

Court Switches Again

--Takes Ky Off Ballot

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Saigon

South Vietnam's Supreme Court yesterday ordered Vice President Nguyen Cao Ky's name stricken from the ballot and eliminated the last vestige of competition for President Nguyen Van Thieu in the coming election.

The court, acting upon a

formal request from Ky six days ago and with the implicit approval of Thieu, has by its action apparently put an end to any remaining American hopes for salvaging a genuine contest for the presidency.

Its ruling specifically said

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the election will be held as scheduled, on October 3, with Thieu as the only candidate on the ballot. The campaign, such as it is, officially begins tomorrow.

The court action was the fourth in a month concerning Ky's candidacy. It was also the first time the nine justices have done what the Vice President wanted them to.

Early last month, the court refused to accept Ky when he sought to file as a presidential candidate, saying he had not fulfilled the requirements of South Vietnam's new election law.

Then, when General Duong Van Minh withdrew as a candidate, charging that Thieu's control of the election machinery made a fair contest impossible, the court suddenly reversed itself — apparently at Thieu's request — and ordered Ky's name placed on the ballot.

PRODDING

That move was made after strong prodding by the American embassy, seeking to maintain at least the shadow of a real election, and Ky decided after two days of deliberation that he wanted none of it. So he asked the court to withdraw his name, only to be told that the deadline for withdrawal had passed.

On August 26, with the election already a shambles, Ky formally petitioned the court to remove his name from the ballot. It was that petition that was granted yesterday.

Over the past week, there has been speculation among both American and Vietnamese observers that Thieu would use Ky's presence on the ballot — willing or not — as a reason for continuing with the election as planned. Ky has suggested that both he and Thieu resign and reschedule the voting for January.

Actually, American officials gave up all hope of a real election some time ago, diplomatic sources say. The mood at the American embassy in recent days has been one of deepest gloom, even on the part of some of the U.S. mission's most incorrigible optimists.

With Ky officially off the ballot, the crucial question being asked here remains: What happens now?

There have been dark fears expressed in the past few weeks that if Thieu runs with no opposition, there will be disruptive and possibly violent demonstrations in various parts of the country by groups such as antiwar Buddhists, disabled war veterans and university students. However, since Sunday's election of members of the South Vietnamese National Assembly was carried out relatively tranquilly (though not without cries of fraud), diplomatic sources have tended to take a more hopeful line.