

The 12-article Anti-infiltration Act (防諷法) stipulates that any person going to China, receiving money from an agent of the Chinese Communist Party and then returning to Taiwan to use the money to give financial assistance to a candidate in an election, with the intention of interfering in a government election, would be prosecuted.

It requires that the person who reported the alleged crime provide evidence of their allegations and that prosecutors investigate the case according to the law, and bring the case to court based on the evidence that they discover.

Then, of course, a judge must deliberate on the merits of the case and then, and only then, can a verdict be delivered, after which, if found guilty, the defendant has the right to appeal.

In Taiwan, which places a premium on freedom and human rights, cases such as that of former Executive Yuan secretary-general Lin Yi-shih (林義雄) — who was prosecuted for corruption, in a case in which the evidence was clear and irrefutable, and yet through a series of appeals over the years his punishment has successively been reduced — have led to the impression that the judiciary is not entirely just.

The Chinese Nationalist Party (KMT) says that the Anti-infiltration Act constitutes “green terror” and likens the current situation in Taiwan to the Martial Law era.

However, the widow and sister-in-law of a man prosecuted under the Punishment of Rebellion Act (叛亂條例) during the White Terror era and imprisoned for 16 years are returning to Taiwan from the US to vote in the elections, hoping to see the president secure a second term.

Chang Chia-lin (張加麟) was 18 in 1950 and had followed a relative, who was a helmsman in the Republic of China Navy, in to the service.

He traveled to Taiwan with Chiang Kai-shek (蔣介石) and the KMT army in their retreat from China.

Once in Taiwan, Chang was deployed by the navy to Kinmen and Matsu on several trips.

On one such trip he worked for three weeks without a break and found himself drinking with other members of the crew, who were complaining about their lot.

They talked about how they were risking life and limb to ensure that Chiang was kept in the manner to which he was accustomed, and someone complained about how exhausted they were while their officers were living the high life back in Taiwan, and how unfair all of this was.

That person then expressed the wish that they turn the boat around, and head home to China and return to "Civvy Street."

The more they drank, the thicker and faster came the complaints.

When the crew completed their assignment three days later they returned to port at Zuoying.

Three days after their return, several of the people who had been complaining in the drinking session were placed in solitary confinement in the brig.

Chang was asked if he had been at the session in which people had discussed sailing to China.

Sitting in an interrogation room, it occurred to Chang that somebody had reported what had happened during that drinking session to their superiors.

In the end, six people were sent to the Taipei Garrison Command's military court, and before long two of the people who had brought up the idea of returning to China were charged under

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Written by Shih Ming-hsiung 謝明興

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Article 2, Clause 1, of the Punishment of Rebellion Act, which carried the death penalty, and another four were charged under Article 2, Clause 3, which carried a 10-year prison term.

Three months or so later, the first two were taken from their cells to court, where they were sentenced to death, and then sent directly to the execution grounds and killed by a firing squad.

The other four were each sentenced to 15 years in prison and sent to Green Island to serve their time.

In 1963, this author was prosecuted under Article 5 of the act and sentenced to five years in jail.

I was sent to Taiyuan Prison in Taitung County, which is where I met Chang.

When I was released in 1967, his term had also come to an end, but he was unable to leave prison because he did not have a guarantor.

He later paid a farmer in what was then Kaohsiung County's Meinong Township (屏東) NT\$5,000 to act as his guarantor, and he was finally able to get out of jail.

Back in civilian life, he was able to get a job refilling water for freighters for the Kaohsiung Harbor Bureau, through the same relative, now demobbed, who had gotten him the job in the navy in the first place.

However, he was not allowed to actually board the ships, as his superiors were aware that he had done time in prison.

Before too long, he married the daughter of the farmer who had served as his guarantor, and also recommended that his wife's uncle enroll for naval training.

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After the uncle completed his training, he went to sea on a merchant ship, then jumped ship when docked on the east coast of the US.

In the US, he married a Chinese-American woman, later sending for Chang, his wife and their three children, who were able to immigrate to the US.

Finally, Chang was free.

Shih Ming-hsiung is a political victim.

Translated by Paul Cooper

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