Taipei Times* of July 24, 2003 summarized the bill as follows.

Foreigners and Chinese nationals or organizations will be banned from conducting lobbying activities concerning national defense, diplomacy and Chinese affairs if a draft bill approved by the Executive Yuan yesterday becomes law...

...“Lobby” is defined as an activity meant to sway the formation, approval, change or abrogation of government policies, resolutions or legislations. The activity could be carried out in the form of speaking, writing or e-mail.

I did not see whether the bill passed. But the virtual lack of challenge or public dissension on such plans for flagrant violation of freedom of speech was a lesson in itself. How could people who had suffered for decades under martial law and controls on media not see the contradictions?

A similar issue of blindness to the inherent anti-democratic nature of laws that people have lived with for a long time concerns the libel laws. In 1983 [check date: see James Seymour, Society for the Protection of East Asians’ Human Rights, publication SPEAHRhead] a joint meeting of the ROC security agencies, with Soong Tsu-yu (head of the Government Information Office and then of the KMT’s Culture Bureau) participating, decided that the opposition should be prosecuted with libel laws rather than sedition laws, for the sake of international palatability. Soon after, the editors of the opposition magazine Peng Lai Dai, Chen Shui-bian and Huang Tien-fu, were sentenced to prison for libel. Both Taiwan and Singapore (even till recently) have used libel laws to persecute and pauperize the opposition. When I ran into Chen Ding-Nan in 2001, when he was head of the Judicial Yuan, I pointed out the parallel and the importance of changing these laws. He said, “You don’t understand the laws of the Republic of China.” And I felt that he did not question the laws of the Republic of China. Now, however, that both former president Lee Teng-hui and current president Chen Shui-bian have been convicted of libel for humorous sarcastic remarks about other political figures, there should be some re-examination of the standards and procedures for libel suits. As it is, libel laws are a serious damper on efforts to expose wrongdoings and especially corruption.

Perhaps Chen Wan-chen, a young woman reporter who was a candidate in the opposition coalition (the precursor of the present DPP) together with Chen Gu-ying for the aborted election of December 1978, has been largely forgotten now. She was a DPP member of the National Assembly in 1997 when chairman Hsu Hsin-liang made a compact with the KMT for constitutional changes. As the sessions began, she held a news conference (myself participating) to air allegations that both DPP and KMT assemblymen had been offered large unsecured loans from a bank associated with the head of the National Assembly. Chen Wan-chen, long a warrior of the democratic movement and known for pulling down statues of Chiang Kai-shek, was expelled from DPP party membership in less than 24 hours.

Inveterate instigators like Chen Wan-chen are rare. In 2001 she was sentenced to several months in prison for “insulting the courts” by holding a small demonstration on the steps of

the Ministry of Justice. I don't remember the precise issue of the demonstration; but I was surprised that in this age there could still be a crime called "insulting the courts."

The second aspect that does not bode well for human rights is that Taiwanese have quickly become arrogant along with their rising economic rank in the world – although not as bad as the Koreans. New Taiwanese organizations doing international networking that have grown up under the Chen administration, such as the Taiwan Foundation for Democracy (an offshoot of the Ministry of Foreign Affairs) and the Asia-Pacific Democratic Union (run out of the Vice President's office, with the same international members as the old World Anti-Communist League) have been quick to congratulate themselves about Taiwan's transition to democracy, and they hold international conferences so that other countries can have the opportunity to emulate Taiwan; but they are less than enthusiastic about taking on critiques of either Taiwan or of international allies.

Like the Japanese and Koreans, Taiwanese now take a relatively rich economic base as their birthright, and while admiring the advanced Western countries and patronizing the whites in their midst, Taiwanese find it easy to look down upon the Filipinos, Thais, Indonesians, and illegal Chinese who do the dirty construction and factory jobs, take care of the elderly and infants, and serve in the sex industry. Taiwanese would no doubt sooner forget that they used to wait tables and sweat over hot woks in New York, and serve American military R&R and Japanese businessmen's sex tours. In the 1960's and 70's Taiwanese women married Americans and Japanese to emigrate to a better life just as now do Vietnamese and "mainland little sisters (da lu mei)" from China. While "dark" foreigners fill the low-paid menial and demeaning jobs, Taiwanese keep them in servitude and often virtual slavery through inhumane regulations and systems: exorbitant broker fees, tying to one employer, deportation for any number of minor "offenses" -- pregnancy and marriage were such offenses at least in the early 90's. Illicit behavior and evil purposes are easily ascribed to foreign workers, although, like sex work and/or running away from an intolerable job, the behaviors are predictably the outcome of economic desperation and rigid regulations.

Taiwan seems particularly concerned to keep out people with dark skin, either of African or South Asian descent. The Taiwan Association for Human Rights (TAHR) was in December 2005 planning a press conference on this matter, but the persons involved became fearful and withdrew. The specifics as sketched to me by TAHR are that some five Nigerians long resident in Taiwan and married to Taiwanese applied for ROC citizenship. But the foreign affairs police accused them of falsifying documents for their renunciation of Nigerian citizenship, since TECO could not verify them, and moved to deport them instead. Listening to this case, I would question whether Nigeria (or the U.S. for that matter) has any standard procedure for renunciation of citizenship, and whether the bureaucracy there even keeps such records.

Whites are generally treated much more leniently, and Taiwanese recognize their contribution to Taiwan's future through educating Taiwanese global citizens in English from the kindergarten stage, and through helping Taiwan present itself to the world commercially and politically. Although there has been increasing openness and simplification of paperwork in recent years, basic human rights problems remain in even Taiwan's treatment of these most favored white (and/or developed nations' citizens, often of Asian ancestry) residents as well. I will describe some typical issues below, and also some particular recent cases that have left me with the helpless anger I remember well from the martial law period.

In November 2005 a gadfly American I did not know well personally asked me to serve at his wedding to his Taiwanese fiancée of four years, in Tainan January 1, to represent his Oklahoma family who were unable to attend. Since I felt I could fulfill this function as a matronly white face for a fellow expatriate, and I had heard that Paul Maas, with a legal degree, was doing good in helping Taiwanese former political prisoners bring suits against

KMT assets in the United States and against the US for culpability in the White Terror, I agreed. It was a surprise when the bridegroom was nabbed by foreign affairs police on the morning of December 16, just after Hsieh Tsung-min (Roger Hsieh) had left for Washington to advance the case. Visiting Paul in custody, though, I found he had indeed overstayed his visa by a year; because of child support payments due from an earlier marriage, the American Institute in Taiwan had refused to renew his passport. Age 37, he also had a history of being deported from China after the 1989 June 4 movement, and of helping the overseas Chinese democracy movement. Paul was deported from Taiwan the next day; his fiancée accompanied him back to the States and they married in Oklahoma. She returned for the groom-less party on January 1. Paul quickly took out loans to pay off what he owed, got a new passport, and was granted a visa at Taipei Economic and Cultural Office (TECO) in Washington D.C. on February 23, 2006. When he arrived at the international airport in Kaohsiung late on the evening of Saturday, February 25, however, the Immigration Office refused him entrance, and informed him that he was banned for nine years due to a complaint by the Ministry of Foreign Affairs, etc. His pregnant wife and in-laws waited in vain for him. At that hour there was nothing that I and others he called could do. At 8:00 am on Sunday he was thrown back on an airplane for Tokyo, and could only wander the streets there with little money in his pocket. The following week many appeals on his behalf were made.

After waiting many days for a reporter from the Taipei Times to take interest, and being refused by Apple Daily that had great interest in my own situation but said Paul's "had no sales point", I sent the following letter on March 3.

Taipei Times
Letter to the Editor:

Subject: American Paul Maas Risenhoover holding ROC visa
refused Taiwan entrance on Feb. 25, 2006

Dear Sirs:

Since my own case of nearly losing residency status in Taiwan -- after a total of 18 years in Taiwan and participation in human rights work going back to 1975 -- was widely reported in the news (September 2005), I have received more reports concerning foreigners who have been summarily deported or who are facing the threat of deportation or banning. ...

The case at hand is a 37-year-old American from Oklahoma named Paul Maas Risenhoover who ... was shunted off to Tokyo with no plane ticket and little money in his pocket.

Of course there is more to the story than that. Paul, who speaks good Chinese and has an advanced law degree, is called a "crackpot" by some. However that may be, even a Don Quixote bringing frivolous suits against the Ministry of Foreign Affairs has basic human rights and deserves humanitarian concern. Moreover, his case serves to highlight the fact of ROC governmental punishment of foreigners who assert their rights to freedom of speech -- whether persons who protested against the US invasion of Iraq, or Southeast Asian workers who have attempted to organize against labor abuses, or a church worker who several years ago wrote to the police about mistreatment of Africans in Keelung customs.

The organization controlling the gates is called the Immigration Office (內政部警政署入出境管理局, in Chinese called Jin Guan Ju for short) of the National Police Agency, Ministry of Interior. In martial law days ROC citizens needed its approval to exit or enter the country; it kept the secret "black list" of the names of 5,000 or so Taiwanese-Americans who were to be barred. Now it seems to be limited to stopping non-Taiwanese; for one embarrassing example, 1996 Nobel Laureate Jose Ramos-Horta, later East Timor Foreign Minister, was in March 2000 refused entrance at CKS. The Jin Guan Ju and the Foreign Ministry do not believe that they have any obligation to notify the person who has been barred, or even to honor visas that have been

issued; there is no channel of information, much less appeal.

... When Paul was signed off for a visa at TECO in D.C. on Feb. 23, he did not know another worse hurdle remained.

To my understanding, the punishment for overstaying a visa is normally a bar on entrance for one year. Paul incurred further banning for “insulting the Foreign Ministry” and “doing activities not consistent with his visa.” In talking with the immigration officer and Foreign Ministry personnel in Paul’s case, and with policemen in previous cases, I have observed that they have no inkling that the laws of the Republic of China, which have not been overhauled following the end of martial law in 1988, might be at odds with international standards of human rights and legal process. Moreover, they insist that the standard protections given to citizens are not to be allowed to non-citizens; never mind that in deporting foreign spouses the authorities are also harming citizens, and in threatening foreigners who bring unpopular views, the rights of Taiwanese to know about the outside world are compromised.

Chen Shui-bian has pledged that his administration will establish human rights on Taiwan. I am hoping that many non-citizens in Taiwan will join me (e-mail: linda.arrigo@msa.hinet.net) in seeking equal rights under international standards, and also some measure of common humanitarian consideration – for starters, the Jin Guan Ju must publish its ban list on a website, and process appeals. In decades past Taiwanese have become US government bureaucrats in Washington D.C. (recent Foreign Minister Mark Chen), and judges in Vienna. Globalization now brings foreigners to Taiwan, and we should be afforded fair treatment.

Linda Gail Arrigo
International Affairs
Green Party Taiwan

On Saturday, March 4 the Taipei Times printed on its front page an article headed “No reason needed for deportations, say police officials,” with no specifics of Paul’s case or even his name.

Taiwan has the right to ban foreigners from entry when they are suspected of or believed to endanger national interests, public order and public security, an immigration officer said yesterday.

There is a blacklist for those who are “unwelcome”, including those with a criminal record in Taiwan or other countries and those suspected of terrorist or other illegal activities, said the official, who declined to be named.

Those who have worked illegally in the country are also banned from re-entry, in accordance with the Immigration Act, he said.

The names on the blacklist are not publicized for security reasons, he said.

Let me return here to the general issue. There has been some lack of sympathy for Paul’s case even in the foreign community in particular because of the “deadbeat dad” aspect. But as I see it at the very least he and his wife have been forced to incur much unnecessary air flight expense and they have been denied the opportunity to predictably proceed with their lives due to lack of open deportation proceedings and notification of banning. The long ban is due, in effect, to a censure on his right to freedom of speech and legal standing to sue; when I telephoned them, the Foreign Ministry office that ordered the ban justified it by stating that the rights of citizens are protected, but those of non-citizens are not, and the banning is all according to law, although there is no specific law that Paul Maas broke and there is no allegation that he is a terrorist.

The martial law flavor of this operation of the government agencies in general and the

Immigration Office in particular is clearer when other cases are examined as well. Here the case is that of Sean Wratt, a New Zealander who was among the organizers of protests against the American invasion of Iraq in 2003.

Preliminary Report on Taiwan Police Intimidating Foreigners Protesting Against the US Attack on Iraq
(abridged from original)

By Linda Gail Arrigo

April 15, 2003

The following is a brief report of scattered information I have collected that indicates the Foreign Affairs Police are using explicit or implied threat of deportation to dissuade foreigners in Taiwan from exercising their right to freedom of speech, in this case specifically on the issue of recent U.S. action against Iraq. ...

On March 15 over 100 non-locals and a few dozen locals gathered in Ta-An Park in the afternoon for an anti-war rally with drums and performances, and then planned to march to a distance of about 50 meters from the front of AIT, a safe limit requested by police protection. Sean Wratt, the main organizer, was very careful to communicate with the police in advance (the activity did not have a demonstration permit) and create an activity that expresses a political opinion with no threat of violence, even on a small scale. The rally was attended by a policeman in plainclothes, who issued about twenty or thirty copies of a document to the participants, with the title "Immigration Law", main contents as follows:

Immigration Law

Article 27

Aliens who are visiting or residing in the State may not engage in activities or employment that are different from the purposes of their visits or residence.

Article 34

Aliens may be forcibly deported if they:

- (4) Have violated paragraph 2 of Article 19 by leaving an overnight lodging without permission;
- or
- (5) Have violated Article 27 by engaging in employment or activities that are different from the purposes of their visits, or residence; or
- (6) Have violated the Article 28 by failing to observe the set restrictions on domiciles and activities, or the rules that have to be followed; ...

...

The document is obviously left over from a time when any activities could be arbitrarily defined by the police as "different from the purposes of their visits or residence" for the application of political censure. Notably, the document does not state that foreigners have no right to express political views. But, moreover, the sheets handed out had number (5) highlighted in yellow marker pen, such that the police were making a not-so-veiled threat that the protesters could be hounded and subjected to selective enforcement of "laws" that are in actuality almost never invoked, as can be seen in that foreigners teach English all over Taiwan in formal and informal schools, even in the public schools, both full and part-time, without any concern for such an unnecessary and arbitrary law, which is intrusive on freedom of education and commercial exchange.

The March 15 protest concluded without incident, after Sean and one other person delivered their protest statement to the door of AIT, while the other hundred-some persons waited at the prescribed distance.

...

There were also further large demonstrations on March 22, of both local and foreign residents; Sean Wratt was again one of the organizers of a peaceful action to deliver flowers showing concern to AIT.

Over a week later I received two reports that the Foreign Affairs Police has visited, at the least, the Chinese Language Institute on Yenping N. Road, which is where Sean Wratt is registered as a student. On Monday, March 31 I spoke by telephone with the head of the Institute, who said that the Foreign Affairs Police were very polite when they came on about March 24 or 25, and they came with Sean's name and passport number, and inquired about his attendance. She said they mentioned that AIT had requested the names of participants in the demonstrations. According to indirect information from a student at the Chinese Language Institute, police had shown videos of the demonstration to the staff to ask them to identify the participants and provide names, telephone numbers, e-mail addresses, etc., and the staff complied. This caused some concern to the students.

Also on about 3/31 or 4/1, Sean visited the Foreign Affairs Police office to renew his visa, and he was told that the week before one of their superiors had intended to deport him, but they were going to let him by for now. They said they had contacted him because his residence and telephone number were not current and correct. ...

It is due to my knowledge of such past incidents, as well as the fear that has currently been spread by the recent police implied threat, that I strongly urge human rights organizations in Taiwan to take a stand at this time, and in fact bring a legal case against the Foreign Affairs Police to force revision of the law and change in their habits. The rights of foreigners to speak are also the rights of local residents to know: such can be seen when Ms. Tu returned to Taiwan to speak out about the Lafayette scandal in November 2001, and was threatened with just this limitation on non-citizen's right to speak publicly, which intimidated her into silence.

This is a matter of principle which is a suitable test of the Chen administration's stated resolve to make Taiwan a human rights exemplar.

The Taiwan Association for Human Rights quickly issued a press statement in defense of the rights of foreigners to political protest. However, there was no response to several telephone calls to the Vice President's Office on Human Rights. I wrote up the details in this report to force a response, and on July 24 the Vice President's office finally held a single meeting on foreigners' rights, combining also foreign workers' organizations. A high police official and the Ministry of Interior admitted some improvement might be in order. However, in a written response to an inquiry from National Legislator Hsiao Bikhim, the foreign affairs police reiterated their longstanding regulations.

We can also consider the treatment of foreigners in an even broader perspective, that of the ordinary needs of residence, employment, and marriage or friendship. Discriminatory and arbitrary treatment of foreign labor often functions to keep down the price of that labor, as for Mexican wetbacks in the United States, or illegal Chinese girls in Taiwan smuggled in for the sex trade, or Canadian kindergarten teachers in Taiwan. But in the case of English-speaking foreigners in Taiwan, arbitrary treatment is probably not entirely intentional; Taiwan needs English teachers, editors, and translators for its global business and international relations. Commonly there are local organizations that want to provide part-time employment to English-speaking foreigners, but they are unable to meet the visa requirements for full-time employment, or they do not have the correct designations to get approval for employing foreign employees, or they do not want to bother with the paperwork. Many Americans and Canadians I have known or heard of have quit Taiwan in disgust over visa and residence hassles, or stay for the time being with a sense of resentment and unease.

For foreigners who have spent years learning Chinese to use in translation work and in living and teaching in Taiwan, expulsion means loss of livelihood and a severe blow to personal

relationships. They have already adjusted to employment in Taiwan, and there are no comparable jobs for them waiting in their own countries. With forced deportation, they also lose their personal possessions and household effects and sometimes their professional tools. It may not be easy to recover from such a blow.

One recent case widely discussed among foreign residents and covered in the *Taipei Times* (June 16 and 20, 2004) is that of Scott Ezell, who lived in Taiwan a total of six years. Scott's main love was music, and in 2002 he moved to Taitung and set up his own small studio in his home. He got his alien residence certificate there as an employee of Taiwan Colors Music, translating music lyrics. Meanwhile he wrote his own album and promoted Taiwan indigenous music. He was invited to play his guitar without payment in a public event at the Dulan Sugar Factory, showcasing indigenous art, sponsored by the Cultural Affairs Bureau of Taitung County. The foreign affairs police charged him with violating the terms of his visa and failing to get a permit from the Labor Bureau for performance whether paid or not; and they ordered his deportation two weeks hence. He got a stay of execution from a judge with the assistance of a lawyer, but after two weeks, the foreign affairs police issued another deportation order. Scott still wants to return to Taiwan.

Commonly there is no notification that a ban is in the processing; just the foreigner is suddenly unable to enter the country and rejoin his family and job after a vacation or business trip to Hong Kong or Thailand or the United States, due to some minor offense two years previous. I could go on to present more cases, but I think the point is clear. By the above standard of unauthorized employment (anything you do outside of what is designated on your alien residence certificate), I can expect to be deported for making this presentation at Chang Jung University.

The reasonable question to ask next is, what is the benefit to the foreign affairs police or to the Immigration Office in insisting on a black-box-operation discretion in this arbitrary behavior? Why do they set laws that cannot be reasonably and consistently applied in the real world (e.g. working for only one employer, or requiring permits for volunteer musical performances)? How does all this help Taiwan's security? Or harm Taiwan's relations with those who would promote its international status? Don't these offices have any concern for the human suffering and waste that result?

Why can't they just impose fines to enforce compliance with their needs for record keeping? Perhaps punishment is the real purpose, not a desire for compliance. I have been told through channels that they countenance no challenge to their dignity and authority – and that is indeed the attitude of authoritarianism, a fearsome image of governmental authority taking precedence over human rights and humanitarian concerns. Pause to think, if the tide of human rights concern is reversed overall in Taiwan, we might imagine a drift back to the days of secret blacklists for citizens and non-citizens alike.

I have discussed this at length due to my own concern for this arbitrary treatment of foreigners (myself at risk too), and also so that the audience here can understand the impact on those concerned. But now I must move on to other present shortcomings in Taiwan's in human rights adherence.

The third source of my worry that human rights standards are likely to recede in Taiwan has to do with the international environment. I do not have to detail this here, because the daily news is full of accounts of abuses of prisoners and of the civilian population in the U.S. occupation of Iraq, as well as the extralegal detention of "enemy combatants" in Guantanamo, denied the protection neither of the Geneva Convention nor the United States Constitution. In the past human rights activists could generally cite the United States as a standard of democratic rights and legal process. Now that standard is collapsing both for citizens and non-citizens within the reach of the U.S. military and security agencies. For example, Italy is

charging several CIA agents with a kidnapping within its borders. It has been documented that the U.S. has been conducting “renditions” of suspected terrorists, i.e. transporting them to third countries where they can be tortured without direct U.S. culpability or accountability. Recently a Syrian-Canadian was arrested during transit through a U.S. airport, and shipped abroad for ten months of torture; released with no evidence against him, he has been denied the right to sue for damages.

If Taiwan does not persevere in setting its own high standard of civil and human rights, and in seeing through the doubletalk of the Bush administration, e.g. the hypocrisy of promoting a constitutional referendum for Iraq but denying it to Taiwan, then there is not likely to be further progress towards democracy, and no way out of the dead end of the One China Policy.

In closing, I wish to say that I appreciate this opportunity to air these grievances, and so am hopeful.