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TO : DEPARTMENT OF STATE

FROM : AmEmbassy BANGKOK

DATE: August 24, 1970

SUBJECT : Amendment of Constitution

REF :

The National Assembly currently has pending three proposals for amending the Constitution. The date they will appear on the agenda is still uncertain, depending on action by the Speaker of the National Assembly. A source in the Parliament Secretariat told an Embassy Officer that the draft amendments had been considered by the Cabinet and returned to the Secretariat several weeks ago for placement on the agenda. (The newspapers reported that the amendments had been rejected by the Cabinet on June 16.) The source added that although there had never been any intention to consider the amendments at the session on August 19, as had been widely reported in the English, Thai, and Chinese press, the Government had -- after its recent upsurge of parliamentary difficulties -- instructed the Speaker to delay consideration until after the passage of the budget and the disposal of the motion for a general debate.

The Constitution does not stipulate that the amendments must be considered within a specified period of time. The proposed amendments were submitted to the Speaker of the National Assembly in September last year by the Democrat, Economist United Front, and Democratic Front parties. In the intervening period the Democratic Front has disintegrated and the amendment is generally referred to as that being proposed by Boonyen Worthong. The necessary signatures -- equal to one-fifth of the combined membership of the House and Senate (77) -- were obtained by a pooling of strength among the Democrats, the splinter parties, and the independents. Under the present circumstances, it

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uld be impossible for the Constitution to be amended without at the very least tacit approval of the Government. The Constitution specifies that in the first reading the amendment must be approved by two-thirds of the total membership of both houses of parliament, i.e., 256 of the 383 members of the National Assembly must support it. Even if the House membership were to unanimously vote for an amendment it would not be sufficient votes. At least 37 votes from Senators would also be needed. In the second reading only a simple majority is needed for passage. But there must be an intervening period of at least fifteen days between the second and third readings, and for the third reading approval by two-thirds of the total membership of both houses is again required.

Within the SPT there is a very considerable sentiment for amending the constitution, particularly to permit MPs to become cabinet ministers. At one time 100 SPT MPs signed a proposal to the party to that effect. However, even those most strongly advocating change regard it as a process of applying continuing pressure to the Government to wear it down and convince it that amendments are necessary.

The amendments currently awaiting consideration by the National Assembly would make the following basic changes (additional technical changes would be required to bring various other sections into agreement):

Section 33: Government powers to limit freedom of speech, writing, printing and publication would be narrowly circumscribed or eliminated.

Section 78: Senate membership would be reduced from three-fourths down to two-thirds of the total House membership and the appointment of career government officials would be proscribed.

Section 88: The mandatory minimum age of MPs would be reduced from 30 to 25.

Section 92: The timing of elections would be specified, i.e., within 90 days from the date of the completion of the term of the House.

Section 94: Membership in the House would commence on the date of election rather than on the opening date of the first session of the National Assembly.

Section 121: Bills passed by the House and rejected by the Senate would require reconsideration by the House within one month of the day they are returned to the House. (There is at present a mandatory delay of one year between Senate rejection and House reconsideration.)

Section 139: MPs would be permitted to become Cabinet ministers.

Section 140: MP cabinet ministers, in contrast to non-MP cabinet ministers, would have the right to vote in the House.

Section 141: A vote of confidence would be required after a new cabinet declared its policies, before it began exercising executive power.

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