

Judge rules treaty end illegal

WASHINGTON (AP) — The Carter administration is confident there will be no interruption in U.S.-China relations, despite a judge's ruling that Pres. Carter acted unconstitutionally in ending the mutual defense treaty with Taiwan, State Department sources said Thursday.

The officials, asking that they not be identified, said they are

still assessing the impact of the decision in which U.S. District Judge Oliver Gasch declared that the president needed the approval of two-thirds of the Senate or a majority vote by both houses to end the defense treaty.

The Peking government had made termination of the U.S.-Taiwan treaty a precondition to normalizing relations with the

United States.

State department officials said the only firm decision the administration has made since the announcement of Gasch's decision has been to seek an expedited appeal before Jan. 1, the termination date for the treaty.

"We think it will be overturned," one official said of the Gasch decision.

The State Department's spokesman, Hodding Carter, was instructed to say nothing publicly about the case because of the pending appeal. "Our lawyers advise that a matter under litigation should not be discussed," he said.

Speaking privately, officials said the administration would probably do what is necessary to continue its policy of recognizing the government in Peking and dealing with Taiwan on a non-governmental basis.

If appeals of the Gasch decision fail, they said, the administration probably will go to Congress and ask for approval of the decision to end the treaty. If that failed the administration probably would try to continue its policy toward the People's Republic of China regardless.

Officials said much would depend on whether the government in Peking chose to be understanding in the matter. As of midday Thursday, there had been no consultations between the two governments about Gasch's decision, officials said.

If termination of the U.S.-Taiwan treaty is blocked, the administration could try to reassure the Peking government that there would be no actual change in the relationships the United States agreed to last December.

They noted that the defense treaty obligates the United States only to consult with Taiwan if it is threatened and not necessarily to provide the island with military support.

President Carter announced plans to end the treaty with Taiwan last December, announcing that the United States would recognize the Peking government.

making the news

From Associated Press reports

STOCKHOLM, Sweden — The Nobel Prize for literature was awarded to Greek poet Odysseus Elytis, who seeks "true reality" through vivid works strongly rooted in the landscape, life and age-old tradition of his native land, Thursday.

The 68-year-old Elytis, little known outside the Greek language, edged out a half-dozen internationally acclaimed writers who had been highly touted favorites for the prestigious honor.

WASHINGTON — Rumors that Soviet Pres. Leonid Brezhnev was dead remain unsubstantiated, State Department officials said Thursday. No information had been received from Moscow.

Rumors of Brezhnev's death persisted in Washington throughout the day. Hodding Carter, the department spokesman, told reporters: "We have heard the rumor. We have checked with Moscow and we have no information to substantiate it."

The rumors were based principally on a report that the Soviets were rescheduling their news broadcasts.

Brezhnev, 73, has been in poor health for several years. He stumbled twice in public at the signing of the new U.S.-Soviet SALT II treaty in Vienna in June.

WASHINGTON — A bitter school bussing battle could begin as the government took the first step toward what could be the nation's longest battle Thursday, serving notice on Chicago that it will sue to force an end to alleged widespread classroom segregation.

HEW Secretary Patricia Roberts Harris said she notified the Chicago school board that unless an acceptable school desegregation plan is submitted by Oct. 27, the matter will be referred to the Justice Department for legal action.

NEW YORK — Half of the nation's Democrats now say they would like to see Pres. Carter try for re-election in 1980, a turnaround for the incumbent in the past month, an Associated Press-NBC News poll says.

With the members of his own party leading the way, Carter's standing with the public strengthened a bit from September's historic lows, the poll found in interviews Monday and Tuesday.

There were no major Carter triumphs in the last five weeks to explain the 5 percentage point rise in his job rating — the largest jump since the 16-point surge following the Camp David Mideast summit in September 1978. This lack of a major event to explain the rise may indicate a possibly significant turnaround in public opinion about Carter.

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