

June 2024

Media Regulatory Dynamics: A Case Study of Taiwan's National Communications Commission and Its Implications for Media Independence.

Chih-Jeng (George) Huang
University of South Florida

Follow this and additional works at: <https://digitalcommons.usf.edu/etd>



Part of the [Journalism Studies Commons](#), and the [Mass Communication Commons](#)

Scholar Commons Citation

Huang, Chih-Jeng (George), "Media Regulatory Dynamics: A Case Study of Taiwan's National Communications Commission and Its Implications for Media Independence." (2024). *USF Tampa Graduate Theses and Dissertations*.
<https://digitalcommons.usf.edu/etd/10518>

This Thesis is brought to you for free and open access by the USF Graduate Theses and Dissertations at Digital Commons @ University of South Florida. It has been accepted for inclusion in USF Tampa Graduate Theses and Dissertations by an authorized administrator of Digital Commons @ University of South Florida. For more information, please contact digitalcommons@usf.edu.

Media Regulatory Dynamics: A Case Study of Taiwan's National Communications Commission
and Its Implications for Media Independence.

by

Chih-Jeng (George) Huang

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts
The Zimmerman School of Advertising and Mass Communications
University of South Florida

Major Professor: Roxanne Watson, Ph.D.
Artemio Ramirez, Ph.D.
John Gathegi, Ph.D.

Date of Approval:
April 12, 2024

Keywords: Press Freedom, Media Law, Media Regulation, National Communications
Commission, Federal Communications Commission

Copyright © 2024, Chih-Jeng (George) Huang

TABLE OF CONTENTS

List of Tables	ii
Abstract	iii
Chapter One: Introduction	1
Historical Background	2
The Marketplace of Ideas Theory	5
Freedom of Speech in Taiwan and the U.S.....	13
Guidelines	15
Media Regulatory Frameworks of Taiwan and the U.S.	19
Chapter Two: The Two Political Parties in Taiwan.....	28
CTi News	29
Litigation Over Violations Determined by the NCC	30
Chapter Three: Method.....	33
Chapter Four: The Court System in Taiwan.....	35
The Nine Cases	35
First Contentious Case	36
Second Contentious Case.....	37
Third Contentious Case.....	38
Fourth Contentious Case.....	39
Fifth Contentious Case.....	40
Sixth Contentious Case	42
Seventh Contentious Case.....	43
Eighth Contentious Case.....	44
Ninth Contentious Case	45
Chapter Five: Tenth Contentious Case	47
Chapter Six: Findings	53
Chapter Seven: Conclusion.....	61
Reference	64

LIST OF TABLES

Table 1:	CTi News violation records statistics	30
Table 2:	Number of violations during the valid six-year CTi license period.....	31
Table 3:	The timeline for CTi News’s license renewal (2023b).....	48
Table 4:	The six scenarios outlined in Article 18, Section 2 of the Satellite Broadcasting Act (2022).....	49
Table 5:	The five scenarios outlined in Article 13, Section 1 of the Examination Regulations on the Establishment Application of Satellite Broadcasting Businesses and Foreign Satellite Broadcasting Businesses (2018)	50
Table 6:	The comparison of the second scoring rule between February 8, 2018, and November 11, 2020.....	51
Table 7:	The status of the 10 overturned or retried CTi violations.....	58
Table 8:	Litigation cases from which the 10 contentious cases originated.....	60

ABSTRACT

In alignment with the US-led regime that champions free speech, the Republic of China (Taiwan) has assumed a prominent role in upholding the freedom of expression stance in East Asia. Rooted in historical origins and institutional conflicts between Taipei and Beijing, Taiwan has established a democratic system, presenting a distinct contrast with the Beijing system, and showcasing an alternative Chinese economy that embraces liberalism. Nevertheless, as Beijing's influence grows stronger globally, Taiwan's democratic politics have become increasingly delicate and sensitive. In the winter of 2020, Taiwan faced a critical moment in its control over media freedom, highlighting the ongoing tensions and challenges within its democratic system. For the first time in its history, a Taiwanese news media outlet, which was among a few daring to speak out against the Taiwanese government, had its license renewal denied by Taiwan's media regulatory agency, the NCC. Subsequently, the outlet was compelled to exit the cable network. Although it took over two years for this decision to be overturned by the Taipei High Administrative Court, the news outlet still cannot return. This article will provide a comprehensive analysis of the rationale behind this case. Additionally, it will draw comparisons with the United States, aiming to offer insights into media regulation in democratic economies.

CHAPTER ONE: INTRODUCTION

In 2020, Taiwan's media regulatory agency, the National Communications Commission (NCC), refused to renew the license of a cable news station (Reuters, 2020), leading to the shutdown of the cable station in December of the same year. The primary reason given by the NCC was the numerous complaints it received asserting that the content provided by the news station was not close to the facts, resulting in fines for multiple violations (Reuters, 2020). Additionally, there were concerns about potential intervention by China in the affairs of the news station (Reuters, 2020). Even though the NCC later admitted there was no evidence of the news station being influenced by Beijing, it still chose not to renew its license (Reuters, 2020). This decision sparked significant controversy. Taiwan's opposition party, the KMT, argued that the resolution violated the spirit of democracy and freedom, trampled on the independence of the press, and made society afraid to express opinions different from the government (Reuters, 2020).

However, approximately two and a half years after the news station departed from the cable channel, on May 10, 2023, Taiwan's Taipei High Administrative Court issued a ruling in favor of the news station, overturning the NCC's sanction (Commercial Times, 2023).

This article is a comprehensive exploration of this case, focusing on core concepts such as freedom of speech, freedom of expression in media, and the primary responsibilities of the media regulatory agencies in Taiwan and the United States. The objective is to provide an in-

depth analysis of Taiwan's media regulatory landscape. The exploration begins with a discussion of free speech and media norms, attempting to define the red line of free speech, which serves as a foundation for the article's literature review. Then, it examines the role played by Taiwan's National Communications Commission (NCC) in the media industry, particularly in comparison to the United States' Federal Communications Commission (FCC). The methodology will involve legal research to elucidate the NCC's judgment. The thesis proceeds to analyze the impact of media regulations within democratic regimes and speculates on how a media regulatory agency should handle or respond to a similar situation within a democratic system. After extensive research and consideration, the concluding chapter presents the author's perspectives and recommendations on Taiwan's media norms, summarizing key findings.

The author believes this insight is vital as the polarization of global politics intensifies. Political parties in various countries considered practicing liberalism, regardless of their ideological leanings, may find reasons to employ a certain degree of political correctness to suppress or combat media outlets critical of the government. Conversely, they can also exploit such situations to their advantage. The case in Taiwan also serves as an illustration of the importance of improving public media literacy. It underscores the need for the public to understand the role the media should play and the correct watershed for scrutinizing and balancing the government's power. Furthermore, it calls for media outlets to refrain from becoming political ideological mouthpieces.

Historical Background

Taiwan, officially named the Republic of China and founded in 1912, witnessed a successful revolution in the early 20th century that led to the overthrow of the Qing Empire in

China and the official establishment of a republic (Ministry of Foreign Affairs, Republic of China (Taiwan), n.d.). In the decades following the founding of the Republic of China, the country faced various challenges, including the civil war in the 1920s (The United States Department of State, n.d.) and an eight-year war against Japanese aggression from 1937 to 1945 (Bush, 2007). After World War II ended in 1945, the Chinese Communist Party, an independent party that won the Republic with support from the Soviet Union, engaged in a struggle for power against the ruling administration of the Republic of China (Radchenko, 2016). Ultimately, in 1949, the Republic of China was defeated by the Chinese Communist Party. Under the leadership of President Chiang Kai-shek at the time, the Republic of China moved its troops to the island of Taiwan, marking the beginning of its rule solely on the island (Ministry of Foreign Affairs, Republic of China (Taiwan), n.d.) and the mainland of China was no longer the de-facto territory of the Republic of China. This island nation is also commonly referred to as Taiwan internationally. On the other side of the Taiwan Strait, the Chinese government, led by the Chinese Communist Party, is known as the People's Republic of China (PRC) and governs the mainland territory identified as initially held by the Republic of China.

Up to the 1970s, the United States continued to recognize the Republic of China (Taiwan) as the official representative of China (The United States Department of State, n.d.). However, in 1971, the People's Republic of China seized the seat of the Republic of China (Taiwan) in the United Nations, officially obtaining the original permanent membership (*UN Yearbook*, 1971). Consequently, most countries worldwide have now recognized the People's Republic of China as China (PRC), while only a few nations have acknowledged the Republic of China (ROC) regime in Taiwan. As of March 15, 2023, there are only 14 countries that continue

to have diplomatic relations with Taiwan, including The Vatican, Guatemala, and Paraguay (Al Jazeera, 2023).

Due to the government's relocation to Taiwan and decades of armed confrontation with the Beijing administration in the Taiwan Strait, martial law was instituted in Taiwan in 1949 to facilitate internal control (Gordon et al., 2023). Under martial law, Taiwan endured constitutional austerity as a one-party dictatorship governed the national system (Gordon et al., 2023). The government dominated the news media, including television, newspapers, magazines, and radio. The media tried to strictly prohibit any Marxism and advocated an "anti-communism" spirit, and at the same time, hoped that through the support of the United States, Taiwan would regain its lost territory in the mainland (Gordon et al., 2023). Although Taiwan stood with the Western world during this period, its internal rule had many characteristics similar to an authoritarian regime. According to Kagan (1982, p. 50), although Taiwan implemented martial law to eradicate communist ideology and suppress national rebellion, it had a profound impact on the nation; for instance, the government could employ martial law to curtail free speech and restrict individuals or groups at will. This use of martial law to legitimize the authoritarian system drew criticism from communities, as it not only targeted communist ideology but also posed a significant threat to democracy (Kagan, 1982, p. 50).

The martial law persisted for 38 years, concluding in 1987 (Ministry of Foreign Affairs, Republic of China (Taiwan), n.d.). A year before its lifting, the second political party in Taiwan was established, heralding a new institutional atmosphere (Ministry of Foreign Affairs, Republic of China (Taiwan), n.d.). Since then, numerous media companies have emerged, leading to a vibrant media landscape and fostering a climate where various perspectives could thrive (Ministry of Foreign Affairs, Republic of China (Taiwan), n.d.).

The end of martial law marked a major achievement, signifying that Taiwan had gradually transformed into a modern country with a democratic political system. Paradoxically, however, although Taiwan's media seemed to have gained freedom through democratization, Taiwanese people's trust in the media has fallen into a slump in recent years. As per the publication from the Reuters Institute for the Study of Journalism in 2023, online news is the primary source for Taiwanese to obtain news information (78%), followed closely by television news (56%). This indicates a high level of news consumption among Taiwanese. Yet, Taiwanese people's trust in news in 2023 was only 28%, falling by three percent from 31% in 2017, and ranked 41st among the 46 markets surveyed in the report (Newman et al., 2023, p. 145). Newman et al. (2023, p. 145) also pointed out in a report that potential factors causing doubts about media trust include intense market competition, media owners' interference in news, and the media's polarized political ideology.

As previously mentioned, Taiwan has experienced a decline in media trust. Moreover, the lack of trust was exacerbated by the November 2020 decision of the NCC to punish Taiwan's news media. This cable news station won the case after two years of litigation against the NCC's punitive actions (Lin, 2023). The victory has reignited skepticism about media regulatory practices and the media environment in Taiwan. Before analyzing Taiwan's media context, it is essential to start by exploring the definition and historical landscape of freedom of speech as discussed in the marketplace of ideas theory.

The Marketplace of Ideas Theory

Conceptions of freedom of speech have taken on various definitions throughout different eras. As Mill (1859/2001, p. 20) pointed out, something an individual takes for granted today could be deemed entirely wrong in the following age, while something that the public is not even

aware of today may become a norm soon. However, John Stuart Mill's point of view on truth may have a timeless quality. Mill (1859/2001, p. 29) asserts that truth possesses an enduring resilience, enabling it to undergo repeated scrutiny, even throughout historical processes. While it may appear to vanish temporarily in the torrent of time, it consistently resurfaces, and when favorable conditions are established, the truth will emerge (Mill, 1859/2001, p. 29). For that reason, attempts to suppress the truth are ultimately short-lived, as truth tends to exhibit continuous stability in the long run.

Returning to Mill's initial idea, it is evident that freedom of expression should enjoy complete protection. The public's reactions to certain speech can significantly vary across different times and spaces. The rejection of a particular speech by society, the public, or elites in each period does not necessarily imply its falsehood. Instead, it may simply be speech that is not accepted within the contemporary context. Over time, ideas may evolve, and the truth may be discovered long after the debate continues.

In Taiwan, an ongoing debate revolves around the construction of a new nuclear plant, which has persisted for decades. Opponents argue against moving forward with the project, citing concerns about the risks associated with nuclear power and its potential for uncontrollable safety issues. They often reference past nuclear disasters, such as the Chernobyl incident in the Soviet Union during the 1980s (Cohen, 2023). Additionally, the nuclear catastrophe at Fukushima, Japan, in 2011 heightened public opposition to nuclear energy, resulting in a notable increase in opponents (Liu, 2023). As a result, critics emphasize the importance of carefully considering the quality of construction, operating procedure, and the potential threat posed by residual waste management at the nuclear plant.

On the contrary, proponents argue that nuclear power technology has reached maturity, emphasizing effective management and the valuable lessons learned from past failures, which have contributed to the development of a new generation of secure nuclear plants. Notably, on July 6, 2022, the EU Parliament classified nuclear energy as green energy, highlighting its effectiveness in significantly reducing carbon dioxide emissions (Abnett, 2022). Consequently, supporters believe nuclear energy plays a crucial role in mitigating greenhouse gas emissions and ensuring stable energy sources. Regardless of the veracity of claims about nuclear power, the ongoing dialogue between the opposing sides of the debate is essential. It helps to keep the public aware of the challenges and possible outcomes, facilitating informed decision-making grounded in a thorough understanding of the situation, even if this process requires time.

This view is in line with Mill (1859/2001), who mentioned that two arguments must conflict for one to consider both sides (p. 49). This situation can become perilous if the opposing voice is suppressed, as it often leads to prejudice or the overstatement of truth, causing it to lose its original quality. Mill (1859/2001) emphasized the importance of freedom of speech and for all ideas, even the ones people hate, to be expressed and delineated for four primary reasons (pp. 49-50). First, when an individual seeks to suppress a particular thought, it represents a critical juncture because individuals are fallible (Mill, 1859/2001, p. 50). Second, even if the suppressed viewpoint is incorrect, it may still contain elements of truth (Mill, 1859/2001, p. 50). Returning to the example of Taiwan's decision for a new electric supply, past nuclear disasters initially led to anti-nuclear sentiments. However, factors such as extreme climate conditions, air pollution, and the high costs of petrochemical and renewable energy sources in recent years have made nuclear power a viable option, despite its potential for permanent radiation damage in the event of accidents. This suggests that a path of apparent doubt may evolve into a solution with rightful

implications as time progresses. The third point is that Mill (1859/2001) contended that even if a viewpoint is entirely correct, it must withstand vigorous debates from all sides to foster a deeper understanding (p. 50). Failure to do so can result in a superficial grasp of the concept, which leads to the fourth point: if people unquestioningly accept the truth as dogma, they risk losing its meaning and significance over time, rendering it devoid of meaningful existence (Mill, 1859/2001, p. 50).

After discussing the foundational exploration of free speech, in the realm of mass media, *Four Theories of the Press* (Siebert et al., 1956/1984) explains that freedom of speech assumes various meanings, depending on the institutional contexts in which it operates. Siebert et al. (1956/1984) explored the idea that distinct institutions often hold varying definitions of freedom in media regulation, leading to a multitude of norms governing freedom of speech. They categorized these norms into four categories: Libertarian, Social Responsibility, Authoritarian, and Soviet Communist concepts (Siebert et al., 1956/1984).

To start, one should examine the Libertarian theory. Liberal proponents argue that humans possess rationality distinct from other creatures, with individual self-realization as the supreme goal (Siebert et al., 1956/1984). This perspective places a central focus on the role of people, which stands in contrast to authoritarian ideologies (Siebert et al., 1956/1984, p. 40). Liberal thinkers, led by figures such as John Locke, assert that governmental power is delegated by the people, who also retain the right to revoke this power. Moreover, the Enlightenment era further fuels this viewpoint by emphasizing the capacity among individuals for critical thinking to comprehend the external world and resolve various challenges (Siebert et al., 1956/1984, p. 43). From this perspective, it becomes evident how liberals perceive the function of mass media. They firmly believe that the media serves the truth, providing comprehensive information for

public consideration and their stance is that the more information available, the better, as a well-informed society can effectively harness collective wisdom to address societal problems (Siebert et al., 1956/1984, p. 51). They assert that this right should remain impervious to external pressures, and even if some information disseminated to the public is incorrect, the government lacks the right to hold individuals accountable (Siebert et al., 1956/1984, p. 51). To them, government intervention in restricting media amounts to crossing a red line, representing an attempt to silence criticism. The determination of the accuracy of media information is seen as a matter of public wisdom and is firmly rooted in the collective benefit, ultimately decided collectively by citizens who have absorbed the public information (Siebert et al., 1956/1984, p. 51).

However, Liberal freedom of speech, grounded in an optimistic view of human nature, originates in the earliest stages of liberal standards, with a strong emphasis on individuals. With the rapid development of the media and the drastic changes in the current situation, there has been great controversy over whether media speech needs to be socially responsible. To what extent can the Fourth Estate be exerted while the government can avoid being suspected of suppressing unfavorable speech? The next category, “social responsibility” by Siebert et al. (1956/1984), seems to provide some clues.

The social responsibility concept, rooted in liberalism, diverges significantly from libertarianism in that social responsibility proponents argue that freedom should come with a measure of accountability (Siebert et al., 1956/1984, pp. 74-75). Given the rapid technological evolution of media, including the emergence of new media with far-reaching influence and the increased investment entry threshold, there has been a concerning concentration of power; additionally, media outlets adopting new business models, such as sensationalism to attract

traffic, commercial interests taking the lead, and privacy being invaded have sparked discussions (Siebert et al., 1956/1984, pp. 77-79). These various factors have collectively fueled the rise of public skepticism toward the media. As a result, the concept of social responsibility emerged.

In their work, Siebert et al. (1956/1984, p. 82) cited the Commission on Freedom of the Press as the leading advocate of social responsibility. According to the Commission, media control should primarily be self-imposed by the media industry to prevent the inadvertent shift toward totalitarianism in news regulation. Only limited government supervision should be applied, ensuring a solution that aligns with democratic principles while avoiding authoritarianism (Siebert et al., 1956/1984, p. 82).

The committee also outlined five essential norms that must be adhered to align with the concept of social responsibility. First and foremost, news media is responsible for delivering comprehensive and factually accurate content devoid of false statements. Second, even though news media can express personal opinions, they must simultaneously present diverse angles, upholding objectivity to serve as a platform for societal dialogue. Third, it is imperative for news media to accurately represent each ethnic group to prevent misconceptions that may arise due to insufficient information. Fourth, the press carries the responsibility of elucidating societal values and objectives to the public. Last, recognizing the public's right to information, news media must provide the latest information transparently and without reservation (Siebert et al., 1956/1984, pp. 87-92). Additionally, when the news media exercises freedom of speech, it must do so within the framework of avoiding incitement, defamation, pornography, and similar considerations (Siebert et al., 1956/1984, p. 99).

All in all, this theory is based on retaining the supremacy of human rights and incorporating social elements to protect freedom of speech while eliminating the intervention of authority.

Next, totalitarianism represents one of the longest-lasting and most widely employed systems in human history. This ideology is founded upon the premise that individual talents must undergo full development within a large-scale framework (Siebert et al., 1956/1984, pp. 9-10). According to supporters of autocracy, the highest manifestation of humanistic development can only be realized through the apparatus of the state. Consequently, the primary aim becomes the assurance of the safety of large-scale organizational structures (Siebert et al., 1956/1984, p. 11). Their study also highlights philosophical thinkers like Machiavelli, whose perspective in the presence of an autocratic regime, whenever dissenting viewpoints run counter to the stability of the regime, it becomes imperative for the ruler to suppress such speech to safeguard the nation's security and promote overall progress (Siebert et al., 1956/1984, pp. 12-13).

Autocratic regimes apply many means to control the dissemination of information, and they do so concurrently. For instance, apart from granting certain publishers' monopolies and distribution licenses to ensure their interests coincide with those of the government (Siebert et al., 1956/1984, pp. 19-20), authorities also resorted to prosecution to suppress speech perceived as potentially treasonous (Siebert et al., 1956/1984, p. 22). What is more, with the evolution of ideological trends, dictatorships in modern history have also used more covert methods, such as providing secret funds or subsidizing private enterprises, to control speech (Siebert et al., 1956/1984, p. 25). Siebert et al. (1956/1984, pp. 30, 37) also noted that in contemporary times, while many countries express a solid commitment to defending free speech and have abandoned authoritarian methods, the actual interpretation and implementation of freedom varies;

furthermore, even liberal democracies occasionally adopt similar strategies to address the repercussions of authoritarian influence.

The last category is the media under Soviet communism. In this system, there are differing opinions about the definition of freedom; for instance, Stalin contends that genuine human freedom hinges on the fulfillment of basic needs because, from his perspective, those subjected to exploitation or individuals from varying social classes may find the concept of freedom devoid of meaning (Siebert et al., 1956/1984, p. 126). Conversely, Lenin posits that absolute freedom remains elusive because individuals, by nature, remain bound to collective affiliations (Siebert et al., 1956/1984, p. 126). Furthermore, communism casts a critical eye on liberalism propagated through the media, asserting that it does not constitute true freedom. The reasoning behind this critique, adherents suggest, lies in the inherently capitalist and bourgeois nature of capitalist media, which cannot genuinely represent the interests of the working majority. In the eyes of communism, such media can be perceived as detrimental to the nation, thus impacting its people adversely (Siebert et al., 1956/1984, p. 128). In summation, Soviet communism leverages the media as a tool for shaping public consciousness and fostering allegiance to society and the nation, all in pursuit of the goal of proletarian victory.

When analyzing the four media free speech frameworks presented by Siebert et al. (1956/1984), it becomes easier to discern prevailing trends within a society. For example, in a nation that places a strong emphasis on democracy and the unbridled exchange of ideas as fundamental values, utilizing these frameworks to assess the government's commitment to freedom of speech is a feasible option. Such an evaluation serves to determine whether the government's actions adhere to Siebert et al.'s (1956/1984) notion of the social responsibility theory or if they encompass additional elements influenced by distinct societal factors.

Freedom of Speech in Taiwan and the U.S.

Reporters Without Borders (n.d.) is a group of individuals driven by idealism, maintaining their independence from governmental and corporate influences. They advocate for media freedom with the aspiration of fostering a democratic global landscape, all while endeavoring to establish a trustworthy atmosphere for news and information for the global populace (Reporters Without Borders, n.d.). Reporters Without Borders (2023), when describing the media environment in Taiwan, believes that the market is generally consistent with the spirit of freedom of expression. However, the gap in the ideas of political parties has caused opposition in opinions, and the market atmosphere tends to seek commercialization. These two factors lead the media environment to a certain extent of severity (Reporters Without Borders, 2023).

Reporters Without Borders (2023); moreover, mentioned that a 2022 Reuters survey identified Taiwan as one of the countries with support for free speech but also as having one of the weakest levels of media trust, standing at just 27%. The report suggests that foreign powers, particularly Beijing, might easily influence this mistrust (Reporters Without Borders, 2023). This perception aligns with the internal propaganda of the Taiwanese government in recent years.

During the Democratic Progressive Party's (DPP) administration in Taiwan, doubts arose regarding its governance. For instance, during the COVID-19 pandemic, revelations surfaced from a company founder assisting Taiwan in acquiring overseas COVID-19 vaccines, suggesting that the government intentionally refrained from purchasing them. This raised external suspicions of prioritizing domestic vaccines over public health (United Daily News, 2023a). Additionally, in a city controlled by the DPP, a controversial stadium construction resulted in injuries among professional baseball players (Huang, 2023). An inspection revealed 27 deficiencies and significant soil contamination in the stadium (Huang, 2023). Furthermore, the

scarcity of eggs caused panic among Taiwanese communities, with accusations directed at the government for failing to clarify the expiration date of the affected batch (United Daily News, 2023b). As a reaction to public skepticism, the Taiwanese government ascribed the negative information to cognitive warfare tactics orchestrated by Beijing (Hsu, 2023).

However, Taiwan's political landscape is characterized by polarization, as highlighted in the Reporters Without Borders (2023) report, prompting questions about whether external interference constitutes an additional force or aligns with one of the political stances. This underscores the necessity to differentiate between foreign influences and the diverse political perspectives within Taiwan. Historical context is crucial; as previously mentioned, Taiwan endured decades of martial law, during which the government suppressed internal dissent under the guise of preventing communist infiltration. The notion that any political opposition equates to foreign interference raises inquiries about whether it is for national security or to stifle government critics. While the current Taiwanese government, led by the DPP, vehemently opposed totalitarianism during martial law, the once-dominant party in Taiwan, the KMT, now serves as the opposition. Unfortunately, despite Taiwan's transition to democracy after the end of martial law, the legacy of political actions carried out in the name of resisting communism might continue to resonate in the questioning voices of the Taiwanese people.

Furthermore, as stated at the outset of this thesis, a Taiwanese news station (CTi News) withdrew from cable TV operations in 2020 due to repeated fines imposed by the NCC and its failure to improve (Li, 2023). The NCC regarded CTi News as having poor internal management (Li, 2023). The removal of such an "unsuitable" media outlet prompts inquiries into why, in 2022, the level of trust in the media among Taiwanese people remains as low as 27%, with no

evident improvement. Is it possible that other media outlets have similar violations but are not subject to the same standards, or is there another underlying reason?

As Siebert et al. (1956/1984) noted, even democratic countries employ totalitarian methods to counter the influence of other extreme regimes. In 2023, the Taipei High Administrative Court in Taiwan ruled that the sanctions imposed by the NCC on CTi News were invalid (Commercial Times, 2023). This ruling raises questions about the controversial nature of the NCC's original actions, which will be discussed in more depth later. As a result, although Reporters Without Borders (2023) highlights the challenges in Taiwan's media landscape, it is essential to emphasize that a comprehensive understanding of the media situation requires a complex historical and political context of the region.

Guidelines

Next, the analysis takes a step forward by exploring the understanding of media guidelines. Eve Salomon's extensive experience in the field, encompassing her roles as a lawyer specializing in broadcast regulation and as the chair of a global media regulator, positions her to enhance the quality of independent regulators and offer valuable counsel to government agencies (Gresham College, n.d.). Salomon's work (2008) presents a systematic view of broadcasting supervision. First, she believes that when approving or renewing broadcasting licenses, there must be evident legal standards, and the implementation must comply with the principles of openness, transparency, and fairness to the public rather than only certain groups (Salomon, 2008, pp. 11, 19).

Furthermore, Salomon (2008, p. 17) argues that if the government holds the power to influence the distribution of broadcasting licenses, it not only faces challenges in convincing the

public of its impartiality but also creates an environment where broadcasters may tend to produce content favorable to the government. Therefore, establishing an independent supervisory agency becomes imperative. This agency should remain detached from politics, serving as a neutral third party. To achieve this neutrality, the selection of agency members must avoid political appointments by the president or ministers and ensure they do not have political affiliations (Salomon, 2008, p. 19). The appointment process should also prioritize openness and transparency to gain public trust (Salomon, 2008, p. 21).

Regarding the funding sources of regulatory agencies, Salomon (2008, pp. 21-22) outlines two internationally recognized models. In mature markets, media license fees and related charges can serve as resources to fund regulatory agencies. The advantage of this method is its potential to eliminate political interference, while in smaller and less mature broadcast markets, a portion of the expenses can be covered by public funds (Salomon, 2008, pp. 21-22). However, regardless of the funding method, Salomon (2008, p. 22) emphasizes that once any part of the regulatory agency's funding comes from the government, clear regulations must be established to protect the agency's budget. This protection is essential to prevent the agency from succumbing to government pressure and to maintain its independence and impartiality.

Salomon (2008) also highlights the importance of accountability within media regulatory agencies and suggests that meetings or hearings should be held in public, and comprehensive meeting minutes should be maintained. This transparency becomes especially crucial during contentious discussions. Additionally, countries with legislation providing public access to information should make meeting minutes readily available for public inspection (Salomon, 2008, pp. 22, 24).

Regarding content regulation, Salomon (2008, p. 41) holds a perspective slightly different from that of social responsibility. She argues that the media should remain politically neutral. However, both Salomon and advocates of social responsibility in media agree on the necessity of the media providing a fair platform for debate that encourages the gathering of diverse political opinions. This aligns not only with the democratic spirit but also resonates with the principles of the liberal school as described by Siebert et al. (1956/1984), which advocates for media outlets to offer a spectrum of opinions. Thorough background information facilitates rational thinking among the public, enabling them to sift through and assess the truth.

When it comes to election content, Salomon (2008, p. 42) advocates for the application of a reasonable duration of exposure to each political party; in addition, she emphasizes the importance of maintaining an impartial tone when presenting each party's perspective. Avoiding inappropriate material to safeguard the mental development of young individuals is critical. Salomon (2008, p. 42) contends that access to pornography and violence on television should be restricted to the young generation under certain ages. An easy and effective way to implement this is by limiting its broadcast to nighttime hours when children are less likely to be exposed to such content, or classifying content, the classification system would allow guardians to consider allowing children to view content based on appropriate labels, making informed decisions about what is suitable for them (Salomon, 2008, pp. 43-44).

Provoking crime in programs is prohibited, but it can be extremely controversial when practiced. Salomon (2008, p. 47) believes that this approach must be conducted cautiously to prevent regulatory agencies from becoming tools of abuse of power. Unfortunately, this phenomenon is not uncommon. Regulatory agencies in non-democratic countries sometimes apply charges of treason and public order crimes to intimidate media companies (Salomon, 2008,

p. 47). If the media spreads information unfavorable to the government, the media may be shut down, and media practitioners may face conviction, imprisonment, and even disappearance (Salomon, 2008, p. 47). However, this phenomenon is not confined to non-democratic regimes. Salomon (2008, pp. 47-48) notes that similar tactics are also employed in countries upholding democratic values to suppress media criticisms of ruling regimes; therefore, Salomon's persistent call for the independence of the supervisory agency is crucial.

In addition to fairness in reviewing violation cases, the details must be open to public scrutiny for transparent inspection. This implementation, in turn, serves as a foundation to demonstrate the absence of governmental interference (Salomon, 2008, pp. 47-48). Regarding penalties for substandard content, Salomon (2008, p. 50) also argued that fines are reasonably applied if the media receives multiple warnings but fails to improve, regardless of the severity of the violation. However, media accused of violations have the right to comment on the punishment, and they should be provided with an opportunity to defend themselves; besides, if a media outlet is fined or service interrupted for conveying political-related information, this approach is often seen as typical political suppression (Salomon, 2008, p. 50).

Next, the primary reason for requesting the suspension of a media broadcast should be the station's frequent and severe violations of regulations, resulting in an inability to continue adhering to established principles (Salomon, 2008, p. 51). Only under these circumstances should the suspension of the broadcast license be considered; otherwise, suspending the broadcast would be unfair to both the media and the audience (Salomon, 2008, p. 51). It is also critical for the regulatory agency to communicate to the media in advance that serious incidents may result in the suspension of broadcasting as a form of punishment (Salomon, 2008, p. 51).

The most severe penalty for the regulatory authority is license revocation. When a broadcaster sets aside the principles/orders or fails to pay the license fee, their license may be revoked after a thorough inspection (Salomon, 2008, p. 51). However, Salomon (2008, p. 51) emphasizes a vital warning: this enforcement process must be established via “either main or additional legislation” to prevent random judgments by regulatory authorities; also, media companies should be granted the right to litigate in court to ensure that the judgment remains impartial. In addition, the broadcaster should also be allowed to make written submissions and participate in a hearing before the final decision is made to revoke the license (Salomon, 2008, p. 51).

Media Regulatory Frameworks of Taiwan and the U.S.

After reviewing the internationally recognized broadcast regulatory framework as outlined by Salomon (2008), this section proceeds to analyze Taiwan’s media regulatory system. Initially, the 1947 Constitution of the Republic of China, Article 11, explicitly granted the nation’s citizens the right to freedom of speech, teaching, writing, and publishing, thus underscoring Taiwan’s deep commitment to freedom of expression (Constitution of the Republic of China, 1947). To ensure that Taiwan’s media enjoys the protection of free speech provided by the Constitution and to assist in the management of media communication-related matters, the National Communications Commission (NCC) has been designated as the agency responsible for this field (National Communications Commission, 2020a, p. 1).

The NCC was established in 2006 through the amalgamation of two precursor agencies: one responsible for telecommunications services and the other for broadcasting affairs. The aim was to create a non-partisan and disinterested communications regulatory body (National Communications Commission, n.d.-a). Presently, the NCC has a staff of 520 employees and a

committee consisting of seven members (National Communications Commission, n.d.-b). These seven members are nominated by the Premier of the Executive Yuan and formally appointed with the approval of the Legislative Yuan; during the nomination process, the Premier also appoints the chairman and deputy chairman (National Communications Commission, 2020a, pp. 6-7).

The Executive Yuan, the cabinet of Taiwan, serves as the central coordinating body for all ministries within the government and is the chief administrative body on the island (CONST. Art. 53). The premier leads the Executive Yuan and holds a role in shaping and implementing policies across ministries (Executive Yuan, Republic of China (Taiwan), n.d.); the Legislative Yuan functions as Taiwan's legislative body and exercises powers like those of the Congress or Parliament in other nations (CONST. Art. 62; Legislative Yuan, Republic of China (Taiwan), n.d.). It is crucial to note that the Premier of the Executive Yuan is directly nominated by Taiwan's President (The National Assembly, 1947). Taiwan's Legislative Yuan held an absolute majority controlled by the ruling party (DPP) at the time when the NCC case occurred (Wees, 2020). Consequently, the appointment of the NCC chairman, deputy chairman, and members was not free from presidential influence.

Furthermore, as stated on the official website of the National Communications Commission (n.d.-b), the government covers the agency's personnel costs, with less than 15% of the fees collected from regulatory charges allocated to support regulatory activities. These two factors illustrate a direct connection between the NCC and government involvement, which deviates from the international standard advocated by Salomon (2008, pp. 19, 21). Salomon's standard suggests that to prevent political interference, personnel appointments for broadcasting agencies should not be made by the President/Prime Minister; moreover, government funding

should not be channeled into media regulatory bodies, particularly in mature markets (Salomon, 2008, pp. 19, 21). Taiwan's media industry is considered mature, as indicated by its possession of 5 terrestrial television stations, 64 cable TV channels, and a total of 132 radio and television satellite channels as of the end of 2022 (Directorate-General of Budget, Accounting and Statistics Executive Yuan, Republic of China, 2023, p. 37).

In content supervision, the NCC employs three specific methods outlined in the National Communications Commission's white paper report (National Communications Commission, 2020a, pp. 134-139). First, it utilizes the Satellite Broadcasting and Television Law as the cornerstone for regulating television broadcast media, particularly regarding news and commentary production. This approach prioritizes the principles of accuracy and fairness in reporting. When there are concerns that content may not align with the public interest, the NCC mandates that news media submit investigative reports for review and evaluation (National Communications Commission, 2020a, pp. 134, 137-139). The second method actively encourages public participation by welcoming complaints. The NCC provides a platform for citizens to voice concerns about television and radio content, emphasizing the idea that citizens have the power to participate in media oversight (National Communications Commission, 2020a, pp. 134, 136-137).

Last, the NCC emphasizes self-discipline within the broadcast media industry. Broadcasters are required to establish and enhance mechanisms, provide staff training, and strengthen internal controls (National Communications Commission, 2020a, pp. 134-136). Importantly, the NCC concurrently implements all three of these methods to ensure adequate content supervision (National Communications Commission, 2020a, pp. 134-135).

Communications Policy White Paper (Chinese Version) (National Communications Commission, 2020a) frequently references the Federal Communications Commission (FCC) of the United States, suggesting that Taiwan's NCC intends its regulatory standards, functions, and prospects to align with those of the FCC. However, the two bodies have a significant divergence in content supervision. Initially, the FCC's content regulation is minimal, primarily because it upholds the principles of the First Amendment of the United States (Federal Communications Commission, 2022b). This amendment prevents the federal government from encroaching on the rights of free speech and a free press (*First Amendment Fundamental Freedoms*, n.d.).

According to the Federal Communications Commission (2022a), "the FCC's authority to take action on news distortion complaints has always been quite narrow". The FCC lacks the authority to intervene in alternative news forms such as cable TV, newspapers, online social platforms, or other news media (Federal Communications Commission, 2022a). Besides, the FCC only has the authority to take punitive action in cases where concrete evidence demonstrates a deliberate deviation from factual reporting in broadcast news. In the U.S., misuse of news content due to misleading circumstances or the expression of the broadcaster's own opinions does not constitute grounds for punishment (Federal Communications Commission, 2022a). The conditions under which the FCC can intervene in the investigation of news content are highly stringent, too. Relying solely on broadcast content as evidence is insufficient. Multiple conditions must be met, such as the presence of witnesses providing direct testimony related to the news, physical evidence like written proof of bribery, or the occurrence of highly significant events (Federal Communications Commission, 2022a). The FCC can only initiate an investigation into the status under such limited circumstances.

Even though the dissemination of obscene content does not receive protection under the First Amendment, the United States still manages to preserve a range of possibilities for free speech. According to the Federal Communications Commission (2021a), obscene content is prohibited in broadcast material. However, impropriety/blasphemy is not subject to such regulation in paid broadcast content.

In American history, a relevant case illustrates the delicate balance between safeguarding freedom of speech and defining the boundaries of obscenity and indecency to protect children's rights. One of the noteworthy cases in this regard is *FCC v. Pacifica Foundation* (1978),¹ a Supreme Court decision from 1978. The case originated from an incident one afternoon in 1973 when a New York radio station aired content containing salacious words, which made listeners uncomfortable. A concerned father reported the incident after he and his son heard the program while commuting. The content was deemed unsuitable for young children, triggering a series of debates and legal proceedings regarding the definition of "obscenity" and whether the FCC had the power to manage inappropriate content in the media.

During the legal proceedings, the justices carefully considered various factors, including the intent behind the content, the impact of the offensive language used, the timing of the broadcast, moral perspectives, the potential harm obscene words may cause to children, and the extent to which the First Amendment protects vulgar words. Throughout the process, the fundamental value of free speech was repeatedly reaffirmed; for instance, the court discussed the occasional use of profanity in two-way interactive programs, concluding that it might be permissible in such formats. Ultimately, the majority believed that the language used in the radio

¹ 438 U.S. 726 (1978).

program was inappropriate and that, in the interest of safeguarding children, similar content should be broadcast during off-peak hours, which was considered a more reasonable approach. This case highlighted the broader concern of protecting children from obscenity and content considered indecent, although not obscene. This case underscored the significant caution with which justices approach First Amendment issues related to the media.²

The policy from the *Pacifica* case has influenced subsequent media decisions, such as the *FCC v. Fox Television Stations, Inc.* (2012).³ In the 2000s, Fox TV and ABC faced FCC scrutiny due to offensive programming content. The 2012 case raised concerns about the FCC's ambiguity in defining indecent content, further compounded by the introduction of new regulations after the incidents occurred. The accidental and non-continuous nature of the indecent language in Fox's program weakened the FCC's case. Similarly, the undefined duration for indecent exposure in ABC's series led to insufficient evidence. Ultimately, these factors contributed to the court's dismissal of charges against both TV stations. This highlights the challenge of expanding the FCC's regulatory powers over the media without clear definitions and standards.⁴ From this, it becomes evident that unless the legal definitions, standardization processes, and intent to commit an offense are unambiguous, the conditions for the FCC to expand its powers to punish the media are challenging to establish.

The FCC's authority primarily pertains to broadcasting but also extends to other media forms, albeit to a lesser extent. Cable TV regulations, in addition to prohibiting obscenity, restrict

² 438 U.S. 726 (1978).

³ 567 U.S. 239 (2012).

⁴ 567 U.S. 239 (2012).

lottery and cigarette advertising. The FCC mandates transparency in disclosing sponsors and financial transactions, requires television program content to be categorized and rated, and ensures equal opportunities for political candidates to access audiences (Federal Communications Commission, 2021c).

In the history of the United States, cases like *RKO General, Inc. v. FCC* serve as examples where licenses were revoked due to violations of principles, including breaches of fair dealing, repeated falsification of financial information, and uncovered hidden behaviors during lengthy litigation. Moreover, RKO's parent company was implicated in overseas fraud, political bribery, and other crimes, leading to the eventual revocation of licenses for its television and radio stations.⁵ The RKO ruling was grounded in unequivocal criminal facts, and the case endured for many years, from 1965 to the 1980s. This underscores not only the extensive duration but also the meticulous scrutiny applied by the U.S. government to media license issues, but no political motive is involved.

In contrast, Taiwan's NCC (2020) cited Article 27 of the Satellite Broadcasting Act in its white paper. This regulation mandates penalties for media outlets that violate fact-checking standards and subsequently harm public interests in the production and broadcasting of news content (Ministry of Justice, 2023). However, both the white paper and Article 27 lack well-established definitions for terms such as "fact-checking," "violation of the provision," and "damage to the public interest."

Next, when addressing private complaints against media content, the FCC takes minimal action, citing the protection of press freedom and freedom of speech. The FCC's core position is

⁵ 670 F.2d 215 (D.C. Cir. 1981)

safeguarding public interests by promoting counter-speech and fostering diverse societal viewpoints, regardless of whether some expressions may be objectionable to specific groups/individuals (Federal Communications Commission, 2022b). This perspective corresponds to the principles of free expression advocated by Mill (1859/2001) and the concept of liberalism classified by Siebert et al. (1956/1984).

Even so, the FCC remains committed to the public interest and embraces the essence of social responsibility theory. In specific cases like obscenity and fraud, the FCC either adheres to congressional legislation that imposes limitations or comprehensively develops relevant procedures, but always respects the First Amendment (Federal Communications Commission, 2022b).

Even when faced with political pressure, the independence of the FCC in the United States remains steadfast. During the tenure of U.S. President Donald Trump, FCC Chairman Ajit Pai, appointed by Trump (Federal Communications Commission, 2021b), faced several instances when Trump accused the media of unfairness in public and sought FCC intervention. In 2017, NBC reported negative comments by the then-Secretary of State about Trump. President Trump was dissatisfied with the report, asserting that many news stories contained false information. He expressed hope that the FCC would question NBC's license or even revoke it, even though the FCC lacked such authority and had not issued any license to the broadcast networks (Shepardson, 2017).

FCC Chairman Ajit Pai refrained from commenting at the time of the incident. A year later, Trump identified NBC and CNN as media outlets he considered unfavorable to him via social media. On this occasion, he promptly mentioned reviewing the licenses of these media companies without providing further details. Initially, the FCC did not respond. However, a

month after the incident, the FCC's chairman clarified that "the agency does not have authority to revoke broadcast licenses over editorial decisions" (Brice & Shepardson, 2018). Furthermore, the FCC reiterated that the U.S. Constitution "expressly prohibits the commission from censoring broadcast matter" (Brice & Shepardson, 2018) and emphasized the limited authority of the FCC in content censorship (Brice & Shepardson, 2018).

Minimally responding to complaints about undesirable media news content is a reasonable approach in practice. News media often accord specific parties or ideologies, and if regulatory authorities were to intervene based on the number or intensity of complaints, both conservative and liberal supporters might perceive bias. This approach not only prevents the escalation of conflicts but also avoids questions of fairness when regulatory agencies deal with media associated with political parties. Regrettably, Taiwan's NCC appears to hold a viewpoint contrary to this idea. The NCC initiated its response and punitive measures against news media following public complaints, and the subsequent discussion will explore this topic further.

CHAPTER TWO: THE TWO POLITICAL PARTIES IN TAIWAN

Taiwan's two main political parties are the Kuomintang (KMT) and the Democratic Progressive Party (DPP). The KMT occupies the center-right of the political spectrum, contrasting with its rival, the DPP, in addition to differences in societal concerns, the biggest divergence is the stance toward Beijing (Meakem, 2024). Despite being resolutely anti-communist during the martial law period, the KMT proposes maintaining exchanges involving economic and diplomatic activities with Beijing to achieve peaceful development in the Taiwan Strait (Jarenwattananon, 2024). The most famous political figure of the KMT in recent years is Han Kuo-Yu, who won the Kaohsiung mayoral election in 2018. Before Han's election, the city had been under DPP control for 20 years (Jennings, 2018). In January 2024, the KMT became the largest party group in the Legislative Yuan, and Han became the head of the Legislative Yuan (Tasleem, 2024).

Conversely, the DPP aims to bolster Taiwan's subjectivity, contending that strengthening relations with other countries can mitigate Beijing's threat to the island (Jarenwattananon, 2024). Tsai Ing-Wen, a member of the DPP, has been emphasizing confrontation with Beijing (BBC News, 2024). She led the Taiwanese government since 2016, securing re-election in 2020 (BBC News, 2024), and her term was extended until May 2024. Before Tsai, Chen Shui-Bian, the first DPP member to become Taiwan's president, served from 2000 to 2008 (The Associated Press, 2009).

CTi News

CTiTV, formerly known as CTN, was founded in 1994 and rebranded as CTiTV in 2002 (CTiTV Inc, 2022). The channel group comprises five channels, offering entertainment, news, and other information, with CTi News being one of them (CTiTV Inc, 2022). In November 2018, leading up to the county and mayoral elections in Taiwan, the CTi News channel secured the top position in the country's ratings for that month; a month earlier, CTi's ratings ranked third (Huang, 2018). Furthermore, CTi's political commentary programs ranked among the top three programs across all channels in Taiwan during that period (Huang, 2018). It is worth noting that Taiwan's TV channels operate in a highly competitive market, with over 10 news channels alone. CTi News's impressive ratings performance underscores its popularity. Furthermore, aligning with the position of the KMT has led CTi News to be labeled as being friendly to Beijing.

After offering a brief overview of Taiwan's political parties and CTi News's background, the subsequent section explores specific instances where the NCC initially deemed the content broadcasted by CTi News as violating regulations, only for these determinations to be later overturned by the court.

Litigation Over Violations Determined by the NCC

Table 1

*CTi News violation records statistics*⁶

Category	Fact-checking	Violation of the Social Order Maintenance Act	Affecting children’s physical and mental health	Unclear classification of program ads	Violation of the Protection of Children and Youths Welfare and Rights Act	Improper operation
Violations Count	12	5	4	2	1	1

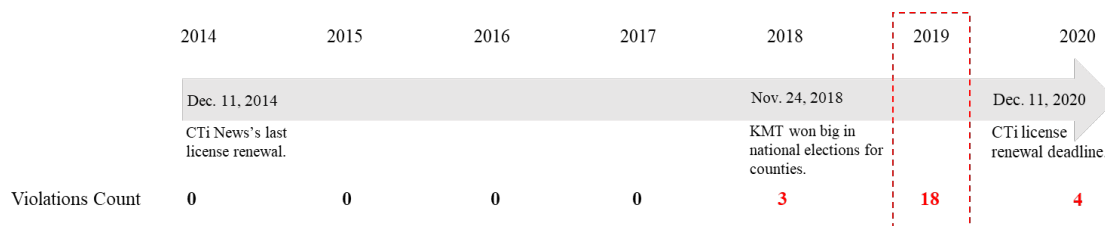
On November 18, 2020, less than a month before the expiration of CTi News’s license, the National Communications Commission (2020b) issued a press statement announcing that CTi News would not be granted license renewal. A primary factor in this decision was the public complaints about CTi News content (National Communications Commission, 2020b). After verification by the NCC, it was found that CTi News had accumulated 25 violations, leading to fines imposed by the regulatory body (National Communications Commission, 2020b). For a detailed breakdown of these violations, please refer to Figure 1, which outlines the items and their corresponding numbers for the primary alleged infractions.

As depicted in Figure 1, violations alleged by the NCC against CTi include a lack of fact-checking, violations of the Social Order Maintenance Act, and impact on children’s physical and mental health. These three categories collectively contribute to over 80% of all violations.

⁶ The author created this chart based on information obtained from *NCC decided to reject the application for renewal of the Broadcasting Business License of CTi News - Historical Information*, by National Communications Commission, 2020b, *National Communications Commission*.

Table 2

Number of violations during the valid six-year CTi license period⁷



Notably, data from the National Communications Commission (2020b) indicates that more than 70% of the 25 reported violations occurred in 2019 (as illustrated in Figure 2). This coincides with the period one year after the KMT, politically aligned with CTi News, achieved a significant victory in the late 2018 elections. In that national election, the opposition KMT secured triumph in seven out of 13 cities/counties across Taiwan, signaling a substantial defeat for the DPP, the ruling party that held full power at the time (Morris, 2018).

According to the National Communications Commission (2020b), the number of public complaints received by the agency regarding CTi News increased significantly from 42 in 2018 to 962 in 2019. The NCC welcomes public complaints about news content, unlike the FCC in the United States. As mentioned in the earlier section on “Media Regulatory Frameworks of Taiwan and the U.S.,” the Federal Communications Commission adopts a minimal approach to

⁷ The author created this chart based on information obtained from *NCC decided to reject the application for renewal of the Broadcasting Business License of CTi News - Historical Information*, by National Communications Commission, 2020b, *National Communications Commission*.

addressing public complaints against news content (Federal Communications Commission, 2022b). Additionally, it lacks the authority to intervene with cable news stations in cases of news distortion (Federal Communications Commission, 2022a), emphasizing the commitment to safeguarding press freedom. On the contrary, Taiwan's NCC utilized public complaints as a basis to investigate news content on cable news stations through its authority. This move highlights the fundamental difference between Taiwan and the United States in their approaches to regulating news speech.

CHAPTER THREE: METHOD

The National Communications Commission (NCC) faced accusations of utilizing unreasonable evaluation standards in the 2020 CTi News case, leading to allegations of unfair discretion (Li, 2023). The primary grounds for the NCC's refusal to renew CTi's license were the imposition of 25 fines and a perceived failure to improve internal controls (Li, 2023). However, as of January 2024, the NCC had lost ten cases (Lin, 2024). Importantly, on May 10, 2023, Taiwan's Taipei High Administrative Court ruled that the NCC exceeded its power by not granting CTi News a license renewal, prompting a re-examination by the NCC (Li, 2023). Despite this, CTi News has faced severe repercussions since 2020, including a permanent suspension from the cable channel (Li, 2023).

Considering that the NCC's refusal to renew a news station's license is a critical event in Taiwan, a closer inspection to unveil details may help in fully comprehending the entire incident. Thus, to comprehensively assess the reasonableness of the NCC's supervision, this paper investigates contentious litigations between the NCC and CTi News.

The legal documentation, encompassing the judgment of Case Litigation and related Satellite Broadcasting Acts, will be extracted from the official Judicial Yuan Judgment System and the Laws & Regulations Database of the Republic of China (Taiwan). A meticulous examination will scrutinize the grounds for the dismissal of the NCC's decision to deny the license renewal. Additionally, a complete analysis will explore 10 of the 25 violations nullified

or requested for retrial by the court. These violations led to fines for CTi News and played a vital role in the withdrawal of the license renewal from the NCC.

Initially, historical information encompassing the 25 instances of news content that resulted in fines for CTi News was gathered from the NCC's official website. This data will undergo a preliminary analysis, followed by summarization, an examination of the types of these violations and their respective timelines, and an identification of instances where the court ruled against the NCC. The primary purpose is to gain a general understanding of this case.

Following this, specific attention will be given to the 10 violations that were legally contested or overturned by the courts, sourced from the official Judicial Yuan Judgment System. The objective is to comprehend the reasons behind the courts' revocation of these violations. This analysis will shed light on the continued justification, or lack thereof, for the NCC's decision to deny the license renewal, especially if the 10 alleged violations are not substantiated. A detailed contextual analysis will further explore the reasons behind the court's adjudication that the NCC's penalties against CTi News were unjustified. In addition, this analysis seeks to explore the broader implications of the entire incident.

CHAPTER FOUR: THE COURT SYSTEM IN TAIWAN

The Judicial Yuan of Taiwan was established in 1928 and gradually evolved to become the foundation of the democratic system (History of the Judicial Yuan, 2019). In the 1980s, the Judicial Yuan expanded its oversight to include all courts, both higher and lower, such as the Supreme Court, the Supreme Administrative Court, the Taipei High Administrative Court, and others (History of the Judicial Yuan, 2019; Organization Chart, 2023). Since then, the clear division between judicial and administrative powers has paved the way for Taiwan's judiciary to progress along a more mature path (History of the Judicial Yuan, 2019). The Judicial Yuan comprises 15 justices, nominated by Taiwan's President and subsequently approved by the Legislative Yuan (Judicial Yuan, n.d.). The justices have the authority to interpret Taiwan's Constitution and are expected to remain independent of government interference (Judicial Yuan, n.d.).

The Nine Cases

To understand the reasons behind violations identified by the NCC, this section initiates a detailed discussion of violations overturned by the court as of May 2023, along with nine other violations invalidated by the courts. This analysis aims to ascertain whether CTi News was treated fairly.

First Contentious Case

The first case presented a series of twists and turns. On November 12, 2018, less than two weeks before the 2018 national cities/counties elections, CTi News reported an incident involving one of the DPP candidates during a rally. CTi's interpretation was that the host seemed disinterested in the audience, and when the dispersed audience members were told not to leave, implied that the crowd supporting the candidate had scattered, and the campaign event was not lively (Taiwan Taipei District Court, 2022c).

However, due to the similar pronunciation of certain words in the Taiwanese dialect, where a one-word difference can result in various meanings, CTi interpreted the situation to suggest that supporters were leaving the candidate, which is different from the DPP's interpretation, the host was saying that supporters were staying, suggesting their heightened enthusiasm toward the candidate (Taiwan Taipei District Court, 2022c). Later, the NCC considered this reporting to be a violation of fact-checking and detrimental to the public interest, and so imposed a fine on CTi (Taiwan Taipei District Court, 2022c).

CTi contested this decision, achieving a favorable outcome in the first instance (Taiwan Taipei District Court, 2022c). Dissatisfied with the decision, the NCC appealed and emerged victorious, prompting CTi to file an appeal thereafter (Taiwan Taipei District Court, 2022c). In the subsequent court proceedings, the Taiwan Taipei District Court (2022c) noted that during the previous debates in the consultation meeting to consider imposing fines on CTi, it was argued that the news video and sound could be interpreted differently by various people. It was challenging to ascertain whether the host was instructing the masses not to leave or acknowledging that they were still present (Taiwan Taipei District Court, 2022c).

The Taiwan Taipei District Court (2022c) contended that the NCC prematurely made the decision before conclusively resolving the dispute, asserting that the host intended to convey that everyone was still present and penalizing CTi accordingly. Deeming this action by the NCC as unlawful, the court, in its final ruling, affirmed the accuracy of the first instance and revoked the penalty imposed on CTi (Taiwan Taipei District Court, 2022c).

The NCC's actions in this case resonate with Salomon's (2008, p. 50) definition of political oppression, where media outlets face fines for disseminating politically relevant news. Furthermore, scrutinizing this case through the lens of the FCC in the United States unveils several controversies surrounding Taiwan's NCC methods. For instance, had this incident occurred in the United States, CTi, being a cable station, would enjoy basic freedom of the press rights, as the FCC does not have the power to intervene in cable news content (Federal Communications Commission, 2022a). Additionally, fines in such cases would necessitate specific evidence showcasing deliberate deviation from factual reporting before punitive measures could be imposed (Federal Communications Commission, 2022a). Taiwan's NCC, however, appears to disregard these considerations.

Second Contentious Case

The second incident took place on February 18, 2019, when CTi News aired a segment about three elected city/county mayors from the KMT who convened to endorse a political event (Taipei High Administrative Court, 2023a). The weather was clear and sunny, with clouds resembling a phoenix. CTi, drawing on the views of folklore experts, interpreted this as a positive omen for the three KMT politicians (Taipei High Administrative Court, 2023a). However, the NCC contended that the news had not been verified and imposed a fine on CTi,

asserting that it violated factual accuracy and was harmful to the public interest (Taipei High Administrative Court, 2023a).

In the initial instance, the case was dismissed, and CTi appealed (Taipei High Administrative Court, 2023a). In the subsequent trial, the Taipei High Administrative Court ruled in favor of CTi, overturning the penalty imposed on the company (Taipei High Administrative Court, 2023a). The NCC appealed (Taipei High Administrative Court, 2023a). The Taipei High Administrative Court (2023a) reasoned that in the consultation meeting held before the NCC issued the penalty, 12 out of the 16 participants considered the news content acceptable, with only four insisting on a legal violation. The meeting recommended notifying CTi for improvement. However, the NCC internally deemed the news illegal, and the Taipei High Administrative Court (2023a) found the NCC's penalty unreasonable. Thus, the court ruled in favor of CTi, resulting in the revocation of the NCC's penalty for this violation.

The procedural flaws evident in the NCC's meeting to address this case again reflect Salomon's (2008) emphasis on "the significance of internal oversight within media regulation." Salomon argues that meetings should be conducted in public, with thorough meeting minutes maintained and transparency is important when dealing with controversies (Salomon, 2008).

Third Contentious Case

In the third case, CTi News was accused by the NCC of broadcasting news about a female student being slapped on August 30, 2019 (Taiwan Taipei District Court, 2022b). Since the content detailed the process of the female student being harmed, the NCC considered this

move to have affected the physical and mental health of children, and so imposed a fine on CTi (Taiwan Taipei District Court, 2022b).

The lawsuit was initially dismissed, and CTi appealed (Taiwan Taipei District Court, 2022b). Upon appeal, the court sent the case for a new trial, and the Taiwan Taipei District Court (2022b) ultimately ruled in favor of CTi. The critical factor in this decision was the consultation meeting held before the NCC imposed fines on CTi. As per regulations, half of the advisory committee members must be present during such meetings. However, during the process, less than half of the members were in attendance, leading to procedural errors by the NCC in judging the case. The Taiwan Taipei District Court (2022b) sided with CTi because of these procedural issues.

Fourth Contentious Case

The fourth case involved the reporting of another bullying case involving young students by CTi News on December 2, 2019, which highlighted an incident where multiple people bullied a young girl in a karaoke room (Taiwan Taipei District Court, 2022a). The NCC expressed concern that the content of the video was overly detailed, suggesting that, even with a certain degree of ambiguity, it might negatively impact children and young people, potentially leading to imitation (Taiwan Taipei District Court, 2022a). Consequently, the NCC imposed a penalty on CTi (Taiwan Taipei District Court, 2022a). Disagreeing with the punishment, CTi brought an appeal against the NCC (Taiwan Taipei District Court, 2022a). Furthermore, in this case, the Taiwan Taipei District Court (2022a) held that the pre-penalty consultation meeting was attended by less than half of the stipulated members, rendering the NCC's disciplinary procedure against CTi illegal, and ruled in favor of CTi.

According to the court judgments in the second, third, and fourth cases, the NCC's procedural flaws persisted repeatedly.

Fifth Contentious Case

In the fifth case, the Supreme Administrative Court (2023) revealed that CTi News initiated this case due to dissatisfaction with the first-instance judgment. The NCC's penalty against CTi originated from an April 2, 2019, news broadcast featuring KMT Mayor Han Kuo-Yu (Supreme Administrative Court, 2023). Mayor Han Kuo-Yu was a popular mayor who would later run for President. The news depicted a little girl crying in response to criticisms of Mayor Han's policies by the former DPP president; simultaneously, she expressed her hope for Mayor Han's future presidency (Supreme Administrative Court, 2023).

The NCC contended that the content involved adults filming minors, endorsing a specific politician, and failing to blur the footage, which could be detrimental to the physical and mental health of children and adolescents. Consequently, CTi faced a fine. After the first-instance court dismissed CTi's lawsuit, CTi appealed.

In the appeal, the Supreme Administrative Court (2023) emphasized that the first instance court should have scrutinized how the NCC concluded that the physical and mental health of the little girl featured in the news content was negatively impacted, leading to the imposed penalty. The Supreme Administrative Court (2023) underscored that, even if true, following administrative law, this violation fell within the purview of regulations governing child welfare, and the NCC did not have the authority to intervene.

Furthermore, if the NCC believed that CTi's content influenced other children who consumed this news, the first instance court should investigate how CTi's news broadcast impacted the physical and mental well-being of children (Supreme Administrative Court, 2023). This determination should be substantiated by the NCC's evidence, and the lower court should seek clarity on why the NCC deemed it necessary to restrict CTi's content for children (Supreme Administrative Court, 2023). Consequently, the Supreme Administrative Court (2023) directed the Taipei High Administrative Court to retry the case.

The essence of this case can be categorized as political news, yet the NCC imposed penalties under the premise of potential negative impact on children, prompting a dual perspective analysis. First, it is crucial to recognize that supporting a specific candidate is not punishable for the masses, including children. Following Salomon's (2008, p. 50) viewpoint, regulatory agencies should have allowed news stations to broadcast political news without interference, as any contrary action would be perceived as political pressure.

Second, while Salomon indeed underscores the importance of protecting young viewers from inappropriate content such as pornography and violence (Salomon, 2008, p. 42), CTi's portrayal of young supporter's sadness due to specific political figures neither involves pornography nor violence. Therefore, the emotional response evoked in this context is unrelated to Salomon's concern.

Moreover, as stated earlier, U.S. courts and the FCC prioritize safeguarding children from exposure to obscene and indecent content. In *FCC v. Pacifica Foundation* (1978), the court deliberated extensively on defining obscenity and the potential harm of negative language to children, highlighting the necessity for thorough examination. However, the content aired by CTi

did not include obscenity, and the NCC failed to assess any harm inflicted on children. Hence, the NCC's recurrent fines against CTi warrant closer scrutiny.

The judgments for the sixth to eighth cases below were announced in the Taipei High Administrative Court under General Litigation No. 560 of the 109th year in the ROC (Taiwan) calendar. CTi won all three cases. The following provides the context for the next three cases.

Sixth Contentious Case

On March 28, 2019, in a political commentary program on CTi News, a commentator cited other media reports, criticizing the DPP for its alleged failure in Taiwan's agriculture, leading to a collapse in agricultural product prices (Taipei High Administrative Court, 2022). The commentator claimed that government subsidies were insufficient to address the issue (Taipei High Administrative Court, 2022).

The NCC fined CTi, claiming that the content was not verified, and CTi allowed commentators to criticize a minister of the government on the program (Taipei High Administrative Court, 2022). Subsequently, CTi brought a lawsuit against the NCC contesting the fine (Taipei High Administrative Court, 2022).

Upon examining the evidence and program content, the Taipei High Administrative Court (2022) concluded that the content was not illegal. Administrative Court (2022) did not find a violation of fact-checking principles in the political commentary. Moreover, the court contended that the NCC had misinterpreted the law and unjustly fined CTi; thus, CTi won the case (Taipei High Administrative Court, 2022).

This case again highlights that Taiwan's NCC violated the principle of international media guidelines by imposing penalties on the dissemination of politically related news, such actions can be seen as using political force to suppress opposition voices (Salomon, 2008, p. 50).

Seventh Contentious Case

On the morning of June 19, 2019, CTi News aired a news report stating that Kaohsiung Mayor Han, affiliated with the KMT party, was encountering challenges in securing a budget from the central government for the prevention and control of dengue fever (Taipei High Administrative Court, 2022). The concern was that this might impede epidemic prevention efforts in Kaohsiung City (Taipei High Administrative Court, 2022). CTi suggested that the ruling party (DPP) might be engaged in political maneuvering through the central budget (Taipei High Administrative Court, 2022). The NCC, however, contended that the news lacked integrity, included twisted information, and was aimed at influencing public perception of the incident (Taipei High Administrative Court, 2022). As a result, the NCC determined that CTi had not adequately verified the evidence and imposed a penalty (Taipei High Administrative Court, 2022).

However, in the CTi lawsuit, the Taipei High Administrative Court (2022) concluded that CTi's assertion that the central government had not disbursed the epidemic subsidy to the Kaohsiung city government, was accurate. The court disagreed with the NCC's finding that CTi's claim was incorrect (Taipei High Administrative Court, 2022). The NCC believed that the central government's approval of the subsidy to the Kaohsiung city government implied fund allocation (Taipei High Administrative Court, 2022). However, the Taipei High Administrative Court (2022) clarified that the mere approval did not guarantee fund disbursement.

Consequently, CTi's report that the city government had not received the funds was held to be accurate, rendering the NCC's penalty against CTi invalid (Taipei High Administrative Court, 2022).

There are two serious problems in this case. Initially, the NCC once again fined the media for disseminating politically related news, prioritizing politics over press freedom. Next, the NCC lacks the rigor to protect press freedom as effectively as the FCC. As previously noted, the U.S. FCC must gather multiple pieces of evidence and confirm that the content deliberately creates false information before investigating the media (Federal Communications Commission, 2022a). Unfortunately, not only did the NCC fail to adhere to FCC standards in this case, but the court also certified that CTi's news content was accurate, demonstrating that the NCC had no grounds to interfere with the news from the outset.

Eighth Contentious Case

On July 1, 2019, CTi News reported the outbreak of dengue fever in neighboring countries around Taiwan and that the DPP government provided around 50 million dollars in aid to other countries over four years (Taipei High Administrative Court, 2022). However, during Mayor Han's administration in Kaohsiung City, funds allocated for dengue fever control were provided in batches rather than paid in full. CTi implied in its news story that the DPP regarded the lives of citizens as worthless due to this practice (Taipei High Administrative Court, 2022). The NCC alleged that the news report was inconsistent with the facts and CTi had not verified the facts, thereby violating the fact-checking principle (Taipei High Administrative Court, 2022). Disagreeing with NCC's decision, CTi filed a lawsuit (Taipei High Administrative Court, 2022).

Taipei High Administrative Court (2022) held that, after verification, the subsidy approved by the central government to the city under Mayor Han's administration was indeed a partial payment and not fully transferred, which was consistent with CTi's statement. CTi did not violate the fact-checking principle, so this case was nullified and CTi was not liable (Taipei High Administrative Court, 2022).

Thus, this case is like the situation in the seventh case, as the NCC fined CTi for violating fact-checking regulations without concrete evidence. Ultimately, the court ruled that CTi's report was consistent with reality, revealing the NCC's failure to fulfill its duty.

Ninth Contentious Case

On February 21, 2020, as the COVID-19 virus was on the rise in Taiwan, CTi accepted calls from people during a live political commentary program. One caller, engaged in business on the mainland, shared that his son returned to Taiwan and was admitted to the hospital for screening (Taipei High Administrative Court, 2024). When the caller mentioned specific details like the city and hospital, the host attempted several times to intervene and change the direction of the conversation but was unsuccessful (Taipei High Administrative Court, 2024). The NCC alleged that CTi encouraged call-in participants to disclose the names of areas and hospitals where their family members received medical treatment without proper verification (Taipei High Administrative Court, 2024). This, according to NCC, led to the spread of unverified information, causing panic among the Taiwanese people; therefore, the NCC imposed fines on CTi (Taipei High Administrative Court, 2024). CTi filed a lawsuit appealing the fine (Taipei High Administrative Court, 2024). Following the company's loss in the lower court, an appeal

was initiated (Taipei High Administrative Court, 2024). Ultimately, the Taipei High Administrative Court (2024) dismissed this violation, ruling in favor of CTi.

According to the Taipei High Administrative Court (2024), CTi won the case for two reasons. First, the consultation meeting conducted by the NCC before determining that CTi violated the rules was deemed illegal by the Taipei High Administrative Court (2024). Second, although the program was broadcast during the pandemic, given that it was a live program, CTi could not preset the real-time speech of the call-in; however, CTi did have an identity confirmation mechanism before accepting people's call-ins (Taipei High Administrative Court, 2024). Even when individuals mentioned pandemic prevention-related information, CTi promptly intervened and halted the dialogue (Taipei High Administrative Court, 2024). The information provided by the public was framed as personal experiences, and it was a stretch to conclude that the broadcast intended to disseminate false information, as the NCC had asserted (Taipei High Administrative Court, 2024). Moreover, no evidence indicated that the content violated public order and morals (Taipei High Administrative Court, 2024).

This case underscores the NCC's disregard for procedures in censoring news content. Passing judgments on news content without adherence to regulations violates the principle that media regulatory agencies should uphold—the importance of internal supervision (Solomon, 2008). Simultaneously, it infringes upon the principle of press freedom. Without a clear definition of fake news and lacking concrete evidence, the NCC imposes fines on CTi for their content. This contradicts the U.S. FCC's respect for press freedom and its practice of refraining from interfering with news content without sufficient proof (Federal Communications Commission, 2022a).

CHAPTER FIVE: TENTH CONTENTIOUS CASE

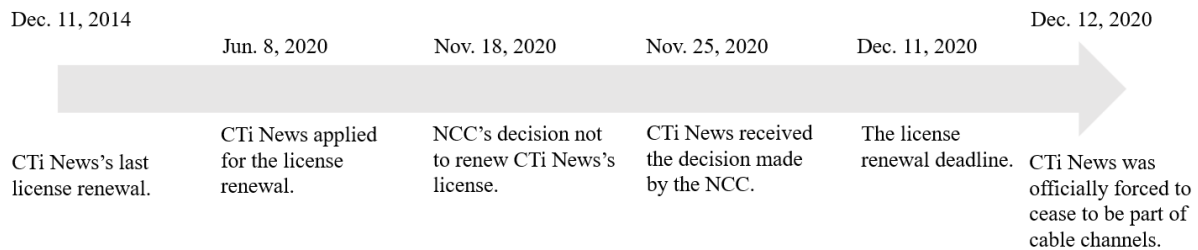
This section examines the 2023 Taipei High Administrative Court's decision concerning the NCC's refusal to renew CTi News' license. The court rejected the NCC's decision to deny the renewal of CTi's contract primarily because, following CTi's renewal application submission, the NCC applied a scoring standard revised after the submission deadline. Compared to 2020, the 2018 scoring arrangement had a more balanced distribution. The court overturned NCC's non-renewal decision, emphasizing that this post-submission modification significantly impacted CTi's renewal outcome.

Initially, the Taipei High Administrative Court (2023b) provided an overview of CTi's case history. Under Taiwan's Satellite Broadcasting Act, channels were mandated to be reviewed every six years (National Communications Commission, 2022). CTi submitted a new license for review in June 2020, six months before its license would expire, adhering to regulations (Taipei High Administrative Court, 2023b). However, less than a month before the license's expiration, the National Communications Commission (NCC) cited imperfect management as the reason for rejecting the renewal. CTi officially received notification of this decision on November 25, 2020 (Taipei High Administrative Court, 2023b). On December 12, 2020, CTi ceased airing on cable channels due to the lack of a new license (Taipei High Administrative Court, 2023b). In disagreement with the NCC's decision, CTi pursued legal avenues, seeking a fair trial from the court, urging the NCC to reconsider its resolution, and requesting compensation for the cessation

of cable operations (Taipei High Administrative Court, 2023b). Refer to Figure 3 for the timeline.

Table 3

The timeline for CTi News’s license renewal (2023b)⁸



The NCC’s decision not to renew CTi’s license was rooted in the scoring rules of two regulations, constituting 40% and 60% of the final score, respectively (Taipei High Administrative Court, 2023b). The first regulation constituted 40% of the scoring category discussed in Satellite Broadcasting Act Article 18, Section 2 (depicted in Figure 4), while the scoring category mentioned in the Examination Regulations on the Establishment Application of Satellite Broadcasting Businesses and Foreign Satellite Broadcasting Businesses in Article 13, Section 1, contributed 60% to the score (illustrated in Figure 5). Notably, the Taipei High Administrative Court (2023b) emphasized that the most critical judgment in this case is due to the NCC’s flawed application of the latter norms in assessing CTi.

⁸ The timeline was created by the author based on information obtained from *Taipei High Administrative Court Judgment No. 1435 of the 109th Year*, by Taipei High Administrative Court, 2023b, Judicial Yuan Judgment System.

The six issues considered for the refusal to renew a license under the Satellite Broadcasting Act are as follows: first, assessing and improving the operation plan; second, checking for past law violations; third, reviewing whether programs or ads have harmed viewers; fourth, resolving cable subscriber issues; fifth, examining financial status; and sixth, identifying other factors affecting operations (National Communications Commission, 2022).

Table 4

*The six scenarios outlined in Article 18, Section 2 of the Satellite Broadcasting Act (2022)*⁹

1) Assessing and improving the operation plan.	2) Checking for past law violations.	3) Reviewing if programs or ads have harmed viewers.
4) Resolving cable subscriber issues.	5) Examining financial status.	6) Identifying other factors affecting operations.

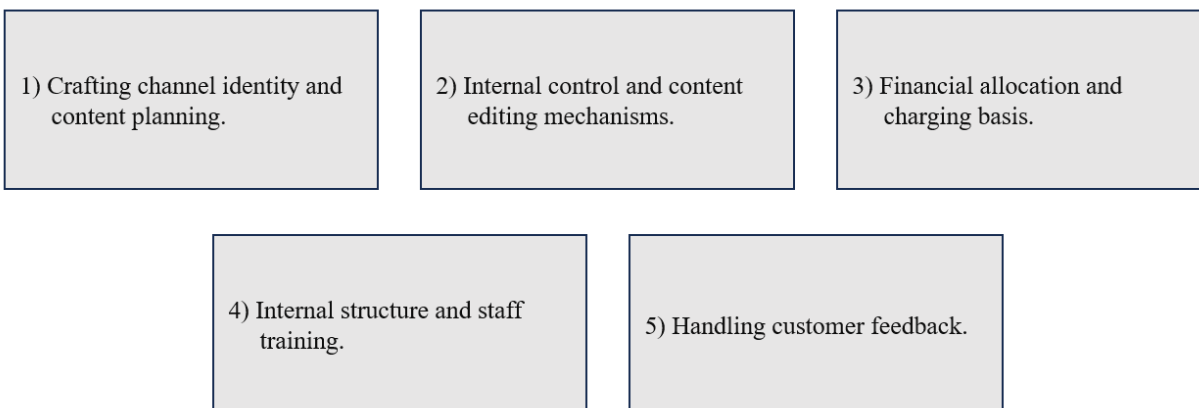
The five factors that constitute part two of the determination for the renewal of an examination as of February 8, 2018, were, as outlined in the Examination Regulations on the Establishment Application of Satellite Broadcasting Businesses and Foreign Satellite Broadcasting Businesses, as follows: first, crafting channel identity and content planning (24 points); second, internal control and content editing mechanisms (12 points); third, financial

⁹ The author created the chart based on information obtained from *the Satellite Broadcasting Act*, by the National Communications Commission, 2022, Laws & Regulations Database of the Republic of China (Taiwan).

allocation and charging basis (12 points); fourth, internal structure and staff training (6 points); and fifth, handling customer feedback (6 points) (National Communications Commission, 2018).

Table 5

*The five scenarios outlined in Article 13, Section 1 of the Examination Regulations on the Establishment Application of Satellite Broadcasting Businesses and Foreign Satellite Broadcasting Businesses (2018)*¹⁰



However, in November 2020, the point system for the five factors was amended as follows: first, crafting channel identity and content planning (25 points); second, internal control and content editing mechanisms (15 points); third, financial allocation and charging basis (10 points); fourth, internal structure and staff training (5 points); and fifth, handling customer feedback (5 points) (National Communications Commission, 2018).

¹⁰ The author created the chart based on information obtained from *the Examination Regulations on the Establishment Application of Satellite Broadcasting Businesses and Foreign Satellite Broadcasting Businesses*, by the National Communications Commission, 2018, Laws & Regulations Database of the Republic of China (Taiwan).

In this case, the flaw in the NCC’s second scoring standard lies in the calculation method (Taipei High Administrative Court, 2023b). According to the Taipei High Administrative Court (2023b), CTi submitted the license renewal application on June 8, 2020, a full five months before the standard had been updated. However, instead of applying the 2018 standard that would have been in effect at the time of the application, the NCC used the 2020 standard. The Taipei High Administrative Court held the NCC should have applied the point system released in 2018 in evaluating CTi’s application (Taipei High Administrative Court, 2023b).

This approach unfairly influenced the decision not to renew CTi’s license, the Court said (Taipei High Administrative Court, 2023b). Due to the difference in total scores between the two standards, the court calculated the following two converted individual scores in the same proportion. The chart below presents a comparison of the second scoring rule between February 8, 2018, and November 11, 2020.

Table 6

The comparison of the second scoring rule between February 8, 2018, and November 11, 2020¹¹

Criteria	1) Crafting channel identity and content planning.	2) Internal control and content editing mechanisms.	3) Financial allocation and charging basis.	4) Internal structure and staff training.	5) Handling customer feedback.
Score: Feb. 8, 2018	24	12	12	6	6
Score: Nov. 11, 2020	25	15	10	5	5

¹¹ This chart was created by the author based on information obtained from *Taipei High Administrative Court Judgment No. 1435 of the 109th Year*, by Taipei High Administrative Court, 2023b, Judicial Yuan Judgment System.

This second scoring rule was designed to assess whether CTi's operating policy for the next six years could meet the renewal standards. In its judgment, the Taipei High Administrative Court (2023b) highlighted that the NCC introduced a new scoring system after CTi submitted its application and used this standard to evaluate the license renewal. This action strongly suggests a change in the licensing standards, a decision deemed wrongful by the Taipei High Administrative Court (2023b).

The Taipei High Administrative Court (2023b) found that the NCC's decision not to renew CTi's license violated the law. As a result, the court revoked the NCC's decision to refuse the renewal. In addition, in the lawsuit, CTi had sought the court's ruling on the validity of the renewal license. The Taipei High Administrative Court (2023b) instructed the NCC to reevaluate the matter based on the court's decision. The NCC was advised to pursue an appropriate resolution in the subsequent proceedings, as directed by the court (Taipei High Administrative Court, 2023b). Third, CTi sought compensation for the losses incurred due to its inability to operate as a cable station. However, the court dismissed this determination, pending the reexamination by the NCC and the process for license renewal (Taipei High Administrative Court, 2023b).

Another notable aspect of this case is the 25 pieces of news content for which the NCC fined CTi (referencing Chapter Two: Litigation Over Violations Determined by the NCC). This factor plays a crucial role in the NCC's examination of CTi.

CHAPTER SIX: FINDINGS

Many DPP supporters, including the renowned commentator Clara Chou, assert that CTi is a red media outlet aligned with the Chinese Communist Party (Tsai, 2022). However, of the penalties imposed by the NCC on CTi, none revealed evidence connecting it to Beijing. Even the NCC acknowledged no proof showed Beijing influenced CTi (Reuters, 2020). Chen Shui-Bian, Taiwan's former President and a DPP member who had been critical of CTi News, criticized the approach to CTi's closure (Tsui, 2020). During Chen's presidency from 2000 to 2008 (The Associated Press, 2009), there were suggestions to shut down another pro-KMT news station, TVBS, due to its frequent criticisms of Chen's policies (Tsui, 2020). At the time, Chen disagreed with the proposal to shut down TVBS, despite rumors suggesting that Chinese funds were involved, as investigations found no specific evidence of Chinese funding (Tsui, 2020). Even if such evidence existed, Chen argues that the NCC did not have the authority to intervene, citing Taiwanese regulations such as the Anti-Infiltration Act (Tsui, 2020). Instead, he suggests that the responsibility for investigating these matters should be entrusted to other authorities (Tsui, 2020), such as prosecutors and judicial bodies (Executive Yuan, 2020).

Without evidence of Chinese funds' involvement, the perception of CTi as red media may stem from its news contents' perceived inconsistency with the stance of the ruling party, DPP, known for its strong anti-China stance. However, the lack of solid evidence of Beijing's interference undermines the credibility of the argument that CTi is Beijing's mouthpiece,

suggesting it may be an ideological tool used by the DPP against its opposition. This situation also resonates with Taiwan's martial law era, during which dissenting voices were frequently branded as sabotaging Taiwan's anti-communist efforts (Kagan, 1982, p. 50).

Criticizing an anti-communist party does not necessarily imply support for authoritarianism, nor does sharing criticisms of such a party suggest opposition to democracy. According to Siebert et al. (1956/1984, p. 51), libertarian beliefs hold that media information should serve the truth. Restricting the media from offering critical coverage could be perceived as overstepping boundaries (Siebert et al., 1956/1984, p. 51). In a democratic country, the press should be a surrogate of the people, expected to provide oversight and ensure accountability of the ruling party, regardless of its political orientation. Without legitimate reasons, the government should not interfere with the media.

The controversy arises from the fact that, while the NCC appears to parallel the systems of media regulatory agencies in American democracy, its regulatory mechanism and the level of respect for press freedom differ significantly. For instance, the NCC's personnel appointments are reminiscent of those of the FCC in the United States. FCC commissioners are nominated by the U.S. president and confirmed by the Senate (*Commission Organization*, 2024). In contrast, Taiwan's NCC commissioners are nominated by the Premier of the Executive Yuan and formally appointed with the approval of the Legislative Yuan (similar to the U.S. Congress) (National Communications Commission, 2020a, p. 6).

Notably, spanning eight years from May 2016 to April 2024 in Taiwan, the DPP not only dominated the ruling party and the Executive Yuan but also secured control of the Legislative Yuan (Carnegie Endowment for International Peace, 2016; PBS News Weekend, 2020).

Consequently, it is possible that the appointment of NCC committee members during this period was entirely orchestrated by the DPP. With this political alignment, the NCC implemented stringent oversight over CTi, even resorting to illegal procedures during the evaluation of CTi's violations. This approach contrasts sharply with the minimal approach taken by the FCC to safeguard freedom of speech in the media.

If Taiwan's NCC chooses to impose this ultra-high and potentially unreasonable standard in reviewing media content, the fact that all NCC commissioners are appointed by the same political party may undermine the media's role in overseeing the government. To address this concern, it would be prudent to consider the perspectives of multiple parties and allow other political entities the opportunity to participate in personnel appointments (Cyu et al., 2024). A viable approach could be to appoint NCC commissioners in proportion to the seats held by each party group in Taiwan's Legislative Yuan (Cyu et al., 2024). This approach contrasts with the current practice of a single party appointing all NCC members. Adopting a proportional representation model, while upholding meticulous standards, would, at the very least, ensure a fairer evaluation of news media compared to the current approach, even for those expressing opinions unfavorable to the government.

Beyond the rigorous media oversight exercised by the NCC commissioners, which is entirely controlled by the DPP, the importance of the advisory committee in the consultation meetings cannot be underestimated. According to the National Communications Commission (2013), the advisory meeting is established to gather opinions from various stakeholders. The advisory committee of the consultation meeting should consist of 39 to 51 members, including scholars, citizen groups, content workers in this field, and others (National Communications

Commission, 2013). Furthermore, these candidates are selected by the chairperson of the NCC and serve a two-year term, renewable (National Communications Commission, 2013). Therefore, while the NCC committee chairperson, vice-chairperson, and commissioners are appointed by the DPP, the selection of the “people power” representing the voices of all parties lies again with the NCC chairperson. This setup raises concerns akin to having players act as referees in a sports game.

This article has referenced ten NCC sanctions against CTi, with nine being nullified by the courts, and one awaiting retrial, overturning NCC’s decisions. In 70% of these cases vindicated by the court, improper and illegal procedures in the advisory committee were identified. For instance, the Taipei High Administrative Court advisory (2023a) indicated that during a consultation meeting, a total of 16 advisory committee members were present, and 12 of them believed that the content of the news was not illegal. Four out of 16 believed that CTi was illegal, but the NCC still decided to impose a fine, going against the majority opinion and violating the law (Taipei High Administrative Court advisory, 2023a). Another instance highlighted by the Taiwan Taipei District Court (2022b) revealed procedural flaws in the fourth consultation meeting of this case. According to the law, at least half of the committee members must be present, but the meeting took place with less than half the required number, indicating significant procedural lapses (Taiwan Taipei District Court, 2022b).

Besides, the NCC emphasized that it received a large number of reports against CTi, prompting an investigation into the content broadcast by CTi (National Communications Commission, 2020b). Conversely, the U.S. Constitution does not allow the FCC to interfere in the broadcast of any political or social views. The Federal Communications Commission (2022b)

mentioned it has received many complaints about various political views, including extreme, inappropriate, and highly offensive speech. However, the FCC still emphasized that in the vast majority of cases, the body fully allows free speech because this is the power granted to the people by the U.S. Constitution (Federal Communications Commission, 2022b). This is why, when former President Trump reminded his team that they should check the licenses of media outlets that spoke unfavorably about him, Ajit Pai, who oversaw the FCC and was appointed by Trump, was unmoved (Brice & Shepardson, 2018). This also makes it understandable why Taiwan's opposition voices believe that Taiwan's NCC has affected the freedom of the press and led to a chilling effect on speech in Taiwan (Reuters, 2020).

On the other hand, the FCC's approach also avoids political retaliation. The NCC (2020b) pointed out that between 2018 and 2019, the number of complaints received from the public about CTi increased sharply from 42 to 962, resulting in CTi being fined for 18 violations in 2019. However, as noted in this article, seven of the violations in 2019 have been overturned by the courts. This also proves that many of the 962 reports are not consistent with reality, or at the very least, do not support the weighty claims made by the NCC. The NCC's practice of conducting thorough investigations based on reports undoubtedly encourages the public to actively report content that does not reflect well on themselves.

Among the 10 cases mentioned in this article that were overturned by the court, five of them involved allegations and findings by the NCC that CTi failed to implement fact-checking, and all five of these cases involved broadcast related to politics but that were subsequently nullified by the courts (see Figure 7).

Table 7*The status of the 10 overturned or retried CTi violations¹²*

Category	Fact-checking	Violation of the Social Order Maintenance Act	Affecting children's physical and mental health	Improper operation
1 st Contentious Case (People Were Not Leaving)	Overtured			
2 nd Contentious Case (The Phoenix Cloud)	Overtured			
3 rd Contentious Case (The Slapped Female Student)			Overtured	
4 th Contentious Case (The Bullied Girl)			Overtured	
5 th Contentious Case (A Little Fan of Han)			Retrial	
6 th Contentious Case (A Government that Only Throws Money)	Overtured			
7 th Contentious Case (The Dengue Fever Incident)	Overtured			
8 th Contentious Case (Foreign Aid Overrides Local Welfare)	Overtured			
9 th Contentious Case (The Clarification Call-In)		Overtured		
10 th Contentious Case (The non-renewal case)				Overtured
Total	5 Overtured Violations	1 Overtured Violation	2 Overtured, 1 Retrial	1 Overtured Violation

If one first refers to the U.S. Federal Communications Commission guidelines (2022a), it is evident that the agency does not implement news distortion measures on cable news stations, as this specification is exclusively applicable to broadcast media. Moreover, even if the broadcast media disseminates false information distorting facts, the FCC mandates confirmation that the media is deliberately creating the content before intervention is possible (Federal Communications Commission, 2022a). In instances where the media commits errors or provides commentary, the FCC refrains from interference (Federal Communications Commission, 2022a).

The FCC's guidelines stand in sharp contrast to the abuse of power by the NCC. First, if the FCC's regulations were applied in Taiwan, CTi, as a cable TV station, would not be regulated. Assuming that CTi was assessed using more stringent standards and considering it as

¹² Ongoing litigation between NCC and CTi may result in variable outcomes.

broadcast media that needed to be monitored by the media regulatory agency, the five political news contents cited in this article that were found to have violated fact-checking by the NCC, but were subsequently overturned by the court, would not be subject to discipline under FCC regulations. This is because they all fall into the category of political commentary, and they were even certified by Taiwan's courts to be true, with no evidence of deliberate creation of rumors.

In addition, four of CTi's sanctions were categorized as impacting the physical and mental health of children; however, the court overturned three of these four sanctions. The primary reason for this was the NCC's violation of regulations, particularly its failure to consider the proper convening of opinions from the advisory committee (Taiwan Taipei District Court, 2022a; 2022b; Supreme Administrative Court, 2023). This underscores the arbitrary nature of the decisions by the core commissioners of the NCC and their predisposition toward penalizing CTi. The NCC failed to furnish ample evidence demonstrating that the content produced and broadcast by CTi had a detrimental impact on children, yet it convicted CTi.

Last, the NCC justified its decision to withhold the renewal of CTi News' license based on the series of violations and convictions incurred by the network. However, allegations surfaced that the NCC engaged in an illegal due process when reaching this resolution by introducing a new scoring criterion after CTi News had submitted its renewal application (Taipei High Administrative Court, 2023b). The Taipei High Administrative Court (2023b) ruled that the NCC's decision to revoke CTi's renewal was unfounded, emphasizing that the regulatory body should have applied the correct standard in reviewing CTi's license. This assertion once again underscores that the NCC's denial of CTi News's renewal was not grounded in professional judgment but rather may have resulted from an artificial and unfair process.

Table 8*Litigation cases from which the 10 contentious cases originated*

Category	Litigation
1 st Contentious Case (People Were Not Leaving)	Taiwan Taipei District Court, 110th Year Summary Procedure Appeal No. 123 Judgment.
2 nd Contentious Case (The Phoenix Cloud)	Taipei High Administrative Court, 111th Year Summary Procedure Appeal No. 12 Judgment
3 rd Contentious Case (The Slapped Female Student)	Taiwan Taipei District Court, 110th Year Summary Procedure Update No. 24 Judgment
4 th Contentious Case (The Bullied Girl)	Taiwan Taipei District Court, 110th Year Summary Procedure No. 21 Judgment
5 th Contentious Case (A Little Fan of Han)	Supreme Administrative Court, 109th Year Appeal No. 637 Judgement
6 th Contentious Case (A Government that Only Throws Money)	Taipei High Administrative Court, 109th Year General Litigation No. 560 Judgment
7 th Contentious Case (The Dengue Fever Incident)	Taipei High Administrative Court, 109th Year General Litigation No. 560 Judgment
8 th Contentious Case (Foreign Aid Overrides Local Welfare)	Taipei High Administrative Court, 109th Year General Litigation No. 560 Judgment
9 th Contentious Case (The Clarification Call-In)	Taipei High Administrative Court, District Court, 112th Year Summary Procedure Update No. 19 Judgment
10 th Contentious Case (The non-renewal case)	Taipei High Administrative Court, 109th Year General Litigation Case No. 1435 Judgment

CHAPTER SEVEN: CONCLUSION

Revisiting the sentiments expressed by Siebert et al. (1956/1984, pp. 30, 37), it is emphasized that many regimes portray themselves as champions of free speech after transitioning from dictatorship; however, the interpretation of their commitment to freedom of speech varies among individuals. Taiwan's NCC appears unable to shake off concerns about its affiliation with the DPP, a progressive ruling party that claims to staunchly defend Taiwan's democracy, oppose Beijing's encroachment on sovereignty, and combat totalitarianism. Ironically, despite its close ties with the DPP, the NCC appears unwilling to accept the oversight of the ruling party in Taiwan by a cable news station—a crucial role in any democratic society—to inform the people about government abuse.

Moreover, the third-party advisory experts of the NCC involved in reviewing the case are all inevitably affiliated with the DPP from top to bottom. Just as the proverb “absolute power corrupts absolutely” suggests, the DPP regime, which held power in Taiwan from May 2016 to April 2024, controlling the Presidential Office, Executive Yuan, and Legislative Yuan, and enjoying an absolute majority, has established its party as the sole guardian of Taiwan's democracy. It portrays its opponents as peaceful destroyers who allegedly undermined Taiwan's democracy, marking a dark chapter in Taiwan's journalism history.

Given the complexity and depth of the incident, fully exploring it with limited manpower within a specific period presents a challenge. The author has endeavored to cover all essential

detailed information. However, regrettably, the details regarding NCC commissioners and advisory meeting committee members, including their backgrounds, selection procedures, meeting resolution processes, and controversies generated by the NCC in Taiwan's media industry following this incident, cannot be fully detailed in this thesis.

Yet, the primary aim of this thesis is to propose an idea and foster contemplation on the ultimate value of the pursuit of democratic freedom. It questions whether the pursuit of safeguarding democracy and freedom of speech is sometimes carried out under the guise of authoritarian tactics, targeting dissidents and using labels to justify actions. Taiwan's closure of a cable news station that opposed the ruling party serves as a mirror, highlighting the need for continuous and proactive reflection on democratic shortcomings. In this process, the role of unrestrained media is crucial. Overemphasizing anti-authoritarianism at the expense of democratic political quality risks pushing the political system toward dictatorship.

Particularly in the current global cultural climate, where anti-authoritarianism is gaining traction, the news media often overlooks regional distinctions. In their coverage of Taiwan, they frequently label specific political parties and media as either anti-China or pro-China without thorough fact-checking to ascertain the truth. The author hopes that this thesis contributes to providing the international community with a deeper understanding of Taiwan's history, culture, and political intricacies, thereby promoting righteousness and peace in the Taiwan Strait.

Ultimately, this article conveys one more message: the pursuit of truth in democracy and freedom. Until the truth is clear, no individual, party, or ideology should be elevated above others. Truth serves as a catalyst, inspiring people and fostering the clash of ideas vital for human civilization. It guides groups of individuals to converge diverse ideas into solutions best

suited for contemporary life. As John Stuart Mill (1859/2001, p. 20) stated over a century ago, arguments deemed unquestionable today may face public scrutiny tomorrow, and truths overlooked for ages may soon become commonplace. Without vigorous debates of ideas, no one can ascertain the truth; therefore, no voice should be stifled, no argument silenced, for in the face of truth, all humankind remains humble.

REFERENCES

- Abnett, K. (2022, July 6). EU parliament backs labelling gas and nuclear investments as green. *Reuters*. Retrieved September 11, 2023, from <https://www.reuters.com/business/sustainable-business/eu-parliament-vote-green-gas-nuclear-rules-2022-07-06/>
- Al Jazeera. (2023, March 15). Who are Taiwan's formal diplomatic allies? *Al Jazeera*. Retrieved October 14, 2023, from <https://www.aljazeera.com/news/2023/3/15/who-are-taiwans-formal-diplomatic-allies>
- BBC News. (2024, January 8). Profile: Tsai Ing-wen, Taiwan's first female president. *BBC News*. Retrieved March 3, 2024, from <https://www.bbc.com/news/world-asia-16464515>
- Brice, M., & Shepardson, D. (2018, September 4). Trump hits CNN and NBC, urges "look at their license"- tweet. *Reuters*. Retrieved October 3, 2023, from <https://www.reuters.com/article/usa-trump-media-idINKCN1LK1W5>
- Bush, R. (2007, December 1). *Thoughts on the Nanjing massacre*. Brookings. Retrieved October 12, 2023, from <https://www.brookings.edu/articles/thoughts-on-the-nanjing-massacre/>
- Carnegie Endowment for International Peace. (2016, January 26). *Taiwan's 2016 election in review*. Retrieved February 19, 2024, from <https://carnegieendowment.org/2016/01/26/taiwan-s-2016-election-in-review-pub-62586>
- Cohen, J. (2023). History's 6 Worst Nuclear Disasters. *HISTORY*. Retrieved September 11, 2023, from <https://www.history.com/news/historys-worst-nuclear-disasters>

Commercial Times. (2023, May 10). Having won the withdrawal case and secured the support of the NCC, Tsai Eng-meng declares the restoration of CTi's innocence. *Commercial Times*. Retrieved October 12, 2023, from <https://www.ctee.com.tw/news/20230510700856-430104>

Commission Organization. (2024, February 12). Code of Federal Regulations. Retrieved February 21, 2024, from <https://www.ecfr.gov/compare/2024-02-12/to/2024-02-11/title-47/chapter-I/subchapter-A/part-0>

Constitution of the Republic of China (Taiwan). (1947, January 1). *Article Content*. Laws & Regulations Database of the Republic of China (Taiwan). Retrieved October 17, 2023, from <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0000001>

CTiTV Inc. (2022). *In the comprehensive evolution of 2020, the focus of supervisory power is on CTi News*. CTi News Network. Retrieved February 16, 2024, from <https://ctinews.com/about>

Cyu Y.-C., Lin J.-M., & Lin M.-H. (2024, January 25). Chao Shao-Kang advocates for the adoption of a proportional system for appointing NCC commissioners. *United Daily News*. Retrieved March 4, 2024, from <https://udn.com/news/story/123903/7732084>

Directorate-General of Budget, Accounting and Statistics Executive Yuan, Republic of China. (2023). *Statistical Yearbook of the Republic of China 2022*. <https://ws.dgbas.gov.tw/001/Upload/464/refile/10924/232198/yearbook2022.pdf>

Executive Yuan, Republic of China (Taiwan). (n.d.). *Structure and Functions*. Executive Yuan. Retrieved October 15, 2023, from <https://english.ey.gov.tw/Page/E43650B2CB14861B>

Executive Yuan. (2020, January 15). *Anti-Infiltration Act*. Laws & Regulations Database of the Republic of China (Taiwan). Retrieved March 4, 2024, from

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030317>

FCC v. Pacifica Foundation, 438 U.S. 726, 98 S. Ct. 3026, 57 L. Ed. 2d 1073 (1978).

https://scholar.google.com/scholar_case?case=9738309099999149495&hl=en&as_sdt=40006

FCC v. Fox Television Stations, Inc., 567 U.S. 239, 132 S. Ct. 2307, 183 L. Ed. 2d 234 (2012).

https://scholar.google.com/scholar_case?case=16192070290522270615&hl=en&as_sdt=40006

Federal Communications Commission. (2021a, January 13). *Obscene, indecent and profane broadcasts*. Retrieved October 26, 2023, from

<https://www.fcc.gov/consumers/guides/obscene-indecnt-and-profane-broadcasts>

Federal Communications Commission. (2021b, January 20). *Biography of former Chairman Ajit Pai*. Retrieved October 3, 2023, from [https://www.fcc.gov/biography-former-chairman-](https://www.fcc.gov/biography-former-chairman-ajit-pai)

[ajit-pai](https://www.fcc.gov/biography-former-chairman-ajit-pai)

Federal Communications Commission. (2021c, June 15). *Cable Television*. Retrieved October 26, 2023, from <https://www.fcc.gov/media/engineering/cable-television>

Federal Communications Commission. (2022a, August 31). *Broadcast news distortion*. <https://www.fcc.gov/broadcast-news-distortion>

Federal Communications Commission. (2022b, August 31). *The FCC and speech*. [https://www.fcc.gov/consumers/guides/fcc-and-](https://www.fcc.gov/consumers/guides/fcc-and-speech#:~:text=The%20FCC%20has%20limited%20legal,of%20television%20or%20radio%20programming.)

[speech#:~:text=The%20FCC%20has%20limited%20legal,of%20television%20or%20radio%20programming.](https://www.fcc.gov/consumers/guides/fcc-and-speech#:~:text=The%20FCC%20has%20limited%20legal,of%20television%20or%20radio%20programming.)

First Amendment fundamental freedoms. (n.d.). Constitution Annotated. Retrieved February 26, 2024, from <https://constitution.congress.gov/browse/amendment-1/>

Gordon, S., Mullen, M., & Sacks, D. (2023, June). *U.S.-Taiwan Relations in a New Era: Responding to a More Assertive China.* Council on Foreign Relations. Retrieved October 14, 2023, from <https://www.cfr.org/task-force-report/us-taiwan-Relations-in-a-new-era/introduction>

Gresham College. (n.d.). *Eve Salomon.* Retrieved October 14, 2023, from <https://www.gresham.ac.uk/speakers/eve-salomon>

History of the judicial yuan. (2019, November 7). Judicial Yuan. Retrieved March 3, 2024, from <https://www.judicial.gov.tw/en/cp-1586-79751-c2ddf-2.html>

Hsu Y.-H. (2023, February 26). Hsu, Yung-Hsiang's opinion: Will eggs, stadiums, and high school students destroy Taiwan? Cognitive defense battle on the Green Camp. *Storm Media Group.* Retrieved October 17, 2023, from <https://www.storm.mg/article/4742048>

Huang C.-Y. (2018, November 22). The rise in Han's popularity has disrupted the TV industry ecology, with CTi News claiming the top spot in ratings and emerging as the biggest winner. *The Storm Media.* Retrieved February 16, 2024, from <https://www.storm.mg/article/641593>

Huang Y.-S. (2023, January 5). Fraud or deficiencies? Abandoned bricks and wires were excavated from the baseball field. The Hsinchu District Prosecutors Office spoke out. *Nextapple News.* Retrieved October 23, 2023, from <https://tw.nextapple.com/local/20230105/0B5046860EAD4355322E7BA2BDA87EC3>

- Jarenwattananon, P. (2024, January 8). 4 things to know about Taiwan’s “crucial” election — and where the U.S. fits in. *NPR*. Retrieved March 3, 2024, from <https://www.npr.org/2024/01/08/1222507462/taiwan-election-china-us-dpp-kmt-tp>
- Jennings, R. (2018, November 24). *Taiwan ruling party suffers major defeat in local elections*. PBS. Retrieved March 3, 2024, from <https://www.pbs.org/newshour/world/taiwan-ruling-party-suffers-major-defeat-in-local-elections>
- Judicial Yuan*. (n.d.). Taiwan Politics Database. Retrieved March 3, 2024, from <https://www.taiwan-database.net/LL-M06.htm>
- Kagan, R. C. (1982). Martial law in Taiwan. *Bulletin of Concerned Asian Scholars*, 14(3), 48–54. <https://doi.org/10.1080/14672715.1982.10412657>
- Legislative Yuan, Republic of China (Taiwan). (n.d.). *Functions & Powers*. Legislative Yuan. Retrieved October 15, 2023, from <https://www.ly.gov.tw/EngPages/List.aspx?nodeid=341>
- Li Y.-J. (2023, May 10). CTi News has won the case! The station was shut down for nearly three years due to a refusal to change the license, but the court has now revoked the NCC sanction. *TVBS News*. Retrieved November 28, 2023, from <https://news.tvbs.com.tw/local/2119738>
- Lin M. (2023, May 10). CTi News Wins! NCC’s Decision to Deny License Renewal and Suspend Broadcasting for Nearly 3 Years Overturned by Court Today. *Economic Daily News*. Retrieved October 3, 2023, from <https://money.udn.com/money/story/5612/7155917>
- Lin M.-J. (2024, January 23). NCC loses ten consecutive trials. *United Daily News*. Retrieved February 19, 2024, from <https://udn.com/news/story/7321/7726763>

- Liu, K. (2023, April 14). *A charged debate: Taiwan's nuclear energy conundrum*. Heinrich Böll Stiftung Hong Kong. Retrieved September 12, 2023, from <https://hk.boell.org/en/2023/04/14/charged-debate-taiwans-nuclear-energy-conundrum>
- Meakem, A. (2024, January 3). Taiwan's biggest parties diverge on China. *Foreign Policy*. <https://foreignpolicy.com/2024/01/02/taiwan-elections-president-dpp-kmt-china/>
- Mill J. S. (2001). *On Liberty*. Batoche Books. (Original work published 1859). <https://socialsciences.mcmaster.ca/econ/ugcm/3ll3/mill/liberty.pdf>
- Ministry of Foreign Affairs, Republic of China (Taiwan). (n.d.). *History*. Government Portal of the Republic of China (Taiwan). Retrieved September 11, 2023, from https://www.taiwan.gov.tw/content_3.php#:~:text=The%20ROC%20was%20founded%20in,end%20of%20World%20War%20II.
- Ministry of Foreign Affairs, Republic of China (Taiwan). (n.d.). *Political System*. Government Portal of the Republic of China (Taiwan). Retrieved September 30, 2023, from https://www.taiwan.gov.tw/content_4.php
- Ministry of Justice. (2022, May 18). *Article Content - Satellite Broadcasting Act*. Laws & Regulations Database of the Republic of China (Taiwan). Retrieved October 3, 2023, from <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=P0050013>
- Morris, J. (2018, November 28). KMT shocks with its success in Taiwan elections. *The Diplomat*. Retrieved February 17, 2024, from <https://thediplomat.com/2018/11/kmt-shocks-with-its-success-in-taiwan-elections/>
- National Communications Commission. (n.d.-a). *Introduction of The National Communications Commission*. Retrieved September 30, 2023, from https://www.ncc.gov.tw/english/content.aspx?site_content_sn=284&is_history=0

National Communications Commission. (n.d.-b). *NCC Operation*. Retrieved September 30, 2023,

from https://www.ncc.gov.tw/english/content.aspx?site_content_sn=13&is_history=0

National Communications Commission. (2013, December 3). Guidelines for Conducting Consultation Meetings on Radio and Television Programs and Advertising. *National Communications Commission*. Retrieved February 19, 2024, from

https://www.ncc.gov.tw/chinese/law_detail.aspx?site_content_sn=3442&law_sn=2087&sn_f=2087&is_history=0

National Communications Commission. (2018, February 8). *Examination Regulations on the Establishment Application of Satellite Broadcasting Businesses and Foreign Satellite Broadcasting Businesses*. Laws & Regulations Database of the Republic of China (Taiwan). Retrieved February 10, 2024, from

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=K0060099>

National Communications Commission. (2020a). *Communications Policy White Paper (Chinese Version)*. https://www.ncc.gov.tw/chinese/files/20032/5237_42741_200320_1.pdf

National Communications Commission. (2020b, November 18). NCC decided to reject the application for renewal of the Broadcasting Business License of CTi News - Historical Information. *National Communications Commission*. Retrieved February 16, 2024, from

https://www.ncc.gov.tw/chinese/news_detail.aspx?site_content_sn=8&cate=0&keyword=&is_history=1&pages=0&sn_f=45332

National Communications Commission. (2022, May 18). *Satellite Broadcasting Act*. Laws & Regulations Database of the Republic of China (Taiwan). Retrieved February 10, 2024, from <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=P0050013>

Newman, N., Fletcher, R., Eddy, K., Robertson, C. T., & Nielsen, R. K. (2023, June). *Reuters Institute Digital News Report 2023*. Reuters Institute for the Study of Journalism. Retrieved September 12, 2023, from <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2023>

Organization chart. (2023, September 7). Judicial Yuan. Retrieved March 3, 2024, from <https://www.judicial.gov.tw/en/cp-1668-84500-f8dba-2.html>

PBS News Weekend. (2020, January 11). *Taiwan's leader reelected as voters back tough China stance*. Retrieved February 19, 2024, from <https://www.pbs.org/newshour/world/taiwans-leader-reelected-as-voters-back-tough-china-stance>

Radchenko, S. (2016, May 18). China lost World War II. *Foreign Policy*. Retrieved September 11, 2023, from <https://foreignpolicy.com/2015/09/03/china-lost-world-war-2-china-world-war-ii-victory-parade/>

Reporters Without Borders. (n.d.). *Who are we?* Retrieved October 16, 2023, from <https://rsf.org/en/who-are-we>

Reporters Without Borders. (2023). *Taiwan*. Retrieved October 16, 2023, from <https://rsf.org/en/country/taiwan>

Reuters. (2020, November 18). Taiwan to shut down China-friendly tycoon's news channel. *Reuters*. Retrieved November 20, 2023, from <https://www.reuters.com/article/us-taiwan-media-china-idUSKBN27Y0YA/>

RKO General, Inc. v. FCC, 670 F.2d 215 (D.C. Cir. 1981). https://scholar.google.com/scholar_case?case=17411895014938013683&q=fcc+v.+rko&hl=en&as_sdt=40006

- Salomon, E. (2008). *Guidelines for broadcasting regulation*. London: Commonwealth Broadcasting Association.
- Shepardson, D. (2017, October 11). Trump suggests challenging TV network licenses over fake news. *Reuters*. Retrieved October 3, 2023, from <https://www.reuters.com/article/us-usa-trump-media-idUSKBN1CG1WB>
- Siebert, F. S., Peterson, T., & Schramm, W. (1984). *Four theories of the Press*. University of Illinois Press. (Original work published 1956). <https://doi.org/10.5406/j.ctv1nhr0v>
- Supreme Administrative Court. (2023, January 12). *Supreme Administrative Court, 109th Year Appeal No. 637 Judgement*. Judicial Yuan Judgment System. Retrieved February 18, 2024, from <https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=TPAA%2c109%2c%e4%b8%8a%2c637%2c20230112%2c1&ot=in>
- Taipei High Administrative Court. (2022, December 14). *Taipei High Administrative Court, 109th Year General Litigation No. 560 Judgment*. Judicial Yuan Judgment System. Retrieved February 18, 2024, from <https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=TPBA%2c109%2c%e8%a8%b4%2c560%2c20221214%2c2&ot=in>
- Taipei High Administrative Court. (2023a, March 23). *Taipei High Administrative Court, 111th Year Summary Procedure Appeal No. 12 Judgment*. Judicial Yuan Judgment System. Retrieved February 18, 2024, from <https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=TPBA%2c111%2c%e7%b0%a1%e4%b8%8a%2c12%2c20230323%2c1&ot=in>

Taipei High Administrative Court. (2023b, May 10). *Taipei High Administrative Court, 109th Year General Litigation Case No. 1435 Judgment*. Judicial Yuan Judgment System.

Retrieved February 10, 2024, from

<https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=TPBA,109%2c%e8%a8%b4%2c1435%2c20230510%2c1>

Taipei High Administrative Court. (2024, January 22). *Taipei High Administrative Court, District Court, 112th Year Summary Procedure Update No. 19 Judgment*. Judicial Yuan Judgment System. Retrieved February 19, 2024, from

<https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=TPTA,112%2c%e7%b0%a1%e6%9b%b4%e4%b8%80%2c19%2c20240122%2c1>

Taiwan Taipei District Court. (2022a, March 10). *Taiwan Taipei District Court, 110th Year Summary Procedure No. 21 Judgment*. Judicial Yuan Judgment System. Retrieved February 18, 2024, from

<https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=TPDA%2c110%2c%e7%b0%a1%2c21%2c20220310%2c1&ot=in>

Taiwan Taipei District Court. (2022b, March 10). *Taiwan Taipei District Court, 110th Year Summary Procedure Update No. 24 Judgment*. Judicial Yuan Judgment System.

Retrieved February 18, 2024, from

<https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=TPDA%2c110%2c%e7%b0%a1%e6%9b%b4%e4%b8%80%2c24%2c20220310%2c1&ot=in>

Taiwan Taipei District Court. (2022c, December 27). *Taiwan Taipei District Court, 110th Year Summary Procedure Appeal No. 123 Judgment*. Judicial Yuan Judgment System.

Retrieved February 17, 2024, from

<https://judgment.judicial.gov.tw/FJUD/data.aspx?ty=JD&id=TPBA%2c110%2c%e7%b0%a1%e4%b8%8a%2c123%2c20221227%2c1&ot=in>

Tasleem, R. (2024, February 1). Han Kuo-Yu elected as Taiwan's Legislative head: A new era for Taiwanese politics. *BNN*. Retrieved March 3, 2024, from

<https://bnnbreaking.com/politics/han-kuo-yu-elected-as-taiwans-legislative-head-a-new-era-for-taiwanese-politics/>

The Associated Press. (2009, September 11). *Taiwan's ex-president jailed for life over graft*.

NBC News. Retrieved March 3, 2024, from <https://www.nbcnews.com/id/wbna32794090>

The National Assembly. (1947, January 1). *Constitution of the Republic of China (Taiwan)*.

Laws & Regulations Database of the Republic of China (Taiwan). Retrieved February 26, 2024, from <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0000001>

The United States Department of State. (n.d.). *The Chinese Revolution of 1949*. Office of the

Historian. Retrieved September 11, 2023, from <https://history.state.gov/milestones/1945-1952/chinese->

[rev#:~:text=On%20October%201%2C%201949%2C%20Chinese,Republic%20of%20China%20\(PRC\).](https://history.state.gov/milestones/1945-1952/chinese-rev#:~:text=On%20October%201%2C%201949%2C%20Chinese,Republic%20of%20China%20(PRC).)

Tsai P.-C. (2022, August 24). CTI's owner, Tsai Eng-meng, was awarded compensation of 2.8 million NTD. *ETtoday*. Retrieved February 19, 2024, from

<https://www.ettoday.net/news/20220824/2323543.htm>

- Tsui T.-T. (2020, November 2). *Former President Chen questioned, “Is NCC a genuinely independent organization?”* China Times. Retrieved February 19, 2024, from <https://www.chinatimes.com/realtimenews/20201102004055-260407?chdtv>
- United Daily News. (2023a, May 15). United Daily News editorial: The truth about “Miss” is not clear, and the hatred against vaccines is hard to eliminate. *United Daily News*. Retrieved October 23, 2023, from <https://udn.com/news/story/7338/7164982>
- United Daily News. (2023b, September 14). The problem is the rotten eggs. *United Daily News*. Retrieved October 23, 2023, from <https://udn.com/news/story/6656/7439328>
- UN Yearbook. (1971). *The United Nations*. Retrieved September 11, 2023, from <https://www.unmultimedia.org/searchers/yearbook/page.jsp?volume=1971&page=136&searchType=advanced>
- Wees, G. V. D. (2020). Looking beyond Tsai’s big election win. *East Asia Forum*. <https://www.eastasiaforum.org/2020/03/28/looking-beyond-tsais-big-election-win/>