

Ma overstepped boundaries: experts

Written by Taipei Times

Wednesday, 18 September 2013 08:13 -

Amid continuing controversy over the “September political strife,” a number of legal experts yesterday issued a joint statement accusing President Ma Ying-jeou (馬英九) of using his status as the Chinese Nationalist Party’s (KMT) chairman to bypass the constitutional boundaries of presidential authority.

The statement, titled President Ma overstepping the constitutional red line: A group of legal academics’ collective opinions on the president’s interference in the self-disciplined legislature, was endorsed by a 36 legal specialists, including National Taiwan University law professors Yen Chueh-an (顏清賢) and Chang Wen-chen (張文成).

“While the legitimacy of Prosecutor-General Huang Shih-ming’s (黃世明) and the Special Investigation Division’s handlings of the case of alleged illegal lobbying brought against Legislative Speaker Wang Jin-pyng (王金平), and whether Ma’s role in the case constitutes manipulation of the investigating agency, are yet to be determined, Ma’s dealings with the incident have blatantly violated the doctrine of separation of powers, and jeopardized the constitutional order of this free and democratic country,” the statement said.

The statement accused Ma of using his power as KMT chairman to forcibly manipulate the party into revoking Wang’s party membership and stripping him of his status as a KMT legislator-at-large, in an effort to fulfill his ultimate goal of having someone else lead the legislature.

Wang’s party membership was revoked on Wednesday last week by the KMT’s Central Evaluation and Discipline Committee for his alleged illegal lobbying for Democratic Progressive Party caucus whip Ker Chien-ming (柯建銘) in a legal matter.

Wang then filed a provisional injunction with the Taipei District Court seeking to retain his KMT membership and rights. The court ruled in his favor on Friday.

In a move believed to have been initiated by Ma, the KMT on Monday brought the case to a higher court, which is expected to hand down a ruling today.

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The statement said that although a president was permitted to double as the chairman of a political party, there was no such thing as “being the president one minute and the next minute, not” while he or she was still in office.

“In other words, presidents will never be allowed to do what they are constitutionally forbidden from doing just because they say they are acting in their capacity as a party chairman. Otherwise, they would be able to bypass the boundaries set for them by the Constitution simply by switching back and forth between the two positions,” the statement said.

The statement added that maintaining legislative self-discipline was an integral part of the principles of separation of powers, and that it should be the mandate of the legislature to investigate and punish its members who had crossed the moral boundaries.

“The adherence to the principle of legislative self-discipline is an indicator of whether a nation is a constitutional democracy or a one-party totalitarian regime,” the statement added.

While calling on the legislature’s Discipline Committee to subject the alleged illegal lobbying case to the severest scrutiny, the statement urged Ma to refrain from interfering in matters covered by the legislative self-discipline principle and from encroaching on the core area of the legislature’s rights.

Ma should have avoided interfering in the KMT’s deliberations on the fate of Wang to maintain the separation of powers, but instead he held several press conferences calling for Wang’s removal from the legislative speakership, saying that Wang was no longer fit to fill the position, the statement said.

Ma also made the same call at a meeting of the KMT’s disciplinary committee that revoked Wang’s party membership, which was sufficient to prove that he had overstepped his constitutional authority, it added.

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The statement concluded by calling on members of the public to face up to the difficult challenges facing the nation's constitutional system, while urging competent agencies to immediately restore the constitutional order.

Source: [Taipei Times - 2013/09/18](#)