

President Ma Ying-jeou's (馬英九) removal of Legislative Speaker Wang Jin-pyng (王金平) was the climax of an obvious political struggle. Ma's rationale for the surprise attack was that influence peddling has no place in the judicial process, but his all-out assault on Wang will have a worse effect on the development of democracy and a constitutional government than any amount of influence peddling could have.

All the Special Investigation Division (SID) has in its case against Wang are conclusions based on a couple of sentences overheard through possibly illegal wiretapping and its distorted understanding of Taiwan High Prosecutors' Office prosecutor Lin Shiow-tao's (林錫耀) testimony. Without even concluding its investigation, the SID bypassed the Cabinet and reported the case to Ma and then announced it to the public at a press conference, along with its phone-tapping records. It did so in violation of proper judicial procedure and the Communication Security and Surveillance Act (通訊保障及監察法).

To get rid of Wang, Ma even sacrificed former minister of justice Tseng Yung-fu (曾榮光), who was forced to resign by Premier Jiang Yi-huah (江宜樺). When Tseng asked for a reason, Jiang said there was none. However, the reason was to create the impression that there really was something to the allegations of influence peddling.

Ma never intended to give Wang a chance to defend himself. Prosecutor-General Huang Shih-ming (黃世明) reported the case to Ma on Aug. 31, and Wang went abroad on Sept. 6. Soon after Wang boarded the plane, Huang convened the press conference. Ma had approved Wang's leave request long before that, so he knew perfectly well that Wang was going to host his daughter's wedding on an island in Malaysia and would not be able to return ahead of schedule.

That did not stop Ma from telling Wang to quickly return to Taiwan to explain what had happened. The point was to create the impression that Wang felt guilty and did not dare to come back and face the music. Knowing that Wang was returning on Tuesday, Ma arranged for the Chinese Nationalist Party's (KMT) Disciplinary Committee to convene and discuss Wang's case on Wednesday morning, giving Wang little chance to prepare a defense.

The Disciplinary Committee did not inform Wang about this meeting until 11pm on Tuesday, so all he had time to do was write a statement. Before the meeting, Ma held a press conference at

## Making China's judiciary look good

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which he called on the committee to at least cancel Wang's party membership, and he was in attendance to see it done. Ma wants Wang out of the KMT, so it was obvious what the decision would be.

Ma keeps talking about upholding due process, but this episode has been all about what Ma wants, with no regard for procedural justice and no reasonable opportunity for Wang to answer the accusations made against him.

From a constitutional point of view, when a president decides to purge the speaker of a nation's legislature, it is a case of the overseen overthrowing the overseer. Only a dictator treats the leader of the body delegated by the Constitution to represent public opinion in this manner.

Compare Wang's treatment with the trial of former Chinese Communist Party secretary of Chongqing Bo Xilai (薄熙来). Although the prosecution had a full range of witness and material evidence against him, China still permitted Bo's trial to be publicly broadcast via the Internet and let Bo prepare, stand in court and speak in his defense.

In contrast, Ma has kicked disobedient legislative speaker Wang out without giving him the chance of a fair trial. Who would have thought Taiwan's democracy and legal system could fall so low that even China's looks better in comparison?

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