

PART I
SOUTH KOREA

From: 091200/I July 48
To : 161200/I July 48

No. 148
Maps: KOREA, 1/250,000
East ASIA, 1/1,000,000

Headquarters, USAFIK
Seoul, Korea
16 July 1948

A. ARMED FORCES

1. Strength (Secret)

Police: 34,082
Constabulary: 56,084 (including 5,283 unsworn recruits). Screening continues.
Coast Guard: 2,951

2. Operational Activity

a. Border Incidents

On 07 July an intoxicated U.S. soldier crossed the 38th parallel in the vicinity of (986.0-1696.45). This soldier was returned without incident on 10 July. (A-1)

On 10 July a U.S. patrol observed 2 Soviet soldiers South of the 38th parallel at (946.2-1696.5) tampering with a truck. A machine gun manned by 3 Soviet soldiers covered the action and forced the U.S. patrol to withdraw. The truck was later observed about 700 yards North of the parallel stuck in the mud. A Soviet officer and soldiers moved it. (B-2)

On 14 July in the vicinity of (938.4-1696.4), 3 North Korean Constabularymen fired at a U.S. patrol which returned the fire. No casualties. (B-2)

On 15 July South Korean police and North Koreans exchanged rifle fire in the vicinity of U.S. OP#10 (935.25-1696.70). Several rounds landed near the OP. No casualties. (B-2)

COMMENT: There have been 4 border incidents in this area in the past month.

On 13 July, 3 persons attacked the YOBYON-DOING (948.5-1696.0) police box. One of the attackers was killed, the others escaped. Papers found on the body indicated that he was a member of the Chinese Communist 8th Route Army. (C-3)

COMMENT: This is one of two unconfirmed reports of Chinese Communist 8th Route Army personnel in South KOREA (see Part E).

b. Constabulary on CHEJU DO

Constabulary action was limited to routine patrolling and screening of prisoners.

DECLASSIFIED
Authority NOI 20 745070

B. CURRENT INTELLIGENCE1. National Assembly - Proceedingsa. Constitution

The "Constitution of the Korean Democratic Republic" was adopted by a unanimous standing vote at the 28th session of the National Assembly, on 12 July, upon completion of the third reading. It was later decided that a ceremonial signing of the Constitution would take place on 17 July. Members of UNTCOCK, as individuals, and a few Americans were invited to attend. (A translation of the Constitution appears as Inclosure #2, which is "unclassified" and may be detached from this Summary. For comparison with the North Korean constitution, see W/S #127, page 20.)

b. Government Organization Law

The first reading of the Government Organization Law commenced on 14 July. Intense debate arose over the inclusion of the police in the Department of Home Affairs. The speaker, Dr. RHEE, pointed out that some Assemblymen were unduly stressing the necessity for a separate police department. In actual administration, said RHEE, it does not make a great deal of difference whether or not the police come under the Department of Home Affairs.

Discussion also included placing the Bureau of Budget under the Office of Planning rather than the Department of Finance, the creation of a Labor Department, the combining of the Transportation and Communication Departments and the use of the term "Social" Department instead of the Department of Public Health and Welfare. (It was explained that, while Social Department sounded ambiguous, it best described the overall function of this department under the new organization.)

During the second reading of the Government Organization Law, Chapter I, Section 1 - 7, General; Chapter II, Section 8 - 13, Administration and the Prime Minister, were adopted with a minimum of opposition, chiefly by general consent.

Chapter III, Government Departments, again caused considerable debate, but Article 14, as presented in the draft, was accepted by secret ballot 104 to 80. It provides for the following 11 Departments:

- | | |
|---------------------|-----------------------------|
| 1. Home Affairs | 7. Agriculture and Forestry |
| 2. Foreign Affairs | 8. Commerce and Industry |
| 3. National Defense | 9. Social |
| 4. Finance | 10. Transportation |
| 5. Justice | 11. Communication |
| 6. Education | |

Dr. RHEE stated privately that he expected the Government Organization Law to be passed by 17 or 20 July; the election of a president and vice-president to be accomplished by 21 or 22 July; and the completion of the cabinet and the appointment of the chief justice to be made by 26 July.

2. NIF and KIP State Opposition to North Korea Separate Government.

Both the KOREAN INDEPENDENCE PARTY, headed by KIM Koo, and the NATIONAL INDEPENDENCE FEDERATION, led by KIM Kyu Sik, issued statements in which they denounced the separate government in North Korea as well as the one in South Korea. (See Part II, B, 3)

On 14 July, the moderate NIF announced that it "rejected without hesitation a separate government in either the North or the South...." The federation reasserted its desire for an "autonomous, democratic independence derived from national will" and urged all the Korean people to unite in averting "bloodshed between fellow countrymen." The NIF clearly implied that the unilateral action being taken by North Koreans was not in accordance with agreement and plans made by the North-South representatives in PYONGYANG during April (see W/S #133-138).

On the following day, 15 July, the KIP took a firmer stand against the North Korean action. It denounced the activities in the North as a "route which splits the land and the people." The statement reiterated the KIP's efforts on behalf of unification of KOREA by following the principle of "national self-determination" and asserted that the North Koreans had broken the promises they made at PYONGYANG last April regarding the establishment of a separate government, in either North or South KOREA. The KIP declared that it would continue to strive for the elimination of the 38th parallel as a border between North and South KOREA regardless of "threats or intimidation from any direction."

COMMENT: Before the PYONGYANG announcements, the KIP and the NIF opposed the South Korean Government on the grounds that unification of KOREA was possible and feasible through the "North-South political leaders conference held in PYONGYANG in April." With the announcements released this week the two organizations have disapproved the formation of the separate North Korean government and have shown that they feel they have been double-crossed by the North Koreans with whom they conferred last April. Thus, the KIP and NIF can take either of two positions: (1) maintain a dignified aloofness, crying "A plague on both your houses," or (2) decide that of the two necessary evils -- a separate North Korean government and a separate South Korean government -- they will choose the South Korean, at least until unification can be achieved. A recent newspaper announcement that SHIN Ik Hi, influential member of NSAKI, has recommended that CHO So Ang, a KIM Koo lieutenant, be made prime minister may be an indication that at least the KIM Koo faction will throw in their lot with the South Koreans. Reports have been received that RHEE is willing to accept KIM Koo in the government. (KIM Kyu Sik is generally considered not to be equally acceptable to RHEE; there is personal animosity between them, and KIM Kyu Sik does not command the following that KIM Koo does.)

The PYONGYANG announcements and the reaction of these two South Korean non-communist organizations in no way strengthened the Soviets' hand insofar as the forthcoming meeting of the General Assembly is concerned. Although the Soviets may continue to cry that South Koreans and Americans have permanently divided the country through their separate election, they can no longer plausibly claim that the North Koreans have never done anything but strive for unification.

3. Civil Unrest

a. Weekly Violence Summary

A summary of acts of violence involving communists for the week as reported up to 16 July is as follows:

	Seoul	Kyongsang	Keangwon-Do	Chung Do	Chong Chong	Mando	Chung Chong	Chung Chong	Cholla	Cholla	Cholla	Pukto	Kyong	Keangwon	Kyong	Keangwon	Keangwon	Keangwon	Keangwon	Keangwon	Total
Attacks on towns																					
Attacks on police																					2
Police killed																					2
Communists killed																					
Rightists killed																					2
Demonstrations, disorders, arson, & attacks on rightists																					6
Attacks on government buildings																					
Sabotage (communications)																					
Sabotage (RR lines)																					
Sabotage (roads)																					
Sabotage (bridges)																					
Sabotage (power)																					
Strikes (labor)																					
Strikes (schools)																					

b. Delayed Reports Covering Last Week

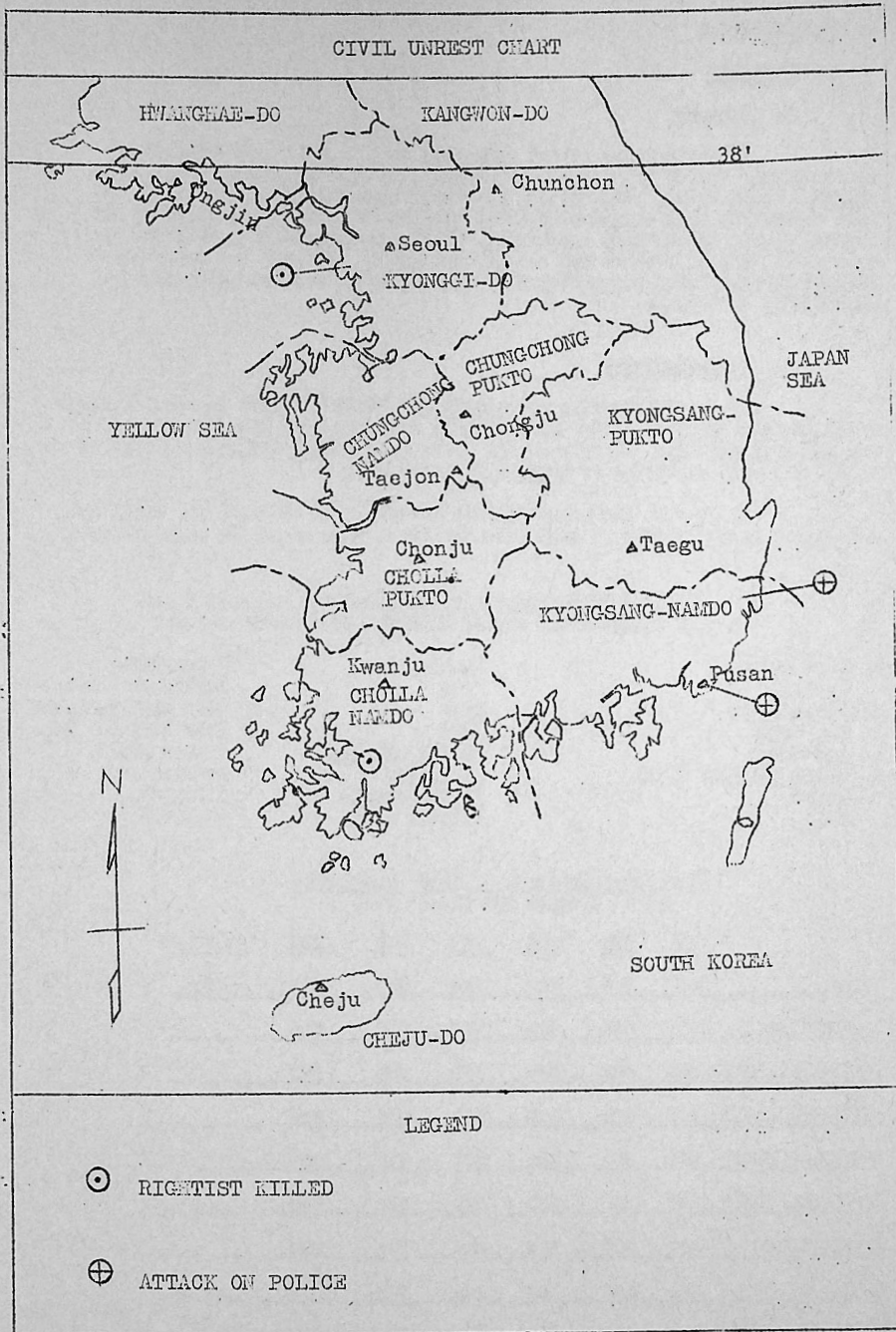
Delayed reports of incidents that occurred during the week ending 09 July which were not carried in last week's summary (see Part I, B, 5, a, W/S #147) are:

	Seoul	Kyonggi-Do	Kangwon-Do	Chungchong-Namdo	Chungchong-Pukto	Cholla-Namdo	Cholla-Pukto	Kyongsang-Namdo	Kyongsang-Pukto	Cheju-Do	Total
Attacks on towns											
Attacks on police							1				1
Police killed						6		1			7
Communists killed											
Rightists killed			1								1
Demonstration, disorders, arson, & attacks on rightists			1					2			3
Attacks on government buildings						1					1
Sabotage (communications)		1									1
Sabotage (RR lines)											
Sabotage (roads)											
Sabotage (bridges)											
Sabotage (power)											
Strikes (labor)											
Strikes (schools)											

c. 1948 Communist Activities In South KOREA

	JAN	FEB	MAR	APR	MAY	JUNE*	JULY*	TOTAL
Attacks on towns	0	0	0	5	73	9	0	87
Attacks on police	0	150	118	50	86	11	5	400
Police killed	0	33	20	15	34	4	1	107
Rightists killed	1	14	14	81	144	51	10	315
Communist killed	1	74	75	70	155	83	11	459
Disorders, demonstrations, arson & attacks on rightists' offices & homes	6	118	69	126	196	81	17	613
Attacks on government buildings	0	9	14	2	9	3	0	37
Sabotage (communications)	14	53	58	32	57	8	1	223
Sabotage (RR lines)	1	12	6	0	8	0	1	28
Sabotage (Locomotives)	0	50	0	0	24	0	0	74
Sabotage (roads)	0	13	5	2	5	0	0	25
Sabotage (bridges)	0	6	9	5	4	0	0	24
Sabotage (power)	0	0	0	0	7	1	0	8
Strikes (labor)	0	14	6	3	16	1	0	40
Strikes (schools)	0	7	5	4	9	0	0	25
Attacks on registration & election booths	0	0	0	58	68	0	0	126

* Incomplete



DECLASSIFIED
 Authority NO 00 745070

C. WAR POTENTIAL1. Economica. General

Electric power output this week rose to an hourly average of approximately 75,000 KW, principally because of the operation of the newly repaired Chong Pyung. This plant, currently operating at about 38,000 KW, will contribute much toward stabilizing the entire system and allowing the thermal plants to cut down operations. This, in turn, will facilitate the accomplishments of repairs and the stockpiling of coal for the operation of thermal plants during the coming winter, when water for the hydro-electric plants will be scarce.

b. Cost-of-Living

Of the twenty-five cost-of-living items checked* in Seoul during 05 to 10 July, Korean cabbage and radishes took the lead with advances of 16 and 19% respectively. Cereals on the other hand showed declines of from 1% to 6%, with the exception of wheat which rose 19%.

On 16 July the price of rice in Seoul was 1020 won per small mal, a decline, though slight (5 won), for the first time since the mid-June rains.

*Cost-Of-Living Items Checked In Seoul (05 - 10 July)
(Increase (+) or (-) Decrease over previous week)

± Polished rice	Matches	Flannelette
- Barley	Beef	Kwang-mok (cloth)
± Wheat flour	Pork	± Silk myungju (cloth)
- Soy beans	- Eggs	± Silk sook soo (cloth)
- Red beans	± Korean cabbage	Cotton socks
± Dried myungtai (fish)	± Radishes	Anthracite
- Sugar	± Rubber shoes	Firewood
- Salt	Laundry soap	Charcoal

Rice Price Summary - Monthly Averages
Unit: 1 small mal (16.67 lbs)

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUNE</u>	<u>16 JULY*</u>
<u>SEOUL</u>	743	746	707	655	740	895	1020
<u>KANGWON DO</u>	791	860	772	750	816	920	
<u>CHUNGCHONG PUKTO</u>	586	657	654	600	723	943	
<u>CHUNGCHONG NAMDO</u>	630	662	613	576	660	860	
<u>KYONGSANG PUKTO</u>	541	550	502	550	583	807	
<u>KYONGSANG NAMDO</u>	650	707	650	640	666	868	
<u>CHOLLA PUKTO</u>	608	608	550	566	703	850	
<u>CHOLLA NAMDO</u>	558	575	508	541	728	875	
<u>CHEJU DO</u>	733	680	617	740	733	983	
<u>AVERAGE</u>	648	676	619	659	706	889	

Source - National Price Administration, SRIG

2. Population

a. <u>Surrendered and Disarmed</u>	-	No change:	179,376
b. <u>Progress of Repatriation</u>		<u>This Period</u>	<u>To Date</u>
<u>Japanese Civilians Arriving from</u> <u>N of 38^o N'KOREA, CHINA and MANCHURIA</u>		0	288,529
<u>Japanese Evacuated to JAPAN</u>		16	884,139
<u>Total Koreans Returning</u>		2,066*	2,140,153
<u>Total Repatriates Moved Since 15 August 45</u>			3,024,806
c. <u>Koreans Apprehended While Attempting</u> <u>Illegal Entry to JAPAN</u>		492	24,611

* Incomplete report

F. SABOTAGE AND ESPIONAGE

On 26 June two suspected espionage agents were arrested in Chunchon (1060-1680), one is reported (unconfirmed) to be a member of the Chinese Communist 8th Route Army. (C-6)

A former student of the North Korean Constabulary school in Unjin Ni (1070-1704) who came to South KOREA allegedly to assassinate police officials was arrested on 29 June in Uop Yong (1110.2-1695.5). (E-3)

On 29 June 3 poles supporting electric power lines in PUSAN were cut. No disruption of power resulted. (C-3)

On 13 July the main communication cable between SEOUL and the KOREAN BASE COMMAND was cut in several places, rendering an undetermined number of circuits inoperable. This is considered to possibly be the result of the discharge of 31 employees. (A-1)

On 14 July, 38 employees of the Camp SOBINGGO (7th Division), Post Engineer electric shop, quit work and threatened to sabotage electric power lines, transformers, etc., because they were refused a raise in pay. (A-1)

On 3 July South Korean police searched a Korean truck and seized a radio transformer and approximately 200 small sticks of black powder. The two Koreans and two Chinese arrested revealed that they were to meet a ship at Yang Chon Myun on the Han river near SEOUL. The ship was located and 6 Koreans arrested. The cargo is believed to be gun powder. (E-6)

On 15 June, 01 July, and 09 July North Korean youths in groups of 2 or 3 were arrested for alleged attempts at water poisoning in the CHUNCHON area (1060-1680). (E-6)

COMMENT: The youths were between the ages of 12 and 17 and were given only one objective: poison water in South Korea. They had been threatened by the North Korean Constabulary and promised a reward (about 1,000 won) for a successful performance of their mission. In each instance the youths had disposed of the poison prior to their capture. (See Part I, Par. E, W/S #144.)

Chronological Summary (continued)

- 22 April Major General Noce, Civil Affairs Division, Department of the Army, and a staff of twelve arrive for conferences.
- 23 April Ceremonies are held in celebration of the 33rd anniversary of Chosun Christian College.
- 24 April Strength reports show that 452,505 government and vested property employees are eligible for distribution of controlled consumer goods.
- " " Korean residents in Japan riot at Kobe.
- " " 19 Korean schools in Osaka, Japan, ordered closed by the Japanese.
- 24 April The first ship to bring Korean refugees from Manchuria back to Korea leaves Inchon for Tientsin.
- 25 April Musical instruments purchased with money contributed by U.S. personnel in Korea are presented to the Korean Symphony Orchestra by General Hodge.
- 26 April 49,990 sales of former Japanese-owned farms have been made by the six National Land Administration branch offices since 08 April.
- 27 April North Korea stops flow of water into South Korea irrigation ditches on Ongjin peninsula.
- 29 April LYUH Woon Hong arrives in Seoul as an emissary of the North-South conference in Pyongyang.
- " " U.S. Army orders a general alert of all U.S. personnel over May Day (01 May) as a precaution against communist disturbances.
- 30 April U.N. Commission by a 5 to 0 vote agrees it will observe the South Korean elections on 10 May.
- " " Election candidates to date number 934, nineteen of whom are women. The original number of 939 has been reduced by three assassinations and two withdrawals.
- " " Major General Ira T. Wyche, Inspector General of the Department of the Army accompanied by five members of the IG's Department arrives in Seoul on an annual inspection trip.
- 01 May Eight American dependents are evacuated from Cheju-do as fresh raids break out.
- 02 May Six people are killed in May Day violence on Cheju-do.
- 04 May The Military Governor signs Ordinance 192 separating the courts from the Department of Justice.
- 05 May KIM Koo and KIM Kyu Sik return to South Korea.
- 06 May Brigadier General Edwin Piburn is assigned as assistant division commander, 7th Infantry Division.
- " " Office of Civil Information opens Information Center at Kaesong.
- " " KIM Koo and Kim Kyu Sik issue declaration setting forth the highlights of the North Korea conference among which are opposition to separate elections, agreement that the supply of electric power to South Korea will continue and that reservoirs in North Korea will be opened to use of the South Koreans.

Chronological Summary (continued)

09 May Eclipse of the sun is observed by Dr. George Van Biesbroeck and his party at Chonan.

10 May More than 6,000,000 of the 7,000,000 registered voters go to the polls in Korea's first election.

11 May The LST City of Yechon arrives at Inchon with 1,091 Mukden refugees from Tientsin.

12 May Dr. Watson, retired Brigadier General, and a group of consultants arrived in Korea to confer with and advise army doctors. They will hold clinics in three hospitals.

12 May UNTCOK announces decision to go to Shanghai to prepare report.

" " Since the beginning of the sale of Japanese-owned land in April, 262,088 tenant-farmers have bought their farms from the National Land Administration.

14 May Electric power from North Korea is cut off at 1200 hours.

" " Deputy Military Governor appoints Dr. CHANG Li Wook President of Seoul National University.

15 May The LST "City of Yechon" leaves for its second trip to Tientsin to bring approximately 1,000 more repatriates to Korea.

17 May General Hodge writes letter to General Korotkov CG, Soviet Forces in Korea demanding restoration of electric power to South Korea and a joint US-USSR Conference to negotiate settlement.

18 May UNTCOK departs for Shanghai during the last two days to write its report.

" " Two U.S. soldiers are turned over to U.S. personnel after being held by the Soviets for approximately 84 hours.

19 May Soviet plane lands Yoju and plane is destroyed. Pilot identifies himself as a captain and is later turned over to the Soviets.

20 May KILA is officially dissolved in a ceremony at the Capitol.

23 May Approximately 1200 more Korean "Mukden refugees" arrive at Inchon from Tientsin.

24 May The evacuation of U.S. dependents to the ZI is announced as a step in preparation for eventual withdrawal.

26 May Major General John B. Coulter is announced as Deputy Commander, USAFIK and XXIV Corps.

" " Three U.S. civilians are ambushed, one wounded, by the North Korea Constabulary along the 38th parallel on the Onjin peninsula.

31 May Korean National Assembly meets for first time; RHEE elected as chairman.

" " Daylight saving time becomes effective at midnight, to remain in effect until midnight 22 September 48.

01 June Civil Administrator AHN Chai Hong submits resignation, effective 08 June.

" " It is reported that Soviet Generals Korotkov and Shanin have been relieved and replaced by General Merkulov, former commander of the 40th Rifle Division.

3

Inclosure #1 to XXIV Corps G-2 W/S #148

DECLASSIFIED
Authority NND 745070

Chronological Summary (continued)

- 07 June UNTCOCK returns to Seoul from Shanghai.
- " " GHQ inspection consisting of General Nible and a staff of 14 arrives.
- 08 June Several Korean fishing boats are bombed by Japan-based U.S. aircraft off Dok-Do (Liancourt Rocks). Fourteen Koreans reported killed.
- " " Radio Pyongyang announces that occupation forces in North Korea will be reduced, and that Lieutenant General Korotkov is returning to the U.S.S.R.
- 10 June Military Governor postpones Cheju-Do elections for an indefinite period.
- 12 June Brigadier General Roberts named as advisor to the Director of the Department of Internal Security.
- 14 June Three Americans and two Koreans enroute to inspect irrigation reservoir are fired on by North Korean Constabulary.
- 15 June Commanding General, USAFIK, receives reply from CG, Soviet Forces in Korea in regard to the stoppage of electrical power to South Korea. Letter states matter must be negotiated with the "North Korean People's Committee."
- 18 June Bank of Chosun notes in circulation total 29,612 billion won, an increase of 938 million won since 29 May.
- 19 June National Land Administration announces it has sold about 476,000 81% of the total vested farms.
- " " Flow of irrigation water to South Korea (Ongjin Peninsula) is resumed after agreement is reached between North and South Koreans concerned.
- " " Colonel PAK Chin Kyung, commander of the Korean Constabulary in Cheju-Do, is fatally shot while asleep in his quarters.
- 22 June Executive Order No. 23 is issued establishing a board to review the validity of 10 May election in the electoral district of any defeated candidate.
- 23 June Party of electric power experts arrives from ZI to study and improve power situation.
- " " CHANG Myun, member of the National Assembly, is elected chairman of the National Assembly Temporary Liaison Committee. The committee now has seven members.
- 23 June The draft constitution is presented to the National Assembly.
- 24 June Mr. S. H. Jackson, Australian representative in UNTCOCK, departs for Australia for consultations.
- 30 June Department of Public Information, USAMGIK is inactivated. Korean components of DPI, SKIG, continue activities.
- " " UNTCOCK press release announces that on 25 June it formally adopted a resolution to the effect that 10 May elections were a "valid expression of the free will of the electorate" in those parts of Korea which were accessible to the Commission. Resolution is also announced to the Korean National Assembly today.
- 30 June In three-month period ending this date, 52, 335 Korean refugees have entered South Korea (April: 16,717; May: 17,206; June: 18,412).

4
Inclosure #1 to XXIV CORPS G-2 W/S #148

DECLASSIFIED
Authority NND 745070

- Article 39: Bills may be introduced by the members of the National Assembly or the government.
- Article 40: Bills passed by the National Assembly shall be sent to the government and the President shall, within 15 days, promulgate the law. In case of objection the President shall return the bill to the National Assembly for reconsideration with a statement of the reasons of his objections. If, in the presence of two-thirds of the members duly elected and seated the bill is confirmed on reconsideration by two-thirds of the members present, such bill shall be determined to be a law. If a bill is not returned within fifteen days after it has been presented to the government, the same shall become law. The President shall have the duty to proclaim without delay a law which has been determined under the foregoing paragraph. A law shall be effective twenty days after the date of proclamation unless otherwise stipulated.
- Article 41: The National Assembly shall consider and decide upon budgets.
- Article 42: The National Assembly shall have the right to consent to treaties concerning international organizations, peace treaties, treaties pertaining to mutual aid, commercial treaties, treaties financially incumbent on the state on the people, treaties related to legislative affairs, and declare war against a foreign state.
- Article 43: The National Assembly shall demand, if necessary, documents, subpoena witnesses and receive testimonies or opinions for purposes of supervision and inspection.
- Article 44: The Prime Minister, ministers and their representatives shall be authorized to attend, state their opinion, and answer questions at the meetings of the National Assembly. Whenever requested by the National Assembly, the Prime Minister, ministers and their representatives are obliged to attend a meeting of the National Assembly and to answer questions.
- Article 45: The National Assembly shall investigate the qualifications of its members, establish its own rules of procedure and decide on disciplinary punishments of its members. The concurrence of two-thirds of the members duly qualified and seated shall be necessary for the expulsion of a member of the National Assembly.
- Article 46: In the event the President, Vice President, ministers, the Head of the Board of Audit, judges and other public officials as determined by law violate in the exercise of their official duties provisions of this Constitution or other laws the National Assembly may resolve to impeach them. A motion for impeachment shall be signed by no less than 50 members of the National Assembly. Attendance of two-thirds of the members of the National Assembly duly elected and seated and the vote of two-thirds or more of the members present shall be necessary to institute impeachment.
- Article 47: An Impeachment Court shall be established by law for the purpose of hearing impeachment cases. The Impeachment Court shall be presided over by the Vice

Article 47: (Continued)

President and five justices of the Supreme Court and five members of the National Assembly shall serve as associate judges. When the President or Vice President is tried the Chief Justice shall preside. The concurrence of two-thirds of the judges is required for impeachment. A judgement in case of impeachment shall not extend further than removal from office; but the party convicted shall not be exempted from civil or criminal responsibility.

Article 48: No member of the National Assembly can be a member of any provincial council.

Article 49: When the National Assembly is in session no member of the National Assembly shall be arrested or detained without the consent of the National Assembly except when apprehended flagrante delicto. In case the apprehension of a member has been made before the convocation of the National Assembly, such member shall be released during the session in case the National Assembly so requests.

Article 50: No member of the National Assembly shall be held responsible to anyone outside of the Assembly for any statement or vote occurring within the Assembly.

Chapter IV Government

Section I - President

Article 51: The President of the Republic shall be the head of the executive branch of the government and shall represent the Republic vis-a-vis foreign powers.

Article 52: In case the President is unable to execute his office for any reason, the Vice-President shall act for him and in case both the President and Vice-president are unable to perform their duties, the Prime Minister shall act for the President.

Article 53: The President and Vice-president shall be elected by the National Assembly by secret ballot. The election of the President and Vice-president shall be determined by the concurring vote of two-thirds of the members of the National Assembly in the presence of two-thirds of the members duly elected and seated. In case no candidate receives two-thirds of the votes a second ballot shall be taken. In case no candidate receives two-thirds of the votes in the second ballot a run-off balloting shall be conducted between the two candidates who received the highest number of votes and the candidates who received the plurality of the votes in the run-off balloting shall be elected.

Article 54: Before the President assumes his office he shall take the following oath:
I do solemnly swear before the nation that I shall observe the Constitution, promote the welfare of the people, defend the state and shall faithfully execute the office of President.

Article 55: The President and Vice-president shall hold office for four years. Consecutive re-election shall be permissible for one time only. The term of office of the Vice-president shall begin and end simultaneous with that of the President.

- Article 56: The election for the President and Vice-president shall be held not later than 30 days before the expiration of the term of the preceding President and Vice-president. The vacancy of the President or Vice-president shall be filled without delay by election in the National Assembly.
- Article 57: When in time of civil war, or in a dangerous situation arising from foreign relations, or in case of a natural calamity, or on account of a grave economic or financial crisis it is necessary to take urgent measures for the maintenance of public order and security, the President shall have the right to issue orders having the effect of law or to make necessary financial dispositions; provided, however, that the President shall exercise such powers exclusively if time is lacking for the convocation of the National Assembly. Such orders or dispositions shall be reported without delay to the National Assembly for confirmation. If confirmation of the National Assembly is not obtained, such orders or dispositions shall lose their effect, thereupon, and the president shall announce it without delay.
- Article 58: The President may issue orders within the framework of the powers delegated to him and orders necessary for the enforcement of laws.
- Article 59: The President shall conclude and ratify treaties, declare war, make peace, and receive and accredit diplomatic representatives of foreign countries.
- Article 60: The President may address the National Assembly or express his opinion on important national affairs by written messages.
- Article 61: The President shall be the Commander-in-Chief of the National Military Force. The organization and formation of the National Military Force shall be determined by law.
- Article 62: The President shall appoint and remove government officials in accordance with the Constitution and the law.
- Article 63: The President shall have the power to grant pardons, mitigation of punishment and restoration of rights, in accordance with the provisions of law. The granting of an amnesty shall require the consent of the National Assembly.
- Article 64: The President shall proclaim a state of siege in accordance with the provisions of law.
- Article 65: The President shall confer decorations and extend other honors or awards.
- Article 66: The acts of the President pertaining to state affairs shall be executed in written documents and all such documents shall be countersigned by the Prime Minister and the minister concerned.
- The foregoing paragraph applies equally to acts of the President pertaining to military affairs.
- Article 67: The President shall not be charged with criminal offense during his tenure of office except in case of treason.

Section II - State Council

Article 68: The State Council shall act as a collegiate body. It shall be composed of the President, the Prime Minister and other ministers and shall decide on important national policies which come within the scope of the powers of the President.

Article 69: The President shall appoint the Prime Minister with the consent of the National Assembly. When the National Assembly convenes after a general election the appointment of the Prime Minister shall be confirmed by the National Assembly. The ministers shall be appointed by the President. The total number of ministers shall not be more than 15 and not less than 8. No military personnel shall be appointed Prime Minister or minister unless he has resigned from active service.

Article 70: The meetings of the State Council shall be presided over by the President. The Prime Minister shall assist the President and shall be the vice-chairman of the State Council.

Article 71: The decisions in the meetings of the State Council shall be by majority vote. The President shall have the right to vote and to break a tie vote.

Article 72: The following matters shall be referred to the State Council for decision:

1. Fundamental plans and policies concerning national affairs;
2. Proposed treaties, declaration of war, conclusion of peace, and other important foreign policy;
3. Proposed amendments to the Constitution, bills and orders of the President;
4. Proposed budgets, reports to the Board of Audit, urgent financial dispositions, and the defrayment of the reserve fund;
5. Matters pertaining to the request of convening the National Assembly for an extra-ordinary session.
6. Proposed proclamation and termination of a state of siege;
7. Important military affairs;
8. Conferment of honors and grant of pardon, mitigation of punishment or restoration of rights;
9. Matters referring to the liaison between departments of the executive branch and determination of their jurisdiction.
10. Examination of petitions submitted or referred to the government;
11. Appointment and removal of justices of the Supreme Court, Procurator General, the Head of the Board of Audit, the President of the National University, Ambassadors, ministers, the highest ranking officer of the National Military Force, the Chief of Staff and other public officials and the managers of important national enterprises designated by law.
12. Establishment and operation of important policies of the various branches of the executive branch of the government.
13. And other matters presented by the Prime Minister or the ministers.

SECTION III - Executive Departments

Article 73: The heads of the departments of the executive branch shall be appointed by the President from among the ministers. The Prime Minister shall, under the orders of the President, control and supervise the heads of the departments; he shall take charge of administrative affairs not assigned to any particular department.

Article 74: The Prime Minister and the head of each executive department may, by virtue of their implied authority or by special delegation, issue "Orders of the Prime Ministers" or Department Orders respectively, concerning affairs in their agencies.

Article 75: The organization and function of each department of the executive branch shall be determined by law.

Chapter V Courts

Article 76: The judicial power shall be vested in the courts composed of judges. The organization of the Supreme Court and the lower courts shall be determined by law. The qualification of judges shall be determined by law.

Article 77: The judges of the court shall judge independently in accordance with the Constitution and the law.

Article 78: The Chief Justice of the Supreme Court shall be appointed by the President with the consent of the National Assembly.

Article 79: The tenure of the judges shall be ten years and the judges may be reappointed in accordance with the law.

Article 80: Judges shall not be dismissed, suspended from office or have their salaries reduced except by impeachment or criminal or disciplinary punishment.

Article 81: The Supreme Court shall have jurisdiction to decide finally whether administrative orders and regulations, and dispositions, are consistent with the Constitution and the law. Whenever the decision of the case depends on the determination of the constitutionality of a law, the court shall proceed in accordance with the decision of the Constitution Committee. The Vice-President shall be the Chairman of the Constitution Committee and five justices of the Supreme Court and five members of the National Assembly shall serve as members of the Constitution Committee. A decision holding that a law is unconstitutional requires a two-thirds majority of the Constitution Committee. The organization and the rules of procedure of the Constitution Committee shall be determined by law.

Article 82: The Supreme Court may establish internal regulations of the court and rules pertaining to routine matters.

Article 83: The trial and the announcement of judgement shall be open to the public but may be closed to the public by a decision of the court when it is considered to disturb public peace and order or to be dangerous to public morals.

Article 84: The principle of the economic order of the Korean Republic shall be to realize social justice, to meet the basic demands of all citizens and to encourage the development of a balanced economy. Within the limits of the foregoing paragraph the economic freedom of each individual shall be guaranteed.

Article 85: Mines and other important mineral resources, marine resources, water power and natural powers which may be utilized economically shall be owned by the State. In order to utilize and develop such resources, licenses shall, in case of public necessity, be granted for a limited period to private persons in accordance with the provisions of law and shall be cancelled in accordance with the provisions of law.

Article 86: Farmland shall be distributed to self-tilling farmers. The method of distribution, the extent of possession, and the nature and restrictions of ownership shall be determined by law.

Article 87: Important transportation and communication enterprises, financial and insurance institutions, electricity, irrigation, water supply, gas and any enterprises having public character, shall be managed by the government or by juridical persons of public law. When required by public necessity such enterprises shall be licensed to private individuals in accordance with the provisions of law and licenses shall be cancelled in accordance with the provisions of law. Foreign trade shall be under the control of the government.

Article 88: In order to meet urgent necessities of national defense or national life private enterprises shall be transferred to state or public ownership, or their management shall be placed under control of public law, when it is deemed urgently necessary in accordance with provisions of law.

Article 89: Art. 15, par. 2 of this Constitution shall be applicable to the cancellation of a license, the appropriation, use or restriction of property as provided in Art. 85 - 88.

Chapter VII Finance

Article 90: The items and rates of all taxes shall be determined by law.

Article 91: The Government shall submit to the National Assembly at the beginning of each annual meeting for decision a budget covering all revenues and expenditures for the fiscal year. In case a special disbursement covers a period of more than one year, such disbursement shall be established by the National Assembly as a continual fund. The National Assembly shall neither increase items of expenditure, nor establish new items of expenditure without the concurrence of the government.

Article 92: The raising of a national loan or the conclusion of any contract incumbent upon the National Treasury outside the national Budget shall be subject to a decision of the National Assembly.

Article 93: The creation of a reserve fund for unforeseen expenditures outside of the budget, or for any disbursement in excess of the budget, shall be decided by the National Assembly in advance; the disbursement of the reserve fund shall be confirmed by the subsequent session of the National Assembly.

Article 94: The National Assembly shall enact the annual budget before the beginning of the fiscal year. In case the budget cannot be enacted in time on account of unavoidable reasons, the National Assembly shall establish a temporary budget for a period not exceeding the first month of the fiscal year and the regular budget shall be enacted within this period.

Article 95: The counts of revenue and disbursement of the state shall be investigated annually by the Board of Audit. The Government shall submit to the National Assembly in session the following year, a statement of accounts together with the auditing report of the Board of Audit. The organization and functions of the Board of Audit shall be determined by law.

Chapter VIII Local Autonomous Organizations

Article 96: Local autonomous organizations shall manage their property and perform their administration within the framework of laws and orders and shall perform such additional tasks as are delegated to them by law. Local autonomous organizations may establish self-governing regulations within the framework of laws and orders.

Article 97: The organization and operation of local autonomous organizations shall be determined by law. There shall be a Board or Council set up in each local autonomous organization. The organization and authority of the local councils and the election of its members shall be determined by law.

Chapter IX Amendment to the Constitution

Article 98: A motion to amend the Constitution shall be introduced either by the President or by one third or more of the members of the National Assembly duly elected and seated. Proposed amendments to the Constitution shall be announced by the President to the public. The period for an announcement as prescribed in the foregoing paragraph shall not be less than 30 days. The decision on the amendment to the Constitution requires the concurrence of more than two-thirds of the members of the National Assembly duly elected and seated. When an amendment to the Constitution has been adopted the President shall promulgate it immediately.

11
Inclosure #2 to XXIV Corps G-2 W/S #148

DECLASSIFIED
Authority AOD 745070

Chapter X Supplementary Rules

Article 99: This Constitution shall be in effect from the date of its promulgation so declared by the Speaker of the National Assembly which enacted this Constitution. However, those provisions which can be made effective only after the enactment of supplementary laws shall become effective from the date at which such a supplementary law becomes effective.

Article 100: Existing laws and ordinances shall be in effect to the extent that they do not conflict with this Constitution.

Article 101: The National Assembly which enacted the Constitution may establish a special law dealing with the punishment of malicious anti-national acts committed prior to 15 August 1945.

Article 102: The National Assembly which enacted this Constitution shall exercise the powers of the National Assembly as prescribed in this Constitution; the terms of its members shall be two years from the date of the convocation of the National Assembly.

Article 103: Government officials who are holding positions at the effective date of this Constitution shall continue their duties until such time as their successors shall be elected or appointed according to this Constitution.

Inclosure #2 to XXIV Corps G-2 W/S #148
12

DECLASSIFIED
Authority NND 745070