

After the Ruling on the Impeachment of Pres. Roh:

"The Ground Becomes More Firm After Rainfall"

The Constitutional Court rejected the impeachment of President Roh Moo-hyun," announced Yun Young-chul, president of the Constitutional Court, in a historic ruling broadcast live for about 30 minutes from 10 a.m. on May 14, 2004. The Court restored President Roh to office, dismissing the impeachment motion passed against him, which has been suspended since the opposition-controlled 16th National Assembly voted to impeach him on charges of illegal electioneering, corruption involving his aides and incompetence on March 12.

The Court ruled that Roh ran counter to the Constitution by violating the Election Law in which he did not remain neutral ahead of the Parliamentary Elections and proposed a "politically motivated" referendum on his leadership. The nine-member court said that the severity of the violations did not warrant his removal from office and didn't believe Roh was actively engaged in misconduct.

"Impeachment means stripping the President of his democratic justification endorsed by the people through elections. It risks causing political turmoil, a leadership vacuum, national costs and social divisions. Thus, impeachment charges should be significant enough to match the importance of the effects of impeachment," Yun said.

Article 65 of the Constitution says that the National Assembly may pass impeachment motions when public officials, including the President, violate the Constitution or other laws in the performance of official duties. "In order to impeach a President, the Constitution stipulates that the President should be guilty of severe violations related to official performance," said Yun with the verdict.

While the President admitted violation of the Constitution by voicing support for the pro-government Uri Party ahead of the March General Elections, he said that the charge was not serious enough to warrant his removal from office.

"Roh's breach of the Election Law falls short of a threat to the constitutional order. Also, he didn't break public confidence to an extent that his public endorsement in the presidential election should be withdrawn. Therefore, no reason exists to justify his impeachment. We have come to the conclusion that Roh's violations were not grave enough to put the nation's constitutional order, freedom and democracy in danger," Yun said in the ruling.

The Court ruled that corruption by Ahn Hee-jung, Yeo Taik-soo and Choi Do-sul, those who are Roh's key aides, fell short of legal justification for impeachment because the bribery and illegal fundraising cases were committed before Roh took office in March of last year. Ahn, Yeo and Choi are all on trial for collecting illegal funds from businesses during the 2002 presidential campaign.

Because of the ruling, Roh immediately regained his executive powers. The ruling gave Roh a fresh mandate to serve the remainder of his five-year term, which ends in February 2008. In a statement, Cheong Wa Dae said, "It humbly accepted the Court's ruling and thanked supporters of Roh for their backing during the turmoil caused by the impeachment."

The historic ruling has been finally made. Most Koreans, who watched the ruling with great interest, responded that the court made a natural decision. Civic groups on the President's impeachment welcomed the Court's ruling to reject the impeachment motion, viewing it as a just decision that reflected public opinion.

"The Court's ruling is only a legal confirmation of the judgment which the public had already given on the president's impeachment. Following the decision, Roh should exert all efforts to solve issues facing the public such as national unity and unemployment, while striving to listen to the voices of the people and realize new politics," said a coalition of campaign civic groups against the impeachment.

Conservative groups who had supported Roh's impeachment also indicated that they will accept the ruling handed down by the country's highest court. "We respect the Constitutional Court's decision. Although we regret that the Court overturned the impeachment motion, which had sufficient grounds and was passed through the National Assembly, the Constitution and public order must be respected."

The Korean Confederation of Trade Unions urged the government to use the opportunity to push forward with full-scale reforms throughout society. "The people called for a withdrawal of the impeachment not because they supported President Roh, but because they wanted to lay judgment of the political sector's attempt to disrupt democracy. Roh should gravely reflect on his past mistakes and push ahead with reform policies."

Business circles, whether domestic or foreign, asked President Roh Moo-hyun to put the economic recovery on the top in his policy goals over his remaining term with a clear direction. The nation's leading business organizations, including the Federation of Korean Industries (FKI) and the Korea Chamber of Commerce and Industry (KCCI), hailed the Court's decision to reject the impeachment, hoping that it will benefit the sagging South Korean economy.

"We expect to see the government devoting its energy for an economic pick-up after the removal of political uncertainties," the FKI said in a statement, adding that economic achievements could reward the citizens' support for Roh's reinstatement.

The foreign business community also expressed its expectation for the positive effects of Roh's comeback on the economy. "We think the Korean people are ready to accept the Court's decision without objection, thus showing that rule of law is firmly entrenched in Korea," said William Oberlin, president of the American Chamber of Commerce in Korea (AMCHAM Korea). In a statement, Oberlin said, "We hope this will be the closure that Korea needs in order to move forward in its phase of political/economic transformation and address the more pressing

economic issues at hand."

The European Union of Chamber of Commerce in Korea expressed similar views on the Court's rejection, hoping that the EU-Korea economic exchanges will be enhanced at a faster speed alongside the expansion of the EU.

It was no surprise for many media outlets that the Constitutional Court overturned the impeachment motion and restored President Roh's powers. Reporters from both local and foreign media jostled alongside supporters and protesters to note the verdict that cleared the way for Roh's comeback, which was seen mostly in a positive light – newly strengthened and improved.

Reuters reported on the decision with a headline reading "Korea's Roh returns stronger after court ruling," stating that his reinstatement would strengthen his rule. "A majority of the court's nine crimson-robed judges ruled that these were not grounds enough to oust the leader of the world's 12th-largest economy and thrust it into chaos amidst a nascent economic recovery and a crisis over North Korea's nuclear aims," said Reuters.

The Britain-based Financial Times reported that Roh's return had been considered a near certainty as the charges against him appeared politically motivated and a large majority of Koreans were opposed to his impeachment.

The Washington Post reported that the verdict completed a reversal of fortune for Roh, whose impeachment "rejuvenated his political standing through a massive public backlash against his ouster." Adding that Roh's return to power would leave the President and his allies in control of both the executive and legislative branches of the Korean Government, the daily also said that Roh faced some intricate tasks.

"With unprecedented authority to move forward with his agenda, Roh will immediately face a difficult balancing act how to forge closer ties with North Korea, a policy supported by a majority of young South Koreans, while trying not to alienate Seoul's main ally, the United States," said the Washington Post.

The New York Times also reported that the case had tested the nation's, fledgling democracy. Roh now had many new expectations to live up to: "This new political lease of life, coupled with control of the National Assembly, is expected to allow Mr. Roh to pursue a more activist agenda: to move the capital from Seoul to the nation's center, to soften the National Security Law which brands North Korea as the enemy, to strengthen antitrust laws against conglomerates, and to place more distance in the close relationship with the United States."

China's official Xinhua News Agency also reported the news just minutes after the decision was announced. In detail, the agency reported on the ruling on its half-hour live broadcast, stating that Roh's reinstatement gave the progressive President a fresh mandate for his policies of closer ties with North Korea and economic reform: "Roh's reinstatement is a crowning victory for the liberal-leaning legislature. Though not an Uri member, Roh champions many of its policies and has said that he will join."

The Constitutional Court overturned the Parliament's decision to impeach President Roh.

According to the impeachment verdict summary, the impeachment motion against President Roh was revoked as his violation of the Constitution and the law was not serious enough to warrant his dismissal from office.

First, Roh violated the obligation of "political neutrality," which the constitution requires of public servants, including the head of state, by openly appealing to the nation to support the Uri Party during a televised news conference with reporters on Feb. 24. However, his remarks supporting the Uri Party came in answer to a reporter's question, and therefore they cannot be interpreted as active campaigning for the party.

Second, when Roh suggested last November that he would hold a national referendum as a confidence vote to decide whether he should stay in office, he violated the obligation of protecting the Constitution.

Third, he also violated the spirit of the Constitution and the law when his defense team cast doubt on the legality of election laws following the National Election Commission's ruling that Roh had violated the law concerning his political neutrality.

However, other points brought up by the prosecution as reasons for impeachment were groundless. First, remarks supporting the Uri Party in the April General Elections made by Roh at other times were within the legal boundaries, permitting the president to freely express his political opinion.

Second, corruption scandals involving his close aides did not affect the case at all because they had occurred before the opposition party brought the impeachment motion on March 12.

Third, Roh's poor performance as the head of state in economic affairs as outlined by the prosecution was not subject to judicial judgment in this impeachment case.

With the Constitutional Court's rejection, President Roh, for all practical purposes, has pulled off one of the greatest political comebacks in modern Korean history. About 70% of the people opposed the impeachment. This wave of sentiment helped the now de-facto ruling Uri Party to win a majority in the April 15 General Elections.

By addressing the nation on the Constitutional Court's ruling against his impeachment, President Roh started his official work on May 15, 2004, after two months of hiatus. Returning to his office, President Roh pledged to push ahead with strong economic and political reform, even if it brings him public criticism.

"I will never give up principles for reform. I will put priority to revive the sluggish economy but will not use provisional economic measures to see short-term gains." In his televised speech to the nation, President Roh also made apology to the nation for the alleged corruption scandals involving his close aides and illegal campaign funds in the 2002 Presidential Election raised by his camp.

The key words in the speech were "harmony and co-existence" to revive the economy and

stabilize public livelihood. He also pledged to focus on state administration while keeping politics at arm's length.

Regarding political affairs, Roh said that he would seek politics of harmony and co-existence with opposition parties in pursuing his reform agenda. "For the past two months, I received lots of letters asking me to pursue politics of harmony and co-existence. So, I am determined to pursue it," said the President. He said that he was ready to cooperate with opposition parties and would let a culture of fair competition take root in resolving differences.

Currently, the Korean economy is reeling from a "triple-double" of adverse factors. Abroad, there are rocketing oil prices, Chinese belt-tightening and a looming U.S. interest rate rise. At home, high unemployment, mounting credit delinquency and spiraling prices are threatening the very foundation of people's livelihoods.

President Roh expressed confidence in tackling at least the domestic problems. He should be able to turn his words into action, as Continuation of the current stalemate would erode Korea's growth potential. The President needs to show the business community that his ongoing efforts to reform opaque corporate practices should not be interpreted as anti-market or anti-business policies. He should also promise continuous deregulation efforts while ensuring maximum industrial peace.

Now, the government and the ruling party are likely to push for various national projects with increased power. However, the impeachment process was a game in which there could be no winner or loser. The ruling party should never become arrogant. The opposition does not need to be overly depressed. All parties involved, including President Roh himself, ought to accept the result humbly, reflecting on how and why the problem started in the first place.

Each and every citizen might have his or her own opinions on the verdict. But they should also submit to the outcome instead of stirring more controversies. The verdict should not signal the beginning of more social turmoil but should be an end by itself. The nation has too many things to do to catch up with its competitors to engage in a fresh round of ideological confrontation.

The impeachment trial against President Roh, unprecedented in the Korean history, has come to an end. Now, tranquility has replaced the political turmoil which erupted in society. The majority of legal experts had predicted such an outcome. However, their predictions were sharply divided with respect to how the court would dismiss the case. They predicted that the court would dismiss either for procedural matters or for substantive reasons. The court chose the latter.

In the previous months, the Korean society has been divided into two distinctive blocs: Anti-Rohs vs. Pro-Rohs and Conservatives vs. Progressives. Though they paid an expensive price, people have learned a valuable lesson in how to uphold and preserve democracy through experiencing the impeachment process.

Notably, the impeachment crisis has clearly showed the world that Korea is a democratically

mature society. Such an impeachment process against a sitting President would have been unthinkable during the past dictators' era. The Korean society has surprisingly maintained its stability throughout the leadership crisis much better than the outside world has expected it.

As the first Korean President to have been impeached, Roh faces a tougher task of living up to the mandate he was given by the public. "Most importantly, Roh must now astutely balance the government's relationship with the ruling party, which comprises a variety of voices that run counter to each other within the camp."

President Roh has not just recovered his powers that were put on hold for more than two months, but he is starting the second phase of his term in office in a new political environment, as political pundits say with good reason.

In this post-impeachment political setting, Roh is no longer required to become combatant and provocative in an "us against them" approach, as he has been in the past. What he needs to do now is to promote integration and harmony in a society that has been ripped apart by different ideologies, regions, generations and classes.

With the impeachment behind him, the real challenge that Roh faces now is how well he will be able to govern effectively. If he can deliver the kind of progressive reform that he promised when he ran for President, then perhaps this terrible lesson in Korean politics will have some redeeming value for the nation and the office of the presidency.

To be sure, there are many lessons that can be learned from the past two months, but perhaps none more important than the re-silencing of Roh to weather this terrible political storm. Even in the darkest hours of this impeachment, Roh remained upbeat and optimistic that the courts would rule in his favor.

Whatever the causes and procedures, Roh's impeachment about two months ago was a national misfortune. But the nation has managed to overcome it without undergoing any social confusion. We believe all these are evidence that Korea's democracy has advanced one level higher.

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