

Martin asks for continuation of filing fees

AUSTIN, Tex. (AP) — Atty. Gen. Crawford Martin asked the U. S. Supreme Court Tuesday to let Texas continue a candidate filing fee system that a three-judge federal court in Dallas ruled unconstitutional Jan. 20.

Martin asked the court to stay the Dallas order until the state can submit its formal appeal or until the Supreme Court rules

on an earlier Texas filing fee case.

"The whole primary election process may be severely hampered, if not utterly destroyed in certain instances, by the lack of availability of funds from filing fees," Martin said in his motion.

Filing fees paid by candidates are used to pay the costs of holding primary elections.

Gov. Preston Smith said Monday it was "entirely possible" he will call a special legislative session to provide a new method of financing the primaries, set for May 6.

Smith added he and his staff were "doing everything we can to work out alternatives" to the filing fee system.

Martin told the Supreme Court special legislation might not be sufficient because state financing of primaries might require

an amendment to the Texas constitution.

Since special sessions cannot act on constitutional amendments, it would be 1973 before such a measure could be submitted to the voters.

Martin added that if the legislature does appropriate funds for the primaries, it might also "be faced with the additional task of passing a tax bill to raise the required funds."

"Voting and the election process is the very life blood of constitutional government in this state and of this nation — it should not be threatened, ham-

pered, disrupted or brought to a stop upon an issue as to how it is to be financed without affording adequate time for unhurried decisions as to how to resolve the complicated issues entailed," Martin said.

The Dallas court issued its ruling in a suit filed by Rick Johnston, a Democratic primary candidate for justice of the peace in Dallas.

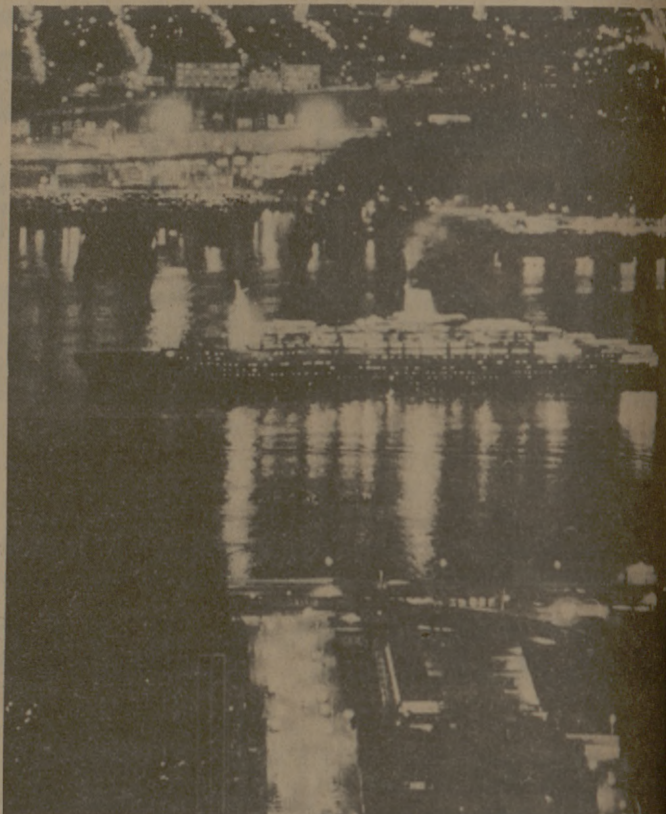
The Supreme Court heard oral arguments in November on the state's appeal of a three-judge federal court decision that filing fees are unconstitutional because they placed a "wealth require-

ment" on candidates and the voters who support them.

No decision has been returned in that case.

The 1971 legislature passed a bill allowing candidates to run for office without paying a filing fee, provided they submitted a petition signed by persons representing 10 per cent of the votes cast in their areas for a party's gubernatorial nominee in 1970.

That bill was intended for use this year if the Supreme Court failed to rule in the earlier case or upheld the lower court's decision.



WITH THE WINTER CHILL upon us, some 600 passengers sail aboard the Queen Elizabeth II Friday night as it seeks the highlighted waters of the Hudson River on its way to warmer shores. Scene is looking west on New York's 34th Street with New Jersey looming in the background. (AP Wirephoto)

Bentson asks court to block legislative redistricting plan

WASHINGTON (AP) — Sen. Lloyd Bentsen backed Texas officials Tuesday in asking Justice Lewis Powell Jr. to block a court-ordered redistricting plan for the state's congressional delegation.

Bentsen, a Democrat, said the plan approved Saturday by a three-judge panel in Dallas would "gravely and irreversibly disrupt the political structure of the state of Texas with respect to its representation in the Congress."

The plan is to supplant one drawn up last year by the Texas legislature. The three judges, Joe Ingraham, William M. Taylor Sr. and Robert M. Hill, declared it in violation of the one-man, one-vote rule.

The legislature's plan would have placed 4.1 per cent more people in the largest congressional district than in the smallest. The Supreme Court has held that congressional districts must be equal in population and that even the smallest variance from equality is illegal if not justified.

On Monday, Texas officials filed a motion in the Supreme Court for a stay. They asked Powell, who has jurisdiction over suits from Texas, to block the district court's plan.

Bentsen, through Yale law Prof. Charles L. Black Jr., supported the Texas officials as a "friend of the court." He said

the Dallas panel's judgment "is wrong, not being warranted by the Constitution or by the precedents of this court."

The senator said the granting of a stay would produce some harm — "Mainly, the holding of an election under the legislature's plan, with only several small variations from exact mathematical equality."

But, he added, this "is by several orders of magnitude less than the multiple and gravely disruptive harms that would result from the utterly drastic decree of the district court, embodying as it does a very large number of major political judgments antithetic to those made by the state's elected representatives."

In a statement Bentsen issued after meeting with some of the affected congressmen, he said he was upset with the federal district court's "activist role in such matters."

He said redistricting is a job for the legislature, the body elected by the people, and he noted that the court in its decision had stated that the Legislature had made a good-faith effort to redistrict.

"The court can rightfully set up acceptable parameters for districting but certainly adoption of such a changed plan was usurpation of legislative powers," Bentsen said.

Six Texas congressmen pitted against each other in the court-ordered redistricting plan are irritated with Texas Gov. Preston Smith for spurning their pleas to call the legislature into session to draft an alternate bill.

Thieu says he agrees to allied peace proposals

SAIGON (AP) — President Nguyen Van Thieu said Wednesday he agreed to the secret allied peace proposal that calls for his resignation and a major switch in his position—new elections with Communist participation.

Thieu had stated repeatedly that the Communists could not take part in South Vietnamese elections unless they first renounced violent revolution and laid down their arms.

But he made no reference to his traditional position in a broadcast speech to the nation Wednesday.

His expressed willingness to permit the National Liberation Front—or Viet Cong—to take part in a new election was tantamount to acceptance of a coalition government including them.

"All of the political parties in South Vietnam, including the so-called National Liberation Front,

can participate in the election and present candidates," Thieu said.

Although the election plan calls for the president and his vice president, Tran Van Huong, to resign a month before the vote, Thieu did not rule himself out as a candidate.

His removal from office has been a major Communist demand in the Paris peace talks. Thieu spoke minutes after President Nixon completed his own detailed report on the eight-point plan Nixon said had been offered in secret to the North Vietnamese and thus far rejected.

"The government of the Republic of Vietnam considers that the . . . proposals constitute a concrete and comprehensive solution, based on the principle of self-determination of the people, to settle the war in Vietnam and bring back a just and lasting peace to the area," Thieu said.

He added that his government was calling on "all the governments and peoples of the world to support this most liberal and generous offer."

The South Vietnamese president expressed the hope that Communists would agree to a plan "for a quick restoration of peace in South Vietnam."

An election, which Thieu would be "free and democratic" would be held six months after a peace agreement had been reached. The election would be organized under supervision of an independent group made up of all South Vietnam's political parties, including the NLF—the Viet Cong.

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