



國家人權委員會
NATIONAL HUMAN RIGHTS
COMMISSION, TAIWAN

From 0 to 100%

The Fight for Freedom of Expression in Taiwan

1945-2020

Chairperson's Preface

Freedom of speech is the bedrock of democracy and the dividing line between progressive or backward civil society.

Freedom of speech represents not only spoken words, publications, and written words, but more importantly, the liberation of the thoughts and ideas they represent.

After World War II, with the formation and operation of the United Nations, safeguarding freedom and human rights became the direction of the international community. Taiwan, however, turned away from international trends, falling under martial law for 38 long years, from 1949 until 1987.

During these dark times for human rights, lasting nearly half a century, we are grateful for having trailblazers that defended the weak but resilient budding flames of democracy in Taiwan with their lives. Particularly in the 1950s, as local elites outside the ruling Kuomintang (KMT, or Chinese Nationalist Party) fought in local elections, Mr. Lei Chen, Professor Yin Hai-kuang, and my mentor, Professor Fu Cheng, were fighting to light the path to democracy in Taiwan with the bimonthly periodical *Free China*.

Free China was forced to shut down in September 1960. For Taiwan, the 1960s was a period of suppressed ideas and speech, but those who carried the torch of *Free China* and the Tangwai (“outside the party”) movement never stopped fighting for freedom and democracy.

In the 1970s, as Taiwan lost its seat in the

UN and the US broke off diplomatic relations with Taiwan, activists continued striving to free Taiwan from the fate of becoming the “orphan of Asia”, producing brilliant yet short-lived periodicals like *Taiwan Political Theory* and *Formosa Magazine*.

The Kaohsiung incident, also known as the Formosa incident or Meilidao incident, was a human rights incident that drew international attention. It also became the watershed of the Taiwan democratization movements, culminating in the wave of unstoppable street protests and calls for democracy in the 1980s.

Although the authoritarian regime was forced to lift the martial law in 1987, laws like the Temporary Provisions Effective During the Period of Communist Rebellion, Betrayers Punishment Act, and Article 100 of the Criminal Code were still an insidious force lurking beneath the surface, ready to do harm.

Mr. Cheng Nan-jung gave his life fighting for absolute freedom of speech in Taiwan and protesting against the draconian laws of authoritarianism. His sacrifice accelerated Taiwan's path to freedom and democracy, brightening the future of Taiwan.

With the abolishment of the Betrayers Punishment Act in 1991 and amendment of Article 100 of the Criminal Code in 1992, the people of Taiwan finally won complete freedom of speech. Looking back, the road to this point was paved with blood and tears.

With the deepening of democracy in Tai-

wan came the strengthening of human rights. 2000 marked Taiwan's first peaceful transition of power between political parties. The push to form the National Human Rights Commission and the ratification of the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights were finally put on the political agenda. After 20 years, we were finally able to overcome all obstacles and establish the National Human Rights Commission, an important step for human rights in Taiwan to fall in line with international standards.

Freedom, democracy, and human rights are hard won, and freedom of speech is the top human rights indicator as well as the bedrock of democracy. From “a stream blocked by countless mountains” to “a river roaring in front of the village”, it took over 70 years for us to get this far. We need to remember how hard won this freedom is, and all the difficulties along the way.

Nowadays, the Internet era poses new challenges to freedom of speech. It is true that freedom, equality, and dignity are the cornerstone of human rights protection. Therefore, the protection of freedom of speech does not include defamation, humiliation, fraud, intimidation, exposure of other's privacy, and other actions that infringe on the human rights of others.

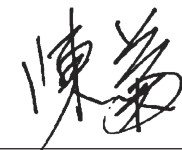
Article 19 of the UN's International Covenant on Civil and Political Rights clearly specifies the rights and obligations of freedom

of speech. Article 20 also legally forbids actions that abuse freedom of speech, such as the incitement of war, hatred, and discrimination.

Particularly, with the rapid development of online communities and self-media, democratic countries that protect free speech become more vulnerable to disinformation that undermines democracy and intensifies social division and antagonism. Finding a way to identify, handle, and reflect on these information in order to make proper responses and adjustments will be the upcoming challenge that the new generation must face to defend human rights.

The compilation of this book aims to examine Taiwan's fight for freedom of speech based on the context of international covenants, comparing the two in order to better understand the history of freedom, democracy, and human rights in Taiwan; and prompt readers to value and cherish the efforts of those who fought for democracy over the decades, to keep them in mind, and to remain thoughtful, discerning, and resolute in action.

National Human Rights Commission Chairperson



Chen Chu

November 2021

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Introduction: The History of Human Rights Development

The United Nations (UN) was founded in 1946 following World War II. Its founding treaty, the Charter of the United Nations, opens by emphasizing that the UN aims “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small”.

The second half of the 20th century was a key period in the development of human rights as a “universal value”. The United Nations further adopted the Universal Declaration of Human Rights on December 10, 1948, which clearly defined the basic human rights affirmed in the Charter. This catalyzed the speed and scope of the development of human rights protections around the world, even more so than the century and a half of influence and progress driven by the US Constitution (1789, the first codified constitution in the world) and the French Revolution.

The concept of human rights gradually developed from a philosophical idea into a constitutional obligation that governments must fulfill and rights protected by law. However, the long roads to reach this point are paved with hardships, blood, and tears.

The UK was the first country to develop an uncoded constitution. The Magna Carta of 1215 stipulates that royal authority must be regulated. The Bill of Rights 1689 included the concept of “due process” to protect civil liberties. Britain was also the usher of the industrial revolution and capitalism, which led to human rights ideas and doctrines. The concept of liberalism proposed by British scholar John Locke in the late 17th century was particularly iconic of this era.

At the beginning of the 18th century, French schol-

ar Montesquieu advocated for “separation of powers” and “checks and balances”. In the middle of the 18th century, French scholar Jean-Jacques Rousseau proposed the concept of “popular sovereignty” and the “social contract” theory. These ideas about human rights and democracy had a huge impact on the United States’ Declaration of Independence and Constitution.

Liberalism fostered open thinking and simultaneously prompted the flourishing of industrialization and capitalism. This brought about scientific and technological advancements and social prosperity. However, it also gave rise to evils such as wealth disparity, labor conflicts, and antagonism between social classes. These would go on to become new challenges for human rights.

The right to freedom developed in the 18th and 19th centuries inevitably became a tool for the wealthy to cling to power. The exploitation and oppression of workers and the disadvantaged under the pretense of freedom of contract planted the seed of instability and strife in society.

Two major schools of thought emerged in order to address the social problems derived from capitalism. The first heavily criticized and even rejected liberalism and capitalism. “Communism” or “socialism” advocated common ownership and a centrally planned economy, aiming to uproot the abuse endorsed by capitalism. Under such system, the government would control production and guarantee equitable distribution of assets.

A communist party is a party that seeks to realize the goals of communism. The Bolsheviks in Russia were the first such faction to successfully carry out a communist revolution in 1917. They would then establish the Union of Soviet Socialist Republics (USSR),

The *Fly Home* monument at the War and Peace Memorial Park and Theme Hall in Cijin, Kaohsiung.
Courtesy of: National Human Rights Commission, Taiwan



or Soviet Union, in 1922. Despite their lofty ideals of social and economic equality, in reality, communist states leave little room for liberalism or democracy and often engage in severe human rights violations.

The other school of thought sought to improve on capitalism, an ideology that is often associated with the concept of “welfare state”. It propounds that the condition of the underprivileged must be ameliorated in order to sustain capitalism. The first steps were to recognize the right of workers to form and join organizations of their own choosing and adjust the “sacred” and “inviolable” right of property, which eventually led to the new “social rights” of the 20th century.

These include realizing substantive freedom and equality in society. Nations must guarantee their people’s right to life, the right to a minimum livelihood, and the right to dignity, as to avoid social disadvantage and protect the right to education and basic labor rights. These “social rights” first appeared in Germany’s con-

stitution, the Constitution of the German Reich or the Weimar Constitution, in 1919, after World War I.

Briefly speaking, these two schools of thought shared the ideal and goal of ending wealth inequality and social conflicts, yet the forms of government each proposed as a solution were radically different.

The first half of the Universal Declaration of Human Rights adopted by the UN in 1948 deals with the right to freedom, developed since the 18th century. Articles 22–29 in the latter half put forward social rights, which had been less prominent in the constitutions of modern European and American constitutional states until that time.

In addition, the UN further passed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1966, which can be said to codify international human rights like the right to freedom and social rights.



March 18–26, 1980 Kaohsiung Incident Military Court Trial. The first public insurrection trial in Taiwan. Aside from Lin Yi-hsiung, who was arranging the funerals for his mother and two young daughters, the remaining 7 defendants were (from the left) Chang Chun-hung, Huang Hsin-chieh, Chen Chu, Yao Chia-wen, Shih Ming-teh, Annette Lu, and Lin Hung-hsuan. Courtesy of: Central News Agency

Chapter 1

Martial Law: Derailing From International Human Rights Trends

- I. Freedom of Speech and the Universal Declaration of Human Rights
- II. “Limited Democracy” and the Fight of *Free China*
- III. The Legacy and Resurgence of Tangwai Magazines

I. Freedom of Speech and the Universal Declaration of Human Rights



Eleanor Roosevelt, US first lady and Chairperson of the Commission on Human Rights, holding a poster for the Universal Declaration of Human Rights

Source: FDR Presidential Library & Museum, Photo courtesy of: (CC BY 2.0)  <https://www.flickr.com/photos/fdrlibrary/27758131387/>

In their early stages, basic human rights mainly addressed the civil liberties of individual citizens, including protection of the right to life and property rights, as well as the right to freedom of thought and freedom of speech. In other words, they sought to uphold freedom of expression. The earliest development

of human rights mainly included personal freedom, spiritual freedom (thoughts and expressions), and property rights. Autocracies often cause serious and irreversible human rights violations, the most common and explicit of which are violations of personal freedom.

The principles of legality, due process, trial by legislature, and judicial independence are all concepts of human rights protection developed to prevent arbitrary arrest, detention, trials, and even torture.

However, the most critical indicator for the development of human rights and democracy is freedom of speech. In other words, how would a government protect personal freedoms and property rights, or even implement legislative democracy, administration according to law, and judicial independence as required by democratic constitutionalism, if it cannot even guarantee the freedom of speech?

The Meaning and Function of Free Speech

The goals and functions of protecting freedom of thought and freedom of speech are as follows:

1.Promote exchange of knowledge and information: Allow all citizens to be free to access all the knowledge and information they want to learn and explore, thereby allowing them to enrich their thinking, form new opinions, and experience self-growth and a sense of achievement.

2.Facilitate economic development and social progress: The constant emergence of groundbreaking inventions and knowledge stimulates the development of science, technology, and the economy, thereby driving social progress.

3.Fulfill democratic politics: Giving people the power is a right and an obligation. The ability for all citizens to freely exchange information and communicate ideas for the general public to have the ability to judge is a prerequisite for democracy. It is an important precondition and function, whether the people are supervising the government or voting in an election.

Therefore, throughout the history of human rights, freedom of speech and freedom of expression have often given rise to friction and conflict. The Universal

Declaration of Human Rights lists “the freedom of opinion and expression” in Article 19, while “freedom of assembly and association” and “political freedom and the people’s authority” are listed in the following Article 20 and Article 21, fully illustrating the connection between the three.

Article 19 states that, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The “freedom to hold opinions without interference” not only protects against unreasonable punishment from rulers “after the fact”, but also prohibits countries from reviewing and restricting expressions “ahead of time”.

Authoritarian countries often implement a review system for news and films in order to control the minds of the people, mandating that publications must go through an application and approval process. This not only severely infringes on freedom of speech, but also stifles the people’s “right to know”.

Article 20 states that, “(1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.”

“Freedom of assembly” is also a “short and collective” way for a group of people to exercise their freedom of expression. In other words, it is a gathering of people indoors or outdoors for a short period of time for a common cause. Whether conducted at a fixed point (sit-ins) or on the move (protest marches), it is the right to collective expression of an opinion.

Freedom of assembly has the function of promoting direct communication of opinions among citizens. It is also vital to effectively display public opinion and fulfill the role of democracy. Therefore, countries

are prohibited from taking improper disciplinary actions, including arbitrarily interfering with gatherings, demonstrations, and the content of people's demands.

Another collective means of freedom of expression, "freedom of association" means that a group of people has the right to freely form a "sustained" organization based on common ideas or goals, such as political parties, art collectives, academic associations, social outreach teams, and business associations, in order to leverage collective strength to achieve goals faster.

Article 21 states that "(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right to equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine

elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

China's Half-Century Long Dream of Democratic Constitutionalism

Since the late Qing era, China was constantly engulfed in war, with imperialist powers vying to carve up China. Immediately after, the country descended into a civil war, with warlords dividing up the nation, and Japanese invasions came next. From these hardships emerged thinkers who pondered what would be best for the future of China. At the same time, there was no centralized and unified government after the collapse of the Qing empire. Several factions arose and, thanks to Western influences, many intellectual elites developed dreams of democratic constitutional-

ism. It is worth mentioning that after the end of World War I, under the League of Nations, the Republic of China (ROC) actively participated in the International Labour Organization, the World Health Organization, and the Permanent Court of International Justice, as well as attended activities of international organizations related to human rights.

After the war, the ROC became one of the founding members of the United Nations. P. C. Chang, then representative of the Republic of China in the United Nations Security Council and vice chairman of the Human Rights Commission, was well-respected by fellow members of the Commission for his knowledge of human rights and greatly influenced the content drafted in the Universal Declaration of Human Rights.

With a background in education, P. C. Chang advocated conscience and rationality as the bases of human rights. To avoid the monopolization of Western theology, he cleverly provided an Asian perspective. He also played a key role in establishing the universality of the Universal Declaration of Human Rights.

The constitutional dream of Chinese intellectual elites stemmed from an admiration of democratic developed countries in North America and Europe. The elites also looked to Japan, a fellow Asian country that seemed to have been reborn after establishing constitutional monarchy (the Meiji Constitution) in 1889. There was an attempt to do the same in the late Qing era, but unfortunately, it ended in failure. After the fall of the Qing dynasty, different political forces successively proposed no fewer than 10 different drafts for a constitution in order to secure the political moral high ground.

Regarding freedom of speech, when Dr. Sun Yat-sen proclaimed the "10 Great Faults of the Qing Government" in 1904, he mentioned "suppression of our intellectual development; prohibition of the freedom of speech". Like liberalism scholar Yin Hai-kuang

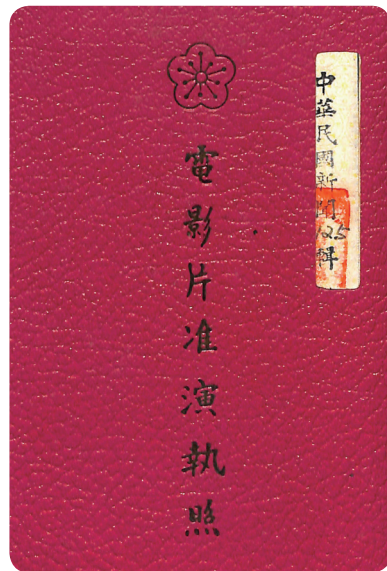
once said, this was the "official start of China's struggle for human rights in modern times".

In another example, when Sun Yat-sen took office as the provisional president in 1912, the Provisional Constitution of the Republic of China passed by the provisional congress had articles regarding human rights that covered popular sovereignty, personal freedom, freedom of expression, freedom of assembly and association, property rights, the right to vote, and the right to stand as a candidate.

However, since China did not have universal education at the time, the general population remained uneducated, so human rights awareness only flourished among elites who had the chance to learn about Western ideas and thought independently. Afterwards, years of war and chaos and political forces that refused to cooperate, even putting selfish gains first, made the road to democratic constitutionalism extremely difficult.

After World War II, political negotiations were made and constitutional assemblies were held. Even though the Chinese Communist Party and the China Democratic League refused to attend, the Constitution of the Republic of China was finally passed at the end of 1946 and adopted on December 25, 1947, ahead of the passing of the Universal Declaration of Human Rights, which is a testament to how eager those in both ruling and opposition parties were to establish a democratic constitutional government.

However, the tide turned with the Chinese Civil War. Ironically, the first action of the National Assembly, which had just been established according to the constitution, was to pass the Temporary Provisions Effective During the Period of Communist Rebellion, Betrayers Punishment Act in May 1948. As a result, many important articles for separation of powers in the Constitution of the Republic China, which had been adopted for less than six months, was frozen in order to expand the power of the president.



Film permit of the Government Information Office, Executive Yuan from the 1960s.
Courtesy of: Kao Chuan-chi



Film permit for the 1975 Republic of China News Vol. 1125.
Courtesy of: Kao Chuan-chi

The Two Covenants Signed but Not Ratified Under Martial Law

After World War II, the ROC became one of the founding members of the United Nations. P. C. Chang, then representative of the Republic of China in the United Nations Security Council and vice chairman of the Human Rights Commission, was well-respected by fellow members of the Commission for his knowledge of human rights and greatly influenced the content drafted in the Universal Declaration of Human Rights.

With a background in education, P. C. Chang advocated conscience and rationality as the bases of human rights. To avoid monopolization by Western theology, he cleverly provided an Asian perspective. He also played a key role in establishing the universality of the Universal Declaration of Human Rights.

Regrettably, martial law was declared in Taiwan on May 20, 1949. On December 7 of the same year, the ROC government relocated the capital to Taipei, Taiwan as per a presidential order. A number of intellectuals that opposed communism and supported liberalism—Lei Chen, Yin Hai-kuang, Hsu Fu-kuan, Tso Shun-sheng, Hsia Tao-ping, and Fu Cheng, to mention a few—migrated along to Taiwan and continued their fight for democracy and constitutionalism in this land.

In 1966, the UN further codified the Universal Declaration of Human Rights, passing the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which are generally referred to as the “two covenants”. The ROC government, now in Taiwan, quickly signed the two covenants in 1967, but did not ratify them in parliament (Legislative Yuan), even by the time the ROC lost its representation of China in 1971.

The biggest problem with not ratifying the two covenants is that the government still imposed martial law with strict human rights restrictions within the area of its effective jurisdiction (Taiwan, Penghu, Kinmen, and Matsu), never fulfilling its obligations as a signatory to implement rights according to the covenants.

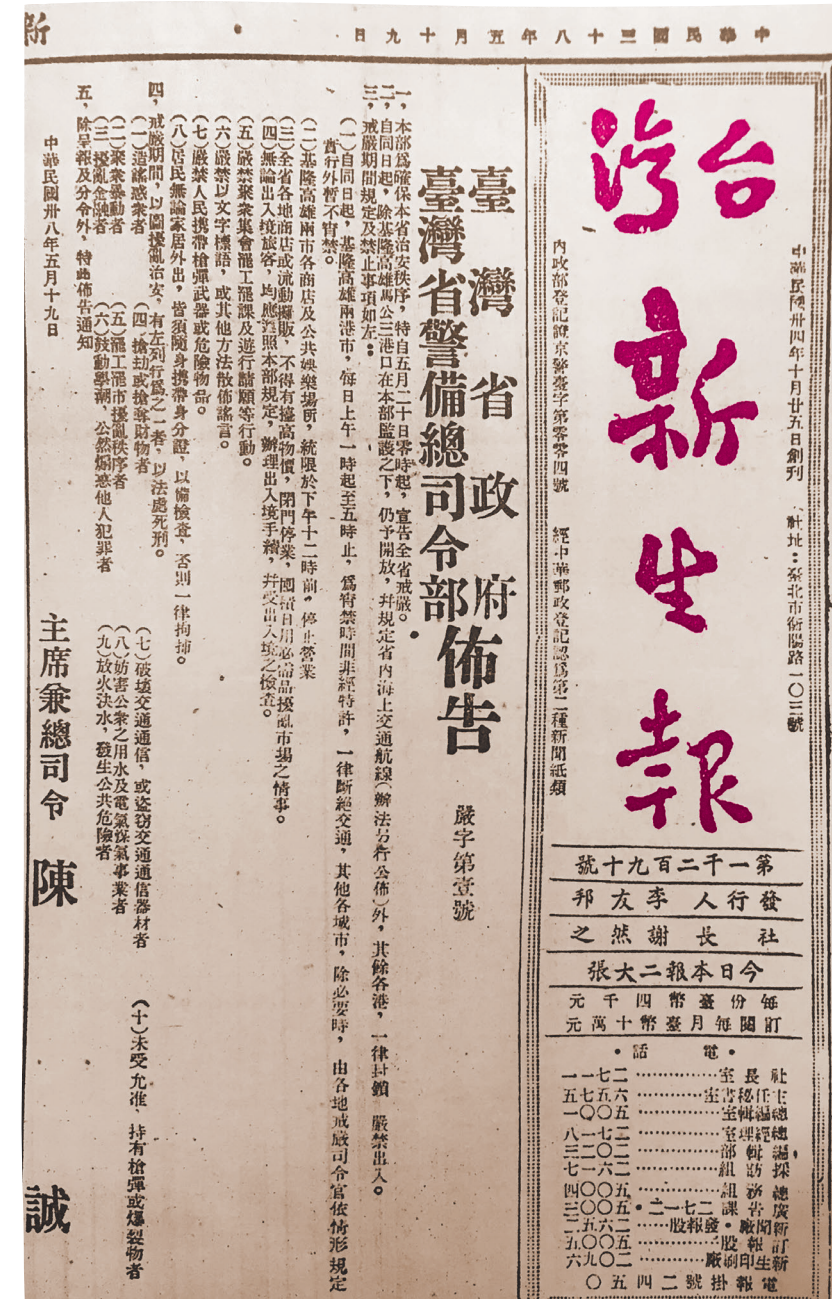
The Kuomintang (KMT, or Chinese Nationalist Party) had full power at the time. It would have been easy to have the Legislative Yuan ratify the two covenants. However, a “covenant” is different from a “declaration”. Once the two covenants were ratified and sent to the United Nations, completing procedures for the ROC to be a formal signatory, the government would have had to abolish the martial law and other controlling measures to pass the review of the UN Commission on Human Rights.

Articles 19, 21, and 22 of the International Covenant on Civil and Political Rights specifically stipulate freedom of expression, freedom of assembly, and freedom of association, all of which were severely denied by the Martial Law in Taiwan.

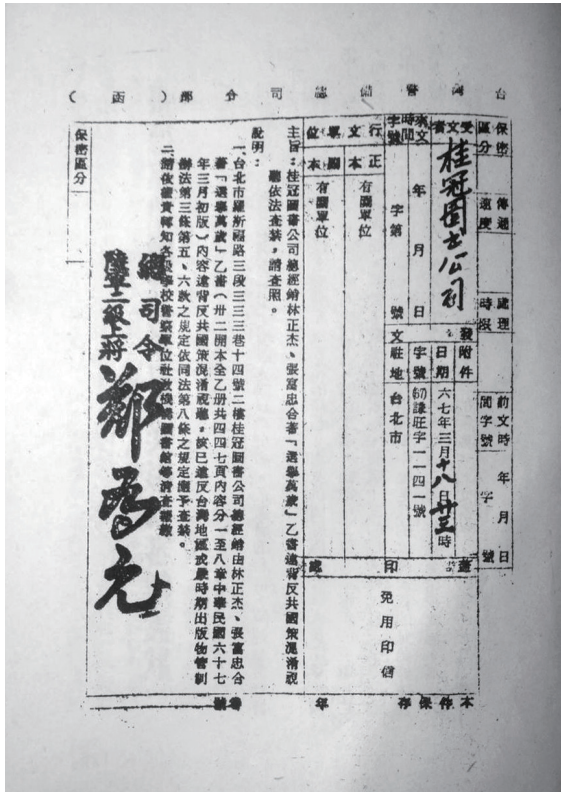
According to Article 11 of the Martial Law, the first power that “the commander-in-chief within an area under martial law” has is “the power to stop assembly, association, demonstration, and petition and to ban speech, lectures, newspapers, magazines, illustrated notices, slogans, and other publications”.

The martial law also gave the commander-in-chief the right to limit or prohibit religious activities, ban strikes, “open mail and telegrams and withhold or confiscate them when necessary”, and interrogate suspects. In total, there are 11 violations related to the denial of freedom of religion, labor rights of association, privacy in communications, personal freedom, and property rights stipulated in the two covenants.

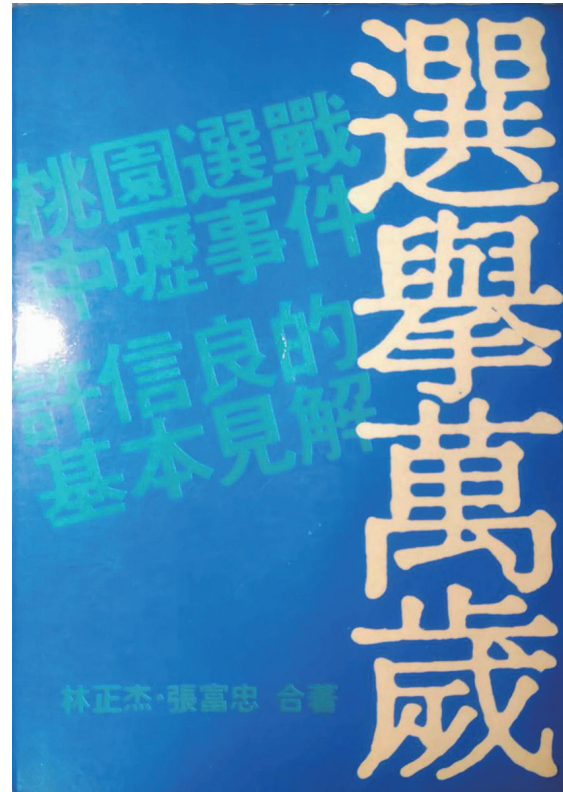
Article 7 of the Martial Law also stipulates that local administrative officers, judges, and prosecutors



May 19, 1949: Declaration of Martial Law published in *Taiwan Shin Sheng Daily News*. Courtesy of: Academia Historica



Official documents banning the periodical *Long Live Elections* Courtesy of: Liao Wei-min



The cover of *Long Live Elections* Courtesy of: Liao Wei-min

shall take orders from the supreme commander of the area under martial law. In addition, Article 8 specifically gives the military discretionary power over 10 criminal offenses that should be tried judicially, stipulating that “military agencies may try cases on their own or hand them over to general courts”.

These 10 criminal offenses include Offenses Against the Internal Security of the State, Offenses Against the External Security of the State, Offenses of Interference with Public Order, Offenses Against Public Safety, Offenses of Counterfeiting Currency, Offenses of Counterfeiting Securities, Offenses of Forging Instruments or Seals, Offenses of Homicide, Offenses Against Abandonment, Offenses of Abrupt Taking, Robbery and Piracy, Offenses of Extortion and Kidnapping for Ransom, Offenses of Destruction, Abandonment, and Damage of Property.

In other words, Article 7 and Article 8 of the Martial Law not only violate the separation of powers and checks and balances but also severely infringe judicial rights. They also violate Article 9 of the Constitution of the Republic of China, which stipulates that “except for those in active military service, no person shall be subject to trial by a military tribunal.”

Additionally, they also fail to comply with Articles 6 to 11 of the International Covenant on Civil and Political Rights, which has provisions concerning personal freedom requiring “principle of legality”, “due process”, “prohibition of torture”, and “fair and impartial trials”.

Over 30 regulations were enacted according to the Martial Law, and they had far-reaching influences. The so-called political party ban, press ban, the Government Information Office’s film and TV show inspection system (all films and TV shows must be

submitted for review), and even school hairstyle regulations stemmed from these regulations.

These regulations included the Measures for the Implementation of Regulations to Prevent Illegal Assemblies, Associations, Demonstrations, Petitions, and Strikes During Martial Law; Regulations Governing Newspapers, Periodicals, and Books under Martial Law; Betrayers Punishment Act; Regulations on Reporting and Purging Communist Spies; and Educational Guidelines During the Nation’s Reconstruction Period.

In a constitutional democracy, martial law is supposed to be an emergency power in times of major natural disasters, invasion, or civil conflicts, authorizing the leader of the nation to adopt emergency measures or military control to *temporarily* restrict people’s *partial freedom* in proportion to the state of emergency.

Article 4 of the International Covenant on Civil and Political Rights also has provisions on the exercise of national emergency powers. However, martial law typically lasts for a short period of time and must be reviewed and ratified by the parliament being announced. Parliament should also examine whether the emergency measures taken are excessive.

However, the authoritarian government used “suppression of communist rebellion” and “anti-communist and anti-Russian aggression” as political excuses to impose martial law for 38 years and 56 days. Furthermore, the National Assembly had not undergone a complete re-election at the time and did not legitimately represent the general will of the people in Taiwan. These were serious violations of the International Covenant on Civil and Political Rights signed by the ROC.

October 10, 1962: Young students attending the National Day ceremony holding portraits of Dr. Sun Yat-sen and Chiang Kai-shek. Courtesy of: Huang Yen-wen



II. "Limited Democracy" and the Fight of *Free China*

The half-century-long era of Japanese rule in Taiwan ended on October 25, 1945. The Republic of China took over Taiwan on behalf of the Allied Forces. The Taiwanese people, who had just weathered World War II, were mostly overjoyed and eager to start a new era, especially intellectuals who were unhappy with Japan's colonization of Taiwan and already harbored nationalist sentiments.

However, some of the soldiers that came to Taiwan abused their power, resulting in constant social unrest that culminated in the February 28 incident (also rendered as the February 28 massacre, the 228 incident, or the 228 massacre), which occurred in the spring of 1947. From north to south, local gentry and intel-

lectuals in Taiwan were massacred indiscriminately, arrested, and executed by the army.

Japanese Publications Were Strictly Forbidden, Robbing a Generation of Taiwanese Local Intellectuals of Their Voices

In just little over a year, the initial joy that Taiwanese people felt soured into dark times of fear and pain. The February 28 incident left a scar on Taiwanese society, making people fearful of discussing politics publicly. Additionally, the government strictly prohibited Japanese newspapers, magazines, and pub-

lications. Many up-and-coming novelists and writers were forced to give up their craft.

Article 19 of the Universal Declaration of Human Rights, which the ROC government helped draft and signed, states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Doctrines about protecting freedom of speech have been around for more than two hundred years, so provisions in the Declaration were hardly groundbreaking. After World War II, developed countries in North America and Europe established the right of citizens to "absorb" and "spread" information freely in various languages.

In Taiwan, however, a generation of people who received education in Japanese lost the freedom to "express their thoughts" and "distribute opinions and information" through publications and media. A generation was robbed of their voice. The only brief and limited "speech reprieve" they got were electoral campaign speeches, which could be given in local languages.

Professor Peng Ming-min, who returned to Taiwan from Tokyo Imperial University after World War II, once recalled, "During the second half of my life, I was thrust into the Chinese world utterly unprepared. I had to learn to speak, listen and write anew." Peng Ming-min frequently talked about how neither he nor National Taiwan University (NTU) professor Liu Ching-jui (professor of constitutional theory at NTU who studied abroad at Tokyo Imperial University) knew Chinese. Thankfully, Professor Sa Meng-wu (Dean of NTU's College of Law), who came from China, took them under his wing and encouraged them to publish theses for the College's collections.

Sa Meng-wu told them, "Just write in Japanese-influenced Chinese, I can help you edit it." And thus,

their Chinese improved through pages after pages of revisions and edits. When Peng Ming-min published *Collection of Final Writings* in 2021, he wrote in the preface, "With the greatest gratitude of someone who is almost 100 years old, I dedicate this book to Mr. Sa Meng-wu." This clearly reveals how difficult it was for the generation of Taiwanese intellectuals who had been educated in Japanese to access information or express their opinions in 1950s' Taiwan; they simply couldn't do so in a language familiar to them. The protection and enforcement of freedom of speech and freedom of expression were only a remote possibility.

Fortunately, Taiwan in the 1950s still had intellectuals from China who, like Sa Meng-wu, advocated democratic constitutionalism. These intellectuals, including Lei Chen, Yin Hai-kuang, and Fu Cheng, always stayed true to liberalism and fought for democracy through Tangwai ("outside the part") magazines, the most iconic being the bi-monthly *Free China*.

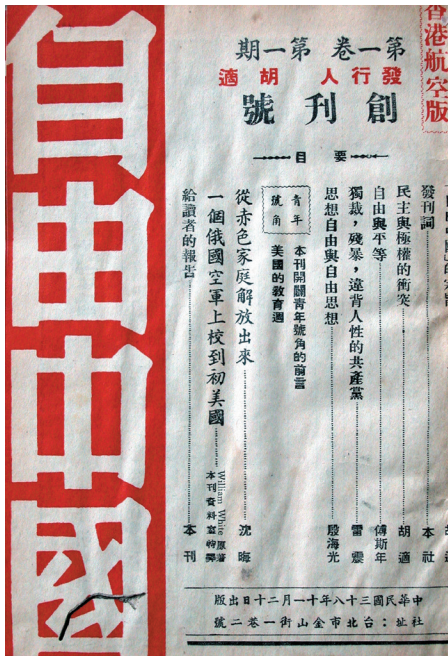
Other Tangwai magazines included *Democratic Wave*, *Autonomy*, *Freedom*, and *Times and Tides*. Word of how early Taiwanese Tangwai elites spoke out for the people in councils also spread thanks to the reporting of mainland reporters.

***Free China*—The Most Important Enlightening Publication Under Martial Law (1949-1960)**

Basically, *Free China* started out as a KMT publication. The journal's director, Lei Chen (1897-1979), once represented the KMT as the secretary-general of the Political Consultative Conference and was responsible for negotiating with the Young China Party and China Democratic Socialist Party (once part of the China Democratic League) to participate in the constitutional assembly. As a result, he was once part of the anti-communist, pro-Chiang Kai-shek group that was close to the KMT's inner circle.



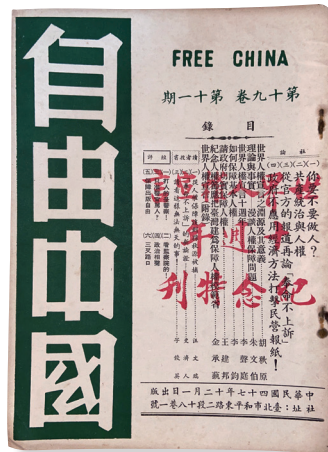
Kuo Yu-hsin, who was repeatedly re-elected and served as a provincial councilor for 22 years since 1951, and was known as the "steel cannon of the council" and "representative of farmers", thanking people in Yilan City for their votes. Courtesy of: Sherman S. Kuo



The first issue of *Free China*. Courtesy of: Nylon Cheng Liberty Foundation



The debut issue of *Free China* published on October 31, 1956 — the "birthday special edition" — shook society. This is the cover of the 5th edition, and it sold so well that a total of nine editions were published until March of the following year. Courtesy of: Huang Yu-shun



Special edition of *Free China* commemorating the 10th anniversary of the Universal Declaration of Human Rights, published in December 1958. Courtesy of: Huang Yu-shun

Lei Chen's original intention in founding the publication was based on the belief that, after the Constitution was enacted, it was important to enlighten and inspire the people. With the KMT losing in the Chinese Civil War, he quickly reached a consensus on "anti-communism through democracy" with KMT leaders. He also hoped to reverse the unfavorable image of the Chiang regime.

The plan was to establish the publication in Shanghai, but due to the circumstances, the journal was instead founded in Taipei on November 20, 1949. At the time, Chiang Kai-shek's regime needed the endorsement of intellectuals to bolster its political image in order to gain support from the US, so it provided much financial support to the periodical. However, in June 1950, just over half a year later, the Korean War

broke out, the US readjusted its strategy in Asia, and Chiang Kai-shek no longer needed to keep up this political facade. In May 1951, *Free China* began to be targeted by the Taiwan Garrison Command.

With his constitutional knowledge and past relationship with Chiang Kai-shek, Lei Chen could have had a successful political career if he had been willing to submit. But Lei Chen chose the side of democracy, enlightenment, and political commentary. The most astonishing issue, a bestseller for months, was the

"birthday special edition" published on October 31, 1956.

The issue was published ahead of Chiang Kai-shek's 70th birthday. It was a high-profile declaration through the media calling for "examination and acceptance of good advice" and for people to "replace birthday wishes with constructive suggestions". *Free China* then published "suggestions" from 15 renowned scholars, including Hu Shih, Tao Pei-chuan, Lei Chen, Hsu Fu-kuan, and Hsia Tao-ping.



Photo from 1960. The ones standing are (from the right) Wu San-lien, Kuo Yu-hsin, Hu Shih, and Lee Wan-chu. Courtesy of: Chiu Wan-hsing



Lei Chen attending Linda Gail Arrigo's wedding in 1978. Courtesy of: Linda Gail Arrigo

These “suggestions” included: establishing a democratic political system, fostering a strong opposition party, effectively safeguarding freedom of speech, nationalizing the military, safeguarding judicial independence, normalizing education, and promptly convening an anti-communist national salvation conference. Although the articles were polite and full of honorifics, they reflected the reality of the martial law system, and every word seemed to imply sarcasm and criticism.

The “birthday special edition” became a bestseller, drawing full-on suppression from the party, government, army, and media. They denounced the writings as “ideological smuggling, paving the way for the communists’ scheme of unification” and even set the stage for a long-term public opinion battle, widely disseminating so-called “Attack on Toxic Ideology” pamphlets, which denounced freedom of speech, nationalization of the military, and liberalization of edu-

cation that *Free China* advocated for as “toxic ideas” to further the goals of communists.

Lei Chen was Sentenced to 10 Years for Establishing the China Democratic Party

Two things occurred in 1960 that ruined their relationship irrevocably: The first was Lei Chen’s opposition to Chiang Kai-shek’s re-election to another term in violation of the Constitution. The other was Lei Chen establishing a new political party. Chiang Kai-shek’s second term as president was about to expire on May 20 that year. The media, which was controlled by the KMT, government, and military, began reporting how “people of all sectors” proposed and even begged for the Constitution to be amended, fanning public opinion to make way for lifting the presidential term limit. This prompted many editorials and special articles from *Free China* calling for protection of the Constitution and expressing strong dissent.

However, though the National Assembly gave up on amending the constitution during their assembly in March 1960, they passed the additional Article 3 of the Temporary Provisions Effective During the Period of Communist Rebellion, which stipulates that “during times of rebellion, the President and Vice-president may be re-elected regardless of the term limit specified by Article 47 of the Constitution”, successfully ensuring Chiang Kai-shek was re-elected to a 5th term (each presidential term lasting 6 years) until he died during his term in 1975.

Failing to stop Chiang Kai-shek from being re-elected against the Constitution, Lei Chen’s tried to attain his dream of democracy in a new way: forming a new political party with Tangwai representatives and officials. A total of 72 people, including Lee Wan-chu, Kao Yu-shu, Wu San-lien, Kuo Yu-hsin, Kuo Kuo-chi, and Yang Chin-hu, met in Taipei on May 18 and reached a consensus. They held symposiums



Group photo of the staff of *Free China*. In the back row are founder Lei Chen (4th from the right) and lead writer Yin Hai-kuang (2nd from the right). The 2nd from the left in the front row is editor-in-chief Fu Cheng.

at various locations in July and August, announcing that they would be establishing the China Democratic Party in September.

Lei Chen went to these symposiums to prepare for starting the new party, where he was so well-

received by Tangwai supporters that he wrote down how touched he was in his diary. However, every symposium faced interference and intimidation from the military and police, and tension remained as both sides attacking each other with pen and paper.



Lei Chen.
Photographer: Pan Hsiao-hsia



Control Yuan member Sung Ying, who campaigned for her husband Lei Chen, reading relevant documents at the Control Yuan.
Photographer: Huang Yen-wen

On September 1, Lei Chen issued an emergency announcement saying that he would “file a complaint for the interference those forming the party faced in recent days”, and resolutely stated that “the movement to form a new party has already become the unanimous wish of those in the movement for democracy and against communism both at home and abroad, as well as domestic grassroots trend.”

Three days later, however, the Taiwan Garrison Command arrested Lei Chen on “suspicion of sedition” and sent him to be tried in a military court. Also arrested were editor-in-chief Fu Cheng, manager Ma Chih-hsiao, and former accountant Liu Tzu-ying. This arrest shocked society. People of all sectors, regardless of mainlander-islander status, pleaded Lei Chen’s case.

Lei Chen’s wife Sung Ying was a member of the Control Yuan. She quickly applied to the court to bring Lei Chen to trial per Article 8 of the Constitution (regarding “legal due process” on personal freedom) and relevant provisions of the Habeas Corpus Act, but all her appeals were rejected.

Yunlin County councilor Su Tong-chi made a

proposal in the Council calling on Chiang Kai-shek to release Lei Chen, calling him a patriotic intellectual. The proposal passed unanimously. Out of the 45 councilors at the time, 39 were in the KMT (a majority of which were Taiwanese), clearly showing how well-loved Lei Chen was by the public.

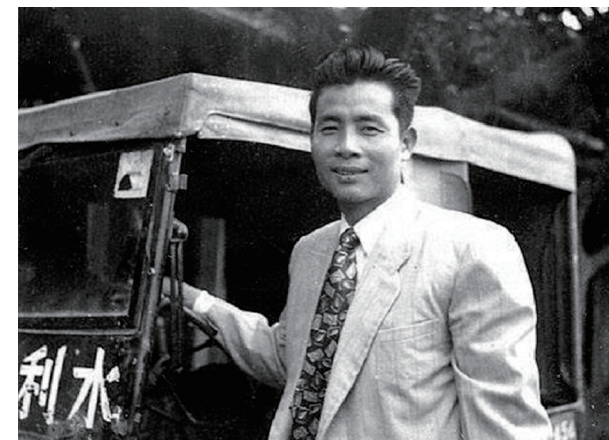
But these efforts only made Chiang Kai-shek angry and wary. He personally presided over several meetings at the Office of the President to discuss Lei Chen’s sentence. In the end, he personally signed an official document on October 8 decreeing that “Lei (Chen)’s sentence shall be no fewer than 10 years”. That afternoon, the military court sentenced Lei Chen to 10 years under the charges of “harboring communists” and “spreading communist propaganda”.

“Harboring communists” and “spreading communist propaganda” were common charges during the White Terror. These charges violated Article 11 of the Constitution of the Republic of China as well as Article 19 of the Universal Declaration of Human Rights, both of which protect freedom of expression and the right of “non-expression”, or the right to remain silent.

After Lei Chen was sentenced to 10 years, Tao Pei-chuan and four other members of the Control Yuan formed the “Lei Chen Case Investigation Taskforce”, pointing out how the case was mishandled in their investigation report and passing a corrective case, but none of these efforts managed to change Chiang Kai-shek’s decree.

The China Democratic Party had been on the cusp of establishment. After the Lei Chen incident, Lee Wan-chu and other leaders of the Tangwai movement firstly held an assembly to elect a convener. They announced the founding of the China Democratic Party Preparatory Committee and issued a declaration of dissent with regard to the Lei Chen case, stating that they would not give up on the efforts for forming a political party.

On September 25 of the same year, more than a dozen of individuals, including Lee Wan-chu, Kao Yu-shu, Hsia Tao-sheng, Wang Ti, Kuo Yu-hsin, Yeh Ping-huang, Su Tung-chi, and Huang Yu-chiao, held the first meeting of the Preparatory Committee and passed two proposals: First, they jointly elected a spokesperson and sent a letter to the Taiwan Garrison Command requesting the return of all documents and information regarding the foundation of the new party. Second, they announced that the litigation costs incurred due to the indictment of “one of the party’s spokespersons, Lei Chen” would be jointly borne by the Preparatory Committee of the party.



Su Tong-chi (1923-1992)
While serving as Yunlin County councilor, he made a proposal calling for President Chiang Kai-shek to release the patriotic intellectual Lei Chen, which passed unanimously.

Source: Yunlin National Cultural Memory Bank; this photo is from: (CC BY-SA 3.0 TW) <http://data.yunlin-memory.cool/taxonomy/term/639>

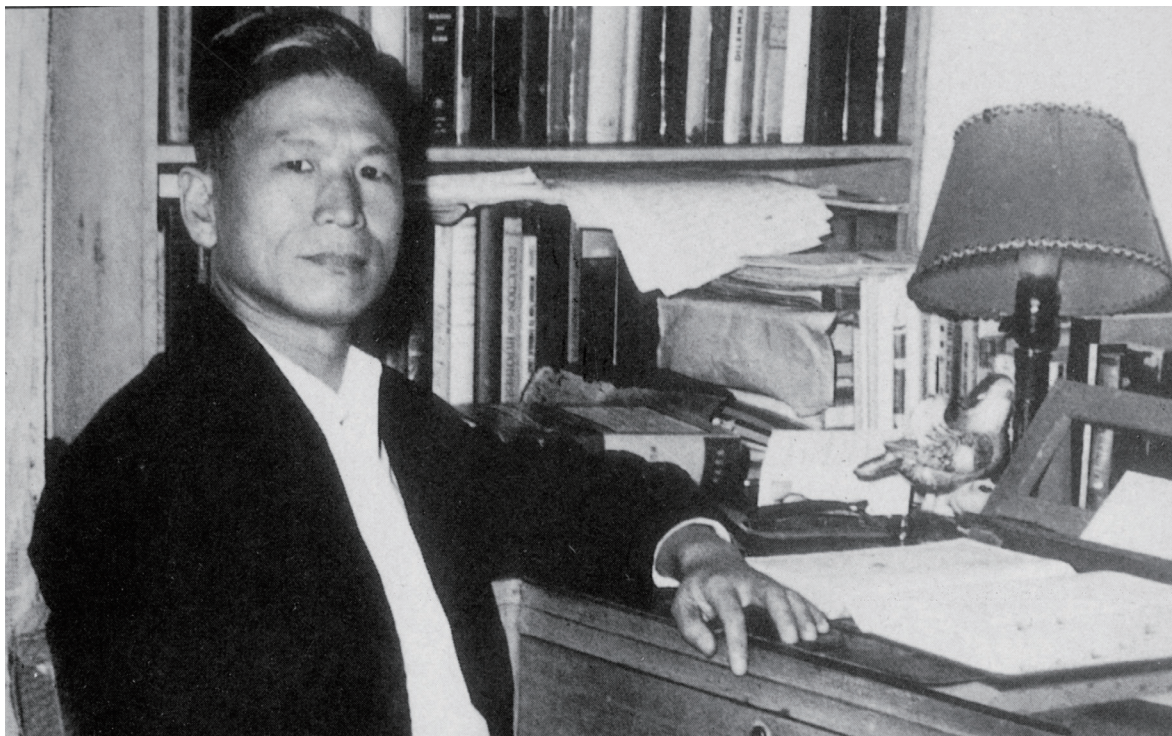
Nonetheless, afterwards, each and every one of them were subject to crippling intimidation and suppression. Many were accused with speech crimes and brought into submission through an unbearable load of lawsuits. Foundation of the party was finally strangled and the movement eventually lost momentum.

The Three Champions of Democracy Under Martial Law!

Lei Chen, Fu Cheng, and Yin Hai-kuang

Lei Chen’s Tangwai supporters discussed the case in their areas and lamented about his sentence. In addition to the reputation of *Free China* in Taiwan, the fact that Lei Chen studied constitutional law in Japan in his youth—allowing him to overcome the language barrier in Taiwan—and his close interactions with Tangwai elites are some of the biggest reasons why he was so well-respected by grassroots Taiwanese even though he was a mainlander from China.

Particularly, Lei Chen’s belief in freedom, democracy, and equality won the hearts of the Taiwanese people. An editorial in the July 1958 issue of *Free China* reads, “**There is not a single Taiwanese local in any agency of the central government. Will this convince the Taiwanese people that we have restored their place as masters of their own country?**”



Liberalism scholar Yin Hai-kuang. Although he died young, he was hailed as "an enlightening teacher they never met" by many younger members of the Tangwai movement for the articles and writings he left behind. Courtesy of: Yin Hai-Kuang Foundation

Free China began as a forum for scholars to discuss politics that did not have a mass base. But once the appeal for political discussion of the periodical joined forces with local Tangwai elites, who did have a base among the masses, to form a new political party, they became an intolerable presence for the authoritarian regime, whose ruling foundation and legitimacy were becoming increasingly fragile.

Though Yin Hai-kuang (1919-1969) faced no jail time, he was suspended from his faculty position at NTU's Department of Philosophy and closely surveilled by intelligence services. Publishers were even threatened and prohibited from publishing and reprinting his works, just to cut off his royalties. Yin Hai-kuang did not get to see Lei Chen get out from prison. He suffered from gastric cancer and passed away in his prime, before the age of 50, in 1969.

Nevertheless, *Free China* and the works of Yin Hai-kuang had far-reaching influences on the movement for democracy in Taiwan. Since 1975, many among the new generation of Tangwai activists that joined the opposition movement in Taiwan said that they stumbled upon *Free China* and articles by Yin Hai-kuang and were deeply inspired by them, even hailing Yin Hai-kuang as an "enlightening teacher they never met".

Chen Chung-hsin (born 1949, pen name Hang-chih), editor-in-chief of *Formosa Magazine* and victim of the Kaohsiung incident, felt similarly. After joining the Tangwai magazine *The Eighties* in 1979, he persuaded founder Kang Ning-hsiang to compile the articles of *Free China* to serve as a theoretical weapon for democratic education, an idea that was quickly affirmed and supported.

He compiled four issues, including "Local Autonomy and Elections", "Judicial Independence", "Freedom of Speech", and "The Opposition Party Question". He had plans to compile issues on three additional topics, "Freedom", "Democracy", and "General Introduction", but he became busy working on *Formosa Magazine* and was later jailed.

Under the martial law, Fu Cheng (1927-1991) was known as one of the "three champions of freedom and democracy" along with Lei Chen and Yin Hai-kuang. They were also the very few activists that participated in the establishment of both the China Democratic Party and the Democratic Progressive Party. His association with *Free China* went from being a reader, to submitting articles for the journal, to being invited by Lei Chen to serve as editor-in-chief and Lei's secretary.

Fu Cheng was only 33 when he was arrested and jailed. Without a judicial trial, he was sentenced to three years of reformation. Upon finishing his sentence, he was condemned for "failing to reform ideologies sympathetic to communists" and was locked for three additional years. In addition to the many articles he wrote criticizing the National Salvation Corps and how the KMT used the national treasury as its party treasury, the biggest reasons for Fu Cheng's persecution were two articles he wrote opposing Chiang Kai-shek's seeking of re-election in violation of the constitution.

"To Protect the Constitution? Or to Destroy the Constitution? — May the National Assembly Decide Wisely" and "How Can the President's 'Personal' Grand Justice Abuse Interpretation Powers?" Fu Cheng was charged with "attempting to coerce the



Mr. Fu Cheng, the only activist to participate in the formation of both the China Democratic Party and the Democratic Progressive Party, who remained active on the streets after the lifting of the martial law. Photographer: Huang Yen-wen



September 4, 1994: 30th anniversary of the Declaration of Formosan Self-Salvation. (From the left) Hsieh Tsung-min, Peng Ming-min, and Wei Ting-chao accepting flowers. Courtesy of: Chang Ching-hui

National Assembly into implementing personal opinions through writing” and “falsely referring to the Grand Justice as a tool of the President”.

After helping Lei Chen complete “Advice on Saving the Nation for its Survival”, Fu Cheng resolved to stop writing about politics. However, he was deeply troubled by the Kaohsiung incident that occurred in late December of 1979 and rejoined the Tangwai movement. Fu Cheng played an instrumental role in founding the Democratic Progressive Party in 1986 despite the political party ban.

Declaration of Formosan Self-Salvation — A Pamphlet That Cannot be Disseminated (1964)

“One China, One Taiwan” has long been a solid truth! In Europe, America, Africa, or Asia, the recognition of the Chinese Communists does not affect the world’s acceptance of “One China, One Taiwan.”

Over 20 years later, in the 21st century, these words seem like “news” that often appear in the political section, but this sentence is one of the most

stunning and prophetic parts of the Declaration of Formosan Self-Salvation—nearly 6,000 characters in length—drafted by Peng Ming-min, Wei Ting-chao, and Hsieh Tsung-min in 1964, over half a century ago. Unfortunately, being a “prophet” is a sin under martial law.

The Declaration believes that the Chiang regime, having deserted Mainland China and its people, cannot represent China. The regime refuses to implement democracy, therefore it cannot represent Taiwan. It cannot even represent the KMT, which led a revolution in pursuit of freedom and democracy. The declaration even states that, “if the government sticks to its positions and policies, it will one day be expelled from the United Nations.” Interestingly enough, the

word “expel” was actually used in the United Nations General Assembly Resolution 2758.

The Declaration of Formosan Self-Salvation states under “Our Goals”:

I. Realize that the “re-conquest of China” is impossible. Overthrow the Chiang Kai-shek regime. Gather the strength of the 12 million people, regardless of their ancestral home, to build a new nation and establish a new government.

II. Adopt a new constitution to protect the basic human rights. Establish an effective government that is responsible to the National Assembly. Accomplish true democracy.

III. As a member of the free world, rejoin the United Nations and establish diplomatic ties with all peace-loving countries, and work together towards world peace.

10 thousand copies of the declaration were printed. The plan was to disseminate them to Tangwai representatives at all levels, as well as well-respected doctors, teachers, civil servants, and military personnel. Although the printing process was extremely discreet and kept in secret, they could not escape the intensive social surveillance. All three writers of the declaration were arrested on September 20.

The three men were tortured and sent to be tried by military court. Peng Ming-min was sentenced to 8 years, Hsieh Tsung-min to 10 years, and Wei Ting-chao to 8 years. Due to concerns and pressure from Amnesty International and the United States, Chiang Kai-shek pardoned Peng Ming-min on November 3, 1965. However, Peng was still placed under strict surveillance akin to house arrest until January 1970, when he made a miraculous escape to Sweden.

The Declaration could only circulate secretly in Taiwan until the United Formosans in America for Independence was founded in 1966 and raised money to publish the Declaration in the *New York Times* on November 20, allowing many Taiwanese abroad to know about the document.

III. The Legacy and Resurgence of Tangwai Magazines

The Charter of the United Nations respects peoples' right to self-determination. Throughout the 1960s, many former colonies in Africa gained independence and statehood, enabling China's communist regime to gain support from more emerging countries during the vote on the question of the representation of China in the United Nations General Assembly.

In 1970, US President Richard Nixon began to form relations with the CCP in order to keep the Soviet Union in check. This further threatened the ROC government's seat representing China in the UN.

On October 25, 1971, the 26th session of the United Nations General Assembly passed Resolution 2758, the subject of which was "Restoration of the lawful rights of the People's Republic of China in the United Nations". After years of diplomatic competition, the People's Republic of China obtained representation of China.

At the time, the Taiwanese media heavily criticized the UN for "shunning the ROC for communist bandits". The news was filled with headlines like "The International Community Caved to Illegitimate Tides" and "Communist Forces Gone Rampant". Schools put out slogans like "Support President Chiang with Full Force" and "Remain Strong and Steady in the Face of Adversity". In reality, however, the people were shaken, there was panic in society, and intellectuals felt deeply troubled.

Advice on Saving the Nation for Its Survival—Lei Chen's Sincere Suggestions to Save the Nation (1972)

Lei Chen was released from prison in autumn of

1970. Sensing that the ROC was about to lose its seat in the UN, he anxiously wrote down his thoughts about the future possibilities of Taiwan in his diary. The following year, he compiled the *Advice on Saving the Nation for Its Survival*—close to 30,000 characters in length—with the help of Fu Cheng, putting forth suggestions like "immediately announce the establishment of the Democratic State of China-Taiwan", formulate a new constitution, implement political and military reforms, and practice democratic constitutionalism, as to gain international support with "freedom and democracy" to resist the CCP's ambition of annexation.

On January 10, 1972, Lei Chen sent the original copy of *Advice on Saving the Nation for Its Survival* to President Chiang Kai-shek and 4 copies to Vice President and Premier Yen Chia-kan, Vice-Premier Chiang Ching-kuo, Office of the President Secretary-General Chang Chun, and National Security Council Secretary-General Huang Shao-ku. He wrote in the letters that "this article was not shown to anyone else nor will it be published", hoping the regime would follow the advice while saving face. He received no replies.

In fact, seasoned KMT diplomats Yeh Kung-chao and Yang Hsi-kun already felt the international tide turning from the diplomatic frontlines and had repeatedly advised Chiang Kai-shek to accept the existence of "two Chinas" but were rebuffed with the phrase "gentlemen and thieves cannot coexist". After the ROC lost its seat in the UN, Yang Hsi-kun even suggested that it change its name to "Republic of China-Taiwan".

According to the declassified US Department of State Telegram "Taipei 5869", Yang Hsi-kun had hoped that the US would support and convince Chiang



April 16, 1975: The body of President Chiang Kai-shek being transported to the Cihu Mausoleum in Taoyuan. Students were told by military instructors to kneel along the road to see him off. Courtesy of: Central News Agency

Kai-shek to hold a nationwide referendum to decide Taiwan's future and to establish a new constitution.

In other words, after the ROC lost its seat in the UN, intellectuals in Taiwan, regardless of mainlander-islander status, from Lei Chen—who opposed Taiwanese independence in the past—to diplomatic professionals working within the system, all had ideas about Taiwan's future that were consistent with the 1964 Declaration of Formosans for Self-Salvation penned by Peng Ming-min and others.

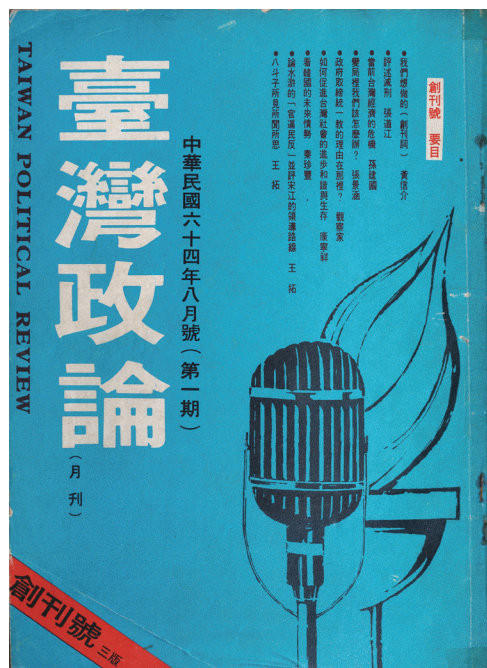
Although the Chiang regime did not reply to Lei Chen at the time, most of the suggestions proposed in *Advice on Saving the Nation for Its Survival* did appear in Chiang Ching-kuo's major policies. For example, financial and administrative resources were no longer given exclusively to the military, instead being invested in programs that benefited Taiwan, such as the Ten Major Construction Projects. "Elections for a small increase in legislative seats", which needed to be re-elected regularly, started to be held in 1972 (36 regional and occupational seats for the Legislative Yuan and 15 seats representing overseas nationals chosen by the President for a term of three years).

However, representatives elected by the Taiwanese people still accounted for only around 10% of parliamentary seats.

Taiwan Political Theory—The First Tangwai Magazine to Integrate Elections (1975)

Chiang Kai-shek passed away on April 5, 1975, after which the ROC suffered a series of diplomatic losses, with Vietnam, the Philippines, Thailand, and other countries cutting diplomatic ties. The number of countries with diplomatic ties to the ROC dropped to just 28, with the Vatican being the only European country left. With the Taiwanese people feeling lost upon suddenly becoming "the orphan of Asia" and the "first elections for the second increase in legislative seats" set to take place at the end of the year came the establishment of the *Taiwan Political Theory* journal in August.

Taiwan Political Theory was co-founded by Tangwai legislator Kang Ning-hsiang and legislator Huang Hsin-chieh, with Chang Chun-hung as editor-in-chief, Huang Hua and Chang Ching-tse as deputy



August 1975: Cover of the first issue of *Taiwan Political Theory*. The microphone would go on to feature on the cover of every ensuing edition, representing outdoor speeches and the expression of ideas. Courtesy of: Liao Wei-min

editors-in-chief, and Yao Chia-wen as legal advisor. Tangwai representatives like Kuo Yu-hsin and Huang Shun-hsing served in the standing committee. Those who contributed to the journal included university professors like Lin Chung-hsiung, Tsai Cheng-wen, and Chen Ku-ying, as well as authors like Wang Tuo, Wang Hsing-ching (Nanfang Shuo), Su Ching-li, Yeh Jung-chong, Wang Shih-lang, Li Ching-jung, and Chang Hua-min.

This was the first Tangwai magazine founded by local Taiwanese elites. Before this, the government prohibited all Japanese newspapers and magazines, robbing Taiwanese elites (the generation educated in Japanese) of their ability to write and participate in discourses. The only brief “speech reprieve” they had were the speeches they were allowed to give during election campaigns.



December 1975: “Infallible Tiger”—poster of Kuo Yu-hsin’s election campaign for a supplementary seat in the Legislative Yuan. Courtesy of: Chiu Wan-hsing

Taiwan Political Theory was the first Tangwai magazine to push for democratic elections. Huang Hsin-chieh and other excellent speakers gave speeches at campaign rallies throughout Taiwan. Since *Free China* was shut down in 1960, the sales of other Tangwai magazines suffered miserably. But after free speech in Taiwan had basically been suffocated for over 15 years, *Taiwan Political Theory* achieved the same bestseller status *Free China* had had after just 5 issues.

The 5th issue, the high-profile “election special issue”, was condemned for “severe incitement of civil unrest” and the magazine was forced to shut down, generating a terrifying atmosphere of political purge. In this election, Tangwai individuals like Kang Ning-hsiang, Huang Shun-hsing, and Hsu Shih-hsien were elected. However, Kuo Yu-hsin, who had served

in the provincial council for 22 years, lost due to a “massive number of invalid votes”.

It is generally accepted that, out of all of Kuo Yu-hsin’s provocative campaign goals, such as the complete re-election of the National Assembly, the lifting of martial law, the lifting of the press ban, the release of political prisoners, and direct presidential and Taipei mayoral elections, it is “direct presidential elections” that seriously offended Chiang Ching-kuo, who was waiting to become president after the end of acting president Yan Chia-kan’s term.

After *Taiwan Political Theory* was forcibly suspended, Robert Y. Lai (PhD in the US) and 14 others who helped issue the magazine from overseas began a petition campaign and organized protests in five US cities. They surrounded the ROC embassy and consulate in the US demanding the protection of free speech, and published an open letter to Chiang Ching-kuo demanding he reverse the suspension of

the magazine, respect human rights, and not use the incident to persecute or arrest people.

The US media picked up on the protests, saving Huang Hsin-chieh and Kang Ning-hsiang from political purges, but 6 months later, in July 1976, deputy editor-in-chief Huang Hua was still arrested and prosecuted for “severe incitement of civil unrest”, and sentenced to 10 years.

The “forced loss” of Kuo Yu-hsin, who was well-respected by those in the Tangwai movement, pushed Tangwai supporters’ long-time anger about election rigging to a boiling point. As a result, they took a very high-profile stance of “zero tolerance for election rigging” during the “five in one” local elections in 1977, which triggered the Zhongli incident, in which crowds took to the street in Taoyuan County to protest against election rigging.

The Zhongli incident was the first political protest on the streets since the February 28 incident. A police



November 19, 1977: Taiwan’s “five in one” local elections triggered the Zhongli incident, a movement against election rigging. Courtesy of: Chang Fu-chung

station was destroyed, burned down by protesters. The police opened fire, resulting in the deaths of National Central University student Chiang Wen-kuo and youth Chang Chih-ping, as well as severely injuring youth Liu Shih-jung.

The incident received international media attention, severely damaging the political image of then premier Chiang Ching-Kuo and planting the political seeds for the later Kaohsiung incident.

This “five in one” local elections were the biggest elections Taiwan had ever had. Tangwai elites, who usually struggled on their own, began to work together and join forces across generations, building strong momentum. The results of the elections were also unprecedented, with Huang Yu-jen elected Kaohsiung County mayor, Hsu Hsin-liang elected Taoyuan County mayor, and Lin Yi-hsiung, Chang Chun-hung, Chiu Lien-hui, and Su Hung Yueh-chiao elected provincial councilors.

In May 1978, Chiang Ching-Kuo became president as expected. Riding the momentum of the “five in one” local elections, the Tangwai movement began preparing to campaign for the “election of supplementary popular representatives in the central government (National Assembly and Legislative Yuan)” on December 23 later that year. Tangwai election campaign groups made impassioned speeches across Taiwan.

However, just a week before the election, the US announced that it would be cutting diplomatic ties with the ROC starting January 1, 1979. On the same day, Chiang Ching-kuo announced that the elections were suspended, putting an end to all political movements. What followed was a full-blown stock market crash, outflow of capital, and waves of panic-stricken people immigrating overseas.

To intimidate and break up the Tangwai alliance, Kuomintang repeated the “Lei Chen incident” playbook, framing and arresting leading Tangwai figure



January 22, 1979: Tangwai leader Yu Teng-fa was framed with consorting with communists. The new generation of Tangwai activists rapidly gathered at Chiaotou, Kaohsiung and began the first political demonstration in Taiwan under martial law. Photographer: Chen Po-wen



September 28, 1979: Supplementary legislator Huang Hsin-chieh giving an impassioned speech at the service office set up by *Formosa Magazine* in Kaohsiung. Photographer: Chen Po-wen

Yu Teng-fa for “consorting with communists” on January 21. However, the new generation of Tangwai activists rapidly gathered and traveled to Chiaotou Township, Kaohsiung County overnight. In the morning of the next day (January 22), they organized the first political demonstration in Taiwan under martial law, the “Chiaotou incident”.

At a time when the image of the authoritarian regime was severely challenged both domestically and internationally, the government did not handle the demonstration lawfully right away, but had the Control Yuan “impeach” Taoyuan County Mayor Hsu Hsin-liang on April 20 for being absent from duty to participate in illegal demonstrations, dismissing him from public office. Hsu Hsing-liang was also dismissed by the Public Functionary Disciplinary Commission in the end.

These actions did little to intimidate the activists, however. Instead, they further incensed Tangwai supporters, heightening the political conflict. The situa-

tion was becoming dangerously explosive, like two trains about to crash into one another.

***Formosa Magazine* — A Political Party Without a Name (1979)**

~Making democracy our political system is the biggest contribution that the 18 million people in Taiwan can make to the ethnic Chinese~

These grand words were included in the article “Working Together to Promote a Political Movement of the New Generation” in the first issue of *Formosa Magazine* in August 1979. The article emphasized how the magazine’s ambition was to inherit *Free China*’s pursuit of freedom, human rights, and democracy. The magazine would also perpetuate the way *Taiwan Political Theory* integrated community mobilization as it continued to challenge the authoritarian regime and fight for democracy.

Against 'Formosa' Rising Throughout Country

Formosa magazine, published in Taipei, has been the target of a nationwide campaign against it. The magazine, which is known for its critical stance on the government, has been banned in several provinces. The campaign is part of a larger effort to suppress dissent and maintain control over the media. The government has accused the magazine of spreading rumors and inciting violence. The ban has been met with widespread criticism, as it is seen as a violation of press freedom.

KMT Calls for Stepping Up Anti-Red Activities

The Kuomintang (KMT) has issued a call for its members and supporters to step up their anti-communist activities. The party has expressed concern over the growing influence of the Chinese Communist Party (CCP) in Taiwan and the mainland. It has urged its members to be vigilant and to report any suspicious activities to the authorities. The KMT has also called for a more aggressive approach to dealing with the CCP, including the use of force if necessary.

Kidnap of Southern TGC Commander Attempted Before Kaohsiung Riot

An attempt to kidnap the commander of the Southern Taiwan Garrison Command (TGC) was made just before the outbreak of the Kaohsiung riot. The commander, who was a high-ranking military official, was targeted by a group of individuals who were suspected of being involved in the riot. The attempt was thwarted by the police, but it raised concerns about the security of military leaders in the region.

Chinese Overseas Voice Respect for Injured Security Personnel

A voice from the Chinese diaspora has expressed respect and sympathy for the security personnel who were injured during the Kaohsiung riot. The voice, which came from a group of Chinese students and professionals living abroad, praised the bravery and sacrifice of the police and military officers. They also called for a fair and impartial investigation into the riot and for the punishment of those responsible.

Lone Survivor Making Satisfactory Progress, Describes Killer to Pa

The lone survivor of a recent attack has made satisfactory progress in his recovery. He has been able to describe the killer to the police, which is a significant development in the investigation. The survivor, who was injured during the attack, has been receiving medical treatment and is now in a stable condition. The police are working to identify the killer based on the survivor's description.

Bearded Foreigner May Be Linked With Slaying

A bearded foreigner may be linked to the slaying of a young woman. The woman was found dead in a park, and the foreigner was seen near the scene at the time of the crime. The police are currently investigating the case and have not yet made any arrests. The foreigner is being held in custody and is being questioned by the authorities.

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Reasons for Rejecting Rally Request Explained

The reasons for rejecting a request for a rally have been explained. The organizers of the rally had asked for a large gathering in a public square, but the authorities had refused the request. The reasons given were that the square was too small for the gathering and that it might cause traffic problems. The organizers had also asked for the use of loudspeakers, which had also been refused.

KMT Caucus Discusses Ways To Promote National Unity

A caucus of the Kuomintang (KMT) has discussed ways to promote national unity. The caucus members discussed the importance of maintaining a united front and of working together to achieve the goals of the party. They also discussed the need for a more cohesive and disciplined organization. The caucus concluded that the KMT should continue to work for national unity and for the well-being of the country.

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Injured in Kaohsiung Riots

Several individuals were injured during the Kaohsiung riots. The injuries were caused by the use of force by the rioters. The police and military officers who were involved in the riot were also injured. The injuries were reported to the authorities and are being treated by the medical services. The authorities are working to identify the individuals responsible for the injuries and to bring them to justice.

Comments on Kaohsiung Riots

Comments on the Kaohsiung riots have been made by various individuals. Some have expressed sympathy for the rioters, while others have expressed criticism. The comments have been made in the media and in public forums. The comments have also been made by the government and by the KMT. The comments have been a mix of praise and criticism, reflecting the diverse opinions on the riot.

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August–November 1979: *Formosa Magazine*, which only published four issues.
Courtesy of: Chang Fu-chung

The cover reads, “Formosa: The Magazine of Taiwan’s Democratic Movement”. Service offices were successively established in each city and county, making it clear that *Formosa Magazine* was the magazine of a political movement and establishing it as a “political party without a name” under the government’s ban on political parties. This was the unrealized dream that *Free China* and the generation of Japanese-speaking Taiwanese elites had 19 years ago.

The authoritarian regime tolerated *Taiwan Political Theory* for five issues, but it only tolerated *Formosa Magazine* for four. Throughout the time these four issues were published, far-right groups and the military police brazenly followed, harassed, and violently threatened those involved with the magazine, heightening the tension until the December 10 speaking event held in Kaohsiung for International Human Rights Day, which devolved into the “Kaohsiung incident” that shocked Taiwanese society and the world.

Following the event, the Taiwan Garrison Command arrested 152 people. This was the largest political purge since 1960s. Due to the martial law, there

were no demonstrations to support those arrested in Taiwan, but Taiwanese associations overseas mobilized like never before, doing everything in their power to speak out, to save and support those arrested.

With international media attention, the American Institute in Taiwan (AIT) and numerous US senators expressed concern, overseas Taiwanese/Chinese intellectuals sent petitions and open letters to Chiang Ching-Kuo, and the *New York Times* published an editorial submitted by Harvard Professor Yu Ying-shih emphasizing how “it is not these people that are on trial but Taiwan’s democracy”. The international pressure was immense and overwhelming for Chiang Ching-kuo, who had been president for less than two years.

Chiang Ching-kuo was forced to make concessions, allowing “public trials” and reducing the number of subjects to be tried in military courts. On February 20, the Taiwan Garrison Command announced the release of 91 people; charged 8 people, namely Huang Hsin-chieh, Shih Ming-te, Chang Chun-hung, Yao Chia-wen, Lin Yi-hsiung, Chen Chu, Lu Hsiu-lien, and Lin Hung-hsuan, with the crime of insurrec-

tion; and transferred the remaining 37 people to be tried in judicial court.

Nonetheless, this political concession seems to have incensed the far-right faction. Lin Yi-hsiung’s mother and two young daughters were murdered on the significant date of February 28, a case that shocked Taiwanese people in Taiwan and abroad. The Taiwanese media covered the incident extensively, drawing more attention to the “Kaohsiung Incident Trial”.

Starting on March 18, 1980, the 9-day “Kaohsiung Incident Trial” attracted substantial media coverage at home and abroad. The defendants and defense attorneys elevated their defense to the concepts of freedom, democracy, human rights, and independence. The trial was a stunning “political lesson” for society in Taiwan, where information was heavily censored at the time.

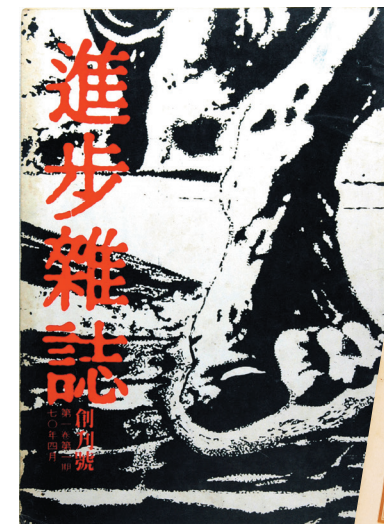
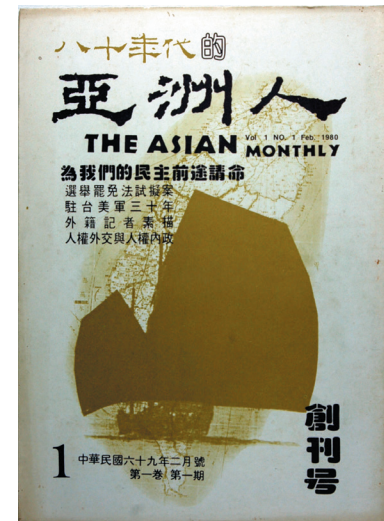
The “public trial” and widespread media coverage galvanized young intellectuals with independent ide-

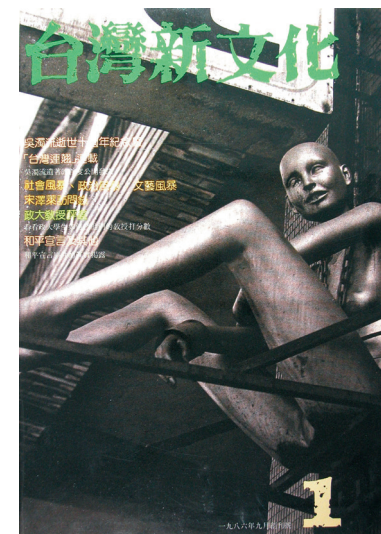
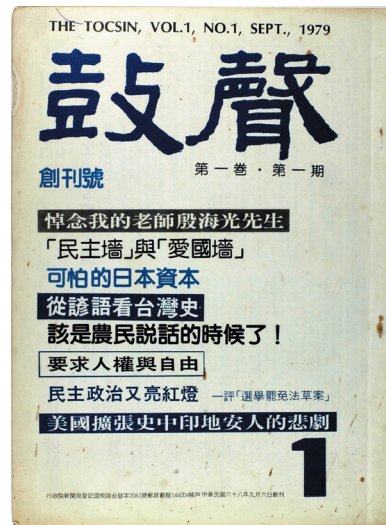
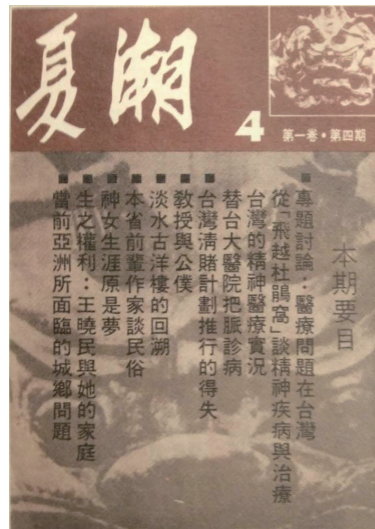
as. After the military court trial, these youths actively supported the opposition movement, even joining elections and creating an unstoppable wave of pro-democracy movements and street demonstrations.

Leading the charge of this wave of pro-democracy movements in the 1980s were Tangwai magazines, which sprang up like bamboo shoots after spring rain. The Taiwan Garrison Command exhausted themselves as they rushed to ban, confiscate, and suspend publications. Their efforts caused temporary financial losses, but quickly became a catalyst that stimulated sales.

The arming of ideological forces turned into even more courageous street protests. The political party ban was lifted in 1986, martial law was lifted in 1987, and the press ban was lifted in 1988. The pro-democracy movement continued to advance fearlessly.







Various Tangwai magazines. Courtesy of: Nylon Cheng Liberty Foundation and Liao Wei-min

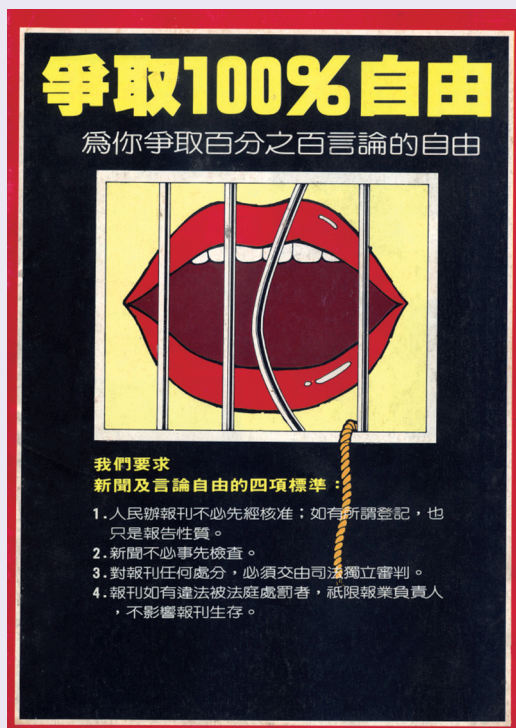


Cheng Nan-jung pictured in front of the *Freedom Era* weekly magazine wall showing the cover of every issue. Every time the publication was suspended, it resumed publishing under a different name. Photographer: Chang Fang-wen

Chapter 2

Lifting of the Martial Law: Defending Absolute Freedom of Speech

- I. The Tsai Yu-chuan and Hsu Tsao-teh Incident: The First Taiwan Independence Organization After the Lifting of Martial Law (August 30, 1987)
- II. The Cheng Nan-jung Incident: A Martyr for Free Speech (1989.4.7)
- III. The Huang Hua Incident: *Taiwan Independence Timetable* (1990.1.3)
- IV. The Taiwan Independence Association Incident: From Campus Movement to Social Awakening (1991.5.9)
- V. The Taiwan Jianguo Union Incident: Street Protests Defending the Right of Association for Taiwan Independence (1991.5.16)



Back cover of *Freedom Era*.
Courtesy of: Nylon Cheng
Liberty Foundation

Taiwan's martial law lasted for 38 years and 56 days in total and officially ended on July 15, 1987.

Forerunners and martyrs of Taiwan's pro-democracy movement, regardless of ancestral home or ethnicity, fought tirelessly for the cause. In particular, the shocking lesson in democracy of the Kaohsiung Incident Military Court Trial held in March 1980 galvanized a younger generation of the Tangwai movement to keep fighting for democracy.

Although they were silenced and smeared by the media, which was controlled by the KMT party, government, and military, they managed to push the pro-democracy movement forward bit by bit on the streets and in local councils, election after election.

Thanks to intense lobbying from overseas Taiwanese organizations, the US Congress passed a resolution in support of Taiwanese democracy in 1985. On August 17 of the same year, President Ronald Reagan

signed the 1986 Foreign Relations Authorization Act with a special section urging the Taiwanese government to implement democracy.

In 1986, the US House of Representatives also passed a resolution urging the Taiwanese government to lift the political party ban. In August 20 of the same year, Senator Richard Lugar, chairman of the Senate Committee on Foreign Relations, visited Taiwan and openly suggested that the government lift the political party ban and the martial law.

It was against this background of the times that the 1986 May 19 Green Action demanding the lifting of the martial law and the formation of the Democratic Progressive Party against the political party ban on September 28 did not suffer the same fate as Lei Chen in the *Free China* incident or the Kaohsiung incident's military court trial.



Those involved in the Tsai-Hsu incident. In the front row are Tsai Yu-chuan (second from the right) and Hsu Tsao-teh (third from the right). Photographer: Liu Chen-hsiang

I. The Tsai Yu-chuan and Hsu Tsao-teh Incident: The First Taiwan Independence Organization After the Lifting of Martial Law

Faced with domestic and foreign pressure, the authoritarian regime had no choice but to lift the martial law. However, the government also enacted the National Security Act During the Period of National Mobilization for Suppression of the Communist Rebellion in 1987, in which Article 2 states that "assemblies and associations must not violate the Constitution, advocate communism, or advocate splitting the country".

On top of this, the Temporary Provisions Effective During the Period of Communist Rebellion, Betrayers Punishment Act and Article 100 of the Criminal Code were still in place, meaning that the freedom of speech and freedom of assembly and association that

the people of Taiwan yearned for were still heavily restricted.

The first organization supporting Taiwan independence after the lifting of martial law was prosecuted for the crime of insurrection and given a heavy sentence. This was the "Tsai-Hsu Taiwanese Independence Incident".

On August 30, 1987, just a month and a half after martial law was lifted, hundreds of victims of political persecution gathered at the International Hall on the second floor of Ambassador Hotel Taipei and announced the formation of the Taiwan Union for the Victims of Political Persecution. *Freedom Era* founder Cheng Nan-jung also attended to show solidarity.



Group of pastors advocating for the release of Tsai Yu-chuan and Hsu Tsao-teh. Photographer: Liu Chen-hsiang

Tsai Yu-chuan (1951-2017), who was persecuted by the government during the Kaohsiung incident, was chosen as chairman. When discussing the articles of association, the basic consensus on Article 3 was that “Taiwan’s future should be decided jointly by the Taiwanese people”. Member Hsu Tsao-teh suggested it be changed to “Taiwan should be independent”.

Impassioned, Hsu Tsao-teh said, “If political prisoners like us are afraid to speak out about Taiwan’s future, then we’d have gone to prison for nothing. Taiwan must establish itself as a republic!” A majority of political victims in the crowd agreed.

Hsu Tsao-teh (1937-2018) witnessed the horrors of the February 28 incident in Keelung when he was just 10 years old. Although he went into business after graduating from National Taiwan University’s Department of Political Science, he remained concerned about current affairs and believed strongly in Taiwan’s independence. In 1968, he was involved in the Taiwanese independence incident and was sentenced to 8 years under Paragraph 3, Article 2 of the Betray-

ers Punishment Act. He was pardoned and released following Chiang Kai-shek’s death in 1975.

Those who formed the Taiwan Union for the Victims of Political Persecution were all political prisoners that were tortured and jailed for being pro-independence. Therefore, the preparations to establish the union, the drafting of the articles of association, the declaration of “building a new and independent nation”, and the speeches that night were all to accuse and challenge the authoritarian system through assembly and association after the lifting of the martial law.

That night, participants held a grand speaking event at the sports field of Taipei’s Jinhua Junior High School as planned. Chiang Peng-chien, founding chairman of the DPP, as well as respected Tangwai individuals like Chen Chu, Chen Tan-sun, Stella Chen Landauer, Chen Yung-hsing, Ko Chi-hua, Chang Wen-ying, and Rev. Dr. Kao Chun-ming all attended to show solidarity.

At the speaking event, Tsai Yu-chuan announced

the union’s articles of association and declaration, openly encouraging the crowd to pursue Taiwanese independence. Over the years, many political prisoners were charged with rebellion in the name of Taiwanese independence, but such high-profile and openly pro-independence articles of association and declaration were unprecedented.

This immediately became an overwhelming thorn in the side of the authoritarian regime, which had just announced the lifting of the martial law. Over a month later, on October 12, Taiwan Chief Prosecutor Yeh Chin-po arrested and charged Hsu Tsao-teh and Tsai Yu-chuan for the crime of insurrection.

Amnesty International immediately expressed concern and named Tsai Yu-chuan and Hsu Tsao-teh as prisoners of conscience and demanded their im-

mediate and unconditional release. This incident was highly significant as a political indicator, as it was the first case of “Taiwanese independence rebellion” after the lifting of martial law. All eyes were on how the case would develop, and there was a stalemate of three months.

During this time, the Presbyterian Church in Taiwan, social activist groups, and the less than a year old DPP rallied in support of Hsu and Tsai. On November 9, 1987, the DPP organized its second National Party Congress and passed the “People have the Freedom to Advocate for Taiwanese Independence” resolution.

On January 13 of the following year (1988) came the sudden passing of Chiang Ching-kuo. Vice President Lee Teng-hui was sworn in as acting president



Supporters clashing with the military police during the 1988 trial of Tsai Yu-chuan and Hsu Tsao-teh. Photographer: Huang Yen-wen

per the Constitution. A strange atmosphere of scrutiny permeated Taiwan's political circles because Lee was Taiwan's first native-born president. However, the Taiwan High Court acted swiftly and declared sentencing on the "Tsai-Hsu Taiwanese Independence Incident" just three days later on the 16th.

Tsai Yu-chuan was sentenced to 11 years for "intent to seize State territory". Hsu Tsao-teh was sentenced to 10 years for "co-conspiracy to seize State territory".

In the face of the High Court's heavy sentencing, the two shouted, "Objection! Taiwan should be independent!" and "What a nation-ending verdict! Taiwan should be independent!" Their outbursts galvanized the crowd of supporters inside and outside the courthouse, and without fear of possible judicial persecution, they shouted "Taiwan should be independent! Taiwanese independence forever!"

Cheng Nan-jung, who was already rallying crowds advocating for the lifting of the martial law and for justice for the February 28 incident before martial law was lifted, also traveled across Taiwan organizing countless demonstrations and speeches. Chants like "release Tsai Yu-chuan and Hsu Tsao-teh" and "freedom of speech, Taiwanese independence is not a crime" echoed through the streets all around Taiwan.



A crowd of 52 people demanding the release of Tsai Yu-chuan and Hsu Tsao-teh. Photographer: Sung Long-chyuan

II. The Cheng Nan-jung Incident: A Martyr for Free Speech

On December 10, 1988, Human Rights Day and the 40th anniversary of the Universal Declaration of Human Rights, *Freedom Era*, the weekly publication founded by Cheng Nan-jung, printed a draft proposal for the Constitution of the Republic of Taiwan written by Dr. Koh Se-kai, a legal and political expert that was exiled in Japan. On January 21 of the following year, Cheng Nan-jung was subpoenaed by the High Prosecutors Office for “suspicions of insurrection”.

Following the Tsai and Hsu incident, this was the second insurrection case investigated by prosecutors in the year and a half since the lifting of the martial law. Cheng Nan-jung said he would “never appear in court”. On January 27, he vowed that “the KMT will only take my body, they will never take me alive” and began a 71-day period of self-confinement.

Around 7 a.m. on April 7, the police made an attack by force on the *Freedom Era* office. Cheng Nan-jung then committed suicide by self-immolation, shocking the world. That day, the entrance of National Taiwan University was covered in white cloths as students sat in protest and made speeches to mourn and honor Cheng Nan-jung and protest the authoritarian system.

The press ban had been lifted by 1988. *Independent Morning News*, which was founded just a year prior, was fearful of retaliation but still decided in its editorial meeting to print the entire draft proposal for the Constitution of the Republic of Taiwan—the very article that got Cheng Nan-jung condemned—the next day. This move not only fulfilled their obligation to uphold people’s right to knowledge but was also a concrete action to protect freedom of speech and press.

Unfortunately, the media landscape was still largely controlled by the KMT, the government, and the military. The mainstream media’s biased reporting heavily demonized Cheng Nan-jung. Cheng Nan-jung’s grieving widow Yeh Chu-lan openly called for fair reporting from the media.

This was no sudden accident. During his two months of self-confinement, Cheng Nan-jung not only continued to publish *Freedom Era* but also did not keep the police from knowing that he was actively stockpiling gasoline and adding metal bars to the office windows and metal doors up and down the staircase. Time and time again, he made it clear that he would resist to the end and never give in.

Even supporters and fellow street activists who had only known him for 2 to 3 years knew his determination. They voluntarily took turns guarding the magazine’s office, hoping to prevent the military police from making a forceful arrest and stop Cheng Nan-jung from self-immolating to resist arrest. Sadly, their hopes were dashed on both counts.

The only one to underestimate Cheng Nan-jung’s determination was the authoritarian regime, which could not understand how Cheng Nan-jung, a man in his prime who loved his wife Yeh Chu-lan and young daughter Cheng Chu-mei so deeply, could give up his life and happiness for his cause.

A Forerunner in Breaking Taboos Propelling the Tangwai Movement Forward

Cheng Nan-jung was born in Taipei on September 12, 1947 and raised in Yilan. He had great admiration



Cheng Nan-jung pictured in front of the plaque gifted to *Freedom Era* by the Taiwan Association for Human Rights. Photographer: Pan Hsiao-hsia

for liberalism scholar Yin Hai-kuang and transferred to NTU's Department of Philosophy in 1968, but by then Yin Hai-kuang had already been suspended by NTU. Despite threats from the intelligence and surveillance unit, Cheng Nan-jung often visited Yin Hai-kuang while he was under house arrest.

In an era where educational degrees were valued above all else, with NTU being the most prestigious school in Taiwan, Cheng Nan-jung was a determined free thinker, refusing to take then mandatory classes on "Sun Yat-sen Thought" even if it meant giving up his NTU diploma. Neither threats nor promises of benefit could sway Cheng Nan-jung, as reflected in his political personality before his martyrdom.

Aside from studying Yin Hai-kuang's liberal ideas, Cheng Nan-jung originally had no connections with the Tangwai movement. It wasn't until the Kaohsiung incident, the Lin family murders, and the Kaohsiung Incident Military Court Trial that Cheng Nan-jung, who had begun a career in business, began writing for Tangwai magazines like *Deep Cultivation* and *Statesman* in 1981.

To gather materials for his articles, Cheng Nan-jung often sat in on Legislative Yuan meetings, which allowed him to quickly figure out how Tangwai magazines and the pro-democracy movement operated and eventually establish *Freedom Era* in 1984. Just as Lei Chen founded *Free China* on the belief that "awakening" of the people is of utmost importance, Cheng Nan-jung was convinced that "only through the full awakening of the people's power will justice truly prevail in Taiwan".

Cheng Nan-jung was fearless when it came to breaking taboos, making him a pioneer in the Tangwai opposition movement, someone consistent in his ideas, speech, and actions. *Freedom Era* had the courage to expose the myths of the Chiang family, the malpractices of the military, and internal struggles within the KMT, constantly pushing and furthering



May 19, 1986: Cheng Nan-jung publicized a rally of the May 19 Green Action movement held at Taipei's Lungshan Temple in *Freedom Era*. Photographer: Sung Long-chyuan

the boundaries of stifled media reporting in Taiwan but also setting a record for most journal bans and suspensions.

Before the lifting of martial law, many key protest movements closely tied to the DPP party history that led the direction of political development were initiated and led by Cheng Nan-jung in conjunction with *Freedom Era*. These movements were all high-profile challenges to political taboos, leading a trend of street protests.

In the later half of the 1980s Cheng Nan-jung continued to rally mass movements. In the last 4 years of his life, initiatives like May 19 Green Action, Justice for the February 28 Incident, and New Nation Movement were all mass movements that broke taboos of the martial law, pushing more “pro-establishment” Tangwai elites to accelerate their efforts.

Firstly, since March 1986, Cheng Nan-jung began a two-month-long promotional campaign on *Freedom Era* for the May 19 Green Action, calling for the lifting of martial law. The campaign made the rally so prominent that Tangwai officials had to participate.

On May 19, surrounded by over a thousand policemen, the rally overcame scorching sun in the morning and thunderstorms in the afternoon until finally ending peacefully that night. The rally was covered by international media outlets like *Time* and *Newsweek*, receiving support in public opinion.

Senator Richard Lugar, chairman of the Senate Committee on Foreign Relations, visited Taiwan three months after the rally and openly suggested that the government lift the political party ban and the martial law, posing strong international pressure on Chiang Ching-kuo.

On the other hand, the rallying of the May 19 Green Action was seen as organized by radical activ-

ists in the Tangwai movement expressing dissatisfaction about how “Tangwai conservatives”, elected officials in the same movement, acted hesitant about forming a new political party. Later, Chen Shui-bian and others were successively jailed due to the magazine *Neo-Formosa*, and Cheng Nan-jung was also arrested and jailed. The series of events worried Fu Cheng deeply.

In 1960, Fu Cheng helped *Free China* founder Lei Chen rally native-born Tangwai elites to form a new political party but was arrested and jailed, unfortunately. He believed that a political party had to be formed urgently. He said, “Tangwai elites fighting on their own will only be taken down separately”.

Fu Cheng stressed that, “Tangwai elites want to overcome the party ban, but we often hear demands for the KMT to pass a Political Parties Act. I have always disapproved of this approach. I believe that people have the right to form political parties and that there is no need to wait for a law allowing them to do so”.

Mass movements and Fu Cheng’s arguments hastened the integration of the Tangwai movement. On September 28 of the same year, Tangwai elites broke the party ban and announced the formation of the Democratic Progressive Party at The Grand Hotel Taipei. The new party faced unending threats from the authoritarian government. Tangwai forces braced themselves, making a three-tier list of substitutes in case of arrests.

After a week of wary observation, Chiang Ching-kuo said in an interview with the *Washington Post* on October 7 that the martial law and political party ban would be lifted soon. The Tangwai movement celebrated, and those paying attention to Taiwan’s fight for democracy around the world all sighed in relief.



September 28, 1986: The Tangwai Supporters' Association held a general meeting to propose candidates at morning in The Grand Hotel Taipei. However, Chinese-born legislator Fei Hsi-ping was elected as chairman of the first Central Standing Committee through a change to the agenda, and the resolution was passed to establish a new political party. Fei Hsi-ping then announced to the media the formation of the Democratic Progressive Party. Courtesy of: Chiu Wan-hsing



February 1987: Cheng Nan-jung organized demonstrations throughout Taiwan that made up the "Justice for the February 28 Incident" movement. He is pictured bowing to a crowd of supporters in front of Chiayi Railway Station. Photographer: Sung Long-chyuan

Justice for the February 28 Incident Uncovering Taiwan's Deepest Historical Wound from the Past Four Decades

Two weeks after the May 19 Green Action, Cheng Nan-jung was arrested and jailed for eight months. During his imprisonment, the publication of *Freedom Era* continued as usual. In prison, Cheng Nan-jung learned about the breaking of the political party ban and Chiang Ching-kuo's promise to lift the martial law.

This did not stop Cheng Nan-jung from continuing the fight. After being released from prison on January 24, 1987, he co-founded the February 28 Peace Day Promotion Society alongside Dr. Chen Yung-hsing, Attorney Lee Sheng-hsiung, and Pastor Lin Tsung-cheng. Together, they began the "Justice for the February 28 Incident" movement as the 40th anniversary of the incident neared, demanding truth and justice for those who were wronged.

The February 28 incident was a painful tragedy for Taiwanese society, but the people were silenced for 40 years. No one dared to talk about the incident publicly, let alone seek truth and justice for the victims. Many students under the age of 30 at the time didn't even know about it.

Crowds participating in marches for the movement held up "February 28 Peace Day" signs like crosses as they marched solemnly. But this was when there was only talk of lifting the martial law. The marches and speaking events organized across Taiwan still counted as "illegal" gatherings that violated the Martial Law.

Therefore, the Justice for the February 28 Incident movement faced threats and even beatings from the military police in different places. The clashes and violence awakened the painful memories of older people in Taiwan, prompting them to openly speak out about the February 28 incident.

The martial law remained in place, and word spread that the authoritarian regime was attempting to establish the National Security Act During the Period of National Mobilization for Suppression of the Communist Rebellion to replace the Martial Law. After the Justice for the February 28 Incident movement, Cheng Nan-jung went on to organize the "Lift the Martial Law, No to the National Security Act" speaking event at Taipei's Jinhua Junior High School on April 16, 1987.

Cheng Nan-jung: Independence is Taiwan's only path to survival.

“My name is Cheng Nan-jung and I believe in Taiwanese independence”, Cheng Nan-jung loudly declared in Taiwanese Hokkien on the stage, his fist in the air and his voice resolute. The crowd immediately erupted into cheers. This is the first time the words “Taiwanese independence” were openly spoken in a mass event.

A little over four months later, Tsai Yu-chuan and Hsu Tsao-teh established an organization advocating for Taiwan's independence. The authoritarian regime cracked down hard, but that did little to deter Cheng Nan-jung and other radical Tangwai activists, who instead called for Taiwanese independence across Taiwan, holding marches and sit-ins to show support for Tsai and Hsu.

Between October and November of 1988, Cheng Nan-jung once again worked with victims of political persecution like Huang Hua and Lin Yung-sheng to start the New Nation Movement Island March, loudly advocating that “the Taiwanese people have the right to establish a new and independent nation”.

From the sharp words published in *Freedom Era* to radical mass movements on the streets, Cheng Nan-jung was a scoundrel constantly bringing up new issues, an unending source of trouble for the military police and the authoritarian regime.

Cheng Nan-jung was not a member of the DPP, but most of those who enthusiastically rallied to his side and marched on the streets in protest with him were founding members or ardent supporters of the DPP.

To these protesters, Cheng Nan-jung was able to proclaim their stance more bravely, clearly, and straightforwardly than any DPP official. This is especially true for his statement that “independence is Taiwan's only path to survival”.

Cheng Nan-jung, who was committed to fighting

for absolute freedom of speech, shocked Taiwanese society with his self-immolation on April 7, 1989. On the day of his funeral on May 19, tens of thousands of people in the opposition movement saw him off. The incensed crowd marched towards the Presidential Office Building, becoming the first demonstration in Taiwan to march onto Jieshou Road (now Ketagalan Boulevard).

Cheng Nan-jung's martyrdom greatly animated and accelerated the progression of Taiwan's pro-democracy movement. In the following year, the Wild Lily student movement initiated constitutional reforms. Then came the first complete re-election of the National Assembly, the first direct presidential election, and the first transition of power between political parties as Taiwan's journey towards democracy entered the 21st century.

2016 marked Taiwan's third transition of power between political parties. The Executive Yuan announced the designation of April 7 as Free Speech Day, effective from 2017, in memory of Cheng Nan-jung's fight for absolute freedom of speech.



September 1989: Cheng Nan-jung's widow Yeh Chu-lan (left) announces her candidacy in the supplementary Legislative Yuan elections. On the right is Cheng Nan-jung's daughter Cheng Chu-mei. Photographer: Tseng Wen-pang



Starting November 16, 1988, Cheng Nan-jung, Huang Hua, and Lin Yung-sheng began touring Taiwan for the New Nation Movement Island March. Photographer: Sung Long-chyuan



May 19, 1989: Cheng Nan-jung's funeral. Photographer: Huang Yen-wen

III. The Huang Hua Incident: *Taiwan Independence Timetable*

The death of Chiang Ching-kuo and the native-born Lee Teng-hui's ascension to acting president brought about an atmosphere of political uncertainty, where all parties felt unsure whether their personal security could be guaranteed. In both Taiwan and abroad, all eyes were on the precarious and unpredictable future of Taiwan.

Huang Hua was devastated by Cheng Nan-jung's sacrifice in April 1989. With a heavy heart, he remained committed to the nation-building movement. In October of the same year, he wrote the *New Nation Movement Handbook* and the *Taiwan Independence Timetable*. Huang Hua quickly received a subpoena from the High Prosecutors Office, but he refused to

appear in court.

The subpoena from the High Prosecutors Office was also a subtle threat because at the end of the year, Taiwan would be holding its first "supplementary" Legislative Yuan election after martial law was lifted (the last supplementary election before the complete re-election of the National Assembly, but no one knew it at the time).

At the same time, not wanting to influence the election, the High Prosecutors Office stalled Huang Hua's arrest. It wasn't until after the election that Huang Hua was arrested and charged with "intent of insurrection" under the Betrayers Punishment Act in January 1990.



January 3, 1991: After being prosecuted under Paragraph 3, Article 2 of the Betrayers Punishment Act, Huang Hua yelled "long live the Republic of Taiwan!" as he walked out the courtroom. Photographer: Chiu Wan-hsing



Since November 16, 1988, although Huang Hua had already gone to jail three times for his political convictions and in spite of the Tsai-Hsu Taiwanese Independence Incident, he bravely led the New Nation Movement March. Photographer: Chiu Wan-hsing



December 2007: Huang Hua pictured with the cell he was once imprisoned in at the National Human Rights Museum in Jingmei. Photographer: Chiu Wan-hsing

The *Taiwan Independence Timetable* caused Huang Hua to be jailed for the 4th time. It wasn't until the abolition of the Betrayers Punishment Act in May 1991 and the amendment of Article 100 of the Criminal Code to abolish the offense of seditious speech in May 1992 that Huang Hua was finally declared innocent, free from the crime of insurrection that hung over his head for the first half of his life.

Huang Hua, was born Huang Ming-tsung in Keelung in 1939. He was among the first students to study Bopomofo, or Mandarin Phonetic Symbols. He was once deeply proud of his Chinese identity and

changed his name to Huang Hua as a result (hua being a word representing Chinese ethnicity). By the time of his release at the age of 52 in 1991, he had been imprisoned for political reasons for a total of 23 years.

The first time Huang Hua was sent to prison was in December 1963. Then aged 24, he was reported by the police as a “class A hooligan” and jailed for two and a half years on Liuqiu Island without a judicial trial. The arrest was to prevent Huang Hua, who often campaigned for Tangwai candidates, to run for councilor.



December 2007: Huang Hua spent most of his life before the age of 52 in prison for his political convictions. In the latter half of his life, he was finally able to start a family and enjoy the freedom of marching on the street with his family. Photographer: Chiu Wan-hsing

The second time Huang Hua was jailed was in 1967, just a year after his release the first time. Huang Hua happened upon a copy of the Declaration of Formosan Self-Salvation, which was being passed around in secret. Deeply moved by the Declaration of Formosan Self-Salvation, he planned and co-founded the pro-independence Society to Promote the Unity of Taiwanese Youth.

In a heavily surveilled society, he was quickly charged with insurrection and sentenced to 10 years. He was pardoned and released two years early fol-

lowing Chiang Kai-shek's death in 1975. However, it would be even less time before he got imprisoned for the third time.

Soon after he was pardoned released from prison, Huang Hua was invited to be the deputy editor-in-chief of *Taiwan Political Theory*. Unfortunately, *Taiwan Political Theory* was quickly forced to shut down. In July 1976, Huang Hua was charged with “criticizing the government, provoking the public, and revealing intent of insurrection” and sentenced to 10 years. The 2 years of early release from his previous pardon were tacked on, resulting in a total sentence of 12 years.

Co-founder of *Taiwan Political Theory* and Tangwai councilor Kang Ning-hsiang once said in an interview that Huang Hua only served as deputy editor-in-chief for two months, during which he wrote 4 articles. Counting titles and punctuation marks, those articles amounted to just 16,000 words, but they caused Huang Hua 4,383 days of prison time. In other words, he was sentenced to one day of jail time for every 3.7 words he wrote.

His fourth sentence came after the lifting of the martial law. This time, it had to do with the New Nation Movement and the Taiwanese Independence Timetable. This time, he enjoyed a slightly longer period of freedom than the previous occasion, but it was still just a mere two years.

Huang Hua lamented how his youth, which was supposed to be the finest and most important time in his life, withered away in prison. It can be hard to adjust to the outside world after years of monotony in prison.

For example, after Huang Hua's release in 1975, he was interviewed by Huang Hsin-chieh and agreed a time to start work at *Taiwan Political Theory*, but Huang Hua did not show up at the magazine office at the appointed time. The magazine staff waited for a long time, only to discover that he had already arrived for some time but was standing downstairs staring at the intercom, which he had no idea how to use.

March 1990: When the National Assembly met to elect the president and vice president, the DPP launched the 1990 Taiwan Presidential Popular Election movement, nominating Huang Hua and Wu Che-lang as "presidential and vice-presidential candidates", a symbolic move to highlight the irony that the actual president was elected by the National Assembly, which had never had a full re-election. Photographer: Hsu Po-hsin



IV. The Taiwan Independence Association Incident: From School Movement to Social Awakening

The Temporary Provisions were officially abolished. The CCP was no longer considered an “insurrectionary group” or “evil communist bandits”. Instead, those seeking independence for Taiwan became the “insurrectionists” that must be punished to the fullest extent.

The Betrayers Punishment Act was originally established in 1949 to target the communist rebellion. Paragraph 1, Article 2 of such law strengthened the punishment for Offenses Against the Internal Security of the State under Article 100 of the Criminal Code to “mandatory death penalty”. That is the dreaded “Article 2-1” from the White Terror, that would make anyone’s face turn pale.

However, the Betrayers Punishment Act, which should have been abolished along with the Temporary Provisions Against the Communist Rebellion not only remained in place but also became the law used to prosecute those in the Taiwan Independence Association incident 9 days later.

Those prosecuted in the Taiwan Independence Association incident included Chen Cheng-jan, a graduate student of sociology at NTU; Liao Wei-chung, a graduate student of history at Tsing Hua University; social activist Wang Hsiu-hui; and Amis missionary Masao Nikar (Chinese name Lin Yin-fu).

The Investigation Bureau accused the four of accepting financial support from Su Beng, a Taiwanese independence activist living in Japan, to establish a “Taiwan Independence Association” in Taiwan with intent of insurrection, taking them into custody for “inciting civil unrest” according to the Betrayers Pun-

ishment Act (Article 2-1).

At 5:50 a.m. on May 9, the Investigation Bureau, disregarding the call for “university autonomy” by academic circles since martial law was lifted, went into the graduate student dormitories of Tsing Hua University without notifying the university and arrested Liao Wei-cheng in his sleep.

News of the arrest incensed the campus, reminding everyone of the historical trauma of the White Terror. The four defendants were arrested almost simultaneously. Chen Cheng-jan, who was named the main culprit, was born in Chiayi on February 28, 1959. He held a Master’s in Sociology from NTU and failed to finish a PhD in Sociology from the University of California, Los Angeles.

Chen Cheng-jan was very active on campus, leading reading groups at several university clubs, promoting identification with Taiwanese cultural values, and researching historical data. He was also actively involved in social movements. He once traveled to Japan to visit Su Beng and gather historical data after reading Su Beng’s *Taiwan’s 400 Year History*.

In an interview, Chen Cheng-jan stressed that the four of them had had no previous interaction. The only thing connecting them was how they’d all met Su Beng and read *Taiwan’s 400 Year History*. The case not only lacked evidence but also had absurd charges slapped together sloppily. It was a trumped-up political case. However, the case was put together so clumsily that it backfired and sparked strong social backlash.



May 15, 1991: Students of National Taiwan University went on strike, demanding the abolishment of the Betrayers Punishment Act. Photographer: Huang Yen-wen



May 15, 1991: Tsing Hua University's Liao Wei-cheng Rescue Association March occupied Taipei Main Station.
Photographer: Chiu Wan-hsing



September 10, 2021: Interview with
Chen Cheng-jan recalling the Taiwan
Independence Association incident.
Photographer: Huang Yen-wen

After martial law was lifted, observed Chen Cheng-jan, there was rapid and vigorous development of diverse and long-suppressed social forces. The KMT was also faced with stronger and stronger challenges. From central to local elections, the number of seats won by the KMT was in continuous decline. After taking office, President Lee Teng-hui advocated for local reforms, which made the conservatives forces in the KMT anxious.

That is why, Chen Cheng-jan believes, they decided to crack down on a “big case” to not only intimidate pro-independence activists but also let the pro-localization faction within the party know that “pro-independence movements must be shut down”. Therefore, the Investigation Bureau arrested people from student movements, social movements, and indigenous rights movements, fabricating the Taiwan Independence Association incident and cracking down hard with “Article 2-1”. But their scheme backfired.

Protests erupted almost simultaneously, the situa-

tion developing like a daily high-stakes drama. First, the students and faculty of Tsing Hua University established the Liao Wei-cheng Support Association that very morning and launched the “Protest Against Campus White Terror” and the “Rescue Liao Wei-cheng Movement”.

NTU also took action, the “Wild Lily” generation gathering once more. That night, over 200 students from NTU and Tsing Hua University surrounded the Taipei Office of the Investigation Bureau to demand the release of the accused. DPP legislators Lu Hsiu-Yi, Hung Chi-chang, and Cheng Yu-chen as well as Professor Yeh Chi-cheng of NTU’s Department of Sociology also rushed over to visit the prisoners and make negotiations.

By the 10th, other universities had joined the cause. Tsing Hua University professors issued a joint statement accusing the authorities of “bringing the spirit of the martial law back to life”. Even during an era without the Internet, just telephones and fax, the statement was quickly signed by over 180 professors.



May 16, 1991: Students protesting against the Taiwan Independence Association incident occupied Taipei Main Station. Photographer: Huang Yen-wen

Groups like the Taipei Society and Taiwan Association of University Professors, as well as certain academicians and researchers of Academia Sinica all stood out to protest against political repression. As a result, even Tsing Hua University's president at the time, Liu Chao-shiuan had to come out and accuse the Investigation Bureau of improper administrative procedures.

On the 11th, campus protests began popping up in universities across Taiwan. The first sit-in was held at the entrance of NTU. Sunday the 12th coincided with Mother's Day. That morning, the students moved their sit-in to Chiang Kai-shek Memorial Hall. Many professors who heard the news also went to show their support.

The authoritarian regime, not wanting a repeat of

the Wild Lily student movement, sent the riot squad in to forcibly disperse the students and professors. Many professors and students were violently beaten by the police.

Professor Chen Shih-meng of NTU's Department of Economics received the worst of the beatings. The grandson of Chen Pu-lei, Chiang Kai-shek's chief speechwriter, Chen Shih-meng was born in an influential family loyal to the KMT. Having never before been subjected to such violence, he burst into tears several times in disbelief. Police violence only exacerbated the situation.

By the 13th, newspaper clippings about Chen Shih-meng suffering police brutality were pasted all over NTU's College of Law, outraging many students who previously had no involvement in political move-



May 20, 1991: Those persecuted in the Taiwan Independence Association incident, namely (from the left) Liao Wei-cheng, Wang Hsiu-hui, Masao Nikar, and Chen Cheng-jan, joined the May 20 March Against Political Persecution after they were released on bail following the Legislative Yuan's swift repeal of the Betrayers Punishment Act. Photographer: Chiu Wan-hsing



The Taiwan Independence Association Incident Rescue Coalition. Photographer: Huang Yi-shu

ments. Student strikes spread across the country like wild flowers. First, student representatives of Tsing Hua University announced a "comprehensive strike".

On the 14th, the student council of NTU's College of Law also announced a group strike. Students and professors across different universities formed Intellectuals Against Political Persecution and quickly joined the strike, preparing for a long battle. On the same day, the DPP and social activist groups decided to throw in their support.

This was the first massive wave of student strikes since the KMT government settled in Taiwan.

Seeing the situation getting out of hand, Kao Ming-hui, Deputy Director of the Investigation Bu-

reau, who oversaw the Taiwan Independence Association incident, announced his resignation, but it wasn't enough to quell the people's anger.

On the 15th, the National Student Movement Alliance joined the protest. Nearly 1,000 students and activist groups occupied Taipei Main Station. They had four major demands: "abolish the Betrayers Punishment Act, release the innocent, stop political persecution, and respect academic freedom".

That night, almost 2000 students and professors slept overnight inside Taipei Main Station to strongly demand the abolition of the Betrayers Punishment Act.

After students occupied Taipei Main Station, KMT higher-ups relented.



May 20, 1991: A march against the White Terror and political persecution. Photographer: Huang Yen-wen

On the 17th, the Brainstorming Breakfast Assembly and New Kuomintang Alliance, two sub-groups of the KMT's Executive Yuan, jointly proposed a provisional motion to abolish the Betrayers Punishment Act. The motion was quickly approved on third reading.

On the same day, Chen Cheng-jan, Liao Wei-cheng, Wang Hsiu-hui, and Masao Nikar were immediately released on bail.

However, the KMT refused to budge an inch when it came to Article 100 of the Criminal Code, which targeted ideological rebellion.

On the 20th, academic and social movement cir-

cles launched the March Against the White Terror and Political Persecution. Students camped out in front of the Control Yuan and on the slow lane of Zhongshan South Road, demanding "resignation of the Hau Pei-tsun Cabinet", "abolition of Article 100 of the Criminal Code", "withdrawal of intelligence units from schools", and "acquittal of those involved in the Taiwan Independence Association incident".

However, that wasn't the end of the Taiwan Independence Association incident. Afterward, prosecutors charged Chen Cheng-jan and others with Article 100 of the Criminal Code instead.



May 20, 1991: Taiwanese intellectuals launched an anti-political persecution march, demanding eradication of the White Terror. Photographer: Hsu Po-hsin

V. The Taiwan Jianguo Union Incident: Street Protests Defending the Right of Association for Taiwan Independence

The Taiwan Independence Association incident in mid-May of 1991 sparked a wave of student protests and mass protests on the streets of Taipei. The situation continued to escalate, especially with groups like the Taipei Society, Taiwan Association of University Professors, and certain academicians and researchers of Academia Sinica forming Intellectuals Against Political Persecution. Even overseas heavyweight scholars like Yu Ying-shih, Lee Yuan-tseh, and Tu Weiming joined in support.

Movements in the streets of Taipei were mainly led by student movements and academic circles. In Taichung, however, another group of pro-democracy activists who had long advocated for Taiwan's independence and suffered from political persecution announced the establishment of the Taiwan Jianguo Union on the 16th.

The union was founded near the National Museum of Natural Science in Taichung City. Chief members included convener Chen Wan-chen, director-general Lin Yung-sheng, as well as Hsu Lung-chun, Tsou Wu-chien, Chiang Kai-shih, Wang Chao-hsin, Pastor Lai Kuan-yi, Pastor Lin Fang-chung, Lin Chyueh-wei, and Te-Cho-jung.

Chen Wan-chen was born in Changhua in 1950. She became a reporter for *China Times* after graduating from National Taiwan Normal University and covered news about the Provincial Consultative Council, where she got to know Tangwai activists and identified with their cause. She joined the opposition movement, becoming a candidate in the 1978 supplementary Legislative Yuan elections (however, the

election was suspended after the US broke off diplomatic ties with the ROC). In April 1979, she, Wu Che-lang, and Chen Po-wen founded the underground publication *Tide*, which caused a sensation.

Chen Wan-chen is known for her tough political stance. She advocates the establishment of the "Republic of Taiwan" and defends the right of association for pro-independence activists. In addition to supporting the protest movement surrounding the Taiwan Independence Association incident, she also voiced her support for those who were jailed for pro-independence advocacy such as Tsai Yu-chuan, Hsu Tsao-teh, and Huang Hua.

Just a few short days after the Taiwan Independence Association incident, Kao Ming-hui stepped down and the Betrayers Punishment Act was abolished. However, on June 8, prosecutors subpoenaed Taiwan Jianguo Union convener Chen Wan-chen based on "Offenses Against the Internal Security" in Article 100 of the Criminal Code, demanding that she appear in court in 4 days.

Chen Wan-chen not only refused to do so but also held a public auction of the subpoena. She stressed that all actions of the Taiwan Jianguo Union were exercising people's basic right of resistance, and that the people have the right and obligation to overthrow unjust regimes by any means.

Afterward, the Taiwan Jianguo Union, along with movements to bring exiled activists home, began a series of mass protests with the belief that so-called "love and non-violence" would only be dismissed by the regime. Therefore, when training volunteers, the



1989: Chen Wan-chen leading members in a protest on National Day. Photographer: Huang Yen-wen



1989: Chen Wan-chen leading members in a protest on National Day. Photographer: Huang Yen-wen



October 10, 1989: Chen Wan-chen leading members in a protest on National Day. Photographer: Huang Yen-wen



October 25, 1992: The Taiwan Jianguo Union stormed the Taichung District Court. Photographer: Chien Chiu-jung



October 25, 1992: The Taiwan Jianguo Union stormed the Taichung District Court. From the left are Chuang Chiu-hsiung, Lin Yung-sheng, Chen Wan-chen, Lin Chyueh-wei, and Ting Chih-ching. Photographer: Chien Chiu-jung



October 25, 1992: The Taiwan Jianguo Union stormed the Taichung District Court. Photographer: Chien Chiu-jung

group emphasized both theoretical ideas and practical training, even teaching volunteers how to make Molotov cocktails.

On August 12, the authoritarian regime issued an arrest warrant for Chen Wan-chen, asking the police to forcibly arrest her and keep her in custody by the end of the month. The Taiwan Jianguo Union was not about to go down without a fight. They declared the establishment of the Taiwan Jianguo Self-Defense Force and issued the declaration *Defense of the Freedom of Association for Taiwan Independence*.

From here, the Taiwan Jianguo Union began a 21-day resistance and standoff. The atmosphere was solemn and defiant. Huge banners reading “Blood sacrifice to the Taiwanese souls lost in the February 28 incident” and “Defend the right to resistance to the death” were hung from the 3rd floor.

On the 30th, as the deadline for Chen Wan-chen’s arrest neared, pro-independence scholars and student activist groups feared a repeat of the Cheng Nan-jung tragedy. They thus formed the Freedom of Association Action Alliance and organized a sit-in in front of the Union’s headquarters, launching a 30-hour hunger strike in solidarity with the Taiwan Jianguo Union.

On the night of the 31st, the Taiwan Jianguo Union removed all the windows on the third floor facing the road. There were also 4 tanks of natural gas and boxes of Molotov cocktails on the balcony. Chen Wan-chen, the one wanted for arrested, implored everyone else to retreat from the headquarters, determined to fight the riot squad to death on her own.

Downstairs from the headquarters was a natural gas supplier, making the situation even more tense. It seemed like an all-out conflict would break out at any moment. After some communication and negotiation, the police, not wanting to repeat the Cheng Nan-jung incident, sought to de-escalate the situation and ordered the riot squad to retreat.

However, a few months later, cadre members of the Taiwan Jianguo Union, including Lin Yung-sheng, Hsu Lung-chun, Tsou Wu-chien, and Chiang Kai-shih, as well as exiled activists who returned from overseas like Chang Tsan-hung, Kuo Pei-hung, Wang Kang-lu, and Lee Ying-yuan, were all successively arrested and jailed, charged with “Offenses Against the Internal Security” under Article 100 of the Criminal Code.



October 9, 1991: The 100 Action Alliance, which advocated for the abolition of Article 100 of the Criminal Code and against the military parade, staged a sit-in in front of NTU's Basic Medical Science Building led by academician Lee Chen-yuan (sitting in the center). Photographer: Huang Yi-shu

Chapter 3

Protest: The Crucial 20 Days

- I. The 100 Action Alliance and Taiwan's Social Forces Coming Together
- II. Overwhelming Passion and Initiative
- III. Confrontation and Negotiations
- IV. Military Parade Behind Barbed Wires

The five years between the lifting of martial law in 1987 and democratization with absolute freedom of speech in 1992 saw Taiwanese society clashing with the authoritarian regime more intensely and frequently than ever.

In this turbulent era of passionate activism, opposition forces in all areas of society, including academic circles, the medical sector, social activists, cultural workers, disadvantaged groups, and religious groups, converged, forming an unstoppable raging wave. The number of protesters grew with every protest, making each demonstration stronger than the last.

In particular, 1991 was a crucial year. The movement advocating for the abolishment of Article 100 of the Criminal Code reached a fever pitch that year, leading to the breaking of the last shackles limiting freedom of speech in 1992.



September 8, 1991: The March for a Referendum to Rejoin the UN organized by the Referendum Promotion Association assembled and began marching at the Taipei Soccer Stadium. Photographer: Huang Yen-wen

I. The 100 Action Alliance and Taiwan's Social Forces Coming Together

Following the lifting of martial law, the end of the Temporary Provisions Against the Communist Rebellion, and the abolition of the Betrayers Punishment Act, Article 100 of the Criminal Code became the final shackles limiting freedom of speech in Taiwan.

In September 1991, a week after cadre members of the World United Formosans for Independence like Kuo Pei-hung and Lee Ying-yuan sneaked back to Taiwan in response to the “Homecoming for Black-listed Individuals” movement and were arrested and jailed, Su Ih-jen, Twu Shiing-er, Chan Chang-chuan, and many other National Taiwan University Hospital doctors, led by Academia Sinica academician Lee Chen-yuan, visited them at the Tucheng Detention Center.

Lee Ying-yuan graduated from NTU’s Department of Public Health. His arrest drew major concern from NTU and the medical field. Even his former teacher Lee Chen-yuan, who had never involved himself in politics, was shocked and saddened by the news.

Lee Chen-yuan (1915-2001) once served as the Dean of NTU’s School of Medicine, Chairman of the Toxicology Society of Taiwan, Chairman of The Pharmacological Society in Taiwan, Honorary Member of the American and Japanese Pharmacological Societies, and President of the International Society on Toxicology. A well-respected scholar both in Taiwan and abroad, he devoted his life to basic medical research and was an internationally renowned authority on snake venom research.

This prison visit ignited the decades-long suppressed anger he felt about the White Terror era, an anger that he could no longer suppress.

The 100 Action Alliance sprouted from the 98 Referendum March

On the other hand, the “March for a Referendum to Rejoin the UN” organized by the Referendum Promotion Association took place in Taipei on September 8, 1991. Their demand was simple, but as those involved in the Taiwan Independence Association incident, members of the Taiwan Jianguo Union, and exiled overseas activists were arrested successively over the past few months, the anger and drive to protest that people had long suppressed suddenly exploded.

Those who participated in the march, including academic groups, student activist groups, the DPP, and the Presbyterian Church in Taiwan, in addition to the overseas Formosan Association for Public Affairs, jointly proposed three demands: “hold a referendum to rejoin the UN, abolish Article 100 of the Criminal Code, and release pro-independence political prisoners”.

Although the weather was poor that day, tens of thousands of people still took to the streets, fearless of the authoritarian regime and the pouring rain. The cold rain mixed with the protesters’ tears and sweat, but could not put out the fire in their hearts.

The parade of protesters was blocked by police barricades as they neared Zhongshan North Road and Nanjing East Road. The police even used water cannons to disperse the crowd, but the protesters refused to retreat. The standoff lasted late into the night.

During the standoff, leaders of the march entered the Presidential Office Building twice to negotiate, requesting the release of jailed political dissidents, but



September 8, 1991: The March for a Referendum to Rejoin the UN organized by the Referendum Promotion Association at the Taipei Soccer Stadium. Protesters demanded the release of political prisoners. Photographer: Hsu Po-hsin

failed to receive concrete responses from the executive agency either time.

The standoff lasted over 10 hours. Tired, wet, hungry, and worked up, the crowd lost their patience, becoming more and more anxious and agitated. Many people began destroying barbed wire fences and iron bars.

In particular, those participating in the march also included the unstoppable force of the Taiwan Jianguo Union. A large propaganda car led by Chen Wan-chen joined the march like a chariot, creating an even more shocking visual impact.

How to get the incensed crowd to disperse when all three demands were refused immediately became one of the toughest conundrums for DPP leaders.

DPP officials took turns making speeches on the leading vehicle, trying to calm the crowd, but were unable to quell people's anger. An emergency meeting was held in the leading vehicle. Everyone knew that whoever tried to convince the crowd to disperse was at risk of ending their political career.

It wasn't until 1:00 a.m. when Chen Shih-meng, who represented the academic circle in the commanding center of the march, was understanding of the DPP officials' dilemma and boarded the leading vehicle to help resolve the deadlock. He advised the crowd to disperse for the time being and come back with full force at the October 10 military parade.

As expected, Chen Shih-meng's words

angered the crowd. People yelled and even threw empty bottles at him in anger. But gradually, more and more people in the crowd began to see that there was no use prolonging the standoff. They echoed Chen Shih-meng's suggestion and tried to calm the crowd, telling everyone not to let emotions get the better of them.

The standoff finally ended, but it also prompted the formation of the 100 Action Alliance.

Liao I-en, the first secretary-general of the Taiwan Association of University Professors and a professor of the Department of Computer Science and Engineering at Chung Hsing University, recalled that after the September 8 march, he began to seriously consider the feasibility of an "anti-military parade" campaign. He found the idea bold yet very creative.

Anti-Military Parade, Anti-Article 100 of the Criminal Code — An Unprecedented Protest Model

October 10th, the National Day of the Republic of China, was the grandest and most solemn annual event for the authoritarian regime. 1991 also happened to be the 80th anniversary of the ROC. To "showcase

national prestige", celebrations were expanded to include the so-called "China Unification Drill". 12,566 soldiers were mobilized for the drill, making it the largest every National Day military drill to date.

For the first time, the military parade would feature a 24-by-18 battalion of soldiers all armed with domestically produced T65 assault rifles. The battalion would march in formations, creating a magnificent military display.

The military parade was a demonstration of the nation's military strength, analyzed Liao I-en. It demonstrated the authority of the supreme commander of the three armed forces. Therefore, to protest against the military parade was not only a difficult and dangerous affair, but also a direct provocation of the supreme commander of the three armed forces. No one had ever proposed such an idea before.

Therefore, Liao I-en believed, protesting against the military parade with an organized and peaceful sit-in could create the leverage to amplify the strength of the opposition movement.

On September 15, Liao I-en, Chen Shih-meng, Chang Ching-hsi, Kenneth S. Lin, Lin Ferng-Ching, Chang Wei-chia, Hsu Jui-feng, Chien Hsi-chieh, Luo Wen-chia, Chung Chia-pin, and Chen Cheng-jan met



October 8, 1991: Lee Chen-yuan, Liao I-en, and Luo Wen-chia speaking before the Legislative Yuan. Photographer: Pan Hsiao-hsia

at the Wistaria Tea House. In this meeting, Liao I-en proposed the idea of protesting against the military parade.

Liao I-en recalled in an interview that, after a heated discussion, everyone agreed that the "anti-military parade" campaign was feasible. Most activists agreed that protesting against the military parade should be a bargaining chip and means of resistance. However, the main goal of the protest and the nature of the movement should still focus on securing the release of political prisoners.

But Chang Chia-wei and Lin Ferng-Ching believed that limiting the demands of the protest to the release of political prisoners would narrow the stance and

positioning of the movement. It also did not address the heart of the issue, making it harder to gain public support and effectively mobilize society.

After some brainstorming, the group decided to continue to uphold demands of the wave of student protests in May when Article 100 of the Criminal Code was not abolished along with the Betrayers Punishment Act. They decided to form the 100 Action Alliance, focusing on opposing the military parade and Article 100 of the Criminal Code as their main demand. For the protests, they insisted on an approach of "love and non-violence", inviting "well-respected" individuals in society to lead the event to expand the alliance's appeal and influence.



September 13, 2021: Chang Wei-chia recalling the 100 Action Alliance. Photographer: Huang Yen-wen



September 16, 2021: Liao I-en recalling the 100 Action Alliance. Photographer: Hsu Po-hsin

II. Overwhelming Passion and Initiative

Liao I-en said that there were three reasons behind the name “100 Action Alliance”:

I. Article 100 of the Criminal Code was an evil law restricting the freedoms of speech, thought, and association of the Taiwanese people.

II. They wanted to carry the torch of Cheng Nan-jung and pursue “100% freedom of speech”.

III. The sit-in protest would mimic a military formation, with 100 people in each company, each company divided into three platoons, and each platoon divided into three squads. The organizers called for 100 professors, 100 students, 100 women, and 100 religious people to conduct a peaceful sit-in protest.

Everyone agreed that the name sounded good and was easy to remember. Chen Cheng-jan also added, “It’s Double Ten Day, and 10 times 10 equals 100!” Actions to form the alliance began as soon as the meeting ended.

Professor Chang Chung-tung of NTU’s Department of History saw the news of how Lee Chen-yuan led those in the medical field to visit Lee Ying-yuan, Kuo Pei-hung, and others imprisoned at the Tucheng Detention Center. He believed that Lee Chen-yuan had just the right character, reputation, academic background, and achievements to lead the alliance and suggested Chen Shih-meng pay him a visit to make the proposition.

Academician Lee Chen-yuan: a Witness of the White Terror Willing to Dedicate the Rest of His Life to Democratization

At that time, Lee Chen-yuan was already 76 years old. He had never been involved in nor commented on politics, let alone participate in political move-

ments, especially ones as risky as protesting against the military parade.

To everyone’s surprise, when Chen Shih-meng and Chan Chang-chuan paid Lee Chen-yuan a visit, he agreed to join unhesitatingly on the spot.

Lee Chen-yuan would later say to the media, “as intellectuals, we should do our part to further the democratization of Taiwan” and “the issue of unification or independence should be openly discussed by the Taiwanese people. You can’t say that those in support of unification are definitely right, nor that advocating for independence is wrong. People are even being suppressed for expressing their opinions about the future of Taiwan.”

It was crucial for Lee Chen-yuan to be the one to lead the alliance. This is because the media was still controlled by the KMT, the government, and the military. Before the lifting of martial law, the media and campuses had propagated the idea that “Tangwai movements” and “overseas pro-independence movements” were all “allies of the communist bandits”, collectively referring to the three as “three-in-one” enemies.

Even though the idea of Taiwan’s independence was fundamentally incompatible with the Chinese Communist party, at the time, pro-independence activists were still deemed by the one-party regime as “communist allies” disrupting the country. This is because all three parties threatened the legality and legitimacy of the regime. After the end of the so-called period of communist rebellion, pro-independence activists became the only “rioters” demonized by the party-, government-, and military-controlled media.

Therefore, the success of the 100 Action Alliance depended on the leadership by Lee Chen-yuan, a re-

spected scholar, and how other major figures in the alliance were all intellectuals, with politicians doing little more than making an appearance.

For the longest time, the media and schools had brainwashed the general public into believing that those who opposed the KMT were all “rioters” and that the DPP were “conspiracy theorists”. The public image of professors and university students, on the other hand, was that of “educated” and “pure and aspiring” people.

Therefore, a movement launched entirely by intellectual was not only more likely to overcome smear campaigns from the aforesaid media, but also had a better chance to garner support from the medical sector, academic circle, and cultural field, thereby making it easier to gain public trust.

This is also why the alliance insisted on “non-violence” as a tenet of the movement. Mass movements and social movements in the past often evolved into bloody clashes, then being smeared by the media as

“street violence” and demonized as actions that disturbed social harmony.

Therefore, the alliance believed that only peaceful and rational protest could emphasize the legitimacy of the movement and garner recognition and support from the majority of the general public.

Three days later, on September 18, the organizational structure of the 100 Action Alliance was finalized and a meeting of founders was held at the new National Assembly office near the Legislative Yuan.

Founders of the alliance included: Academician Lee Chen-yuan of Academia Sinica; Professor Chang Chung-tung of NTU’s Department of History; Professor Lin Shan-tien of NTU’s College of Law; Professor Chu Hai-yuan of NTU’s Department of Sociology; Secretary General Liao I-en of the Taiwan Association of University Professors; Chung Chao-cheng, Hakka Public Affairs Association chairman and PEN Taiwan member; Chen Yung-hsing, director of the Kuandu Nursing Home; John C. Chen, chairman of



Chen Shui-bian's legislative assistant Luo Wen-chia leading a demonstration rehearsal in front of the Legislative Yuan. Photographer: Chiu Wan-hsing



New National Assembly office assistant Chung Chia-pin leading the crowd in an exercise of love and non-violence in front of the Legislative Yuan. Photographer: Chiu Wan-hsing

the Taiwan Comparative Law Foundation; Rev. C. S. Yang, Director General of the Taiwan Presbyterian Church; and Chai Trong-rong, director of the Referendum Promotion Association.

Within the coalition, Chen Shih-meng served as convener while Lin Ferng-Ching, a professor of NTU's Department of Computer Science & Information Engineering, served as the director-general. Chen Cheng-jan, Luo Wen-chia, and Chung Chia-pin were in charge of the press and event planning. Non-violent demonstrations were led by Chien Hsi-chieh and Pastor Lin Tsung-cheng.

The Swift Assembly of the 100 Action Alliance

On September 21, the 100 Action Alliance held its inaugural meeting at the National Taiwan University Alumni Hall. October 10th was a mere 20 days away. Their founding declaration stated that the 100 Action Alliance is an organization jointly established by the academic circle, cultural field, doctors, lawyers, religious personnel, social activist groups, and minority groups.

The declaration stated, "we have come together to



September 1991: Chien Hsi-chieh leading a practice of non-violent protest in front of the Legislative Yuan. Photographer: Liu Chen-hsiang



Family members of those persecuted based on Article 100 of the Criminal Code took to the streets. Photographer: Hsu Po-hsin

demand the abolishment of Article 100 of the Criminal Code. We also oppose the military parade. Both Article 100 of the Criminal Code and the military parade are antithetical to democracy and current trends. If the two are not abolished, Taiwan will never be able to walk the path towards becoming a modernized country."

The declaration also emphasized, "our primary demand is the abolishment of Article 100 of the Criminal Code. If this demand is not clearly met by the Kuomintang, we will enact concrete countermeasures against the military parade."

In a press conference, the alliance announced its two-phase strategy against the military parade and Article 100 of the Criminal Code: Stage 1 consisted of "peaceful pressure". Stage 2 was "active attack". Respectively, the actions they would take included lobbying, making complaints, holding speeches, holding public hearings, holding debates, mobilizing activists, "non-violent" demonstrations, and protest against the military parade.

The plan was to take incremental measures. As long as the authoritarian regime promised to abolish Article 100 of the Criminal Code, the coalition would

promise to cease the protest. In the history of opposition movements in Taiwan, this was the first to directly challenge the president as the commander-in-chief of the armed forces. It was also the first to emphasize “non-violence” as one of its core tenets.

The alliance decreed that: All participants must first sign a “non-violence” letter of undertaking, agreeing to abide by the organizers’ disciplinary requirements. Participants must also be organized and undergo training. This was not a movement that the general public could join at will.

Veteran social activist Chien Hsi-chieh explained that when it comes to non-violent resistance, a very important concept to have is that the police are simply doing their jobs. They are neither the main subject of the confrontation nor the target of the movement. Our goal is to change the system, not direct hate at people. Therefore, if anyone insults or throws stones at the police, the group’s disciplinary unit must immediately put a stop to it.

The more the crowd resists and fights back against the police when they try to disperse, beat, and commit violence towards protesters, the more legitimate the police brutality seems. It might even make the police enjoy such violent actions. If the crowd does not resist and remains silent, even if the police beats 5 or 6 people, they won’t be able to keep going with the 7th or 8th target.

Therefore, instead of fighting violence with vio-

lence, the crowd must fight back with willpower, so that the police lose all legitimate reasons to use violence. Non-violence is actually the strongest and most powerful way to fight back against violence.

A lot of people fail to understand this, explained Chien Hsi-chieh, so they don’t think that non-violence can work in Taiwan. As it turned out, it was the right approach to take.

When the 100 Action Alliance was first established, the authoritarian regime responded rather calmly, believing it to be no more than a rebellion of “bluffing” academics. But then, the intelligence unit saw how members of the alliance were conducting non-violent rehearsals on site. Members were divided into small groups, sitting together with linked arms to form a human chain. Though they are not large in numbers, with just over 400 people, their energy was astounding, an impressive sight to behold.

The alliance was not only quick and efficient but also determined, disciplined, and orderly, unlike any other mass movement before it. They were beyond the police’s expectation and control. The 100 Action Alliance was serious!

Shocked, the authoritarian regime began to panic. They began to carefully evaluate possible ways the coalition could interfere with the military parade and relevant countermeasures that could be taken. In the end, the authoritarian regime was forced to negotiate.

III. Confrontation and Negotiations

Time is of the essence. The 100 Action Alliance began mobilizing and taking action as soon as it was founded on September 21, 1991. On September 23, Lee Chen-yuan, Chen Shih-meng, Liao I-en, and Lin Ferng-Ching headed to the Legislative Yuan to meet with DPP legislators.

Since both sides shared the same ideologies and goals, DPP Legislative Caucus Secretary Peng Paihsien and Legislator Chen Shui-bian both stated that the DPP supported the 100 Action Alliance’s cause and would push motions to repeal Article 100 of the Criminal Code in the Legislative Yuan.

In fact, when the Legislative Yuan opened session in February 1990 of the previous year, the first politi-

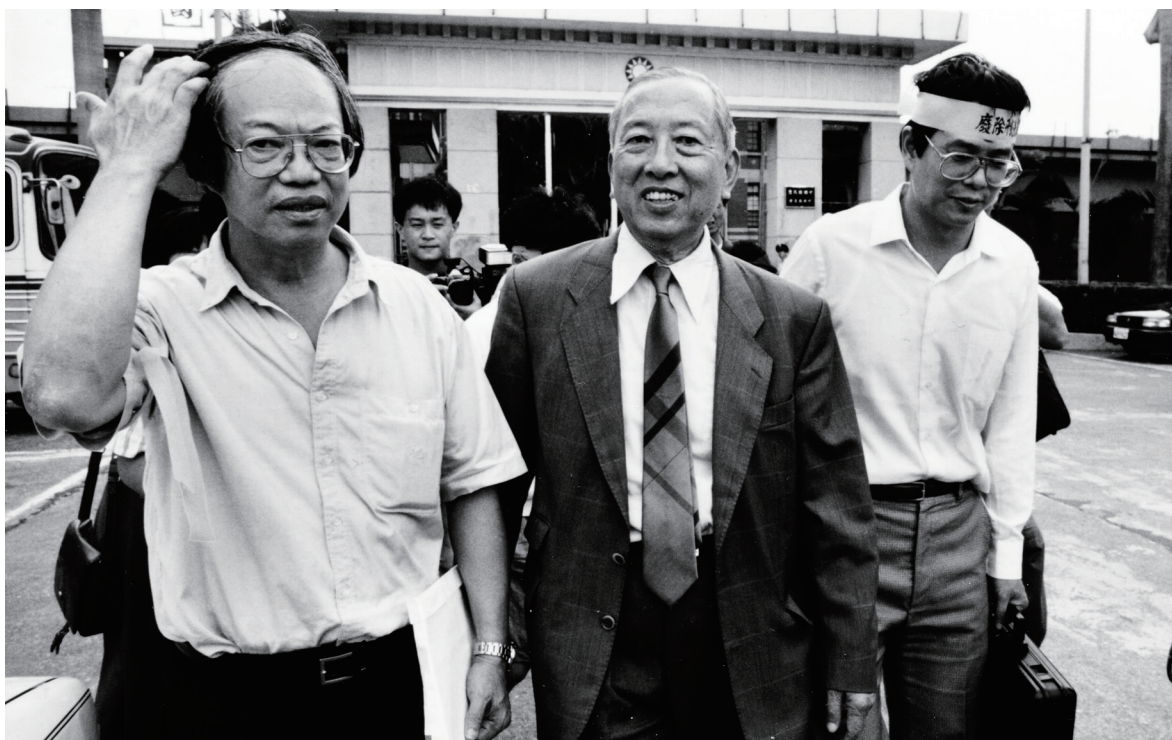
cal action taken by the newly elected DPP legislators was to protest Huang Hua’s arrest and speak out for him.

In April, Chen Shui-bian even led the DPP caucus to sign a petition to abolish the Betrayers Punishment Act and Article 100 of the Criminal Code. This was the first proposal targeting the two draconian laws in the Legislative Yuan. Unfortunately, the proposal was sidelined by the Legislative Yuan with no results.

On September 24, when the Legislative Yuan opened session, Lee Chen-yuan and Chen Shih-meng led members of the coalition and family members of the victims of Article 100 of the Criminal Code to petition the Legislative Yuan early in the morning.



September 24, 1991: The 100 Action Alliance went to petition the Legislative Yuan. Photographer: Hsu Po-hsin



September 24, 1991: The 100 Action Alliance petitioning at the KMT headquarters. Photographer: Hsu Po-hsin

Got Off on the Wrong Foot? Indifference from Officials, Warm Public Support

However, the Legislative Yuan, the highest government body representing the people, refused to let them in, barring them outside with iron doors and the police. After some back and forth negotiations, Lee Chen-yuan and the others were finally allowed into the Legislative Yuan conference room to watch a broadcast of the meeting. The petition was unsuccessful.

That afternoon, Lee Chen-yuan, Chen Shih-meng, Lin Shan-tien, Liao I-en, and Chu Hei-yuan visited the KMT headquarters, hoping the KMT Central Standing Committee would add Article 100 of the Criminal Code to its items for discussion. KMT Secretary General Soong Chu-yu, however, made up rea-

sons to evade meeting with the alliance, sending the director of the Dept. of Secretariat to meet with them instead. Since there were no high-level KMT representatives present, the meeting had little significance.

However, that night, the news reported how Lee Chen-yuan and the others petitioned the Legislative Yuan only to be shut out the door. This immediately drew the ire of students and faculty members of NTU's College of Medicine. They started a petition to abolish Article 100 of the Criminal Code on campus.

Some universities even formed student taskforces to coordinate strikes on military training class, echoing the alliance's anti-military parade stance.

On the 25th, the alliance visited the KMT sub-group Brainstorming Breakfast Assembly in search for support. Then legislator Huang Chu-wen pointed



The 100 Action Alliance conducting non-violent protest in front of the Legislative Yuan. Photographer: Liu Chen-hsiang

out that there was indeed room for discussion when it came to Article 100 of the Criminal Code, but the KMT would only accept amending the law, not repealing it altogether. Lee Chen-yuan said that he could not agree to the KMT deciding how to amend the law and forcing the people to accept it. Doing so would mean be contrary to the people's wishes.

Next, the alliance wanted to visit the other KMT sub-group, New Kuomintang Coalition, but was refused. The sub-group said that since both sides had completely different stances, it would be better for them not to work together.

On the 26th, the alliance held the Article 100 of the Criminal Code: Abolition vs. Amendment Debate at the NTU Auditorium. They challenged the Ministry of Justice to the debate but were refused, so the event

was changed to a briefing instead. Even so, over 2,000 people packed the auditorium.

Lee Chen-yuan, Chen Shih-meng, Lin Shan-tien, Chang Chung-tung, National Chung Hsing University's Criminal Law Professor Liu Shing-i, and Chen Shui-bian took turns speaking, garnering great applause and boosting the alliance's morale.

On the same day, the alliance launched the Petition of Academics to Abolish Article 100 of the Criminal Code. For such a conservative era under an authoritarian regime, the fact that the petition was quickly signed by over 900 professors shows that the KMT's grip over the academic circle had loosened.

On the 27th, members of the alliance petitioned at the Legislative Yuan for a second time, but the front gates remained locked. The security guard said that

they had to go through the side door. Lee Chen-yuan insisted on going through the front gate. After some back-and-forth coordination by DPP legislators, the guards finally unlocked the front gate.

But after Lee Chen-yuan and Lin Shan-tien entered the conference room, officials were unable to find the petition the alliance submitted 3 days ago, forcing their members to wait idly. Then KMT Legislator and Chairman of the Judiciary and Organic Laws Committee Lee Tsung-jen showed up, only to say that since a new chairman would be elected by the end of the month and that he was leaving office soon, he could listen to their ideas but not do much else.

Lee Tsung-jen's attitude displeased Lee Chen-yuan and Lin Shan-tien, and they parted on bad terms. However, all their failed petitioning efforts received widespread media coverage. The high level of attention only boosted the 100 Action Alliance's momentum. Finally, Secretary General Chiang Yan-shih of the Office of the President contacted them under orders from President Lee Teng-hui, inviting members of the alliance to meet with him.

Lee Teng-hui Expresses Concern, the Alliance Demands a Public Debate

On the afternoon of the 28th, a week after the alliance was founded, Chiang Yan-shih told Chen Shih-meng and Lin Shan-tien that, regarding concerns about Article 100 of the Criminal Code, the KMT was willing to establish a cross-party Criminal Code Article 100 Amendment Taskforce outside of the KMT's Policy Assembly, but the 100 Action Alliance would have to cease its anti-military parade plan in return.

Nonetheless, Chen Shih-meng and Lin Shan-tien immediately responded that the issue should be debated publicly on television. Chiang Yan-shih said that he could not make this decision on his own and could only report their demands to his superiors.

On the night of the 28th, the alliance held its sec-

ond meeting, naming Chen Shih-meng, Lin Ferng-Ching, Liao I-en, Rev. Luo Wen-kuang of the Presbyterian Church, Chien Hsi-chieh, Liao Pin-liang, Master Wang Hsiu-lien of the Ten Thousand Buddha Association, Chung Chia-pin, and Luo Wen-chia as the decision-making team for the coalition's second phase "active attack", with Lin Ferng-Ching as director-general of the group. The anti-military parade movement was gradually taking a clearer and more concrete shape.

On the 29th, Lee Teng-hui hosted well-respected native-born activists at the Official Residence of the President, sending the message that the government was willing to form a cross-party Criminal Code Article 100 Amendment Task Force in hopes of escalating the anti-military parade movement.

At noon on the 30th, top officials of the KMT officially invited the 100 Action Alliance to negotiate. The KMT representatives included KMT Central Party Policy Assembly Director Lin Tung, Policy Assembly Vice Director Hung Yu-Chin, Vice Premier Shih Chi-yang, Executive Yuan Secretary General Wang Chao-ming, and Mainland Affairs Council Vice Chairman Ma Ying-jeou.

On the alliance's side were Lee Chen-yuan, Honorary Professor Tsai Tun-ming of NTU's College of Law, Lin Shan-tien, Chen Shih-meng, Chang Chung-tung, and John C. Chen. Both sides sent out their best to negotiate at the Lai Lai Shangri-La Hotel (now the Sheraton Grand Taipei Hotel).

Lin Shan-tien, who was in charge of basic criminal law theory, argued that in the formation of criminal laws in civilized countries, the most important factor was the principle of legality, of which "clear legal elements" are crucial. Because the Criminal Code can deprive criminals of their lives and personal freedoms, if it is not formulated clearly, it will give those in power the ability to interpret the law with too much flexibility, resulting in severely subjective judgments.

This way, argued Lin Shan-tien, the law becomes



DPP legislators with 100 Action Alliance headbands demanding the abolishment of Article 100 of the Criminal Code at the Legislative Yuan. They were ignored by Premier Hau Pei-tsun (pictured at the top left with his head bowed) on the podium. Photographer: Hsu Po-hsin

very "useful" for those in power, but runs counter to the protection of human rights. Article 100 of the Criminal Code had undefined legal elements like the "intent to overthrow the government" and "get involved in actions".

Lin Shan-tien explained that so-called "intent" concerns inner thought, and the law provided no explanation of what such "actions" consisted of. Therefore, the law became an excellent tool for those in

power to wield flexibly.

However, KMT representatives Shih Chi-yang and Ma Ying-jeou insisted that there was no problem with the provisions of Article 100 of the Criminal Code, nor any issues with its practical operation. They both repeatedly stressed that Taiwan's democracy was still very fragile, and that excessive reforms may lead to anarchy or chaos. Shih and Ma took a tough stance, refusing to budge even an inch.

The two sides were like parallel lines, failing to meet at any point. The negotiations ended on bad terms.

After the meeting, the 100 Action Alliance issued the following statements: 1. The alliance will no longer participate in any amendment taskforce. 2. Whether Article 100 of the Criminal Code should be abolished needs to be publicly debated. 3. Peaceful civil unrest must be decriminalized.

Countdown to Anti-Military Parade Demonstration, Support from the Masses

Soon, it was October 1. The final countdown had begun for the movement opposing the military parade and Article 100 of the Criminal Code. Under Lee Teng-hui's instruction, the Executive Yuan announced the establishment of the Criminal Code Article 100 Amendment Task Force. Shih Chi-yang refused to debate the issue publicly on television on the grounds that "only experts can understand legal issues".

In order to continue strengthening mobilization efforts, the alliance planned to make speeches at the campuses of Soochow University, National Chung Hsing University, National Central University, National Taiwan University, and National Cheng Kung University from October 1 to October 7.

In particular, the "Anti-Military Parade, Anti-Article 100 of the Criminal Code" speech given at the auditorium of Taipei's Jinhua Junior High School on October 5 drew an unprecedented crowd of 20 thousand people. The auditorium was overflowing with excited listeners. The KMT's efforts to "extinguish" the 100 Action Alliance only fanned its flames.

Late that night, after the speech at Jinhua Junior High School, the alliance suddenly received a message from the KMT requesting another round of negotiations. Time is of the essence. Lee Chen-yuan,

Lin Shan-tien, Chen Shih-meng, and Chang Chung-tung headed to Lai Lai Shangri-La Hotel for the second time. On the KMT's side were Legislator Hung Yu-Chin and Ma Ying-jeou. Soong Chu-yu showed up an hour late.

The alliance did not have to insist on abolishing Article 100 of the Criminal Code, said Lin Shan-tien, as long as amendments met the following conditions: 1. Non-violent acts and acts to further peaceful political propositions should not constitute "Offenses Against the Internal Security". 2. The criteria constituting the use of force or riots to incite civil unrest should be clearly defined. If the KMT could accept these conditions, the alliance would then stop the anti-military parade protests.

Soong Chu-yu thought that the alliance had a point. However, Ma Ying-jeou was firmly opposed to the conditions, saying that peaceful civil unrest must not be decriminalized.

Ma Ying-jeou even said that people close to the president might still use "peaceful" means to threaten the president and force the president to abdicate with the aim of subverting the government. "Madame Chiang Soong May-ling is probably the only one capable of this!" retorted Chen Shih-meng sarcastically. Both sides remained steadfast in their views, unable to reach a consensus.

Negotiations Highlight the Disagreement Between Lee Teng-hui and Hau Pei-tsu

It was clear that not even Soong Chu-yu agreed with Ma Ying-jeou's point. Song and Ma went to the next room to speak privately for a long time. It wasn't until 3 a.m. on the 6th that the two finally ended their secret talk and Ma Ying-jeou stopped objecting. Around 5 a.m., the two sides wrote down the conclusions of their negotiation.



November 23, 1991: President Lee Teng-hui and Premier Hau Pei-tsun seem to talk closely at the National Unification Council meeting. Photographer: Huang Yen-wen

Before leaving, Soong Chu-yu said that he would report these conclusions to Premier Hau Pei-tsun the next day and be in touch. The alliance felt that the difference of opinion between Soong and Ma seemed to represent the differing views of Lee Teng-hui and Hau Pei-tsun.

Around noon on October 6, Soong Chu-yu called and said that Shih Chi-yang found the terms of the negotiation unacceptable. Afterward, Soong Chu-yu headed to the Linkou Golf Club to report the results of the negotiation to Hau Pei-tsun in person. He was once again rebuffed.

It was clear that the administration, controlled by conservative forces headed by Hau Pei-tsun, would not make any concessions. The negotiations had

failed.

As National Day drew closer, the mainstream faction of the KMT decided to bypass the Executive Yuan and communicate directly with the 100 Action Alliance through the Legislative Yuan. After all, whether Article 100 was amended or abolished, it was all up to the Legislative Yuan.

At noon on October 7, the KMT sub-group Brainstorming Breakfast Assembly invited the 100 Action Alliance to meet at Gloria Hotel. Those representing the Brainstorming Breakfast Assembly included four legislators, namely Director Huang Chu-wen, Secretary General Wu Hsin, Liu Hsing-shan, and Lin Chih-chia. The alliance was represented by Lee Chen-yuan, Lin Shan-tien, and Chen Shih-meng.

Huang Chu-wen stressed that he agreed that the legal elements of crime in Article 100 of the Criminal Code should be clarified. However, out of concern for national security and political stability, he believed that Article 100 could only be amended, not abolished.

Huang Chu-wen further promised that going forward, he would promote and complete the amendment of Article 100 of the Criminal Code and release all political prisoners. Relevant ongoing cases would also not be prosecuted.

After Huang Chu-wen's show of good faith, incumbent KMT legislators were all deliberately absent in the meeting of the Legislative Yuan's Judicial Committee held on the afternoon of October 7, allowing attending DPP legislators to lead the meeting and quickly pass the first reading of the proposal to repeal Article 100 of the Criminal Code.

Seeing that negotiations had led to initial results, Lee Chen-yuan, Lin Shan-tien, Chen Shih-meng, and others finally let out a sigh of relief as they got ready to call off the anti-military parade movement. They only worried about how to face alliance members, who rehearsed non-violent protests day and night.



The 100 Action Alliance advocated against the military parade and for the abolishing of the Criminal Code's Article 100. Academician Lee Chen-yuan urged the police to treat people kindly. Photographer: Liu Chen-hsiang

IV. Military Parade Behind Barbed Wires

Aside from promises made by the pro-localization faction of the KMT and their concrete show of good faith at the Legislative Yuan's Judicial Committee on October 7, there was another reason why Lee Chen-yuan, Lin Shan-tien, and Chen Shih-meng considered stepping on the brakes.

The alliance had gotten word that Hau Pei-tsun had given the order to “eliminate the anti-military parade movement, through means of bloody suppression if necessary” at a meeting of senior KMT party members, officials, and the military on October 1.

Though decision-makers of the alliance believed they were justified to remain steadfast in their protest

against the military parade, they did not want to see participants brutalized in violent suppression and bloodshed, which would further damage Taiwan's pro-democracy movement.

Lee Chen-yuan, who witnessed the February 28 incident and White Terror, stated that he had lived longer than the average life expectancy in Taiwan, and that since he had made a stand, he would dedicate his life to this land. However, he could not bear to see the anti-military parade movement become an excuse for the KMT to carry out armed suppression. He was not willing to see protesters be demonized or even hurt in tragic bloodshed.



October 9, 1991: The military police used water cannons to disperse a sit-in protest. Photographer: Huang Yi-shu

A Dilemma for the Anti-Military Parade Movement, Lee Chen-yuan Fearing a Reprise of the White Terror

Historically, whenever the state launched violent suppression, the ones to suffer the most were ordinary people passionate about the cause, because the police pulled no punches when attacking the masses.

However, younger members in the alliance like Chien Hsi-chieh, Chung Chia-pin, Luo Wen-chia, and Chen Cheng-jan believed that the KMT might be trying to stall them and should not be trusted easily. The decision passed in the Legislative Yuan's Judicial Committee meeting on the 7th was not conclusive. There were still variables.

On October 8, the High Prosecutors Office announced publicly that masterminds of the anti-military parade movement should be detained as active criminals. The heavy-handed threat made the younger members of the coalition even more doubtful of the KMT's sincerity.

Office Assistant Chung Chia-pin of the new National Assembly and Chen Shui-bian's Legislative Assistant Luo Wen-chia both believed that although KMT legislators were absent, the move only meant they did not openly oppose the proposal, not that they agreed with it, so it didn't even count as a preliminary political commitment.

They also believed that canceling the anti-military parade movement without concrete commitments would damage the momentum they had painstakingly built over the past 20 days and impact future mobilization. The coalition was in a dilemma.

After some discussion, the younger members decided that, at the very least, the movement should not end in haste. Therefore, they told Lee Chen-yuan and others that even if they were to cancel the protest, they should at least finish the non-violent drill they had planned for the morning of the 9th before announcing to members why they were canceling the protest.

However, even the best-laid plans can go astray. The drill at the early morning of October 9 was originally supposed to take place in front of the NTU Basic Medical Science Building. A small group of protesters were heading there when they passed the audience stand for the military parade in front of the Presidential Office Building. On a whim, they decided to do a drill right there since they were there already.

The other teams heard about it and went to join them. Within an hour, there were over 70 alliance members sitting at the square in front of the Presidential Office Building rehearsing non-violent demonstrations. Lin Tsung-cheng, Chien Hsi-chieh, Luo Wen-chia, and Chung Chia-pin were all there directing the crowd.

An Accidental Anti-Military Parade Protest

The military police officer in charge was horrified and nervous to find the square “overtaken” by protesters. A rapid reaction force was deployed and water cannons were used in an attempt to disperse the crowd.

To the police's surprise, the protesters did not panic. Instead, they listened to directions and turned their backs to the water cannon with their heads bowed and arms intertwined, allowing the water to hit and soak their bodies.

Seeing that the alliance members were refusing to leave, the military police began grabbing and trying to forcefully drag away protesters upon receiving orders. In the ensuing scuffle, a 71-year old female protester fainted. A business person was beaten until he had a split eyelid and was bleeding from the corner of his eye. Two other students were beaten until they were bleeding from the head.

In total, four alliance members were injured and hospitalized. This accidental protest and suppression exacerbated the situation. The decision-making team of the 100 Action Alliance, who had planned to call off the protest, decided then and there to organize a sit-in and protest against the military parade to the end.



October 9, 1991: The military police tried to disperse protesters by force.
Photographer: Huang Yi-shu



October 9, 1991: Alliance conveners Professor Chen Shih-meng (center) and Academician Lee Chen-yuan (right), along with Professor Lin Shan-tien (left) called an international press conference condemning military police violence and announcing the decision to continue with the sit-in protest. Photographer: Huang Yi-shu

The noon of the 9th, Chen Cheng-jan was drafting the press release to announce the cancellation of the anti-military parade protest when he suddenly got word from Lin Ferng-Ching that the situation had changed and that alliance members were severely beaten in front of the Presidential Office Building. The press conference scheduled for that afternoon was immediately postponed to 6 p.m.

On the other hand, the alliance asked students to immediately start mobilizing on campus. Everyone rushed to organize a sit-in in front of the NTU Basic Medical Science Building. By the afternoon, banners reading “protest military police brutality” and “hold those involved accountable” were hung up in the front of NTU’s College of Medicine. Students, religious

personnel, and other supporters of the movement successively joined the sit-in.

At 6 p.m., the 100 Action Alliance held an international press conference, releasing images of the military police beating students and civilians. The alliance stressed that they would be conducting a peaceful sit-in in protest against the military parade.

Led by Lee Chen-yuan, nearly 800 professors, students, and other civilians sat in front of the NTU Basic Medical Science Building. They chose this location because the building is located on Ren’ai Road, which is close to the Presidential Office Building. It is also both part of a university and a hospital.

The assumption was that the hospital would have patients and family members coming and going.

Therefore, out of humanitarian considerations, the government would be unlikely to order a blockade there. Also, the building is within NTU’s campus, making it more convenient to mobilize people and, theoretically speaking, the military police could not just budge.

Violin Melodies at the Protest — Support from Hu Nai-yuan

On the afternoon of October 9, an unexpected supporter came to the scene of the protest—internationally renowned violinist Hu Nai-yuan. Ironically, Hu Nai-yuan was back in Taiwan because he was invited by the Office of the President to play at the National Concert Hall on the 10th and 11th in celebration of National Day.

It is worth noting that Lee Chen-yuan was Hu Nai-

yuan’s uncle. Hu Nai-yuan’s father Hu Hsin-lin was the director of ophthalmology at the National Taiwan University Hospital. In 1950, during the White Terror era, Hu Hsin-lin was arrested by the intelligence unit for holding a reading group and jailed on Green Island for 10 years as part of the first group of political prisoners on the island.

Hu Nai-yuan played two violin pieces on the spot to pay tribute to the 100 Action Alliance. It was the only time Hu Nai-yuan ever played at a mass protest, marking a moving and precious historical moment.

Later, Minister of Education Mao Kao-wen arrived to see Lee Chen-yuan and expressed his hope that the sit-in would not interfere with the military parade. Lee Chen-yuan promised that it would not. NTU President Sun Chen called and said that they could have a sit-in, but he didn’t want “people unrelated to the school” there.



October 9, 1991: The 100 Action Alliance conducting a non-violent demonstration in front of NTU’s Basic Medical Science Building. Photographer: Pan Hsiao-hsia

At the time, both Mao Kao-wen and Sun Chen said that the location of the sit-in was part of NTU's campus and that they would now allow the military police on campus.

By the evening, a large number of military police officers began locking down the Bo'ai Special Zone and the area around the NTU's College of Medicine and the National Taiwan University Hospital. Anyone passing by or entering National Taiwan University Hospital would have to be interrogated. By 8 p.m., all access to NTU's College of Medicine and the National Taiwan University Hospital was restricted. Personnel were only allowed to leave but not to enter.

The only place the military police did not dare to lock down was National Taiwan University Hospital's emergency room. Alliance members like Chen Cheng-jan and Chung Chia-pin had anticipated this and made preparations ahead of time. They had pre-

pared many doctors' white coats so that those who needed to move in and out of the area could do so from the emergency room.

There was also an underground secret passage from the emergency room to the Basic Medical Science Building that was not guarded by the military police. The passage took one from the emergency room down an elevator to the morgue, through the morgue, and into the Basic Medical Science Building. That night, all the supplies, equipment, and tools needed for the demonstration were transported through the morgue.

A Storm Was Brewing as the Military Police Showed Up in Larger Numbers

After midnight, with the National Day Military Parade nearing, more security forces and police vehicles



October 10, 1991: Right after midnight, the police began dragging protesters away by force. Photographer: Huang Yi-shu



October 10, 1991: NTU Professor Chang Chung-tung being dragged away by the police. Photographer: Huang Yi-shu

surrounded the Basic Medical Science Building. A storm was brewing, and the situation was escalating fast. There were about 600 people from activist groups out on the terrace of the building. The command center asked them all to retreat inside the Basic Medical Science Building.

In addition, 110 NTU professors and doctors sat on the front line, with NTU students flanking them on the left and right. They guarded Lee Chen-yuan, who sat at the center.

On the 10th, 25 minutes past midnight, Captain Chang Chi of the Chengzhong Precinct, Taipei Police Department issued the first warning, telling the alliance that they were in violation of the Assembly and Parade Act. Lin Tsung-cheng retorted

that Chang Chi was in violation of the Constitution for violating university autonomy. At 12:55 a.m., the police issued a second warning. Ten minutes later, a third warning was issued.

At 1:20 a.m., without seeking permission from the NTU President, Chang Chi led a large group of police into NTU's Basic Medical Science Building. This first wave of forceful dispersal was directed at the students. Those directing the movement told the students to link arms and lie backwards, to neither resist nor obey the officers.

Meanwhile, the students loudly sang songs like *Victory for the People and Brave Taiwanese*. The police were swift and forceful, one by one, row by row, the students were pulled apart and dragged away from the scene.

At 1:28 a.m., the SWAT team stormed the area where the professors were sitting and took away their microphones and megaphones. Incensed, Lee Chen-yuan stood up and yelled, "Take me away then! I am not afraid!" When he saw female students being dragged roughly, Lee Chen-yuan captured the scene with his V8 camera as he angrily yelled "how shameful!"

At 1:32 a.m., the police began a second wave of forceful dispersal. Over 100 students sitting to the right of the terrace were dragged away. After the students were dragged away, they were thrown in riot vehicles and dropped off at areas like Section 5, Xinyi Road and the NTU main campus on Section 4,



October 10, 1991: Rev. Lin Tsung-cheng negotiating with the police. Photographer: Pan Hsiao-hsia



October 10, 1991: Academician Lee Chen-yuan photographing the military police during the sit-in in front of the Basic Medical Science Building, National Taiwan University. Photographer: Huang Yi-shu

Roosevelt Road to prevent them from returning to the protest site.

Chen Cheng-jan, who was among those dropped off at another location, contacted the command center at the Basic Medical Science Building and quickly reached the decision to establish a second protest site. They announced to alliance members that once they were dragged off by the police, they should gather at the entrance of the NTU main campus and continue to sit in protest until the end of the military parade.

At 1:48 a.m., the police began a third wave of forceful dispersal. This time, the police targeted the religious personnel sitting behind the professors and students. Dozens of members from the Presbyterian Church and the Ten Thousand Buddhas Association were dragged off successively.

At 1:52 a.m., plainclothes police and the SWAT team stormed the sit-in area, ripping away the banners that read “Police Stay Off the NTU Campus” and deploying tear gas against the crowd. Next, Lin Tsung-cheng, Chang Chung-tung, and Lin Feng-Ching were also dragged away roughly.

Lin Shan-tien, who had taught Chang Chi at the Central Police University, angrily yelled, “Chang Chi, you’ll end up sparking a revolution!” By now, worried about Lee Chen-yuan’s safety, Lin Shan-tien suggested, “Should we disperse on our own to avoid being dragged by the police?” But Lee Chen-yuan fearlessly insisted on staying put.

At 2:05 a.m., the police began a fourth wave of dispersal. This was followed by a fifth wave at 2:15 a.m. The police began putting their hands on the pro-

fessors and doctors sitting at the center. As they were dragged off, many doctors who purposely wore NTU Hospital ID badges yelled out, “This is our hospital, how dare you?”

Seeing how the police were also roughing up female doctors, Lee Chen-yuan once again yelled angrily, “Get a female officer here!” But he was ignored by the police.

Denouncing Police Brutality, Lee Chen-yuan Insisted on Resisting to the End

Worried about Lee Chen-yuan’s advanced age, Huang Fang-yan and Tu Hsing-che tried to get him to take a break inside the Basic Medical Science Building. They were rebuked by Lee Chen-yuan. How could they ask him to go inside? Lee Chen-yuan was convinced that as soon as he went inside, everyone

outside would be taken away by the police, so he insisted on staying with everyone else.

At 3:15 a.m., Luo Wen-chia was dragged off into a riot vehicle. Also, Rev. Lin Tsung-cheng, who often led movements even before martial law was lifted, was forcefully dragged away and beaten heavily by the SWAT team until he could no longer stand.

The police were brutal and showed no mercy. In the end, there were only around 30 activists, including Lin Shan-tien and Chen Shih-meng, who surrounded Lee Chen-yuan closely, holding their ground.

At 3:30, it became clear that the police were about to conduct the final wave of dispersal. To avoid leaving any news footage, the military police began asking the media to leave. At first, the reporters jointly refused and protested. But soon, the three major channels and most reporters received orders from their supervisors to leave the scene.



October 10, 1991: Reporters sat in protest, refusing to be dispersed by the military police. The papers in their hands read “Protest against media blackout”. Photographer: Pan Hsiao-hsia



October 10, 1991: The National Day Military Parade. Photographer: Liu Chen-hsiang

In the end, only the *Independence Post*, *Taiwan Times*, *My People Daily*, and the independent media *Green Team* steadfastly refused to leave. They were few in numbers, however, with just over 20 people including photographers. Outnumbered by the military police, they were quickly pushed away by force.

When they were pushed out the door, *Independence Morning Post* reporter Chen Ming-cheng suddenly called for everyone to sit down. He handed out spare writing paper, writing the words “Protest against media blackout” for the first row of reporters sitting in front of military police shields to hold up.

At the scene, the commander of the military police constantly radioed back to his superiors, awaiting new commands. The reporters who stayed behind kept busy. They contacted their editors-in-chief with walkie-talkies, loudly expressing their determination to defend the freedom of the press and their refusal to leave.

The Protesters Regrouped

In the end, the military police retreated, giving up on dispersing the media. The reporters returned to the Basic Medical Science Building. The police also gave up dispersing Lee Chen-yuan and the over 30 other protesters. However, the remaining reporters, Lee Chen-yuan, and others were kept from leaving the premises until the end of the military parade.

Around 3 a.m., alliance members that were driven off by the police gradually made it to the second planned protest site, the entrance of NTU’s main campus, where they continued to gather and protest.

To stop protesters who had been dispersed from approaching the military parade area again, the police expanded the scope of the lockdown, adding barricades and barbed wire fences on Xinsheng South Road and Roosevelt Road.

The military parade was completed in form behind layers of barbed wire and under the guard of the military police, police, and intelligence officers. But instead of people cheering and rejoicing, government officials attending the event all looked cold and gloomy. The atmosphere was awkward and strange.

This was the largest military parade ever in Taiwan’s history. In order to ensure it went on as planned, over 20 thousand military police officers were deployed, far more than the number of soldiers in the drill.

Also, possibly out of fear that people from central and southern Taiwan would travel to Taipei to join the anti-military parade protest, all trains were prohibited from stopping at Taipei Main Station until the end of the military parade, setting a historical record since the government settled in Taiwan.

Since then, there has never been another large-scale parade of the armed forces on October 10 on Ketagalan Avenue.



October 10, 1991: The 100 Action Alliance continuing to conduct non-violent protest in front of the NTU main campus.
Photographer: Huang Yi-shu



March 20, 1992: The 100 Action Alliance marching towards Yangmingshan to petition the National Assembly.
Photographer: Liu Chen-hsiang

Chapter 4

Law Amendments: No More Political Prisoners

- I. Ten Thousand Year Congress vs. Will of the People
- II. Conflicts Behind the Concerted Efforts of the Ruling and Opposition Parties
- III. Lifting the Final Restrictions on Freedom of Speech: The Historical Significance of the Amendment to Article 100 of the Criminal Code

I. Ten Thousand Year Congress vs. Will of the People

The Only Universal Suffrage in Chinese History, Judicial Yuan Interpretation Extended Term Limits Indefinitely

The “first elected representatives in the central government” of the ROC were voted to office between November 1947 and January 1948. To this day, this was the first and only instance of universal suffrage in Chinese history.

The historical significance of this election aside, this first nationwide election was held in the winter, during an era when transportation infrastructure was lacking in China, and when there was no universal education and therefore much of the citizens are illiterate. On top of all that, there was an ongoing civil war. Therefore, the authenticity and fairness of many constituencies is up for debate.

Take the legislators, for example. The total number of legislators to be elected was 773, but only 759 legislators who were sworn in and took office in Nanjing in February 1948. After the government retreated in Taiwan, the number of legislators who reported to Taiwan ranged from 479 in 1950 to 504 in 1958.

According to the Constitution, the term of these elected representatives should have expired in 1951, when another election should have been held. However, the Judicial Yuan Interpretation No. 31 allowed them to continue exerting their powers because “it is de-facto impossible to hold re-elections in areas taken over by communist rebels”.

By the late 1960s, the CCP had gained more support from emerging countries in the United Nations, and it became increasingly difficult for the United States to firmly support the legitimacy of Chiang’s

regime to represent China in the United Nations. To bolster the ROC’s image of freedom and democracy, a small number of legislators were added through “supplementary elections”.

That is to say, on March 27, 1969, the government announced the Measures for the Supplementary Election and Re-election of Public Servants in the Central Government in Free Areas During the Communist Rebellion, allowing the Taiwanese people to elect “supplementary” representatives for the first time. However, Taiwanese people were only given 15 seats in the National Assembly and 11 seats in the Legislative Yuan. Like the first elected representatives, these new representatives had indefinite terms. Former DPP chairman Huang Hsin-chieh was among those elected at this time.

After the ROC lost its seat in the UN in 1971, the need for “political reform” and “challenging communism with democracy” became more urgent. In 1972, the Regulations for the Election of Supplementary Representatives in the Free Area During the Communist Rebellion was passed. Since then, regular small-scale re-elections of representatives were held, with legislators holding terms of three year. However, during the first supplementary election, there were only 53 seats in the National Assembly and 51 seats in the Legislative Yuan.

The last supplementary election was held on December 2, 1989, and the elected representatives were sworn in during February the following year. By then, the “first” Legislative Yuan was in its 85th session. The number of seats in the Legislative Yuan (including regional and occupational seats) had gradually increased to 101.



“Senior” legislators, whose term had lasted for 43 years, holding a meeting in the Legislative Yuan before leaving office at the end of 1991. Photographer: Hsu Po-hsin

At the time, however, those with indefinite term limits included 153 legislators and another 29 legislators representing overseas nationals chosen by the President, totaling 182 seats. In other words, up to 64% of legislators were not elected by the people of Taiwan, but constituted an important voting force for the authoritarian regime.

Among the 101 supplementary legislators elected, DPP candidates and the independent Chen Ting-nan were elected to 21 seats, accounting for 7.4% of the total number of legislators, just barely enough signatures to submit proposals. They didn’t even have as many seats as the 29 overseas Chinese representatives selected by the President.

Although the DPP only had 21 seats in the Legislative Yuan, their calls for freedom and democracy gave them the political moral high ground. This was particularly the case at time where there was a trend of democracy succeeding autocracy in the international community. One could say that the world turned upside down between 1989 and 1990. Major interna-

tional events include:

the Soviet Union surrendered its one-party dictatorship in the Revolutions of 1989; the Berlin Wall fell, reuniting West and East Germany; and the pro-independence movements of the Baltic nations. There was also the opening of China. It is a shame that the Tiananmen Square Massacre occurred in 1989.

The Wild Lily student movement also broke out in March of 1990 in Taiwan, leading to constitutional reforms. The DPP’s actions to support political victims also escalated from street protests to legal reforms.

The Ten Thousand Year Congress Defies the Will of the People, Backlash Against Police Brutality Intensified Constitutional Reforms

In April 1990, Chen Shui-bian, then a new legislator elected to office just two months prior and the head of the DPP caucus, was the first to lead joint proposals to abolish the Betrayers Punishment Act

and Article 100 of the Criminal Code, in support of Huang Hua, who had just been arrested. Unfortunately, both proposals were blocked.

President Lee Teng-hui then promised to push constitutional reforms after the Wild Lily student movement. Grand Justices of the Judicial Yuan issued Interpretation No. 261 on June 20 of the same year, which decreed that the first elected representatives should cease to exercise their powers before December 31, 1991. The time for a full National Assembly re-election had finally come.

However, in the March 1991 National Assembly meeting, some senior representatives who resisted reforms used their power to expand their self interests. The Alliance of Students and Professors to Draft the Constitution began to organize sit-in protests on campus once more.

Also, although the Judicial Yuan interpretation already signaled that these “senior” legislators should step down, these legislators, led by Legislative Yuan President Liang Su-yung, still dominated Legislative Yuan proceedings, stubbornly resisting the people’s calls for freedom and democracy.

Liang Su-yung was elected from China’s Liaobei Province. At the time, he was over 70 years old but was still healthy, loud, and ready to put up a fight. He holds the record for using the National Assembly’s police powers the most times, the most egregious instance being the April 12 incident in 1991.

Back then, KMT legislators elected in supplementary elections had a very low attendance rate. The senior legislators had a high attendance rate, but most just signed in before returning to their offices. Therefore, the DPP caucus often used times when KMT at-

tendance was lower to make impromptu motions.

On April 12, Liang Su-yung presided over a meeting to arrange and discuss the agenda. DPP legislator Chang Chun-hsiung raised an impromptu motion for the Ministry of Defense to deliver a report on a case regarding human rights in the military. It was just a very ordinary proposal reflecting public opinion.

For some reason, Liang Su-yung insisted on sidelining the proposal. DPP legislators protested citing the rules of procedure, but they were ignored. After taking the stage, Chang Chun-hsiung, angered from being completely ignored by Liang Su-yung, strode up the podium and slapped Liang Su-yung in the face. Liang Su-yung immediately retaliated, and the situation escalated in to a slapping match.

DPP legislators were in the majority that day, and they rushed towards the podium in protest. Being out-

numbered made Liang Su-yung even angrier, prompting him to use police powers. Numerous police officers stormed into the Legislative Yuan, dragging then DPP caucus leader Lu Hsiu-yi into the break room while kicking his abdomen and other vital areas.

DPP legislator Tai Chen-yao heard screams and ran to the break room to help. He saw Lu Hsiu-yi lying on the ground, surrounded and being beaten by 7 or 8 police officers. Tai Chen-yao jumped forward, but he too was overpowered and beaten to the ground, forced to struggle and block the blows with his back.

By then, the chamber was in complete chaos. Liang Su-yung denounced the DPP as a “violent gang” and once again ordered the police to drag Lu Hsiu-yi out of the room. Lu was dragged, hit, kicked, and stepped on by police for a second time.

Reporters at the second floor press center saw how



September 27, 1991: The Kaohsiung incident was overturned, restoring Huang Hsin-chieh's role as a supplementary legislator with an indefinite term. 40 minutes after his reinstatement, he made the speech "Please bid farewell to old times with me" and resigned, leading by example to call for the dissolution of the "Ten Thousand Year Congress". Photographer: Huang Yen-wen



March 1991: The first National Assembly representatives, who had served a term of 43 years, walking out of the Yangmingshan ChungShan Hall after their final session. Photographer: Hsu Po-hsin

Lu Hsiu-yi, battered, with his clothes all torn, refused to back down as he entered the Legislative Yuan for the third time to give Liang Su-yung a piece of his mind. The police was ordered to drag him off for a third time.

Lu, refusing to give up, entered the chamber for the fourth time. He was again dragged away and quickly fainted in the break room. Tai Chen-yao, who as also beaten and battered, held Lu Hsiu-yi and cried out for help. Other DPP legislators struggled to bypass the police and rescue the two of them. They were rushed to National Taiwan University Hospital, where they were both hospitalized for serious injuries.

Society was outraged at how elected legislators could be beaten by the police to the point of hospitalization. The incident fanned the flames of the already flaring movement “supporting amendments to depose the old thieves”. The DPP launched the April 17 March and tens of thousands of people took to the streets of Taipei.



April 17, 1991: The DPP organized the April 17 March demanding constitutional amendments for re-election of public representatives. Photographer: Hsu Po-hsin

II. Conflicts Behind the Concerted Efforts of the Ruling and Opposition Parties



As part of President Lee Teng-hui's efforts to take a local reform approach, native-born KMT legislators formed the political sub-group Brainstorming Breakfast Assembly under the Legislative Yuan. The subgroup would become a rival force against the New Kuomintang Alliance that was formed within the party later on. Photographer: Hsu Po-hsin

There are two sections in Article 100 of the Criminal Code: 1. Any person committing an act with intent to destroy the organization of the State, seize State territory, or, using illegal means, change the Constitution or overthrow the Government shall be sentenced to imprisonment for not less than seven years; the ringleader shall be sentenced to life imprisonment. 2. Any person preparing or conspiring to commit the offense specified in the preceding paragraph shall be sentenced to imprisonment not less than six months but not more than five years.

Abolishing or amending Article 100 of the Criminal Code would mean not only overcoming the obstacle that was the Ten Thousand Year Congress but also the battling factions within the KMT. The former was

a matter of time. As for the latter, it was hard to tell which side would prevail.

According to the Legislative Yuan Bulletin, Liang Su-yung once stressed that, “After abolishing the Betrayers Punishment Act, the KMT must stick to the bottom line that Article 100 of the Criminal Code must not be abolished. Otherwise, the country will be overrun with pro-independence sentiments, putting a question mark over political stability. On top of everything else, how the CCP views the situation is another problem.”

Liang Su-yung's tough stance not only represented the thoughts of the senior legislators but also the deep anxiety of conservative forces in the KMT.

A President in a Precarious Situation—Lee Teng-hui's Attempt to Consolidate the Pro-Localization Faction of the KMT

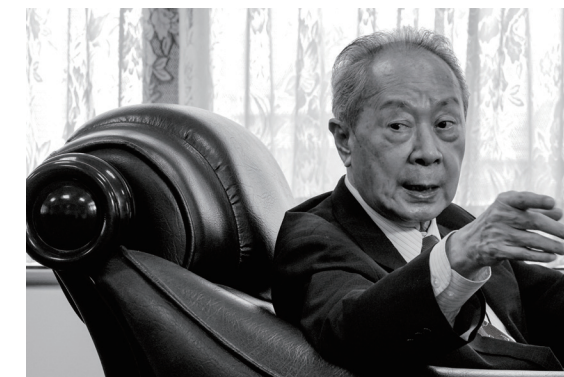
On January 13, 1988, President Chiang Ching-kuo passed away. Vice President Lee Teng-hui was sworn into office, ending the era of strongman politics. But was Lee Teng-hui an actual successor or just the head of state during a transitional period? The question was still up in the air.

Then KMT supplementary legislator Huang Chu-wen recalled that, after Chiang Ching-kuo passed away, Chiang Soong May-ling returned to Taiwan from the US and published the article “Old Tree, New Branch”. It is clear that the KMT, which focused on constitutional and legal authority, viewed Lee Teng-hui as not having the right pedigree. To them, Lee Teng-hui was just another “Yan Chia-kan”, just another successor in form only.

From then on, Lee Teng-hui—who called for local reforms—and the conservative forces engaged in power struggles that evolved into infighting between the “mainstream faction” and the “non-mainstream faction”.

Supplementary legislator Huang Chu-wen, who was elected in 1983 and subsequently re-elected, said that Chiang Ching-kuo never met with supplementary legislators when he was President. They were completely disregarded. To his surprise, two weeks after Chiang Ching-kuo's death, he received a call from the Office of the President inviting him and Wu Hsin, a fellow supplementary legislator, to meet with Lee Teng-hui at the Presidential Office Building to discuss some matters.

When they met, Lee Teng-hui straightforwardly asked Huang and Wu what they thought about his situation. According to Article 49 of the Constitution, they answered, there was no question about his succession to the presidency. However, the KMT was a Lenin-style autocratic party that ruled through the



September 6, 2021: Huang Chu-wen recalling the negotiating process for amending Article 100 of the Criminal Code. Photographer: Huang Yen-wen

party. Lee Teng-hui controlled neither the party, government, and military, nor intelligence agencies. None of the five powers in the five-power Constitution was under his control. In other words, he was little more than a titular head.

The three men agreed that the pro-localization faction must establish their own forces within the Legislative Yuan. Lee Teng-hui told Huang and Wu to gather all native-born legislators and establish a political sub-group in the Legislative Yuan to push for local reforms.

On April 22, 1988, the Legislative Yuan's political sub-group Brainstorming Breakfast Assembly was officially established. The group held a breakfast meeting each day, with the purpose of “consolidating the leadership, stabilizing the political situation, and promoting constitutional reform”. The group started out with 21 legislators and eventually expanded to over 40 people.

Soon after its founding, the Brainstorming Breakfast Assembly formed the Three-One Club with DPP legislator Kang Ning-hsiang and others to cooperate on matters of constitutional reform, such as ending the indefinite terms of senior legislators and a full National Assembly re-election.

“Three-One” refers to how supplementary legislators were re-elected “once every three years”. The name clearly distanced them from the senior legislators that

never faced re-election. The formation of the Three-One Club opened a window for the KMT's mainstream faction to communicate directly with the DPP.

At this point, however, they could have never imagined that in just two years, the Wild Lily student movement would spark a Judicial Yuan Interpretation spelling an end for the Ten Thousand Year Congress and leading to a series of constitutional reforms like a complete National Assembly re-election and direct presidential election.

The other faction of KMT supplementary legislators included Jaw Shaw-kong and Lee Sheng-feng. They collaborated with conservative forces like Lee Huan and Liang Su-yung and formed the New Kuomintang Alliance in August 1989 in response to supplementary legislative elections, a clear opposing force against the Brainstorming Breakfast Assembly.

With Lee's Term as Acting President Ending, the "February Political Struggles" Broke Out in the KMT

Chiang Chin-kuo's term as president expired on May 20, 1990. In February of that year, the KMT nominated Lee Teng-hui and Lee Yuan-tsu to run as candidates for becoming the ROC's 8th President and Vice President. The nomination was challenged by the non-mainstream faction of the KMT. The non-mainstream faction tried to nominate Lin Yang-kang and Chiang Wei-kuo instead. The power struggle between the factions became public and was known as the "February Political Struggles".

The February Political Struggles ended with Lee Teng-hui getting influential members of the KMT to convince Lin Yang-kang to drop out. However, soon after, some supplementary legislators leveraged their power intended to elect the President to extend their terms to 9 years, sparking the Wild Lily student movement led by NTU students on March 16.

Lee Teng-hui closely followed the Wild Lily student movement. After successfully being elected President

in the March 21 National Assembly elections, he met with leaders of the student movement right away, promising constitutional reforms. As a result, the Wild Lily student movement ended on the 22nd.

At the time, Lee Teng-hui had yet to stabilize the foundation of his power, so he nominated former Chief of the General Staff and Minister of Defense Hau Po-tsun as Premier to weaken his military power. Hau Po-tsun was known as a "military strongman" because of his tough stance, strong tactics, and fierce actions. He had substantial influence in the military and the intelligence systems. After becoming the Premier, Hau Po-tsun became the de-facto leader of the non-mainstream faction.

Lee and Hau's difference in ideologies and approaches as well as conflicts of power led to arguments and fights between the Office of the President and the Executive Yuan. The May 1991 Taiwan Independence Association incident was especially seen as an instance of Hau Po-tsun testing Lee Teng-hui.

Lee Teng-hui set the timetable for reforms after the 8th presidential election, analyzed Huang Chu-wen. Lee Teng-hui was well versed in the Japanese Bushido spirit of perseverance, holding back when his power was still unstable and gathering strength while waiting for the perfect opportunity to strike. His was also good at leveraging outside forces and letting momentum do the work when the time was right.

Lee and Hau Government — From Cooperation to Infighting

Therefore, the mainstream and non-mainstream factions each had different political calculations regarding the 100 Action Alliance's movement opposing the military parade and Article 100 of the Criminal Code. Lee Teng-hui wanted the military parade to go well to establish his role as the commander-in-chief of the armed forces. He also wanted to leverage the goodwill of the people to promote reforms, which is why he sent people to negotiate with the alliance



Government and opposition negotiations regarding Article 100 of the Criminal Code. From the left are Lee Chen-yuan, criminal law scholar Tsai Tun-ming, Wang Chou-ming, Lin Tung, Hung Yu-chin and Lin Shan-tien
Photographer: Huang Yen-wen

multiple times, hoping to achieve a win-win situation.

However, Hau Po-tsun refused to make any concessions, clearly hoping the negotiations would break down and exacerbate the anti-military parade demonstrations. This would not only undermine Lee Teng-hui's authority but also lend legitimacy to the suppression of pro-independence forces.

With time running out, Lee Teng-hui asked Huang Chu-wen to contact the 100 Action Alliance directly, which led to the crucial Gloria Hotel meeting on October 7.

Huang Chu-wen recalled that the alliance insisted that Article 100 of the Criminal Code must be abolished instead of amended. The Brainstorming Breakfast Assembly believed that it should be amended but not abolished. The two sides seemed to have opposing stances, but they actually had a lot of common goals. Both sides agreed that non-violent actions taken to implement peaceful political objectives should not constitute "Offenses Against the Internal Security" under the Criminal Code. They also agreed that the criteria constituting the use of force or riots to incite civil unrest should be clearly defined.

Huang Chu-wen believed that, to resolve the above issues, it was only necessary to add the words "by violence or threats" to Paragraph 1 and delete the word "conspiring" in Paragraph 2 of Article 100 of the Criminal Code.

For example, Huang Chu-wen said, if a military strongman were to launch an armed coup after Article 100 of the Criminal Code was repealed, the consequences would be immeasurable.

Huang Chu-wen also promised that after senior legislators left their positions at the end of 1991 per the Judicial Yuan interpretation, the new Legislative Yuan session in 1992 would definitely complete the amendment of Article 100 of the Criminal Code, thereby achieving absolute freedom of speech in Taiwan. Words like "thought criminals", "political prisoners", and "blacklist" would become history.

Huang Chu-wen's suggestions to amend the law allowed the KMT to save face while giving pro-democracy activists what they wanted. Lee Chen-yuan, Lin Shan-tien, and Chen Shih-meng, who represented the alliance, all said at the time that they could accept these terms.

The Mainstream Faction Showed Gestures of Good Faith, But Pro-Independence Activists Faced Judicial Persecution Once Again

The DPP was naturally happy to see the KMT mainstream faction promise to amend the law. Everyone knew that, even after all the senior legislators left parliament, of the 130 parliamentary seats comprised of 101 supplementary legislative seats and 29 overseas Chinese seats, the DPP and independents only accounted for 21 seats, or 16%. In order to achieve their goal to get rid of Article 100 of the Criminal Code, they would have to cooperate with the mainstream faction of the KMT. The 100 Action Alliance could only wait for the new Legislative Yuan to convene.

On December 31, 1991, 153 senior legislators who had had their seats for 43 years and 7 months finally stepped down. This drastically changed the ecosystem of the Legislative Yuan. The “voting army” that the non-mainstream faction of the KMT had always re-

lied on dissolved overnight. The mainstream faction, working with the DPP, completely dominated the direction of political development.

This sudden shift of parliamentary powers also affected the power struggle at the top of the KMT. Lee Teng-hui’s leadership was becoming more and more secure, no longer held back by the non-mainstream faction. Hau Po-tsu’s influence declined rapidly, even within the New Kuomintang Alliance.

1992 saw a brand new Legislative Yuan, and amendment of Article 100 of the Criminal Code seemed to be on the horizon. However, on January 10, 1992, Lin Yung-sheng and three others were arrested for “preparation to commit offenses against internal security” based on Article 100 of the Criminal Code and sentenced to 1 to 3 and a half years.

On January 17 of the same year, the High Prosecutors Office even charged Chang Tsan-hung for being the “ringleader of a plot to undermine internal security” based on Article 100 of the Criminal Code. On January 23, Chen Lung-fang, a member of the central



The government and opposition negotiating matters about Article 100 of the Criminal Code. From the left are Lee Chen-yuan, Hung Yu-chin, and Lin Tung. Photographer: Huang Yen-wen

committee of the World United Formosan for Independence’s US headquarters, was arrested. On February 8, Chen Wan-chen, who was on the run, was also arrested in Taichung.

The 100 Action Alliance held its fifth member meeting on February 14 and made 3 resolutions: 1. Launch the “100,000 Signatures to Abolish Article 100” petition movement. 2. Launch the “100-day demonstration plan”. 3. Hold the *Exhibition on Article 100 of the Criminal Code*.

In their Legislative Yuan meeting, the DPP caucus decided to include the abolition of Article 100 of the Criminal Code as the focus of negotiations with the KMT. Actions taken included: Request the Procedure Committee to put this motion on the agenda for a second reading; Demand Vice-Premier Shih Chi-yang to report to the Legislative Yuan; Promote the petition to get 100,000 signatures; Work with the family members of victims of political persecution to make complaints to the Executive Yuan.

On February 21—the first meeting of the new Legislative Yuan, the 100 Action Alliance had Lee Chen-yuan lead family members of political victims to petition the Legislative Yuan, asking for Article 100 of the Criminal Code to be abolished in the current session.

Unfortunately, in negotiations with the opposition, the KMT did not agree to put the abolishment of Article 100 of the Criminal Code on the agenda. As it turned out, the KMT had planned to first to vote to unfreeze the NT\$7.9 billion budget for the Fourth Nuclear Power Plant. It would only handle the dispute around Article 100 of the Criminal Code once the budget for the Fourth Nuclear Power Plant passed.

The DPP was consistently and firmly “anti-nuclear”. The budget for the Fourth Nuclear Power Plant was a subject of heated debate in the Legislative Yuan, always leading to vicious fights between the ruling party and the opposition.

To put it plainly, the KMT planned to use Article 100 of the Criminal Code as a bargaining chip to force the DPP to unfreeze the budget for the Fourth Nuclear Plant.

At the end of February, the Executive Yuan’s Criminal Code Article 100 Amendment Task Force put forth five amendment proposals, even submitting a draft for a special section on “Crimes Endangering Constitutional Order”, which might have made it impossible for political prisoners to be released.

The 100 Action Alliance opposed the Executive Yuan’s amendment proposals, as well as the special section “Crimes Endangering Constitutional Order”. The alliance thus decided to intensify protest actions, including expanding the 100 thousand signature campaign and surveying legislators with a questionnaire to demand that they express their opinions directly.

Increased Protests from the 100 Action Alliance to Complete the Final Stretch

On March 20, led by Lee Chen-yuan, the 100 Action Alliance headed to Yangmingshan to petition the National Assembly during their extraordinary meeting to “create a constitution that protects human rights and release political prisoners”. But their efforts only resulted in a superficial meeting with Chiang Yan-shih, Secretary General of the Office of the President.

Since the negotiations were going nowhere, the DPP caucus ceased negotiations with the KMT caucus at the end of April. The KMT, worried that they would not be able to approve the central government’s general budget in time, asked the DPP their conditions for negotiations to resume.

DPP caucus leader Lee Ching-hsiung replied pointedly, “The KMT must respond in good faith. Huang Chu-wen knows what good faith means.”

It wasn’t until Huang Chu-wen took over the negotiations that the Legislative Yuan finally made progress on amending Article 100 of the Criminal Code. On May 7, negotiations between the ruling party and the opposition resumed. They reached the following agreement: The KMT pledged to “prioritize” the issue of Article 100 of the Criminal Code on the agenda, scheduling for a third reading to pass on May 12.



The government and opposition negotiating matters about Article 100 of the Criminal Code. From the right are Lee Chen-yuan and Shih Chi-yang. Photographer: Huang Yen-wen

However, on May 11, the DPP was shocked to find the Fourth Nuclear Power Plant motion scheduled before Article 100 of the Criminal Code on the agenda for the next day.

It was clear that the KMT had played their trump card. The DPP had to make a political choice between boycotting the Fourth Nuclear Power Plant and passing amendments of Article 100 of the Criminal Code.

This put the DPP in an unprecedented dilemma. On May 12, after a lengthy speech at the Legislative Yuan, the KMT—with an absolute majority—voted on unfreezing the budget for the Fourth Nuclear Power Plant, which passed with 57 votes from the 78 legislators present.

Worried about affecting their cause, the DPP did not engage in physical altercations that day. On May 15, in the 25th meeting of the Legislative Yuan's 89th session, the Criminal Code's Article 100 amendment

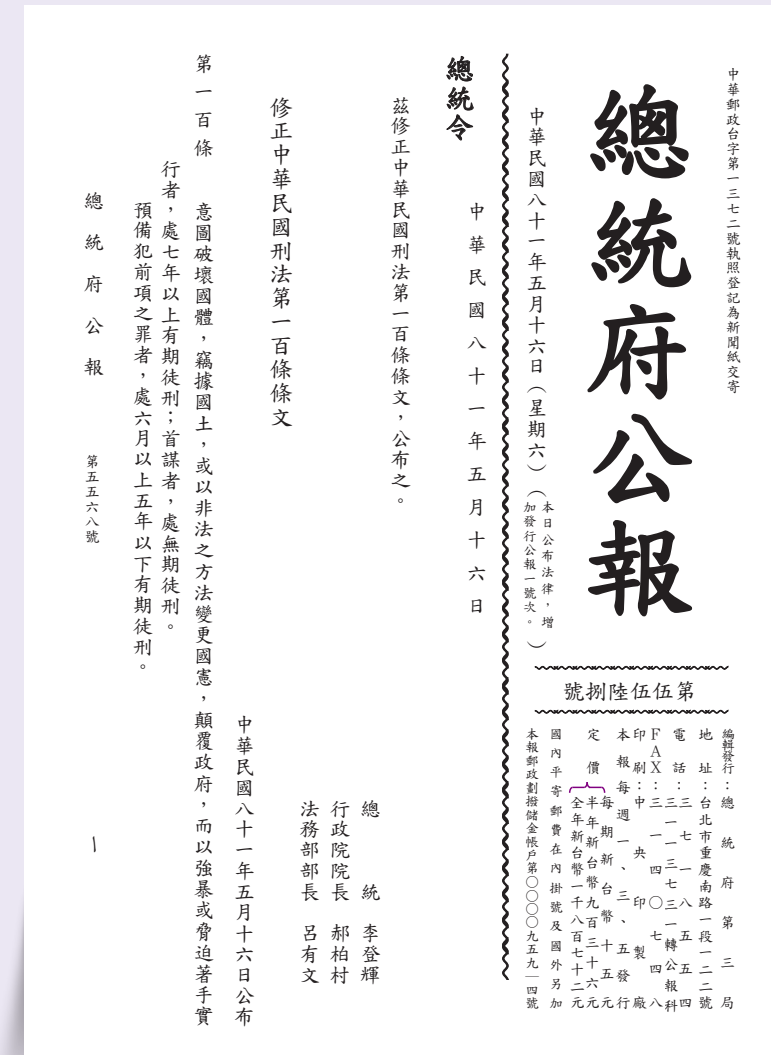
or repeal motion was finally brought up at 3:55 p.m.

Chang Chun-hsiung first went over the meeting minutes of the previous session of the Legislative Yuan's Judicial Committee, which had passed the proposal to abolish Article 100 of the Criminal Code. Huang Chu-wen then raised the question of procedure, demanding that Article 100 of the Criminal Code be amended by adding the words "by violence or threats" as criminal elements.

Because the KMT's Brainstorming Breakfast Assembly and the DPP had already reached a consensus on how the law would be amended, the Legislative Yuan proceeded to vote on Huang Chu-wen's proposal. There were 56 legislators present and the proposal passed with 45 votes. At 5:50 p.m., the third reading for the amendment of Article 100 of the Criminal Code was complete.

After the amendment, the current Article 100 of the Criminal Code read:

Any person by violence or threats committing an overt act with intent to destroy the organization of the State, seize State territory, or, using illegal means, change the Constitution or overthrow the Government shall be sentenced to imprisonment for not less than seven years; the ringleader shall be sentenced to life imprisonment. Any person preparing to commit the offense specified in the preceding paragraph shall be sentenced to imprisonment not less than six months but not more than five years.



Presidential Office Gazette No. 5568 announcing the amendment to Article 100 of the Criminal Code. Courtesy of: Office of the President

III. Lifting the Final Restrictions on Freedom of Speech: The Historical Significance of the Amendment to Article 100 of the Criminal Code

Hu Yuan-hui

Professor at the Department of Communication,
National Chung Cheng University
Chairman of the Taiwan FactCheck Center

Freedom of speech is one of the basic human rights of a democratic country. It is both the symbol and the cornerstone of democracy. Some countries claim to implement democracy because the people are superficially allowed to elect public officials, but they in fact do not have true democracy because there is no freedom of speech.

An election without freedom of speech is just a exercise in voting, an empty shell of an election without actual democracy. From this, it is clear that freedom of speech is the true indicator of whether a country has an authentic and solid democracy.

Freedom of speech is also the foundation of other political rights and other basic human rights, because it can promote the development of other human rights and consolidate them.

For example, in countries with “limited democracy”, as soon as the people have freedom of speech, they can advocate the value of free association and assembly, thereby expanding these freedoms and rights.

The development of Taiwan’s democracy is a clear example of this. Before martial law was lifted, the people slowly expanded their limited freedom of speech, thereby gradually pushing for other rights and freedoms until democratization became an unstoppable force.

The democratization of the Taiwanese media can be divided into three stages: closed, transitional, and open. The transitional stage lasted roughly from the

mid-to-late 1970s to the early 1990s. It was a time when Taiwanese political forces broke through restraints and local social movements blossomed.

Representative events that occurred during this time period include the Zhongli incident in 1977, the Kaohsiung incident in 1979, the formation of the DPP on September 28, 1986, the self-immolation of Cheng Nan-jung on April 7, 1989, the Wild Lily student movement in March 1990, and the Taiwan Independence Association incident on May 9, 1991. The once closed-off mainstream media were forced to reckon with the massive social changes taking place or be left behind.

Although martial law was lifted in July 1987, it was merely a symbolic moment of democratization. Not all democratic mechanisms were in place yet, and conservative and progressive ideologies continued to lock horns. This is best illustrated by fact that mechanisms put in place to “suppress communist rebellion” remained in place.

The Temporary Provisions Against the Communist Rebellion enacted in 1948 were not abolished along with the lifting of martial law in 1987. It wasn’t until May 1, 1991 that this undemocratic mechanism was officially abolished by the National Assembly.

However, laws like the Civil Associations Act, National Security Act, and Assembly and Parade Act have been passed successively since 1992. These laws also limit the people’s fundamental rights, simply omitting

the words “suppression of communist rebellion”.

In this regard, one could say that the 100 Action Alliance established on September 21, 1991 was the key movement propelling Taiwan to true freedom of speech. The amendment of Article 100 of the Criminal Law in 1992 was the starting point for Taiwanese media to truly open up. The transformation of Taiwan’s media ecosystem took about 15 years.

Around the time martial law was lifted, I was working at *Independence Post*, where I can recall two examples that illustrate this type of media transformation. On December 10, 1988, the year after martial law was lifted, Cheng Nan-jung published the Draft Proposal for the Constitution of the Republic of Taiwan written by Koh Se-kai, chairman of the Taiwan Jianguo Union, on his publication *Freedom Era*. This led to a series of bans and legal actions from the governing authority.

On April 7, 1989, Cheng Nan-jung embodied his cause through self-immolation. On the next day, *Independence Morning Post* published the same Draft Proposal for the Constitution of the Republic of Taiwan. I remember how tense and cautious the paper was about this decision, showing that there were still a lot of taboos when it came to speech.

Before this incident, on January 13, 1988, Chiang Ching-kuo, who announced the lifting of the martial law, passed away. Although it had been six months since the martial law was lifted, mainstream media

remained oddly silent about the power struggle that occurred after the death of the last strongman of Taiwan’s era of authoritarian rule, as if nothing had happened.

The piece I authored for *Independence Post* addressing Chiang Ching-kuo from an objective viewpoint was also slammed by many readers and media outlets, making it apparent that the media ecosystem did not possess the freedom of speech of a democratic country.

The democratization of Taiwan occurred under extraordinary historical circumstances. It was a process propelled by civil and political forces in a dance of conflict and collaboration. Or more accurately, it was a complex process driven by civil forces with the help of political forces.

For those in power, especially in an authoritarian regime, to recognize public opinions might be a key factor in bloodless reform, but the fundamental driving force behind democratization is still the people’s demands and desire for democracy.

Democracy has blossomed in Taiwan, “a river roaring in front of the village”. Looking back on this democratization progress hailed as a “silent revolution”, there is no question that the peaceful protests of the 100 Action Alliance and the amendment to Article 100 of the Criminal Code were a crucial part of Taiwan’s fight for freedom of speech and propelled the “last mile” for democratization in Taiwan.



May 20, 1991: Anti-political persecution student activists. Photographer: Hsu Po-hsin



December 10, 2020: President Tsai Ing-wen attends the unveiling ceremony for the National Human Rights Commission's logo. Courtesy of: National Human Rights Commission, Taiwan

Chapter 5

Continual Improvement: Keeping Up with International Trends

- I. The Founding and Mission of the National Human Rights Commission
- II. Exploring the True Meaning of Free Speech in the International Covenant on Civil and Political Rights
- III. New Challenges to Freedom of Speech: The Proliferation, Harm and Countermeasures of Disinformation
- IV. Freedom of Speech and Cognitive Warfare

I. The Founding and Mission of the National Human Rights Commission

The founding of the National Human Rights Commission started with a suggestion from human rights scholar Huang Mou in 1997. In 1999, Taiwan Association for Human Rights President Huang Wen-hsiung rallied 22 civic organizations to form the Coalition for the Promotion of a National Human Rights Commission, initiating a lobbying movement.

The development of this movement was closely linked to domestic and international situations in Taiwan. This included the wave of street protests Taiwan saw in the 80s, which prompted the lifting of the martial law in 1987 and the subsequent political domino effect: the constitutional reforms launched in

1990, the first full National Assembly re-election on December 19, 1992, and the first direct presidential election on March 23, 1996, as well as other steps in Taiwan's democratization process.

At the same time, the UN's attention to the international trend of basic human rights protection also contributed towards the establishment and operation of a national human rights institution. In particular, the UN passed the Principles relating to the Status of National Institutions, or the Paris Principles, in 1993, which encouraged, advocated, and assisted countries to establish national human rights institutions. In the ensuing years, 54 countries quickly established na-



Huang Wen-hsiung was the president of the Taiwan Association for Human Rights. Photographer: Huang Chien-hsien

tional human rights institutions.

Taiwanese human rights scholars and human rights groups noticed this international trend and soon reached a consensus in 1999 to form the Coalition for the Promotion of a National Human Rights Commission.

Mr. Huang Wen-hsiung believed that, in the decades since the ROC government lost the right to represent China and broke away from the international human right system, such system developed considerably in terms of norms and mechanisms, and gradually penetrated the legislation, constitutional interpretations, and human rights practices of many countries.

Huang Wen-hsiung said: "At the same time, international human rights movements blossomed across civil societies at global, regional, and national levels in a way that neither international organizations nor individual government could ignore. Taiwan could not stay aloof from such developments."

Due to the high level of public support, President

Lee Teng-hui established a Human Rights Protection Committee under the Control Yuan before the March 2000 presidential election.

President Chen Shui-bian Vowed to Build a Human Rights State

The year 2000 saw Taiwan's first peaceful transition of power between political parties and the DPP took power for the first time. Huang Wen-hsiung submitted a memorandum to the newly elected Chen Shui-bian.

President Chen Shui-bian incorporated specific recommendations from the memorandum into his inauguration speech on May 20, vowing to establish a human rights state and promising to promote "the establishment of an independent national human rights commission" and "ratification of international human rights covenants". In October 2000, the civil version of the Draft for the Organic Act of the Control Yuan National Human Rights Commission came out. The Office of the President subsequently established a human rights advisory group, which was tasked with the creation of the National Human Rights Commission and the execution of the ratification of the two covenants.

The two covenants were codified based on the spirit and foundations of the Charter of the United Nations and the Universal Declaration of Human Rights, including, correspondingly, freedom and social rights of the human rights system into the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. They are abbreviated as the "ICCPR" and "ICESCR", respectively.

In 1967, the year after the two covenants were passed at the United Nations, Liu Kai, the ambassador



December 10, 2020: Human rights scholar Huang Mou attends the human rights exhibition held by the National Human Rights Commission for International Human Rights Day. Courtesy of: National Human Rights Commission, Taiwan



May 20, 2000: The first peaceful transition of power between political parties in Taiwan. On the inauguration ceremony of DPP President Chen Shui-bian (right), the outgoing President Lee Teng-hui (left) waved goodbye to the people after handing over his power. Photographer: Huang Yen-wen

to the UN, signed them on behalf of the ROC government. However, since the martial law violated many articles in the covenants, they were never sent to the Legislative Yuan for ratification. In 1971, the People's Republic of China (PRC) replaced the ROC as the representative of China in the UN. The PRC declared the Taiwanese authorities' signatures invalid, but had no intention of signing themselves.

It wasn't until 26 years later, when the CCP was trying to become the host nation for the 2008 Summer Olympics, that they finally signed the ICESER in 1997 and the ICCPR in 1998. So far, however,

the CCP has only completed the ratification of the ICESER in 2001. The ratification of the ICCPR, on the other hand, has always been on hold.

The main reason for the CCP to shelf the ratification is the same as why it was hard for Taiwan to ratify the covenant under martial law. The CCP refuses to implement democratic elections and give power to the people. It also refuses to implement the protection of basic human rights such as personal freedom, spiritual freedom, and freedom of expression in its legal system. Forcibly ratifying the ICCPR would inevitably lead to scrutiny regarding the covenant's articles,

as well as embarrassment.

After President Chen Shui-bian proclaimed his promise to build a human rights state, Taiwan began to promote the ratification of the two covenants. The Executive Yuan held multiple inter-departmental meetings and the matter was also heatedly discussed in the Legislative Yuan. The KMT, which held the majority at the Legislative Yuan at that time, opposed the ratification. The government, outnumbered by the opposition, was unable to complete the ratification process. Even the later Draft for the Act to Implement the Two Covenants was rejected.

President Ma Ying-jeou Supported the Act to Implement the Two Covenants

Taiwan saw its second peaceful transition of power between political parties after the 2008 presidential election. The KMT returned to power, and human rights groups continued lobbying after President Ma Ying-jeou took office. In February 2009, President Ma Ying-jeou listened to a briefing on the two covenants and the drafts of their enforcement acts, after

which he publicly pledged his support.

The two covenants and their draft enforcement acts were quickly ratified and passed by the Legislative Yuan, to be enacted on December 10—International Human Rights Day—later that year, officially initiating the domestication of human rights conventions in Taiwan. However, when the ratification papers were sent to the UN Secretary-General, the UN refused to “deposit” them on the basis of the UN General Assembly Resolution No. 2758, which recognized the PRC as the only legitimate representative of China. As a result, Taiwan was unable to complete the signing process.

There are three steps to becoming a contracting party of the two covenants. The first is the signature, which is usually signed by each nation's ambassador to the UN. The next step is ratification, which is typically approved by parliament. The third step is deposit, which is when the head of state announces the ratification and sends the relevant paperwork to the Secretary-General of the UN.

When the ratification of the two covenants was promoted during President Chen Shui-bian's term,



April 20, 2012. President Ma Ying-jeou hosted a press conference for "Human Rights - Future: National Report on the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights". Courtesy of: Office of the President



August 1, 2020: President Tsai Ing-wen (second from the left) attending the unveiling ceremony of the National Human Rights Commission. Courtesy of: Academia Historica

the government and opposition thoroughly debated the topic, and so the UN Secretary General's refusal to "deposit" Taiwan's ratification was long-expected. That is why, towards the end of President Chen Shui-bian's term, the government took Huang Wen-hsiung's suggestion and prioritized the promotion of the Act to Implement the Two Covenants, or a "Taiwan model" approach.

The creation of a "Taiwan model" was formulated after discussions between Huang Wen-hsiung and Wang Ping-yun, the legal adviser of Hsu Chih-hsiung,

then deputy convener of the Executive Yuan's Human Rights Protection and Promotion Task Force. The idea came from the UK's Human Rights Act 1998.

Based on international legal theory, the UK is a constitutional monarchy, that is, the monarch exercises their authority in accordance with a constitution and cannot make decisions alone. Whether or not treaties or covenants can take effect is not decided through signing and filing by the crown, but through domestication upon approval (enforcement) by the parliament.

Therefore, Wen-hsiung and Wang Ping-yun recommended for Taiwan to give the norms and mechanisms of human rights covenants the legal effect and authority of domestic law through domestication. In other words, although Taiwan is not a participant, it will still uphold the obligations of a participant.

Following the passage of the Act to Implement the Two Covenants, civil rights and human rights organizations founded Covenants Watch. It was recommended to adopt the "Taiwan model" for the international review process of the enforcement of the Two Covenants based on UN guidelines, and with adjustment made to accommodate the special circumstance of Taiwan not being a member state of the UN.

In April 2012, President Ma Ying-jeou published the first national report on the two covenants. In May, Covenants Watch issued the Parallel Report on the Implementation of the Two Covenants. In February 2013, international human rights experts were invited to Taiwan to review the National Report on the Two Covenants and the non-governmental parallel report. The experts put forward 81 concluding observations and recommendations and urged Taiwan for the first time to establish a national human rights commission in compliance with the Paris Principles as soon as possible.

President Tsai Ing-wen Established the National Human Rights Commission

In July 2014, the Human Rights Consultation Committee of the Office of the President proposed three options for establishing the National Human Rights Commission: to establish it under the Office of the President, the Executive Yuan, or as an independent agency. None of the options were adopted. After the 2016 presidential election, Taiwan saw another peaceful transition of power between political parties.

In January 2017, at the review meeting of the

Second National Report on the Two Covenants, international human rights experts again urged the establishment of a National Human Rights Commission, and President Tsai Ing-wen promised to complete the planning for the commission as soon as possible. In July of the same year, Rosslyn Noonan, former New Zealand Human Rights Commissioner, and other international human rights experts visited Taiwan to help evaluate Taiwan's plans to establish a national human rights commission.

In November 2017, international experts presented a formal assessment report in the name of The Asia Pacific Forum of National Human Rights Institutions (APF), specifically stating that "in order to establish a national human rights institution in a timely manner, establishing it under the Control Yuan is the best option."

In 2019, the Legislative Yuan reviewed the Control Yuan's version and the legislators' version of the draft organic act for the National Human Rights Commission. On December 10 of the same year, the third reading of the Organic Act of the Control Yuan National Human Rights Commission was passed. Therefore, after 20 years of discussions and setbacks, and after three transitions of power, the highly anticipated National Human Rights Commission was officially established on August 1, 2020.

The mission of the National Human Rights Commission is to promote the protection of human rights. Its primary functions and powers include issuing national reports on human rights covenants and "independent evaluations and opinions". Other functions include the investigation of human rights violations, monitoring of human rights protection, national inquiries, promotion of the domestication of international human rights covenants, promotion of human rights education, and international exchanges regarding human rights.

II. Exploring the True Meaning of Free Speech in the International Covenant on Civil and Political Rights

Freedom of Speech—From the Declaration of Human Rights to Covenants on Human Rights

Regarding freedom of expression, Article 19 of the Universal Declaration of Human Rights states that, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The first codified constitution recognized in the world is the US Constitution enacted on March 4, 1789. The first amendment in the Bill of Rights, a list of amendments that became a part of the US Constitution, addresses the freedom of speech and expression.

From the earliest countries to develop democratic politics and protection of free speech such as the UK, US, and France, we can see that the more a country protects freedom of speech and the flow of information, the more likely it will promote “intellectual growth among citizens”, “social and economic progress”, “democracy”, and other multi-dimensional circular functions.

However, the expression of free speech can sometimes contradict and be in conflict with the human rights of others, or even violate human rights. That is why Article 12 of the Universal Declaration of Human Rights states that, “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

Article 29 of the Universal Declaration of Human Rights further states that everyone has duties to the community in which the free and full development of his personality is possible alone. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

It is precisely because freedom, equality, and dignity are the most basic core of human rights protection that the protection of freedom of speech does not include defamation, slander, fraud, intimidation, disclosure of privacy, or any other infringements on the human rights of others. To go a step further, the point of the existence of a nation is to protect the basic human rights of its people. Therefore, nations are obliged to explicitly prohibit and punish speech that violates the human rights of others for the purpose of protecting human rights.

In the International Covenant on Civil and Political Rights, which codified aspects in the Universal Declaration of Human Rights, the parts that discuss the rights and obligation that come with freedom of speech are mainly Article 17’s right to privacy and dignity; Article 19’s rights and obligations of freedom of speech; and Article 20’s prohibition of speech that incites war, hatred, and discrimination.

The Obligations of Freedom of Speech

The purpose of Article 19(3) of the ICCPR is to

International Covenant on Civil and Political Rights

Article 17 (Right to Privacy and Dignity)

- I. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- II. Everyone has the right to the protection of the law against such interference or attacks.

Article 19 (Rights and Obligations of Freedom of Speech)

- I. Everyone shall have the right to hold opinions without interference.
- II. Everyone has the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- III. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 1. For respect of the rights or reputations of others;
 2. For the protection of national security or of public order, or of public health or morals.

Article 20 (Prohibition of the Abuse of Freedom of Speech)

- I. Any propaganda for war shall be prohibited by law.
- II. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.



June 16, 2019: Taiwan student groups hope to use Taiwan's freedom of speech to support Hong Kong's fight for freedom. Photographer: Huang Yen-wen

emphasize that in seeking to exercise one's right to freedom of speech, one must clearly recognize that with these rights come the obligation to not infringe upon the human rights of others. One also has the responsibility to protect national security and to maintain public order, health, or morals.

In order to enhance participants' understanding of article 19 of the covenant, the United Nations Human Rights Committee pointed out in General Comment No. 34 issued in 2011 that exercising the right to freedom of speech comes with special obligations and responsibilities. Therefore, contracting parties are allowed to impose restrictions on this right in two aspects based on the aforementioned human rights of others. The two justifiable aspects for imposing re-

strictions include national security and social order.

General Comment No. 34 also emphasizes that, when a participant imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself. Also, the relation between right and restriction and between norm and exception must not be reversed. Article 19(3) lays down specific conditions and it is only subject to these conditions that restrictions may be imposed: the restrictions must be "provided by law". Restrictions must also conform to the strict thresholds of necessity and proportionality.

In practice, it is impossible to list positively which types of speech should be protected. However, if obligations and responsibilities are to be imposed, the scope of these obligations and responsibilities must

be strictly limited, so a negative list of criteria must be adopted. In other words, "does it harm the rights or reputation of others?" And "does it damage national security and public interest (order, health, or morals)?"

In other words, under the premise of safeguarding freedom of speech, if the responsibilities for speech are to be imposed, there must be strict checks of necessity, rationality, and proportionality.

For example, pornographic publications are protected under article 19, but it is also an objective fact that they are likely to have adverse effects on children's physical and mental development. Therefore, under the justification of "public health or morals" stipulated by item 2, paragraph 3, governments are permitted to pass laws requiring pornographic publications to be rated, limiting where they are sold or whom they are sold to based on their rating.

Another example is press freedom. Press freedom began as a way to defend the right to speak and reveal the truth, and to fight against state powers that may oppress human rights. Therefore, press freedom does not protect the right to spread lies for the government, nor the right to spread "fake news" and "fake messages" that infringe upon other people's human rights (dignity, reputation, or privacy).

Conversely, if lies, slander, insult, fraud, intimidation, and invasion of others' privacy can be exempt from accountability for human rights violations in the name of free speech, it would not only be a human rights violation in the name of human rights, but also a violation of the original intention and meaning behind the fight for freedom of speech.

In North American and European countries with long histories of constitutional democracy, there have already been lots of precedents and theories regarding this conflict. The most frequently cited theories are "obvious malice" and "knowledge that information is false and untrue, or not fact-checking despite knowing that is easy to do so", resulting in speech that damages others' reputation and interests; or public safety and

order, causing objectively clear harm or social disorder.

To put it simply, the determination of whether one's speech should bear legal responsibility is based on three major criteria, namely "malice, falsehood, and harm", and all three criteria must be present. That is, although lies are not protected under freedom of speech, if the lie is said without malice and caused no objective or substantial harm to any individual, it should not constitute a legal liability.

Additionally, although media criticism of political parties or politicians, as well as intense verbal exchanges between parties or politicians, might be objectively based on clear "malice", and often causes "harm" to the other party's reputation, they are, strictly speaking, unavoidable normalities in democratic politics. Therefore, whether there is "falsehood" should be the key determining factor in whether someone should bear legal responsibility for their speech.

In other words, because political parties and politicians hold political power, they must accept proportional supervision and criticism. This is an important cornerstone of democratic politics. Therefore, political parties cannot refuse supervision or criticism on the basis of "respecting others' rights or reputation".

However, no one, regardless of their status, should lose their due human rights (dignity and reputation). Therefore, no matter how much critics cite democratic politics or how political parties and politicians should be "open to public criticism", their accusations and criticisms should be based on "fact". In particular, because the media, political parties, and political figures have a louder voice in society, they should assume proportional responsibilities and obligations.

Prohibition of the Abuse of Freedom of Speech

In 1983, the UN Human Rights Committee issued General Comment No. 11 regarding article 20, pointing out that, "The prohibition under paragraph 1

extends to all forms of propaganda threatening or resulting in an act of aggression or breach of the peace contrary to the Charter of the United Nations,

while Paragraph 2 is directed against any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, whether such propaganda or advocacy has aims which are internal or external to the State concerned.

The provisions of article 20, paragraph 1, do not prohibit advocacy of the sovereign right of self-defence or the right of peoples to self-determination and independence in accordance with the Charter of the United Nations.

For article 20 to become fully effective there ought to be a law making it clear that propaganda and advocacy as described therein are contrary to public policy and providing for an appropriate sanction in case of violation.

The Committee, therefore, believes that States parties which have not yet done so should take the measures necessary to fulfill the obligations contained in Article 20, and should themselves refrain from any such propaganda or advocacy.”

The spread of discrimination and hate speech will not only harm the dignity of specific individuals and groups, but also threaten and erode the foundation of diversity and equality in society. Therefore, so far, the first provision (that any propaganda advocating war should be prohibited by law) has received far less attention and promotion than the second provision.

Undeniably, even advanced democratic countries in the West have not been able to eradicate prejudice, discrimination, and hatred through human rights education. The United Nations has long been aware of this, which is why the first international human rights covenant passed after the Universal Declaration of

Human Rights was not the two covenants but the International Convention on the Elimination of All Forms of Racial Discrimination passed in 1965.

For example, freedom of speech is the core value of the US Constitution. However, due to the immigration structure and the enslavement of black people in the past, the US judicial system almost always stands on the side of anti-discrimination when “protection of free speech” conflicts with “protection against discrimination through speech”, and all forms of racial discrimination are strictly condemned. However, frequent legal disputes also show that racial discrimination has not been eradicated and more human rights education needs to be done.

Compared with the past century, discrimination based on gender, age, and class status, shaped by traditional feudal societies, has mostly improved and continues to improve due to constitutional democracy, universal education, and economic development. There are still severe problems of discrimination in North America and Europe, mainly in terms of race and religion. For example, there are still potential Nazi sympathizers in Germany, the KKK in the US, and the Western Guard Party in Canada.

Taiwan is a country with an immigrant structure. Over the years, political, economic, social, and other historical factors have inevitably caused problems of discrimination even though, objectively speaking, the problem is not as serious in Taiwan as in North America and Europe

Currently, in Taiwan, Paragraph 1, Article 62 of the Immigration Act specifically prohibits discrimination on the basis of nationality, race, skin color, class, and place of birth, among other factors. However, this provision is mainly aimed at law enforcement in immigration affairs, not ordinary citizens.

III. New Challenges to Freedom of Speech: The Proliferation, Harm and Countermeasures of Disinformation



Author Hu Yuan-hui photographed during his interview.
Photographer: Huang Yen-wen

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Disinformation and the Death of a Taiwanese Diplomat

Back when freedom of speech was stifled, many people raised their voices despite the risk of imprisonment, even sacrificing their lives to expand space for free speech.

Paradoxically, in this day and age when freedom of speech is no longer restricted, this freedom hard-won with the blood and sweat of many activists, has become a shield for disinformation to run amok.

Disinformation has become a serious challenge to

contemporary democracy. Taiwan, whose democratic system has only been in place for a relatively short period of time, might even see a regression of democracy because of it, so it must be addressed with caution.

Disinformation is not a new problem, but the 2016 United Kingdom European Union membership referendum and the dramatic 2016 US elections shined a light on contemporary disinformation problems.

The processes of these two events that greatly concerned the future of their respective countries alerted democratic nations to the major differences between contemporary disinformation and traditional disinform-

mation. The digital information ecosystem has not only facilitated public participation but also made it a lot more convenient to spread false information, thereby causing great harm to the functioning of democracy.

There are two cases from 2018 that can clearly illustrate the impact disinformation has had on Taiwanese society. The first case was the toilet paper panic buying incident that happened around February and March of that year. The incident stemmed from an improper marketing strategy,

but many citizens panicked, believing that the price of toilet paper was about to rise drastically. This resulted in some people buying up too much toilet paper while others couldn't find any and was a major inconvenience for everyone.

This false information only resulted in come inconveniences, but the Kansai Airport incident that happened in September that year shocked Taiwanese society and political circles.

On September 4, 2018, Typhoon Jebi hit Japan. The Kansai Airport subsequently flooded, becoming like an island in flood waters. The Chinese media outlet *Observer* reported on September 5 that “the Chinese embassy is here to pick people up!” However, the report only cited “information from Weibo netizens”.

The false information claimed: “China’s embassy in Osaka had dispatched 15 buses to move Chinese nationals out of the Kansai Airport and hand out food and drinks.

A few Taiwanese people asked if they could board the buses. The answer was “Sure, if you think you are Chinese, you can board the bus and follow your motherland.”

This false information reported on the 5th was immediately picked up by Taiwanese media outlets the next day. Similar rumors and discussions were also

posted on online forums like PTT.

Although it later turned out that the *Observer* fabricated the report with misrepresented facts and fabricated information, it had already caused major controversy and conflicts in Taiwanese society, even resulting in Taiwan’s representative in Osaka tragically committing suicide.

Information Warfare—Using Freedom to Undermine Democracy

In the production and dissemination of disinformation on the Internet, one of the most insidious and damaging forces is overseas information manipulation. Many people have dubbed this “information warfare”, a new form of war!

These are not simple pranks or people seeking direct financial gain, but campaigns to use disinformation to incite conflict in the target society, creating turmoil and chaos in enemy nations and there by achieving political goals without military intervention.

Does overseas information manipulation exist? How is it conducted? The Anti-Extradition Law Amendment Bill Movement in Hong Kong is a prime example.

Multinational social media platforms like Twitter, Facebook, and YouTube announced that they had deleted or terminated of a total of 200,000 accounts and channels in August 2019, directly stating that the Chinese state machine was the mastermind behind these accounts and channels.

In its press release, Twitter stated that the accounts deleted and terminated were part of a “state-backed operation”. In its press release, Facebook stated that although the people behind the deleted accounts attempted to conceal their identities, its investigation



China often takes advantage of the freedom and democracy in Taiwan to engage in cognitive warfare, spreading various propaganda on the streets of Taiwan. Photographer: Huang Yen-wen

found links to individuals “associated with the Chinese government”.

In a public policy blog post disclosing the news, YouTube also said that the deleted channels in the network behaved in a “coordinated manner” while uploading videos related to the ongoing protests in Hong Kong. The operation was identical to that disclosed by Twitter and Facebook.

The “coordinated inauthentic behavior” named by Facebook and Twitter and the “coordinated influence operations” identified by YouTube refer to coordinated manipulation of information by a person or or-

ganization hiding their true identity on social media accounts, fan pages, clubs, or channels.

These information manipulation operations can be motivated by political considerations or economic goals. Politically-driven overseas information manipulation is especially concerning for democratic countries because it can affect national security and the effective operation of the democratic system.

The difference between coordinated information manipulation and regular disinformation lies in how systematic and planned it is, which increases the difficulty of fully detecting it.

Fighting Information Manipulation—Facebook and Twitter’s Trump Card

Take the coordinated inauthentic behavior identified by Facebook and Twitter during the Hong Kong protests, for example. We can see that, of the deleted accounts, some have been around since 2009, but many were inactive for a long time and only surfaced after the Anti-Extradition Law Amendment Bill movement began. Many accounts even had the exact same number of followers.

It is also intriguing how, although it is well known that Facebook and Twitter cannot be accessed in China without a VPN, some of the deleted accounts operated from specific IP addresses that were not blocked in China.

For democratic countries, overseas information manipulation is particularly difficult to detect but must be carefully guarded against. This is because state-launched information warfare is often well-organized and operates meticulously, making it hard to identify and expose.

Even more seriously, such manipulations are focused on not only isolated political events or social conflicts, but have the ultimate goal of destabilizing the operation and values of democratic institutions.

In early 2016, a Russian-German girl who ran away from home lied about being sexually assaulted by Arab immigrants. The Russian cyber warriors seized the opportunity to launch an information campaign, triggering a high degree of controversy in German society. The goal of the campaign was to make it hard for the German government, which was facing serious immigration and refugee issues, to balance democracy and humanitarian causes.

In much the same way, the aim behind Russian cyber warriors’ active involvement in several racial disputes in the US in recent years has been to deepen

racial tensions and expose the “falseness” of US democracy.

The fact that Taiwan has been the target of overseas disinformation campaigns has been confirmed in various studies and reports. According to a report published by the V-Dem Institute of the Gothenburg University in Sweden in April 2019, Taiwan was the country most severely hit by overseas disinformation campaigns in 2018.

Additionally, an investigation done by the Oxford Internet Institute of Oxford University in 2019 found that organized social media manipulation campaigns were conducted by the governments or political parties of 70 countries in the world. Countries like China, India, Iran, Pakistan, Russia, Saudi Arabia, and Venezuela all used computational propaganda in overseas manipulation campaigns.

China has become a major player of such operations. Estimates show that there are anywhere between 300 thousand to 2 million Chinese cyber warriors working from local and regional offices.

Going Too Far The EU Openly Named China

Take disinformation about the COVID-19 pandemic, for example. China has led a very aggressive information warfare campaign regarding information about the virus. In June 2020, the European Commission publicly accused Russia and China of being major players in spreading online disinformation about COVID-19 in the EU and worldwide. This was the first instance of top EU officials directly naming China for their involvement in information warfare.

According to experts, China’s main goals for the COVID-19 information warfare included highlighting and distorting the failures of democratic countries, arguing over the origin of the virus, attacking countries

like the UK, France, and Australia along with their leaders, and promoting China as a model for fighting the pandemic.

Additionally, China uses similar information warfare tactics to Russia’s, combining fake social media accounts, trolls, bots, Chinese diplomats, and state-run media to achieve its goals.

Taiwan is a focus of China’s information warfare operations. A lot of the disinformation regarding COVID-19 identified by the non-profit organization Taiwan FactCheck Center originated from China.

The most obvious false claims included that the epidemic in Taiwan was out of control and that many people had been infected, including senior government officials, military personnel, and students, but the government had deliberately covered it all up.

These are some of the most widely circulated pieces of false information from late February to March 2020. Many of these messages, featuring simplified Chinese characters and fake images misappropriated from other sources, circulated in Taiwan’s social media and instant messaging apps, with the intention of inciting social panic and undermining the government’s authority.

Thankfully, these false messages, mainly propagated by Chinese nationalists, also known as “Little Pink”, did not have much effect thanks to the active fact-checking and refutations from fact-checking agencies, the media, and the government.

It is worth noting that many of the rumors circulating in Taiwan regarding the pandemic were about how COVID-19 was out of control in the US and Europe.

For example, one fake message showed a video with the text: “In Louisiana, supermarkets are in chaos. No one is at the counter, and it is a free-for-all. The armed soldiers are only there to prevent bloodshed, so customers can come and go freely.”

The truth is, the video was from an old news story of Mexican citizens robbing a supermarket in January 2017. The video was not taken in the US, nor did it have anything to do with COVID-19.

Why would people with bad intentions spread information about the pandemic being out-of-control in the West and how incompetent their governments are? Their motive is not hard to understand. They want to show incompetence of democratic systems to make Taiwanese people lose faith in democracy.

The most concerning part about disinformation lies in its influence over society. Not only are there obvious “external damages” but also hard-to-detect “internal harm”.

Out-of-Control Free Marketplace of Speech

The most basic principle of a democratic system is self-governance by the people. The people are in charge, and public affairs must be decided through civic engagement or voting.

But how do the people self-govern? The most important basis for self-governance is authentic, reliable information, which can inform discussions and public opinions, thereby deciding the direction of national policies.

If information possessed by the public is unclear, distorted, and full of falsehoods, then not only will the people be unable to make correct judgments regarding public affairs, but the entire society might devolve into accusations and hate.

Conflicts and controversies are inevitable in a democratic country, but a country will never be able to operate stably in a society with serious divide and fractures. This is precisely the serious “internal harm” that false information can cause to a democratic society.

Regarding this issue of democracy, the philosophy accepted by the most people is: Treat the ills of democracy with more democracy. The so-called “counterspeech doctrine” posits that the proper response to negative speech is to counter it with positive expression.

But with today’s flood of misinformation, more and more people have begun to doubt this principle. This is because the technological infrastructure of the current information ecosystem, especially the Internet and social media platforms, has inherent characteristics (such as algorithms) that are conducive to the systematic spread of false information. Therefore, the idea that quality democracy can be achieved by simply believing in the free marketplace of speech is quite impossible.

We enjoy a high degree of freedom of speech today. On the one hand, we must cherish the value of freedom and carefully take care of its existence. On the other hand, we must understand that the impact false information can have on society lies not only in “external damages” to personal welfare, and public disorder, but also “internal harm” like a deepening of social divides and the breakdown of trust between people.

Contradictions and conflicts exist in a democratic society and should not be feared. However, if the contradictions and conflicts are amplified to such an extent that there is no way to mend them, the democratic system will not be able to function, and people will lose confidence in democracy.

Herein lies the challenge disinformation poses to democracy. We must become more vigilant of disinformation and actively try to overcome it so that Taiwan’s democracy can move forward at a steady pace.



Taiwan FactCheck Center website
Source: November 1, 2021, <https://tfc-taiwan.org.tw/>.

IV. Freedom of Speech and Cognitive Warfare



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So-called “cognitive warfare” is a part of information warfare. Some people call it “thought control warfare”, while others call it “public opinion warfare”. No matter what we call it, the main purpose of such tactics is to change the perception of the enemy, causing internal conflicts and using the characteristics of disinformation to break down existing networks and deepen hateful thoughts.

Since democratic countries have diverse cultures and room for free speech, they are particularly vulnerable when it comes to cognitive warfare. Some social conflicts already exist. With today’s social media landscape creating echo chambers coupled with major companies and political parties purchasing ads on social media, it is very easy to escalate these conflicts.

Therefore, when hostile countries carry out inten-

sive attacks with unlimited budget, the social divide and hatred between people could intensify hundreds of times, so we must be careful.

The Threat of Cognitive Warfare Against Democracy

Ever since research on the cognitive warfare Russia employed against the US began, Taiwan, a testing ground for China’s warfare tactics, has also faced the constant threat of controversial information spread from China. Controversial information is not necessarily false information, but the way it is presented, often with biased reporting, can influence the audience’s understanding of things.

As a country that protects freedom of speech, if



For a long time, groups representing China would put up flags of the PRC in the square in front of Taipei 101 in attempt to create the illusion that Taiwan is a part of China. They would even bully the Falun Gong group that also promotes its ideologies at the square. Photographer: Huang Yen-wen

Taiwan recklessly makes the information spread from China part of a war, it would risk infringing people's freedom of speech. When China knows this and is spreading a massive amount of controversial information, how Taiwan should respond under the framework of free speech becomes a difficult challenge.

After all, democratic countries must allow diverse opinions, so even biased information may be protected by freedom of speech. As the concept of defensive democracy becomes increasingly prevalent, we must address the conflict between these types of threats and the concept of democracy.

The Conflict Between China's Cognitive Warfare Tactics and Freedom of Speech

Based on data and general research on China's "united front" strategy, I've compiled descriptions of China's cognitive warfare tactics, with which I will discuss the boundary of free speech.

1. Direct information manipulation

Direct information manipulation from China can generally be divided into two types. The first is information from the central propaganda system, which is usually disseminated through official media, ambas-

sadors, and official or specific Weibo accounts. This government-related information is usually not difficult to deal with. It is mostly just setting the tone for China's general stance.

Because there is a clear source, immediate threats can be prevented as long as the source is clearly labeled for the Taiwanese public to see. There is no need to further restrict such content, lest it leads to misunderstandings about censorship.

The second type of direct information manipulation are spread by the "Little Pink". This information consists mostly of lower-level rumors. The Little Pink often try to influence public opinion by "going to war" online, to little success. Even though they are often spurred into action by organizations like the Communist Youth League of China, these operations have very limited effects.

Because those spreading such rumors are usually abroad and out of the jurisdiction of our legal system, the rational way to handle them is to expose them. This way also will not involve censorship.

The ones that are truly problematic are the online accounts that the People's Liberation Army (PLA) have lying in wait for a long time, ready to troll, attack or incite conflict at key moments. There is no better way to deal with this type of manipulation than to combat it head on.

2. Investment

This kind of cognitive manipulation is more complicated. It is mainly done through economic incentives to dominate public opinion, thereby gaining the upper hand in battles of public opinion or legal battles. This type of manipulation can be divided into three categories.

The first category is direct investment, such as directly paying public relations firms in target countries to manipulate information on specific issues. China

might also directly invest in KOLs and ask them to put out content that is favorable about China or unfavorable about the West, which can shake people's confidence in other democratic countries and bolster trust in China.

Since the cash flow can be traced, the appropriate response to such tactics is to strengthen the disclosure and control of the cash flow. In other words, information spreaders who are paid by China to disseminate certain information should disclose this in the speech itself so that the audience understands that they are listening to content sponsored by China.

This is like how general sponsorship deals must be disclosed (regulation of commercial speech). This method does not involve the censorship of speech and only discloses whether money or benefits are received. This method is in the same vein as the US Foreign Agents Registration Act.

For the attacking party, however, it is also easy to bypass these measures. For example, China has long invested in many causes (such as the performing arts) that have nothing to do with the direct dissemination of information. The many people who benefit from China in this way do not need to serve the Chinese government.

In key moments, however, China will likely ask these people (such as artists furthering their careers in China) to "take a stance". This can influence many people who had no previous interest in politics.

Regarding indirect investments like this, since China did not directly finance manipulated narratives, there is no point in disclosing the cash flow. However, this type of cognitive warfare already touches the boundaries of freedom of speech, even though it is difficult to directly identify it as part of China's information warfare just because the actors have gained a lot of benefits in China.

The better way to handle this is to further sub-categorize the speech in question: If the actor is self-censoring or unwilling to provoke China, their speech can only be regarded as general political speech.

Conversely, under certain circumstances, when China wants a specific industry to express a uniform stance on a specific issue, there may be interventions and demands from the United Front Work Department and Chinese People's Political Consultative Conference (CPPCC) members. If such demands come to light, then the speech can be regulated by disclosing the cash flow.

The final type of manipulation is even more complicated. I call it "using money to shape the speech market". Take the online streamers that are popular these days, for example. The first two categories of information manipulation can all be regulated to an extent. The best way to sidestep these regulations is through donations.

For example, a streamer might get lots of donations when they speak in favor of China. Since neither the streaming platform nor the streamer can control who makes donations, it cannot be used as a method to control speech.

However, this has resulted in many people entering the streaming market eager to "say good things about China". These streamers don't even need to think about how to please China. All they need to do is look up examples on China's database to easily bring in revenue. On the surface, the streamer would appear to have nothing to do with China.

I have uncovered content farms and new YouTube streaming models that use this kind of cognitive manipulation techniques. However, the disclosure of money cannot enable any control for this kind of

investment method, because it is already okay to take donations on open online platforms.

Therefore, unless the platforms establish new policies, there are no ways to battle this type of information manipulation under the premise of safeguarding free speech.

3. Ideology-driven

The final way of cognitive warfare has nothing to do with money. It is the oldest United Front playbook of cognitive manipulation. For example, China may encourage the establishment of local group chats for people who are already ideologically close to China. Then, when China spreads information to these groups, these people will automatically become disseminators of fake news.

When researching Russia's information warfare tactics, scholars often point out how social media were weaponized. Now, China is weaponizing "people" instead. China attracts extremists or people with complaints against the government, using them to amplify controversial issues in the country, thereby causing cognitive bias among the people to create or amplify social opposition and hatred.

However, this kind of absorbing and re-distributing information through ideology is protected by freedom of speech unless there is false information involved. Actors cannot be controlled or punished under the current framework of safeguarding free speech.

The Effectiveness of Taiwan's Response

We can see how it is hard to directly control or punish behaviors of cognitive warfare. This is because the fact that these tactics are hard to regulate is precisely why the attackers have chosen them. As

a democratic country, we naturally can't respond to these attacks with the existing structure because such tactics target the weakness of democratic countries.

As we enjoy freedom of speech, we must not change the rules of democracy (or free speech) for the sake of information warfare, or we will be no different than a dictatorship.

In this regard, I believe that we can defend against misinformation with a victim-oriented approach. In other words, instead of controlling speech or punishing actors, we can help victims who might have been manipulated to become familiar with China's tactics. By avoiding regulations and punishments, we can avoid bolstering the mistrust these people already have towards society.

Through events and workshops, we should let everyone understand that, in a democratic country, we can have different opinions but not hate one another. That under the framework of freedom of speech, we should give each other opportunities to debate different ideas or take a break from debating. That no matter how tough the circumstances, we should be willing to communicate with one another because Taiwan is a country governed by democracy and the rule of law.

If we proceed in this direction, the current response plan should not only emphasize and respond to fake news but also address the "motivations" for people to believe in false information, and strengthen national defense education to keep people on guard.

From a national security standpoint, Taiwan usually only responds to news about PLA fighter jets circling the island instead of clarifying fake news. This is the right approach to take. Unless there is an immediate danger or a cognitive attack against soldiers

that needs to be responded to, the government should positively emphasize its measures to protect the people, instead of flagging and punishing those who relay information.

For example, the government collects people's data for epidemic prevention purposes. Seizing this opportunity, China can spread misinformation like "the Taiwanese government is improperly collecting citizens' data to monitor and control them". If the government punishes those who pass on such information or emphasizes that it is false information, it will not only make those who believed the rumors even more convinced of their validity, but also alienate people from the government, which is playing right into China's hand.

A better approach would be to stress that "this type of information is being spread because the people have doubts and mistrust about how the government collects information, and the government understands these concerns. To address these concerns, the government will establish a third-party supervisory institution to make sure the information is not misused, establish a clear system of responsibilities, and ensure that the information will be deleted at a certain date."

This approach not only shows empathy for the "victims" influenced by cognitive warfare but also brings society closer together. Solving the problem from the perspective of the victims allows the government to protect the framework of free speech, respond to the threat that cognitive warfare poses on democracy, and strengthen Taiwan's status as a bastion of free speech.

Major Events

April 17, 1895	China cedes to Japan the island of Formosa (Taiwan) in the Treaty of Shimonoseki
August 15, 1945	Japan announces unconditional surrender
October 25, 1945	The Republic of China takes over Taiwan on behalf of the Allied Forces
October 24, 1946	The United Nation is officially established.
December 25, 1946	The Constitutional National Assembly passes the Constitution of the Republic of China in Nanjing
February 28, 1947	The February 28 incident takes place in Taiwan
April 18, 1948	The first National Assembly passes the Temporary Provisions Effective During the Period of Communist Rebellion
December 10, 1948	The UN passes the Universal Declaration of Human Rights
May 20, 1949	The Taiwan provincial government declares martial law
November 20, 1949	The <i>Free China</i> bimonthly magazine is established in Taipei
December 8, 1949	The ROC Executive Yuan agrees to move the capital to Taipei, Taiwan
June 25, 1950	The Korean War begins
December 2, 1954	The ROC and the US sign the Sino-American Mutual Defense Treaty
March 11, 1960	The National Assembly amends Article 3 of the Temporary Provisions Against the Communist Rebellion to stall constitutional provisions limiting presidential terms
May 18, 1960	<i>Free China</i> and native-born Tangwai elites reached a consensus on starting a new political party.
September 4, 1960	<i>Free China</i> founder Lei Chen and 4 others are framed with consorting with communists.
October 8, 1960	Lei Chen is sentenced to 10 years of prison by a military court under charges like “spreading communist propaganda”
September 20, 1964	NTU Professor Peng Ming-min and students Hsieh Tsung-min and Wei Ting-chao are arrested and jailed for writing the Declaration of Formosan Self-Salvation
December 16, 1966	The UN passes the International Covenant on Civil and Political Rights
October 5, 1967	The ROC signs the International Covenant on Civil and Political Rights
December 10, 1969	First “supplementary” elections for public representatives in the central government
October 25, 1971	The UN passes Resolution No.2758
January 10, 1972	Lei Chen writes <i>Advice on Saving the Nation for Its Survival</i> and sends it to President Chiang Kai-shek and others
December 23, 1972	First “supplementary” elections for elected representatives in the central government are held
April 5, 1975	Death of Chiang Kai-shek
August 1975	Huang Hsin-chieh and Kang Ning-hsiang found <i>Taiwan Political Theory</i> , marking the start of Tangwai integration
November 19, 1977	The Zhongli incident, the first mass protest on the streets under martial law
December 16, 1978	The US announces that it will terminate diplomatic relations with the ROC government on January 1 of the following year
January 22, 1979	The Chiaotou incident, the first demonstration march under martial law
December 10, 1979	The Kaohsiung incident
March 18, 1980	The Kaohsiung Incident Military Court Trial, the first public trial for insurrection in Taiwan.
March 12, 1984	Cheng Nan-jung founds <i>Freedom Era</i>
August 17, 1985	President Ronald Reagan signs the 1986 Foreign Relations Authorization Act, which includes a special section urging the Taiwanese government to implement democracy
May 19, 1986	Cheng Nan-jung launches the May 19 Green Action to demand the lifting of martial law
August 20, 1986	The chairman of the US Senate Foreign Relations Committee visits Taiwan and openly suggests for President Chiang-kuo to lift the political party ban and the martial law
September 28, 1986	Tangwai activists establish the Democratic Progressive Party despite the political party ban

October 7, 1986	President Chiang Ching-kuo is interviewed by the <i>Washington Post</i> and reveals that the government will soon lift the martial law.
February 4, 1987	Cheng Nan-jung launches the “Justice for the February 28 Incident” movement for the 40th anniversary of the February 28 incident
July 15, 1987	Official announcement of the lifting of martial law
October 12, 1987	The Tsai-Hsu Taiwanese independence incident The first Taiwanese independence case prosecuted by the High Prosecutors Office after martial law was lifted
January 1, 1988	The press ban is lifted
April 7, 1989	Cheng Nan-jung self-immolates to protest the lack of freedom of expression
January 3, 1990	Huang Hua is arrested by the High Prosecutors Office for writing the <i>Taiwan Independence Timetable</i>
March 16 to March 22, 1990	The Wild Lily student movement initiates constitutional reforms
May 9, 1991	The Taiwan Independence Association incident
May 17, 1991	The Betrayers Punishment Act and Regulations on Reporting and Purging Communist Spies are repealed in the Legislative Yuan.
September 8, 1991	The March for a Referendum to Rejoin the UN
September 21, 1991	The 100 Action Alliance is established to demand the abolishment of the military parade and Article 100 of the Criminal Code
October 7, 1991	The Legislative Yuan’s Judicial Committee passes the first reading of the draft to abolish Article 100 of the Criminal Code.
October 9, 1991	To protest military police brutality against its members in front of the Presidential Office Building, the 100 Action Alliance stages a sit-in in front of NTU’s Basic Medical Science Building
December 31, 1991	The terms of the first central government public representatives are officially terminated per Judicial Yuan Interpretation No. 261
May 15, 1992	The Legislative Yuan passes the amendment of Article 100 of the Criminal Code
December 19, 1992	First complete re-election of the National Assembly
March 23, 1996	First direct presidential election
December 9, 1999	22 civic organizations jointly form the Coalition for the Promotion of a National Human Rights Commission
May 20, 2000	First transition of power between political parties in Taiwan. President Chen Shui-bian of the Democratic Progressive Party vows to build a human rights state and promote the establishment of the National Human Rights Commission
May 20, 2008	The second transition of power between political parties in Taiwan. Ma Ying-jeou of the Kuomintang is sworn in as president
December 10, 2009	The Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (“Act to Implement the Two Covenants”) officially came into effect
December 10, 2009	Civil rights and human rights organizations founded Covenants Watch
May 20, 2011	The Legislative Yuan passes the Convention on the Elimination of All Forms of Discrimination Against Women Enforcement Act
April 25, 2012	President Ma Ying-jeou chairs a press conference on the first national report on the two covenants
May 20, 2014	The Legislative Yuan passes the Convention on the Rights of the Child Enforcement Act
August 1, 2014	The Legislative Yuan passes the Convention on the Rights of Persons with Disabilities Enforcement Act
December 10, 2019	The Legislative Yuan passes the Organic Act of the Control Yuan National Human Rights Commission
August 1, 2020	Official opening of the National Human Rights Commission

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