

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)
DR. ROGER C. S. LIN, <i>ET AL.</i> ,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)
_____)

Civil Action No. 06-1825 (RMC)

PLAINTIFFS' FIRST SET OF DOCUMENT REQUESTS TO DEFENDANT

Plaintiffs Dr. Roger C. S. Lin *et al.* ("Plaintiffs"), through counsel, in accordance with the Federal Rule of Civil Procedure 34, propound upon Defendant United States of America the requests for production of documents ("Document Requests") set forth below. All responsive documents shall be provided for inspection and copying to Charles H. Camp, Law Offices of Charles H. Camp, 1319 Eighteenth Street, N.W., Washington, D.C. 20036, by not later than thirty (30) days from the service of these Document Requests upon Defendant.

INSTRUCTIONS AND DEFINITIONS

1. The documents to be produced include documents within the possession, custody, or control of you, or your agents and attorneys.
2. Produce all documents, however obtained, available to you, or your agents and attorneys, or appearing in your records.
3. If any document requested by these Document Requests 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.

4. If you object to any of these Document Requests, 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.

5. These Document Requests 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 Document Requests.

6. 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.

7. 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.”

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

9. “AIT” means the 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).

10. “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.

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

12. “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.

13. “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.

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

15. “MOFA” means ROC’s Ministry of Foreign Affairs.

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

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

18. “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.

19. “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.

20. “PRC” means People’s Republic of China.

21. “ROC” means the Republic of China.

22. “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.

23. “Taiwan” means the islands of Taiwan (formerly called “Formosa”) and the Pescadores.

24. “Taiwanese People” means natural persons who meet the following criteria: (1) being born of a mother and/or father who, as of October 25, 1945, was/were considered native to the areas of

Formosa and the Pescadores, including their descendants up to the present, and (2) currently having Household Registration in the areas of Formosa and the Pescadores.

25. “TECO” means Taipei Economic and Cultural Office located in Atlanta, Boston, Chicago, Hagatna (Guam), Honolulu, Houston, Kansas City, Los Angeles, Coral Gables, New York, San Francisco, and Seattle.

26. “TECRO” means the Taipei Economic and Cultural Representative Office located in Washington, D.C.

27. “TRA” means the Taiwan Relations Act, 22 U.S.C. §§ 3301-3316 (2007).

28. “USMG” means United States Military Government.

29. “You” or “your” means or refers to Defendant (as defined above).

DOCUMENT REQUESTS

Pursuant to the instructions and definitions set forth above, Defendant shall produce all non-privileged portions of the following Documents:

Document Request No. 1: Any and all Documents, including any ratified treaties, that have modified or revoked any provisions of the SFPT.

Document Request No. 2: All drafts of the SFPT.

Document Request No. 3: All Documents authorizing General Douglas MacArthur to execute General Order No. 1.

Document Request No. 4: All Documents confirming that General MacArthur was authorized by the President of the United States to sign General Order No. 1 on behalf of the United States.

Document Request No. 5: All drafts of General Order No. 1.

Document Request No. 6: Any and all Documents that have modified or revoked any terms of General Order No. 1.

Document Request No. 7: All Documents confirming that the United States was and remains designated as the “principal occupying Power” of Formosa and Pescadores under the SFPT.

Document Request No. 8: All Documents interpreting and/or defining the phrase “principal occupying Power” as used in the SFPT, including all Documents describing why the United States was defined in the SFPT as the “principal occupying Power” of Formosa and Pescadores (*e.g.*, because the United States carried out all military attacks against (Japanese) Taiwan during the period December 1941 to the Fall of 1945, and, thus, was the “conqueror” of Taiwan).

Document Request No. 9: All Documents mentioning, concerning or pertaining to the United States acquiring or exercising sovereignty over any territory, land and/or people as a result of occupying and/or being an occupying power over such territory, land and/or people.

Document Request No. 10: All Documents pertaining to the United States acquiring or exercising sovereignty over any territory, land and/or people under the SFPT and/or General Order No. 1.

Document Request No. 11: All Documents concerning any and all prior or future planned or anticipated transfers of ownership and/or sovereignty and/or territorial title over Taiwan.

Document Request No. 12: All Documents pertaining to the ROC occupying Taiwan on behalf of (*i.e.*, as representative of) the Allied Powers, led by the United States.

Document Request No. 13: Any and all Documents, including treaties or other international agreements, under which the ROC and/or the PRC obtained any right, title or interest in, or sovereignty over Taiwan.

Document Request No. 14: All Documents concerning whether or not the SFPT terminated the agency relationship between the Allied Powers, led by the United States, as principal, and the ROC, as agent.

Document Request No. 15: All Documents discussing whether occupying a territory, land or people gives the occupying power sovereignty over the occupied territory, land and/or people, including any non-privileged documents mentioning the doctrine of “sovereignty held in trust” under the law of occupation, and the occupying power’s fiduciary duty over occupied territory.

Document Request No. 16: All Documents pertaining to whether Taiwanese People owe permanent allegiance to the United States, the “principal occupying Power” under the SFPT, until sovereignty over Taiwan is resolved or established.

Document Request No. 17: All Documents pertaining to any country exercising *de jure* and/or *de facto* sovereignty over Taiwan since 1890.

Document Request No. 18: All Documents identifying all foreign lands, territories and people over which the United States has exercised *de jure* and/or *de facto* sovereignty.

Document Request No. 19: All Documents pertaining to the ROC exercising effective territorial control over Taiwan on behalf of the Allied Powers, led by the United States.

Document Request No. 20: All Documents pertaining to the ROC exercising sovereignty over Taiwan on behalf of the Allied Powers, led by the United States.

Document Request No. 21: All Documents pertaining to the issuance of United States passports or other travel documents to persons living or born in foreign territories or lands while occupied by the United States.

Document Request No. 22: All Documents concerning the standards for the issuance of passports or other travel documents to non-U.S. citizen nationals by the AIT in Taiwan on behalf of the United States.

Document Request No. 23: All Documents concerning or containing the AIT's policy and/or guidelines regarding the acceptance and/or processing of non-citizen national passport applications.

Document Request No. 24: All Documents, including communications with the AIT, concerning the issuance of passports or other travel documents by AIT in Taiwan to any of the individual Plaintiffs and/or members of the Taiwan Nation Party.

Document Request No. 25: All Documents, including communications with the AIT, concerning the non-issuance of passports or other travel documents by AIT in Taiwan to any of the individual Plaintiffs and/or members of the Taiwan Nation Party.

Document Request No. 26: All Documents, including communications with the AIT, concerning not accepting applications for passports from any of the individual Plaintiffs, members of the Taiwan Nation Party, or other Taiwanese People.

Document Request No. 27: All Documents pertaining to the issuance of United States passports or other travel documents by the United States in its capacity as the occupier of a foreign land or territory to persons born in, and/or the citizens of the occupied land or territory.

Document Request No. 28: All Documents containing or concerning Defendant's declaration or statement that the post-Japanese surrender occupation of Taiwan has ended.

Document Request No. 29: All Documents concerning the withdrawal and/or end of USMG jurisdiction over Taiwan.

Document Request No. 30: All Documents regarding the United States' recognition of the legitimacy of any civil or other government functioning in Taiwan following any withdrawal or termination of the USMG jurisdiction in Taiwan.

Document Request No. 31: All Documents concerning any involuntary mass naturalizations of Taiwanese People as ROC citizens following World War II (*i.e.*, October 1945 and thereafter).

Document Request No. 32: All Documents pertaining to whether Taiwanese People are citizens of the ROC.

Document Request No. 33: All Documents concerning or containing United States government pronouncements and/or determinations regarding the citizenship status of Taiwanese People since 1940.

Document Request No. 34: All Documents pertaining to any and all meetings between the AIT and any of the individual Plaintiffs and/or any members of the Taiwan Nation Party.

Document Request No. 35: All Documents concerning or containing Communications between AIT and any of the individual Plaintiffs and/or any members of the Taiwan Nation Party.

Document Request No. 36: All Documents concerning or pertaining to any end to the United States' occupation of Taiwan.

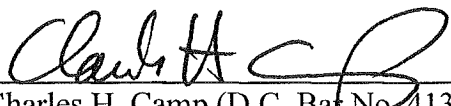
Document Request No. 37: All Documents concerning the United States Department of State's determination, if any, that MOFA is a competent authority to issue passports to Taiwanese People.

Document Request No. 38: All Documents concerning the United States Department of State's determination, if any, that MOFA is a competent authority to issue passports to Taiwanese People born, living, studying, working, or traveling in the United States' fifty states and major insular areas, pursuant to MOFA's arrangements with TECRO and TECO.

Document Request No. 39: All Documents, if any, concerning, containing or describing the United States' position on the right, if any, of the ROC government to govern Taiwan.

Document Request No. 40: All Documents, if any, concerning, containing or describing the United States' position on whether the ROC's announcement on October 25, 1945 (so-called Taiwan Retrocession Day) that the sovereignty of Taiwan was transferred to the ROC on that day was an accurate announcement.

Respectfully submitted,



Charles H. Camp (D.C. Bar No. 413575)
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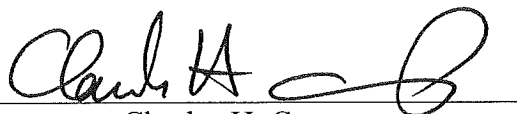
Counsel for Plaintiffs

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

A handwritten signature in black ink, appearing to read "Charles H. Camp", written over a horizontal line.

Charles H. Camp