

The Veto Point Politics of the Presidential Impeachment in South Korea: An Analysis of the Parliamentary Impeachment against President Rho Moo-hyun

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The principal purpose of this article is to narrate the veto point politics of the 2004 parliamentary impeachment against President Rho Moo-hyun in terms of the political and institutional contexts and the process and outcomes of impeachment, in order to debate over the factors that caused the failure of impeachment. To the aim, this article first explored the theoretical frameworks on the presidential impeachment and veto points, and then gave a general explanation of the background story of Korean politics and impeachment institutions. This article proceeded to elaborate on the political and institutional contexts of the presidential impeachment and how these contexts influenced the process and outcomes of impeachment. The next chapter examined the veto point politics of impeachment, consisted of parliamentary motion and the Constitutional Court's adjudication. Consecutively, this article narrated the outcomes and aftermaths of impeachment, and then finalized with the discussions on the factors that caused the failure of impeachment.

Key words: presidential impeachment, veto point, President Rho Moo-hyun, South Korea

I. INTRODUCTION

Although South Korea (hereinafter Korea) copied the Western democratic political system, the president's power, for a long while, had been overwhelming under the strong authoritarianism, enforcing parliament to play a role of rubber-stamp (Kihl, 2005). Accordingly, despite parliament's official power to impeach the president, that

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never happened in Korean politics. While parliamentary power to counterbalance the president has greatly increased since the political democratization of the late 1980s, public opinion was intolerable to the parliamentary impeachment of the president. In a sense, impeaching the president had been a political taboo in Korea.

However, the taboo was broken in 2004 for the first time. Conservative opposition parties declared the war against liberal-minded president Rho Moo-hyun in March 2004. Although opposition parties hung out the president's violation of neutrality obligation in election and his associates' political corruption as pretences, the presidential impeachment was inevitably related to the election strategies of opposition parties at the time when the general election was just around the corner (Choi H., 2006). Opposition parties intended to block the president's intervention in the coming election by gagging Rho with adhesive tape by impeaching him.

Meanwhile, the politically-motivated impeachment met a headwind from the people. The general election resulted in the landslide victory of the ruling party and that greatly influenced the trial of the Constitutional Court (CC), who charged with the adjudication of impeachment, to reject the parliamentary motion of impeachment. It is of course that the failed attempt of impeachment had exerted deep impacts on Korean politics in coming years (Yoon, 2005).

Against this backdrop, the purpose of this article is to explore the political nature of the two key veto points, parliament and the CC, in the 2004 impeachment against President Rho Moo-hyun. In specific, this article will debate over how the political game between veto players in the critical veto points led to the failure of the 2004 presidential impeachment in Korea. The following are the research questions this article will answer:

- In what ways did the political and institutional contexts influence the impeachment?
- How was the veto point politics in parliament, and which factors exerted influences on it?
- How was the veto point politics in the CC, and which factors exerted influences on it?
- In what ways did the political game in veto points influence leading to the failure of the impeachment?

To the aim, this article first explores theories on veto points and presidential impeachment, and then gives an explanation of the developing story of Korean politics and the institutions of presidential impeachment. This article proceeds to analyze the then political and institutional contexts and how they influenced the presidential impeachment. The next chapter examines the veto point politics of the impeachment, consisted

of the proposal and resolution of parliament and the trial and adjudication of the CC, and investigates the factors influencing the veto point politics. Consecutively, this article narrates the outcomes of the impeachment, and then finalizes with the discussions on the factors that conditioned the failure of impeachment.

II. THEORETICAL UNDERPINNING

A. Veto Points and Veto Players

According to Immergut (1992), all democratic political systems have veto points which provide “opportunities for groups to voice opposition to policy proposals and exert their influence over them (Hudson and Lowe, 2004: 157).” To her, “veto points refer to all stages in the decision-making process at which agreement is required for a policy change (Immergut, 1992: 26).” A veto point is a political institution, “the holder of which has the power to block a proposed change in policy (Stasavage, 2002: 44).” In the political system, multiple veto points are created by constitutional provisions or exist as a consequence of electoral rules such as proportional representation (O’Reilly, 2005), and in this regard, the veto point perspective is a kind of neo-institutionalism. It emphasizes that the constitutional structures themselves are crucial determinants for the potential of policy change. The veto point perspective pays attention to how the political system maintains the stability of policy. According to the perspective, the increasing the number of veto points in the political system may help to increase policy stability (Stasavage, 2002).

... The more governmental power is dispersed, i.e., the more veto points various constitutional structures provide, the lower the potential for policy change. The more power is dispersed in governmental institutions, so the argument goes, the easier it is to block legislation... (Birchfield and Crepez, 1998: 181).

In general, policy change is relatively difficult in the countries where constitutional structures have federalism, presidential government, strong bicameralism, single-member district electoral system, and provisions for referenda. Moreover, in coalition governments, party caucuses or party leaders composing the coalition can act as additional veto points (Weaver and Rockman, 1993). Veto points are also distinguished between ‘competitive’ and ‘collective’ ones and policy change is relatively difficult in the countries where competitive veto points are prevailed.

Competitive veto points occur when different political actors operate through separate institutions with multiple veto powers, such as federalism, strong bicameralism, and presidential government. These institutions, based on their mutual veto powers, have a tremendous capacity to restrain government.... Collective veto points, on the other hand, emerge from institutions where the different political actors operate in the same body and whose members interact with each other on a face to face basis. Typical examples are proportional electoral systems, multi-party legislators, multi-party governments, and parliamentary regimes. These are veto points that entail collective agency and shared responsibility.... Birchfield and Crepaz (1998: 181-182).

The effectiveness of veto points can be measured on several dimensions: their number, the extent to which approval at each point requires more than a simple majority, and the extent to which a veto is complete, permanent, and non-appealable rather than partial, temporary, and subject to appeal (Weaver and Rockman, 1993).

Meanwhile, a veto player is the policymaker who controls a veto point. According to Tsebelis (1995: 293), "a veto player is an individual or collective actor whose agreement is required for a policy decision." Tsebelis (1995: 289) insists that the potential for policy change decreases "with the number of veto players, the lack of congruence (dissimilarity of policy positions among veto players), and the cohesion (similarity of policy positions among the constituent units of each veto player) of these veto players." The veto player analysis is significant because the government reform capacity of particular country is largely dependent on the strength of veto players in official and practical institutions, in which they go along with or fight against the government's reform attempts (Immergut, 1992). It is asserted that veto players use their powers to a direction of maximizing their interests by promoting a policy change or maintaining the status quo. In general, if veto players' interests are diverse, the potential for policy change decreases.

The basic idea common to all veto player approaches is simple: if some individual or collective actor has veto power, she will use it to further her interest. More specifically, she will veto policies that go against her interest....The implications of basic veto players are straightforward: The shape of legislative policies is influenced (only) by veto players; and if many players have substantially different interests, they will likely find it difficult to agree a change of the status quo policy... (Ganghof, 2003: 2-3).

Further, Tsebelis (2002) classifies veto players into some categories. The first classification is to distinguish between institutional and partisan veto players. Institutional veto players are generated by the constitution, whereas partisan veto players are created

by political games. For example, while the House of Representatives and Senate are institutional veto players, the majority is a partisan veto player in the United States. Of them, an important player is a partisan veto player. Veto players decrease when the ruling party occupies a parliamentary majority, when the ruling party is composed of a single party, and when the disciplines of political parties are strong. The second classification is to distinguish between individual and collective veto players. While the president is an individual veto player, the House of Representatives and political parties are collective ones.

B. Presidential Impeachment

Meaning of Presidential Impeachment

The institution of impeachment was introduced in Britain in the 14th century as a tool to press the Crown and its officials to take responsibility and to gain the power of parliament relative to them (Berger, 1973). The Colonial Congress of the United States also permitted the impeachment against the president and public officials (Ehrlich, 1974). Afterward, while impeachment became titular in Britain under the cabinet system, it was used frequently in the United States as a way to check the president by parliament.

Impeachment process varies from countries. In general, in the bicameral system, the lower house decides whether to impeach, whereas the upper house makes a trial. In the United States, the House of Representatives impeaches and the Senate confirms by super-majority vote (Perkins, 2003). In the unicameral system, while parliament decides the impeachment, the Supreme Court or other independent judicial authorities adjudicate the impeachment. In case of Korea, the National Assembly (NA) proposes the presidential impeachment and the CC adjudicates it (Im, 2004).

The grounds for the presidential impeachment are ambiguous and unclear. Accordingly, it is argued that the practical grounds of impeachment are “all the criminal acts that the majority of representatives say yes at the time and the two thirds of Senates recognizes as such (Tassel and Finkelman, 1999).” Korea’s grounds for presidential impeachment are ambiguous, too. The president can be impeached when disqualified to perform the duty of protecting the Constitution by betraying public trust. But the grounds are strictly restricted to the case that the president violated the Constitution and statutes ‘clearly and significantly’ (Park M., 2005). Thus, both the proposal and trial of impeachment are essentially political. In this regard, as Baumgartner (2003: 1) said, “presidential impeachment is the equivalent of a political earthquake.” Impeachment is a political proceeding to remove the president and his officials from their

offices and a partisan power game between the president and opposition parties (Ehrlich, 1974). Meanwhile, impeachment is a breakthrough away from the rigidity of the presidential system and a legitimate tool to block the misuse and overuse of presidential power (Linz, 1994). Impeachment can be a legal-constitutional alternative to system break-down, and in this regard impeachment is essentially democratic and bolsters the checking power of parliament against the president:

Impeachment is the only realm in which Congress is empowered to exercise power without any formal opportunity for another branch to check its actions or otherwise provide input formally... (Gerhardt, 2000b: 250).

However, although impeachment is basically a political process, the subject of impeachment has been ignored by political scientists under the justification that few stable democracies were, in meaningful sense, presidential. Most of previous studies adopted a non-political approach to understanding the presidential impeachment. A majority of researches about the subject were undertaken from the standpoint of legalistic approach, focusing on what constitutes impeachable offenses and what procedure is involved in impeachment. Legalistic approach assumes that partisan differences should not play a role in impeachment (Baumgartner, 2003). In terms of methodology, most of existing works on impeachment are descriptive and normative, because they are usually the products of historians, journalists, and legal scholars.

Stages of Presidential Impeachment

The process of presidential impeachment starts with allegations of wrongdoings against the president. To be successful, there must be good reasons to believe that the president is personally involved in the wrongdoings which are commonly considered to be a serious breach of conduct. As Baumgartner (2003: 13) mentioned, “the more politically effective the scandal is, the more likely the attempt to impeach will be successful. The greater the degree of public and elite outrage, the more seriously parliament is forced to consider the impeachment.”

The next stage occurs when the scandal moves into parliament. If it gains traction, the formation of a special committee or hearings may follow. What occurs is a struggle. Here, the partisan composition of parliament is often a major factor. Once an impeachment attempt is formally started, three phases follow: accusation and/or investigation, deliberation and voting on impeachment, impeachment trial. Accusation and/or investigation might be the introduction of a resolution in parliament to impeach the president. In the United States, the House of Representatives refers the matter to committees;

in other cases, an investigative body is formed or a special prosecutor is appointed (Gerhardt, 2000a). The next step is to deliberate and vote on impeachment. In some cases the impeachment attempt dies in the initial stage, while in other cases an impeachment trial is authorized. The final step is to put the impeachment to trial. Trial may be conducted by the upper house of parliament, a high court, etc. This phase decides whether the president will remain in office or not (Perkins, 2003).

Outcomes of presidential impeachment can be one of the following three (Baumgartner, 2003). The first case is impunity. No vote is taken to impeach the president and the case stops. This is possible through the compromise between brawlers or the concession of either side. The second possible case is survival. A vote is taken but the president survives. This is possible in both phases of impeachment resolution and trial. The final one is exit. The president should leave offices.

Meanwhile, the removal of the president is the judgment of guilty, but the rejection does not always mean a judgment of acquittal. Although the president's wrongdoings are convicted as guilty, they can be dismissed by rejection in case that they are not clear and significant. Also, civil and criminal penalties are not exempted by the impeachment.

Factors Conditioning the Presidential Impeachment

There are many factors that condition impeachment process and affect the likelihood of impeachment attempt. Among them, what is important is that whether the president is backed by majority or minority partisan. According to Kada (2003a: 33), "a minority president is more likely to be impeached and removed than a president with a firm backing in the legislature." Meanwhile, the following are the contextual factors affecting impeachment proceedings; historical and constitutional bases of presidency, structural balance of governmental power, constitutional and statutory provisions for impeachment, the structure of party politics, presidential popularity or approval ratings (Gerhardt, 2000b). Alleged wrongdoings of the president and associated scandal are also important factors.

However, more systematic explanation on the factors that condition the impeachment was suggested by Baumgartner (2003). The first one is the institutional balance of power that includes a constitutional framework of government and the power balance between agencies. If the presidency is fairly weak *vis-à-vis* parliament, there is a greater likelihood of impeachment and the converse is possible too. If the president dominates the selection process for members of high courts or the upper house of the legislature, a removal attempt may have less chance of success (Kada, 2003b).

The second factor is constitutional and statutory provisions for impeachment.

“Which institutions of government are responsible at what stage and what size of majority is required to successfully moving the process to the next phase? (Baumgartner, 2003: 8)” What roles are played by lower and upper houses of the legislature? How many institutions are involved in the process? In theory, if there are more potential veto points, the chance for an impeachment attempt to succeed will be little.

The structure of party politics is the third factor. Whether the party system has two or multiple parties; how institutionalized the party system is; the degree of party discipline in voting; what ties the president has to any particular party; how strong those ties might be, and why. The fourth is presidential popularity. It is more difficult to impeach a popular president than an unpopular one.

There are other factors that constrain the impeachment process. All other things being held equal, reports of presidential wrongdoings are more likely to be transformed into a political scandal under a liberal media environment. Adverse economic conditions might make the people more willing to support an impeachment attempt. In addition, the grounds of impeachment attempt and the legitimacy and approval rating of principal actors of impeachment should also be duly considered, as they can influence the public opinion on impeachment (Choi H., 2006).

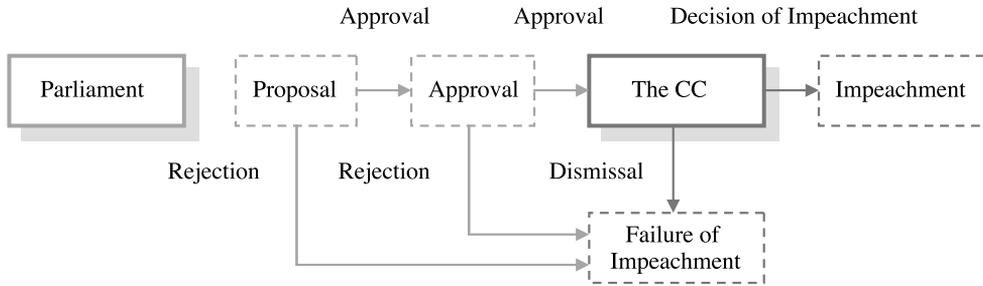
III. THE ENVIRONMENTAL CONTEXT OF PRESIDENTIAL IMPEACHMENT

A. Outlines of the Case and the Institutions for Presidential Impeachment

President Rho delivered speeches, in February 2004, blatantly siding with the newly-born Uri Party several times, despite the warning of the National Election Commission (NEC). In Korea, the president has an obligation to remain neutral in election. Against Rho’s political intervention, the former ruling New Millennium Democratic Party (NMDP) allied with the opposition Grand National Party (GNP) to impeach Rho. The NA dominated by the two parties proposed the impeachment on 12 March 2004, under the grounds of Rho’s violation of political neutrality obligation and the political corruption of his associates, by approval of 193 among total 273 lawmakers. However, public opinion was negative to the impeachment at the time and the April 2004 general election resulted in the landslide victory of the ruling Uri Party. The next stage of political game was unfolded in the CC. The CC rejected the parliamentary resolution of impeachment on 14 May 2004, frustrating conservative parties’ intention to impeach the liberal-minded president. It was widely acknowledged that the result of the general election influenced the decision of the CC greatly.

Meanwhile, the procedure to impeach the president is divided into two parts: the

Figure 1. The Institution of Presidential Impeachment



NA’s impeachment motion and the CC’s impeachment adjudication (Im, 2004). According to Article 65 of the Constitution, a motion for the impeachment of the president can be proposed by a majority of the total members and approved by two thirds or more of the total members of the NA. At the time when President Rho was impeached, the approval of 137 or more of total 273 lawmakers was needed to propose the impeachment and the approval of 182 or more of total lawmakers was needed to approve the impeachment. A motion approved by the National Assembly then proceeds to the CC for its adjudication. Thus, two veto points should be passed to impeach the president. The CC is composed of nine Justices and the concurrence of six Justices or more is required to make a decision of presidential impeachment (Article 113 of the Constitution). Figure 1 outlines the institutions on presidential impeachment and the possible scenario of the then impeachment attempt.

B. Turbulence of Korean Politics

Even though Korea has adopted the Western democratic presidential system, its political landscape had been turbulent. Since the 1961 military coup, the dictatorial president had dominated politics (Buzo, 2002). In particular, the 1972 *Yushin* (revitalization) Constitution concentrated political power on the president, whereas parliament just played a role of rubber-stamps (Kihl, 2005). Although parliament could impeach the president in theory, it was impossible under the situation where the ruling party always dominated parliament. The president was an ‘imperial’ president in the 1970s Korea (Kim S., 2002). Civil society, trade unions, and political opponents were all suffocated.

Political authoritarianism continued even in the 1980s. Shortly after the assassination of Park in 1979, Chun Doo-hwan staged a military coup and revised the Constitution to introduce the seven-year single term presidency that was indirectly elected by the electoral-college system (Kim C., 2004). In the 1981 presidential election Chun recorded 90.2% polling score over minor puppet candidates (www.nec.go.kr). Chun copied the

dictatorship of the 1970s. Political power was concentrated on the president and hard-line opponents and civic groups were oppressed (Kim Y., 2003).

The June 1987 popular protest was a watershed event in Korean politics. The Chun government accepted a direct presidential election and the amnesty for key opposition leaders. With the revision of the Constitution in 1987, the term of presidency was confined to 5-year single one. Although Rho Tae-woo, Chun's nominee, became the president in the 1987 election, the Rho government was a transitional regime towards political democratization (Tat, 2000). The 1987 Constitution restored the direct presidential election system. The president's power of dissolving parliament was abolished, whereas parliamentary checking power was greatly strengthened (Kim C., 2004). Since the 1990s, Korea has consolidated democracy and the power relations between political institutions have been balanced. In particular, opposition parties' occupancy of parliamentary majority between 1988 and 2004 greatly constrained presidential power. In particular, Rho's lack of political charisma made him remain weak in the power relationship with parliament and opposition parties.

C. Rho's Political Leadership

Opposition parties listed President Rho's use of aggressive acts and challenge to the Constitution and statutes as principal grounds of impeachment. In actuality, Rho caused controversies incessantly by using offensive languages and challenging established customs. Many people thought Rho's way of talking did not become with the president. In addition, the NEC warned Rho of the imprudence of his election-related statements. In many regards, Rho was distinctive, and thus, illuminating his personal and political backgrounds behind his personality is imperative.

Rho's personal life had been alienated from the main stream of society, while his public careers had been challengeable and defiant to the privileged. Of course, the two were intertwined each other. Rho was born at a rural town. His poverty compelled him to enter a vocational high school. His first work experience was miserable and he started to challenge a judicial examination. He passed the examination after three times' failures (Rho, 2010). However, he retired from a judgeship in just one year. He felt a high barrier in succeeding as a judge in the judicature that graduates from prestigious universities were dominating. Rho must have harbored an antipathy toward the nepotistic society dominated by academic cliques. Rho became a successful tax-professional attorney.

However, Rho completely changed his career to be a human rights attorney in the early 1980s, and was an active participant in the democratization movement of the 1980s. Eventually, former President Kim Young-sam picked up Rho in the 1988 general

election. Since the 1990s, Rho had devoted himself to breaking down old-fashioned political customs and regionalism (Lee J. et al., 2010). In 1990, he broke up with his political patron, Kim Young-sam, to oppose the conservative three-party merger. But between 1991 and 1996, Rho was a loser in three times of elections (Park N. et al., 2009). He reluctantly affiliated Kim Dae-jung's party to be a legislator in 1998. However, he revived gambler mentality in the 2000 general election, by running for a home ground constituency of the opposition GNP, under the good cause of breaking down regional favoritism (Doh et al., 2010). Although he was defeated in the election, his challenging spirit received widespread support.

In sum, Rho's all-or-nothing spirit made him a gambler-like person. During his political career, he preferred a face-to-face confrontation and refused the compromise with injustice (Park J. et al., 2002). However, Rho's personal and political characteristics made clear the groups of advocating and opposing him. His acts and languages brought about controversies. While some advocated him ardently, the others hated him. In relation with parliament, he treated it through refutation and attack. Even in the face of impeachment, he refused to apologize, as former NA Speaker (Park Kwan-yong) stated:

I suggested the meeting between the president and chairs of four major parties, including the GNP and the NMDP, before proposing the impeachment, but he refused it flatly. Rho's obstinacy caused the impeachment... (*Chosun Ilbo*, 13 March 2004).

Meanwhile, in the first year of presidency, Rho tried to reform the customary evil practices of Korean politics, such as money politics, regional favoritism, and authoritative political culture. However, in terms of personality, Rho was tenacious and uncompromising (Song, 2010). Thus, he produced incessant quarrels with opposition parties and the privileged. He caused conflicts even within the governing bloc, as proved by the breakdown of the NMDP. Further, his languages and acts disappointed the people who traditionally put a high respect for the presidency. Many people had an antipathy to Rho's management style of state affairs. His reform policies also confronted with resistances.

Put simply, although Rho became the president, his antipathy toward the privileged was unchanged and he acted like a minority politician and lacked the spirit of integration and harmony. Thus, his approval rating was very low even in the first year of office, despite Korean people generally offer the honeymoon period to the new president. In detail, Rho's approval rating in the first year of office was far below that of his predecessors. According to the survey conducted by the *Chosun Ilbo* on February 21, 2004, Rho's approval rating was just 25.1% (those of Kim Young-sam and Kim Dae-

jung were 55.0% and 55.9% respectively). *Hanguk Gallop* survey (March 9, 2004) also showed 25.0% approval rating. Rho's approval rating was even worse in the *Seoul Shinmun* survey (February 25, 2004), recording only 12.8%.

IV. VETO POINT POLITICS IN PARLIAMENT

A. Party Politics in Parliament

Even though Korean parliament adopts the unicameral system, several veto points should be passed to impeach the president. The first one is to propose the impeachment by the majority of legislators. When successfully proposed, NA Speaker first reports to the plenary session. As a second step, the plenary session may refer, by its resolution, the proposed impeachment to the Legislation and Judiciary Committee (LJC) for an investigation (Article 130-1 of the National Assembly Act). If the proposition is not referred to the LJC, a secret vote is taken in the plenary session to determine whether the impeachment is brought. If not, the proposition of impeachment is abolished. When a motion for impeachment is made, the Speaker delivers it to the LJC, the CC, and the impeached president (Article 134 of the NAA).

Veto players in parliament are political parties. Partisan veto players are important in parliamentary politics, because in Korean politics legislators follow party guidelines closely. It is usual that Korean legislators do not act as an independent individual. At the time, major political parties were composed of the GNP (145 seats), NMDP (62 seats), the Uri Party (47 seats), and the Liberal Democrats (10 seats). Although the Uri Party played a role of the ruling party, it was just the third largest. With regard to party ideology, three major parties except the Uri Party were all conservative, and they allied to impeach the progressive-minded president. Only the Uri Party was progressive.

The reality of party politics, however, was much more complicated. Rho originally won the 2002 presidential election as a candidate of the then ruling NMDP (Shim, 2004). However, there were noisy intra-party quarrels between pro- and anti-Rho groups in the NMDP, surrounding a conferment of rewards and the party line between reformists and pragmatists. Rho's reformative agendas were frustrated several times by the pragmatists within the NMDP, and thus, he felt keenly the necessity to found a new reformative party (Jeong, 2004). Eventually, Rho and his followers withdrew from the NMDP to inaugurate the Uri Party in November 2003 (Song, 2010). Many people who felt repugnance to established money politics supported the Uri Party and pushed it on the top of popularity. It is of course that the remainders in the NMDP had feeling of crisis just ahead the April 2004 general election and had a strong sense of

betrayal toward Rho. Moreover, the NMDP was suffering the crisis of party leadership, surrounding the nomination of party candidates for the coming election. Thus, the NMDP needed a way out of the political impasse and a selected method was to impeach Rho (*JoongAang Ilbo*, March 6, 2004).

The GNP, another principal initiator of the impeachment, had been the ruling party until it was defeated in the 1997 presidential election. Even after the defeat, the GNP was the biggest party. However, the GNP could not break off the yoke of extreme conservatives and corruptive image, and it was defeated again in the 2002 presidential election (Shim, 2004). In particular, the Prosecutor’s Office disclosed the GNP’s reception of illegal political funds amounting to 82.3 billion won, making deepen the image of corruptive party and plunge its approval rating. Thus, the GNP actively joined the rank of impeaching Rho to make a breakthrough.

Under the situation where two major parties allied to impeach the president, parliament’s motion to impeach Rho could succeed easily. The seat number of the two parties greatly exceeded the two-third of parliamentary seats by occupying 207 seats among total 273. As a result, the impeachment motion was resolved by the approval of 193 legislators, greatly exceeding the needed number of 182 seats (Choi H., 2006). However, as shown in Table 1, the impeachment negatively worked on opposition parties, by making higher the approval rating to the Uri Party.

Table 1. Changes in the Approval Rating Before and After the Impeachment (%)

	GNP	NMDP	Uri Party
JoongAng Ilbo (February 2, 2004)	13.0	6.0	15.0
Korea Gallop (March 9, 2004)	18.3	9.3	26.7
Korea Gallop (March 12, 2004)	16.3	8.3	32.4

B. Grounds for Impeachment

The principal grounds of impeachment were three: Rho put the national law system in disorder by violating his neutrality obligation in the election; Rho and his associates committed political corruption; and Rho caused the failure of national economy and state affairs. Of them, the key motivation of impeachment was the first one—Rho’s violation of neutrality obligation in the election by taking side with the Uri Party. In this regard, the impeachment by opposition parties was politically motivated from the beginning, while Rho’s violation of the election law also followed his elaborated political calculation that aimed to boost the Uri Party in the coming election (Choi H.,

2006). The memoir of former NA Speaker, Park Kwan-yong, testify the political momentum behind Rho:

In the morning of 10 March 2004, I called on the Chief Secretary to the President (Kim Woo-sik) and said to him; “the situation is very serious. This is very dangerous. We should settle the situation. We should meet and discuss the situation. Please tell the president the situation cordially. I am fine at any time of tonight or tomorrow morning.... Come with the President. I will accompany the presidents of three oppositional parties. I ask a favor of you again.” Kim called back in the afternoon; “I delivered your words to His Excellency the President. His Excellency said your apprehension is appreciative, but he said that he is so tired now and don’t need to meet opposition leaders.” That was the president’s intention. He said he was so tired.... After confirming the president’s intention, I felt the feeling of falling to hell. I thought that “these guys want to drive the nation into catastrophe.” When going back a little, these guys made the situation of impeachment intentionally. This situation can be an intentionally designed one to achieve their political goal on the brinkmanship of national catastrophe....” Park Kwan-yong, *I Will Clasp Gavel Again Even If the Same Impeachment Situation Comes*.

More specifically, opposition parties proposed the impeachment by the following three reasons (The CC, 2004 Hun-Na 1). First, Rho disordered the national legal system by violating the Constitution and election-related laws. Rho violated the president’s neutrality obligation in election, by continuously asking for the people to support the Uri Party in the coming election. Further, Rho agitated national chaos and non-compliance of law by mentioning “civil revolution is continuing and please step forward again” in the meeting of his supporters. Rho also violated the Constitution that prescribes the government’s obligation to protect political parties, by degrading a particular political party (the NMDP) as anti-reformative in the press conference on 14 January 2004. He said, “the ruling party was divided (into the Uri party and the NMDP), because there were reformative persons and anti-reformists in the party. I would like to side with the Uri Party, because my supporters in the presidential election are there.... Giving votes to the NMDP helps the opposition GNP....” Rho even ignored the warning of the NEC and, in this way, Rho neglected the legal system.

Second, Rho lost the minimum level of legitimacy that is essential to normally perform state affairs, due to the political corruption of Rho himself and his closet associates. In specific, opposition parties contended that Rho pressurized the National Tax Service to reduce taxes of his associates, while managers of Rho’s election campaign received illegal political funds and misappropriated a part of them. In addition, many of his close associates took bribes and favors illegally. Rho broke his words relating to

illegal political funds. That is, Rho said in December 2003, “if the illegal political funds that the ruling party collected during the presidential election campaign exceed a tenth of those of the GNP, I will step down from the president.” But Rho did not keep his promise, although the size of his party’s illegal political funds (11.3 billion won) reached to one-seventh of those of the GNP.

Third, Rho inflicted pains and misfortunes upon the people by making national economy fall into extreme distress, despite of worldwide economic boom. The main reason of this kind of national bankruptcy was resulted from Rho’s indecent words and acts as the president and his insincere conducting of job. He said such an indecent speech as “I want to step down from the presidency.”

C. Opposition Parties’ Proposal of Impeachment

In the press conference on 18 February 2004, Rho appealed to the people to support the Uri Party in the coming election: “I really don’t know what will happen, provided that a final protective line to keep the Constitution is collapsed in the election.” Rho also said on February 24, 2004: “I hope the people will support the Uri Party overwhelmingly in the coming election. If the Uri Party can win votes due to the good achievement of the president, I am ready to do everything for the Uri Party (*Chosun Ilbo*, February 24, 2004).” These remarks violated the president’s neutrality obligation in election, and thus the NEC warned, on March 3, 2004, Rho of keeping neutrality in election. But Rho disregarded this warning and supported the Uri Party continuously (*JoongAng Ilbo*, March 4, 2004).

Against Rho’s partiality, the NMDP requested Rho to apologize, warning the possibility of impeachment proposal, and groped for the cooperation with the GNP. However, Rho devalued the NMDP’s request of apology as a partisan politics. A next step was a filing of impeachment proposal by the NMDP the GNP on March 9, 2004, with the signatures of 159 legislators (108 from the GNP and 51 from the NMDP). Rho rejected apology again. Instead, he gainsaid his elder brother’s corruption scandal on March 11, 2004: “It should not happen again that successful persons who were graduated from good universities, like chairman Nam Sang-kug of *Daewoo* Construction, kowtow and bribe to the rural elderly, like my elder brother, to get better positions (*Kookmin Ilbo*, March 11, 2004).” Right after Rho’s remark, Nam committed suicide, and this drew nationwide criticism on Rho’s offensive languages and compelled the minor opposition Liberal Democrats to participate in the impeachment. At last, 193 lawmakers from three opposition parties resolved the impeachment on March 12, 2004 (*Kyunghyang Shinmun*, March 12, 2004). The plenary session omitted asking the Legislation and Judiciary Committee for the investigation into Rho’s demeanors, under the situation

where the general election was just around the corner. As a response, Rho issued a statement: "I think this situation shall not be merely painful and exhausting travail but be a birth pang for a new stage of prosperity and jumping. I will make the best use of this period of impeachment trial in acquiring wider knowledge and information." Rho decided to do a frontal breakthrough the situation by linking the impeachment against him with the result of the coming general election (*Hankyoreh Shinmun*, March 11, 2004). Prime Minister Ko Kun became the acting president.

D. Repelling of the Ruling Uri Party

While 47 legislators of the Uri Party declared to resign from their offices, shortly after opposition parties' resolution of the impeachment, to protest the impeachment, they changed their minds, in order not to lose government subsidies in the coming election. The election policy of the Uri Party was to maintain the confrontation between anti- and pro-impeachment clans during election campaign (*Kookmin Ilbo*, March 15, 2004). Ahead the April 2004 general election, Jeong Dong-young, a party chairman, suggested opposition parties to withdraw the impeachment, citing negative public opinion. On April 5, 2004, Jeong alleged: "What matters for the country is that we provide the people with a clear message on the future of Korean politics. Winning the general election is a trivial thing.... Even in the case of the CC's rejection of the impeachment, both the president and opposition parties will be damaged greatly. The president cannot harmonize with opposition parties, whereas opposition parties hurt prides. Thus, irrespective of the result of the CC's trial, we will confront with the disruption of public opinion and the waste of national energy...Hereby, I suggest opposition parties to withdraw the impeachment without waiting for the decision of the CC (*Munhwa Ilbo*, April 5, 2004)."

After the April 2004 election, the ruling party urged again the withdrawal of impeachment, alleging that "the political circle should create the environment of economic recovery and get rid of political uncertainty in accordance with the public opinion expressed in the general election." Meanwhile, the progressive Democratic Labor Party that emerged as the third party in the April 2004 election suggested a three party talk to discuss the withdrawal of the impeachment.

V. PUBLIC CRITICISM AND ANGRY CIVIL SOCIETY

A. Deteriorated Public Opinion

Public opinion on the presidential impeachment was negative. Although many people admitted Rho’s wrongdoings and the necessity of his apology, they thought that Rho’s references on election matters were not significant enough to impeach him (*Munhwa Ilbo*, March 13, 2004). According to opinion poll of the time, even though 60% or more respondents consistently asked for Rho’s apology (61%, *JoongAng Ilbo*, March 6, 2004; 60.8%, *Chosun Ilbo*, March 10, 2004), a majority of the people opposed the impeachment (see Table 2).

The reasons why the people opposed the impeachment, despite the low level of approval rating on Rho’s performances, were principally attributable to the people’s general distrust of the political circle at the time. The people saw the impeachment not as a legal agenda but as a political one. That is, the people understood the impeachment from a viewpoint of Hobbesian jungle. Political parties, particularly the opposition GNP, were corruptive in election. Although Rho’s approval rating was significantly low (25.1% in the February 21, 2004 opinion poll of *Chosun Ilbo*, 12.8% in *Seoul Shinmun*’s survey), public opinion was also negative to existing political parties and devalued the impeachment as a political tactic to win votes in the coming election.

It is of course that this negative public opinion on the impeachment influenced the approval rating of political parties and the result of the general election. According to the MBC survey of 19 March 2004 on the approval rating of political parties, targeting 1,008 respondents, pro-Rho’s Uri Party was 50.5%, whereas GNP 13.7% and NMDP 4.3%. In particular, the approval rating of the NMDP was at the bottom even behind 4.7% of the Democratic Labor Party. The impeachment also greatly influenced the

Table 2. The Rate of Opposition to the Impeachment

Institutions of opinion poll	Date of opinion poll	Rate of opposition (%)
Hankyoreh Shinmun	March 6, 2004	68.8
KBy	March 9, 2004	65.2
Chosun Ilbo	March 9, 2004	53.9
JoongAng Ilbo	March 13, 2004	76.0
Chosun Ilbo and Media Research	March 13, 2004	69.6
SBS	March 13, 2004	69.9
Hanguk Gallop	March 13, 2004	60.8

Table 3. Results of the 2004 General Election

Party	Seat numbers		Polling score	
	2000	2004	2000	2004
Uri Party	–	152	–	38.3
GNP	133	121	39.0	35.7
Democratic Labor Party	0	10	1.2	13.1
NMDP	115	9	35.9	7.1
Liberal Democrats	17	4	9.8	2.8
Independent and others	8	3	14.1	3.0
Total	273	299	100.0	100.0

Source: adapted from the NEC (www.nec.go.kr)

result of the general election, presenting the Uri Party a landslide victory and the NMDP a disastrous defeat. While the Uri Party occupied parliamentary majority by winning 152 seats, the NMDP was degraded to a tiny minority. The GNP seats also reduced from 144 to 121 seats (see Table 3). According to the analysis of Park K. (2004), the issue of presidential impeachment showed the correlation coefficient of 0.563 to the approval rating of the Uri Party, whereas it showed the negative correlation coefficient of -0.475 to that of the GNP in the April 2004 election. Further, it was alleged that the result of the general election influenced the impeachment adjudication in the CC. In this way, public opinion exerted great impact on the developing story of the impeachment.

B. Angry Civil Society

Since the parliamentary motion of impeachment, fierce opposition had arisen from progressive civic groups. Civil activists organized nation-wide candlelight protests. On March 20, 2004, 130 thousand people or more took to the streets in sixty cities nationally. Participants alleged to defeat pro-impeachment legislators in the coming election (*Hankyoreh Shinmun*, March 20, 2004). About 550 progressive civic groups united to found 'The Pan-National Action for the Invalidity of Impeachment and the Liquidation of Corruptive Politics.' During the two weeks from March 13, 2004, about 1.5 million people participated in candlelight protests in total. Against candlelight rallies of anti-impeachment civic groups, the NEC warned of their violation of election law and forbade any kind of pro- or anti-impeachment activities, ahead of the general election. The Prosecutor's Office and the National Police Agency also warned of cracking

down on illegal candlelight rallies.

Confronted with the government's tough responses, progressive civic groups postponed candlelight rallies. Park Seok-un, a managing director of the Pan-National Action, said: "We confirmed the people's opposition to the impeachment. Now, we decided to stop candlelight rallies to minimize the possible discomfort that rallies might cause and to prevent unnecessary conflict during election campaign period... (*Yonhap News*, March 27, 2004)." As a whole, while candlelight rallies succeeded in creating negative opinions on the impeachment, they jeopardized representative democracy and deepened the ideological conflict between the people.

On the contrary, 369 conservative civic groups founded 'The National Solidarity to Support Presidential Impeachment,' and took to the streets on March 21, 2004 to shout "support of the impeachment" and "overthrowing civil revolutionary forces." 'The National Council for Anti-Nuclear Weapons and Anti-Kim Joung Il,' composed of about 160 conservative groups, and 'The National Action for Right Selection' also actively advocated the impeachment.

After the April 2004 election, demonstrations restarted. The Pan-National Action blamed the CC's delay of impeachment adjudication and, on April 17, 2004, staged large-scale candlelight rallies asking for the invalidation of impeachment: "Public opinion in the April election is that the political circle should solve the deadlock of impeachment situation, without waiting for the CC's trial (*Dong-A Ilbo*, April 17, 2004)." In counterpoint, the pro-impeachment conservative bloc struck back at candlelight rallies. 'The Citizen Solidarity to Deter North Korean Nuclear Development' staged protests to file a complaint against the illegality of candlelight rallies. 'The People's Action for Right Choice,' consisted of about 170 conservative civic groups, fought back on April 17, 2004 to compel the CC to make a right decision (*Dong-A Ilbo*, April 17, 2004).

Meanwhile, anti-impeachment groups decided to suspend further demonstrations as the last of April 17 candlelight rally, because the April 2004 election resulted in the landslide victory of the Uri Party. A high-level official of the Pan-National Action (Kim Hye-yeh) said: "We urge the political circle to withdraw the motion of impeachment. Even though we finish candlelight rallies, we will continue to let the political circle know the people's anti-impeachment opinions through other diverse methods (*Yonhap News*, April 17, 2004)." In accordance with the changed policy of anti-impeachment groups, pro-impeachment groups also decided to refrain from holding radical protests.

VI. VETO POINT POLITICS IN THE CONSTITUTIONAL COURT

A. Institutions of the CC

The jurisdiction of impeachment trial and adjudication belongs to the CC, and in this regard, the CC is another important veto point in impeaching the president. The CC is an independent court to charge with the following duties (Articles 111 of the Constitution): adjudication of the constitutionality of statutes; adjudication of impeachment; making judgments on the dissolution of political parties; making decisions on the competent dispute between state agencies; and adjudication of constitutional complaints filed by individuals. Of nine Justices, the president, the NA, and the Chief Justice of the Supreme Court nominate three Justices respectively (Article 111-4 of the Constitution). The Justices have an obligation of political neutrality. With regard to quorum of trial, the full bench tries a case with the attendance of seven or more Justices, and makes decisions with the affirmative vote of six or more Justices (Article 23 of the CC Act).

The process of presidential impeachment starts with the NA's decision to impeach the president. If the president violates the Constitution or laws in the performance of official duties, the NA may pass a motion for the impeachment. When the NA resolved the motion of impeachment, it should send Articles of Impeachment to the CC for adjudication. While the Chair of the NA's Legislation and Judiciary Committee is an impeachment prosecutor, the impeached president becomes a respondent (Article 49 of the CC Act). The trial of impeachment is conducted through oral arguments, and the CC pronounces a final decision within 180 days after receiving the case for adjudication. A quorum for the decision of impeachment trial is six or more Justices' votes. Where a request for the impeachment is well-grounded, the president is removed from the office and the new president is elected within 60 days (Article 68 of the Constitution). The decision of impeachment does not exempt the requested from the civil or criminal liability (Article 54 of the CC Act).

B. Veto Politics in the CC

There are no clear criteria in adjudicating the impeachment. The CC Act (Article 4) only prescribes that "Justices shall adjudicate independently according to their conscience and in conformity with the Constitution and laws." Compared to the Supreme Court emphasizing jurisprudential approach, the process of impeachment trial is more political. Accordingly, it is imperative to review the composition of CC Justices, including their personal and political backgrounds, in order to understand the political dynamics of impeachment trial. At the time, among nine Justices, six Justices were nominated by

former President Kim Dae-jung or the Chief Justice of Supreme Court. Other three were nominated by the opposition GNP and the NMDP, solely or jointly. Although Justices were expected to be politically neutral, six Justices nominated by President Kim Dae-jung and the Supreme Court could be friendly to the Rho government (Choi H., 2006), when considering that Rho was a successor of Kim Dae-jung. Rho might have considered the possible rejection of impeachment in the CC when he refused a compromise with opposition parties.

However, viewed from the other side, CC Justices were the guardians of legal orders and tended to be conservative irrespective of their nominators. In addition, in terms of age spectrum, all Justices were in their late fifties or sixties at the time. It was usual in Korea that the old generation tended to be conservative. Therefore, according to the evaluation on the ideological inclination of Justices (*Yonhap News*, April 27, 2004), while only Jeon Hyo-sook was regarded as liberal, seven Justices except Kwon Sung was classified as conservative. Kwon Sung fluctuated according to cases. Thus, although the impeachment was motioned by the conservative bloc, it can be inferred that Justices felt a big burden in suddenly changing the legitimate political power. In this regard, it was paradoxical that the conservatism-oriented CC helped maintain the presidency of liberal-minded Rho. Table 4 shows backgrounds of Justices at the time.

For the trial of impeachment, the CC held seven times of oral proceedings for a month. In the proceedings, while prosecutors alleged the legitimacy of impeachment for reasons of Rho’s violation of the Constitution and election-related laws, dependents reputed the impropriety of impeachment:

Table 4. CC Justices and their Backgrounds

Justices	Appointed year	Nominator	Age
Yun Young-chul (presiding Justice)	2000	President Kim	67
Choo Sun-hoe(assigned Justice)	2001	President Kim	58
Song In-jun	2000	President Kim	60
Jeon Hyo-sook	2003	Supreme Court	53
Kim Young-il	1999	Supreme Court	64
Kim Kyung-il	2000	Supreme Court	60
Kwon Seong	2000	NA (GNP)	63
Lee Sang-kyung	2004	NA (NMDP)	59
Kim Hyo-jong	2000	NA (GNP and NMDP jointly)	61

Source: adapted from <http://people.joins.com> and *Yonhap News*, March 13 2004

The presidential impeachment should be restricted only to the president's "clear and significant" violation of laws. This case, in every sense, is not qualified to impeach the president who the people directly elected.... Now is the time of trial. We should correct wrongdoings and turn the misfortune of impeachment into a blessing for establishing new political culture. Laying a foundation for converting misfortune into happiness is burdened on nine Justices. We expect the wise judgment of Justices (April 27, 2004, legal representatives of the dependent).

The CC finalized impeachment trial on May 14, 2004 by rejecting the NA's motion for the impeachment. The CC admitted Rho's violation of some parts of the Constitution and election-related laws by neglecting the president's obligation of political neutrality in election, but judged the degree of violation was not so significant to impeach the incumbent president (The CC, 2004 Hun-Na 1). When the impeachment applied to the president, the interpretation of the violation of the Constitution and laws should be rigorous. All illegal acts of the president could not be a target of impeachment; they should be "clear and significant." Thus, a key issue in the CC's adjudication was whether the president's wrongdoings, which the NA listed, were "clearly and significantly" illegal or not.

C. Outputs of Impeachment

The CC judged that Rho's public support of the Uri Party violated the president's neutrality obligation prescribed in the Public Official Election Act, whereas his suggestion of national referendum for the confidence on the president and his degradation of election-related laws violated the president's obligation to preserve the Constitution and laws. Meanwhile, the CC did not accept the other items of impeachment—corruption scandals of Rho and his associates, Rho's insincerity in managing state affairs, and his mishandling of national economy.

However, although Rho violated some clauses of the Constitution and election-related laws, his acts were passive and negative. In case of impeaching the president, the active and positive violation of democratic order or the significant betrayal of the people's confidence was needed in the light of its gravity. Thus, the CC finally rejected the motion of impeachment. Among the items that the NA listed as the grounds for impeachment, the CC pointed out the two items were unconstitutional or illegal: Rho violated the president's neutrality obligation in election by publicly supporting the Uri Party. Rho violated the president's obligation to protect the Constitution and laws by disregarding the NEC's warning, making statement denigrating election-related law, and proposing a confidence referendum for the president himself.

Nevertheless, the CC took into account the gravity of the presidency in making a

final decision. Although the president violated the obligation to maintain political neutrality and protect the Constitution and laws, it took place in passive way. It was not committed in affirmative, active and premeditated way. The president's denigration of the NEC and election-related law was also made with no affirmative intent to destruct the order of democracy. The president's proposal of confidence referendum violated the Constitution. But it was not affirmative too, because the president merely proposed confidence referendum and did not attempt to enforce such. Thus, the CC judged that there were no valid grounds to remove the president from office, and rejected the impeachment.

VII. DISCUSSIONS AND CONCLUSION

There are two veto points in impeaching the president - parliament and the CC. The parliamentary procedure consists of the impeachment proposal by a majority vote and the approval by two-thirds or more of parliamentary members. Korea's parliament is the unicameral system and is composed of the plenary session and standing committees. Once the impeachment is proposed, the plenary session decides at her discretion whether to hand over the impeachment to the Legislation and Judiciary Committee (LJC) for investigation or go to a division directly. The impeachment of President Rho was directly brought in the plenary session by reason of time pressure, just ahead of the general election. Institutional veto players in parliament were legislators who approved or opposed the impeachment. However, although each legislator is expected to act as an independent player, it was rare for each legislator to be free from party platforms under the yoke of boss politics and the top-down nomination system. The following are the institutional arrangements of Korean parliament as the first-stage veto point of presidential impeachment.

- The unicameral system
- Impeachment proposal by the majority of legislators
- Report to the plenary session
- Decision of the plenary session about whether to hand over the proposal to the LJC or not
- Final approval of the plenary session by two-thirds or more

The second-stage veto point of impeachment is the CC. The CC consists of nine Justices, and the decision on the presidential impeachment needs the approval by six or more Justices. Unlike parliamentary members, CC Justices tend to be an independent player who possesses equal decision-making power. Further, while parliamentary

decision-making is largely political, the CC is expected to be faithful to legality in theory.

However, the decision on the presidential impeachment cannot but being political both in parliament and the CC. Even though the procedure and method of decision-making on the impeachment in both institutions are prescribed by the Constitution, practical decision-making is largely political. In practice, the parliamentary proposal to impeach President Rho was driven by the political motivation of opposition parties. That is, both the NMDP and the GNP had great interests in proposing the impeachment. The NMDP worried President Rho's support of the Uri Party might be unfavorable in the coming general election. In addition, leading figures of the NMDP felt betrayed by Rho's defection from the NMDP that made Rho the president. Meanwhile, the GNP wanted to escape from the negative image of corruption by impeaching Rho, just around the election the corner. Thus, two major opposition parties proposed the impeachment with the aim of winning votes in the coming election and the backgrounds that made possible the decision were Rho's low approval rating and the public criticism on Rho's insincerity in handling of state affairs. Further, the two parties' occupation of absolute majority in parliament made possible the approval of the impeachment. That is to say, the parliamentary politics of oppositional dominance was a driving force in propelling the impeachment. The following are the items that made possible opposition parties decide to impeach the president.

- The political motivation of major opposition parties to win votes in the coming election
- Opposition parties' confidence in the success of impeachment in the light of Rho's low approval rating and the people's criticism of Rho
- Opposition parties' occupation of absolute majority seats in parliament

However, opposition parties made a mistake equating Rho's low approval rating and the people's criticism of Rho with the people's agreement on the impeachment of Rho. While the people were negative to Rho's way of treating state affairs, they opposed the impeachment by the following reasons. First, even though the people disagreed with Rho's ability to carry out the presidency, they also opposed the impeachment attempt by opposition parties. The people regarded the impeachment as the political tactics of opposition parties to win votes in the coming election. Second, it was true that Rho violated election-related laws, but for the people, that was not so serious to impeach the elected president. That is, the people believed the behavior of opposition parties went over tolerance line. The status of the president in Korea is different from that of Western democracies and is a different class from other politicians. Thus, impeaching the president by political interests was beyond political convention. Third, the president's

political neutrality had not been kept well in Korea. The president's implicit and explicit supports of the ruling party had been conventional for a long time. Rho was just rough and rude in supporting the ruling party. Fourth, the people greatly disregarded opposition politicians as old-fashioned reactionaries who were accustomed to money politics, regional favoritism, and boss politics. Thus, they thought that opposition parties lacked of legitimacy to impeach the president. Fifth, a principal reason of the impeachment was not the president's private illegality or immorality but his violation of neutrality obligation in election, which belonged to a public domain. In this regard, the impeachment of President Rho was different from that of President Clinton in the United States. Lastly, the people would not tolerate the fact that the parliament in the final stage of its term impeached the president who was in the early stage of presidency. Further, the people did not endorse of opposition parties' making of confusion, just ahead the general election. By these reasons, public opinion was negative to the impeachment and presented a landslide victory in the general election to the ruling Uri Party.

The impeachment adjudication in the CC also could not but be political by following reasons. First, the result of the general election exerted a critical impact on the CC's final decision to reject the impeachment. Going against the people's will, expressed in the general election, was a big burden on the CC. If the CC went against public opinion at the time, political chaos must have been enormous. Second, the very fact that the CC postponed the decision after the general election was political. The CC took into account the possible political chaos when it decided to impeach the president, just ahead the general election. Third, the composition of Justices was also advantageous to President Rho. Most Justices were appointed by ex-President Kim Dae-jung, Rho's political mentor, and seven Justices among nine were recommended by pro-Rho groups, while only two Justices were recommended by opposition parties. In actuality, Rho took the favorable composition of the CC into account when he rejected the apology for his violation of neutrality obligation in election. Lastly, Justices' judgment on the gravity of impeachment grounds could not but political in itself. The CC concluded the grounds for the impeachment were not significant enough to impeach the incumbent president.

In sum, the presidential impeachment was unfolded through the two veto points of parliament and the CC, following constitutional procedures. In this process, important factors affecting the success or failure of the impeachment were the distribution of parliamentary seats, the composition and inclination of Justices, and the grounds for impeachment. It goes without saying that the role of institutional veto players was basically important in the process of the impeachment.

However, the decision to impeach the president was highly political in itself. Decision-making rules in veto points just provided the arena for a political game. More

critical were the political motivation of veto players, the calculation on the political implications the impeachment might cause, and the drift of public opinion. Moreover, even though the decision to impeach the president was made by institutional veto players, partisan veto players, such as the general public, the mass media, and civic groups, also exerted great influences. Opposition parties were encouraged to propose the impeachment by Rho's low approval rating, but were plunged in internal strife, surrounding the withdrawal of the proposed impeachment in the face of the backlash of negative public opinion. Meanwhile, the ruling party made use of the impeachment as an advantage for the general election, and progressive civic groups supported the ruling party through anti-impeachment demonstrations. The outcome of the general election was an overwhelming victory of the ruling party.

Meanwhile, in the second-stage veto point, the CC rejected the impeachment, and the decision was greatly affected by the political consideration of the negative public opinion on the impeachment and the outcome of the general election. Even though the CC was expected to respect legalistic approach, it could not impeach the president who was politically endorsed in the general election. Moreover, the CC was basically conservative in itself and was reluctant to making a decision that might disturb the political system.

As a result, even though the relevant institutions in veto points provide a venue for the decision-making of the impeachment, practical decisions are made through the complicated and dynamic process of politics. The success or failure of the impeachment is influenced by the environmental context surrounding the rules in veto points, and is determined by political game among diverse kinds of institutional and partisan veto players.

References

- Baumgartner, J. C. (2003). Introduction. In J. C. Baumgartner and N. Kada (eds.), *Checking Executive Power: Presidential Impeachment in Comparative Perspective*. Westport, CT: Praeger.
- Berger, R. (1973). *Impeachment: The Constitutional Problems*. Cambridge, MA: Harvard University Press.
- Birchfield, V. and M.M.L.Crepaz. (1998). The Impact of Constitutional Structures and Collective and Competitive Veto Points on Income Inequality in Industrialized Democracies. *European Journal of Political Research* 34: 175-200
- Bonoli, G. (2000). *The Politics of Pension Reform: Institutions and Policy Change in Western Europe*. Cambridge, UK: Cambridge University Press.

- Buzo, A. (2002). *The Making of Modern Korea*. London: Routledge.
- Cho, Han-soo. (2006). A Study of Presidential Impeachment: The Case of President Rho Moo-Hyun's Impeachment in Korea [in Korean]. *Korean Journal of Political Science* 13(3): 97-119.
- Doh, Jong-hwan et al. (2010). *Ten People Say Rho Moo-hyun* [in Korean]. Seoul: Ohmybook.
- Ehrlich, W. (1974). *Presidential Impeachment: An American Dilemma*. Saint Charles, Missouri: Forum Press.
- Ganghof, S. (2003). Promises and Pitfalls of Veto Player Analysis. *Swiss Political Science Review* 9(2): 1-25.
- Gerhardt, M. J. (2000a). The Perils of Presidential Impeachment. *The University of Chicago Law Review* 67(1): 293-313.
- _____. (2000b). The Special Constitutional Structure of the Federal Impeachment Process. *Law and Contemporary Problems* 63(1-2): 245-256.
- Huber, E. and J. D. Stephens. (2001). *Development and Crisis of the Welfare State: Parties and Policies in Global Markets*. Chicago, IL: The University of Chicago Press.
- Hudson, D. and S. Lowe. (2004). *Understanding the Policy Process: Analysing Welfare Policy and Practice*. Bristol, UK: The Policy Press.
- Im, Ji-bong. (2004). The Presidential Impeachment and the Contemporary Constitutional System [in Korean]. *Citizen and the World* 6: 132-153.
- Immergut, E. (1992). *Health Politics: Interests and Institutions in Western Europe*. Cambridge, UK: Cambridge University Press.
- Jeong, Tae-seok. (2004). Impeachment, Candlelight, General Election, and the Future of Korean Democracy [in Korean]. *Citizen and the World* 6: 255-275.
- Kada, N. (2003a). The Role of Investigative Committees in the Presidential Impeachment Process in Brazil and Colombia. *Legislative Studies Quarterly* 28(1): 29-54.
- _____. (2003b). Comparative Presidential Impeachment: Conclusions. In J. C. Baumgartner and N. Kada (eds.), *Checking Executive Power: Presidential Impeachment in Comparative Perspective*. Westport, CT: Praeger.
- Kihl Y. (2005). *Transforming Korean Politics: Democracy, Reform and Culture*. New York: M. E. Sharpe.
- Kim, Chi Wook. (2007). Veto Players, Policy Credibility and Stock Market Development in the World [in Korean]. *The Korean Journal of International Studies* 47(3): 51-76.
- Kim, Soon-yang. (2007). Civic Groups in Korean Health Politics: Policy Advocate or Policy Broker? *Korean Journal of Policy Analysis and Evaluation* 17(4): 215-244.
- Lee, Jeong-woo et al. (2010). *The Country Rho Moo-hyun Dreamed* [in Korean]. Seoul: Dongyeok.

- Lim, Dongwan and Jong Youngsu. (2007). A Comparative Study of the Institutionalization of the Accrual Accounting System in the United Kingdom and the United States [in Korean]. *The Korean Journal of Policy Studies* 21(2): 75-99.
- Linz, J. J. (1994). Presidential or Parliamentary Democracy: Does It Make a Difference. In J. J. Linz and A. Valenzuela (eds.), *The Failure of Presidential Democracy*. Baltimore, Maryland: The Johns Hopkins University Press.
- O'Reilly, R. F. (2005). Veto Points, Veto Players, and International Trade Policy. *Comparative Political Studies* 38(6): 652-675.
- Park, Jae-dong et al. (2002). *Rho Moo-hyun: Common Sense or Hope* [in Korean]. Seoul: Happyibook.
- Park, Ki-mook. (2004). The Emergence of Social Issues and the Approval Rating of Political Parties [in Korean]. A paper presented at the Annual Conference of the Korean Association for Governance.
- Park, Myung-lim. (2005). Constitution, Constitutionalism, and Democracy in South Korea [in Korean]. *Korean Political Science Review* 39(1): 253-276.
- Park, No-hye et al. (2009). *Never Will Be Such a Fool* [in Korean]. Seoul: Chaekbose.
- Perkins, W. B. (2003). The Political nature of Presidential Impeachment in the United States. In J. C. Baumgartner and N. Kada (eds.), *Checking Executive Power: Presidential Impeachment in Comparative Perspective*. Westport, CT: Praeger.
- Rho, Moo-hyun. (2010). *Destiny: An Autobiography of Rho Moo-hyun* [in Korean]. Seoul: Dolbege.
- Song, Back-seok. (2010). Political Realism and the Leadership of President Rho Moo-hyun [in Korean]. *Democracy and Human Rights* 19(1): 131-166.
- Stasavage, D. (2002). Private Investment and Political Institutions. *Economics and Politics* 14(1): 41-63.
- Tassel, E. F. and P. Finkelman. (1999). *Impeachable Offenses: A Documentary History from 1787 to the Present*. Washington D.C., Congressional Quarterly Inc.
- Tat Yan Kong. (2000). Power Alternation in Korea. *Government and Opposition* 35(3): 370-391.
- Tsebelis, G. (1995). Decision Making in Political System: Veto Players in Presidentialism, Parliamentarism, Multicameralism, and Multipartism. *British Journal of Political Science* 25: 289-326.
- Tsebelis, G. (2002). *Veto Players: How Political Institutions Work*. New York: Russell Sage.
- Weaver, R. K. and B. A. Rockman. (1993). Assessing the Effects of Institutions, in R. K. Weaver and B. A. Rockman (eds.). *Do Institutions Matter?: Government Capabilities in the United States and Abroad*. Washington, D.C.: The Brookings Institution.
- Yoon, Jong-bin. (2005). The Analysis of the Influence of the Impeachment Issue on the 17th General Election [in Korean]. *Korean Party Studies Journal* 4(1): 205-227.