

Reading the 1946 Settlement: A Document Guide to the PCC Resolutions and the 1946 Draft Constitution

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Series: Primary Evidence & Historical Research Foundation — document guides accompanying [the Foundation research program](#). **Guide TR-D3.**

1. What this guide is for

The constitutional settlement of 1946 is often summarized as a single act of "joint drafting" by China's political parties. The documents do not support that shortcut. The record shows a sequence of distinct stages — the Political Consultative Conference (PCC), its constitutional principles and review committee, party ratification and attempted revision, the spring 1946 steering-committee compromises, the Constituent National Assembly of November–December 1946, and promulgation on January 1, 1947 — and different parties took part at different stages. Participation in the early stages is not the same as participation in the final Assembly vote. ([The 1946–1947 Constitutional Settlement](#))

This guide walks a reader through the main documents in order, says what each one is and is not, and shows where the final constitutional text follows, modifies or departs from the 1946 negotiating principles. It follows the source hierarchy used across the research foundation: official constitutional texts and archival records first; contemporaneous diplomatic records next, read with their institutional perspective in view; party and government statements as claims or positions; later recollection and scholarship as leads, not as primary fact. ([Primary Evidence & Sources](#))

A note on the evidence base. Most of the negotiating record cited here comes from *Foreign Relations of the United States* (FRUS), 1946, volumes IX and X — the U.S. State Department's published edition of diplomatic and Marshall Mission files. These are official U.S. records of what American officials were told, observed and transmitted. They are valuable contemporaneous witnesses, but they are not the Chinese originals of the PCC minutes, committee records or Assembly proceedings. Where this guide relies on a FRUS report, it says so. The final constitutional text is cited from the official text published by the Office of the President of the Republic of China (Taiwan).

Terminology. "ROC" refers to the Republic of China. Its 1946 institutions sat in Chongqing and then Nanjing; today the 1947 Constitution, as supplemented by the Additional Articles, is the constitution of the ROC (Taiwan). ([Office of the President — Additional Articles](#)) The People's Republic of China (PRC (Mainland)) was founded in 1949 and never adopted this constitution; the Chinese Communist Party (CCP) declined to take part in the 1946 Assembly that adopted it (Section 7). Chinese names are given in pinyin, with the romanization used in the FRUS documents in parentheses where that helps a reader find them.

2. The documents at a glance

Date	Document or event	Where to read it	What it is
Jan 25, 1946	Zhang Qun (Chang Chun) briefs Marshall on PCC subcommittee agreements	FRUS 1946 IX, Doc. 39	U.S. minutes of an oral report; not the adopted text
End of Jan 1946	PCC resolutions adopted	Texts printed in <i>United States Relations With China</i> (1949), pp. 610–621, per FRUS IX, Doc. 43, n. 12	The five PCC resolutions, in U.S. translation
Feb 25, 1946	Basis for Military Reorganization and Integration of the Communist Forces	FRUS IX, Doc. 100	Signed agreement text (U.S. copy)
Mar 16, 1946	Kuomintang (KMT) Central Executive Committee ratifies PCC agreements; a revising resolution is introduced	FRUS IX, Doc. 46 ; ratification text in <i>United States Relations With China</i> , p. 634	Embassy report; ratification text cited, not reproduced in FRUS
Apr 9 and Apr 18, 1946	PCC Steering Committee compromises and deadlock	FRUS IX, Doc. 52 ; Doc. 55	Embassy telegram and memorandum
Sep–Nov 1946	CCP and Democratic League positions on convening the Assembly	FRUS 1946 X, Doc. 132 ; Doc. 155 ; Doc. 180	Embassy reports and a CCP statement
Nov 15, 1946	Constituent National Assembly opens	FRUS X, Doc. 278 ; Doc. 300	Embassy telegrams
Dec 25, 1946 / Jan 1, 1947 / Dec 25, 1947	Constitution adopted / promulgated / in force	Official text, Office of the President ; FRUS X, Doc. 354	Official constitutional text; Embassy report on adoption

3. The PCC constitutional principles (January 1946)

What to read. The adopted PCC resolutions — covering government reorganization, a program for peaceful national reconstruction, military questions, the National Assembly and the draft constitution — are not printed in FRUS. The FRUS editors note that the Embassy's February 1 telegram carrying them was not printed and direct readers to *United States Relations With China* (the 1949 "China White Paper"), pp. 610–621. ([FRUS IX, Doc. 43, n. 12](#); [HathiTrust catalog record](#)) A reader who needs the operative wording should go there, and to Chinese-language originals where available.

The closest contemporaneous summary in FRUS. On January 25, 1946, Zhang Qun reported to General George C. Marshall that the PCC subcommittee on the constitution had agreed on five fundamental principles. As recorded by Marshall's staff, they were:

1. the President would eventually be elected by popular vote;
2. the Legislative and Control Yuan would be elective, forming a bicameral body — the Legislative Yuan enacting laws, the Control Yuan holding the power of impeachment;
3. the Executive Yuan would be responsible to the Legislative Yuan on the British parliamentary

- model, and could ask the President to dissolve the Legislative Yuan;
4. provinces would be the highest unit of self-government, able to adopt their own constitutions consistent with the national constitution and to elect their own governors;
 5. the constitution would contain a statement of the people's rights. ([FRUS IX, Doc. 39](#))

The same report describes the agreed procedure: a Draft Constitution Reexamination Committee of 25 members from all parties and non-party figures, plus 10 drafting experts, would report within two months, and the National Assembly would then consider the original draft, the PCC's proposed amendments and the committee's text. ([FRUS IX, Doc. 39](#)) The "original draft" is the Nationalist government's draft constitution of May 5, 1936 — the "May 5 Draft" that later KMT resolutions sought to defend (Section 5).

How to read it. This is a U.S. record of an oral briefing on subcommittee agreements, given before the conference closed. It is good evidence of what the negotiators understood to be agreed in principle on January 25. It is not the final adopted wording, and it is not an enacted law. The same briefing listed points still in disagreement on government reorganization, including the President's emergency powers and voting thresholds in the State Council. ([FRUS IX, Doc. 39](#))

4. The military agreement (February 25, 1946)

What it is. The "Basis for Military Reorganization and for the Integration of the Communist Forces Into the National Army" was signed by Zhang Zhizhong (Chang Chih-chung) for the Government and Zhou Enlai (Chou En-lai) for the CCP, with Marshall as adviser. ([FRUS IX, Doc. 100](#)) It is the most specific text of the 1946 settlement on armed force.

Key provisions:

- **Command (Art. I).** The President, as Commander-in-Chief, exercises command through the Ministry of National Defense (or National Military Council).
- **Domestic use of the army (Art. II).** The army's peacetime function is training. It may be used against domestic disorder only after a provincial governor certifies to the Council of State that the police and Peace Preservation Corps cannot cope, and then only with Council approval.
- **Size and integration (Arts. III–V).** After 12 months the army would consist of 108 divisions of up to 14,000 men, 18 of them formed from Communist forces; after a further six months, 60 divisions (50 National, 10 Communist). Mixed army groups would be formed on a fixed schedule.
- **Provincial forces (Art. VI).** Each province could keep a Peace Preservation Corps of no more than 15,000 men, armed only with pistols, rifles and automatic rifles.
- **No private armies (Art. VII, sec. 4).** Neither the Government nor any party or group would maintain or support any secret or independent armed force.
- **Implementation (Arts. VII–VIII).** The Executive Headquarters created on January 10, 1946 would carry out the agreement; detailed plans required approval by Chiang Kai-shek and Mao Zedong. ([FRUS IX, Doc. 100](#))

How to read it. The 15,000 figure is a negotiated ceiling, not evidence of actual troop strength. The agreement is a normative commitment; its implementation is a separate question, and the integration timetable was not carried through. The research foundation treats the agreement and the later constitutional provisions as a strong normative chain toward a national, non-partisan military — not as proof that the military settlement succeeded. ([The 1946–1947 Constitutional Settlement](#))

5. Ratification and attempted revision (March 1946)

On March 16, 1946, the KMT Central Executive Committee announced unanimous ratification of the PCC agreements. The U.S. Embassy reported that a five-point resolution introduced at the final session would, if adopted, have bound the constitution closely to the May 5 Draft rather than to the revised text the PCC's review committee was to prepare. The Embassy understood that Chiang Kai-shek had the

resolution referred to the Standing Committee rather than put to a full vote. The CCP, and to a lesser degree the minor parties, questioned the good faith of the ratification. ([FRUS IX, Doc. 46](#)) The FRUS editors give the text of the ratification as *United States Relations With China*, p. 634.

How to read it. Formal ratification and the political commitment to implement are separate events. This episode is where the PCC's constitutional principles first came under organized pressure from within the governing party.

6. The spring 1946 compromises (April 1946)

Two Embassy documents record how the PCC principles were renegotiated in the Steering Committee.

National Assembly (agreed April 1). A permanent National Assembly would meet once every six years, or as needed, to elect and recall the President, initiate constitutional amendments, and pass on amendments initiated by the legislature. Each hsien (county) would send one delegate, with one more for each additional half-million people in a hsien of over 300,000. ([FRUS IX, Doc. 52](#)) The reporting officer judged it a body without real authority, created to satisfy KMT insistence that Sun Yat-sen's four political powers be nominally included.

Executive responsibility (unresolved). The Legislative Yuan was accepted as the supreme law-making body, popularly elected for three-year terms, with the Executive Yuan responsible to it — but the parties had not agreed what "responsible" would mean. The Democratic League proposed that a two-thirds legislative majority could ask the President to dissolve or change the Executive Yuan, and a three-fourths majority could require it. ([FRUS IX, Doc. 52](#))

Provincial autonomy (renamed, not resolved). At KMT request, provinces would have "self-government laws" rather than provincial constitutions. The Embassy observed that the change of name did not settle the substance: the CCP and the Democratic League held that these laws should not need central approval if consistent with the national constitution, while the KMT wanted central approval and legislative power to amend them. ([FRUS IX, Doc. 52](#))

On April 18 a U.S. memorandum described the core dispute as a KMT effort to replace a "cabinet system" — executive responsibility to an elected legislature — with a "presidential system." It reported that no progress had been made since April 10 on any of the political questions, against the background of fighting in Manchuria. ([FRUS IX, Doc. 55](#))

How to read it. These are reports of negotiating positions, not signed drafts. The April county-delegate formula (above 300,000) differs from the final constitution's formula (above 500,000; Section 8), and these documents do not show how or when that change was made.

7. Convening the Assembly without the CCP (September–November 1946)

The Assembly, originally due on May 5, 1946, was postponed. On October 11 the Government announced it would convene on November 12, signalling it would proceed whether or not the CCP took part. ([FRUS X, Doc. 180](#)) The CCP had already stated that it could not participate because the decision to hold the Assembly was taken unilaterally rather than through inter-party consultation under the PCC resolutions; the Democratic League was reported to be taking a similar stand. ([FRUS X, Doc. 132](#)) A CCP statement held that the Assembly's sole function was to adopt a constitution on the basis of the PCC-revised draft. ([FRUS X, Doc. 155](#))

The Assembly opened on November 15, 1946, with 1,400 of 2,030 delegates present. Seven of the nine non-party PCC delegates attended; two refused. The Youth Party submitted its delegate list that afternoon. ([FRUS X, Doc. 278](#)) On November 27, the Minister of Information, Peng Xuepei (Peng

Hsueh-pei), told the press that of 1,744 registered delegates, 48 percent were independents, 42 percent KMT, and the rest Youth Party and Social Democrats; he said that of the five PCC groups, all except the CCP and part of the Democratic League were seated. ([FRUS X, Doc. 300](#))

How to read it. The participation figures are a government spokesman's claims, relayed by the Embassy. They support a narrow point that is not contested: the CCP and part of the Democratic League did not take part in the Assembly that adopted the constitution. They do not by themselves establish how "independent" the independent delegates were.

Who drafted the Assembly text. The same press conference featured John C. Wu, described as one of the authors of the new draft. He said vital articles had been contributed by minority-party leaders such as Zhang Junmai (Carsun Chang), that the draft gave local governments greater powers and made the Executive Yuan responsible to the Legislative Yuan in certain matters, and that it closely followed the PCC review committee's proposals — with one stated addition, a presidential power to mediate disputes between the Yuan. ([FRUS X, Doc. 300](#)) This is a participant's account given in an official setting; it should be checked against the committee records before being used as a drafting history.

8. The constitution as adopted (December 25, 1946)

The official text records adoption by the National Assembly on December 25, 1946, promulgation by the National Government on January 1, 1947, and entry into force on December 25, 1947. ([Office of the President — Constitution text](#)) The U.S. Embassy reported that the Assembly adopted the draft in substantially the form presented, with wording changes and some omissions — including provisions on the location of the capital and on making the United Nations Charter part of the constitution — and passed transitional resolutions on election laws and timing. It also reported that a challenge from the KMT's own right wing had been overcome. ([FRUS X, Doc. 354](#))

Crosswalk: PCC principles and the final text

The table compares the January principles (as reported in [FRUS IX, Doc. 39](#)) and the April compromises ([FRUS IX, Doc. 52](#)) with the adopted text. "Convergence" means the final text implements the principle in substance; it does not prove which proposal or drafter produced the wording.

Principle (1946 record)	Final constitution (official text)	Assessment
President eventually elected by popular vote (Doc. 39)	National Assembly elects and recalls the President (Art. 27)	Not adopted in 1946; the Assembly route of the April compromise prevailed
Elective Legislative and Control Yuan (Doc. 39)	Legislative Yuan elected by the people (Art. 62), three-year term (Art. 65); Control Yuan members elected by provincial and municipal councils and other bodies (Art. 91)	Legislative Yuan: converged. Control Yuan: elected indirectly
Executive responsible to the legislature on a parliamentary model, with dissolution (Doc. 39)	Premier appointed by the President with Legislative Yuan consent (Art. 55); Executive Yuan "responsible" through reports, interpellation, and a reconsideration procedure in which a vote of two-thirds of legislators present requires the Premier to accept or resign (Art. 57); no power to dissolve the Legislative Yuan	Modified: a qualified responsibility, not the British model reported in January

Principle (1946 record)	Final constitution (official text)	Assessment
Provinces as highest self-governing unit, with own constitutions and elected governors (Doc. 39); renamed "self-government laws" (Doc. 52)	A provincial representative convention (省民代表大會) adopts a provincial self-government law under general principles set by national law, consistent with the constitution (Art. 112); elected provincial assembly and elected governor (Art. 113); Judicial Yuan review of the law (Art. 114)	Converged in substance under the April name; the central-approval dispute was resolved by judicial review rather than legislative approval
Statement of the people's rights (Doc. 39)	Chapter II (Arts. 7–24), including detailed arrest-and-detention safeguards (Art. 8), civilians not subject to military trial (Art. 9), and a general limitation clause (Art. 23)	Converged
National Assembly: one delegate per hsien, plus one per half-million above 300,000; four powers (Doc. 52)	One per county or city, plus one per half-million above 500,000 (Art. 26); elect and recall President, amend the constitution, ratify legislative amendment proposals (Art. 27)	Powers converged; population threshold changed (mechanism not documented here)
President as Commander-in-Chief (Feb. 25 agreement, Art. I)	"總統統率全國陸海空軍" — the President commands the armed forces (Art. 36)	Converged in principle
No secret or independent armed force of any party (Feb. 25 agreement, Art. VII, sec. 4)	Armed forces above personal, regional and party affiliation (Art. 138); no party or individual may use armed force in political struggle (Art. 139); active military may not hold civil office (Art. 140)	Converged in principle
—	"國防之組織，以法律定之" — national-defense organization determined by law (Art. 137)	See Section 9 on attribution

9. What the documents do not yet show

The research foundation keeps several questions explicitly open, and this guide does not close them.

- **The path into Articles 36 and 137.** Records of the Ministry of National Defense argued for broader presidential authority over national-defense organization and command. The final text kept Article 36 and adopted Article 137. On present evidence this is classified as partial thematic convergence, not proven adoption. No final-text attribution is made to any particular Assembly proposal or to the Ministry without a direct committee or transmission record. ([The 1946–1947 Constitutional Settlement](#); [Research Updates & Version History](#))
- **The Assembly proposal corpus.** The correct 1946 Constituent National Assembly proposal corpus has been separated from later collections that reuse the same proposal numbers. The core wording of Proposal No. 79 on defense organization and armed-forces command is verified; its proposer, co-signers and original page remain under verification, as do Proposals 39 and 362. Searchable text, catalog entries and same-number matches are not treated as page-level proof. ([Research Updates & Version History](#))
- **Chinese originals.** The PCC minutes, review-committee records and Assembly records in Chinese are the primary witnesses for drafting history. The FRUS reports used in Sections 3–7 do

- not substitute for them. The research foundation identifies the National History Institute (Academia Historica) archive as the retrieval path for the digitized *Constituent National Assembly Representative Proposals (I)*, accession 012-020000-0018. ([Research Updates & Version History](#))
- **Why the political settlement failed.** Completing a constitutional text is distinct from achieving a durable joint government and military integration. By late 1946 ceasefire terms, military positions, government reorganization, Assembly procedure and participation had become interdependent, and no mechanism synchronized the whole package. ([The 1946–1947 Constitutional Settlement](#)) The FRUS record traces the end of U.S. mediation: Marshall's request to be recalled in December 1946, his statement of January 7, 1947, and U.S. withdrawal from the Executive Headquarters in early 1947. ([FRUS X, ch. XVI](#); [ch. XVII](#); [ch. XVIII](#))

10. Reading rules for this record

1. **Keep stages apart.** A subcommittee agreement (January 25), an adopted resolution (end of January), a ratification (March 16), a negotiating compromise (April) and an adopted constitutional article (December 25) are different kinds of evidence.
2. **Early participation is not the final vote.** The CCP and the Democratic League helped shape the PCC principles; the CCP and part of the League did not take part in the Assembly that adopted the text.
3. **Adoption is not implementation.** The Feb. 25 military agreement and the constitution's military articles are normative commitments; neither proves that integration or depoliticization occurred.
4. **Convergence is not derivation.** A final article that matches an earlier proposal does not show that the proposal produced it without a transmission record.
5. **Name the witness.** FRUS documents are U.S. official records of what U.S. officials were told; party statements are positions; participant accounts (such as John C. Wu's) are testimony to be checked.
6. **Check numbers against the stage.** The 300,000 threshold reported in April and the 500,000 threshold in Article 26 belong to different stages and must not be merged.

11. Sources

Official constitutional text

- Office of the President, Republic of China (Taiwan), 中華民國憲法 — 憲法本文 (adopted Dec 25, 1946; promulgated Jan 1, 1947; in force Dec 25, 1947): <https://www.president.gov.tw/Page/94> — read directly for this guide.
- Office of the President, Additional Articles of the Constitution: <https://www.president.gov.tw/Page/95> — cited for current status only; not read in full.

FRUS 1946, Vol. IX (The Far East: China) — all read directly for this guide

- Doc. 39, Minutes, Marshall–Zhang Qun, Jan 25, 1946, pp. 144–146: <https://history.state.gov/historicaldocuments/frus1946v09/d39>
- Doc. 43, Smyth to Secretary of State, Feb 7, 1946 (n. 12: PCC resolution texts in *United States Relations With China*, pp. 610–621): <https://history.state.gov/historicaldocuments/frus1946v09/d43>
- Doc. 46, Smyth to Secretary of State, Mar 20, 1946: <https://history.state.gov/historicaldocuments/frus1946v09/d46>
- Doc. 52, Smyth to Secretary of State, Apr 9, 1946, pp. 163–166: <https://history.state.gov/historicaldocuments/frus1946v09/d52>
- Doc. 55, Ludden to Marshall, Apr 18, 1946, pp. 169–171: <https://history.state.gov/historicaldocuments/frus1946v09/d55>
- Doc. 100, Basis for Military Reorganization and for the Integration of the Communist Forces Into the National Army, Feb 25, 1946, pp. 295–300: <https://history.state.gov/historicaldocuments/frus1946v09/d100>

FRUS 1946, Vol. X (The Far East: China)

- Doc. 278, Stuart to Secretary of State, Nov 16, 1946 (read directly): <https://history.state.gov/historicaldocuments/frus1946v10/d278>
- Doc. 300, Stuart to Secretary of State, Nov 29, 1946, pp. 570–571 (read directly): <https://history.state.gov/historicaldocuments/frus1946v10/d300>
- Doc. 354, Stuart to Secretary of State, Dec 29, 1946, pp. 665–666 (read directly): <https://history.state.gov/historicaldocuments/frus1946v10/d354>
- Doc. 132 (Sep 30, 1946), Doc. 155 (CCP statement), Doc. 180 (Oct 12, 1946) — relevant passages checked via live search excerpts; full documents not re-read for this draft: <https://history.state.gov/historicaldocuments/frus1946v10/d132> ; <https://history.state.gov/historicaldocuments/frus1946v10/d155> ; <https://history.state.gov/historicaldocuments/frus1946v10/d180>
- Chapters XVI–XVIII (contents): <https://history.state.gov/historicaldocuments/frus1946v10/ch5> ; <https://history.state.gov/historicaldocuments/frus1946v10/ch6> ; <https://history.state.gov/historicaldocuments/frus1946v10/ch7>

Published document collection

- U.S. Department of State, *United States Relations With China, with Special Reference to the Period 1944–1949* (1949), catalog record: <https://catalog.hathitrust.org/Record/000334551> — cited for page locators only; resolution texts not read for this draft.

Research foundation (freechina.live)

- The 1946–1947 Constitutional Settlement: <https://freechina.live/third-republic/primary-evidence-historical-research-foundation/1946-1947-constitutional-settlement/>
- Primary Evidence & Sources: <https://freechina.live/third-republic/primary-evidence-historical-research-foundation/primary-evidence-sources/>
- Research Updates & Version History: <https://freechina.live/third-republic/primary-evidence-historical-research-foundation/research-updates-version-history/>
- Primary Evidence & Historical Research Foundation (hub): <https://freechina.live/third-republic/primary-evidence-historical-research-foundation/>

Archive entry point (not re-verified in this draft)

- National History Institute (Academia Historica) archival search, as listed on the Research Updates page: <https://ahonline.drnh.gov.tw/> — the site did not load during drafting (redirect error).

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