P.S. to the NEWS
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PLAYING THE CHINA CARD

Both timing and tactics connect President Carter's surprise recognition of Mainland China with the Middle East peace negotiations. As to timing, it smacks of the Administration's new media mogul, Gerald Rafshoon, and his political strategy of exalting newsmaker appeal over substance.

With the Middle East treaty target date of December 17 fast approaching and no hope of a signing in sight, it became politically astute to create a news event that would smother the fact of no news on that well-publicized day. So the Carter coach sent in the offensive lineup to replace the defensive, and burned the midnight oil to create a 72-hour wonder on December 15, in order to make the public overlook the failure of December 17.

A clue to the more subtle connection on tactics was revealed in President Carter's remarks at the Business Council dinner at the Mayflower Hotel on December 14. When a questioner asked the President to assess the floundering Middle East negotiations, the President's pent-up feelings flushed to the surface.

Describing the negotiations as "one of the most frustrating experiences I have ever had in my life," the President specified four aspects of the negotiations which he found so frustrating. While he was probably justified in complaining about Israel's escalating demands, it was strange to hear a U.S. President complaining that negotiations with the Israelis involved the proposed treaty's "going to the prime minister, then to the cabinet or going to the cabinet and then to the president."

It is obviously easier to deal with a ruler, such as Sadat, who doesn't have problems with other branches of his own government. No doubt it is also easier to conduct SALT II negotiations with Foreign Minister Gromyko in the secure knowledge that he would not consent to the dotting of an "i" or the crossing of a "t" without the advance approval of Boss Breshnev.

The making of a treaty is not so easy in a democracy. We pay a price in inefficiencies and delays in order to preserve individual freedom and popular

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sovereignty. Apparently President Carter finds such constitutional checks and balances "frustrating" restraints on the ability of a chief executive to make foreign treaties.

President Carter's annoyance with having to get the agreement of other branches of government was made clear in his recognition of Red China. Under the U.S. Constitution, treaties are made by the President with the advice and consent of 2/3 of the Senate. But President Carter cancelled the 1954 U.S.-Taiwan Mutual Defense Treaty without the consent or even the knowledge of the Senate.

He did this even though the constitutional requirement had been reinforced by an amendment to a Congressional statute passed in 1978, and signed into law by President Carter himself, which explicitly calls upon the President to consult with Congress before any termination of the U.S.-Taiwan Mutual Defense Treaty. That amendment, incidentally, in a rare burst of unanimity, passed the Senate 94 to 0.

There was no need for secrecy or even confidentiality that could have justified excluding the Senate from the abrogation of the treaty that the Senate originally consented to with all due formality. The only reason for the secrecy was to maximize the suspense of the newsmaking announcement.

All the Red Chinese wanted for Christmas was the same three goodies they have been demanding for 20 years as the price of allowing the United States to send an Ambassador to Peking: withdraw U.S. recognition from Taiwan, pull all U.S. defense forces out of Taiwan, and cancel the U.S.-Taiwan Mutual Defense Treaty. Red China's position has been constant for 20 years and was not even dented by the Nixon-Kissinger overtures of several years ago.

Unfortunately, the substance of Carter's Taiwan sellout will have a more lasting effect than the procedure. It will convince the rest of the world that the United States will unilaterally, and even unconstitutionally, renege on its solemn treaty commitments when it suits the convenience of the U.S. President, or even his desire to exploit some event for its newsmaking effect.

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