



The Formosa Foundation

and

Formosan Association for Public Affairs

Present

**Beyond FORMOSA BETRAYED:
Towards Truth and
Reconciliation in Taiwan**

In cooperation with the
Chen Wen-cheng Memorial Foundation
and the **Formosan Association for Human Rights**

Friday, September 25, 2009

2:00 pm – 5:00 pm

National Press Club

First Amendment Lounge

529 14th Street, NW

Washington, DC 20045

RSVP to press@fapa.org
with your name, position and organization

For information 202.547.3686

Welcome and Introduction

Bob Yang

Formosan Association
for Public Affairs

Remarks

Rep. Chris van Hollen (D-MD)*

**Taiwan's Transition to
Democracy: The History**

Gerrit van der Wees

Formosan Association
for Public Affairs

Nancy Bernkopf Tucker

Georgetown University

Fulton Armstrong

Staff, Senate Foreign
Relations Committee

Thomas G. Hughes

Former chief of staff to the
late Senator Claiborne Pell (D-RI)

**Implications for Today:
Towards Truth and
Reconciliation in Taiwan**

Terri Giles

Formosa Foundation

Jerome A. Cohen

New York University

Arthur Waldron

University of Pennsylvania

Ed Friedman

University of Wisconsin Madison

(*invited)

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Welcome & Introduction

Bob Yang: My name is Bob Yang. I'm the President of the Formosan Association for Public Affairs. It is my honor and pleasure to welcome you to this seminar entitled "*Formosa Betrayed: Towards Truth and Reconciliation in Taiwan.*"

This is follow-up to the Congressional screening of the film *Formosa Betrayed* held here ten days ago. This seminar ends with prodding Taiwan towards truth and reconciliation. There is important unfinished business in Taiwan's democratization. Justice was not served in the blatant violations of human rights in the massacre of the 2/28 incidents, in the murders of Professor Chen Wen-chen, and the mother and daughters of Lin Yi-Hsiung.

The South Africa and East Germany experiences tell us that transition from dictatorship to democracy cannot be fully achieved without truth and reconciliation. Many families are inclined to forgive those who perpetrated unspoken atrocities against them and are ready to move on. Nobel Laureate Reverend Desmond Tutu once said succinctly, "Without forgiveness there is no future." Let us recall that the Reverend Tutu also chaired the Truth and Reconciliation Commission in South Africa, because he understood the critical importance of discovering the truth in order to begin the healing.

Human rights is a universal right. It transcends national boundaries. It is all together fit and proper that we, here in the United States, should be urging another nation, specifically Taiwan, to embark on the process of truth and reconciliation. Reflecting this universality, Section 2C of the Taiwan Relations Act states, "The preservation and enhancement of human rights for all the people on Taiwan are hereby affirmed as objectives of the United States." TRA is public law, 96-8. It is the law of the land. Therefore, it is our right and responsibility as concerned citizens to address the topic of today's seminar.

Revered philosopher, George Santayana reminds us, quote, "Those who cannot remember the past are condemned to repeat it." We are here to recall the troubled history of Taiwan's martial law era, so as to prevent the recurrence of those tragedies. It will be necessary to deal with very complex and difficult issues. We don't pretend to know all the answers, but we hope to start people thinking about it, and to help move things in the right direction.

Now before turning the podium over to Gerrit van der Wees, senior analyst at FAPA, who will also moderate the first panel, I want to acknowledge a number of organizations involved for their support of today's event. First we have the Los Angeles-based Formosa Foundation. Terri Giles is the executive director. Terri, please stand. (*Applause*) Terri will moderate the second panel a bit later on.

Next, we have the Professor Chen Wen-Chen Memorial Foundation, representatives of the Foundation Timmy and Sue Chu. Tim and Sue, please stand. (*Applause*) The

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Foundation was set up in 1981 following the murder of Carnegie Mellon Professor Chen Wen-Chen.

Finally, we have the Formosa Association for Human Rights and its President, Linda Lin. Linda, please rise. (*Applause*) The FAHR was established in 1979 to advocate the human rights of those first persecuted by the Nationalist Chinese regime in Taiwan for FAHR continuing to do good work here in the States and in Taiwan as well.

So, without further ado, I will call on Gerrit to lead Panel 1. Gerrit –

Panel 1: Taiwan's Transition to Democracy: The History

Gerrit van der Wees:

Thank you very much, Bob, for this introduction. Good afternoon ladies and gentlemen. Good afternoon. My name also starts with “van” but I’m not Congressman van Hollen. I am (*laugh*) from the Netherlands, from Holland, so I’m not the same person.

He would have really liked to be here today, because he, himself, played quite a significant role in the 1980s when he was a staffer in the Senate Foreign Relations Committee. So, he went through some of the work that we will be talking about later on the Senate side.

Instead of his remarks, we will set the stage for this presentation of this first part in the afternoon Panel 1, which deals with the history by showing a brief trailer of the movie, *Formosa Betrayed*. It takes about five or six minutes. You will see some shots from the movie itself and also some interviews with the participants, the actors in the movie.

So, here is the trailer...

In these few minutes, we’ve had a brief glimpse of the movie. It’s not in a theater near you yet, but at the moment, it’s really making the rounds at various film festivals in Canada and the United States. I understand it will be right here in Washington on the 3rd of October at the Asian-Pacific American Film Festival.

But it is staged on actual events which occurred in Taiwan in the late 1970s and early 1980s when Taiwan was still suffering under martial law and the one-party system. We thought it would be good to briefly revisit the actual events which are depicted in the movie with a very brief PowerPoint presentation. The Kaohsiung incident is portrayed in the movie, this happened on December 10, 1979, when a group of people in the southern port city of Kaohsiung got together and wanted to celebrate Human Rights Day. The gathering was encircled by police. They started to throw tear gas and confrontations took place between police and the protesters.

Three days later, almost all leaders of the democratic opposition were arrested. One of those congressman, or provincial assembly member, Lin Yi-Hsiung, was interrogated for many, many weeks. When he first was allowed to see his family on February 27th, he was asked by his mother about the torture. He said, “Don’t ask me those things. You

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know what happens to you.” The next day his mother and two children were murdered to death. This is depicted in the movie, the murder of the wife and daughter of the main character.

In the subsequent months, there were several trials. Here, you’ll find a brief overview of those and that really shook up the whole situation in Taiwan because it was such a major event. It was a challenge to the authorities. Ironically, or interestingly enough, former President Chen Shui-bian was one of the defense lawyers in the main trial.

The next event then was in July 1981, when young Carnegie Mellon University Professor Chen Wen-Cheng went back to Taiwan with his family. He was called in by the Taiwan garrison command and the next day he was found dead at the base of a building in Taiwan National University. The murder was never resolved, and neither was the murder of the mother and two daughters of Lin Yi-Hsiung.

The fourth and final event was the murder of Henry Liu, a nationalized American citizen living in California. He wrote a critical biography of Chiang Ching-kuo, and was gunned down in Daly City, CA. Eventually, it was found out the murder was carried out by the Bamboo Union gang, but this was only resolved because of the doggedness, hard work of the detective from Daly city in close cooperation with the FBI. So, that case was resolved. It led to the indictment of a very high official in military intelligence, Wong Hsi-ling, who was subsequently sentenced to life imprisonment, but released about six years ago.

Finally, all during this time and will be the topic primarily for Fulton Armstrong and Tom Hughes, a lot of difficulty on here and the United States Congress worked very hard to expose what was going on in Taiwan and to try to move things in the right direction. So, that’s really crucial, I think that they placed the attention from the American side for what was happening in Taiwan.

So, with this introduction, we have set the stage and we will now turn to the speakers. Our first panel, we focus on the history. We have three excellent speakers who have a very key understanding of that particular period both on what happened in Taiwan itself, as well as what evolved here in the United States in reaction to, and in relation to the troubles in Taiwan.

To lead it off we have Professor Nancy Tucker. We are very honored to have her. She is a professor at the Georgetown University, Edmond A. Walsh School of Foreign Service. She is also a senior scholar at the Woodrow Wilson International Center for Scholars. She has served at the China Desk in the State Department and the U.S. Embassy in Beijing. She is very well known because of her recent book, *Strait Talk: U.S.-Taiwan Relations and the Crisis with China*, which is an incisive analysis of U.S.-Taiwan relations from the 50’s to the present. Please welcome Professor Tucker.

(Applause)

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Nancy Tucker: I like introduction, it's very nice (*laugh*) and I have flyers to that book, if anyone wants to see it. I'm supposed to talk in a very general way about some of the contexts and leave the specifics to my colleagues on the panel, who will look at it from particularly the American Congressional point of view.

I wanted to sketch in a broader context for what was happening to Taiwan in this period, because Taiwan of course, was facing enormous internal and external pressures in the 1970s and over the 1980s that really forced change on the island. As you know in 1971, Henry Kissinger went off to Beijing in July of that year and began the process of normalization between the United States and China. One very immediate result of this event was Taiwan's expulsion from the United Nations, which was probably the first and clearest road to Taiwan's international legitimacy.

Following that event, Taiwan lost the diplomatic recognition of a number of countries, perhaps most importantly, Japan. Very quickly also upon that UN expulsion, came Richard Nixon's trip to China in 1972, where the Shanghai Communiqué really heralded an unraveling of US-Taiwan relations. And, although, problems in the United States, Vietnam, Watergate and in China -- the death of Mao Zedong, Chairman Lai, the rise of the Gang of Four, Beijing's worries that the United States was appeasing the Soviet Union -- despite all these there was a slow gradual, and continual progress towards diplomatic recognition.

Taiwan's leadership felt this very strongly, because Taiwan's status in Washington changed during the course of the decade. In 1973, liaison offices were opened in Beijing and Washington. Washington Office of the People's Republic of China very quickly became more important than the Embassy of the Republic of China. So, most business was being done with the PRC, and the PRC was seen as far more important by the American government.

In 1974, the US Congress repealed the Formosa Resolution which had given it the right to intervene in Taiwan's Strait in case of war. During the course of the decade, access to the US President, the National Security Advisor, and the Secretary of State were cut off. So, Taiwan's representative could no longer talk with the top-level officials in the US. Moreover, Richard Nixon's Guam Doctrine in 1969, and the end of the US war in Vietnam appeared to make Taiwan militarily more vulnerable than it had been before.

So, these events all coming together compelled Chiang Ching-kuo who became Kuomintang chairman in 1975 and president in 1978 to rethink Taiwan's international status and be more responsive to internal dissent. Internationally it was anticipated there would be growing isolation and of course, there was escalating mistrust of the United States. At home, there could be political anarchy or political reform. Chiang Ching-kuo opted for political reform hoping that this would strengthen the Kuomintang and his own hold on power in Taiwan.

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Indeed, he had several motives. He believed that reform would win public support for the government and for the party. He believed that it would sideline conservative diehards and his personal opponents in the Kuomintang. He believed it would co-opt or undermine antigovernment activists and independence advocates, and he believed that it would improve Taiwan's international reputation, its ties with the United States and its role as a model for China.

Chiang, of course at this time, also had a case of severe diabetes, and faced a progressive and worsening physical deterioration which made him think a lot more about his own mortality. He came to the conclusion that he wanted to use his personal popularity to make and entrench hard choices about domestic politics. Of course, he also wanted to leave a positive legacy, so maybe he could be celebrated in history.

Chiang gradually brought Taiwanese into the government, purged corrupt and ineffective officials. He began opening up the administration to some extent by providing affirmation to people and such things, and encouraging elections, although of course, local rather than national. He also placed emphasis on local economic and social development in Taiwan rather than focusing exclusively on mainland recovery. There have been a long tension between the United States and Taiwan that the leadership on the island was so determined to recover China, but they didn't care whether people were living well in Taiwan and very little money to be invested on improving life for the average people.

At this point, Chiang Ching-kuo changed this balance. Indeed the administration was even complicit in forcing some of the dead wood out of the government. For instance, people who had been elected since 1947 were forced into retirement, so that he could get a more efficient and effective governing regime. Of course, at the same time, Chiang Ching-kuo remained an authoritarian ruler, determined to preserve the KMT in power. For instance, although he encouraged the free speech movement, welcoming criticism of the system. However, like Mao Zedong when the criticism became strident and much more plentiful than he had anticipated, he cracked down very brutally on it.

Furthermore, he maintained the strictures of the martial law system which you've just seen on film and I'm sure many people today talk will about. He prevented the formation of an opposition political party. The Kuomintang retained elaborate election machinery to prevail over any opponents and controlled the press very tightly.

Throughout all of this, at the same time, Chiang was confronted by critics, critics on the right and critics on the left. On the right, he was under intense pressure from anti-reform hard-liners in the Kuomintang. In the legislative, he won. In the national assembly and particularly in his own security establishment which he dominated, but was not necessarily able to shut off all critical voices from that community.

On the other side, he had the political opposition which was able to increasingly (*audio*) and a prospering, growing middle class in Taiwan which wanted a political voice and was not satisfied any longer to be passive. A significant spur to changes became the

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Chungli incident of 1977 when tampering by local officials in Taiwan rigged the voting process of one particular election district led to the first major antigovernment protest since Kuomintang had taken over on the island.

In the following year, in 1978, the United States transferred its diplomatic recognition from Taipei to Beijing, and the KMT government lost its justification for its monopoly power and its politics. Indeed, the opposition grilled the government with embarrassing questions about its failure to protect the nation, its loss of international status and the uncertain relationship it now had with the United States. The government in response called off the end of the year elections claiming that the political environment in Taiwan was too unstable.

Meanwhile the dangwai opposition political movement, itself split, part of it willing to work inside the system to support the beleaguered Kuomintang government and press for change from inside. The other side, more radical, galvanized by suppression of popular democracy turned to street demonstrations to try to bring about change. Of course in December 1979, as we just talked about, you have in Kaohsiung a massive demonstration orchestrated by dangwai, on International Human Rights Day in December. To get this massive protest and to get within the mobs of people arrested there, agent provocateurs push this mass of people into violent action. The police cracked down, arrested some 100 or so people, and 8 leaders of the movement who allegedly then admitted sedition against the government and were sentenced to jail sometime later, termed 12 years to life.

Although Chiang Ching-kuo did not crack down as severely as he might have, indeed the United States was important here in convincing him to take death penalties off the table and leave the punishment to long prison terms. You do get conversely the incident we just talked about, and that is the murder of the Lin family. So, considerable violence but also an understanding that Taiwan's in a spotlight and had to be careful.

Indeed, reform slowed down after Kaohsiung, but didn't stop completely. There were really two major reasons that you get a revival of reform, and that is on one hand, improved relations with China, and on the other US pressure. With the normalization of US-China relations and Deng Xiaoping's open door economic policies, the Chinese threat to Taiwan significantly and temporarily diminished. Deng believed that the Taiwan problem was about to be resolved.

He thought really as Mao Zedong and Zhou Enlai before him had, based on their conversations with American leaders that the United States was prepared to see Taiwan fall, and become part of China. And certainly after the transfer of recognition in 1979, many on the mainland, as many in Washington regarded was only going to be a matter of brief interval before Taiwan became a Chinese province.

So, the Chinese looking at the Taiwan situation were a lot more confident about the future, than they had been before. That didn't help in some respects, reform Taiwan,

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because the risk of reforming a system and possible political disarray on an island that might result was not received as an excuse for China to attack, because China saw things going in its direction and would not want to disrupt and cause problems with the United States.

Indeed, at the same time, we have this change in US attitudes. Washington had for decades been willing, largely, to overlook political repression in Taiwan, in exchange for stability and access to potentially important strategic base in East Asia. But Americans no longer needed Taiwan against China, and although there was certainly a lot of support in the United States for Taiwan in Congress, the Taiwan Relations Act demonstrated that. There was also increasing concern about human rights abuses, particularly after the election of our human rights President Jimmy Carter.

At the same time, Taiwanese Americans became a lot more active founding the society we just talked about. The Formosa Association for Public Affairs came into being in 1982. So, this is a period of ferment and as you will hear among US Congress, assuming the central role on the American side in these activities. The membership was, I think particularly angered when it became apparent that martial law in Taiwan was being paralleled by a system of spying, rivalry, and coercion here in the United States.

The Kuomintang planted agents and coerced Taiwan students into spying on university campuses across the country, including Princeton, MIT, and my own alma mater, Columbia. This was all highlighted by the death of Carnegie Mellon professor Chen Wen-chen, who of course, was visiting in Taiwan mysteriously dies in the wake of detention by the Taiwan garrison command. The US puts Taiwan on the so-called criteria list at this juncture. That is a list of governments carrying on hostile intelligence activities in the United States.

But this did not deter someone fairly high in Taiwan from helping to orchestrate the 1984 murder of Henry Liu on American soil. He was writing this critical biography of Chiang Ching-kuo. He also may well have been a triple agent working for Taipei, Beijing, and Washington. Unclear. But he was clearly a controversial figure and his death drew a lot of attention. Even though the Reagan Administration didn't sanction Taiwan for acting in this way in the United States wanting to continue arms sale, but even more importantly wanting to ensure Taiwan's financial support of the new contras. So, everything comes together.

In the middle of the 1980s, Chiang Ching-kuo does move more strongly towards reform, and the political opposition in Taiwan grew ever bolder. In 1986, of course, they formed a democratic progressive party and Chiang decided not to crackdown, even though that actually was illegal at the time. Indeed, instead the government lifts martial law soon after, and removes the strictures against forming political parties.

So, in conclusion, during the 1970s and early 1980s there was a conjunction of positive and negative forces that contributed to the emergence of democracy in Taiwan. The

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combination of strengthening domestic political movement, a hostile international environment, and a leader who sought to preserve Kuomintang's power through reform, in some ways hamper intuitive.

All of this fundamentally came together to alter Taiwan politics and change Taiwan's society. Indeed one can say, however partisan and contentious politics in Taiwan may be today, and they certainly are, we at least have the assurance that these will not go back to the dark old days of pre-democratization on the island.

Gerrit van der Wees:

Thank you very much Nancy for these comments and for painting a broad picture of political development and general climate against the background for which the event which took place which we are discussing. It is also important to understand the initial transition to democracy in the early to mid eighties.

Now we will move away from the broad picture and focus in what happened in US congress. We will start with the House. Our second speaker is Mr. Fulton Armstrong. Fulton is now a senior professional staff in the Senate Foreign Committee. Prior to July 2008, he served in various policy positions in the US government including national Security Council under President Clinton. From 1980 to 1984 Fulton was foreign affair aide to Congressman Leach, one of our gang of four in the US congress, in which he was a very close observer of Taiwan's transition to Democracy. He is an excellent analyst and a good friend of Taiwan. Mr. Fulton Armstrong will talk about what happened in the House of Representatives in reaction to the balance in Taiwan in the early 80s. Fulton the floor is yours.

Fulton Armstrong:

I have to start with the caveat--I work with the Senate Foreign Relations Committee, but I'm not here representing the Senate Foreign Relations Committee. My colleague, who works there, would kill me if I misrepresented myself. In my many years of policy, of actually in Latin America, but I have been a long, long time student of Taiwan. So, I'm not speaking on behalf of the Senate Foreign Relations Committee.

I came to speak on behalf of the Gang of Four, because we didn't get to see each other until just an hour before we came here. I was so tardy in preparing my notes, I couldn't show them to my colleague, Cindy Sprenger, who really set up the Taiwan Caucus in House Representatives Jim Leach's office before I arrived or with the Congressman, himself.

So, these are my personal reflections of what we thought we were doing in the transition, not with the broad spectrum view that Nancy could bring to it, but from what it looked like in the trenches. I started in Congressman Leach's office after four years in Taiwan, including some close association with government entities. I worked at the Broadcasting Corporation in China and watched Taiwan from both the street and from

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inside the Kuomintang propaganda apparatus, in general terms within the broad scenario there.

We were not opposed to normalization. We were not that sort of Taiwan group of people. We saw normalization as inevitable, overdue, and very much in the US national interest. We didn't resist that. If we were upset about anything, we were upset with the KMT's inability to prepare for normalization, to take – to engage with the world community, including the United States a number of times in previous decades on how to solve the national identity for legal status issue.

We were concerned about the KMT's mishandling also of its internal situation there – that rather than allow dissent and allow democracy, they chose to keep the pressure on. We saw the same positive moves when Chiang Ching-Kuo became Premier. That we saw him do the Big Ten projects. We saw him start a little bit of debate within the party, a little bit of debate within the party. We saw those positive moves.

But whether it was because he wasn't really serious or because of the hardliners were more serious and more powerful than he, the end result was a very closed, very authoritarian, very repressive society. That was one of our big disappointments. Here was a historic juncture and the KMT had done nothing to prepare for it. He hadn't allowed Taiwan to be Taiwan. He still wanted it to be something it was not. He hadn't empowered the Taiwanese people.

They did give up mainland recovery. The signs, the posters that used to say *Recover China and Save our Comrades*, those basically faded away. But then you saw all of these signs that say we're going to be stronger and resist, We're going to fight. That message was not the message that we, the United States, trying to find a way for the positive role in Taiwan felt – gave us enough to work with. Of course, you had the Chungli incident and the Kaohsiung incident, the Lin Family massacres. Those were huge, powerful signals that they were not going to move, where if they were going to move, they were going to move on their own terms.

We felt here – and again, this is in the trenches of those of us, and obviously, we were young back then. We are still young. We were young, and maybe some of our judgments were wrong, but we felt the Taiwan Relations Act was a brilliant piece of legislation, but was sterile. It didn't have feeling. It didn't really say what we were going to be, how our relationship was going to be. It was quite technical. I know certainly in the Leach office we felt the relationship needed more feeling.

The Reagan Administration appeared to wash its hands of the issue once the TRA was done. I think, Ed, correct me if I'm wrong, if you and I – I mean Ed Freidman. We tried to get meetings at the Assistant Secretary and even the Deputy Assistant Secretary level with the State Department to talk with us, the lead people. So Congressman Leach and tried to live up – what is this relationship and what do we do to help. If you can't do it, government to government, we can do it, because we're Congress.

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We had trouble doing this engagement. Most of the conservative Republicans who were previously pro-Taiwan – there's an aircraft carrier, the world anti communist league, the Flying Tigers, all of these various things – they disappeared. Even liberal Democrats who during the Carter Administration had worn very proudly the banner of human rights, they disappeared. *I think there is a perception that* everybody wanted to go sell one billion toothbrushes in China. They wanted to invest in a place where labor was cheap and unregulated and environmental legislation wasn't there and they could make a lot of money.

So we were more than happy – the Gang of Four we called ourselves, we did annual events every May 20. We did press conferences condemning martial law, because that was the anniversary of martial law. We built – we thought we were filling an important void in getting this relationship something more than the technical stuff in the Taiwan Relations Act.

In other words, I think that what we were doing was encouraging, inadvertently – I don't think we really sat and said at this time. But what we had done was we had crafted a new strategy, not just for our relationship with Taiwan and the people of Taiwan, but for Taiwan itself. That is, what do you do now with your national identity issue and your internal stability and democratization issue? What we said was that Taiwan's government, its survival, and its national identity, all would be served with one magic formula and that is human rights and democracy. It was Plan A. It was Plan B. It was Plan C. It was the insurance policy that Taiwan needed, that when people didn't see a huge strategic interest in it anymore, or at least during that period of time that it would have its own way of protecting itself, of governing itself, improving itself, and making itself a model of democracy.

With no guarantee of success, but at least it was the best shot we thought that we could do. It was an appeal we made to the dangwai people, whose visits we sponsored coming to Washington and we gave them a lot of profile. We coordinated that profile with them. We also did fun things by reducing the profile of certain people who had other political ambitions like when Taiwan garrison commander Wang Sheng came to Washington, General Wong. We set him up. We set him up, and later he went off to be Ambassador to Paraguay, instead of being a political leader which was his aspiration at the time.

So, we did these things. There was no guarantee of success, but we knew this – that if Taiwan didn't do human rights, and didn't do democracy, it would fail. It would fail. The Chen Wen-chen case was our chance to go deep, to go really deep on the Taiwan human rights issue. It had of course, a very powerful domestic implication as well. We got to look at a model resident of the United States of America, a model immigrant like many of you here today, who was a respected academic embarking on a solid career.

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A young father, good husband, well liked by everybody; being harassed, interrogated, tortured and killed purely for his political views, political views that had been reported through channels by people at the University in Pittsburgh. That we found to be the quintessential, the quintessential apparatus of foreign apparatus with suppressing its people, suppressing democracy and killing people based on something that we could have a handle on, that we could have some control on.

Coming just a year after the Lin family massacre, it was another, what we thought was a very powerful signal. It was a warning not just to Taiwanese on the island. It was a warning to Taiwanese in the United States. We're watching you. We're not just going to black list you. We're going to punish you. So, watch what we did to Chen Wen-chen. We looked at how the KMT ran campus spy networks. We ran across names during that period of time of investigation of people who were today, in the government, allocutions of people who were in the government, spy networks and stuff like that.

We went up to – it's been interesting, if you ever drive to Pittsburgh, you have to go through this funny little truck stop over Breezewood. We met and (*laugh*) the Howard Johnson's in Breezewood, a compromise because we're good Democrats – well, he's Republican (*laugh*) but *I'm a Democratic*. But they came down from Pittsburgh and we went up from there. We interviewed his friends We met also with Dr. Sarah Rep?. We read the – and Dr.-- the President of the University, Cyert. We read the full autopsy reports. We were actually the official US government custodians of the autopsy report and photographs in the files in Congressman Leach's office.

We did all this not because we wanted to pick up dirt and make a political case. We actually wanted to make everybody appreciate the true shock value and have everybody appreciate the implications of what was going on here in the United States of America. Do what we can both here and then to shock the KMT. The KMT people, a lot of them were very good people. They had come up believing a lot of the things that they had been told about what their party was, and for them it was a huge shock that their own government was doing this sort of activity in the United States and in Taiwan. It was also a shock to them that they had the audacity to do it in a university campus, a Taiwan university.

So, Congressman Leach was deeply involved in this. We held hearings. We did legislation. I think Ed might have a couple of comments on the legislation. As with all of these cases, we kept trying to ask – use these things to ask the ruling party and the opposition, what do you want to be? What do you want Taiwan to be? What is your party all about?

Then we would say how could Taiwan survive non-recognition by the world community, if this is what you want to be? Is this really your game? The answer was always, "no." We like to think – it might be vain, but we like to think that us asking that, having them answer the question themselves on both sides of the divide in Taiwan, was a useful thing for us to do and led to the changes that Nancy outlined that came later on.

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So, I think that they might be exaggerating our own role, but I think in the Chen Wen-chen case, along with many others, contributed to the peaceful evolution of Taiwan into a democracy with its own positive self-image. Taiwan's primary asset for survival was to be its democracy. The Chen case increased that awareness.

I'd like to add just a couple of comments on the current situation, because I feel a little bit like we felt in the early 1980s at this time. That this is still the case, that Taiwan's democracy still has to be, and the quality of its human rights, and its judiciary, still has to be Plan A, Plan B, and Plan C as its insurance policy. Many Americans right now, think that the KMT and Communist Party are going to work things out, many Americans. We're American. We do American policy. We do American-like thinking of this.

Many Americans just hope that that's going to happen. Many Americans who really don't know what's happening in Taiwan think that Ma Ying-jeou is solving the problem for us, not laying the groundwork for future problems. I think that everybody in Taiwan should figure out whether that really is the case. It's not for us in the United States to say what Taiwan becomes, but it is fair for us, as a fellow democracy to say to our democratic brothers on both sides in Taiwan, whether you're green or blue, or even if you're red, it's to say to all of them, that it's how you do it. It has to be through democratic means.

It has to be through a solid commitment to the spirit and letter of democracy, whether you're green or blue or red, whether you want to be unification or independent or status quo or whatever you want to call it. You have to set aside the secrecy, the secret talks, the secret deals. I think that means among other things that the KMT and Beijing cannot pretend that the Taiwanese don't exist. They have to be consulted and all that, that the Taiwanese should be the ones who make the decisions.

Just as a one-time election result was not a mandate for Chen Shiu-bian to do radical things – I personally don't think he wanted to do radical things, but just as it wasn't a mandate for him to do big policy shifts. One election is not a mandate for the incumbent, for the party government to do major radical shifts. In a democracy, you do things through consultation. I think that's where Taiwan's future should be. That's the process. That's Plan A. That's Plan B. That's Plan C.

Gerrit Van Der

Wees:

Thank you Fulton for your exciting remarks. You really put a lot of yourself in it. Fulton made a difference in Taiwan's transition to democracy. As we will discuss later, it is important to understand what happen then. Fulton you really gave us an incredible insight into what happen then. I like to acknowledge the other two people. Fulton already referred to Cindy. Cindy preceded Fulton in Congressman Leach's office. Tom Dine was in Senator Ted Kennedy's office from 1971-1981, He also played an incredible role. So, our third speaker this afternoon is Tom Hughes. He was a long time Chief of Staff of

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the late Senator Claiborne Pell during Powell's years both as Chairman and as Ranking Minority Member of the Senate Foreign Relations Committee.

Senator Pell was really one of the key people who worked very hard for democracy and self-determination in Taiwan. He really led the fight there. So, Tom will tell us what inspired Senator Powell, what evolved on the Senate side and how in particular, Senators Kennedy and Powell led the way in the US for support for democracy and human rights in Taiwan. Tom --

Thomas G. Hughes:

When Gerrit asked me to participate in this panel, I was a little bit nonplused because I am certainly not a scholar or a historian or an academic the way Nancy is. Though I worked in the Senate for better than 25 years, I was never sort of in the trenches of committee legislative work the way Fulton was and several of the other people here in the audience. So, I wondered to myself, what really do I have to contribute?

It seems to me the best answer was to talk to you about something that I had a very unique vantage point to observe and that is a special relationship. A special relationship between two significant, but dramatically different personalities, who during this period came together by sheer happenstance, bonded and really became true friends, and working together accomplished a great deal to help Taiwan on the road to democracy, human rights, and self-determination.

The two as you might guess are Claiborne Pell, a New England patrician, an aristocrat really, though he hated that word and forbid me to ever use it. He was then in his third of what turned out to be six terms as the United States Senator from Rhode Island. He was both, by his family tradition and his own personal interest, somebody who had a lifetime interest and involvement in foreign policy. He had a very, very unique and unusual interest in, and affection for Taiwan, or Formosa as he originally knew it.

The other personality was Chen Tang-Shan, better known in DC then and certainly today as Mark Chen. All of you know Mark. He's a native Taiwanese from Tainan. He left Taiwan as a student to come to the United States to pursue his studies, and eventually a career as a geophysicist, but also, his passion as an advocate for democracy and an end to martial law in his native land.

Pell graduated from Princeton in 1940 and soon thereafter, enlisted in the Coast Guard. In fact, he was a ship's cook, if you could believe that, on various cutters doing convoy duty across the North Atlantic. He became an officer, and toward the end of the war, he was plucked out of the Coast Guard, and sent to the Formosa Unit. It was a very special unit, the Navy School of Military Government and Administration at Columbia. The 40 or 50 young officers there – their task was to learn everything there was to know about Formosa, so that they could go as soon as the US ended Japanese occupation, go and become the government of military occupation in Taiwan.

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Interestingly enough, one of the leaders of that Formosa Unit was Navy Lt. George H. Kerr, the author, as you all know of *Formosa Betrayed*. Kerr recounts in *Formosa Betrayed* at great length the facts that led to the occupation not really happening as it was planned. Thus, the unit was disbanded. I was fascinated to read in the press this morning that there are those who now claim that the occupation not only occurred, but still goes on. That Obama is in fact the military governor of Taiwan – to me a mind-boggling, but interesting thesis.

Senator Pell with Formosa not in his future, looked around for something else to do, journeyed to San Francisco and became a young staffer at the San Francisco Conference that led to the formation of his beloved United Nations, but that's a story for another time. But he never forgot the lessons learned at Columbia, and always cherished the affection that he had gained even from a distance for the people of Taiwan.

Mark Chen was 17 years younger than Pell. He left Taiwan in 1964 and went to Oklahoma to start his graduate career in geophysics. He also, as it turned out, started a career of very, very strong advocacy and activism on behalf of democracy in Taiwan. The way he recounts it, he practically was on his second day arriving in Norman, Oklahoma, he started forming the Taiwan Student Association. Then through a series of other graduate schools, three if I recall correctly, every place he landed, he immediately started a Taiwan Student Association. These were very, very activist organizations, absolutely determined to turn around the form of government and bring an end to martial law.

The first real evidence that Mark had of the attitude of the KMT government toward him came when he was still in Norman and his Taiwan – his Republic of China passport expired. He routinely – at least so he says, he routinely sent it off to the consulate in Houston asking for a renewal, automatic renewal. It came back rejected and that rejection started his 20-plus years as a black-listed Taiwanese, unable to return to Taiwan. In 1974, through a series of mentors in the meteorological business, he landed a job at NOAA, out in Suitland, Maryland, and came to Washington with his family and was here until he went back to Taiwan in 1987.

I know from many years of working with him, I would call the phone number that I knew as Mark Chen's phone number, the only number I ever had, there were no cell phones in those days, and I don't think I ever knew his home phone number, but I would call this number at NOAA. A gentleman would answer the phone, something, some bureau. I'd say, "Could I speak to Mark Chen, please." He'd say, "All right," and I was then switched to Mark Chen. As far as I could tell, most of his days were consumed working on Taiwan. What he did for NOAA, I'm not sure, but thank goodness, he did.

There was a whole progression of organizations, the Taiwan American Association, the World Taiwan Association, and of course, the famous, World United Formosans for Independence, commonly known as WUFI. Every one of those was either led by or had

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bore the fingerprints of Mark Chen. I want to stress though that during this period, there were a substantial number of Taiwanese Americans who were equally active and involved in this cause. Dr. Trong Chai comes to my mind as somebody who regularly visited us. In the later years, Peng Ming-min also was very active and there were others, some of whom are in this room. The reason I'm focusing on Mark Chen not to do any disrespect to all the others who worked in this field, but because of the very special relationship that developed between the Senator and Mark.

Even before the Kaohsiung incident, Mark and his colleagues in this field began agitating publicly, letters to the editor, public meetings, interviews with the media, and of course, eventually, going to Congress. They wrote letters. They gradually started to seek meetings with people they thought might be favorable. If somebody was interested in the cause, they would then follow-up fairly aggressively with whatever staff person was assigned to this issue.

In those early days, Mark recently told me, the number of welcome doors was fairly few, but the two that he remembers in particular were Mac Mathias from Maryland, and John Glenn. Of course, these approaches brought him to four other offices, and you've heard a good deal already today about the Gang of Four, so I won't go on about that. Suffice to say, each of these members of Congress had – either, had or developed -- strong interests in Taiwan.

In fact, I always find it interesting to try and trace the roots of why a member of Congress takes up a certain cause. It often is – it's often a quite interesting story. I don't really presume to be able to speak for the other three. There are people in the audience who can tell you why Mr. Solarz and Mr. Leach, and Senator Kennedy developed this interest. All I can speak to is Senator Pell, and of course, I told you the story of Columbia and his early formative information about Formosa.

But there's also another issue that I never completely understood, but found fascinating. Throughout his entire legislative life, Claiborne Pell had a passion for what you might call small states. In fact, he had a passion for small states that he thought were being picked on by their bigger neighbors. So, throughout his career he was the champion of such places as Tibet, Goa, Sikkim, East Timor, Liechtenstein, so Taiwan was a natural.

Following the events of 1979, each of these four legislators increasingly became active. Sometimes as Fulton said, in coordination, sometime on their own, in using all of the different legislative tools to try and get attention to this issue and to try and find ways to move the government in Taipei to end martial law and make the necessary changes. In the House of course, the Democrats were in control. It was a little bit easier, I don't want to in any way diminish the work of Mr. Solarz, and our Republican friend, Mr. Leach, but in the Senate, it was much harder.

This was the Reagan era. The strong anticommunist conservative senators were very much opposed to any of this activity and blocked it whenever they could. Mark actually,

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talked about an occasional foray to the office of Barry Goldwater or Jesse Helms. All he will say about that is, “they weren’t interested in me.”

As these activities became more visible, there were actually significant pieces of legislation passed by either the House or the Senate, and one or two passed, and became actually an adopted resolution. One of these included the now famous phrase that Pell used to encapsulate what he thought was the solution to this issue. It is, “Taiwan’s future should be settled peacefully, free of coercion and in a manner acceptable to the people on Taiwan.”

Now naturally, this activity caught the attention of KMT representatives here in Washington. They were then called the CCNAA, the Coordinating Council for North American Affairs, now known as TECRO. They were pretty used to having their own way on Capitol Hill.

This new agitation was both unexpected and very unwelcome. They responded with the full panoply of their tried and true techniques. You were invited to Twin Oaks on a regular basis. The Ambassador needed to see you in your office regularly. Lunch invitations poured forth. My old friend, Lucian Chen, probably invited me to lunch 40 times in a year, and of course, all our junior staff were bombarded with invitations to go to Taiwan and have a good time.

During these office visits with the Ambassador, the argument was made that all of this unrest was simply a bunch of either communists or pro-communist agitators, who were organized and who rallied around this very dangerous organization known as WUFI. Pell never could quite figure out what WUFI was, so it really didn’t impress him very much. But many of these accusations I was present for many of them. They were done in sort of a whispered innuendo, “Oh, Senator, I wish I could tell you all the details because you’d be horrified, but just suffice to say that these are very dangerous people.”

Well, at this point Pell had come to know Mark Chen really quite well, and liked him enormously. He was impressed by the fact that Mark was very understated, that he was calm and that he had a very restrained manner. He felt he could trust him, and that he could rely on Mark’s version of events. So, you can imagine Pell’s reaction the first time a CCNAA representative, I really don’t remember which one it was, in the same whispered sort of way told Pell that Mark Chen – and he had this on the top authority from Taipei, Mark Chen as a leader of WUFI, was a terrorist.

Pell typically did not react. He was a very calm figure, but later he made it very clear to me, that he was offended by this. He knew Mark Chen. These accusations were nothing more than a libel against his friend, and it just made him all the more determined to work harder on the issues that they shared.

As you’ve heard today in the mid ‘80s, things got a little bit better. There was progress with the formation of the DPP. There was progress with the lifting of martial law. So, the

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Pell/Mark Chen agenda shifted a little bit, and they decided to focus on one single issue, and that is persuading the KMT to let Mark Chen return to Taiwan. This was not an easy cause. In fact, one of my favorite recollections was when Fred Chien, the legendary Fred Chien was then the CCNAA representative here.

He came to see Pell, as he did regularly bearing some kind of very, very good news. So he came in and Pell expected it was something he really cared about. It wasn't, so Pell listened politely. He said, "That's very nice. Thank you very much. Now, tell me what about Mark" and he just got the first syllable of Mark out of his mouth when Chen went, "Stop talking about Mark Chen. I can't do anything about Mark Chen. Please don't talk to me anymore about Mark Chen." Of course, that didn't stop it and indeed, in 1987, they relented. Mark Chen was allowed back into Taiwan and the rest of that history, I think you all know.

One final little snapshot. In 2004, in Newport, Rhode Island, Senator Pell was very, very seriously afflicted by Parkinson's disease. He was in a wheelchair, slumped over. Quite alert, but unable to talk primarily. Mark Chen, the then Foreign Minister of Taiwan came to Newport to present him an award and to give an address.

In presenting the award, Mark got incredibly, emotionally touched by seeing his old friend and by seeing his old friend so incapacitated and literally, at a microphone like this, he simply stopped and started to sob. One of the most moving things I've ever seen in my life. He went over and embraced his longtime friend. That was the last time they ever saw each other.

Thank you very much.

Gerrit van der

Wees:

Thank you very much, Tom for the personal insight on what moved Senator Pell. It's been phenomenal how much it really depends on the hard work of individuals like Mark Chen and how Congress does respond to that in a positive fashion. All together, people like Mark did make a difference back in those days and they can make a difference now. With that, I'd like to close the first panel.

This was the history and after the intermission, we will make a transition to the present and talk to you about the present day situation and how that affects events here in Washington and of course, in Taipei.

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Panel 2: Jerome A. Cohen, Arthur Waldron, Ed Friedman

Terri Giles: My name is Terri Giles. I'm the Executive Director of the Formosa Foundation. On behalf of Board of Directors, as well as FAPA and other cosponsors, we want to welcome you again to the conference and for staying.

We've talked a little bit about *Beyond Formosa Betrayed* (which is the film): towards truth and reconciliation in Taiwan. This afternoon's conference is going to be focusing on that aspect -- the future, today, the present, towards truth and reconciliation. The capacity to change, to see, and to take responsibility for what one has done, is the central premise of the truth and reconciliation process. Truth is not something fixed, abstract, or an absolute value, but something painfully built through the sharing of memories and experiences.

The past cannot be forgotten, because the past is present and it often lingers without reconciliation. Charles Harper who directed the Human Rights Resource Program for Latin America, and the World Council of Churches from '73 to '92, wrote that, "There are a number of common ethical themes that are prerequisites for achievement of reconciliation. One is the importance of preserving the memory. Two is the need for the truth to be known, and told. Three is the need for justice to be served. Four is the acknowledgment of wrongdoing."

Archbishop Tutu said, "Making the truth public is also a form of justice, but unless we make a connection between the past and the present, and examine what was done, there's little hope for avoiding committing injustices in the future."

Our last panel today will explore the implications of Taiwan. Our first speaker, Dr. Jerome Cohen is the Professor of Law at New York University, and the co-Director of the US Asian Law Institute, as well as the Senior Fellow for Asia at the Council in Foreign Relations. He has been interested in Taiwan affairs since he first visited the island in 1961. He's taught many leading Taiwan political, legal, and academic figures while on the Harvard Law School faculty, and also at NYU. During the past decades, he has worked with the island's law reformers and scholars on legal reform. He writes a bi-weekly column for the *China Times* and the *South China Morning Post*.

Panel 2: Implications for Today: Towards Truth and Reconciliation in Taiwan

Jerome Cohen:

I'm very happy to take part in this program about truth and reconciliation. My theme today really is double reconciliation: reconciliation within Taiwan, and reconciliation between Taiwan and China. When I said that at lunch, Nancy Tucker, I don't know if she's still here, but she said, "Don't forget a third reconciliation. We need more reconciliation between Taiwan and the United States." I think that will happen if we can achieve the first two.

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But let me say, I've had a lot of adventures in Taiwan, especially in the '60s and '70s. Seeing this film this morning, *Formosa Betrayed* brought back too many of them, some of them involving Peng Ming-min in the late '60s, some of them involving Annette Lu. Some of them involving other escapades involving 調查局 (the Investigation Bureau). It made my wife so nervous by 1969, she vowed she wasn't coming to Taiwan, until Taiwan became democratic. It took her 25 years to go back to Taiwan. She enjoys it now.

So, I was told today, I should pick up the thread in the mid 1980s. I was told when the US normalized relations with the People's Republic in 1979 -- maybe I should wait a while before I returned to Taiwan, because I had been prominently associated with the effort to normalize relations with the mainland. Of course, we intended to do it without prejudicing the security of Taiwan. Although, I said that repeatedly on my last visit to Taiwan before normalization in June '78, understandably my Taiwan friends didn't believe me, and they were very nervous.

Mention was made here earlier of the late Senator Ted Kennedy. I too can contribute a relevant story today. I worked with Senator Kennedy from 1966 on China policy. In the spring of 1971, we knew Nixon and Kissinger were racing for an opportunity to do a reelection spectacular by getting to the mainland before any Democratic politician. Kennedy wanted to get there before Nixon.

I took him up to meet Wang Hua, the Chinese Ambassador in the spring of '71 in Ottawa. It was going to be a secret trip, and it was secret until we got into the elevator going upstairs to Wang Hua office. When some Canadian woman got in the elevator and she looked at Kennedy and she said, "Senator Kennedy, you're so handsome," and that blew our cover. But, we had a great talk with Wang Hua, for about two and a half hours.

Wang Hua, knowing Kennedy wanted to go to China, and before Nixon, kept saying, "Would you please summarize your position on the legal status of Taiwan?" Kennedy didn't want to yield any ground on that. He didn't want to say, "Taiwan is part of China." Finally at the end, Wang Hua said, "Senator, will you finally make clear what your position is?" He put his hand like this in his pocket, as though he had the visa right there, if Kennedy would say the magic words. To his credit, Kennedy explained to him it was much too premature to say anything more than he had about Taiwan. As you know, the rest was history. Nixon got there five years before Kennedy and I got there, in 1977.

I got to Taiwan after normalization through the 江南命案, the assassination of Henry Liu "Jiang-nan", October 15, 1984, in San Francisco. I was asked by Jiang-nan's widow, Mrs. Tsui, to be her representative in Taiwan. We wanted to take part in the criminal prosecutions that the US had forced the Kuomintang government to undertake.

We also, my law firm operating pro bono, without a fee, we brought a suit against the Kuomintang in federal district court in San Francisco for wrongful death. The problem

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was we didn't have any evidence. We wanted to get into the criminal prosecution in Taiwan as a vehicle for getting evidence we could then use against the Kuomintang in San Francisco federal court.

I needed to have Taiwan lawyers. I was going to appear in the case, I couldn't be a Taiwan lawyer, but I was Mrs. Liu's representative, her agent. I was entitled to appoint Taiwan lawyers, but none of my former students, because of the enormous political sensitivity and danger of the case, 竹籬幫 (the Bamboo Union gang) was involved. You didn't know who was going to get killed. None of my students who were lawyers could take the case, they felt. What was I going to do?

Finally, out of nowhere, my first student from Taiwan, Miss 張富美 (Fu-Mei Chang), she called me up. She said, "I want to introduce you to a city councilman named 謝長庭, Frank Hsieh. He came over and I liked him a lot. He agreed he would help me. He and another very good Taiwan human rights lawyer, Steven Lee did help me, and we got through that case.

Now, I just will mention a couple of points about the significance of that case. Of course, as we heard from Gerrit earlier, that case did establish that a high official of the 國防部, (Ministry of National Defense), was behind the assassination attempt. I don't agree that that resolved the case, because the mystery of the case has never been finally resolved. We knew there was somebody higher.

We managed in open court to bring out the fact that at the luncheon that the film director, Bai Jing-rui (白景瑞) had given to introduce Admiral Wang His-ling (汪希苓) from the National Defense Ministry to the head of the Bamboo Union gang, Chen Chi-li (陳啓禮). At that lunch, was the brother of Chiang Ching-kuo, Chiang Wei-kuo (蔣蔚國). He was No. 3 in the Defense Department. What we couldn't establish is, why was he there? He had to put out a news story the next day admitting he was there. But he said, "Nobody ever discussed Henry Liu or assassination. He was there purely for social purposes."

Well, maybe he was, because Bai Jing-rui was a movie director. He always liked to have beautiful starlets at his parties. Mr. Chiang Wei-kuo had a healthy interest in woman. So, it could have been that he was lured there by Admiral Wang, just so Chen Chi-li could see that Admiral Wang was very, very close to the brother of Chiang Ching-kuo. The next week, when Admiral Wang invited Chen Chi-li to have dinner where they did discuss the assassination of Henry Liu, certainly the head of the gang was entitled to believe that Admiral Wang was close to the brother of the president. But we never did resolve that.

The other point that's worth mentioning, in addition to the prosecution of the gang leaders in the civilian courts, there was a court martial, a military trial of Admiral Wang

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and his two colleagues. That trial was remarkable because it was the first one I ever heard of in Taiwan that was open to the public.

Second, Admiral Wang's defense was fascinating and bears relevance here. His defense was, I heard him say it. He said, "You know your honors, we didn't do this job (meaning killing Henry Liu)." He said, "If we had done it, nobody would ever know about it." He said, "You know we're professionals." Then he said, "Ten or twenty years ago, we used to do this all the time." It was amazing. There were about 150 people in the courtroom. When he said that, there was a gasp. What a defense that they used to kill people regularly. So, that bears upon our subject.

Fortunately, things got better. 1985 was a fascinating time to be in Taiwan because freedom of the press was gradually expanding, I could tell every day the way they reported what I said in the courtroom and what others said in the courtroom. At one end was the Central Daily News (中央日報) which said as little as possible. At the other end of course was the Liberty Times (自由時報). They talked the most about the case. There was one right wing newspaper that had a front page article that advocated somebody should kill me. The title I remember was "somebody should get rid of this terrifying lawyer."

Well, I was very interested in what Nancy just said about Chiang Ching-kuo. When I first went to Taiwan in 1961, I had a conversation with Ray Clein, then the head of the CIA. He was telling me, "Chiang Ching-kuo is a much, misunderstood thinker. The man who was reputed to be a killer, head of the secret police was really a very nice person." Of course, I thought that was just hogwash.

But when he died in 1988, to my surprise I found myself saying some nice things about him, because most of us as we get older we get more and more conservative. But he seemed to be flexible enough of course, there were many pressures, as Nancy has mentioned. But nevertheless, he did not respond with the June 4th repression. He had used repression a lot, but he saw it's better to have institutions, to build up channels for processing people's grievances. I think further histories will show that was a very enlightened thing to do.

Well, know better than I the story of what happened after that, Lee Teng-hui's transition, the election of Chen Shui-bian and Annette Lu in 2000. What's less well known is that beginning in the early '90s there was a revolution in Taiwan justice. In the early '90s, prosecutors and judges -- young people -- rebelled against their seniors and established the principle and often, not always, the practice that prosecutors and judges should make their decisions independent of political authority. They're still trying to carry that out. We know there are difficulties, but Taiwan has made impressive progress. If you compare the situation on the mainland, you can appreciate the enormity of Taiwan's achievement.

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After 2003, we have seen many improvements in justice in Taiwan. The right to council, the right to exclude illegally seized evidence, evidence for example taken by torture, the importance of cross-examination, the right to confront your witnesses, the curbing of police power. It used to be the prosecutors themselves could decide who should be detained. Afterward the court had to decide it. Although we don't like every court decision, the fact is that is an important check on the police and prosecution. Similarly, with search and seizure, they used to be able to decide -- the prosecutors themselves -- to search your house, take away anything.

Since 2003, they have to go through a court. The constitutional court (大法官會議) has played a very important role. Although, I'm a little bit disappointed they haven't yet made a relevant decision that we're waiting for, they have made many important constitutional decisions. Beijing has no constitutional court. It has no mechanism for making constitutional rights into reality.

The abolition of the Rogue Ordinance (流氓條例) -- when I first went to Taiwan in the '60s, the use of not criminal justice but administrative punishment was so-called "management training" (管訓). It meant the police could take you anytime, anywhere, for as long as they wanted, for political views, as well as for being a hoodlum (流氓), or whatever. I visited a management training camp in the '60s, and it was very frightening. I also visited a prison. Prisons looked like a nice dormitory at the University of California. The management training squad was very frightening. Recent adoption of the International Covenant on Civil and Political Rights in Taiwan is a very important step.

So, there are many things that have happened in Taiwan that should make people from Taiwan proud of what's going on. Because there are many people, who think Chinese political, legal culture can never have a rule of law, who can never have judicial independence. You hear that argument from people on the mainland often. I point to Taiwan. Even Chen Shui-bian used to say, "我們都是華人-- We are all people of Chinese culture. It doesn't mean we are Chinese citizens, Chinese nationals, but we are influenced by Chinese culture. Yet, look what we're doing in Taiwan." Of course, there's a need for much more legal reform and it will happen, because Taiwan has a democratic process.

Unfortunately, this democratic process, as you've heard today, and you know so well has a populace, a society that is bitterly divided. That is your greatest enemy. It's this hatred between the Kuomintang and DPP people. That's hard for outsiders unless they have experience to understand. This must be overcome. Both groups have to keep in mind the interest of the island and all, its people and not the immediate political benefit of this party or that party. How to bring about this reconciliation, at the same time you have to move towards some form of accommodation with the mainland.

You have to have some cooperation for economic reasons, and for no others. But that cooperation has to be done consistent interests of Taiwan people and democracy. This

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is a huge challenge. I feel sorry for my former student, Ma Ying-jeou, because he's trying to steer between what we used to say in Greek terms, between two difficult shores. It's not very easy. But I think it's in the interest of all people who really have the interest of Taiwan and its democratic experiment to make sure you do sensible things.

Now of course, we couldn't have a better illustration of this problem than today's problem about Rabia Kadeer and the Uyghur film about her. Indeed, whether she will be allowed to visit, because even Kaohsiung feels the pressure of Chinese economic influence. If they showed the film, Chinese tourist agencies start cancelling bookings at Kaohsiung hotels. So, the tourist agencies of Kaohsiung said to the Mayor, don't allow that film to be shown. The Mayor hesitates, comprises. They just allowed the film to be shown, but not at the film festival.

Now, I understand their considering showing it at the film festival or they've already decided one person told me. But, you see the pressure. Why shouldn't people in Kaohsiung be free to see whatever movie they want? Why shouldn't they be free to welcome any visitor who's not a terrorist? One of the reasons supposedly given now by the Ministry of Interior (內政部) is, this woman is dangerous. She's a terrorist or she's linked to terrorist organizations. When I heard that, I just said to the journalist, "We all come to Washington DC, many of you live here, and somehow, so does Rabia Kadeer and she doesn't seem to have affected our security." This is nonsense. Anybody you disagree with becomes a terrorist.

But I think the DPP has to be careful. It can push its freedom too far. Just because you're free to do something doesn't make it very smart or wise to do everything. You keep poking your fingers in the eye of the people on the mainland, there's going to be a reaction. Not just from the mainland, the reaction will come from the Taiwan people. If the DPP's clever tactics are seen to interfere with economic cooperation that Taiwan needs for its economy to prosper, the people are going to react against the DPP.

So, I think freedom must be used in an intelligent way, not too many provocations. I personally resent it whenever Beijing says to some other place, "You can't do this. You can't do that." Look at what's going on in Berlin now with respect to the Annual Book Fair. Beijing is trying to say, "You can't let that person speak. You can't let this person speak." I don't like it, when they say our President shouldn't meet the Dali Lama. It's bad enough they control their society and censor things, but we mustn't allow them to censor other places.

China has done many wonderful things. It's a powerful, powerful, impressive country. But it has to learn to get along with the world in a way that accepts the fact other places are democratic. It can't control outside events. So, I think that's a learning process.

I would just say in the conclusion here, I don't want to overdo my time. That both the Ma Administration and the opposition must behave in a mature way that respects people's

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freedom, that also, appreciates the need to have some form of cooperation with the mainland. That doesn't mean Taiwan's going to be sold down the river to the mainland, because I don't think that's on the cards. I don't think anybody – very few people in Taiwan -- that really accept that.

On the other hand, you can enhance cooperation. So, how do to that, how to have this dual reconciliation internally and vis-a-vis, China. It's a tremendous challenge. So, I hope my four-letter "kou-hao", my slogan, 內和外解, can be adopted because I think what we need is more reconciliation, and to get it, we need truth also about the past and some of these horrible incidents that we must not forget.

Terri Giles: Our next panel speaker is Dr. Arthur Waldron. He is the Professor of International Relations at the Department of History at the University of Pennsylvania and serves as Vice President of the International Assessment and Strategy Center, which is a nonprofit research organization in Alexandria, Virginia.

He's a former Director of Asian Studies for the American Enterprise Institute. Dr. Waldron is a member of the Council of Foreign Relations and serves on the Board of Freedom House and Jamestown Foundation. He was also educated at Harvard and has written – or contributed chapters to more than 20 books. He's a regular visitor to Taiwan where he lived as a student from 1971 to 1974.

Today's panel, Dr. Waldron will be speaking about putting the developments of Taiwan in a broader context and speak on the process of transitional justice and truth and reconciliation drawing from experiences in other countries such as East Germany and South America. Please welcome, Dr. Waldron.

Arthur Waldron:

Thank you very much, Terri. That's a pretty impressive charge that you've given to me, but I will speak on truth and reconciliation. But I would like to say at the outset, really the – what you might call the rubric to my talk is going to be why I've gone from being cautiously optimistic to cautiously pessimistic about development in Taiwan.

Let me just start. I was very glad that Jerry introduced the word that was scarcely mentioned during the first part of this – these proceedings, namely China. China has now become a very, very strong power militarily, economically, and diplomatically. Increasingly, our interest in other countries' interests, in their relations with China have come to overshadow whatever interest they may have in the continuation of democracy in Taiwan. Not only that, the presence of China as a major player is having a very direct influence on politics in Taiwan.

Let me just work through a little logic here. In the first session, we talked about the diplomacy of the 1970s, when the idea was to establish relations with the People's Republic, counterbalance the Soviet Union, and so forth. One of the architects of that –

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of course, President Nixon was the chief architect, but his assistant was Henry Kissinger. Kissinger was persuaded that in order for the bond between Washington and Peking to be insoluble, there would have to be a sacrifice. Taiwan was going to have to be sacrificed. And he repeatedly talked about how it was really a pity; these were decent people and so forth and so on. But realpolitik sometimes required that one do such things.

Well, of course the sacrifice of Taiwan has been long delayed. Not only that, Taiwan has developed into a democracy. I mentioned, where there's a certain amount of anecdote in today's proceedings, but in the train this morning, I happened to be sitting in the car with none other than Dr. Kissinger. I resisted the temptation to go over and began quizzing him about the details of his encounters with Mao and Zhou Enlai, and so forth.

But I started to reflect. I said, "Suppose in 1975, Henry Kissinger had become Rip Van Winkle and he had gone to sleep. Let's suppose that he had slept until this morning, and let's suppose on the train, he was on his way to our meeting." As he came to see us today, and to look at the placards announcing the topic, I think he would have said, "This is most strange. Surely, surely, Taiwan disappeared at some point when I was asleep. Certainly, no later than 1982 or '83, some sort of a deal was reached. Why, we had that completely wired." But that did not happen.

Instead, what happened was that Taiwan democratized. What exactly is Taiwan? Taiwan is not an internationally recognized country. If you go to the fact book of the Central Intelligence Agency, you'll find that it is listed not under "T," but rather it is listed at the very end of the alphabetical order as a sort of "other entity." If you go to North Korea and it says, Name: North Korea. Official name, it says: Democratic People's Republic of Korea. If you go to Taiwan, it says, Name: Taiwan. Official name: none. This is the fact book.

Well, what this reflects is the failure really of the sacrifice and that for really the 30 – for 20 years, we have been living in a kind of limbo in which democracy has developed. Now, the problem really is, what to do with that democracy and is that a good thing?

Here's the problem. It isn't really a good thing. If our end game, if our envisioned end game is that China and Taiwan are going to somehow resolve their differences and come together; if we further assume that China is not suddenly going to turn into a constitutional and law-abiding state, then the only acceptable Taiwan for them will be a client state. Remember that even Hong Kong is considered by many in China to be all together too free with opposition and politicians who are all together too un-amenable to suggestion and control from Peking. One of the things they're looking for is what they call a "second power center" in Hong Kong. In other words, how can they run Hong Kong in some way, other than by using the political structure that is in place?

So, if you're in favor of resolution of the issue in the sense – resolution under the following terms, that China and Taiwan make an agreement, then the less that Taiwan

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acts democratically, because being simply democratic is already putting a thumb in China's eye. All they have to do is have an election and show that people with Asian features can have a vote. That is already – that is already unfavorable and unfavorable in comparison to the People's Republic.

So, if we're in favor of the great power outcome in which Taiwan is incorporated, we can't be too zealous in our support of democracy and freedom in Taiwan. If on the other hand, we say democracy and freedom in Taiwan are infinitely valuable and that in a sense the freedom of one person is the freedom of everybody else, that freedom around the world is indivisible, and so forth and so one, then we find ourselves pushed to a logic where the ultimate decision about Taiwan is made by the Taiwanese people themselves, through the democratic and un-coerced processes. That gets you on what is proverbially referred to as the "slippery slope" toward an independent Taiwan.

Now, may it be that in the past there were possibilities of avoiding this particular dilemma. But my own view is that today we are faced with this problem, and it is becoming increasingly difficult for us as China becomes stronger and Taiwan becomes relatively weaker economically, militarily and so forth. Although holding these advantages of being a democracy, it becomes increasingly difficult for us to reconcile these two approaches.

Now, having said that – the point of my saying that, is to try to get everybody in the room to put Taiwan in the geopolitical context, because most of us have one or another sort of connection. We studied there. We know people from there. We were involved one way or another, and therefore, there's some sentiment involved. Try to view it from the point of view of somebody who's completely unsentimental and imagine that, they understand the realpolitik interest of the United States. I do not happen to think that the realpolitik interest of the United States would be helped in any way by sacrificing Taiwan. But plenty of people do. Plenty of people do, and don't underestimate the amount of momentum they have behind them, given the military power and the money that China has.

Well, let me say a little bit about truth and reconciliation. Since the 1970s, the truth and reconciliation is basically an attempt to come up with a way of dealing with deeply divided societies that is not the Nuremberg model. That is where the foreigners, or conquerors, go in and say, "You are the guilty ones. You're going to be in prison." Yet, it's also, not what you might call the Spanish model, in which you say, "We have made a transition to democracy. But if we reopen the book of all the crimes that were committed under Franco, we're going to be at each other's throats. That's going to be self-defeating."

So, therefore, we have to do what the water at the 228 Monument in Taiwan is supposed to do, which is to carry everything into memory. I have some sympathy with this view. I don't think that historical wrongs are very easy to right. In fact, once somebody has been assassinated, they are dead, and apologies may be desirable, punishment of the guilty

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may be desirable, but the victim remains dead. The best thing to do, the best memorial to that victim is to go forward, building a society where that can't happen again.

Truth and reconciliation had its greatest test in South Africa with the Truth and Reconciliation Commission of 1995, which was based on the idea that, it was important to get out into the open the many ghastly crimes against human rights and human dignities that had been carried not only by the Apartheid regime, but also by the African National Congress and others who were fighting for freedom for the majority population. It was by all accounts quite successful.

However, it's not at all clear that it was particularly decisive or that it brought about a great deal of reconciliation. The premise was that people would be offered amnesties in return for telling the truth about what happened. Many of them did. But in the end the total number of amnesties issued was very small, compared it was about a fifth of the number of people who testified. Furthermore, when people were asked about their degree of satisfaction with what the Truth and Reconciliation Commission had done, the Afrikaners were the least satisfied. The English Whites were next, and the Black majority population was the least satisfied with the Truth and Reconciliation Commission.

Well, having said that, let me proceed to – back to Taiwan. I might mention, in China there's a good deal of truth and reconciliation that's going to have to go on there at some point. I'm not sure when it's going to happen, but when it does, it is going to dwarf anything we're talking about. Even though I think some of what has been done in Taiwan can be a model. I refer in particular to the dealings with the February 28 massacre, which are by no means complete. This is why we have by no means gotten every last piece of evidence, every last confession, and so forth about this. But it is a remarkable example of how a society can confront something which it was absolutely forbidden to mention for many decades.

Well, with all of these positive things to say and adding the things that Jerry said about the improvements in judicial procedure and so forth, to which defer on him as I am but a humble professor of international relations. Let me say I am a little bit concerned.

The first reason I'm concerned is because of the trial of Chen Shui-bian. I don't pretend to understand the evidence, the procedures, the criteria, or the decisions. But I will say that as an outsider who wishes the best for Taiwan-- I am shocked by what I find to be this – what I call the “stench” or the odor of vindictiveness that is associated with this. The way that President Chen is being treated, without being allowed parole, being put in manacles, and so forth and so on, this is not the way a developed and modern country deals with a former Head of State. There is an element of we're getting our own back, I believe.

Now, I may be wrong. It may be that every single point that the prosecution makes is correct. But, I'm not persuaded of it, and I think I'm not the only one who's not persuaded about it. I'll be interested to see in the future how legal scholars analyze this. Is this a

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model of a very sensitive prosecution, handled as it should be handled? Or, is there something not quite right with this?

When I heard that my friend, Michael Kau was under investigation, I must say I was appalled because Michael is a man who genuinely gave up his American citizenship – that is, he really gave it up. He can't get it back now, and went to serve the country of his birth. It's very hard to imagine – for me to imagine that the man I knew as a colleague at Brown University, an excellent man, was somehow deeply involved in some kind of corruption. I find that hard.

It puzzles me also, given the amount of dirty laundry, Kuomintang dirty laundry that is stored in all kinds of closets and hidey-holes around Taiwan, that the current administration does not show a greater zeal in pulling all of this dirty laundry out and going through it. Because in fact, this is the only way that they're going to get ahead. Unless of course, they have some sort of unspoken agreement with China, that China will serve as a buttress for them at a time when they are facing weakness in Taiwan.

Now, I can't judge Ma Ying-jeou. I was an exact contemporary of his in graduate school and nothing about him ever struck me as amiss. But I will say that I felt the way that his senior or his former senior Lien Chan behaved after losing the election, the second election to Chen Shui-bian. I felt Lien Chan was genuinely unhinged and had lost track of how the democratic game was played.

These recent events now make me wonder whether there is a danger that a lot of people in Taiwan – a lot of people in powerful positions -- are going to lose a sense of how the democratic game is played. We see the bypassing of the legislature – systematic bypassing of the legislature. We see the infusion of Chinese money into the media. We see the power that Chinese purchases and so forth have. All of this is very difficult. At its worse, what it perhaps might be an attempt to restoration of the party state as it existed before.

Having said that I'm a pessimist, I'm not so much of a pessimist as to think that's actually going to be what happens. I believe that these trends are going to elicit counter trends. I believe the society of Taiwan is advanced and complex enough that they will work their way through this period. This is an extraordinary period of testing.

There is however, a little bit of a smell about the whole thing of what someone has referred to as the "Banana Republicification of Taiwan." This would be a tragedy. It would be a tragedy above all, because for so many people in Asia, and particularly for people in China, the experience of Taiwan has been a source of inspiration, and a source of hope.

Let me conclude by returning to my little logical paradigm with which I began. Remember if you favor democracy for Taiwan, real democracy, you are going to be pushed into a position which is increasingly unwelcome to Peking. This is going to be the dilemma that

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we face, because there's going to be a tradeoff. China now has real money, and they have real weapons. They can write checks of sizes that are very, very difficult for people to resist. They can exert pressure that is so great that a company like Google or Cisco, for instance, will not forego that valuable business.

In other words, we're in a situation in which we've been many times before in history, where our democratic values and our belief in human liberty and freedom at least, in the short run may cut against some of our material values. I hope we'll know which way to choose. Thank you very much.

Terri Giles: Professor Friedman is the Hawkins Chair Professor in the Department of Political Science at the University of Wisconsin, Madison. He was a graduate student living in a dormitory at the National – Taiwan National University from 1964 to 1966. He also served the US House of Representatives Committee on Foreign Affairs from January of 1981 through August of 1983.

His topic this afternoon is to draw conclusions from the other presentations, assess the political situation in Taiwan today, and discuss how a divided society can move forward.

Ed Friedman: It's a genuine honor to be here with everybody. The big question I want to – the big question I want to ask is, what are the lessons of the struggles of the '80s that we heard discussed in the first four presentations for the struggle going forward to maintain, and institutionalize an autonomous democracy in Taiwan? I will confess that the conversations of this morning – seeing Cindy and Fulton, whom I worked with when I worked in the House in the early '80s for Congressman Solarz, made me very nostalgic. So, let me begin with just a teeny bit of nostalgia before getting into something more relevant and serious, if you like.

So, I was a grad student at the National Taiwan University in 1964 through 66. During that time, I experienced the military dictatorship. It was right there in the dorm – the military around the dorms. I visited Green Island which did not look like a paradise during that period. When they led a mainland tourist group – they took tourist to see how the communist agents were under control.

In 1969, I was invited to write a paper for the Kissinger National Security Council because I had been arguing that, contrary to what had been argued, Taiwan was not an obstacle to normalization between the US and China. As Jerry, I was very involved in working for Carter's US-China normalization.

I wrote a paper called "Finessing the Taiwan Issue," in which I argued that it really wasn't a big deal, and it was no trouble in finessing the Taiwan issue. The Kissinger administration paid no attention. That taught me a lesson when I went to work for Congress in January 1981, which was the elected representatives of the people who count, and we're just water carriers. And Congressman Solarz and Congressman Leach

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and Senator Pell and Senator Kenney, they are the ones who really matter. And it matters today who the people are in office and what their views are.

The thing which strikes me very similar to what Arthur said in his conversation is the danger of large strategic views, because they turn out not to be accurate descriptions of the real world. Why was it so easy for the Nixon-Kissinger people to sell out Taiwan in 1971? Well, in their view of the world if you go back to 1971, Japan was an economic rival, just a pain. The United States had recently lost in Vietnam or it was losing and it was going to pull out of Southeast Asia in some basic kind of way. Russia's friend Vietnam was there, but China was a stalwart against the Soviet Union. China was therefore the natural ally of the United States. The Cold War was on, and the United States would gain great benefits in Vietnam and in dealing with Russia from having China as a good friend.

None of that occurred. None of that occurred. That was the brilliant strategy which made Taiwan just invisible and unimportant. I worry that today there may similarly be a large strategic view of the world, in which the two countries that matter are the United States and China, G2 as it's said. And as long as you get a Chi-Merica solution, we can solve the world's problems. If you don't, we can't. I would suggest this is a very dangerous misleading view of the world too.

China has no interest in a G2 kind of a solution. They really do see the United States as enemy No. 1. While they're certainly going to be engaging because they want to benefit from the relationship with us, and we should want to maintain as much good relations with them as we can. You're not supposed to be naïve about it. It seems to me that wishing on the G2 kind of view of the world has about as much likelihood of turning out something that will help the world as the previous world of the alliance with China, supposedly against the Soviet Union – didn't do much for anybody in the world.

I also agree with Arthur on his second thing which makes today's problem more difficult than it was in the '80s. As I was listening to the conversation about the struggle for democracy in Taiwan in the '80s, one of the things that hit me, just as Arthur said that China was not mentioned, but there was good reason that China was not mentioned. China was not mentioned because at the end of the Mao era, China was an economic basket case, and its military was in total disarray. You didn't have to worry about China.

So, it wasn't part of something that you would talk about in democratization. But you do have to talk about it today. You have to talk about it very, very seriously. Now, I want good relations with China today, as much as I wanted back then. It was only because that we had some good relations with China to go back to that period of the early '80s, that we were able to restore Taiwan's immigration quota.

Normalization with China, the way the law was written, wiped out Taiwan's immigration quota. I wrote the law which got – Solarz's law -- I was just carrying out his orders. But we restored the quota. We restored the quota. One of the reasons we were able to do it

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because we were able to persuade the PRC not to make a stink about. We really established two Chinas if you look at that one law. It's called Taiwan (China). I have no idea what it means.

But it was enough of an "I don't know what it means," is the no-name thing that we were able to do it. China's a major power in the world now. As a major power you need to cooperate with China, if you're to solve problems. As Jerry said, there really is no point in putting your thumb in China's eye, as a policy kind of purpose. But it's much harder today, because you are now facing a very confident China, in many ways, almost an arrogant China. A China which is quite willing, as Jerry was saying, to push its weight all around the world: To tell Australians what films they can watch; To tell the Germans what speaker they could have at book fairs; To tell the French President who he's allowed to speak to.

I was thinking about it in terms of the Chen Wen-chen case, and we held the hearings on it and just as Fulton said. We then had a law against what the KMT was doing on college campuses all over the United States, which was totally unenforceable, if you want to know, but it was on the books.

The Chinese activity against or for it's own people who are in the United States makes what Taiwan did look like a Girl Scout Jamboree, because they really have pressure and clout. You could respond to Taiwan -- Taiwan was dependent on the United States. China's not dependent on the United States in any kind of way. You're not going to push them around in the same kind of way.

So, the antidemocratic forces which China supports even in the democracies is a much more serious threat to what goes on in the democracies and to their people who would like to have a little freedom while they're in the United States. Even people who become American citizens who still have family back in China. You all know how such people were threatened from Taiwan back in the bad old days. It's very easy to do that, and it is done all the time by China here in the United States.

So, the change in what China is and China's confidence in itself as being morally on the correct side of history in supporting authoritarianism, because from their point of view, there's no reason to doubt the sincerity of the Chinese Community leadership on that -- that democracy is a disaster. The attempt to democratize, in their view, destroyed the Soviet Union, whose loss of power and states broke up the country. It's a bad thing.

Party leadership in China definitely believes that China's economic rise is very much tied to being an authoritarian country; and if they were a democracy, they couldn't do it. I think that's real nonsense. You succeed in economics when you have good economical policies; and you fail in economics when you have bad economic policies. I think sadly, authoritarians and democrats are quite capable of doing either or both at the same time. But they had in their head a very -- to themselves -- morally persuasive story about pushing against the democracies. It's a morally good thing to do, and not merely in its

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self-interest. They are going to keep doing it. They are going to have a kind of weight that we haven't – that it was impossible for Taiwan to ever have, even in the worst of times.

Now, given that view you might think my conclusion would be that it's impossible for deal to be made between Taiwan and China, which would preserve Taiwan's democratic autonomy. But it isn't my view. My view remains what it was in 1969, despite the Chinese insistence of what a principled issue Taiwan is and how they would never change their view, and Taiwan and so on. I don't believe a word of it.

It's a bargaining strategy. That's how you talk. When you bargain with somebody, you explain, "I have a principle position and I can't change." That's a way of saying, "Yeah, you make concessions first. You make concessions first." And if you're smart, you don't make concessions first. I think what you do is read the paper. Because what they're saying is they're moral and you're immoral. My view is then, well, you couldn't take my word anyway, so what do we have to negotiate about.

Anyway, I think you can make a deal. I think if you look at the history of the relationship between China and the United States and Taiwan, it has always been the case when the United States has stood firm, and the issue has been pushed up the leadership and they had to think about the issue. They have made concessions time and time again, and that's one of the reasons why Taiwan remains an independent democracy today.

I think as we move forward into the future, and it's already the case, China sees itself as a world power. It has global interests, very important global interests. It really cares about protecting its energy lifelines. I can imagine a future in which the Chinese military is not going to get its budget by making a dragon out of Taiwan – nobody after all and will find more serious ways to get its budget. I can imagine therefore, a future where the most important thing for the Chinese government is to have Taiwan on the back burner and not be a troublesome issue, given all the other challenges that they have to face domestically and internationally in the world.

So, like Jerry, I wish President Ma well, in his effort to deal with Hu Jintao. I don't think it's an easy kind of effort to succeed in. There are lots of very tough hardliners inside the administration in Beijing who do have a very nasty kind of a chauvinist racism, by the way, not very different from the Chiang Kai-shek government that developed in the '20s and '30s and was brought to Taiwan and has a really racist consciousness and looked down at Taiwanese people as not quite human beings. But you all know that.

I think that sadly this could be a basis for some unhappy cooperation, because we have to worry what Arthur's pessimism was all about. I think it is a fact that one of the bases for KMT-CCP cooperation is neither wants DPP ever again to come to power. But therefore, I think the communist have an interest in not pushing Ma too hard. Because, as Jerry said, if they push too hard, you'll get – as Arthur said, you'll get a counter force on Taiwan.

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So, the way I experience this in a certain way is, I really hope that Chen Wen-chen did not die in vain. That the struggle that he gave his life for is a struggle that continues. While I would like to believe that the struggle was simply one in the 1980s, I really worry that the struggle remains ahead of us. There's no way of preventing this difficulty from occurring.

China is an ever, larger economic power. Its economic influence in Taiwan is going to grow. Taiwanese are going to have to worry about their economic interests. American firms will feel they cannot be world competitors unless they are active inside of China. These are things which are simply going to give that regime, which still has a lot of control of elements of its economy, lots of clout in dealing with other governments and in pushing its views in various parts of the world.

The fundamental thing that I want to hold on to, as to why I have some faith that we can make deals and understand our interests in ways which Taiwan will benefit from what the United States will do, is I see this basic difference between China and the United States as they look at the rise of China. When the Chinese government looks at the rise of China, it's a story about Chinese history. It's a very simple three-part story. China was once great and glorious and the most important place in the world. Then bad things happened to it, and now, it's returned to its natural place in the world as the central power in the world. It's a very simple three-part story and very persuasive to most Chinese by the way, whatever their party affiliation.

The American story of China's rise is a very different story. The American story of China's rise is that after World War II, Japan rose. After Japan rose, the East Asian Tigers rose: Taiwan, South Korea, Hong Kong and Singapore. After that, a number of countries in Southeast Asia began to rise and then China and then India. The United States as an Asian-Pacific country has an interest in being part of this general prosperity in the whole larger region.

Well, if you think about those two stories, they are very different stories. Taiwan is a happy part of one story. Taiwan is not a happy part of the other story. The real question before us, it seems to me is recognize our own interest and our own values, is what do we do to make sure that story has a happy ending.

Question 1: Professor Cohen, two weeks ago, according to newspaper reports, you advocated the release of Taiwanese former President Chen from detention. Now that his detention has been extended, is it not time for you to issue the call again?

Jerome Cohen:

That's a very good question, but I've already beat you to the punch. Because at the intermission the journalists for Taiwan who were here asked me the same question. I said, "I hoped that the Court of Appeals that will consider his case, will release him." Because I think – I don't think he's not guilty. We'll wait and see what a fair trial

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produces. I'm concerned about the mountain of evidence. But I want a fair trial. It's hard to have a fair trial when you've been locked for nine months. It's like fighting with one arm tied behind you.

So, I think it's in the interest of the government, and Taiwan society to see that he gets a fair trial. Then whatever conviction there is, people should have no doubt about. Arthur properly questioned the fairness of the first trial. I don't think anybody, even the government, would maintain this is a model for the trial of anybody. I've several times written articles criticizing the unfortunate series of mistakes, negligence, intentional or whatever.

So, I think we have an opportunity on appeal to have a whole new trial under the Taiwan existing procedure. In the United States, an appeal is not a new trial. It's an argument about law. But in Taiwan an appeal can be a whole new trial. This trial should be conducted properly. To make it proper Chen Shui-bian should be released on bail under conditions that guarantee he's not going to flee anywhere, that guarantee he can't forge evidence, that give him an opportunity even to talk to witnesses, co-defendants and certainly his lawyers.

I think it's very important for all people in Taiwan to feel if he's really convicted because of this huge amount of money that hasn't gone for DPP fundraising. That it be seen to be fairly done, otherwise, it will just perpetuate this unfortunate partisan conflict.

Question 2: This is essentially a follow-up to Dr. Yang's question. The broader issue thought, I believe I read it on the Formosan Association's website, I believe there about 150 or so former DPP officials under investigations or indictments including Michael Kau the former Brown University Professor and former Vice Premier. All of these have been going on since KMT's return to power last year, plus they have their record of police suppression of demonstrations, plus the new laws restricting political activities of opposition officials and researchers. We have other evidences, as Professor Waldron said, an attempt to perhaps a return to party state model. I wonder if we need to put this trial of President Chen into an attempt of this return of an older regime. However partial it maybe, whether we can make any conclusion about this in the real time as opposed to in 20 or 30 years, and decide as we are doing now in regards to the 80s about truth and reconciliation.

Jerome Cohen:

That's a very good question. We all want to impose some pattern on facts that will make us feel comfortable with what's happened. It's too simple however, to say since Ma came in, now we see prosecutions of the DPP people. It's much more complicated.

Let me just give you two examples. One example is this investigation of Chen Shui-bian and his wife, as many of you know began while Chen was President. For over two years while he was President, the prosecutors were investigating him and his wife. They brought a prosecution against his wife while he was President. He was named in the

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indictment as what we would call an un-indicted coconspirator. The reason he wasn't prosecuted then was he was President and had immunity from prosecution. So, you've got to explain that. How did it happen in his own administration?

Second, why didn't Chen Shui-bian, when he was President, prosecute James Soong and other people? I know that the Control Yuan had a big dossier they wanted the prosecution to use against James Soong for millions of millions of dollars of alleged corruption. I thought Chen Shui-bian was going to bring that prosecution. He never did.

What is real explanation? One possible explanation is he was too weak. He didn't have the power to do it. I don't know. But, there was a lot going on behind the scenes on these matters that make it impossible for me to accept the simple, that that Kuomintang comes back in power, ergo they take prosecutions against the opposition, the kind of transitional injustice, etc.

So, we need to know much more. I think the power of the prosecutor in Taiwan, even though, it's been trimmed as I said in several respects, it's still very great. Many people feel and fear the power of the prosecutor. Kau Ying-mao, Michael Kau, is a friend of mine. I always respected him, just as Arthur does. I met with him when I was in Taiwan at the end of May. I know what it's like to be under investigation month after month after month. But we don't know yet.

I think, personally, it looks like they're exaggerating the case against him. He apparently did not follow the usual procedure in signing off on mysterious money for diplomatic purposes. Chiu Yi-ren persuaded him it wasn't necessary. Kau never got a dime of this. He may have made a mistake, but if it's a mistake, it doesn't seem to me to rise to the level of criminality.

The prosecutors may just be doing that in the hope, as they often do in this country also, prosecute somebody who's a little fish with the hope that the pressure of prosecution will get him to tell a lot more than he otherwise might. I think he's already told them what he has to say. I'm distressed at the prosecution against him.

I'd also like to see more KMT prosecutions against KMT people because there's a selective prosecution aspect of justice that's very prominent here. But I don't think we can excuse the prosecution of Chen Shui-bian as a mere political vendetta. There's just too much money around, too many money laundering things, too many foreign bank accounts, too many members of the family.

It's very hard to explain all this and to say, he never asked his wife. She handles the family finances. That defense was tried in South Korea by two former Presidents and people didn't believe it.

I'd like to see a fair trial coming up now. We don't know who the judges will be, but I'm hoping for the best.

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Terri Giles: Okay, great. Well, Bob is actually going to close the thing, but on behalf of the Formosa Foundation, let me say thank you very quickly. Also, I know a lot of people asked me this during break, "Why was the Formosa Foundation supporting this movie, so to speak?" "Why are you involved in the Formosa Foundation"

So, I just wanted to take a really quick moment and say that, I worked here for 12 years for Senator Rockefeller. Senator Rockefeller's roommate in graduate school was on Kuomintang's black-list. That's why I went to Taiwan in the first place. I had understood nothing about Taiwan when I went there, except my uncle was secretly stashed there in the '60s and '70s and we had great gifts that came back from Taiwan.

But why are we supporting it and why did we end up – I end up going there and making this kind of a focus? It is that I understand how Washington works. Washington works in this way -- You have to reach out to members of Congress. Members of Congress have tremendous power and you have to appeal to them personally and make this something personal to them.

There are not that many Taiwanese people in West Virginia, where I come from and where Senator Rockefeller still represents. But we do have a saying there called, "Montani semper liberi," which means, "Mountaineers are always free." I think that's a really important concept to remember when you're thinking about Taiwan. So, the Formosa Foundation has supported this film because, I think, it's important that Americans understand our own history.

And another little point I'd like to say on this, is there have been people that don't want this film to be seen, etc. But I think it's really important that Americans do understand our own past, and the future, and why it's important today. The film will be showing next week at a film festival here on October 3rd at 8:30 p.m. It's the major slot in film festival. It has sold out at every single film festival that it's been at, which is eight, so far.

It is in the final negotiation for distribution, which means it's going to come to the major studio screens. In fact, one part of the agreement that we have with the worldwide distribution of this is that it appears on 15 or 20 screens. That's a tribute, I think, to the Taiwanese people here who raised \$8.5 million to get this story told. So, please go out and see this film. For those who don't want you to see it, well, go see it twice.

Thank you all so much.

Bob Yang: Well, I want to thank you all for coming to this seminar. I hope you do agree with me that we had a most excellent program, with a line up of really knowledgeable experts in this area about human rights, about freedom, and democracy.

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Although the time is late, my hope is that you all can stay around a little bit and chat with our speakers, whom I hope will stay around a little longer too. But let's all give a big hand to our speakers. So, officially, this seminar is adjourned. Again, thank you.