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SOURCE L'Echo du Viet Nam. (Information requested.)PLAN FOR CREATING VIETNAMESE PROVISIONAL ASSEMBLIES

Nguyen Phan Long

The Provisional Central Government of Viet Nam has prepared a bill establishing the organization, prerogatives, and functions of the provisional assemblies of Viet Nam. This bill has been transmitted to the members of the Council of Cochinchina. General Xuan revealed its major features to the French and Vietnamese Councillors during the private meeting of 2 October 1948, held in the palace of the President of the Government of South Viet Nam. In newspaper articles, certain of its provisions have been used as a pretext for accusing the President of the Provisional Central Government of dictatorial aims. We believe it is permissible to express our opinion on this subject.

The Provisional Central Government is assisted by: (1) the High Privy Council created by decree No 5 of 25 June 1948; (2) the Provisional Central Vietnamese Assembly, and (3) the Provisional Joint Central Council of Economic Interests.

The members of the Provisional Central Vietnamese Assembly are to be elected by universal suffrage, 15 per district for the regular members and five per district for the alternate members, under conditions to be fixed by decree of the President of the Provisional Central Government.

To prevent the recurrence of such charges by reactionaries, General Xuan believed it necessary to give a democratic basis to the future assembly by adopting universal suffrage for the election of its members. Now, universal suffrage is not freely enjoyed except during absolute peace, which is far from being the case at present. The present political situation is too confused and uncertain, and the popular state of mind too bewildered and vacillating to permit the electors to make a free and discerning choice. The policy of understanding /with France/ is still too negative, supported as it is by promises unratified by France to permit the nationalist candidates -- who will uphold this policy -- to prevail against the opposition. This opposition will be able to rap the nationalist candidates for the incoherence and contradictions of the French policy, as well as for the ravages of the current war.

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Nor will the electoral campaign unfold without complications. Outside the cities, and in regions under French control, the campaign will be practically impossible. In the rest of the country, on the other hand, the opposition candidates will be the ones to benefit by propaganda and pressure which, though not open, will be nonetheless effective and will assure their victory over their opponents. The net result will be that the Provisional Central Government will find itself confronted by a hostile assembly which will thwart its action by systematic obstruction instead of facilitating its task.

The members of the Central Assembly will be able to interpellate the government either on general policy or on a specific point.

The interpellation can end in a vote of "no confidence," the text of which will be transmitted to the President of the Provisional Central Government. The latter will decide, in cabinet meeting, what action to take on the motion voted by the Assembly. The government, acting both as judge and party to the case, will issue a decision from which there is no appeal. But, in recognizing the Assembly's right to pass a vote of "no confidence," while reserving to itself the right to ignore such vote, if it so decides, the government will be playing a "no contest" game, wherein it runs no risk. Would it not be more logical to accept the consequences of a principle which one has set or recognized himself?

As to the Provisional Joint Central Council of Economic Interests, the presence of French members will be the object of bitter criticism on the part of the Vietnamese. Their presence would be admissible under the present state of affairs, in which Cochinchina is still under colonial rule, if the jurisdiction and the legal authority of the future council were limited to this country, but this council will embrace all Viet Nam. In addition, it will be called to deliberate on a number of specific questions. Now, the French membership in a deliberative assembly of the Associated State of Viet Nam is incompatible with the sovereignty of the latter. The fact that the French members are simply appointed, instead of being elected, in no way detracts from the objection on constitutional grounds to their presence in a deliberative assembly of Viet Nam.

Furthermore, the French of Indochina will never agree to their representatives in any assembly being appointed. They clearly expressed this opinion on the occasion of the appointment of the delegates to the Assembly of the French Union and of the one Councillor of the Republic allotted to them. They have demanded that the principle of election be re-established, but appointments continue, not, as they obstinately maintain, from trickery or abuse, but through the mere application of the provisions of the French constitution. These provisions must be modified, if one wishes to replace the appointment system with that of election. The election system is also contrary to the principles of constitutional and international public law.

Recourse to universal suffrage seems to us no more advisable in electing the Vietnamese members of the Council than in electing Vietnamese members of the Central Assembly.

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