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ANALYSIS BRANCH

FROM : AmEmbassy BANGKOK

SUBJECT : Constitutional Amendments

REF : A. Bangkok A-502, August 24, 1970
B. Bangkok 11103, September 2, 1970

DATE: September 24, 1970

Three joint sessions of the National Assembly on September 2, 9 and 16 disposed of the proposed amendments to the constitution described in Reference A. The Democrat and Bunyen Worthong (Independent, formerly Democratic Front) proposals were voted down, receiving respectively less than 50% and 33% of the two-thirds majority of both houses which is required for constitutional amendments in the first reading. One lone Senator voted with the Opposition MPs in favor of the amendments; the winning bloc was made up of Senators and SPT MPs. The EUF proposal was declared out-of-order by a decision of the National Assembly Speaker and was not debated.

The Democrat proposal which would have amended Section 33 to guarantee increased freedom of the press and Section 139 to permit MPs and Senators to become cabinet ministers was debated in the first two sessions. It was defeated by a vote of 99 to 198.

The EUF proposal, in addition to amending Sections 33 and 139 in much the same manner as the Democrat amendments, would have amended Section 78 to reduce the number of Senators from three-fourths to two-thirds of that of the House membership, and would have proscribed the appointment of career government officials as senators. At the close of the second session, National Assembly Speaker Werakan Bancha announced that the EUF proposal was out-of-order because it did not have the requisite 77 valid signatures. The difficulty arose because in the interim between filing the proposal and the debate,

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election of one of the signatories; Samer Akkarapibal of Nat Et, had been declared null and void.

The joint session on September 16, aware that parliament would be prorogued the following day, gave Bunyen Nuthong's proposals short shrift in a 2½ hour debate. Like the Democrats and the SPT, Bunyen proposed amending Sections 33 and 139. Basic changes were also proposed in Section 88 to reduce the minimum age of MPs from 30 to 25; in Section 92 to specify that elections would be called within 90 days from the date of the completion of a term of the House, in Section 93 to make House membership commence on the date of election, in Section 140 to give MP cabinet ministers (in contrast to non-MP cabinet ministers) the right to vote in the House, and in Section 141 to require a vote of confidence before a new cabinet begins exercising executive power. These amendments were defeated by a vote of 76 to 170.

The debate, although having a few expository highpoints, tended more to be ineffectual railing on the part of the opposition MPs and pompous defense of the status quo by the Senators. With the issue never even slightly in doubt, the debate aroused little interest either in the general public or in parliament itself as evidenced by the numbers attending the session and voting. It is significant that no Government MP and only one minister spoke during the entire three day debate. (The one exception was Deputy Prime Minister Praphat who rose only to angrily demand a retraction when he thought that Dr. Phaitoon Kruekaew (Dem, Front-Lampang) had called the Government a dictatorship.) Apparently the cabinet, secure in the knowledge that amendment was impossible and that in any case the Senators could be relied on for the defense, saw no need to involve itself and exacerbate the feelings of the Government's own MPs. Many of the SPT MPs, although maintaining party discipline, did so with extreme reluctance. Several expressed their feelings in the roll call vote when they departed from the prescribed negative reply using such phrases as "Not yet", "Not at the present time", and even "Not this year". In addition some of the more vocal Government MP advocates of constitutional change simply did not appear for the debates.

Despite the crushing defeat of the constitutional amendments, the issue is only temporarily side-tracked. Many SPT MPs want amendments, particularly the one which would allow them to become members of the cabinet. Some of them seem to feel that they have at least a tacit commitment by leading government figures to support some amendments at a later date when there has been a suitable passage of time and when the government and the party can be in the position of advocating the amendments rather than having them forced on them by the opposition. The time most frequently mentioned for the change is following the end of the present four term of the House and the Government.

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