

With the beginning of the new legislative session and details of the investigation into the improper lobbying and wiretapping case involving Legislative Speaker Wang Jin-pyng (王金平) being revealed little by little, the public is finally getting an idea of the full extent of the controversy and the political maneuvers behind it.

Prosecutor-General Huang Shih-ming (黃世銘) appeared to be in trouble when the Presidential Office proclaimed that “anything that went beyond the red line of the judiciary would not be tolerated” — a move that sets up Huang as a scapegoat for the wiretapping and the plotting that attempted to force Wang from his legislator-at-large seat.

Huang’s exit would seem to be necessary. He had led a Supreme Prosecutors’ Office Special Investigation Division’s (SID) investigation which resorted to wiretapping not only Democratic Progressive Party (DPP) caucus whip Ker Chien-ming (柯建銘), but also the Legislative Yuan’s switchboard and one of his own prosecutors, Lin Shiow-tao (林錫耀). Adding his improper report about wiretapped conversations to President Ma Ying-jeou’s (馬英九), Huang clearly violated the Constitution.

However, Ma’s role in the scandal should not be ignored. If Huang has to be held accountable for his abuse of power, Ma should also be responsible for the current political turmoil and, most importantly, his own undermining of constitutional procedures.

While Ma has repeatedly said that the entire incident — the wiretapping of Ker and Wang, the Chinese Nationalist Party (KMT) revoking Wang’s party membership — was neither a conspiracy nor politically motivated, Huang’s testimony at a legislature’s question-and-answer session revealed that he had met with Ma twice on, Aug. 31 and Sept. 1, with the latter meeting requested by the president.

The two met five days before the investigation was closed, violating the principle of secrecy of investigation. And while Ma and Huang tried to “put out the fire” by explaining that they were investigating a case of administrative misconduct rather than criminal activities, a meeting of this type between a president and a prosecutor-general was still improper.

Ma should be held accountable

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Ma's use of wiretaps on his political rivals is not surprising, since the KMT long used surveillance as part of its ruling strategy. Ma himself spied on Taiwanese students on US campuses during the 1970s when he attended Harvard University. His history demonstrates the irony of Ma's 2008 promise that no political and illegal wiretapping would be allowed under his administration.

Politically motivated wiretapping is intolerable because it infringes on people's constitutional right to private communication.

The gravity of this controversy does not come from the alleged improper lobbying by Wang or even from the vicious infighting within the KMT, neither of which directly threatens the rule of law. Instead the gravity lies in Ma going beyond the "red line" of the constitutional separation of powers by meeting Huang and holding a televised press conference as president to denounce the legislative speaker, while Premier Jiang Yi-huah (江宜樺) and Vice President Wu Den-yih (吳登輝) looked on.

As of now Huang insists that he will not offer an apology, arguing that the fate of Jiang and Ma would be bundled together with his own.

However, all signs point to Huang's becoming another "Yu Wen" (俞文), a reference to the Taipei City staffer who served nine months in jail for failing to keep Ma's special allowance funds as Taipei mayor in order. Yu was widely seen as a sacrificial lamb.

Ma should not be able to avoid taking responsibility this time by having someone else take the blame. There is enough solid evidence to prove that Ma's foul play put at risk constitutional mechanisms. He is advised to apologize and step down.

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