

Communist peace plan inseparable package

PARIS (AP) — The seven-point Communist peace plan is an inseparable package, North Vietnam announced Thursday, indicating that no American prisoner of war will be released until President Nguyen Van Thieu is removed from office in Saigon.

Nguyen Thanh Le, the Hanoi spokesman here, told reporters the seven points make up "a single package. Agreement on the whole of this is indispensable."

The statement, a sharp hardening in the Communist position since the seven points were presented July 1, repudiated Sen. George S. McGovern, a Democratic presidential aspirant, who re-

ported last Sunday that Hanoi's chief negotiator, Xuan Thuy, told him points of the package could be put into effect separately.

Le made his statement at the end of an acrimonious four-hour session of the Paris peace talks. Throughout the session, the new American negotiator, William J. Porter, had tried in vain to get confirmation of McGovern's report on his private talk with Thuy.

Thuy spurned all of Porter's questions.

It was only in the briefing session at the end of the meeting that Le spelled out the Communist position.

Porter apparently had over-

looked a hint that Thuy dropped during the meeting. Fending off Porter's questioning, Thuy asked a question in return: "Is the U. S. government prepared to announce a date for its total withdrawal, and is it prepared to announce simultaneously with this withdrawal the cessation of all its aid to the Thieu administration?"

The word "simultaneously" clearly indicated that the North Vietnamese position had changed.

The new position represents a

complete reversal of the position expressed by North Vietnamese Politburo member Le Duc Tho in an interview with the New York Times on July 6: "To show our good will, we can settle point one of the seven points separately."

The first of the seven points demanded an American commitment to total and unconditional withdrawal of all military personnel in South Vietnam by the end of this year. In return, Hanoi and the Viet Cong would simul-

taneously release their American prisoners, while the Saigon government would release its own North Vietnamese and Viet Cong prisoners.

Point two called for the establishment of a government of "national concord" in Saigon, excluding Thieu from any role.

McGovern told a news conference Sunday that Thuy confirmed to him in hours of private talks that Hanoi was prepared to go ahead with implementation of point one prior to any agreement

on point two or the other five points concerning South Vietnam's political future.

Bill to redistrict counties is found unconstitutional

AUSTIN (AP)—State attorneys failed to prove that splitting counties in the 1971 House redistricting bill was necessary to comply with the "one man, one vote" ruling, the Texas Supreme Court said Thursday.

The court issued an eight page opinion giving the reasons for its Sept. 9 opinion decision from the bench that the bill was unconstitutional.

Texas' Constitution says, with only a few exceptions, that counties must be preserved intact in legislative districts.

But the redistricting bill "cuts the boundaries of 33 counties," said the court's unanimous opinion, by Associate Justice Tom Reavley.

The court said the state attorney general's department "of-

fered no evidence to establish that the wholesale cutting of county lines . . . was either required or justified to comply with the one-man, one-vote decisions."

The opinion did not touch on the issue of whether the legislature in a special session of the five-man Legislative Redistricting Board now has the duty of drawing constitutional lines for 1972 House districts.

Four significant guidelines were issued by the court for writing a constitutional redistricting plan:

—A county without enough people to have its own representative must be joined intact to neighboring counties to make a district with sufficient population.

Reavley added that the court

should not be "understood" as forbidding multi-member districts within a single county; "in the absence of some discriminatory effect neither state nor federal constitution presents any obstacle there."

"If the population of the county is slightly under or over the ideal population figure, the state constitution requires that the county constitute a separate district."

—It is permissible to split off a county's surplus population and attach it to part of a neighboring county to form a district.

—"It is still required that a county receive the member or members to which that county's own population is entitled when the ideal district population is substantially equalled."

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