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SOUTH VIETNAM: THIEU UNLIKELY TO WIN EMERGENCY POWERS



President Nguyen van Thieu has asked the South Vietnamese legislature to grant him authority to rule by decree for six months in order to deal with the military crisis. Though overshadowed by military and diplomatic developments, Thieu's request for these "emergency powers" poses a constitutional and political dilemma of major importance. It seems unlikely to be granted unless Thieu can overcome skepticism that he is using the military crisis to enhance the executive's already powerful position vis-a-vis the legislature. Thieu's unwillingness thus far to agree to any modification of the emergency powers bill reinforces this skepticism. In any event, the regime's rationale for the bill -- to demonstrate national unity and evoke a sense of crisis -- has already been vitiated by the emergence of substantial opposition.

The Dilemma. Few, if any, South Vietnamese legislators doubt that national survival is presently at stake, but many also doubt that the proper answer to the North Vietnamese challenge is virtual abdication in favor of the executive for the duration of the military crisis. These "moderates" argue that the regime already has, under martial law authority granted in 1968 (and invoked for the first time on May 11) and legislation

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from the Diem era, ample powers to mobilize the country to cope with foreseeable threats. They see Thieu's request as a wrenching of constitutional strictures, threatening a slide toward autocracy. Nonetheless, centrist legislators would much prefer to meet President Thieu halfway: their position, as expressed by South Vietnam's leading newspaper, is that "total approval would make a shambles of the legal democratic regime, while total rejection would show that the president enjoys no support at this critical moment."

For its part, the regime has not argued convincingly its need for authority to rule by decree. Publicly it has intimated that it contemplates no radical departures from current policies; privately, regime figures have mentioned only authority to adjust the exchange rate for students studying abroad and to levy new income and property taxes as matters requiring new decrees. Opposition leaders have countered by promising speedy action on any specific measure the government deems essential.

Senate Approval Unlikely. The emergency powers bill passed the Lower House of the legislature on May 14 by the unusually narrow margin of 82-59. It seems headed for defeat, or substantial revision, in the Senate. Regime stalwarts could possibly muster the two-thirds Lower House majority needed to override Senate disapproval. If the Senate passes the bill with amendments, Thieu might in turn pose his own amendments and try to squeak out the simple majority of the full



membership of both houses meeting in joint session needed to sustain such action. In either case, a quid pro quo would probably be necessary: possibly some broadening of the GVN to include spokesmen from one or more of the independent blocs, or perhaps -- as occasionally in the past -- substantial bribes to less-principled deputies. However, one well-placed source indicates that if the emergency powers bill fails in the Senate, the regime is prepared to "stretch existing powers to the limit" rather than attempt to rescue the new legislation.

Crisis Prompts Thieu to Court Catholics. For reasons not entirely clear, until early this month Thieu balked at increasingly urgent suggestions that he dramatize the mortal threat posed by the North Vietnamese offensive. Worry that he might prompt a panicky and defeatist reaction apparently figured in his hesitation. Thieu also seems to have been irked by advice that he foster national unity by embracing old antagonists -- e.g., erstwhile presidential candidates Ky and Minh, the Buddhists, and those Catholic leaders who opposed his handling of his re-election -- and render obeisance to the authority of the legislature. But after Quang Tri fell on May 1, Thieu apparently considered an ad hoc rapprochement with the Buddhists, a more permanent mending of relations with the Catholics, and an appearance before a joint session of the National Assembly.

Of these contemplated reversals of form, only the approach to the Catholics reached the action stage. The Catholic bloc is the key to the



Senate, holding the balance of power between the government bloc and the usually anti-government Buddhist bloc. In recent years the Catholics have grown disenchanted with the Thieu regime, shifting gradually toward moderate opposition and frequent tactical alliance with the Buddhists. Thieu's reaction to this development has vacillated between wrath at "betrayal" and confidence that eventually the Catholics would return unbidden to the fold. Thieu's ardent courting of Catholic support is in his view a major concession, and he is doubtless chagrined that Catholic leader (and Senate Chairman) Nguyen van Huyen has, apparently, declined to commit his bloc to support the emergency powers bill.

Thieu Sounds The Tocsin. While seeking Catholic support for the emergency powers legislation, Thieu decided to act unilaterally in other areas to bolster the nation's sagging morale. His moves were vigorous and apparently effective, but they nonetheless undercut the regime's efforts to win authority to rule by decree. Thieu sacked several generals, including two of the four regional commanders (a unanimous Senate resolution endorsed the military shakeup). He reiterated orders that looters and arsonists be shot on sight. A few days later, surprised and deeply gratified by the US decision to interdict North Vietnam, Thieu seized the opportunity to give a much-needed accounting of the military situation to the South Vietnamese



people. "The nation is in danger," Thieu declared, and he called for sacrifices and a moratorium on "politics" for the duration of the crisis. Martial law was declared a day later, and Mayor Nhieu startled Saigonese with a sobering report on local civil defense preparations.

Bill Put On Take-It-Or-Leave-It Basis. In this altered context, the emergency powers bill lost much of its intended shock effect. Moreover, critics were undeniably piqued, and Thieu's legislative lieutenants disappointed, when after his May 9 radio-TV speech Thieu cancelled plans to address the legislature and, in meetings with several groups of deputies, made it clear that he would accept no changes in the bill. He flatly rejected hints from moderate factions that they would swallow the emergency powers grant if, for example, it were amended to require post-crisis legislative ratification of all emergency decrees.

With a mutually satisfactory compromise seemingly unattainable, the emergency powers bill is likely to die in the Senate. If so, South Vietnamese moderates will have prevailed in an important -- even if little noted -- test, but at some cost to Thieu's prestige and to prospects of executive-legislative cooperation in the future. The Palace-Senate impasse underscores the importance which South Vietnamese moderates attach to preservation of the hard-won

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constitutional order. Unfortunately, it appears also to dramatize President Thieu's tendency to alienate potential supporters and his seeming inability, or unwillingness, to broaden his political base.

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