

Reflections on the significance of October 25, 1945
by Taiwanese in Northern California, USA
October 25, 2005

Hello All:

I am very glad to hear the voice of Taiwanese. It is a tide that no one can stop it, for all peoples of the globe to understand the truth of the history of Taiwan. It is just a start and I do hope we can send more voices to the main streams. The general public of the world will stop any of the aggressors to attack Taiwan. And, before it happens, the KMT or the Chinese parties will collapse by themselves due to the truth of the history uncovered.

If the A-Bien administration can bring up the issue for open discussion, it will expedite the collapse of KMT and Chinese parties in Taiwan. It is not necessary to worry about Red China. It is not their business. If we do not do that who can tell it will not be the case? No objection to the Chinese Anti-Secession Law on March 14, 2005, is the biggest mistake of A-Bien's administration. It is simply a chicken or no LP, not real wisdom.

Cheng Kuang Chen
October 30, 2005
San Jose, California

- - - - -
Dear All,

First of all, I would like to salute Mr. Muh-fa Chen, the president of TAFNC, Ms. Hanwen Lee, and Mr. John Hsieh for giving the true meaning behind the so-called Taiwan Retrocession Day. Through their educational Press Release, it is hoped that more Taiwanese will wake up from the Stockholm Syndrome and overthrow the captor "the Republic of China." The Republic of China slaughtered tens of thousands of Taiwanese in the 228 Incident and during the following White Terror Era and yet so many Taiwanese celebrate the so-called "Double-Tenth National Day" and "Taiwan Retrocession Day" with "the Republic of China." The leaders of Taiwanese American communities can help those confused Taiwanese walk out from the

shadows of the Stockholm Syndrome by holding press releases, seminars, and speeches and telling them the truth.

The criticism from Allen maybe confusing at the first glance of his e-mail, but it is clear that he did not criticize the content of the Press Release nor the organization which held the Press Conference. However I do agree with Allen in the sense that one should have his/her integrity. Some people on one hand denounce “the Republic of China” and Chinese but on the other hand embarrass “the Republic of China” and promote Chinese activities as well.

While applauding TAFNC to voice for Taiwan, we also like to discourage the confused Taiwanese Americans to celebrate with “the Republic of China” on the so-called “Double-Tenth National Day,” “Taiwan Retrocession Day,” and even salute “the Republic of China’s national flag” on the New Year day and in other occasions. After all, “the Republic of China” is a regime that occupies Taiwan illegally and massacred and imprisoned many innocent Taiwanese in the past.

John Won
President, FAPA Northern California Chapter
October 28, 2005

- - - - -
Hello Forum members:

Thank you for forwarding the Press Release through the EBTA group email earlier regarding the “Restoring the Truth of Taiwan History.” This was a recent announcement from the Taiwanese American Federation of North California (TANFC). Based on this announcement, it appears that folks in this organization have a clear understanding that the **ROC on Taiwan** has been “illegal” ever since the beginning.

While most of us are applauding the attempt made by this organization to clarify the legal basis of Taiwan history, this has made myself as well as most of the main stream society here in the US so confused, between what they say (in the announcement) and what they have constantly done. Please help me understand why:

1) Many of the core members from this organization are also either the member of the

"Overseas Chinese Affairs Commission of the ROC", or the member of the "Global Alliance for Democracy and Peace." These two organizations are known to have been sponsored by the ROC for the purpose of worldwide Chinese "re-unification".

2) In the past four years, this organization has also officially participated and became the main sponsor of the "Taiwanese & Chinese American Athletic Tournament," an organization that was funded by KMT and has been continuously sponsored by the ROC, for the effort of Chinese and Taiwanese "re-unification".

3) Many of the core members from this organization also constantly attend the so-called "Double-Tenth National Day" or the "Taiwan Retrocession Day" celebrations, which are activities officially sponsored by the ROC in the United States. In fact, these two special dates are the ROC's national memorial dates that have a meaning and significance entirely against the beliefs addressed in this Press Release.

Please explain why there is such a strong discrepancy from what this organization announced in this Press Release, and what it has constantly done?

Please also explain if the ROC is illegal, based on what foundation these folks can point finger to either ROC or KMT, without quitting from these ROC/KMT sponsored organizations first?

Allen Kuo
October 26, 2005
east-bay-taiwanese-association@yahoogroups.com
Danville, California

- - - - -

AN OPEN LETTER
to the
Formosan Association for Public Affairs (FAPA)

Now the news is out. the truth of the Taiwan Retrocession Day is shown to be that: **THERE WAS NO RETROCESSION.** This day of October 25, 1945, merely marks the beginning of the military occupation of Taiwan.

Let us look at the legal formulation of this military occupation in more detail.

First, who is "the conquerer"? It is a matter of historical record that during the WWII period all military attacks against "Formosa and the Pescadores," and indeed against the four main Japanese islands, were made by United States military forces. The Republic of China military forces did not participate. Hence, the United States is "the conquerer."

Second, who is "the occupying power"? In a pre-Napoleonic age, "the conquerer" would simply annex the conquered territory. However, in a post Napoleonic age, the customary laws of warfare disallow "annexation." After conquest, "the conquerer" only occupies the territory. Hence, in relation to "Formosa and the Pescadores," the United States is "the occupying power". However, beginning October 25, 1945, the United States has delegated the administrative authority for the military occupation of "Formosa and the Pescadores" to the Chinese Nationalists under Chiang Kai-shek.

Third, what is the status of "Formosa and the Pescadores" in the post-war peace treaty? In the San Francisco Peace Treaty of April 28, 1952, Japan renounced the sovereignty of "Formosa and the Pescadores," but this sovereignty was not awarded to any other country.

CONCLUSION #1: The military government of the principal occupying power does not end with the coming into force of the post-war peace treaty, but continues until legally supplanted. (This is thoroughly explained in many US Supreme Court cases.) By recognizing this fact, we can see that under the terms of the San Francisco Peace Treaty, "Formosa and the Pescadores" remain under the administrative control of the United States Military Government.

Importantly, this conclusion is fully supported by Articles 2b, 4b, and 21 of the San Francisco Peace Treaty. The territorial sovereignty of "Formosa and the Pescadores" was definitely not awarded to the Republic of China. Additionally, Article 23 confirms that the United States is "the "principal occupying power."

CONCLUSION #2: Up to the present day, United States Military Government administrative authority over "Formosa and the Pescadores" has not yet ended.

CONCLUSION #3: Beginning October 25, 1945, in relation to the administration of "Formosa and the Pescadores," the Republic of China was a subordinate occupying

power under the United States. In December 1949, high ranking officials of the Republic of China fled to Taiwan, thus becoming a government in exile. To the present day, under international law, the ROC on Taiwan holds these dual positions: (1) a subordinate occupying power, and (2) a government in exile.

Statehood notes: According to Article 1 of the Montevideo Convention of 1934, “The state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.

CONCLUSION #4. The territorial sovereignty of “Formosa and the Pescadores” has never been transferred to the Republic of China, nor to the Taiwan governing authorities. Hence, under international law, the ROC on Taiwan does not have its own territory, and cannot be considered a sovereign independent nation.

Moreover, based on the above analysis, there is no basis for the issuance of ROC identity documents to native Taiwanese persons.

See <http://www.taipeitimes.com/News/editorials/archives/2005/10/04/2003274424>

CONCLUSION #5: “Formosa and the Pescadores” meet the qualifications for being an insular area of the United States. Taiwanese people should be enjoying fundamental rights under the US Constitution, as do other residents of the United States insular areas of Guam, Virgin Islands, American Samoa, Puerto Rico, and the Northern Mariana Islands.

See <http://www.atimes.com/atimes/China/FA31Ad05.html>

Included among these fundamental rights will be the rights of “name-rectification” and “drafting of a new constitution.” This is fully explained in an accompanying essay *Name Rectification in Insular Areas of the United States*.

We call upon the members of the Formosan Association for Public Affairs to encourage the members of Congress to launch an investigation into this matter at the earliest possible date.

H Research Group
Taipei, Taiwan
tda.taiwan@gmail.com

November 1, 2005