

Dismissal of Taiwan treaty suit requested

WASHINGTON (UPI) — In a rare court appearance, Attorney General Griffin Bell asked a federal judge yesterday to dismiss a legal suit challenging President Carter's decision to end America's mutual defense treaty with Taiwan.

Bell said the president has sole authority to end treaties and described as a "political question" the lawsuit by Sen. Barry Goldwater, R-Ariz., and other conservatives contesting the action on constitutional grounds.

The lawsuit seeks a ruling overturning Carter's action and requiring Senate or congressional approval for any similar moves in the future.

Goldwater told reporters outside the courthouse following the 90-minute hearing that he considers the case the most important constitutional test of a president's powers in 200 years.

The case is sensitive because when Carter opened diplomatic relations with China, he promised Peking he would end the defense treaty with Taiwan.

Justice Department lawyer David

Anderson told U.S. District Judge Oliver Gasch that if Goldwater wins his challenge, there is "a serious possibility that the Peoples Republic of China would recall its ambassador and close its embassy."

"This is a case where the United States should speak with a single voice — the president's," Anderson said.

Bell, in brief remarks at the outset of the hearing, said he decided to appear for the government in part because "Senator Goldwater chose to appear."

He noted that the Taiwan treaty "provided it could be dissolved."

Gasch asked Bell: "Why shouldn't there be consultation at this stage? You have to have consultation in order to approve a treaty."

Goldwater lawyer Paul Kamenar said "there is some serious doubt" on whether breaking off the defense treaty with Taiwan was necessary for improved relations with Peking. He said Carter is essentially asking the court to "sidestep the merits of the question" by seeking dismissal of the suit.



UPI wirephoto
Attorney General Griffin Bell (left) and Sen. Barry Goldwater, R-Ariz., shook hands as they left the U.S. Federal Court yesterday, where Bell defended, against a suit started by Goldwater, the legality of Pres. Carter's decision to end the U.S. mutual defense treaty with Taiwan.

Shah supporters executed

TEHRAN, Iran (UPI) — Revolutionary firing squads yesterday killed 21 persons, including three former members of the shah's government, in a mass execution seen by politicians as an answer to the assassination of one of Ayatollah Ruhollah Khomeini's top aides.

The Kayhan newspaper hailed the killings, saying "revolutionary courts consolidate the gains of the revolution" and lashed out at "poisonous imperialist propaganda" likening the courts to those which existed in the Middle Ages.

It was the biggest mass execution since Khomeini came to power in February. It brought to nearly 200 the number who have died before revolutionary firing squads since then, and the government appealed for help yesterday in tracking down 18 other former officials.

Political sources said the summary sentences were intended to show opponents of Khomeini and the Islamic trials that the murder of Morteza Motaheri had not shaken the revolutionaries' resolve. Motaheri, who was closely involved with the secretive Islamic Revolutionary Council, was largely responsible for the trials.

Among those executed at dawn yesterday after a day-long trial Monday were Javad Saied, 57, a Paris-educated

ear, nose and throat specialist who was the last speaker of the Majlis (parliament).

The other two government leaders shot in Tehran's Qasr prison were Dr. Mohammed Reza Ameli-Tehrani, 52, minister in the cabinets of Premiers Jaafar Sharif-Emami and Gen. Gholam Reza Azhari, and Gholam Reza Kianpour, 50.

Tehran Radio said all 21 men were found guilty of committing the Koranic sins of "spreading corruption on earth, battling against God, insulting Nayeb-Imam (Khomeini) and participation in the massacre of the people."

It was the first time in recent weeks that Tehran's Central Revolutionary Court had awarded the death penalty for alleged insults to Khomeini.

Others executed were Brig. Gen. Ali Fathi-Amin, an armored brigade commander who was accused of killing protesters against the shah in Tehran, Col. Hossein Ferdows-Makan, former national police commander convicted on similar charges, seven army and police majors, and other officers and men accused of torture of prisoners.

No women have been tried by any of the major Islamic courts, although some have been flogged in village courts for moral offenses such as adultery and promiscuous behavior.

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