



attorneys, or appearing in your records.

4. If you cannot answer any Interrogatories in full after exercising due diligence to secure the full information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder, stating whatever information or knowledge you have concerning the answered portion, the reason why you could not answer fully and detail what you did in attempting to secure the unknown information.

5. If any information requested by these Interrogatories was, but is no longer, in your possession or subject to your control, or is no longer in existence, state whether it is missing or lost; has been destroyed; has been transferred, voluntarily or involuntarily, to others; has been otherwise disposed of, and in each such instance explain the circumstances surrounding such disposition, give the date or approximate date thereof and the names and last known home and business addresses of the persons with knowledge of such circumstances; or identify the documents that are missing, lost, destroyed, transferred or otherwise disposed of by author, date, subject matter, addresses and number of pages.

6. If you object to any of these Interrogatories, in whole or in part, please state clearly the basis for the objection. If a privilege is claimed, please identify any document or communication for which a privilege is claimed and set forth the nature of the privilege asserted.

7. These Interrogatories shall be deemed to be continuing pursuant to the Federal Rule of Civil Procedure 26(e). You are under a continuing duty to timely supplement your responses to these Interrogatories, and to correct any responses that you know or later learn to be incorrect.

8. Unless incompatible with the intent of the questions where used, singular words shall be construed to include the plural and vice versa, and pronouns of any gender shall be construed to include masculine and feminine genders.

9. The “Allied Powers” means, according to Article 23(a) of the San Francisco Peace Treaty (defined herein), “Australia, Canada, Ceylon, France, Indonesia, the Kingdom of the Netherlands, New Zealand, Pakistan, the Republic of the Philippines, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.”

10. “Amended Complaint” means Plaintiffs’ March 19, 2007 Amended Complaint for Declaratory Relief.

11. “AIT” means American Institute in Taiwan, an entity formed pursuant to the TRA (as defined herein) and performing functions typically performed by the United States embassies and consulates abroad (such as processing passport and visa applications).

12. “Communications” means any and all of the following: writings, oral communication, conversations by telephone, e-mail, meetings, and any contact, oral or written, formal or informal, at any time or place, and under any circumstances whatsoever in which any information of any nature was transmitted or exchanged in any form.

13. “Defendant” means the United States of America and its agencies, departments, instrumentalities, and all territories over which the United States exercises sovereignty.

14. “Document” shall have the broadest definition and scope under the Federal Rule of Civil Procedure 34 and shall include without limitation, any and all treaties, agreements, letters, Communications, communiqué, statements, memoranda, manuals, writings, drawings, graphs, charts, photography, electronic data or digitally encoded data, Electronic Documents (as defined herein), database, graphic, and/or other data compilations from which information can be obtained, translated if necessary, by Defendant through detection devices into reasonably usable form, or other information, including originals, translations and drafts thereof, and all copies bearing notations and marks not found on the original. The term “document,” shall also include,

without limitation, affidavits, analyses, appointment books, appraisals, articles from publications, audit and scope plans (whether in paper, database, electronic or other format(s) audit work papers (whether in paper, database, electronic or other format(s) books, books of account, account statements, cables, calendars, charts, checks (canceled or uncanceled), check stubs, confirmations, contracts, financial statements, forms, invoices, journals, ledgers, letters, lists, memoranda, minutes, notations, notes, opinions, orders, pamphlets, papers, partners', members' and employees' personnel files, partners', members' and employees' review check lists, permanent files, pictures, press releases projections, prospectuses, publications, receipts, recordings of conferences, conversations or meetings, reports, statements, statistical records, studies, summaries, tabulations, telegrams, telephone records, telex messages, transcripts, videotapes, vouchers, work papers, and copies of all of the above. The term "document" also includes, without limitations, any document now or at any time in the possession, custody or control of the entity to whom this document request is directed (together with any predecessors, successors, affiliates, subsidiaries or divisions thereof, and their officers, directors, employees, agents and attorneys). Without limiting the term "control" as used in the preceding sentence, a person is deemed to be in control of a document if the person has the right to secure the document or a copy thereof from another person having actual possession thereof, including without limitations, work product contracted by you from others. Documents that are identical, but in the possession of more than one person or entity, are separate documents within the meaning of this term. A draft or non-identical copy is a separate Document within the meaning of this term.

15. "Electronic Document" means any original and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks,

transmission notations or highlighting of any kind), mechanical, facsimile, electronic, magnetic, digital or other programs (whether private, commercial or work-in progress), programming notes or instructions, activity listings of electronic mail receipts or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail or “e-mail,” operating systems, source code of all types, programming languages, linkers and compilers, peripheral drives, PDF files, PRF files, batch files, ASCII files, crosswalks, code keys, pull down tables, logs, file layouts or any miscellaneous files or file fragments, regardless of the media on which they reside and regardless of whether said electronic data consists of an active file, backup file, deleted file or file fragment. “Electronic data” also includes, without limitation, any items stored on computer memory or memories, hard disks, floppy discs, zip drives, CD-ROM discs, Bernoulli Boxes or their equivalents, magnetic tapes of any type or kind, microfiche, punched cards, punched tape, computer chips (including, without limitation, EPROM, PROM, ROM or RAM of any kind) on or in any other vehicle for electronic or digital data storage or transmittal, files, folder tabs or containers and labels appended to or associated with any physical storage device associated with each original and each copy.

16. “General Order No. 1” means the General Order No. 1 issued by the Supreme Commander for the Allied Powers General Douglas MacArthur on September 2, 1945, and published in J.C.S. 1467/2.

17. “Motion to Dismiss” means Defendant’s April 5, 2007 Motion to Dismiss Plaintiffs’ Amended Complaint (defined herein), the supporting Memorandum, proposed Order, and Exhibits.

18. “Passport Application” means Form DS-11 Application for a U.S. Passport.

19. "Person" or "persons" means natural person(s), trust(s), corporation(s) of all types, partnership(s) of all types, joint venture(s) of all types, unincorporated association(s) of all types, and all other entities or organizations of all types.

20. "Plaintiffs" mean Dr. Roger C. S. Lin, Chien-Ming Huang, Chou Chang, Ching-Yao Hou, Chen-Hua Liu, Chen-Ni Wu, Yang-Lung Yang, Yao-Jhih Ye, Ching-Wen Yen, A-Chu YuChiang, and the Taiwan Nation Party.

21. "PRC" means People's Republic of China.

22. "ROC" means the Republic of China.

23. "SFPT" or the "San Francisco Peace Treaty" means the Treaty of Peace with Japan, signed in San Francisco on September 8, 1951, by the Allied Powers and Japan, and entered into force on April 28, 1952. *See* 136 U.N.T.S. 46.

24. "Taiwan" means the islands of Taiwan (formerly called "Formosa") and the Pescadores.

25. "TRA" means the Taiwan Relations Act, 22 U.S.C. §§ 3301-3316 (2007).

26. "USMG" means United States Military Government.

27. "You" or "your" means or refers to Defendant (as defined above).

## **INTERROGATORIES**

### **Interrogatory No. 1:**

Describe in detail all factual bases for Defendant's assertion in the Motion to Dismiss that "[t]he political branches have made it clear . . . that the United States does not exercise sovereignty over Taiwan."

### **Answer to Interrogatory No. 1:**

### **Interrogatory No. 2:**

Identify any and all Documents, including any ratified treaties, that have modified or revoked any provisions of the SFPT.

**Answer to Interrogatory No. 2:**

**Interrogatory No. 3:**

Define the phrase “principal occupying Power” as used in the SFPT, and identify the country which was and remains the “principal occupying Power” pursuant to the SFPT.

**Answer to Interrogatory No. 3:**

**Interrogatory No. 4:**

Identify and describe any and all Documents that have modified or revoked any terms of General Order No. 1.

**Answer to Interrogatory No. 4:**

**Interrogatory No. 5:**

Identify and describe any and all Documents terminating the agency relationship between the Allied Powers, led by the United States, as principal, and the ROC, as agent.

**Answer to Interrogatory No. 5:**

**Interrogatory No. 6:**

Describe in detail all AIT’s policies and guidelines regarding the acceptance, rejection, and/or processing of non-citizen national passport applications.

**Answer to Interrogatory No. 6:**

**Interrogatory No. 7:**

Describe in detail all reasons why the AIT determined not to accept and/or process the individual Plaintiffs’ Passport Applications submitted on March 29, 2006.

**Answer to Interrogatory No. 7:**

**Interrogatory No. 8:**

Identify any and all treaties, international agreements, statutes, executive orders, memoranda, bulletins, and other Documents concerning or containing the United States' policy towards Taiwan.

**Answer to Interrogatory No. 8:**

**Interrogatory No. 9:**

Identify any and all treaties, international agreements, and other Documents concerning any prior, future, planned, or anticipated transfers of title or sovereignty over Taiwan.

**Answer to Interrogatory No. 9:**

**Interrogatory No. 10:**

Identify any and all treaties, international agreements, and other Documents under which the ROC and/or the PRC obtained any right, title, or interest in, or sovereignty over Taiwan.

**Answer to Interrogatory No. 10:**

**Interrogatory No. 11:**

Describe in detail the standards for the issuance of passports and/or other travel documents to non-U.S. citizen nationals by the AIT in Taiwan on behalf of the United States.

**Answer to Interrogatory No. 11:**

**Interrogatory No. 12:**

Identify and describe any and all Documents containing or concerning Defendant's declaration or statement that the post-Japanese surrender occupation of Taiwan has ended.

**Answer to Interrogatory No. 12:**

**Interrogatory No. 13:**

Identify and describe any and all Documents containing or concerning the withdrawal or end of USMG jurisdiction over Taiwan.

**Answer to Interrogatory No. 13:**

**Interrogatory No. 14:**

Identify any and all government offices and Persons consulted and/or assisting in the preparation of the responses to each of the foregoing Interrogatories.

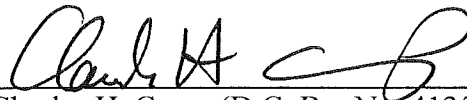
**Answer to Interrogatory No. 14:**

**Interrogatory No. 15:**

Identify any and all Documents reviewed in connection with the preparation of the responses to each of the foregoing Interrogatories.

**Answer to Interrogatory No. 15:**

Respectfully submitted,



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**Counsel for Plaintiffs**

Date: June 26, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that I served via pre-paid First Class U.S. Mail the foregoing Plaintiffs' First Set of Document Requests on the following counsel for Defendant this 26th day of June 2007:

Adam D. Kirschner  
U.S. DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, D.C. 20044

  
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Charles H. Camp