

Is Chen Shui-bian Being Made a Surrogate Scapegoat for Taiwan? Part III of III

Written by Jerome F. Keating Ph.D.
Sunday, 15 April 2012 06:44

So now, at the end of the day examine how after years of pressuring, harassing, jailing of innumerable alleged accomplices, switching judges, and untold fishing expeditions, all that prosecutors have achieved in Taiwan are two convictions based on questionable and perhaps forced testimony. One is that of a harassed woman Diana Chen and the other is that of a bargained with Jeffrey Koo Jr. a man whose family has played all sides of the law and survived from the Japanese era, through Martial Law, up to the present.

Koo under challenge in many issues was staying outside Taiwan lest he be put in prison without official charges. Special investigator Yang Fang-ju then flew to Japan "to grant Koo immunity" if he would testify. He came and said what the prosecutors wanted to hear. But then in May 2011, a bombshell hit. Koo's lawyers said that Koo did not remit bribe money to Chen as accused; instead a deal had been worked out with prosecutors and the Special Investigation Panel (SIP) for Koo, to fabricate his testimony; in return for this he was supposedly not being prosecuted in other matters.

Harassment did not end. From the beginning of the trial, leaks had continually flowed apparently from the prosecution even though formal charges and indictments had not been made. Chen was regularly being tried in the court of public opinion to enhance the upcoming prosecutors' case. Yet later, in double standard fashion, prosecutors used the cause of suspicion of different leaks to indict Judge Chou Chan-chun and his secretary Liu Lee-ying. They were supposedly negligent in not sealing a document that then led to the disclosure of a witness name in a separate case. Judge Chou of course is the one who had originally granted Chen freedom when he was held without charges back in 2008. He also had later stated that since Chen did not oversee bank mergers he could not have been bribed in such a matter; this judgment by Chou was supported by the later Supreme Court decision. Prosecutors said that the harassment of Chou was not political.

While there may be outrage and disillusionment concerning Chen's profits, he remains the only "criminal" in this mess. No one has ever challenged James Soong's past and held him without charges on all he may have stashed away. He did have to give some money back but he was never jailed. Ma Ying-jeou, also charged with a similar crime was never jailed; he was allowed to meet freely with his secretary Yu Wen who then took the blame. After Yu Wen served nine months, his job was waiting for him; is this coincidence? Excuses and freedom allowed to Ma were not allowed to Chen. Similarly when Ma apparently pocketed some money that he claimed was used to pay off/reward loyal employees, Ma did not provide the appropriate receipts. Reports say that he asked some employees to claim they received rewards, yet there was no pursuit or questioning in this regard.

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We have thus far not touched on Chen's health and living conditions. There too, a double standard repeatedly shows. Examine the case of Admiral Wang His-ling who was found guilty of masterminding the murder of Henry Liu in 1985, Wang was finally imprisoned in a luxury suite with a kitchen, study, and family and/or visitors stay-over rights; he served six years of a life sentence and was set free. Ironically almost concurrently Chen Shui-bian was serving time in a smaller cell at that time for challenging the one-party state. Read that to mean that murder to protect the belief of the KMT one-party state merits one a cushy jail apartment and six years time. Chen then served

Today, in a supposedly more enlightened time, Chen who has been imprisoned simply for bribes should supposedly have better or improved conditions than Wang had for murder. Yet Chen's current miniscule cell is a box in comparison to Wang's apartment. Chen's health care is also not being met in the prison. Is the real reason that too many want him to truly suffer if not wishing him dead?

Further, whenever Chen has left the prison, whether to the hospital or to attend his mother's funeral, he has been guarded more securely and by more police than the proverbial Fort Knox. Contrast this as a double standard in the KMT government's vigilance. A while back, a well-known gangster and certainly a much higher flight risk than Chen was allowed to go to the hospital with two policemen as escort. Somehow though old and sick, he walked away from them, found his way to a flight to China and escaped. None were punished. The gangster later returned for reasons unknown; perhaps he felt he could get better health care in Taiwan. In a separate case, a convicted spy was also recently returned to Taiwan from the US. Surprisingly, and again under Ma's government, he was able to walk off the plane in Taiwan, elude Taiwan law enforcement and again disappear. He probably has also gone to China.

Chen's health with lack of sunlight, exercise and an inactive style has raised protest from the US based Formosan Association for Human Rights (FAHR); the prison had ignored Chen's repeated health requests for a month; Chen already has some 1200 days in prison. Normally prisoners even can work eight hours a day in prison factories; that Chen is confined to a small damp cell 24 hours a day for security reasons is a far stretch. Why should a man held for simply accepting bribes for which he has put far much more in collateral be held in such conditions while he appeals?

There remains more. Taiwan's President Ma Ying-jeou repeatedly talks of the "corruption" of only Chen. He also claims he does not want to interfere but has interfered when what he

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wanted to materialize did not happen. Ma first almost immediately on taking office, declassified documents that it was hoped would expose Chen. Ma then protested when the lower court exonerated Chen in the special funds and bank merger accusations by saying he must respond to public cries for justice. The Supreme Court almost as a rebuff to Ma, finally exonerated Chen because there was no proof that he took some US \$ 20 million in exchange for promises not to block separate mergers initiated by Cathay Financial Holdings and Yuanta Financial Holdings. Ma offered no apologies.

Select prosecution is evident in different cases as that of the shooting of Sean Lien in December 2010. This has come to be called the KMT "dirty laundry" case. The police have the dead body, the wounded Sean Lien, the shooter, the weapon, untold witnesses and still nothing is resolved nor discussed in the public forum by the media. Ma is silent. This case cannot be blamed on the DPP, though political mileage in that regard had been sought immediately after in the 2010 five cities mayoral election. But whether Sean Lien or the local KMT candidate was the target in an apparent gangster deal gone bad is an area where prosecutors do not want to go. Lien Chan who to this day claims that Chen manipulated the 2004 assassination attempt to rob him of the presidency has not raised his voice for a pressing investigation of the shooting of his son.

Selective leniency was also seen in the Diane Lee case. After Lee was convicted of "ripping off" the country by collecting some US\$3 million in illegally gained salary, she still never saw a day in prison even after conviction. At issue was the fact that she held dual citizenship, a fact that would have made her a greater flight risk since she could have a US passport. Ironically while Lee's defense was that she thought her US citizenship ended when she took office, she had earlier not allowed that excuse to an opposition official that she accused of the same crime. Later a second, (perhaps dinosaur judge) in an appeal court overturned Lee's conviction. The reason given was that she had meant well. Further, she did not even have to give back her illegal millions. The judge ignored the fact that the government office form requires each office holder to answer in writing the question of whether one holds dual citizenship or not. On three separate occasions, for three separate forms and terms in office, Lee omitted answering this question; she left it blank. One can claim oversight once, but to do this three times indicates a pattern. Surprisingly KMT officials checking it also somehow missed the omission each and every time. Lee is free, but she lives with a sword of Damocles over her head; some day, some time, some where, a person with access to US passport renewals, could possibly produce a copy of her application for renewal of US passport while she was in office; thus condemning her for perjury, jail time and a return of illegal money.

The trial of Chen Shui-bian in Taiwan is proving to be a morality play in which actors, participants and observers all, even some DPP, seem to need a surrogate scapegoat (Chen). Of all the thousands involved from Taiwan's past till now, only Chen has been singled out and

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dissected. Perhaps, many hope that some conviction, even if wrongfully gained will alleviate all the past, but it will not. The dilemma is that Chen's trial exposes so much of that past including a loose, corrupt system that would take a horrendously long time and effort to correct. Further, Ma needs Chen as a whipping boy to deflect from that sordid past; even China wants Chen punished and disgraced because he represents Taiwan as Taiwan and not the one China fantasy of the KMT. And the US? The US is indirectly involved because people like Chen pose a threat to their dilemma of supporting democracy but not wanting to give up using Taiwan as a pawn against China. Has Chen received fair treatment under the law? Does the treatment and/or punishment outweigh the crime? Will Chen's death only satisfy some? For Chen's case to be solved with justice is a challenge to all. Somewhere in the wings, a voice cries out, "Do you really want answers? Do you really want the truth? You can't handle the truth." Can Taiwan?

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