

US Supreme Court rejects Taiwan case

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The US Supreme Court has refused to hear a lawsuit brought by Taiwanese activist Roger Lin (林榮星) that argues that the US is the principal occupying power of Taiwan and should still control it.

The terse rejection by the highest US court scuttles Lin's legal maneuvers in the US and at the same time could end an attempt by former President Chen Shui-bian (陳水扁) — sentenced to life in prison last month — to win his freedom through Washington.

Under a one-sentence ruling known as “certiorari denied,” the Supreme Court declined to hear the case and allowed a prior ruling to stand.

That ruling came in April when the US Court of Appeals sided with the US government on Lin's case and reaffirmed that US courts do not deal with political matters.

Legal analysts said in Washington on Monday night that as far as the US legal system was concerned, the case brought by Lin and expanded by Chen can go no further in the US and has been dismissed.

Lin first brought the case to US courts in December 2006, arguing that Japan relinquished control over Taiwan and Penghu after World War II, but did not return it to China.

He wanted the US courts to decide what rights the Taiwanese have under the San Francisco Peace Treaty and the US Constitution, including whether they should be issued US passports.

Lin said the treaty did not address sovereignty over Taiwan and Penghu, and that the US was therefore still the principal occupying power.

Judges from the US Court of Appeals had some sympathy with Lin's arguments, but ruled in April: “America and China's tumultuous relationship over the past 60 years has trapped the inhabitants of Taiwan in political purgatory.

“During this time the people of Taiwan have lived without any uniformly recognized government. In practical terms, this means they have uncertain status in the world community, which infects the population's day-to-day lives.”

But they added: “Determining Appellants' nationality would require us to trespass into a controversial area of US foreign policy in order to resolve a question the Executive Branch intentionally left unanswered for over sixty years: who exercises sovereignty over Taiwan. This we cannot do.”

The case took an unusual twist last month when Chen — convicted of taking bribes while in office — claimed Taiwan was still technically under US military occupation and that the

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Taiwanese government had no legal right to try or detain him.

Latching onto Lin's suit, Chen, 58, filed his own case in the US Court of Appeals for the Armed Forces in Washington.

The US financial news -service Bloomberg quoted Shih Cheng--chuan (石正川), a professor of international affairs at Tamkang University in Taipei, as saying: "Chen Shui-bian is a desperate man and he is trying to use any trick to get out of jail. There is little chance that the US will meddle with the case."

Coen Blaauw, executive director of the Washington-based Formosan Association for Public Relations, told the Taipei Times: "Taiwan's future will not be determined in a court of law. Only the people of Taiwan have the right to determine Taiwan's future. There are no tricks or short cuts to full Taiwan independence, it might be a long and difficult road but it's the only way to go."

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