

考 試 科 目	歷史文獻解讀	系 所 別	台灣史研究所	考 試 時 間	2 月 4 日(四) 第四節
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*** 請用正楷字體撰寫，無法辨識一律不予計分。**

一，以下史料是《灌園先生日記》(林獻堂日記)1945年(民國34年)的一部分。試從脫殖民地化之角度解讀台灣局勢。(30%)

(1)新八月十五日 舊七月八日 水曜日

天皇十五日十二時親自放送、謂世界平和及日本民族將來發展之故、受諾ポツダン〔波茨坦〕之宣言、爾臣民其克守朕意。嗚呼！五十年來以武力建致之江山、亦以武力失之也。

(2)新八月十九日 舊七月十二日 日曜日

許丙、藍國城昨日由臺北乘陸軍自動車而來、宿於臺中、今朝九時半來訪、蓋欲招余同往上海、南京聯絡民國要人。余問動機何來、答曰藍氏。余謂此事須慎重、不輕為之也。

(3)新八月二十日 舊七月十三日 月曜日

余及許、藍、猶龍〔林猶龍，林獻堂二子〕十一時會安藤總督、諫山〔諫山春樹台灣軍管區〕參謀長、成田〔成田一郎台灣總督府〕總務長官、余為代表、述十五日大詔降下受諾ポツダン之宣言、深為感慨。總督言凡所要作之事皆無不努力為之、如橋梁之修繕、軍屬戰死者遺族之救恤及武裝解除諸準備、不欲使將來引繼有缺憾之事。余甚感其廣大之襟懷、乃請其指示之事：一、現時人心極平穩、不知此去或有意外之事亦未可料、治安維持須島民之協力否；二、日本大部分仍居住於臺灣、此後日、臺之協力當如何；三、對於日、華親善須吾人出為聯絡否。總督言他在任中對治安維持如前之繼續為之、但恐引渡時、或有多少之支節亦未可知、彼時方請出為協力、日、臺融和、日、華親善皆甚望盡力。

(4)新八月二十三日 舊七月十六日 木曜日

楊貴、李喬松十時來訪、並持「解放委員會」之宣傳ビラ〔傳單〕示余、余勸其勿輕舉妄動、所謂解放者、對何人而言也、舊政府已將放棄、新政府尚未來、而解放云云對誰而言也、此時惟有靜觀、切不可受人嗾使、以擾亂社會秩序也。彼等略能理解、唯唯而退。

(5)新八月三十日 舊七月二十三日 木曜日

猶龍歸、牧澤少佐〔牧澤義夫台灣軍管區少校〕與之同來、蓋為勸余往南京歡迎臺灣主席陳儀氏等、義不能辭、慨然許之。

(6)新九月十日 舊八月五日 月曜日 雨

葛秘書長〔葛敬恩台灣省行政長官公署秘書長〕導余等會見何應欽總司令、一見如故、問余等昨日受降典禮何故不參列、即以諫山之言告之、他頗不悅、即取出受降書示余等。

(7)新十月二十五日 舊九月二十日 木曜日

午陳長官開官民之宴會、美人及本省人約二百餘名。三時開光復大祝賀會、聽眾三千餘名、余為主席開會辭、繼則長〔長官〕講、次茂生〔林茂生〕演說、最後唱口號、乃閉會。

(8)新十二月十五日 舊十一月十一日 土曜日

王謙益者、霧峰王龜之子也、於兩日前歸自廈門、今朝魏來傳導之來、述臺灣人之在廈門也八千餘名、被市政府及廈門人之虐待拘留者二百餘名、財產沒收者不繼〔計〕其數、欲歸臺者、市政府不肯出證明、備受辛

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---------	--------	-------	--------	---------	----------------

苦、託余請陳儀長官設法解救。一週前有接著四百餘名連名蓋印請救之信、今朝又接著丘念台之信、言臺灣同胞在廣東者、萬餘人受廣東人之虐待、若不設法解救、即將為乞丐餓殍矣。疊接求救之信、非臺北面會長官不可也。

(9)新十二月二十三日 舊十一月十九日 日曜日

七時半林忠以自動車來新生旅社、載余及猶龍、雲龍〔林雲龍，林獻堂三子〕、榮鐘〔葉榮鐘〕同到公署會陳儀長官、告以臺人在廈門八千餘人、被拘留者二百餘名、其他所有之財產皆被沒收、困苦萬狀、廣東、汕頭、香港亦然、請設法救回。長官言先遭人告當局不可虐待、俟載完日本兵之船、然後載其歸來也。余謂似此未免過遲。他言不過再兩個月間而已。次告上海市政府沒收蘇柴林自動車會社之批文、曰「朝鮮、臺灣在日本統治下、我國未有明文承認其為中華民國國民、暫時作敵產處理」。若然、不知何時方有明文認臺人為中華民國國民也。長官言此批文大錯誤、已對行政院抗議矣。次問米統制不能完滿、將如何設法。長官言統制解除、恐惡商人出為估買、更加紊亂、意欲公定價格略為升高、又恐黑市隨之增高。若將布疋、肥料對佃人獎勵、使其供米如何。余謂兩者並行皆可、然欲使米價緩和、非輸入外米不可也。長官頗以為然。

(10)新十二月二十九日 舊十一月二十五日 土曜日

陳青岩、臺中人也、來言十一月下旬省令有許可業主、佃人留食糧、近日當局通知業主所留之粟皆要供出、臺中市民有留粟者大起恐慌、似此朝令暮改將如之何。余之對此亦無辦〔辦〕法也、惟有對陳儀長官抗議而已。

二、以台灣民主化觀點來看，1987 年（民國 76 年）解嚴令有何歷史意涵，試依據以下(1)-(6)史料說明之。（30%）

(1)總統令（民國 76 年 7 月 14 日）

准立法院中華民國七十六年七月八日（76）台院議字第一六四一號咨，宣告臺灣地區自七十六年七月十五日零時起解嚴。

(2)動員戡亂時期國家安全法（於民國 76 年 7 月 15 日起施行，修正並更名於民國 81 年 7 月 29 日）

第 1 條

動員戡亂時期為確保國家安全，維護社會安定，特制定本法。

本法未規定者，適用其他有關法律之規定。

第 2 條

人民集會、結社，不得違背憲法或主張共產主義，或主張分裂國土。

前項集會、結社，另以法律定之。

第 8 條

非現役軍人，不受軍事審判。

現役軍人犯罪，由軍法機關追訴審判。但所犯為陸海空軍刑法及其特別法以外之罪，而屬刑法第六十一條所列各罪者，不在此限。

第 9 條

戒嚴時期戒嚴地域內，經軍事審判機關審判之非現役軍人刑事案件，於解嚴後依左列規定處理：

一、軍事審判程序尚未終結者，偵查中案件移送該管檢察官偵查，審判中案件移送該管法院審判。

二、刑事裁判已確定者，不得向該管法院上訴或抗告。但有再審或非常上訴之原因者，得依法聲請再審或非常上訴。

三、刑事裁判尚未執行或在執行中者，移送該管檢察官指揮執行。

考 試 科 目	歷史文獻解讀	系 所 別	台灣史研究所	考 試 時 間	2 月 4 日(四) 第四節
---------	--------	-------	--------	---------	----------------

(3)動員戡亂時期人民團體法(修正並更名於民國 78 年 1 月 27 日)

第 1 條

人民團體之組織與活動，依本法之規定；其他法律有特別規定者，適用其規定。

第 2 條

人民團體之組織與活動，不得違背憲法或主張共產主義，或主張分裂國土。

(4)動員戡亂時期臨時條款(廢止於民國 80 年 5 月 1 日)

第 1 條

總統在動員戡亂時期，為避免國家或人民遭遇緊急危難，或應付財政經濟上重大變故，得經行政院會議之決議，為緊急處分，不受憲法第三十九條或第四十三條所規定程序之限制。

第 2 條

前項緊急處分，立法院得依憲法第五十七條第二款規定之程序變更或廢止之。

第 3 條

動員戡亂時期，總統副總統得連選連任，不受憲法第四十七條連任一次之限制。

第 4 條

動員戡亂時期本憲政體制授權總統得設置動員戡亂機構，決定動員戡亂有關大政方針，並處理戰地政務。

第 5 條

總統為適應動員戡亂需要，得調整中央政府之行政機構、人事機構及其組織。

第 6 條

動員戡亂時期，總統得依下列規定，訂頒辦法充實中央民意代表機構，不受憲法第二十六條、第六十四條及第九十一條之限制：

(一) 在自由地區增加中央民意代表名額，定期選舉，其須由僑居國外國民選出之立法委員及監察委員，事實上不能辦理選舉者，得由總統訂定辦法遴選之。

(二) 第一屆中央民意代表，係經全國人民選舉所產生，依法行使職權，其增選、補選者亦同。大陸光復地區次第辦理中央民意代表之選舉。

(5)懲治叛亂條例(廢止於民國 80 年 5 月 22 日)

第 1 條

叛亂罪犯適用本條例懲治之。

本條例稱叛徒者，指犯第二條各項罪行之人而言。

第 2 條

犯刑法第一百條第一項、第一百零一條第一項、第一百零三條第一項、第一百零四條第一項之罪者，處死刑。

預備或陰謀犯第一項之罪者，處十年以上有期徒刑。

第 10 條

犯本條例之罪者，軍人由軍事機關審判，非軍人由司法機關審判，其在戒嚴區域犯之者，不論身分概由軍事機關審判之。

(6)中華民國刑法

第 100 條(修正於民國 81 年 5 月 16 日)

意圖破壞國體、竊據國土或以非法之方法變更國憲、顛覆政府，而著手實行者，處七年以上有期徒刑；首謀者，處無期徒刑。

考 試 科 目	歷史文獻解讀	系 所 別	台灣史研究所	考 試 時 間	2 月 4 日(四) 第四節
---------	--------	-------	--------	---------	----------------

三，以下史料是美國務卿魯斯克(Dean Rusk)與中華民國駐美大使葉公超(George Yeh)的會談記錄(拔萃)。試根據此份史料論述以下問題。(1)魯斯克的要求及其理由為何，(2)魯斯克提及的 all-or-nothing(包含 all-or-nothing position, all-or-nothing approach, all-or-nothing attitude)具體指什麼，(3)葉公超對應態度為何。(40%)

Memorandum of Conversation

March 17, 1961

SUBJECT

Chinese Representation

The Secretary responded that he was not surprised that the GRC [Government of the Republic of China] hoped to continue the moratorium. However, he thought that the GRC should consider alternatives. He pointed out that a growing number of United Nations members feel that the subject of Chinese representation should at least be discussed in the General Assembly. There was also a feeling among members that the moratorium was running out of votes and they were losing patience with it.

The Secretary emphasized that there would be no change in the bilateral relations between the United States and China. The United States would continue to recognize the GRC. On the other hand, there was no prospect that Peiping would be recognized both because of its own policy and of United States policy.

The United Nations problem was more complicated, however; the parliamentary situation there was very difficult. To us the most disastrous result would be to have the issue treated as a credentials question—as a question of which delegation should be seated in China's seat. If the moratorium expires, it means that a majority of members want to have the issue discussed, not necessarily that the majority wants Peiping to replace the GRC in the United Nations. A serious parliamentary threat, which we must guard against, is the technical possibility that a bare majority would decide that this is a credentials matter. We think it is not simply a credentials matter but an important matter of far reaching implications. The seating of the Peiping regime is not an objective of policy of some members who vote for the seating of Peiping or against the moratorium. The Ambassador asked if the Secretary was thinking of the United Kingdom. The Secretary said he was thinking of a number of countries. He indicated we should try to get away from the present deadlock which involves a considerable risk and produce another deadlock but on a more advantageous position. At this point the GRC should consider its attitude on this key question. How does it feel on the choice between an all-or-nothing position, on the one hand, and the determination to remain a member of the United Nations, on the other? If the GRC takes an all-or-nothing position, it is likely that a majority of United Nations members will insist on dealing with the issue as a credentials question. If the GRC concentrates on retaining its position in the United Nations, however, then the prospect is that Peiping will refuse to take up membership on the grounds that the GRC is still in the United Nations, and a deadlock will

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---------	--------	-------	--------	---------	------------------

ensue for which Peiping will bear the responsibility. The Secretary said that if the issue were decided to be an important matter, there would probably not be a two-third's majority for any solution. The key point is the GRC's attitude on the question of all-or-nothing.

The Ambassador said he would faithfully report what the Secretary had said to his government. He regarded it as being very important. He could not answer the Secretary's question as to whether his government would take an all-or-nothing approach or concentrate on remaining in the United Nations. Although he could not give his government's answer to this question, as a personal footnote he could point out that in response to a strong recommendation on his part the GRC had instructed its Chargé d'Aaires to remain in Senegal (at least temporarily) even though the Senegal Government had decided to recognize Communist China. Thus, for the time being anyway, the GRC had not taken an all-or-nothing attitude in Senegal. The Ambassador also recalled the situation which had arisen in Melbourne in the 1956 Olympic Games. Dr. Yeh, who was then Foreign Minister, had decided to send a GRC team to Melbourne despite the presence of the Chinese Communists. As a result, Peiping withdrew from the Olympics. The Ambassador emphasized that in these personal footnotes he was not suggesting what his government's policy would be on the United Nations question. However, **these were cases where** his government had determined to participate regardless of whether the Chinese Communists **came** or not.

The Secretary emphasized that the GRC's attitude was crucial in the determination of how to deal with the subject in the United Nations. He noted that Peiping had made acknowledgment of its claim to Formosa a condition to United Nations membership. If the United Nations insists that the GRC retain an independent seat this would represent a major breach in Peiping's claim to Formosa, and require a major shift in Peiping's policy for it to accept United Nations membership.

Ambassador Yeh said he felt sure his government would not want to leave the United Nations in favor of Peiping but would stay on because it has a right to be there. However, the GRC would not want to change its national name. At the San Francisco Conference, the name Republic of China had been deliberately chosen instead of China by the Chinese delegation. Former Ambassador Koo [顧維鈞] had remarked at the time that this choice of name might be important as a criterion in the future (the Ambassador noted that the Chinese delegation had included Communist representatives). The Secretary doubted that much could be rested on this point in the United Nations. Dr. Yeh agreed, but reiterated the importance that the GRC attached to retaining its own name. If the Peiping government were voted in, it should be in its own name as the "People's Republic of China".

(以上)

備

註

- 一、作答於試題上者，不予計分。
- 二、試題請隨卷繳交。