

Chiang K'ai-shek and the National Assembly

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The 1947 constitution of the Republic of China established the popularly elected National Assembly as the body which would choose a president every six years. Beginning in 1948 on the mainland and continuing in 1954, 1960, and 1966 on Taiwan, the National Assembly chose Chiang K'ai-shek as president. Although he led the political party which claimed more than 80 per cent of the Assemblymen, and although he was consistently elected by overwhelming majorities, the political struggle was spirited at each session of the Assembly. Generalissimo Chiang believed it was important to maintain the form of constitutional government—a difficult task in face of civil war, evacuation to Taiwan, the avarice of many of the Assemblymen, and his own inclination toward authoritarian government. Each session of the National Assembly presented some new challenge to his political ingenuity. A close scrutiny of these sessions, therefore, reveals a great deal concerning the character of the Nationalist government and its president.

Since its inception China's constitutional movement has been plagued by internal inertia, foreign intervention, and civil war. Constitutional concessions from the Manchu dynasty came too late to save the empire. The October 10, 1911, overthrow of the Manchus led to the establishment of a new republic, but under Yuan Shih-k'ai's autocratic leadership a new dynasty was nearly begun. Although Yuan's death ended the threat, Dr. Sun Yat-sen was not able to unite the country under republicanism before his death in 1925. He had, however, outlined his ideas for the content

and future implementation of a constitution. He advocated military unification of the country as a first step; this, according to the Kuomintang (KMT), the political party he founded, was completed in 1927. Next was to be a brief period called "political tutelage" in which the party would rule for the people. The KMT did put forth a draft constitution, which was promulgated in 1936, and also called a National Assembly meeting for December 12, 1936. The meeting was delayed and reset for November, 1937, but the invasion of China by Japan led to an indefinite postponement.¹ During the Sino-Japanese war the People's Political Council was created by the Kuomintang in an attempt to capture broad support for the government and to maintain some of the trappings of democratic government. After the war a popularly elected Constituent National Assembly met for forty days from November 15, 1946, to draft a new constitution, which was promulgated on January 1, 1947. According to the Kuomintang, constitutional government, the third period on Dr. Sun's timetable, began when the new constitution went into effect.²

Dr. Sun's ideas on constitutional government permeate the 1947 constitution. He advocated a "nine-power" system which placed four "political powers" in the hands of the people through the use of the direct democratic devices: suffrage, recall, initiative, and referendum. The five administrative powers—executive, legislative, judicial, examination, and control—were to be placed in the hands of the government. The four "political powers" were to be exercised by the National Assembly, a popularly elected body, "on behalf of the whole body of citizens." The constitution specifies that the National Assemblymen will be elected from the various *hsien* (prefectures), municipalities, racial groups, overseas Chinese, and occupational and women's groups. They are elected for a six-year term but ordinarily meet only once during their term of office. Their chief functions, according to Article 27 of the constitution, are to elect the president and vice-president, to recall the president or vice-president, to amend the constitution, and "to vote on proposed constitutional amendments submitted by the Legislative Yuan. . . ." Legislative functions may be exercised in regard to the rights of initiative and referendum, but not until such time as those political rights

"shall have been exercised in one-half of the Hsien and the Municipalities of the whole country." The National Assembly has never been able to exercise its legislative rights because of the fall of the mainland and the reluctance of the executive and legislative branches of the government to see their own powers diminished.³

China's first National Assembly under the new constitution met in Nanking on March 29, 1948. The number of delegates had been set at 3,045, but because of the general disruption in China and civil war with the Communists only 2,962 were elected and only 2,841 appeared to take their seats.⁴ More than 80 per cent of the elected delegates were sponsored by the Kuomintang, but there were many factions within the KMT and party discipline was less than complete. These cleavages were exposed by the KMT leadership's inability to deliver the agreed-upon number of seats to the Young China party and the Democratic Socialist party. A pre-election deal had been made to assure some minor party representation for the sake of national unity, but many of the local KMT candidates refused to withdraw. When the Assembly opened, the KMT leadership was faced with the alternatives of seeing the coalition broken or of forcing some KMT members to step aside for the Young China and Democratic Socialist delegates. The KMT chose to force many of its own members to resign, thereby losing some support for the leadership within the party. The Communists, already winning the civil war in North China, refused to participate in the meetings.⁵

In spite of the Kuomintang's large majority, the Assembly proved to be no puppet organization. Freedom of speech, long restricted in China, was practiced with gusto. The Assemblymen demanded a more representative presidium, so its membership was increased from twenty-five to eighty-five. In response to the Assemblymen's demand for reports from government officials and the right of interpellation, Chiang K'ai-shek reported to the Assembly. He was followed by the ministers of national defense, economic affairs, communications, and food. The Assembly, intoxicated with its apparent power, next moved to reduce the power of its rival body, the Legislative Yuan. According to Articles 62 and 63 of the constitution, the Legislative Yuan is the

"highest legislative organ of the state" and has the "power to decide by resolution upon statutory or budgetary bills." This popularly elected body also is empowered to resolve questions "concerning martial law, amnesty, declaration of war, conclusion of peace or treaty, and other important affairs of the State." The National Assembly, on the other hand, is little more than an "electoral college" except for its vague powers of initiative and referendum and its power to amend the constitution. The Assemblymen, therefore, agitated for constitutional amendments which would increase their own power at the expense of that of the Legislative Yuan. They were finally dissuaded by Generalissimo Chiang, but the agitation was destined to be renewed in subsequent meetings of the National Assembly.⁸

The Kuomintang and many serious Chinese constitutionalists argued that the new constitution should not be amended until it had been in effect long enough to judge its workability. The success of the Communist rebellion by April, 1948, however, made it seem logical to grant the president emergency powers during the period of national crisis. The solution came in the form of a device which later became very important to the government on Taiwan. On April 18, the Assembly voted to add the "Temporary Provisions" to the constitution. Because this addition to the constitution provided the only acceptable means of altering the constitution after the Nationalist government moved to Taiwan, it is quoted here in full:⁷

In Accordance with the procedure presented in Item (1) of Article 174 of the constitution,⁸ the following temporary provisions to be effective during the period of national crisis are hereby adopted:

The President during the period of national crisis may, by resolution of the Executive Yuan, take emergency measures to avert an imminent danger to the security of the state or of the people or to cope with any serious financial or economic crisis, without being subject to the procedural restrictions prescribed in Article 39 or Article 43 of the Constitution.⁹

The emergency measures mentioned in the preceding paragraph may be modified or abrogated by the Legislative Yuan in accordance with Item (2) of Article 57 of the Constitution.¹⁰

The period of national crisis may be declared terminated by the

President on his own initiative or at the request of the Legislative Yuan.

The President shall convene an extraordinary session of the first National Assembly on a date not later than December 25, 1950, to discuss all proposed amendments to the constitution. If at that time the period of national crisis has not yet been declared terminated in accordance with the foregoing provisions, the National Assembly in an extraordinary session shall decide whether the temporary provisions are to remain in force or be abrogated.¹¹

At a meeting of the Central Executive Committee of the Kuomintang called in early 1948 to select a presidential candidate, Chiang K'ai-shek announced that he would not run for president. This announcement had the desired effect of marshaling support for a draft movement. Chiang was the only figure with sufficient prestige and political backing to be able to gain the near unanimous support of the Assembly. Chü Chen, a KMT member who was president of the Judicial Yuan, offered token opposition. Chiang polled 2,430 votes to 269 for Chü.¹² Chiang's reluctance to run and the party's desire to see token opposition in the race was to become almost a ritual in the elections held later on Taiwan.

The Kuomintang, either because of internal divisions or because it wanted to make the Assembly appear democratic, declined to nominate any candidate for vice-president. There followed a dramatic struggle which identified many of the factions. Often the voting blocs were based upon sectional considerations, although army cliques, party bureaucrats, and strong personalities sometimes transcended sectional bounds. The first ballot, taken on April 23, produced six major candidates, the leading four of whom were KMT members. General Li Tsung-jen, who led with 754 votes, received backing from Kwangsi province delegates, Chinese Muslims, and the liberals within the party. Sun Fo, son of Dr. Sun and president of the Legislative Yuan, had support from southeast China and from the overseas Chinese; he received 559 votes on the first ballot. Ch'eng Ch'ien, who was strong in central China and among certain party bureaucrats, ran third with 552 votes. Also collecting large blocs of votes were Yü Yu-jen, a KMT member from northwest China, with 493

votes; Hsü Fu-lin, a Democratic Socialist, with 214 votes; and the independent from Manchuria, Mo Teh-hui, who received 218 votes.¹³

According to the election rules, if no person receives a majority on the first ballot, the race is narrowed to the top three candidates. After the second ballot, which saw Li in the lead but without a majority, Ch'eng Ch'ien announced his withdrawal. Li later withdrew also, claiming that his supporters were being intimidated; and Sun announced that he was out of the race. President Chiang's forces, meantime, had been supporting Sun Fo behind the scenes, but the resignations apparently forced them to ask all the candidates to re-enter the race and complete the contest for the sake of appearances. The three candidates finally agreed to continue; Ch'eng was eliminated after the third ballot because the rules specify that only two candidates will appear on the fourth ballot. On April 29, Li Tsung-jen was elected vice-president, winning over Sun Fo by a count of 1,438 to 1,295.¹⁴ Chiang and Li were inaugurated on May 20, 1948, but the Nationalist front was soon on the verge of collapse under the impact of the Communist military thrust and the disintegration of the national economy. President Chiang resigned in favor of General Li in January, 1949. Li, with Chiang still holding many military and financial strings, was unable to improve the situation, and he fled to Hong Kong and later to the United States.¹⁵ Chiang K'ai-shek, meanwhile, had kept his position as head of the party and caused many of the regime's resources—gold, weapons, and soldiers—to be transported to Taiwan. Taipei was designated the new capital of the "Republic of China" in late 1949, and Chiang resumed the presidency on March 1, 1950, "at the request of the Legislative Yuan."¹⁶

The national government had given little attention to Taiwan between the time of the acceptance of the Japanese surrender of the island in 1945 and the transfer of the seat of government to Taipei in 1949. Honest and able officials were not in the majority. The Taiwanese greeted the mainlanders as liberators, but soon became disillusioned. The tragic events which followed the February 28, 1947, anti-government demonstrations resulted in the death of more than ten thousand Taiwanese at the hands of

the army. The regime's nadir came in early 1950 when it faced a smoldering opposition on Taiwan, imminent invasion by the Communists, and a lack of concern by the United States government. The Korean War, coupled with some apparent internal reform, however, buttressed the security of the government. By order of President Truman on June 27, 1950, the Formosan Straits were "neutralized" by the United States Seventh Fleet. Efficient administrators such as Wu Kuo-chen, who served as governor, were allowed some influence in the government for a time.¹⁷ By mid-1953, however, Wu had left his post and had gone to the United States, and the Korean War had ended. Rice was being rationed in Taiwan by early 1954.

The regime's constitutional problems were multiplied on Taiwan. Members of the Legislative Yuan, elected for three years in 1947 and 1948, had their term extended by their own legislative action "owing to the difficulty in having elections." The Temporary Provisions adopted in 1948, but specifying that an extraordinary session of the National Assembly was to be held by December 25, 1950, to decide on their continuation, remained in force after 1950 because "a two-thirds quorum for constitutional amendments was unattainable." Only about 1,200 of the original 3,000 Assemblymen had come to Taiwan before 1954. The Control Yuan, although its members were elected for a six-year term, had no quorum when it impeached Vice-president Li Tsung-jen in 1952. The six-year terms of the president and the National Assemblymen were due to expire in 1954. The appearance of constitutional government could be maintained only by having some kind of election; thus the Central Committee of the Kuomintang, meeting in May, 1953, decided to convene the National Assembly in 1954.¹⁸

The party was not sure it could muster a quorum of one-half the original number of Assembly positions; the Legislative Yuan, therefore, ruled that one-third (1,015) would constitute a quorum. By encouraging overseas Chinese Assemblymen to come, by offering transportation and an allowance, and by seating a number of defeated candidates in place of some of the delegates who failed to arrive, 1,578 delegates, a majority, eventually reported for the 1954 session. The legality of their holding a second presidential

election was explained in several ways: first, it was the second session of the First National Assembly, not a Second Assembly; second, the Assemblymen were elected for a six-year term from March 28, 1948, but since the constitution calls for the National Assembly to convene ninety days before the expiration of the presidential term, the First National Assembly could conduct the presidential election twice; and third, under Article 28 of the constitution, which stipulates that "the term of office of the delegates to each National Assembly shall terminate on the day on which the next National Assembly convenes," no new Assembly convened.¹⁹

The National Assembly session opened on February 19, 1954, using the auditorium of the city hall in Taipei. The delegates were soon insisting, in spite of semiofficial newspaper pleadings to the contrary, upon exercising the right to hear administrative reports, question government officials, and pass resolutions on government affairs. They also took up the impeachment case of Li Tsung-jen which had been initiated in 1952 by the Control Yuan. A trans-Pacific battle of words followed, with Li charging that the whole procedure was illegal because the Assembly lacked a quorum (he refused to count the replacements). Li, in fact, contended that he was still president, since the constitution makes no provision for a former president to return to office after his resignation. By a vote of 1,403 of the 1,481 delegates present on March 10, the Assembly removed the vice-president for dereliction of duty.²⁰

The case of Wu Kuo-chen (K. C. Wu), former governor of Taiwan, was not dispatched with such ease. Legislator Chang Tao-fan had complained about Wu's apparent success in taking his money with him to the United States in 1953. Questions as to the responsibility for this alleged violation soon echoed in the National Assembly chambers. Wu, who had hesitated to speak out against the regime from his Evanston, Illinois, home, partly because one of his sons remained in Taiwan, answered in a letter to the National Assembly with grave charges against President Chiang and his son Chiang Ching-kuo. He compared Ching-kuo to leaders of the Nazi secret police. The exchange proved embarrassing to the regime, and it decided to take no official action

other than to accept Wu's offered resignation as minister without portfolio in Premier Ch'en Ch'eng's cabinet. Chang Tao-fan, president of the Legislative Yuan, was granted sick leave as "a passive expression of self abnegation" for having "started the battle from an individual sense of righteousness without consulting with supreme authorities beforehand." President Chiang countered the "totalitarian state" charges by allowing the publication of the Wu letter in the Taipei newspapers and by promising the famous liberal scholar Hu Shih that democratic reforms would be initiated. Hu defended the regime as the only alternative to Communism, and he served as chairman of one of the National Assembly sessions.²¹

The National Assembly, after a heated discussion, voted to continue the Temporary Provisions of the constitution "during the time of national mobilization and rebellion suppression," thus granting the president a continuation of his extraordinary powers. The constitutional problem involving the expiration of the six-year terms of the Control Yuan members was solved by interpretation on the part of the Council of Grand Justices, which ruled on March 5 that the members could continue until elections could be held for provincial assemblies. The Control Yuan members are constitutionally chosen by the provincial assemblies.²²

The presidential race began much like the 1948 contest with the Generalissimo's announcement that someone else should be president. The Central Committee of the Kuomintang immediately nominated him by a vote of 32-0. The Legislative Yuan voted to change the election procedures for president and vice-president by requiring only a majority of those voting, rather than a majority of the total number of 1948 delegates, on the second ballot. Democratic Socialist leader Hsü Fu-lin and independent Mo Teh-hui, who had been vice-presidential candidates in 1948, were persuaded to run again. On the first ballot, Chiang K'ai-shek polled 1,387 votes to Hsü Fu-lin's 172; Mo withdrew before the voting began. A majority of 1,523 was required for election on the first ballot. On the second ballot, the President obtained 1,507 of the 1,574 votes cast and was declared elected. The KMT-approved candidate, Premier Ch'en Ch'eng was

elected vice-president on the second ballot. Of 1,569 votes cast, he received 1,417 to 109 for Democratic Socialist Shih Chih-chuan; 12 ballots were incorrectly marked and 31 were blank.²³

During President Chiang's second term the economic situation on Taiwan showed marked improvement. United States economic aid, averaging \$100,000,000 a year, coupled with a very successful land reform program, served to increase the per capita income 50 per cent in the six-year period. Politically, Vice-president Ch'en Ch'eng's power seemed to be rising; he was given the potentially powerful positions of Deputy Director General of the Kuomintang (on October 20, 1957) and Premier (on July 1, 1958).

As the President's second term neared an end there was speculation that he might choose not to continue in office. A two-term limit had been written into the constitution of 1947 with Chiang's approval. In late 1959, the Generalissimo spoke against amending the constitution while the government remained on Taiwan. The President's admirers wanted him to continue in office, and many of his critics preferred him to his son, Chiang Ching-kuo, who, it was rumored, would be his successor; however, it appeared that he could be persuaded to continue in office if the constitutional problems could be solved satisfactorily.²⁴

The increasingly troublesome problem involving a quorum in the National Assembly disappeared with the Grand Justice's interpretation on February 12, 1960. The Grand Justice ruled that the total membership of the Assembly meant those delegates who were "able to answer summons to attend the meeting of the Assembly." The total membership was therefore judged to be 1,576. This could leave the Assembly free to amend the constitution if necessary.

Three alternative ways of continuing the President in office were being discussed on the eve of the National Assembly meeting in February, 1960: The President's term might be extended indefinitely (the National Assemblymen could hardly take exception to this, because their terms were being similarly extended); Article 47 (the two-term limitation for President) could be amended by the National Assembly; or Article 47 could be temporarily suspended by amending the Temporary Provisions of the constitu-

tion. The Generalissimo apparently rejected the indefinite extension by judicial interpretation because a precedent had been set by holding the 1954 election. Furthermore, elections were important for the Republic of China's democratic image. The outright amendment was rejected because the President had followed a consistent policy of opposing any fundamental changes in the constitution until the mainland should be recovered. This left the use of the Temporary Provisions as the only feasible way to protect the constitution while continuing in office.²⁵

The "third plenary session of the First National Assembly" opened on February 20, 1960. The Assemblymen had been ignored for six years, and they sensed that they were in a strong bargaining position. They could argue that if the Temporary Provisions were to be amended for the first time to enable the President to extend his term of office, they could also be amended to give the National Assembly the full exercise of the powers of initiative and referendum. A petition to that effect soon enrolled more than twelve hundred signatures.

The Assemblymen's move was opposed by the President as well as by the ruling party, which ordered its members in the National Assembly not to fight for the powers of initiative and referendum. A Kuomintang-sponsored counter petition was soon being circulated by Mo Teh-hui, the "nonpartisan" president of the Examination Yuan. The Assemblymen showed their displeasure with Mo by failing to re-elect him to the eighty-five-man presidium, and a high-ranking KMT member had to resign his place on the presidium to make a place for Mo. Vice-president and Premier Ch'en Ch'eng invited the members to tea, but he was unable to persuade them to give up their campaign for more power. Finally, Chiang K'ai-shek began a series of "tea parties" at which he promised higher salaries and an extraordinary session of the Assembly to discuss the powers of initiative and referendum at a later date. He told the Assemblymen that those "making trouble are free to quit the party," and threatened not to run for president if the KMT Assemblymen refused to accept party discipline. The key procedural question was the method of voting on the issue. The KMT, against the advice of the venerable Hu Shih, favored a roll-call vote, which could be the basis

of party disciplinary measures, while others favored a secret ballot. A roll-call vote was held, and the party's version of the Temporary Provisions was adopted by a 1,188 to 16 vote.²⁶

The amended version of the Temporary Provisions to the Constitution contained two additional clauses. One provided that during the period of Communist rebellion, the president and vice-president "may be elected without being subject to the two term restriction" of the constitution. The other new clause called for the establishment of an organ which "would study and draft proposals relating to the powers of initiative and referendum by the National Assembly." These proposals were to be discussed at an extraordinary session of the National Assembly, to be convoked "by the third President elected under this Constitution."²⁷

The constitutional problem aside, the election was not much different from the previous presidential elections. Chiang offered to quit in his initial National Assembly speech, but the Assemblymen jumped to their feet at the end of his speech demanding a third term. Although the KMT considered inviting "some non partisan leader to participate in the presidential race," there was no opposition candidate to run against either President Chiang or Vice-president Ch'en Ch'eng. Chiang was re-elected on March 21 with 1,481 votes; 26 ballots were blank and 2 were invalid. The next day Ch'en polled 1,381 votes with 119 blank and 5 invalid ballots. Both were elected on the first ballot since under the new interpretation of total membership they easily obtained an absolute majority.²⁸

President Chiang's third term may be considered his most successful. The economic growth rate on Taiwan was the second highest in Asia. United States economic aid was suspended in 1965 because it was no longer needed. The Taiwanese shared in this economic boom, and friction between the native and the mainland-born population became less obvious. Political freedom on Taiwan was not much greater than before, but the control devices had become more sophisticated, although the arrest of Lei Chen in 1961 became a celebrated case.

After the death of Vice-president Ch'en Ch'eng in 1965, the President's son, Chiang Ching-kuo, became more powerful. Ching-kuo had been appointed minister of defense in 1963, and

C. K. Yen, considered his follower, was made premier. It appeared that Chiang K'ai-shek might be ready to retire in favor of his son at the end of his third term in 1966. Chiang K'ai-shek's recollections about Sun Yat-sen, released during the centennial celebration of Dr. Sun's birth, however, suggested that the President intended to be a candidate for a fourth term. Chiang recalled one night in 1922 when he was having an extended conversation with Dr. Sun:

Suddenly Dr. Sun got up and said: "I know I have only ten more years to live at the most. But you will have at least 50 more. I hope you will try your best to fight for our principles and take good care of yourself for the sake of the Revolution." On hearing this I did not know what to say in response to his fatherly and tutorial feelings. Speaking in awe, I said: "But I am already 36 this year." Dr. Sun reaffirmed . . . "it is not much to expect you to carry on the struggle for 50 more years for the sake of our principles."²⁹

The 1960 addition to the Temporary Provisions of the constitution had called for the creation of a National Assembly organ to study and draft proposals concerning the powers of initiative and referendum, and further instructed the President to call an extraordinary session to act upon those proposals sometime during his six-year term. The President chose to postpone the extraordinary session until the weeks immediately preceding the regular 1966 session. The National Assemblymen's determination to take the powers at the extraordinary session was revealed in their "study meetings," which preceded the special session. Members attacked the Legislative Yuan as a "dictatorship of lawmakers" and spoke of their intention to amend the constitution so they would have the right to initiate or veto a legislative bill; one Assemblyman who spoke out against this proposal was shouted down and physically threatened by his colleagues.³⁰

President Chiang opposed the exercise of the powers of initiative and referendum by the National Assembly. In the first meeting of the extraordinary session (February 1, 1966) and in a Kuomintang meeting, he urged that the constitution not be amended. Appealing to the memory of Dr. Sun Yat-sen, and asserting that the exercise of the two powers would be a viola-

tion of the spirit of the constitution, he expressed fears that allowing both the Legislative Yuan and the National Assembly to have frequent meetings would invite disorder and weaken the chances of a return to the mainland.³¹

A compromise, sponsored by the ruling party, did offer to give the National Assembly the two powers in theory but leave it to the President to decide when to convoke meetings to exercise the powers. One Assemblyman voiced his objection to this compromise in an indirect but hardly subtle manner: "Suppose we had bought a car, and had paid for it. But the dealer failed to make delivery. He promised to deliver it after two years. After two or three 'two years' the car was delivered. The car is beautifully painted. And the style is new. But it had no wheels."³²

The Assemblymen agreed to the compromise because it helped them clear one important constitutional hurdle, and they were well aware that the regular session of the National Assembly, which was scheduled for later the same month, would offer another opportunity to fight for the actual exercise of the two powers. The constitutional hurdle was Article 27 of the constitution, which specified that the powers should not be exercised by the National Assembly until they had first been exercised in half the hsien and municipalities, an obvious impossibility since the Communists controlled the mainland. The agreed-upon compromise utilized the Temporary Provisions once again. The old fourth and fifth paragraphs, which established a study group and called for an extraordinary session of the National Assembly, were deleted and three new paragraphs were added. The new fourth paragraph allowed the exercise of the initiative and referendum without being subject to the restrictions of Article 27 during the period of the Communist rebellion. The fifth paragraph, however, made it clear that only the President "may, when he deems necessary, convoke an extraordinary session of the National Assembly to discuss initiative or referendum measures." The sixth paragraph allowed the National Assembly to establish a study organ during the recess of the National Assembly. These amendments to the Temporary Provisions

were approved by 1,078 of the 1,211 assemblymen present at the extraordinary session.⁸²

The Assemblymen emerged from their ten-day respite between the extraordinary session and the fourth regular session of the Assembly determined to press for more power at the expense of the Legislative Yuan and possibly the President. They failed to reckon that they were playing politics with a master politician, Chiang K'ai-shek. They demanded that Premier C. K. Yen report to them for questioning, even though the constitution specifies that the premier is responsible to the Legislative Yuan. The Premier did report, but only after the Assembly had waited several hours for him. They introduced an amendment to the constitution which would have the President appoint the premier without reference to the Legislative Yuan; this was an obvious attempt to weaken their rival legislative body. To open the possibility of additional sessions, they put forth a plan to have the Assembly fill any vacancy in the office of vice-president which should last six months. The strategy which they believed offered the most chance of success was to demand the creation of a standing organ of the National Assembly charged with supervising the mobilization of the country for the suppression of the Communist rebellion. No one would dare disagree with their goal.⁸⁴

President Chiang, who saw this as a thinly disguised attempt to establish the National Assembly as a standing legislative organization, rather than oppose their announced goal had an alternative amendment introduced which would allow the President, not the National Assembly, to create a "mobilization and suppressing rebellion committee." Support was solicited in the form of a petition, and more than eight hundred Assemblymen's signatures were soon collected. The petition method was more responsive to party discipline than was the secret ballot in the National Assembly sessions. The proposed amendments to call special sessions to fill vice-presidential vacancies and to make the premier responsible only to the President failed to pass in the rush to adjourn, although approximately 350 Assemblymen had endorsed the proposals.⁸⁶

The Chiang-backed amendment included more than just

authorization to form an all-powerful mobilization organization. It also contained a provision which would allow the President to "promulgate regulations providing elections to fill the elective offices at the Central Government level." Thus vacancies caused by "legitimate reasons," i.e., death or defection, could be filled by national elections, the first since 1947-1948. Provision was also made for granting additional representation on the basis of the population increase "in areas that are free and/or newly recovered." This flexible device may be used to give the Taiwanese their first chance in two decades to elect new members to the Legislative Yuan, the National Assembly, and the Control Yuan. In the Legislative Yuan, for example, Taiwan was originally allotted eight members but only six are serving. Allowing for the increased population they should have fifteen legislators. This provision will allow the regime to preserve these elective bodies (the average age of the legislators is nearing seventy), appease the Taiwanese, who are demanding elections, without any immediate danger to the mainlander domination (with the increase Taiwan will have only 3.2 per cent of the Legislative Yuan members), and be able to declare to the world that national-level elections are being held.²⁶

On the final vote in the National Assembly, the proposed amendment to the Temporary Provisions of the constitution was passed 1,138 to 31. Typically, Generalissimo Chiang used the carrot more than the stick. The Assemblymen demanded and received subsidized housing, and all the Assemblymen were allowed to join the "committee for the study of constitutional rule" and its twelve or more subcommittees. This meant more pay and expense money for the Assemblymen.²⁷

The fourth-term election of Chiang K'ai-shek, which took place at the March 21 session of the National Assembly, was a mere formality. There was no opposition, and the President polled 1,405 votes while only 20 were blank or invalid. The President's personal prestige, in spite of or perhaps because of his seventy-eight years, had never been greater. The only contest was for vice-president. The semiofficial newspapers mentioned Presidential Secretary-general Chang Chun; recently returned Sun Fo; P. Y. Hsu, governor of the Central Bank of China; and

Premier C. K. Yen as the most likely candidates. Chiang expressed his preference for C. K. Yen as the youngest (sixty-two) of the men in a speech before the Kuomintang's Central Standing Committee on March 10. The party acceded to Chiang's wishes by a vote of 72 to 2. The National Assembly, however, was not so pliable.⁸⁸

The secret ballot for vice-president provided the Assemblymen with their first real opportunity to express their frustration at being out-manuevered by Chiang and the party bureaucrats. Yen owes his political rise to the Chiangs, father and son, and he has no political debts outstanding to the older factions within the party or in the army. Some Assemblymen vented their anger by writing messages on their ballots. One called him an "old woman"; another member drew a picture of a turtle, which is understood to be a derisive suggestion. Hundreds of the Assemblymen cast blank ballots, since there was no opposition candidate. When eight of the nine ballot boxes had been opened and the ballots counted, Yen did not have enough votes to win. The last box, apparently the box which contained the votes of several dozen infirm members who had been brought in on stretchers, provided the margin of victory. Yen was elected with a majority of 782 out of 1,416 votes cast. The fourth session of the National Assembly closed on March 25.⁸⁹

Some tentative conclusions may be drawn from this study. It appears that the powers given to the National Assembly by the constitution of 1947 were destined to come into conflict with those assigned to the Legislative Yuan because of their ambiguity. Moreover, the constitutional rights provided in the document have never been fully implemented because of the continuous wartime situation and because of the character of the leadership in the government and in the Kuomintang. It does appear, however, that there is at least a small commitment on the part of the leaders to the idea of constitutional government, although they may have a larger commitment to the appearance of constitutional government. The Temporary Provisions to the constitution, first adopted in 1948 and amended three times, have proved to be a useful device which has made the constitution flexible without relinquishing certain concepts implied in the "return

to the mainland" posture which the government feels it must maintain. The National Assembly, whose irresponsibility is not surprising in light of its lack of real power, is able to bargain with the President and the party by providing a democratic façade in exchange for rewards to its members. Nonetheless, Chiang K'ai-shek's superior political agility was well displayed in the National Assembly sessions of 1948, 1954, 1960, and 1966.

NOTES

1. Pan Wei-tung, *The Chinese Constitution, A Study of Forty Years of Constitution-Making in China* (Washington, D.C., 1946) contains a collection of the texts of most of the early constitutional documents, including the May 5, 1936, draft constitution.

2. The Kuomintang insists that it abdicated one-party rule in 1947. See Paul M. A. Linebarger, "The Republic of China on Taiwan: A Descriptive Appraisal," *World Affairs*, CXXVI (Spring 1963), 6; and Tommy Lee, "How China Elects Its President," *Free China Review*, XVI (February 1966), 9. The present government on Taiwan appears to have elements of all of Dr. Sun's stages operating simultaneously, i.e., military government, political tutelage, and constitutional government.

3. *Ibid.*, 10. A copy of the constitution may be found in the *China Yearbook, 1965-66* (Taipei, 1966).

4. Lee, "How China Elects Its President," p. 11.

5. A. Doak Barnett, *China on the Eve of Communist Takeover* (New York, 1963), pp. 68-64.

6. *Ibid.*, pp. 65-66.

7. From *China Yearbook, 1958-59* (Taipei, 1959), p. 721.

8. Article 174 outlines the amendment procedures.

9. According to Articles 39 and 43, the Legislative Yuan must approve or confirm a declaration of, and may terminate, martial law.

10. According to Item 2, Article 57, it would apparently require a two-thirds vote of the Legislative Yuan to overrule the emergency measures which might be decreed.

11. By December 25, 1950, the Nationalist government had moved its capital to Taipei and the National Assemblymen were widely scattered. No extraordinary session was called, but the "temporary provisions" remained in effect.

12. Barnett, *China on the Eve of Communist Takeover*, p. 67.

13. *Ibid.*, pp. 68-69.

14. *Ibid.*, p. 70.

15. A useful summary of Li's career and his relationship with Chiang K'ai-shek is Robert E. Bedeski's "Li Tsung-ren and the Demise of China's 'Third Force,'" *Asian Survey*, V (December 1965), 616-628. In 1965 Li re-

turned to the Communist-held mainland, where he denounced Chiang K'ai-shek and the United States' "occupation of Taiwan."

16. The chronology and the direct quote are from F. C. Lu, "Hero of the Revolution," *Free China Review*, XVI (April 1966), 14.

17. Three distinct views of the Nationalist regime on Taiwan are presented in Karl Lott Rankin, *China Assignment* (Seattle, 1964); Joseph W. Ballantine, *Formosa A Problem for United States Foreign Policy* (Washington, D.C., 1952); and George H. Kerr, *Formosa Betrayed* (Boston, 1965). Rankin is sympathetic to the regime; Kerr is very unsympathetic; Ballantine's account is the most dispassionate.

18. The dates are from the *China Yearbook, 1964-65*, pp. 622-623. The reason quoted for not holding the 1950 extraordinary session is from T. C. Chang, "The Constitutional Way to Victory," *Free China Review*, XVI (May 1966), 12.

19. "Chronology," *China Yearbook, 1964-65*, pp. 622-623; *New York Times*, February 21, 1954, p. 8.

20. *China Post* (Taipei), February 25 and March 11, 1954; *New York Times*, February 26, p. 2, and March 11, 1954, p. 8.

21. *China Post*, February 27 and March 10, 14, and 24, 1954; *New York Times*, March 11, p. 8, March 15, pp. 1 and 2, March 18, p. 9, March 19, p. 4, and March 29, 1954, p. 8. Wu Hsia-huang, the sixteen-year-old son of K. C. Wu, arrived in Seattle on July 18. His trip was delayed several times, and he claimed to have been beaten by Chiang Ching-kuo's Youth Corps (*ibid.*, July 20, 1954, p. 3).

22. *China Post*, March 10 and 12, 1954.

23. *China Post*, February 6, 11, and 16 and March 21, 22, 23, and 25, 1954; *New York Times*, March 18, p. 9, March 20, p. 2, March 22, p. 3, March 23, p. 6, and March 24, 1954, p. 2.

24. See John T. T. Ma, "Will Chiang Step Down?" *New Republic*, CXLII (February 8, 1960), 14-16, for a discussion of the pre-election speculation.

25. The "Interpretation of the Total Membership of the National Assembly" may be found in *China Yearbook 1965-66*, pp. 819-820. T. H. Li, in an article, "Why the Constitutional Questions?" *China Post*, February 17, 1960, discusses the three methods of continuing the President in office. He favored an indefinite extension by judicial interpretation.

26. *China Post*, February 21, 23, 24, 25, 28, and 29 and March 1, 3, 5, 8, and 12, 1960.

27. "Temporary Provisions Effective During the Period of Communist Rebellion," *China Yearbook 1964-65*, p. 836.

28. *New York Times*, February 21, 1960, p. 24; *China Post*, March 13, 22, and 23, 1960.

29. Chiang K'ai-shek, "On the Birthday Centennial of Dr. Sun Yat-sen," *Free China Review*, XV (December 1965), 11.

30. *China News* (Taipei), December 26, 1965.

31. *Chung Yang Rih Pao* (Taipei), February 2, 1966; *Shin Sheng Pao* (Taipei), February 3, 1966.
32. *China Post*, February 3, 1966.
33. *China News*, February 8, 1966; the Temporary Provisions as revised on February 7, 1966, may be found in *China Yearbook 1965-66*, p. 819.
34. *Express News* (Taipei), March 8 and 20, 1966.
35. *China News*, March 15 and 17, 1966; *Express News*, March 20, 1966.
36. *Free China Weekly*, October 16, 1966; "How Many Legislators Left now?" *Sinwen Tienti* (Hong Kong), April 23, 1966.
37. *China News*, March 24, 1966; *Lien Ho Pao* (Taipei), March 23, 1966.
38. *China Post*, March 10 and 11, 1966; *Lien Ho Pao*, March 10, 1966.
39. *China Post*, March 23, 1966, and *Lien Ho Pao*, March 23, 1966.