

Saigon Plans to Go Ahead With Only Thieu on Ballot

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SAIGON, South Vietnam, Sept. 1 — The South Vietnamese Government announced tonight that the presidential election would be held as scheduled Oct. 3 with only one candidate, President Nguyen Van Thieu. The name of Vice President Nguyen Cao Ky, it said, will be kept off the ballot.

The decision was made in effect by President Thieu himself. The Government communiqué suggested, however, that it was based on a new ruling by the Supreme Court, which had included Mr. Ky's name in the "final postings" last week so that he could not legally pull out.

The Vice President, like Duong Van Minh, the retired general who withdrew from the race Aug. 20, charged the President with rigging the election when he withdrew on Aug. 23, two days after the "final postings."

According to informed sources, the court declared, in a letter sent to the President this morning, that legally there were two tickets but that in reality it appeared that only

one candidate was running. The informants added that the court had left the decision to Mr. Thieu on whether there would be one or two names on the ballot.

As the situation now stands, President Thieu has eliminated even the possibility of a protest vote and has dashed the hopes of American officials, who had sought to salvage at least the appearance of a contest.

The Government announcement came after 1,000 Buddhist students staged a long and rowdy anti-American and anti-Thieu demonstration. An American soldier riding a motorcycle was pulled off and beaten by the students before the police broke up the demonstration with tear gas and automatic rifle fire over the heads of the participants.

In a communique from the Premier's office, which was broadcast tonight, Government agencies were ordered to proceed with "all necessary preparations" for election day. The announcement also cleared the way for a speech President Thieu probably tomorrow night

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opening his campaign.

Reached by telephone at his home at Tansonnhut airport tonight, Mr. Ky said he was surprised by the news but added "I'm glad I'm off the ballot."

The Vice President had wanted to get his name off the ballot and had called the Supreme Court's attention to his decision not to campaign.

Just what prompted the decision announced tonight remains unclear. But last Monday, it was learned, President Thieu sent a letter to the Supreme Court asking whether the Court felt one or two candidates were in the race.

All nine justices met yesterday to prepare a reply. This morning, in a letter signed by Tran Van Linh, the President of the court and a Thieu-supporter, the court noted that its final posting of candidates listed two slates, one headed by Mr. Thieu and the other by Mr. Ky.

According to those who saw the letter, the court noted that Mr. Ky had informed it of his decision not to participate.

Ky Seeks \$7,300 Refund

In another action, the Supreme Court send to the Ministry of Interior for decision Mr. Ky's request made yesterday for the return of the equivalent of \$7,300 he had posted as surety when he wanted to run. Mr. Ky said he wanted to give the money to the families of two disabled veterans who burned themselves to death because of the election crisis.

According to the court, the Ministry of Interior must decide because it has the money and is responsible for it.

The question now being debated in Saigon is what Mr. Thieu might do to add some element of suspense to the one-man race. Among the possibilities, is said to be an announcement by Mr. Thieu that he would regard a certain percentage of the more than seven million eligible voters as a vote of confidence.

Other possibilities, it is thought, include the provision on election day of a blank ballot along with the one bearing Mr. Thieu's name. The blank ballots, which would be legal, would signify a vote of no confidence.

There have also been suggestions that Mr. Thieu might urge those who wish to vote against him merely to drop empty envelopes into the ballot box. Such proposals would make the election something of a referendum.

Mr. Ky's ups and downs with the Supreme Court began on Aug. 4 when he submitted the endorsements gathered from provincial councilors to support his candidacy. He fell short of the legal requirement and the next day the court found him unqualified to run. He did not appeal.

The day after General Minh withdrew, the court reversed itself on Mr. Ky's qualifications in a surprise decision, widely believed to have been made on suggestion of Mr. Thieu, in turn under pressure from American Officials who had been working to insure a contest on Oct. 3. One court official explained

later that the decision was reached on "political" grounds because it felt two candidates were more in the national interest than one.

Court Made 'No Ruling'

One source familiar with the letter's contents said the court "made no ruling on keeping Mr. Ky's name off the ballots."

The electoral law makes no provision for handling cases like this," the informant went on, "so the court left the decision to Mr. Thieu on whether to run alone or with Mr. Ky. The court suggested that the executive adapt the existing law to the situation.

"In short, the court provided Mr. Thieu with the opportunity to keep the Vice President off the ballots and he took it."

In another political development today, two prominent opposition lower-house members who failed to win re-election in last Sunday's legislative elections, filed appeals to local courts to have the results annulled. They are Duong Van Ba and Ngo Cong Duc, both from the Mekong Delta.

As far as is known, only two other deputies have filed charges of election rigging with their respective provincial election committees. The low number of such complaints has been taken by diplomats and other Western observers here as evidence of the general fairness of the elections.

The student disturbance took place at the funeral of Pham Hanh, a Buddhist student who died over the weekend at a basic training center near here. The demonstration charged that his death was the result of over rigorous training. The army said that he died from meningitis.