

Saigon's Electoral Law

Nightmare of U.S. Aides Is Thieu May Be Sole Candidate as Result of Curbs

By ALVIN SHUSTER
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SAIGON, South Vietnam, June 6—With the South Vietnamese presidential elections less than four months away, American officials are having a nightmare—Election Day comes and the name of President Nguyen Van Thieu is the only one on the ballot.

This is a real possibility, according to a report appearing in the News Analysis section of the lower house of a Thieu-backed law, now on the President's desk for signing. It imposes stringent rules for potential presidential candidates, requiring the endorsement of 40 legislators or 100 members of the elected provincial or city councils.

If Gen. Duong Van Minh, the only challenger with a good chance of gathering the required minimum, chose not to run, it would have repercussions in the United States, as well as this country, that would reverberate for years and raise two questions:

Did the United States make its massive sacrifice in lives and money to provide the South Vietnamese the "right to choose their own government" only to have them denied that right by the American-supported government?

What happened to American pledges to insure self-determination and fair elections?

"I admit that if Minh doesn't run it will be a catastrophe," said one high-ranking South Vietnamese official who supports President Thieu and the electoral law.

Minh Led 1963 Coup

Accordingly, the focus is on the 55-year-old retired general, the hero of the 1963 coup against Ngo Dinh Diem and a man whose reticence is renowned. He is clearly in a position now to do more damage to President Thieu by not running than by announcing his candidacy and spending a fortune on what may well be a losing cause.

The uproar in the United States that would follow a one-candidate presidential "contest" would cast doubt on the whole future of American support for this country. The economic aid this country vitally needs in the coming years to make up for the withdrawal of American forces would be harder to come by in Congress. And demands for a firm withdrawal date would intensify.

Why then did President Thieu insist on the bill?

The answer goes back to 1967, when South Vietnam held its first presidential elections. Eleven candidates were in the race. President Thieu emerged on top but with only 35 per cent of the vote.

The fact that he is a minority president has been gnawing at him ever since. He feels it has weakened his authority and provided valuable ammunition to his opponents in their frequent charges that he does not represent the South Vietnamese people.

'Runoff' Idea Abandoned

For a time, he talked about a "runoff" between the two top figures in a wide-open presidential race. But then he decided to move instead for the restrictive clause in the electoral law, overwhelmingly rejected by the Senate before the House overruled that action by a two-thirds vote.

"Thieu wants dearly to be a majority President," said one of his aides last week. "He wants a clear-cut decision and the authority and prestige that will give him. Why should the South Vietnamese have to be confronted with some dozen names? The only three national figures they know anyway are Thieu, Minh and Ky."

Vice President Nguyen Cao Ky, who broke with the President and threatened to run, would now appear to have no chance of garnering the required signatures, though he is now making some soundings. The prospect of a three-way race, with President Thieu, Vice President Ky and General Minh, was not attractive to Mr. Thieu. Much of the Vice President's support would come essentially from the same pool of voters who would otherwise vote for Mr. Thieu.

"In a three-way race, General Minh might have a chance," said one experienced observer here. "In a two-way race, Thieu wins hands down."

There is an argument to be made for an attempt to channel a fragmented political so-

ciety through two channels. And some American and South Vietnamese officials point to the United States and Britain as examples where only two major candidates face the electorate for the top office.

The trouble with that argument is that the system in both the United States and Britain guarantees that at least two candidates emerge. There are no such guarantees under the system here.

Whatever the arguments for the bill, it looks bad and will look even worse if General Minh refuses to run. General Minh, known as Big Minh, says the bill is unconstitutional, agreeing with its vocal opponents in the National Assembly. Their argument was that the law violates Article 52 of the Constitution, which says the President and Vice President "shall be elected through universal suffrage by direct and secret ballot." They also cite Article 13, which says that "every citizen has the right to vote, run for office . . . on an equal basis and in accordance with conditions and procedures prescribed by law."

President Thieu's supporters dispute the charge of illegality, saying that after the first screening by the legislators and provincial councilmen the candidates would still be elected by "universal suffrage by direct and secret ballot." They say that the restrictive clause is in line with the constitutional provision allowing for "conditions

and procedures prescribed by law."

What has the United States done about it? Whether the issue has been discussed by Ambassador Ellsworth Bunker and President Thieu is not known. American officials

say they are determined to keep their hands

off the election and that they have no intention of interfering with the internal political process here.

But there are those who say it is in the interests of United States objectives to see to it that fair and representative elections are conducted here and that a one-man show is hardly a fair election. They do not suggest that the United States take sides once the candidates emerge, noting that it is generally assumed anyway that the United States would prefer to see President Thieu win in the interests of leaving behind a strong and stable government.

When General Minh will end the suspense is not yet clear. He will wait until some time after President Thieu signs the electoral law. The nightmares will be recurring for a while.