

The ongoing case involving former Mainland Affairs Council (MAC) deputy minister Chang Hsien-yao's (陳希元) alleged leaking of state secrets to China has flustered President Ma Ying-jeou's (馬英九) administration and caused public mistrust. In particular, the council and the national security apparatus have been criticized, and some more enlightened individuals have said they believe Ma should shoulder the political responsibility and make a public apology.

However, as so often before, Ma feels he has done nothing wrong and thinks his bosom friends who hold leading positions in the MAC and the national security apparatus also have nothing to answer for. Ma even had the nerve to proclaim that it is still too early to apologize, obsessing over the logic of presumed innocence. He is happy to apply this principle to his own clique, but he applies the "presumption of guilt" to the opposition and even to enemies within his own party. Ma is a product of the Chinese Nationalist Party's (KMT) one-party state days and his actions are very much in keeping with a dictator making the ultimate decisions on crime and punishment.

Taiwan is a democracy and should therefore be governed by the rule of law — everyone is equal before the law, and the presumption of innocence applies to all.

Surely the public cannot have forgotten how, toward the end of the last presidential election campaign, the KMT used the Yu Chang Biologics case when then-Council for Economic Planning and Development minister Christina Liu (劉松藩) changed the dates on official documents to launch a smear campaign against Ma's opponent, Democratic Progressive Party (DPP) Chairperson Tsai Ing-wen (蔡英文), based on the presumption of guilt. In the end, all accusations against her were disproved. Is this what the presumption of innocence means?

In September last year, Ma used information, allegedly gained illegally via wiretaps by the Special Investigation Division (SID) of the Supreme Prosecutors' Office, to accuse Legislative Speaker Wang Jin-pyng (王金平) of being involved in improper lobbying and order the KMT's disciplinary committee to revoke Wang's party membership. The reason was that Ma wanted Wang to lose his legislator-at-large seat and thus his position as legislative speaker was so Ma could push the cross-strait service trade agreement through the legislature. Throughout the judicial process Wang held the upper hand, and in the end Ma's attempts at applying the presumption of guilt failed miserably.

Since the Chang case has entered the judicial process, prosecutors should presume his innocence and avoid acting in a rash manner. However, just as he accused Wang in strong terms last year, Ma has called Chang a “pest” while crowning Mainland Affairs Council Minister Wang Yu-chi (王郁琦), whose handling of the matter has gone from bad to worse, a “woodpecker,” suggesting that he will be the one to get rid of the “pest.”

Despite always talking about the importance of the presumption of innocence, Ma in practice applies the presumption of guilt against anyone who does not agree with his agenda, an expression of his power to make the ultimate decision on who is right and who is wrong. Most questionable is that the kind of presumed innocence that Ma really wants to apply to the Chang case, regardless of whether he has leaked state secrets or been a spy for the Chinese Communist Party (CCP), is the presumption that China is innocent.

This is why, after the Chang case came to light, it was proposed that cross-strait negotiations and signing of agreements between Taiwan and China should be viewed with much more scrutiny, because if the accusations against Chang are proven to be true, Taiwan’s interests will be hurt far more than first thought.

Especially worthy of attention are the ongoing legislative reviews of the cross-strait service trade agreement, the draft bill for free economic pilot zones and a mechanism to monitor cross-strait agreements, which will all have to be suspended. Agreements that have not been signed yet, such as the proposed agreement for cross-strait trade in goods, should also be immediately halted.

The Ma administration has the responsibility to conduct a thorough investigation and provide answers when it comes to the suspicions that China has accepted leaked state secrets from Chang and taken him on as a spy. Until the truth about the allegations is revealed, China, the only possible mastermind behind the whole shambles, cannot be presumed innocent — “reasonable doubt” is the only correct stance.

Truly unbelievable is that while Ma is hell-bent on getting rid of Chang, he seems to have decided at an early stage that China should be presumed innocent. In defining the nature of the Chang case, the Ma administration has changed its tune from originally calling Chang a Chinese spy and saying that it was a case of treason. The council, the Straits Exchange Foundation and Ma have now labeled the Chang case a “ripple in the strong wave of cross-strait developments” and said that it would not affect cross-strait negotiations. This is

Ma makes mockery of rule of law

Written by The Liberty Times Editorial
Saturday, 06 September 2014 00:28

clearly an attempt on the government's behalf to get closer to China.

Also, despite the fact that Chinese military aircraft entered Taiwan's air defense identification zone as all of this was going on, the Ma administration continued to obsess about meetings between the leaders of the cross-strait affairs organizations and included the expenses for these meetings in the council's budget for next year under the title of "cross-strait interaction and negotiations," as if the Chang case is of no importance whatsoever. If the head negotiator to China has been bought out by Beijing, surely the situation cannot be any better further down the chain of command. To see the Ma administration simply turn the other cheek is very odd.

The Chang case is very confusing, and the Ma administration is in a total mess, with all sorts of strange things surfacing one after another. Given that Ma has questioned Chang's — an official Ma appointed himself — loyalty to the nation, the public will wonder if Ma's own confused ideas about national identity like "one country, two areas" and "eventual unification" with China have sowed the seeds of disloyalty to Taiwan. If there was a problem with Chang, how is the public supposed to believe Ma has done nothing wrong?

The whole problem with one of the nation's leading cross-strait negotiators allegedly being involved in the leaking of state secrets to China and even being absorbed by the CCP as a spy, lies in China's ambition to annex Taiwan. Now Ma is claiming that Chang is a "pest" to be exterminated, while simultaneously using this "pest" to score points with China. Such contradictory behavior on Ma's behalf surely sends a strong message to everyone that the only mistake Chang made was taking over Ma's special privilege of colluding with the CCP.

Translated by Drew Cameron

Source: [Taipei Times - Editorials 2014/09/06](#)