



**National Assembly Member of Taiwan, Roger C. S. Lin** 國大代表 林志昇

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TO: The Honorable  
President of the United States, George Bush  
CC: The Honorable  
Secretary of State C. Rice  
Secretary of Defense D. Rumsfeld,  
American Institute in Taiwan, Director D. Paal  
DATE: 2005.05.31  
SUBJECT: United States jurisdiction over Taiwan

As per General Order No.1 of September 2, 1945, issued by General Douglas MacArthur, the representatives of Chiang Kai-shek were directed to come to Taiwan and accept the surrender of Japanese troops. The formal surrender ceremonies were held October 25, 1945, in Taipei. The following facts are clear:

- (A) The only reason the Chiang Kai-shek regime has been in Taiwan is because of the directions of General Douglas MacArthur.
- (B) According to the laws of war in the post-Napoleonic period, the surrender of Japanese troops marks the beginning of the military occupation of Taiwan.

Based on these facts, I would like the US State Department to provide a formal answer to the following questions before June 15, 2005:

- (1) Chiang Kai-shek's representatives proclaimed this October 25, 1945, as "Taiwan Retrocession Day", stating that the sovereignty of "Formosa and the Pescadores" was transferred to the Republic of China on this day. Clearly this is a vicious lie perpetrated on the Taiwanese people. Why did no responsible officials in the US administration, including President Truman, Secretary of State Byrnes, or General MacArthur make any forceful pronouncements to correct this statement of the Chiang Kai-shek regime?
- (2) In the post war San Francisco Peace Treaty. Japan renounced the sovereignty of "Formosa and the Pescadores" but no receiving country was specified. At that point in late April 1952, clearly the Republic of China is not the internationally recognized legal government of Taiwan. Why did the United States government not demand that the Chiang Kai-shek regime leave Taiwan or completely disband at that time, or certainly within some reasonable time period such as ninety days?
- (3) Since October 25, 1945, marks the beginning of the military occupation of Taiwan, and under international law "military occupation does not transfer sovereignty," and in the post war San Francisco Peace Treaty (SFPT) the sovereignty of "Formosa and the Pescadores" was not awarded to the Republic of China, it is clear that the "Republic of China on Taiwan" does not have its own territory, and hence does not qualify for statehood in the international sense. Indeed, on October 25, 2004, Secretary of State Powell remarked in Beijing that "Taiwan does not enjoy sovereignty as a nation." If Secretary Powell's statement is true, and the "Republic of China on Taiwan" is not holding Taiwan's sovereignty, then what country is? Please provide relevant comments and analysis. (A close reading of Article 4b of the SFPT strongly suggests that the US is holding Taiwan's sovereignty.)

As a representative of the people of Taiwan, I believe that we are fully entitled to demand that the US State Department provide detailed answers to the above questions.

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