

**FOREIGN
RELATIONS
OF THE
UNITED
STATES**

**1969–1976
VOLUME XL**

**GERMANY
AND
BERLIN
1969–1972**



**DEPARTMENT
OF
STATE**

Washington



**Foreign Relations of the
United States, 1969–1976**

Volume XL

**Germany and
Berlin,
1969–1972**

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Preface

The *Foreign Relations of the United States* series presents the official documentary historical record of major foreign policy decisions and significant diplomatic activity of the United States Government. The Historian of the Department of State is charged with the responsibility for the preparation of the *Foreign Relations* series. The staff of the Office of the Historian, Bureau of Public Affairs, under the direction of the General Editor of the *Foreign Relations* series, plans, researches, compiles, and edits the volumes in the series. Secretary of State Frank B. Kellogg first promulgated official regulations codifying specific standards for the selection and editing of documents for the series on March 26, 1925. These regulations, with minor modifications, guided the series through 1991.

Public Law 102-138, the Foreign Relations Authorization Act, which was signed by President George H.W. Bush on October 28, 1991, established a new statutory charter for the preparation of the series. Section 198 of P.L. 102-138 added a new Title IV to the Department of State's Basic Authorities Act of 1956 (22 U.S.C. 4351, et seq.).

The statute requires that the *Foreign Relations* series be a thorough, accurate, and reliable record of major United States foreign policy decisions and significant United States diplomatic activity. The volumes of the series should include all records needed to provide comprehensive documentation of major foreign policy decisions and actions of the United States Government. The statute also confirms the editing principles established by Secretary Kellogg: the *Foreign Relations* series is guided by the principles of historical objectivity and accuracy; records should not be altered or deletions made without indicating in the published text that a deletion has been made; the published record should omit no facts that were of major importance in reaching a decision; and nothing should be omitted for the purposes of concealing a defect in policy. The statute also requires that the *Foreign Relations* series be published not more than 30 years after the events recorded. The editors are convinced that this volume meets all regulatory, statutory, and scholarly standards of selection and editing.

Structure and Scope of the Foreign Relations Series

This volume is part of a subseries of volumes of the *Foreign Relations* series that documents the most important issues in the foreign policy of Presidents Richard M. Nixon and Gerald R. Ford. The subseries presents in multiple volumes a comprehensive documentary record of major foreign policy decisions and actions of both administrations. This specific volume documents U.S. policy towards Germany and Berlin, 1969-1972.

Focus of Research and Principles of Selection for Foreign Relations, 1969–1976, Volume XL

This volume represents a departure in coverage on Germany and Berlin in the *Foreign Relations* series. Previous volumes covered bilateral relations between the United States and the Federal Republic of Germany in breadth, including documentation on economic and military issues, as well as on matters of politics and diplomacy. Although this volume covers such issues, especially when decision-making was at a high level, more extensive documentation on discussions between Washington and Bonn on international economics and national security has been—and will be—published in other volumes: *Foreign Relations, 1969–1976, Volume III, Foreign Economic Policy, 1969–1972; International Monetary Policy, 1969–1972; and Volume XLI, Western Europe; NATO, 1969–1972*. This volume examines key issues in German-American relations in more depth, emphasizing two issues in particular: the response of the Nixon administration to Chancellor Willy Brandt and his Eastern policy (*Ostpolitik*); and the secret negotiations leading to signature of the Berlin quadripartite agreement in September 1971. Moscow was a key player in the diplomacy behind both Bonn's *Ostpolitik* and the Berlin agreement. This volume, therefore, also focuses on the Soviet Union, and places bilateral relations between the United States and the Federal Republic in the context of the competition between the two superpowers. This is, in other words, a "cold war" volume—or perhaps, more accurately, a "détente" volume—and thus should be read in conjunction with *Foreign Relations, 1969–1976, Volume XII, Soviet Union, January 1969–October 1970; Volume XIII, Soviet Union, October 1970–October 1971; and Volume XIV, Soviet Union, October 1971–May 1972*.

Like all recent *Foreign Relations* volumes, the emphasis of this volume is primarily on policy formulation and on important issues, rather than on the day-to-day implementation of policy. President Nixon and his Assistant for National Security Affairs, Henry A. Kissinger, dominated the policymaking process on Germany and Berlin, especially within the National Security Council system. The two men were initially wary both of Brandt and of his foreign policy. Their suspicions were reflected not only in informal discussions, but also in formal decision-making documents. The White House eventually played an important role in the execution of U.S. policy on Berlin, practicing "backchannel" diplomacy with Moscow and Bonn to negotiate the terms of a Berlin agreement, while pursuing agreements with the Soviets on SALT, a summit meeting, and the Middle East. Kissinger established both a "confidential channel" in Washington with Soviet Ambassador Dobrynin, and a "special channel" in Bonn with Ambassador Rush and German State Secretary Bahr (through a U.S. naval officer in Frankfurt). These secret communications allowed the White House to

discuss Berlin—and to link progress on a quadripartite agreement to progress with the Soviets on other bilateral and multilateral issues—and to do so without interference from the Department of State. The substance of the agreement was too complicated, however, to ignore the political, legal, and diplomatic expertise of the Department's officials on Germany and Berlin. This volume, therefore, presents documentation on "front channel" decision-making, as well as on "back channel" diplomacy, examining the respective roles of the White House and the Department of State in negotiating the terms of the 1971 quadripartite agreement.

Editorial Methodology

The documents are presented chronologically according to Washington time. Memoranda of conversation are placed according to the date and time of the conversation, rather than the date a memorandum was drafted. Documents chosen for printing are authoritative or signed copies, unless otherwise noted.

Editorial treatment of the documents published in the *Foreign Relations* series follows Office style guidelines, supplemented by guidance from the General Editor. The documents are reproduced as exactly as possible, including marginalia or other notations, which are described in the footnotes. Texts are transcribed and printed according to accepted conventions for the publication of historical documents within the limitations of modern typography. A heading has been supplied by the editors for each document included in the volume. Spelling, capitalization, and punctuation are retained as found in the original text, except that obvious typographical errors are silently corrected. Other mistakes and omissions in the documents are corrected by bracketed insertions: a correction is set in italic type; an addition in roman type. Words or phrases underlined in the source text are printed in italics. Abbreviations and contractions are preserved as found in the original text, and a list of abbreviations is included in the front matter of each volume.

Bracketed insertions are also used to indicate omitted text that deals with an unrelated subject (in roman type) or that remains classified after declassification review (in italic type). The amount and, where possible, the nature of the material not declassified has been noted by indicating the number of lines or pages of text that were omitted. Entire documents withheld for declassification purposes have been accounted for and are listed with headings, source notes, and number of pages not declassified in their chronological place. All brackets that appear in the original text are so identified in footnotes. With the exception of Presidential recordings transcribed in the Office of the Historian by the editor(s) of the volume, all ellipses are in the original documents.

The first footnote to each document indicates the document's source, original classification, distribution, and drafting information. This note also provides the background of important documents and policies and indicates whether the President or his major policy advisers read the document.

Editorial notes and additional annotation summarize pertinent material not printed in the volume, indicate the location of additional documentary sources, provide references to important related documents printed in other volumes, describe key events, and provide summaries of and citations to public statements that supplement and elucidate the printed documents. Information derived from memoirs and other first-hand accounts has been used when appropriate to supplement or explicate the official record.

The numbers in the index refer to document numbers rather than to page numbers.

Advisory Committee on Historical Diplomatic Documentation

The Advisory Committee on Historical Diplomatic Documentation, established under the *Foreign Relations* statute, reviews records, advises, and makes recommendations concerning the *Foreign Relations* series. The Advisory Committee monitors the overall compilation and editorial process of the series and advises on all aspects of the preparation and declassification of the series. The Advisory Committee does not necessarily review the contents of individual volumes in the series, but it makes recommendations on issues that come to its attention and reviews volumes, as it deems necessary to fulfill its advisory and statutory obligations.

Presidential Recordings and Materials Preservation Act Review

At the time that this volume was compiled, under the terms of the Presidential Recordings and Materials Preservation Act (PRMPA) of 1974 (44 U.S.C. 2111 note), the National Archives and Records Administration (NARA) had custody of the Nixon Presidential historical materials. The requirements of the PRMPA and implementing regulations govern access to the Nixon Presidential historical materials. The PRMPA and implementing public access regulations require NARA to review for additional restrictions in order to ensure the protection of the privacy rights of former Nixon White House officials, since these officials were not given the opportunity to separate their personal materials from public papers. Thus, the PRMPA and implementing public access regulations require NARA formally to notify the Nixon Estate and former Nixon White House staff members that the agency is scheduling for public release Nixon White House historical materials. The Nixon Estate and former White House staff members have 30 days to contest the release of Nixon historical materials in which they

were a participant or are mentioned. Further, the PRMPA and implementing regulations require NARA to segregate and return to the creator of files private and personal materials. All *Foreign Relations* volumes that include materials from NARA's Nixon Presidential Materials Staff are processed and released in accordance with the PRMPA.

Declassification Review

The Office of Information Programs and Services, Bureau of Administration, conducted the declassification review for the Department of State of the documents published in this volume. The review was conducted in accordance with the standards set forth in Executive Order 12958, as amended, on Classified National Security Information and other applicable laws.

The principle guiding declassification review is to release all information, subject only to the current requirements of national security, as embodied in law and regulation. Declassification decisions entailed concurrence of the appropriate geographic and functional bureaus in the Department of State, other concerned agencies of the U.S. Government, and the appropriate foreign governments regarding specific documents of those governments. The declassification review of this volume, which began in 2002 and was completed in 2007, resulted in the decision to withhold 1 document in full, excise a paragraph or more in 5 documents, and make minor excisions of less than a paragraph in 20 documents.

The Office of the Historian is confident, on the basis of the research conducted in preparing this volume and as a result of the declassification review process described above, that notwithstanding the number of denied and excised documents, the record presented in this volume presented here provides an accurate and comprehensive account of U.S. foreign policy towards Germany and Berlin, 1969–1972.

Acknowledgments

The editors wish to acknowledge the assistance of officials at the Nixon Presidential Materials Project of the National Archives and Records Administration (Archives II), at College Park, Maryland. The editors, furthermore, wish to acknowledge the Richard Nixon Estate for allowing access to the Nixon presidential recordings and the Richard Nixon Library & Birthplace for facilitating that access. Diane E. Kaplan of the Sterling Memorial Library at Yale University was also instrumental in providing access to several key documents from the papers of former Secretary of State Dean Acheson.

David C. Geyer collected the documentation for this volume and selected and edited it, under the supervision of David Humphrey and then Edward C. Keefer, chief and acting chief, respectively, of the European and General Division. Unless otherwise noted, Geyer also

translated all of the original German passages into English, in particular, the text of, and excerpts from, Egon Bahr's "special channel" messages to Henry Kissinger. Susan Weetman, Chris Tudda, and David C. Geyer coordinated the declassification review. Vicki E. Futscher, Renée Goings, and Aaron W. Marrs performed the copy and technical editing. Juniee Oneida prepared the index.

Bureau of Public Affairs
January 2008

Marc J. Susser
The Historian

Contents

Preface	III
Sources	XI
Abbreviations and Terms	XXI
Persons	XXV
Germany and Berlin, 1969–1972	1
Index	1103

Sources

Sources for the Foreign Relations Series

The *Foreign Relations* statute requires that the published record in the *Foreign Relations* series include all records needed to provide comprehensive documentation on major U.S. foreign policy decisions and significant U.S. diplomatic activity. It further requires that government agencies, departments, and other entities of the U.S. Government engaged in foreign policy formulation, execution, or support cooperate with the Department of State Historian by providing full and complete access to records pertinent to foreign policy decisions and actions and by providing copies of selected records. Most of the sources consulted in the preparation of this volume have been declassified and are available for review at the National Archives and Records Administration. A few collections, mostly relating to intelligence matters or Henry Kissinger's Papers at the Manuscript Division of the Library of Congress, remain closed to the public. They were available to the editors of this volume and the documents chosen for publication have been declassified.

The editors of the *Foreign Relations* series have complete access to all the retired records and papers of the Department of State: the central files of the Department; the special decentralized files ("lot files") of the Department at the bureau, office, and division levels; the files of the Department's Executive Secretariat, which contain the records of international conferences and high-level official visits, correspondence with foreign leaders by the President and Secretary of State, and memoranda of conversations between the President and Secretary of State and foreign officials; and the files of overseas diplomatic posts. All the Department's indexed central files through December 1976 have been permanently transferred to the National Archives and Records Administration at College Park, Maryland (Archives II). Many of the Department's decentralized office (or lot) files covering the 1969–1976 period, which the National Archives deems worthy of permanent retention, have been transferred or are in the process of being transferred from the Department's custody to Archives II.

The editors of the *Foreign Relations* series also have full access to the papers of President Nixon and other White House foreign policy records. Presidential papers maintained and preserved at the Presidential libraries and the Nixon Presidential Materials Project at Archives II include some of the most significant foreign affairs-related documentation from the Department of State and other Federal agencies including the National Security Council, the Central Intelligence

Agency, the Department of Defense, and the Joint Chiefs of Staff. Dr. Henry Kissinger has approved access to his papers at the Library of Congress.

Research for this volume was completed through special access to restricted documents at the Nixon Presidential Materials Project, the Library of Congress, and other agencies. While all the material printed in this volume has been declassified, some of it is extracted from still-classified documents. The Nixon Presidential Materials Staff is processing and declassifying many of the documents used in this volume, but they may not be available in their entirety at the time of publication.

Sources for Foreign Relations, 1969–1976, Volume XL

In preparing this volume, the editor thoroughly mined the Presidential papers and other White House records from the Nixon Presidential Materials Project at the National Archives. This collection proved the most valuable source of documentation on the Nixon administration's conduct of relations with the Federal Republic of Germany. Many of the most important records for this volume were found in the Project's National Security Council Files, in particular, the Country Files on Germany and Berlin. These files document basic day-to-day decision-making within the White House and National Security Council staff, including Kissinger's memoranda to the President on Willy Brandt, *Ostpolitik*, and the quadripartite negotiations on Berlin. Important documentation was also located in the files covering the President's contacts, both in person and in writing, with his West German counterparts. Throughout six and a half years in office, Nixon visited Germany only once, in February 1969, during his first trip abroad, an eight-day tour of Europe. Although materials on the visit were found in the President's Trip Files, the memoranda of his conversations with German leaders are in the Name Files for Helmut Sonnenfeldt. Most of the records on the trips to the United States by Chancellors Kiesinger and Brandt are located in the VIP Visits File. Memoranda of conversation from Kiesinger's visit to Washington in August 1969 and from Brandt's visit to Key Biscayne in December 1971, however, are filed, respectively, in the Memoranda of Conversations in the Kissinger Papers at the Library of Congress, and in the Memoranda for the President in the President's Office Files of the White House Special Files at the Nixon Project. Most of the correspondence exchanged between the President and the West German Chancellor are contained in the Presidential Correspondence File of the Project's National Security Council Files. The formal policy-making process on Germany and Berlin is documented in the Project's National Security Council Institutional Files (H-Files). These files contain minutes, memoranda, and related documentation on the deliberations of the National Security Council itself, the Senior Review Group, the Washington Special Actions Group,

and other interagency committees; also included are records relating to National Security Council Study and Decision Memoranda (NSSMs and NSDMs), as well as similar decision-making documents.

Rather than rely on formal decision papers, Nixon and Kissinger made many decisions on Germany and Berlin outside normal bureaucratic channels, in particular, through a series of one-on-one meetings and telephone conversations. The editor, therefore, made extensive use of two crucial sources at the Nixon Project: the Nixon White House Tape Recordings and the Kissinger Telephone Conversation Transcripts. The Haldeman Diaries—including the book, the CD-ROM, and handwritten notes (Staff Member and Office Files)—were useful in further revealing the President's thinking on foreign policy, including Germany and Berlin. The White House also implemented its German policy through more informal means, in particular, by practicing "backchannel" diplomacy. In his efforts to negotiate an agreement on Berlin, Kissinger established direct contact in Washington with Soviet Ambassador Dobrynin and in Bonn with U.S. Ambassador Rush and West German State Secretary Bahr. The conversations and messages exchanged in these channels were especially sensitive at the time and were thus held "outside the system" normally used for NSC documents. The principal source for the "confidential channel" between Kissinger and Dobrynin is the so-called "D-File," a collection maintained, somewhat incongruously, within the President's Trip Files (apparently relocated there in preparation for the Moscow summit in May 1972). The D-File includes memoranda of conversation and correspondence exchanged, documenting dialogue at a high level between the United States and the Soviet Union on a wide range of global and bilateral issues, including Berlin. The principal source for Kissinger's "special channel" with Rush and Bahr is in the Country Files for Europe in Kissinger's Office Files. There are, however, two notable exceptions. Rush's personal folder of his "special channel" correspondence with Kissinger is in an Embassy post file, 72 F 81; and the messages Kissinger exchanged with Bahr in 1972 are filed at the Ford Library in the Kissinger and Scowcroft West Wing Office Files of the National Security Adviser Files.

The White House used "backchannel" diplomacy to exclude the Department of State from decision-making on Berlin, especially during the final eight months of quadripartite negotiations. Throughout the Nixon administration, the Department, nonetheless, played an important role on Germany and Berlin, both in the formulation and implementation of policy. This role is well reflected in the Department's records, including the central and lot files accessioned and maintained at the National Archives. A number of records in the central files' subject-numeric system are useful, including those filed under POL GER E-GER W (relations between East and West Germany) and POL GER W-US (relations between West Germany and the United States). Many

of the telegrams exchanged between the Department and the Embassy in Bonn and the Mission in Berlin on the quadripartite negotiations were filed under POL 28 GER B, i.e., indicating records relating to the government of West Berlin. Other relevant telegrams and documents are located under POL 38, a nondescript yet special file designated for documents on quadripartite authority in Berlin, including air and ground access to the city. Several retired office, or lot, files are especially useful for evidence on the politics behind the policies, often in the form of official-informal correspondence exchanged between the Department in Washington and the Embassy in Bonn. Among the most valuable lot files in this regard are those originated by the Office of Central European Affairs (80 D 225 and 91 D 341), Kenneth Rush (74 D 430), and, in particular, Jonathan Dean (85 D 330).

The Kissinger Papers at the Library of Congress largely replicate documentation found in other collections. Since this volume was compiled, copies of the most important source—the Kissinger Telephone Conversation Transcripts—have been deposited at the Nixon Project at the National Archives. Although the citations in this volume refer to Kissinger Papers, copies of the transcripts as organized in the original collection are available to the public at the National Archives.

The editor also had access to the records of the Nixon Intelligence Files at the National Security Council, the Central Intelligence Agency, and the Department of Defense. The files of the Central Intelligence Agency, particularly the NIC Registry of NIE and SNIE, were essential for intelligence reports and assessments on which the Nixon administration based its policy decisions.

The following list identifies the particular files and collections used in the preparation of this volume. The declassification and transfer to the National Archives of the Department of State records is in process, and many of these records are already available for public review at the National Archives.

Unpublished Sources

Department of State

Central Files. See National Archives and Records Administration below.

Lot Files. See National Archives and Records Administration below.

National Archives and Records Administration, College Park, Maryland

Record Group 59, General Records of the Department of State

Central Files

DEF 18–6, arms control and disarmament: control measures
DEF 1 EUR, military plans and policy toward Europe

- DEF 6 GER W, armed forces, West Germany
 FN 12 GER W, balance of payments with West Germany
 NATO 3, North Atlantic Treaty Organization meetings
 ORG 7 S, trips by the Secretary of State
 POL 27–14 ARAB–ISR, Arab-Israeli truce, ceasefire
 POL 1 EUR E–EUR W, general policy and background concerning Eastern European–Western European relations
 POL 1 EUR E–GER W, general policy and background concerning Eastern European–West German relations
 POL 28 GER B, government of Berlin
 POL 15–1 GER E, head of state, executive branch in East Germany
 POL 16 GER E, diplomatic recognition, East Germany
 POL GER E–GER W, political affairs and relations between East and West Germany
 POL GER E–US, political affairs and relations between East Germany and the United States
 POL 1 GER E–US, general policy and background concerning East Germany and the United States
 POL GER W, political affairs, West Germany
 POL GER W–POL, political affairs and relations between West Germany and Poland
 POL GER W–US, political affairs and relations between West Germany and the United States
 POL GER W–USSR, political affairs and relations between West Germany and the Soviet Union
 POL 7 GER W, visits and meetings concerning West Germany
 POL 12 GER W, political parties, West Germany
 POL 12–3 GER W, West German political parties, party meetings and conferences
 POL 12–6 GER W, West German political parties, meetings with party leaders
 POL 14 GER W, elections in West Germany
 POL 15 GER W, West German government
 POL 15–1 GER W, head of state, executive branch in West Germany
 POL 15–2 GER W, West German legislature (Bundestag)
 POL 32–3 GER–POL, partition of territory between Germany and Poland
 POL 32–4 GER, unification of German territories
 POL 7 US, visits and meetings concerning the United States
 POL 17 US–GER W, U.S. diplomatic and consular representation in West Germany
 POL US–USSR, political affairs and relations between the United States and the Soviet Union
 POL 17 USSR–GER B, Soviet diplomatic and consular representation in Berlin
 POL 17 USSR–GER E, Soviet diplomatic and consular representation in East Germany
 POL 17 USSR–GER W, Soviet diplomatic and consular representation in West Germany
 POL 38, quadripartite organizations on Berlin
 POL 38–6, quadripartite organizations on access to Berlin
 POL 38–9, quadripartite organizations on air access to Berlin
 POL 38–10, quadripartite organizations on ground access to Berlin
 UN 6 GER W, UN membership, West Germany

Lot Files

Conference Files: Lot 70 D 387

Executive Secretariat, international conference “follow-up” files, January 1969–February 1970

Conference Files: Lot 73 D 323

Executive Secretariat, conference files, 1971–1972

XVI Sources

EUR Files: Lot 74 D 430

Personal Records of Kenneth Rush, Ambassador to West Germany, including political subject files

EUR/CE Files: Lot 80 D 225

Office of Central European Affairs, Bureau for European Affairs, files on Berlin quadripartite negotiations, 1970–1972

EUR/CE Files: Lot 85 D 330

Records of Jonathan Dean, Political Counselor at the Embassy in Bonn, on Ostpolitik and Berlin, 1969–1972

EUR/CE Files: Lot 91 D 341

Berlin Desk, Office of Central European Affairs, Bureau for European Affairs, political subject files on the Berlin quadripartite negotiations, 1969–1971

S/S Files: Lot 73 D 443)

Official and personal files of Secretary of State William P. Rogers, including correspondence, speeches, statements, and chronological and alphabetical files, 1969–1973

S/S Files: Lot 74 D 164

Executive Secretariat, miscellaneous files, including President's Evening Reading (State Department Activities Report), 1964–1973; luncheon meetings between the President and Secretary, 1964–1969; and memoranda to the White House, 1965–1969

S/S Files: Lot 75 D 229

Records of Richard F. Pedersen, Counselor for the Department of State (1969–1973), including chronological files

S/S Files: Lot 80 D 212

Executive Secretariat National Security Files: National Security Study Memoranda and related papers, 1969–1980

S/S Files: Lot 82 D 126

Executive Secretariat, National Security Council and Under Secretary Committee, miscellaneous files, 1969–1977

S/S Files: Lot 82 D 307

Files of Walter J. Stoessel, 1959–1982, including telegrams, memoranda of conversation and other documents from his tenure as Ambassador to Poland (1968–1972)

Post Files

Bonn Post Files: Lot 72 F 81

Files of Ambassador Kenneth Rush on negotiations for a quadripartite agreement on Berlin and other political issues in U.S.-West German relations, 1969–1972

Nixon Presidential Materials

National Security Council Files

President's Daily Briefs

Agency Files

- Department of State
- NATO
- USUN
- Backchannel Files
 - Backchannel Messages: Europe, Mideast, Latin America
- Country Files
 - Europe: East Germany, Germany, Germany (Berlin), Germany (Bonn), Poland, USSR
- Haig Chron File
- Name Files
- NSC Secretariat
 - NSC Unfiled Material
- Presidential Correspondence File
 - Germany: Chancellor Kiesinger, Chancellor Brandt, USSR
- Presidential/HAK Memcons
- President's Trip Files
 - Dobrynin/Kissinger
 - The President's Conversations in Salzburg, Moscow, Tehran, and Warsaw
- Subject Files
 - HAK/President Memorandums
 - HAK/Irwin Meetings
 - HAK/Richardson Meetings
 - National Security Decision Memoranda
 - National Security Study Memoranda
 - Non-Proliferation Treaty
 - USSR Memcons
- VIP Visits
 - Chancellor Brandt Visits
- Henry A. Kissinger Office Files
 - HAK Administrative & Staff Files
 - Germany
 - HAK Trip Files
 - Country Files
 - Europe: Berlin and European Security; Ambassador Rush, Berlin; Egon Bahr, Berlin File; Bahr/Rush—Back-up; UK; USSR
 - Agency Files
 - State/WH Relationship
- National Security Council Historical Files
 - Minutes File
 - NSC Minutes
 - SRG Minutes
 - WSAG Minutes
 - NSC Meetings File
 - NSC Review Group Meetings File

XVIII Sources

SRG Meetings File

NSDM Files

NSDM 91

NSDM 106

NSSM Files

NSSM 111

NSSM 136

NSSM 146

White House Central Files

Staff Member and Office Files

H.R. Haldeman

Office of Presidential Papers and Archives: President's Daily Diary

Subject File

Confidential File

White House Special Files

President's Office Files

Annotated News Summaries

Memoranda for the President

White House Tapes

Executive Office Building

Camp David Hard Wire

Oval Office

White House Telephone

Library of Congress, Manuscript Division, Washington, DC

Papers of Henry A. Kissinger

Chronological File, 1969–1975

Geopolitical File, 1964–78

Soviet Union: Dobrynin, Chronological File ("D" File)

Top Secret Chronological File, 1969–1975

Memoranda of Conversations

Memoranda to the President, 1969–1974

Miscellany, 1968–1976

Record of Schedule

National Security Council, 1969–77

Meetings, Staff, 1969–71

Washington Special Actions Group

Telephone Records, 1969–1976

Telephone Conversations, Chronological File

Dobrynin, Anatoly Fedorovich

Washington National Records Center, Suitland, Maryland

Record Group 330, Records of the Office of the Secretary of Defense, Deputy Secretary of Defense, and the Assistant Secretary of Defense for International Security Affairs (ISA)

OSD Files: FRC 74 0045

Chronological Files for the Secretary and Deputy Secretary of Defense, 1969–1973, Top Secret

Gerald R. Ford Presidential Library, Ann Arbor, Michigan

National Security Adviser Files

Kissinger and Scowcroft West Wing Office Files

West Germany—Egon Bahr Communications

Yale University Library, New Haven, Connecticut

Manuscripts and Archives

Dean Acheson Papers

Personal Papers of William P. Rogers

Appointment Books

Documentary Collections and Memoirs

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Abbreviations and Terms

ABM, anti-ballistic missile
ACA, Allied Control Authority
ACDA, Arms Control and Disarmament Agency
AG, Attorney General
AK, Allied *Kommandatura*
ASAP, as soon as possible

BASC, Berlin Air Safety Center
BTF, Berlin Task Force

CDU, *Christlich-Demokratische Union* (Christian Democratic Union)
CEMA, Council for Mutual Economic Assistance
CES, Conference on European Security
CIA, Central Intelligence Agency
CINC, Commander in Chief
CINCEUR, Commander in Chief, Europe
CINCUSAFE, Commander in Chief, US Air Force, Europe
CINCUSEUR, Commander in Chief, US Army, Europe
COMECON, Council for Mutual Economic Assistance
CPSU, Communist Party of the Soviet Union
CSU, *Christlich-Soziale Union* (Christian Social Union)
CSCE, Conference on Security and Cooperation in Europe

DCM, Deputy Chief of Mission
DDR, *Deutsche Demokratische Republik* (German Democratic Republic)
Deptel, Department of State telegram
DKP, *Deutsche Kommunistische Partei* (German Communist Party)
DM, *Deutsche Mark* (German mark)
DOD, Department of Defense
DPG, Defense Planning Group

EC, European Community
EEC, European Economic Community
Emboff, Embassy officer
Embtel, Embassy telegram
ESC, European Security Conference
EUR, Bureau of European Affairs, Department of State
EUR/GER, Office of the Country Director for Germany, Bureau of European Affairs, Department of State
EUR/RPM, Office of the Director for NATO and Atlantic Political-Military Affairs, Bureau of European Affairs, Department of State
EUR/SOV, Office of Soviet Union Affairs, Bureau of European Affairs, Department of State
Exdis, exclusive distribution

FAZ, *Frankfurter Allgemeine Zeitung*
FBIS, Foreign Broadcast Information Service
FDP, *Freie Demokratische Partei* (Free Democratic Party)
FRG, Federal Republic of Germany (West Germany)

XXII Abbreviations and Terms

GDR, German Democratic Republic (East Germany)
GNP, gross national product

HAK, Henry Alfred Kissinger
HK, Henry Kissinger

IG, interagency (interdepartmental) group
IG/EUR, Interdepartmental Group for European Affairs
INR, Bureau of Intelligence and Research, Department of State
IZT, inter-zonal trade

JCS, Joint Chiefs of Staff
JUSOs, *Jung Sozialisten* (Young Socialists)

KGB, *Komitet gosudarstvennoy bezopasnosti* (State Security Committee)

L, Office of the Legal Adviser, Department of State
L/EUR, Assistant Legal Adviser for European Affairs, Department of State
LS, Language Services, Department of State

MBFR, Mutual and Balanced Force Reductions
Memcon, memorandum of conversation
MFN, Most Favored Nation
MIRV, multiple independently-targetable re-entry vehicle

NAC, North Atlantic Council
NASA, National Aeronautics and Space Administration
NATO, North Atlantic Treaty Organization
NPD, *Nationaldemokratische Partei Deutschlands* (National Democratic Party of [West] Germany)
NPG, Nuclear Planning Group
NPT, Nuclear Non-Proliferation Treaty
NSAM, National Security Action Memorandum
NSC, National Security Council
NSDM, National Security Decision Memorandum
NSSM, National Security Study Memorandum

OAS, Organization of American States
OCA, Office of Coordinator and Advisor
OMB, Office of Management and Budget
ONI, Office of Naval Intelligence

Polto, series indicator for telegram from the Mission to the North Atlantic Treaty Organization and European Regional Organizations
PRC, People's Republic of China

Reftel, reference telegram

S, Office of the Secretary, Department of State
S/S, Executive Secretariat, Department of State
SACEUR, Supreme Allied Commander, Europe
SALT, Strategic Arms Limitation Talks
SAM, surface-to-air missile

SEA, Southeast Asia

SED, *Sozialistische Einheitspartei Deutschlands* (Socialist Unity Party of [East] Germany)

Secto, series indicator for telegrams from the Secretary of State while away from Washington

Septel, separate telegram

SPD, *Sozialdemokratische Partei Deutschlands* (Social Democratic Party of [West] Germany)

SRG, Senior Review Group

TASS, *Telegrafnoye Agentstvo Sovyetskovo Soyuz*a (Telegraphic Agency of the Soviet Union, Soviet News Agency)

Topol, series indicator for telegrams to the Mission to the North Atlantic Treaty Organization and European Regional Organizations

Tosec, series indicator for telegrams to the Secretary of State while away from Washington

TTD, temporary travel document

UK, United Kingdom

UN, United Nations

UNGA, United Nations General Assembly

US, United States

USA, United States of America; or United States Army

USAF, United States Air Force

USAFE, United States Air Force, Europe

USAREUR, US Army, Europe

USG, United States Government

USN, United States Navy

USNATO, series indicator for telegrams from the Mission to the North Atlantic Treaty Organization to the Department of State

USSR, Union of Soviet Socialist Republics

USUN, US Mission to the United Nations

VIP, very important person

WEU, Western European Union

WH, White House

WSAG, Washington Special Actions Group

Persons

- Abras(s)imov, Pyotr A.**, Soviet Ambassador to East Germany until 1971; thereafter Soviet Ambassador to France
- Abshire, David M.**, Assistant Secretary of State for Congressional Relations from April 20, 1970
- Acheson, Dean**, former Secretary of State (1949–1953)
- Adenauer, Konrad** (CDU), former Chancellor of the Federal Republic of Germany (1949–1963)
- Agnew, Spiro T.**, Vice President of the United States from January 20, 1969
- Ahlers, Conrad** (SPD), Deputy Head of the West German Press and Information Office until October 22, 1969, then State Secretary and Head (government spokesman) of the Office until December 4, 1972; member of the Bundestag from December 13, 1972
- Akalovsky, Alexander**, Political Officer at the Mission (Chief of the Eastern Affairs Section) in Berlin from July 1970
- Alexandrov-Agentov, Andrei M.**, Advisor (National Security) to the General Secretary (Brezhnev) of the Central Committee of the Communist Party of the Soviet Union
- Allardt, Helmut**, West German Ambassador to the Soviet Union until March 31, 1972
- Arnaud, Claude**, Director of European Affairs in the French Foreign Ministry
- Audland, Christopher John**, Counselor at the British Embassy in West Germany from March 24, 1970
- Bahr, Egon** (SPD), Special Ambassador and Chief of the Planning Staff in the West German Foreign Office until October 21, 1969; then State Secretary (Foreign, Defense, and German Policy) in the Federal Chancellery and Plenipotentiary of the Federal Republic of Germany in Berlin; also West German Minister for Special Tasks from December 15, 1972
- Baker, John A., Jr.**, Country Director for Czechoslovakia, Hungary, Poland, Bureau for European Affairs from August 1970
- Barzel, Rainer** (CDU), member of the Bundestag; Chairman of the CDU/CSU Parliamentary Party Group; CDU Party Chairman from October 4, 1971; CDU/CSU candidate for Chancellor in the 1972 Bundestag Election (from November 29, 1971)
- Bauer, Leo** (SPD), Chief Editor of *Die Neue Gesellschaft*; advisor to Willy Brandt
- Beam, Jacob D.**, Ambassador to the Soviet Union from April 18, 1969
- Berg, Hermann von**, Division Chief in the Press Office for the Chairman (Stoph) of the Ministerial Council of the German Democratic Republic; informal East German emissary
- Bergsten, C. Fred**, member of the National Security Council Operations Staff (International Economic Affairs) from January 1969 until June 1971
- Bertsch, Herbert**, Deputy Director of the Press Office for the Chairman (Stoph) of the Ministerial Council of the German Democratic Republic
- Binder, David**, *New York Times* bureau chief in Bonn
- Birrenbach, Kurt** (CDU), member of the Bundestag; informal West German (CDU) emissary
- Blumenfeld, Erik** (CDU), member of the Bundestag
- Boerner, Michael P.**, Political Officer at the Embassy in West Germany until July 1971
- Bohlen, Charles E.**, Secretary of State ad interim on January 20, 1969; Deputy Under Secretary of State for Political Affairs until January 22, 1969
- Bondarenko, Alexander P.**, Minister at the Soviet Embassy in West Germany until April 1971; then head of the Third European Division in the Soviet Foreign Ministry

- Brandt, Willy** (SPD), SPD Chairman; former Governing Mayor of Berlin; West German Vice Chancellor and Foreign Minister until October 21, 1969; SPD candidate for Chancellor in the 1969 and 1972 Bundestag elections; Chancellor of the Federal Republic of Germany from October 22, 1969
- Brezhnev, Leonid I.**, General Secretary of the Central Committee of the Communist Party of the Soviet Union
- Brimelow, Thomas**, British Ambassador to Poland; then Deputy Under Secretary of State in the British Foreign Office from March 19, 1969
- Brosio, Manlio G.**, General Secretary of the North Atlantic Treaty Organization until October 1, 1971
- Brower, Charles N.**, Assistant Legal Adviser for European Affairs, Department of State, from November 1969 until July 1971; then Deputy Legal Adviser
- Burns, Arthur F.**, Counselor to the President from January 1969 until January 1970; then Chairman of the Federal Reserve Board
- Butterfield, Alexander P.**, Deputy Assistant to the President
- Carstens, Karl** (CDU), State Secretary and Head of the West German Federal Chancellery until October 22, 1969; member of the Bundestag from December 13, 1972
- Cash, Frank E., Jr.**, Deputy Chief of Mission (Charge d'Affaires from February 20 until June 27, 1972) at the Embassy in West Germany from June 1971
- Ceausescu, Nicolae**, General Secretary of the Central Committee of the Romanian Communist Party and Chairman of the State Council of the Socialist Republic of Romania
- Chou Enlai** (Zhou Enlai), Premier of the People's Republic of China
- Church, Frank F.**, Senator (D-Idaho)
- Clay, Lucius D.**, former Deputy Military Governor and Military Governor of Germany (1945–1949)
- Cline, Ray S.**, Director of the Bureau of Intelligence and Research, Department of State, from October 26, 1969
- Connally, John B.**, Secretary of the Treasury from February 8, 1971 until May 16, 1972
- Cromer, Earl of** (George Rowland Stanley Baring), British Ambassador to the United States from February 8, 1971
- Cushman, Lieutenant General Robert E., Jr.**, USMC, Deputy Director of Central Intelligence from May 7, 1969 until December 31, 1971; then Commandant of the Marine Corps
- Cyrankiewicz, Józef**, Polish Minister-President; then Chairman of the State Council from December 23, 1970 until March 28, 1972
- Dahrendorf, Ralf** (FDP), member of the Bundestag from October 20, 1969; Parliamentary State Secretary in the West German Foreign Office from October 22, 1969; member of the European Community Commission in Brussels and Director of the Division for "Foreign Relations" in the West German Foreign Office after June 1, 1970
- Davis, Jeanne W.**, Director of the National Security Council Secretariat from 1969 until 1971; then National Security Council Staff Secretary
- Dean, Jonathan**, Political Counselor (Chief of the Political Section) at the Embassy in West Germany until September 1972
- Diehl, Günther**, State Secretary and Head of the West German Press and Information Office (government spokesman) until October 22, 1969
- Dobrynin, Anatoly F.**, Soviet Ambassador to the United States; candidate member and, from April 1971, full member of the Central Committee of the Communist Party of the Soviet Union
- Douglas-Home, Alexander F.**, British Foreign Minister from June 20, 1970
- Downey, Arthur T.**, Attorney Advisor in the Office of the Assistant Legal Adviser for European Affairs, Department of State, until September 1969; then member of the National Security Council Operations Staff (Europe) until 1972

- Dubs, Adolph**, Acting Country Director for the Soviet Union, Bureau of European Affairs, Department of State, until April 1969; then Country Director until August 1971; Deputy Chief of Mission at the Embassy in the Soviet Union from September 1972
- Duckwitz, Georg Ferdinand**, First State Secretary (Political and Administrative Affairs) in the West German Foreign Office until May 31, 1970
- Ehmke, Horst** (SPD), State Secretary in the West German Justice Ministry until March 26, 1969; then West German Justice Minister until October 21, 1969; then State Secretary and Head of the Federal Chancellery, as well as Minister for Special Tasks, until December 15, 1972; thereafter Minister for Research and Technology
- Eliot, Theodore L., Jr.**, Executive Secretary of the Department of State from August 10, 1969
- Ellsworth, Robert F.**, Assistant to the President from January until May 1969; Permanent Representative on the Council of the North Atlantic Treaty Organization from May 13, 1969 until June 30, 1971
- Erhard, Ludwig** (CDU), former Chancellor of the Federal Republic of Germany (1963–1966)
- Falin, Valentin M.**, head of the Third European Department in the Soviet Foreign Ministry until April 1971; Soviet Ambassador to West Germany from May 3, 1971
- Fazio, V. James**, member of the National Security Council Staff from 1970 until 1971; then Assistant Director of the White House Situation Room until 1972
- Fessenden, Russell**, Deputy Chief of Mission (Charge d'Affaires from January 14 until July 22, 1969) at the Embassy in West Germany until July 1971; then Deputy Assistant Secretary of State for European Affairs
- Flanigan, Peter M.**, Consultant to the President on Administration and Staffing from January until April 1969; thereafter Assistant to the President (for International Economic Affairs from January 1972); also Executive Director of the Council for International Economic Policy from February 1972
- Frank, Paul**, head of the First Political Division in the West German Foreign Office until June 1, 1970; then First State Secretary (Political and Administrative Affairs)
- de Gaulle, Charles**, President of France until April 28, 1969
- Genscher, Hans-Dietrich** (FDP), member of the Bundestag; FDP Deputy Party Chairman; West German Minister of the Interior from October 22, 1969
- Gerstenmaier, Eugen** (CDU), President of the Bundestag until January 31, 1969; CDU Deputy Chairman
- Gierek, Edward**, member of the Politburo of the Central Committee of the Polish United Workers' Party; First Secretary of the Central Committee from December 20, 1970
- Goldwater, Barry M.**, Senator (R-Arizona)
- Gomułka, Władisław**, member of the Politburo and First Secretary of the Central Committee of the Polish United Workers' Party until December 20, 1970
- Gradl, Johann Baptist** (CDU), member of the Bundestag; Chairman of the Bundestag Committee for Inner-German Relations
- Grewe, Wilhelm G.**, West German Permanent Representative on the Council of the North Atlantic Treaty Organization
- Gromyko, Andrei**, Soviet Foreign Minister
- Guttenberg, Karl Theodor Freiherr von und zu** (CSU), member of the Bundestag; Parliamentary State Secretary in the West German Foreign Office until October 22, 1969
- Haig, Colonel** (from November 1969, Brigadier General; from March 1972, Major General) **Alexander M., Jr.**, USA, Senior Military Assistant to the Assistant to the President for National Security Affairs from January 20, 1969 until June 1970; then Deputy Assistant to the President for National Security Affairs

XXVIII Persons

- Halperin, David**, member of the Office of the Assistant to the President for National Security Affairs in 1971
- Harkort, Günther**, head of the Division for Trade and Development Policy in the West German Foreign Office until March 17, 1969; then Second State Secretary until May 30, 1970
- Hassell, Kai-Uwe von** (CDU), West German Minister of Displaced Persons, Refugees and War Wounded until February 5, 1969; then President of the Bundestag; CDU Deputy Chairman
- Heath, Edward**, British Prime Minister from June 19, 1970
- Heck, Bruno** (CDU), member of the Bundestag; CDU General Secretary until 1971
- Heinemann, Gustav W.** (SPD), West German Minister of Justice until March 26, 1969; SPD/FDP Candidate for President in the 1969 Bundesversammlung election; President of the Federal Republic of Germany from July 1, 1969
- Henderson, Nicholas**, British Ambassador to Poland from March 1969 until July 1972; then British Ambassador to West Germany
- Hillenbrand, Martin J.**, Ambassador to Hungary until February 15, 1969; Assistant Secretary of State for European Affairs from February 20, 1969 until April 30, 1972; then Ambassador to the Federal Republic of Germany from June 27, 1972
- Holschuh, Captain Howard W.**, USN, Naval Intelligence Officer in Germany (Frankfurt) from December 1969 to August 1972
- Honecker, Erich**, member of the Politburo of the Central Committee of the Socialist Unity Party of (East) Germany and Secretary of the National Defense Council of the German Democratic Republic; from May 3, 1971, First Secretary of the Central Committee; and from June 24, 1971, Chairman of the National Defense Council
- Houdek, Robert**, member of the Office of the Assistant to the President for National Security Affairs from January 1969 until July 1971
- Hughes, Thomas L.**, Director of the Bureau of Intelligence and Research, Department of State until August 25, 1969
- Humphrey, Hubert H.**, Vice President until January 20, 1969; Senator (D-Minnesota) from January 1971
- Hupka, Herbert**, member of the Bundestag
- Hyland, William G.**, member of the National Security Council Operations Staff (Europe) from 1969 until 1972
- Irwin, John N., II**, Under Secretary of State from September 21, 1970 until July 12, 1972; Deputy Secretary of State from July 13, 1972
- Jackling, Roger W.**, British Ambassador to the Federal Republic of Germany
- Jackson, Henry M.**, Senator (D-Washington)
- Jędrychowski, Stefan**, Polish Foreign Minister until December 22, 1971
- Johnpoll, Alexander C.**, Acting Director of the Office of German Affairs, Bureau of European Affairs, Department of State, until June 1969; also Deputy Director of the Berlin Task Force from March 1969 until June 1969
- Johnson, Lyndon B.**, President of the United States until January 20, 1969
- Johnson, U. Alexis**, Under Secretary of State for Political Affairs from February 7, 1969
- Karamessines, Thomas H.**, Deputy Director for Plans, Central Intelligence Agency
- Kennedy, David M.**, Secretary of the Treasury from January 20, 1969 until December 14, 1970
- Kennedy, Colonel Richard T.**, (USA, Ret.), member of the National Security Council Staff from 1969 to 1970; then Director of the Planning Group, National Security Council Staff
- Kevorkov, Vëiiacheslav**, KGB representative at the Soviet Council of Ministers

- Khrushchev, Nikita**, former First Secretary of the Central Committee of the Communist Party Chairman of the Soviet Council of Ministers
- Khotulev, Bronislav P.**, Counselor at the Soviet Embassy in East Germany
- Kiesinger, Kurt Georg (CDU)**, Chancellor of the Federal Republic of Germany until October 21, 1969; CDU/CSU Candidate for Chancellor in the 1969 Bundestag election; also CDU Party Chairman until October 4, 1971
- Kissinger, Henry A.**, Assistant to the President for National Security Affairs from January 20, 1969
- Klein, David**, Deputy Assistant Chief of Mission in Berlin until April 1971; then Assistant Chief (Minister)
- Kohl, Helmut (CDU)**, Minister President of Rheinland-Pfalz from May 19, 1969; also CDU Deputy Party Chairman
- Kohl, Michael**, State Secretary for the Ministerial Council of the German Democratic Republic
- Kornienko, Georgi M.**, head of the American Department in the Soviet Foreign Ministry
- Kosygin, Alexei N.**, Chairman (Premier) of the Soviet Council of Ministers
- Kozyrev, Semen P.**, Soviet Deputy Foreign Minister
- Kraft, Joseph**, syndicated columnist
- Kvitinsky, Yuli A.**, Counselor at the Soviet Embassy in West Germany
- Laird, Melvin R.**, Secretary of Defense from January 22, 1969
- Lednev, Valery V.**, Soviet journalist; KGB representative
- Ledsky, Nelson C.**, Political Officer at the Embassy in West Germany until July 1969; then Country Officer for Berlin and the Soviet Zone (East Germany), Office of the Country Director for Germany, Bureau for European Affairs, Department of State
- Lesh, Donald R.**, member of the National Security Council Operations Staff (Europe), 1969–1970
- Lincoln, George A.**, Director of the Office of Emergency Preparedness
- Livingston, Robert Gerald**, Political Officer (Deputy Chief of the Political Section) at the Embassy in West Germany until August 1970; Office of Disarmament and Communist Political-Military Affairs, Bureau of Politico-Military Affairs, Department of State, from November 1971 until February 1972; then member of the National Security Council Operations Staff (Europe)
- Lodge, Henry Cabot**, Ambassador to the Federal Republic of Germany from May 27, 1968 until January 14, 1969
- Lord Winston**, member of the National Security Council Planning Staff and Group from January 1969 until 1970; also member of the National Security Council Operations Staff (United Nations Affairs) from September 1969 until 1970; thereafter staff member of the Office of the Assistant to the President for National Security Affairs
- Lübke, Heinrich (CDU)**, President of the Federal Republic of Germany until July 1, 1969
- Lustig, René**, Second Counselor at the French Embassy in West Germany until June 1972; thereafter First Counselor
- Mansfield, Mike**, Senator (D-Montana); Senate Majority Leader
- Marx, Werner (CDU)**, member of the Bundestag
- McCloy, John J.**, former US Military Governor and High Commissioner for Germany (1949–1952)
- McGovern, George S.**, Senator (D-South Dakota); Democratic candidate and nominee for President in 1972
- McManis, David Y.**, member of the Office of the Assistant to the President for National Security Affairs from 1969 until 1971; then Director of the White House Situation Room
- Meyer, Cord, Jr.**, Assistant Deputy Director for Plans, Central Intelligence Agency

XXX Persons

- Mitchell, John N.**, Attorney General from January 20, 1969 until February 15, 1972; then Chairman of the Committee to Re-Elect the President until July 1, 1972
- Moersch, Karl**, member of the Bundestag (FDP); Parliamentary State Secretary in the West German Foreign Office from July 1, 1970
- Moorer, Admiral Thomas H.**, USN, Chief of Naval Operations until July 1, 1970; then Chairman of the Joint Chiefs of Staff
- Morris, Brewster H.**, Assistant Chief of Mission (Minister) in Berlin until April 1971
- Mosbacher, Emil, Jr.**, Chief of Protocol, Department of State, from January 21, 1969 until June 30, 1972
- Muskie, Edmund S.**, Senator (D-Maine); Democratic candidate for President in 1972
- Nelson, James C.**, Economic Officer in the (Office of German Affairs) Office of the Country Director for Germany, Bureau of European Affairs, Department of State, from July 1969
- Nixon, Richard M.**, President of the United States from January 20, 1969
- Noebel, Hans H.**, Minister at the West German Embassy in the United States from March 16, 1970
- Norden, Albert**, member of the Politburo of the Central Committee of the Socialist Unity Party of (East) Germany
- Nutter, G. Warren**, Assistant Secretary of Defense for International Security Affairs from March 4, 1969
- Obst, Harry**, interpreter in the Language Services Division, Office of Operations, Bureau of Administration, Department of State
- Oncken, Dirk**, Minister at the West German Embassy in Washington; Chief of the Planning Staff in the West German Foreign Office from February 17, 1970
- Osterheld, Horst**, head of Division II (Foreign and Inner-German Relations, and External Security) in the West German Federal Chancellery until November 24, 1969
- Packard, David**, Deputy Secretary of Defense from January 24, 1969 until December 13, 1971
- Pauls, Rolf**, West German Ambassador to the United States from January 31, 1969
- Pedersen, Richard F.**, Counselor of the Department of State from January 24, 1969
- Podgorny, Nicolai V.**, Chairman of the Presidium of the Supreme Soviet
- Pompidou, Georges**, President of France from June 20, 1969
- Puhan, Alfred**, Acting Deputy Assistant Secretary of State for European Affairs until April 1969; also Director of the Berlin Task Force from March until April 1969; Ambassador to Hungary June 16, 1969
- Read, Benjamin H.**, Executive Secretary of the Department of State until February 14, 1969
- Richardson Elliot L.**, Under Secretary of State from January 23, 1969 until June 23, 1970
- Robert, Horst-Krafft**, Director of Subdivision A in the Division for Trade Policy, Development Policy, and European Economic Integration in the West German Foreign Office from March 17, 1969
- Rodman, Peter W.**, member of the Planning Group, National Security Council Staff, from 1969 until 1970; thereafter staff member of the Office of the Assistant for National Security Affairs
- Rogers, William P.**, Secretary of State from January 22, 1969
- Ruete, Hans**, head of the Second Political Division in the West German Foreign Office; West German Ambassador to France from June 15, 1970
- Rush, Kenneth**, Ambassador to the Federal Republic of Germany from July 22, 1969 until February 20, 1972; Deputy Secretary of Defense from February 23, 1972
- Rusk, Dean**, Secretary of State until January 20, 1969

- Sahm, Ulrich**, Director of Subdivision A (East-West Relations) in the Second Political Division of the West German Foreign Office until October 21, 1969; then head of Division II (Foreign and Inner-German Relations and External Security) in the Federal Chancellery; West German Ambassador to the Soviet Union from April 26, 1972
- Samuels, Nathaniel**, Deputy Under Secretary of State for Economic Affairs from April 1, 1969 until May 31, 1972
- Sauvagnargues, Jean**, French Ambassador to West Germany from May 5, 1970
- Schaetzel, J. Robert**, Permanent Representative to the European Communities until October 25, 1972
- Scheel, Walter** (FDP), FDP Party Chairman; FDP Candidate for Chancellor in the 1969 Bundestag election; West German Vice Chancellor and Foreign Minister from October 22, 1969
- Schiller, Karl** (SPD), West German Minister for Economic Affairs and Finance (from May 13, 1971) until July 2, 1972
- Schmidt, Helmut** (SPD), Chairman of the SPD Parliamentary Party Group until October 21, 1969; West German Minister of Defense from October 22, 1969 until July 7, 1972; then West German Minister for Economic Affairs (until December 15, 1972) and Finance
- Schnippenkötter, Swidbert**, Director of Subdivision B (General Disarmament and European Security) in the Second Political Division of the West German Foreign Office and Representative of the West German Government for Questions of Disarmament and Arms Control
- Schröder, Gerhard** (CDU), member of the Bundestag; West German Defense Minister until October 21, 1969; CDU/CSU Candidate in the 1969 Bundesversammlung election; Chairman of the Bundestag Committee on Foreign Affairs; Deputy CDU Party Chairman
- Schütz, Klaus** (SPD), Governing Mayor of Berlin
- Schumann, Maurice**, French Foreign Minister from June 24, 1969
- Semenov, Vladimir S.**, Soviet Deputy Foreign Minister
- Seydoux de Clausonne, François**, French Ambassador to West Germany
- Seydoux de Clausonne, Roger**, French Ambassador to the Soviet Union
- Shakespeare, Frank J., Jr.**, Director, U.S. Information Agency, from February 14, 1969
- Shultz, George P.**, Secretary of Labor from January 20, 1969 until June 10, 1970; then Director of the Office of Management and Budget; Secretary of Treasury and Assistant to the President from May 16, 1972
- Skoug, Kenneth N. Jr.**, Deputy Country Director for Germany, Bureau for European Affairs, Department of State, from July 1969
- Smith, Gerard C.**, Director of the U.S. Arms Control and Disarmament Agency from February 7, 1969; from November 19, 1969, also Representative (Ambassador) and Chairman of the U.S. Delegation to the Strategic Arms Limitation Talks (SALT I)
- Sonnenfeldt, Helmut**, member of the National Security Council Operations Staff (Europe) from January 1969
- Spiers, Ronald I.**, Deputy Assistant Secretary of State for Politico-Military Affairs (Director of the Bureau of Politico-Military Affairs from September 1969) from August 1969
- Spiro, Herbert J.**, member of the Planning and Coordination Staff, Department of State, from July 1970
- Spreti, Karl Graf von**, West German Ambassador to Guatemala until April 5, 1970
- Springer, Axel C.**, owner and Chairman of the Board of Axel Springer Verlag (West German publishing company)
- Springsteen, George S., Jr.**, Deputy Assistant Secretary of State (Acting Secretary from May until August 1972) for European Affairs
- Staden, Berndt von**, Director of Subdivision A in the First Political Division of the Foreign Office until June 1, 1970; then head of the Political Division

- Stans, Maurice H.**, Secretary of Commerce from January 20, 1969 until January 27, 1972
- Stoessel, Walter J., Jr.**, Ambassador to Poland until August 5, 1972; Assistant Secretary of State for European Affairs from August 9, 1972
- Stoltenberg, Gerhard**, member of the Bundestag; Deputy Chairman of the CDU/CSU Parliamentary Party Group
- Stoph, Willi**, Chairman of the Ministerial Council of the German Democratic Republic; member of the Politburo of the Central Committee of the Socialist Unity Party of (East) Germany
- Strauss, Franz Josef** (CSU), Chairman of the Christian Social Union; member of the Bundestag; West German Minister of Finance until October 21, 1969
- Sutterlin, James S.**, (Director, Office of German Affairs) Country Director for Germany, Bureau for European Affairs, Department of State, from June 1969
- Swank, Emory C.**, Deputy Chief of Mission at the Embassy in the Soviet Union until June 1969; then Deputy Assistant Secretary of State for European Affairs until September 1970
- Thompson, Alan R.**, International Relations Officer in the Office of the Country Director for Germany, Bureau of European Affairs, Department of State, until July 1971
- Tito, Josip Broz**, President of Yugoslavia
- Toon, Malcolm**, Acting Deputy Assistant Secretary of State for European Affairs until May 1969; Ambassador to Czechoslovakia from July 31, 1969 until October 11, 1971; then Ambassador to Yugoslavia from October 23, 1971
- Tsarpakin, Semen K.**, Soviet Ambassador to West Germany until April 1971
- Ulbricht, Walter**, First Secretary of the Central Committee of the Socialist Unity Party of (East) Germany until May 3, 1971; Chairman of the State Council of the German Democratic Republic
- Volcker, Paul A.**, Under Secretary of the Treasury for Monetary Affairs from January 1969
- Vorontsov, Yuli M.**, Minister at the Soviet Embassy in the United States
- Walters, Major General** (from March 1972 Lieutenant General) **Vernon A.**, USA, Military Attaché at the Embassy in France until April 1972; Deputy Director of Central Intelligence from May 2, 1972
- Watts, William**, National Security Council Staff Secretary from 1969 until April 1970
- Wehmeyer, Donald A.**, Attorney Adviser at the Embassy in West Germany
- Wehner, Herbert** (SPD), West German Minister for All-German Affairs until October 21, 1969; then Chairman of the SPD Bundestag Parliamentary Party Group; also SPD Deputy Party Chairman
- Weizsäcker, Richard von** (CDU), member of the Bundestag
- Well, Günther van**, Director of the Department "Foreign Political Questions that Deal with Berlin and Germany as a Whole" in the First Political Division of the West German Foreign Office
- Wienand, Karl** (SPD), member of the Bundestag; Whip of the SPD Parliamentary Party Group
- Wilson, Harold**, Chairman of the Labour Party; British Prime Minister until June 19, 1970
- Winzer, Otto**, East German Foreign Minister
- Young, David R., Jr.**, Administrative Assistant, Office of the Assistant to the President for National Security Affairs (Kissinger)
- Ziegler, Ronald L.**, White House Press Secretary from January 20, 1969
- Zorin, Valerian A.**, Soviet Ambassador to France

Germany and Berlin, 1969–1972

1. Memorandum Prepared by the Ambassador to Germany (Lodge)¹

October 31, 1968.

GERMANY

1. Even though divided, modern Germany is much the strongest country in Europe (excluding the Soviet Union) as regards population, gross national product, steel production, organizing ability, vitality, general dynamism and military potential. It must thus be the core of the defense of Europe.

2. The political leadership of Germany is, however, not as strong. The Chancellor² seems to have a hard time thinking his way through his relationship with France on the one hand and with the United States on the other. He appears torn between being firm on the one hand and following Willy Brandt's policy of "détente" on the other. (The difficulty of practicing "détente" unilaterally without any cooperation from the other fellow must make his task even harder!) When the access routes to Berlin were being harassed at the time of my arrival in May, I was never pressed by the Chancellor to take strong steps of the kind which many were then urging.³ It was always easy to keep abreast of

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 681, Country Files, Europe, Germany, Vol. I. Top Secret. Lodge signed and dated the memorandum by hand. Richard Nixon, then Republican candidate for President, was in New York on October 31 for a nationally televised campaign rally at Madison Square Garden. Lodge may have given Nixon the memorandum before attending the rally. (Nixon, *RN: The Memoirs of Richard Nixon*, p. 322) On November 9, "while returning to his post in Bonn," Lodge stopped in Key Biscayne to "brief the President-elect on the situation in Europe." (*The New York Times*, November 10, p. 73) No evidence has been found to indicate whether the two men discussed this memorandum at that or any other time.

² Kurt Georg Kiesinger (CDU).

³ On March 10 the East German Government announced the first in a series of travel restrictions to Berlin as a means to protest the failure of the West German Government to outlaw the neo-Nazi National Democratic Party (NPD). Kiesinger was still debating how to respond to this campaign when Lodge presented his credentials on May 27. After meeting Kiesinger on June 21, Lodge commented: "The Chancellor's failure to be concrete on what he wanted us to be 'firm' about leads me to the view that he was 'making a record'—putting himself in a position to say that he had 'told' us." (*Foreign Relations, 1964–1968*, vol. XV, Document 276)

the Chancellor whose words were very carefully hedged. Indeed I have not yet had a strong or deeply felt demand made on me following upon the invasion of Czechoslovakia.⁴ (None of the above means that the Chancellor should make more clear cut declarations in public. Every German Chancellor, no matter how decisive he may be, must be highly discreet in public.)

3. Contributing to the Chancellor's indecision is the chill in the American attitude towards Germany which began in 1961 and which has now produced the current lack of German confidence in our commitment to help defend them against aggression. The Soviet invasion of Czechoslovakia, as well as intensifying their desire for American reassurance, also dealt a severe blow to German self confidence. This—and their weak leadership—may explain their half-hearted reactions mentioned in paragraph 2 and their neglect of their own military strength. At the Washington end is the clamor to pull out our troops and the frequently expressed doubts about Germany's importance to our security. The net of it all is a downward spiral as regards German-American relations with all that they mean to our entire Atlantic posture and to our survival.

4. I think it is only prudent to assume that a broad Soviet aim is to take over Germany gradually and make of it another Finland. This would of course be done without an actual invasion: the mere proximity of huge Soviet armies can get results here as they have elsewhere. If they are successful in bringing Germany into the Soviet orbit, neither the United Kingdom, as an offshore archipelago, or France, as part of a coastal strip, would count for much. The Soviet Union, for the first time, would in this event be stronger than the United States. We would then await their decision concerning our fate.

5. There is also no doubt that the Soviet Union has some very strong cards to play. Emotions here about East Germany and Berlin understandably run deep. A Soviet offer, therefore, to unify East and West Germany and to locate the capital of the newly unified state in Berlin would be very difficult for any German government to resist, even if the price were to be the neutralization of Germany. I hasten to say that there is no sign whatever of such an offer being made and that this statement is made for illustrative purposes only. Indeed the Soviets may never have to pay so high a price: if the Germans truly believe that we no longer consider them vital to our security, a tacit appease-

⁴ For a memorandum of conversation between Lodge and Kiesinger on September 5, including discussion of the Soviet invasion of Czechoslovakia the previous month, see *ibid.*, Document 285.

ment of the Russians will surely take place. Twice in our lifetime Germans and Russians have reached agreement.⁵

6. If, as I believe, it is a vital American interest to keep West Germany from going into the Soviet orbit, then it is a vital American interest not only to keep NATO going, but also to energize and vitalize it. Under these circumstances there are a number of concrete measures which the President Elect should consider, as follows:

- a) A trip to Berlin.
- b) A statement that he favors extending NATO after 1969 and will ask the Senate to pass a resolution to this effect.
- c) A commitment to send to Germany on permanent duty two brigades of the 24th Division and to maintain existing troop levels for a three to five year period. This would be part of a "package deal" in which the Germans agree to make a three to five year "offset" commitment to pay for our expenses in Germany which hurt us so much because of their effect on our international balance of payments. The present administration has never been willing to make such a "package deal" and the haggling which we have had to do about the so-called "offset" question has been a cancer eating away at our relations. It was, I believe, the factor which resulted in the overthrow of Chancellor Erhard.⁶

7. If the concrete measures suggested in paragraph 6 were effectuated, an upward spiral would ensue which would be of great benefit to our security.

8. I have checked the above estimate of the situation with regard to Germany with eminent men who cannot be suspected of German "localitis" and they concur.

⁵ Reference is to the Rapallo Treaty of April 16, 1922, and the "Hitler-Stalin Pact" of August 23, 1939.

⁶ On November 30, 1966, 2 months after President Johnson refused to soften the terms of the "offset" agreement and 1 month after the Free Democratic Ministers left his Cabinet, Ludwig Erhard resigned as West German Chancellor.

2. **Telegram From the Mission in Berlin to the Department of State**¹

Berlin, January 8, 1969, 1520Z.

20. Subject: Meeting With Ambassador Abrasimov. From Ambassador Lodge.

1. At meeting today in East Berlin with Ambassador Abrasimov, discussion focussed on Germany, Berlin, and US-Soviet relations. Despite our differences, particularly over holding the forthcoming Bundesversammlung in West Berlin, we talked for nearly two hours in a cordial atmosphere. Even on the Bundesversammlung, Abrasimov's statements seemed to show a certain amount of restraint.

2. I raised the subject of Berlin by saying I hoped that nothing would happen here which would prejudice general relations between Washington and Moscow.

3. Replying that this depended entirely upon "you," Abrasimov launched an attack on the decision to hold the Bundesversammlung in West Berlin, including the role of US "permission" in the decision. He said that this represented a provocation against the USSR and the GDR, and that it could not be excluded that they would react strongly to the provocation. Abrasimov said that their patience in the past with regard to illegal FRG activities in West Berlin should not be taken as acquiescence but rather as a reflection of the Soviet desire to promote peace and quiet in Europe. Abrasimov returned to this theme repeatedly during the discussions but at no time did he imply that the Soviets would do more than they did at the time of the CDU conference.²

4. In reply I reviewed our position on the Bundesversammlung and again stressed my hope that nothing would be done here to jeopardize US-Soviet relations. I recalled that frequently GDR activities occurred in East Berlin which could be adversely criticized, and as illustration I cited enlisting East Berlin youths into the East German army. There were obviously many matters on which we disagreed but which we should always keep in perspective.

5. When asked why holding the Bundesversammlung in West Berlin could be considered a provocation against the Soviet Union, Abrasimov replied as follows: although the GDR is a sovereign, inde-

¹ Source: National Archives, RG 59, Central Files 1967–69, POL US-USSR. Secret; Priority. Repeated to Bonn, London, Moscow, Paris for Harriman, USNATO, Warsaw, Prague, Budapest, Bucharest, Belgrade, Sofia, Munich, Saigon, and for POLADs at CINCUSAREUR (Heidelberg), CINCEUR (Vaihingen), and CINCUSAFE (Wiesbaden).

² The CDU held its national party congress in Berlin November 3–7, 1968.

pendent state with its capital in East Berlin, the USSR, with the agreement of the GDR, has retained responsibility for access to West Berlin. Therefore when officials of the Federal Republic travel to West Berlin to engage in illegal activities such as the Bundesversammlung, they “bring into doubt the security of access” for which the Soviet Union is responsible.

6. Abrasimov said that the West Germans for their own reasons wanted to aggravate relations between Moscow and Washington. He asserted that such FRG activities as the Bundesversammlung had as a major purpose sowing discord between Moscow and Washington and increasing tensions in Central Europe. Abrasimov could not understand why the US permitted Bonn to do this.

7. I challenged his assertion by saying that on the basis of my first-hand knowledge in Bonn, this was not the intention of the FRG Government. I also said that the Soviet Union should not let the East Germans provoke a deterioration in US-Soviet relations. Abrasimov quickly assured me that as far as the East Germans were concerned, he could absolutely assure me that they would do nothing to prejudice US-Soviet relations nor would they “do anything against the US.”

8. At one point Abrasimov asserted that in addition to the provocative character of the Bundesversammlung being held in Berlin, other factors which displeased the Soviets were the planned participation of NPD and West Berlin delegates.

9. Abrasimov attacked the recent West Berlin court decision on the NPD by comparing the whole affair to a three act comic opera.³ He said Mayor Schuetz’s statement against the NPD was the first act, Allied approval of the Mayor’s position was the second, and the third act was the court decision reversing the outcome of the first two acts. I said that this court decision was in all likelihood not final and that we did not know how the NPD play would turn out because there would assuredly be a fourth act.

10. At one point in discussing the current status of Berlin, Abrasimov said that East Berlin’s incorporation into the GDR as its capital was a “fact” which the Western powers had to respect. For their part the Soviets respected the fact that West Berlin was a city occupied by US, UK, and French military forces.

³ On October 3, 1968, Schütz asked the Western Commandants to consider banning the National Democratic Party (NPD) in West Berlin. Before the Commandants could take action, the NPD in West Berlin decided to disband voluntarily, thereby avoiding any legal limitations. For discussion of measures to prevent the NPD from participating in the Bundesversammlung (Federal Assembly), see *Foreign Relations, 1964–1968*, vol. XV, Documents 259, 262, 294, 296, 300, and 301.

11. I referred to Abrasimov's reference to the new administration and said that I was confident that President-elect Nixon gave the highest importance to US relations with the Soviet Union. I said that relations between our two countries had evolved considerably since around 1950 and I hoped for further improvement in the future. He implied that a first step which the new administration might take "as a good-will gesture" would be US intervention to prevent the Bundesversammlung meeting being held in Berlin.⁴

12. *Comment.* For reasons which I have set forth in previous telegrams, I do not think holding the Bundesversammlung meeting in Berlin is worth the risk. I believe that the matter is chancy enough to justify our intervening. The FRG, while privately unhappy about it, lacks the political will to grasp the nettle.

13. At the end of the visit, Abrasimov raised his glass in a toast to an ending of the war in Vietnam and wished me success.⁵ I thanked him and said that Soviet influence in support of a negotiated settlement would be appreciated.

Morris

⁴ In mid-December 1968 reports in the German press alleged that Kissinger, recently named the President-elect's Assistant for National Security Affairs, had intervened to prevent holding the Bundesversammlung in Berlin. (See Kroegel, *Einen Anfang finden!*, pp. 286–287) According to Ulrich Sahn, Kissinger demanded, in a conversation with an emissary from Bundestag President Gerstenmaier, that the German Government change the location of the Bundesversammlung but declined to put his position in writing. (Sahn, *"Diplomaten taugen nichts"*, pp. 220–221) No record has been found to substantiate or contradict these allegations. On December 14, however, Kissinger drafted a brief press statement supporting the official denial of American intervention issued the previous day by the Department of State. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 4, HAK Administrative & Staff Files, Memoranda to Ronald Ziegler) The text of the Department's statement reads: "US position has been and remains that the decision as to location of the Federal Assembly should be left to German authorities; any report alleging that US has intervened against Berlin is false." (Telegram 287238 to Bonn, December 14; National Archives, RG 59, Central Files 1967–69, POL 15–1 GER W)

⁵ On January 5 President-elect Nixon announced that Lodge would be his Personal Representative to the Paris Peace Talks on Vietnam. Lodge, who left his post in Bonn on January 14, assumed his new responsibilities on January 20.

3. **Telegram From the Department of State to the Embassy in Germany¹**

Washington, January 10, 1969, 2349Z.

4936. Subject: US Position on Bundesversammlung. Ref: Berlin 0020.² For Ambassador Lodge from Secretary.

1. Appreciate interesting report of your talk with Abrasimov.

2. With respect to your comment to Dept (para 12 reftel) that you believe we should intervene to prevent use of Berlin as site for Bundesversammlung, we have given this matter most serious consideration and have concluded that we cannot now intervene without serious damage to our interests in Berlin and Germany. My reasons for this conclusion are:

a. At the November Quadripartite Dinner, my British and French colleagues joined me in telling Brandt that we regarded this question as one that the Germans would have to decide themselves.³ Since then we have publicly reaffirmed our position.⁴ Brandt has thanked me for the US stand on the problem.⁵ The German public and others would interpret our backing away from this position as a sign of US unreliability and weakness. It would be a severe psychological blow to the people of Berlin and the FRG. This would be a heavy price to pay.

b. Even if we were willing to pay this price, it is extremely doubtful that it would buy us a significantly greater margin of security in Berlin. Once we have given up the Bundesversammlung in Berlin, the Soviets would move to put pressure on some other aspect of FRG support and activity in the city which they could allege was provocative. There is nothing inherently provocative or damaging to legitimate Soviet rights in the Bundesversammlung. The Soviets claim it is provocative; they can readily turn the same claim against any other FRG activity.

c. I am aware of the divided counsels which have existed in the FRG Government on this question. But we can only deal with the

¹ Source: National Archives, RG 59, Central Files 1967–69, POL US–USSR. Secret. Drafted by Johnpoll on January 9; cleared by Leddy, Puhan, Dubs, and Brown; and approved by Rusk. Repeated to London, Paris, Moscow, Berlin, and USNATO.

² Document 2.

³ As reported in telegram 5803 from USNATO, November 15. (National Archives, RG 59, Central Files 1967–69, POL 38–6)

⁴ See footnote 4, Document 2.

⁵ Brandt's letter of December 20 and Rusk's reply the next day are both in telegram 291061 to Bonn, December 21. (National Archives, RG 59, Central Files 1967–69, POL 15–2 GER W)

position taken by the German Government as a whole, which has been to hold the meeting in Berlin. I agree with you that holding the Bundesversammlung in Berlin is not without some risk. But there are even greater risks in the US (and Allies) reversing position on this matter, forcing the Germans to reverse their own position and giving up a legitimate Allied position in Berlin with every prospect that new Soviet demands against us and the Germans in Berlin would be made thereafter. In short, having made the decision, which I continue to believe was the right one, we must stay with it.

Rusk

4. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, January 24, 1969.

SUBJECT

Memorandum by the Secretary of State Regarding Reply to Soviet Oral Protest on the Holding of the German Federal Assembly in Berlin

The attached memorandum from the Secretary² recommends approval of the text of a reply by the US, UK and France to a recent Soviet oral protest against the holding of the Bundesversammlung (Federal Assembly) in Berlin on March 5.³ This body elects the President of the Federal Republic.

We consider Berlin, including all four sectors, as occupied territory. For the three Western sectors we view the three Western powers as protecting powers holding legal sovereignty. Bonn does not challenge this legal concept but also regards West Berlin as an organic part of the Federal Republic. To demonstrate this and to help maintain the city's viability, the FRG, with the concurrence of the three Western al-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 681, Country Files, Europe, Germany, Vol. I. Confidential. Sent for action. According to another copy, Sonnenfeldt drafted the memorandum. (Ibid.) For Kissinger's account of the decision-making process, see *White House Years*, p. 406.

² Dated January 22; attached but not printed. Another copy is in the National Archives, RG 59, Central Files 1967–69, POL 15–2 GER W.

³ For text of the Soviet oral statement, see *Foreign Relations, 1964–1968*, vol. XV, Document 301.

lies, conducts certain governmental activities in West Berlin from time to time. Among these has been the holding of the Bundesversammlung three out of the four times that it has met since the founding of the FRG in 1949.

The Soviets take the position that West Berlin is not in any juridical sense a part of the FRG (although they have permitted the East German regime to make East Berlin its capital).⁴ After their abortive attempts beginning in 1958 to get us to agree to make West Berlin a “free city,” they now purport to view it as an autonomous political entity and they regularly protest and threaten retaliation against any FRG governmental activities in the city. In some instances they have in fact used such activities as pretexts for harassing actions. The Soviets would obviously like to use their theory that West Berlin is an autonomous entity to strangle the city. For this very reason we have backed the Germans in conducting various activities without at the same time conceding our overriding sovereign rights and responsibilities there.

There is a real possibility that the Soviets will use the March 5 meeting as a pretext for harassment; but we have to face the fact that given the city’s vulnerabilities, the Soviets can manufacture pretexts for harassment whenever they choose.

The Secretary’s Memorandum gives the reasons for our letting the Germans proceed with the meeting and I agree with them.⁵ I also agree with the text of the reply to the Soviet protest.

I believe, however, that there may be advantage to delaying the actual delivery of the reply to the Soviets until a time considerably closer to the date of the meeting in order to minimize the likelihood of further exchanges.⁶ The argument in favor of an early reply is that the FRG would like to get the new Administration on record promptly with

⁴ The President underlined this parenthetical statement.

⁵ In the memorandum, Rogers argued that failure to hold the Bundesversammlung in Berlin would undermine German confidence in the Allies, undercut the morale of the people in Berlin, and encourage the Soviet Union “to proceed further on the course of trying to sever the vital ties between the FRG and Berlin.”

⁶ In a January 14 memorandum to Kissinger, Sonnenfeldt maintained that, due to Soviet indecision on tactics, the Allies should delay their response: “we are on record as approving the meeting if the Germans want to hold it. Consequently we should avoid extensive argument with the Soviets before the meeting date and we should delay a rejection of the Soviet démarche until shortly before March 5. Since our response will presumably be the first policy statement to the Soviets on German issues by the new Administration we should use the occasion not only to rebut the specific Soviet complaint but to set forth a more general affirmation of the legitimacy of the FRG’s role in safeguarding West-Berlin’s viability and of the responsibility of the Western allies for ensuring that that role conforms to four power agreements as we interpret them.” (National Archives, Nixon Presidential Materials, NSC Files, Box 834, Name Files, Sonnenfeldt, Helmut)

the traditional American position so as not to raise false expectations in Moscow and East Berlin or unnecessary nervousness in West Berlin and the FRG.

Recommendation

1. That you accept the Secretary's recommendation to approve the draft text of the reply to the Soviets.

2. That you ask the Secretary to instruct our representative on the US-UK-French group in Bonn (the body that is charged with dealing with this subject) to put to the group the suggestion that actual delivery be delayed for some three weeks to minimize the likelihood of a further exchange with the Soviets; but that if the Germans prefer early delivery we abide by their wish on this matter.⁷

⁷ The President approved both recommendations. Eagleburger wrote an instruction for Moose on the memorandum: "As the message now stands, this is not cranked into the cable. It will take an additional [paragraph] (which H. Sonnenfeldt can do)." In a January 28 memorandum to Rogers, Kissinger wrote: "The President has approved the draft text of a reply from the Protective Powers to the oral Soviet protest. However, he wishes to have our representative on the Bonn Group instructed to suggest that actual delivery of the note be delayed for some three weeks to minimize the likelihood of further exchange with the Soviets. If the Germans have a strong preference for early delivery, we are prepared to abide by their wish on the matter." (National Archives, RG 59, Central Files 1967–69, POL 15–2 GER W) The text of the draft reply, as well as the instruction to delay delivery until the week of February 17, is in telegram 14966 to Bonn, January 30. (Ibid.)

5. Memorandum of Conversation¹

Washington, January 31, 1969, 4 p.m.

SUBJECT

U.S.-German Relations

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 681, Country Files, Europe, Germany, Vol. I. Confidential. Drafted by Puhan. The meeting was held at the White House. The State Department Executive Secretariat sent the memorandum to Kissinger on February 1 for approval. Upon receiving the memorandum, Sonnenfeldt noted: "As far as I know this has long since been distributed. But, in any case I have no objection to contents (since I wasn't there + trust Puhan) or distribution." (Ibid.) According to a handwritten notation, the White House informed the Secretariat on March 10 that the memorandum had been cleared. (Ibid.) For Pauls' report on the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 1, pp. 138–139.

PARTICIPANTS

The President

Emil Mosbacher, Chief of Protocol

Alfred Puhon, Acting Deputy Assistant Secretary for European Affairs

His Excellency Rolf Friedemann Pauls, Ambassador, Federal Republic of Germany

After the Ambassador had presented his credentials and an exchange of amenities, the President emphasized the good relations which existed between the United States and the Federal Republic of Germany. He said we intended to continue to have good relations with Germany. They must be conducted in candor in order to cut any misunderstandings that may arise to a minimum.

The President spoke of his intentions to revitalize NATO. He said he had given this subject top priority. This process involved a dialogue both in NATO and bilaterally on a more regular basis.

The President said that he was aware of the difficult year that was ahead for the Germans in that they faced an election. He mentioned the great respect he had for the leaders of the Ambassador's government, Chancellor Kiesinger, Foreign Minister Brandt, Defense Minister Schroeder, Finance Minister Strauss and the others.

The Ambassador thanked the President for his kind and cordial remarks. He said it was exactly what he had expected from the President. He was gratified to hear the President's views on NATO. As an expression of the great confidence the German people have in President Nixon, the Ambassador mentioned a recent German television program in which 84% of all Germans voiced their satisfaction at President Nixon's election. The Ambassador said that the President personally was very popular in Germany.

The Ambassador said that he was here to intensify the relations of his government with ours and to anticipate difficulties before they were magnified. He said that in this connection, he might in the future have to ask to see the President personally for a few minutes. The President responded that if the problems were of that magnitude, he would like to be informed.² He said he had the greatest confidence in the State Department. He said also that Dr. Kissinger of his staff was right on top of all these problems. He said it was important that we consult each other. He was not critical of the past, but when he looked at NATO,

² Nixon addressed the suggestion of personal contact in a memorandum to Kissinger on February 1: "I received the new German Ambassador and he seems to be personally friendly as we might expect, but beyond that you might check his background and see if he might be a pretty good one to keep in contact here in Washington. I knew him when he was the second man in the Embassy from 1956 to 1960, and I considered him to be reliable at that time." (National Archives, Nixon Presidential Materials, NSC Files, Box 341, Subject Files, HAK/President Memorandums 1969–1970)

he sometimes had the feeling that some problems could have been avoided by a little more dialogue.

The Ambassador mentioned the problems we may face over the holding of the Federal Assembly in Berlin on March 5.

The President said that since we had already held three out of four of the Federal Assemblies in Berlin, he could only conclude that if a crisis comes, the elections would not be a cause but a pretext. The President said our position was not to be belligerent but firm.³

The Ambassador thanked the President for his remarks.

³ In a January 31 memorandum to Rogers, Kissinger reported his own discussion on this issue with Pauls: "When the new German Ambassador called on me after presenting his credentials, I made it unmistakably clear to him that reports to the effect that I oppose the holding of the Bundesversammlung in Berlin were wholly inaccurate. I told him that there was full agreement within the U.S. Government about what representatives of the Department had told the Germans regarding our attitude on this question." (Ibid., Box 681, Country Files, Europe, Germany, Vol. I)

6. Editorial Note

On February 4, 1969, the National Security Council met in the Cabinet Room at the White House from 10:07 to 11:45 a.m. to discuss several issues, including the crisis over holding the Bundesversammlung in Berlin. (National Archives, Nixon Presidential Materials, White House Central Files, President's Daily Diary) In a January 30 memorandum Assistant to the President Kissinger notified Vice President Agnew, Secretary of State Rogers, Secretary of Defense Laird, and George Lincoln, Director of the Office of Emergency Preparedness, that President Nixon wanted a briefing at an NSC meeting on contingency plans for the Middle East, Berlin, and Korea. "The briefing should focus on the provisions of current military plans for U.S. contingency action in these areas," Kissinger explained. "Although the principal emphasis should be on military contingency operations and related decisions, they should be addressed in their overall politico-military context and include a background overview of current intelligence pertaining to each area." (National Security Council, NSC Meetings File, NSC Meeting 2/4/69)

Kissinger met Laird and General Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, at the Pentagon on January 30 to prepare for the NSC meeting. According to a memorandum of conversation:

"Dr. Kissinger suggested that we have Mr. Helms provide some intelligence on both Berlin and Korea and that the JCS briefings on

Berlin and Korea should be brief. Mr. Laird then discussed his forthcoming meetings with Gerhard Schroeder, Minister of Defense, Federal Republic of Germany, and the treatment of the NPT issue at the meeting. It was agreed that he should take the line that this Administration recognizes your problem and that it will not move out bilaterally in the future without clearing with the FRG first." (National Archives, Nixon Presidential Materials, NSC Files, Box 220, Agency Files, Department of Defense, Vol. I)

Laird met Schröder in New York on February 1; a memorandum of conversation is in the Washington National Records Center, Department of Defense, OSD Files: FRC 330 74 0045, Box 1, Signer's Copies, February.

Nixon chaired the NSC meeting on February 4; Kissinger, Rogers, Laird, Lincoln, Helms, and General John P. McConnell, Chief of Staff of the Air Force, also participated. Colonels Elmer R. Daniels, Jr. and Joseph C. McDonough from the Joint Chiefs of Staff gave a briefing on Berlin. No formal minutes of the meeting have been found. Alexander M. Haig, Jr., Kissinger's senior military assistant, took handwritten notes of the discussion. The notes on Berlin, as transcribed by the editor, read:

"Pres[ident]: You know plans are useless but planning essential—like broken play in football—it works because we've thought about it. It's essential. Never comes up—not the way we planned—but we benefit from this—tell your people.

"Laird introduced Daniels. Interdepartmental + combined planning + central org[anization]. [At this point, Daniels apparently briefed the participants on Berlin.]

"K[issinger]: Does this apply to civilian or military access?

"McC[onnell]: We've only had this w[ith] military. I've seen two—no military plan. Berlin org[anization]—plans for means to reopen.

"P[resident]: Questions?

"H[elms]: My problem is it deals w[ith] Allied access—What about civilian access? This is more complex—Shouldn't we look at this?

"McConnell: I think Rhine set [?] would work. We've just never done it. For example, we had UK civilian aircraft [unclear].

"P: What was last Berlin huff + puff?

"Helms: 1965.

"P: No indication that elections won't make trouble?

"Helms: See none.

"P: Has our psn [position] been made stronger to Soviets?

"Rogers: Yes. I told them yesterday this could finish NPT.

"Pres: This is useful. Soviets asked if this is a condition." (National Security Council, Minutes File, NSC Minutes, 1969 Originals)

7. **Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon**¹

Washington, February 11, 1969.

SUBJECT

East German Travel Ban and Berlin Contingency Planning

At least for the moment the limited East German (GDR) ban on Bundesversammlung-related travel to West Berlin appears to be a minimal GDR response.² This analysis has been supported by field reporting and consultation with State and CIA analysts.³ There are several intriguing aspects of the Berlin situation which are discussed below. In addition, you will find at Tab A a quick survey of applicable Berlin contingency planning; at Tab B the proposed text of our Tripartite reply to the Soviet protest of December 23 on Berlin;⁴ and at Tab C a long—but very good—background memo on Berlin.⁵

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I. Secret. Sent for information. Kissinger forwarded the memorandum to the President on February 11 under a note that reads: "In view of the information about Berlin, I thought you might like to take a look at the attached." (Ibid.) The memorandum is based on one Sonnenfeldt sent Kissinger on February 10. (Ibid.) According to another copy, Lesh drafted this memorandum to the President. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 285, Memoranda to the President, 1969–1974, Jan.–May 1969)

² On February 9 the official SED newspaper *Neues Deutschland* published a decree issued the previous day by the East German Minister of Interior banning travel to West Berlin for the Bundesversammlung starting February 15. (Telegram 178 from Berlin, February 9; National Archives, RG 59, Central Files 1967–69, POL 38–10) For text of the decree, see *Documents on Germany, 1944–1985*, pp. 1027–1028.

³ At a meeting on February 9 of the Bonn Group, the standing body of British, French, U.S., and West German representatives for consultation on Berlin, van Well reported that Duckwitz and von Hassel "both agreed that GDR measures would not impede actual Bundesversammlung convocation in Berlin. Initial FRG reaction therefore was to play down significance of East German announcement, and keep fingers crossed there would be no further measures." (Telegram 1768 from Bonn, February 9; National Archives, RG 59, Central Files 1969–76, POL 38–10) In a memorandum to the President on February 9, Kissinger explained that the West German Government was apparently waiting to determine whether the decree was "the beginning of a new East German propaganda offensive, or an isolated communication connected in some way with Tsarapkin's recent presentation to Willy Brandt." (Ibid., Nixon Presidential Materials, NSC Files, Box 2, President's Daily Briefs, February 9–14, 1969)

⁴ Tabs B and C are attached but not printed. The text of Tab B is in telegram 21914 to Bonn, February 11. (Ibid., RG 59, Central Files 1967–69, POL 28 GER B)

⁵ Tab C is an undated 24-page paper, evidently drafted by the Department of State, on the postwar role of the Allies and West Germany in Berlin.

1. Degree of Soviet Support for GDR

While the timing of the February 4 Semenov/Tsarapkin⁶ visit to East Berlin to meet with Stoph and Honecker⁷ would seem to indicate that there was last-minute Soviet approval of the travel restriction, it is likely that the East Germans and Soviets have fairly basic differences over how far to press the propaganda and harassment directed against the forthcoming Bundesversammlung.

For the East Germans the issue is one of critical importance, very much bound up in questions of prestige and national pride. For the Soviets the Bundesversammlung must be seen as presenting a much wider range of options. If Moscow wanted to flex its muscles against the Western Allies, the Bundesversammlung could provide a target of opportunity. It could scarcely be more than that, since the Soviets have acquiesced in the past three Federal Assembly meetings in Berlin without making trouble.

But the best indications are that the Soviets themselves are looking forward to an “era of negotiations”⁸ not only with the US on limitation of strategic weapons systems, but with the West Germans (FRG) on civil air rights and possible broadening of commercial, cultural, and scientific ties. Furthermore, the note that Soviet Ambassador Tsarapkin recently handed to Willy Brandt contained a strong Soviet pitch for West German signature of the NPT, including a suggestion of Soviet retreat on the alleged right of intervention under UN Articles 53 and 107.⁹

In short, this does not look like a time when the Soviets would want to provoke a major confrontation with the West over Berlin

⁶ Soviet diplomats. [Footnote in the original.]

⁷ East German leaders. [Footnote in the original.]

⁸ Reference is to the President’s inaugural address, in which Nixon declared that the superpowers should move from an era of confrontation to an era of negotiation. (*Public Papers: Nixon, 1969*, pp. 1–4)

⁹ In a meeting on January 10 Tsarapkin gave Brandt a Soviet note addressing the connection between German signature of the Non-Proliferation Treaty and Soviet abandonment of its “right” to intervene in Germany under Articles 53 and 107 of the UN Charter. (Memorandum from Kissinger to Nixon, February 8, as transmitted in telegram WH1055, February 8, to Key Biscayne; National Archives, Nixon Presidential Materials, NSC Files, Box 1, President’s Daily Briefs, February 1–8, 1969) For a German record of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 1, pp. 31–37. Article 107 of the UN Charter reads: “Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.” Article 53 cited this provision as an exception to the requirement of authorization from the Security Council for enforcement action by regional organizations. For full text of the Charter, see *A Decade of American Foreign Policy: Basic Documents, 1941–1949*, pp. 117–140.

access rights, especially on the rather contrived issue of the Bundesversammlung.¹⁰ Our best guess is that the Soviets have agreed to the travel restriction as a concession to East German sensibilities, but will seek to avoid any serious escalation in Berlin during the weeks remaining before the March 5 Federal Assembly meeting.

The arrival in East Berlin on February 10 of Soviet Marshal Yakubovsky, Commander of Warsaw Pact Forces, was widely portrayed in the press today as evidence of Soviet saber-rattling in support of the GDR position in Berlin. There is no doubt that the East Germans would like to maintain that impression, but the best available intelligence indicates that Yakubovsky is in Berlin in connection with a joint GDR–USSR training exercise or demonstration, probably scheduled for this week.

2. *New Element of Voting Rights*

In the flurry of comment about the travel ban, it was generally overlooked that the East Germans had introduced a new element by challenging West Berlin voting rights at the Bundesversammlung as well. The GDR has charged that participation by West Berlin delegates in the election of a new Federal Republic president would be “illegal” as well as “provocative.”

In doing so, the East Germans are doubtless aware that they are playing on a longstanding difference between Bonn and the Western Allies. Only last year there was an FRG–Allied controversy over West German efforts to grant Bundestag voting rights to West Berliners.¹¹ The Allied position, for the record, has been very clear: we specifically deny West Berlin voting rights in the two federal legislative organs, the Bundestag and Bundesrat, but sanction participation of West Berlin delegates in the election of a new president at the Bundesversammlung because we do not consider this a legislative act.

3. *GDR Not Necessarily Acting from Strength*

The vehemence of the East German propaganda campaign against the Bundesversammlung and their apparent insistence on imposing the

¹⁰ In a January 30 memorandum, Kissinger briefed the President on recent Soviet efforts to arrange a deal with the West Germans, thereby avoiding a “major confrontation” over Berlin. According to Egon Bahr, Kissinger reported, the Soviets were offering “improvements” in bilateral relations in exchange for a decision to move the Bundesversammlung out of Berlin. Kissinger, however, added a caveat: “My experience with Bahr confirms that he is totally unreliable and never really wanted to hold the meeting in West Berlin in the first place.” (National Archives, Nixon Presidential Materials, NSC Files, Box 2, President’s Daily Briefs, Jan 28–31, 1969)

¹¹ The reference is apparently in error. West German political leaders debated the issue of Berlin voting rights amongst themselves, as well as with Allied representatives, during the negotiations to form a new government in November 1966. See *Foreign Relations, 1964–1968*, vol. XV, Documents 186–189.

limited travel ban (certain elements of which, such as the singling out of West German military officers and staff, are obviously only for public show, since the GDR knows very well that Allied regulations already prohibit FRG military travel into Berlin) may be interpreted as an index of East German uneasiness and defensiveness about their own position in Berlin. They are keenly aware that the Western Allies, and especially the FRG, have recently been emphasizing to the Soviets that Four-Power agreements on Berlin apply to the entire city, not just to the Western Sector. The East Germans, fearing more serious future challenges to their own claims in East Berlin, may have concluded that offense is the best defense. Still, the situation is inherently unpredictable, and we cannot ignore the possibility of further East German or Soviet actions. Tab A is germane to the more likely of these.

Tab A

Paper Prepared by the National Security Council Staff

CONTINGENCY PLANNING ON BERLIN

Berlin contingency planning is a highly specialized subject with a long and complex history. The texts of agreed Allied responses to various contingencies can, and do, fill volumes. Most attention, however, has been devoted to contingencies involving interference with various Allied rights in Berlin. The following is only a brief summary of possible next steps related to the new restrictions on FRG travel to Berlin, which so far pose no threat to Allied access to the city.

In effect we already have implemented our first contingency plan by agreeing to the February 10 Tripartite public statement (which had Bonn approval) on the Berlin situation.¹² The next steps may be divided into actions to be taken before February 15, and those that may be required after that date, when we begin to get an idea of exactly how the East Germans intend to enforce their ban. At each step, of course, there would be Allied consultation on further action, and plans would require approval at the highest level.

1. Before February 15

Our next step will be to follow up the Tripartite statement with a reinforced protest direct to the Soviet Union. The Bonn Group has recommended, and we concur, that the still-pending Allied reply to the

¹² For text of the statement, see *Documents on Germany, 1944–1985*, pp. 1028–1029.

Soviet démarche of December 23 be used for this purpose. The basic text of the reply (see Tab B) already has received Tripartite approval; it has now been somewhat sharpened, focused on the new GDR travel ban, and will be delivered to the Soviets (in Moscow by all three Allies) earlier than originally planned, preferably on February 13, the day preceding Prime Minister Wilson's arrival in Berlin. In addition, the FRG will protest this week to the GDR through Inter-Zonal Trade channels, dropping a hint of possible reprisals against the flow of goods to the GDR, and will consider means of imposing a reciprocal ban on the entry of East German SED members into the FRG after February 15.

2. After February 15

On the basis of past experience, it appears possible that the GDR might choose to enforce its travel ban loosely, knowing full well that most movement of people and materials from West Germany into Berlin for the Bundesversammlung would be by air anyway. In that event, the ban would be revealed as basically a propaganda exercise with little practical effect, and no further coordinated Allied actions would be required or contemplated.

The earliest reports on February 10 from Berlin indicated that East German border guards had begun making a close check of the contents and documents of every fifth vehicle on the autobahn, approximately doubling normal checkpoint clearance time from a half-hour to an hour. This we regard basically as a threat of possible future action; so far there is no major interference with normal movement by road, and freight is moving normally.

There also is the possibility, however, that the GDR will apply the travel ban in the strictest possible terms, using stop-and-search techniques to cause severe rail tieups and massive traffic jams at the autobahn checkpoints. In that event, our contingency planning would call for a second and much sharper Tripartite protest to the Soviets. This would be coordinated with a more severe FRG warning to the GDR about Inter-Zonal Trade.

If the GDR were to continue severe harassment of surface travel after these protests, the next level of response would be actual imposition by the West Germans of selected Inter-Zonal Trade reductions, accompanied by parallel selective reductions in Allied trade with East Germany.

If there were complete blockage of FRG road, rail, and barge traffic into Berlin—through protracted and intentionally disruptive searches of carriers for West German officials or work materials related to the Bundesversammlung—contingency plans would call for an expanded Allied airlift into Berlin. This airlift, utilizing the three existing air corridors, would be mounted from Hannover, Frankfurt, and Munich. We are assured that the men and equipment needed for such an

airlift are in place and ready to move on order. This action could be back-stopped by a complete stoppage of Inter-Zonal Trade by the West Germans, a complete Tripartite break in trade relations with East Germany, and diplomatic representations to all NATO members to induce them to suspend trade with the GDR.

If surface access to Berlin were to remain blocked for an extended period, presumably more than one week, an even more serious range of Allied actions would be contemplated. These would include augmentation of Allied military contingents in Berlin as well as a highly-publicized build-up in the emergency stockpiles maintained in the city. At present these stockpiles are adequate to meet military needs for up to six months, and civilian needs (basically food and fuel) for up to one year. Simultaneously, the Allies would ensure a substantial increase in Allied military traffic to and from Berlin over all routes.

You will note that this summary stops short of discussing the contingency of interruption of Allied air access to Berlin, since such a development would change the character of the entire confrontation. It would constitute *prima facie* evidence of a Soviet decision to challenge Western rights in Berlin, and as such would be regarded by the Allies as bordering on a *casus belli*. The range of contingency responses planned for such a crisis situation are beyond the scope of this paper. At this point, however, such a potentially catastrophic denouement in Berlin seems outside the realm of probability.

8. Memorandum of Conversation¹

Washington, February 13, 1969, 2:45–3:40 p.m.

SUBJECT

Berlin

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 14 GER W. Confidential. Drafted by Dubs and approved in S on February 18. The memorandum is part III of V. The time of the meeting is from Rogers' Appointment Book. (Personal Papers of William P. Rogers) Rogers summarized his conversation with Dobrynin for the President's Evening Reading on February 13. (National Archives, Nixon Presidential Materials, NSC Files, Box 2, President's Daily Briefs, February 9–14, 1969) In a February 14 memorandum forwarding this summary to the President, Kissinger commented: "The conversations appeared to be exceptionally forthcoming although his [Dobrynin's] comments on Berlin might suggest some fairly severe actions by the East Germans were in the wind." (Ibid.)

PARTICIPANTS

Anatoly F. Dobrynin, Soviet Ambassador
The Secretary
Adolph Dubs, Acting Country Director, SOV

During Ambassador Dobrynin's call to discuss other matters, the Secretary took the initiative on the question of Berlin. He said we were concerned by East German actions there and hoped that there would be no trouble. The creation of difficulties on Berlin would no doubt be played up by the press as a confrontation between Moscow and Washington. This would be a most unfortunate start for the development of relations between the new Administration and the Soviet Union. The new Administration looks forward to the existence of a good climate which could facilitate discussions on outstanding issues. It is, therefore, hoped that the Soviet Union understands that East German actions would present serious problems and that the Soviet Government could help matters by advising the East Germans to keep matters in a low key.

Ambassador Dobrynin said that, frankly, the West Germans knew that certain reactions would follow if the Bundesversammlung were held in Berlin. The Soviet Government had told the previous U.S. Administration that the Soviet Union and its friends had decided not to do anything to jeopardize relations between the U.S. and the USSR. Certain people, however, want to undermine these relations. Thus, an exercise which will be confined only to one day could harm relations between Moscow and Washington for weeks and perhaps even longer. He wished to assure the Secretary that the Soviet Union does not want West Berlin and that it is not asking that West Berlin belong to East Germany. At the same time, the USSR is not prepared to give West Berlin to the Federal Republic of Germany. The Soviet Union is interested in maintaining things as they are, i.e., the status quo. The reactions that are now taking place on the side of the East Germans would not have taken place if certain events had not preceded them. In the present situation, it should be clear that the Soviet Union had only two alternatives. The first was to swallow what the FRG was doing. This would only mean that in another year the Soviet Union would be told that they had permitted certain things in the past and that no objections should be raised to a continuation of certain activities. The second alternative was to react. In this connection, there is no intention on the part of the Soviet Union to aggravate relations with the new Administration. It should be understood that nothing is being done against the U.S., Britain or France. Therefore, the Ambassador saw no real reason for complaint.

The Secretary interjected that the situation could deteriorate if some moves were made to close access routes. Ambassador Dobrynin replied that he was sure that the East Germans had no plans to ha-

ness other countries. Therefore, the United States should not consider present activities surrounding Berlin as a provocation—this could only worsen East-West relations. It is important for the U.S. to understand that if no elections were to take place in Berlin all actions would be dropped.

The Secretary said that this was not a very realistic assumption. We view seriously what is taking place and think the timing most unfortunate since the new Administration had no part in the decisions surrounding current events. Any attempt to prevent free and open passage to and from Berlin would make the situation most difficult.

Ambassador Dobrynin said that he understands that nothing would be done to affect the free passage of U.S. military forces. This should be clearly understood. When asked what further measures might be in store, Ambassador Dobrynin replied that no final decisions had been taken and none would until it was ascertained how the situation develops. He underlined again that it was most important to understand that the USSR was not the initiator of actions regarding Berlin. It was simply reacting to a decision by the FRG and nothing else. There is no intention whatsoever to affect adversely U.S.-Soviet relations.

The Secretary said that if matters relating to both Vietnam and Berlin do not develop in an adverse fashion, relations could get off to a good start. This was not to set any conditions respecting the future course of our relations but merely to point up the unfortunate consequences of having a bad climate at the outset. Anything the Soviet Union could do to be helpful would be welcome, particularly since President Nixon will be visiting Berlin. Ambassador Dobrynin replied that whatever actions are taken should not be misread as being directed against the President but rather against West Germany. The visit was only recently decided upon. He did not feel that the Soviets could permit the West Germans to hide behind the President's visit. The Ambassador said he recognized that the President will make his decisions on the basis of what he considers best for his policies. Dobrynin expressed the personal thought that he would have preferred other timing for the President's visit.

Secretary Rogers said that problems surrounding Berlin could have an effect on public attitudes and make it difficult for the Administration to proceed on some issues. Ambassador Dobrynin said it was important for governments to give leadership to the press at times rather than merely reacting to what it says. The Secretary said that the Ambassador should understand that the President is a realist and that he would not be overly impressed by press reactions. Nevertheless, the international climate does have an effect on decision-making. We are reacting in a low-key way on Berlin, and it is hoped the Soviet Government would advise the East Germans to react similarly.

Ambassador Dobrynin said that the President's visit to Berlin had been discussed in Moscow. It was recognized that the announcement of the visit was now made and that nothing was likely to be changed. He said that U.S.-Soviet relations have a peculiar way of developing. History shows that after the inauguration of a new Administration relations somehow have always deteriorated. After a while the situation generally improves. At the end of the Administrations, everybody is talking about meetings at the highest level. The Secretary said that perhaps we should forget about the beginning and start in the middle.

9. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, February 14, 1969.

SUBJECT

The Berlin Crisis

I commend to you the attached comment on the state of play on the Berlin Bundesversammlung, prepared last night by the State Department (INR).² The analysis seems to me balanced and thorough, and I support the basic conclusions that (1) the GDR may be embarking on a campaign of increasing harassment directed against the FRG, which will reach a crescendo on or about March 5; (2) that in this endeavor they will enjoy the support of the Soviet Union; but (3) the Soviets will, however, steer clear of any act which implies interference with Allied rights in Berlin or suggests a danger of clear confrontation with the United States; and (4) Moscow will rein in Pankow if the latter grows overly-aggressive in its campaign of dirty tricks. On the last point, however, I would enter the caution that the momentum of the situa-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I. Secret; Noform. Urgent; sent for action. Drafted by Lesh. A checkmark indicates that Kissinger saw the memorandum. With minor revisions and deletions, Kissinger transmitted the text of the memorandum in his written intelligence brief for the President on February 15. (Ibid., Box 2, President's Daily Briefs, February 15–18, 1969) Several of the President's markings on the text of the brief are noted below.

² Attached but not printed is Intelligence Note 87 from Hughes to Rogers, February 13. Another copy is in the National Archives, RG 59, Central Files 1967–69, POL 14 GER W.

tion might become such that even if it is the Soviet intention to “rein in” the East Germans, they may have trouble doing so and hence find themselves with no option but to go into a full-fledged crisis.

The INR report was written prior to Dobrynin’s call on Secretary Rogers last evening, but the content of their conversation,³ I feel, tends to support the view that the Soviets will seek to avoid getting drawn into a major Berlin crisis at the very time they are seeking ways to get us into SALT talks. To that extent, at least, they understand the “negative” part of the interrelation that we have sought to establish between SALT and politics.

(At the same time, we must recognize that the last Administration bequeathed to us a tricky problem by its unwise insistence that⁴ the Bundesversammlung was a purely German matter;⁵ now the Soviets⁶ are playing this back to us by insisting that the pressure tactics being put in train against the FRG are in no way directed at us. I think it is important to correct this error lest, at worst, we leave the Soviets under a potentially fateful misapprehension or, at best, we give them a convenient tool to play us off against the Germans.⁷ I wish to discuss this problem with you *before* any decision is reached on the Soviet Ambassador’s request to see the President and on what line the President should take on that occasion.)

In view of the special indications of possible forthcoming military maneuvers in the GDR, and the scare interpretations in some press reports to the effect that the USSR was prepared to use her military force to assist the East Germans in a blockade of Berlin, I call your attention to the discussion on page 5 of the attachment covering varying interpretations of Marshal Yakubovsky’s travel to East Berlin on February 10 (he returned to Moscow about midday today).⁸ Both a TASS report

³ See Document 8.

⁴ On Kissinger’s intelligence brief, the President underlined the words “by its unwise insistence that.”

⁵ See Document 3.

⁶ The President underlined the words “purely German matter; now the Soviets.”

⁷ The President underlined this sentence on Kissinger’s intelligence brief.

⁸ On page 5 of the Intelligence Note, Hughes reported: “Soviet sources in East Berlin pointedly implied to the Western press that [Yakubovsky’s] visit was connected with the present campaign. We have no evidence one way or the other. There have been preparations under way for some kind of military maneuvers in the GDR, possibly along the Helmstedt autobahn route, and we have received other reports about exercises involving artillery demonstrations and/or parachute drops, perhaps in the corridors. Such exercises have taken place before, routinely on some occasions, although in other instances they were exploited to create a bit of tension when it suited Soviet purposes. It is conceivable that, weather permitting, some such military exercises will take place around the time of the Bundesversammlung session.” If Yakubovsky’s presence in Berlin was merely connected with “more general Warsaw Pact matters,” Hughes noted, it would “lose much of its ominous tone.”

yesterday and Moscow Radio in its announcement of Yakubovsky's return today stated that he had been in Berlin for a meeting of "representatives of the armed forces of all Warsaw Pact countries," with no special reference to the Berlin situation.⁹ This bland description should, of course, be read against the noise of rumors and reports stemming from East Berlin and other Eastern European capitals that specifically link Yakubovsky's presence in Berlin to the Bundesversammlung issue.

On balance I suspect the visit may have been planned for some time in connection with pending Warsaw Pact matters, as suggested in the INR study. (Inter alia, Romanians rarely go to Warsaw Pact meetings these days without protracted prior haggling.) But the Soviets have now seen fit to allow the East Germans and others to make as much psychological hay out of the Marshal's visit as possible.

⁹ This sentence is based on an attached set of INR briefing notes and a FBIS report on Yakubovsky's return to Moscow; none printed.

10. Telegram From the Embassy in the Soviet Union to the Department of State¹

Moscow, February 14, 1969, 1205Z.

640. Subject: Delivery of Tripartite Reply on Bundesversammlung. Ref: Moscow 0634.²

1. On being informed Deputy Minister Vinogradov still "absent" from Ministry, I requested appointment with Kornienko (Chief US Section) and delivered to him this morning tripartite reply on Bundesversammlung. Wilson was received by Acting Chief Second European Section V.M. Vasev a half hour later and Seydoux is scheduled to be received by Deputy Minister Firyubin at 1700 hours this afternoon.

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 28 GER B. Confidential; Immediate. Repeated to Bonn, Berlin, USNATO, London, Paris, CINCUSAREUR, CINCEUR, and USELMLO. Kissinger forwarded the text of the telegram in a February 15 memorandum to the President. (Ibid., Nixon Presidential Materials, NSC Files, Box 2, President's Daily Briefs, February 15–18, 1969)

² In telegram 634 from Moscow, February 13, Chargé d'Affaires Swank reported that the Soviet Foreign Ministry declined the initial tripartite request for a meeting, claiming that "neither Vinogradov nor any other official could receive us today." (Ibid., RG 59, Central Files 1967–69, POL 28 GER B)

Any comment to press in Bonn or other capitals should therefore be deferred pending receipt of telegram from French Embassy confirming delivery. At regular weekly backgrounder with US press representatives this afternoon we will refrain from comment on this subject.

2. I left with Kornienko English text of tripartitely agreed reply (State 021914)³ and made additional oral remarks contained para 2D of same telegram. I also gave Kornienko, as locally agreed, a copy of the tripartite statement of February 10 on the new measures of harassment announced by East Germany February 8.

3. Kornienko said that he would convey text of statement and my oral observations to higher authority but wished to make certain preliminary comments. While he noted professed position of US Government that the situation in Berlin should not be aggravated, US support of provocative FRG action was leading precisely to just such an exacerbation of the situation. Nor could he accept "excuse" that previous meetings of Bundesversammlung had been held in Berlin; carrying out an illegal action three times did not make that action legal. West Berlin does not and will not belong to FRG, and US Government has itself agreed that West Berlin is not a part of FRG. How can unprecedented action of holding elections on someone else's territory be justified? Quadripartite agreements on access pertain exclusively to occupation forces and not to citizens of FRG. Finally, Kornienko said he wished stress that Soviet Government had not wanted to engage in public polemic and exacerbate tensions over Berlin. It had been refusal of FRG, with support of three powers, to abandon its provocative action which had led to new tensions.

4. I replied that I saw little utility in restating US Government position on Berlin and Bundesversammlung since those positions were well known to him and had been fully set forth in my earlier remarks. I said I nevertheless wished to stress importance US Government attributes to avoiding needless tension over Berlin at time when new US administration has just taken office and when other pressing bilateral and international problems deserve our mutual attention.

5. Kornienko asserted that Soviet Government certainly not interested in creating tensions either in Berlin or elsewhere, "especially now," but that Soviet Government can hardly ignore fact that "certain circles" are interested in causing tensions. US Government must take cognizance of this fact. At this point he retrieved some documents from a nearby desk and handed me official note from Soviet Government to US Government (text in septel)⁴ to which was appended a copy of

³ Dated February 11. (Ibid.)

⁴ Telegram 646 from Moscow, February 14. (Ibid.)

Soviet Government statement which Tsarapkin handed Kiesinger February 13 (Bonn 2054).⁵ Covering note makes point that USSR “fully supports” measures being taken by East Germans to prevent “misuse and violation” of established order and regulations pertaining to access to West Berlin.

6. I told Kornienko I would transmit note to US Government but wished inform him in advance that fact of Soviet support for East German measures would be seriously regretted in Washington and could not help but lead to further tensions in Berlin, a situation which all powers should seek to avoid.

7. *Comment.* It is of course evident that 24-hour delay in according US appointments to deliver tripartite reply was deliberately engineered by Soviets to permit Tsarapkin to deliver Soviet Government statement to Kiesinger. Kornienko was fairly amiable during meeting, and neither his demeanor nor language of covering note would necessarily indicate that serious new moves against FRG (much less against Allied access) are contemplated. I expect see Wilson and Seydoux this evening and will report further if any points of interest arose in their meetings.⁶

Swank

⁵ Dated February 14. (Ibid., POL 14 GER W) Also printed in *Documents on Germany, 1944–1985*, pp. 1029–1030.

⁶ In telegram 659 from Moscow, February 15, Swank reported: “It is risky to read too much into Soviet atmospherics, but all of us are agreed for what it is worth that demeanor and behavior of our Soviet interlocutors in these sessions were not such as to suggest an intention to exacerbate this issue into a major crisis over Berlin.” (National Archives, RG 59, Central Files 1967–69, POL 28 GER B)

11. Editorial Note

On February 17, 1969, President Nixon received Soviet Ambassador Dobrynin at the White House for an initial review of international affairs, including the Middle East, Strategic Arms Limitation, Vietnam, and Berlin. In a briefing memorandum 2 days earlier, Assistant to the President Kissinger suggested that the President adopt a “polite, but aloof” approach to the Ambassador, making clear that “we believe progress depends on specific settlements, not personal diplomacy.” Kissinger specifically recommended that Nixon convey that “a Berlin crisis could throw a shadow over our relations.” An attached set

of talking points, with passages underlined by the President (italicized below), addressed the “Berlin crisis” as follows:

“1. Any crisis there now would be artificial; we see no justification for it and have no interest in confrontation.

“2. *We do have a vital interest in the integrity and viability of the city.*

“3. We know of no infringement on Soviet interests by any actions in the Western sectors of the city on the part of any of our allies.

“4. You are going to Berlin to affirm our interests and our responsibilities.

“5. (OPTIONAL If CONVERSATION WARRANTS) *A crisis now would place a heavy burden on our relations.*” (National Archives, Nixon Presidential Materials, NSC Files, Box 340, Subject Files, USSR Memcons, Dobrynin/President 2/17/69)

Before Dobrynin arrived, Kissinger also personally briefed Nixon on “the situation in Berlin and the need to cover our view with the Soviets.” (Memorandum from Haig to Kissinger, February 17; *ibid.*, Box 2, President’s Daily Briefs, February 15–18, 1969)

According to the President’s Daily Diary, Nixon met Dobrynin briefly in the Fish Room before moving to the Oval Office at 11:51 a.m.; Kissinger and Acting Deputy Assistant Secretary Toon then joined the discussion at 12:02 p.m. (*Ibid.*, White House Central Files) The memorandum of conversation records the following exchange on Berlin:

“The President said that he wished to make clear that it was not his view that agreement on one issue must be conditioned by settlement of other issues. The President wished to express his conviction, however, that progress in one area is bound to have an influence on progress in all other areas. The current situation in Berlin is a case in point. If the Berlin situation should deteriorate, Senate approval of the Non-Proliferation Treaty would be much more difficult. The President wished to make clear that he favored early ratification of the treaty and he is optimistic that the Senate will act favorably in the near future. We should bear in mind, however, that just as the situation in Czechoslovakia had influenced the outlook for the treaty last fall, so would the situation in Berlin now have an important bearing on the Senate’s attitude. Ambassador Dobrynin had mentioned the desirability of making progress on some issues, even if settlement of other issues should not be feasible. The Non-Proliferation Treaty is just such an issue. If we can move ahead on this it would be helpful in our efforts on other issues. The only cloud on the horizon is Berlin and the President hoped that the Soviets would make every effort to avoid trouble there.

“Dobrynin said that the situation in Berlin did not stem from any action taken by the Soviets. The President would recall that a meeting was scheduled in Berlin last fall and the Secretary of State had discussed the problem with the Ambassador, urging him to persuade his

government to avoid any action in connection with this meeting which might possibly result in unpleasantness in and around Berlin. The Ambassador said he would not wish his remarks to be recorded but he felt the President should know that his Government had used its influence to insure that the situation remained calm. There was no confrontation then, and Ambassador Dobrynin saw no need for a confrontation between us in the present situation.

“The President hoped that there would be no trouble in Berlin and he welcomed Ambassador Dobrynin’s assurances on this point. The Soviets should understand that we are solidly behind the integrity of West Berlin, and we will do whatever is necessary to protect it. He had noted in the press references to the ‘provocative nature’ of his visit to Berlin. The President wished to assure Ambassador Dobrynin that these stories were totally without foundation and that his visit to Berlin was a perfectly normal action for any United States President to take in connection with a visit to Europe.” (Ibid., RG 59, Central Files 1967–69, POL US–USSR)

During the meeting, Dobrynin gave Nixon a personal message from the Soviet leadership. After declaring a commitment to “pursue the policy of peace,” the message addressed six “big international problems,” including issues relating to Germany and European security:

“We are strongly convinced that the following premise has a first-rate importance for the character and prospects of the relations between the USSR and the USA: that is, whether both our countries are ready to proceed in their practical policies from the respect for the foundations of the post-war structure in Europe, formed as a result of the Second World War and the post-war development, and for the basic provisions, formulated by the Allied powers in the well-known Potsdam Agreements. There is no other way to peace in Europe but to take the reality into consideration and to prompt the others to do the same. It’s impossible to regard the attempts to undermine the post-war structure in Europe otherwise than an encroachment on the vital interests of our country, or its friends and allies—the socialist countries.

“At one time, and in particular in 1959–1963, when the Soviet and U.S. Governments were discussing the complex of German affairs, we were not far apart in understanding of that with regard to some important problems.

“The Soviet Union regards with particular watchfulness certain aspects of the development of the F.R.G. and its policy not only because the past German invasion cost us many millions of human lives. President Nixon also understands very well that revanchism begins not when the frontier marks start falling down. That’s the finale, the way to which is leading through the attempts to gain an access to the nuclear weapons, through the rehabilitation of the past, through the

provocations similar to those which the F.R.G. commits from time to time with regard to West Berlin.

“It became almost a rule that the F.R.G. stirs up outbursts of tensions around West Berlin, which didn’t and doesn’t belong to it, involving the Soviet Union, the USA and other countries into complications. It’s hardly in anyone’s interests to give the F.R.G. such a possibility. Anyhow the Soviet Union can’t let the F.R.G. make such provocations.

“We would like the President to have complete clearness and confidence that the Soviet Union has no goals in Europe other than the establishment of the solid foundations of security in this part of the world, of the relations of *détente* between the states of East and West.” (Ibid., Nixon Presidential Materials, NSC Files, Box 340, Subject Files, USSR Memcons Dobrynin/President 2/17/69)

At Kissinger’s request, Toon, who did not see the message but drafted the memorandum of conversation, offered his analysis of the meeting with Dobrynin. Toon argued that the Soviets were clearly intrigued at the prospect of negotiations, but were “uneasy as to the real meaning of linkage between arms control talks and political issues,” perhaps suspecting that Nixon might, as Eisenhower had done, “condition progress in arms control on the German issue.”

“On Berlin, I think the President’s remarks were useful in that they conveyed to Dobrynin our concern lest tough action by the East Germans result in a nasty situation and a confrontation with us. I am not sure, however, that Dobrynin understands clearly that a blow-up in Berlin would seriously affect the outcome of NPT as well as our own decision to proceed with missile talks. Perhaps we should follow this up with a further meeting in the Department, probably toward the end of the President’s tour when we may have a clear understanding as to the action contemplated by the other side. My own view is that there will not be serious problems around Berlin until the President departs that city but that we can probably expect unpleasantness immediately after his departure.” (Memorandum from Toon to Kissinger, undated; *ibid.*, President’s Trip Files, Box 489, Dobrynin/Kissinger, 1969 [Part 2])

In a memorandum forwarding this analysis to the President on February 18, Kissinger noted that the Soviet message itself was “extraordinarily forthcoming,” presenting their position “strictly in terms of national interests and mutually perceived threats, without even the usual ritual obeisance to Marxist-Leninist jargon.” “The gist of the paper,” he concluded, “is that the Soviets are prepared to move forward on a whole range of topics: Middle East, Central Europe, Vietnam, Arms control (strategic arms talks), cultural exchange. In other words, we have the ‘linkage.’ Our problem is how to play it.” After summarizing two “schools of thought” on Soviet policy, Kissinger suggested the

following game plan: “My own view is that we should seek to utilize this Soviet interest, stemming as I think it does from anxiety, to induce them to come to grips with the real sources of tension, notably in the Middle East, but also in Vietnam. This approach also would require continued firmness on our part in Berlin.” (Ibid.)

For complete text of memorandum excerpted above, see *Foreign Relations, 1969–1976*, volume XII, Document 17. For the participants’ respective accounts of the meeting, see Nixon, *RN: The Memoirs of Richard Nixon*, pages 369–370; Kissinger, *White House Years*, pages 28, 140–145; and Dobrynin, *In Confidence*, pages 198–199.

In a telephone conversation with Kissinger at 2:45 p.m. on February 22, Dobrynin “more or less” dictated the following message from the Soviet leadership:

“These days some officials in Bonn have been putting forward an idea in conversations with representatives of the Soviet Embassy there that if the United States expressed to Mr. Kiesinger’s government an opinion that it would be desirable to refrain from having called the Federal Assembly in West Berlin, then this advice would be gladly followed. It is of course difficult for us to judge with what aim in view and how seriously such ideas are being expressed to us by West German officials. If in Bonn they are really in favor of a solution which would eliminate the presentation, then as it was stated on a number of occasions, the Soviet side would positively evaluate a corresponding step on the part of the Federal Republic of Germany. This would allow [us] to avoid unnecessary complications and cut short a tendency towards mounting of tension.”

Dobrynin further commented that “in Moscow, they share fully the opinion of President Nixon that West Berlin should not throw a shadow on the American relations.” (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 402, Telephone Conversations, Chronological File) According to his later account, Kissinger “rejected the proposition” of U.S. intervention on the Bundesversammlung meeting. “[W]e would make no such request of Kiesinger,” he recalled. “I warned Dobrynin sternly against unilateral acts; to underline my warning, the President, on my recommendation, ordered a step-up in US military traffic over the access routes to Berlin.” (*White House Years*, page 406)

12. **Memorandum From the President's Assistant for National Security Affairs (Kissinger) to Secretary of State Rogers, Secretary of Defense Laird, and Director of Central Intelligence Helms**¹

Washington, February 22, 1969.

SUBJECT

Increased Flow of Military Traffic over the Autobahn To and From West Berlin

The President has asked that the U.S. Government consider measures to increase the flow of military traffic over the Autobahn to and from West Berlin. The increase in military traffic would follow normal convoy procedures and should not include extraordinary military measures which might raise procedural issues.

It is requested that a plan be developed within the regular interdepartmental framework responsible for Berlin plans and operations. The plan should include: (a) recommendations for specific measures designed to increase the flow of military traffic to and from Berlin; (b) proposed public statements which might be used in the event this action creates public interest; and (c) any additional measures which might be readied to manifest U.S. intent to maintain access rights to and from Berlin. In conjunction with (a) above, your analysis of the desirability of such action is desired, together with your views on how the proposed action should be handled with Allied Governments.

It is requested that the above plan be submitted to the President through the Assistant for National Security Affairs by the close of business March 3, 1969.²

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I. Top Secret; Sensitive. A copy was sent to the Chairman of the Joint Chiefs of Staff. Printed from a copy that indicates that Kissinger signed the original. According to Kissinger, "the President, on my recommendation, ordered a step-up in US military traffic over the access routes to Berlin" to underscore his warning to Dobrynin on February 22 against "unilateral acts." (Kissinger, *White House Years*, p. 406)

² In a February 26 memorandum to Haig, Donald Lesh of the NSC staff reported attending a meeting of the Berlin Task Force that afternoon during which the participants decided that an increase in military traffic on the Autobahn was "desirable." In an attached draft memorandum to Kissinger, George Springsteen, Acting Chairman of the NSC Interdepartmental Group for Europe, outlined a plan to increase the frequency of Allied convoys to and from Berlin, including contingency press guidance. (National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I) Deputy Secretary of Defense Packard noted in a memorandum to Kissinger on March 7 that the plan developed by the Berlin Task Force was "implemented at the direction of the President on 1 March." (*Ibid.*)

13. Editorial Note

On February 22, 1969, West German Chancellor Kiesinger met Soviet Ambassador Tsarapkin in Bonn to discuss a proposal on the Bundesversammlung from Walter Ulbricht, First Secretary of the Central Committee of the East German Socialist Unity Party. In a letter to West German Foreign Minister Brandt (as SPD Chairman) the previous day, Ulbricht had suggested that his government would “react positively,” specifically offering Easter passes for West Berliners, if the Bundesversammlung was moved to another city. (Memorandum from Lesh to Kissinger, February 22; National Archives, Nixon Presidential Materials, NSC Files, Box 681, Country Files, Europe, Germany, Vol. I) Although he thought the offer was insufficient, Kiesinger told Tsarapkin that a “substantial and worthwhile concession” might be enough to change his mind. (Telegram 2547 from Bonn, February 24; *ibid.*, RG 59, Central Files 1967–69, POL 38–6)

At his urgent request, Tsarapkin visited Kiesinger in Stuttgart the next day to deliver a message confirming that a decision to move the Bundesversammlung not only would diminish tensions but also might improve relations between the Soviet Union and West Germany. When Kiesinger reiterated that the proposal did not suffice, Tsarapkin replied that “an improvement in Soviet-German relations, not wall passes, was the key element.” (*Ibid.*) Soviet Ambassador Dobrynin later gave Secretary of State Rogers an oral statement presenting the Soviet version of events described above. (Memorandum of conversation, March 17; *ibid.*, POL GER W) For records of the meetings between Kiesinger and Tsarapkin, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 1, pages 252–263.

On February 23 President Nixon began his European trip amid reports that the West German Government was reconsidering its decision to hold the Bundesversammlung in Berlin. Before he arrived in Bonn, the Embassy warned that the issue might dominate Nixon’s meetings with Kiesinger, possibly associating him with “responsibility for the final decision, whatever it may be.” In the Embassy’s view, Kiesinger had allowed a “protracted, damaging display of German indecision,” fearing that the controversy might adversely affect his popularity with either German public opinion or the U.S. Government as it considered the feasibility of negotiations with the Soviet Union. By offering “small concessions paid in actuality by the East Germans,” the Soviets could now claim credit for avoiding a crisis over Berlin, thereby “reestablishing a détente atmosphere which wipes out much of the damage from the Soviet intervention in Czechoslovakia.” Since “important American interests” were at stake, the United States could press the West Germans to: 1) reaffirm the decision to hold the Bundesver-

sammlung in Berlin; 2) negotiate a more equitable settlement, i.e., beyond a limited agreement on Easter passes; or 3) make the best of a bad situation. The Embassy suggested that there were “strong arguments” for the first course of action: “If we are going to have difficulties with the Soviets on Berlin, it may be that the present overall situation contains effective limitations on what the Soviets can do in countermeasures around March 5. These may not be so strongly present at a later stage to keep down the level of the dispute and bring the issue to a favorable outcome.” (Telegram 2548 from Bonn, February 24; National Archives, RG 59, Central Files 1967–69, POL 14 GER W) In its reply, the Department repeated that West Germany should decide where to hold the Bundesversammlung; the United States would then support the decision. (Telegram 29542 to Bonn, February 25; *ibid.*)

On February 25 Assistant to the President Kissinger received an urgent appeal from Fritz Kraemer, his former mentor and currently a senior adviser in the Pentagon. In a memorandum forwarded to Kissinger in London, Kraemer argued that acceptance of the East German offer would have “tragic consequences.” Although some thought the proposed deal indicated a Soviet desire to avoid confrontation, Kraemer believed that the “shoe is on other foot.” He wrote:

“West Germans—especially Social Democrats Wehner, Brandt, Schuetz, but also Chancellor Kiesinger and other non-Social Democrats—have been wavering, ambiguous and publicly agonizing over issue of holding Federal Assembly in Berlin from outset. It is they, rather than Moscow-Pankow, who grasp at straws to be taken off the hook. To renounce established custom of electing Federal President in Berlin in return for Easter Passes would constitute, in harsh world of realities, retreat from a long held *permanent* position in exchange for purely *temporary*, transitory advantage. Regardless of how such actual retreat would be justified and prettified by official Western propaganda, friend and foe would conclude that, once again, West has given in to naked Communist threats when moment of truth arrived.”

Kiesinger had reportedly deferred a final decision pending consultation with the President; Kraemer insisted that Nixon should use this opportunity to intervene since Washington, not Bonn, was ultimately responsible for the security of Berlin. “Under circumstances,” he explained, “US President in own self-interest cannot simply let uncertain and advice-seeking Chancellor follow line of least resistance and yield out of weakness. Bonn, on contrary, needs to be assured of US feeling that, at this late date, change of venue of Federal Assembly site would be fateful mistake of gravest consequences.” (*Ibid.*, Nixon Presidential Materials, NSC Files, Box 448, President’s Trip Files, Wires Sent to Dr. K While on Presidential Trip—23 Feb thru 2 March 69)

14. Draft Memorandum of Conversation¹

Bonn, February 26, 1969, 11:05 a.m.

DRAFT MEMO OF PRIVATE CONVERSATION BETWEEN CHANCELLOR KIESINGER AND PRESIDENT NIXON

Chancellor: (The Chancellor started by saying he did not have enough English practice; that he has visited the States in 1954 for the first time; that he has a daughter in Washington with two granddaughters.) After this introduction, he mentioned that the President was aware that there was now a “little war” between France and the United Kingdom on two topics. One, the talk that leaked from the conversation between General de Gaulle and the British Ambassador in Paris, Soames, and the other concerning the Western European Union (WEU).²

Nixon: We want to get your advice as to our best action. I feel that I should have communication lines open to the French and to de Gaulle. My views are in support of the European Alliance and I also believe that Britain belongs in Europe. On the other hand, I don’t think it is useful to possibly try to score points when there is no give in the French position. There are other areas where we should work together. It is vital for Germany to have ties with France, you are the key here. I assure you I want to have the closest consultations with your government. You are the heart of the alliance. We don’t want to do anything to weaken this—such as in Berlin—while you are tightrope walking between allegiance to and alliance with the United Kingdom and France. We are on the outside. We don’t want to get involved in inter-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 834, Name Files, Sonnenfeldt, Helmut. Secret. No drafting information appears on the memorandum, which is marked “Uncleared—For Embassy Use Only.” The time of the meeting is from the President’s Daily Diary. (Ibid., White House Central Files) In a March 10 letter forwarding the memorandum to Sonnenfeldt, Fessenden explained: “Attached are the draft records of the three meetings we discussed on the phone. The record of the private session between the President and the Chancellor was done by Hans Holzapfel, our interpreter. The other two were prepared by me. We prepared them during the night you were here, and I then gave them to Marty [Hillenbrand] the next morning on our way to Berlin.” (Ibid., NSC Files, Box 834, Name Files, Sonnenfeldt, Helmut) An earlier draft, including handwritten corrections, is *ibid.*, RG 59, Conference Files: Lot 70 D 387, Box 484, CF 338, President Nixon’s Trip to Europe, 2/23–3/2/69, Chronology; Memcons—Vol. I of VIII) For a German record of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 1, pp. 273–278.

² Reference is to the controversy surrounding two meetings in February between de Gaulle and Soames, in which the future of European integration and security, including British membership in the Common Market, was reportedly discussed. For discussion of the “Soames Affair,” see Kissinger, *White House Years*, pp. 86–89.

nal battles. We want communications with all the parties. Our devotion bilaterally and multilaterally to your nation is firm. How can the United States best play its role?

Chancellor: The best thing would be to show your true interest in European affairs. Many people share the conviction that Europe must be united and become a stabilizing factor in world affairs. This is the main aim here, namely such a united Europe in some form, but this is our own affair. I am sorry that we have not so far succeeded, and it is not only de Gaulle's fault. He has his own ideas about a united Europe which are not accepted by us. For example, he wanted special connections with us but we don't have the same views about many things. We share the views of other Europeans on NATO and on relations with the United States. Even on the Near East conflict, our views are different. In talking with de Gaulle we were quite frank. De Gaulle once told me a story about the two treasure hunters who shared many dangers and hardships. However, they found no treasure—they only found friendship. De Gaulle wants Europe without U.S. partnership and with the exclusion of Britain. There are more differences between Germany and France than between any other Western government; yet we have a treaty with the French and we meet on the highest level twice a year. Precisely because our views differ, I feel we must meet. The General has now become disappointed. I tried to strengthen our ties, but I can't change our views only to agree with the French. Up to now I have avoided a split. I have tried to build bridges—for example, in the last WEU dispute. On the whole our relationship with France is not as good as it used to be. If you constantly disagree on problems it becomes tiresome. We have asked the French why they are so anti-United States. Our relations with the United States have first rank in our own political aims. De Gaulle is a strong man with a feeling of a historic mission because France has declined as a nation. I am very firm in trying not to let us (Germany and France) drift apart. The miracle after the war was that our two people did not want to drift apart either, and yet I am often being blamed for not being able to make up my mind and make decisions in this relationship.

Nixon: You have got to stay on this tightrope. We understand and we don't want to embarrass this delicate relationship. I will have a very good talk with de Gaulle so that he does not get the feeling that he is being isolated.³ We will have communications, but I also have no illusions.

³ Nixon was in Paris on February 28 and March 1 for meetings with de Gaulle. Documentation on the visit, including a memorandum of conversation on the latter date, is scheduled for publication in *Foreign Relations, 1969–1976*, volume XLI. See also Nixon, *RN: The Memoirs of Richard Nixon*, pp. 370–375; and Kissinger, *White House Years*, pp. 104–111.

Chancellor: It is always a pleasure to talk with de Gaulle. What he says we listen to.

Nixon: (Interjects) And he says it so well.

Chancellor: We are not sailing in the wake of France. It is disappointing to him that we don't share all his views, but we will have to be patient over the next decade with France. De Gaulle should not get the feeling of isolation. I told Wilson that two years ago when he wanted to be harsh, but we cannot force de Gaulle to do anything. Our public opinion is very much for Britain's participation in Europe and so is the opinion of our national leaders. There really is no barrier for the United Kingdom and we told Wilson last time that we cannot conceive of a united Europe without the United Kingdom or France. In the past few years new European institutions were talked about, forming a unit within WEU and excluding France, but no one can really think that this will work.

Nixon: That is a mistake. We must look at history's sweep. Man changes and leaders change. France is a part of Europe just as the United Kingdom should be. We should not engage in vindictive rhetoric or react emotionally rashly. We should have a steady firm line. There is another analogy—our relationship with the Soviets. These are not belligerent, not provocative, but firm, direct and uncompromising on principles. I understand that in dealing with the Soviets, we are not dealing with a friend. De Gaulle is a friend. The Soviets may some day be a friend, but not now.

Chancellor: In talking with President Johnson on French problems and mentioning that we were often irritated, he also said that they are still our friends and we should never forget what de Gaulle did during the Cuban crisis.⁴ I feel that de Gaulle will do that in any crisis affecting the alliance.

Nixon: We must look at the long sweep of history, and isolating any one is a great mistake. That will be my policy—to make clear that I want the closest communications with your people. We have talked it over. We have established a "line of credit [*communication?*]" . The line of communication must be very clear and direct.

Chancellor: When the NPT issue was raised soon after I came into office, I was given a very hard time. I remember an article by Foster in

⁴ Reference is to de Gaulle's public support for President Kennedy during the Cuban missile crisis in October 1962. Kiesinger met with Johnson several times during his visit to Washington, August 15–16, 1967. For memoranda of conversation, including discussion of de Gaulle, see *Foreign Relations, 1964–1968*, vol. XV, Documents 226 and 228; and *ibid.*, vol. XIII, Document 263.

which he said that if you want the treaty you have to risk an erosion in our alliance.⁵ I think that would be a terrible mistake.

Nixon: I couldn't agree more. What I feel and reiterate because of our future relations—and as you know, I have suggested that the Congress ratify the treaty and eventually it will be passed—or on any problem you face, arms limitation or anything that we may talk about with the Soviets, the alliance is, as we say in the United States, the Blue Chip, the heart of the defense of Europe and of the free world. As far as the Soviets are concerned, all their actions are designed to break up that alliance. We shall not fall into that trap. We will talk but we won't get trapped. Let us not weaken the alliance. We have to think about what they want and then look at our alliance and particularly at Germany. We know their aim and they are keenly aware that we "play the same game." I think therefore they appreciate us more.

Chancellor: We must be firm but not hostile, open to discussion. We are prepared to maintain our rights but we and our people are realistic. The people are firm and will not waiver, but they are not emotional. They know very well whether our friends are with us or are not interested in us; but the people don't want the impossible. The fact that you are going to Berlin is of the greatest value to us. The NPT situation is still difficult; there is division in my country and in my party, but we now should be discussing it on a higher level. There are the two UN resolutions that the Soviets want to utilize against us⁶ and there is the problem of control. We (Chancellor and President) should not deal with that now, but if that could be treated satisfactorily, also for public opinion, that would be a step in the right direction.

Nixon: Do you need some reassurances from the Soviet Union on those two UN resolutions?

Chancellor: Our public opinion would not understand why we signed the treaty if the Soviet Union claims the right of military intervention at their pleasure. On control, for example, we have a common work plan with the Dutch on a centrifuge. So the Soviet Union says we cannot do that after the treaty is signed. Therefore the control question has to be cleared up. I am sure we can satisfy the Offset question satisfactorily and would like to do it over the longer haul.

⁵ Reference is apparently to William C. Foster, "Risks of Nuclear Proliferation: New Directions in Arms Control and Disarmament," *Foreign Affairs*, 43 (1964/65), pp. 587–601. Foster was Director of the Arms Control and Disarmament Agency under President Johnson.

⁶ Reference is to Articles 53 and 107 of the UN Charter; see footnote 9, Document 7. Strauss and others insisted that West Germany should not sign the Non-Proliferation Treaty until the Soviet Union renounced its "legal right" to intervene in internal German affairs under the articles. See *Foreign Relations, 1964–1968*, vol. XI, Document 259.

Nixon: There is need here to get our experts to talk to each other. We have a common objective—international monetary stability. We are not rigid, however, I know your government has some objections to our suggestion about compensation for our troops stationed here. We don't want any embarrassing situations. I have talked to our financial people and we will have to work out a satisfactory arrangement.

Chancellor: That was a real problem in 1966 and led to Erhard's resignation.

Nixon: I know there is a German financial group coming to the United States in March. They might talk about this problem with our financial people.

15. Draft Memorandum of Conversation¹

Bonn, February 26, 1969, noon.

DRAFT RECORD OF 12 O'CLOCK SESSION, CHANCELLOR'S OFFICE

PRESENT

The Chancellor	The President
Brandt	The Secretary
Carstens	Kissinger
Duckwitz	Hillenbrand
Diehl	Fessenden
Ahlers	Pedersen
Pauls	Ziegler
Ruete	Sonnenfeldt
Osterheld	Holzapfel
Weber	

After the welcome by the Chancellor, the President opened the discussion by saying that he was in Europe to establish a "line of communication" between the new U.S. administration and the German

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 834, Name Files, Sonnenfeldt, Helmut. Secret. No drafting information appears on the memorandum, which is marked "Uncleared: For Embassy Use Only." For an explanation, see footnote 1, Document 14. Another, nearly identical, draft is in the National Archives, RG 59, Conference Files: Lot 70 D 387, Box 484, CF 338, President Nixon's Trip to Europe, 2/23–3/2/69, Chronology; Memcons—Vol. I of VIII. Pedersen also took notes of the conversation. (Department of State, S/S Files: Lot 75 D 229, Pres. Trip to Europe, Feb.–Mar. 1969) For a German record of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 1, pp. 278–283.

Government, both the present one and the government which will follow after the German elections. The President said he wanted to reiterate what he had already told the Chancellor in the car coming in: The U.S. relationship with the FRG is at the heart of our foreign policy; therefore, we want the closest communication and cooperation. As we look to those who might oppose us (the Soviets), we realize that they regard the great NATO Alliance as the key issue for them. If they can weaken the NATO Alliance, it will be a great accomplishment for them. Because of this Soviet objective, it is therefore necessary to do all possible to strengthen our alliance. There are very few differences between German and U.S. foreign policy objectives. We agree on fundamentals. We both want a united Europe, we both want British entry in the Common Market, we both believe it is necessary to maintain and strengthen the military commitments to NATO. We realize that the FRG has a special problem in dealing with its friends within the Alliance. We know the FRG wants good relations with the United Kingdom, with France, and with the U.S. There are occasions when there are sharp differences; last week's events brought these clearly to the fore.²

The President said he regarded his Berlin trip, not as a provocative action, but as something which he was required to do because to do otherwise would have been a sign of weakness. The U.S. feels it must maintain a firm, though not a belligerent or a provocative posture. There will be at some time bilateral U.S.-Soviet discussions covering such subjects as the Middle East and possibly SALT. The President emphasized very strongly, however, that there will be no discussions with the Soviets which will weaken the Alliance or the Federal Republic. The President said he intends to maintain the closest communication through the respective foreign ministries and the German Embassy.

On other matters, like offset, the President said he thought these were better discussed at the technical level. The President added that he was glad to hear during the private talk that a group was going to Washington in March. He was sure that they would be welcomed by Secretary Kennedy. It was most important to work out satisfactory solutions and maintain monetary stability. The President then called upon Secretary Rogers to speak.

The Secretary said that in his talks with Foreign Minister Brandt, he had explained that the U.S. recognizes the political problems with which the FRG is faced.³ He recognized also that the difficulties

² Reference is presumably to the "Soames Affair"; see footnote 2, Document 14.

³ A brief account of Rogers' meeting with Brandt, as well as a summary of the discussion between Nixon and Kiesinger, is in telegram 3003 from Paris (Secto 19), February 28. (National Archives, RG 59, Central Files 1967–69, POL 7 US)

between the United Kingdom and France posed problems for the FRG. These differences, the Secretary felt, are considerably exaggerated in the press. He added that there will also always be differences between friends. The Secretary said that he had explained these to both the British Government and press.

The Chancellor said that the President's trip to Europe has great symbolic importance and added that he hoped the present seemingly confused situation in Europe would not mislead the President. He agreed with Secretary Rogers that the press considerably exaggerated the Franco-British affair and urged that all keep a cool head. The Federal Republic will do its best to help solve these difficulties. He added that the FRG is sometimes accused of being hesitant and indecisive. This is wrong; the contrary is the case. The FRG remains steadfast in pursuing its goals. He said that he wanted to emphasize very strongly that the most important goal of German foreign policy was European unity and this goal is supported by the entire cabinet, the German Government, and the vast majority of the people.

The Chancellor then said that a recent public opinion poll showed that 76% of the German people stand for closest cooperation with the U.S. This is the highest favorable response ever recorded for a view on a political question and shows clearly that the German people realize what is important and know what they owe to the Alliance. The FRG, like other European countries, does not want to be completely dependent on "big brother," but they also know that none of the individual European countries today has the ability to defend itself alone. The FRG is prepared to do its part to strengthen the Alliance, and since Czechoslovakia, steps have been taken to strengthen German defenses.

As for national problems, the Chancellor said German unity remains a fundamental goal but the government is realistic about this as well. They know the difficulties and that the way is long and hard. The FRG also understands that the U.S. and Soviets must have certain contacts on matters which affect freedom and peace in the world today. But, as the President himself said so clearly, these contacts will be undertaken in closest consultation with the Allies. Furthermore, the Allies are fully confident that there will in fact be such full consultations.

The President said he would like to reaffirm that we assume, until we have evidence to the contrary, that a major Soviet objective is to weaken the Alliance and especially the FRG. The President said he wanted to assure again that, this being the case, we intend to do nothing which will weaken the Alliance or the FRG. In other words, the President said, we know what the game is about. The Alliance, which has kept the peace for the last 20 years, is absolutely crucial.

The Chancellor said that, on Berlin, we must keep the city free and viable. These are the objectives which determine FRG policy toward

Berlin today. We must also not allow the vital arteries between Berlin and West Germany to be severed. There is a crisis regarding Berlin over the holding of the Bundesversammlung. There are differing opinions within the FRG on the wisdom of holding the Bundesversammlung in Berlin. There is no question, however, regarding the right of the FRG to hold the meeting there, but the Soviets are disputing this right. The more the Soviets pressure and threaten us on this, the more firm we have had to become. In the last week, the FRG has received hints of Soviet willingness to reach an understanding on this, which has been the subject of some talks between the Chancellor and the Soviet Ambassador. The Chancellor said he has told the Soviet Ambassador that if the Soviets are prepared to make some convincing contribution to removing the obstacles to German viability and freedom erected by the East Germans, then perhaps something can be worked out. The Chancellor said he did not know what would come out of these talks, adding that the subject is being discussed in Berlin today. The Chancellor said he wants on the one hand a genuine offer for an understanding; but on the other hand any decision to move the location of the Bundesversammlung must be on the basis of a real contribution by the Soviets. If there is no such real contribution by the Soviets, the Bundesversammlung will in fact be held in Berlin. The Chancellor added that the people of Berlin were very courageous and that it was a great thing that the President was going to visit there.

The President replied that he wanted to assure the Chancellor of full American support for Berlin. As he had told Ambassador Pauls in Washington, he had explained to the Soviet Ambassador in Washington that the Berlin trip was not a provocation but was a reaffirmation that Berlin and its freedom have the support of the U.S.⁴ He had also told the Soviet Ambassador that, in case of any Soviet actions affecting Berlin, these could be very detrimental to any bilateral talks between the U.S. and the Soviet Union which might take place.⁵ Our posture is one of firmness but not belligerence. This policy had been the policy of several American Presidents and was one which he would continue.

On the Bundesversammlung decision, the President said this should be taken by the FRG in the light of its own interests. If the FRG gains concessions from the Soviets which are very significant and lead to a change in the locale of the Bundesversammlung, we will respect and support that position. If on the other hand the FRG decides to go ahead with the Bundesversammlung in Berlin, we will respect and support that position.

⁴ See Document 5.

⁵ See Document 11.

16. Draft Memorandum of Conversation¹

Bonn, February 26, 1969, 4:15 p.m.

DRAFT RECORD OF 4:15 P.M. SESSION,
CHANCELLOR'S OFFICE

PRESENT

The Chancellor	The President
Brandt	Secretary
Carstens	Kissinger
Duckwitz	Hillenbrand
Diehl	Fessenden
Ahlers	Pedersen
Pauls	Ziegler
Ruete	Sonnenfeldt
Osterheld	Holzapfel
Weber	

Middle East—The President opened the discussion by saying that we were undertaking exploratory talks on the Middle East, at the present stage in the UN on a bilateral basis. Our general concept is that Four-Power discussions later might produce some recommendation for settlement. “Recommendation” is the key word; there is no thought of imposing a settlement, especially on the Israelis. The President explained that he had already had useful bilateral talks in the UK and would be having them in Paris.² The problem is not easy. The Israelis insist on the recognition of Israel as a state; their Arab neighbors insist that Israel withdraw from the occupied territories. The Israelis also insist that there be a credible guarantee of no further military threat. They want to retain a few territories, such as the Golan Heights and certain other areas. One possibility is a UN guarantee, but this is not credible to the Israelis because of their previous experiences. Another possibility would be a guarantee by the United States and the Soviet Union, with perhaps other major powers. This would be more credible to the Israelis.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 834, Name Files, Sonnenfeldt, Helmut. Secret. No drafting information appears on the memorandum, which is marked “Uncleared—For Embassy Use Only.” For an explanation, see footnote 1, Document 14. Another, nearly identical, draft is in the National Archives, RG 59, Conference Files: Lot 70 D 387, Box 484, CF 338, President Nixon’s Trip to Europe, 2/23–3/2/79, Chronology; Memcons—Vol. I of VIII. For a German record of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 1, pp. 283–291.

² Memoranda of conversations in London and Paris are scheduled for publication in *Foreign Relations, 1969–1976*, volume XLI.

The President said a Middle East settlement is very important because it is one of the key areas in the world where a military confrontation could drag the two major powers into a conflict which neither side wants. The problem was a most difficult one; no “instant solution” was at hand. He asked Secretary Rogers for his appraisal.

The Secretary said he felt there was some slight hope for progress. Certainly the talk in the UK had been constructive. He added that one thing is clear: It is essential that the starting point for a solution must be assurance to Israel of its continued existence. The Secretary said they would hold further bilateral talks with the French and then again with the Soviet Ambassador after their return to Washington.³ They will discuss the matter with the Soviet Ambassador orally because the Soviets have told them they will not respond yet in writing to our request for clarification of their proposal.

East-West Relations—The President opened the discussion by saying that the Soviets have already shown great interest in SALT discussions. He said he had earlier stated, before the election, that there must be progress on political questions, such as the Middle East and Vietnam, before SALT talks. This statement had been interpreted in many quarters as a precondition to the opening of SALT talks. The President speculated on why the Soviets were so anxious for SALT talks. Two reasons seem plausible: (a) They wanted to avoid the excessive budget expenditures. This, the President commented, would not be sufficient reason for us to engage in SALT discussions; security, not budget and financial considerations, were the dominant factor for the US. (b) A second reason for wanting SALT discussions was to head off the danger of an arms race, which allegedly increases the danger of war. However, this is a questionable thesis. History shows that political difficulties lead more often to war than the mere fact of an arms race. Therefore, we have told the Soviets that the best way to move ahead on SALT talks is to make simultaneous progress on several political fronts: i.e., the Middle East, Vietnam, and the division of Europe.

The President said that in discussions so far with the Soviet Ambassador in Washington he has made clear that any agreement on SALT talks would involve full consultation with our NATO allies and no impairment of NATO's strength and credibility. Specifically, the President said, nuclear arms available to NATO forces would not be part of a SALT agreement.

³ Rogers met Dobrynin on the morning of March 8 for a discussion of several issues. (Personal Papers of William P. Rogers, Appointment Books) A memorandum of their conversation on Berlin is in the National Archives, RG 59, Central Files 1967–69, POL 38.

The President then pointed to a potential danger for the alliance in SALT talks. Experience has shown that any bilateral disarmament discussions with the Soviets (test ban, NPT) tend to increase the sense of euphoria and sap the determination in NATO to maintain our own defense capability. This is a real dilemma because it is only a strong NATO which makes possible disarmament talks with the Soviets. Therefore, it is most important, even while talks may be going on with the Soviets, to continue to hammer home the necessity of maintaining our own defensive strength. It is not easy for a politician to get across to the people in a democracy that we should simultaneously maintain our military strength and negotiate with the Soviets.

The President then said there had been a disturbing development in recent years. In 1962, at the time of the Cuban missile crisis, the US lead in strategic missiles had been so massive that no rational decision makers on the Soviet side would have risked war. Unfortunately, the US lead today has been sharply cut because of a very major Soviet effort to increase its own missile capability. Accompanying this has been an equally significant improvement in the quality of Soviet conventional strength.

The President then pointed to a serious political problem in the US. There is a very strong move to bring home US troops from Europe.⁴ Before Czechoslovakia a majority of congressmen would have favored this. The President stressed that he personally does not share this view. He believes we should maintain our commitments for European defense and that this is especially important whenever we undertake negotiations. The President said that the other side of the coin is that it is very difficult politically for us to carry our share of the load if the Europeans are not prepared to carry theirs. There are two basic theories regarding our force posture in Europe: (a) There is the "trip-wire" theory which says we need a bare minimum of forces because any military attack against Western Europe is enough to set off the full US deterrent. Under this theory, conventional forces don't matter, and we can "go nuclear" immediately. (b) The second theory holds that there would be a substantial amount of time for holding and that, therefore, conventional forces should be kept at a credibly high level. The President said that he believed we need to maintain substantial conventional forces and that the present level of our forces in Europe should be maintained. In addition to the purely military reasons for this is the need to have adequate conventional forces to resist political pressures short of open military attack.

⁴ Reference is presumably to the continuing effort of Senate Majority Leader Mansfield (D-Montana) to pass a resolution calling for substantial reductions of U.S. forces in Europe.

The Chancellor thanked the President for his appraisal of the East-West political and strategic situation. He agreed completely that there is an inseparable connection between military strength and successful negotiations with the Soviets. He also fully understood that the American military contribution to NATO defense is closely tied with Europe's own willingness to contribute to its defense. He stressed that the presence of US troops in Europe is of the greatest importance to the FRG. The events in Czechoslovakia had heightened an awareness of the central fact that the American military presence in Europe was the best guarantee for European peace.

Mediterranean—The Chancellor said a new element is the rapidly increasing Soviet presence in the Mediterranean. This makes Europe very uneasy; the Soviets already control the Baltic and the northern Scandinavian waters. Now they are carrying out a kind of pincers in the Mediterranean. Some Europeans argue that the Mediterranean should be “neutralized,” with the Sixth Fleet pulled out. The Chancellor said he was very much opposed to such proposals.

The President replied that the idea of neutralizing the Mediterranean bordered on the ridiculous. Neutralization only works where it is guaranteed by the major powers who might otherwise have a conflict. The presence of the Sixth Fleet in the Mediterranean is essential.

Secretary Rogers agreed that neutralization requires much mutual trust and good faith, and we are a long way from this in the Mediterranean.

East-West Relations—The Secretary then said the problem with the SALT topics is whether the Soviets may be using discussions in this field to overcome the stigma of Czechoslovakia. We think there should be progress towards political solutions in all fields, not just in SALT. The steps seem to be clear: find out what the Soviets really have in mind, consult fully with the allies, and maintain our military strength. The Secretary added that we do not like the word “détente.” It lulls people in the West into reducing their military strength. We should certainly undertake concrete steps to improve relations with the Soviets, but avoid creating euphoria. In sum, we are willing to enter talks with the Soviets, but are somewhat wary regarding their motives for these talks.

The Chancellor said that he felt the German position on East-West relations has not always been understood in the American press. It has never been the German intention in pursuing a more flexible Eastern policy to abandon in any way their attachment to a strong NATO. There has also been criticism of German Eastern policy in Europe, particularly in France. There has even been a charge that the FRG induced the events in Czechoslovakia by its Eastern policy. It has never been the German policy to drive a wedge between the Soviet Union and its

so-called satellites. Germany has always been quite aware of the limits of its policy. Its only objective has been to open contacts with Eastern Europe and improve the political climate.

The President said that he had never given any credence to the idea that the Soviets moved into Czechoslovakia because of German expansionism. That was a pretext and not a cause. He felt that it was difficult to read the situation in Eastern Europe at this time. He expressed his own feeling that trade and other contacts in this area, like tourism, should be pursued, but he also believed that the recent Soviet declaration of a “socialist Commonwealth” may deter that.⁵

Brandt said he wanted to make two comments. First, on consultation, he realized that real consultation, in substance rather than mere form, greatly increased the burdens of the US. Second, he expressed the hope that in settling political problems with the Soviet Union, such as the Middle East and Vietnam, attention would also be given to European problems, on which there had been no progress in recent years. For example, some real progress towards a stable settlement in Berlin would be highly desirable.

Brandt added that the Eastern European countries, despite Czechoslovakia, still seem to be interested in contacts. For example, they had had interesting talks with the Poles in November. The Rumanians and Yugoslavs were obviously interested. Even the Czechs say they now have the green light from the Soviets for economic cooperation with the West. Economic contacts, even tourism, seem to be going up.

The Chancellor said that the new “Socialist Commonwealth” doctrine would be strongly pushed by the Soviets, but the Soviets will not be able to stop the process of liberalization. The events in Czechoslovakia were very different from those in East Germany in 1953 and in Hungary in 1956. The fact is that the young people particularly simply refuse to accept the Communist system. As a result, however, a difficult and dangerous situation may be created because the Soviets will be tempted to do rash things to stop the clock.

The President, apologizing for putting the subject forward, asked whether frustration regarding early attainment of German reunification does not increase the possibility of Germany’s trying to reach an accommodation with the Soviets.

⁵ Reference is apparently to the so-called Brezhnev Doctrine. On November 12, 1968, in a speech at the Fifth Congress of the Polish Communist Party in Warsaw, Brezhnev justified Soviet military intervention in Czechoslovakia the previous August as a necessary step to prevent capitalist interference in the socialist camp.

The Chancellor replied that people in the FRG are sober-minded and realistic about reunification and there is no real tendency for seeking a deal with the East. In response to the President's question, he said this applies even to young people.

The President then raised the question of why the Soviets were so interested in SALT discussions. The Chancellor replied that he thought the Soviets had arrived at a stage in their strategic arms development where they think they can now stop further progress with advantage to themselves. Brandt said the Soviet interest in SALT might result from two causes. First, the Soviets have very heavy domestic demands which must be met. Second, the key question of China, which the Yugoslavs, for example, believe is a major factor. As a result, the Russians are more interested in lessening tensions with the West. The Chancellor agreed and added that in addition the Soviets must in particular maintain larger conventional forces to deal with China.

The President thanked Chancellor and Brandt for these comments, adding that they were valuable in our own consideration of the problems involved. He said that we have not made final decisions yet on the SALT talks. Commenting on the two points raised, the President said China must indeed be a major concern for the Soviets. Perhaps they will need not only reductions of tensions with the West; they may feel compelled to go even further. Regarding Soviet internal demands as a motive for their interest in SALT talks, the President pointed out that a less comforting thesis could also be developed. Sometimes serious internal problems lead a country like the Soviet Union to a harsher line rather than a softer line.

Regarding Foreign Minister Brandt's point about the added burdens of consultation, the President said one could also argue the opposite. As an example, before his trip, he had called a bipartisan conference of congressional leadership.⁶ Some of the congressional leadership do not agree with him on his basic European policies. Still, it was better to have this conference now rather than after his European trip. It is likely that he would have had even more trouble had he consulted after the fact. The same applies in the international field.

On Eastern Europe, the President made a special appeal for German contribution, saying that Germany has more knowledge, experience and contacts than any other country in this field.

⁶ Nixon met with Congressional leaders on February 19 to discuss his upcoming European trip and other issues. Notes on the meeting, written by Patrick J. Buchanan, are in the National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Memoranda for the President, Beginning February 16, 1969.

Monetary Matters—The President said that monetary matters will be of great importance in the period ahead. He felt the best approach for the present would be a very quiet and inconspicuous bilateral discussion between the leading countries, not an international conference. He had suggested this in the UK, where the response had been favorable. Treasury Secretary Kennedy, who is much preoccupied now with tax reform is not in a position to travel at the present time, although Under Secretary Volcker is more available for this purpose. On the other hand, we welcome the visits to Washington of responsible monetary officials, where Secretary Kennedy will be only too glad to talk with them. This kind of inconspicuous bilateral consultation is the best way to get together in this delicate field.

Trade Policy—The President said that Commerce Secretary Stans is planning a European trip next month and would welcome the opportunity for talks on trade policy. The President said that American and German views are very similar on trade policy questions, but we are constantly faced with protectionist pressures at home. Maximum consultation in this field is highly desirable.

17. Editorial Note

On February 27, 1969, 1 week before the Bundesversammlung meeting, President Nixon arrived in West Berlin to demonstrate U.S. support for the freedom and viability of the city. In an address at the Siemens factory that afternoon, the President delivered a warning to the Soviet Union and East Germany: “No unilateral move, no illegal act, no form of pressure from any source,” he declared, “will shake the resolve of the Western nations to defend their rightful status as protectors of the people of free Berlin.” Nixon, however, also offered an olive branch:

“The question before the world is not whether we shall rise to the challenge of defending Berlin—we have already demonstrated that we shall. The question is how best to end the challenge and clear the way for a peaceful solution to the problem of a divided Germany. When we say that we reject any unilateral alteration of the status quo in Berlin, we do not mean that we consider the status quo to be satisfactory. Nobody benefits from a stalemate, least of all the people of Berlin. Let us set behind us the stereotype of Berlin as a ‘provocation.’ Let us, all of us, view the situation in Berlin as an invocation, a call to end the tension of the past age here and everywhere.” (*Public Papers: Nixon, 1969*, pages 156–158)

In his memoirs, Willy Brandt claims that “we had persuaded President Nixon that he ought to give a sign” during his visit for negotiations on Berlin. “This he did in a constructively worded speech at the Siemens works in Berlin.” (*People and Politics*, pages 194, 388) For memoir accounts of Nixon’s visit to Berlin, see Kissinger, *White House Years*, pages 100, 407; Hillenbrand, *Fragments of Our Time*, pages 269–270; and Walters, *Silent Missions*, pages 562–563.

On March 3 Soviet Ambassador Dobrynin mentioned Nixon’s speech on Berlin during a luncheon with Kissinger. According to the memorandum of conversation, Dobrynin opened the discussion by noting that the Soviet Union had closely followed news of the President’s trip:

“Except for some phrases in Berlin, it [Soviet Union] had found nothing objectionable. He [Dobrynin] asked whether these phrases indicated any new commitment to German unification. I [Kissinger] replied that the purpose of the Berlin speech was to emphasize existing American commitments, not to undertake new ones. I also told him that we viewed any harassment of Berlin with the utmost gravity. Dobrynin replied that the only concern of the Soviet Union was to prevent a change in the status quo in Berlin and elsewhere in Europe. The Bonn government had deliberately created a provocation. I replied that a clear precedent existed so that one could hardly talk of provocation.”

After reporting a readiness to use the Kissinger channel for a “strictly confidential exchange on delicate and important matters,” Dobrynin raised matters relating to Europe, particularly Germany and Berlin. Since Kissinger had previously foresworn any “interest in undermining the Soviet position in Eastern Europe,” Dobrynin had been authorized to deny any “intention of undermining the status quo in Western Europe.”

“The Soviet Union was interested that the United States acted on the basis of the actual conditions in Europe. I [Kissinger] asked whether that meant that the Soviet Union did not care about formal recognition of Eastern Germany. Dobrynin replied that this was correct. I added that for us it was essential to get the access procedures to Berlin regularized. Dobrynin suggested that there had been many positive developments in the negotiations of 1963 to 1969 crisis that might be re-examined. He refused to specify what those were but said he would go over the record and give me some indication later. He urged me to do the same, indicating that Moscow’s attitude was ‘positive.’”

At the end of the meeting, Dobrynin asked whether “Soviet reassurance was enough to get German ratification” of the Non-Proliferation Treaty. Kissinger replied that if the Soviets could meet German concerns on specific provisions in the treaty, “either through us or directly, it would ease the problem of signature considerably.” (National Archives, Nixon Presidential Materials, NSC Files, Box 489, President’s Trip Files, Dobrynin/Kissinger, 1969 [Part 2])

Kissinger regularly briefed the President on developments before the Bundesversammlung convened on March 5. On March 3 he reported that the autobahn to Berlin “was not closed today as it has been the past two days.” As a result, five American convoys had tested access to the city with minimal interference. Kissinger also cited reports of “an 11th-hour move to avert a looming Berlin crisis,” including a “new offer” from Walter Ulbricht. (Ibid., Box 3, President’s Daily Briefs, March 1–10, 1969) The following day, Kissinger noted that, although the situation was “relatively quiet,” intelligence sources indicated that East Germany might impose “an almost total blockade of ground access routes from 3 to 7 March.” (Ibid.) On March 5, as delegates to the Bundesversammlung met to elect a new president, Kissinger reported that “Soviet and East German forces around and to the west of Berlin are on alert status, and have the capacity to isolate the city by land and air.” He doubted, however, that “the Soviets would risk such a challenge to Allied rights of access.” (Ibid.) In a memorandum to the President on March 6, Kissinger described the outcome as follows:

“Almost as an anticlimax the West German Federal Assembly met yesterday in Berlin and elected Minister of Justice Gustav Heinemann to succeed retiring President Heinrich Lübke. Heinemann led the first two ballots but failed to achieve the required majority; on the third ballot, when only a plurality was needed he was elected.

“During the day all three of the Berlin Autobahns were closed approximately four hours for the first time during the recent tension. There was no attempt to interfere with traffic in the air corridors, and the rumors of a complete sealing of all Berlin checkpoints proved false. Generally, the election proceeded in an atmosphere of unexpected calm.” (Ibid.)

In his memoranda to the President, Kissinger did not link developments in Berlin with events along the Ussuri River, where Soviet and Chinese forces clashed on March 2 in a dispute over Damansky or Chenpao Island. The combatants, however, did make the connection. In a report to East German leaders on March 8, the Soviets claimed that Chinese action revealed an intention to engage in “opportunistic political flirtation” with the United States and West Germany. “It is no accident,” they concluded, “that the ambush on the Soviet border unit was staged by the Chinese agencies at a time when Bonn started its provocation of holding the election of the Federal President in West Berlin.” (Christian F. Ostermann, “East German Documents on the Sino-Soviet Border Conflict,” *Cold War International History Project Bulletin*, Winter 1995/1996 (Issues 6/7), pages 188–190)

During his secret trip to Beijing in July 1971, Kissinger heard the other side of the story from Chinese Foreign Minister Zhou Enlai. “At that time,” Chou recalled, “there was high tension over the Berlin question because the Federal Republic of Germany wanted to have elections for its Parliament in West Berlin. The Soviet authorities created

the Chenpao incident so that all the Parliamentarians from West Germany could go to West Berlin to have the elections there, and so undo the crisis." When Kissinger questioned his interpretation, Chou replied: "Of course, because Ulbricht found himself in a very difficult situation the Soviets made it appear that we created trouble. However, it was they who deliberately created the incident to escape responsibilities over Berlin." See *Foreign Relations, 1969–1976*, vol. XVII, Document 141. For his published account, see Kissinger, *White House Years*, pages 145–146, 173.

18. Paper Prepared by the National Security Council Staff¹

Washington, March 11, 1969.

SUBJECT

Soviet Negotiating Interest on Berlin

Background

In the voluminous exchanges over the past decade Moscow's proposals for Berlin have featured three central objectives: (1) to change the legal-political status of the Western sectors, (2) to maintain a sharp distinction between West and East Berlin, and (3) to advance the sovereignty of East Germany either by transferring access controls or by substituting Ulbricht's regime for the USSR as the principal negotiating partner. Accordingly, Western counterproposals, designed to insure the status quo or improve on it have evoked little Soviet interest. More ambitious plans, such as unifying Berlin have been completely rejected

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1320, NSC Secretariat, NSC Unfiled Material, 1969 [9 of 19]. Secret; Nodis. No drafting information appears on the paper. Sonnenfeldt forwarded it to Kissinger on March 11 as an attachment to a memorandum drafted by Hyland. Haig noted on the memorandum: "HAK has seen + says fine job." Kissinger presumably requested the paper after his meeting with Dobrynin on March 3 (see Document 17). As Hyland explains in his memoirs: "One of the early surprises for the Nixon administration had been Soviet interest in talking about Berlin. Dobrynin had said as much to Kissinger in early 1969. This was one of my first assignments on the NSC staff: to assemble some background on the history of the long, tedious negotiations over Berlin that had taken place at various times since 1945." According to Hyland: "The idea of new talks about Berlin appealed to Kissinger. Berlin was a concrete issue on which progress could be clearly measured. In other words, it did not involve a vague, abstract improvement in atmosphere. And given the long history of Berlin, almost any progress would be a significant signal that super-power relations were improving." (Hyland, *Mortal Rivals*, pp. 29–30)

and made virtually impossible for the Soviet side by the erection of the wall. Other approaches, such as agreement on “principles” or interim arrangements were kept alive for a time. Generally, however, these were tied to some agreement in principle to change the status of the city after some given period.

As for negotiations limited to the question of access the Soviets in the past have been willing to explore alternatives, but mainly to determine how far the Western powers would go in the direction of granting new authority to East Germany. Thus, whatever new control organs might be created, they would then be responsible to East Germany for the practical details and day to day enforcement of access.

Signs of Soviet Interest

Within this general context, the Soviets have shown some interest in the following features of plans discussed by the West:

a. An all-German commission of some sort with at least some authority for Berlin Affairs, perhaps including settlement of access problems; the commission might be associated with a Four Power group; alternatively a Four Power group might be constituted with German technical advisors.

b. A UN presence of some kind located in West Berlin, with no real authority, or to perform limited tasks, such as investigating complaints of “subversive” activity.

c. Continuing Four Power consultations, at the “deputy” foreign ministers level, with the aim of reaching a new general agreement for Berlin. This would be largely a device for putting off real negotiations.

d. Creation of a new entity to supervise civilian access (the International Access Authority—the four powers in another guise) or an Authority of Neutral powers with or without the UN for the same purpose.

Berlin and the German Question

In view of the limited leverage which they can exert in negotiations limited to Berlin, the Western powers may enjoy a stronger bargaining position if they link Berlin to broader issues. The Soviets have not adamantly opposed such linkages, though they have generally tried to tie Berlin to a German peace treaty, either with the two Germanys or a separate treaty with East Germany à la Khrushchev. The farthest the Soviets have gone in the Western direction of an overall peace plan is the creation of an all-German commission to deal with unification and Berlin issues. Over the past few years this has been pressed pro forma.

Berlin-Bonn Relations

A more lively issue has been the relationship of Berlin to the FRG. The Soviet stand is well known: under none of its various proposals or concepts has the USSR been willing to admit a formal or legal link

between Bonn and Berlin. But in numerous private exchanges over the years, the Soviets have indicated a willingness to facilitate the improvement of economic and cultural ties between Bonn and Berlin (this was reiterated in Dobrynin's remarks to Secretary Rogers on 8 March).² In practice also, while they have frequently protested German activities or waged various harassments in connection with them, the Soviets have lived with a substantial FRG presence in Berlin. It is doubtful, however, that the Soviets would go very far with a deal on this issue without some change in Berlin's status or Bonn's renunciation of any political rights in Berlin.

Soviet and East German behavior in the recent "crisis," however, does suggest they are willing to bargain on this general issue. The offer of Easter passes provides some opening for further discussions should Bonn desire to proceed. Some permanent arrangements on Berlin passes could probably be negotiated, but the price would be high. Bonn would have to forego most of its activities in Berlin. Agreement not to hold another Bundesversammlung (the next one isn't due till 1974) would obviously be insufficient. In any case, now that the issue has been raised, it could provide a means of discovering whether the Soviets or East Germans are interested in enlarging the area of negotiations to include West German access to the city as well as within it.

Berlin and European Security

The Soviets have shown some interest in attaching Berlin to wider issues other than German unification. In general, the Soviets have indicated that "normalization" of the Berlin situation could be one of several measures included in a European security package. The most recent formal position on this is the Declaration of European Communists at Karlovy Vary in 1967,³ which mentions a European treaty renouncing the use of force, guaranteeing peaceful solution of disputes, as well as normalization of relations with the GDR and between the GDR and Berlin. This general line was echoed during the recent ructions, and could indicate that the Soviets are raising Berlin as a means for opening broader issues for negotiation.

Thus, one approach that might prompt some Soviet interest would be to revert to the idea of an agreement, or exploration of "principles" under the rubric of non-aggression, as a follow-on to ratification of the

² A memorandum of the conversation between Rogers and Dobrynin on Berlin is in the National Archives, RG 59, Central Files 1967–69, POL 38.

³ A conference of European Communist Parties was held in Karlovy Vary April 24–27, 1967. For text of the declaration approved at the conference, see *Keesing's Contemporary Archives*, Vol. XVI (1967/1968), p. 22501.

NPT. Though this was overtaken in the 1962 exchanges and not fully examined by the Soviets (Tab A),⁴ it may be what they might have in mind in reviving the Berlin issue. Under this approach no new agreements would be made on Berlin, which would be set aside for “study,” while negotiations proceeded on mutual renunciations of force, including disputes over European borders.

This approach, of course, does nothing to improve Berlin’s access or viability, but it might prevent further eruptions and might forestall what is now reported as long term East German effort to restrict the flow of goods and force East-West German negotiations under favorable circumstances for Ulbricht.

Soviet and US Interests

If the Soviets are actually now interested in taking up the Berlin issue once again, probably they still have the same general objectives as in earlier phases: to exchange some stabilization of access procedures or of the city’s viability for a modification of West Berlin’s juridical or political status and a strengthening of East Germany’s claim to recognition and sovereignty over the land and air corridors. The issue has probably not arisen merely because of the Bundesversammlung, but also because Moscow feels compelled to make a more active defense of its interests in Central and East Europe since the Czech invasion. Thus, the Soviets will want to shore up Ulbricht’s regime and discredit Bonn’s Eastern policy.

At the same time, the Soviets may have a current interest in stabilizing the Berlin situation, or at least beginning negotiations, in order to fend off pressures from Ulbricht for new disruptive actions. While the USSR may agree in principle with Ulbricht’s various harassment schemes, Moscow is also interested in controlling the timing and degree so as not to interfere with larger moves on East-West issues.

In almost any discussions on Berlin, the Western Powers and Bonn suffer from certain negotiating weaknesses. To protect against new encroachments or harassments the US must insist on a rigid respect for existing agreements as the basis for discussion. The Soviets and East Germans, on the other hand, can affect the urgency and atmosphere surrounding talks by applying pressures against West Berlin and the access routes. Moreover, the Soviets can play off Western military access against German civilian access. Finally, since the USSR and East Germany have no positive interest in improving the Western position,

⁴ Tab A, attached but not printed, is a March 6 memorandum from Sonnenfeldt to Kissinger, including an attached set of documents detailing American proposals on Berlin given to the Soviets between 1959 and 1963.

any conceivable agreement would almost certainly have to include some concessions tending toward the recognition of East Germany or confirming the special political status of West Berlin.

In short, there has never existed a common basis for negotiations on Berlin, and those few occasions when there was some actual bargaining were limited to peripheral issues, i.e., troop levels, subversive activity, non-stationing of certain weapons, etc. Thus, if Soviet-American contacts are to be resumed on Berlin it would be well to draw out the Soviets first, rather than offering old US negotiating proposals, or fashioning new ones. The safest US position, at least at the outset, is that the current situation, inadequate and imperfect as it may be, is still satisfactory, provided the USSR lives up to its obligations. If the Soviets have changes in mind they will inevitably spell them out, and should be invited to do so. Indeed, it is possible that the USSR intends to move on several fronts simultaneously; they may continue Tsarapkin's discussions with Brandt on the NPT and a mutual renunciation of force, continue GDR exchanges in Berlin with the Senate, while exploring the US attitude.

American Interests

Without examining all of the details of the various negotiating formulas, American interests may be defined as: (1) *the preservation of West Berlin's viability*, and consequently (2) *a substantial economic role and corresponding freedom of access for the FRG*; (3) *the maintenance of US-UK-French presence in the city and their access thereto*. Discussions with the Soviets should proceed on the basis of their acceptance of these interests, at least tacitly. Further regulation of Bonn's political activity in the city could be discussed, provided there is some compensation for Western interests. Within this definition of Western interests, there can also be room for negotiation over the modalities of *civilian* access. However, just as the ultimate sanctions for the protection of US interests in Berlin are external to the situation there, so the prospects for improving the situation through negotiations with the USSR probably will depend on the inclusion of elements not immediately related to Berlin as such.

19. Editorial Note

On March 26, 1969, President Nixon sent a letter to Soviet Chairman Kosygin outlining his personal "thoughts on the future of relations between our two countries." In addition to addressing such issues as the Middle East, Vietnam, and arms control, Nixon suggested

the possibility of a settlement on Berlin, particularly in light of the recent controversy over the Bundesversammlung. He wrote:

“I believe, Mr. Chairman, that our responsibilities also require the avoidance of crises and removal of threats to peace in Europe. I was disturbed by the recent flare-up of tensions in Berlin. As I pointed out to your Ambassador, my country is committed to the integrity of West Berlin; it is committed also to fulfilling the obligations and exercising the rights stemming from four-power agreements. Here as elsewhere, unilateral attempts to change the existing situation to the advantage of one side would place obstacles on the road to peace. I believe that any change must be the result of agreement and should improve on the unsatisfactory aspects of the existing situation. If you have suggestions that would make the situation in Berlin mutually more satisfactory, I would, of course, be interested in hearing them.” (National Archives, Nixon Presidential Materials, NSC Files, Box 709, Country Files, Europe, USSR, Vol. II)

On April 22, 4 days after presenting his credentials to Soviet President Podgorny, Ambassador Beam met Kosygin in Moscow to deliver Nixon’s letter. In order to facilitate the discussion, Beam had forwarded to the Foreign Ministry a copy not only of the letter but also of his oral statement, which contained the following passage:

“As regards Berlin and Germany, we would welcome any improvement in Soviet-German relations. We think German signature of the Non-Proliferation Treaty will assist this and we hope that the Soviets will be able to give Chancellor Kiesinger any help you may consider feasible to enable him to get the treaty adopted. Meanwhile as we have told Ambassador Dobrynin and Deputy Foreign Minister Kuznetsov in Washington, we believe early completion of the ratification process by the major nuclear powers, including simultaneous deposit of instruments of ratification, would be helpful in bringing about the widest possible endorsement of the treaty which we both seek. On Berlin, we are prepared to examine any way to improve the present unsatisfactory situation, and the President believes from his recent talks with the Germans that they are prepared to do so too. But this cannot be done under pressure. Perhaps some quiet exchanges would show the way.” (National Archives, RG 59, Central Files 1967–69, POL US–USSR)

When the two met, Kosygin, although claiming that he had not read the letter due to “preoccupation with current CEMA meeting,” conceded that he was “probably acquainted with its contents since translations were on his desk.” After an exchange on the importance of improving relations, the Soviet leader recommended that the two sides find “constructive solutions” for outstanding problems, such as the Non-Proliferation Treaty, the Middle East, Vietnam, and Europe. Kosygin insisted that the Kremlin sought to avoid tension, citing the “recent diminution of tensions in Berlin,” but would tolerate no revision of the “results of World War II.” The Soviet position on the status quo in Europe, he declared, was “sacred.” Beam declined to debate European questions, replying that, in his view, the “President’s letter

covered subject adequately." (Telegram 1693 from Moscow, April 22; *ibid.*)

Soviet Foreign Minister Gromyko met Beam on May 27 to deliver Kosygin's reply. (Telegram 2408 from Moscow, May 27; *ibid.*) The letter, dated May 24, included the following passage on Berlin, West Germany, and European security:

"We fully share the view on the necessity of averting crises and of eliminating threats to peace in Europe. In this connection we attach special importance to the understanding with the Soviet Government, expressed earlier by you Mr. President, that the foundations of the post-war system in Europe should not be changed, inasmuch as this could cause great upheavals and the danger of a clash among great powers.

"For our part, we are not interested in the creation of tension in Europe, including West Berlin. If such tension emerges from time to time, then the responsibility for it is borne by those forces in Western Germany which oppose the foundations of the post-war system in Europe, which attempt to undermine these foundations, and in particular which come out with totally unjustified claims with respect to West Berlin. There are no objections from our side to an exchange of opinions proposed by you concerning ways of improving the present unsatisfactory situation with West Berlin.

"We, Mr. President, are not at all against an improvement also of Soviet-West German relations. And the practical steps which have been undertaken by us in this direction are obviously known to you. Unfortunately, however, in the FRG the understanding still has not apparently matured that its relations with other countries, including those with the USSR, cannot be developed apart from the general foreign policy course of Bonn. And the fact that this course still is based on these which are contrary to the goals of strengthening European security and world peace is confirmed in particular by the attitude of the FRG toward the treaty on the non-proliferation of nuclear weapons. After all, it is precisely the stubborn refusal of Western Germany to accede to the treaty—with whatever contrived pretext it fortifies itself—which greatly impedes its entry into force. We hope that the United States is using its influence in order to secure the most rapid accession to the treaty by the FRG and by a number of other countries allied with the USA. As regards the ratification of the treaty by the Soviet Union, the matter is not up to us." (National Archives, Nixon Presidential Materials, NSC Files, Box 765, Presidential Correspondence File, USSR, Premier Alexei Kosygin)

For complete text of the documentation excerpted above, see *Foreign Relations, 1969–1976*, volume XII, Documents 28, 39, 40, and 51. For memoir accounts of the exchange, see Beam, *Multiple Exposure*, pages 214–221; and Kissinger, *White House Years*, pages 144, 146, 173, 407.

20. Memorandum of Conversation¹

Washington, April 9, 1969, 10:30 a.m.

SUBJECT

Secretary's Bilateral with Brandt
Transitional Arrangements for Berlin

PARTICIPANTS

FRG

Willy Brandt, Foreign Minister
Rolf Pauls, FRG Ambassador
Hans Ruete, Assistant Secretary, FRG Foreign Office

U.S.

The Secretary
Martin J. Hillenbrand, Assistant Secretary (EUR)
Alexander C. Johnpoll, Acting Country Director (EUR/GER)

Brandt thought that at the Quadripartite Dinner tonight the Foreign Ministers should take up the proposal that the Soviets be probed on whether they would be interested in helping to stabilize Berlin access, and the situation of communications between the two parts of Germany.² Brandt said that what he had in mind was that the Three Western Powers should advise the FRG, and the Soviets advise the

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 38. Secret. Drafted by Johnpoll and approved in S on April 15. The meeting was held in the Secretary's office. Brandt was in Washington for the biannual meeting of NATO Ministers. The memorandum is part III of V. The other parts are: I, Brandt's Visit to Canada (*ibid.*, POL 7 GER W); II, Non-Proliferation Treaty (*ibid.*, DEF 18–6); IV, The Budapest Appeal (*ibid.*, DEF 1 EUR); and V, Four Power Talks on the Middle East (*ibid.*, POL 27–14 ARAB–ISR). For a German record of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 1, pp. 459–461.

² At the traditional quadripartite dinner of Foreign Ministers that evening, Brandt proposed a "transitional arrangement" on Berlin, as detailed in a talking paper circulated to the Bonn Group on April 2. The text of the talking paper is in telegram 4429 from Bonn, April 2. (National Archives, RG 59, Central Files 1967–69, POL 38–6) Brandt led off the discussion of Berlin by outlining the conclusions he had drawn from the recent Bundesversammlung crisis: 1) the Soviet Union was impressed by Allied unity; 2) the Soviet Union was more interested in "the broad range of international relations" than merely Berlin itself; and 3) East Germany evidently did not share the Soviet "willingness to compromise." Brandt, therefore, proposed that the Allies should "see what the Soviets were willing to do on Berlin and other aspects of relations between the two parts of Germany." In the ensuing debate, Stewart questioned whether the Soviets and their East German allies were prepared for "meaningful talks." French Foreign Minister Michel Debré maintained that nothing should be done to endanger quadripartite rights in Berlin, arguing: "The time has not yet come when we can expect any reasonable compromise on Berlin." The Foreign Ministers, however, approved Rogers' suggestion to submit the

GDR, that they would like to see the two of them try to work out a more rational arrangement than exists now. The Three Western countries could separately, and without giving the impression of being involved in a coordinated move, suggest in a low key to the Soviets that the Soviets encourage the GDR along these lines.

Brandt said that the purpose would be to see whether the Soviets are more likely than the GDR to be interested in stabilizing the situation around Berlin. Brandt was not too optimistic that it would work, but he thought it worth trying. He added that if something like this could get started, it would help get around the Soviet argument that since the GDR is a sovereign state, the Soviets do not wish to involve themselves in these questions.

Brandt emphasized the importance of preserving the Four Power status of Berlin, and the rights of the occupying powers, in any conversations with the East that might ensue from his proposal.

The Secretary asked what the purpose of such talks with the GDR would be—to what are the talks intended to lead? Is there interference with German access to Berlin now which has to be rectified?

Brandt said that there was no significant interference at present. However, such interference could happen at any time, and steps should be taken now to see whether this kind of interference could be removed. The talks would also be designed to give Berliners a chance to visit relatives on the other side. In addition, while mail and communications between the two parts of Germany work at present after a fashion, there is no organized system for payments, so that mail and communications could be endangered at any time.

The Secretary told Brandt that he sees Soviet Ambassador Dobrynin quite frequently, and would not hesitate at all to raise this matter with him if it is decided that it is a good idea.

Brandt said that his concept was that this should not be a special subject of conversation between ourselves and the Soviets, but that we mention it to the Soviets in the course of conversations with them on a variety of other subjects.

The Secretary reminded Brandt that the Russians had complained to us that President Nixon's speeches in Berlin had been too strong and had helped prevent a compromise on the Bundesversammlung. The Secretary had replied to the Soviet Ambassador that the President,

proposal to the Bonn Group for "urgent study." (Telegram 55485 to Bonn, April 11; *ibid.*, POL 38–6) For text of the final communiqué, in which the Ministers supported "concrete measures aimed at improving the situation in Berlin," see Department of State *Bulletin*, April 28, 1969, pp. 354–356. For Brandt's brief account of his initiative, see *People and Politics*, p. 388, and *My Life in Politics*, p. 214.

being in Berlin, certainly had to speak to the Berliners; and the President had not gone beyond well established US positions and views which we continue to hold.³

³ Reference may be to the meeting between Rogers and Dobrynin on March 8. A memorandum of conversation is in the National Archives, RG 59, Central Files 1967–69, POL 38. Rogers, who returned from Europe on March 2, also called Dobrynin at 3:40 p.m. on March 6. (Personal Papers of William P. Rogers, Appointment Books) No substantive record of the conversation has been found.

21. Editorial Note

In an address during the Sixth Session of the Seventh Supreme Soviet in Moscow on July 10, 1969, Soviet Foreign Minister Gromyko offered to negotiate a settlement on Berlin with the Western Allies as well as a separate renunciation of force agreement with West Germany. Gromyko declared that the “inviolability of existing borders,” in particular the Oder-Neisse line and the boundary between East and West Germany, was the “question of questions in Europe.” “Whether there is to be peace or war,” he said, “depends on how the states, especially the large ones, answer this question.” On behalf of the Soviet Union, Gromyko stated: “The borders of states—in the East, the West, the North and the South of the continent—are inviolable, and no force can alter the situation.” After decrying recent trends in West Germany, Gromyko proposed that Bonn develop “normal relations” with Moscow:

“A turning point in our relations can occur—and we would like this—if the F.R.G. follows the path of peace. For this to happen, the plans of revenge for the lost war must give way to the realization that the future of the F.R.G., with its considerable economic and technical possibilities, lies in peaceful cooperation with all states, including the Soviet Union.

“Proceeding from this position, the Soviet government is ready to continue the exchange of opinions with the F.R.G. on renunciation of the use of force, up to and including the conclusion of an appropriate agreement, and also to exchange opinions on other questions of Soviet-West German relations and to establish the appropriate contacts. It goes without saying, that during the exchange of opinions the Soviet Union will also take fully into account the interests of our allies, the fraternal socialist countries.”

Gromyko then commented that “complications” over the status of West Berlin had always required “the close attention of Soviet foreign

policy." Although West Germany continued to complicate the issue with "illegal encroachments," the Soviet Union and East Germany advocated "a situation in which the city's population and its authorities have all the conditions for activity ensuring the normal existence of West Berlin as an autonomous political entity." Gromyko, therefore, suggested quadripartite talks on the following basis:

"If the other powers, our allies in the war, who bear a share of responsibility for the situation in Berlin, were to approach this question by taking the interests of European security into account, they would find the Soviet Union ready to exchange opinions on the subject of how to prevent complications concerning West Berlin now and in the future. Needless to say, we shall take no steps that harm the legitimate interests of the German Democratic Republic or the special status of West Berlin." (*The Current Digest of the Soviet Press*, Vol. XXI, No. 28, August 6, 1969, pages 5–6)

Before the Gromyko speech, the Western Allies had almost reached agreement on a tripartite "sounding" to the Soviet Union as suggested by West German Foreign Minister Brandt at the NATO Ministerial meeting in April. (See Sutterlin and Klein, *Berlin*, pages 86–88) In a July 21 memorandum to the President, Secretary of State Rogers recommended, however, that in light of the Soviet proposal, President Nixon approve instructions to revise the oral statement that the Allies intended to give the Soviets in Moscow. (National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I)

Assistant Secretary of State Hillenbrand explained the reasoning behind this decision in a letter to Deputy Chief of Mission Fessenden on July 23. Although Gromyko had not given reason to hope for an "attractive" settlement, Hillenbrand thought the time may have come for "exploratory talks in order to prove that the Western side is prepared to move in the interest of achieving an amelioration of European problems and—if this unfortunately proves to be the case—that the Soviets have nothing constructive to offer." (*Ibid.*, RG 59, EUR/CE Files: Lot 91 D 341, POL 39, Berlin Soundings 1969, Jan–August) In an August 5 memorandum, Henry Kissinger informed Acting Secretary of State Richardson that the President had approved the instructions. (*Ibid.*, Central Files 1967–69, POL 28 GER B)

Two days later, on August 7, Ambassador Beam met Soviet Deputy Foreign Minister Kozyrev in Moscow to deliver the following oral statement:

"1. The United States wishes to call attention to the desire of the FRG to remove points of friction with the GDR and to discuss with it problems concerning railroad matters, inland waterways, and post and telecommunications. We are informed that the FRG is willing, for its part, to make organizational arrangements for discussion of those subjects on a continuing basis. We see advantages in such arrangements,

as long as they are in accord with Four-Power responsibilities for Berlin and Germany as a whole. We believe that discussions of this nature should be encouraged by the Four Powers.

"2. The United States has taken note of the remarks concerning Berlin made by the Foreign Minister of the USSR in his speech of July 10. The United States has studied these remarks in conjunction with the British and French Governments who share with us and the Soviet Union special responsibilities in Berlin and Germany, and with the Government of the Federal Republic of Germany, whose legitimate interest in the subject is apparent. The United States desires to see the situation with respect to Berlin improved, particularly as regards access to the city. It would welcome Soviet steps which would lead to this end and contribute to the prevention of crises. Such a development could also contribute to progress in the solution of other open questions.

"3. With regard to Mr. Gromyko's assertions that Federal activities in Berlin caused friction, we are aware of objections the USSR has raised against these activities. It is our understanding that the Federal Government might be willing to make certain compromises in the question of these activities if the USSR and the East Germans were to show a constructive attitude toward problems arising from the division of the city and from the discriminatory treatment of the economy of the Western sectors of Berlin.

"4. The United States would be interested in knowing the views of the Soviet Government on the different questions raised." (Ibid.)

After listening to Beam's presentation, Kozyrev merely replied that he would bring the statement to Gromyko's attention. (Telegram 4073 from Moscow, August 7; *ibid.*)

22. Telegram From the Embassy in Germany to the Department of State¹

Bonn, July 25, 1969, 1345Z.

9728. Subj: Ambassador Rush's Initial Call on the Chancellor.²

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 17 US–GER W. Confidential. Repeated to USNATO, USEC, Berlin, London, Paris, Moscow, Rome, The Hague, Luxembourg, and Brussels.

² For a German record of the meeting, which indicates that it was held from 10 to 10:45 a.m. on July 24, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 842–845.

1. The Ambassador paid his initial call on Chancellor Kiesinger today. Also present were Carstens and the DCM.

2. The Chancellor began by extending his hearty congratulations on the success of Apollo.³ He said he was particularly appreciative of the President's telephone call to him, expressing thanks for the message of congratulations which the Chancellor had sent.⁴ The Ambassador characterized the Apollo achievement as something to which all mankind had contributed. He also said he felt the expenditure on the space program would prove itself fully justified. Space and nuclear energy have great possibilities for the future of mankind.

3. After the Ambassador told the Chancellor that the President very much looked forward to their meeting in Washington, the Chancellor said that he held the President in high regard. In addition to his other qualities, he had the calmness and serenity which are essential to the head of the most powerful nation in the world. The Chancellor said, in connection with his Washington visit, he was delighted that the question of offset had been disposed of, recalling the unfortunate experience of Chancellor Erhard in his visit to President Johnson.⁵ The Chancellor said that US-German relations were in excellent shape and that close ties with the US were the top priority of his government. Polls have shown that 80–85 percent of the German people share this view.

4. European unity is a second major objective of the German Government. There is also cause for encouragement on this front. Pompidou certainly will prove to be more flexible. The Chancellor said he

³ Reference is to the historic Apollo 11 mission, which took off on July 16 and, after the first lunar landing on July 20, returned to Earth on July 24.

⁴ Nixon talked briefly with Kiesinger by telephone on July 21 at 2:37 p.m. (President's Daily Diary; National Archives, Nixon Presidential Materials, White House Central Files) No substantive record of the conversation has been found. Kiesinger's message is dated July 20. (Ibid., NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Kiesinger)

⁵ The new offset agreement was signed on July 9. For text of the joint statement announcing the settlement, see Department of State *Bulletin*, August 4, 1969, p. 92. In a July 15 memorandum, Kissinger briefed the President as follows: "We have concluded a two-year, \$1.5 billion offset agreement with Germany. Both sides were well satisfied with the result and the atmosphere was extremely cordial throughout the negotiations. The new agreement is far better than its two predecessors because: (a) More than half of the offset is for German military purchases in the U.S. (compared with 10–15 percent in the recent past). (b) The maturities on the German loans to us are for 8–10 years (compared with the previous maximum of 4½ years). (c) We will get concessional interest rates of 3½–4 percent on these loans (compared with market rates in the past, which would mean at least 6 percent now). The settlement should help significantly the atmosphere for the visit of Chancellor Kiesinger." Nixon marked this paragraph and wrote "great job" in the margin. (National Archives, Nixon Presidential Materials, NSC Files, Box 9, President's Daily Brief, 10–17 Jul 69) Regarding the negotiations that preceded the agreement, see *Foreign Relations, 1969–1976*, vol. III, Document 24.

approved the French proposal for a European summit. He felt also that European unity was very much in the interest of the US Government.

5. On East-West relations, the Chancellor said that he had no illusions. He felt Soviet attitudes were basically unchanged. Such activities as negotiating for a natural gas pipeline from the Soviet Union to Germany and other bilateral cooperation projects will not change the basic problem. Some German political leaders visiting Moscow (an obvious reference to Scheel and Genscher) may have illusions, but he did not share them. The best the German Government can do in its dealing with the Soviet Union is to go on being as friendly as possible and try to lessen Soviet antagonism toward Germany. The Chancellor expressed his great interest in the SALT talks and hoped the President would tell him something about his plans in this regard.

6. The Chancellor also said that a recent American journalist visitor (Alsop) had asked him "When is Germany going to start throwing its weight around?" Others in the American press have referred to "strong man Strauss" and characterized the Chancellor as being weak. The Chancellor said he trusted the American Government understood that he was not "weak" but would take a firm line in those areas where he could and had no illusions in particular on East-West relations.

7. In conclusion, the Chancellor reiterated that the main tasks of his government were in order of importance: (A) the maintaining of strong ties with the US, (B) building a united Western Europe, and (C) at least weakening the antagonism of the Soviet Union. The main aims, therefore, of German policy coincide very closely with those of the US. Anti-Americanism was certainly non-existent in Germany. The Chancellor said he had once told de Gaulle that his strong anti-American comments had contributed greatly to the decline of de Gaulle's popularity in Germany. De Gaulle had replied that he was not personally anti-American, but that he had to make such comments in order to bolster the national identity feeling of the French people, who otherwise would have been swallowed up in any amorphous Atlantic community.

8. The Ambassador replied that the goals and objectives of the German Government as described by the Chancellor did indeed coincide very closely with those of the US. The President attached the highest importance to Germany in its general relations with the outside world. The Ambassador also welcomed the offset agreement, referring to its timeliness in meeting the criticism of the inward-looking minority in the US who want to cut back our overseas commitment. These people think that the US should concentrate its efforts on solving domestic problems, ignoring the fact that they can only be dealt with in a world setting.

9. The Chancellor replied that Germany of course had a great interest in US efforts to solve its domestic problems. US success in do-

ing so was important to the whole world and particularly to America's friends and allies. In this context, the Chancellor said, he was very much interested in the President's proposals for coping with the problems of a modern society, particularly the problems of youth and the impact of modern technology. He said he was not a "cultural pessimist" and did not share the views of those who held that the more modern technology progresses, the less the possibility for the individual human being to realize his potential. He said he thought it was very important for political leaders to concentrate their attention on problems like youth and the impact of modern technology. Such problems should not be left to a few "excited sociologists."

10. The Ambassador agreed and said that it is most important that political leaders concern themselves with what has gone wrong with our society and has led to such things as the alienation of students at the universities. The Ambassador also agreed that the more modern technology expands, the greater the opportunities for the individual, but there are also dangers. The technical possibilities of mass media can lead to mass reactions.

11. As for European unity, the Ambassador confirmed the support of the US, but pointed out that it will of course require time. American history itself demonstrates this. What is required is steadfastness of purpose. On East-West relations, the Ambassador agreed that we are, whether we like it or not, engaged in a power struggle with the Soviet Union, but at the same time we should miss no opportunity to broaden our understanding of what it is that divides us and seek solutions. The Chancellor said he agreed wholeheartedly with this sentiment.

12. *Comment:* The atmosphere of the conversation, like that with Brandt yesterday,⁶ was warm, friendly, and relaxed.

Rush

⁶ An account of the discussion between Rush and Brandt is in telegram 9618 from Bonn, July 23. (Ibid., RG 59, Central Files 1967–69, POL 17 US–GER W)

23. Memorandum of Conversation¹

Washington, August 7, 1969, 10:50 a.m.–12:30 p.m.

MEMORANDUM OF CONVERSATION BETWEEN PRESIDENT NIXON AND CHANCELLOR KIESINGER

OTHER PARTICIPANTS

Prof. Henry Kissinger
Harry Obst (US Interpreter)
Hermann Kusterer (FRG Interpreter)

SUBJECTS DISCUSSED

Europe and the EEC
Southeast Asia
Vietnam
China
Rumania
Brezhnev Doctrine and East-West Relations
European Security Conference
SALT Talks
FRG-Soviet Relations
US Policy toward Soviet Union
US Troops in Europe
Oder-Neisse Line
FRG Elections
Bonn "Hot Line"

Europe and the EEC

The President asked the Chancellor to comment on the developments in Western Europe.²

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box CL 278, Memoranda of Conversations, Feb. 1969–Sept. 1971. Top Secret; Sensitive; Eyes Only; Nodis. Drafted by Obst. The meeting was held in the White House. Kissinger revised the memorandum by hand and wrote the following instructions: "Send to Rogers with note that circulating to be confined to him & Elliott. Bracketed part to be omitted from copy for State." A copy of the version sent to Rogers is in the National Archives, Nixon Presidential Materials, NSC Files, Box 1023, Presidential/HAK Memcons. Substantive revisions to the memorandum and excisions from the State version are noted in footnotes below. Nixon and Kiesinger also met at the White House the next day from 10:45 to 11:30 a.m. A memorandum of conversation, including discussion of the National Democratic Party in Germany, problems of the young generation, space cooperation, and the future of Europe, is *ibid.* For German records of both meetings, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 887–898, 906–909. For text of the joint statement issued at the conclusion of the visit, see *Public Papers: Nixon, 1969*, pp. 632–634.

² In a telephone conversation at 2:45 p.m. on August 6, Kissinger briefed the President for his meeting with the German Chancellor. According to a transcript, the conversation included the following exchange: "K[issinger] suggested that P[resident] give Kiesinger report on the trip, a little bit about P's VN[Vietnam] thinking, then East-West

The Chancellor spoke of his constant efforts, beginning in Rome in 1967, to have a summit conference of the Six convened. This had not succeeded as long as de Gaulle was in office. Mr. Pompidou, however, had now agreed, and such a conference would now take place at the end of this year. The Foreign Ministers of the Six would probably convene, with Britain's entry into the Common Market to be the chief topic.³

The President mentioned that Mr. Kissinger had just returned from a meeting with Pompidou and it might interest the Chancellor to hear a comment from him.

Prof. Kissinger stated that his meeting with Mr. Pompidou had dealt mainly with President Nixon's trip. Little was said on European matters. Mr. Pompidou had indicated, however, that he had an open mind on the big problems of Europe.⁴

The Chancellor said he believed that Mr. Pompidou was a different man than De Gaulle, a more pragmatic man who would make his own decisions on these matters. And he was not a weak man.

The President agreed with that evaluation and added that the good majority which Mr. Pompidou had received in the elections had strengthened his hand.⁵

Did the Chancellor believe that Britain would eventually be admitted?

The Chancellor replied, Yes, Britain would be admitted, in his opinion.

He would be very interested to hear about the President's trip to Asia and Rumania.⁶

relations. K said they have internal struggle and will want to get some idea from P what his real convictions are. K said P should say he is perfectly willing to talk as long as issues are concrete and precise—they should understand issues will focus on Germany so they should not be the ones to press it. K said Kissinger will probably raise with P the size of our forces in Europe and something about SALT. K said the major thing here is for P to say he has been meticulous about consulting and will continue to consult—recognize this is blue chip. P said main thing is to give him reassurance, and K said right." (Library of Congress, Manuscript Division, Kissinger Papers, Box 360, Telephone Conversations, Chronological File)

³ Reference is to the summit conference of European Community members which opened at The Hague on December 1.

⁴ Kissinger met Pompidou in Paris on August 4. A memorandum of conversation is in the National Archives, Nixon Presidential Materials, NSC Files, Box 1023, Presidential/HAK Memcons, Memcon—Dr. Kissinger and President Pompidou, August 4, 1969.

⁵ The French elections were held in two stages on June 1 and June 15.

⁶ After witnessing the splashdown of the Apollo 11 astronauts on July 24, Nixon stopped in Guam, Manila, Jakarta, Saigon, New Delhi, Lahore, Bucharest, and Mildenhall Air Force Base in England, before returning to the United States on August 3.

Southeast Asia

The President said, there were two points he had been trying to get across while in Asia:

- 1) The frustrations over Vietnam would not result in a US withdrawal from the Asian scene.
- 2) The role the US would play in Asia from now on would be a different one.

While in the past the US had rushed to the aid of any Asian country in trouble to bail it out, this help in the future would be clearly defined:

- a) If a major power, like China, should make a move, a US reaction was probable. No nuclear power could move without another nuclear power becoming involved.⁷
- b) In case there would not be a frontal move across a border, as in the case of internal subversion, he had outlined the US policy as follows to the Asian leaders: The US would help any Asian nation politically, economically and militarily—but not by supplying US manpower.⁸

The Asian nations would have to work more closely with each other. One day, Japan would have to assume a larger role. Already now, Japan's production was equal to that of Communist China. The Japanese people could not be content forever being just business people. This could not happen this year or next, however, as they were still encumbered with the inheritance of WW II.

Vietnam

The President said that he made clear in Saigon that the US would stand firm by the side of South Vietnam, despite the pullout of some US troops. This had been symbolized strongly by his standing side by side with President Thieu on one platform. It had been similar to Berlin. His going to Berlin as such had had more weight than all the speeches he had made there.⁹ Did Mr. Kissinger agree with that?

Prof. Kissinger emphatically agreed. He said that Mr. Nixon's going to Saigon had had a much stronger effect than Mr. Johnson's stop in Cam Ranh Bay.¹⁰ Hanoi would like to see the Thieu government

⁷ Before Kissinger revised it, this paragraph read: "If a major power, like China, should make a move, the US would come in. No nuclear power could move without another nuclear power coming in."

⁸ Reference is to the so-called Nixon Doctrine, which the President first made public at an informal news conference in Guam on July 25. For text of his remarks, see *Public Papers: Nixon, 1969*, pp. 544–556. See also *Foreign Relations, 1969–1976*, vol. I, Document 29.

⁹ See Document 17.

¹⁰ Reference is to President Johnson's brief stop at Cam Ranh Bay in South Vietnam on December 23, 1967.

overthrown.¹¹ Not all the South Vietnamese politicians were very responsible people.

(The President interjected laughing, he considered this remark to be an understatement.)

It has been necessary to demonstrate to all concerned that the US would remain committed to the Thieu government and was not interested to participate in anything which might tend to undermine it. President Thieu had shown to be the ablest and most conciliatory of the South Vietnamese leaders.

At one time Tran Van Dong and Big Minh [Doung Van Minh] had been considered the liberal elements, now both of them were actually standing right of Thieu, who is now too liberal for them.

The President continued, he believed the Thieu government was stronger than ever. Forthcoming reforms would cement its position further. He was planning to pull out a larger contingent of US troops later, as it seemed that the South Vietnamese can take over more of the military burden. Casualties had shown a downward trend for a while.

It could be possible, of course, that the North Vietnamese would continue to try to keep US casualties just high enough, to keep alive the discontent of Americans about loss of life in Vietnam, as one pressure tool to get the US to withdraw. He would continue to try to de-escalate the war and come to an acceptable peaceful solution. But there was a point beyond which he could not go, if the other side should remain intransigent. He would be patient until after November 1. If nothing had happened by then, he would have to do something about it. He did not mean by that that he would hit the North. But there were other things he would do.¹²

He would keep the Chancellor informed on any changes on Vietnam, probably through Mr. Kissinger over the new "Hot Line" telephone to be installed between Washington and Bonn.¹³

¹¹ This sentence originally read: "Not only the people in Hanoi but also a number of people in Saigon would love to see the Thieu government out of power."

¹² Kissinger bracketed the last four sentences of the paragraph for omission from the version sent to the Department of State.

¹³ In a May 21 memorandum to Kissinger, Acting Secretary of State Richardson forwarded the joint recommendation of the Departments of State and Defense to implement "the President's proposal for a secure teletype communications link between his office and that of Chancellor Kiesinger." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 10, HAK Administrative and Staff Files, Germany, Bonn–Washington Phone Link) Kissinger approved this approach for negotiations with Germany on May 28. (Memorandum from Kissinger to Richardson; *ibid.*) On August 7 Eliot informed Kissinger that the negotiations had resulted in a draft exchange of letters with an attached memorandum of understanding. (Memorandum from Eliot to Kissinger; *ibid.*) Kissinger expressed his agreement with the result on August 13. (Memorandum from Kissinger to Eliot; *ibid.*)

Even India did not want the US to get out of Vietnam.

The Chancellor remarked that Indira Gandhi had indicated the same feeling to him.

Prof. Kissinger added that all Asian leaders he had talked to believed the US was too conciliatory, if anything.

The President continued. If he pulled out of Vietnam without an acceptable settlement, it would give the US a brief respite but the long-range consequences would be terrible. For one, it would lead to a withdrawal from Europe as well. A strong isolationist trend would then sweep the United States. Therefore he had to achieve a satisfactory settlement. He would continue the peace talks and efforts but was preparing at the same time for what he might have to do later in case of no success.

The Chancellor voiced his agreement with the President's views and said he would probably do the same if in the President's place.

China

The President stressed that he was not going to entertain Mr. Brezhnev's suggestion for a collective security pact for S.E.A., though some Asian leaders welcomed this idea for internal policy reasons (containment of communist parties).¹⁴

Any US-Soviet condominium for the containment of China would in the long run make a permanent isolated enemy of China. This was very dangerous in view of the future military might of China, ICBMs, etc.

His view was: the Soviets have a big problem with China; the US has no major problems with China. Therefore, it would be in the long-range interest of the West that the US not join in a cabale with the Soviet Union—white against yellow—but keep its options open in both directions.

What did the Chancellor think on this subject?

The Chancellor agreed that it would be dangerous to isolate China. It would develop into a major power anyhow, isolation or no isolation. Those who advocated isolation in the past had been wrong. He agreed with Mr. Nixon's course. The FRG had not yet drawn up a firm policy on China. It was, of course, possible, though in his opinion not at all likely that the Soviet Union and China could join forces again. The Chinese seemed nationalists first and communists second.

¹⁴ In an address before the international conference of Communist Parties in Moscow on June 8, Brezhnev advocated the establishment of "a system of collective security in Asia," a move clearly aimed at the People's Republic of China.

The President added that another factor spoke against a reunion of the Soviets with the Chinese. In any totalitarian system somebody must occupy first place. It was not conceivable that China would be content with playing second fiddle to the Soviet Union or vice versa.

Rumania

The President commented briefly on his trip to Rumania. The reaction of the people here, just as during other visits of Western leaders in East European countries, had again very clearly demonstrated that the pull of the West in these countries is stronger than the pull of the East. It had been risky for Mr. Ceausescu, who is a tough, Stalinist type communist, to go through with this visit. He could not quote Mr. Ceausescu, as he had agreed not to, but he could generally say that Mr. C. wanted to continue an independent policy with regard to Western Europe and the US and particularly with regard to China. He had mentioned the political and trade ties with the FRG during his talk with the President. It had been very interesting to talk to a man who has direct contacts to Hanoi, Peking and Moscow.

Prof. Kissinger added that there had been a marked contrast between the warm emotional reception and the unemotional talks. The crowd had not been in a carnival mood but rather shown a solemn joyfulness. The people would not leave the streets after the motorcade had passed but would stand for hours, more than three hours in the rain, some even until midnight. The talks, by contrast, had been devoid of any emotion, precise and covering much substantive ground.

Brezhnev Doctrine and East-West Relations

The President stressed that he would not go into any of the countries covered by the so-called Brezhnev Doctrine by force,¹⁵ but he favored any possible improvement of existing contacts, as in the fields of trade, culture, etc., and the enlargement of such contacts, as he considered it important not to isolate those countries from the West. He would never accept any conditions in this regard at the expense of any other country.

The Chancellor recounted German efforts to improve East-West relations. After initial successes the Czech invasion had stopped the momentum. One had to be careful now not to drive a wedge between any of those countries and the Soviet Union. But the hope for the Eastern countries must be kept alive. History had not yet offered the FRG an opportunity for a successful policy towards the East.

¹⁵ See footnote 5, Document 16.

European Security Conference

The Chancellor stated that even Willy Brandt had never believed that there would really be a European Security Conference. Yet he would talk about it all the time. This helped to demonstrate a German initiative in this area to the other countries. Not to do that would be a political mistake.

The President agreed with that view. He said that he had to talk about it at times and his government might do so at times but nobody expected anything to come from it. It was just talk.

Prof. Kissinger added that it might interest the Chancellor to know that the European Security Conference had not come up as a subject with Mr. Ceausescu, nor had any European issues been raised.

SALT Talks

The President stressed that he would move very cautiously on SALT and would consult with his allies. "Blue chips" were at stake here.

He would be guided by the principles that the US must never fall behind the Soviet Union into second place and that the US deterrent must remain credible, which was of equal importance to its allies. He had kept some items, like IRBMs, out of the SALT talks on purpose, as these had to be talked over together with the allies. Other weapons, like ABMs, MIRVs, Polaris subs and long-range bombers would be reviewed case by case, taking the East-West balance and the interests of the allies carefully into account. While he was interested in cutting the arms burden if possible, he would make sure that the US would continue to speak with "a strong voice." That is also why he had fought so hard to get the ABM approved in the Senate.¹⁶

Would Mr. Kissinger like to add more on the subject?

Prof. Kissinger underlined that the US had kept its allies closely informed on SALT, in conformity with the President's promise on closer consultation during his European trip. Of course, there were still some people in Washington who believed one should deal with the Soviets first and then inform the allies later. We will not do that (the President affirms, "absolutely not").¹⁷

A cutoff of MIRV or ABM would be very complicated. Here the security of the entire West was at stake. It was difficult to determine how far the Soviets had gone in their testing. Some say one thing, others another. Any mistake here could be fatal.

¹⁶ On August 6 the Senate narrowly defeated an amendment to block funding for "Safeguard" anti-ballistic missile system.

¹⁷ Kissinger bracketed this paragraph for omission from the version sent to the Department of State.

The President remarked that the problem with ABM was the radar. Missiles were easy to produce but the radar takes a long time. The question was whether or not it was possible to recognize the adaptation of Soviet radar for ABMs. A secret study was under way on this matter. If the Soviets had the capability to adapt existing radars for ABMs, then they could not be included in SALT.¹⁸

FRG-Soviet Relations

The President remarked he had read a lot in the Press about the possibility of the FRG changing its policy towards the Soviet Union. With the Soviets holding East Germany and Berlin hostage, the reunification efforts having gone unrewarded and the new generation calling for fresh flexible policies there might be German sentiment in that direction. Could the Chancellor address himself to the subject.

The Chancellor replied that, notwithstanding the Press reports, the majority of the German people, though unhappy about the country's continuing division, would not relinquish the right of self-determination. The majority does not want recognition of East Germany and knowing this, the government had continued the application of the Hallstein Doctrine.¹⁹ A number of young people and intellectuals, of course, thought otherwise as well as many in the SPD.

He had not seen any indications from the Soviet Union that they would be ready for any change in policy. They want better economic relations now, as illustrated by the gas and pipeline talks²⁰ and maybe China is in the back of their mind.

No indication of real change had been forthcoming, though, nor did he believe that the July 10 speech of Gromyko pointed up anything new of significance. This week's sounding by the three Powers may shed more light on this.²¹

¹⁸ The previous three sentences originally read: "The question was whether or not the Soviet radar could recognize ABMs. A secret study was under way on this matter. If the Soviets had the capability to distinguish ABMs, then they could not be included in SALT."

¹⁹ Reference is to the policy by which West Germany refused to maintain diplomatic relations with any country other than the Soviet Union that maintained diplomatic relations with East Germany. Although associated with State Secretary Walter Hallstein, the doctrine was formulated by Wilhelm Grewe, Director of the Political Division in the West German Foreign Office. See Grewe, *Rückblenden*, pp. 251–262.

²⁰ Reference is to a contract signed in April 1969 to exchange Soviet natural gas for a West German pipeline; a second, far more extensive, contract was signed in February 1970.

²¹ Regarding the Gromyko speech and the tripartite sounding on Berlin, see Document 21.

US Policy toward Soviet Union

The President asked the Chancellor his opinion of US Soviet policy. Should it be harder, softer or what?

The Chancellor praised the President's Soviet policy and called it "just right." The German people, too, hoped that the Soviets would one day be more flexible and reasonable, but meanwhile one would have to stand on the realities. From time to time Soviet intentions would have to be probed. The German people trusted in the US and its military superiority over the Soviet Union.

He had been very happy with the President's remarks on Asia and other subjects.

He thought the trip to Rumania had been a good thing. It had been a blow against the Brezhnev Doctrine, had shown it was not being silently accepted.

US Troops in Europe

The President cited continued Congressional sentiment for troop reductions in Europe. He said that he did not agree with it and expected to be able to defeat any Congressional move for reduction. This was another reason why he had fought so hard for the ABM vote, as a defeat there would have whetted appetites on other matters. The six divisions were a good bargaining point and for that reason alone should not be relinquished without any counter-concessions.

Prof. Kissinger remarked that the President had excluded the NATO area from his recent order for a 10% troop reduction. However, it might be advisable to have confidential talks with the FRG on a long-range policy on this matter, as the situation could change.

The President said it might be good to have such talks after the elections. Not for 69 or 70 but for the period after that, it may be advisable to agree on a fall-back line, as it was possible that US sentiment would not forever support a six division level.

The Chancellor agreed that such talks would be useful. It was better to talk these matters over in advance rather than to stumble into them later.

Oder-Neisse Line

The President asked whether the Chancellor would care to comment on the Oder-Neisse Line question. Was this a political issue in Bonn these days?

The Chancellor replied, this was still a political issue because of the many refugees from that area living in the FRG who did not want the government to give up that region. He had stated "in his government" that a solution would have to be found which is acceptable to *both* countries.

The President asked, "You really said that?"

The Chancellor replied, "Yes, in my government." He may have more to say on that and go even further than that in his address to the National Press Club tomorrow (August 8). He wished he could read as much flexibility into Mr. Gomulka's speech of May 17²² as some other people. However, he believed the Poles would continue to stick to their rigid position, so that nothing would come of the matter, even if it was discussed or negotiated.

FRG Elections

The Chancellor, in response to a question from the President, remarked that the outcome of the election could not be predicted at this stage. Most Social Democrats were resigned to losing and most Christian Democrats convinced of winning. History had shown, however, that such an advance attitude can bring surprises. A coalition of either CDU–FDP or the continuation of the CDU–SPD coalition seemed probable. The FDP contained many left-wing young members including Neo-Marxists, with most of its older members standing on the right. Many of its foreign policy concepts like on recognition of the GDR were very "muddled." A government including the FDP may, therefore, be more difficult to run than a continuation of the Grand Coalition.

Bonn "Hot Line"

The President asked the Chancellor if he thought it was good to proceed with a telephone "Hot Line" between the White House and the Chancellor's Office. Mr. Kissinger, for instance, might use the line to inform the Chancellor if there should be any sudden changes in US policy towards Vietnam.

The Chancellor agreed to the proposal.

(The meeting, which lasted about one hour and forty minutes, was held in a cordial atmosphere. It was interrupted briefly twice for picture-taking of the Press. The Chancellor appeared a little tired. The President seemed rested and relaxed.)

²² In a May 17 speech at Warsaw, Gomulka proposed that West Germany conclude a separate treaty with Poland recognizing the Oder-Neisse line. For excerpts from the speech, see *Keesing's Contemporary Archives*, Vol. XVII (1969–1970), p. 23722.

24. **Telegram From the Embassy in the Soviet Union to the Department of State**¹

Moscow, September 12, 1969, 1330Z.

4927. Subject: Soviet Reply to Berlin Probe. Ref: Moscow 4916.²

1. Following is Embassy unofficial translation of oral statement (copy of which was handed to us) made to me today by Soviet Deputy Foreign Minister Semyenov on Berlin.³

2. *Begin Text:* In connection with the considerations set forth by the US Ambassador on the instruction of his government in the oral statement of August 7 of this year,⁴ I have been instructed to state the following.

3. The Soviet Government regards with understanding the desire expressed by the American Government concerning an improvement of the situation in West Berlin and the elimination of incidents which cause friction in this region. As has already been stated, the Soviet side would be ready for an exchange of opinions on averting complications now and in the future around West Berlin, if the powers allied with the USSR in the last war which bear their share of responsibility for the situation in West Berlin would proceed from the necessity of an approach toward this question which takes into account the interests of European security. In this connection, of course, the sovereign rights and the legitimate interests of the German Democratic Republic should be properly taken into account. It is impossible not to take into account in this connection also that the external ties of West Berlin are carried out along the lines of communication of the GDR.

4. As follows from the oral statement of the American Ambassador in Moscow, the American side assumes, to the degree in which this conforms with the known responsibility of the Four Powers, that it is also possible to facilitate a discussion between the GDR and FRG of various questions, having in mind the easing of tension in their mutual relations.

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 28 GER B. Secret; Immediate; Limdis. Repeated to Bonn, London, Paris, USNATO, and Berlin.

² In telegram 4916 from Moscow, September 12, the Embassy reported: "French received Soviet reply to August 7 tripartite Berlin probe this morning. Semyenov has asked us to call at 1415 local today. British have 1445 appointment. We will meet with British and French at 1700 to compare texts." (Ibid.)

³ For a rough German translation of the Russian note, as received by the French Ambassador in Moscow on the same day, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 999–1001.

⁴ See Document 21.

5. The constructive position, one of principle, of the Governments of the Soviet Union, the German Democratic Republic and of the other states allied with them on questions of détente and of a normalization of the situation in the center of Europe and on the continent as a whole, including the normalization of relations between the German Democratic Republic and the Federal Republic of Germany on the basis of principles of international law, is well known. It found its expression, in particular, in the Bucharest declaration on the strengthening of peace and security in Europe and in the Budapest appeal of European socialist states.⁵ In these documents the views of the Soviet Government were set forth on the questions broached as well as its aspiration to facilitate the solving of unsettled problems for purposes of improving the situation in Europe, or consolidating peace and European security. The Soviet Government proceeded and will proceed from this in examining the questions posed by the US Government in its statement mentioned above. *End Text.*

6. After handing over the text, Semyenov said that it was necessary to draw attention to the fact that the USSR did not want the FRG to use the Soviet statement for purposes of political profit. When asked if he wished to elaborate on this point, Semyenov said that the Soviet approach was businesslike and that they had found on many occasions such serious matters had been exploited by the FRG.

7. I told Semyenov we would transmit the Soviet statement to Washington.

Klosson

⁵ Reference is to the declaration on European security issued on July 5, 1966, at a meeting of Warsaw Pact leaders in Bucharest, and the appeal issued at a similar meeting in Budapest on March 17, 1969. For text of the former, see *Documents on Disarmament, 1966*, pp. 407–420; for text of the latter, see *ibid.*, 1969, pp. 106–109.

25. Editorial Note

On September 22, 1969, during the 24th Session of the UN General Assembly, Secretary of State Rogers and Soviet Foreign Minister Gromyko met in New York to discuss several issues, including recent proposals for talks on Berlin. The Department of State reported that, while the “discussions were amiable and non-polemical, they reflected little if any advance over previous Soviet positions on principal topics and issues.” The Department also noted that throughout the meeting

Gromyko “spoke in English except during discussion of Berlin when he spoke in Russian and asked that Secretary be interpreted into Russian.” (Telegram 3165 (Secto 26) from USUN, September 23; National Archives, RG 59, Central Files 1967–69, POL US–USSR) The following is an excerpt on Berlin from the memorandum of conversation:

“Foreign Minister Gromyko said that some time ago the United States Government had proposed an exchange of views with the Soviet Government on ways of improving the situation relating to West Berlin. He also thought the present situation there was not normal as a result of certain steps taken by the Government of the Federal Republic of Germany. There was no need at this time to delve deeply into the history of this problem, since this would merely prolong discussion needlessly. In principle he agreed that it would be useful to conduct an exchange of views on this problem between the Governments of the United States and the Soviet Union, but wanted to inquire as to what the U.S. Government had in mind with respect to the results of such an exchange of views. Did the United States intend to have these results reflected in a formal document, as was customary in international practice, or did we merely want to improve the situation *de facto* on the basis of mutual example; in other words, what did we conceive as possible ways of reflecting the results of the future exchange of views. He suggested that if the Secretary was not ready to reply at the present moment, he might give the problem some thought and return to it at the time of their next meeting on Friday. If this was acceptable, he did want to take this opportunity to suggest Moscow as the place for holding this exchange of opinions.

“The Secretary said that he understood that East Germany and West Germany had already entered into discussions on possible ways of improving relations between them, especially with respect to transportation, communications and similar matters. We would be glad if these discussions resulted in better relations between East Germany and West Germany. As for the questions of Berlin, both East Berlin and West Berlin, the Secretary believed this to be of concern to the Four Powers and thought that any discussions for improving the situation there should include all four.

“Mr. Gromyko emphasized that his remarks were intended to deal with the situation in West Berlin and not with the situation in Germany in general. This did indeed touch upon the interests of the other allies. Some time ago, however, the United States had raised the question of conducting an exchange of views between the Governments of the Soviet Union and the United States; today the Secretary talked about Berlin in terms of the Four Powers. Did this mean that we were withdrawing our suggestion for bilateral discussions? He was simply asking this question in an attempt to understand the Secretary’s thinking on the subject and not in order to raise any objections.

"The Secretary replied that he thought any discussion concerning the future of Berlin would have to include the other two powers. He would be happy to talk about how this could be brought about. In this connection, however, he was not quite sure what Mr. Gromyko had in mind as to the objectives that might be achieved in talks. The Soviet reply had not been entirely clear to us and we wondered what their ideas were.

"Mr. Gromyko said that this was precisely the question he was addressing to the Secretary as representative of the Government which had proposed these discussions. It was he who was asking for clarification. What did the Secretary consider to be the best way of reflecting the results of such an exchange of views? He repeated his earlier suggestion that if the Secretary needed time to consult on this problem, they could return to it at their next meeting. If the Secretary's thinking was in terms of Four Power talks, he did not object in principle and would consider it useful to discuss ways of putting the machinery for such an exchange in motion. He thought this was something both sides should have a chance to consider and return to it later.

"The Secretary agreed that this was a good suggestion and said he would be willing to discuss it further next Friday.

"Assistant Secretary Hillenbrand remarked that the specific form of any possible agreement, that is, whether it should be a written document or a de facto improvement, would, no doubt, depend upon the course of the discussions and could be considered as we went along.

"Mr. Gromyko said that whether the talks were held on a bilateral or on a Four Power basis, inasmuch as communications to and from West Berlin passed through the territory of the German Democratic Republic, his Government would, of course, have to be in consultation with the Government of the GDR. He was just mentioning this 'by the way,' as it were.

"The Secretary agreed to return to this question next Friday."
(Ibid.)

Assistant to the President Kissinger summarized the conversation between Rogers and Gromyko in a memorandum to the President on September 26. Kissinger agreed with the Department's assessment, i.e., that no "important new ground was broken" during the meeting:

"Gromyko showed some interest in bilateral talks with us. You had hinted at this possibility in your letter to Kosygin last April. The Soviets undoubtedly sense a good deal of Western interest in talking about Berlin, especially in the SPD and FDP in Germany which may form the next government in Bonn. In fact, even if one could make a case that the Soviets might be interested in a modus vivendi, there are no signs that they will be prepared to buck the GDR's continued interest in keeping the situation unsettled. Negotiations, whether bilateral US-Soviet

or four power are therefore likely to encounter a rigid Soviet-GDR position, while we, especially if Brandt becomes Chancellor, would be under pressure from our allies to come up with 'constructive' proposals. And in Berlin our negotiating position is weak; the other side holds all the cards. We thus have no interest in pushing Berlin negotiations at this time, although we will undoubtedly come under pressure to do so and may in the end have to go along." (Ibid., Nixon Presidential Materials, NSC Files, Box 280, Agency Files, Department of State, Vol. III)

Rogers and Gromyko met in New York for dinner the evening of September 26 to continue their previous discussion. Although no record of the conversation on Berlin has been found, Deputy Assistant Secretary Swank forwarded the following brief account in a letter to Ambassador Beam on September 30: "On Berlin and the possibility of quadripartite talks, the Secretary sought to elicit some clarification of the opaque Soviet response to the recent tripartite *démarche*. As in the earlier discussion of Berlin on September 22, Gromyko dealt in generalities rather than specifics and contributed nothing new." (Ibid., RG 59, Central Files 1967–69, POL US-USSR)

Kissinger also discussed the possibility of talks on Berlin in an afternoon meeting on September 27 with Soviet Ambassador Dobrynin. According to the memorandum of conversation, Dobrynin raised the issue:

"Dobrynin then remarked that his Minister had asked him to inquire whether in negotiating the Berlin issue we had any preference as to forum. Specifically, did we care whether it was discussed in a four-power or two-power forum? While the Soviet Union was willing to speak in a four-power forum, it was also prepared to have two-power discussions. I told him that four-power discussions seemed to be quite acceptable. If there was any different inclination on the part of the President, I would let him know." (Ibid., Nixon Presidential Materials, NSC Files, President's Trip Files, Dobrynin/Kissinger, 1969 [Part 1])

In a telephone conversation with the President after the meeting, Kissinger briefly reported that one of "two stupid questions" Dobrynin raised was "whether we want to have the Berlin talks to be quadripartite or bilateral." According to the transcript, Nixon did not express an opinion on the matter. (Library of Congress, Manuscript Division, Kissinger Papers, Box 360, Telephone Conversations, Chronological File)

26. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, September 26, 1969.

SUBJECT

The Soviet Position on Berlin

The Soviet answer to the three-power sounding of August 7 on Berlin problems contained virtually no substantive advance. It was little more than an elaboration of the Gromyko speech of July 10, when he indicated Soviet interest in discussions over Berlin.² While the Soviets have more or less accepted the idea of talks, their note does not suggest a time or place.

The main points of the note are:

—talks would be limited to the four powers and would concern West Berlin;

—the question must be approached from the standpoint of European security, and the sovereignty and legitimate interests of East Germany;

—it is impossible not to take into account that West Berlin's lines of communication are "along the lines of communication of the GDR";

—a normalization of relations between the GDR and Bonn proceed from the basis of "international law," and the principles of the Bucharest and Budapest declarations of the Warsaw Pact (i.e., recognition of East Germany, inviolability of borders, etc.).³

The note ignored the one new item of interest in our presentations, i.e., the willingness of the Federal Republic to make "concessions" on the question of their activities in Berlin, and to give their discussion with East Germany an "organizational" aspect. Presumably, the Soviet references to European security, and the Budapest appeal are meant to convey the theme that FRG–GDR talks fall outside the responsibilities of the four powers.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I. Secret. Sent for information. According to a handwritten notation, the memorandum was returned from the President on October 1. The memorandum is based on another, dated September 12, from Sonnenfeldt to Kissinger, who, upon reading it, left the following handwritten instruction: "Turn into memo for Pres but strengthen danger of pushing negotiation which may force Soviets to back GDR." (Ibid.) According to another copy, Hyland redrafted the memorandum, including several minor corrections as well as one substantive addition noted in footnote 4 below, on September 23. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 286, Memoranda to the President, 1969–74, June–Sept. 1969)

² See Document 21.

³ See footnote 5, Document 24.

The note also suggested that Soviets are not interested in pursuing access problems in the four-power context, but will focus any talks on the responsibility of three Western powers to curb Bonn's presence and activity in West Berlin.

At the same time, there is no allusion to a new status for West Berlin or any hint that the Soviets have a specific proposal in mind in this regard.

In sum, not a very helpful response.

Further steps may evolve from the Gromyko conversations in New York. The Soviets obviously have given just enough to keep the issue alive. But they are seeking all the atmospheric advantages surrounding the opening of negotiations on another major issue without any indication that they are prepared for substantive progress. More important they seek these gains without indicating responsiveness on the other major issues—Vietnam, the Middle East, and SALT.

Thus, I feel we should not appear at all anxious to move on Berlin; nor should we probe very hard for clarifications on the Soviet position. They are obviously in no hurry, and I see no reason for us to be, especially since pushing the negotiations runs some danger of forcing the Soviets simply to repeat their rigid support for East German "sovereignty."⁴

Text of the Soviet reply is at Tab A.⁵

⁴ This phrase was added in accordance with Kissinger's instructions.

⁵ Printed as Document 24.

27. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, September 29, 1969.

SUBJECT

Significance of West German Election

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III. Confidential. Sent for information. No drafting information appears on the memorandum. According to a handwritten notation, it was returned from the President on October 1.

Yesterday's West German election does not appear to have significantly altered the make-up of the Bundestag.² Neither of the prominent political parties—Kiesinger's Christian Democratic Party and Brandt's Social Democratic Party—gained a clear-cut majority in the Bundestag. The Christian Democrats will hold 242 of the 496 seats.³ The Social Democratic Party announced that it will attempt to form a governing coalition with the liberal Free Democratic Party.

The breakdown of yesterday's election results, with the 1965 figures in parentheses, follows:

	<i>Results</i>	<i>Percent</i>	<i>Seats</i>
Christian Democratic Party	15,203,457	46.1 (47.6)	242 (245)
Social Democratic Party	14,074,455	42.7 (39.3)	224 (202)
Free Democratic Party	1,904,387	5.8 (9.5)	30 (49)
National Democratic Party	1,422,106	4.3 (2.0)	none

According to these projected results, the CDU would be a few seats short of an absolute majority (249 seats). Consequently a government by coalition must be arranged. Theoretically, all three possibilities—a continuation of the CDU–SPD coalition, a CDU–FDP coalition and an

² In telegram 12748 from Bonn, September 29, the Embassy summarized the political consequences of the election as follows: "The most important immediate result of the Sept 28 German Bundestag elections was rejection of political extremes, especially the right-radical NPD. The second major consequence of the election was a move towards the two-party system. The latter might be considered a constructive contribution to German political stability in the long run, but these positive consequences are balanced and may be outweighed by the negative ones. The Free Democratic Party (FDP) has received what may be a mortal wound, but it promises to take a long time dying, with adverse effects on the short-term stability of the German political system." (Ibid., RG 59, Central Files 1967–69, POL 14 GER W)

³ On September 28 the President called the West German Chancellor at 5:45 p.m. to offer his congratulations. Nixon had called Kissinger immediately beforehand, presumably to discuss the election returns. (Ibid., Nixon Presidential Materials, White House Central Files, President's Daily Diary) No substantive record of either telephone call has been found. According to Julie Nixon Eisenhower, her father placed the call "when David [Eisenhower] told him that he heard that Willy Brandt had been defeated." "David felt terrible for giving Daddy the wrong information, especially since he [Nixon] just picked up the phone and called—he's impulsive that way." (Safire, *Before the Fall*, pp. 624–625) In a memorandum to Kissinger on September 29, Sonnenfeldt suggested that Ziegler issue the following statement during the afternoon press briefing. "The President's call to Kiesinger was a personal gesture since he had seen him so recently. Naturally, the question of forming a government is entirely one for the Germans to work out. The President has the highest regard for the leaders of all three German parties, all of whom he has personally met at various times. He looks forward to continued close cooperation with the German government, regardless of party composition." (National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III) For memoir accounts of the incident, see also Kissinger, *White House Years*, p. 408; Hillenbrand, *Fragments of Our Time*, p. 279; Bahr, *Zu meiner Zeit*, pp. 269–270; and Brandt, *My Life In Politics*, pp. 170–171.

SPD–FDP coalition—are possible. Negotiations between the three parties will now begin in order to reach agreement on a coalition.

During the election campaign, SPD Chairman Brandt expressed a strong preference for a coalition with the FDP. He can be expected to attempt to form such a coalition if for no other reason than to demonstrate to the SPD that he has tried. Such a coalition would have only a narrow majority and a few defections from the FDP would make this combination impossible. Its foreign policy orientation would attempt to be much more flexible toward the East. Given the limits of German maneuverability this may not in practice get very far.

A CDU–FDP coalition would have a broader majority. In fact, a few individual defections from the FDP to the CDU could give that party an absolute majority. Such a coalition would mark a return to the traditional governing pattern in the Federal Republic during the Adenauer period, but in present circumstances it would be far less stable.

A continuation of the CDU–SPD coalition which was generally regarded as the most likely outcome remains a quite feasible possibility despite bitter personality conflicts which were sharpened during the campaign. If this is the outcome, we would expect coalition negotiations to be difficult and protracted.

A development which might present an immediate problem for the United States would be a conflict over the eligibility of the 22 Berlin representatives to vote in the election of the Chancellor. The Three Western Powers have made clear that because of the special status of Berlin, the Allied prohibition of such participation remains in effect. There is a bare possibility that Brandt, tempted by the prospect of becoming Chancellor in an SPD–FDP coalition, might seek to utilize the Berlin votes which would provide him a more solid majority. (The 22 Berlin votes are divided as follows: 13 SPD, 8 CDU and 1 FDP.)

28. Editorial Note

On October 1, 1969, West German Ministerial Director Bahr called Henry Kissinger to discuss several issues, including the possibility of an informal visit to Washington. In an October 5 memorandum, Kissinger briefed the President on his conversation with Bahr and the resulting controversy with the Secretary of State:

“Egon Bahr, a close confidant of Willy Brandt, called me last week to say that there was no bad feeling in the SPD about our call to Kiesinger and that the SPD hoped to work closely with us. He indi-

cated that he wanted to come over and talk with us; I told him not before the German Government was decided on and he indicated he would call back today (Monday) to discuss this further.

"I informed Elliot Richardson of the conversation. On Friday, Secretary Rogers called me to oppose any mission here by Bahr. (An erroneous report that Bahr was coming today (Monday) had been circulating in Bonn and here.) I agreed to make no arrangement for a visit, but also asked State not to insult Bahr, and through him Brandt, by telling him before he calls me back that he should not come. Obviously, if Brandt wants to use Bahr to open personal contact with you, you should have the option of considering it." (National Archives, Nixon Presidential Materials, NSC Files, Box 280, Agency Files, Department of State, Vol. IV)

Although no record of his conversation with Rogers has been found, a transcript of the telephone call between Kissinger and Richardson is in the Library of Congress, Manuscript Division, Kissinger Papers, Box 360, Telephone Conversations, Chronological File.

On October 7 Kissinger called Richardson to bring him "up to date on the Bahr situation," particularly in light of a recent telegram (Document 30) reporting that Bahr intended to raise the issue of voting rights for the Berlin delegates in the Bundestag. Although he thought Bahr a "slippery fellow," Kissinger argued that it would be difficult to refuse his request, now reiterated in a second phone call, to establish contact with the White House. When Richardson expressed concern that Bahr might attempt to negotiate on Berlin voting rights, Kissinger insisted that the issue was "not for the White House to discuss." (Library of Congress, Manuscript Division, Kissinger Papers, Box 360, Telephone Conversations, Chronological File) Shortly thereafter, Kissinger and Rogers continued to debate by telephone the pros and cons of the proposed Bahr visit. The transcript of the conversation reads:

"K[issinger] said he had another call from Bahr. When K talked to Rogers before, he didn't know what Rogers was talking about but now he has read the cable. K said the issue of voting rights had never been discussed at all. When Rogers asked, K gave his personal view which he would have given anyone. Rogers indicated that Bahr said he was coming over here to talk to K. K said he saw the cable which it was based on and it was factually wrong. He (Bahr) claims that Brandt wants Bahr to come to say he talked to somebody. K said he was worried that if we turn him down, particularly if it is understood there will be no negotiation on voting rights . . . if we refuse to let him come in the light of what's already happened . . . [British Prime Minister] Wilson sends [Foreign Office Private Secretary] Youde over from time to time and we see him. K would like to recommend that we let him come and that Marty [Hillenbrand] and Rogers' people be kept fully abreast and nothing be discussed about Berlin.

“Rogers felt that if you start that practice, they will all bypass the State Department. K said he wouldn’t let that happen—we didn’t do it on Kiesinger. This is just a case where they feel like being able to say they have the same sort of relationship. It is not something on which K would make an issue. K asked if Rogers would discuss this with Marty and then get back to him. K’s own judgment is that it would be better to let him come and make sure when he is here that there is a united front and that we don’t do any negotiating over here that would involve concrete issues and then put him over to Marty. Rogers said he would talk to Marty. He had a problem on the timing of it—before the government is installed. He thought we may be running a risk especially if it doesn’t work out the way Brandt expects. K didn’t think there was any possibility of that. Rogers asked if we should assume that Brandt is Chancellor. K said not formally, but they have only a 1% chance that something will happen the other way. K added that is why the Bahr visit should come before, after we may have more problems. Bahr just wants to tell us what Brandt’s thinking is on policy direction. He wants the President to know. It is basically clear that no decisions will be made. Rogers indicated that Brandt told him exactly what he wants to do. K said this is not something that is worth the two of them disagreeing on, but if the President has strong feelings, he would carry his wishes out, but he didn’t think this would happen.” (Ibid.)

Later that afternoon, Kissinger called Nixon to review the problems that Bahr posed for the bureaucracy. A transcript of the conversation records the following exchange:

“P[resident]—I have no concern on the German proposal.

“K[issinger]—Bill is afraid that they will get into the habit of end running him. Every German Chancellor has had a direct line with the White House. It is pressure for them because [Brandt] will be of a different party than [Kiesinger]. I have no personal view except that it has been standard. I have no objection if State Department wants to sit in on the conversation.

“P—All this business about end running is ridiculous.

“K—It is absurd. This guy is in no position. Brandt is trying to show good will toward you and probably get a little publicity for himself.

“P—The situation is all decided as far as Brandt then.

“K—There may be a ½% chance, if they can bribe votes. It is decided for all practical purposes.

“P—Why don’t you let them come over and let State sit in? We don’t care who sits in. I suggest Hillenbrand.

“K—It is simply to let this guy say he has had the meeting. He isn’t at your level.

“P—I didn’t know, he didn’t want to see me.

“K—It is something that Wilson does all the time when there is a meeting coming up between Wilson and yourself. He will send his man. I regret that the issue ever came up.

“P—Hillenbrand can sit in.” (Ibid.)

After his conversation with the President, Kissinger explained the decision to Rogers: “Bahr said he just wanted to explain his philosophy and K felt Bahr just wanted to talk to someone for an hour. Rogers asked if Brandt said he wanted Bahr to come. K said yes, and he had no reason to doubt that this was true. K said Marty could sit in on the meeting, in fact, it would be helpful.” (Ibid.) For memoir accounts of the above, see Bahr, *Zu meiner Zeit*, pages 269–270; Kissinger, *White House Years*, pages 410–411; and Hillenbrand, *Fragments of Our Time*, pages 286–287.

29. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, October 1, 1969.

SUBJECT

The Vote of the Berlin Deputies in the Bundestag: Nasty Decision
May Be Facing US

As I have previously mentioned to you, we may soon be confronted with handling the delicate question of the voting rights of the 22 Berlin deputies in the Bundestag. The matter can come up either as a *fait accompli* by the Germans or as a German request to the Allies to reverse past Allied decisions. Assuming successful SPD/FDP coalition negotiations (the matter would probably not arise if they fail), it could come up either before the new Bundestag convenes October 20 because Brandt wants to pad the coalition’s majority in the vote on the Chancellor; or it could come up later because Brandt wants a larger working majority. No operational decision is required until the Germans

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III. Confidential. Sent for action. According to another copy, Downey drafted the memorandum on October 1. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 2, Chronological File, 1969–75, 1 July–31 Oct. 1969)

move; but I want to flag the problem for you now because our choice, whenever it has to be made, is complicated by problems of inter-allied relations, our relations with the German political parties and relations with the Soviets.

At Tab B is a paper with background and a brief discussion of some of the elements, pro and con, in a US decision on this matter.

At Tab A is a memo to State telling them that any decision on this subject should be cleared in the White House.

Recommendation:

That you urgently sign the memorandum at Tab A.²

Tab B

THE VOTE OF THE BERLIN DEPUTIES IN THE BUNDESTAG

Present Situation

In accordance with a twenty-year old Allied position, the Berlin deputies in the Bundestag have never voted on substantive matters. An SPD/FDP coalition may bring great pressure on the Allies to change this traditional position, since the addition of the Berlin votes would provide the coalition with a more workable and stable majority. The coalition has a paper deputy strength of 254 (249 is an absolute majority); if the 22 Berlin votes were included, the coalition would have 268, and the absolute majority would be 259.

² Tab A, a memorandum to Acting Secretary of State Richardson, is attached but not printed. In an undated note to Haig regarding the memorandum, Sonnenfeldt wrote: "This ought to have prompt attention. Maybe Tab A can stay here & HAK can phone in approval from Florida. The matter may precipitate rapidly." Sonnenfeldt also attached an intelligence report he had just received on "the SPD's intention to press this issue." (National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III) Haig agreed to send the memorandum while holding the background paper (Tab B) "so that Dr. K can take with him on trip to Key Biscayne." (Undated handwritten note from Haig; *ibid.*) Before leaving for Key Biscayne on October 2, Kissinger signed the memorandum (Tab A) which reads in part: "In the event that we should have to make a decision on the question of the voting rights of Berlin deputies in the new Bundestag, the President would like to have an opportunity to review the proposed US position." (*Ibid.*, RG 59, Central Files 1967–69, POL 15–2 GER W) Richardson, however, received the memorandum after approving instructions to Bonn on the issue. (Note from Eliot to Rogers, October 6; *ibid.*, POL 14 GER W) Regarding these instructions, see Document 31.

History

In order to preserve Berlin's special status and the Allied rights and obligations in Berlin, the Three Powers in 1949 approved the formation of the FRG with the express reservation that "Berlin may not be accorded voting membership in the Bundestag . . . nor be governed by the Federation." Berlin was permitted to designate representatives (not directly elected) to the Bundestag.³ A similar reservation was added to the Berlin Constitution.⁴ This position was affirmed in 1955 at the end of the Occupation Regime. Over the years the Allied injunction has been interpreted in the Bundestag so as to permit the Berlin deputies to vote on procedural matters, in committees and on draft legislation but not on final readings.

Recent Activity

On September 16, the three Ambassadors in Bonn informed the Foreign Office that the Allied position remained unchanged.⁵ Just after the election, the Chancellor's office (Osterheld) asked whether the SPD had approached the Allies regarding the use of the Berlin votes in the formation of a new government.⁶ Reporting we have received no such approach, we again affirmed our position. Osterheld said that, quite aside from the Allied views, Kiesinger considered voting by Berlin deputies a violation of the Basic Law. Yesterday, the SPD party manager (Wischniewski) told the British that the election of the Chancellor without Berlin votes would pose no problem, although for subsequent stability Berlin votes would be needed for legislation. On an if-asked basis, our press guidance is that the Allied position is known; there has been no change.

Possible Future Actions

Notwithstanding Wischniewski's comment, the President of the Bundestag might present the Allies with a *fait accompli* by counting

³ The Allied refusal to allow Berlin deputies to vote in the Bundestag was first made on March 2, 1949, in a communication to the Bonn Parliamentary Council as it was drafting the Basic Law. On May 12, 1949, the Allies reaffirmed this decision while approving the Basic Law with certain other reservations. (*Documents on Germany, 1944–1985*, pp. 204–206, 260–262)

⁴ The Allies informed the German authorities in West Berlin of this decision on August 29, 1950. (*Ibid.*, pp. 340–341)

⁵ As reported in telegram 12233 from Bonn, September 17. (National Archives, RG 59, Central Files 1967–69, POL 38–6)

⁶ Sonnenfeldt mentioned the conversation between Osterheld and Fessenden in a September 29 memorandum to Kissinger. (*Ibid.*, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III) Osterheld, however, had raised the issue in early September; Fessenden reported on the meeting only after the election. (Telegram 12788 from Bonn, September 29; *ibid.*, RG 59, Central Files 1967–69, POL 14 GER W)

the Berlin votes in the investiture vote for Chancellor. More likely, the new government might ask the Allies to change their position so that Berlin votes could be counted for subsequent legislation. The request may come at any time.

Allied Views

The *British* will hold fast to the view that there can be no change during the life of the present government, but would be willing to reconsider any proposal of the new government. They will probably be inclined to assist Brandt in strengthening his government in any way that will not seriously undermine the Allied position in Berlin. The *French* are apt to be tough. They have always strongly resisted any action which might weaken them in Berlin, and they may not want Brandt (whom they may consider a rival in the East) to be too strong.

Communist Views

The *Soviets* may be in an awkward position. They will want to help a Brandt/Scheel government, but cannot accept a strengthening of the Bonn–Berlin ties. Ironically, the Soviets have continued to ensure that the East Berlin representatives in the Volkskammer have a status different from the other deputies, and GDR legislation still does not automatically apply to East Berlin (as FRG laws do not automatically apply to West Berlin). The GDR will certainly bring pressure to remove these last vestiges of a special Berlin status. The Soviets, more importantly, may have difficulty understanding an Allied change in long-standing Berlin voting rights policy in the context of the Tripartite Soundings on Berlin. Privately, the Allies have raised for the Soviets the possibility of reducing Federal presence in West Berlin, yet publicly the Allies would be permitting a fuller incorporation of West Berlin into the FRG.

US Choices

We do not have to make any operational decisions at this time. It is important, however, to begin thinking about it. While it is impossible now to play out the various contingencies (e.g., request now or later, being faced with a *fait accompli*), the arguments with respect to a change in the Allied position seem to be about balanced:

Pro

—Particularly if the new government insists on having the Berlin votes, a change in our position would be a favorable gesture to Brandt, thus putting us in a better position to have a positive influence on the course of our future relations.

—A change might give us a better bargaining position with the Soviets in any negotiations over Berlin.

Con

—A change in the US policy would weaken the integrity of our long-held view of the special status of Berlin, and might present the risk that the Soviets would retaliate by causing some harassment in Berlin and on the access routes (especially for German traffic).

—To change our policy might cause us difficulties with the French, and to a lesser degree, with the British.

—It might lay us open to charges that we are intervening in German domestic politics, and seriously offend the CDU.

30. Telegram From the Embassy in Germany to the Department of State¹

Bonn, October 4, 1969, 1720Z.

13055. Subj: Voting Rights for Berlin Deputies—Bahr Trip.

1. FonOff Planning Chief Egon Bahr, a close Brandt adviser, informed us Oct 3 that he was flying to Washington this weekend to confer with administration officials on the possibility of a change in the US position on voting rights for Berlin Deputies in the Bundestag. The trip is obviously planned as a counterpart of Helmut Schmidt's trip to London on the same mission.

2. As far as can be determined, the issue in these SPD efforts is not the vote for Chancellor but the subsequent legislative majority for an SPD–FDP coalition. The pending SPD–FDP coalition would have only a slim majority, and a fragile one at best. Giving Berlin Deputies the vote would bring a net increment of six additional votes to the new coalition. This would not add much to parliamentary stability even though the small gain involved could be vital for a workable government, as Schmidt and Bahr will doubtless argue, in painting a depressingly accurate picture of the disadvantages of an unstable Germany with a weak government. We are preparing an overall assessment of implications but the following are major ones:

3. As we are all aware, this issue is an intensely partisan one. It is still not yet definitely established that an SPD–FDP government will actually be formed; defection of some FDP Deputies in the vote for

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 14 GER W. Secret; Immediate; Limdis. Repeated to Berlin, London, and Paris.

Chancellor is still possible before Oct 21. It is clear that if formed, such a government would be unstable and could fall and be replaced by a CDU dominated government within a short time. In such a situation, we would wish to the extent possible to maintain an even handed approach to both major parties even though we will, of course, enter on an effective working relationship with any government formed and will wish to make clear to Brandt that we are fully as willing to work with him as with CDU govts of the past.²

4. The voting status of Berlin Bundestag Deputies is linked intimately with the status of Berlin in the Bundesrat where the CDU has a majority of one vote. (Details in septel.)³ A change in the voting status of the Berlin Deputies in the Bundestag might well entail subsequent SPD pressure for a change in status of Berlin representation in the Bundesrat. In effect this would pose the issue of the status of Berlin as an eleventh Land of the FedRep and raise central issues related to the four-power status of Berlin and to US-Soviet relations.

5. Aside from these aspects, voting status for Berlin Deputies is a probable violation of Article 38 of the Federal Basic Law which provides that Deputies of the Bundestag shall be elected in universal, direct, free and secret election, and could readily be contested as manipulation of the entire German election system. This means that even if the Allies should after reelection agree to a change in status for Berlin Deputies if this were done without CDU agreement, the outcome might be nullified after a messy and divisive constitutional court suit.

6. It is vitally important that we remain in closest step with the British and French on this issue. Schmidt talks in London and the planned Bahr trip to Washington make it appear that there may be a deliberate effort to pick off the Allies singly, and it is essential to preserve Allied unity.

7. Believe these considerations indicate we should be very reserved during discussions with Bahr or other SPD leaders and to the extent possible limit ourselves to listening to his position. There is considerable possibility that given the present high temperature here, Bahr would misrepresent remarks made to him in a partisan way.

² In telegram 13156 from Bonn, October 7, Rush elaborated on this point: "Although Brandt himself knows better through personal experience, the SPD as a party suffers from a complex, inflated by a liberal dose of imagination, that the US has one-sidedly favored the CDU through the 20 years of its power. This makes the problem the more difficult. We should therefore seek a solution to the Berlin deputy issue which will achieve the objectives of: (a) showing the SPD that we are prepared to be flexible and reasonable; (b) avoiding any action which will weaken the status of Berlin, and (c) avoiding any overtly partisan position which would stand between us and the CDU for the future; the prospective coalition has such a narrow base that the CDU could shortly return to power." (Ibid.)

³ Not further identified.

8. We will submit our recommendations on the overall subject of Berlin representation in the Bundestag in the near future.⁴

Rush

⁴ In telegram 13156 from Bonn, Rush proposed the following: "If the Allies are actually approached by Brandt after his govt is established, we would tell him that we would be prepared to go along with voting rights for Berlin Deputies (a) if the three Allies first obtained from the Soviets a written statement that they have no objection to the change and that the change would in no way affect existing agreements with regard to Berlin, and (b) if constitutional and other legal objections to the Berlin Deputies' voting either are not raised within a reasonable time or, if raised, are favorably resolved." (National Archives, RG 59, Central Files 1967–69, POL 14 GER W) No response to this proposal has been found. When Rush subsequently raised the issue with Brandt, Brandt clarified that "he was in fact interested in increasing the voting rights of Berlin Deputies, but wanted any changes approached dispassionately and deliberately." After restating the U.S. position, Rush explained that "our sole concern is the security of Berlin and our rights on which this is founded. We have no other concerns about how the matter goes. Brandt did not disagree with this statement." (Telegram 14208 from Bonn, October 29; *ibid.*)

31. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, October 6, 1969.

SUBJECT

The Vote of the West Berlin Deputies in the FRG Parliament: Nasty Decision May Be Facing US

The Problem

We may soon be confronted with the delicate question of whether the Allies should alter their 20-year-old principle of not permitting the 22 West Berlin deputies to vote in the West German Bundestag. There is a strong possibility that the new SPD/FDP coalition government will pressure for this change, since the additional Berlin votes would offer the coalition a more stable and workable majority. The pressure could come at any time: more probably after the October 20th investiture of the Chancellor; but we may even be faced with a *fait accompli* if the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III. Secret. Sent for information. Although no drafting information appears on the memorandum, an attached memorandum from Sonnenfeldt, October 3, states: "In accordance with our conversation today, I have prepared a brief memorandum for your signature." A note indicates that Kissinger's memorandum was returned from the President on October 10.

Speaker of the Bundestag decides to count the Berlin votes on October 20. (If they were counted, Brandt would have a majority of 18 instead of the slim 12-vote margin he would have without the Berlin votes.)

Current Position

In order to preserve Berlin's special status and Allied rights and obligations, the Three Powers have since 1949 taken the position (in the form of a reservation to the FRG Constitution) that Berlin deputies may not vote in the Bundestag. Accordingly, State has just issued an instruction² that, in the event the SPD/FDP requests that Berlin deputies be permitted to participate in the vote for the Chancellor, Allied opposition must be reaffirmed, since a change now would constitute Allied interference in the formation of the new government. If faced with a *fait accompli* on October 20, State believes the Allies should not challenge the election, but should publicly state that the Allied position in Berlin itself has not been affected. At my request, State is now exploring the possible options in the most likely event that we are faced with a request from Brandt *after* his election to permit the Berlin deputies to vote on the enactment of legislation.

I feel that by the time the current sensitive period of the formation of the new government has passed and Brandt is in the saddle, we should at least have examined whether there is advantage in changing our twenty-year-old position. The issues are complex since they involve not only our relations with the FRG and the German political parties, but relations with the Allies (the French are strongly opposed to any change), and with the Soviets who of course have long made an issue over West Berlin's ties to Bonn, but might not be averse to lending Brandt a helping hand.

State is to submit a memorandum for your consideration.³

² Telegram 167314 to Bonn, October 2. (Ibid., RG 59, Central Files 1967–69, POL 14 GER W)

³ In December the Department drafted a memorandum for the President recommending that the Allies "withdraw their prohibitions against voting by the Berlin deputies in the West German Bundestag." (Letter from Hillenbrand to Rush, February 18, 1970; National Archives, RG 59, EUR Files: Lot 74 D 430, Department of State—Hillenbrand) Hillenbrand explained in a letter to Rush on January 27, 1970, that Rogers, although inclined to be supportive, did not "believe that this is the correct time for us to take an initiative and he therefore decided not to send the memorandum to the President which we had prepared." (Ibid.) On February 3 Rush replied that he accepted this decision, especially since Brandt recently confided that he was considering "legislation which would itemize the issues on which the Berlin Deputies would not be entitled to vote in the Bundestag." "If the Chancellor decides to take this step," Rush argued, "it would seem to be a very satisfactory way of meeting the problem. On its face it seems to be in accord with the way Henry Kissinger is thinking, since as you know, he told me that his view was that we should take no affirmative steps to grant voting rights but that if the Berlin Deputies were allowed by the German Government to vote on issues in the Bundestag we should not protest." (Ibid.) For further discussion of the issue, see Sutterlin and Klein, *Berlin*, pp. 99–101.

32. Telegram From the Department of State to the Embassy in Germany¹

Washington, October 15, 1969, 1715Z.

174682. Subject: Quadripartite Negotiations on Berlin.

1. Since Gromyko conversations with Western Foreign Ministers in New York failed to clarify Soviet position toward Allied sounding on Berlin, we essentially remain where we were when Allied approach was made two months ago. Soviets nevertheless have kept door open to further discussions.

2. Department considers that next move with Soviets should be effort to gain their agreement to discuss specific problems which the Three Powers consider present or potential sources of tension. List should not be so ambitious (i.e. elimination of Wall) as to suggest purely propaganda exercise but should be broad enough so that successful negotiations would provide tangible benefits for Berlin. We believe Three Powers should at such time also indicate willingness to discuss topics which Sovs might wish to raise thus affording them opportunity to follow up on FRG offer of possible modification of FRG presence in West Berlin. This offer, together with presumed Sov interest in European Security Conference and in achieving more favorable public image in Western Europe, will probably be main bargaining factors available to Western side in any negotiations.

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 38–6. Secret. Drafted by Sutterlin and Skoug on October 9; cleared by Hillenbrand, Dubs, Nelson, and Eliot; and approved by Rogers. Repeated to London, Moscow, Paris, USNATO, and Berlin. In an October 16 memorandum to Kissinger, Sonnenfeldt complained that the Department failed to clear this telegram with the White House. According to Sonnenfeldt, there was “no hint in the telegram what problems are or where State thinks this whole exercise should come out. I suppose the idea is to make policy as we go, by telegram.” He continued: “I am afraid our Berlin diplomacy has been badly and confusingly handled ever since the President’s Berlin speech.” Sonnenfeldt concluded: “Except for your brief involvement in the drafting of the ‘Berlin probe’ last August, when the French raised it with you, the White House has been unable to exercise any control or even influence on our diplomacy.” In a handwritten note on the memorandum, Kissinger agreed to raise the issue at his weekly meeting with Richardson on October 23. (Ibid., Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I) Two days before the meeting, Sonnenfeldt briefed Kissinger on the current status of the Berlin “sounding.” (Memorandum from Sonnenfeldt to Kissinger, October 21; *ibid.*, Box 337, Subject Files, HAK/Richardson Meeting, May 1969–December 1969) In an October 27 memorandum to Kissinger, Haig described the outcome: “Despite continued efforts by the NSC staff, State adamantly refused to accept White House guidance until the issue was finally resolved between Dr. Kissinger and the Under Secretary of State.” (Ibid., Kissinger Office Files, Box 148, US Domestic Agency Files, State/WH Relationship, Vol. 1)

3. Before deciding on further démarche with Sovs it will be necessary, in Department's view, to await formation of new German Government. If, as expected, Brandt becomes Chancellor, he will certainly push this initiative and, as he indicated to Secretary, will wish it to be coordinated with FRG/Sov bilateral talks on renunciation of force. Under such circumstances we should, in order to show responsiveness, be prepared to resume consultations expeditiously in the Bonn Group.

4. In our view such consultations should aim at developing draft of text which could be handed Sovs later in autumn in response to their September 12 oral statement.² Draft could address itself to specific improvements we would like to discuss with Soviets, such as facilitation of intra-Berlin travel and communications, and more orderly and secure procedure for German access to Berlin. (Subject of German access might be matter for discussion between West and East German representatives, who would then submit their recommendations to Four Powers responsible for Greater Berlin, but this need not be spelled out in note.) Reply could indicate willingness of three Western powers to meet with USSR in order to discuss these matters and others which Soviet side might wish to suggest.

5. We agree with Brandt that eventual tripartite reply and any subsequent negotiation should be coordinated with FRG's bilateral contacts with USSR on renunciation of force. We will welcome continuing quadripartite consultation in Bonn. Department sees some disadvantages in Moscow as locus for Four-Power talks on Berlin, mainly because of security problems involved in carrying out the extensive US/UK/France/FRG consultation which would be required. We therefore would not wish to commit ourselves on Brandt's suggestion that both FRG and tripartite negotiations be held in Moscow. When discussions resume we would prefer merely to point to possible security problem and solicit British and French views.

6. This guidance is being provided well in advance in the event the Embassy has comments to submit.³

Rogers

² See Document 24.

³ No comments from the Embassy have been found. The U.S. representative outlined the Department's views at a tripartite meeting in Bonn on October 28. (Telegram 14368 from Bonn, November 1; National Archives, RG 59, Central Files 1967–69, POL 38–6)

33. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, October 15, 1969.

SUBJECT

Possible Difficulties with the Soviets on Berlin Access

Yesterday afternoon at the new Soviet checkpoint (Babelsberg) on the Autobahn just outside West Berlin, the Soviets explained to Allied commanders new arrangements which will go into effect today at 8:00 a.m. (Washington time). A new barrier pass (Laufzettel) has "DDR" printed at the top and the East German national symbol in the middle. There apparently will be no change in the procedures for using the pass: the Soviets give the pass to the Allied traveler who in turn hands it to the East German guard at the barrier.

Last evening the Allied commanders advised the Soviet checkpoint officer that we had reservations about the new arrangements. The Soviet said he would pass the information to his superiors who might wish to meet with Allied representatives. The US and British Missions feel that Allied Protocol Officers should jointly call on the Soviet Embassy in East Berlin early today requesting that checkpoint commanders discuss the matter before the new arrangements are put into effect. US Mission Berlin considers the new barrier pass format is unacceptable.

Embassy Bonn has coordinated with the British on the initial actions to be taken but has thus far not been able to establish contact with the French (this is probably because Schumann is in Moscow and the French are consciously remaining incommunicado). US Embassy Bonn² and the British proposed the following course of action, which was approved by State and cleared by me in your behalf last night:³

—Allied checkpoint commanders will seek out Soviet counterparts early on October 15 and register Allied objections to the proposed new barrier pass procedures.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I. Confidential. Sent for information. No drafting information appears on the memorandum. A note indicates that it was returned from the President on October 17.

² The Mission in Berlin (not the Embassy in Bonn) forwarded these recommendations, as reported in telegrams 1797, 1798, and 1799, October 14. (Ibid., RG 59, Central Files 1967–69, POL 38–10)

³ In telegrams 174573 and 174574 to Bonn and Berlin, October 15. (Ibid.)

—Concurrently, Allied Protocol Officers will call upon the Soviet Embassy Protocol Officer in East Berlin and register similar objections indicating that the Allies regard the proposed change as unacceptable.

—If the preceding steps have been unsuccessful, a single US vehicle will test the new procedure and if the Soviets insist at the checkpoint on acceptance of the new pass, the vehicle would turn back to West Berlin.

—Concurrently, a British military police vehicle will also probe the Helmstedt checkpoint to ascertain if the new procedures have been established at the western end. No other Allied traffic will enter the Autobahn after 1:00 p.m. local at the eastern end and after 10:45 a.m. local at the western end if it has been determined that the single vehicle tests did not succeed.

Should the above procedures result in continued Soviet intransigence, protests will again be registered at the Soviet Embassy in East Berlin. Consideration will then be given to escalating the diplomatic scenario to include possibly summoning Soviet Ambassador Dobrynin to State or the White House to register a protest in the strongest terms in concert with similar British and hopefully French diplomatic approaches.⁴

⁴ In an October 16 memorandum to the President, Kissinger reported on the outcome of the incident: "Following a *démarche* by the Allied checkpoint commanders yesterday morning, the Soviet commander stated that the new barrier pass would not be used for Allied travelers, and that the old form would be retained. Two procedural changes would be made, however: the barrier pass would be used for individual Allied travelers both entering and departing Berlin (until now the pass was used only for out-bound travelers), and Allied convoys would not be given a barrier pass when leaving Berlin as they had in the past. The Allied representatives informed the Soviets that the old pass form would be acceptable, and shortly thereafter the US probing vehicle passed through the checkpoint without difficulty. No Allied traffic on the Autobahn has been resumed. There has been no press inquiry." (Ibid., Nixon Presidential Materials, NSC Files, Box 12, President's Daily Briefs, October 11–21, 1969)

34. Editorial Note

On October 16, 1969, Helmut Sonnenfeldt of the National Security Council staff prepared a memorandum, at the request of Assistant to the President Kissinger, reviewing the status of contingency planning for Berlin in light of the incident the previous day at the new Soviet checkpoint in Babelsberg. The Soviet action was, he noted, "the first real threat" to Allied access since the so-called "tailgate controversy" in the fall of 1963, when Soviet forces repeatedly delayed Allied convoys on the Autobahn outside the city. According to Sonnenfeldt, all

Berlin contingency plans assumed that the Allies would refuse to “observe Soviet unilateral departures from standard procedures.” The Allies would test Soviet intentions first by low-level diplomatic protest and then by a limited “physical probe” of the access routes to the city. If this action clearly revealed an impasse, the situation would then enter a third phase “where neither the response format nor the individual steps are automatic.” As Sonnenfeldt further explained:

“From this point, the course of Allied action (US, tripartite, quadripartite, or NATO-wide) and the direction (against the GDR, the Soviets or the Bloc) are wide open to negotiation and governmental decision. The range of possible activity increases in severity and scope. On the diplomacy front it includes protests in capitals and in Moscow. The economic and administrative countermeasures include, for example, withdrawal from or cancellation of scientific and cultural conferences and exhibits involving the Soviets (or Bloc countries), harassment of Bloc inland waterway traffic, restraint on the movement of Soviet trade missions in NATO countries, tightening frontier controls over Bloc personnel, prevention of overflights of Bloc aircraft and closure of ports to Bloc shipping. The military countermeasures include non-combatant actions such as the assembly of tripartite probe forces of increasing size (company to battalion) and lead ultimately to the employment of military forces.”

Kissinger marked this passage of the memorandum and wrote in the margin: “Let’s get WSAG on this.” (National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, Germany (Berlin), Vol. I)

On October 21 the Washington Special Actions Group, chaired by Kissinger, met in the White House Situation Room from 3:28 to 5:12 p.m. to discuss Berlin, Sino-Soviet hostilities, and the Middle East. The minutes of the meeting record the discussion on Berlin as follows:

“Secretary Johnson asked the chair to take up Berlin as the first agenda item. He stated that there is a need to brief the President, Secretary Rogers, and Secretary Laird on the subject of Berlin contingency planning. The subject is enormously complex. The problem is not, however, one of substance but one of methodology. How should Berlin be presented?

“Kissinger, while disclaiming extensive familiarity with Berlin planning, reported his understanding that the plans, in the phases beyond diplomatic measures, were merely a collection of possible responses without evaluation as to priority of implementation. He inquired whether the plans have been reviewed in the light of the existing political climate in Europe and adjacent areas.

“Hillenbrand then reviewed the status of Berlin planning. Because of the complexity of the problem, the Berlin files are being computerized to deal with the mass of data. The overall quadripartite planning

effort has been synthesized in a document known as BQDCC-1—a cap-
sulated form of all major contingency plans, and some minor ones. It
has been reviewed this year and is backed up by individual plans
drawn in considerably more detail. There are various groups that are—
or could be—involved in Berlin planning. These are the basic quadri-
partite group in Bonn, the Washington Ambassadorial Group, the
Berlin Task Force, and Live Oak, a military headquarters (with staff
and excellent communications) commanded by General Goodpaster
(SACEUR/USCINCEUR) as the third of his responsibilities. During the
recent check-point flurry Live Oak was alerted. Jack Pine is a backup
headquarters (on standby status) located in Wiesbaden under CINC-
USAFE. There are U.S. unilateral plans which backup the quadripar-
tite plans, but it is doubtful that a U.S. President would ever want to
use them. Perhaps the major inhibition to unilateral action is that forces
would have to transit the British zone to reach Berlin.

“The quadripartite plans have been leaked to the Soviet Union by
a French agent. This leakage may have had a good effect in keeping
the lid on Berlin because the NATO plans—above division strength—
look quite horrendous. One should assume that all quadripartite plans
have been compromised. This assumption should not, however, be in-
terpreted as requiring a change in any of the plans inasmuch as their
deterrent value is considered to be meaningful.

“All of the quadripartite plans embody U.S. concepts regarding
desirable courses of action. NSAM 109, which has been reviewed and
reaffirmed, represents the military rationale behind the plans. The doc-
ument probably remains secure. One important fact which relates to
all of the Berlin plans is that neither the U.S. Government nor any other
government is committed to specific action.

“Secretary Johnson said the type of information presented by Hil-
lenbrand is what should be given to Mr. Nixon and that State would
prepare a briefing. Kissinger agreed with the recommended course of
action, saying that he would discuss the matter with the President, hav-
ing Wednesday, 29 October as a target date for the briefing. He turned
to Sonnenfeldt for comment. Sonnenfeldt urged that any WSAG plan-
ning for Berlin should deal with counter-measures (beyond probes and
protests) to be taken after the fact of a major provocation such as a
blockade. Kissinger outlined the three elements he considered essen-
tial for the briefing: (1) a summary of the organization aspects of Berlin
planning, (2) how the planning is done, and (3) a range of possible
situations.

“Hillenbrand cautioned against doing much in the way of revised
planning because of the deterrent effect of existing plans, the com-
plexity of quadripartite negotiations, and the possibly destabilizing
consequences should the Soviets be made aware of allied efforts to-

ward revised crisis planning for Berlin. Kissinger replied that the interest of the President is not toward major revisions, but only to ascertain that the plans we have are still good.

“All agreed on the need for the briefing. Kissinger then inquired about what should be done following the briefing. How can we get at the plans on the basis of their merits? Do we have suitable alternatives, in today’s world, should we need to act in Berlin? First of all, he suggested, we should look at all of the unilateral plans and then the key quadripartite plans to see if we still find them acceptable. Hyland opined that we should develop a statement of priorities, which Hillenbrand agreed is possible, but only on a unilateral basis. Hyland acknowledged this is true, but the fact in no way diminished the need for the exercise. Sonnenfeldt reiterated his concern that we plan beyond an impasse, considering what courses the U.S. would choose and what we should try to get our allies to do.

“Secretary Johnson said we should develop scenarios covering what and how we should seek to implement in a Berlin crisis. If we are blockaded—in earnest—tomorrow, what course would we recommend to the President so that he in turn could persuade our allies? Can this sort of thing be drawn from existing plans? Hillenbrand said it could. Kissinger said the style of the President is to weigh various courses of action. The briefing, therefore, would be the first step, followed by a WSAG review of the plans in an attempt to establish priorities. He asked the Group to think about how the WSAG review should be conducted.”

According to the summary of decisions for the meeting, the participants agreed that: (1) a briefing on Berlin contingency planning would be prepared for the President; and (2) both unilateral and quadripartite contingency planning for Berlin would be reviewed “with special emphasis on establishing priorities among alternative courses of action.” (National Security Council, Minutes Files, Box 120, WSAG Minutes, 1969 and 1970 (Originals)) No evidence has been found that the President received the proposed briefing on Berlin contingency planning. For text of NSAM 109, “U.S. Policy on Military Actions in a Berlin Conflict,” see *Foreign Relations, 1961–1963*, volume XIV, Document 185.

35. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, October 17, 1969.

SUBJECT

State Department Analysis of New German Coalition Policies

Secretary Rogers wanted your attention called to the attached analysis of the possible foreign and defense policies of the new coalition of Social Democrats (SPD) and Free Democrats under Brandt's leadership.²

The analysis makes the following points:

—that any German government's freedom of action will be constrained by the obvious factors of its existence as a divided country; by its geographical position; by the security concerns of the USSR; and, in the case of the new coalition, by the fragile base of its parliamentary majority;

—policy toward the East will nevertheless be of primary concern; it will focus on signature of the NPT, evolution of a formula for renouncing the Munich agreement, some form of acceptance of the Oder-Neisse line with Poland, and greater flexibility in dealing with East Germany, though short of formal recognition;

—to prevent a widening of the gap between the two Germanies and hopefully to close it, the SPD will increase contacts with the East, seek diplomatic relations with East European governments and continue talks with the USSR on the mutual renunciation of force;

—in the West, Brandt will press for British entry into the Common Market, but will not be in a position to put great pressures on France;

—as for relations with the US there is no reason to expect wide divergencies to develop; the SPD, however, is somewhat suspicious that we are biased in favor of the Christian Democrats.

The memorandum from State recommends a visit by Brandt fairly soon, and I will be sending you a separate memorandum on this.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III. Confidential. Sent for information. According to another copy of this memorandum, Hyland drafted it on October 14. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 287, Memoranda to the President, 1969–1974, Oct.–Dec. 1969) Sonnenfeldt forwarded a draft to Kissinger on October 7; in his cover memorandum, Sonnenfeldt commented that the State paper was “workman-like but somewhat superficial” and probably did not contain “anything the President has not already heard.” (National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III) In accordance with Kissinger's handwritten instructions, Sonnenfeldt revised the draft on October 14 to include a summary of the State paper. (Ibid.) A note indicates that the memorandum was returned from the President on October 21. Kissinger later wrote that State had submitted a “thoughtful paper” and that he agreed with its conclusion that “under an SPD–FDP coalition an active all-German and Eastern policy will have the first priority.” (*White House Years*, p. 408)

² Attached is an October 6 memorandum from Eliot to Kissinger, noting that Rogers had requested that the enclosed paper be brought to the President's attention. (Also in National Archives, RG 59, Central Files 1967–69, POL 15 GER W)

36. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, October 20, 1969.

SUBJECT

Visit by Willy Brandt's Emissary, Egon Bahr

I had a two-hour session with Bahr on Monday, October 13.² The trip was his suggestion and I agreed, after discussion with Secretary Rogers on the understanding that there would be no negotiation of specific matters.³

Bahr said he wanted to assure us, in Brandt's name, of the basic continuity in German foreign policy and of Brandt's desire to have close relations. He indicated there was no difficulty with Brandt over your election night phone call to Kiesinger. I assured him of your desire to maintain close and confidential relations with Brandt. We agreed on a confidential channel of communications which, together with the direct line from you to the Chancellor, can be used for strictly private exchanges or contact in moments of crisis. I stressed the need for absolute secrecy when such communications are made and Bahr agreed.⁴ (He has unfortunately not had a reputation for discretion and we will have to test the privacy of this channel in practice, now that Bahr is to become Brandt's foreign and security policy advisor in the Chancellor's office.)

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III. Secret; Nodis. Sent for information. Sonnenfeldt redrafted the memorandum on October 15 to incorporate Kissinger's handwritten corrections; two substantive revisions are noted in footnotes below. A note on the memorandum indicates it was returned from the President on October 22.

² Bahr also prepared a memorandum of the conversation on October 14; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 1114–1118. For memoir accounts, see Kissinger, *White House Years*, pp. 410–412; Bahr, *Zu meiner Zeit*, pp. 270–283; and Hillenbrand, *Fragments of Our Time*, pp. 286–287.

³ See Document 28.

⁴ As Kissinger later recalled: "Bahr, after leaving the White House by the front door, reentered it through the basement for a private talk with me, primarily to establish a channel by which we could stay in touch outside formal procedures." (*White House Years*, p. 411) According to Bahr, the two men agreed that only Nixon, Sonnenfeldt, Brandt, and Ehmke would also know about this backchannel. (*Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, p. 1114, fn. 2) After the meeting, Kissinger arranged to set up a line of communication to Brandt that "would be just a transmittal to Brandt and then back to us." (Library of Congress, Manuscript Division, Kissinger Papers, Box 360, Telephone Conversations, Chronological File)

In a discussion of the policy intentions of the new coalition in which Assistant Secretary of State Hillenbrand participated,⁵ Bahr made the following points:

1. After Brandt's election by the Bundestag, the Germans intend to approach the allies with a proposal to enhance the voting rights of the 22 Berlin deputies in the Bundestag. The matter is controversial in Germany on constitutional grounds and also because it is clearly intended to boost the SPD's slender majority in the Bundestag. We made no commitments to Bahr but will pursue our internal examination of our options which will also have to take into account problems that might arise with the French (who oppose any change in the existing limitation on Berlin voting rights) and with the Soviets. The Secretary of State is to submit a study for your review.⁶

2. Bahr outlined a fast-paced timetable for German signature of the NPT. It includes a *démarche* to us concerning interpretations of certain clauses in the NPT. Such a *démarche* was already in train under the outgoing German government and should not pose problems for us. Once the Germans sign, we can expect early Soviet willingness to jointly complete ratification with us, as we have proposed.⁷

3. Bahr outlined a series of German moves toward the USSR, Poland and East Germany. In themselves they pose no major problems for us (e.g., a German-Soviet understanding on renunciation of force, a new German offer to the Poles amounting to *de facto* acceptance of the Oder-Neisse line); but they could become troublesome if they engender euphoria, affect Germany's contribution to NATO and give ammunition to our own *détente*-minded people here at home. The Germans may also become so engaged in their Eastern policy that their commitment to West European unity may decline. The Soviets—and, with some apparent prodding by Moscow, Ulbricht—seem willing

⁵ Hillenbrand drafted a memorandum of the conversation in which he commented: "This was a typical Bahr performance. He did most of the talking and did not always distinguish between his own views and those of Brandt. Judging from information from other sources, the line of thinking which he outlined generally reflects the putative new Chancellor's own approach." (National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III)

⁶ See footnote 3, Document 31.

⁷ On October 30 Ambassador Roth, the German Disarmament Commissioner, met Secretary of State Rogers in Washington to discuss German signature of the Non-Proliferation Treaty. (Memorandum from Rogers to the President, October 30; National Archives, Nixon Presidential Materials, NSC Files, Box 12, President's Daily Briefs, October 29–31, 1969) Rogers subsequently agreed, with the President's approval, to issue public assurances that the NPT did not affect the security guarantees of NATO. (Memorandum from Watts to Eliot, November 12; *ibid.*, Subject Files, Non-Proliferation Treaty, April 1969–Mar 70) The text of Rogers' statement, delivered on November 28 following German signature of the treaty, is in Department of State *Bulletin*, December 15, 1969, p. 545.

enough to receive Bonn's overtures. The Germans may wind up combining the disadvantages of each of their major policies: getting sucked into more and more concessions to "save" their new Eastern policy while causing their Western allies to question their reliability. It is questionable whether the internal strength and cohesion of the FRG is strong enough to sustain a series of frustrations and setbacks.⁸

4. Bahr expressed concern about unilateral US troop reductions in Germany, mostly because he felt this would reduce Western bargaining leverage in negotiations with the Russians on mutual troop cuts. I told him that we had no plans or intentions to cut our troops but that, realistically, the trend in Congress and elsewhere toward doing so could not be ignored. I said we would hope to deal with this problem in an orderly way by consulting with our allies on a viable strategic concept and on a force posture which we and the allies would abide by. We are preparing a NSSM on our NATO forces for early issuance.⁹ But it is clear that the Germans expect substantial US cuts in the next two years or so and are themselves examining various schemes for negotiating with the Russians on major reductions on both sides. NATO also has a study underway on such mutual reductions. I believe it is essential that we have an agreed strategic concept before any negotiations with the Soviets occur.

Altogether, the points in Bahr's substantive presentation contained no surprises. He did say that we should expect less of a guilt complex in Bonn under Brandt and President Heinemann, and hence a more self-reliant and not always compliant attitude toward us. The Socialists may well seek to take on a more nationalist coloration by presenting themselves as defenders of the German national interest.¹⁰ In any case, we can probably expect to see a posture of greater independence toward us in Bonn. I told Bahr that we want to deal with Germany as a partner, not a client.

⁸ The previous two sentences are based on Kissinger's comment in the margin of the draft: "Germans may wind up combining the disadvantage of every course of action. The cohesion of the FRG is not strong enough to sustain a very great area of maneuver." (National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III)

⁹ Kissinger issued NSSM 84, U.S. Strategies and Forces for NATO, on November 21. The text is scheduled for publication in *Foreign Relations, 1969–1976*, volume XLI.

¹⁰ This sentence is based on Kissinger's marginalia: "It may be that the Socialists want to present themselves as defenders of the German national interest." (National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III)

37. Editorial Note

On October 20, 1969, President Nixon and Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Oval Office to discuss several issues, including proposals to negotiate a settlement on Berlin. In a memorandum to the President, October 18, Kissinger concluded that Dobrynin, who had requested the meeting ostensibly to deliver an “affirmative message” on the Strategic Arms Limitation Talks, “obviously has something more basic to convey, since protocol would have called for him to give the response to Secretary Rogers with whom Dobrynin had conducted the earlier conversations on this matter.” In reviewing specific points Dobrynin might raise, Kissinger briefed the President on Berlin:

“In your letter to Kosygin last April you suggested talks, if they could improve the situation in West Berlin. Kosygin replied in June to agree to talks but without any suggestion of readiness to deal with the issues. You decided not to pursue the matter further, at least until after the FRG election. Subsequently, the US, UK and France, with German approval, proposed four-power talks and also suggested that the FRG could talk with the GDR. The Soviets agreed to four-power talks in September, but again with no indication of flexibility on substance. Gromyko, when he was here, tried to probe whether we preferred bilateral or four-power talks. If Dobrynin raises the matter, you should tell him that we are flexible on procedure but our only interest in *any* talks is to see whether the situation in Berlin can be improved so that periodic crises will not occur. (On balance, I believe we should *not* pursue this bilaterally, except perhaps in close touch with the allies. The French especially are extremely skeptical about any prospects for success and they are undoubtedly correct. If we do too much bilaterally, we will merely arouse allied suspicions and encourage Brandt, who needs little, to strike out on his own.)”

Kissinger also addressed the recent advent of German Chancellor Willy Brandt. “If Dobrynin raises Germany, and especially if he warns about the danger of fascism and revanchism,” he advised Nixon, “you should tell him that with Brandt in power the Soviets have an historical opportunity for a genuine and equitable improvement of relations with the FRG. History will judge them harshly if they abuse this opportunity.” (National Archives, Nixon Presidential Materials, NSC Files, Box 489, President’s Trip Files, Dobrynin/Kissinger, 1969 [Part 1])

According to the memorandum of conversation, the meeting began at 3:30 p.m. with a discussion of a Soviet proposal to announce that the SALT talks would begin in Helsinki on November 17. Noting that Soviet President Podgorny valued direct communication, Dobrynin then read an aide-mémoire on the “present state” of Soviet-American relations, expressing dissatisfaction with such “concrete

questions” as the Middle East, Vietnam, and China. The aide-mémoire first addressed the issue of European security:

“It is known, for example, that the Soviet Government has expressed readiness to follow the path that would facilitate doing away with the existing military blocs and groupings which, without doubt, would make a most positive impact on the world situation. Unfortunately, one has to conclude that those statements have not met a positive response from the US Government. On the contrary, it is noted in Moscow that the activity of NATO is now on the increase.

“Or take, for instance, the question of drawing a line through the vestiges of the Second World War in Europe and fixating the situation that has developed there. We on our part have always expressed readiness and proposed concrete ways for a just settlement of the questions involved, with due regard to the existing realities. The American side, however, acts contrary to the obligations assumed by the United States under the Allied agreements. Why could not the US, together with the USSR as great powers and allies in the past war, make necessary efforts at last in that important field?

“The Soviet side stands prepared now to start an exchange of views with the US also on the question of West Berlin. Such an exchange of views, in our opinion, can be useful if both sides are guided by the aim of contributing to a relaxation of tension in Europe and of preventing in the future frictions and complications dangerous for the maintenance of peace and stability in Europe.” (Ibid.)

After listening to this “candid” presentation, the President expressed his own disappointment, in particular, with the apparent Soviet refusal to help end the war in Vietnam. As for European security and Berlin, Nixon said that these matters could be “dealt with later at a very high level, if we can make a breakthrough somewhere.” But when Dobrynin asked how the two sides might achieve a breakthrough, Nixon ignored the question and changed the subject. (Ibid.)

In an October 21 memorandum to the President, Kissinger assessed the outcome of the meeting. “I suspect Dobrynin’s basic mission was to test the seriousness of the threat element in our current posture,” he wrote, “and to throw out enough inducements (SALT, Berlin, direct informal contact with you) to make it politically and psychologically difficult for you to play it rough over Vietnam.” Kissinger also repeated, in somewhat stronger terms, his previous advice on the proposed Berlin negotiations:

“The Soviets again agree to talks with us but give no indication whatever that these might lead to the improvements we seek. As you know, there has also recently been an offer by ourselves, the British and French, with FRG support, to talk to the Soviets. They agreed in much the same vague terms used in Dobrynin’s text. I think we should not encourage the notion of bilateral US-Soviet talks on Berlin at this

stage. The Soviets would use them to stir up suspicions among the Allies and to play us off against each other. I believe we would do best to keep this issue in the quadripartite forum for the moment and not to press too much ourselves. Since there may be a misunderstanding of our position in Moscow (you first raised the possibility of talks in your Berlin speech and then in your letter to Kosygin last March), we should probably tell the Soviets that we are not now interested in bilateral talks." (Ibid.)

For the participants' memoir accounts of the meeting, see Nixon, *RN: The Memoirs of Richard Nixon*, pages 405–407; Kissinger, *White House Years*, pages 145–146, 305, 408; and Dobrynin, *In Confidence*, page 202.

38. Editorial Note

On October 21, 1969, Willy Brandt was elected Chancellor of the Federal Republic of Germany by the Bundestag, the first Social Democratic head of government in nearly 40 years. Henry Kissinger announced the news in a memorandum to President Nixon that afternoon, noting that "Brandt received 251 votes, two more than the required absolute majority of 249." (National Archives, Nixon Presidential Materials, NSC Files, Box 12, President's Daily Briefs, October 11–21, 1969) Shortly thereafter, Nixon sent a congratulatory message to Brandt in which he suggested direct consultation on "matters of mutual interest." (Message from Nixon to Brandt, no date; *ibid.*, Box 682, Country Files, Europe, Germany, Vol. III) Brandt responded on October 22, promising to take full advantage of this offer of personal communication. (Ibid.) The next day, Nixon sent the first backchannel message to Brandt:

"I would like the Chancellor to know that the Soviet Ambassador has proposed that the strategic arms limitation talks begin on November 17 at Helsinki. We plan to accept this proposal. Your government will be officially informed through your Ambassador here on Friday, October 24, but I wanted you personally to know of this development as soon as possible. I wish to assure you that I plan to maintain the fullest consultations with our allies on this matter. You should feel free to pass to me any views you may have through this channel. May I ask you to keep the contents and existence of this message entirely to yourself." (Ibid., Box 753, Presidential Correspondence File, Germany, Chancellor Brandt (1969–Apr 70))

As soon as he received this message, Brandt sent the following reply: "I am grateful for your message. You will find no barriers from my side for the beginning of SALT. I never doubted your assurances. I will use this channel, if I find it necessary at a later stage." (Ibid.)

39. Telegram From the Embassy in Germany to the Department of State¹

Bonn, October 29, 1969, 1140Z.

14207. Subject: Ambassador's Call on Chancellor Brandt.

1. Brandt received the Ambassador late yesterday, Oct 28, the first Ambassador to be received by the new Chancellor.² (Brandt received Soviet Ambassador Tsarapkin later yesterday, and will receive the British and French Ambassadors tomorrow.)

2. After the Ambassador had congratulated Brandt warmly on his election as Chancellor, Brandt stressed that NATO and ties with the US remain fundamental to his government. Germany plans to work for reconciliation with Eastern Europe, he said, but only from a base rooted firmly in the West. "Our basic security interests dictate that Germany cannot operate from a position in between East and West."

3. Brandt thanked the Ambassador warmly for the President's message of congratulation, adding that he had answered the President's message³ before replying to messages from any other heads of government. Brandt said he hardly feels himself a stranger to the President, having seen him many times since they first met in 1954. Brandt also added that he doesn't really feel himself an opposition leader who has waited out in the cold for 20 years, pointing out that throughout the long period he was Governing Mayor of Berlin, when he had innumerable dealings with America, he had not been an opposition leader as far as Berlin was concerned, although he had been a member of the opposition party in the Federal Republic.

4. The Ambassador replied that he found nothing in the government declaration⁴ which was inconsistent with US policies. It served to show the basic consistency of both US and German policy goals ever since the war. Like the German Government, the US gave full support to Western European integration and the entry of Britain into the Common Market. The Eastern policy of the new German Government and

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 17 US–GER W. Confidential; Immediate. Repeated to London, Paris, Moscow, Brussels, The Hague, Luxembourg, Rome, USNATO, and Berlin.

² For a German record of the conversation, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 1167–1169.

³ See Document 38.

⁴ In his government declaration on October 28, Brandt announced his intention to: negotiate renunciation-of-force agreements with the Soviet Union, Poland, and Czechoslovakia; urge the four powers to reach an agreement improving the situation of Berlin; and hold formal talks with East Germany leading to "contractually agreed cooperation."

its position on the NATO alliance were of course likewise fully consistent with US policy objectives. On defense policy, the Ambassador thanked Brandt warmly for the extraordinarily prompt and reassuring answer to Secretary Laird's message on Germany's intention to maintain its defense effort.⁵ The Ambassador assured Brandt of the administration's intent to maintain substantial US forces in Europe, although at the same time pointing to heavy pressures in certain quarters in the US for reduction. To counter these latter pressures, it was vitally important that Germany and other European countries do everything possible to improve their own defense contribution. Finally, the Ambassador specifically thanked Brandt for including two specific items in the government's program of action in the foreign policy action program: (A) the intention to take an active part in the NATO committee on challenges to a modern society, and (B) the intention to take up the US offer to participate in limited areas of space research.

5. Brandt said he was aware of the President's interest in these two points. On the NAC committee, Brandt said the German Government planned to have Prof. Weiszacker⁶ actively involved in the work, which would in turn facilitate the involvement of other leading people in the academic world. On defense, Brandt said that he had deliberately included a reference to personnel problems and public acceptance of the military to ensure the effectiveness of their mission. He

In perhaps the most controversial line, Brandt declared: "Even if two states exist in Germany, they are not foreign countries to each other, their relations with each other can only be of a special nature." A translation of portions relating to foreign policy and the Embassy's preliminary assessment are in telegrams 14168 and 14174 from Bonn, October 28. (National Archives, RG 59, Central Files 1967–69, POL 15 GER W and POL 15-1 GER W, respectively) See also *Documents on Germany, 1944–1985*, pp. 1049–1050; Brandt, *People and Politics*, pp. 236–237, and *My Life in Politics*, p. 209. In an October 29 memorandum to Kissinger, Sonnenfeldt highlighted the following passage from the declaration: "The close ties between us and the United States exclude, as far as the Federal Government is concerned, any doubt about the validity of the commitments which the US, by treaty and conviction, has assumed in regard to Europe, the FRG and West Berlin. Our common interests require neither additional assurances nor recurrent declarations. They are capable of supporting a more independent policy and a more active partnership on the part of Germany." After reading Sonnenfeldt's memorandum on November 5, Kissinger wrote in the margin: "We will come to regret German 'flexibility'." (National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III)

⁵ In a recent conversation with Pauls, Laird had expressed some concern about the defense policy of the Brandt administration, particularly in view of Congressional opposition to maintaining American force levels in Europe. (Telegram 14122 from Bonn, October 27; *ibid.*, RG 59, Central Files 1967–69, DEF 6 GER W) Acting on official instructions, Pauls informed Rogers on October 28 that "the German Government does not intend to reduce the quality or quantity of the German contribution to NATO." (Telegram 182823 to Bonn, October 29; *ibid.*)

⁶ Reference is presumably to Carl Friedrich von Weizsäcker, a prominent German physicist and philosopher.

felt this necessary for morale. He also spoke approvingly of Helmut Schmidt as a man who would bring both leadership and expertise to the Defense Ministry.

6. Brandt said the government declaration was very long and detailed because his government was a coalition. Many items had to be included because they were pet projects of the FDP or members of his own party. Brandt also commented that the government had set out for itself a very active work program. (*Comment:* The long list of domestic programs will impose heavy strains on the FRG budget, with consequent changes to the attainment of defense goals. Hence the new government's problem will be similar to our own, with the added handicap of being a coalition.)

7. Brandt's comments on the NPT and voting rights for Berlin Deputies will be the subjects of separate messages.⁷

Rush

⁷ Brandt's comments on the Non-Proliferation Treaty were reported in telegram 14209 from Bonn, October 29. (National Archives, RG 59, Central Files 1967–69, DEF 18–6) For his comments on the voting rights of Berlin Deputies, see footnote 4, Document 30.

40. Telegram From the Embassy in Germany to the Department of State¹

Bonn, November 5, 1969, 1040Z.

14518. Subj: Policy of New German Government on Relations With the GDR.

1. In a conversation with Sutterlin and the DCM, State Secretary Bahr (protect source) laid out what he called the "real" policy of the new German Government toward relations with the GDR. He said he felt it important to be full, clear, and explicit about this because he feared that telegrams sent to the German Embassy in Washington had not conveyed the policy adequately. He said the full extent of this policy will not be divulged at this time. In an aside, he said he personally thought Brandt's decision to refer publicly to "two German states"²

¹ Source: National Archives, RG 59, Central Files 1967–69, POL 15 GER W. Secret; Priority; Limdis. Repeated to Berlin, USNATO, London, Paris, and Moscow.

² See footnote 4, Document 39.

was a mistake at this time because it provoked too much public controversy. The full “naked” policy, Bahr said, contains the following elements:

2. Trade with the GDR: The FRG will no longer stand in the way of expanded Allied trade with the GDR. “We cannot ask the US, for example, not to do in trade with the GDR that which the French already do and which the British will soon do.”

3. GDR membership in international organizations: The FRG had already given up its position on this subject when the International Olympic Committee voted at Mexico City to allow a separate GDR team at the next Olympics and the FRG subsequently announced that it nevertheless wanted to have the next Olympics in Munich, knowing full well that this meant a separate GDR team would participate in the FRG before the whole world. Bahr did not give details as to how the FRG would proceed from here on its policy toward the GDR in international organizations; he only made the point that its earlier position of opposing membership had already been given up.

4. Renunciation of force agreements: Negotiation of these agreements in the near future will be the first major step in working out the new relationship with the GDR. The agreements will be negotiated in the following order: Soviet Union, Poland, GDR. In an important aside on the European Security Conference (ESC), Brandt [*Bahr*] said that the renunciation of force negotiations will have a determining effect on the German position toward the ESC. If the renunciation of force negotiations are blocked by the other side, the FRG will have no interest in an ESC, in which it has no intrinsic interest anyway. Furthermore, Bahr thought the Soviets had made a tactical mistake in the recent Warsaw Pact declaration on the ESC. By coming out for an ESC in early spring 1970, the Soviets publicly engaged their prestige for an early ESC, thus giving the FRG and the West a tactical advantage in insisting that conditions be met before an ESC is held.

5. All-German treaty: Negotiation of an all-German treaty (*Gesamt-Deutscher Verträge*) will be the final and culminating stage in the process, to be undertaken only if all the preceding steps have been fulfilled. Such an all-German treaty would not provide for FRG recognition of the GDR as a government which the FRG recognizes in the traditional sense, with exchange of Ambassadors, etc. Nor would it affect in any way the Allied rights in Berlin nor the four-power responsibility for Berlin; the FRG and GDR are not fully sovereign nations anyway and have no basis for affecting or altering these Allied and four-power rights. It would, however, provide for FRG acceptance of two German states. Its key point would be a *modus vivendi*. For its part, the FRG would give up its opposition to third states recognizing the GDR. The other and essential half of the bargain would be solid GDR guarantees of FRG civilian access to Berlin.

6. Pending the completion of this last step, the FRG will continue to try to prevent other states from recognizing the GDR diplomatically. Bahr said the steps described above would have to move rapidly; twelve months from now, he predicted, India will recognize the GDR.³ When this happens, the FRG will no longer be able to hold the dam; there will be a flood of recognitions because the FRG, given its heavy investment in India, will be powerless to take any retaliatory action. In a recent conversation, even Birrenbach had recognized this fact of life.

7. Asked about the relation of the Allied sounding of the Soviets to all this, Bahr said it should go ahead in parallel fashion. He felt, however, that the Allied sounding would get nowhere; the Soviets will simply say that it is none of their business.

8. Asked about a separate subject, Western European integration, Bahr was very discouraging. He saw no motivations at work in Western Europe to bring about any progress. Fear played no role any longer; the Europeans were quite content to remain under the American nuclear umbrella.

9. On still another subject, completion of WEU action on building submarines for Greece, Bahr said the FRG has decided to go ahead. This issue had been hanging fire within the grand coalition for six months. Even though FRG relations with the present Greek regime were far from the best, Brandt had decided to proceed anyway because the project is important to NATO. Bahr characterized Brandt's decision to go ahead with this matter as an example of his intent to be a decisive Chancellor. "Brandt has decided to be a Chancellor who decides," he said.

10. Because German policy on this topic is the subject of intense domestic controversy, we believe the above views and those of van Well (septel)⁴ should not be discussed with other nations at this time. For background see also A-499, May 22, 1969 (notal).⁵

Rush

³ Although establishing relations at the consular level on August 3, 1970, India did not extend full diplomatic recognition to East Germany until October 8, 1972.

⁴ In telegram 14539 from Bonn, November 5, the Embassy reported that van Well confessed that he had been "somewhat shaken by some of the wording in Brandt's government declaration on policy toward East Germany of which he had made the original first draft, later worked over by Egon Bahr, Brandt himself, and to a lesser extent FonMin Scheel. Nevertheless, he considered the end result a worthwhile formulation." (National Archives, RG 59, Central Files 1967-69, POL GER E-GER W) The second part of the conversation with van Well on FRG policy toward the GDR was reported in telegram 14540 from Bonn, November 5. (Ibid.)

⁵ Not printed. (Ibid.)

41. Telegram From the Embassy in Germany to the Department of State¹

Bonn, November 7, 1969, 1825Z.

14712. Subject: Brandt's East German Policy—Initial Comment. Refs: (A) Bonn 14372² (B) Bonn 14518 notal³ (C) Bonn 14539 notal (D) Bonn 14540 notal⁴ (E) Bonn's A-720 & A-723 notal.⁵

1. *Begin summary:* We have reported that Willy Brandt's recent statement of his coalition government's policy toward East Germany reflects an intention to make a determined try in coming months to achieve a modus vivendi with East Germany. The new formulation brings German policy appreciably closer to formal acceptance of the consequences of World War II. It is too early to tell what its practical impact and results will be. This message contains some preliminary observations as regards aspects of direct interest for US policy towards Germany.

2. Insofar as it is a more realistic reflection of actual facts, the Brandt policy change appears desirable and merits continuation of the support we have given this aspect of German policy for the past ten years. The aim of the new policy, to establish a durable contractual modus vivendi with the GDR short of outright recognition, appears in conformity with our interests in Central Europe and should, we believe, be supported. Success of the new policy approach is dependent on the Soviet response, which is highly uncertain. But the mere fact of its presentation entails certain gains for GDR efforts to gain international status and will confuse the FRG's friends abroad. It also carries a risk that its actual contribution toward relaxation of East-West tensions may be exaggerated in public opinion to the detriment of sup-

¹ Source: National Archives, RG 59, Central Files 1967–69, POL GER E–GER W. Secret; Limdis. Repeated to Rome, London, Paris, Moscow, Berlin, USNATO, USUN, Ankara, Athens, Brussels, Copenhagen, The Hague, Lisbon, Luxembourg, Ottawa, Reykjavik, Belgrade, Budapest, Bucharest, Prague, Sofia, Warsaw, Bremen, Düsseldorf, Frankfurt, Hamburg, Munich, and Stuttgart. According to another copy, the telegram was drafted by Dean on November 6, cleared by Fessenden, and approved by Rush. (Ibid., EUR/CE Files: Lot 85 D 330, Draft File—JDean (Oct–Dec) 1969)

² Dated November 1. (National Archives, RG 59, Central Files 1967–69, POL 32–4 GER)

³ Document 40.

⁴ Regarding telegrams 14539 and 14540 from Bonn, see footnote 4, Document 40.

⁵ Both dated July 22. (Both in National Archives, RG 59, Central Files 1967–69, POL GER E–GER W) In a July 31 memorandum to Kissinger, Hyland forwarded the airgrams, which he considered “perceptive, thoughtful and well written.” (Ibid., Nixon Presidential Materials, NSC Files, Box 1321, NSC Unfiled Material 1969 [14 of 19])

port for NATO defense efforts and moves toward European unity. Suggestions are made in paras 9 and 10 for a US position toward the changes. *End summary.*

3. The new policy has a refreshing realism particularly as regards its implied acceptance of the existence of two German states. In some respects, German policy should be easier for German officials to explain to some third countries, especially those of Eastern Europe. At the same time, it entails the risk for Brandt that its costs, in the form of third country recognition of the GDR or GDR membership in international organizations, may have to be paid before any gains can be registered; the outlook for such gains is limited.

4. Brandt suggested that the FRG attitude toward third country recognition of the GDR and to GDR efforts to gain international status would be dependent on the GDR response to FRG efforts to broaden and up the level of FRG–GDR negotiations. Reftel B and C indicate that Brandt is anxious to trade what might be termed partial FRG recognition of the GDR for GDR signature of a treaty regulating relations between the two parts of Germany as regards movement of persons and goods, transportation, and communications. Apparently Brandt's calculation is that this would be an enduring "interim" relationship until a distant final peace treaty and that he can in this way hold the level of the FRG–GDR relationship below that of outright final recognition. Believing that recognition of the GDR by an increasing number of third countries can scarcely be avoided, he wished to offer the GDR the half-loaf of partial FRG recognition before further third country recognitions and the further development of FRG public opinion in the direction of recognition deprive him of even this uncertain bargaining power.

5. Brandt has cast his die. The practical result depends on the Soviet and East German response. This has always been the case with regard to the future of East Germany, but now the Federal Germans would be satisfied with far less than in the past; there is no more talk of free elections and even the word "reunification" has been dropped from the SPD–FDP vocabulary. The USSR is probably in a position to bring the East Germans to make the limited counter-concessions which would make the new Brandt policy appear real and effective. It cannot be predicted whether the Soviet leaders will actually use this opportunity; considerable potential costs in terms of Soviet control over the governments and peoples of Central and Eastern Europe might arise if even a partial post-war settlement were reached in Central Europe. But the Soviet invasion of the CSSR has established new ground rules for the relations of Eastern European countries with the West. Moreover, the Soviet leaders have recently shown themselves more willing than heretofore to engage in tactical maneuver in German issues.

Examples were Soviet tactics in the Bundesversammlung fracas and during the Bundestag election campaign. (Bonn 13131, para 4)⁶ The Soviets would doubtless desire, with a minimum of real movement on their part, to awaken and exploit the interest of German leaders in this issue for maximum possible influence over German policy, especially as regards Western Europe.

6. As regards third country attitudes, ultimate recognition of the GDR by the world community has moved closer. It seems probable that further Asian and African countries will take advantage of Brandt's looser approach in order to recognize the GDR and that CDU complaints in the Oct 29–30 Bundestag debate that the FRG in the short or long run will end up among a minority of states which do not recognize the GDR will prove valid.⁷

7. The prospect is that the United States and other close allies of the FRG may find themselves in this minority. This situation will create new operational problems to which attention should now be given. Although the FRG will ask us to continue to do so, we will be less able to effectively argue against East German membership in international organizations or recognition by specific third countries. Assuming Germany's closest allies remain loyal to the FRG position, they may also come under increasing criticism in their own countries for an "unrealistic" policy toward the GDR, although this pressure should not prove unendurable. The Brandt policy gives some added urgency to detailed examination of possible consequences of ultimate FRG recognition of the GDR for US interests in Central Europe (Bonn A-723), although that phase even is probably still a long time off.

8. A special problem may be created by the potential tempo of development of relationship between the FRG and the GDR and by the tempo of recognition of the GDR by third countries. If the USSR chooses for its own reasons to cooperate with Brandt at least to the extent of urging or permitting Poland, Czechoslovakia, and the GDR to intensify negotiations with the FRG, a strong impression may be created in Western opinion that a factual settlement of post-war East/West difficulties in Central Europe is in sight without much substantive change

⁶ In telegram 13131 from Bonn, October 6, the Embassy reported: "The election was characterized by the most intensive Soviet intervention in domestic politics which has taken place in any postwar German election. This was expressed in a series of policy decisions designed to show the feasibility of the SPD-FDP approach to Eastern policy including the Soviet replies on renunciation of force, the Berlin sounding, and East German agreement to broaden the spectrum of negotiations with the FRG. Soviet diplomats indicated their preference for an SPD-FDP coalition before and after the elections." (Ibid., RG 59, Central Files 1967-69, POL 14 GER W)

⁷ An account of the Bundestag debate is in telegram 14369 from Bonn, November 1. (Ibid., POL 15-2 GER W)

necessarily having taken place. This impression in turn could have considerable effect on the willingness of Western public opinion to support defense burdens and increased cooperation among the Western European countries. Movement toward FRG recognition or even ultimate outright Federal German recognition may bring some objective diminution of the causes of East-West tension. But even in the latter case, the decrease will be far from complete and both FRG–GDR and FRG–USSR relations will continue as an important area of movement and instability in Central Europe.

9. Because our own interests are involved both in the above regard and with regard to substantive effects on the Allied position in Berlin and Germany as a whole, we have a right to expect from the FRG closest consultations on developing German policy toward East Germany. We believe our interests would be best served by an orderly, spaced-out sequence of events, in which the FRG shows greater insistence than it has initially to require benefits from the East Germans equivalent to the concessions it is prepared to make. We believe we should give more support than heretofore to Brandt's effort to engage the East Germans in negotiation at the political level, even though his course entails disadvantages in the sense described in the foregoing paragraph. If such negotiations should take place, they could demonstrate that full FRG recognition of the GDR is not a necessary precondition to practical improvements in the FRG–GDR relationship and could thus control pressures within the FRG and outside for further German concessions on recognition. If they resulted in some form of contractual agreement between the two parts of Germany short of full recognition, this outcome would cause less damage for our position in Berlin and on Germany as a whole than outright recognition at a somewhat later point, which appears the likely alternative outcome.

10. We suggest that in due course the Department may wish to privately express support for Brandt's East German policy, also making the points in the first two sentences of the preceding para, and to authorize the Embassy to take a similar line with our German contacts.

Rush

42. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, November 17, 1969.

SUBJECT

Secretary Rogers' Memorandum on Berlin

The Secretary has sent you a status report on the preparations for another round of exchanges with the Soviet Union on Berlin (Tab B).² He states that since our position in Berlin is tenable, it would be a mistake to raise fundamental questions concerning the status of the city. He believes, however, that quite a number of improvements in the situation might be achieved if the USSR is favorably disposed. Accordingly, we plan to develop with the British and French, a list of topics to propose for discussion with the Soviet Union. The Secretary feels that this will serve as a test of Soviet intentions and establish the framework of discussion on our terms.

He believes that we should proceed now, lest the new German government take up Berlin matters in bilateral talks with the USSR. Moreover, Bonn is urging us to move ahead as a contribution to their own discussion with the USSR on such issues as renunciation of force.

I am somewhat concerned about this exercise, especially in light of the essentially negative Soviet reply to the substance of our first overture. If we cast doubt on the validity of present arrangements, we leave the door open for the Soviets to propose modifications of their own. Since any arrangements depend on Soviet good will—they can, after all, harass any new arrangements—access depends less on legal for-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III. Secret. Sent for action. According to another copy of the memorandum, Hyland drafted it on November 14. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 287, Memoranda to the President, 1969–1974, Oct.–Dec. 1969)

² Attached at Tab B is an October 31 memorandum from Rogers to Nixon. In an October 28 memorandum to Rogers, Hillenbrand explained: "I understand that this subject is of much interest in the White House and that a memorandum from you to the President summarizing where we stand and where we are going would be welcome." (National Archives, RG 59, Central Files 1967–69, POL 28 GER B) Sonnenfeldt, however, thought that the resulting memorandum failed to outline the issues on Berlin for the President. "Thus—although the State memo was inspired mainly by my prodding, after they sent an uncleared instruction to Bonn [Document 32] for more specifics so that the President could get a better feel for what we may get into in a new round of negotiations on Berlin—we are no further ahead than before." (Memorandum from Sonnenfeldt to Kissinger, November 5; National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III)

mulations than on Soviet fear of the consequences of upsetting access routes.

I believe you will want to review our position before we approach the USSR again. I have drafted a brief note to this effect to the Secretary.

Recommendation:

That you approve sending this note (Tab A).³

³ The President approved the note from Kissinger to Rogers (Tab A) on November 19. The text reads as follows: "The President has read with interest your memorandum of October 31 outlining the background of our exchanges with the USSR over Berlin matters and the steps we now plan to take. He would like to have the opportunity to review our position when you have developed the list of topics for discussion you mentioned. He strongly concurs in your feeling that after examining the Soviet response to a list of topics we should then make a determination whether to proceed further." The original is *ibid.*, RG 59, Central Files 1967–69, POL 28 GER B.

43. Letter From the Ambassador to Germany (Rush) to the Assistant Secretary of State for European Affairs (Hillenbrand)¹

Bonn, November 17, 1969.

Dear Marty:

A number of things have happened here as regards the relationship between the FRG and American governments since the Brandt Government took office which I would like the Department to be aware of and which we will want to watch carefully. Some of these developments are more important than others, and I am not sure how to assess them, but they may add up to a pattern.

The first development was Brandt's statement in his Government Declaration on October 21² that he wished to be an active ally to the U.S., but a more independent one; he had already made the same point in a press backgrounder for American correspondents (our telegrams 13826,³

¹ Source: Department of State, EUR Files: Lot 74 D 430, Department of State—Hillenbrand. Secret; Official–Informal. Drafted by Dean and Fessenden. A copy was sent to Sutterlin.

² The reference is in error; Brandt, who was elected on October 21, delivered his government declaration on October 28; see footnote 4, Document 39.

³ Dated October 21. (National Archives, RG 59, Central Files 1967–69, POL 15 GER W)

para 7, 14168⁴ and 17174).⁵ The second is the fact that both Brandt and Scheel received Ambassador Tsarapkin before receiving the British and French Ambassadors here. As you know from my report to you (our tel 14207)⁶ Brandt received me before Tsarapkin. Scheel attempted to do so, but cancelled his appointment with me when he was busy in the Bundestag. The next two days I had to be out of town, so Scheel went ahead with his Tsarapkin appointment before seeing me.

Brandt and Scheel held a reception for the Diplomatic Corps on November 6. In the Federal Bulletin of November 11, as you will see from the enclosure,⁷ Tsarapkin is featured. The Bulletin does not mention that Brandt and Scheel received the British and French Ambassadors and myself. I must add in fairness that the same page of the Bulletin plays up constructively the President's Vietnam speech.⁸

The second instance concerns German negotiations with the Soviets on renunciation of the use of force. As you know, the Foreign Office has told us on instructions from Brandt that he wished to coordinate closely the timing of our next Allied reply to the Soviets on the Berlin Soundings with the German reply to the Soviets on renunciation of force. In the Bonn Group meetings, as late as November 12 (our 14871)⁹ and November 14, van Well was discussing details of this coordination with us. But despite this close consultation, Brandt and Scheel suddenly decided, without informing us in any way, to give their reply to the Soviets on November 15.¹⁰ We still haven't been shown the German reply, although we probably will be getting it today. In fairness, it should be pointed out that in the past the Germans have been careful not to consult with us fully on their bilateral exchanges with the Soviets on the renunciation of force, although they always did give us texts in advance.

The third case involves East German policy. As I believe we agree, the Brandt Government's statements of FRG policy towards East Germany contain a number of important innovations, including a formula

⁴ Dated October 28. (Ibid.)

⁵ Reference should be to telegram 14174 from Bonn, October 28. (Ibid., POL 15-1 GER W)

⁶ Document 39. For memoranda of conversation between Brandt and Tsarapkin on October 28 and Scheel and Tsarapkin on October 30, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 1169–1170, 1190–1194.

⁷ Not attached.

⁸ Reference is to Nixon's "Silent Majority" speech of November 3 on the war in Vietnam. For text, see *Public Papers: Nixon, 1969*, pp. 901–909.

⁹ Dated November 13. (National Archives, RG 59, Central Files 1967–69, POL 28 GER B)

¹⁰ For text of the German reply, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 1289–1290.

which implies acceptance of the existence of East Germany as a state and renunciation of the policy of automatic break in relations with Third Countries which recognize East Germany. These shifts in policy, which are summarized in our telegrams 14372¹¹ and 14712,¹² have a direct bearing on Allied rights concerning Berlin as a whole and on our position in Berlin. Although there was opportunity to do so between Brandt's election as Chancellor on October 21 and the presentation of the policy statement in October 27, there was in fact no consultation between the Germans and us on these questions. At the same time, there is some indication that Bahr did consult on this question with the East Germans and perhaps with the Soviets.¹³

Finally, there continue to be a number of reports of a planned early Brandt–Scheel visit to Moscow. These reports are not confirmed, but their persistence is such as to make one wonder if there isn't considerable substance to them.

Cumulatively, there emerges from these points a possible interpretation of what Brandt had in mind when he said that the Federal Republic would be a more independent ally of the U.S. It might be a pattern of deliberate emphasis on Eastern policy while downplaying the Western relationship. The evidence is quite incomplete and it is at odds with Brandt's deliberate efforts to downplay foreign policy in favor of being a "Chancellor of internal reform" and his other efforts to stress that his foreign policy will be firmly rooted in Germany's ties with the U.S., NATO, and Western Europe. I need not point out that if the pattern is confirmed, it could have adverse consequences for the relationship of trust between our two governments which is so essential.

We here may be overly sensitive to our reaction to these developments. We are also at present being extremely careful not to give the impression that we are alarmed or are complaining. Our emerging relationship with the new government must be carefully nurtured. It would be very unfortunate if word got around that the United States was deeply concerned or was trying to block the Eastern Policy of the new government. I feel it right, however, to draw these items to your attention as something we will all have to watch closely, with the

¹¹ Dated November 1. (National Archives, RG 59, Central Files 1967–69, POL 32–4 GER)

¹² Document 41.

¹³ In a November 6 memorandum to Kissinger, David McManis of the White House Situation Room summarized a report regarding an October 26 meeting in Bonn between Bahr and Hermann von Berg, the unofficial East German emissary. According to the report, Bahr showed Berg the sections of the draft government declaration relating to inner-German relations; Berg was satisfied with the language, declining to offer any revisions. (National Archives, Nixon Presidential Materials, NSC Files, Box 13, President's Daily Briefs, 01–09 Nov 69)

request that you consider before we meet in December whether any action at the present stage is advisable.

Most sincerely,

Kenneth Rush¹⁴

¹⁴ Printed from a copy that bears this typed signature.

44. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, November 19, 1969.

SUBJECT

Message from Chancellor Brandt

Chancellor Brandt has sent you a personal message through the special channel established for this purpose.² The message informs you that he has sent a letter to Kosygin expressing skepticism about an early European Security Conference, and reiterating the FRG's interest in improved relations with the USSR, Poland and East Germany. Brandt told Kosygin that he proceeds on the basis of existing alliance systems, i.e. Germany's NATO membership.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Brandt (1969–Apr 70). Top Secret; Sensitive. Sent for action. No drafting information appears on the memorandum. Sonnenfeldt forwarded it to Kissinger on November 19. In a covering memorandum, Sonnenfeldt commented: "The message [from Brandt] seems to be an effort to establish, from his end, the special relationship with the President. He shrewdly uses information on a message to Kosygin to do so. The letter to Kosygin, insofar as he discloses the text to us, seems rather hard-nosed for Brandt, but he clearly keeps the door open for bilateral exchanges with Moscow. The Germans seem worried that the Soviets are trying to avoid bilateral dealings (or are being driven to do so by the GDR) by pressing hard on the European Security Conference in which the GDR would take part as a full-fledged member. (The Soviets just told Scheel again that American-Canadian participation was dependent on GDR participation.) If Brandt's letter says what he told the President, it is not likely to get a very forthcoming response from a Warsaw Pact meeting." (Ibid.)

² The message was transmitted in a telegram sent by backchannel on November 19. According to the telegram, the message was "from Egon Bahr to be passed to Mr. Henry Kissinger for President Nixon at White House on behalf of Chancellor Brandt." The telegram also notes: "Bahr stated only Brandt, Ehmke and himself know of the msg at this time." (Ibid., Box 682, Country Files, Europe, Germany, Vol. III)

Brandt indicates he sent the letter in an effort to influence a Communist summit conference reportedly opening in Moscow today and in which Brandt thinks the East Germans will play a negative role.

Brandt's letter to Kosygin follows the general line of his earlier statements; he evidently wants to open a direct channel to Kosygin, something the latter apparently suggested to the German Ambassador in Moscow.

At the same time, Brandt is clearly interested in using the confidential channel to you and to show his readiness to reciprocate your personal messages to him and his predecessor.

I plan to send a brief acknowledgment in your behalf through the same confidential channel.

Recommendation:

That you approve a brief acknowledgement to Brandt.³

Attachment

Message from Chancellor Brandt to President Nixon

I would like to let you know by this means that according to information available to me there will take place, possibly beginning tomorrow (November 20), in Moscow, a meeting of the Party and Government heads of the States of the Warsaw Pact. The main topic is to be the harmonization of the attitude toward the Federal Republic and the plan for a Security Conference for Europe. Given the special significance that may attach to such a meeting in view of the increasing stiffening of East Berlin's attitude toward Bonn, I have today sent via the Soviet Ambassador in Bonn a letter with the following contents to Chairman Kosygin:

(Note: What follows apparently is a paraphrase rather than the complete text.)⁴

³ The President approved this recommendation on November 25. The text of the message to Brandt reads: "I greatly appreciate your message and your courtesy in informing me of your letter to Kosygin. I am also deeply grateful to you for your congratulations concerning the moon landing. As regards your letter to Kosygin, I very much agree with your comments about the inadvisability of any early European security conference. I believe we are on the right track in seeking to pursue meaningful negotiations on concrete issues. I will be interested in your assessment of further developments in your relations with the Eastern countries. With best wishes, Richard Nixon." (Telegram WH93025 from the White House to Bonn, November 26; *ibid.*, Box 753, Presidential Correspondence File, Germany, Chancellor Brandt (1969–Apr 70))

⁴ The text that follows is a paraphrase of Brandt's letter to Kosygin. For the complete text in German, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 1313–1315 and *Dokumente zur Deutschlandpolitik, 1969–1970*, pp. 65–66; for a facsimile, see Kevorkov [Keworkow], *Der geheime Kanal*, pp. 50–53; and Bahr, *Zu meiner Zeit*, pp. 277–278.

I declare myself willing to engage in an exchange of views, in accordance with Kosygin's suggestion to the German Ambassador in Moscow, in the hope of removing or preventing misunderstandings—something that is possible only through an extended process rather than from one day to the next.

As far as the reduction of the mistrust and the greater assurance of peace are concerned—both of which are the policy of the Federal Government—the Soviet Union has a weightier responsibility than the Federal Republic, which is well aware of its responsibility for security in Europe. I consider it an illusion and dangerous to proceed from anything other than the alliances and security systems that exist today.

For this reason the goals that are set for a European Security Conference could only be modest. It must be sufficiently well prepared so that when it formally meets a certain degree of accomplishment appears certain. Otherwise the hopes of the European peoples would be so disappointed that the conference had better not take place at all. The proposal that the conference should meet in a few months has aroused additional doubts whether in these circumstances serious preparatory work is remotely possible.

The improvement of bilateral relations between the Soviet Union and the Federal Republic must not take second place to preparations for such a conference. Negotiations concerning a bilateral declaration of force renunciation should begin in the near future and it should be possible to complete them satisfactorily. In this context it is Germany's intention to place the relationship of the two countries on a basis, similar to that which exists between the three Western Powers and the Federal Republic, whereby no further claim will be made under the notorious "enemy state article" and instead Article 2 of the United Nations would be implemented.

The renunciation of force with respect to Poland would recognize territorial integrity; the renunciation of force toward the GDR would contribute to normalization insofar as one can speak of normalization under conditions of the division of Germany.

In conclusion I express the hope that the Governments of the socialist countries involved will have the same constructive attitude as the Federal Republic.

(End of Brandt's message to Kosygin.)

So much for the contents of my letter, which I will not publish. I will inform you should Kosygin answer.

Hearty congratulations for the magnificent landing on the moon and all good wishes for a safe return of the astronauts.⁵

⁵ Reference is to the Apollo 12 mission, which took off on November 14 and, after completing the second moon landing, returned to Earth on November 24.

45. Editorial Note

On December 2, 1969, Secretary of State Rogers arrived in Europe for a week of consultations, including the semi-annual session of the North Atlantic Council in Brussels as well as meetings with German officials in Bonn. At the end of the second day of ministerial meetings, Rogers attended the traditional quadripartite dinner on matters relating to Germany and Berlin. In his opening remarks Foreign Minister Scheel insisted that, contrary to press reports, Germany would fully consult with the Allies as it embarked on a new policy to negotiate with the Soviet Union and Eastern Europe. "There will be no stage or phase of its Eastern policy," he declared, "in which there would not be the closest consultation and harmonization of views. Any other approach would be rash adventurism." Rogers assured Scheel of American support for Ostpolitik: "There had been Washington press reports about U.S. worries on this topic." He [Rogers] had discussed the matter in detail with the President before coming to Brussels. He could confirm that these press reports were baseless. "The USG wished to assure the FRG that it welcomed efforts to reduce tensions through the bilateral discussions initiated by the Germans." (Telegram 5568 from USNATO, December 4; National Archives, RG 59, Central Files 1967–69, POL 38–6) After the session, the Ministers issued a joint declaration on East-West relations, stating that "concrete progress" on Berlin and Germany would affect "the prospects for negotiations looking toward improved relations and cooperation in Europe," implying a clear connection between German plans for the former and Soviet proposals for the latter. (*Documents on Germany, 1944–1985*, pages 1052–1055)

On December 6 Rogers discussed the prospects for Ostpolitik and Berlin in separate conversations with Scheel and Brandt in Bonn. Scheel emphasized the importance of Westpolitik, in particular, the intensification of "close cooperation" between Germany and the United States. After briefly reviewing the postwar history, Scheel maintained that "no element of German public opinion" currently opposed the policy of affiliation with the United States and the Western allies. In this regard, the German Government fully understood that it could pursue an Eastern policy only by maintaining and, if possible, strengthening its Western policy. Rogers strongly agreed with these remarks, noting that "the spirit motivating FRG policies was closely similar to that underlying our own policies not only as regards the Soviet Union and Eastern Europe, but also as concerns China and the Far East." Rogers further stated that the United States Government was "pleased" not only with the policies but also with the personalities of the German Government. (Telegram 15626 from Bonn, December 6; National Archives, RG 59, Central Files 1967–69, ORG 7 S)

In his subsequent meeting with the Chancellor, the Secretary reiterated that press reports of German-American disagreement were “completely false.” The United States, he asserted, “applauded the German initiatives in Eastern Europe.” Brandt stressed the importance of Allied understanding for Ostpolitik: “He and his colleagues were not adventurers or stupid. Whatever they did, it would be based on maintenance of a strong position within the Western Alliance and Western Europe. He had emphasized that in his recent policy statement, Germany belongs to the West, but that was no reason why it should not attempt to improve its relations with Eastern Europe.” Rogers said that the Nixon administration had never doubted German intentions. “After all, we were in a sense pursuing a parallel policy in attempting bilaterally to settle certain questions with the Soviets,” he explained. “We were not going to make any agreements which were stupid or would adversely affect our allies.” (Telegram 204279 to Bonn, December 9; *ibid.*, Conference Files, Box 503, CF 415, NATO Dec. 69, Memcons & Statements, Vol. 1) For a German record of the meeting, see *Dokumente zur Deutschlandpolitik, 1969–1970*, Nr. 26, pp. 75-76. During the visit, Rogers also gave Brandt a letter of “warm personal greetings” from President Nixon. The text of the letter is *ibid.*, Central Files 1967–69, ORG 7 S.

On December 10 Rogers briefed the National Security Council on his trip to Europe. The minutes of the meeting record the discussion on Germany as follows:

“Rogers: After the Brussels sessions I went to Bonn and met with all the top people there. The Chancellor is clearly following a policy of opening lines with Poland and Hungary and the Soviet Union but will consult with us fully. Fundamental policy is based on NATO. He thinks the Soviets may make some concessions to get a European Security Conference, conceivably on Berlin and trade. He feels loan discussion with Poland may be useful.

“He thinks in dealings with East Germany there may be some movement in trade, but he does not have too much hope for a real East-West détente. Brandt has little hope for what Ulbricht can or will do.

“I have no impression of an anti-NATO movement in the government thinking, but rather hard-heading looking to the future.

“The key men around Brandt include: (1) Duckwitz. He is closer to Brandt than Scheel, (2) Ehmke, a brilliant man in the chancery, and (3) Bahr, a reptilian. I wouldn’t trust him as far as I could throw him.

“Brandt seems to be thinking far down the road and wants to solidify his position with the young people and the opposition.”

After consideration of France and other European matters, the participants continued their discussion of Germany and Ostpolitik:

“Nixon: Was there any consensus on German moves towards Moscow?”

“Rogers: Pompidou did seem to have some questions on this.”

“Nixon: What about the forthcoming Soviet-West German discussions and talks?”

“Rogers: Brandt seems to believe that the Soviets are very eager, and feels that he can take advantage of the situation.”

“Nixon: What about the people around him and he himself? Are they tough enough, or are they too anxious?”

“Rogers: No, they are tough. Maybe Scheel is not as strong as the others, but then neither is he that strong a figure in the government.”

“Laird: But I still have the feeling several of the leaders there are awfully optimistic. They seem to think that the Soviets are changing more than I can see in the winds.”

“Nixon: Well, it sounds as if you did a good job on the communiqué. But the winds of détente are certainly strong.”

“Rogers: Brandt doesn’t really expect too much, I believe.”

“Nixon: What about consultation? Is he prepared to consult with us about what he is doing?”

“Rogers: Absolutely. I should add that Ambassador Rush is doing a good job and has gained the confidence of the Germans quickly.” (National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-109, NSC Meeting Minutes, Originals)

On December 15 Kissinger also forwarded to the President the official report of the Secretary of State on his European trip. Rogers noted that he had dispelled rumors of American suspicions on Ostpolitik at the quadripartite meeting, and that Brandt had promised not only to consult but also to avoid “adventurism.” (Ibid., Box 281, Agency Files, Dept of State, Vol. V) In his covering memorandum, Kissinger recommended that the President approve a brief reply acknowledging Rogers’ report and citing an upcoming NSC meeting on European policy. According to his handwritten note, Nixon instead called Rogers on December 29 to discuss the issue; he then instructed Kissinger to “set up NSC meeting as planned to cover NATO generally—with particular emphasis on Germany—Italy—France—(in that order) also a look at Greece.” (Ibid.)

46. Memorandum for the Record¹

Washington, December 5, 1969.

SUBJECT

Conversation with German Minister on Newspaper Article About Alleged White House Views

After the German Minister had finished discussing another matter during his call on me today, he raised the article by David Binder in today's *New York Times* (Tab A).² I said I had wanted to raise the same matter. I said that the reported American *démarche* to Bonn concerning lack of German consultation was, of course, a complete fabrication, as the Germans themselves know. However, I wanted to make clear, and was doing so specifically in Dr. Kissinger's behalf as well, that it was extremely difficult for us to talk with German visitors if shortly thereafter we saw newspaper articles attributing certain views to the White House. This was particularly serious when these views were patently fabricated and attempted to set the White House against the Department of State.

I continued that the Binder story was evidently based on back-grounding by German officials and seemed to have its origin in a discussion in the Bonn Group on November 18 in which the matter of inadequate German consultation on the German note to the Soviet Union of November 15 had come up.³ In conclusion, I repeated that it would

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Secret; Nodis. Sent for information. Drafted by Sonnenfeldt. A note on the memorandum indicates that Kissinger saw it on December 15.

² Attached but not printed. Binder wrote that Fessenden had filed a formal complaint on the German failure to consult on Ostpolitik. According to Binder, the "*démarche*" originated not with the State Department, as reported in the German press, but with "people in the White House" close to Kissinger. Although no *démarche* has been found, Fessenden did express concern about the lack of consultation during talks with Ruete on November 26 and Bahr on November 28; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1969*, Vol. 2, pp. 1338–1341, 1347–1348. In a December 11 letter to Dean, Sutterlin reported that Ahlers, possibly basing his account on a memorandum of conversation between Fessenden and a German official, was the "direct source" of the Binder story. "Whether Ahlers willfully confused an internal German memorandum with a non-existing American memorandum or whether he did this in ignorance is unclear." (Department of State, EUR/CE Files: Lot 85 D 330, Chron (1969)—Letters (Incoming))

³ In a November 25 memorandum to Kissinger, Sonnenfeldt noted that the Germans had apologized for failing to consult but "made some rather lame excuse." "This may be an embarrassment for the Germans," he explained, "since Brandt's letter of November 19 to the President [Document 44] was probably regarded as part of the coordination process. In that letter Brandt gave the President some long excerpts from his letter to Kosygin. State is not aware of this letter, and there is no indication from the reporting telegrams whether the Bonn Foreign Office is aware of it. (Bahr's message said

be extremely difficult to talk confidentially with Germans in the future if stories of this sort continued appearing.

Mr. Oncken said that he assumed that the Binder story was an outgrowth of the recent article in *Die Welt*, in which Bundestag member Erik Blumenfeld was quoted about alleged White House views.⁴ Mr. Oncken went on to say that there were many people in Bonn, especially in the CDU, who wanted to embarrass the new Government and create dissension between it and Washington. He speculated that a story such as Binder's could have originated in the Federal Press Office, whose officials were not as sensitive as the professionals in the Foreign Ministry to the trouble such a story might make.

I said that I realized that one could not control what newsmen wrote, but that it ought to be possible for governments to exercise control over what its officials said. Oncken said that any such control would be difficult to establish over members of the Bundestag. I concluded by reiterating that if confidential exchanges with the White House staff were to be continued in the future, it was essential to prevent leaks or distorted reports of them. Mr. Oncken said he would report our conversation to Bonn.⁵

HS

that only Brandt, Ehmke and he knew about it.) But judging from their rather vague excuses some in the West German Foreign Ministry may in fact know of the letter's existence, and may, if pressed by State, mention it." (National Archives, Nixon Presidential Materials, NSC Files, Box 682, Country Files, Europe, Germany, Vol. III)

⁴ On December 2 Blumenfeld told an Embassy officer he had sensed some "apprehension" within the Nixon administration on Ostpolitik during a recent trip to Washington. Blumenfeld based his claim on conversations he had not only at the State Department but also at the White House, including Kissinger "with whom he spent at least an hour." (Memorandum from Wolfson to Dean, December 2; Department of State, EUR/CE Files: Lot 85 D 330, Chron (1969)—Letters (Outgoing)) In a December 9 letter to Dean, Sutterlin disputed this account: "I am told by Hal Sonnenfeldt that far from having an hour with Henry Kissinger he actually had five minutes after waiting for an hour." As for the State Department's role, Sutterlin was clear: "certainly no apprehension was expressed here concerning the FRG's Eastern policy." (Ibid., Letters (Incoming))

⁵ On January 14, 1970, Rush told Brandt that "the President had no worries whatsoever about lack of consultation, certain newspaper stories notwithstanding. The Chancellor replied that he understood this completely and had no concern that we were dissatisfied." (Telegram 385 from Bonn, January 15; National Archives, RG 59, Central Files 1967-69, POL GER W-US)

47. **Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)**¹

Washington, December 16, 1969.

SUBJECT

Allied Probe on Berlin: A Status Report

On December 16 the Three Allied Ambassadors in Moscow will deliver an aide-mémoire to the Soviets beginning a new round in the exchanges on Berlin.² The aide-mémoire (text at Tab A) makes the following points:

—both the Allied-Soviet exchanges on Berlin and the FRG talks with the Soviets on non-use of force are relevant to improving European security;

—the Allies welcome the FRG–GDR talks on transportation and postal matters, and hope the Soviets will encourage them;

—the Allies propose that the Four Powers should attempt to agree on practical measures to eliminate difficulties involving: (a) free movement between Berlin and the FRG, (b) normalization of internal Berlin life, including movement between sectors, and (c) discriminatory treatment of West Berlin's economy;

—representatives of the four Berlin missions should meet at an early date to agree (at the first session) on an agenda and arrangements for further meetings.

In his memo to the President of October 31,³ outlining the above points, the Secretary doubted that the Soviets would be favorably disposed to making even small improvements in the Berlin scene, but thought we had “nothing to lose” in making an effort. You expressed your concern to the President, and informed the Secretary by memorandum of November 19 (Tab B)⁴ that the President wanted to determine, after the Soviet response, whether to proceed further. In the intervening

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 337, Subject Files, HAK/Richardson Meetings, May 1969–December 1969. Secret. Sent for information. Haig forwarded this memorandum to Kissinger on December 18 as an item to discuss in his meeting with Richardson the same day. Kissinger, however, failed to indicate on the memorandum whether he raised the issue with Richardson. (Memorandum from Haig to Kissinger, December 18; *ibid.*)

² In telegram 6848 from Moscow, December 16, Beam reported that he had delivered the aide-mémoire to Deputy Soviet Foreign Minister Kozyrev that morning. Although told that the document was “for the serious consideration of the Soviet Government,” Kozyrev did not ask Beam, or the British or French Ambassador, about its substance. (*Ibid.*, RG 59, Central Files 1967–69, POL 28 GER B)

³ See Document 42.

⁴ See footnote 3, Document 42.

six weeks, the Bonn Group machinery produced the final text of the aide-mémoire and agreed on prior NATO consultation. The process was not without struggle, however, particularly with the French. State applied some pressure in Washington for the French to agree to Berlin as the site for the proposed talks (the French preferred Moscow), and in exchange, State backed down on its insistence that the talks be held at the Ambassadorial level. (I had told State not to press these issues with the French to a deadlock without checking at the White House.)⁵

Throughout this period, the FRG offered encouragement, but the spark was gone—for them it seemed to be a useful albeit futile exercise. However, on December 12, following the negative developments in bilateral talks in Moscow, the Germans pressed forcefully the urgency of moving ahead with the probe—so that they would not be alone in the arena with the Soviets. The UK was interested, in large part motivated by a desire to be active in Berlin matters with an eye toward the potential problems they might face preserving their rights in Berlin as the FRG moves closer to recognizing the GDR. The French had to be pulled much of the time; it was mainly because of the late introduction of a new French draft that the *démarche* did not take place at the time of the NATO meeting (perhaps the French timed their draft to ensure distance between the Allied probe and the NATO meeting). The US was a sparkplug throughout. (See chronology at Tab C)⁶

There is little likelihood that the Soviets will directly accept the Western topics. In response, they will probably again note their readiness to discuss the improvements *they* would like to see, such as the elimination of Federal presence in Berlin. If the Soviets should partially accept the Western points for discussion, much further work will be required to prepare the negotiations, both within the USG and with the Allies.

I believe that it will be essential to take stock of this entire exercise once the Soviet reply is in hand. *Your memo of November 19 provides the basis for this; you may wish to remind Elliot Richardson that next steps require Presidential approval.*

⁵ In a December 11 letter to Dean, Sutterlin noted “a very marked White House sensitivity on anything that could be construed as confrontation with the French. There is a *very* strong inclination to get along with Paris at the present time. For this reason the White House urged that we compromise with the French both on the location and level of the proposed talks with the Soviets. I balked at this and we came out with the solution with which you are familiar, namely a concession on the level but not on the place. This concern for the French is something we have to keep in mind.” Sutterlin also reported: “If we must go through the bureaucratic procedure of referring outgoing telegrams to the White House for clearance under a memorandum from the Secretary or Under Secretary we can usually count on a week’s delay. Having gotten White House clearance earlier on the substance of our reply, we have been resorting this past week to informal clearance with Sonnenfeldt and this has worked pretty well.” (Department of State, EUR/CE Files: Lot 85 D 330, Chron (1969)—Letters (Incoming))

⁶ Attached but not printed.

Tab A

Telegram From the Embassy in Germany to the Department of State⁷

Bonn, December 15, 1969, 0945Z.

15895. For Dept: Deliver to Sutterlin EUR/GER opening of business.

Subj: Tripartite Approach to the Soviets on Berlin. Ref: A) State 207037;⁸ B) State 207175;⁹ C) Bonn 15884;¹⁰ D) Bonn 15768.¹¹

1. Below for convenience of Emb Moscow is confirmatory final text of Tripartite aide-mémoire to Soviets: *Begin text*.

(1) The United States Government, together with the British and the French Governments, has studied the reply of the Soviet Government of September 12¹² to its August 7 statement¹³ concerning an improvement of inner-German relations and of the situation as regards Berlin and access to the city. It has also noted with interest the discussions between the Government of the Federal Republic of Germany and the Soviet Government concerning an exchange of declarations on renunciation of the use of force or the threat of the use of force and considers that both these topics have relevance to efforts to improve the situation as regards European security.

(2) The United States welcomes the willingness of the Soviet Union to exchange views on avoiding present and future complications as regards Berlin and access to the city. Improvement in the internal situation of the city and in its links with the outside world would exercise a favorable influence on the general atmosphere in Europe. The United States considers that the Four Powers responsible for Berlin and Germany as a whole should attempt to agree on practical measures aimed at eliminating difficulties and tensions in these fields. To this end, the United States proposes that the Four Powers arrange to have their representatives meet to discuss details of such measures.

(3) In the view of the United States, an important aim of such discussions would be to prevent difficulties in movement between Berlin and the Federal Republic of Germany. To this aim, one could envisage

⁷ Secret; Immediate; Limdis. Repeated to London, Paris, Moscow, Berlin, and USNATO. Another copy is in the National Archives, RG 59, Central Files 1967–69, POL 28 GER B.

⁸ Dated December 12. (Ibid.)

⁹ Dated December 13. (Ibid.)

¹⁰ Dated December 12. (Ibid.)

¹¹ Dated December 10. (Ibid.)

¹² See Document 24.

¹³ See Document 21.

agreement on procedures and practical measures aimed at assuring free movement of persons and goods between Berlin and the Federal Republic, which continues to fall within the responsibility of the Four Powers.

(4) A second aim of such discussions would be the normalization of the internal life of Berlin, which is also a quadripartite responsibility. The United States would welcome consideration of how movement of persons, postal and telephonic communications and commerce between the western and eastern sectors of the city could be restored.

(5) A further aim of quadripartite discussions would be the elimination of problems arising from discriminatory treatment of the economy of the western sectors of Berlin.

(6) The United States welcomes the initiation of talks between the two German sides on transport and postal matters. It hopes that such talks will soon lead to positive results, that they can be expanded to include additional subjects, and that the USSR will be prepared to encourage them.

(7) The United States proposes that the Four Powers responsible for Berlin and Germany as a whole authorize representatives of their Missions in Berlin to meet in that city at an early date, to be agreed on among them, to discuss these topics and other topics which the Soviet Union might wish to raise. It proposes that agreement on an agenda and arrangements for further meetings be reached at the first session of the talks. *End text.*

Rush

48. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, January 22, 1970.

SUBJECT

Dobrynin's Démarche on Berlin

Dobrynin came to see me on January 20 to protest the convening in Berlin, later this month, of committees of the West German parliament

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 711, Country Files, Europe, USSR, Vol. VI. Secret; Nodis; Sensitive. Sent for action. Although no drafting information appears on the memorandum, much of the text also appears in an attached January 21 memorandum from Sonnenfeldt to Kissinger.

(Bundestag).² The Germans have done this periodically to demonstrate their continued role in the city. The Soviets have protested to the Germans and the Allies for several years and on several occasions staged harassments on the Autobahn and with low-flying aircraft. An official Soviet protest was delivered in Bonn some days ago.

Dobrynin's statement to me (text at Tab A) is perhaps the most toughly worded one to us since the Administration came in. Although it falls well short of threatening specific counter-actions, it seeks to put on us the onus for any renewed tensions the Soviets and/or East Germans may generate. The Soviets may in fact feel that their prestige is sufficiently challenged to make some move, though even with Ulbricht straining at the leash, it is not likely such a move would be a major one.

The *démarche* also seeks to make some capital of the fact that in previous contacts, and especially in your correspondence with Kosygin last spring, we proposed and they agreed to quiet bilateral exchanges of view on Berlin. We decided at the time not to follow up because there appeared to be nothing worth talking about and because the German election was impending. The matter was then overtaken by the joint Western proposal to open talks last summer which is still in play.

There can be little doubt that if Berlin negotiations should eventuate the Soviets will insist on a curbing of FRG activities in the city as part of any deal. The FRG will also have to face this issue in its own bilateral dealings with the Soviets and the GDR; this is already clear from the initial exchanges. You will recall that last year at the time of the Bundesversammlung the Germans were prepared to consider some sort of deal in this area if it involved some improvement in civilian access and in movement through the Wall. The subject may well prove

² The two men met at Dobrynin's request to discuss "an urgent set of matters." A memorandum records the conversation on Berlin as follows: "Dobrynin then turned the conversation to West Berlin and handed me some talking points about the situation in West Berlin which he considered extremely grave and provocative. The note itself was very tough (it is attached to a separate memorandum). I told Dobrynin that any unilateral action in or around Berlin would have the gravest consequences. I would study the talking points and if I had any reply to give, I would make it. However, I saw no sense in our discussing Europe if there were even the prospect of a unilateral Soviet action in Berlin. Dobrynin said that the Soviet Union did not make much fuss last year when the German President was elected in Berlin, but now, in effect, the whole German Parliament was meeting in Berlin again in the guise of various committees, and this could not continue. Dobrynin parted with the understanding that he would call me when he was ready to discuss European matters." (Ibid.) For the full text of the memorandum of conversation, see *Foreign Relations, 1969–1976*, vol. XII, Document 118. In a January 22 memorandum to Rogers, Kissinger reported that he had listened to "Dobrynin's *Démarche*" but "made no comment." (National Archives, RG 59, Central Files 1967–69, POL 28 GER B) In his published account of the meeting, Kissinger remarked: "Significantly, the note was passed in the Presidential Channel where it would receive no publicity; Moscow, obviously, did not want a crisis in Central Europe." (*White House Years*, p. 524)

controversial in German domestic politics and for this reason we should not permit the Soviets to pressure us into active involvement in it.

If you approve, I would propose to make a response to Dobrynin when I see him in some other connection along the following lines:

1. You have noted the Soviet statement on Berlin.
2. You cannot agree that the German actions referred to contradict past US-Soviet exchanges regarding Berlin.
3. We have no desire to have any tension over Berlin and hope this is also true of the Soviets since any crisis in that area would have an adverse effect on our relations.
4. We continue to be prepared to seek genuine improvements in the situation in Berlin and for this reason have joined with our Allies in proposing talks on the subject.

Recommendation:

That you approve my making the above four points to Dobrynin at some suitable occasion when I am seeing him for other reasons.³

Tab A

Note From the Soviet Ambassador (Dobrynin)

The authorities of the FRG have officially announced their intention to hold sessions of the Bundestag committees as well as meetings of the factions and other parliamentary organs of the Federal Republic in West Berlin in the next few weeks. Moreover provocative nature of such a venture not only is unconcealed but rather is openly displayed—an attempt again to use West Berlin to aggravate international situation.

The Soviet Government has drawn the attention of the Government of the FRG to serious consequences which this course of action by Bonn in West Berlin affairs may have. The question of West Berlin has also been touched upon in the recent conversations of the USSR Ambassador in the GDR with the US Ambassador in the FRG and, therefore, the American side must be aware of our views on this matter.

The state of West Berlin affairs was already discussed in my conversations with you, Mr. Kissinger, in February and March last year. At that time it was noted on the American side that it was necessary to avoid repeating what had occurred around West Berlin in connection with holding presidential elections there. It was also noted that events there should not make Soviet-American relations feverish and that third countries should not be allowed to make crises in West Berlin

³ The President initialed the approve option.

from time to time. This viewpoint has been taken into account by us in our final consideration of practical steps to be taken with regard to West German provocations.

On the basis of the known facts we cannot come to the conclusion that the American side has reciprocated. Without getting now into the matter of Soviet-American exchange of views on the West Berlin question which for reasons, better known to you, Mr. Kissinger, did not materialize, we cannot but point out, however, the obvious discrepancy between the political evaluations and practical measures by the US Administration, in the question of West Berlin as well.

The line of the FRG in West Berlin matters has been and continues to be incompatible with the status of West Berlin. The special status of West Berlin as an entity existing separately from the Federal Republic and not subject to its jurisdiction is an objective fact which has found its reflection in US official documents as well. This is the only ground for mutual understanding between our powers in this matter.

The Soviet Government does not accept arguments to the effect that this sort of demonstration on the part of the FRG took place in West Berlin in the past. Violation of law does not make new law. Repetition of violations may only have as its consequence taking of more serious measures which will show that West Berlin is not the right place at all for stirring up tension in Europe notwithstanding the attitude of other countries towards the FRG actions in West Berlin.

You, Mr. Kissinger, have suggested to openly exchange considerations on questions where the interests of the US and the USSR closely ajoin. We would like to express today a wish that the US Government give anew a thorough thought to the situation developing around West Berlin.

Clearly, there can be no two views about the fact that the actions by the FRG authorities are far from contributing to a better climate for exchange of opinion on West Berlin. The motives of actions by certain circles in Bonn are obvious. But what is the guiding criteria of the Governments of the Western powers who bear their share of responsibility for West Berlin and who show indulgence towards the unlawful policy of the FRG? In any case the Soviet Government cannot but take into consideration all those circumstances and draw from them appropriate conclusions about the positions of the parties.

I have instructions to convey these considerations to the attention of the President and to express our hope that the American leadership share the concern of the Soviet Government over the continuing attempts by some circles to make Soviet-American interests clash, in such an acute point as West Berlin as well. Failure to take measures to cut short such attempts would amount to contradicting the special obligations for maintaining peace and security which rest on the USSR and the US.

49. Editorial Note

On January 23, 1970, the NSC Review Group met to discuss a paper drafted by the NSC staff on U.S. policy toward Europe. The paper, intended as the basis for further discussion by the NSC on January 28, was divided into two parts, the first on alternative structures and the second on specific policy issues, including the recent emergence of Ostpolitik as an important factor in European affairs. The section on Germany began as follows:

“German issues are, of course, the basic East-West problems in Europe, and thus closely linked to European security, including negotiated force reductions. The Eastern policy (Ostpolitik) which the new Brandt government apparently intends to pursue could introduce a potentially troublesome and disruptive element in East-West relations and within the Alliance. Bonn apparently intends to put primary emphasis on direct and parallel negotiations with the USSR, East Germany and Poland on a wide range of issues. Provided the USSR, after considering East German interests, continues to encourage these efforts, Bonn may become less inclined to defer to Western interests and views. This could lead to some disagreement and discord between West Germany on the one hand and its allies, particularly the US and France, on the other.

“As it applies to East Germany the new Ostpolitik assumes that the cumulative effect of agreements on functional problems will lower the barrier to increased contacts. In these efforts, however, Bonn may agree to most East German demands short of *de jure* recognition.

“Thus, certain specific problems will arise in terms of our own interests:

—the four power responsibility we bear for a final German settlement may gradually be subsumed in German negotiations with Moscow and East Germany;

—the special responsibilities we bear in Berlin may become complicated by the upgrading of East German sovereignty, *or* by the introduction of the Berlin question in all-German negotiations;

—our ability to influence and control the evolution of a German settlement may decline or come into conflict with Bonn;

—the US could be caught in a position between Bonn and Paris, if German Ostpolitik seems to be dictating the overall Western approach to the USSR.

“A final consideration is the fact that the internal power base of the Brandt government is by no means secure. Each step of the way in developing a new Eastern policy the government will face major opposition. Thus, we could find ourselves confronted with choosing positions which will have internal repercussions, without great assurance

of the stability of the government over a long enough period to implement those policies we will be called on to support." ("Discussion of United States Policy Toward Europe," undated, pages 27–28; National Security Council, NSC Review Group Meetings, Box 92, Review Group Mtg. 1–23–70, U.S. Policy Toward Europe)

As chairman of the Review Group, Kissinger opened the meeting by outlining the background of the paper. According to Kissinger, President Nixon, having pushed "for some months for a systematic review of our European policy," wanted to consider a "general approach" first before proceeding to matters in detail. Kissinger, therefore, suggested that the discussion focus on alternative structures (Part I) rather than specific issues (Part II), explaining that many of these issues were already being considered within the NSC system, "except for Germany, on which he felt something was required." Assistant Secretary of State for European Affairs Hillenbrand, however, was troubled by the "rigid dichotomy" of the paper, commenting that, in raising specific issues, the paper assumed a "static and not dynamic situation" in Europe. Hillenbrand also thought that the paper reflected judgments which, if accepted, would "predetermine the answers." When Kissinger asked for an example, Hillenbrand cited the section on Germany, which was "loaded with anti-German assumptions," including the supposition that there was "something inherently dangerous in the German conduct of its relations with the East." After Hillenbrand cited further examples, Kissinger asked him what he meant by an "anti-German bias."

"Mr. Hillenbrand replied that the paper makes pessimistic assumptions about a German turn to the East. He cited on page 28 the statement 'problems *will* arise,' agreeing that problems *may* arise or could arise in a different form. He thought the paper was too pessimistic about German motives and developments and said this reaction was shared by the German Country Director [Sutterlin] and by many others in State.

"Mr. Pedersen added that on page 27 the paper discusses problems and omits the advantages.

"Mr. Hillenbrand cited the premise that the Federal Republic is likely to pursue its Eastern policy at the expense of the U.S.

"Mr. Kissinger saw two problems: that the Germans might pursue their Eastern policy at the expense of their Western ties; or that in the pursuit of their Eastern policy, they might move in this direction without necessarily so intending.

"Mr. Hillenbrand agreed that these were good questions.

"Mr. Kissinger asked if this stated the issues fairly.

"Mr. Hillenbrand agreed that the issues were stated fairly.

“Mr. Sonnenfeldt considered Mr. Hillenbrand’s comments to be fair. He asked if the effects of the Brandt statements on Germany’s Eastern policy might raise problems despite his intent.

“Mr. Kissinger agreed that the paper should be rewritten along the lines of Mr. Hillenbrand’s comments to include: a statement of the advantages of Germany’s Eastern policy and a distinction between a German policy pursued at the expense of Western ties, and a German policy which might raise problems, despite German intentions.

“Mr. Hillenbrand agreed that this would be satisfactory.”

At the end of the meeting, Kissinger decided to drop Germany from the subjects to be discussed by the NSC on January 28. As an alternative, he asked Sonnenfeldt to prepare a NSSM on Germany and Berlin “in the context of the Brandt visit” to the United States in April. (Ibid., Minutes Files, Box 121, SRG Minutes 1970 (Originals))

Kissinger did not approve a NSSM on Germany and Berlin until December 29, 1970, when he signed NSSM 111 (Document 156). Instead, Kissinger evidently decided to consider these issues under NSSM 83 on European security, which he had signed on November 21, 1969. NSSM 83, as well as additional documentation on European security, is scheduled for publication in *Foreign Relations, 1969–1976*, volume XLI.

50. Memorandum From the President’s Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, January 28, 1970.

SUBJECT

Brandt Upgrades Negotiations with Soviets

Chancellor Brandt’s foreign affairs assistant, State Secretary Bahr, has informed me via our special channel to Bonn that Brandt had given him the assignment of conducting the next phase of the German-Soviet

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Top Secret; Sensitive. Sent for information. A note indicates that the memorandum was returned from the President on February 20.

negotiations, about an agreement renouncing the use of force.² The first phase was handled by the German Ambassador in Moscow. It resulted in a deadlock because of Soviet insistence on, in effect, recognition of the GDR. Bahr is now to determine whether Brandt's recent softening of German opposition to GDR recognition has provided a basis for successful negotiations with the Soviets. If so, the actual negotiations would again be handled at the Ambassadorial level in Moscow.

Bahr's appointment has meanwhile been publicly announced in Bonn³ and I assume his message to me was intended to keep the channel alive. The Germans have so far used it only to inform us of moves they are about to make, rather than for consultations.

Bahr is an ardent advocate of an active Eastern Policy and now that his personal prestige is engaged as well he will undoubtedly press for as much flexibility as possible in Brandt's policy.⁴

² Helms sent Bahr's message to Kissinger under a covering memorandum of January 26; Kissinger wrote the instruction "Let Sonnenfeldt draft reply & do memo for President." In a January 27 memorandum forwarding the two documents to Kissinger, Sonnenfeldt noted: "[Bahr's] message indicates that he will base himself on what Brandt said in his state of the nation address, but Bahr, who drafted that text in the first place, will know how to wring the last ounce of flexibility out of the words." (Ibid.) The text of the message, as translated from the original German by the editor, reads: "I would like to inform you of the Federal Chancellor's decision to appoint me in the next phase of negotiations in Moscow. Since State Secretary Harkort is leading the EEC negotiations, and State Secretary Duckwitz will open the talks in Warsaw, it seemed useful on the basis of protocol to meet the Soviet Foreign Minister on at least the same level. In the meantime the goal is to determine whether the Soviets consider the positions expressed in the 'State of the Nation' address as sufficient grounds to begin the actual treaty negotiations on renunciation of force. These treaty negotiations would then take place at the previous level. The Poles have already agreed in confidence to begin talks in Warsaw on February 5. Greetings, Egon Bahr." The telegram forwarding this message also includes the following postscript: "Mr. Bahr added that he expected to begin talks with Mr. Gromyko in line with above msg in next week or ten days." (Backchannel message 166 from Bonn, January 26; *ibid.*)

³ For an account of the announcement, see Meissner, ed., *Moskau-Bonn*, vol. 2, p. 1209.

⁴ Kissinger sent Bahr the following reply: "I appreciated your letting me know about your Moscow assignment. I will, of course, be interested in your progress and your assessment of the prospects of the negotiations as well as any observations you might have on the political situation in Moscow. Best regards, Henry Kissinger." (National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV)

51. Letter From the Deputy Chief of Mission in Germany (Fessenden) to the Assistant Secretary of State for European Affairs (Hillenbrand)¹

Bonn, January 29, 1970.

Dear Marty:

I know all too well that the issue of the degree to which the Federal German Republic is consulting on its Ostpolitik is a sensitive one, and I hesitate to put pen to paper on it again, so to speak. Nevertheless, I am becoming concerned.

After the Secretary's visit, the record of consultation was excellent—better than it had ever been. But recently there have been some signs of slippage. We were not consulted on the text or timing of Brandt's January 22 letter to Stoph.² The decision on text and timing was reached suddenly at the highest level; neither Duckwitz nor Ruete were in on the act. One can say, of course, that the FRG considers its political dealings over East Germany to be its own affair and consultation with the Allies is not necessary. Yet, as you well know, dealings on the relationship of the two parts of Germany to each other can be of consequence to our position in Germany. I refer most specifically to the Brandt doctrine on the existence of two German states, which he also cites in his letter to Stoph. It seems quite possible that, in practice, the relationship between the two parts of Germany may cumulatively be defined by documents and statements of this type over a longer period and that there may not be a formal agreement regulating the overall relationship, complete with reservation clauses about Allied rights of the type the Germans contemplate in the event of formal negotiations with the GDR. The result may be recognized by the international community as *de facto* German recognition of the GDR, with consequences for the status of Berlin and Allied rights in Germany as a whole.

In those matters where we have been consulted, the Germans have given priority to their tactical considerations as regards timing over consultation. This happened most recently with regard to the German reply to Bondarenko on the Soviet complaint about recent Bundestag activities in Berlin (Bonn 631, Bonn 671, State 10221).³ In this instance,

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, AMB/DCM Correspondence, 1970. Secret. Drafted by Dean and Fessenden. Copies were sent to Sutterlin, Rush, and Dean.

² For text of the letter, in which Brandt proposed "negotiations about an exchange of declarations renouncing the use of force," see *Documents on Germany, 1944–1985*, p. 1068.

³ Dated January 21, 22, and 22, respectively. (All in National Archives, RG 59, Central Files 1970–73, POL 15–2 GER W)

the Department had to take a position within an hour or two on the basis of only an outline on the text of the reply, whose exact wording could at some point turn out to be rather important for the status of Berlin. The British did the same thing, commenting on the basis of Van Well's outline. We were given the text at 1700 hours on January 22 and were told the Foreign Office wished to make its reply to Bondarenko at 1900 hours the same day. When we objected, the time of delivery was postponed to noon the following day. With night intervening, this gave only a few hours for consultation. Of course, the fact that there was some obstruction on the autobahn might have given the Germans grounds for believing the timing to be urgent, but neither the Foreign Office nor ourselves considered at the time that the GDR harassment would be more than intermittent and limited, done largely for the record. The French were sufficiently annoyed about this incident to be considering a *démarche* at the Foreign Office complaining of inadequate consultation.

As of this writing, we are still awaiting consultations on the Bahr mission to Moscow. We have been promised something, but time is getting short.⁴

We don't wish to interfere with the present good atmosphere on this subject or to create an opening for those here who want to make political capital from charges of poor consultations. But we feel that we need more time for real consultation and that we also should have a word to say regarding the formulation of formal communications affecting the political relations between the two German sides. Important US interests are involved.

At this point, I am not suggesting that anything be done, especially because I know how delicate a matter this is. But I did want to document the fact that there has been a recent falling off in the excellent record established after the Secretary's visit.

With best regards,

Russell Fessenden⁵

⁴ In a meeting on January 29 (evidently after the letter to Hillenbrand was drafted), Sahm gave an Embassy officer "some background" on the decision to send Bahr to Moscow. (Telegram 1009 from Bonn, January 29; *ibid.*, POL 7 GER W)

⁵ Printed from a copy that bears this typed signature.

52. Editorial Note

On February 3, 1970, Polish Ambassador Michalowski met Henry Kissinger at the White House to review the status of East-West negotiations, in particular the upcoming first round of the Warsaw talks. The discussion included an exchange on formal recognition of the Polish-East German border, the so-called Oder-Neisse line:

“He [Michalowski] said that the US could contribute by telling the FRG that we wanted an agreement settling the border. Mr. Kissinger said that we had made clear that we want reconciliation between Poland and the FRG. Michalowski said this was not enough. Mr. Kissinger said that we would present no obstacle to Polish-German understanding.”

Michalowski told Kissinger he considered the latter remark an “important” statement of U.S. policy. (Memorandum for the record by Sonnenfeldt, February 9; National Archives, Nixon Presidential Materials, NSC Files, Box 698, Country Files, Europe, Poland, Vol. I)

One week later the West German Foreign Office instructed its Embassy in Washington to confirm a report from the Polish delegation in Warsaw that a White House “personality,” although not the President himself, recently told Michalowski that the United States would not object if West Germany recognized the Oder-Neisse line. On February 12 Dirk Oncken, the German Minister in Washington, accordingly raised the issue with Helmut Sonnenfeldt who admitted that Kissinger had remarked that the United States would “present no obstacles to German-Polish understanding” but denied any implication on the border issue. (Memorandum for the record by Sonnenfeldt, February 12; *ibid.*, Box 683, Germany, Vol. IV)

In a meeting with Counselor Frackiewicz of the Polish Embassy on March 17, Sonnenfeldt suggested that such Polish behavior might present an obstacle for bilateral relations. When Frackiewicz stressed “how important it was for the US and other allies to encourage the Germans to settle the Oder-Neisse,” Sonnenfeldt was blunt in his reply:

“I took occasion to tell him that the Poles would make a bad mistake if they tried to play the Western allies off against each other on this question. I had been very disturbed to learn that Mr. Kissinger’s general comments to the Polish Ambassador about our support for German-Polish reconciliation had been passed on to the Germans by Polish officials in a version that had us supporting the Polish interpretation of Potsdam. I also noted that an American journalist in Washington had told me that Mr. Kissinger’s alleged comments had also been passed to newspapermen by the Poles. I said this sort of thing made private conversations very difficult and could not help the cause of Polish-German agreement.”

Frackiewicz was “shocked” by the news, refusing to believe that “any Polish official could have been guilty of an indiscretion.” After

expressing the need to avoid further incident, Sonnenfeldt reiterated U.S. support for reconciliation between Poland and West Germany but doubted that “maximum Polish demands provided a suitable basis” for agreement. (Memorandum for the record by Sonnenfeldt, March 18; *ibid.*, Box 834, Name Files, Sonnenfeldt, Helmut)

In a February 25 letter to Hillenbrand, Ambassador to Poland Stoessel also addressed the U.S. position on the Oder-Neisse line. Stoessel believed that the United States should not emphasize the legal aspect of the dispute while ignoring the prospect for a political solution of “this long-standing and important issue.” Although it was “essential” to maintain the American position in Berlin, he argued that “the status of the Oder-Neisse line does not appear to be of such vital importance to the U.S. interest.” U.S. interests would be served by the successful conclusion of the Warsaw talks; failure, on the other hand, would have an “adverse impact” on Ostpolitik with repercussions for the political leadership in Poland as well as in West Germany. Stoessel, therefore, advocated adopting a more flexible approach on the Oder-Neisse line, including the possibility of diplomatic support for the Polish position. “[I]f it comes to a point of impasse between Poland and the FRG over the form of an accord on the Oder-Neisse,” he suggested, “we should be prepared in advance to use our influence with the FRG to help find a way out of the impasse.” (National Archives, RG 59, Central Files 1970–73, POL 32–3 GER–POL)

In a March 9 letter to Stoessel, Hillenbrand agreed that the United States should not stress legal over political considerations on the Oder-Neisse line. He disagreed, however, that the United States should pressure West Germany to compromise in the Warsaw talks. “I do not believe we should volunteer unsolicited advice,” Hillenbrand argued. “The effect of such advice on German domestic political considerations, once it became publicly known, could do serious harm to U.S.-German relations.” (Department of State, S/S Files: Lot 82 D 307, Correspondence, 1968–72)

Fessenden echoed this argument in a letter to Stoessel on March 16. As the leading proponent of reconciliation with Poland, Chancellor Brandt would concede as much as his “fragile parliamentary majority” would allow. “I don’t think, therefore, that there is any practical necessity for us to try to bring influence to bear on Brandt in this matter,” Fessenden commented. “For us to intervene could even run the risk of getting us involved in the middle of a hot German internal political issue.” (Department of State, EUR/CE Files: Lot 85 D 330, Chrons (1969)—Letters (Outgoing)) Stoessel later concluded that, on the basis of the exchange of views on the Oder-Neisse line, “our official position is open-minded and flexible.” (Letter from Stoessel to Hillenbrand, March 21; Department of State, S/S Files: Lot 82 D 307, Correspondence 1968–72)

53. Letter From the Assistant Secretary of State for European Affairs (Hillenbrand) to the Deputy Chief of Mission in Germany (Fessenden)¹

Washington, February 7, 1970.

Dear Russ:

I appreciated your quiet letter of January 29, 1970² concerning consultations—or the lack thereof—on the FRG's Eastern policy initiatives. You are quite right. This is a sensitive subject here since we wish, if at all possible, to avoid the appearance of differences or distrust between us and the new German Government. This could, if carried to extremes, lead to a kind of head-in-the-sand ostrich attitude and I would not wish to have you gain the impression that this is the Department's intention. For this reason it may be useful for me briefly to sketch out our underlying philosophy on this subject.

The first principle is a rather simple one: we wish to keep the Federal Republic in the Western camp. If this is to succeed in the future as in the past, the Federal Republic must be content to remain there. This will not be the case if circumstances suggest that continued allegiance to the West is preventing the Federal Republic from achieving a more satisfactory solution of the German problem through accommodation with the East. Thus it is in our interest to avoid the impression that Western interests and specifically American interests prevent the Federal Republic from exploring possibilities of understanding with the East.

The second principle is even simpler: we do not believe that the Soviet Union or the GDR has the flexibility to offer a change in the European situation which would be of sufficient attraction to the Federal Republic to cause it to loosen its Western ties. Thus we think that allowing the Germans a relatively free hand at this point will be the best means of ensuring their continued commitment to NATO and cooperation with the United States.

We realize that there are varying currents within the Brandt Government and that Brandt himself is capable of being impatient of Allied tutelage. He will at times act on his own and even occasionally—we must expect—through seemingly devious or covert means. Moreover,

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, AMB/DCM Correspondence, 1970. Secret; Official-*Informal*. A handwritten note on the letter by Fessenden reads: "Thoughtful letter & makes the case well." Rush wrote: "I agree with Marty's comments which are well made."

² Document 51.

as the months pass the CDU and perhaps industrialist circles in Germany will be active in pursuing this line and may well warn us that Brandt is jeopardizing vital Western interests. Our task, particularly in Washington, will be to keep all of this in perspective, not just for those of us in the Department who follow German questions in detail but for those elsewhere who are less familiar with details and more inclined to be nervous.

This situation suggests two conclusions. First it will be preferable in your reporting from the field and in our analyses in the Department to avoid over-emphasis on occasional failure to consult on the part of the FRG so long as the FRG is proceeding along policy lines with which we are familiar on the basis of more general consultations. Secondly, and this is why I particularly appreciated your letter, the facts as they develop should be quietly recorded whether they are positive or negative so that a policy of restraint in reporting does not in the end lead to an inaccurate assessment and erroneous policy recommendations. We want you to be on the alert and to let us know to what extent the FRG is failing to consult; but we would like this to be done keeping in mind the general philosophy which I stated earlier and the need which this philosophy imposes to avoid premature or unnecessary alarms. This problem is bound to be with us for a good many months to come and I hope these few thoughts will be of some use to you.

With best regards.

Sincerely,

Marty

54. Editorial Note

On February 10, 1970, Soviet Deputy Foreign Minister Kozyrev met Ambassador Beam in Moscow to deliver the Soviet response to the Western proposal of December 16 for talks on Berlin. (Telegram 715 from Moscow, February 10; National Archives, RG 59, Central Files 1970–73, POL 28 GER B) The text of the Soviet aide-mémoire, February 10, reads:

“The Government of the USSR has acquainted itself with the United States Government aide-mémoire, which was the answer to its (Soviet) statement of September 12, 1969. It confirms the readiness expressed in this statement for an exchange of views for the purpose of improving the situation in West Berlin and of eliminating frictions in this region. The Soviet Government is also guided by the fact that it is

necessary to approach this question in the context of the tasks of normalizing the situation and of ensuring security in Europe.

“Bearing in mind the purpose of the exchange of opinions, as it is formulated by the parties, the Soviet Government considers it important, first of all, to reach agreement on excluding activity incompatible with the international situation of West Berlin, which was and remains a source of tension existing here. In the conditions of the continuing occupation of West Berlin and the absence of other joint settlements, only the Potsdam and other quadripartite agreements and decisions can be the basis in principle during an examination, in particular, of practical questions regarding this city. It is self-evident, moreover, that questions of the communications of West Berlin and of access to it cannot be settled in isolation from the legitimate interests and sovereign rights of the German Democratic Republic within which West Berlin is situated and whose lines of communications it uses for its external ties.

“Corresponding to the subject of an exchange of views, the Soviet Government would agree that meetings of the representatives of the Four Powers should take place in West Berlin in the former Control Council Building. It appoints as its representative for conducting negotiations P.A. Abrasimov, Ambassador Extraordinary and Plenipotentiary, who will be ready to enter into contact with the U.S. Representative empowered to do so, beginning in the second half of February 1970. Organizational and technical questions could be clarified through the usual channels.” (Attached to memorandum from Richardson to Nixon, February 13; *ibid.*, POL 38–6)

In a February 13 memorandum to the President, Acting Secretary of State Richardson discussed the Soviet proposal. Although it failed to specify Soviet concessions, Richardson maintained that the Soviet aide-mémoire was worded in such a way to “leave open a hope of reasonable talks.” The price for an agreement, in any event, would be paid by West Germany through the reduction of its political presence in West Berlin. “If Bonn remains willing to make such concessions of its own accord, without pressure from the Three Western Powers,” Richardson reasoned, “we may be able to lessen the likelihood of new Berlin crises in the coming months and years, while bringing modest improvements in the living conditions of the West Berliners. The status of Berlin and our commitment to the security of the Western sectors would not be altered.” He concluded, therefore, that the United States should accept the Soviet proposal: “It seems to me that while the prospects for major progress are limited, so, too, are the risks. If we refused to talk we would be vulnerable to criticism as overly negative or overly timid. The British, French and Germans are all certain to favor the talks.” (*Ibid.*)

In a February 16 memorandum to Kissinger, Sonnenfeldt analyzed Richardson’s memorandum: “The memorandum does not deal fully

with what we are prepared to offer the Soviets in exchange for their concessions," he argued; "there is no assessment of the consequences of failure (except for noting that the risks are 'limited'), and no clear definition of our objectives. In short, there is no indication in the memorandum that the US Government has developed fully a negotiating stance including fallback positions." Sonnenfeldt was especially critical of the Department of State:

"I am very concerned that State will continue to make Berlin policy and negotiating positions on the run, in the Bonn Group, without first having a US Government position. We face two sets of negotiation: the first with the UK, FRG and French, and the second with the Soviets. State has given no evidence of being prepared for either. If we do not exercise some control at this stage, we will be faced soon with another battle of the cables. These negotiations are too important (in appearance if not in substance) for us to engage the Soviets until our positions are fully thought out and prepared." (National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II)

Kissinger reacted to the suggestion that he exercise more control over the policy process with the handwritten remark: "Damn it—Hal [this] is same problem as before. If Berlin isn't an NSC issue, what is? Shouldn't this go to NSC? Please let me know soonest." (Ibid.) In a note returning the memorandum on February 16, Alexander M. Haig, Jr., Kissinger's senior military assistant, commented: "Hal this is becoming a problem. See HAK's questions need to be answered. What HAK seems to want is NSSM for Pres. to approve." (Ibid., Box 683, Country Files, Europe, Germany, Vol. IV)

On February 17 Sonnenfeldt addressed these questions in a memorandum to Kissinger. Sonnenfeldt recalled that Kissinger had informed the Secretary of State on November 19 that, upon receipt of the Soviet reply to the Western proposal of December 16, the President would determine whether to proceed further with negotiations on Berlin. "There is thus," Sonnenfeldt concluded, "a basis for putting this subject into the NSC." An attempt to void the negotiations was not a "viable alternative"; neither was an effort to avoid consideration of the issues. "If we are to consider in the NSC the negotiating position which would be discussed with the Allies," he continued, "we would have to have a meeting *very quickly*." Sonnenfeldt, therefore, suggested a scenario for an expedited review on Berlin, including discussion of the issues by the NSC and a formal determination by the President. "I am afraid that unless something like the above is done promptly," he warned, "you will have a battle on your hands with State." (Ibid.)

Before he could secure a decision, Sonnenfeldt sent an urgent note to Kissinger and Haig: "Since I completed the attached new Berlin package a telegram has come in from Bonn containing a British draft of an

Allied response to the last Soviet note." According to Sonnenfeldt, the British draft was "better than the one State proposed, provided we want to proceed with the talks." As there was "no alternative" to negotiation, Sonnenfeldt suggested that Kissinger accept the British draft and concentrate instead on securing the President's approval for a substantive negotiating position. (Ibid.) In a February 17 memorandum to Kissinger, Haig supported this recommendation. "I believe that you made the correct decision in not trying to inject this issue into the NSC at this point in time," Haig noted. "It has picked up so much momentum in a multilateral sense that we would be open to charges of foot dragging and obstructionism." He proposed, therefore, that Sonnenfeldt draft a memorandum informing but not "bothering" the President with the burden of decision. Haig also recommended that Kissinger sign a memorandum to Richardson, requiring submission of a "detailed game plan" as soon as possible. (Ibid., Box 690, Country Files, Europe, Germany (Berlin), Vol. II) Haig later instructed Sonnenfeldt to proceed on this basis; he also noted that Kissinger had approved the British draft. (Memorandum from Haig to Sonnenfeldt, February 17; *ibid.*, Box 683, Country Files, Europe, Germany, Vol. IV) The text of the British draft is in telegram 1750 from Bonn, February 17; National Archives, RG 59, Central Files 1970–73, POL 28 GER B.

On February 18 Sonnenfeldt gave Kissinger a draft memorandum informing the President of decisions made on his behalf (see Document 58). The same day, Kissinger also signed the following memorandum to Richardson:

"With respect to your memorandum of February 13, the President agrees that preparations should proceed for quadripartite talks in Berlin. The talks should be considered exploratory in nature and efforts should be made to ensure that false expectations are not created.

"The President would like an opportunity to review as soon as possible the full US position on the talks. This should contain our objectives, negotiating tactics including fallback positions and concessions, and an assessment of the consequences of various outcomes including failure. In view of the nature of the subject, the President would like this work to be done by a small interdepartmental group to include participation by the NSC staff.

"The President would also like an opportunity to review the Allied negotiating position in the light of consultations among the British, French, and West Germans." (National Archives, RG 59, EUR/CE Files: Lot 80 D 225, Background on Negotiations with Soviets on Berlin)

On February 19 the Department authorized the Embassy in Bonn to coordinate the final text of the Western aide-mémoire on the basis of the British draft. (Telegram 25315 to Bonn, February 19; *ibid.*, Central Files 1970–73, POL 28 GER B) After 1 week of consultation in Bonn, Beam met Kozyrev in Moscow on February 27 to deliver the U.S.

response to the Soviet proposal on Berlin. (Telegram 991 from Moscow, February 27; *ibid.*) The text of the aide-mémoire, largely following the language of the British draft, reads:

“The United States Government, together with the British and French Governments welcomes the agreement of the Soviet Government in its aide-mémoire dated February 10, 1970 to the holding of discussions between representatives of the four powers in Berlin as proposed in the aide-mémoire of the three governments of December 16, 1969.

“In response to the proposals in the third paragraph of the Soviet aide-mémoire, the three governments can agree to the opening of four power discussions by their respective Ambassadors in the building formerly used by the Allied Control Council, subject to review of the level and place as the discussions develop. The exact date for the start of discussions can be settled between their respective protocol officers in Berlin. This agreement is without prejudice to the position of the three governments on the content of the discussions, which they regard as being based on the responsibilities of the four powers for Berlin and Germany as a whole.

“The United States Government will be represented by Ambassador Kenneth Rush.” (Telegram 2127 from Bonn, February 26; *ibid.*)

55. Memorandum From the President’s Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, February 16, 1970.

SUBJECT

Brandt’s Eastern Policy

The Goal as Brandt Sees It

The German Chancellor has stated the goals of his “Ostpolitik” in rather somber and realistic terms: he wants to normalize relations with

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Confidential; Nodis. Sent for information. According to another copy, Sonnenfeldt drafted the memorandum on February 11. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 288, Memoranda to the President, 1969–74, Jan.–Feb. 1970) Sonnenfeldt forwarded the memorandum to Kissinger (through Haig) on the same day; Kissinger, who had requested the report “some days

the Communist countries and move “from confrontation to cooperation”; he is prepared in this context to accept the GDR as a separate state and to accommodate the Poles, within certain limits, on the question of the Oder-Neisse Line. He hopes in this way to reduce the antagonism toward West Germany in the USSR and Eastern Europe and to make the division of Germany less severe. He rejects the idea that Germany should be free-floating between East and West and he remains strongly committed to NATO and West European integration. Indeed he believes his Eastern policy can be successful only if Germany is firmly anchored in the West. He has in effect renounced formal reunification as the aim of German policy but hopes over the long run to achieve special ties between the two German states which will reflect the fact that they have a common national heritage. He has cautioned Germans not to expect rapid progress.

Brandt probably commands the support of a majority of Germans for this approach, although there is a strong and vocal minority among Christian Democrats and in sections of the press which is strongly opposed. Although Brandt has stressed that his Western policy has priority, German attention is currently heavily focussed on the East. The criticism of his opponents has been vigorous and has drawn bitter Government responses.

The Reasons for Concern

Much of the opposition within Germany and the concern among its allies stems not so much from the broad purposes which Brandt wants to achieve but from suspicions or fear that Eastern policy is acquiring its own momentum and will lead Brandt into dangerous concessions. Moreover, while even his critics generally credit Brandt with sincerity and wisdom, some of his influential associates—for example his State Secretary, Egon Bahr—are deeply mistrusted. Much of the worry inside and outside Germany focusses on the danger that as Brandt pursues the quest for normalization, his advisors and supporters will eventually succeed in leading him to jeopardize Germany’s entire international position. This fear has already embittered domestic debate in Germany and could in time produce the type of emotional and doctrinaire political argument that has paralyzed political life in Germany and some other West European countries in the past. It is this possibility that we must obviously be troubled about ourselves.

ago,” approved it on February 16 with the comment: “Hal—Excellent. HK.” (Notes from Sonnenfeldt to Haig and Kissinger, both February 11; National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV) The President also wrote on the memorandum: “K—A very perceptive piece.” A stamped note indicates he saw it on February 20. (Ibid.) Excerpts from the memorandum were published in Kissinger’s memoirs. (*White House Years*, pp. 408–409, 529–530)

Pressure for Concessions

Brandt has now made the opening moves in Moscow and Warsaw and has made overtures to East Germany. As was to be expected, the Communists have advanced maximum positions: full recognition of the GDR as a separate, equal and sovereign state under international law, acceptance of post-war territorial changes, notably Poland's western frontier as final, and acceptance of West Berlin as a separate entity dissociated from the FRG. Having staked much prestige during the electoral campaign and since on progress in his Eastern policy, Brandt is now under some compulsion to demonstrate that he can deliver.

Moreover, a potentially important state election is scheduled in June in North Rhine Westphalia where SPD and FDP now govern in coalition just as at the Federal level in Bonn.² The CDU hopes that if it can reduce the strength of the FDP to knock it out of the coalition at the state level, it will have undermined the coalition in Bonn. "Ostpolitik" could become a significant issue if it either is demonstrably stuck or if Brandt, to save it, moves much further to meet maximum Communist demands.

Thus even in this early stage of his negotiating effort Brandt may find himself impelled to adjust his initial positions. While this may produce results for him—in part because the Soviets may want to help Brandt for the time being—it may arouse the opposition even further and make the German domestic debate more virulent. Some of Brandt's present support may desert him.

The Longer Term Danger

The most worrisome aspects of Ostpolitik, however, are somewhat more long-range. As long as he is negotiating with the Eastern countries over the issues that are currently on the table—recognition of the GDR, the Oder-Neisse, various possible arrangements for Berlin—Brandt should not have any serious difficulty in maintaining his basic pro-Western policy. There is, at any rate, no necessary incompatibility

² In a February 12 memorandum to Kissinger, Sonnenfeldt summarized a report on Bahr's visit to Moscow and the upcoming state elections: "Bahr intended to make it plain to Gromyko that a defeat for German Eastern policy would almost certainly lead to an FDP defeat in Westphalia, creating serious friction and stress within the FDP which could result in the fall of the present national government." Sonnenfeldt concluded that the report "shows the role the Eastern negotiations are already playing in the SPD's political calculations and vice-versa. Bahr may think he has a strong case in urging the Soviets to help Brandt stay in power. The Soviets may wonder who has more to lose from the collapse of the coalition—they or Brandt. It is hard to say who is under greater pressure to make the talks succeed." Kissinger wrote the following comment on the memorandum: "Also it shows what dilemmas Brandt is heading for." (National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV)

between alliance and integration with the West on the one hand, and some degree of normalization with the East, on the other.

But assuming Brandt achieves a degree of normalization, he or his successor may discover before long that the hoped-for benefits fail to develop. Instead of ameliorating the division of Germany, recognition of the GDR may boost its status and strengthen the Communist regime. The FRG may find itself in a race for influence with the GDR in third areas which could quickly put FRG policies at odds with those of its allies, for example in the Middle East. Even in Europe, particularly in Scandinavia and the UK, the FRG might find its relations clouded by increased GDR commercial and other activities.

More fundamentally, however, the Soviets having achieved their first set of objectives may then confront the FRG with the proposition that a real and lasting improvement in the FRG's relations with the GDR and other Eastern countries can only be achieved if Bonn loosens its Western ties. Having already invested heavily in their Eastern policy, the Germans may at this point see themselves as facing agonizing choices. It should be remembered that in the 1950s, many Germans not only in the SPD under Schumacher but in conservative quarters traditionally fascinated with the East or enthralled by the vision of Germany as a "bridge" between East and West, argued against Bonn's incorporation in Western institutions on the ground that it would forever seal Germany's division and preclude the restoration of an active German role in the East. This kind of debate about Germany's basic position could well recur in more divisive form, not only inflaming German domestic affairs but generating suspicions among Germany's Western associates as to its reliability as a partner.

It should be stressed that men like Brandt, Wehner and Defense Minister Schmidt undoubtedly see themselves as conducting a responsible policy of reconciliation and normalization with the East and intend not to have this policy come into conflict with Germany's Western association. There can be no doubt about their basic Western orientation. But their problem is to control a process which, if it results in failure could jeopardize their political lives and if it succeeds could create a momentum that may shake Germany's domestic stability and unhinge its international position.

56. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, February 20, 1970.

1. After this round of talks in Moscow, I have the impression that for the first time the Soviets are seriously considering the possibility of a renunciation-of-force agreement. The Politburo is holding internal discussions on the matter.

2. My interlocutors were obviously prepared for an open debate. I do not know what situation I will find during the next round in Moscow; it is scheduled to begin on the first of March. It will then involve an agreed position of the Soviet leadership and no longer an informal exchange of views.

3. The goal of the next round would be to arrive at a working paper that both governments will study. If both sides accept it, then we will begin the actual negotiations to draft the text of a renunciation-of-force agreement. I expect a stay of at most two weeks but have become cautious in such predictions.

4. On the subject of Berlin in response to Gromyko's questions, I pointed out that the Federal Government cannot negotiate on Berlin; this is also in accordance with the Soviet position. We have wishes, however, that we would coordinate with the three powers:

If there is to be détente in Europe, Berlin must not remain a relic of the Cold War; that is, arrangements must be made through which civilian access cannot be disturbed; the reality of economic and other ties with West Germany must be respected; the same goes for the representation of West Berlin abroad by the Federal Government (with the approval of the three powers whose original rights will not be infringed thereby); the use of Federal passports for West Berliners.

Gromyko asked for specific clarifications but did not react to any of the points. It is in our common interests, I think, that the position of the three powers vis-à-vis the Soviets in the Berlin talks should not be less than what the German side has said to the Soviets in Moscow.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]. Top Secret; Eyes Only. The message, in German, was sent by backchannel and forwarded to Haig on February 21. Kissinger wrote the following instructions: "Sonnenfeldt: Acknowledge—These Bahr cables should always be acknowledged immediately." (Ibid.) Sonnenfeldt, however, explained that since Bahr had gone back to Moscow, the response could wait until he returned to Bonn in 2 weeks. Kissinger approved this suggestion on March 3. (Memorandum from Sonnenfeldt to Kissinger, undated; *ibid.*) This message, except the original English postscript, was translated from German by the editor. For the German text, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 299–300.

We are preparing a paper on this that the Federal Chancellor will transmit in the course of the next week in a message to the three heads of state (or government).

5. During the next week I will be available for any questions and hope in April to report personally several interesting insights on the working habits of the Soviet leadership.²

Greetings

Egon Bahr

P.S. I leave for Moscow again on 1 March.

² On March 16 Haig approved the following reply to Bahr on Kissinger's behalf: "I regret that I was unable to reply to your interesting message of February 20 before you left Bonn to return to Moscow. In the meantime, the Chancellor and the President have been in communication with each other on the Berlin question, and the Bonn group is actively considering the Western position for the talks with the Soviets. I have followed with interest the reports from your government concerning the FRG's conversation with the Eastern countries and will be interested in your further impressions. As I told Ambassador Pauls last week, we are greatly looking forward to the Chancellor's visit next month and the full discussions that will be held at that time. With best regards, HAKissinger." (Ibid.)

57. Editorial Note

On February 23, 1970, French President Georges Pompidou arrived in the United States for 1 week of high-level consultations, including discussion with President Nixon, on matters relating to Germany and Berlin. The morning of his arrival, the National Security Council met to consider the role of France in the "Post-De Gaulle" era. The formal minutes of the meeting record the following conversation on the French attitude toward Germany:

"R[ichard] N[ixon]—I would like to hear some comment on French/German relations.

"[Martin] Hillenbrand—There is a growing resentment of Germany, especially among the Gaullists. There is a fear of German expansionism. There is more and more thinking of the UK as a counterweight in the Common Market. There is also concern over Germany's Eastern policy. The French see that the Germans have more to offer than they do.

"The French are worried that the Socialists will be led down the garden path by the Russians. They basically resent the German socialists.

"[Henry] Kissinger—I agree. The more actively the Germans go toward the East, the more the French will countermove. The French are also worried about our Berlin overtures. This could lead to the French moving closer to the UK, and even to France/UK nuclear collaboration.

"[George] Lincoln—Could this also move them more toward the United States?

"Hillenbrand—I don't think so. There is a growing acceptance of the removal of the U.S. They are hedging their bets and they foresee a weakened NATO." (National Security Council, Minutes Files, Box 119, NSC Minutes, 1970 Originals)

Kissinger also raised the German question in a meeting with Pompidou on February 21 in Paris where Kissinger was conducting secret negotiations with the North Vietnamese. According to the memorandum of conversation, Pompidou stated his belief that "Chancellor Brandt was sincere and that he dominated the Government by his personality. He did not believe that Brandt would ever betray the West." (National Archives, Nixon Presidential Materials, NSC Files, Box 1024, Presidential/HAK Memcons, The President and President Pompidou (Paris), 12 November 1970 [1 of 2]) In a briefing memorandum for the President's meeting with Pompidou, Kissinger doubted, however, that such confidence extended to Brandt's policy:

"The French are concerned that Brandt may be moving too fast in his Eastern policy (to some extent they resent that the Soviets now find the Germans more interesting to talk to than the French); and they are worried about German economic power. De Gaulle, you will recall, stressed the disparity between German economic recovery and its political weakness. You should be cautious about saying anything that might be construed as critical of Brandt or the Germans because it is likely to get back to the Germans through the French bureaucracy. You may wish to make the following points:

"—Ask for Pompidou's assessment of the Brandt Government (he has met twice with Brandt since entering office).

"—Make the point that all of us have an interest in not seeing the Germans paralyze themselves in violent political debate over Ostpolitik or because excessive hopes from their dealing with the East are frustrated by failure." (Memorandum from Kissinger to Nixon, February 26; *ibid.*)

On February 26 Nixon met Pompidou for a private discussion; only the interpreters, including Major General Vernon Walters, were otherwise present. The memorandum of conversation (evidently drafted by Walters) records the following exchange on Germany:

"President Nixon said that if President Pompidou had a moment we would be interested in hearing his views on the German problem. He knew the president had a high personal regard for Brandt, as he

did himself. Did he think that the German opening to the East presented dangers or was it helpful?

“President Pompidou said that fundamentally he thought this was useful but it could bring dangers. He said that when the Western countries seek a rapprochement with the Soviet Union they did not want anything from them.

“President Nixon said that this was very important.

“President Pompidou then said all we wanted was for the Russians to leave us alone. The Germans, on the other hand, were largely dependent on the Soviets for the hopes of reunification of their country. Hence, there was danger. He trusted Brandt but he felt that it was important that the U.S. should emphasize to him and the German Government that we must be really informed on the negotiations going on and perhaps know in advance the positions and concerns. We might have to speak frankly on this. France had no reason not to recognize the German Democratic Republic except that she did not want to irritate the Federal Republic and the French would not want to see the Federal Republic take initiatives while the French were maintaining an even more hostile attitude for the sole purpose of pleasing the Federal Republic. He felt that we should follow this very closely and even be consulted. We have a right to be consulted. They had taken a certain number of commitments to the Federal Republic and to the United States even more so. While Brandt was moving relatively cautiously, there were others who were more impatient. The Mayor of Berlin wanted to make contacts with the other side. Others wanted to wait. He felt we should try and calm the situation on Berlin. For his own part, he regretted the negotiations on Berlin. He felt that this could only be advantageous to the Soviets and give them an opportunity to make their presence felt in West Berlin while denying us as always the influence in East Berlin. He felt that negotiations on these matters should be by all three and not indirectly by the Germans. He felt we should keep in close touch with the Germans. President Pompidou said that to sum up his feelings, he trusted Chancellor Brandt. He also trusted the desire of sixty million Western Germans not to become Communists but everything else required vigilance. He had told Brandt quite frankly that they had taken a firm attitude on the German Democratic Republic because of Western Germany and would not want to learn from the press that the Federal Republic had recognized East Germany.

“President Nixon said that we should consult on this. Our views were the same. We should realize that the alliance had been set up 20 years ago for several good reasons. First, the threat from the East. Second, the economic and military weakness of Western Europe after the devastation of World War II and third, the German problem. There had to be a home for Germany—a place for Germany to go. Now the threat

from the East had receded, not perhaps as much in reality as some thought. Western Europe was now strong economically and had developed some military strength. But one thing had not changed and this was the German problem and the Soviets in 20 years have always kept their eye on the German problem." (Ibid., Box 1023, Presidential/HAK Memcons, The President and Pompidou, February 24–26, 1970)

Further documentation on the Pompidou visit, including the full text of several documents excerpted above, is scheduled for publication in *Foreign Relations, 1969–1976*, volume XLI.

58. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, February 24, 1970.

SUBJECT

Four Power Negotiations on Berlin

We are approaching the threshold of Four Power negotiations on Berlin. You noted in Berlin a year ago that the challenge in Berlin should be ended, that the status quo was not satisfactory, and that negotiations could bring an end to the division of the city. At the April NATO meeting, Brandt urged that we determine what the Soviets would be willing to do on Berlin, and Gromyko in July suggested that the USSR was ready for an exchange of views. In August the Three Powers (US, UK, and France) initiated formal soundings in Moscow. The Soviets replied in September that they were generally interested, and in December, the Three Powers at the urging of the FRG suggested specific improvements they wished to see in Berlin. The Soviets replied on February 10 that they were ready for an exchange of views on improving the situation in West Berlin, and suggested Ambassadorial level discussions be held in Berlin on February 18.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret. Sent for information. According to another copy, Downey drafted the memorandum on February 16. (Ibid.) In accordance with Haig's instructions, Sonnenfeldt then redrafted the memorandum on February 18. (Memorandum from Sonnenfeldt to Kissinger, February 18; *ibid.*) For further background information, see Document 54. The President wrote "OK" on the memorandum, indicating his agreement with Kissinger's initiative.

The Soviets and the Western Allies have clearly different views of what these talks should accomplish. The Soviet objective is to decrease the FRG's political presence in West Berlin, to increase the Soviet role in West Berlin, and at the same time eliminate any Three Powers responsibilities for all of Berlin, East and West. Finally, the Soviets wish to establish the principle that the communication lines between Berlin and the FRG—except for Allied military traffic—are the responsibility solely of the East Germans. The Western Powers seek to enhance the city's viability by improvements in the internal life of Berlin, assurance of uninterrupted civilian access to Berlin, while protecting the Allied position in Berlin and conceding no more than the FRG wishes with respect to its presence in West Berlin.

In the light of these fundamentally different viewpoints, it is unlikely that any basic agreement can be reached with the Soviets. Indeed, the prospect of even minor improvement is limited. In that light we should do nothing to generate expectations of success.

Notwithstanding the very limited prospect, we have no real alternative but to begin talks with the Soviets. We have urged them to agree to these talks for some time, and now they have accepted. We have also made clear that the easing of tensions in Berlin would be a concrete step the Soviets could take which would improve the prospects for an eventual European Security Conference.

Acting Secretary Richardson has sent you a memorandum (Tab A)² recommending that you agree in principle that we should proceed with preparations for the talks. The Acting Secretary states that preparations must clearly get underway and the first step should be the presentation of our full negotiating position for your approval as soon as possible. We need our own clear game plan before we begin to develop the full Western position in consultations with the FRG, the UK and the French. It is also important that you review the Allied position prior to the actual commencement of the Four Power talks. I have asked the Acting Secretary to proceed along these lines (Tab B).³ The Three Powers will be informing the Soviets that we are pleased that they have agreed to have talks, and that we will suggest a specific date after our own consultations have been completed.

² Attached but not printed. For a summary of the February 13 memorandum, see Document 54.

³ Attached but not printed. For the text of the February 18 memorandum, see Document 54.

59. Telegram From the Embassy in Germany to the Department of State¹

Bonn, February 27, 1970, 0807Z.

2164. Subj: Bahr Presentation to Allied Ambassadors Regarding Berlin.

1. This message contains a summary of Bahr's remarks to UK and US Ambassadors and French First Secretary (Amb Seydoux absent) in Feb 26 presentation of Brandt letter to the President and German working paper on Berlin soundings (septel).² In essence, Bahr recommended that the Allied soundings with the Soviets focus on an effort to obtain Soviet acceptance of economic, financial, cultural and legal ties between the FedRep and Berlin.

2. Bahr said he expected a harder time in his next meeting with Gromyko in Moscow because Gromyko will have tried out on Ulbricht Bahr's arguments from the first session of the talks and would be equipped with Ulbricht's replies. The first round of talks with Gromyko had not been easy. The discussion had been tough but the atmosphere had not been personally unpleasant. The most important positions on both sides remained unchanged. Gromyko categorically rejected inclusion in a renunciation of force agreement of any reference to German reunification, self-determination or unity. He demanded that the FRG accept post-war borders and that it explicitly state its intention never to make changes in these borders.

3. Bahr said he had told Gromyko that these Soviet demands were unacceptable. The Basic Law would not permit them nor would Federal German commitments to the three Western Powers in the settlement convention. He had told Gromyko that any renunciation of force agreement should include a passage which stated that the agreement itself did not affect or weaken the agreement of either party with third parties.

4. Bahr said he had the impression that there was some movement in the Soviet position on Articles 53 and 107 of the UN Charter. Gromyko had not found himself in a position to make a strong case

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Priority; Exdis.

² An English translation of the Brandt letter was transmitted in telegram 2161 from Bonn, February 26 (ibid.); see also Document 62. An English translation of the German working paper was transmitted in telegram 2160 from Bonn, February 26 (National Archives, RG 59, Central Files 1970–73, POL 28 GER B); see also the excerpts in footnotes 3 and 4 below. For the full texts in German of the working paper and the Brandt letter, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 308–313.

against the argument that if relations with the FRG were normalized in the renunciation of force agreement, this normalization should extend to the Charter articles as it had in the case of FRG agreements with the three Western Powers.

5. Berlin had taken a good deal of time in the discussion with the Soviets. Gromyko had raised it, insisting that Berlin would have to be discussed in the context of a renunciation of force agreement with the FRG. Bahr had replied that he could discuss Berlin but not negotiate on it as it was within the Four Powers area of competence as the Soviets would no doubt agree.

6. Bahr said he then expressed FRG desires with regard to Berlin. His formulations had not been restrained and he had expected a Soviet explosion in return. This had not taken place.

7. Bahr said he told Gromyko the Soviet Union must recognize the economic, financial, and legal ties between Berlin and the Fed Rep. If there were to be a relaxation of tensions, then Berlin must also be included; Berlin could not be an island of the cold war in an area of relaxed tensions. This meant cessation of difficulties and disturbances on civilian access to Berlin. The Soviets should accept FRG representation of Berlin interests abroad as the Western Allies had done without relinquishing their ultimate supreme rights over Berlin. Furthermore West Berliners should be able to travel to the East on Federal German passports.³ Gromyko had made absolutely no reaction to this presentation one way or the other.

8. In a second round on Berlin, Gromyko had said that there was a four-power competence for Berlin but FRG should in any agreement on renunciation of force nonetheless specifically acknowledge the territorial integrity of West Berlin which was a separate international entity. The FRG was also attempting to absorb Berlin. Bahr said this

³ The German working paper included the following list of "improvements in the practical situation" of Berlin: "(A) If a series of agreements on renunciation of force were concluded, Berlin should not remain apart as the apple of discord; this means that the principles of renunciation of force should apply for Berlin as well. (B) There will be no independent political entity of 'West Berlin'; neither the Berliners nor the FRG nor the three powers would accept this. (C) The status of Berlin should not be changed; one cannot on the one hand speak of the status quo in Europe and on the other hand wish to change the status quo in Berlin. (D) Berlin (West) has been brought into the economic, financial, cultural, and legal system of the FRG with the approval of the three powers. The Federal Government has been given the responsibility for balancing the budget of West Berlin; all of this has happened without objection by the Soviet Union. (E) The representation of Berlin (West) abroad by the Federal Republic must be assured; it concerns both the areas of validity of international agreements as well as the protection of the consular and economic interests of Berlin (West). For example, in this category belongs recognition of the passports which are issued in Berlin. (*Comment*: FRG passports) (F) There should be no further complications in civilian traffic."

viewpoint was wrong. If Gromyko meant that the FRG should not send German military personnel to Berlin, Bahr agreed. If Gromyko meant that all connection between Berlin and the FedRep should cease, this viewpoint could not be accepted.

9. Bahr said he thought it was highly desirable that he should report on these talks to the three Ambassadors and that all four Allies should work towards a common view on the Berlin soundings. It was obvious that Gromyko was consulting with Ulbricht on this subject and the Soviets could not take amiss consultations between the FRG and the Allies on this topic.⁴

10. Bahr pointed out that the inclusion of Berlin in the FedRep was anchored both in the FRG Basic Law and in the West Berlin constitution. The Allies had suspended the application of this part of the constitution. The FRG accepted this situation. This is the way the matter should stay until there was an ultimate resolution of the overall German question. Bahr said he was aiming at reaffirmation of Four Power rights for all of Berlin, but that once done he hoped it would be possible for both sides to agree that each side should respect what each is doing within their own sector and not seek to interfere with it.

11. Speaking personally, UK and US Amb's expressed general understanding for the main lines of Bahr's presentation. Amb Rush pointed out that Bahr seemed to be operating with two separate and conflicting definitions of the status quo, the Soviet one and the Western one. Bahr agreed, but said he believed the object of the negotiation with the Soviets should be to reach a synthesis.

12. Suggest Dept may wish to request White House agreement to redesignate this message Limdis and repeat to field posts with need to know.

Rush

⁴ The working paper stated the German position on the quadripartite soundings as follows: "The Federal Republic does not wish to evade the desire expressed by the Soviet Government to extend the renunciation of force to Berlin also. The Soviet counter-commitment could contribute to stabilization of the situation in Berlin. It therefore appears all the more important to the Federal Government that the three powers enter soon into their own exchange of views with the Soviet Union in order that these centrally important negotiations can be carried out concurrently with our Moscow and East Berlin talks. In no event should a situation arise in which the Soviet Union can play off the three powers and the Federal Republic against each other or can operate with differing Western starting positions."

60. Telegram From the Embassy in Germany to the Department of State¹

Bonn, March 2, 1970, 1905Z.

2292. Subj: Ehmke on Dispute Within GDR Politburo.

1. FRG Minister Ehmke requested the Ambassador to come to the Chancellery March 2 urgently. Ehmke said he wished to pass on in strictest confidence information which he did not intend to tell others in the government except the Chancellor and Wehner. He did not intend to inform the FRG FonOff or his own closest colleagues. Nonetheless he considered it important that the US should know about this matter now.

2. Ehmke said he had received authoritative information from East Berlin that violent controversy had taken place within the Politburo of the East German Communist Party over the way the Brandt–Stoph talks should be handled. According to Ehmke’s information, Ulbricht and Stoph had announced in the Politburo session that they were willing to have relatively businesslike talks with Brandt. Politburo members Honecker and Norden were reported to have immediately declared their outright opposition. They were supported by a large majority of the remaining members of the Politburo. Honecker and Norden had urged one single very rough session with Brandt, in which Stoph should pose categorical GDR demands and the talks should be broken off in an atmosphere of complete failure. Among the factors which motivated the Honecker–Norden opposition was that the Politburo had privately taken a poll of East German population whose results showed that over 70 percent of the East German population expected the Brandt–Stoph talks to result in far reaching agreements leading to German reunification and supported this outcome. The Politburo opposition element had cited these results, arguing that there was a serious risk that the regime would lose control over the East German population unless their proposal for handling of the talks was followed.

3. According to Ehmke’s report, the controversy was only resolved when Gromyko came to East Germany and obliged the opposition group to accept the concept that negotiations with Brandt should take place in a reasonable businesslike atmosphere.

4. Ehmke said GDR political emissary Von Berg had contacted him with the request to see him for background discussions on the pending negotiations. After consulting with the Chancellor and Wehner, Ehmke has agreed to see Von Berg in Bonn on the evening of March 3rd. No other Federal German official will be informed of this visit at this

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 15–1 GER E. Secret; Priority; Exdis.

time. Ehmke said he would keep the Ambassador informed about further developments on this.

5. Ehmke said the first report from Sahm in East Berlin on his talks with the East Germans to prepare the Brandt–Stoph meeting was that the East Germans were insisting that Brandt arrive in East Germany by plane to Schoenefeld or by train directly to East Berlin and not traverse West Berlin first. Ehmke told Sahm that if the going gets too rough he should suspend his talks with the East Germans and come back.

6. Ehmke reiterated to the Ambassador Chancellor Brandt's view that if at all possible the first session of Allied talks with the Soviets should precede the Brandt–Stoph talks and provide all-important Four Power symbolism. He said the FRG considered the Berlin talks to be the focus of the whole current negotiation complex and that advances on Berlin were a prerequisite for progress in the talks with the East Germans and possibly other negotiations with the East as well.

7. This information should be very closely held.²

Rush

² On March 4 Ehmke told Rush that Berg had failed to appear as scheduled. When Rush asked for an explanation, Ehmke replied that "he [Ehmke] could only guess, but it was apparently a sign of dissent, confusion and conflict on the other side. Ehmke said he would let the Ambassador know of further developments in this matter." (Telegram 2415 from Bonn, March 4; *ibid.*)

61. Editorial Note

On March 2, 1970, as talks between West German State Secretary Bahr and Soviet Foreign Minister Gromyko resumed in Moscow, the Embassy in Bonn submitted an assessment of "Soviet views on political agreements with [West] Germany." Within the next few months, the Embassy suggested, the Soviet Union would decide whether to proceed with negotiations not only in Moscow but also in Warsaw and East Berlin: "it appears likely that a decision to move or not to move will govern all three. Moscow, not Poland or the GDR, will make the final decision." The Soviets were probing to determine what the West Germans would concede at the bargaining table, a process that, while advanced in Moscow, was just beginning in East Berlin. Although the available evidence was insufficient to determine the course of Soviet policy, the Embassy concluded that, since "losses from breaking off the negotiations outright appear to outweigh gains," the Kremlin would allow the talks to continue. The outlook for a settlement on Berlin,

which would be affected by success but not necessarily failure in Moscow, was less certain. The Embassy judged the “chances for agreement on limited practical improvements on Berlin whether in written form or not to be about fifty-fifty.” (Telegram 2295 from Bonn, March 2; National Archives, RG 59, Central Files 1970–73, POL GER W–USSR)

The Embassy in Moscow contributed to the analysis, maintaining that the Kremlin would play a “waiting game” before making any decisions. According to the Embassy, the Soviets sought accommodation for several reasons—the domestic economy, the Chinese threat, a possible European security conference—but would probably insist on nothing less than “full acceptance by Bonn of Moscow’s view of the ‘realities’” of the Second World War. (Telegram 1212 from Moscow, March 11; *ibid.*)

The Mission in Berlin emphasized East Germany and the quadripartite talks as complicating factors and noted that: “we see little likelihood of the Soviets pressing the East Germans to modify substantially existing practices affecting Berlin to suit Western requirements.” The Mission concluded:

“This does not mean that we should not negotiate or not exploit the forthcoming discussions to see what benefits might be achieved. It means, however, that as we go into talks, we ought to have few illusions about what can be accomplished. While Soviets must carefully consider implications of Berlin talks for wider relationships, fact is that on Berlin Soviets will not be negotiating from weakness. And, indeed some of our Allies will find themselves under far greater pressures to achieve agreement than the Soviets are likely to be.” (Telegram 395 from Berlin, March 13; *ibid.*)

In a letter to Ambassador Rush on March 30, Assistant Secretary Hillenbrand expressed admiration for the “fine perceptive analyses coming from Bonn, Berlin and Moscow,” especially the “sober and realistic views” set forth in the telegrams cited above. According to Hillenbrand, the German experts within the Department generally shared the “somber forecast” of the three posts: “Like you, we are inclined to doubt that the Soviets, the East Germans or the Poles are likely to make any major concessions.” Hillenbrand continued:

“At the same time, however, we are hopeful that there may be pressures operating on their side to a greater extent than we presently know so that the various negotiating fora will not be weighted solely in their favor. If such pressures do indeed exist they may well impel the Soviets (and perhaps the other communist interlocutors) to make at least some counter-concessions, not affecting their basic system, in order to obtain some of their very much sought after objectives.

“In the final analysis, of course, the outcome of the Berlin and other talks depends not only on how stubbornly the Soviets and their allies pursue their drive for concessions. It depends also on the skill, tenacity and perspicacity with which the four Western powers exploit their assets in the course of the several talks.” (National Archives, RG 59, EUR Files: Lot 74 D 430, Department of State—Hillenbrand)

62. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, March 3, 1970.

SUBJECT

Letter from Chancellor Brandt on Berlin

Chancellor Brandt has sent a letter to you, President Pompidou and Prime Minister Wilson, delivered through the Ambassadors in Bonn,² commenting on the Berlin issue in the planned Allied talks with the Soviets and also as it relates to the FRG's talks with the USSR. The full text is at Tab A. Brandt makes the following points:

—He cannot estimate the prospects for progress in the FRG talks with Poland and with the USSR on renunciation of force which will begin again on March 9 and 3 respectively; there has been no movement toward agreement so far;

—the East Germans can be expected to use all efforts to prevent agreement between the FRG and the Soviets;

—in the Moscow talks the West Germans made clear, and will continue to do so, that agreement can be reached only if Four Power rights and responsibilities for Berlin and Germany as a whole remain untouched;

—it is very important that the FRG, and the Three Powers, take a unified position particularly with respect to Berlin;

—to avoid even the impression of Western discord, Brandt attaches special importance to an early beginning for the Four Power talks, although we should not allow ourselves to be put under time pressure on such an important question, and we should not count on rapid results from the talks.

The prime purpose of Brandt's letter seems to be to apply some gentle pressure on the Three Powers in hopes that they will agree to open the Four Power talks by the time Brandt and GDR Premier Stoph meet in East Berlin, and the FRG negotiations with the Soviets resume—both in early March. The Germans want these three sets of negotiations in progress concurrently, and they suspect that an agreed Western position on the Four Power talks might not be prepared in time. Brandt probably senses that the British will be willing at least to have an initial meeting of the Four Powers even if the Western position is not

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Brandt (1969–Apr 70). Secret; Exdis. Sent for information. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft for Kissinger's signature on February 27. (Memorandum from Sonnenfeldt to Kissinger, February 27; *ibid.*)

² See footnote 2, Document 59.

agreed, but that the French and the US will be more inclined to delay Four Power talks until Western agreement is secure.

Brandt also directed that a memorandum be given to the three Ambassadors reporting in some detail the FRG–USSR discussions on Berlin (not previously fully reported to us), as well as stating the FRG position on the Berlin issue in the Four Power talks (the first full presentation on this point).³ Thus, a secondary purpose of the Brandt letter probably was to ensure that he could not be charged with lack of consultations with us.

As I reported to you in my memorandum of February 24,⁴ a small interagency working group is preparing for your approval the full US position on the Four Power talks. Brandt's letter and his Government's position will be taken into account in the study, which can be expected very early next week.

Particularly since some of the statements in the FRG position paper are novel and may have far-reaching consequences, I think it would be desirable to delay a reply to Brandt's letter until you have had an opportunity to review the proposed US position.⁵

Tab A

Letter From German Chancellor Brandt to President Nixon

February 25, 1970.

Dear Mr. President:

The German-Soviet and German-French exchanges of view on the question of an agreement on the renunciation of force have been suspended for a short time. State Secretary Bahr will continue the talks in Moscow on the third of March and State Secretary Duckwitz in Warsaw on the ninth of March.

The first round, in Moscow as in Warsaw, served for a detailed presentation of the respective standpoints. The atmosphere was not bad. Up to now, there has been no movement toward agreement on the important questions of substance. It cannot yet be estimated what the prospects are for the next round.

We will have to expect that East Berlin will undertake all imaginable efforts, not only in propaganda but also in debates within the

³ Reference is to the German working paper; see footnotes 2–4, Document 59.

⁴ Document 58.

⁵ Nixon approved this recommendation by highlighting the last sentence and writing "OK" on the memorandum.

Bloc, to prevent agreement between us and the Soviets. Ulbricht presumably has used Gromyko's visit to Berlin to bring to bear his influence in this sense. One would foresee that the resumption of our exchange of opinions in Moscow will show whether and to what degree he succeeded.

State Secretary Bahr left no doubt about our position that there can be an agreement on the renunciation of force only in the event that the rights and the responsibilities of the four powers for Berlin and Germany as a whole remain untouched. I consider that this position for many reasons must be maintained for the future also.

As a result of questions by Gromyko, the Berlin issue was mentioned in Moscow. The German side presented with full clarity the view that the situation in and around Berlin must be made more secure. I am convinced that you too will consider desirable the improvements we are striving for.

I consider it very important that the Federal Government and the three powers take a unified standpoint in their respective conversations in all questions, but particularly with regard to the Berlin issue. I therefore have taken the liberty to transmit a working paper to the Ambassadors outside the normal diplomatic channels. The first portion contains the statements of State Secretary Bahr in Moscow. The second part presents the position of the Federal Government on the Berlin issue. I believe it corresponds to a Western position based on common interests.

Certainly, we should not allow ourselves to be put under time pressure on a question of such far-reaching importance. Moreover, even in the event that the Soviet Government should adopt a relatively conciliatory position, we could not count on rapid results. All the more, however, we should avoid the impression that the three powers and the Federal Republic are not yet agreed and hence obliged to delay the negotiations. I therefore attach special importance to the early beginning of four power talks on Berlin on the basis of an agreed Western position.

I have taken the liberty of writing the President of the French Republic and the Prime Minister of Britain in the same sense.

Please permit me to express my special esteem.

63. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, March 10, 1970.

SUBJECT

The Current Status of Brandt's Ostpolitik

This week the West German government resumed negotiations in Moscow and Warsaw and held the first staff-level preliminary contacts to prepare a meeting between Chancellor Brandt and the East German Premier Willy Stoph. On the Eastern side, following the conclusion of the first round of talks in Moscow, Foreign Minister Gromyko paid an unexpected visit to East Berlin and stopped off in Warsaw on his return. Bonn is obviously entering a phase in which the various strands of its negotiations with the East will have to be pulled together. At the same time, our negotiations with the USSR over Berlin will become part of the general dialogue.

A. The German-Soviet Talks

The basis for these talks is the West German proposal for a renunciation of force agreement which was the basic framework of the talks during 1967–1968. In the first phase of the current contacts (December 7–February 16) both sides have tried to define the scope of such an agreement. Four issues have emerged:

1. *Border recognition:* The Soviets are demanding that Bonn explicitly confirm all existing European borders, and pledge not to change them in *any* manner.

—Bonn's position is that it is constrained by the Potsdam agreements and the 1954–1955 agreements with the three Western powers from legally recognizing all European borders as final and irrevocable; as a practical matter Bonn would renounce any change from the 1970 borders.

2. *The West German-East German Relations:* The Soviets continue to press for a clarification of the future relationship between the two Germanies, claiming that Bonn must accept the border with East Germany as an international frontier.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Secret; Nodis. Sent for information. Nixon wrote the following comment on the memorandum: "K—It looks like Brandt is over his head. He has very little to offer—and they have a great deal." Kissinger initialed, indicating that he had seen Nixon's comments. According to another copy, Hyland drafted the memorandum on March 4. (Ibid.)

—The Soviets also insist that it be understood in advance that any Soviet-West German agreement would have to be similar to subsequent agreements between Bonn and the other “socialist countries.”

—Bonn contends that future relations with East Germany must have a “special” character, based on equal rights between two states, but not on international relations, since Bonn will not accept East Germany as a “foreign country.”

—Gromyko has found this “illogical,” and has insisted that any mention of unification or the “German nation” in an agreement with the USSR is out of the question.

3. *Berlin*: The Soviets insist that the renunciation of force agreement apply to West Berlin; West Germany would pledge not to change the borders of West Berlin, thus conferring a special status on West (but not East) Berlin. The Soviets have said that all matters, such as access, were matters for the four powers.

—Bonn has responded that while negotiations with the USSR over Berlin are beyond its competence, there could be no confirmation of the status quo from [*in*] Central Europe, while the status quo in Berlin was thus modified. Berlin’s relations would have to be “normalized” and West Germany’s economic, financial, cultural, and legal ties with West Berlin would have to be respected by the USSR. In turn, Bonn would respect the status of Berlin, subject to four power agreements.

4. *FRG-Soviet Relations*: Bonn has wanted to insert in any agreement some reference to Article 2 of the UN Charter, which obligates the members to respect each other’s sovereignty. This arose because of previous Soviet claims that under Articles 107 and 53 of the UN Charter the USSR retained certain legal rights of intervention in German affairs.

—Originally, Gromyko claimed that this issue could not be discussed but most recently he acknowledged that there might be a reference to Article 2 as Bonn desires.

B. The Polish-West German Talks

The issue here is relatively straightforward. The Poles insist that the “starting point” for any normalization of relations is West German recognition of the Oder-Neisse border as a final boundary, and without any qualifications.

Bonn’s position is that the Poles could achieve the same practical effect by concluding a renunciation of force agreement, in which Bonn would undertake not to change any boundaries by force. Bonn further argues that the Potsdam agreement specifically envisaged a final “peace settlement” to determine Germany’s Eastern border, and that, in any case, the 1954 treaty between Bonn and the three Western powers, ending the occupation of West Germany, retained for the three powers the right and responsibility of a final settlement under Potsdam.

The Poles countered by asking why Bonn did not ask the three Western powers either to revise the 1954 treaty or to endorse the Oder-Neisse line as final.

The West Germans are fairly sanguine about these talks. The main question is whether the Poles will settle for less than their maximum demands of definitive recognition of their borders. The answer may depend, in part, on the Moscow talks and on the East-West German talks.

C. The Brandt–Stoph Talks

When the Brandt government followed its election by proposing negotiations with Moscow and Warsaw, a debate broke out within the Warsaw Pact. Reliable reports of a Pact meeting in Prague in early December indicate that East Germany was opposed to any normalization with Brandt's government, that Poland and Romania favored negotiations and that the Soviets and other members took the middle ground. The Soviets argued that the Brandt government presented opportunities that each of the Warsaw Pact countries might exploit in separate negotiations, but that the recognition of the GDR should be retained as a common objective. Naturally, the Soviet position prevailed.

The East Germans then inserted themselves onto the scene by proposing a draft treaty with East and West Germany and an early meeting between Premier Stoph and Brandt. Despite the harsh and patently unacceptable terms of the treaty, the East Germans posed no preconditions for a meeting with Brandt in East Berlin. Brandt accepted and proposed a first meeting in mid-March (this is one reason the West Germans are urging speed in opening the four power talks on Berlin). Staff level discussions on the protocol and the agenda are underway. After the first Brandt–Stoph meeting, Bonn is thinking in terms of lower-level negotiations (4–6 weeks) to lay the bases for a “contractual relationship.” The negotiations might divide into several areas: (1) political relations; (2) improvement in communications; (3) reductions in discriminatory treatment; (4) joint institutions; and (5) economic relations.

Bonn would hold back on the critical question of East German participation in international organizations until progress was achieved on political relations and improved communications. After a period of bargaining Stoph would come to Bonn.

While the East German tactics are largely a matter of guesswork, their aims are clear: to obtain the maximum possible recognition from Bonn as a separate state, equal in all respects including in international law. While Brandt is prepared to acknowledge the existence of two separate states, his concept of two states within one “German nation” is

likely to prove an unacceptable circumvention for the East Germans. A key unknown is the degree of conflict between Moscow and East Berlin, which has been evident, and within the East German leadership as Bonn alleges (and wishes to believe).

D. The Outlook

It is still early in these talks to see how they might ultimately fit together or how the issues might be resolved. On the Eastern side there are no great pressures for an early agreement if, in fact, they want any agreement. On the West German side, however, there are some serious misgivings within the country over Brandt's policy. An early test for the Brandt government may come this June when there are local elections in Germany's largest industrial state, North-Rhine Westphalia. If Brandt's coalition partners, the Free Democrats, do poorly in those elections, the party could splinter or turn to a local coalition with the Christian Democrats, and jeopardize the Brandt national coalition government.² For this reason alone, Brandt feels under pressure to show some early success in his dealings with the East.

² Nixon highlighted this sentence and wrote: "If Brandt continues on this soft-headed line—This would be in our interests."

64. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, March 10, 1970.

SUBJECT

Reply Letter to Brandt on Berlin

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Brandt (1969–Apr 70). Secret. Sent for action. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft to Kissinger on March 6 suggesting that the President delete any specific reference in the letter to a starting date. Kissinger, however, overruled the suggestion with the handwritten comment: "This is *not* something on which I care to argue with Rogers. It is pure tactics." (Memorandum from Sonnenfeldt to Kissinger, March 6; *ibid.*)

Secretary Rogers has sent a memo to you concerning the letter from Chancellor Brandt on the Berlin talks (which I reported to you in my memo of March 3).² The Brandt letter and the Secretary's suggested reply are attached to the Secretary's memo (Tab B).³

The Germans have been pressing their desire to have the Four Power talks on Berlin begin before the Brandt–Stoph meeting which may be scheduled as early as March 16th. They are interested in the symbolic effect of such a Four Power meeting as an affirmation of continuing Four Power responsibility for Berlin and Germany as a whole. The FRG is also concerned that undue delay in commencing the Quadripartite talks would allow the Soviets to believe—and exploit—disunity in the Western camp. The British have suggested there could be a distinction between the first and subsequent sessions of the Four Power talks, the first procedural, and the second substantive. Thus, they argue, there is no need to delay the first meeting until the Western position is agreed, though agreement would be required before the second meeting could be held.

Secretary Rogers prefers to have the Western position settled even before the first Four Power meeting. However, he is concerned with the pressure from our Allies, and has suggested a compromise course. He recommends that in your reply letter to Brandt, you propose that we now set a date with the Soviets for the end of March in the hope that the Western side will then be ready. If Western agreement is not reached by then, the first session could be devoted to procedural matters.

Attached at Tab A is a letter to Brandt which is the same as the one recommended by the Secretary (slightly altered for style by Jim Keogh). Some aspects of this tactical course concern me. To avoid delay in the second session, we would be put under pressure to reach a hasty and perhaps ill-considered position, or to enter that session also without an agreed position at all. Evidence of Western discord at that point would be more damaging than it would be prior to the commencement of the talks. Moreover, commitment now to a specific date seems somewhat premature since the date for the Brandt–Stoph meeting has not yet been set and the Western side has not yet begun the consultations toward developing the Western position.

² Document 62.

³ The draft reply is dated March 5; attached but not printed. Also in the National Archives, RG 59, Central Files 1970–73, POL 38–6.

Recommendation:

Since the drawbacks are concerned only with tactics, I do not believe it worth arguing about. I therefore recommend that you sign the letter to Brandt at Tab A.⁴

Tab A

Letter From President Nixon to German Chancellor Brandt

Washington, March 12, 1970.

Dear Mr. Chancellor:

I much appreciated your letter of February 25 and the information you provided on the talks which your representatives have carried on in Warsaw and Moscow. Your government has kept us well posted as these important discussions have progressed.

As you state, it is of the utmost importance that the Three Western Powers together with the Federal Republic have a unified standpoint as we begin quadripartite talks with the Soviets on Berlin. While we cannot predict in advance the outcome of these talks, we can be sure that they will touch on sensitive matters and that the Soviet Union will probe to see if there are differences which it can exploit among the Three Western Powers and the Federal Republic, whose interests will be so directly involved.

Your concern that the first meeting with the Soviets take place at an early date is understandable. We are just studying the German position paper on the talks which State Secretary Bahr gave to Ambassador Rush and to his British and French colleagues on February 26⁵ and will be sending instructions to our Embassy in Bonn very shortly so that work can go forward in the Bonn Group on the development of an agreed Western negotiating position. We are prepared to augment

⁴ The President initialed his approval of this recommendation. According to a handwritten note on the memorandum, Sonnenfeldt released the text of the letter to the Executive Secretariat on March 12. The Department forwarded the text to the Embassy with instructions for immediate delivery. (Telegram 36786 to Bonn, March 12; *ibid.*, POL 28 GER B) The Embassy subsequently reported: "DCM [Fessenden] delivered the President's letter to Chancellor Brandt through Minister Ehmke early March 13. Within an hour of the delivery of the President's message, Van Well of FRG FonOff contacted us to say that the Chancellor, who was still in the Bundestag, had charged him to inform the USG that the Chancellor was extremely pleased with the President's letter and very positively impressed by its content." (Telegram 2782 from Bonn, March 13; *ibid.*)

⁵ See Document 59.

the Bonn Group with representatives sent directly from governments if this should prove desirable in the interest of expedition.

Working together in this way on an urgent basis, we should be able to develop a sound position in relatively short time, particularly since so much preparatory work has already taken place. The Western side could take good tactical advantage of having the chair at the first Berlin meeting if our substantive position has been completely formulated and approved.

Under the circumstances, I would propose that we reach agreement together with the British and French to propose to the Soviet side this week through the Western protocol officers in Berlin that the first session of the Four Power Ambassadorial talks take place on March 26. This would afford us some two weeks still to work on the Western position. At the same time the early approach to the Soviet side, followed presumably by public announcement of the date of the opening session, should counter any false impression which otherwise might arise of disagreement among the four Western powers. Moreover, announcement of the date of the first Berlin meeting with the Soviets prior to your forthcoming meeting with Herr Stoph should re-emphasize in an appropriate and timely way the continuing responsibilities which the Soviet Union shares with the Three Western Powers for Berlin and Germany as a whole.

If by March 26 there should happen still to be some substantive points to be worked out in the Western position, the first meeting with the Soviets could be devoted largely to procedural matters. I hope, though, that this will not be the case.

Sincerely,

Richard Nixon

65. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, March 12, 1970.

SUBJECT

Four Power Talks on Berlin

The U.S., UK and French Ambassadors in Moscow on February 27 formally advised the Soviets that the Three Powers agreed to hold Four Power talks in Berlin at the Ambassadorial level.² We now have to develop among the Three Powers and the FRG an agreed Western position, and the second in Berlin with the Soviets. Secretary Rogers has sent for your approval a position paper for the guidance of the U.S. representatives in Bonn in the development of the Western position (Tab A).³

In exploring the Soviet views we would seek their agreement to a more regularized and freer German access to Berlin, greater movement and communication between East and West Berlin, and a recognition that the FRG properly represents West Berlin abroad. We would propose to the Soviets that the FRG and GDR authorities seek to reach agreement on the access question under a general Four Power authorization, and that representatives from both East and West Berlin serve as a working party of the Four with respect to intra-city problems.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret. Sent for action. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft to Kissinger on March 5 and Kissinger revised the memorandum on March 9, eliminating a recommendation that the President approve his memorandum to Rogers. "I'll worry about memo," Kissinger wrote. "Pres. doesn't have to approve my memos to Rogers." (Memorandum from Sonnenfeldt to Kissinger, March 5; *ibid.*, and Library of Congress, Manuscript Division, Kissinger Papers, Box CL 4, Chronological File, 1969–75, 23 Jan.–30 Mar. 1970)

² See Document 54.

³ Memorandum from Rogers to the President, March 3; attached but not printed. Also in the National Archives, RG 59, Central Files 1970–73, POL 38–6. The position paper concluded: "The most likely outcome of the Quadripartite talks is (a) minor improvements in the situation in Berlin accompanied by a decrease in the FRG's political presence in the Western Sectors or (b) suspension of the talks without either the achievement of improvements or a dramatic break with the USSR. In either eventuality, the talks will have served to reemphasize Quadripartite responsibility for Berlin and Germany as a whole and will have provided a framework in which Brandt can deal with the GDR with less fear of appearing to compromise this responsibility. The worst outcome would be a complete break because of unacceptable Soviet demands or inability to agree on subjects to be discussed (e.g. a Soviet proposal for separate peace treaties with the GDR and FRG). This might increase tension locally but at the same time would clarify for the Europeans the limited prospects for a reasonable agreement on European security."

The FRG has recently introduced a new and somewhat novel factor. It has proposed that the Three Powers seek Soviet agreement to respect the ties which have developed between the FRG and West Berlin. Obversely, the Three Powers would agree to respect the situation in East Berlin. If an understanding could be reached, the FRG would be willing to reduce to a limited degree some of the formal indicia of Federal presence in West Berlin.⁴

As I mentioned in my memo of February 24,⁵ it is unlikely that any basic agreement can be reached with the Soviets (you will recall that President Pompidou is also quite skeptical).⁶ They will be seeking to exploit any differences on the Western side, to dramatically reduce Federal presence in West Berlin and at the same time to enhance their own role there. The Soviets will also wish to obtain Western recognition that the GDR controls German access to Berlin. Notwithstanding this dim prospect, there is a possibility that some limited improvements might be agreed. Moreover, the very fact of the Four Power talks will demonstrate that the Soviets continue to share with us responsibilities for Berlin and Germany. Brandt considers this very important at a time when he has set in motion negotiations with the Soviets, Poles and the East Germans. Even if it is possible to achieve some limited improvements in the Berlin situation, this success might not be long-lasting. There is an inherent asymmetry in the Berlin power structure: the Soviets have the capacity to mount immediate harassment on the slightest pretext, while the West has to consult and react. Thus, the Soviets can with relative ease take back its "concessions," while it is difficult for the West to restore its previous position.

The most important point now is that we get on with the development of an agreed Western position. The U.S. position paper provided by Secretary Rogers seems to offer sufficient guidance for our representatives in Bonn. The new FRG proposals will require clarification and may be difficult to deal with, and there are apt to be differences of priorities and tactics. Nevertheless, we should be prepared to work on an urgent basis toward developing an agreed position. Since the final Western position may be considerably different from our own current view, I think it important that you have the opportunity to review it prior to the actual commencement of talks with the Soviets.

⁴ See Document 59.

⁵ Document 58.

⁶ Regarding the French attitude on Berlin, see Document 57.

Recommendation:

That you approve the U.S. position paper.⁷

⁷The President initialed his approval of this recommendation. On March 13 Kissinger informed Rogers of the decision by memorandum. "The President has approved the position paper which you enclosed with your memo of March 3 for the guidance of the American representative in the Bonn Group in the development of the Western position. Appreciative of your assessment that the final Western position may represent a substantial modification, the President will wish the opportunity to review it prior to the commencement of the Four Power talks." (National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II) Haig signed the memorandum since Kissinger was "occupied and Richardson called personally about it." (Note from Haig to Kissinger, March 13; *ibid.*)

66. Editorial Note

On March 19, 1970, West German Chancellor Willy Brandt and East German Premier Willi Stoph met in Erfurt (East Germany) to discuss the status of inner-German relations. The discussion was inconclusive, leading only to agreement on holding a second meeting in Kassel (West Germany) on May 21. The significance of the meeting, the first between leaders of the two countries, was reflected rather in the tumultuous response Brandt received from the East German citizenry, who first chanted "Willy" and then "Willy Brandt" to differentiate him from "Willi," his East German counterpart. The next morning, President Nixon read a staff report on U.S. television coverage the previous evening and underlined the passage: "All networks had footage from E. Germany where Brandt was greeted by shouting and cheering E. Germans. Brandt appeared in a window and the E. Germans boomed their welcome." Nixon commented in a handwritten note to Kissinger: "K—Good. This will scare hell out of the Soviets. They have their problems & may come to us to pull them out." (National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Box 31, Annotated News Summaries, News Summaries—March 1970)

Nixon reiterated this point in a telephone conversation with Kissinger at 3:06 p.m. According to a transcript, Nixon noted: "If I were they [the Soviets], I would have worried about the Brandt reception in E. Germany. Anytime anybody from the West goes to the East—it's like Romania." Kissinger replied: "They fear two Germanies may get together on nationalism. It should worry them a hell of a lot." (Library of Congress, Manuscript Division, Kissinger Papers, Box 362, Telephone Conversations, Chronological File)

The two men again discussed the Erfurt visit by telephone at 7:09 p.m. Nixon: "The Brandt thing has sent shivers up their back. Can't you imagine the kind of reception I would get if I went there[?] I just may go. If Brandt wanted it, I would go." Kissinger: "The outcome would be unpredictable—you know the East German [Ulbricht] is tough." Nixon: "They are much tougher than the Hungarians. Even the American press reported the Brandt visit that way even though they hated to do it." Kissinger: "German situation is dangerous." Nixon: "If it is dangerous to us, it is dangerous to the Soviets." (Ibid.)

In a March 24 memorandum to the President, Kissinger summarized several reports on a recent West German Cabinet meeting, providing both more detail on the Erfurt visit and "more insight into Brandt's general philosophy":

"Brandt explained that while his policy was firmly grounded on the Western Alliance, Bonn could not be in a position in which she was totally dependent on her allies to represent her interests (he mentioned SALT in this regard). Brandt said a reduction in the 'American commitment' in Europe was to be anticipated, and that it was important to convince American opinion that an East-West settlement should be sought. It was vital to West Germany that East Germany's influence in the Warsaw Pact be constrained through special relations between the two Germany's.

"As for the Stoph talks, Stoph was subjected to rigid instructions; he had to retreat from agreements he had originally reached with Brandt, when notes were delivered to him from outside the meeting. As expected, the theme of recognition ran throughout the talks; at one point in the private talks Stoph agreed that he did not understand legal niceties but that the two should agree to exchange Ambassadors at once. Though Stoph protested West German activity in Berlin, he also said in private that a 'great deal about Berlin could be regulated without fanfare.'" (National Archives, Nixon Presidential Materials, NSC Files, President's Daily Briefs, March 21–March 31, 1970)

67. Telegram From the Embassy in Germany to the Department of State¹

Bonn, March 25, 1970, 1514Z.

3278. Subj: FRG State Secretary Bahr on Quadripartite Negotiations on Berlin.

1. Following his report to the US, UK and French Ambassadors concerning the present status of the FRG-Soviet talks (septel),² State Secretary Bahr said he would like to make a few observations on the pending Four-Power talks on Berlin.

2. Bahr said he was pleased to note from the preparatory work that all of those involved on the Western side—the US, UK, France and the FRG—were of the view that the talks could not be confined to the topic of West Berlin alone. All four desired to see the continuation of the Four-Power status of Berlin, which should be the basis for the talks and for the future. Bahr said that one possible goal of the talks would be to say that they were intended to describe the present status of Berlin and to interpret it. As was known, the Soviet view was that only West Berlin was the appropriate subject of the talks and that there was nothing to say about East Berlin. It was possible that confrontation between the Western desire to discuss all of Berlin and the presumed Soviet position could result in deadlock early in the talks.

3. Bahr said that it was for this reason that he had introduced his formula that both sides should confirm their understanding of the attributes of the Berlin status at present, and it should be agreed that each power was competent to act as he considered right in his own sector insofar as there was not agreement on common action. This principle could be agreed on as a part of the overall agreed status of Berlin. The formula could also be used as a basis of parity of discussion to talk about all of Berlin, including East Berlin.

4. Bahr said to take the other possible tack and to insist in effect that the Four-Power status of Berlin should actually be applied in full in all parts of the city would be to attempt to undo the entire past and would be wholly unsuccessful.

5. Ambassador Rush noted that Bahr's formula was interesting and deserved serious study. It did have one weakness in that if one adhered to the view that each was wholly competent in his own sector then, in theory, it could be legitimate for the Soviets to take action in

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Limdis. Repeated to Paris, London, Moscow, and Berlin.

² Document 68.

their own sector which in fact violated the Four-Power status of Berlin. UK Ambassador Jackling said that there was much in Bahr's formula which he liked, like the concept of the authority of each power in its own sector. But this exercise of authority was always subject to an overall responsibility to Berlin as a whole. This Four-Power responsibility was a legal fiction, but it had to be observed in order to maintain the rest of the structure. French Ambassador Seydoux was concerned that if each were supreme in his own sector, there would be no Four-Power status left. Allied protests about events in the East sector might be ineffective at present, but if they were wholly abandoned, the Soviets and the East Germans might draw the wrong conclusion about the Four-Power status of Berlin.

6. Bahr agreed. He said the Four-Power status of the whole city had to be maintained by all, but that beyond this, the viability of the Western sectors represented for him a higher interest than the effort, for example, to reattach East Berlin to the West sectors. He said he believed it was more important for the viability of the city to achieve unrestricted free access to Berlin, un-harassed by Ulbricht, than the question of on what modalities a few Allied soldiers could go into East Berlin.

7. Ambassador Rush said one could compare Bahr's concept to the situation of a federal government and its component states. A federal government could have a narrow range of competence and its component states a much broader one, but all the rights of both levels would be derived from one source. Applied to Berlin, this would mean the rights of the sector powers would be considered to have been derived from the original assumption of power and Four-Power status. The area of common Four-Power action might be limited as all would have to agree on each action: in the component sectors, each would interpret his own responsibilities in terms of overall status.

8. UK Ambassador Jackling said that he did not intrinsically object to the Bahr formula and the other versions which had been advanced, but if it came to the point of advancing it in the talks, this should be in return for something worth having from the other side.

Rush

68. Telegram From the Embassy in Germany to the Department of State¹

Bonn, March 25, 1970, 1523Z.

3279. Subj: FRG State Secretary Bahr on the Gromyko–Bahr Talks.

1. State Secretary Bahr invited Ambassador Rush and the UK and French Ambassadors to come to the Chancellor's office March 24 to give them a report on the most recent phase of his talks with Gromyko.² State Secretary Duckwitz was present.

2. Bahr said he would give a brief report on the latest talks with Gromyko and make a few remarks on the pending Berlin negotiations (septel)³ because the two subjects were related. With regard to his most recent talks with Gromyko, he could state that they had not advanced "a fraction of a millimeter." There had been no closing of the gap on a series of points which had been discussed again and again during the talks. Agreement had been reached on exchange of consulates between Hamburg and Leningrad but this agreement should by no means be overvalued in a political context.

3. Bahr said he would like to mention one point in particular confidence. He had raised with Gromyko a hard-core group of humanitarian cases involving Germans where reunion of family members was at stake. The cases mostly involved mixed marriages with a German wife or husband and a Russian spouse. Bahr said he gave the Soviets details on 50 of the most tragic cases of this kind, of which the Soviets had agreed to resolve 40. About 100 persons were involved. The Soviets did not want this topic discussed in public and it was very much in the German interest not to do so, because there were other cases of reunification of families they wished to pursue.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–USSR. Secret; Limdis. Repeated to Paris, London, Moscow, and Berlin.

² In a memorandum of March 23, McManis briefed Kissinger as follows: "Bahr reported to the FRG Cabinet on March 19 on the status of his talks with Gromyko. Agreement was reached, Bahr reported, that the FRG would support a GDR application for UN membership with the objective of getting both German states accepted as members. Secondly, there was agreement that both the USSR and the FRG would work toward bringing about a conference on European security. Bahr and Gromyko did not agree to formulations on the renunciation of force agreement because of Soviet insistence that the FRG recognize GDR borders, nor did they agree on the question of the relationship between the FRG and the GDR and reunification." The report went to the President who circled "Bahr" in the text and wrote in the margin: "He gave them everything!" (Ibid., Nixon Presidential Materials, NSC Files, Box 20, President's Daily Briefs, March 21–March 31, 1970)

³ Document 67.

4. As regards the negotiation points where there was still no agreement, a main one was the pressure from the Soviet side for the FRG to accept a definition of its relationship with East Germany not distinguishable from recognition. The Soviet formulation had been very slightly less adamant than in the past in that they did not explicitly demand that the FRG “recognize” East Germany, but said that the relationship between the two German states should be one on the basis of international law. Bahr said he had mentioned to Gromyko the Erfurt formula used by Brandt to the effect that, provided the GDR was willing to acknowledge that it was not a foreign country as far as the FRG was concerned, the FRG was prepared to conclude treaties with it that would have binding force in international law.

5. Bahr said the second point the Soviets pushed was for change in the FRG position concerning GDR relations with third countries. Bahr had told the Soviets flatly that he was not in a position to say anything positive on this point.

6. Bahr said there had been little progress on a third point. The Soviets had indicated that they were ready to respect the FRG view that the FRG could not enter into treaties with it or other countries which violated commitments it had already made with other parties, i.e., in this regard, the London and Paris agreements with the three Western powers.⁴ Bahr pointed out to Gromyko that this naturally included the status of Berlin. The Berlin topic had not otherwise been discussed.

7. Bahr said that, finally, an important point he had raised with the Soviets was that the FRG wanted other countries as well as the GDR to recognize the requirement in the FRG Basic Law that Germans should have the right to self-determination. The Soviets had made absolutely clear in return that they were not in a position to discuss this topic or to agree to it in any form. Bahr said that he was not permitted this indulgence, but he did have a certain degree of understanding for the Soviet position on this specific point. Bahr’s implication was that explicit Soviet acceptance of the self-determination point would mean formal Soviet recognition of the German intention to change the status quo at some later time even if by peaceful means.

8. Bahr noted that it would be impossible to discuss the topic of the continuation of his talks with Gromyko within the German Government in any conclusive way for several weeks. Foreign Minister Scheel was absent and would have to participate. Scheel’s absence would be followed by the Chancellor’s visit to the U.S. It would be the

⁴ Reference is evidently to the Final Act of the Nine-Power Conference, signed in London on October 3, 1954; and the Protocol on Termination of the Occupation Regime in Germany, signed in Paris on October 23, 1954. For text of the two agreements, see *Documents on Germany, 1944–1985*, pp. 419–438.

third week of April before the Cabinet could come to grips with this issue. Bahr reported that he and Gromyko had not agreed on any new day for a further meeting. Neither side considered itself under any time pressure. However, the Germans would want to continue their exchanges prior to the Kassel meeting of Brandt and Stoph on May 21.

9. Bahr made a side remark that he had several indications in his March 21 talk with Gromyko that at the time Bahr talked with him, the latter had not yet received any confidential reports of the afternoon plenary or *tete-a-tete* sessions between Brandt and Stoph. Gromyko had been fully informed on the details of public speeches made by both Brandt and Stoph but made some remarks which argued ignorance of the later sessions. Brandt said that this might indicate that the East Germans had been rather slow in reporting on the talks to the Soviets. In reply to a question from Ambassador Rush, Bahr stated that no documents had been exchanged with the Soviets in the renunciation-of-force negotiations.

10. *Comment:* The hard realism of Bahr's overall assessment of the negotiations strikes us as a conscious and deliberate tone-setter for Brandt's presentations on Eastern policy in his forthcoming Washington visit.

Rush

69. Telegram From the Embassy in Germany to the Department of State¹

Bonn, March 25, 1970, 1533Z.

3280. Department for Hillenbrand. Subject: CDU Leader Barzel on German Eastern Policy.

1. I had a long talk March 24 with Rainer Barzel, Fraktion Chairman of the CDU, which was focused entirely on Brandt's Eastern pol-

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 12–6 GER W. Secret; Limdis. Repeated to Berlin, London, Paris, and Moscow. According to another copy, the telegram was drafted by Dean, cleared by Fessenden, and approved by Rush. (Department of State, EUR/CE Files: Lot 85 D 330, JD Telegrams and Airgrams 1970) Sonnenfeldt summarized the telegram in a memorandum to Kissinger on March 26. After noting similar concerns raised by the French, Sonnenfeldt commented: "These crosscurrents underscore the need for precision and frankness during the Brandt visit in framing the nature of US support for Ostpolitik, and for distinguishing between goals and approach on the one hand, and pace and tactics on the other." (National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV)

icy. I am forwarding his remarks in some detail because I think they should be seriously studied.

2. Barzel said he was known as a friend of the US and of the Atlantic Alliance. Because his attachment to the maintenance of the German-American relationship was so strong, he wished to speak far more plainly than was usual in encounters like this. He had long been a proponent of a flexible and active German-Eastern policy. Indeed, he had taken a considerable political beating for his advanced ideas on this topic in a speech he delivered in New York in 1966.² At the outset of the present government he had, as we know, made a determined effort to a bipartisan approach towards Eastern policy. This was better for Germany and better for the Alliance. He had tried his best to achieve this and had failed. Barzel said he had again and again asked for adequate consultation with the government, on Eastern policy, and had not received it. Brandt had just cancelled an appointment Barzel previously made to see him on March 25. From now on, discussion of this topic would have to be carried out by public means from the rooftops.

3. Barzel said that in recent weeks his own views on this subject had become so determined that he would be prepared to maintain them even if he split the CDU in doing so. If the party rejected them, he would leave active politics. The reason for his change of heart had been his conclusion that the Brandt government was in fact willing to push its policy so far that agreements with the East were in fact possible. But in any event, Barzel continued, his views and those of the party on Eastern policy were the same. The speech he had given in the Bundestag on March 20 in reply to Brandt's report of his meeting with Stoph in Erfurt (Bonn's 3174)³ had been cleared in written form with Kiesinger, Schroeder, Strauss, Gradl and every other top leader of the CDU. CDU party conventions in Baden Wuerttemberg on March 21 and on March 22 in North Rhine Westphalia had unanimously voted to support this position, which should be considered the official CDU view.

4. Barzel said that from today onward, the CDU would continue to support the Kassel meeting with Stoph but would oppose the continuation of the Bahr–Gromyko talks on their present basis and with their present subject matter. This was because the FRG position which was evolving from these talks would if carried in an agreement amount to total capitulation to the Soviet viewpoint across the entire front.

² Reference is to a speech Barzel gave in New York on June 17, 1966, to the American Council on Germany. See Barzel, *Auf dem Drahtseil*, pp. 83–95. The previous day Barzel met President Johnson at the White House, evidently submitting an advance copy of his speech. For a memorandum of the conversation, see *Foreign Relations, 1964–1968*, vol. XV, Document 154.

³ Dated March 23. (National Archives, RG 59, Central Files 1970–73, POL GER E–GER W)

5. Barzel said that, according to their public comments on the subject, the US, UK and French Governments supported this policy. It was difficult to understand the reasons for their support, because what was involved was a change in the European balance of power which would have pronounced effects on the future of Europe. Barzel remarked that he had been active in politics for twenty years, from the thick of the cold war onward. He was by nature optimistic. He had never in the past doubted the future as he did now. A change in the overall nuclear balance between the US and USSR had taken place as was clear from both American and other statements. The discrepancy in favor of the USSR might grow. The US was engaged in internal controversy over its troop commitment in Europe which would apparently bring reductions. These were fundamental facts known to all Europeans. In the FRG talks with Poland, with the Soviet Union and with the GDR, the Brandt government appeared ready to accept the demands of the other side with only minor modifications.

6. Under the present political and military circumstances in Europe, this action would amount to a general accommodation of the USSR by the Western Alliance, with absolutely no recompense in return. The after-effects would be extremely serious. German politics would be split down the middle. A nationalist reaction would develop. From Helsinki to Rome—in every capital in Europe—the Soviet word, Soviet policy, Soviet desires would have more weight. Europe would no longer be assured of its freedom and independence and would come to terms with the Soviets.

7. Barzel said he had no such reservations about the Berlin talks of the Four Powers. If the Western powers wanted to probe Soviet intentions there and made headway, then he was prepared to support the result because this would mean the continuation of the Four Power responsibility for all of Germany and would mean that the Western powers were satisfied they were getting something in return. Barzel asked rhetorically when the US and the Western powers would begin to put the brakes on Brandt's foreign policy. Would they do this on the basis of the clearly defined overall general configuration of the policy which was emerging, as he and the CDU believed should be done, or would they do this only when they were confronted with treaties which had already been worked out. Barzel asked if the Allies had seen the treaty texts which were worked out by the government. He said the CDU had not. When would the Allies draw the line?

8. Barzel said that for its part, the CDU had regretfully but firmly decided it was time to draw the line. The CDU thought the situation of the Brandt government in relation to the Soviets at this juncture was like that between Chamberlain and Hitler. The CDU did not intend to carry out a policy of appeasement. If the government continued on its

present course, the CDU would bring it down. It had the necessary votes to do this if this was the issue posed. It would bring down the government even if its Eastern policy had been supported by the Allies, even though the consequences both for the Alliance and German domestic politics would be most serious.

9. Barzel said he would be glad to go to Washington if there was a desire there to talk about the serious problems he had raised. But we should not believe that if Willy Brandt went to the US, France or England and came back with the endorsement of all three governments, that this would cause the CDU to diminish its opposition to the present course.

10. I replied that the US had a continuing stake in Europe, in Germany and in Berlin, and that what happened there was and would be of great consequence to us. We agreed that the present situation had potential risks, but we had no intention of capitulation to the Soviets and of clearing out and leaving the field for them. What we did have in mind and what we were pursuing, mainly in the SALT talks, was an attempt to maintain the present balance of power at less strain and cost to each side. The Federal Republic had a developed democratic system. We had confidence in the policy outcome of the German political process, of which both the present government and the CDU opposition were integral components. We did not believe the government was being irresponsible and we should continue to maintain a close watch on policy and events as regarded our own interests.

11. *Comment:* Although Barzel was good-humored, it was evident that he was wholly serious in his remarks. They point up a political development which has become increasingly evident here. German Eastern policy was the main foreign policy issue of the 1969 Bundestag election campaign. We expected it to become the main issue between the SPD–FDP and the CDU opposition after the government was formed. This was not the case as rapidly as we had foreseen because Brandt was fairly general in his formulation, except for the two German state theory, and because Barzel had considerable success in his effort, which was not without an aspect of self-interest, to achieve a bipartisan policy in which his voice would be the most important one for the CDU. But now Brandt's policy is taking on a somewhat more specific form and CDU opposition is hardening.

12. The aid and authority of the US has been invoked by both sides since the outset of the new government. Now this problem too is taking on larger dimensions. Brandt's spokesmen are saying they will not decide anything further in Eastern policy until he has talked with President Nixon during Brandt's forthcoming visit to the US. It can be expected that Brandt will hold up any private or public statements of support he receives from the President on the visit as a buckler against the CDU. Barzel and other CDU leaders are telling us with increasing

insistence that we have to stop the SPD before it is too late. Ex-Chancellor Kiesinger will undoubtedly put this point with vigor on his trip to the US in May.⁴

Rush

⁴ According to the President's Daily Diary, Kiesinger met Nixon in the Oval Office on May 19 from 11:19 a.m. to 12:18 p.m. (Ibid., Nixon Presidential Materials, White House Central Files) No record of the discussion has been found. A briefing memorandum from Kissinger to the President is *ibid.*, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Memoranda of the conversation that afternoon between Kiesinger and Rogers are *ibid.*, RG 59, Central Files 1970–73, POL GER W–US.

70. Telegram From the Department of State to the Embassy in Germany¹

Washington, March 25, 1970, 1628Z.

43392. Subj: Brandt Letter of March 22 to President.² Following is translation of letter from Chancellor Brandt delivered at White House March 23:

“Dear Mr. President, Today State Secretary Bahr returned from his exploratory talks in Moscow. He will personally give a detailed report to your Ambassador, as well as to those of France and the UK.³ I would like you to learn right away my principal impression: while we have come closer in some respects, we are still far apart on quite a few points. It appears that the Soviet side will wait for at least the first round of the Four-Power talks on Berlin before deciding on its further course of action. In any case, I have no doubt that the Soviet side sees the Berlin talks and our soundings in East Berlin, Moscow and Warsaw as one.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Exdis. Drafted by Skoug and Thompson on March 24; cleared by Sutterlin, Sonnenfeldt, and Watts; and approved by Hillenbrand. Repeated to London, Moscow, Paris, Berlin, and USNATO.

² Kissinger forwarded an informal translation of the letter in a memorandum for the President on March 25; a notation indicates that Nixon saw the memorandum on March 26. After summarizing the contents of the letter, Kissinger explained: “Since Ambassador Rush is to receive more detailed briefings from the Germans, I have delayed drafting your reply to Brandt for a few days. I shall forward a reply for your approval later this week.” (Ibid., Nixon Presidential Materials, NSC Files, Box 753, President's Correspondence File, Germany, Chancellor Brandt (1969–Apr 70)) For the text of Brandt's letter in German, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 507–508.

³ See Documents 67 and 68.

Your Ambassador has been informed about the meeting that I had last Thursday with East German Premier Stoph in Erfurt. An additional assessment will be delivered in the normal manner.

I cannot underrate the many signs of the bonds that join us which were given to me by the people in the other part of Germany. But these signs are also not to be over-estimated. One must even consider that those circles in the East that fear a consolidation of the GDR will draw back anew.

In material respects the outcome is meager, although I myself had not counted on achieving more than a second meeting—this time in May in the Federal Republic. The East German side insisted with absolute determination—even in the private talks—on its formulation of the recognition question. It concentrated almost completely on the formal adjustment of relations and showed virtually no readiness to go into the real questions. Nevertheless, I should not like to exclude the possibility that some relaxation can be obtained in due course.

My discussion partner showed himself to be particularly uncompromising regarding Berlin. It is all the more important that in the forthcoming discussions of the Three Powers with the Soviet Union that the Eastern side be urged with great vigor to acknowledge the ties which have grown up between West Berlin and the Federal Republic.

I regard it as important for the sake of our contacts with Eastern Europe and with the GDR that we remain in very close touch.

I have informed the President of the French Republic and the Prime Minister of the United Kingdom in the same manner.

I am looking forward to our upcoming conversations in Washington and I thank you for the opportunity to rest up a few days beforehand at Camp David.

Please accept, Mr. President, my very best regards. Willy Brandt."⁴

Rogers

⁴ In his reply to Brandt on March 27, Nixon commented: "Your letter of March 22, 1970 concerning the German talks in Moscow and your meeting with Herr Stoph was of great interest. I appreciate your special effort to keep President Pompidou, Prime Minister Wilson and myself informed of these important developments. Your forthcoming visit to Washington will provide an excellent opportunity for further discussion of these subjects and of others which touch on our mutual interests. The reports I received of your reception in Erfurt were deeply moving. You have often spoken of one German nation. I thought the validity of this concept was well illustrated by those East Germans who were able to gather to greet you. The position taken by Herr Stoph, as you describe it, would indicate that your task will be long and arduous in mitigating the effect of the division of Germany on the German people and on the security of Europe." (National Archives, Nixon Presidential Materials, NSC Files, Box 753, President's Correspondence File, Germany, Chancellor Brandt (1969–Apr 70)) For the full text of the letter, see *Dokumente zur Deutschlandpolitik, 1969–1970*, Nr. 117, pp. 455–456.

71. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, March 25, 1970.

SUBJECT

Consequences of the Recognition of East Germany

There has been an increasing trend in West German policy moving toward recognition of the GDR. It was not too long ago that Bonn insisted on using terms such as “the Soviet occupied Zone” and the “so-called GDR” when referring to East Germany. Brandt has accelerated the rate of change dramatically. He now accepts the existence of two German states based on equal rights. He does assert, however, that these are states “within one German nation,” and that their relationship must be of a special character, not as between two foreign states. Brandt has not recognized that the GDR exists as a foreign state in international law—and he says he will not.

The East Germans have maintained a drumbeat of demands that Bonn extend recognition under international law and accept diplomatic relations between the two Germanies. In his letter to you of March 22,² Brandt noted that at his Erfurt meeting with GDR Premier Stoph, the East German side “persevered resolutely” in its interpretation of the recognition question. The Soviets, of course, lead the other Eastern European nations in pushing the FRG toward recognition of the GDR. Brandt’s negotiator in the FRG–USSR talks in Moscow reported to the Allied Ambassadors on March 24 that a main pressure from Gromyko was for the FRG to accept a definition of its relationship with East Germany not distinguishable from recognition.³ Brandt also feels pressure from within his SPD/FDP coalition to show some early success in his dealings with the East. This pressure will undoubtedly increase as the May 21 date for his second meeting with Stoph approaches—and as

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Secret. Sent for information. A notation on the memorandum indicates the President saw it on April 2. Sonnenfeldt originally raised the subject of recognition of the GDR on February 20 in a memorandum to Kissinger, forwarding the study on legal consequences prepared by the Department of State (see footnote 4 below). On March 16 Kissinger issued the following handwritten instruction: “Send memo to Pres with cover re trends of German policy making this important topic.” (Ibid.) According to another copy, Downey drafted the memorandum on March 25. (Library of Congress, Manuscript Division, Kissinger Papers, CL 289, Memoranda to the President, 1969–74, Mar.–Apr. 1970)

² See Document 70.

³ See Documents 67 and 68.

he nears the June election in Germany's largest industrial state of North-Rhine Westphalia. He may feel compelled to move even closer toward recognition of the GDR.

The impact of this trend on Four Power rights and responsibilities for Berlin and Germany has a new relevance. The FRG has an interest in maintaining at least the symbol of Four Powers rights, since they provide a framework for him to develop the "special" relationship between the FRG and GDR—and it helps diffuse the pressures which would otherwise be directed at Bonn. The Soviets, though insisting on two separate sovereign Germanies, are nevertheless interested in holding on to Four Power rights (not responsibilities) for leverage. The Three Western Allies have their own varying degrees of interest in maintaining all-German rights.

In this light, I thought you might be interested in a study prepared by the State Department on the legal consequences of GDR recognition (Tab B).⁴ Since the study is lengthy, I have attached a summary at Tab A which you may wish to read since the topic is of increasing importance.

Tab A

Paper Prepared by the National Security Council Staff

SUMMARY

General

Legally, recognition of a state normally implies competence as a personality in international law; recognition of a government signifies the regime is the accepted representative of that state. Special types of circumscribed recognition have been created for particular situations, as the recognizing state deems appropriate. While recognition is the expression of intent (and may be inferred), a state may make an express disclaimer of recognition so that actions which might otherwise be equivocal could not be construed as constituting recognition under international law.

FRG Recognition of the GDR

From the many contradictory statements of FRG and GDR spokesmen a concept has been developing that there can be "agreements binding in international law" without either party to the agreement recognizing the other as a state—this is a novel concept insofar as bilateral

⁴ Tab B is a memorandum from Eliot to Kissinger, February 2, enclosing a memorandum prepared by the Office of the Legal Adviser; attached but not printed. Another copy is in the National Archives, RG 59, Central Files 1970–73, POL GER E–GER W.

agreements are concerned. The concept could mean simply that no provision of the agreement violates international law, or that a breach of it would constitute a wrong under international law. The only plausible meaning which would clearly exclude “international recognition” would be if the FRG voluntarily undertook to treat contractual obligations vis-à-vis the GDR just as if they were international obligations, while claiming that it has dealt with an entity other than an international personality, or that the GDR is an international personality but of a limited character.

Effect on Four Power Rights

In strictly legal terms, there is nothing the FRG can do by agreement with the GDR which will abrogate the rights of the Three Powers with respect to the USSR or any part of Germany. As a practical matter, however, recognition of the GDR might leave us in the position of guardian for “Germany as a whole” at a time when all the parts of Germany (except West Berlin) had explicitly renounced the concept of a unitary Germany. FRG acceptance of GDR claims to Berlin would not necessarily follow from recognition, but we should require the FRG to explicitly reserve on this point in connection with any recognition. The FRG is bound under the 1954 Bonn Convention⁵ not to act with respect to Berlin, a peace treaty, or Germany as a whole without express approval of the Three Powers.

Effect of GDR Access to the EEC

To ensure that FRG acceptance of the Treaty of Rome⁶ (EEC) did not contribute to the division of Germany—in light of the EEC common external trade policy—a special Protocol was worked out in which the EEC countries agreed that the application of the Rome Treaty would require no modification of the internal (interzonal) German trade. Thus the FRG was free to regulate its trade with the GDR without EEC control, and GDR goods freely move through the FRG into other EEC states. The prime advantage to the GDR has been access to the FRG for its agricultural products. Obversely, the other EEC states are not pleased that their agricultural exports are thus denied a part of the FRG market. To counter this trade diversion aspect, the FRG has imposed

⁵ Reference is to the Convention on Relations Between the Three Powers and the Federal Republic of Germany, signed in Bonn on May 26, 1952, and amended by the Protocol on Termination of the Occupation Regime in Germany, signed in Paris on October 23, 1954. See *Documents on Germany, 1944–1985*, pp. 379–383, 424–438.

⁶ For text of the Treaty Establishing the European Economic Community, signed in Rome on March 25, 1957, see *American Foreign Policy: Current Documents, 1957*, pp. 426–518.

price equalization on GDR imports equivalent to those prevailing in the FRG.

It is not clear that recognition of the GDR would automatically terminate the applicability of the Protocol by destroying the internal character of interzonal trade. Legally, it would constitute a fundamental change of circumstances which would justify the termination of the Protocol by any of the Parties. As a practical matter, recognition would certainly increase the pressure on the FRG from its EEC partners to apply the common external trade policy to the GDR on the same basis as to any other Eastern European country. In view of the East German interest in this special access to the EEC, the FRG could use—and undoubtedly is using—the possibility of the destruction of this privilege as a bargaining lever in the formation of any new FRG–GDR relationship.

72. Memorandum From the Assistant Secretary of State for European Affairs (Hillenbrand) to Secretary of State Rogers¹

Washington, March 26, 1970.

The leader of the CDU Parliamentary Group in the Bundestag, Rainer Barzel, has expressed in strong terms to Ambassador Rush his party's growing concern over Brandt's Eastern Policy.²

In sum, Barzel contends that Brandt's Moscow negotiator, Bahr, has worked out a potential agreement with the Soviet Union which

¹ Source: Department of State, Bonn Post Files: Lot 72 F 81, POL–FRG/US Relations. Secret. Drafted by Sutterlin. Fessenden wrote on the memorandum: "Important statement of EUR's position, which you may have seen in Wash. Russ."

² For a detailed report on Barzel's concerns, see Document 69. In an intelligence brief to the Secretary on March 26, Director of the Bureau of Intelligence and Research Ray Cline judged that Barzel's approach to Rush was motivated by political considerations, i.e., "to try, on the eve of Brandt's visit to Washington, to keep US support for the FRG's current Ostpolitik to a minimum." "Polls have shown that Brandt's Eastern policy—in particular his successful efforts to begin a dialogue with East Germany—is extremely popular," Cline noted. "Barzel may well calculate that unqualified endorsement of Brandt's policy in Washington, following similar endorsements from Paris and London, would further encourage this trend among the West German electorate and greatly strengthen the SPD in the vital Landtag elections this summer and this fall." Cline also concluded that Barzel was clearly bluffing in his threat to topple the Brandt government, doubting that the opposition had "the means to do it." (National Archives, Nixon Presidential Materials, NSC Files, Box 917, VIP Visits, Chancellor Brandt Visit, April 10–11, 1970 [2 of 3])

would amount to acceptance of the present status quo in Europe on Soviet terms and would result in increased Soviet influence in Europe “from Helsinki to Rome.”

The long existing balance between the US and the USSR in Europe, according to Barzel, would thus be undermined particularly since the new relationship with Moscow would come at a time when, “as Europeans know,” the US is engaged in an internal controversy over its troop commitment in Europe which would apparently bring reductions.

Barzel noted that Washington, London, and Paris have all expressed support for Brandt’s policy. Even if this tripartite endorsement continued, the CDU would pursue its opposition to the government’s plans for an understanding with Moscow. The CDU would not be party to a policy of appeasement and if necessary it could and would bring down the SPD/FDP coalition, Barzel concluded.

Unquestionably Brandt has pushed ahead with his Eastern policy more rapidly than most expected. His basic concept, heavily influenced by his close adviser, Egon Bahr (who has long been distrusted in the CDU), is that by accepting the realities of the current situation in Germany the Federal Republic can in the long run bring about a diminution of the East-West barrier that divides the country. In the process, Brandt believes the Federal Republic can achieve a position of greater influence and independence both in Eastern and Western Europe.

Few in Germany, even in the CDU, quarrel with these objectives. This is a major reason why the CDU until now has not taken strong issue with the government’s Eastern policy. As the talks in Moscow have progressed, however, the question arises in increasingly real terms as to whether and to what extent acceptance of “realities” means acceptance of Soviet demands, and the granting of West German concessions.

This controversy has been inevitable from the formation of the Brandt Government. Brandt clearly was and remains determined to take a new approach to the German question. His government does not wish to be restricted or deterred in its dynamic pursuit of this policy by a requirement for non-partisan agreement. It therefore has rejected CDU overtures for cooperation in a bi-partisan approach.

As this domestic controversy grows, each side is seeking to enlist the support of the US Government. Brandt needs it to defend himself against CDU attacks that his policy is costing the Federal Republic the basis of its security. The CDU needs American support since without it its accusations against the government will be unconvincing to a large segment of the German population.

Under the circumstances the US will need to keep in mind (a) what our objectives and interests are which could be affected by Brandt’s policy in the East and (b) what course domestic developments are likely to take in the FRG.

It seems to me that our first objective is to ensure the continued association of the FRG with NATO and the US. The question is can we better assure this by objecting to or supporting Brandt's Eastern policy.

I believe that over the long run we are bound to lose if the German Government concludes that its loyalty to the West is preventing progress in eliminating the division between East and West Germany. We need always to show by our actions that a defense partnership with us does not inhibit efforts by Bonn to ameliorate the conditions of life for the German people. There has been nothing to suggest that the present German Government dismisses the importance for its security of the Alliance or of partnership with the United States.

We must also consider whether the "concessions" offered by the FRG to the East conflict with US interests.

These concessions could include enhancement and possible recognition—in some form—of the GDR; acceptance, under an appropriate legal formula, of the present borders of Germany including the border between the FRG and the GDR; UN membership for the GDR (together with the FRG), presumably to be followed by GDR membership in other relevant international organizations; FRG ratification of the NPT; and possible FRG encouragement of a conference on European security.

None of these in themselves would seem to be contrary to fundamental US interests. A new relationship with the GDR based on its sovereignty as a state, however, could raise questions concerning Four Power responsibility for Germany as a whole and might, under certain circumstances, prejudice the tripartite position in Berlin.

Therefore we shall need to watch this area closely and insist, perhaps even more strongly than we have thus far, that the German Government consult with us in advance before making proposals to the East.

As far as domestic developments in the FRG are concerned we are inclined to doubt that Barzel could make good on his threat to bring down the present government. From all indications Brandt has the support of the great majority in West Germany for his Eastern initiatives.

The CDU can inhibit the policy insofar as agreements reached with the East would require a constitutional change or approval in the Upper House of Parliament. A CDU Chancellor, while not outside the realm of possibility, seems unlikely in the next three years. If the FDP (the minor coalition partner) should disintegrate, it would most probably be for reasons other than Eastern policy.

In summary, we believe we should: a) continue to support the concept of Brandt's Eastern policy; b) examine on a continuing basis its details from the point of view of US interests, applying the brakes now and again if necessary; c) proceed on the assumption that the SPD government is the Government with which we have presently to deal despite CDU threats.

73. **Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon**¹

Washington, March 26, 1970.

SUBJECT

Four Power Talks on Berlin

The first session of the Quadripartite talks on Berlin will take place on Thursday, March 26. Secretary Rogers sent over for your approval the text of the opening statement by Ambassador Rush (Tab A).² Since the statement was in full conformity with the position already approved by you, and in view of the urgent time pressure, I felt it was not necessary to take your time in approving this specific statement.³ These opening remarks by Ambassador Rush, agreed with the FRG, UK and French, contain the following points:

—we have welcomed and permitted the establishment of economic, social, juridical and monetary ties between the FRG and West Berlin, although we continue to prohibit the incorporation of West Berlin into the FRG's political structure;

—we seek improvements in three areas: (a) freer communication between the two parts of Berlin, (b) procedures for assuring the free movement of German traffic between Berlin and the FRG, and (c) an end to the restrictions on West Berlin's trade and travel in the Eastern European countries.

In reaching Western agreement on the text, one substantive point of difference arose. We and the FRG desired to propose to the Soviets that German representatives from East and West Germany and both parts of Berlin be authorized to consider questions relating to access to Berlin and intra-Berlin communications. The French and British, how-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret. Sent for information. No drafting information appears on the memorandum. Sonnenfeldt forwarded the memorandum to Kissinger on March 25. (Ibid.)

² Tab A is a memorandum from Rogers to the President, March 24; attached but not printed. Another copy is *ibid.*, RG 59, Central Files 1970-73, POL 38-6.

³ Upon receiving Rogers' memorandum, Kissinger instructed his staff to "be sure you move paper to SecState immediately." (Memorandum from Sonnenfeldt to Kissinger, March 24; *ibid.*, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II) Lord informed the Department of State on March 24 that the opening statement had been "approved by the President." (Notation on memorandum from Rogers to the President, March 24; *ibid.*, RG 59, Central Files 1970-73, POL 38-6) Kissinger, in addition, formally notified Rogers in an undated memorandum: "The recommendations contained in your memorandum of March 24 have been approved. The President will be interested in your assessment of the first session of the talks, and wishes to review any substantial modifications of the position approved on March 13." (Ibid.)

ever, opposed this approach. They considered that the Western side should not propose—at least at the first session—involving Germans in matters falling within the responsibility of the Four Powers. In the face of their firm position, we agreed to drop this point.

We shall propose that the second session of the Four Powers talks be held on April 21—following Chancellor Brandt's visit to Washington. I have suggested to Secretary Rogers that you would be interested in his assessment of the results of the first session and would wish to review any substantial modifications of the US position you previously approved.⁴

⁴ No assessment from Rogers to Nixon has been found. In telegram 487 from Berlin, March 27, the Mission reported: "First meeting of quadripartite talks on Berlin produced no surprises. Atmosphere was congenial and Soviets were on best behavior." (Ibid., POL 28 GER B) The Mission forwarded an informal translation of Abrasimov's opening remarks in telegram 478 from Berlin, March 26. (Ibid.) The Soviet and Allied Ambassadors agreed to meet again on April 28. For a published account of the meeting, see Sutterlin and Klein, *Berlin*, pp. 123–125.

74. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, April 7, 1970.

SUBJECT

Bonn Negotiations with the East

As background for the Chancellor's visit, I thought you would be interested in a review of the status of West Germany's negotiations with the USSR, Poland and East Germany and the evaluation the Germans have made of these talks. The second phase of the Soviet and Polish

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Secret. Sent for information. According to another copy, Hyland drafted the memorandum on April 3. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 289, Memoranda to the President, 1969–74, Mar.–Apr. 1970) In an April 3 memorandum to Kissinger, Sonnenfeldt explained that he had prepared another "status report" for the President on Ostpolitik (see Document 63), covering the recent negotiations in Moscow and Warsaw as well as the meeting in Erfurt. Sonnenfeldt added: "In substance, however, not much has changed." (National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV)

talks was concluded in late March, and will probably resume in late April, and Brandt will meet with the East German Premier Stoph on May 21, this time in the West German city of Kassel.

The Soviet Talks

The discussion between Egon Bahr and Gromyko ended on March 21 with a short communiqué stating that both sides would report to their governments to decide how further discussions would continue “in the interest of achieving a relaxation of tension on the basis of the status quo in Europe.”²

In effect, this means that little progress was made on the major issues. The Soviets continue to insist that the West Germans respect *all* existing frontiers, with specific mention of the Oder-Neisse and East-West German borders. At the same time the Soviets reject any offsetting qualification that reunification of Germany would be the aim of “normalizing” relations.

Bonn has also resisted a Soviet demand for a pledge not to interfere in East German affairs, because this too might be interpreted as an abandonment of the ultimate goal of unification. Similarly, Bonn has opposed Soviet insistence that any treaty between West and East Germany have the status of international law, which would undermine Brandt’s philosophical position that East Germany cannot be regarded as a “foreign” state.

In other words the Soviets are still pressing for a comprehensive German acceptance of the territorial and political status quo, which Bonn will not do, at least without some compensation in terms of Soviet acceptance of the Brandt concept of one “German nation.”

Initially the Germans were somewhat optimistic; they were impressed with some of the superficial aspects of the talks—that Gromyko himself has participated in almost all the sessions, and that Kosygin also listened intently to Bahr presentations. In addition, the Germans claim to have reports that the Soviet Politburo devoted a lengthy session to the German question. Bahr claims that his interventions with Gromyko also resulted in pressure on the East Germans to agree to the Erfurt meeting between Brandt and Stoph. Basically, of course, the Germans have been encouraged by their own estimate that Soviet problems with China will eventually produce significant pressure for a stabilization of relations in Europe.

More recently the Germans have taken a more sober view. The Soviet position has softened very little since the opening sessions. The demands are much the same—except for Soviet willingness to drop its

² For text of the communiqué, see Meissner, ed., *Moskau-Bonn*, vol. 2, p. 1212.

proposals for a recognition of West Berlin's borders (probably because the Berlin issue has now shifted to the talks with the three Western powers). In terms of pressure, it would appear that the Germans are coming under more immediate political pressure to demonstrate some success than the Soviets who seem in no special hurry to reach agreement.

In his letter to you³ the Chancellor noted some narrowing of differences, but indicated that the two sides remained apart on many points. Other reports we have received of Brandt's attitude suggest that he is not overly optimistic, but determined to pursue the issues further. The latest German foreign office assessment was equivocal; the chances for "serious" negotiations were rated about even.

One factor is the West German hope that their task might be significantly eased if NATO were more forthcoming on a European Security conference. Accordingly, Bonn hopes to press for a "positive" signal to the Soviets, and use this to convince Gromyko that the success of the Moscow talks will improve the chances for a multilateral conference on European security.

Though we have been briefed on all the exchanges, the Germans have been negotiating on three "non-papers" handed to the Soviets but never mentioned to us in any way. These papers include the preamble and text of a renunciation of force agreement, and an understanding on Soviet-German relations.

(At Tab A is a CIA analysis of the Moscow talks.)⁴

The Warsaw Talks

The second round did not indicate any further movement, even though there has been an exchange of draft agreements. The Poles are sticking hard on their demand for an unqualified recognition of the Oder-Neisse border. And the Germans are still hoping to persuade them that "respect" for this boundary is all that can reasonably be achieved because of the reservations on a final settlement imposed by the Potsdam agreements.

The talks will resume on April 22. The Germans still feel there is room for maneuver and negotiation, and that a compromise formula

³ See Document 70.

⁴ Tab A, attached but not printed, is an April 3 intelligence memorandum prepared in the CIA entitled: "The Gromyko-Bahr Talks: An Exploration of the Possible." The summary of the memorandum reads: "West German-Soviet political talks, which began last December, recessed on 21 March after each side had exhaustively probed the other's positions. The ostensible purpose of the meetings was to discover whether the two could conclude a renunciation-of-force agreement. The real issue, however was the extent to which West Germany accepts the European status quo. The West Germans expect that the discussion will be renewed in mid-May but believe that either Moscow or Bonn will have to make basic political concessions if the prospects for negotiating a treaty draft are to improve."

can be found. They hope to negotiate a “package” in which a compromise on the border would be accompanied by “progressive normalization” of relations, i.e., extended cultural, trade and economic arrangements. The Germans are counting on Polish interest in large German economic credits to tilt the negotiations in their favor.

The Poles have told us that they do not regard the talks as at an impasse, and have some hopes that an acceptable formula can be found on the border question. They have shown considerable interest in gaining our support for an unconditional recognition of the Oder-Neisse.

The Brandt–Stoph Meeting

As the Chancellor has already indicated to you in his letter, he was impressed with the popular reaction to his presence in East Germany, but on the substance of the talks little was achieved. The East German Premier was adamant on the need for immediate recognition of his government, as well as its admission to all international organizations. He set forth a long list of immediate demands, including UN membership and recognition of West Berlin as an independent political entity. Brandt carefully spelled out his concept of a special relationship between the two Germanys but without success. While Bonn had hoped that some working groups might be established to deal with bilateral subjects such as cultural exchanges, Stoph objected, and proposed that basic issues be settled first. Thus, the second meeting will not benefit from any interim contacts at a lower level.

Brandt believes he made it clear, however, that three areas of discussion are vital: discussion of relations between the two states, discussion of communications, and discussion of means to alleviate the obstacles to human contacts. In his letter to you he described the results as “meagre,” but did not exclude that a few openings could be developed.

The Outlook

In his report to his party leadership the Chancellor indicated that the three sets of talks were interdependent. While he said Bonn’s basic position was grounded in its commitment to the Western Alliance and European institutions, the West Germans needed to convince their Allies, especially the United States, of the need for an East-West settlement. Only through a new relationship between Bonn and Eastern Europe and the USSR could the West Germans hope to contain the influence of the East German regime. Though they do not state it openly, the West Germans apparently have concluded that by accepting the status quo in most important respects, and thereby conciliating the Soviet Union, they can then proceed to work on some rapprochement with the East Germans in which the “natural assets” of West Germany’s superior position would finally prevail.

Brandt obviously considers his Washington visit a key factor in preparing for the next phase of Eastern negotiations. He wants a clear endorsement of his approach, not only to strengthen his negotiating position but also to counter the increasingly sharp criticism that is developing from the Christian Democratic Party. In taking aim on Brandt's conduct of Eastern policy, the CDU also has recently tried to enlist our support to halt what one CDU leader described as a "total capitulation." In short, there is some danger that we are becoming the object of an internal West German political battle. *This suggests that any endorsement we give Brandt should be no more than general support for the improvement of the FRG's relations with the East—without approving specific FRG moves.*

75. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, April 7, 1970.

SUBJECT

Your Lunch with Egon Bahr, April 8, 1970

Bahr's negotiations in Moscow and Ostpolitik in general will presumably take up much of your conversations. While we have a fairly good idea of the outlines of these negotiations, there are disturbing reports that indicate we may have not been informed on some aspects. In listening to Bahr's explanations you might want to keep in mind some of the points below.

Interdependence

The three negotiations with Moscow, Warsaw and the GDR are linked and overlap to a great extent:

—the Soviets are making demands in their talks that would clearly determine the outcome of the other talks;

—how does the Brandt government expect to play all three? Will the Soviet negotiations be the governing factor?

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Secret; Nodis. Sent for information. Copies were sent to Haig and Lord. A stamped notation indicates that Kissinger saw the memorandum.

—why not concentrate on the Polish talks where the issue is less complicated?

The Soviet Talks

The Germans, including Bahr, have been vague in their explanation of Soviet motives in reaching any agreement with Bonn at this time, especially if Soviet concessions are involved.

—Bahr keeps hinting at some split in the politburo on Germany; while there may be serious trouble, we have no evidence that the German policy is at issue;

—Bahr presumably will cite the China problem; but this has been a factor for several years and would not in itself be a sufficient motive for a major change in Moscow's German policy.

If the talks are protracted as Bahr fears, will the pressure grow on Bonn to make further concessions to achieve a success; would the Soviets count on something like this? How will increasing internal pressures from the CDU affect the negotiation?

Reports² [*less than 1 line not declassified*] indicate that the negotiations may have gone further than admitted by Bonn officially to the US. For example, Bahr claims credit for getting Gromyko to force Stoph to meet with Brandt in March but no report of this was made to us. It also is reported that there has been an exchange of "non-papers"; a preamble and the text of an agreement on renunciation of force agreement plus a third document on Soviet-West German relations. If this is so, the negotiations have gone into more detail than we have realized.

Bahr will probably list these major areas of disagreement:

1. The formula for renouncing any change in borders; the Soviets are demanding specific mention of the Oder-Neisse and the GDR border:

—How does Bonn propose to get around this? And what concession would the Soviets require for dropping their conditions?

2. The Inner German Relationship:

—A pledge of non-interference or something similar is likely to be a sticking point with the Soviets to head off any hint that they have acknowledged the right to unification;

—Indeed, the underlying Soviet scheme seems to be to build a record of points that confirm the juridical division of Germany;

—How does Bonn propose to deal with this basic approach?

3. Berlin:

—Though Bahr has claimed that he shut off discussion of this issue, there are some reports [*less than 1 line not declassified*] that raise doubts.

² Not further identified.

It is entirely possible that Bahr has continued to talk about Berlin with Gromyko in an effort to reach at least a tacit understanding. Thus, one report claims that Brandt, to Bahr's amazement, wanted him to press for inclusion of Berlin in a renunciation of force agreement.

—The main point to explore may be how Bahr conceives the four-power Berlin talks will fit into his Moscow negotiations and the Brandt–Stoph talks;

—At this point it is difficult to understand how they do, unless the Germans expect their concessions on activities in Berlin will facilitate their own negotiations in Moscow.

European Security and Balanced Force Reductions

Both of these issues have been discussed with Gromyko but the reporting to us is very sketchy. Bahr has claimed that the Soviets have shown a great interest in regional arms limitations, but this may be self-serving since Bonn has now adopted the idea of balanced force reductions as the chief means to “reduce tensions” (Viz. your conversation with Schmidt).³ The Germans have assumed that we favor balanced force reductions, and they also see it as a means to delay any unilateral force reductions. Moreover, to move ahead on European security would placate the Soviets and ease Bahr's chances of gaining some agreement. The Germans now fear we are lukewarm, and cause them significant problems; the Germans will believe we are indirectly undermining the policy.

—You might want to explore this from the standpoint of whether this is a vicious circle: the German-Soviet negotiations should progress before moving toward multilateral negotiations, but the Germans believe the Moscow talks will be stalled until there is movement toward the Soviet position on a security conference;

—The net effect is to increase pressures on the Germans all along the line. (Note: Schmidt, however, denied that MBFR should be seen in the context of a Security Conference.)

The CDU Opposition and Our Role

Bahr does not know, of course, of Barzel's lengthy conversations with Ambassador Rush and his indirect request for our intervention to put the brakes on Brandt's policy.⁴ He probably is generally aware, however, that the CDU is trying to enlist our support. The Germans are also becoming sensitive to French reservations about Ostpolitik. Thus, Bahr will be looking for any nuances that support his position.

³ Kissinger met Schmidt for lunch at the German Embassy on April 7. Sonnenfeldt prepared a memorandum of conversation on April 9. (National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV)

⁴ See Documents 69 and 72.

Moreover, Bonn probably has perceived some shades of difference between State, on the one hand, and the White House on the other. State does in fact want to be more forthcoming in endorsing Brandt's Ostpolitik.

You may wish to emphasize the following points:

—We can give general support to the normalization of the FRG's relations with the East, as the President did in his foreign policy report to the Congress;⁵

—We cannot be expected to be associated with all the specific elements, or the precise timing.

(Note: If you wish to apply a polite needle, you might point out that we have been informed on most of the details, but we have not been asked to consult in the true sense of the word nor given the texts exchanged in the Polish talks or the Moscow conversations.)

(At Tab A is a copy of an earlier memo rounding up the various negotiations.)⁶

⁵ Reference is to the "First Annual Report to the Congress on United States Foreign Policy for the 1970's," delivered on February 18, 1970. See *Public Papers: Nixon, 1970*, pp. 114–190.

⁶ Document 63.

76. Memorandum for the Record¹

Washington, April 8, 1970.

SUBJECT

Luncheon Conversation Between Henry Kissinger and Egon Bahr, April 8, 1970

At lunch, Bahr began by giving his general impressions of Moscow and Soviet working habits and style. He noted the slowness with which the Soviets move, Gromyko's frequent delays in order to obtain instructions, the probability that everything has to be decided on by all Politbureau members, etc.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV. Secret; Nodis. Sent for information. Drafted by Sonnenfeldt. Copies were sent to Haig and Lord. Kissinger initialed the memorandum, indicating that he approved it.

Bahr felt that the basic Soviet motivation in dealing with the FRG is to get peace and quiet in the West because of the Chinese problem. Bahr recounted instances of Soviet concern and sensitivity about China which he encountered while in Moscow. At the same time, Bahr felt the Soviets had few coherent ideas on how to deal with the China problem. Mr. Kissinger concurred in the view that the Soviets were deeply disturbed by China.

Bahr then recounted the general course of his talks with Gromyko. He said, in reply to a question, that no papers were being exchanged but that he and Gromyko were each holding in writing formulations that had been discussed. There were three of these as far as the renunciation of force agreement is concerned. The first formulation dealt with renunciation of force itself; the second with "respect" for (not recognition of) all European frontiers and the third with the proposition that the agreement would not have any effect on the bilateral or multilateral treaties which either party had with third parties. The last point was designed to preserve intact the four-power status of Germany as a whole and of Berlin. Bahr noted that no agreement had been reached on Germany's insistence that the Soviets explicitly accept the FRG's commitment to reunification as their ultimate goal. The idea of this proposal is to prevent later Soviet claims that the reunification goal contravenes the other clauses. The first point involves a commitment by each side that their relations will be based on Article II of the UN Charter. In the German view this vitiates Soviet intervention claims under Articles 53 and 107.

Bahr said he talked about Berlin a good deal but only by giving his views not in terms of negotiation. The latter could only be done by the four powers. Bahr stressed German need for progress on Berlin as a crucial element in their Eastern Policy. They want a package whereby the four powers would authorize FRG–GDR negotiations on improving access modalities, the FRG would represent West Berlin in foreign affairs and the FRG would then reduce the official activities of its constitutional organs in West Berlin.

Bahr said Brandt would be asking the President to consider a reaffirmation by the Three Allies together with the FRG of the validity of the Paris Agreements² and other valid agreements. This would be issued simultaneously with the completion of a Soviet-German agreement.

In response to Mr. Kissinger's question as to what the Germans expected from the Soviets in return for giving them peace and quiet in the West, Bahr indicated that he was looking for a response mainly in

² Reference is to the Protocol on Termination of the Occupation Regime in Germany, signed in Paris on October 23, 1954; see *Documents on Germany, 1944–1985*, pp. 424–438.

the area of GDR–FRG relations. That is, the Soviets would exert pressure on Ulbricht to work toward normalization of relations, including improvements on Berlin access. Bahr stressed at various points that the FRG will not grant international recognition to the GDR to exchange Ambassadors and that normalization would have to occur within those limits. This German position is, of course, a consequence of maintaining unification as an eventual goal. Bahr stressed, and recounted several examples from his talks in Moscow, how he had insisted on the “special” nature of the FRG–GDR relationship. He said he illustrated his point by citing relationships among Soviet republics that are UN members (Ukraine and Byelorussia).

Bahr recounted what he construes to have been the Soviet role in bringing about the Erfurt meeting between Brandt and Stoph over East German objections. He noted his impression that the GDR had not kept the Soviets fully informed of the FRG–GDR preliminary talks and had been rather taken aback when he, Bahr, had given them a complete read-out. In this way the Soviets had discovered East German obstructionism and moved in to unblock the talks. (Bahr recounted instances of boorishness by East Germans in the USSR.)

Bahr gave the German position in favor of stronger NATO signal on MBFR in May. He agreed that more Western substantive homework is needed, however. He denied that the Germans envisage MBFR as an agenda item for a European conference; they want it to stand on its own merits.

On Offset, Bahr stressed the need for early renegotiation of the present agreement. He was skeptical about burden-sharing. Mr. Kissinger stressed that we would exert no pressure and that there was no need to begin negotiations on Offset now. Mr. Kissinger noted that there has been no decision on US troop cuts and that the President’s reference, in his Report to the Congress,³ to our maintaining our forces through mid-1971 did not mean there would be cuts thereafter. He referred to the proposed NATO Review of Strategy as the means for considering the question of force contributions by the allies. Bahr said Germany could not increase its forces in any case.

It was agreed that there would be no communiqué at the end of the Brandt visit.

Mr. Kissinger stressed the need for cooperation between the German and US press officers so that the unfortunate incidents of previous occasions would not be repeated. Mr. Kissinger stressed that Ziegler must be the one who reports on what the President says. Bahr said he understood.

³ See footnote 5, Document 75.

It was agreed that Bahr would accompany Mr. Kissinger to Camp David by helicopter the following day.

Bahr reported that a Soviet, who might have been talking out of turn, told him there were 6000 Egyptians in training in the USSR every six months on “rockets.” The training area seemed to be near the Caspian. Bahr said he could not tell whether this referred to SAMs or other rockets.

Bahr referred to Israeli approaches to the FRG concerning the possibility of the FRG making available German funds held by the US as part of Offset for Israeli arms purchases in the US. It was agreed that this should not be pursued unless the FRG itself felt it wished to do so. It was agreed that this would not be raised with the President by Brandt.

HS

77. Memorandum From the President’s Assistant for National Security Affairs (Kissinger) to Secretary of State Rogers¹

Washington, April 8, 1970.

SUBJECT

The Eastern Policy of the Federal Republic of Germany

In his talks with Chancellor Brandt, the President plans to take the following general line on the subject of “Ostpolitik” which should also

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER E–GER W. Secret. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft to Kissinger on April 7 and Kissinger made several minor revisions before signing it. (Memorandum from Sonnenfeldt to Kissinger, April 7; *ibid.*, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. IV) In an April 3 memorandum to Kissinger, Sonnenfeldt explained the need for guidance on handling of Ostpolitik during the Brandt visit: “I want to be sure that you focus on the problem I have alluded to several times in my memoranda on Germany: the difference between the White House and the State Department on how to talk about Ostpolitik. There can be little doubt that State prefers (indeed has several times given) strong endorsement of the whole German approach, with only the caveat that no Allied interests be compromised and there be timely consultation. To avoid the Germans getting an impression of differences, and perhaps manipulating them, I believe it is essential that a general line be laid down before the Brandt visit.” (*Ibid.*, Box 917, VIP Visits, Chancellor Brandt Visit, April 10–11, 1970 [1 of 3]) According to Sutterlin, the memorandum from Kissinger to Rogers “reflected White House thinking that the United States should not become too associated with the SPD.” (Sutterlin and Klein, *Berlin*, p. 101)

serve as guidance for U.S. officials who talk with the Germans on this subject.

1. As stated in the President's Report to the Congress of February 18, 1970, the U.S. endorses the objective of a normalization of the FRG's relations with the East.

2. We appreciate the extent to which the Germans have kept us and the other Allies informed to date, and we expect them to consult with us fully and in advance on a continuing basis as their policy reaches critical stages. This naturally applies with special force to those aspects of the Eastern policy that relate to U.S. rights and responsibilities for Berlin and Germany as a whole.

3. Since it is not in our interests to be drawn into German domestic disputes on Eastern policy, the President does not intend either to endorse or to oppose those aspects of this policy which do not relate directly to our rights and responsibilities.

4. Similarly, he plans not to reach a decision on whether to endorse or oppose any particular strategy or specific timing and tactic which affects directly our rights and responsibilities until it has been the subject of explicit consultation.

Henry A. Kissinger

78. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, April 9, 1970.

SUBJECT

Your Meetings with Chancellor Brandt, April 10–11, 1970

You are scheduled to meet with the Chancellor immediately after the arrival ceremony on Friday, beginning about 10:30 a.m. until a little after noon. (He then has a commitment at the National Press Club.) You will then have a final meeting on Saturday from 9:30 a.m. until about 10:15 when he is to leave for the Apollo 13 launch at Cape Kennedy. You will also see him at the White Tie dinner on Friday night.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 917, VIP Visits, Chancellor Brandt Visit, April 10–11, 1970 [1 of 3]. Secret; Sensitive; Nodis. Sent for information. No drafting information appears on the memorandum.

Points for your arrival statement and your dinner toast will be sent to you separately.

Background and Setting

You twice saw Brandt last year when he was Foreign Minister in the Kiesinger coalition government—when you visited Bonn and when he was here for the NATO meeting in April 1969. You had originally invited him to come here shortly after he became Chancellor but he preferred to wait several months. The delay was undoubtedly related to his desire to establish himself fully as head of government and not appear to be “running to Washington.”

Meanwhile, he has successfully managed the first party switch-over in the Chancellorship since the FRG was founded in 1949. This was a substantial political and psychological achievement given the fact that the SPD remains a minority party and that, with the FDP, he has only a tiny majority in the Bundestag. This majority is still under threat if the small FDP should fall apart.

Meanwhile, also, Brandt has set in train a series of interrelated policies toward both the East and West; his political life depends in important measure (though not exclusively) on his ability to manage these complex policies.

Brandt maintains that he is solidly anchored in the Western alliance and the Common Market and that what he seeks in the East is only “normalization” and not some basic reorientation in German alignment. Nevertheless, his Eastern Policy (“Ostpolitik”) has drawn most attention, caused the toughest opposition at home—though there is currently a substantial popular majority in his favor—and raised the most suspicion among his allies, especially the French. Few people, either inside Germany or abroad, see Brandt as selling out to the East; what worries people is whether he can control what he has started.

For Brandt his US trip and meetings with you are important because they will establish him in the same league as previous Chancellors and as such Western leaders as Wilson and Pompidou. Beyond that, however, Brandt sees his relationship with the US and our policies as crucial elements determining his own success or failure.

Brandt has several concerns or fears about the US. His main current worry is that we will reduce our troops in Europe. He sees these troops as vital to the strength of the Alliance which in turn is the basis on which he wants to conduct his Eastern policy. He fears that if the Soviets see the US as withdrawing and the Alliance as disintegrating, the Soviets will simply sit back and not negotiate seriously with the FRG about the kind of normalization which Brandt thinks will mitigate the division of Germany.

Related to his concern about our troop levels is his fear that we will demand heavy German financial support as the price for keeping our troops in Europe. This worries him not only because the German budget is taut but because such an arrangement would look like he was paying us money so that he can conduct his Ostpolitik.

Again, stemming from his worry about our troops, Brandt is eager that we agree to enter negotiations with the USSR on mutual troop reductions in Central Europe. He believes—as do many people in Washington—that such an offer would take the wind out of Senator Mansfield’s sails (although, in fact, the Senator wants our troops reduced whether or not the Soviets cut theirs). He also wants to have the Soviets believe that there will be no unilateral US reductions but only agreed and reciprocal ones.² Brandt also feels that such a proposal would be a constructive response to Eastern pressure for a European Security conference.

Part of Brandt’s worry list has to do with Berlin. He recognizes that the success of his Ostpolitik will be measured importantly in terms of what it accomplishes for West Berlin’s viability. For this reason the FRG has been in the forefront of those pressing for the recently begun talks between the three Western powers and the Soviets. While wanting to maintain fully the four-power status of Berlin, the Germans want the four powers to provide an umbrella for FRG–GDR talks on improving access to and movements within the city.

While pressing ahead with his normalization policies toward the East, Brandt has also been active in the West, pressing for enlargement of the Common Market and for improvements within it.³ He has been worried about friction between the US and the Common Market—again, in part, because he feels this undermines his strength in dealing with the East—and favors a US-Common Market commission⁴ to iron out issues that have arisen (mostly having to do with the Communities’ preferential trade agreements and its internal agricultural policies).

Altogether, therefore, Brandt has a heavy budget of issues on which he seeks reassurance, together with others—such as SALT, Vietnam, the Middle East and, currently, the murder of the German Ambassador to Guatemala—which he wishes to discuss with you. Rightly or wrongly, the Germans see the Brandt visit as a, if not *the*, major event in Brandt’s tenure as Chancellor thus far because to them Washington is the key to almost everything the Germans are attempting to do in the international arena.

² Nixon underlined most of this sentence.

³ Nixon underlined most of this sentence.

⁴ Nixon underlined the phrase “US-Common Market commission.”

Your Objectives

In this situation your purpose will be

- to allow a far-ranging discussion of the issues that concern Brandt;
- to affirm that a solid and frank working relationship exists between the two governments;
- to provide Brandt with general reassurance of your understanding and support (for, in the end, the Germans remain fundamentally uncertain and insecure and, regardless of who is in power in Bonn, need a sense of understanding with Washington);
- at the same time, to avoid identification with specific elements of German Eastern policy so that we do not end up in the crossfire of German domestic politics;
- to encourage Brandt in pursuing his *Western* policy.

Particular Points to Emphasize or be Alert to

Detailed talking points, incorporating recommendations by Secretary Rogers, are at Tab A.⁵

1. US Troops in Europe.

The Germans are almost convinced that sooner or later there will be a reduction of US forces in Europe. They acknowledge that you have made no decision to reduce but they have interpreted our statements that we will maintain our forces intact until mid-1971 as meaning that we intend to cut them thereafter. *You may wish to stress that*

- we are serious in wanting the future of NATO strategy and forces examined within the Alliance and have no intention to confront the Europeans with an accomplished fact;
- we should then decide together whether, within an agreed strategic concept, the contributions of the several Allies are in the right proportion;
- the US is still conducting its own internal studies.

2. Offset and Budget Support

The Germans recognize the need for offsetting the balance of payment outflows produced by the stationing of our forces in Germany, but they have begun to say that it will be much harder for them to

⁵ Attached at Tab A but not printed is an April 3 memorandum from Rogers to the President providing “perspectives” on the Brandt visit and including an enclosed set of talking points. Another copy is in the National Archives, RG 59, Central Files 1970–73, POL 7 GER W. Rogers suggested that “our principal objective for the visit will be to leave no doubt in Brandt’s mind that an intimate, forthright relationship between our two governments has equal importance for the United States.” Among the specific objectives, Rogers recommended that the administration “demonstrate that we are working as closely and as successfully with the SPD-led government, as we did with its CDU predecessors” and “reaffirm American support for the FRG’s efforts to strengthen and enlarge the European community in the West and to reduce tension through patient negotiations in the East.”

purchase US arms in the seventies because their need for such arms is declining. They are more concerned about intimations, including by Senator Percy, that we will ask for budgetary support. Brandt has indicated some willingness to consider this but the idea is highly controversial in Germany. *You may wish to make the point that*

- you have no intention to pressure Brandt for decisions now;
- that both of us should look at the financial problems without publicity and fanfare over the next several months;
- that in the fall we should perhaps begin considering the issues;
- but that in any case financial arrangements should be related to the Review of Strategy and Forces to be undertaken within NATO later this year.

3. *Mutual and Balanced Force Reductions (“MBFR”)*

As noted above, Brandt will seek your agreement to a more explicit Western proposal to the East that there be negotiations on reciprocal force reductions in Central Europe.⁶ No one believes there is much prospect of success; the topic is in some ways more complex than SALT because of the major asymmetries between the two sides (e.g., the fact that we would withdraw back to the US while the Soviets would only pull back some hundreds of miles; or that Soviet forces in Eastern Europe are partly there for internal security reasons). But Brandt feels that a US commitment to *mutual* reductions with the East will reduce the danger of unilateral US cuts.⁷ *You may wish to say that*

- you understand Brandt’s arguments;
- that the subject is extremely complex and that we should make sure that before entering negotiations we know where we are headed;
- but that you will consider supporting a more explicit “signal” to the East of our interest in talks on this subject.

4. *Ostpolitik*

Brandt will wish to give you an account of what has happened so far and what his objectives and expectations are. He has said to others that he has no great hopes for progress. Brandt will seek your endorsement of his policy in part to use it politically against those in the CDU who oppose it. *You may wish to*

- give him the opportunity to set forth his views;
- generally endorse the objective of more normal relations between the FRG and the East;⁸
- express appreciation for Brandt’s keeping us and the other Allies informed;
- express confidence that Brandt will move cautiously.

⁶ Nixon underlined the phrase “reciprocal force reductions in Central Europe.”

⁷ Nixon underlined most of this sentence.

⁸ Nixon underlined this point.

5. A New FRG-Western Agreement

The Germans have advanced a proposal to the Soviets that any agreement between the FRG and the USSR would not affect the treaties that each of them may have with third parties. The intent is to leave four power rights and responsibilities for Germany as a whole and for Berlin intact and to deny the Soviets any legal right to challenge the FRG's treaties with the Western powers. Brandt may suggest that simultaneously with any FRG-Soviet agreement or renunciation of force, the Western powers and the FRG issue a joint declaration reaffirming the validity of past treaties between them.⁹ This proposal will have to be examined by legal experts: *you may want to say, if Brandt raises the subject that*

- the Germans should raise the idea formally with the Allies when the time is ripe;
- we will meanwhile be prepared to examine it.

6. Berlin

Brandt wishes the Western powers to get an agreement with the Soviets that the FRG and GDR should work out ways of improving access. Brandt is willing to reduce the FRG's political presence in West Berlin provided the Soviets accept a substantial FRG link to the city. (The French want to maintain sole four power responsibility which they feel would be weakened by FRG–GDR dealings.) *You may want to note that*

- as you noted when you were in Berlin, you favor getting improvements in the situation there;
- you understand the German position and will seek to meet it as far as possible;
- basically, you are not too optimistic that the Soviets and East Germans will be very forthcoming.

7. Common Market

Brandt has advanced the idea of US-Common Market Commission to work out problems. This stems partly from German concern with some recent speeches by US officials who were critical of the Common Market's preferential commercial agreements with non-members.¹⁰ *You may simply want to note that*

- these speeches do not reflect your own views;
- that the idea of a Commission to deal with points of friction is interesting and will be examined.

⁹ Nixon underlined most of this sentence.

¹⁰ Nixon underlined the phrase "critical of the Common Market's preferential commercial agreements with non-members."

8. *Murder of German Ambassador Von Spreti in Guatemala*

You may wish to express personally your condolences over the murder of Ambassador von Spreti by Guatemalan terrorists, your condemnation of such crimes and your concern over the growing problem of political kidnapping and its international consequences and security implications. You may also add that we are studying what can be done in international fora, such as the OAS and the UN, as well as in assisting nations bilaterally to improve their internal security capability (Brandt may himself suggest international cooperation).

Should Brandt express his concern that the US did not pressure the Guatemalans to do more, *you may wish to say that*

- we did all we felt we could at the time;
- the Guatemalan Government was adamant that it could not yield completely to the kidnappers;
- and there was, in our judgment, no more pressure which we could practically and properly exert which would have changed their minds or which they would have accepted.

9. *Other Points*

In addition to the foregoing matters, most of which Brandt will certainly raise if you do not, *you may want to give Brandt*

- your impressions of President Pompidou;
- your basic approach to SALT (this will be treated in greater detail through NATO);
- your current assessment of the Vietnam/Laos/Cambodia situation;
- your assessment of the Middle East, including your hope that there can be some stabilization in the *Western Mediterranean* through the cooperation of the countries of that area. (You may in this connection stress the desirability of finding ways to associate Spain with NATO.)

You may also find an opportunity to urge Brandt to support replenishment of the International Development Association (IDA) at the level of \$1 billion annually. This is crucial to the new foreign assistance effort. The Germans have preferred a lower replenishment level.

79. Memorandum of Conversation¹

Washington, April 10, 1970, 10:30 a.m.

SUBJECT

Brandt Visit: Morning Meeting
FRG Negotiations with the USSR and Poland

PARTICIPANTS

German

Helmut Schmidt, Minister of Defense
Rolf Pauls, Ambassador of the Federal Republic of Germany
Egon Bahr, State Secretary (Office of the Chancellor)
Georg Duckwitz, State Secretary (Foreign Office)
Conrad Ahlers, State Secretary (Press and Information Office)
Hans Schwarzmann, Chief of Protocol
Horst Krafft Robert, Deputy Assistant Secretary, Foreign Office
Lothar Lahn, Foreign Office
Wolf Dietrich Schilling, Personal Aide to Chancellor
Hans Noebel, Minister, German Embassy
Helmut Middelman, Minister, German Embassy
Rear Admiral Herbert Trebesch, Defense Attaché, German Embassy
Carl Lahusen, German Embassy
Joseph J. Thomas, German Embassy

American

William P. Rogers, Secretary of State
Elliot L. Richardson, Under Secretary of State
Paul A. Volcker, Under Secretary of the Treasury
Henry A. Kissinger, Assistant to the President for National Security Affairs
Emil Mosbacher, Jr., Chief of Protocol
Kenneth Rush, Ambassador to the Federal Republic of Germany
Martin J. Hillenbrand, Assistant Secretary for European Affairs

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 7 GER W. Secret. Drafted by Nelson and approved in S on April 21. The meeting was held in the Cabinet Room at the White House. The memorandum is part I of VI. Parts II, III, IV, V, and VI, memoranda of conversation on the SALT Talks, MBFR and Conference on European Security, Southeast Asia, the Middle East, and FRG/Soviet Air Negotiations, are *ibid.* For a German record of the entire conversation, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 584–588. Many of the participants met Brandt for a discussion of additional issues at Blair House that afternoon. Memoranda of conversation on Technological Cooperation, US Economic Relations with the EC, Spanish Link to NATO, and Development Aid are in the National Archives, RG 59, Central Files 1970–73, POL 7 GER W. According to the President's Daily Diary, Nixon also met Brandt privately from 10:27 a.m. to 12:17 p.m. (*Ibid.*, Nixon Presidential Materials, White House Central Files) Although no U.S. record has been found, Brandt prepared a memorandum of this private discussion; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 591–595. See also Brandt, *People and Politics*, pp. 284–288, and *My Life in Politics*, p. 176, in which he writes: "In our conversation of 10 April 1970 Richard Nixon said point-blank that he had confidence in our policy, and knew we had no intention of risking tried and true friendships."

G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs

Gerard Smith, Director, Arms Control and Disarmament Agency

Ray S. Cline, Director, Bureau of Intelligence and Research

James S. Sutterlin, Director, Office of German Affairs

James C. Nelson, Office of German Affairs

After brief welcoming remarks, the Secretary invited the German side to open the meeting with the discussion of recent FRG negotiations with the Soviet Union and Poland.

State Secretary Bahr stated that the main point to be kept in mind about current negotiations with the East is that conversations with the Soviets, conversations with the Poles, discussions between Chancellor Brandt and Premier Stoph and the current Berlin talks are all linked together. Bahr said that if the FRG's purpose is to try, without illusions, to reduce tensions in the center of Europe, no single point can remain as an island of the Cold War. For example, if the FRG should succeed in negotiating an agreement for the Soviet Union but the Berlin talks do not succeed, the whole process would be stopped.

Bahr stated that he wanted to make clear at the outset that the FRG seeks no agreement which will touch upon the rights of the Four Powers for Berlin and Germany as a whole, and that everything being sought in current negotiations is in this context.

Bahr then turned to what he called unanswered points or problems that have not been resolved in connection with his talks with the Soviets. First, Bahr expressed uncertainty as to how Brandt's reception by the people in Erfurt might affect the position of the East Germans. It is certain that the East Germans consider enthusiasm and applause for the Chancellor as deplorable. This might so frighten the East Germans as to cause them to attempt to torpedo all conversations, including those in Moscow.

A further unanswered point was the Soviet position. Bahr had the impression that the Soviets had made no final decisions about what their attitude and policy should be. At the next meeting the Soviets may have evolved a definite position. If it was negative, the talks would fail.

According to Bahr, there were three main points on which, up to now, the FRG and the Soviet Union have been unable to agree. (1) The FRG wants to make sure that there will be no arrangement under which the principal self-determination of the German people would be infringed. Self-determination of the German people is not negotiable. Though Gromyko expressed agreement in principle on this point, he indicated that this concept could not be part of a written agreement. (2) Gromyko asked the FRG to accept the principle of noninterference in the internal affairs of the GDR. Bahr commented that the FRG cannot accept this demand since the GDR is not a foreign state. (3) Gromyko

demanded that the FRG bring down all barriers which now obstruct relations between the GDR and third countries. Bahr commented that the FRG also cannot accept this demand as long as the GDR maintains barriers preventing the FRG from establishing normal relations with East European countries and interfering with communications between the two parts of Germany.

The Secretary asked for Bahr's assessment of Soviet motivations in the talks. Bahr said that in his opinion the Soviets would like to have a quiet situation on their Western front because they are uncertain over how to handle relations with China. According to Communist rules there should be excellent relations with all socialist countries, but the Soviets see, for example, that their relations with the United States are better than they are with China.

The Secretary asked how much time Bahr had spent in conversations with the Soviets and specifically with Gromyko. Bahr replied that he had spent a total of 30 hours in these conversations and that Gromyko was present for the entire time. Bahr added that Gromyko had done almost all of the talking for the Soviet side and that he was well informed and well prepared for his discussions.

The Secretary then asked if Bahr and Gromyko had reached agreement on any points. Bahr replied that though he had confined his earlier remarks to the points of disagreement, there had been certain points on which the FRG and Soviets had agreed: (1) they agreed that relations between the FRG and USSR should be based upon the principles of the United Nations, especially upon Article 2 of the UN Charter. Bahr commented that from the Soviet point of view, until now relations had been based more upon Articles 53 and 127; (2) the FRG and USSR have agreed that, while the FRG cannot "recognize" the borders of Germany, it can agree to "respect" the present borders. It is the FRG's intention to respect the present borders now and in the future; (3) the FRG and USSR have agreed that existing treaties will remain untouched by current Soviet/FRG negotiations. Bahr specified agreements governing the Four-Power rights and also agreements between the FRG and the Three Powers.

The Secretary asked if commercial activities had been discussed at any point within his conversations with the Soviets. Bahr replied that commercial matters had not been discussed at all.

Bahr indicated that in their first conversations, Gromyko had brought up the subject of Berlin and asked Bahr to explain the FRG position. Bahr had replied that the FRG cannot negotiate about Berlin because it is a Four-Power responsibility. However, the FRG could explain what it has in mind when it talks about Berlin; thus, when the FRG speaks of reducing tensions, it follows that there must also be *détente* for Berlin. Bahr had told Gromyko that (1) Berlin must have a

guarantee of free civilian access; (2) West Berliners must be permitted to utilize FRG passports; (3) despite Four-Power rights, the USSR must recognize that the FRG represents West Berlin to the outside world and that it has close economic commercial and cultural ties to the city.

Bahr said that Gromyko was entirely calm about these points and did not take issue with any of them. Gromyko had stressed that one point about Berlin was especially valid for their discussions and that is, if the FRG and USSR talk about borders, they must also talk about the border which surrounds West Berlin. FRG respect for this border must also be part of any discussion of renunciation of force. Bahr indicated that this remark gave the FRG no problem as long as the border was respected by both countries.

Bahr stated that at their second meeting Gromyko reversed his position. He refused to talk at all about Berlin or to mention the word. The second meeting, Bahr pointed out, had taken place after the Four Powers had agreed to begin Berlin talks.

The Secretary asked if Bahr believed the Russians have other motives for talks with the FRG apart from relieving tensions. The Secretary specifically asked if Bahr thought there might be some commercial motivation behind the Soviet desire to talk. Bahr replied that he did not believe this to be the case.

The Secretary asked if Gromyko had brought up the subject of China in their discussions. Bahr replied that China had not been mentioned at all in the official talks. However, in a private discussion with another member of the Soviet delegation Bahr had commented that he did not understand the cause of tensions between the Soviet Union and China, since both countries were big and powerful and don't seem to need any additional territory. Bahr said that at this suggestion his counterpart exploded and referred to China's moves into India and Tibet, stating that China wishes to change borders with the Soviet Union in a similar way.

The Secretary asked if Gromyko had linked the Brandt–Stoph talks in his own discussions with Bahr. Bahr replied that Gromyko tries to speak for all of East Europe and assumes the role of the master. The FRG does not take account of this except occasionally with reference to the GDR. East Berlin would like to block development of East-West cooperation. The FRG, however, attempts to get the Soviets to exert pressure on the East Germans. To some extent this has been successful. The Russians have helped to improve the atmosphere and speed up discussions of technical subjects between the FRG and GDR.

Minister Schmidt then called upon State Secretary Duckwitz to review FRG negotiations with Poland. Duckwitz began by stating that in approaching these discussions both sides have attempted to create a good and businesslike atmosphere. Personal contact between the delegations has been very good.

At the first meeting both sides outlined views on bilateral questions. As expected, the main Polish concern was to discuss the frontier. The Germans stressed renunciation of force and sought to keep the border issue within this framework.

Also at the first meeting the Poles indicated that it was too early to think about spectacular progress in bilateral relations, such as establishing diplomatic relations. They seemed willing, however, to work toward a pragmatic step-by-step improvement in relations—for example, in the cultural or trade areas. The Poles had also indicated the importance they attached to synchronizing their policy with other Warsaw Pact countries.

According to Duckwitz, in the first meeting, the Poles had not rejected the idea of discussing humanitarian problems. Many Germans have close relatives residing in Poland whom they are able to visit only once every three or five years and then only after going through complicated application procedure involving much red tape. Also, though many German nationals residing in Poland have moved to the FRG in recent years, there are still some 275,000 who have applied for resettlement in the FRG. The FRG believes it is important to discuss these issues and to seek improvements.

Duckwitz then turned to his second negotiating session with the Poles. He said this session was devoted almost exclusively to the border question. Duckwitz commented that it was apparent that the respective points of view of the two countries are exceedingly difficult to reconcile. The two delegations had exchanged working papers as a basis for discussions. The Poles suggested a separate agreement on the border question, while the FRG proposed a renunciation of force agreement.

The Poles went into great detail with regard to the Potsdam Agreement, maintaining that that Agreement had determined the German-Polish border. According to the Poles all that remains to be done now is for the FRG to recognize it.

Duckwitz then outlined the FRG position. Under the Potsdam Agreement, the border question was specifically reserved to be dealt with in a final peace settlement. Since no Polish or German Government took part in the Potsdam arrangement the border provisions specified in the Agreement are largely provisional. The FRG would not agree that the Potsdam Agreement constituted a peace settlement. Duckwitz stated that the FRG reaffirmed its determination to normalize relations, but that it had to take into account the rights and responsibilities of the Four Powers concerning responsibility for Berlin and Germany as a whole.

Duckwitz indicated that he is hopeful that extensive legal discussions such as engaged in during his second session with the Poles can be excluded from future talks. He expects, however, that the Poles will

continue to play down the Potsdam Agreement reservations and Four-Power responsibilities. Duckwitz suggested that it is not unlikely that the Poles will attempt to elicit statements from the United States and other Allies on the border question and he indicated that the FRG would be grateful if the U.S. would keep it informed of any such Polish attempts.

Duckwitz repeated his belief that it will be difficult to reconcile the Polish and FRG positions on the border issue and indicated that he is hopeful that the FRG will be able to make greater allowance for the Polish viewpoint in future negotiations.

Duckwitz expressed his personal impression that the Poles are interested in bringing the talks to a successful conclusion. He recognized, on the other hand, that there are powerful elements in Poland which are basically opposed to an improvement in relations with the FRG. He added that the Russians and East Germans must also view the possibility of healthier FRG-Polish relations with mixed feelings.

Duckwitz concluded his presentation by stating that the FRG is prepared for lengthy negotiations and is convinced that they will be successful only if both sides find it possible to make substantial concessions. Duckwitz emphasized that no concessions would be made which would interfere with Four-Power rights, but that the FRG desires to make the best of this opportunity to guide German-Polish relations out of many years of stagnation.

The Secretary asked if Duckwitz felt the Poles might have some flexibility on humanitarian issues. Duckwitz replied that at least Poland had not refused to discuss these matters.

The Secretary asked if the Poles had linked the issues discussed with the possibility of a loan from the FRG. Duckwitz replied that there was absolutely no discussion of economic matters during his conversations with the Poles.

Mr. Hillenbrand then asked if nevertheless it were not possible that a political agreement and some sort of credit arrangement with the FRG were linked together in the Polish mind. Duckwitz repeated that the subject had not come up in his own conversations, but asked Mr. Robert to comment further on this question.

Mr. Robert indicated that he had discussed economic issues with the Polish Government several months ago. At that time only trade relations were discussed. Credits were not discussed in detail. Rumors have appeared in the press suggesting very high Polish requests. Robert indicated that the FRG had made clear that such "fantastic" figures could not serve as the basis for any discussion. While the FRG and Poland had reached agreement in principle on trade matters, the details still needed to be worked out. In this connection, Robert indicated that any liberalization of trade with Poland would first have to be

discussed in GATT and in other international organizations to which the FRG has obligations. Robert also pointed out that it would not be possible to treat East European countries too differently from one another. Duckwitz concluded by conceding that it would probably be fair to say that in the Polish heart there is a certain link between political agreement and FRG credits.

Mr. Hillenbrand asked if Duckwitz felt the Soviets were holding the Poles back in their negotiations. Duckwitz replied that the Soviets were restraining the Poles less than he expected. The GDR actually seems to be the most interested East European observer of the negotiations. The GDR ambassador in Warsaw went to see the Polish participants immediately after each meeting.

80. Memorandum of Conversation¹

Washington, April 11, 1970, 9:30 a.m.

SUBJECT

Brandt Visit: Morning Meeting
Berlin Negotiations

PARTICIPANTS

German

Willy Brandt, Chancellor of the Federal Republic of Germany
Helmut Schmidt, Minister of Defense
Rolf Pauls, Ambassador of the Federal Republic of Germany
Egon Karlheinz Bahr, State Secretary (Office of the Chancellor)
Georg Duckwitz, State Secretary (Foreign Office)
Klaus von Dohnanyi, State Secretary (Ministry of Science and Technology)
Hans Noebel, Minister, German Embassy
Carl Lahusen, German Embassy
Joseph J. Thomas, German Embassy
Heinz Weber, Interpreter
Wolf Dietrich Schiller, Personal Aide to the Chancellor

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 7 GER W. Secret; Exdis. Drafted by Newlin, cleared by Hillenbrand and Sutterlin, and approved in S on April 23. The meeting was held in the Cabinet Room at the White House. The memorandum is part I of III. Parts II and III, memoranda of conversation on Cooperation in Science and Technology, and IDA Replenishment, are *ibid.* For a German record of the entire conversation, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 601–604.

American

William P. Rogers, Secretary of State

Melvin R. Laird, Secretary of Defense

Henry A. Kissinger, Assistant to the President for National Security Affairs

Elliot L. Richardson, Under Secretary of State

Nathaniel Samuels, [Deputy] Under Secretary of State for Economic Affairs

Paul A. Volcker, Under Secretary of the Treasury

Lee A. DuBridge, Science Advisor to the President

Kenneth Rush, Ambassador to the Federal Republic of Germany

Martin J. Hillenbrand, Assistant Secretary for European Affairs

Anthony Jurich, Special Assistant to the Secretary of Treasury, National Security Affairs

Helmut Sonnenfeldt, National Security Council

James S. Sutterlin, Director, Office of German Affairs

William Newlin, Office of German Affairs

Secretary Rogers asked Ambassador Rush to review the Berlin talks. The Ambassador said the most significant development had been Abrasimov's statement that West Berlin was controlled by the Three Powers and the Senat. He had always maintained previously that it was a Four Power responsibility. There were also indications that there is some flexibility in the Soviet position concerning their role in East Berlin.

The Soviets were anxious to keep the talks private with a minimum of publicity. Brandt could be kept informed, Abrasimov had said, because he could keep a secret but he asked that no one else in the FRG be briefed.

The Ambassador said that in order to assess the possibility for success we must examine each side's goals. The Allies seek improved access for persons and goods, and arrangements permitting viable economic development. The other side seeks reduced FRG political presence and, as always, are interested in economic factors.

We have said that we view progress in Berlin as a test of Soviet good intentions to make progress in other areas such as SALT, ESC and the talks the Germans are holding. We are hopeful that the Russians understand this and will believe it is in their interest to make a serious effort to reach some agreement.

The next meeting is scheduled for April 28. Abrasimov invited the three Western Ambassadors to visit Potsdam. The British are somewhat reluctant but will probably agree.

Mr. Hillenbrand expressed interest in the German view on the question of possible quid pro quos.

Bahr referred to the German position paper and said he felt we were in general agreement. He linked the FRG negotiations in Moscow and the Four Power talks on Berlin. An agreement in Moscow on borders, he said, could be a quid pro quo for one on civilian access to Berlin.

He said that at some stage the Germans should join the Berlin negotiations, for example in working out details of a civilian access arrangement. Other areas, however, that fell within Three Power authority, such as FRG passports for West Berliners, are of course exclusively the responsibility of the Three Powers.

Mr. Hillenbrand asked which of the Federal Republic's activities in Berlin might be curtailed. Minister Schmidt termed that a touchy problem and Bahr suggested that it might better be treated on the flight to Cape Kennedy.

The Secretary stressed that even though he agreed that the negotiations in Berlin could be viewed as a test of Soviet good faith we wished to avoid any linkage between progress there, or anywhere else, and the SALT talks. They are quite apart. In SALT we seek ways to reduce defense expenditures on a reciprocal basis with no disadvantage to our relative military positions. We believe the Soviets have a similar objective.

He stressed that we will consult fully with our Allies concerning SALT.

Bahr agreed that SALT should not be linked to the other negotiations. He added, however, that progress in SALT might lead to discussions on Mutual Balanced Force Reductions.

Schmidt also agreed that there is no direct link between the various talks, but said that if it proved impossible to make progress in Berlin it would clearly narrow our parameters in other areas. Secretary Rogers agreed, noting it would be an ill omen for a fruitful ESC.

Bahr commented that he had made this point several times to the Soviets but that they accused him of setting preconditions for an ESC. Bahr said it was not a precondition but a fact of life. Secretary Rogers commented that whenever the Soviets want to avoid discussing a subject they brand it a precondition.

81. Memorandum of Conversation¹

Washington, April 11, 1970, 10:10 a.m.

SUBJECT

Brandt Visit: Morning Meeting
Remarks between President and Chancellor

PARTICIPANTS

German

Willy Brandt, Chancellor of the Federal Republic of Germany
Helmut Schmidt, Minister of Defense
Rolf Pauls, Ambassador of the Federal Republic of Germany
Egon Karlheinz Bahr, State Secretary (Office of the Chancellor)
Georg Duckwitz, State Secretary (Foreign Office)
Klaus von Dohnanyi, State Secretary (Ministry of Science and Technology)
Hans Noebel, Minister, German Embassy
Carl Lahusen, German Embassy
Joseph J. Thomas, German Embassy
Heinz Weber, Interpreter
Wolf Dietrich Schiller, Personal Aide to the Chancellor

American

The President
William P. Rogers, Secretary of State
Melvin R. Laird, Secretary of Defense
Henry A. Kissinger, Assistant to the President for National Security Affairs
Elliot L. Richardson, Under Secretary of State
Nathaniel Samuels, Deputy Under Secretary of State for Economic Affairs
Paul A. Volcker, Under Secretary of the Treasury
Lee A. DuBridge, Science Advisor to the President
Kenneth Rush, Ambassador to the Federal Republic of Germany
Martin J. Hillenbrand, Assistant Secretary for European Affairs
Anthony Jurich, Special Assistant to the Secretary of Treasury for National Security Affairs
Helmut Sonnenfeldt, National Security Council
James S. Sutterlin, Director, Office of German Affairs
William Newlin, Office of German Affairs

At the conclusion of their private conversations, President Nixon and Chancellor Brandt joined the discussion in the Cabinet Room.² The

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 917, VIP Visits, Chancellor Brandt Visit, April 10–11, 1970 [1 of 3]. Secret; Exdis. Drafted by Newlin. The meeting was held in the Cabinet Room at the White House. The memorandum was forwarded to the White House on April 17 and approved without change by Sonnenfeldt on April 20. Another copy of the memorandum is *ibid.*, RG 59, Central Files 1970–73, POL 7 GER W. For a German record of the conversation, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 601–604.

² According to the President's Daily Diary, Nixon met Brandt privately in the Oval Office from 9:42 to 10:22 a.m.; the two men then joined their advisers for a discussion

President said that he was most grateful for the opportunity to have these important discussions on the major subjects confronting our two countries—East-West relations, relations among the nations of the Alliance, economic problems, the Common Market issues and others.

The President felt that when we look at the European Community, the Federal Republic is “the heart” both geographically and in terms of its survivability. Our policy is based on that assumption. We are fortunate that the relations between the Federal Republic and the United States are close, based upon trust and mutual respect. These discussions have deepened this relationship, a relationship which is determined by the necessity of our mutual interests and the common ideals which we share.

The Chancellor thanked the President for his kindness. He found his private talks with the President, his other talks, and those of the members of his party to have been not only highly useful but most encouraging. They have added to German understanding of the issues and permitted better analyses. Brandt recognized that the U.S. and the FRG would have to keep in close contact on the Alliance, East-West relations and economic questions.

The President noted that on April 15 the United States will resume the discussions with the Russians on SALT in Vienna. He would be meeting with the American delegation in a few minutes. The President saw an analogy between these talks and the talks the Federal Republic was conducting with the East. We Americans, he said, have been very careful to consult our Allies on the SALT talks. It would have been easy not to, but we see that for the Alliance to have meaning, the nuclear deterrent must have credibility. If the United States talked to the Soviets on SALT without consulting with our Allies it would be destructive to the Alliance since the very survivability of the Alliance would be in question. While we are most anxious for an agreement on SALT, we wish to maintain the strength of the Alliance and the confidence of our Allies. The United States does not wish to make new and untested friends if to do so would jeopardize our old and tested friendships.

from 10:22 to 10:35 a.m. (National Archives, Nixon Presidential Materials, White House Central Files) No U.S. record has been found. Brandt prepared a memorandum of the private discussion; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 591–595. In a telephone conversation at 11:55 p.m. on April 10, Nixon and Kissinger discussed the Brandt visit: Nixon: “I think we have put our arms around him [Brandt] nicely enough.” Kissinger: “Yes, you have. We have to be careful not to discourage the Christian Democrats. You have not said anything about supporting their politics—you have done that nicely.” Nixon: “I couldn’t believe that person Bahr!!” Kissinger: “You had a chance to say hello to him.” Nixon: “That was enough!!” Kissinger: “Schmidt . . .” Nixon: “I liked him.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 362, Telephone Conversations, Chronological File)

The President felt that the same is now the case with the Federal Republic. The United States fully understands the enormous German interest in a stable future for Berlin and improved relations with East Germany. We know the Germans must explore how to develop new paths of progress with the Soviet Union and East Germany. In doing this the Federal Republic is faced with the same problem that confronts the United States. The President said that the Chancellor's government had very appropriately kept us informed. But it needed to keep in mind, as a vital member of the Alliance, that sure and indispensable friends must not be frightened or made suspicious in the interest of new friends whose reliability is not certain. The President said he was most impressed by the Chancellor's clear recognition of this fact.

The President noted that the Chancellor and he were both politicians. They both recognized the importance of seeking votes that they did not have, but never at the expense of votes that they did have. To do so would be to cut the umbilical cord and to be left floating and insecure. We view the Alliance in this light. It has kept the peace for 20 years and will continue to do so.

The Chancellor commented that the task was made easier by the fact that he and the President did not have to compete for the same votes in the same country.

82. Memorandum of Conversation¹

Bonn, April 16, 1970.

PARTICIPANTS

Franz Josef Strauss, CSO Chairman
Ambassador Kenneth Rush

Ambassador Rush began the conversation by summarizing the present state of American opinion concerning retention of American forces in Europe. Strauss said he agreed completely with the Ambassador's views on this point; it was absolutely necessary to retain American forces in NATO at their present level.

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, JDean—Memos of Conversation 1970. Secret. Drafted by Dean on April 24. Copies were sent to Rush, Hillenbrand, Sutterlin, Packman, Morris, Bremen, Düsseldorf, Frankfurt, Hamburg, Munich, and Stuttgart. The luncheon meeting was held at the Ambassador's Residence.

Ambassador Rush said that if Strauss was in agreement on this point, he might logically also agree that Germany should take a fairer share of the burden of maintaining NATO forces through increasing its own defense expenditures. This was not only equitable, but politically essential in terms of American opinion. Strauss, who has in the past been an opponent of support payments to the U.S., nodded but made no explicit response.

Strauss said he had high hopes that the present FDP/SPD government would fall prior to the 1973 elections. The political impact of inflation in the economy, combined with the expected failure of Brandt's Eastern policy, would splinter the FDP, resulting in the fall of the government. Strauss said FDP Chairman Scheel was in a position whose demands on him exceeded his relatively modest capabilities. Scheel was in any case an adaptable and flexible man whose sole object was to keep the party alive. After Scheel and other FDP members observed that the SPD was in serious trouble with the German electorate, the problems of the FDP's future would loom even larger in their eyes and they would seek ways to assure their own survival.

Strauss said that in general Brandt and his government were so hemmed in by various negative elements in the political and economic environment that they had little choice or leeway. On the one side was their problem with the Free Democrats. On the other was inflation and pressure on the budget. An inflation rate of six percent was quite possible for 1970. Brandt could not raise taxes either as a device of fixed control or as a source of new revenue because the FDP would not agree. There was no money now available or likely to be available in the normal tax income during the course of the mid-term finance program ending in 1973 to finance the new social programs Brandt wanted. Brandt could not borrow to meet his budget obligations as this too would be inflationary. By the time the effects of inflation, the FDP's unwillingness to agree to tax increases, and the inevitable contingencies for which no provision was made had their effect, it would be impossible to finance the new programs.

At the same time, Brandt was under strong left-wing pressures from his own socialist youth movement in the direction of the welfare state and co-determination. Here too the FDP would not go along with left-wing SPD opinion. The resulting inaction and inability of the government to make good on its political goals would weaken its position in public opinion and place increasing pressures in the coalition relation between SPD and FDP.

Concerning relations with the CDU, Strauss said that if the CDU were called on to form the new government in the near future, Barzel would almost certainly be Chancellor. Strauss then explicitly stated that he would back Barzel in this event and that Barzel would win the

Chancellorship because of his, Strauss', backing. Strauss said that in such a government he would be number two and Deputy Chancellor. He said, speaking very openly, that he realized clearly that the liberal element in the CDU would not support him for the Chancellorship and that for him to push for the position as Chancellor candidate could well do irreparable harm to the CDU including the possibility of a split in the party. Strauss said Kiesinger would probably drop out of active politics within the next year or so.

Turning to Brandt, Strauss said that Brandt was a well-intentioned man whose main aim was to go down in history as a great German chancellor. Brandt was impressionable and did what others suggested. In addition to Wehner, Brandt, with few new ideas of his own, was under the intellectual influence of Leo Bauer and Egon Bahr, left-wingers with few intellectual scruples, who influenced Brandt into doing what they wanted.

Concerning Brandt's Eastern policy, Strauss said that what worried him most was that Brandt's permissive attitude toward the East would have the effect of leading Germany away from the Western Alliance and would in effect result in another Neville Chamberlain appeasement of totalitarianism, this time in the guise of the Soviets. The government was making more and more concessions to the Russians, giving them whatever they wanted. Strauss believed that as a result, Soviet Union influence over Germany would increase and, with it, the possibility that Germany would be detached from the Western Alliance. Every step Brandt took on Eastern policy was a "coffin nail for economic and political union in Western Europe," which should now be receiving German priority instead of Eastern policy. Western Europe must be strong, including having its own nuclear military resources. But as of today, of course, the only protection for Europe was the U.S. strategic nuclear deterrent. U.S. forces were in Europe to protect the Alliance; they were not imperialists. They could some day be reduced, but not now. They should stay as long as needed.

The Ambassador asked Strauss why Herbert Wehner had acted in such an extreme way in the April 15 Bundestag debate over Brandt's report of his April 5–11 trip to the United States. Strauss replied that he believed that Wehner's conversion away from communism was in fact genuine, but that, as a consequence of the years of rivalry between Wehner and Ulbricht in the Communist Party, Wehner's main interest in life was an overpowering desire to pay back Ulbricht and to destroy him through FRG success in its policy towards East Germany. In addition to his normal excitability and his worries about the condition of his wife (recently operated on for a brain tumor), Wehner appeared emotionally upset at present concerning the possibility that his Eastern policy would not succeed.

Comment: Strauss was frank and extremely open about his own position in party politics. His unexpected endorsement of Barzel, which he had previously deliberately withheld, and Barzel's own recent shift toward Strauss' hard position toward Brandt's Eastern policy, may well be linked as part of a recently reached political understanding between the two men. Its immediate effect would be to lock the CDU into an opposition position and to nullify efforts by moderates in both CDU and SPD to work back toward a bipartisan approach.²

Note: This information is sensitive and should have special handling.

² On April 23 the Embassy forwarded a brief account of Strauss' remarks in support of Barzel and commented: "The immediate significance of a political deal of this kind is that it tends to lock the CDU into an opposition position on Eastern policy, nullifying the effects of SPD second thoughts about trying to reengage Barzel in a now partisan approach to this subject." (Telegram 4548 from Bonn; National Archives, RG 59, Central Files 1970–73, POL 12 GER W)

83. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, May 14, 1970.

SUBJECT

Western Four Discuss Eastern Policy and Berlin

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V. Secret. Sent for information. According to another copy, Downey drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 5, Chronological File, 1969–75, 1 Apr. 31–May 1970) On June 2 Kissinger wrote the following instruction for Sonnenfeldt on the memorandum: "Hal—Could you do a brief summary where all the FRG neg[otiation]s now stand. HK." A handwritten note indicates that this instruction was overtaken by events. (National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V) Sonnenfeldt, however, did draft a status report summarizing the negotiations (see Document 88).

The recent discussions in Bonn at the Assistant Secretary level brought a bit more clarity to some of the issues and also revealed more sharply some of the divergent views.²

On the German side, Bahr and Duckwitz apparently have opposite positions on the question of the linkage between the FRG negotiations with Moscow, Warsaw and the GDR, and the Berlin Four Power talks. Bahr sees a very clear tie, as he indicated here during the Brandt visit, and feels the FRG should not finally conclude any of its bilateral deals until FRG requirements with respect to Berlin have been met by the Soviets in the Four Power forum. Duckwitz, on the other hand, acknowledges the relationship (even a unity) among the various negotiations, but is convinced that it would be neither wise nor possible to hold up an agreement with the Poles, for example, until an understanding was achieved on Berlin.

The divergence of views between the French and the US, UK and FRG on Berlin was also made more open and clear. Bahr reviewed the minimum FRG requirements from the Soviets: acceptance of the existing social, cultural, economic and financial ties between Bonn and West Berlin. If the Soviets respected these ties, *and* there were improvement in access, then the FRG would be willing to reduce its political presence in Berlin, at least to the limited extent of Bahr's formulation (not yet approved by the Cabinet) that FRG constitutional organs would not act in Berlin. The French judgment of priorities is almost the exact opposite: the political leverage generated by the linkage of the FRG's bilateral negotiations with the Four Power talks should be used to strengthen the quadripartite status and the position of the Western allies in Berlin. The French say they would agree on the desirability of securing Soviet respect for the Bonn-Berlin ties, but insist that any Allied approach on this must be indirect and pragmatic.

The same French interest in not "diluting" the Four Power talks (as well as rights and responsibilities) by intermingling intra-German matters has produced the continuing split of opinion over the issue of the link between the Four Power discussion of Berlin access and FRG-GDR talks on transportation. The French simply refused to accept any formula for use at the May 14 Four Power talks or the May 21 Brandt-Stoph meeting in Kassel which would explicitly advance this link. Paris does not object to the FRG and GDR negotiating on ac-

² The senior level meeting was held in Bonn on May 8 and 9. The Embassy forwarded a summary of the discussion in telegram 5330 from Bonn, May 12 (National Archives, RG 59, Central Files 1970-73, POL 38-6), and a detailed record in airgrams A-591 and A-606 from Bonn, May 13 and May 15, respectively (both *ibid.*, POL 28 GER B). For German records of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 722-734.

cess, but it must be done confidentially so as not to appear to undermine Four Power responsibility for Berlin access.

Another meeting of the Western Four at the Assistant Secretary level has been scheduled for Rome on May 25. These talks can serve the useful purpose of reducing some of the suspicions and potential for mistrust and further division, but the first meeting in Bonn has also pointed up the difficulties in attempting to secure a common position on the range of negotiations under way.

84. Telegram From Secretary of State Rogers to the Department of State¹

Rome, May 27, 1970, 1028Z.

Secto 20/2803. Subject: May 25th Quadripartite Dinner—Scheel Presentations on Kassel and Talks With Soviets.²

1. *Summary:* Scheel presented an account of the results of the Brandt–Stoph talks at Kassel on lines already known: he said the results were negative, but that the FRG would persist with its policy of trying to achieve a political settlement with East Germany. In presenting details of Bahr’s agreement with the Soviets, Scheel said that the FRG had told the Soviets that this agreement and others in which the FRG was negotiating with East Germany and the Poles formed a single package with the Allied talks on Berlin and that the FRG would not ratify the other agreements until both Allies and FRG were satisfied that agreement had been reached to assure the future of Berlin, including FRG ties to Berlin. In his presentation, Scheel again stressed FRG views that there were important differences between the USSR and East Germany with regard to the desirability of a settlement with the FRG. *End summary.*

2. Kassel results. Scheel began by saying that the Kassel meeting had a negative effect on German public opinion. (In a side private remark he said he expected that the negative results of Kassel would cost the FDP as a member of the Brandt coalition ½ of one percent of the vote in the North Rhine Westphalian elections, but that what was lost

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Priority. Repeated to Bonn, London, Paris, Moscow, USNATO, and Berlin. Rogers was in Rome May 24–28 for the NATO Ministerial meeting.

² For a German record of the quadripartite meeting in Rome, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 1, pp. 868–873.

there could be picked up with the results of the Bahr talks, so that there would be no net loss for the FDP.) The negative effect on German public opinion was caused by the fact that many leading journalists and the population as a whole had excessive expectations for Kassel. The fact that 25 years after the war, the two heads of government of the two German states had now come together for the second time, was in itself an achievement. Moreover talks were not at an end. It was agreed that the two heads of government should meet again even though no date was set.

3. The East Germans focused solely on the demand that relations with the FRG be formalized without showing any willingness to discuss the content of these relations. Chancellor Brandt on the other hand had defined the possible content of future FRG/GDR relations in his twenty points. Brandt had said that relations with East Germany would be formalized only when it was agreed what kind of relations they would be.

4. Kassel meeting had no results worthy of mention, except for the fact German public opinion is now more sober in its expectations for the future. Stoph's inflexibility at Kassel was the reason Brandt had not proposed a new meeting with him, but rather the establishment of a committee of working groups to deal with the substantive questions involved. The East Germans had demanded full diplomatic recognition as a precondition for acceptance of this proposal. The FRG had refused, because it believed that the relations between the two Germanies differed in their quality from relations between other countries.

5. Scheel said the FRG had the impression that at Kassel the East Germans did not stick to the line agreed upon between them and the Soviets prior to the negotiations, instead they went to the utmost extent of their negotiating leeway as earlier agreed with the USSR and the Warsaw Pact to present an extreme position. East German feelings of triumph after having secured recognition by Algeria on the day before the meeting may also have tempted them to impose maximal demands. Scheel said the FRG would draw only one conclusion from Kassel: it would stick to the line of trying to come to political terms with East Germany. The FRG would give East Germany time to study its proposals and would in due course propose a future meeting with the East Germans, including proposals for the level of such a meeting.

6. Bahr talks in Moscow.³ Scheel said that the FRG had succeeded in Moscow in concluding one intermediate phase of the negotiations

³ In a May 25 memorandum to Nixon, Kissinger summarized the talks as follows: "Egon Bahr, Chancellor Brandt's negotiator in Moscow, appears to have successfully completed the exploratory phase of his talks with Gromyko. Although details are not yet available, the Bonn foreign ministry told us that Bahr had reported he had 'made it,' which they interpret to mean a satisfactory resolution of the Soviet demand for full 'recognition' of all European borders. Though the two sides are far from a final agreement, the Germans now believe they can proceed with serious negotiations on a renunciation of force

which had been in process since December 1969 on a renunciation of force treaty. The objective was to put FRG/USSR relations on a different and improved level. The talks with the Soviets had dealt not only with questions of bilateral interests but also comprised a tour d'horizon of unsolved European questions including those involving Polish and Czech issues. After long exploratory talks, a stage had now been reached which made it appropriate for governments to study the outcome of the negotiations thus far and to decide whether formal negotiations on a treaty should take place.

7. The FRG and the USSR negotiators had worked out a common agreed version of the four main points of such a treaty (text provided by FRG on May 26 in septel).⁴ These are: (A) The treaty should serve the cause of peace based on the present conditions in Europe. (B) Relations will be on basis of Article II of UN Charter. (C) Present borders are inviolable. (D) Previous treaties of both sides are not affected.

8. In reply to question from Schumann, Scheel said that the agreement did not deal directly with Articles 53 and 107 of the Charter. The London and Paris Agreements also contained no specific references to them. Moreover, in connection with the NPT, the FRG's NATO allies had issued special statement on Articles 53 and 107. This question could now be considered as solved.

9. Scheel said the decisive portion of the agreement with the Soviets was the section on the inviolability of borders and the territorial integrity of the countries of Europe. However, the FRG had taken steps to assure that this formulation would not hinder the German Government in pursuing its political goal of reunification of Germany by peaceful means. The FRG had reached agreement with the Soviets that the FRG would put its views on this subject in a letter to the Soviet Government. The letter would be published and distributed in the German Parliament. The Soviets would not reply but would accept the

agreement. The Germans, however, [believe?] that they failed to achieve their tactical objectives in the talks with East German Premier Stoph. No date was set for a third meeting, and no negotiators appointed to carry on the talks in the interim—both objectives Brandt had sought. Bonn speculates that there may have been a direct connection between the talks in Moscow and those in Kassel with Stoph. Since the East-West German talks yielded nothing new, the Soviets decided to go ahead and tie up their preliminary package. Bonn further speculates that the East Germans have stretched their hard line position as far as possible without breaking off all future contacts, since the Soviets probably wanted them to keep open another Brandt–Stoph meeting." (National Archives, Nixon Presidential Materials, NSC Files, Box 22, President's Daily Briefs, May 25, 1970–June 5, 1970)

⁴ Telegram 2791 (Secto 16) from Rome, May 26. (Ibid., RG 59, Central Files 1970–73, POL GER W–USSR) Reference is to the so-called "Bahr paper," which was leaked to and published by the German press on June 12 and July 1. For the German text, see Meissner, *Moskau-Bonn*, Vol. 2, pp. 1220–1223 or *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland*, 1970, Vol. 2, pp. 822–824; for an English translation, see *Documents on Germany, 1944–1985*, pp. 1101–1103. See also Document 85.

German letter. The letter was an essential corollary of the treaty. The FRG could agree to European borders only if its peaceful efforts aimed at uniting the German people within a European peace order were not taken to be a violation of the proposed treaty.

10. Scheel said that the FRG had also agreed in the talks with the Soviets that it should be the objective of FRG policy to achieve a satisfactory resolution of problems with Czechoslovakia arising from the Munich agreements. Scheel said no details would be specified on this subject in the treaty with Moscow. It had also been agreed with the Soviets that a treaty similar to that being concluded with them would provide the basis for the Federal German relationship with East Germany, including equality without discrimination.

11. Scheel stated that at wish of Soviets, FRG agreements with USSR, Poland and GDR and Czechoslovakia were to be considered a political entity which would be ratified only when all parts were completed. Scheel said Soviets had refused to discuss Berlin and FRG had concluded this must be left to Allies. But in doing so, it started from the view that the remaining agreements he had just mentioned would be ratified only if a satisfactory Berlin settlement was reached. The FRG had explained to the Soviets that it considered a solution to the Berlin problems which would assure Allied rights and take into account the existing ties between the FRG and the Western sectors to be a political precondition for German ratification of the other treaties.

Rogers

85. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, May 27, 1970.

SUBJECT

West German-Soviet Talks—Bahr's Latest Message To You

Egon Bahr has completed the talks that began last December in Moscow. He reached an agreement on four principles which will be

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V. Top Secret. Sent for action. According to another copy, Hyland drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Top Secret Chronological File 1969–1975, Box TS 2)

the basis of negotiations for a treaty on the non-use of force. He sent you a backchannel message (Tab B), claiming that the agreement was based on the Oder-Neisse formula given to the Poles last month. He asserts that in view of differences between the Soviets, Ulbricht and Gomulka, no time should be lost in pressing forward with the Soviet talks, lest they influence the Soviet attitude negatively.

The actual text (Tab C)² of the Soviet-German agreement, however, seems to go beyond the position that the Germans have been taking:

“The FRG and the USSR undertake *without reservations* to respect the territorial integrity of all states in Europe in their *present boundaries*. They declare that they have no territorial claims against anyone and will not raise such claims in the future. They *regard* today and in the future the borders of all states in Europe as inviolable as they exist on the day of the signature of this agreement, including the Oder-Neisse line which forms the Western boundary of the Peoples Republic of Poland *and the border* between the GDR and the FRG.

“The agreement between the FRG and the USSR does not affect bilateral and multilateral treaties and the agreements concluded earlier by both sides.”

In the Polish negotiations, the German formula included “respect” for borders, and a statement that an agreement reached regarding Poland’s Western border “will have to be confirmed in a peace treaty for Germany as a whole.”

It would seem that the Germans conceded more than they received in this exchange. As for the alleged differences among the Communists, this remains to be seen. The Poles have been pressing for Bonn to state that the border is final, without qualification. The Soviet-FRG formula comes quite close to this. Moreover, in view of the known contacts between Gromyko and the Poles in the last three weeks, plus Ulbricht’s presence in Moscow, it would seem a reasonable assumption that they have coordinated their positions.

This is evident in Scheel’s remarks to the three Western Allied Ministers in Rome.³ He said that the Soviets insisted that Bonn’s negotiations with Moscow, the Poles, Czechs and the GDR were one political entity, to be ratified at the same time. This means that whatever concession already made to the Soviets will be pocketed by the others, who will still be free to drive new bargains on the specifics of their treaties with Bonn—with Ulbricht presumably driving the toughest bargain of all, judging by the Kassel meeting. Moreover, as the Germans move closer to closing the ring on all of these negotiations, the pressure for

² Tab C is telegram 2791 (Secto 16) from Rome, May 26; not printed. See footnote 4, Document 84.

³ See Document 84.

final success will be enormous. It must be acknowledged, however, that “success” in Moscow puts pressure on the Poles and Ulbricht.

In any case, the Germans intend to proceed forthwith on the Soviet front, with a visit by Scheel to Moscow in June. Meanwhile, the Polish talks resume in Bonn on June 9. Our role may become exceedingly difficult. The current German contention is that none of the agreement with the East will be ratified until the Berlin talks reach agreement. This could mean that the pressures on us, both on timing and substance, in the four power talks will become greater and greater. Given the French skepticism over the Berlin talks, and the opaque Soviet position, these talks could lead us into a sharp dispute with our Allies.

In addition, we will face the problem of whether to negotiate a four power statement on the Oder-Neisse as the Poles, with French support, want.

The Western foreign ministers have finally awakened to the implications of Ostpolitik, and in Rome agreed to have a study produced by July 31, reviewing possible consequences for our rights, how to handle the GDR in international organizations, etc. (Tab D).⁴

As for the Bahr message, I have done a brief acknowledgement to it as well as one he sent you on May 8.

Recommendation:

That you sign the message at Tab A.⁵

Tab A

Message From the President’s Assistant for National Security Affairs (Kissinger) to the German State Secretary for Foreign, Defense, and German Policy (Bahr)⁶

Washington, June 1, 1970.

Thank you for your messages of May 8 and 25. As regards the former, in which you referred to the Cambodian situation, you will probably have seen the President’s recent letter to the Chancellor. We have appreciated the Chancellor’s understanding and the way in which he dealt with the pressures that developed in Germany on this subject.

⁴ Tab D is telegram 2763 (Secto 7) from Rome, May 26; not printed. Another copy is in the National Archives, RG 59, Central Files 1970–73, POL 38–6.

⁵ Kissinger wrote on the memorandum: “OK for backchannel.”

⁶ The date of the message is taken from another copy. (National Archives, Nixon Presidential Materials, NSC Files, Box 423, Backchannel Files, Backchannel Messages, 1970, Europe, Mideast, Latin America)

The military operations continue to go well and we will proceed with our plans as indicated in the President's statements.

I was glad to have your observations on the Moscow talks, supplementing the account given by Foreign Minister Scheel in Rome. I understand that it was agreed in Rome to have the Bonn group examine more closely the implications for the Western position in Berlin and for four-power responsibilities in Germany. This is important so that we can be sure that all of us are fully aware of any problems that might arise.

I greatly appreciate your messages. Best regards.

Henry Kissinger⁷

Tab B

Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)⁸

Bonn, May 25, 1970.

Foreign Minister Scheel this evening will be informing the three Western Foreign Ministers about the details of the results of the Moscow talks. I would like to transmit a few personal impressions through this channel:

1. The Soviet Union evidently did not completely inform the GDR about the status of the Moscow talks prior to the meeting in Kassel.

The surprising visit of the GDR delegation in the week before Kassel did not make the Soviet position vis-à-vis the FRG more rigid.

2. After long hesitation and consultations with Warsaw the Soviet Union accepted the formula about the Oder-Neisse line which Duckwitz had presented in Warsaw.

3. We remained without modification within the framework about which we talked in Washington; i.e. the rights of the four powers will not be affected, the treaties of the FRG with the three powers remain overriding, the inter-connection with Berlin has been made clear.

4. Gromyko indicated that his government accepts the basis that has been achieved and that it is ready to move from the exchange of views to negotiations without a break.

⁷ Printed from a copy that bears this typed signature.

⁸ The German text of the message from Bahr is also attached to the memorandum; see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, p. 861.

5. At the present stage, in which the positions of East Berlin, Warsaw, and Moscow are not identical, it would certainly not advance our interests were we to give Ulbricht and Gomulka the opportunity, through delay, to influence the Soviet position in a negative direction.

Regards,

Egon Bahr⁹

⁹ Printed from a copy that bears this typed signature.

86. Telegram From the Embassy in Germany to the Department of State¹

Bonn, June 2, 1970, 2050Z.

6244 Subj: CDU Efforts to Unseat Brandt Government and Block Eastern Policy.

1. *Summary:* CDU leaders are considering an effort to bring down the Brandt government in the Bundestag session June 4 in connection with the debate on the Chancellor's budget. While aware this effort may not succeed, CDU Fraktion leader Barzel believes he has at least for the time being blocked forward movement on the German-Soviet renunciation of force agreement. We agree with this conclusion. *End summary.*

2. In talk with EmbOff June 2, CDU General Secretary Heck (protect) stated he was engaged in active efforts to bring the Brandt coalition government down during the Bundestag debate on the Chancellor's budget on June 4. Although the precise tactic had not been selected, his effort would be to utilize the dissatisfaction of certain FDP deputies with the draft FRG-Soviet renunciation of force agreement worked out by Bahr in Moscow as a lever to break off these deputies from the coalition.

3. Heck said he was engaged in active discussion with FDP Bundestag deputies Zoglmann, Mende, Starke, and Achenbach. In addition he was in contact with figures in the North Rhine-Westphalian FDP organization who did not support the Eastern policy of the FRG Government, including the Deputy Chairman of the FDP Landtag Fraktion. Heck

¹ Source: National Archives, RG 59, Central Files 1970-73, POL 12 GER W. Secret; Priority; Exdis.

was unsure whether his tactic would succeed but he said he believed the CDU had a moral obligation at this time in view of its opposition to the coalition's Eastern policy to try to unseat it. Heck said he would try again to unseat the government after the North Rhine-Westphalian Landtag election if the election results were negative for the SPD and FDP in that Land. He believed it possible the SPD might lose enough votes to the re-established German Communist Party in the industrialized Ruhr area of North Rhine-Westphalia to make the outcome questionable.

4. In a separate conversation with EmbOff later June 2, CDU Fraktion leader Barzel said he believed that CDU opposition had prevented the FRG from taking a planned decision in its May 27 meeting to sign the text of the German-Soviet agreement on renunciation of force worked out by Bahr. Barzel dwelled at some length on USG statements of support for Brandt's Eastern policy. He said he could understand the desire of the USG to work with any freely elected Federal German Government. But the frequency and comprehensive phrasing of USG's statements of support on the Eastern policy were making CDU leaders most unhappy.

5. Barzel said he had warned Brandt May 26 that any information Brandt chose to give Barzel as opposition leader on the pending renunciation of force treaty would be used by Barzel in public debate against the government so that Brandt could not accuse Barzel of bad faith in using this information.

6. Barzel indicated he would countenance efforts to work on FDP Bundestag deputies in order to bring the Brandt government down at this time. He indicated at the same time that he did not have much confidence these efforts would succeed and hence was not giving them his all-out backing. He hinted, however, that he might in the next several days try a sneak resolution in the Bundestag to the effect that no agreements should be concluded with the USSR or East Germany which would place in question the right of the German people to self-determination. Such a resolution would cause confusion in the SPD. The SPD might finally vote for it. In that case, their hands would be tied to some extent with regard to the negotiations with the USSR and GDR.

7. With regard to the future position of the FDP on Eastern policy, Barzel said that this would depend largely on the results of the June 14 Landtag elections. If the FDP survived in these elections, then Scheel and Genscher probably would say that Brandt's Eastern policy was a good thing and should be continued. If the FDP failed to reach the 5 percent limit in one or the other Landtag elections—especially in North Rhine-Westphalia, Scheel and Genscher would then refer to their present statements of doubt about the advisability of the Bahr draft, and claim that, as they had said before the elections, the government should slow down on its Eastern policy.

8. Barzel said that if the coalition government should proceed to sign the treaty with the USSR in its present form as he understood it,

the CDU would bring in a vote of non-confidence in the government with some possibility of cracking off the wavering FDP deputies. Barzel said his version of CDU Eastern policy could be simply formulated. The party was ready to take all necessary measures for practical improvement of its relations with the East but not ready to sign final agreements. This was his own view of the matter, but he had great difficulty in bringing other CDU leaders along this balanced approach. Most preferred like Kiesinger to inveigh about negative aspects of SPD–FDP policy without bringing out the readiness of the CDU to make practical progress where possible.

9. Barzel noted that he had the day before received a visit by a Polish delegation which had made an urgent effort to invite him to visit Poland prior to the June 14 elections. Barzel replied he could not contemplate such a thing at this time nor accept a letter of invitation now. Furthermore, he had said, the Polish press had recently compared him with Hitler, a comparison he could not be expected to enjoy. The Polish delegation then asked Barzel not to block the Oder-Neisse negotiations starting in Bonn on June 8. Barzel made no comment in reply.

10. *Comment:* We doubt that Heck and others working with him will be successful in splitting the government coalition on June 4 and bring down the Brandt government. On the other hand, it does seem possible that Barzel has succeeded not only in blocking a possible Cabinet decision on May 27 to sign the agreement worked out by Bahr, but in fact may have succeeded in blocking the signature of the agreement even after the June 14 elections. Unless the Landtag election returns are unexpectedly favorable for the coalition parties, they may not dare to risk a showdown with conservative FDP members while the Bundestag is still in session. It also seems possible that they may seek further clarification from the Soviets on points raised by both opposition and coalition leaders.

11. We note that Barzel's version of the Bahr agreement (septel)² does not fully square with the information given us by FRG FonOff. But it is close enough to be politically effective. In general, we believe that Brandt, faced by the negative results of the Kassel talks and the pending Landtag elections, jumped the gun in his effort to use the Bahr results for political purposes before members of his own Cabinet had had time intellectually to digest the results. If the pace had been less forced, the outcome in the FDP might well have been different.³

Rush

² Not further identified.

³ On June 5 the Embassy reported that "predicted CDU efforts to unseat the Brandt government did not succeed in yesterday's vote on the budget for the Federal Chancellor's Office but came close enough to encourage the CDU to try again." (Telegram 6403 from Bonn, June 5; National Archives, RG 59, Central Files 1970–73, POL 12 GER W)

87. Intelligence Information Cable¹

TDCS DB-315/02864-70

Washington, June 5, 1970.

COUNTRY

West Germany

DOI

[less than 1 line of text not declassified] June 1970

SUBJECT

Informal Suggestions of Chancellery State Secretary Bahr for the Four-Power Talks on Berlin

ACQ

[1 line not declassified]

SOURCE

[1 paragraph (4½ lines) not declassified]

(Summary: Chancellery State Secretary Egon Bahr presented some ideas for the Four-Power talks on Berlin, after explaining that Chancellor Willy Brandt has approved his passing them on, but that Brandt and Bahr did not want these ideas ascribed to them and it would be most embarrassing to them if the fact of this action should become known. Bahr's suggested tactic for Berlin negotiations is to start by getting the Soviets to accept the thesis that the Western powers are sovereign in West Berlin. Bahr suggested ways of showing that this sovereignty can be used to Soviet disadvantage if no agreement is reached, while offering an agreement in effect limiting Western sovereignty by defining actual practices in West Berlin. Bahr thought that outstanding Berlin issues should be discussed only after such an agreement was reached. Bahr also described particular concessions and arrangements which he thought could be acceptable, including a Soviet trade mission in West Berlin. A Senat identity card for West Berliners to enter East Berlin, inclusion of GDR authorities in access arrangements, and political representation of West Berlin in international organizations by the Three Powers, rather than by the FRG. End of summary.)

1. In a private conversation on *[less than 1 line not declassified]* June 1970, Chancellery State Secretary Egon Bahr took up the subject of the Four-Power talks on Berlin, which he had mentioned briefly in another

¹ Source: National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.1, 1970 Four Power Talks, June Preparations for Meetings. Secret; No Foreign Dissem; Controlled Dissem; No Dissem Abroad; Background Use Only; Routine. Prepared in the CIA.

recent conversation. ([*less than 1 line not declassified*] comment: [*less than 1 line not declassified*] TDCSDB–315/02753–70, paragraph 15.)² Bahr said that he had been talking about this question with Chancellor Willy Brandt, who had approved Bahr’s suggestion that he should pass on these thoughts, since they might be useful to senior American officials concerned. However, Bahr emphasized that his comments did not represent a message to the US Government and in fact suggested that the ideas should not be ascribed to Brandt or to him. Bahr asked that these ideas should definitely not be discussed with either of the other Western Powers or with anybody in Berlin, as no one in Berlin has been consulted. Bahr then presented a written statement, reiterating that it would be most embarrassing if this came to light, as the Germans most emphatically do not want to be in the position of giving the Americans advice. ([*less than 1 line not declassified*] comment: It may be noted, however, that as reported in Embassy Bonn 6254, Limdis, 3 June 1970,³ the German Foreign Office was thinking of recommending to Brandt that he send another letter to the three Western powers about Berlin. We cannot judge whether Bahr’s action is coincidental. It will be noted some of the ideas reported below have been presented previously by German spokesmen, including Bahr’s information. The present account is noteworthy for its description of concessions the West Germans might make.)

2. Bahr’s paper reads as follows:

“I. For a Four-Power agreement about West Berlin, three possibilities appear to be offered from the Soviet view:

—The transformation of West Berlin into an independent political unit.

—Partial agreements while maintaining different views of the legal situation.

—Readiness to sit down to solve problems from case to case as they develop.

² Dated June 1. Paragraph 15 of the cable reads: “After stating that Brandt obviously does not want to tell the Allies how to handle the Four-Power talks on Berlin or what pace to follow in them, Bahr said that Brandt and he agree that the Allies should accept Ambassador Abrasimov’s offer to reach a concrete partial agreement on aspects of the situation in West Berlin. No one can benefit by a discussion of principles, which was Abrasimov’s alternate suggestion, and the Allies should stick to the principles that now exist. A concrete agreement, however, would represent a definitive confirmation of the Soviet position and would serve to secure the situation in Berlin. Furthermore, no one can know if or when the Soviets will ever again be prepared to discuss a definitive agreement about Berlin, and there is a good chance that if the present opportunity passes, the Soviets will say in the future that an agreement about Berlin can only be discussed with the GDR. ([*less than 1 line not declassified*] comment: Bahr’s comments on this question were obviously designed for effect. He has much at stake in the Berlin talks.)” (Ibid.)

³ Not printed. (Ibid., RG 59, Central Files 1970–73, POL 28 GER B)

II. In the Western view, the first alternative is not acceptable. The third alternative would be a final fall-back position. Negotiations should take place in the framework of the second alternative. It is important for this that the Western powers should have a firm concept and that they make clear their determination not to back away from this concept.

III. A Western negotiating position can be sketched out as follows:

A. The Four Powers agree that—regardless of their differing views of the legal situation—they are competent for handling Berlin questions and can make agreements about them.

B. Since the existing differences of views about legal questions can obviously not be eliminated at the present time, the question now is to reach agreement between the Four Powers about certain principles and about the resolution of some practical issues.

C. Among these principles is the assertion that the Three Powers exercise ultimate authority in West Berlin. The following points are therefore subject to the decision of the Three Powers and might be settled as follows:

—The ties between West Berlin and the Federal Republic which have been developed under the supervision and responsibility of the Three Powers must be respected by all countries.

—West Berlin will not be governed by the Federal Republic.

—The Articles of the Basic Law and the Berlin Charter which read to the contrary will remain suspended.

—On the basis of their ultimate responsibility, the Three Powers maintain control over each acceptance of a Federal law by the House of Representatives of West Berlin.

—The Three Western Powers will particularly, as in the past, permit no take-over of laws which have been passed within the framework of FRG membership in NATO or the FRG emergency regulations.

—To this extent the voting right of Berlin Deputies in the Bundestag continues to be restricted.

D. The pressing questions which require practical resolution include:

—Traffic within the city of Berlin.

—Access between West Berlin and the Federal Republic.

—The economic and consular representation of West Berlin

—The presence of the Federal Government in Berlin.

IV. The Three Powers can establish a negotiating position for themselves only if they make clear to the USSR that the maintenance of the principles listed under paragraph III C above is by no means to be taken for granted. As of now, nothing stops the Three Powers from extending and changing these arrangements, for instance, by establishing closer ties between West Berlin and the Federal Republic. This situation will not change until there is an agreement with the USSR. It

should be understandable that the Three Powers can express their willingness to accept these positions only if the USSR for its part is willing to agree to satisfactory practical arrangements on the subjects listed under paragraph III D above. It could serve the purposes of the negotiation if the Three Powers could explain to the USSR what extension of the competencies of the Federal Government in Berlin they might consider. They might choose examples which would make a clear analogy with the present activities of the GDR Government in East Berlin.

V. On the other side, for an improvement of the practical arrangements, the Three Powers may have to be prepared to be conciliatory on some specific matters which will permit the USSR to save face. Following are examples of such concessions which are possible:

—Access of West Berliners to East Berlin should certainly not be made more difficult than for citizens of the Federal Republic, but they might be subject to special formalities, such as by showing an identity card issued by the West Berlin Senat.

—GDR authorities could be included in access arrangements between West Berlin and the Federal Republic according to the principle of ‘identification but not control.’

—Political representation of Berlin abroad could be undertaken by the Three Powers for multilateral organizations and matters, such as the United Nations and worldwide treaties.

—The presence of the Federal Republic in Berlin will be limited insofar as FRG constitutional bodies will no longer undertake formal official acts in Berlin which devolve on them from the Basic Law.”

3. Bahr commented orally as follows: The main starting point is that there is no value in arguing about legal positions, and they should therefore be excluded from the discussion. The West wants no change in the status quo of the legal situation. Therefore, the guarantee of Western sovereignty in West Berlin is primary. The Soviet Foreign Minister, A.A. Gromyko, indicated to Bahr in Moscow that he would be willing to accept this Western sovereignty in West Berlin. By implication, Gromyko accepted the idea that there was no need for the Soviets to participate in the responsibility for West Berlin. However, Bahr feels, unless the question of legal rights is excluded from discussion, the Soviets will try to establish their right to have a say in West Berlin. In this connection Bahr mentioned parenthetically that Brandt and he see no objection to Soviet establishment of a trade mission in West Berlin as long as it is made absolutely clear, and the West sticks to it, that this mission has absolutely no consular rights and cannot, for instance, have anything to do with visa applications.

4. Bahr noted that the positions listed under his paragraph III can be either expanded or contracted at the will of the Three Powers, since the Three Powers have the sovereignty, and Bahr thought that this point should be made very clear to the Soviets. After agreement has been reached by both sides to accept the conditions set under this paragraph,

on the basis of full Western sovereignty in West Berlin, negotiations could then begin on the four aspects listed under paragraph III D.

5. Concerning the concessions listed in his final paragraph, Bahr explained that the Senat identity card would be a special card used solely for crossing into East Berlin. It would be best if all West Berliners could have these cards and they could be used at least once a month. However, after the principle has been agreed on within the Four-Power talks, details would have to be negotiated between the Senat and the GDR. The Senat might have to agree to withhold the cards from some categories of West Berliners or might have to agree that they could only be used on specified dates.

6. Bahr's point on concessions regarding Berlin access is that Dulles' theory⁴ might be accepted, letting the GDR authorities act as agents of the Soviets. (*[less than 1 line not declassified]* comment: Presumably Bahr meant that this would apply to Allied traffic. The East Germans already control German traffic to and from Berlin.) Regarding political representation of West Berlin in international bodies, an agreement would have to be worked out between the Three Powers and the FRG on how the coordination would be handled. Concerning FRG presence in West Berlin Bahr's wording is intended to mean that the Chancellor, Cabinet, President, and Bundestag could only go to West Berlin as visitors and would not be able to conduct any business there that would be legally binding.

7. *[1½ lines not declassified]*

⁴ Reference is to the "agency theory" advanced by Secretary of State John Foster Dulles in November 1958 in response to Soviet Premier Nikita Khrushchev's ultimatum on Berlin. See *Foreign Relations, 1958–1960*, vol. VIII, *Berlin Crisis, 1958–1959*. See also Hiltenbrand, *Fragments of Our Time*, p. 122.

88. **Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon**¹

Washington, June 8, 1970.

SUBJECT

Germany's Eastern Policy and the Berlin Talks: A Status Report

There has been great activity recently in each of the component parts of Chancellor Brandt's Eastern Policy: talks with Gromyko in Moscow, negotiations with the Poles in Warsaw, and two historic meetings between East German Premier Stoph and Brandt. In addition, three sessions of US, UK and French discussion with the Soviets on Berlin have been completed.

FRG-Soviet Talks

After some 35 hours of discussion ranging over several months, Brandt's State Secretary, Egon Bahr, agreed with Gromyko on May 22 a set of "principles" to govern future negotiations on a treaty renouncing the use of force. In essence, the principles center on Bonn's willingness to accept the territorial and political status quo in Central Europe, including the border between the two Germanys. It was also agreed that Bonn would conclude similar renunciation of force agreements with Poland, Czechoslovakia and East Germany. Bonn feels it will have safeguarded the basic right of the German people to peaceful reunification by means of a letter to that effect, which the Soviets have indicated they will not rebut.

The Bonn Government has now officially announced that formal negotiations for the FRG-Soviet renunciation of force treaty will begin probably in late June. Foreign Minister Scheel will probably personally conduct the negotiations in Moscow.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V. Confidential; Nodis. Sent for information. A stamped note on the memorandum indicates the President saw it. Kissinger had requested a "brief summary" of recent developments in Ostpolitik on June 2 (see footnote 1, Document 83). The same day, Sonnenfeldt forwarded a "brief memo" to the President as well as a "longer analysis" for Kissinger. In the latter document, Sonnenfeldt commented on the lack of progress in the quadripartite negotiations. "The Soviet position is becoming harder, while the Allied position is confused and carries increasing potential for serious intra-Allied friction. Our own position and goals are less than clear. State has not provided the White House with any assessment or comment since the President approved the basic US position in early March. Perhaps State is waiting for the end of the fourth session—after which each of the four Ambassadors will have been in the chair—to take stock and offer an assessment." (Ibid.) According to another copy, Downey drafted the June 2 memorandum to the President. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 290, Memoranda to the President, 1969–74, May–June 1970)

FRG–GDR Talks

The second Brandt–Stoph meeting at Kassel, West Germany, was almost a complete failure, particularly since the Germans had hoped that progress in the Moscow talks would be a helpful influence on the East Germans. Brandt offered a series of proposals reflecting his position that two sovereign states existed within the German nation, but that they were not “foreign” to each other. Stoph took a very hard line, insisting on full international recognition of the GDR. The only hopeful sign was that agreement emerged to maintain existing technical discussions, and the continued existence of the possibility of another meeting in the future.

German-Polish Negotiations

The fourth round of negotiations will open on June 8 in Bonn with both sides privately predicting some agreement by the fall. Although the series of negotiations have treated trade matters and consular relations, the main issue is the degree to which Bonn will acknowledge formally the Oder-Neisse line. The issue is bound up in Four Power rights and responsibilities reflected in the Potsdam Agreement, and thus is one in which we will play a distinct role. Meanwhile, the Poles and French have been considering a formula for the Four Powers to issue at the time of an FRG-Polish agreement, which would amount to a pledge to agree to that border line in any future peace settlement for Germany.

Four Power Talks in Berlin

The US, UK, French and USSR Ambassadors will meet in Berlin on June 9 for their fourth session. The Soviets have taken an increasingly harder line, insisting that West Berlin be respected as an independent state and that the FRG eliminate its presence there. The Western powers have been probing for signs of Soviet willingness to agree to improvements in access, intra-city movement and acceptance of Berlin’s ties to West Germany. Unfortunately, the three Western powers and the FRG have not yet reached agreement among themselves on several issues including the German role in access matters, the degree to which FRG presence in Berlin can be bargained away, and the synchronization of the Berlin talks with the other FRG negotiations with the East.

Brandt’s Problems and Prospects

Domestic German political considerations are now key to Bonn’s next moves. In the face of the regional elections on June 14 Brandt wanted to move quickly to an agreement with Moscow, but the conservative leaders of the FDP (and even Foreign Minister Scheel) are surfacing doubts about the wisdom of the Eastern policy. At the same

time the CDU is increasing its attack on Brandt's moves with the East. The elections could give the SPD/FDP coalition a strong hand in continuing its Eastern policy, but a poor showing by the junior partner (FDP) could slow the pace and even bring down the Government.

In the background is the question of a European security conference. In an accommodation to Allied feelings, we agreed at the NATO meeting in Rome officially to hold out the prospect of multilateral talks if progress is made with the East on the German-Berlin issues. Thus, those European Allies strongly interested in moving toward a conference will be eager to see success in Bonn's Eastern policy and in the Berlin talks. If the series of Bonn negotiations do not meet with immediate results, increased pressure can be expected both from the Germans and the other Europeans for some demonstrable success in the Four Power talks on Berlin.

89. Memorandum for the Record¹

Washington, June 15, 1970.

SUBJECT

Monday Morning Operations Staff Meeting (6/15/70)

[Omitted here is discussion of the NSC system.]

He [Kissinger] asked Mr. Sonnenfeldt to report on his European trip.²

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box CL 314, National Security Council, 1969–77, Meetings, Staff, 1969–71. Secret; Limdis. Drafted by Davis on June 16.

² During his visit to Bonn in early June, Sonnenfeldt met with a number of German political leaders, including Guttenberg, Schröder, and Bahr. In a meeting on June 8, Guttenberg gave Sonnenfeldt a memorandum in which the CDU argued that the "renunciation-of-force agreement negotiated by Bahr and Gromyko would prejudice four-power responsibility for Berlin and thereby the rights of the three Western powers in Berlin and would endanger the stability of West Berlin." (Telegram 6565 from Bonn, June 10; National Archives, RG 59, Central Files 1970–73, POL GER W–USSR) Schroeder also emphasized to Sonnenfeldt that "US should tell FRG to hold up and not go further with Moscow signature until the Berlin issue is clearly pinned down, and only then go ahead." (Telegram 6564 from Bonn, June 10; *ibid.*) In telegram 6691 from Bonn, June 11, the Embassy reported that, in his talk with Sonnenfeldt, Bahr had "minimized CDU opposition and felt the SPD enjoyed broadly based popular support for its present course." "At only one point," the Embassy commented, "did Bahr not reflect 'full steam ahead' confidence and optimism. He said the FDP-caused delays in the Ostpolitik played into the hands of Ulbricht and Gomulka, both of whom are trying desperately everyday to slow down and sabotage the Soviet-FRG negotiations." (*Ibid.*, POL 1 EUR E–EUR W)

European Trip—Mr. Sonnenfeldt said he had found the Germans deeply divided ideologically, primarily over their Eastern policy. A preponderance of the population was looking for some vague reconciliation with the East but with great uneasiness. He thought the SPD would interpret the election results³ as support of their Eastern policy which he saw as the only thing that was holding the coalition together.

Dr. Kissinger asked why the SPD would so interpret the elections.

Mr. Sonnenfeldt replied that they will see the victory in North Rhine-Westphalia as the key. They will argue that, while the last minute slander campaign may have swayed a few votes, the majority held.

Dr. Kissinger agreed that they now have the Parliamentary base to carry out their policy but asked how they could argue that the election returns were an endorsement.

Mr. Sonnenfeldt remarked that politicians find endorsement in narrow margins and that those with narrow margins may sometimes have to do revolutionary things. Of course they would prefer to conduct their Eastern policy with a broader base.

He added that the Germans will make the US their handmaiden in this policy since they are tying everything to Berlin. Since we will have to negotiate the guarantees on Berlin, this will be interpreted as an endorsement of the German Eastern policy.

Dr. Kissinger asked if the reverse is true: if the Germans do not get what they want in Berlin, will they stop in their Eastern policy? He asked what the Federal Republic wants in Berlin.

Mr. Sonnenfeldt replied they want the right to represent West Berlin in national affairs; want each West Berliner to carry a Federal Republic passport. They are willing to reduce the activities of the constitutional organs to achieve this. They believe the Soviets want to make a deal, probably before the slim SPD margin disappears.

Dr. Kissinger asked what the Soviets would get.

Mr. Sonnenfeldt replied “peace on the Western front.” He noted that the Soviets were probably giving the Germans some expectations in Eastern Europe which would be troublesome for the US. The Germans believe the proposed deal over Berlin is weighted pro-West, but consider Bahr’s deal for a renunciation of force as favoring the Soviets. Therefore the Germans see it as an even exchange and believe the Soviets will accept. He noted Bahr was an inventive negotiator, was totally confident of the outcome, resented the FDP for slowing things up and was prepared to ignore the CDU. He noted that the CDU is convinced there is no way to stop the trend unless the US inserts itself.

³ See Document 90.

Dr. Kissinger said we should not do so.

Mr. Sonnenfeldt said the German Government was concerned about the possible withdrawal of US forces and was becoming willing to consider some form of budgetary support. He noted Schmidt had taken some lead in this regard in the DPG meeting. He referred to the next round of offset negotiations in the near future and noted their relation to consideration of NSSM 84. (U.S. Strategies and Forces for NATO)⁴

Mr. Bergsten remarked that the bureaucracy was waiting for a White House trigger on the offset negotiations. He recalled that they had asked for an okay to talk to Brandt when he was here but had been turned down. They were now waiting for a go-ahead.

Mr. Sonnenfeldt noted, with regard to Vienna,⁵ that it was the sense of the delegation that there was a broad potential area of agreement with the Soviets and they wish more flexibility to explore this area. He agreed there was such a broad area, with caveats, and that decisions would have to be made in Washington to see whether it is worth pursuing. He also thought we should begin to think about preparations for the Berlin negotiations.

Dr. Kissinger said *we must get ahead of this topic and must have some meetings on it. He asked Col. Kennedy to pursue this.*

Mr. Sonnenfeldt mentioned the necessity to devote some attention to the interrelationships among issues—Berlin, SALT, Southeast Asia—in dealing with the Soviets. He thought the situation in critical areas had not really improved and questioned the effect on the SALT talks. He noted that Kosygin would probably be here in the fall for the UN General Assembly and there was the likelihood of a high-level meeting. In this connection, he stressed that we should be very careful of what we commit the President to do in connection with high-ranking visitors to the UN and suggested that a *Working Group be set up immediately on the question of the UN anniversary.*

Dr. Kissinger instructed that this be done.

[Omitted here is discussion of Romania, Korean troop withdrawals, and the Geneva Protocol on Chemical Weapons.]

⁴ See Document 36 and footnote 9 thereto.

⁵ Reference is presumably to the Strategic Arms Limitation Talks, which were held alternately in Helsinki and Vienna.

90. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, June 18, 1970.

SUBJECT

German Election Trends

The Christian Democrats made a strong showing in all three state elections compared with their performance in the last state elections three and four years ago. The most impressive gains were in North Rhine-Westphalia where it picked up 3.5% and regained its position as the plurality party. It made similar gains in popular votes and seats in the Saar and Lower Saxony. Compared with the last Federal elections of September 1969, however, the increases in popular votes are not nearly as impressive: 2.7% in North Rhine-Westphalia, .5% in Lower Saxony, and 2% in the Saar.

It may be that the strong showing in North Rhine-Westphalia represents the strength of its new local leadership under Heinrich Koeppler and the impact of local economic issues, rather than a vote for the party's national opposition to Brandt's Ostpolitik.

The CDU retains a slim majority in the Bundesrat where it could block constitutional action on any treaties Brandt may negotiate with the East.

The Social Democratic Party, though suffering an important setback in North Rhine-Westphalia, does not appear to have been repudiated if all three results are taken together. In both the Saar and Lower Saxony it increased its popular vote. In Lower Saxony it holds a one vote majority in the local parliament's lower house. Moreover, its decline in popular percentage in North Rhine-Westphalia, compared with the Federal elections last fall, was only about .7 percent.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V. Confidential. Sent for information. In a June 15 memorandum to Kissinger, Sonnenfeldt explained that he had done a report on the state elections "in the form of a memorandum for the President, should you care to forward it." (Ibid.) A stamped note on the memorandum indicates that the President saw it. According to another copy, Hyland drafted the memorandum on June 15. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 290, Memoranda to the President, 1969–74, May–June 1970)

On the other hand, to the extent that these elections were regarded as a sort of referendum on Ostpolitik, Brandt will find it difficult to make a credible claim of an endorsement for his policies.²

For the Free Democrats the results were a near disaster. They now disappear from representation in both the Saar and Lower Saxony. But in North Rhine-Westphalia, which for the party was the most important test, they barely managed to qualify (5.5%) and show a tiny gain over the popular vote in last fall's national election. Compared with their performance in the local state elections of 1966 they declined almost 2%.³

The future of the party and its role in the national coalition in Bonn is in doubt. The party holds a Convention Congress next week (June 22–24), and Foreign Minister Scheel's leadership of the party will come under greater pressure from the party's right wing.

There are two possibilities: The FDP leadership will shift to the more conservative faction (Interior Minister Genscher) and might withdraw from the coalition with Brandt. If the FDP party splits, Brandt could arrange to lose a vote of confidence in order to force new national elections. The SPD may feel that the threat of such a move, which might spell the end of the FDP nationally, will retain enough FDP Bundestag votes to continue the coalition government with the Social Democrats.

The second possibility is that the FDP will remain in the coalition on the condition that the Ostpolitik is slowed down and in some respects stiffened. While Brandt might make some gestures in this direction, chances are that he is too heavily committed in both the negotiations with the Soviets and the Poles to retreat.

In either case, the net result seems to be a polarization around the issues of Eastern policy. The CDU will be heartened to sharpen its attacks in the other laender elections, notably in Hesse later this year. On the other hand, Brandt may feel the only real choice for him is to accelerate the pace of his negotiations in order to demonstrate more specific results. Alternatively, he could try to broaden the parliamentary support for his policies through a better relationship with the CDU.

² In a June 16 memorandum for the President, Rogers reported that, although the state elections produced "substantial gains" for the CDU, Brandt had announced that he would "pursue his Eastern policy without change." Rogers concluded, however, that the German Government "is likely to be somewhat more cautious in dealing with the East and there will be a degree of instability when important decisions within the Cabinet are required." (National Archives, RG 59, Central Files 1970–73, POL 14 GER W)

³ Attached but not printed is a chart analyzing the results of the 1966 and 1970 Landtag elections, as well as the 1969 Bundestag elections, in North Rhine-Westphalia, Lower Saxony, and the Saarland.

As a consequence of such polarization our role becomes increasingly sensitive and perhaps even critical. Brandt will be looking for any sign of endorsement from the Allies and will be pressing us to make the Berlin negotiations successful. The CDU will point its appeals more directly to us to stop Brandt or give some sign of our reservations over his policies. The danger will be that whatever we do, we cannot avoid the appearance of taking one side or the other. At the minimum we will now be under pressure to offer more in the early phase of the Berlin talks than might be prudent, and, if we go too far, the French will balk.

Domestically, the prospect is for lack of movement on critical economic and social issues.

91. Telegram From the Embassy in Germany to the Department of State¹

Bonn, June 25, 1970, 1922Z.

7343. Subj: Bahr Talk with the Ambassador on Eastern Policy. Ref: Bonn 7277.²

1. Bahr told the Ambassador June 24 that the Brandt government intends to go right ahead with its Eastern policy. Bahr believes it important to do so because the Soviets, who abandoned many of their demands during the talks, may not go through with the deal unless something is done soon.

2. Bahr described his negotiating with Gromyko by saying that, as the talks progressed, Gromyko adopted an unyielding position. Then, after several sessions, Bahr noted some slight differences in the way Gromyko formulated points. Bahr took these as signals of change in the Soviet position. Bahr then repeated the point to Gromyko, formulating it however as he wanted it, and asking if this was the Soviet view. Gromyko would then say, "yes of course" seemingly annoyed that there would be any question about it. Bahr also said that his overall experience with Gromyko showed him that the best way to negotiate with

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 1 EUR E–GER W. Secret; Priority; Limdis. Repeated to London, Moscow, Paris, Rome, USNATO, and Berlin. Sonnenfeldt briefly summarized the telegram in a June 30 memorandum to Kissinger (Document 93).

² Not found. The discussion was held during a luncheon, hosted by Brandt, to honor NATO Secretary General Manlio Brosio. (Department of State, EUR Files: Lot 74 D 430, Rush Appointment Cards, Egon Bahr)

the Soviets is to start with a reasonable position and then stick firmly to it. One cannot make real concessions during the negotiations. The Soviets will grab the concessions and seek more. Bahr suggested this approach be used in the Berlin talks.

3. Bahr emphasized that there was in the FRG view the firmest link between their three negotiations and the Berlin talks. He also agreed with the Ambassador's formulation that the Berlin talks were for the FRG a condition precedent to the three German negotiations, but not vice versa. In other words, the three German negotiations were not a condition precedent for the Three Powers in reaching an agreement on Berlin. A Berlin agreement could stand on its own. Bahr also agreed that in domestic political terms it was essential to the Brandt government that there be agreement on Berlin before ratification of the German agreements with the Soviet Union, Poland, and the GDR. Bahr thought that signing the German agreements but delaying ratification until a satisfactory Berlin agreement was reached need not put undue pressure on the Three Powers to agree to an unsatisfactory Berlin agreement. The way to avoid this, he thought, was to have the FRG make clear to the Russians and perhaps publicly just what its minimum terms were for a Berlin settlement.

4. Bahr said that he realized that the French opposition to direct FRG–GDR dealings on access made the development of an Allied position in the Berlin talks very difficult at the moment. However, he was quite hopeful that the Pompidou visit July 3 would clear up this problem.³

Rush

³ Pompidou was in Bonn July 3 and 4 for semi-annual consultations. According to Brandt, Pompidou "underlined his 'moral and political support' [for Ostpolitik] and stressed the importance of Four-Power rights in Berlin." (Brandt, *People and Politics*, pp. 261–262) For German records of the meetings, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 1069–1080, 1089–1097.

92. Telegram From the Embassy in Germany to the Department of State¹

Bonn, June 29, 1970, 1000Z.

7412. Policy Message. Subject: Brandt Government Difficulties Over Eastern Policy Coming to a Head.

1. *Summary.* Domestic political controversy in Federal Germany over the Brandt government's Eastern policy appears to be reaching a point of culmination where Brandt will have to make a very hard decision between broadening his base of support and jeopardizing the entire structure of his negotiations with the East. We believe the more likely outcome will lead to some very hard choices for the Soviet leadership as well. The US interest in the outcome is great since the outer limits of the range of possibilities involved here may be between the collapse of the government of a major ally and the collapse, at least for some time to come, of the German effort to seek a contractual modus vivendi with the East. [*End summary.*]

2. Chancellor Willy Brandt is now paying for his mistaken belief that broad public opinion support for his Eastern policy would make itself felt in the Land elections of June 14. Brandt and his closest advisers thought this public support so broad that Brandt could put through his negotiations with the East despite his very narrow parliamentary majority. Hence Brandt deliberately refrained from the conciliatory posture and willingness to compromise on substance which would have been requirements for broad base of bipartisan support with the Christian Democrat (CDU) opposition. He even neglected to inform adequately the leadership of his Free Democrat (FDP) coalition other than Foreign Minister Scheel. The failure of the expected public support to manifest itself in the June 14 elections has not only emboldened the CDU opposition, but has produced new signs of fissure within the government coalition, especially in the FDP, which may be even more serious than those of recent months, which had already brought a considerable degree of political immobility.

3. The evidence of intensified difficulty has come out in various conversations which the Ambassador, DCM and Embassy officers have had this week with key people. On the one hand, Bahr himself, Ehmke

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 1 EUR E–GER W. Secret; Priority; Noform; Limdis. Repeated to London, Moscow, Paris, Warsaw, EC Brussels, Berlin, and USNATO. According to another copy, the telegram was drafted by Dean, cleared by Fessenden, and approved by Rush. (Department of State, EUR/CE Files: Lot 85 D 330, JDean—Telegrams, May–Jul '70 (Drafted or Co-Drafted))

and Leo Bauer, all members of the innermost circle of Brandt's advisers, have been telling us that it is full steam ahead on the Moscow negotiations, although Ehmke had indicated some slowdown in the schedule. But this confident optimism by the inner circle of the SPD is in sharp contrast to some other things we have been told:

A. According to CDU leader Franz Josef Strauss,² on June 20 Foreign Minister Scheel in a "panicky" move sought out CDU floor leader Barzel and proposed to him that he and other CDU leaders join Scheel in a nonpartisan negotiating delegation to Moscow.³ Barzel replied he was willing to consider something like this, but only if the negotiations were not based on the results of the Bahr–Gromyko talks and a wholly new start were made. Strauss considered this condition unacceptable for the Brandt government.

B. Even more significant, Interior Minister Genscher, now the key man of the FDP, told us on June 26 he would resign from Brandt's Cabinet if the Bahr–Gromyko paper were signed in its present form.⁴ Genscher listed a number of basic improvements he would insist on, and was very critical of Brandt's failure to seek a wider political base for his Eastern policy.

C. In a highly emotional outburst to us on June 25 Ahlers, the government's information chief, who up to now has been one of the inner circle of advisers on Eastern policy, said Bahr was an "all-out appeaser" and stated that he, Ahlers, was determined to stop the dangerous drift in the Brandt government's Eastern policy.

4. Even when Ahlers' erratic nature, including his own previous all-out support for Brandt's Eastern policy are taken into account, his remark is significant because it portrays in a clash of personalities the basic choice Brandt must make soon between broadening his domestic base or even retaining power, and endangering the negotiations with the Soviets. What is infuriating Ahlers, who is primarily interested in the political survival of the Brandt government, is Bahr's adamant insistence thus far that the text he negotiated in Moscow cannot be changed or the entire negotiating complex of Eastern policy will collapse.

² Strauss met Dean at the Bundeshaus in Bonn on June 26. A memorandum of conversation is in *ibid.*, JDean—Memos of Conversation, 1970.

³ For the exchange of letters between Scheel and the CDU, see Meissner, ed., *Moskau-Bonn*, vol. 2, pp. 1247–1249.

⁴ According to another report, Genscher had secretly agreed to form a coalition government with the CDU if the FDP suffered another setback in the November state elections. (Telegram WH00382 from McManis to Haig for Kissinger in San Clemente, June 27; National Archives, Nixon Presidential Materials, NSC Files, Box 24, President's Daily Briefs, June 26, 1970–July 10, 1970)

5. In this overheated, high-pressure situation, Brandt, who reportedly has been in a state of depression since the Landtag elections, will have to decide between building out his political base within the FRG and heeding Bahr's repeated injunctions that the treaty complex could be destroyed by further demands. This is an enormously difficult choice for a man of Brandt's background and interests to make. We believe that in the final analysis, he will have to yield to the unmistakable evidence that his government, and indeed the prospects of a decade of an SPD government, are threatened if he fails to broaden his political base.

6. If Brandt follows this logic, this means a broadening of German negotiating demands as posed to the Soviets. The choice for the Soviet leadership will be difficult and could create strains within it. Apart from this risk, we feel the situation is favorable because it may culminate in an agreement which is somewhat more positive for Western interests. If Brandt takes the other course, and attempts to bring about signature of the four points in their present form without any amendment, we would predict that his government will founder.

7. Fuller details of the evidence summarized above are reported in a separate telegram.⁵

Rush

⁵ Telegram 7413 from Bonn, June 29. (Ibid., RG 59, Central Files 1970–73, POL 1 EUR E–GER W)

93. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, June 30, 1970.

SUBJECT

The Germans Increase Pressure on the Berlin Talks

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. No classification marking. Sent for information. According to another copy, Downey drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 6, Chronological File, 1969–75, 1 June–8 July 1970) On July 9 Kissinger wrote on the memorandum: "Hal—See me re this." For the outcome of this instruction, see Document 101.

During the earlier stages of the Bahr/Gromyko talks, the Soviets rejected a Bahr proposal for an FRG letter which would record the German view that there was a definite linkage between the USSR–FRG agreement and a successful conclusion of the Four Power talks in Berlin. Finally, Bahr obtained Soviet agreement that the FRG could make a unilateral statement of this linkage at the time of signature. In light of the domestic pressures which have been building, the FRG has been searching for additional methods of establishing this linkage for the record.

Last week the FRG suggested that there be an exchange of notes between the FRG and the Three Allies on linkage.² The texts would be discussed in advance with the Soviets, exchanged on the date the USSR–FRG agreement was signed, and would be published. A preliminary draft of the German note records that a satisfactory result in Berlin is a necessary element of *détente*, and that results would be “satisfactory” if the existing ties between Bonn and Berlin are maintained. There is also an inseparable internal connection, so the note provides, between the USSR–FRG agreement and the German agreements with the GDR, Poland, and Czechoslovakia. In preparing this exchange of notes, the Brandt Government is apparently pulling out all the stops to protect itself from CDU attack at the time the Soviet agreement is signed. The Allies are asked, in effect, to serve as highly visible and consenting witnesses to the FRG statements on linkage. Bahr told Ambassador Rush that in domestic political terms it was “essential” to the Brandt Government that a Berlin agreement be reached prior to the ratification (but subsequent to signing) of the FRG agreements, and he felt this procedure need not put undue pressure on the Three Powers to accept an unsatisfactory Berlin agreement.³

Fortunately, State has taken action to throw cold water on the proposed exchange of notes.⁴ Such an exchange would make the Berlin negotiations extremely difficult. If the whole outcome of the FRG’s Eastern policy is publicly tied to success (as defined by the Germans) in the Berlin talks, we will be placed under great pressure (from our other NATO Allies as well) to reach an understanding with the Soviets. Moreover, in view of the FRG definition of success (Soviet acknowledgement of Bonn–Berlin ties), we would be placing ourselves

² The suggestion was raised by the German representative at the June 19 meeting of the Bonn Group. A record of the discussion, as well as the text of the proposed notes, is in telegram 7070 from Bonn, June 19. (National Archives, RG 59, Central Files 1970–73, POL GER W–USSR)

³ See Document 91.

⁴ In telegram 100454 to Bonn, June 25, the Department expressed “serious reservations” on the German proposal to exchange notes. (National Archives, RG 59, Central Files 1970–73, POL GER W–USSR)

in the position of either blocking Eastern policy or capitulating to the Soviets by accepting less than our heretofore defined minimum. This pressure could cause serious stress in inter-Allied relations, particularly Franco-German.

The FRG will probably withdraw its proposal for a public exchange of notes with the Allies on the linkage question, but then the Brandt Government will be forced to sort out its own internal problem squarely on its own. Genscher, Interior Minister and FDP deputy chairman, told Russ Fessenden recently that he felt strongly that a Berlin settlement should be achieved before an agreement with the Soviets is initialed (not even signed).⁵ (Genscher told our Embassy that he would like to visit the US, and call on the President, in the second half of July or immediately following Labor Day.) This issue, among others, will undoubtedly be thrashed out during the July 7 all-day cabinet meeting on Eastern policy.

In tandem with these developments, the Germans in the Bonn Group discussions in preparation for the June 30 Four Power meeting in Berlin have taken an increasingly forceful position with respect to the question of Bonn-Berlin ties. Pressuring the Three Powers to push the negotiations forward, the FRG representative has stressed that, for the FRG, the central issue in the Berlin talks is the Bonn-Berlin ties and Federal presence in Berlin. The German logic is that the ultimate Berlin bargain would be the Soviets giving something on the issue of ties and the FRG giving something on its political presence. Once that is accomplished, improvements in access and inner-Berlin movement would flow logically and without difficulty. Most disturbingly, the FRG has told us that if the Soviets were not willing to make concessions on Bonn-Berlin ties, the German side would make no counter-concessions.

If the FRG continues to insist on this position, not only will the Allied bargaining position with the Soviets suffer, but the risk of inter-Allied friction will increase dramatically. The next session of the Four Power talks in Berlin is scheduled for July 21, and it will probably be the last until September. There is obvious need for study on the Western side, well in advance of that session, of overall negotiating aims at this stage of the talks. However, the best guess is that the FRG and the Three Powers will not have reached any genuine agreement, and differences will be papered over for the July meeting in the hope that the Western side will be able to achieve more unity come September.

⁵ See Document 92 and footnote 4 thereto.

94. Memorandum From the Political Counselor at the Embassy in Germany (Dean) to the Ambassador to Germany (Rush)¹

Bonn, July 3, 1970.

SUBJECT

Overall Situation on East-West Negotiations

Following Abrasimov's important presentation in Berlin on June 30, it may be useful to review the overall East-West situation as a background for the further development of our position on Berlin and Eastern policy generally.

As you know, I believe we are in practice engaged in the political equivalent of peace treaty negotiations for Germany. In the first instance, the existence of this negotiation complex rests on the position of the United States, on the view of the Nixon Administration that it wishes to move towards an era of negotiation. This position is evidenced by the SALT negotiations with the Soviet Union and by the general support given by our government to the concept of a step by step improvement of East-West relations in Europe. The negotiation complex also rests on the willingness of the present German government formally to acknowledge the status quo which arose from World War II and in effect to move on from there politically. Finally, and perhaps decisively, it rests on the desire of the Soviet Union to go the route of negotiations, presumably to consolidate its hold over Eastern Europe, to gain better access to the rich economic systems of Western Europe, and to block the creation of a rival center of power in Western Europe. It is significant for Russian behaviour that the last occasion on which the Soviets appeared conciliatory about Germany was in the 1952–53 period, when another move toward European unity, the European Defense Community, was under serious discussion. It seems clear that without the willingness of each of these three main actors to negotiate, the present negotiations on the peace treaty equivalent could not take place.

It is quite clear that even given these essential preconditions the negotiating complex is a fragile structure which could come down at any time. First the situation in Southeast Asia or the Mid-East² may

¹ Source: National Archives, RG 84, Bonn Post Files: Lot 72 F 81, POL–East/West Relations. Secret. Rush initialed the memorandum, indicating that he had seen it. Dean presumably gave a copy to Fessenden, who then personally delivered it to Washington (see Document 95). Handwritten comments on that copy by Fessenden and Skoug are noted below. (National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.1, 1970 Four Power Talks, July Commentary on Talks)

² Fessenden underlined this word and wrote in the margin: "ME is the most critical threat to the structure."

worsen, causing a sharp deterioration in US relations with the Soviet Union. Second, in each of the capitals of the three main European actors—the Soviet Union, Federal Germany and East Germany (Poland is less important in this context)—there are forces which favor the negotiating complex and those which oppose it. These forces are most easily identified in the Federal Republic, where they of course are the SPD–FDP government and the CDU opposition.³

In Eastern Germany, they apparently consist of a group headed by Stoph which believes that the consolidation of the East German regime can best be secured through the treaty complex and that the domestic political costs for the East German regime of such a settlement are not too large to be tolerated. The anti-negotiation group, apparently headed by Honnecker, claims in essence that the agreed goal of consolidating the GDR and advancing its international status can best be done by Soviet-East German cooperation in gaining diplomatic recognition from third countries and membership in international organizations, and that it is both unnecessary and highly dangerous in terms of domestic political attitudes to reach any negotiating agreement with the Federal Republic of Germany. Ulbricht plays a balancing role in this constellation.

Political forces in the Soviet Union are always less observable. I would, however, guess that there is a group within the Soviet leadership which supports negotiation complex and a second one, composed of the Soviet equivalent of the “military-industrial complex,”⁴ plus the Stalinists and the ideologists, who oppose such a settlement.

The pro-negotiation and anti-negotiation forces seem nearly even balanced in each case; this is clearly so in the case of Federal and East Germany. It seems probable that if the anti-negotiation forces should break through to a dominant position in any of the three political systems concerned, the whole negotiating complex would collapse, just as it would in the event of a marked deterioration in American-Soviet relations.

The main components of the negotiating complex, either current or pending in the foreseeable future, are:

1. The US-Soviet SALT negotiations, which provide the overarching evidence of political willingness to negotiation; these deal with the strategic military balance.

2. The pending negotiations on the European military balance.

³ Fessenden marked this sentence with the comment: “This is the most serious crack in the fragile structure.”

⁴ Skoug questioned the use of this phrase, remarking: “Industry would favor better relations.”

3. The German negotiations with the Soviet Union, which give a framework for the territorial aspects of the quasi-peace treaty.
4. The German negotiations with Poland.
5. The Federal negotiations with East Germany.
6. The quadripartite negotiations with the Soviets on Berlin.
7. A possible Conference on European Security.

For the Soviets, the Conference on European Security has the role of confirming the whole package, improving access to the Eastern markets and, I would guess, braking the momentum of Western European unity. Objectively, in terms of the technical need of a peace treaty equivalent to deal with major outstanding questions, such a conference plays no essential role in the complex. We have little to gain from this conference if it comes last in the sequence. But we have considerable to lose if it comes earlier because politically it can make more difficult negotiated solutions in the two areas in this complex of greatest direct significance to us: Berlin and troops in Europe. If a Conference on European Security is held before we obtain satisfaction on both these points, it can on the one hand augment the status of the GDR without the Western side receiving any equivalent. It can also augment the public impression that all East-West issues have been settled and thus add greatly to downward pressures on NATO defense efforts, including American troop presence in Europe, before we have been able to stabilize this troop presence, as is my hope in a conference on the European military balance. For these reasons we should work hard to ensure that if a Conference on European Security takes place at all, it come at the end of the sequence.

We have discussed most of the other components. However, I would like to deal with two of these negotiations, the Berlin negotiations and the negotiations on the European military balance (MBFR) because they are both part of the negotiation complex in which the United States participates or would participate directly and because I do not believe that their place in the overall concept is yet seen very clearly.

As you know, I believe that the Berlin negotiations should be seen in the context of the overall negotiation complex, as part of a peace treaty settlement which can be expected to last for twenty or thirty years and possibly longer. Ideally, these negotiations should culminate in an agreed clarification of the status of Berlin, particularly the Western Sectors, in the light of changed circumstances. For tactical reasons, we have called these negotiations a search for practical improvements. This terminology is useful and should be maintained. But I believe it is misleading when used internally among ourselves because it distracts from a necessary attempt to define the ultimate objectives of the negotiations which I see as somewhat longer than practical improvements.

In the sense of defining our overall objectives, I believe we should aim for a situation in which the Soviets reaffirm the quadripartite sta-

tus of Berlin, commit themselves not to interfere with its practical application by the three Western Allies in the Western sectors, explicitly accept the cultural, social and economic ties between the Federal Republic and Berlin and the Federal Republic's representation of these ties abroad, plus an engagement on continuing Soviet responsibility for German-civilian access to Berlin and improvements in inner-German circulation. The result is what I call a two-tier or two-level structure, with a dual representation of Berlin abroad. The Allies represent Berlin "sovereignty" and security interests to the outside world. The Federal Republic represents other interests. This concept, it seems to me, provides a base from which we can in coming years observe the actual behaviour of the Soviets and East Germany in the event that the entire treaty complex goes into effect and can then decide whether to maintain, reduce, or even eliminate our actual presence in Berlin except in the most symbolic sense.⁵ Further details of this, however, are in my letter of June 25 to Jim Sutterlin⁶ which you have seen.

It may well be that other constructions can be found. But the important thing, I believe, is that the Berlin negotiations should in effect be considered an integral part of the overall complex. Consequently, whatever our nomenclature or tactics may be, we should conceive the negotiations as establishing a long-range settlement of the Berlin situation which is more tolerable for us than the simple continuation of the status quo.

Two things should perhaps be said of the Soviet position on Berlin. First, the things we are interested in will not cost the Soviets a great deal in terms of their major interests, except perhaps some friction with the GDR, whose own survival as a regime is in any case not involved in these talks as it may be in negotiations between the two parts of Germany. Second, although the Soviets are tough negotiators, they are realists. They know that the whole complex is bound together and that we consider it so. They know already that we can be relied on to oppose GDR entry into the UN, which they are committed to seek,

⁵ Skoug disagreed with the conclusion of this paragraph: "5 goals, 3 of which are unattainable."

⁶ In his letter to Sutterlin, Dean foresaw a Berlin agreement as the "counterpart" for agreements reached as a result of Ostpolitik: "Like them, this interim settlement would be one which does not assume better behaviour by the Eastern side as automatic merely because they have concluded an agreement. But through the act of concluding the agreement and through its content, a contractual standard by which we can measure the behaviour of the Eastern side would be established." After a period of perhaps 5 to 15 years, the Western Allies would reevaluate Soviet conduct. "If this behaviour has been bad," Dean explained, "I would assume we would want or be obliged to continue our full political and military presence in Berlin. If it were good, we could consider whether we could not deliberately shrink away our presence and emphasize the Federal German role." (National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.1, 1970 Four Power Talks, June Preparations for Meetings)

unless there is a Berlin settlement satisfactory to us.⁷ Therefore, while we should avoid tactics which may bring the Soviets to question the existing situation even more than they now do, there seems good reason to push quite hard in Berlin both in terms of our own interests and the overall negotiating situation.

I believe negotiation on the European-military balance below the strategic level now being discussed in SALT has an integral place in this peace treaty complex. I recognize that these negotiations are not as far advanced as the others but believe they will move, and that we should back them. Negotiations on this subject, it seems to me, offer us the following potential benefits:

1. A way of controlling present domestic political pressures in the US, other than budgetary pressures, for reductions of US Forces. If negotiations on the topic are actually going on, we have an unassailable argument that our troops in Europe should not be simultaneously reduced.

2. A way of controlling future public opinion pressures in all NATO countries and especially the US for reduction of defense expenditures which might well result from exaggerated public evaluation of the significance of other portions of the negotiating complex, like the German-Soviet or Federal German-East German agreement, if these took place in isolation without such a means of stabilizing and capturing the reaction.

3. Perhaps we may assume that the strategic balance of terror between the US and the Soviet Union actually functions to prevent an all-out Soviet military attack on Western Europe and that in consequence what we are dealing with militarily is a potential range of attacks below that threshold, that the possibility of those attacks is not great because of the risk of overall war, and that our principal problem is the psychological one of dealing with deep-rooted German sensitivities to the local military predominance of the Soviet Union in order to exclude an appeasement development. If so, these negotiations offer a way of stabilizing and if this must be, even reducing the American military presence in Europe, while limiting the adverse political consequences for German and European political opinion.

4. These negotiations provide a way of obtaining a new contractual basis from the American Senate for the essential long-term continuation of presence of US military forces in Germany.⁸ This is a central point in their favor.

⁷ Skoug wrote in the margin at this point: "Is GDR membership in UN so important to USSR?"

⁸ Fessenden remarked: "Don't see how the line could be held with Senate any better."

It seems to me possible, evidenced by the latest Warsaw Pact statement on military balance negotiations, that the present leadership of the Soviet Union is also interested in negotiations on this topic. The Soviets, too, for the very reason of potential deteriorating relationships with Eastern governments, are seeking a new contractual basis for the retention of forces in Europe. An agreement could also give them a contractual guarantee against unilaterally desired increases in the German armed forces or in the American military forces in Europe. In view of the fact that the German armed forces are limited by the WEU treaty between Germany and its Western allies, an agreement about the military balance in Europe is in this regard comparable to the NPT treaty, which extended a Federal German obligation to the West to an obligation of the Federal Republic vis-à-vis the Soviet Union. In view of these various interests, I believe it quite possible that the next two or three years could see conclusion of an agreement on this topic.

The essential question from our viewpoint is whether this overall development is in our interest. This is a complex subject. In general, the complex seems to me to have two major disadvantages for the United States. First, as briefly noted above, Western public opinion may conclude from the conclusion of only a part of the complex that the whole of the issues which led to the Cold War can be solved and the armies can all go home. Second, Soviet credibility as regards the prospects for further progress in the East would increase and, with it, Soviet capacity to influence the discussions of Western European governments on the unity issue. The first disadvantage can in part be compensated for with successful negotiations on a European arms balance which should in practice put a floor under NATO force levels as well as a new ceiling. There is no solution in sight for the present⁹ one.

It can, however, be asked more generally whether the overall line of the development should or could be stopped. Here, it would appear, two factors predominate: First, the Germans in particular have already made a number of concessions which make it impossible to return to the original starting position. They have in the interests of getting the Soviets interested in the negotiations given away some of their negotiating points like the existence of two states, and at least theoretical willingness to sign on to present borders and have the East Germans in the UN. Since our overall position in Germany is weakened by this fact, the ensuing situation is an argument for staying in the game in order to get some payoff from the Soviets to redress the balance, particularly as regards Berlin.

⁹ Fessenden crossed out this word and wrote: "Second?"

Most important, the present trend of developments is in line with the domestic and foreign political developments in the US toward decreasing engagement in foreign affairs,¹⁰ tendencies which must inevitably have some effect on our posture with the Soviet Union and Europe.

This complex of negotiations with the Soviets is matched on the Western side by the Common Market negotiations with Great Britain and the other candidates for entry. These negotiations, too, should be added to the overall complex in order to have a general assessment. It seems to me that the possible outcome of this overall complex of important shifts in Europe is that, within a two or three year period, we will have Britain and the other candidates in the Common Market, and subject to the general fragility of the situation already described, the peace treaty settlement on Germany also put in effect.

The result will be a new ball game as far as the situation in Europe is concerned and also as far as the European-American relationship is concerned. Yet I would predict that, at that point, the position of Germany as a fulcrum in the East-West balance of power and the struggle over the position of Germany which has been a consequence of its importance in this regard, will continue in this new situation. But in a new framework: It will then probably take the form of a potential conflict, particularly in the minds of the political leaders of Germany of that time, between the measures necessary to build up Western Europe and their desire to expand their relations with Eastern Europe and the Soviet Union. The governing factor will be their realization that the Soviet Union does not want a rival political-military entity in Western Europe and therefore will not tolerate further German or Western European penetration in Eastern Europe if such a policy leading to such an entity is energetically pursued. The contest will be between an anti-Soviet or Soviet-neutral picture of Western Europe and the concept which runs under the name of the "European Peace Order," which envisages a high degree of association between Western Europe and Eastern Europe, including the Soviet Union.

This point is of course less a conclusion than a picture of the Europe which may emerge if the present negotiating complex goes into effect. My general conclusions are that, despite obvious difficulties, the peace treaty surrogate does have a chance of going into effect, that the changes it entails seem at least marginally to our benefit, and that in any event, it is improbable that the whole complex can be stopped short of a drastic change in the overall direction of American policy which cannot now be envisioned, or of a major shift in the Soviet government which is admittedly more possible.

¹⁰ Fessenden underlined this phrase and asked: "Does this really apply to Europe."

95. Editorial Note

On July 9, 1970, Deputy Chief of Mission Fessenden, who was on vacation in the United States, wrote a personal letter to Ambassador Rush, reporting on his recent consultations in Washington. In his discussion of the quadripartite negotiations on Berlin, Fessenden highlighted problems with the decisionmaking process on Germany:

"I conveyed to Marty [Hillenbrand], Jim [Sutterlin], and Hal [Sonnenfeldt] your impatience with the general Washington foot-dragging. It is clear that there is a pervasive go-slow attitude in Washington, plus skepticism that anything much will come of the talks. It would be wrong to blame Marty and Jim for being the originators of this sentiment, although they share it. They are reflecting general Washington views. The main reasons for it are: (1) almost total preoccupation of the White House with other areas, Vietnam, Middle East, and SALT; (2) lack of any leadership in the State Department with the departure of Richardson; and (3) strong fear of getting out in front with the Four Power talks when the rest of Ost Politik seems to be in trouble and is in danger of slowing down. 'Strong fear' is perhaps not the best way to put it. The concern is rather that the only chance of getting anything out of the Soviets in the Four Power talks is through their interest in getting something out of the Germans in their bilateral FRG-Soviet negotiations. If these latter negotiations are to be made more difficult and slowed down because of internal German political difficulties, then it would be unwise to try to charge ahead too hard now on the Four Power talks. There is also strong feeling that nothing is possible on the Four Power talks themselves unless the Germans are ready to make important concessions on the political presence in Berlin issue. There is skepticism that they are able to make such concessions because of internal political troubles and general dismay over their tendency to play up the Berlin-Bonn ties. There was also dismay over Bonn's proposal for a written statement of the linkage between the bilateral German negotiations and the Berlin agreement. By the way, your handling of this issue with Abrasimov was much applauded in Washington; this is considered just the right line for handling linkage, either with the Soviets or the Germans.

"The general attitude, therefore, is to apply brakes to the Four Power talks. Marty's meeting with the British in London and the French in Paris, plus the convoking of Senior Group meeting in mid-September, are designed for just this purpose: to apply brakes to the talks and to provide an opportunity for all concerned to think through again all the implications. Marty thinks it is particularly important to get the Germans to do this. There is also a feeling that the present pace, one meeting every three weeks, is too fast in existing circumstances. One other point: for

the mid-September Senior Group meeting, which by the way will not be held in Bonn; it is considered very important that Von Staden (if not Frank) participate for the Germans. There was considerable disappointment that only van Well represented the Germans at the Rome meeting in May. This is not necessarily anything against Van Well; it is instead a question of level.

“As for your talking to someone in Washington about the slow progress in the Four Power talks, the problem is finding someone to talk to. The President and Henry Kissinger are all wrapped up in other things; in the State Department the only person to talk to is Marty. You could of course go back and see the President or Kissinger, but from what I learned I’m not sure much could be accomplished. As for seeing Marty, I’m sure he would be glad to see you in either London or Paris during his current trip, if it’s not too late. Again, though, I’m not sure that much would be accomplished. I personally think the argument about not getting out ahead of the German bilateral Ost Politik negotiations is a hard one to answer. Of course, there may be some new developments since I left which have changed things. Sorry to present such an unencouraging picture on the Four Power talks, but that seems to be the way it is.” (Department of State, EUR Files: Lot 74 D 430, F Personal Correspondence File)

Fessenden also forwarded a copy of this “composite letter” to Jonathan Dean, Political Counselor at the Embassy, sending the package immediately because “the information was too important to hold until I got back.” In an apparent reference to the July 3 memorandum from Dean to Rush (Document 94), Fessenden reported that he had delivered Dean’s “basic memo” to Hillenbrand and Sutterlin. “I didn’t have a chance to get their reactions fully,” he explained, “but you can see from their general approach as set forth in the composite letter that they were not exactly in harmony with your letter. There’s a real gap between the Embassy and Washington, and ‘Washington’ is not just Marty and Jim. It’s a real problem.” (Letter from Fessenden to Dean, July 9; National Archives, RG 59, EUR/CE Files: Lot 85 D 330, AMB/DCM Correspondence, 1970)

96. Editorial Note

On July 7, 1970, West German Chancellor Willy Brandt chaired a closed session of his Cabinet to discuss plans for the final round of negotiations on a renunciation-of-force agreement with the Soviet Union. According to one report, Brandt remarked, after a detailed review of the talks in Moscow, that “possible misunderstandings” with the United States over his Eastern policy might require “a redefinition of the West German relationship with the three Western powers” in the form of a joint declaration. Brandt also announced that the timing of his meeting with East German Premier Willi Stoph in Kassel on May 21 had been a “mistake, and he would not want another such meeting unless there was assurance of some success.” (National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.5, 1970 Four Power Talks, July Commentary on Talks)

In a meeting with the three Western Ambassadors on July 9, West German State Secretary Paul Frank further reported that “the Cabinet had definitely decided to view the results of the previous FRG-Soviet discussions, including the texts worked out by Bahr with the Soviets, as preliminary and open to change. Although the Soviets would undoubtedly bring pressure on the FRG for early signature, the Cabinet had decided there should be genuine negotiation in the future talks with the Soviets on changes in order to make the text more acceptable, even though this might take a considerable amount of time.” (Telegram 7908 from Bonn, July 9; *ibid.*, Central Files 1970–73, POL GER W–USSR)

In a memorandum to President Nixon on July 13, Henry Kissinger summarized Brandt’s comments to the Cabinet on Berlin as follows: “Brandt expressed great concern over the economic, political and psychological situation in West Berlin. According to Brandt, the Allies are not moving quickly or well enough in the Berlin talks, and he fears the Soviets are proving more than a match for the Allies. Brandt would like to get a statement from the Allies that they intend to accomplish improvements in access, inner-city communication, and Berlin’s representation abroad. Though he said he would reduce Federal presence in West Berlin in exchange for Soviet concessions, Brandt made clear that he would not let the West German flag there be pulled down.” (National Archives, Nixon Presidential Materials, NSC Files, Box 24, President’s Daily Briefs, July 11–July 20, 1970)

97. **Memorandum From the Permanent Representative to the North Atlantic Treaty Organization (Ellsworth) to the President's Assistant for National Security Affairs (Kissinger)**¹

Undated.

THE NEGATIVE ASPECTS OF OSTPOLITIK

Despite the rather general public euphoria over the FRG's Ostpolitik, there are a number of substantial reasons for concern about that policy and its effects in Europe and the United States. The following is a brief examination of some of those reasons for concern.

I. Imprecision.

The lack of any clear definition of either means or ends is perhaps the most striking—and dangerous—aspect of Ostpolitik. The Germans tell us they want to “fuzz the line” between the FRG and the GDR, and that they want to “improve the East-West atmosphere,” all presumably in the hope that at some future time conditions will have improved to the point where the two Germanys can be reunited. But what they seem incapable of explaining is how means relate to ends, and how present concessions on their part will even encourage (much less [elicit]) future Eastern generosity.

This lack of precision has led to several unfortunate—and potentially serious—results.

First, there is a growing sense of Western European unease. Right or wrong, long suppressed but still present fears and suspicions of Germany are being revived by the FRG's inability to explain in detail precisely what it seeks and how far it is prepared to go to get it. Few thoughtful Europeans are yet concerned about another Rapallo.² But they are worried that this latest German “Drang nach Osten”³ will lead to a weakening of Germany's ties with the West, an increasingly independent FRG foreign policy, and rising pressure within the Federal Republic for a place in the sun more in keeping with Western European political “realities.”

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box CL 6, Chronological File, 1969–75, 1 June–8 July 1970. Secret; Nodis. A handwritten notation indicates that the memorandum was “handed to HAK by Ellsworth June/July 70.” Ellsworth probably gave the memorandum to Kissinger during his visit to Washington in early July. (Letter from Ellsworth to Nixon, July 16; National Archives, Nixon Presidential Materials, NSC Files, Box 259, Agency Files, NATO, Vol. VIII)

² See footnote 5, Document 1.

³ Drive to the East.

The danger inherent in these rising apprehensions about Germany's future course is that the already lagging enthusiasm for Alliance unity in East-West policy will be further undermined, while Western Europeans rush to compete with the FRG for Eastern favor and markets.

A second result of Ostpolitik is the opportunity that policy gives the Soviets to use the carrot and the stick. So long as "atmosphere" is uppermost in German minds—as opposed to a hardheaded calculation of specific trade-offs—the FRG will be open to the most blatant forms of blackmail. (The latest Soviet statement that concessions on Berlin would be forthcoming *after* ratification of the FRG-Soviet Treaty is a case in point, as is Brandt's mounting pressure on the Three Western Powers to come to a Berlin agreement.)

II. *The Status Quo.*

We have heard much about how German Eastern policy has recognized the "status quo" in Central Europe. What is usually meant is that the FRG has accepted:

- the existence of the GDR;
- the border adjustments (particularly the Oder-Neisse line) resulting from World War II.

While it can be argued that it is regrettable that the FRG saw fit to give up these bargaining points for little or no return, it can also be argued that all the Federal Republic did was recognize a reality it was powerless to change and therefore powerless to use to its advantage.

What is less often realized, but far more important, is that by proceeding as it has the FRG has, in effect, recognized *Soviet* hegemony in Eastern Europe. The damage this may have done (or may do) to the West's ability to deal with the East is twofold:

—Much of the damage, insofar as Eastern European attitudes are concerned, may already have been done. Few are going to be sophisticated enough to recognize that Germany, in accepting the USSR's principal role in Eastern Europe, is *not* doing so as the West's surrogate.

—German recognition of Soviet domination will make it far easier for other Western Governments, which are also anxious for better relations with the East, to take similar steps.

III. *The Soviet Role in Europe.*

The Soviets have long sought the status of a fully *European* power, with interests that reached the whole Continent rather than stopping at the Elbe. Since the last war, the Soviet claim to acceptance in the councils of Europe has rested solely on its military might; Europeans (other than De Gaulle) have never conceded the legitimacy of the Soviet argument that it should participate because it is a *European* power.

Since this is something the U.S. clearly is not, we have consistently supported this view.

But the Soviet-FRG Treaty, by suggesting that the USSR become a participant in an era of continent-wide cooperation, has undercut previous Western policy. It has opened the doors to acceptance of the legitimate right of the Soviets to participate in European affairs (and thus Western European affairs) on a basis (i.e., geography) the United States cannot claim (despite the fact that ethnically, culturally and economically the U.S. is far more a European power than is the USSR).

IV. Economic and Technological Cooperation.

The Germans have taken a major step toward permitting the Soviets increased access to badly needed Western technological and economic resources—and on terms that smack more of aid than trade. In the process they have made East-West trade more “respectable,” and have whetted the appetite of every West European Government that sees the East as a great untapped market. Few will be prepared to accept the FRG’s “privileged” position for long; and the U.S., as the last holdout against a relaxation of restrictions on trade with the East, will come under increasing pressure to change its policy.

V. Troop Levels.

Perhaps the greatest Ostpolitik anomaly is that, while the Germans clearly believe their policy can only succeed if it rests on a strong NATO defense posture, including *no reduction in U.S. forces*, that policy may have made it even more difficult for us to avoid a force cut. At a time when there is already substantial Congressional pressure to reduce our NATO commitment, and when many are claiming that “détente” in Europe is all but an accomplished fact, the signing of the German-Soviet Treaty will be read as evidence of the speciousness of those who say that the U.S. must continue its present level of defense spending in Europe.

What Do We Do?

The United States can still have substantial influence over events, *and* over the Germans, should we choose to exercise it. Nor, at certain levels of involvement, need the fact that pressure has been brought to bear become public knowledge. We should not uncritically decide that the price of such publicity, should it occur, is so great that we cannot interfere under any circumstances.

The Berlin negotiations offer the most immediate tool at hand with which to influence the course of the FRG’s Ostpolitik. So long as the Four cannot arrive at an agreement, Brandt is on very shaky ground and knows it. But the minute there is an agreement, no matter how minor, his freedom to proceed—and with the apparent blessing of his three Western allies—is greatly increased.

Given the current impasse in the Berlin talks, it should not be difficult for the U.S. to use the negotiations to advantage, while avoiding public criticism. We can:

- take a cautious position on proposals to let the working level try to hammer out an agreement;
- refuse to agree to further modifications of our substantive position, arguing that any further compromises would adversely affect the welfare of the West Berliners;
- even harden our demands slightly if the Soviets persist in their present hard line.

While the British would probably push us to be more forthcoming, the French would almost certainly support us, at least for a time (this claim should be looked at again *after* the Pompidou visit to Moscow).⁴ We would also be in a relatively good propaganda position, since we could—should it become necessary—take a strong public position against sacrificing the well-being of the people of Berlin for the sake of an unsatisfactory agreement.

Such delaying tactics, if carefully employed, could at least slow the pace of Ostpolitik. They could also serve as a gentle warning to Brandt.

Should the U.S. decide that a more explicit warning is necessary, Ambassador Rush or a special emissary could be sent to Brandt (or some slightly lower level in the Government). His purpose would be to explain in detail U.S. worries about the course of Brandt's policy, and to explain our view of the limits beyond which he ought not go. Implicit in this *démarche*, of course, would be the threat that should Ostpolitik go too far afield the USG would have to reexamine the wisdom of continuing its public support for FRG Eastern policy.

There is, of course, always the danger that our actions would become public knowledge. The German Government is notoriously insecure, with the likelihood of leakage increasing in direct proportion to the number of lower-level people involved. But Brandt knows that his already shaky Government would be in serious trouble if there were even the slightest indication of firm U.S. opposition to his policy, and would do all he could to avoid leaks. With this in mind, a private meeting between Ambassador Rush and the Chancellor would probably be the safest way to proceed. Under any circumstances, we would have to guard against any hint to the CDU of what we were doing.⁵

⁴ Pompidou went to Moscow in October 1970 for his first state visit.

⁵ In October 1970 Ellsworth prepared another proposal to use U.S. leverage to influence the course of German policy. In an October 21 covering letter to Haig, Lawrence Eagleburger explained: "Ambassador Ellsworth was all primed to speak at the [October 14] NSC meeting on Berlin and Germany about our levers on the Bonn Government. The way the discussion went, however, he did not get a chance to make the pitch, so I am sending you a copy of 'what might have been.'" (National Archives, Nixon Presidential Materials, NSC Files, Box 259, Agency Files, NATO, Vol. IX)

98. Telegram From the Embassy in Germany to the Department of State¹

Bonn, July 15, 1970, 1222Z.

8145. Subj: Conversation With State Secretary Bahr on Renunciation of Force and Eastern Policy. Deliver Sutterlin at 0830 hrs.

1. In a conversation July 14 between Ambassador Rush and State Secretary Egon Bahr on the Eastern negotiations, the main subject was the Allied desire to include mention of the continuation of Allied rights and responsibilities for Berlin and Germany as a whole in the renunciation of force treaty with the Soviet Union.

2. Bahr expressed optimism that the present German proposals for modification in the text of the treaty would be acceptable to the Soviets. Ambassador Rush developed the line of argument outlined in Bonn's 8036 and 8001.² He said there were two main reasons for inclusions of such language in the agreement with the Soviets, protection of the Western position in Berlin, and protection of the right of self-determination for the German people. One could not be sure of the political significance of the second point. Germany might some day be reunited and this point might in the course of time prove to have been highly important. On the other hand, its present significance was indeterminate.

3. Ambassador Rush told Bahr that on the other hand the significance of including language in the German agreement with the Soviets covering continuing Four Power responsibility for Berlin and Germany as a whole was however immediately and directly important in terms of maintaining the Western position in Berlin. Ambassador Rush said that the important thing in this matter was not what we think our rights are but what others think: people in third countries, potential Western investors in Berlin, Western public opinion, and above all the Soviets themselves. As nothing was said in any of the German agreements with the East about Four Power rights and responsibilities for Berlin and nothing was said of this in a possible Berlin agreement or an agreement on admitting East Germany to the UN, then we would be in a considerably worsened position. The Soviets themselves might be misled by failure to include this item in the agreements. They might

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–US. Secret; Immediate; Limdis. Repeated to London, Paris, Moscow, and Berlin. According to another copy, the telegram was drafted by Dean and approved by Rush. (Department of State, EUR/CE Files: Lot 85 D 330, JDean—Telegrams, May–Jul '70 (Drafted or Co-Drafted))

² Both dated July 13. (National Archives, RG 59, Central Files 1970–73, POL GER W–USSR) In telegram 112706 to Bonn, July 15, the Department agreed that a “coordinated tripartite approach should be made to the German side in Bonn” on Allied rights and responsibilities. (Ibid.)

conclude that the Western Powers had lost interest in maintaining their position in Berlin and themselves seek to probe Western resolve more firmly and push harder. If we failed to obtain the inclusion of a suitable formula in the first agreement, we might come under great political pressure from our own friends, including the Germans themselves not to include them in subsequent ones.

4. Ambassador Rush pointed out that if the Soviet Union were in a position where its ally East Germany was a member of the UN and none of the Eastern treaties reflected the continuing subsequent of the idea of Germany as a whole or Quadripartite rights on Berlin, then the problem of Western sectors could readily become, in the eyes of Western opinion and Third World opinion, merely an ethnic internal problem of what one group of Germans did to another group of Germans. There would be no clearly apparent grounds for involvement of either of the Big Powers and the locally superior position of the East Germans might well in time prevail.

5. Bahr argued that if the Soviets wanted some mention of Four Power agreements or were interested in this concept, they would take it up themselves in the Berlin context. He claimed the Western Powers were asking the Germans to do for them with the Soviets what they themselves could not do. Ambassador Rush pointed out that this was not the case. We were not asking that the Germans bring the Soviets to accept our version of the Four Power rights and responsibilities. We were merely asking that both participants in the agreement acknowledge that these rights and responsibilities exist and continue. We wanted a standard formula included in all agreements. But we were not asking the Germans to get something for us we couldn't get. We had these rights and responsibilities already. We wanted participants in new agreements to acknowledge their existence. In the final analysis, it would not be in the German interest if, through failure to push for this point, they should cut the ground out from under the Western Powers on Berlin.

6. At this point, Bahr said that he could now see the reasons for the Western position far more clearly. These had not previously been reported to him. Without committing the German Government, he indicated agreement that an effort should be made to take this matter up with the Soviets in the forthcoming negotiations.³ Ambassador Rush

³ At the quadripartite luncheon on July 17, Bahr raised the issue of inserting language in the text of the proposed German-Soviet treaty on the quadripartite status of Berlin and Germany as a whole; upon reflection, he now believed that "a German effort to gain Soviet agreement to inclusion of this language should be made and should be pressed as hard as possible." Bahr, however, issued a caveat: "the effort should be made on the basis of the mutual understanding on the Western side that the Germans will make a sincere and strong effort, but that this issue would not be the make or break question of the entire negotiations." (Telegram 8310 from Bonn, July 17; *ibid.*)

said that if matters came to a point where the whole treaty structure was in danger of collapse, he did not think it would be right to keep pushing the point on the mention of the four point structure. But he did think for the German position and our own as well that an energetic attempt should be made to gain inclusion of appropriate language.

7. Bahr claimed that he did not know what was going on in the Quadripartite negotiations in Berlin and that the German side was not being kept fully informed. Ambassador Rush said he was most surprised to hear this. He said the German side through the Bonn Group was getting every word that Abrasimov said and that the Allies said in return. The Germans knew everything that was going on in these negotiations and had full capacity to influence formulation of the common Western position. The Germans could be sure that the Western Allies would not give anything away in Berlin without the complete agreement of the Federal Republic. Bahr then intimated that the Western side was not pushing the Soviets hard. Ambassador Rush replied that we were giving as good as we got and we left no Soviet point uncontested. Ambassador Rush pointed out that his objective in the negotiations was to frustrate the Soviet aim of final isolation of the Western sectors, leading to their eventual collapse or absorption in East Germany. Bahr agreed and said it was necessary to push hard on the Soviets. The only technique was to repeat the Western position again and again.

Rush

99. Transcript of Telephone Conversation Between Secretary of State Rogers and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, July 16, 1970, 5:40 p.m.

R: Reviewing for tomorrow's meeting with Scheel. I see the President will meet with him.² Scheel will make as much as he can of this. He has two press officers with him and they are having a reception at the Germany Embassy tonight. They invited me to dinner tomorrow

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 364, Telephone Conversations, Chronological File. No classification marking.

² See Document 100.

night but I am feeling a little ill, it was a good excuse, and I declined.

K: They will make everything of this.

R: Everything that the President said except bland comments can be reconstructed.

K: I sent you a memo on this from him.³ He said he would only make two points. We go along with their policy—he wants to be bland and if you can give him anything to make it more bland—

R: I will.⁴ Part of the package provides that package between the Soviet Union and the FRG doesn't become effective until signed by Poland, —, —.⁵ That's the block concept. Secondly, why not make provision in the 4 power talks—then the Soviet Union says that's a condition. I am going to point out they cannot insist on linkage and then say we cannot consider linkage. It's a single instrument and cannot be acceptable until all are signed. He will say why he will ? ? ? [omission in the original] on the Berlin talks.

K: And we will be the fall guys on the Berlin talks.

R: I want to be sure we don't support what they are doing exactly because they won't go along with changes.

K: I think the President should say we are in favor of reducing tensions. He doesn't want to get into details and you will speak for him

³ In a July 16 memorandum to Rogers, Kissinger reported that Nixon would make the following points: "the U.S. supports the general policy of the FRG with respect to its relations with the East, and in particular its efforts to reach agreement with the USSR on the mutual renunciation of force," and "the U.S. will not involve itself in the specific negotiating details and tactics of the Federal Government, for it is confident that the Federal Republic fully understands the continuing need for the protection of the Allied rights and responsibilities with respect to Berlin and Germany as a whole." (National Archives, RG 59, Central Files 1970–73, POL 7 GER W) As Kissinger explained to the President: "it would be useful to advise the bureaucracy of general guidelines to be followed during the Scheel visit—to ensure that the Scheel party does not pick up conflicting signals during its stay." (Memorandum from Kissinger to the President, July 15; *ibid.*, Nixon Presidential Materials, White House Special Files, White House Central Files, Subject File, Confidential File, CO53 Germany 1–170 to —)

⁴ In a July 16 memorandum to the President, Rogers provided the following guidance: "Normalization of the FRG's relations with Communist Europe is compatible with American interests as long as the FRG retains strong ties with the United States and with NATO. An underlying principle of Brandt's Eastern policy is that it must be carried out on the basis of stability and strength in the West and without impairment of the quadripartite rights and responsibilities. On this basis, we can endorse the general objectives sought by Brandt's Government which, it should be added, accord with Kiesinger's objectives when he was Chancellor. We wish to avoid creating the impression in the FRG that an effort to improve relations with the East is incompatible with continued cooperation with the West. Our attitude should be determined by the three principles of continued cohesion and strength within the Western Alliance, non-impairment of quadripartite rights, and continuing efforts to lessen the military and ideological confrontation in Europe." (*Ibid.*, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V)

⁵ The omitted references in the text here are presumably to Czechoslovakia and East Germany.

on the details. The guy is a total lightweight. Say we agree with the general purpose.

R: What has happened is that the Germans have been out bargained.

K: With Bahr doing the bargaining, the lizard. I looked over that treaty and I don't see what the Germans get except a treaty. They must now recognize E. Germany. That will make negotiations horrible because that puts Berlin in E. Germany.

R: And nothing on access.

K: They have undercut the legal position on access to Berlin.

R: Once they go through this charade it says it has a kind of sovereignty.

K: I was worried that the view in State would be more permissive and we should be bland.

R: We don't want to be charged with torpedoing but we must have more progress in 4 power talks. Although Russia doesn't want linking, how can we not?

K: They are linked to getting the GDR in the U.N. When all of this is done you will have a sovereign E. Germany having renounced use of force. And a drastic situation will be envenomed. Your line is right. The President will listen and leave the details to you.

[Omitted here is discussion unrelated to Germany and Berlin.]

100. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, July 17, 1970.

SUBJECT

Your Meeting with German Foreign Minister Scheel, Saturday, July 18, at 10 a.m.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V. Secret. Sent for information. The date of the memorandum is from an attached transmittal note from Kissinger to the President.

You have agreed to meet for 30 minutes with Foreign Minister Scheel (pronounced SHALE) at his request.² Scheel had talks in London en route to Washington, and will have seen Secretary Rogers on Friday afternoon. You met Scheel in Washington in June 1969, when he visited you as leader of the then-opposition FDP.

Scheel will have already seen Secretary Rogers³ and other State Department officials and they will have gone over technical points related to the FRG's current eastern negotiations. *Consequently, there should be no need for you to get drawn into this subject in detail.*

We understand that, apart from the prestige element in being received by you (which is extremely important to Scheel as head of the tiny FDP, which stands to lose further ground in state elections in the fall), Scheel will be interested in your analysis of the SALT talks, the Middle East and Vietnam.

² On July 11 Pauls urgently requested that Nixon and Rogers meet Scheel on July 17. (Telegram 111117 to London, July 12; *ibid.*, RG 59, Central Files 1970–73, POL 7 GER W) In a July 15 memorandum to the President, Kissinger explained: "For you not to receive Scheel at least briefly on July 17 would be taken as a serious affront by the Brandt/Scheel government. In their eyes it would expose the lack of genuine US support at a time when it is most needed, and at a time when the French and British are willing to stand on the German side." Nixon approved the request but opted to receive Scheel on July 18. (*Ibid.*, Nixon Presidential Materials, White House Central Files, Subject Files, Confidential File, CO53 Germany 1–170 to —) Nixon met Scheel on July 18 from 10:08 to 10:39 a.m. (*Ibid.*, White House Central Files, President's Daily Diary) Although no U.S. record has been found, Pauls forwarded an account of the discussion in a telegram to the German Foreign Office on July 19; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 1200–1202.

³ In telegram 115580 to Berlin, July 18, the Department summarized the conversation: "During course of two and half hour meeting with FRG Foreign Minister Scheel on July 17, the Secretary stressed (a) importance of FRG using its negotiations with Moscow on behalf of Berlin; (b) possibility that enhanced status for GDR could pose new problems for West Berlin, particularly in area of access; and (c) desirability of obtaining in FRG-Soviet treaty written acknowledgment of continuing quadripartite rights and responsibilities for Berlin and Germany. Scheel was in general agreement and while he made no commitment on point (c) he was willing to consider it further. He thought that several alternatives, including an exchange of letters between FRG and Three Powers, might also provide satisfactory solution and proposed that consultations on question continue in Bonn Group forum early next week, with which Secretary agreed. Scheel characterized himself as on 'tough' side in Cabinet and said conversation with Secretary would be useful to him in further Cabinet discussions." (National Archives, RG 59, Central Files 1970–73, POL GER W-USSR) For a German record of the conversation, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 1196–1198. According to a report on a meeting of the German Cabinet on July 23: "Scheel said that it was evident in his conversation with Secretary of State Rogers that there is great uncertainty in the U.S. about West German Eastern policy, and President Nixon had expressed only subdued optimism about the West German chances for success in this policy. However, after Scheel had explained the German position, the Secretary of State showed a positive interest, and Scheel thought he had overcome some objections, since the Americans then agreed to the favorable communiqué." (National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V)

As regards *SALT*, you may wish to say that

—your decision to offer new, more limited proposals has already been conveyed to the allies through NATO;

—we think there may be a genuine Soviet interest in some standstill agreement, perhaps for economic reasons, but we can't be sure yet;

—in any case, we must guard against exaggerated hopes of *détente*, even if some agreement should prove possible because many interests will continue to clash.

This will be especially true in the *Middle East*, on which you may wish to say that

—we will continue our efforts to get the parties to talk instead of fight;

—but we are deeply disturbed by the general inroads, including military, that the Soviets have made in the area;

—this is as much a matter for the countries of the region and for NATO as a whole as it is for us; because it outflanks the center of Europe even if certain agreements are possible with the Soviets.

On *Southeast Asia*, you may wish to stress

—your appreciation of the understanding that your actions have received from the German government;

—that you intend firmly to continue on your present course;

—and that it is clear that the Cambodian operation has facilitated this.

The German Eastern Policy

Scheel's rather sudden visit to Washington, insofar as it related to his meeting with Secretary Rogers, directly involves the next step in the FRG's Eastern Policy. He is expected to lead a German delegation to Moscow on July 26 to open formal negotiations for the FRG–USSR treaty on the renunciation of force. It is probable that Scheel and Gromyko will initial a text within a relatively short time. This treaty will be the center piece in the Brandt Government's Eastern Policy.

For domestic political reasons (to blunt the attack of the opposition CDU) and because of their continuing rights and responsibilities for Berlin and Germany as a whole, the Brandt Government considers it necessary to receive the concurrence of the US, UK and France prior to proceeding to Moscow. This is the main purpose of Scheel's trip to London and Washington; the Germans consider that French support was received during the July 3–4 visit to Bonn of President Pompidou. (In fact, the French continue to have some underlying reservations.)

If he raises the Eastern Policy in his conversation with you, Scheel will probably be emphasizing the FRG's commitment to NATO and to partnership with the US. With that as a base, he will review the objectives of the German Eastern Policy—to lessen the confrontation in Central Europe, and to establish a more "normal" relationship between the

FRG and Eastern Europe, particularly with the Soviet Union, Poland and East Germany. Finally, Scheel can be expected to seek your support for the FRG's efforts (especially for their proposed treaty with the USSR), and may also urge that we press ahead in the Berlin talks with the Soviets (success there is very important, in German eyes, for the success of their efforts in the East).

(*Note: We probably do not have an interest in the collapse of the SPD/FDP coalition—certainly not in being held responsible for it—since an alternative CDU/FDP coalition, assuming it could ever agree on a Chancellor, would also be extremely weak.*)⁴

In this critical period of almost frenetic activity and apprehension within the FRG, it will be important for you to create the impression that the US stands behind the Germans, and that we consider, provided consultations are free and frank, their efforts with the East are not incompatible with their anchor in the West.

Thus, *you should make clear to Scheel*

—*that the US supports the general policy of the FRG with respect to its relations with the East, and in particular its efforts to reach agreement with the USSR on the mutual renunciation of force.*

At the same time we have a very real interest in ensuring that our position in Berlin, and our basis for dealing with the Soviets in matters relating to the entire German question, do not appear to be undercut by the FRG's activity in reaching what amounts to a partial peace treaty with the Soviets. As a purely legal matter, probably nothing the Germans could do with the Soviets could destroy our rights and the Soviet responsibilities. But what appears to be is often more important than what technically is a fact of law.

After pointing this out to Scheel, *you may wish to say*

—*that the US will not involve itself in the specific negotiating details and tactics of the FRG, for it is confident that the FRG fully understands the continuing need for the protection of the Allied rights and responsibilities with respect to Berlin and Germany as a whole.*

If Scheel raises the question of the Four Power talks in Berlin, *you may wish to comment that*

—our prime interest is to ensure the viability and protection of the City, and we have tried to obtain pragmatic improvements through the talks in Berlin;

—unfortunately, we have had no indication that the Soviets are willing to make any significant concession;

⁴ The President marked this parenthetical note and wrote on the memorandum: "I do not agree. Any non socialist government would be better."

—we recognize that Berlin should not remain alone as a point of confrontation as the FRG proceeds to relax tensions with the East, but at the same time it would be unwise to permit pressure to build which might force concessions from the West that would undercut Berlin's future.

A memorandum from Secretary Rogers⁵ and additional background materials are in a separate book.

⁵ See footnote 4, Document 99.

101. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, July 17, 1970.

SUBJECT

The Berlin Talks

In the light of the visit of German Foreign Minister Scheel on Saturday,² I thought you might wish a report on the status of the Four Power talks in Berlin which began on March 30. Another meeting is scheduled for July 21, after which there is to be a recess for the summer.

During each of the five meetings, the Soviets have made it clear that East Berlin is not a subject of the negotiations, and that the elimination of FRG political presence in West Berlin is the sine qua non for any possible agreement. Though they have admitted that the US, UK and France are supreme in West Berlin, the Soviets have expressed dissatisfaction with our performance since we are tolerating "illegal" FRG activities there. West Berlin, the Soviets assert, must be recognized as

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret. Sent for information. No drafting information appears on the memorandum. A stamped note indicates that the President saw it on July 22. Sonnenfeldt forwarded this memorandum to Kissinger on July 15. (Memorandum from Sonnenfeldt to Kissinger, July 15; *ibid.*) At Kissinger's request (see Document 93), Sonnenfeldt had submitted a status report regarding the Berlin talks on July 10. Kissinger considered the report "excellent" and instructed Sonnenfeldt to turn it into a memorandum for the President. (Memorandum from Sonnenfeldt to Kissinger, July 10; National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II)

² July 18.

having the status of a city-state, an independent political entity. They have insisted that the Three Powers agree on a set of general principles which codify the Soviet viewpoint.

The Allies, on the other hand, have argued that the basis for the talks is the continuing Four Power responsibility for all of Berlin and its access. We have tried to proceed from the specific to the general, by suggesting practical improvements in the situation relating to inner-city communication, access, and representation of Berlin abroad. So far there has been no meeting of the minds.

An essential difficulty which has hobbled the Western side throughout has been the lack of full agreement between the Three Powers and the FRG on the question of Federal presence in Berlin and the Bonn-Berlin ties. The Germans had led us to believe earlier that they would be willing to reduce their presence in West Berlin in exchange for Soviet concessions on the practical measures such as improved access. Now, however, the FRG seems to be taking the position that it is prepared to reduce its presence only in exchange for Soviet acknowledgement of Bonn-Berlin ties—a point which is totally inconsistent with the basic Soviet position.

Another and more essential friction point is the issue of the linkage between the Berlin Talks and the FRG's negotiations with the East. The Germans have now made success (by their definition) in the Berlin Talks a virtual pre-condition for the completion of their ongoing negotiations with the Soviets, and (to a lesser extent) the Poles and East Germans. The FRG would argue with some logic that normalization of relations with the East would have little meaning if there was not at the same time a satisfactory settlement of the situation in and around Berlin.

But, this situation puts us in the anomalous position of negotiating with the Soviets in Berlin arrangements which the FRG wants in order to make its own Eastern Policy tenable. This becomes more complex because the arrangements the Germans want for Berlin have proved utterly non-negotiable with the Soviets. The Germans persist in part because they seem to be convinced that the Soviets want a German settlement because of China and because they want relief for their economic problems. This belief is at best a theory and at worst a sheer delusion.

Nevertheless, we have been maneuvered by this theory delusion into the Berlin talks, and we may well be blamed if the talks are not successful (by the German definition) and the Eastern Policy is brought to a standstill as a result. Indeed, even if the FRG's negotiations with the East reach an impasse for wholly other reasons, the blame will still probably be placed on us. Alternatively, the Germans might very well untie their efforts with the East from the Berlin issue if their negotiations are successful despite the absence of a new *modus vivendi* for Berlin.

This does not mean there is no point in talking to the Soviets about Berlin. Given the enormous tactical advantage the Soviets have on the ground in Berlin, we have very little leverage except our insistence that a European Security Conference (strongly desired by the Soviets) makes no sense unless the threats to Berlin have been contained. At a minimum, we can hope that the Soviets will be deterred at least during these talks from creating crises and deteriorations in the Western position in Berlin by their fears of the impact this might have on relations with the West generally and the US in particular.

In the weeks ahead, we shall be reviewing whether these talks should be pursued, and, if not, how the Germans can be given a way to proceed with their Eastern policy, on which Brandt has staked his political life and which NATO has publicly endorsed.

102. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, July 25, 1970.

SUBJECT

Backchannel Message from Bahr

Bahr's message to you, (attached)² prior to his departure for Moscow with Scheel makes the following points:

—He hopes for results in about two weeks of negotiation.

—They will make clear to the Soviets there will be no ratification until a satisfactory Berlin settlement is reached.

—In case a clause reaffirming four power competence for Germany is not included in preamble of treaty (as we have asked for) the German side will notify the Soviets that the treaty cannot disturb the treaty relationship between Bonn and the Western three powers.

—The Soviet side may not exchange letters on the integrity between the renunciation of force agreement and the goal of German

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII. Top Secret; Eyes Only.

² Dated July 24; not printed. See also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 1231–1232.

unity (i.e. the Germans will make a unilateral declaration). The Germans will make it clear in the negotiations that the treaty with Moscow will not affect the Federal Republic Western European policies.

—The voices of the CDU opposition are still vociferous, but they risk isolation in view of the criticism they have received from Christian Democrats in Benelux and Italy for their continuing opposition to Ostpolitik. Barzel, however, has offered a truce while the negotiations are in progress.

—This (truce) has not hindered, until the last few days, the dissemination of rumors, as happened earlier, which, by referring to alleged conversations or telephone *calls with you*, claim to have knowledge of the White House's deep skepticism over the government's Ostpolitik.

(*Note: This is probably reference to Strauss' call; you are well covered on this by my conversation with Pauls, and notification of State of call from Strauss to you.*)³

—Bahr goes on to say that trusting in his relationship with you he does not attach significance to these allegations. It should remain as before, "whomever has a problem or a question should raise it."

—The Chancellor recalls his conversation with you and the President in April concerning a reaffirmation between Bonn and the Three Western Powers (this fall), which would be advantageous in dealing with Moscow.

—One notes some positive signs in East Berlin of the impact of Bonn's negotiation in Moscow. The East Germans are backing away from the demand for full international recognition. Ulbricht remains as always: to insure that his line conforms to the turns in Moscow.

³ In a telephone conversation with Kissinger on July 15, Strauss reported on the upcoming Scheel visit: "You are expecting a visitor next weekend from Germany. Be careful. The planning is to gain a positive communiqué or statement on your side as far as Berlin is concerned." Strauss explained that Scheel, in his travels to Paris, London, Washington, and Moscow, was motivated by "German internal policy," since "he hopes to rescue his party over the 5% limit." "The second point," Strauss continued, "is that the Soviets want a marketable credit from our side and in private discussions they expressed quite openly what they have in mind. They want to continue the arms race. They want to continue the strong military armament including the Mediterranean. They need a better situation in the field of consumer goods in the Soviet Union. In order to get out of it continued armament and improve the internal situation, they want a close cooperation with a dynamic industrial power. The intention of our fools is that they are ready to do it. That would mean that we would support the Soviets against you." Kissinger expressed appreciation for the report and promised to inform "those concerned" within the administration. (Library of Congress, Manuscript Division, Kissinger Papers, Box 364, Telephone Conversations, Chronological File) Sonnenfeldt informed Pauls of the call on the same day. (Memorandum for the record by Sonnenfeldt, July 15; National Archives, Nixon Presidential Materials, NSC Files, Box 683, Country Files, Europe, Germany, Vol. V) Haig also forwarded an accurate summary of the conversation to Eliot on July 15. (*Ibid.*, Box 282, Agency Files, Dept of State, Vol. VIII)

—Bahr asks how busy you will be, since he believes it would be valuable to give you a first hand account of the course and results of the Moscow talks.

—In passing the message [*less than 1 line not declassified*], Bahr said he did not expect a reply, unless you had questions. If so, he would have to receive them by Sunday morning.

I think you need not reply, since you would have to involve Jake Beam and so forth. There is nothing you can say without going into substance. When Bahr returns, however, you may want to send him a note on the backchannel asking for his appraisal, especially if you want to put off a visit from him. I think you are well protected on the “rumors” he cites.⁴

⁴ On August 4 Kissinger wrote on this memorandum: “Hal—Maybe I should see Bahr when he comes back from Moscow. What do you think? HK.” Kissinger decided not to send a reply to this backchannel message but subsequently agreed to meet Bahr after signature of the Moscow Treaty. Sonnenfeldt thought Bahr should see officials at the Department of State “whatever more private and sensitive matters you and he may want to discuss.” (Memorandum from Sonnenfeldt to Kissinger, August 10; *ibid.*, Box 684, Country Files, Europe, Germany, Vol. VII) Haig, however, forwarded a message from Fritz Kraemer, who warned that the “reptile Bahr” would “do all in his power to get some endorsement and will probably claim it even if he doesn’t get it.” Kraemer also suggested: “if Bahr is exposed to any State Department people we should probably keep Hal glued to his flank as long as he is here to prevent the inadvertent or advertent issuance of exploitable adjectives from State personnel.” (Memorandum from Haig to Kissinger, August 14; *ibid.*, Box 1002, Haig Chronological File, Haig, Alexander M. (General), Staff Memos—7/24/70 to 12/31/70)

103. Telegram From the Embassy in Germany to the Department of State¹

Bonn, August 5, 1970, 1722Z.

9011. Subj: CDU Leader’s Views on Current Situation in FRG.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 12–6 GER W. Secret; Limdis; Noforn. Repeated to Berlin, Dusseldorf, Frankfurt, Hamburg, Bremen, Munich, and Stuttgart. Sonnenfeldt summarized the telegram in an August 6 memorandum to Kissinger: “Yesterday, Barzel told our Embassy that he may decide to convene a special Bundestag session as soon as Scheel initials the treaty (he probably did not know that Scheel may initial as early as tomorrow). He was uncertain, tactically, whether to ‘go all the way’ in attacking the government’s foreign policy. Barzel said that he would inform us and the Soviets when he had decided to make an effort to oust the coalition. He made clear, however, that a CDU government would not revert to cold war policies, but would continue a policy of reconciliation and negotiation.” (*Ibid.*, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII)

1. *Summary.* In a conversation with EmbOff August 4, CDU Bundestag faction leader Barzel reviewed the current political situation in the FRG. EmbOff gained impression that Barzel is not now considering an all-out CDU effort to bring down the Brandt government. *End summary.*

2. Barzel began by reviewing Scheel's discussion with him on June 20 (to which Strauss had already made us privy without consulting with Barzel), in which Scheel asked Barzel to designate CDU participants in his negotiating group for Moscow. Barzel said he had never heard further from Scheel as to Barzel's request to obtain Soviet views as to whether Soviet leaders would be prepared for serious negotiations other than mere acceptance of the Bahr paper. Barzel said the coalition had mishandled this approach to him, in that it had concentrated on the question of whether the CDU would participate in the delegation without dealing at all with the substance of the negotiations. He said he thought the coalition had made an even more serious error in the general sense by not taking advantage of his own offer at the outset of the new government to have a bipartisan foreign policy. The SPD were paying for this in public opinion and would continue to do so.

3. Barzel said he had not yet decided on his next tactical move, but he might decide to convene a special Bundestag session immediately after Scheel initialed the agreement with the Soviets. He assumed that Scheel would only succeed in obtaining minor changes in the text of the Bahr paper. Barzel referred to these minor changes as "arabesques." Barzel said his line of attack for a special Bundestag session would not be to try to deal with the whole content of the agreement with the Soviets at this juncture, but instead to focus on the specific point that the government had been wrong to conclude this agreement before a satisfactory solution on Berlin had been achieved and should not sign the treaty until this was done.

4. Barzel said there would almost inevitably be a debate on the FRG-Soviet treaty following signing. Resolutions would probably be brought in. He was not yet sure what course he would follow.

5. Barzel said some of his associates wanted to go all the way under such circumstances, but he did not feel it right for the CDU to be pushed into this decision at this time. It would be better to wait for the Landtag elections. Barzel said that the leadership situation was such that he did not yet have full authority. However, he was content to wait for party opinion to come to him. If the party decided that he had everything it took except that he was poor at baby kissing (a reference to his poor TV qualities), we would accept this decision. He was not going to get out and campaign for leadership position. At the same time, he did not see any other serious contender.

6. Regarding the CDU position on Bundesrat consideration of the FRG-Soviet treaty in the ratification process, Barzel said he was not sure that the Bundesrat could or would be a serious barrier to ratification of the treaty. First, he had some doubts about whether the CSU would do as well in Bavaria as it hoped. The FDP might still get into the Landtag there. If it were possible, the SPD and FDP would form a government even if they had only a one-vote majority. This would change the voting relationship in the Bundesrat in favor of the governing coalition. It was an open question whether the FRG-Soviet treaty did affect or change the Federal constitution and therefore required a two-thirds vote in the Bundestag and Bundesrat. This question could only be determined through a long drawn-out court case. If the treaty were not considered to have constitutional character, then the ratification law passed through the Bundestag and Bundesrat would not be of the type which required explicit Bundesrat approval. Hence the Bundesrat could not block it effectively.

7. In a discussion of the US attitude toward Ostpolitik, Barzel said that as he understood it, the US would support any legally elected German Government, hence was supporting the present coalition government and presumably would support a CDU government if such arose from new elections. He also understood that the US desires to maintain a close overall relationship with Germany, and consequently that the US would as a matter of course give generalized support to the major policies of its German ally. As opposition leader, he accepted this situation and considered it wholly appropriate. What he did object to at present was that Brandt and Scheel were both arguing privately that the FRG had to have an active Ostpolitik because the US Government insisted on it. Brandt had told him this in a private conversation in March, and Scheel had said the same thing in discussing the present Soviet treaty with Bundestag faction leaders. This was an argument that was only used internally, but it was effective and he did not believe it accurate.

8. Barzel said that in the event he decided to make an all-out effort to unseat the coalition government, he would inform the US in advance and subsequently also the Soviet Government through the Soviet Embassy here. At that time, he would indicate what his policy platform would be in the event of a CDU government. He did not wish to go into specifics now, but he could state quite clearly that that policy would not be a return to cold war status vis-à-vis the Soviet Union. It would show where the CDU differed from the SPD and which things it could accept and could not accept, but it would be a continuation of a policy of reconciliation and negotiation with the East, perhaps with more substance and constructive content than that of the coalition government.

9. *Comment:* Barzel appears to be taking a relaxed approach at this stage to the possibilities of unseating the SPD government, preferring to let events develop and possibly come his way rather than to try to shape them in an all-out effort to achieve his end. We find his statement on the Eastern policy which would be pursued by a CDU government interesting and significant. It conforms with our own appraisal that a CDU successor government to the present coalition would continue much of the present government's Eastern policy, with the significant exception that it would probably not take actions which explicitly entailed formal German acceptance of the post-war status quo.

Fessenden

104. Letter From German Chancellor Brandt to President Nixon¹

Bonn, August 8, 1970.

"Dear Mr. President:

As a result of the negotiations which Foreign Minister Scheel conducted in Moscow from July 27 to August 7, the text of a treaty between the Federal Republic of Germany and the Union of Soviet Socialist Republics was initialed. The text of the treaty and of the documents pertaining to it has already reached your government.²

You have been informed, Mr. President, about the course of the often difficult negotiations through the detailed consultations that have taken place between the German delegation and the ambassadors of the Three Powers in Moscow. I can state with satisfaction that, despite all difficulties, it was possible to reach a mutually acceptable settlement on a number of points. I regard the result as well-balanced. That also

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Willy Brandt, May–Dec 1970. Confidential. The German Embassy delivered the letter to the White House on August 9. The source text is the Department's Language Services' translation, which Eliot forwarded to Kissinger on August 11. The original text in German is *ibid.*; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 1428–1429.

² For text of the treaty and related documentation, including the exchange of notes between Germany and the Western Allies on quadripartite rights and the German letter to the Soviet Government on reunification, see *Documents on Germany, 1944–1985*, pp. 1100–1105.

applies to the problem that was of special mutual concern to us: the Foreign Minister of the Soviet Union has expressly confirmed that the question of the rights of the Four Powers is not affected by the treaty.

I am convinced—and the discussions in Moscow have strengthened me in this conviction—that the result of the negotiations will also have a favorable impact on the further development of the Four-Power negotiations in Berlin. In the Moscow discussions Foreign Minister Scheel made it perfectly clear that we see a close connection between an improvement of the situation in and around Berlin and the implementation of the German-Soviet treaty.

My government realizes that the successful conclusion of the negotiations with the Soviet government can be only a step toward a basic improvement of the situation in Europe. Many difficult tasks still lie before us all. I am confident that the allied nations of the West will strive as before, in close understanding, for further progress in their joint policy of relaxation of tensions. The solidarity of the Western Alliance is a precondition for the success of such a policy. In that connection I attach great importance to very close cooperation with the governments of the Three Powers. Without our Alliance and the trust between us, we could not have attained such a result.

The Soviet Government has invited me to sign the treaty together with the Federal Foreign Minister in Moscow—probably on August 12. The Federal Cabinet has recommended that I accept this invitation.

I should like to take this opportunity also to suggest that a meeting be held in the autumn between the heads of state or government of the Three Powers and the Federal Republic of Germany, at which we would confirm the importance of our special relationship.³

I have also written today to President Pompidou and Prime Minister Heath to the same effect.

Accept, Mr. President, the expression of my high esteem and the feeling of a close bond.

Willy Brandt

³ In a telephone conversation on August 11, Rogers asked Kissinger if the Germans had told him about the summit proposal. Kissinger: "I had a call from Bahr on Friday [August 7] that said he was back and we would be hearing from Brandt." Rogers: "I think the fact that they did it publicly without checking with us—it makes it difficult to say no but I can understand why it would hurt the President. It will [help] Brandt in the election." Kissinger: "Is there an election?" Rogers: "In a couple of districts." Kissinger: "They never raised it with me." Rogers: "I wanted to check." (Library of Congress, Manuscript Division, Kissinger Papers, Box 364, Telephone Conversations, Chronological File)

105. Letter From German Chancellor Brandt to President Nixon¹

Bonn, August 14, 1970.

“Dear Mr. President:

I returned yesterday from Moscow from the signing of the treaty between the Soviet Union and the Federal Republic of Germany. On this occasion, I had comprehensive discussions with the Chairman of the Council of Ministers, A. N. Kosygin, and with the Secretary General of the CPSU, L. Brezhnev. I do not want to miss this opportunity, dear Mr. President, to report to you my first impressions immediately after my return:

I was repeatedly assured by my Soviet counterparts that they did not intend to encumber or complicate the relations of the two parties to the treaty with other countries. One proceeded rather on the assumption that from the treaty a positive effect on the general political situation in Europe and in the world will emanate. One did not intend to play one party off against another. In the past the Soviet Union had achieved positive results also in the field of cooperation with other European countries. The Soviet leadership was united in the desire to avoid unrest which could come about as a result of the conclusion of this treaty. I have gained the impression that the Soviet leadership, in its desire to consolidate its own sphere of influence, is aware that this is tied to a consolidation of Western Europe. Both with Kosygin, as well as in my four-hour conversation with Brezhnev, I strongly emphasized the seriousness of the Berlin problem and the necessity of coming to a satisfactory solution in the Four Power talks. The Soviet side was also informed officially repeatedly that the treaty concluded with them would not enter into force unless a satisfactory settlement on Berlin was reached. Though my Soviet counterparts did not want to make any precise comments on this question, I nevertheless gained the strong impression that the Soviet Government recognizes the connection between ratification of the treaty and a satisfactory settlement on Berlin and will be ready, therefore, to make suggestions for the practical settlement of that problem. Brezhnev’s comments implied that he was not giving up any basic positions, but he did not want to exclude the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Willy Brandt, May–Dec 1970. Confidential. The German Embassy delivered the letter to the White House on August 14. The source text is the Department’s Language Services’ translation, which Eliot forwarded to Kissinger on the same day. The original text in German, which the German Embassy delivered on August 27, is *ibid.* For the nearly identical version from Brandt to Heath, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 1473–1475. See also *Dokumente zur Deutschlandpolitik, 1969–1970*, Nr. 184, pp. 737–738.

possibility of arriving at a solution with regard to Berlin, which is acceptable to all sides. Much, however, will depend on our ability to avoid creating the impression that pressure is being applied on the Soviet Union in this matter. In the months ahead the coordination of the Berlin talks among the Western Powers, which so far has been good, will acquire special significance.

The interest of the Soviet Union in alleviating its difficult problem of economic growth through increased economic cooperation with the Western countries became evident in all conversations. Our conversations may have played more than a negligible role in bringing the Soviets to their current willingness to recognize the European Economic Community as a Western reality, and to try to adjust to it. The suggestions made to us in the economic area do not go beyond what other European countries have done in the Soviet Union.

In summary, it is my general impression that the Soviet Union desires a general calming of the international scene in order to be able to proceed on this basis with the realization of its long-term economic plans. The talks we conducted with the Soviet leaders were pursued in a businesslike manner and with great frankness on both sides.

I hope, Mr. President, that we will soon have an opportunity to arrive at the best concerted and coordinated posture possible on the questions regarding the relationships with the Soviet Union. I am convinced that, independent of the different forms of society, new opportunities are developing for East and West to live peacefully side by side and that this development would justify a meeting of Western heads of state or heads of government or, if you would prefer, of the Foreign Ministers. For this reason I would like to come back again today to the suggestion which I made to you on August 8, 1970.² In the same vein I have written today to President Pompidou and Prime Minister Heath.³

² See Document 104.

³ Kissinger and Rogers discussed the summit proposal in a telephone conversation on August 16. Rogers: "I know you're going to be talking to Bahr, you and Hillenbrand. I had a discussion with the President about the proposed meeting of the Four. I don't think he has come to any definite conclusions as to whether or not it should be done, but he mentioned the possibility of going to Europe to have it. I think we ought to think that through carefully. I think there's some advantage in his having them come to him." Kissinger: "He has only talked vaguely about it to me." Rogers: "Me too." Kissinger: "And I wasn't going to talk to Bahr about it at all. What happened was Bahr called me. I told you immediately when he called. He said he might want to come over. I said we always like to see you but if you come make it through channels. The next thing I know he's coming and I called Marty immediately as soon as I knew. I have no intention of getting into the Summit Meeting with him. I would talk with him in general terms and say we'll be in touch with him when the President has replied to the letter." Rogers: "That would be a good way to handle it. I am uncertain about whether to do it at all. But if we're going to do it at all it might be a good idea to do it before the elections."

Please accept, Mr. President, the assurances of my highest consideration.

Willy Brandt¹

(Library of Congress, Manuscript Division, Kissinger Papers, Box 364, Telephone Conversations) In an August 17 memorandum to Eliot, Haig wrote: "In connection with any talks with German State Secretary Bahr or any other Western officials, the President wishes that for the time being we give no indication as to our response to Chancellor Brandt's proposal for an autumn Western summit. If the matter should arise, we should simply say that we have the proposal, as well as the alternative possibility of a foreign ministers meeting, raised in Brandt's most recent letter of August 14, under active study." (National Archives, Nixon Presidential Materials, NSC Files, Box 282, Agency Files, Dept of State, Vol. VIII)

106. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, August 17, 1970.

SUBJECT

West German Appraisal of the Moscow Treaty

[1½ lines not declassified] The report delivered by Scheel [less than 1 line not declassified] naturally painted the treaty in favorable terms. At the end of his report, however, Scheel summed up his evaluation in expansive terms. [less than 1 line not declassified] he said (my underlining):²

"After the FRG signs the treaty, the West Germans will regain an important role in worldwide political developments. *The Four Powers will not be able to make decisions without consulting West Germany.* The United States and the USSR will have to consult the FRG in questions concerning all parts of the world. Consequently, the FRG has a greater responsibility in worldwide politics. Scheel said that *the big powers will, in the future, have to take into consideration the maintenance of proper relations with the FRG; this applies especially to the Western Powers.*"

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII. Secret. Sent for information. A stamped note on the memorandum indicates that the President saw it. According to another copy, Hyland drafted the memorandum on August 14. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 291, Memoranda to the President, 1969–74, July–Aug. 1970)

² Printed here as italics.

[less than 1 line not declassified] after this oration, one of the participants in the meeting commented that Scheel could not possibly mean this and wondered who put him up to it.

The point here, however, is that the tone of self-assertiveness has been reflected in other German comments since the new government took office. The potential for trouble from careless rhetoric and over-estimation of the shrewdness of German diplomacy is obvious if one thinks of how such remarks would be read in Paris or London. Indeed, one of the interesting aspects of European reaction to Brandt's Eastern policy has been the rapprochement between the French and British.

107. Memorandum of Conversation¹

Washington, August 17, 1970, 3:30–4:45 p.m.

SUBJECT

German Eastern Policy and Berlin Talks

PARTICIPANTS

Egon Bahr, State Secretary, FRG Chancellery

Rolf Pauls, German Ambassador

Antonius Eitel, Assistant to State Secretary Bahr

Martin J. Hillenbrand, Assistant Secretary for EUR

William Hyland, National Security Council

Kenneth N. Skoug, Jr., Acting Director, EUR/GER

Mr. Hillenbrand asked Bahr if his understanding from their earlier conversation² was correct that the Germans regarded the following three points as necessary in any Berlin agreement: (1) acknowledgment of economic, cultural and legal Bonn-West Berlin ties, (2) an access accord, (3) FRG passports for Berliners (with the last point less important than the others). Mr. Bahr confirmed this understanding.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Confidential. Drafted by Skoug. The meeting was held in Hillenbrand's office. Eitel also drafted a record of the meeting; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 1492–1496. Following his meeting with Hillenbrand, Bahr met Secretary of State Rogers. A memorandum of conversation is in the National Archives, RG 59, Central Files 1970–73, POL GER W–USSR; see also *Dokumente zur Deutschlandpolitik, 1969–1970*, Nr. 187, pp. 745–746.

² Hillenbrand, Bahr, and others had attended a luncheon meeting at the White House that afternoon; see Document 108.

Mr. Hillenbrand inquired if it would be sufficient for the FRG on the first point that the Russians agree to the formula what is not specifically forbidden is permitted. Mr. Bahr responded that the Germans had used a formula in their negotiations with the Soviets of "respect, not recognize." There was also the question of method. Talks with three-week intervals between them are not negotiations. Complex problems are being discussed. He has gained the impression that the Soviet Ambassador has a distinct advantage derived from his much greater familiarity with the subject through seven years of experience. A second problem is that the Western consultation process is much more complicated and time-consuming than that of the Soviet Union, even though the latter is obliged to consult the GDR. A lower level working group could discuss specific problems in detail. It is better to concentrate on concrete results for Berlin. Berlin must live and have prospects. The working group should meet one to three times weekly.

Continuing, Mr. Bahr noted that the Russians have also advanced larger and smaller solutions to the Berlin problem. The larger solution seems to offer a new status for Berlin, something which arouses German fears. Mr. Hillenbrand commented that one has to assume this, but it is not clear from the Soviet presentation. Mr. Bahr said that the larger Soviet proposal offered one advantage: a new status for Berlin would presumably give certain Russian guarantees that would safeguard Berlin from the GDR. On the other hand, there were many disadvantages including the loss of the Four Power status in Berlin and recognition of the Wall.

Continuing, Mr. Bahr said that the Germans were suggesting one additional point based upon their own bilateral negotiations. There could be a renunciation of force agreement on West Berlin similar to that of the FRG and the USSR. In the agreement with the Soviet Union the FRG had not said that current borders are pretty, that their origin was just or that they were thereby recognized. It simply said that borders exist and are inviolable. We could seek some Soviet "respect" for the borders of West Berlin that would be binding on the GDR. Our borders would be respected by both sides. This could be part of even a "smaller solution" on Berlin.

Reverting to Mr. Hillenbrand's question as to whether the Germans could accept a formula where what is not forbidden is permitted, Bahr said that a catalog of points to be forbidden could be made but in this event we must tell the Russians at the beginning what is to be permitted. For example, it would be possible to dispense with the Berlin clause in the future on the understanding that it would be automatically valid unless a treaty should pertain to such subjects as defense, NATO, the Bundeswehr, etc. This could be discussed with the Soviet Union. It would be face saving for the Soviet Union and the GDR.

Mr. Hillenbrand inquired if Bahr had given up his earlier concept of mutual respect for the status quo in West and East Berlin. Bahr responded that he had done so. If it proved necessary in the negotiations, one could come back to this concept but he now preferred to concentrate on practical arrangements. Mr. Hillenbrand noted that this was in line with our thinking. To do otherwise would run the risk of weakening our rights in Berlin.

Bahr commented that Soviet Ambassador Abrasimov always turns the screw tighter. The first step had been the Federal presence. It is a well known Soviet method to turn the screw until one's adversary cries out. He thought one should cry out in time, making one's position clear and holding on to it stubbornly. There is only one package: proceed from the status quo and seek improvements, as in SALT. The goal is that Berlin should be made a point not sensitive to disruptions. The package could be the Federal presence in Berlin in exchange for improved access. With regard to the Federal presence in Berlin, he has informed the Russians that the Federal Chancellor is always such, even in Berlin. The Federal President has always signed laws in Berlin—it would be a great concession to stop doing so. He has told the Russians that Berlin is not governed from the Federal Republic, and the Federal Republic will not be governed from Berlin. One can discuss the question of sessions of the Bundestag in Berlin. Despite harassments, the Germans could continue to hold these there; if they gave them up, it would be a concession. However, when dealing with such institutions as administrative courts with 20,000 workers, it becomes an economic question. Such institutions could not be given up.

Referring to a conversation he had had with Falin of the Soviet Foreign Office, Bahr said that Falin had sought to argue that the West have no original rights in Berlin because only the Soviet Union had conquered Berlin. Bahr said that he responded to this argument that the U.S. would have original rights in Thuringia as far as Torgau. Falin had then said that the French have no original rights. He had claimed that all of Berlin is the capital of the Soviet Zone and that West Berlin had been extracted and made into a special zone. Bahr had reminded Falin that if the Russians were to seek to implement their legal view, it would mean war. Falin had commented that the Russians do not want war but the situation is complicated. Bahr commented that Falin is "the one," i.e., the one who is preparing Abrasimov's instructions for the Berlin talks.

Mr. Hillenbrand noted that Bahr during their luncheon conversation had said Kosygin would make a suggestion for the Berlin talks but that it would not be altogether satisfactory to the West. He asked what Bahr thought the suggestion might contain.

Bahr responded that the proposal would affect the role of the FRG in Berlin. He commented that we must then be stubborn. During the

German-Soviet talks, Gromyko had tried hard to prevent a link between the second and third articles in the draft treaty.

Bahr had admitted to Falin that the link reduced the value of the treaty to the Soviet Union, but he had argued that without it the treaty could not be ratified. His argument had been purely political but this is the kind of argument the Russians understand. Subsequently, Gromyko, while strolling with Scheel at his dacha on the Sunday before the initialing of the treaty, had proposed the link as his own suggestion. Scheel had been clever enough not to react too eagerly and the bargain had been struck.

Mr. Hillenbrand said it was harder for us to say that something affecting the FRG role is politically impossible. Our first problem is to find a tactic to elicit Soviet views without committing ourselves. Mr. Bahr commented that one must make one's own position clear to the Soviets, giving political grounds for it.

Mr. Hillenbrand asked Bahr's impression what would be a realistic schedule for the next round of the Four Power talks. He inquired if there should be a round of these talks before the senior level meeting scheduled for September 18–19 in Bonn. Mr. Bahr said no. Mr. Hillenbrand asked if Bahr thought the Russians would lay their proposals on the table at the next session. Mr. Bahr shrugged his shoulders. Mr. Hillenbrand said that it depended in part on whether the FRG exerted pressure. Mr. Bahr commented that the Russians would not forget what the Germans had told them. Mr. Hillenbrand suggested that the FRG should nonetheless repeat its view. Mr. Bahr commented that in Moscow everyone will be on vacation in August. (In an aside to Ambassador Pauls, Bahr commented that the Russians were "third generation" revolutionaries.)

Mr. Hillenbrand commented that there had been some talk in the Bonn Group of an earlier resumption of the quadripartite talks. Mr. Bahr responded that it must be shown to the Russians that we intend to work intensively, but for that we first need to have the Soviet proposals.

Noting that there were elections scheduled in the FRG in November and Berlin next March, Mr. Hillenbrand inquired what would happen if we reached December without progress. Bahr commented that we would then get together and consult.

Reverting to the question of passports, Bahr suggested hypothetically to Falin that Berlin as a special political unit could sign an agreement with the FRG to represent it similar to the relationship between Liechtenstein and Switzerland. This representation would be valid in Moscow as well as in Paris. Falin had responded that Berliners could go to the U.S. or U.K. Embassy just as well as to that of the FRG. Bahr had said that "we are Germans and have our pride." They could not

allow people to go about unprotected. He had asked Falin if Berliners should bear U.S. passports. Falin had said no. Bahr had suggested that the passports could be issued from the Ministry of the Interior or from some Federal office in Berlin, but they must be a German passport. This would not affect the rights of the Allies in Berlin, since they indisputably have the power to block such issuance. For example, the Western powers had blocked the application to Berlin of the Federal law on waterways on the grounds that there are no Federal streams in Berlin. Mr. Bahr summed up that it was difficult but the situation was not wholly without prospects. Mr. Hillenbrand agreed that we could at least try.

In response to Mr. Hillenbrand's question about Soviet motives behind the recent treaty, Mr. Bahr responded that problems of economic growth are very much worrying the Russians. The gap between the East and the West is growing rather than contracting. The Russians know that they can get the economic help they need only from Western Europe, the United States and Japan. He mentioned a project being looked into by Mercedes Benz which is valued at one billion rubles. Mercedes can supply the know-how but it cannot build the factory. The French will do that. The Japanese are constructing a harbor in the Asiatic part of the Soviet Union, but the Japanese role is limited to that part of the USSR. The reason that the (FRG-Soviet) natural gas negotiations took so long was because it was first necessary to find a political basis from which an economic agreement could flow. Therefore, he saw the Soviet motives behind the recent treaty to be a combination of the following elements: (1) "Bolshevik thinking" about the need to create a political basis for economic cooperation, (2) a need for quiet in Europe, (3) an irrational fear of China and (4) a desire by Brezhnev now that he had consolidated his own position to demonstrate a foreign policy line clearly bearing his own personal imprint at the beginning of the "Brezhnev era."

Mr. Hillenbrand wondered if an additional Soviet motive was to confuse the West. Mr. Bahr said he doubted the Russians wished to do so. They wanted no disorder in the West. They wanted quiet. However, they also wanted the ideological struggle to continue, an element also required for their relationship toward China. They require clear ideological differences. For example, when Brandt told them that these differences would continue in spite of the signing of the treaty, the Russians agreed with great enthusiasm. As they become outwardly looser in foreign policy, the Soviets insist that ideological differences be stressed for internal purposes. When someone tries to reduce the role of ideology and become outwardly looser at the same time, as did Dubcek in Czechoslovakia, the Russians react.

108. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, August 20, 1970.

SUBJECT

Conversation with Brandt's Foreign Policy Advisor, Egon Bahr.
Various Aspects of Soviet and European Policy

Bahr, who has been the dynamo and, in most respects, the chief implementer of Brandt's Ostpolitik, spent about two hours with me today² to report on his impressions in Moscow and to discuss further steps in East-West relations.³

There is no doubt that Bahr remains highly influential in the Chancellor's office and that, for good or ill, his energy and persistence have gotten the Germans to where they are today in their Eastern relations.

Soviet Politics

Bahr's most interesting observations related to the Soviet leadership. He himself saw a good deal of Kosygin, when Brandt met officially and socially with the latter; he also saw Brezhnev rather more briefly but apparently was not present during Brandt's conversation with him. In Bahr's view Brezhnev is clearly number one: he treats the others as the chief and the others defer to him. Yet Bahr also considers him a "soft" person, prone to compromise and procrastinate and not inclined to concentrate consistently on a subject. Yet, as Bahr heard—and this is not inconsistent with our own intelligence—Brezhnev has the enormous institutional power of setting the agenda for the regular (Thursday afternoon) Politburo meeting and is the only member of that

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII. Secret; Nodis. Sent for information. A notation on the memorandum indicates that the President saw it. No drafting information appears on the memorandum. Sonnenfeldt forwarded it to Kissinger on August 17. (Ibid.) According to an attached routing slip, the President saw the memorandum on August 26. Pauls also drafted a memorandum of conversation; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 2, pp. 1487–1491.

² August 17.

³ A memorandum of the August 17 luncheon conversation, which included Hiltenbrand, Sonnenfeldt, and Pauls, in addition to Kissinger and Bahr, is in the National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII; also *ibid.*, RG 59, Central Files 1970–73, POL GER W–USSR. During an NSC staff meeting on August 17, Kissinger "said he wanted a half-hour alone with Bahr." Sonnenfeldt replied that "this may not be possible in view of Pauls' bird-dogging." (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 314, National Security Council, 1969–77, Meetings, Staff, 1969–71) No record of a private discussion between Kissinger and Bahr has been found.

body who can raise a subject at a meeting without advance notice. Normally, papers are circulated three days in advance.

Brezhnev's health, as we know from Kekkonen⁴ and other sources, was shaky while the Germans were there; but he joined them in drinks and of course talked to Brandt for some four hours. In those talks, incidentally, Brezhnev frequently referred to notes and talking papers, in contrast to Kosygin who was fully briefed and used no papers. Bahr is quite convinced that foreign policy is not basically interesting to Brezhnev—again a point made by other observers, although as nominal President of the USSR in the Fifties, Brezhnev actually travelled quite a bit.

When one considers that Brezhnev accomplished the near-unique feat of becoming head man of the USSR (only three others did it before him), one must conclude that he is past his prime, was always more accomplished bureaucratically than substantively, and must be assumed to be subject to replacement once his cohorts can agree on a successor. Meanwhile, it is Bahr's view that Brezhnev's actual strength at the moment is undiminished.

Kosygin

Like others, Bahr found Kosygin impressive as the "general manager" of the "largest concern in the world—the USSR." He had vast amounts of data at his finger tips, was clearly overridingly concerned with planning, management and economics but had done his homework impressively when it came to talking to Brandt about the Soviet-German treaty. Bahr found no trace of fatigue or lethargy in the man. He was the only one who spoke to Brezhnev on essentially equal terms. (The experience at the time of Glassboro in 1967,⁵ however, was that Kosygin would not make commitments without first seeking authority from home.)

Gromyko, according to Bahr, is clearly a pro: essential to the operation on foreign issues but not among the top decision makers.

Bahr says he was told that Brezhnev, apart from probably having his own channels of information, gets telegrams and intelligence within 24 hours, as does Kosygin and probably President Podgorny. (The latter did not appear with the Germans; Bahr says he is viewed as an old-line dogmatist.) The rest of the Poliburo members supposedly get information within three days and each has a foreign policy staff to help

⁴ Urho Kaleva Kekkonen, President of Finland. Kekkonen was in the United States July 22–27 for an official visit. A memorandum of the conversation between Nixon and Kekkonen on July 23 is scheduled for publication in *Foreign Relations, 1969–1976*, volume XLI.

⁵ Reference is to the summit at Glassboro, New Jersey, between Kosygin and President Johnson from June 23 to June 25, 1967; see *ibid.*, 1964–1968, vol. XIV, Documents 217–238.

sift the mass of paper. Bahr—and others have made this point too—feels the Soviet sluggishness in decision-making may be partly due to this complex lateral distribution system. It is, of course, one outgrowth of the Soviet leadership's fear of another Stalin; i.e., a device to ensure that all leaders operate on a comparable information base.

Soviet Motives

In the German judgment, which in my view has some merit, the Soviet negotiations with the Germans, their interest in a European conference, their acceptance (as the Germans see it) of the Common Market as a reality and the SALT talks are all part of a pattern related to a Soviet effort to reach decisions for the next five-year plan on the basis of reasonably well defined blocs. (The Middle East is one big question mark in this interpretation.) With so many issues pending, Bahr believes, the postponement of the previously scheduled Soviet Party Congress until next spring is a logical development. Bahr says "China" was never mentioned (as, indeed, it was not except very informally in Gerry Smith's Vienna talks). Yet the economic demands of a long-term confrontation with China clearly add another element of uncertainty to Soviet economic planning which would be at least somewhat mitigated if a certain clarity could be introduced into the USSR's relations with the two major Western powers, the US (SALT) and the FRG.

Even if this analysis is correct, one cannot expect Soviet concessions (be it on SALT, or on Berlin or on the Middle East) to fall like ripe plums from a tree.

The Soviets warned the Germans not to approach the Berlin question (settlement of which, as you know, the Germans have made a precondition for ratification of their new treaty with the USSR) by attempting to exert pressure on the USSR. This is an old Soviet sensitivity and not to be discounted. Moreover, as regards Berlin, having so many of the tactical cards in their hands, the Soviets may well reason that the Germans (and their Western allies) will eventually settle for few, if any, genuine improvements in the situation. We would of course run the risk that the Germans will seek to blame us for failing to extract the concessions from the USSR that would make German Ostpolitik the success that Brandt needs for electoral purposes at home. Bahr's line with me, meanwhile, was that given the pressures, as he interprets them, on the Soviets, and assuming Western (i.e. US) negotiating skill, the Ostpolitik package should be signed, sealed and delivered by the end of the year or next spring.

Troop Cuts

Bahr, and other Germans who have reported on the Moscow talks, did not discern any great interest among the Soviets in mutual East-West troop cuts, although they seem willing to discuss small mutual

withdrawals. We are still examining this complex subject within the NSC system, on the model of our SALT studies. My judgment is that the Soviets may well be willing, as they have publicly said, to discuss this subject; that they are not interested in major withdrawals from Eastern Europe because of their general sense of insecurity there; but that they might be prepared to negotiate small East-West reductions on the assumption that in the ensuing mood of détente—especially if there also were a SALT agreement—the US would make large unilateral cuts, anyway.

Summit Meeting

I raised briefly with Bahr Brandt's proposal for a Western summit. Bahr said that Brandt's idea stemmed in part from your talk with him earlier this year that it might be useful to have a solemn reaffirmation of the Western alliance. Beyond that, according to Bahr, Brandt would envisage the meeting to deal essentially with German and European questions. Bahr did display some sensitivity to the possibility that Pompidou might not take kindly to a German suggestion which in effect maneuvered the French President into having to accept a meeting in New York.

To preserve your flexibility, I told him we are still studying the idea but will make a response in the near future. Bahr himself is going on leave for several weeks, but I have made alternative arrangements for backchannel communications to Bonn, should these be required in the next several days.

109. Memorandum From William Hyland of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, August 25, 1970.

SUBJECT

NSSM-83, Longer Term Perspective on European Security²

¹ Source: National Security Council, SRG Meetings Files, Box 96, Senior Review Group, 8-31-70, European Security. Secret. Sent for information.

² For background on consideration of Germany under NSSM 83, see Document 49.

By the time you reach this, the last of a triple header on Monday, August 31, you will have covered all the aspects of troop levels and MBFR, including some of the European politics involved. For the NSSM-83 exercise, therefore, you should use whatever time remains to focus on Berlin and Germany, which is the heart of this paper in any case. The paper is a rather optimistic and sanguine treatment of Ostpolitik, which you will not agree with. Yet it is fairly good in parts and it is the first time the NSC machinery will have been engaged on this subject, and *your bureaucratic aim should be to assert a continuing control over the issues.*³

There are, however, major substantive problems only touched on in this paper, which, if you have the time and energy on Monday, you should go through.

The first problem is to estimate the prospects for Ostpolitik. The study asserts that Brandt's aims are compatible with our own, and strongly favors supporting him and doing so more actively. However, there is a basic contradiction between the German view of Ostpolitik, and what the Soviets want out of it. There is at least the possibility of a major crisis when German expectations of a loosening of Soviet domination and restoration of cultural and economic unity are not realized. The question for US policy is whether there is anything we can or should do to forestall such a crisis by making the settlement Brandt is negotiating more durable. And the further question, not really addressed, is what estimate we make of his chances of success and his ability to withstand the internal political pressures from the CDU. (Your talking points⁴ bring out these problems and suggest further analysis, including an assessment of Soviet intentions, which in this study appear to be rather benign.)

The second major problem is that in Berlin we have become saddled with the prime responsibility for the success or failure of Ostpolitik—a negotiating situation not foreseen when we initiated the talks as a low-key probe of Soviet interest in practical improvements at a quiet time. Now a “satisfactory” Berlin solution becomes the key to the web of treaties Brandt intends to complete in short order, including a modus vivendi with East Germany, which will make it a legitimate state, perhaps in the UN, and thus make our position in Berlin anachronistic if not perilous.

³ Kissinger wrote on the memorandum: “Was State told that before Rush sees Abrasimov we want to get a crack at the decision?” On September 2 Rush met Abrasimov for lunch at the Soviet Embassy in East Berlin. For a record of the discussion, see Document 114.

⁴ Not printed. (National Security Council, SRG Meetings Files, Box 96, Senior Review Group, 8–31–70, European Security)

The importance of Berlin in this scheme does give us some bargaining power with the Soviets, who presumably want Ostpolitik completed. Thus, one choice is to continue probing for a bargain on the basis of restrictions on Bonn's political role in Berlin for better guarantees of access. If, however, the enhancement of East Germany is inevitable and we have some bargaining leverage now, why should we not try for a new status for West Berlin *only*, conceding East Berlin and obtaining a better contract from the Soviets (and GDR).

This is at least worth considering and your talking points explore whether this is an option worth examining.

Finally, we have to pull together our German and Berlin policy in some coherent manner. For example, we can support Brandt but remain aloof (one of the study's options), hedging against his fall, but in this course we may contribute to his difficulties and political demise.

Or we can give him more active support (which needs to be defined in more detail) but recognizing that we strengthen his domestic position, and elevate the GDR, thus weakening our Berlin position unless we are willing to seek a new, improved basis for remaining in Berlin.

These seem to be the rough choices, in addition to a non-starter of opposing Brandt and killing the Berlin talks.

What you want out of this meeting is a fleshed-out study of the options as described and suitably modified, with an analysis of Brandt's domestic position, Soviet motives, and prospects for the Berlin talks, including a possible agreement on a new status.

It is up to you whether you want to hold out the prospect of an NSC meeting, or prefer to ask for a memorandum for the President. But in any case, if you want to have a crack at the analysis and the discussion in any future study, *it must be kept in the NSC machinery, not simply remanded to State*. For this purpose you may want to suggest a working group with your staff involved, if not in control.

We have done a rather lengthy analytical summary⁵ in order to rearrange the study so that the various sections on Berlin and Germany are put together in one cohesive mass. Your talking points also deal with the general situation in Europe with reference to Berlin and Germany, though the analytical summary covers the entire paper.

The other subjects (a European Conference, MBFR) are not worth discussing in the limited time available. If you do have time you might look at the section on East-West economic relations, which points up the growing economic links between Western Europe and the East, and notes that in this important area we are pathetic observers.

⁵ Not printed. (Ibid.)

110. Paper Prepared in the Department of State¹

Washington, undated.

A LONGER TERM PERSPECTIVE ON KEY ISSUES OF
EUROPEAN SECURITY

[Omitted here is a table of contents.]

SUMMARY

East-West discussions, underway or proposed, aim at making the present security system in Europe more stable and less onerous—not at replacing it. Whatever their outcome, it is probable that the NATO and Warsaw Pact structures will remain in place, substantial US forces will be needed in Western Europe, substantial Soviet forces will remain in Eastern Europe, and the division of Europe will persist.

Though radical changes thus are unlikely, East-West relations have nevertheless undergone a sea-change in the past year, persuading many Western Europeans particularly that a new season in East-West relations is opening. Distrust persists, but neither side feels as directly threatened by the other; important negotiations have opened, but there is still no clear path to the future.

European security diplomacy in the period covered by this paper will thus be highly tactical and heavily influenced by calculations of effects on public opinion. Each side will be seeking limited gains, sometimes at the expense of the other, but agreements may be reached of value to both. An era of negotiations, though, may tend to erode somewhat both Western defensive arrangements and Soviet domination in Eastern Europe.

US decisions on the interrelated European security issues will significantly influence the entire process. However, both US vital interests and the tight correlation of the individual issues put limits on our range of choice, and decisions on each issue inevitably will shape the context for other decisions.

Our decision on US force levels is the critical variable in the current European security equation. It will be read in Moscow, Bonn, and

¹ Source: National Security Council, SRG Meetings File, Box 96, Senior Review Group, 8–31–70, European Security. Secret. Although no drafting information appears on the paper, it was prepared in EUR for the upcoming Senior Review Group meeting in response to a request from the NSC staff and without clearance from other agencies. (Memorandum from Hillenbrand and Spiers to Richardson, undated (ca. August 27)); (National Archives, RG 59, S/S Files: Lot 80 D 212, NSSM 92—Mutual and Bal. Force Reductions Between NATO and Warsaw Pact (MBFR))

elsewhere in Europe as meaning that the US commitment to Western Europe remains strong—or that it is weakening and that the European balance of power therefore is shifting in favor of the Soviets. Thus US force reductions—in proportion to their magnitude and to the degree of expectation that further cuts would follow—would reduce our leverage on all of the specific European security issues and make the European Allies more likely to seek accommodations on Moscow's terms.

Of central importance also is German Eastern policy, which seeks better FRG relations with the Eastern countries and constructive change in Central Europe from the basis of formal acceptance of the territorial status quo. Specifically, it seeks easier communications between Germans living within a divided nation and greater influence and trade opportunities for West Germany in Eastern Europe generally. If the policy succeeds, the USSR could no longer use the spectre of German revanchism as a pretext for enforcing discipline in Eastern Europe. This, and the growth of West German presence and influence, would tend to reduce somewhat Moscow's control in Eastern Europe and to encourage internal liberalization there. However, West Germany might become more vulnerable to Soviet suasion, and enhancement of the status of the German Democratic Republic could weaken the Western position in Berlin.

Bonn believes that the Four Power talks on Berlin and its own negotiations with the USSR, Poland and East Germany should be considered as a whole and that definitive agreements with the latter three capitals should be accompanied by Soviet agreement to some improvements in the status of Berlin. Indeed, the Soviet desire to conclude and make final the bilateral agreements with Bonn may offer us some additional leverage in the Berlin talks. At the same time, this FRG-conceived nexus also tends to give the Berlin talks a much more complex and central role than we had anticipated.

In the Berlin talks, the Western side has been seeking practical improvements such as better inter-sector communications and more assured access to the city. In return, we have suggested that the FRG would be willing to reduce the level of its activity in Berlin. The Soviets, however, have demanded that the FRG eliminate completely its political presence in West Berlin, and that the Western powers accept West Berlin as a separate entity.

Bonn regards the present level of US forces in Europe as an essential element in its negotiations with the East. The Germans have made clear their belief that reductions would undermine their bargaining positions in their negotiations, and in the implementation of their intended policy. By extension, such reductions would diminish our own influence on German Eastern policy as a whole.

The US, having sanctioned the concept of East-West negotiations on specific concrete issues, cannot oppose Germany's Eastern policy in

principle. Our leverage is highly limited. Our realistic choice lies between, (A) attempting to restrain and slow where possible the pace of the German initiatives, and (B) more enthusiastically supporting not only the general objectives but also the tactical means by which the Brandt government seeks to attain them.

Similarly, having entered SALT, the US should not seek to deny the Europeans a parallel opportunity to negotiate on such issues as mutual and balanced force reductions (MBFR). Indeed the European Allies regard the US as committed in principle to MBFR negotiations, and disarray in the Alliance would follow a US decision to abandon MBFR or to delay indefinitely movement toward actual negotiations. Thus, the issue is not so much whether to negotiate MBFR, but under what conditions and to what end. Hence, a clear US position will be needed to allow us to take a lead in further Allied work on specific MBFR proposals.

Substantial US troop reductions would effectively remove this issue from the international agenda, but minor reductions might be read as portending additional cuts later, thus prompting our Allies to press MBFR more energetically.

US troop withdrawals would diminish the credibility of US protection and thus enhance European desires for a Conference of European Security (CES) as a prudent placatory gesture to Moscow, and as a means of determining what deals might be struck as a hedge against any further erosion in the US presence. However, even if US forces remain in Europe at essentially their present strength, it will not, of course, rest entirely with us to decide whether or not such a Conference should take place. If SALT and the German and Berlin talks lead to significant agreement, it will be difficult to avoid movement toward CES.

Successful conclusion of current and prospective negotiating efforts could improve both the sense and substance of European security, but the net result would depend on the terms of agreements and the assumptions in both East and West regarding the new situation. The abortion of these efforts probably would not entail a major crisis, or an effort by either side forcibly to change the status quo. In fact, East-West relations will probably evolve toward an intermediate point, with both failures and successes in route, but the dialogue accompanying the search for even limited agreements will itself have a stabilizing effect on the East-West confrontation in Europe.

[Omitted here are the introduction, sections on "The Longer Term and the Impact of US Choices: Conclusions," "The State of Play: Premises and Prospects," "The Compatibility of German Eastern Policy with US Objectives in Europe," "Berlin," and "Other Current Issues of European Security, including Conference of European Security, Mutual and Balanced Force Reductions, Renunciation of the Use of Force, Issues of Cooperation in Europe, and East-West Trade," and seven appendices.]

111. Minutes of the Senior Review Group Meeting¹

San Clemente, August 31, 1970, 12:05–1:07 p.m.

SUBJECT

European Security (NSSM 83)

PARTICIPANTS

Chairman—Henry A. Kissinger

State

U. Alexis Johnson

Martin Hillenbrand

Leon Sloss

Defense

David Packard

Reginald Bartholomew

John Morse

CIA

Gen. Robert E. Cushman

Bruce Clarke

JCS

Adm. Thomas H. Moorer

Col. John Wickham

Attorney General John N. Mitchell

ACDA

Vice Adm. John M. Lee

Thomas J. Hirschfeld

Treasury

Anthony Jurich

NSC Staff

Helmut Sonnenfeldt

William Hyland

K. Wayne Smith

John Court

Col. Richard T. Kennedy

Marshall Wright

Jeanne W. Davis

¹ Source: National Security Council, Minutes File, Box 121, SRG Minutes 1970 (Originals). Top Secret. No drafting information appears on the minutes. According to Kissinger's Record of Schedule, the Senior Review Group met from 10:07 a.m. to noon to discuss NSSMs 83 and 84. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) Regarding NSSM 83 and NSSM 84, see Documents 49 and 36, respectively.

SUMMARY OF DECISIONS

It was agreed that the paper would be revised to:

- include an analysis of the things that could go wrong in Ostpolitik and what questions this would raise for US policy; and
- state more explicitly the assumptions on which Brandt's policy is based.

Mr. Kissinger: I want to express our appreciation for the State Department's work on this paper. Its main thesis is that a process of qualitative change is underway in Europe which is to some extent irrevocable. The combination of SALT and Ostpolitik will produce a different situation in Europe based on the status quo and strict parity between the superpowers. Whether or not this trend is compatible with our interests, we probably can't affect it unilaterally except at a very heavy price in our relations with our allies. We should now address both the immediate tactical situation and our longer term policy. The President has indicated that he wants an NSC meeting in September on the issues. If agreeable, we will skip the discussion of unilateral US force reductions since we should not entertain such unilateral reductions until we have a clearer analytical base for discussion, particularly since unilateral reductions do not appear necessary even under reduced budgetary guidelines. (to Mr. Hillenbrand) Okay, Marty?

Mr. Hillenbrand: Okay.

Mr. Packard: I agree for now. However, we will have to discuss this question at some time. We should not assume that there will be no reductions.

Mr. Kissinger: Once we have a firm line on MBFR, we will get to this discussion. We might decide to hold out some things for bargaining purposes, but we haven't done sufficient homework on it to discuss it at this meeting.

Mr. Johnson: It is essential that we do the work on MBFR first.

Mr. Kissinger: For this meeting let's focus on Ostpolitik and Berlin. The Germans have made a treaty with the Soviets in which the quid pro quo is some Soviet move on Berlin. The Germans say that they cannot ratify this agreement without a new Berlin agreement. This means, in effect, that we will be negotiating on Berlin in the Four Power forum in which the Germans do not participate; thereby, we run the risk of being blamed for any failure. Also, the current Berlin negotiations assume a certain significance which was not originally intended. Bahr can put forward exalted ideas of what is achievable, but the US has to be the negotiator and we will be in a bad position if it does not work.

In addressing the immediate tactical problem we have three options. The first option—let the negotiations die—is not realistic. The

second option calls for obtaining certain tactical improvements without necessarily negotiating a long-term arrangement, while the third calls for a broad long-term agreement. If we should choose to let the negotiations die we would be blamed for sabotaging Ostpolitik. Therefore, our choices fall between Options 2 and 3 although the outcome is not really up to us. Bahr believes a broad long-term agreement is achievable. If so, would we not snap it up?

Mr. Hillenbrand: Yes, if it were the right kind of agreement. However, our aims are more modest and more realistic, along the line of Option 2.

Mr. Kissinger: What are the differences between 2 and 3?

Mr. Hillenbrand: Option 2 would bring improvement on access and elimination of the harassment typical of the Berlin situation. In return, we would concede the elimination of West German political activity in West Berlin although they would retain economic and other ties. Option 3 would call for a more fundamental agreement which might take several forms. We could acknowledge the status quo in West Berlin. We could attach moves to improve access. The status quo in West Berlin would permit present political ties and the Soviets would propose that West Berlin be separated and made an independent entity. It would retain some ties to the FRG but access to it would be within the control of the GDR. We have already given the Soviets a proposal and it might be wise tactically to see how they react after the Moscow treaty.

Mr. Kissinger: Would Option 2 give Brandt enough to ratify Ostpolitik?

Mr. Hillenbrand: Yes, with the proper public treatment; if the reduction of ties with Berlin are within the range of what Kiesinger was willing to do earlier; and if the Soviets are reasonably forthcoming on access (between West Germany and Berlin and between East Berlin and West Berlin) and the elimination of harassment of West Berlin traffic to Eastern Europe. It would also include some representation of Berliners abroad by the FRG.

Mr. Kissinger: The problem is not in access procedures but in the unwillingness of the Soviets and the GDR to live up to them. It isn't that the arrangement is bad, but that the goodwill to make it work is lacking. There can be some procedural improvements but, short of some agreement that access is practically free, why would any new arrangement be better than the old in the absence of goodwill? If there is goodwill, we don't need a new agreement.

Mr. Hillenbrand: On the question of access, the Germans want the presentation of identity to be the only requirement. They want sealed cargoes and elimination of all tolls and taxes. Short of that, the most we could hope for would be some sort of guarantee that whatever access modality is agreed upon it would be a standardized system sim-

ilar to that agreed upon by the US and Soviets on military traffic which has worked for some 13 years.

Mr. Kissinger: It has worked except when they want a crisis. Whenever they want to tell us something, they stop traffic to show us what they can do. I agree that there has been no substantial harassment between 1957 and 1970, but the chief ingredient was that the Soviets did not want a confrontation. Any new legal arrangement would be subject to a GDR willingness to confront the FRG.

Mr. Hillenbrand: This will always be true as long as Berlin is an exclave.

Mr. Kissinger: Is Brandt not really after the domestic political effect of a temporary, possibly permanent, improvement of relations with the GDR?

Mr. Hillenbrand: There are two possible phases in Berlin negotiations: (1) the present phase which might produce a limited agreement; (2) assuming the success of Ostpolitik, the phase immediately prior to the entry of the two Germanies into the UN. We might have more influence in the second phase because of our UN veto power. The four powers (US, USSR, France, UK) will probably agree that the two Germanies should work out the details of an access agreement which could then be blessed by the four powers.

Mr. Kissinger: Will the Germans not ratify the Soviet agreement without a detailed access agreement with the GDR?

Mr. Hillenbrand: The Four Power blessing of the negotiations would probably be enough within the time frame.

Mr. Kissinger: Then would not Brandt be in trouble? If the access agreement must be negotiated between Bonn and Pankow, the GDR can delay the agreement and the Soviets would have no great incentive to squeeze the GDR. What is the bargaining position?

Mr. Hillenbrand: The significance of the Four Power negotiations has been exaggerated by the timing of the agreements. Brandt had expected concurrent negotiations between the FRG and GDR, with the GDR getting some goodies. GDR unwillingness, however, shifted the emphasis to the Moscow talks.

Mr. Kissinger: Then they will go back to Bonn-Pankow negotiations?

Mr. Hillenbrand: They believe the Soviets will now press the GDR.

Mr. Kissinger: This may be true prior to ratification of the treaty but Brandt can't play games by holding up ratification. How can Brandt make anyone understand the nature of the problem—how can he explain the access issues?

Mr. Hillenbrand: The Germans are proceeding on the basis of certain assumptions as to Soviet motives. They think the Soviets want an

agreement. The only way to prove them right or wrong is to go ahead with negotiations with the Soviets.

Mr. Kissinger: If this is true, it would be okay if they could get a substantial agreement before ratification of the treaty. It would still require GDR goodwill to implement it over any period. The geography makes it imperative to have a neat procedure even though it is subject to the will of the government. If the four powers agree to improvement of access, with the details to be negotiated between the two Germanys and blessed by the four powers, would this not remove any initiative by Pankow to come to an agreement or for the Soviets to press them to do so. Does this not give the Germans the disadvantage of every course open to them.

Mr. Hillenbrand: Brandt did not want to attach any conditions to the agreement with Moscow but his internal political situation required that Berlin be made a condition of ratification. The importance of Berlin is not as great privately as publicly. Brandt always believed his bargaining power in negotiating with the GDR, was his willingness to see them acquire status as a nation, including membership in international organizations. The FRG still has great potency with other governments. There has been no rush on the part of other countries to recognize the GDR, which is a tribute to the economic policy of the Federal Republic.

Mr. Kissinger: We don't really have the choice of options. We will have to take a broader agreement if one can be negotiated—there is no U.S. reason not to. I don't believe the Soviets will give it, however, so we should try for Option 2. Is it agreed, however, that there are dangers in this course and that it will not necessarily end the Berlin problem?

Mr. Hillenbrand: It will be a psychological message for Berlin, however.

Mr. Kissinger: If the Germans are not careful, they might be left holding the bag on details and not get any improvement except in general terms.

Mr. Hillenbrand: Brandt has a high regard for the FRG's ability to influence the GDR through economic pressure.

Mr. Kissinger: There is no empirical evidence of this.

Mr. Hillenbrand: In 1961, when the FRG denounced the interzonal trade agreement, the GDR came crawling to them one month later.

Mr. Kissinger: There was a different political situation then. It was easier for Adenauer and Brentano² than it is for Brandt and Bahr.

² Heinrich von Brentano, former West German Foreign Minister.

Attorney General: What does Brandt need to get the Moscow treaty ratified?

Mr. Hillenbrand: He thinks he needs to be able to say that a satisfactory arrangement has been negotiated on Berlin. There are no criteria, however, for what is "satisfactory."

Mr. Kissinger: We have a more fundamental problem in the serious question of a long-term U.S. posture toward Germany and Europe. Whatever else Ostpolitik does, it will enhance the status of the GDR. If its status is enhanced, the position of Berlin will be weakened, since it is harder to resist a country which is recognized as sovereign. Therefore, Ostpolitik affects the rights and responsibilities we are trying to maintain.

Mr. Hillenbrand: Agreed.

Mr. Kissinger: Specifically, what are the rights and responsibilities we are trying to preserve?

Mr. Hillenbrand: Basically, the four-power responsibilities for the security and viability of Berlin and our interest in an ultimate peace settlement for Germany as a whole. So far the Soviets have conceded, and indeed manifest some interest in, the residual preservation of these rights.

Mr. Kissinger: Would the Soviets manifest the same interest under Ostpolitik.

Mr. Hillenbrand: The Germans succeeded in getting language into the treaty which would preserve the four-power control over Berlin. Article 4 states that the Moscow treaty has no effect on previous commitments. Also, the negotiating history involved Soviet concessions of the continuance of four-power responsibility.

Mr. Kissinger: Do we care about four-power responsibility in Germany except for Berlin?

Mr. Hillenbrand: Yes—we want to reserve the right to be in on any final settlement in Central Europe. We are also interested in some minor points such as the right to approve Soviet overflights, etc.

Mr. Kissinger: In a period of diminishing U.S. influence, of increasing FRG-Soviet ties and increasing FRG responsibility, are our assumptions the same?

Mr. Hillenbrand: The question is how does Brandt understand the long range thrust of Ostpolitik. He hopes increasing Soviet permissiveness will accelerate the process of change in Eastern Europe. This could lead to a situation in which the Soviets do not see control over East Germany as essential to their security. If this is theoretically possible, we have a theoretical interest in maintaining our rights.

Mr. Kissinger: I don't think the Soviets are at all interested in German unity. Assuming Brandt is right, the Soviets would be inclined to

let the two Germanys decide their own national future. Why should we assert our own responsibilities?

Mr. Hillenbrand: If there is a negotiation and a settlement, the U.S. would have an interest in being there—indeed a legal right to be there. Ostpolitik might not succeed or the Brandt government might collapse, and we would want to preserve our position.

(Mr. Kissinger left the room for 5 minutes and returned)

Mr. Kissinger: The basic responsibility that we want is the one in Berlin. The all-German one is dictated by the Soviets. We cannot be less interested in German unification than the Soviets. Shouldn't we look at what is likely to happen as a clash develops between Soviet and German assumptions? Germany now assumes Soviet control of Eastern Europe. For years the German strategy was to ignore Moscow, strengthen German ties with Eastern Europe and ease Eastern Europe out of Soviet control without the Soviets noticing. As a result, Bonn became the focal point of Moscow's wrath. The Germans concluded that it couldn't be done against the Soviets so they now want to do it with the Soviets. However, there may not be any basic change in the earlier situation. No rational Soviet leader would consider it preferable that there is a united Germany particularly if a united Germany could get there only by loosening Soviet influence in Eastern Europe. German and Soviet objectives are not the same and a marriage of convenience won't last indefinitely.

Mr. Hillenbrand: This is logically correct, however, the Germans regard power as divisible. They are thinking in terms of economic power and are impressed by the fact that the Eastern European economy is falling behind that of Western Europe. They believe the Soviets are motivated by a desire for access to Western technology and Western credits. There is some wishful thinking here, of course.

Mr. Kissinger: So what? So they build up the Western European and the Soviet economy and the power balance is rectified.

Mr. Hillenbrand: The Germans also see a waning of ideological fervor in the East. This has undoubtedly had some influence on SPD thinking.

Mr. Kissinger: German foreign policy since 1890³ leads one to believe that infallibility is not an attribute of the German Foreign Office. I don't deny that this is a rational construction but we should at least consider that this could have a very unhappy ending. There may well be a "waning of ideological fervor" and a desire to increase technology but where does this leave West Germany? You don't have to be a

³ Reference is to the year that Otto von Bismarck-Schönhausen was forced to resign as German Chancellor.

Communist Pole or *Communist Czech* not to want a unified Germany—there would be strong concerns on national grounds. You don't even have to be a *Communist* Russian to be concerned over a possible loosening of control over Eastern Europe.

Mr. Hillenbrand: SPD advocacy of Ostpolitik started with the assumption that Ostpolitik is conditioned on the premise that Germany's ties with the West remain strong.

Mr. Kissinger: I am deliberately playing the devil's advocate to crystalize our thinking about alternate policies. Brandt wants the benefit of every course. He needs U.S. troops as bargaining counters. There is restiveness in France over Ostpolitik. Do the other Europeans want Bonn as the interpreter of Soviet desires? If Brandt is saying he can have good relations with the Soviets, improved relations with the GDR, loosen Soviet control over Eastern Europe, maintain his ties with the West and strengthen NATO—all simultaneously—this would not be bad. We should consider, however, what might happen if it does not work out this way.

Mr. Hillenbrand: The paper only projects 3–5 years ahead, not 10.

Mr. Kissinger: The paper is an excellent statement of the tactical situation. Assuming Brandt is right on the evolution of Germany, we would have a socialist West Germany and a liberal Communist state which might get together somewhere. But on what basis?

Mr. Hillenbrand: Possibly on economic grounds—the SPD thinks more in economic terms than we do. Also, Brandt starts with the fear and even conviction that the US is at the beginning of a process of disengagement from Europe.

Mr. Kissinger: And he is hedging his bets.

Mr. Hillenbrand: The dangers of Ostpolitik should be a major factor in determining U.S. policy toward Western Europe. The troop level issue, for example, forms an obvious link between NSSMs 83 and 84.

Mr. Kissinger: A situation may also be created where we are dealing bilaterally with the Soviet Union, in which case it would be hard to resist others dealing bilaterally with them. Can we construct an analysis of the things that could go wrong in Ostpolitik? What would this do to future policy? What questions would it raise for us? Could we also state more explicitly the assumptions on which Brandt's policy is based, along the lines of Mr. Hillenbrand's statements on the fear of US disengagement assumptions about Eastern European evolution, etc. Such an analysis need not affect the 3 options much, although it might make us lean more toward Option 2 than Option 3. Are there any thoughts on this?

Mr. Johnson: It would be most useful.

Attorney General: What are the relations between France and Moscow?

Mr. Kissinger: Moscow is not interested in France if they can deal with the Germans. France could do it two years ago because of their nuisance value in NATO by pulling their troops out, but this exhausted their usefulness to the Soviets.

Mr. Packard: It is very important for the U.S. to decide on its own position on these related issues.

Mr. Johnson: Yes—the troop level issue is 80 percent political and 20 percent military.

112. Letter From President Nixon to German Chancellor Brandt¹

San Clemente, September 1, 1970.

Dear Mr. Chancellor:

Knowing that this period has been one of great activity for you, I particularly appreciated your thoughtfulness in providing me the comments expressed in your letters of August 8 and 14.² It is always valuable for me to have your personal judgment and assessment.

You and your negotiators must be gratified by the results of your labors during these past months to reach understandings with the Soviet Union. I was pleased to have your assessment that the Soviet Government, recognizing the relationship to the ratification of the treaty, will be prepared to take helpful steps toward an acceptable solution to the problems with respect to Berlin. You may be assured that we will be alert to any sign that the Soviet Union is willing to cooperate in ensuring the security and welfare of the Berliners. With respect to Four Power rights and responsibilities for Berlin and Germany as a whole,

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Willy Brandt, May–Dec 1970. Secret. No drafting information appears on the letter. The text is based in part on a draft sent in a memorandum from Eliot to Kissinger on August 18; Lord then forwarded a revised version in a memorandum to Kissinger on August 27. (Both *ibid.*) In an August 29 covering memorandum to the President, Kissinger explained that the letter to Brandt “welcomes his ideas but non-committally suggests that the four governments should continue to discuss the best schedule and timing. This leaves open both the level and dates of the talks for now, although clearly we will have to make our views known very soon.” (*Ibid.*) According to a typewritten note, the letter was “dispatched to Eliot via S/S for dispatch” on September 2. On September 3, the Department forwarded the text of the letter to the Embassy for immediate delivery. (Telegram 144441 to Bonn, September 3; *ibid.*, RG 59, Central Files 1970–73, POL 28 GER B) For a German translation of the letter, see *Dokumente zur Deutschlandpolitik, 1969–1970*, Nr. 194, pp. 767–768.

² Documents 104 and 105.

I know we share the identical view that these rights and responsibilities continue and were not and could not be affected by the treaty you have just signed.

I have noted with interest your impression of Soviet attitudes and your summary appraisal that the Soviet Union desires a genuine relaxation of tensions. If confirmed by actual conduct, this would indeed be a source of satisfaction.

Your suggestion of a meeting of Western Heads of State or Government, or of Foreign Ministers, comes at an appropriate time. Such a meeting would underscore the indispensable unity of the West and at the same time ensure that we have together explored every opportunity for East and West to enjoy a genuine peace at no threat to mutual security. I believe the four governments should continue to consult through diplomatic channels on the most profitable schedule and timing for our discussions.

The special bond between our countries has served well to guide our mutual interests, and I am confident that this close relationship will remain firm and vital in the future.

Sincerely,

Richard Nixon

113. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, September 1, 1970.

SUBJECT

The German-Soviet Treaty

The signature by Brandt and Kosygin on August 12 of the FRG–USSR renunciation of force treaty represents a landmark in the Eastern

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII. Secret. Sent for information. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft to Kissinger on August 13. (Ibid.) On August 25 Kissinger returned the draft to Sonnenfeldt with marginal instructions for substantive revision. Downey sent the final version to Kissinger on August 27. (Ibid.)

Policy of the Brandt Government. It is the first significant step between the two countries since their establishment of diplomatic relations in 1955. And in many ways, the counterpoint themes of euphoria and apprehension accompanied this step as they did in 1955.

The efforts of the Brandt Government to conclude a treaty with the Soviets—perhaps Sisyphean efforts—are based on the premise that only by achieving a reconciliation with Russia can the FRG hope to establish a new relationship with Eastern Europe and, most importantly, ease the hardships of a divided Germany. In the treaty, Brandt has traded FRG acceptance of the status quo in Europe for the promise of a more benign Soviet attitude toward West Germany. The Germans theorize that the Soviets desire an improved relationship because of the pressure of the China problem and their need to gain significant access to German technology.

The next steps in the FRG's planned development of its Eastern Policy will be to drive hard for an agreement with the Poles in September on the acceptance of the Oder-Neisse line as the western Polish frontier, followed by a settlement with the Czechs of the Munich Agreement controversy. At the same time the Germans will intensify the pressure on the US, UK and France to produce some visible and satisfactory results in the Four Power talks in Berlin. The Germans are convinced that they have achieved some bargaining leverage by making clear that the treaty just signed cannot be ratified until the Soviets yield on Berlin. Finally, the FRG believes the East Germans will be prepared to agree to a satisfactory relationship with the FRG (separate states within the single German nation). With the admission of both Germanys into the UN and the ratification of the Soviet treaty, a new era of relaxation of tensions in Europe will be achieved.

Whether the eternal optimism of the Germans will in fact be realized, and their plan implemented, still remains to be seen. There is considerable doubt that the process will develop as smoothly as they hope. Whatever the outcome, however, there are several implications which will flow from even the signature of the German-Soviet treaty:

In General. The other European nations will sense a growing FRG attitude of self-importance and independence, and this will be disturbing—particularly for the French. I have previously sent to you a [less than 1 line not declassified] report of Foreign Minister Scheel's comment [less than 1 line not declassified] just after he initialed the Soviet treaty, to the effect that henceforth the big powers will have to take FRG relations into account in view of the important role the FRG will now have in worldwide political developments.² Thus the Foreign Min-

² See Document 106.

ister at least has revealed that he finds a demonstration of German independence to be an altogether satisfying experience. Whether in fact the Germans begin to try to throw their weight around, the impression that they might will cause some unease in Europe. On the other hand, a feeling of détente will spread and interest in a Conference on European Security will intensify.

Western European Unity. To counterweigh his Eastern moves, Brandt can be expected to stress his great interest in firmly anchoring the FRG in a more integrated West. But in fact he may not make more than gestures in this direction. The objective obstacle facing Brandt is that he cannot keep Soviet friendship if he emphasizes West Germany's ties to NATO. German ties to the European Community can be agreeable to the Soviets only if they see it as a means to weaken NATO.³ The French could use the post-treaty spirit as a device to slow down the pace toward unity if they wish to do so for other reasons. However, it is more likely that the French and others will now wish to hasten the entry of the UK—as a counterweight to the FRG—and further cement the West Germans to the West.

Force Levels. Those European countries already reducing their own defense efforts will probably find that the new German-Soviet climate will increase Parliamentary pressures for even further reductions, and for steps toward East-West balanced force reductions. Brandt, on the other hand, will feel he needs more than ever a stable level of substantial US forces in Europe (despite the fact that in part Brandt's haste to negotiate with the East has been prompted by his anticipation of US force reductions). The other Europeans will probably share Brandt's desire for US forces and will be more inclined to tolerate financial burden sharing.

Eastern Europe. Although the Poles and Czechs will probably work out arrangements with the Germans on the border and the Munich Agreement, the Eastern Europeans generally will not rush to establish diplomatic relations with the FRG. They will keep their eyes trained on Moscow which currently has blended restraint with the generally warm reception given Brandt personally.

The Three Powers. The US, UK and France—as they continue to bear rights and responsibilities for all Germany and Berlin—will need a greater degree of direction and unity as these events unfold. Brandt's proposal for a Western summit is perhaps in part designed to anticipate this potential problem and to lead the Three in his direction. Since Brandt began his Eastern Policy, the Three have seemed unable to keep pace among themselves and with the Germans.⁴

³ The President underlined this sentence, which Kissinger had inserted by hand in the draft memorandum, and wrote "decisive" in the left margin.

⁴ The President underlined the first and last sentences of this paragraph.

Berlin. There will be intense pressure focussed on the Four Power talks in Berlin. The Western side has not yet reached an identity of objectives and tactics, and the Soviets have evidenced nothing but a hard and unyielding position. With the FRG ratification of the German-Soviet treaty publicly linked with a solution to the Berlin problem, the stakes have been raised for all sides. (I have put into the NSC machinery an assessment of the Berlin situation and its relationships to Eastern Policy and other European security issues, together with optional outcomes for the Four Power talks.)⁵

Responsibility for Success. The US, UK and France began the Berlin talks at the request of the FRG. The talks were then designed as a low-key probe of Soviet interest in practical improvements, without high hopes of achieving very much. Now, however, Brandt has publicly made a "satisfactory" Berlin solution the key to the web of treaties he intends to complete in short order. He has used this Berlin linkage as a means of undercutting for the time being the main force of the domestic opposition to his Eastern initiatives. Thus, Brandt has maneuvered the situation so that *we* have been pushed into the position of being responsible both for Berlin, *and* for the success of his Eastern initiatives.

West German Domestic Politics. The opposition CDU has evidently decided not to force a direct confrontation with the SPD/FDP coalition at this time. It is awaiting an assessment of the progress (or lack thereof) in the Berlin talks, and the results of the Bavarian and Hessen state elections in November. It is quite possible that in the late fall, the opposition will make an attempt to bring down the Brandt Government, and block the ratification of the Soviet treaty.

In short, as a result of the signature of the German-Soviet treaty, European political relationships have turned a corner, and we will be facing a new period in our relationship with Europe. In this rapidly evolving time, we will need to be more alert to developments than perhaps we could be in a more relatively static period.

During this evolving period, as the Soviets continue that strand of their policy which gropes for a rough condominium with us (e.g., SALT and the Middle East), they will also continue their separate dealings with the Europeans (particularly the French and Germans). The impact of the German-Soviet treaty might very well lead to an increased interest on the part of the Europeans to deal more independently with Moscow. Moscow, in turn, will find it useful to encourage this in order to split off the various Western Allies from each other. Further, as they press on with their *détente* offensive, the Soviets will be watch-

⁵ See Document 111.

ing closely to see how well this posture is succeeding in encouraging those forces within the US which hope to reduce our defense establishment and lower defense budgets.

Secretary Rogers has sent you a memorandum (Tab A)⁶ enclosing the text of the German-Soviet treaty. He considers that our rights with respect to Berlin and Germany as a whole have remained unaffected by the treaty.⁷

⁶ Dated August 10; attached but not printed. Another copy is in the National Archives, RG 59, Central Files 1970–73, POL GER W–USSR.

⁷ The President wrote the following note at the end of the memorandum: “Excellent perceptive analysis (and somewhat ominous).” After Nixon returned the memorandum, Kissinger initialed it, indicating he had seen the President’s marginal comments.

114. Telegram From the Mission in Berlin to the Department of State¹

Berlin, September 2, 1970, 1922Z.

1293. Subject: Ambassador Rush’s Meeting With Abrasimov,² September 2—Part I of II Parts—Highlights.

1. Ambassador Rush’s meeting with Abrasimov today lasted two hours, with substantive discussion taking place only over coffee after lunch. Set forth below are highlights of that conversation. Full report transmitted in Part II.³

2. Abrasimov first discussed date for next quadripartite meeting. He initially suggested September 14 or 15, but readily agreed to Ambassador Rush’s suggestion for September 30. (Ambassador Rush agreed to check this with British and French colleagues.)

¹ Source: National Archives, RG 59, Central Files 1970–73, POL US–USSR. Secret; Immediate; Limdis. Repeated to Bonn and to Prague for Ambassador Rush.

² On August 28 the Soviet protocol officer in Berlin met his U.S. counterpart to invite Rush to a luncheon with Abrasimov on either September 2 or 3. The officer asked for a reply in person rather than by telephone, presumably to avoid detection by East German intelligence. (Telegram 1264 from Berlin, August 28; *ibid.*) The Embassy in Bonn recommended accepting the invitation: “This will be the first occasion for such discussion following signature of the German-Soviet treaty, and it is possible that the Soviets may have something significant to say.” (Telegram 9918 from Bonn, August 31; *ibid.*) The Department agreed. (Telegram 142049 to Bonn, August 31; *ibid.*)

³ Telegram 1294 from Berlin, September 2, but incorrectly dated August 2. (*Ibid.*)

3. Abrasimov's substantive comments indicated Soviet desire for: limited agreement (as opposed to broad aspect) with flexibility as to form, e.g. statement, communiqué, etc; engage us in bilateral discussions on Berlin; and attempt to elicit Western proposal, taking cognizance of Soviet views, as basis for further negotiations.⁴

4. Abrasimov's initial suggestion was for a "communiqué" or "statement" identifying points on which previous discussions revealed closeness of two sides' positions. He listed those points as being: West Berlin should not be hot-bed of tension in Central Europe; West Berlin has not belonged and does not belong to FRG; and West Berlin should have active external, cultural, economic and political ties. His formulation of this latter point is of course susceptible to various interpretations, but does not necessarily preserve a special relationship with FRG.

5. Abrasimov also said question of access by West Berliners to East Berlin could be discussed. He noted, however, such questions as numbers, forms of access, and precise meaning of unhindered access required clarification. While he questioned compatibility Western suggestion for Four Power group on access with Western unwillingness change Four Power agreements, he did not reject the proposal.

6. Ambassador Rush suggested both sides exchange "non-papers" embodying what they regarded as possible mutually acceptable agreement prior to September 30 in order to facilitate progress. Abrasimov agreed but abandoned his attempt to obtain Western paper before submitting Soviet one only after Ambassador Rush took firm position that exchange should be simultaneous. Both agreed to endeavor prepare such papers by September 21.⁵ Ambassador Rush also deflected Abrasi-

⁴ According to Sutterlin and Klein: "perhaps the most significant political point was Abrasimov's association of the Soviet Union with preference for an 'interim solution' providing for practical improvements rather than a comprehensive treaty on the status of Berlin." (Sutterlin and Klein, *Berlin*, p. 128)

⁵ In telegram 146607 to Bonn, September 8, the Department suggested a deliberate response to the Abrasimov approach: "We feel that pressure at present is more on them than on the Western side and that wisest Western tactic would therefore be to continue to push for an indication of potential Soviet concessions in the other fields we have suggested. We have no interest in prolonging the Berlin talks and are sympathetic with the German desire for early results. We feel, however, that to obtain these results it will be the best tactic to avoid giving impression that we are in a hurry." (National Archives, RG 59, Central Files 1970-73, POL 28 GER B) In telegram 10360 from Bonn, September 9, the Embassy recommended, however, that the Western side exploit the situation by "pushing the Soviets as hard as feasible." "If we do not take this approach," the Embassy explained, "there is, we believe, a danger not only that we may fail to exploit negotiating conditions which are optimal from our viewpoint, but also that the Soviets can effectively publicly attack us for blocking the FRG-Soviet treaty, thus complicating our relations with the FRG. The Brandt government has a strong parallel interest in obtaining maximum concessions possible from the Soviets on Berlin. With these, it can assure ratification of the FRG-Soviet treaty and its own survival as a government. In this situation, if we were to appear to hold back on Berlin, this would place a considerable burden on the overall US-German relationship." (Ibid.)

mov's effort involve US and Soviets in bilateral talks by stressing UK and French involvement in Berlin and FRG's role in view of dependence of West Berlin's viability on FRG.

7. Abrasimov was extremely cordial and repeatedly stressed interest both sides in avoiding tensions in Berlin. He also emphasized need for strict confidentiality, re substance of today's meeting, as well as exchange of papers. He also requested that paper not be discussed at full quadripartite meeting, but only at Ambassadorial luncheon.⁶

Klein

⁶ In telegram WH01704 to Kissinger at San Clemente, September 3, Hyland commented on the Abrasimov–Rush meeting: "Hurried nature of meeting, and stress on confidential bilateral exchanges with us only suggests that Soviets want to move quickly to reach minimal accord sufficient to put pressure on Bonn for early ratification of treaty. General communiqué as envisaged by Soviets would be used as lever against Bonn for ratification, while critical details would be left open. Ambassador Rush's agreement to this route, without Washington approval or consultations with Bonn or UK and French, puts us in weak tactical position, especially if we hand over our draft first, without Soviet counterproposals. Nevertheless, Soviets may be under some pressure of their own, and Abrasimov's conciliatory line suggests we may have more bargaining power than we thought. Soviets have, in effect, dropped idea of negotiating new status and seem prepared to make concession on West Berlin 'political ties.'" (Ibid., Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII)

115. Memorandum of Conversation¹

San Clemente, September 4, 1970, 11:45 a.m.–12:30 p.m.

PARTICIPANTS

Rainer Barzel, Floor Leader of the CDU, Bundestag
 Hermann Konnerer, Consul General in Los Angeles
 Henry A. Kissinger, Assistant to the President for National Security Affairs
 Winston Lord, National Security Council Staff

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII. Secret. The meeting was held in Kissinger's office at the Western White House. According to a September 12 attached note from Lord to Kissinger, the memorandum was drafted by Lord. Kissinger approved the text, although Lord admitted: "There may be some shaky spots due to the simultaneous translation which was the basis of my notes." Kissinger also approved Lord's recommendation to give a copy to Sonnenfeldt but not to the Department of State. (Ibid.)

Berlin and Ostpolitik

After an opening exchange of pleasantries, Barzel commented that his discussions in Paris, London and Washington ranged far beyond the German-Soviet treaty to whether the German Government was making progress on European questions, whether something reasonable could be arranged concerning a long-term American presence in Europe, and whether one could find a common position on Berlin.

On Berlin, Barzel noted Mayor Schuetz's position of two weeks previous.² He (Barzel) had renounced claims of opposition on this issue—this was not easy for it was tempting to put a high claim on Berlin as a condition for the German-Soviet treaty. His party was still working out its position on this question. If too high a minimum were established, one could be accused of sabotaging the treaty. He had told Heath that the West should try to work out a useful policy out of half measures; they had very largely agreed on what practically could be done concerning Western political unity and Berlin. He had also just had a long talk with Hillenbrand on these issues.³

Mr. Kissinger stated that the U.S. thought that the German problem was of great importance for her as well as for Germany, because it was really at the heart of European post-war problems. Results could be achieved which nobody wanted; and we were wondering what the tendencies were. German policy is above all a German question and cannot be formulated in Washington. One talks about Allied rights and responsibilities, but these cannot be maintained by repeating them—they can change objectively over the decades whatever one would wish. For example, a sovereign GDR cannot be debated away.

Barzel said, speaking frankly, that his main problem with Brandt's policies were that they opened up the way for tendencies which Brandt didn't want but couldn't check. For example, the Germans could ask "Now that you have peace with the Soviets, why should Germany spend 20 billion for defense?". Brandt knows that he needs more than 20 billion. We will then see how many people believe that Germany can be a bridge between East and West.

² According to Barzel, Schütz let the "cat out of the bag" in an interview published by the German newspaper *Die Welt* on August 17; Schütz was now prepared to trade "federal presence in Berlin for security of access." Conrad Ahlers, the government spokesman, later hinted that the interview represented the thoughts of the Federal Government. (Barzel, *Auf dem Drahtseil*, p. 118)

³ The record of the discussion between Barzel and Hillenbrand on Ostpolitik is in telegram 145171 to Bonn, September 4; and a September 3 memorandum of conversation. (National Archives, RG 59, Central Files 1970–73, POL GER W–US and POL GER E–GER W, respectively) The discussion of Westpolitik is in telegram 146465 to Bonn, September 8. (Ibid., POL GER W–US)

Brandt [*Barzel?*] thought that it was now important to emphasize the Western side of policy. He had told Brandt that he should concentrate on Western political unity, because the Soviets with their European Security Conference want to prevent the political unification of Europe. Berlin must be considered in this context.

He thought that Dr. Kissinger was right that merely talking about Four Power rights did not enhance them. Dr. Kissinger interjected that he was not against talking about them—in fact he was in favor of that—but merely that one must know what one is saying. Barzel illustrated his emphasis on Four Power responsibilities with an anecdote. At the time President Kennedy came to Berlin Barzel⁴ decided that the initial greeter of the President should be the French Commandant of the French sector rather than Adenauer as the elder statesman and host or Brandt as the Mayor.

Dr. Kissinger asked Barzel what he personally thought of Brandt's *Ostpolitik*. Barzel responded that he would have been less in a hurry and would have made progress on Berlin first and then on the other issues. Instead, the Federal government had reserved ratification of the treaty pending a Berlin agreement. This policy was dangerous because all European capitals discussed one question, who will prevail in Europe in the future, the Soviet Union or the United States? If the Germans make concessions to the Soviets without counter-concessions, other European cabinets might wonder what they are doing and there might be competition for economic relations with Moscow.

In response to Dr. Kissinger's query on the positions in Paris and London, Barzel replied his views on Berlin met with agreement, i.e., that there should be an effective, commonly established position on Berlin before trying to ratify the Soviet-German treaty. Dr. Kissinger then asked how the Berlin situation could be specifically improved. Barzel responded first, the three Western powers should keep troops in Berlin. Secondly, there was the problem of access. Thirdly, the GDR should be accepted as a fact, but the Soviets should remain the partner for the three Western powers. There should not be any substitution of the GDR for the Soviet in military and civilian access. It would be wrong if the FRG accepted Ulbricht's offer to settle civilian access between East Berlin and Bonn. In response to Kissinger's question, he said that the inter-zonal agreement did not deal with access. Barzel said that he had in mind that on civilian access we must concede to the GDR that they check identification, but not give them the right to choose who has access. It might be helpful to try out ideas like sealed goods, trains or trucks.

⁴ Barzel had been Minister of All-German Affairs at the time of President Kennedy's visit to Berlin in June 1963.

Kissinger asked whether the GDR would accept improvements in the Berlin situation. Barzel said that the Soviets had invested so much prestige in the treaty that if the West had a common position and were patient, we should be able to achieve a modest improvement over the present situation. Kissinger remarked that the situation depended not on legal statements, but rather the good will of the other side. If there were no good will, he doubted that any new statements would help.

Barzel noted that one mistake of the present German Government, which raised basic problems for the U.S. in the Berlin negotiations, was the introduction of the United Nations membership question for the two German states, and thus the issue of who represents Berlin in the United Nations.

U.S. Policy

Barzel commented that the internal situation in the U.S. had stabilized since last year when he was worried. Kissinger said that we had not lost our nerve and he did not believe that we would have these troubles again. Barzel said that American foreign policy was well weighed and firm and a great success. Kissinger questioned him on his view of our policy toward the FRG. Barzel said that he understood U.S. policy toward Ostpolitik and represented it to his friends and Strauss as follows: the U.S. supports the principle that sovereign countries do not interfere in the internal affairs of other nations. German matters are for the Germans to decide. The U.S. wants its rights and interests safeguarded while the Germans look after their own interests. Kissinger termed this a fair statement.

Barzel termed the U.S. position on the European Community, as described by Ambassador Schaetzel, as reasonable: the EEC is not acceptable for the U.S. if it is only a trade discriminatory group, but would be acceptable if there is political progress. Pompidou had told him that the Europeans must be careful and stay on a narrow path—on the one hand the U.S. must not consider their policy economic aggression and on the other hand the Soviets must not consider it political aggression. There was a possible contradiction for the Europeans between the Soviets' desire for a European Security Conference and an active pursuit of political union. For Barzel, priority lay with Western unification.

Dr. Kissinger remarked that he never understood what a European Security Conference was to do; he was not against a conference but wondered what end it would serve. Barzel replied that he did not believe the Soviets wanted, in the medium term, to push the U.S. out of Europe because some issues could be settled with the U.S. They were, however, trying to destroy the basis of the alliance by undermining unity and substituting the European Security Conference, which was not really a conference but rather a permanent institution with all its consequences. Barzel agreed with Kissinger's remark that a conference

seemed inconsistent with Western unification. He, therefore, wanted his government to do more in the European field, to make clear that its Eastern policy was fully embedded in the West.

German Domestic Situation

In reply to Dr. Kissinger's inquiry on the German domestic scene, Barzel said that he could have overthrown the government in recent weeks. He had not done so because he did not wish to tie an overthrow to foreign affairs, especially if it gave a pretext to the Soviets to aggravate the situation. He would turn over the government either on economic questions or if it became clear that the Eastern policy was not embedded in the West. There was some further discussion of German domestic politics during which Barzel commented that Brandt will run into budget problems. The Socialist Party would want less money for defense because of peace with the Soviets, while Brandt will have to say that he needs more money in order to keep U.S. forces in Germany.

Kissinger asked Barzel what he would do about this question if he were Chancellor. Barzel replied that he thought he might offer to repay the United States for the Marshall Plan, not as an act of generosity but rather as a grateful son who had completed his studies and was now on his own. This was a tentative idea—he had not had experts study it yet. In any event it would be bad if there were horse-trading and the number of American soldiers was tied to specific amounts of money.

Replying to Dr. Kissinger's question, Barzel said that American policy had a strong influence on the German domestic situation. The FRG uses American statements, however carefully worded, as signs of approval for its policies.

There was some further discussion of the German domestic situation, during which Barzel explained that on August 10 he had taken a more shaded position than some in his party who wished to hammer at the German-Soviet Treaty.⁵ If Brandt presented the treaty tomorrow for ratification, his party would say no. If it were presented eight months from now as one element of a larger settlement including Berlin, they would look at it again.

Kissinger asked Barzel who the other CDU possibilities for Chancellor were, and he responded that besides himself, there were Kiesinger, Strauss, Schroeder, Kohl, and Stoltenberg.

⁵ Barzel outlined his position on the Moscow Treaty in an August 10 letter to Brandt. For text of the letter, see Meissner, ed., *Moskau-Bonn*, Vol. 2, pp. 1263–1264. See also Barzel, *Auf dem Drahtseil*, pp. 108–110; and *Die Tür blieb offen: Ostverträge—Mißtrauensvotum—Kanzlersturz*, pp. 63–64.

Kissinger asked Barzel his view of Brandt as a statesman. Barzel responded that he had known him for a long time, and that he was personally free of suspicion and not a dreamer. However, he was not the only one in his party. He mentioned other strong men as being Bahr, Ehmke and Wiener [*Wehner*]. Sometimes Schmidt had influence on Brandt also. He had to admit that Brandt was doing a good job.

Four Power Conference

Heath had asked Barzel his view of a Four Power Western Conference. He, Barzel, supported the Brandt proposal on the condition that it was well prepared and that the West added new questions to the agenda. In negotiations or discussions there should never be just one topic on which everything was concentrated, such as the present concentration on Berlin. He would add such issues as MBFR, SALT, relations between the EEC and third countries, and trade questions. The conference should be well prepared; he would oppose it if there were only a non-substantive show. In Europe all concentration is on Berlin, where one holds less cards than the other side. However, our cards have improved because of the prestige that Brezhnev had invested in the Soviet-German treaty.

Miscellaneous

Barzel asked Kissinger about the Middle East and he replied that he thought the Soviets were torn between doing something militarily and positive negotiations. The U.S. task was to show the advantages to them to keeping the negotiating route open while also indicating that the military solution was too risky. This was similar to Berlin and other questions. There were always groups in the country who believed that the only way to solve these issues was through concessions. It was a question of careful calibration, of not closing off negotiations while making the risks clear—this is the dilemma in foreign affairs. Barzel agreed that deterrence involved preparing for tension while looking for détente. Kissinger rejoined that it was difficult to play chess if one always has to explain one's moves so that the opponent knows the next ten steps.

In response to Kissinger's question Barzel thought that the new British Government gave an astonishingly serene impression and that Heath was quite capable. As for Americans, he found Secretary Rogers serene and was very impressed with the President on his trip to Europe.⁶ It was not what the President said but rather the calm and natural way, free of bombast, that he expressed himself. His handling of Berlin, for example, was preferable to the harsh words of Kennedy.

⁶ Reference is evidently to Nixon's trip to Germany and Berlin in February 1969.

Commenting on pending U.S. trade legislation, Barzel thought that mutual concessions was a better solution. Kissinger remarked that the Japanese were not easy to negotiate with. We were reluctant to support the legislation, and if the Japanese had given us the opportunity for a deal we would have taken it. The President had committed himself strongly to the textile industry and he considered that he had a moral duty to keep the promises of his campaign. We had thought the Japanese would understand. For the first time, unique in Japanese history, the Japanese Government was not able to influence its industry. We were prepared to solve the textile question through negotiations but Japan forces us to take the other way. We wanted any restraints limited to textiles and we had warned Congress that if it went very far, we would have to veto the bill. The Japanese have not behaved in their own interest.

The meeting ended at 12:30 as Dr. Kissinger took Mr. Barzel to see the President.⁷

⁷ According to the President's Daily Diary, Nixon met Barzel at the Western White House on September 4 from 12:45 to 1:20 p.m. (National Archives, Nixon Presidential Materials, White House Central Files) In a September 3 memorandum to prepare Nixon for his meeting with Barzel, Kissinger suggested: "We should not of course interfere in German politics by questioning Brandt's policies. At the same time we should say nothing which would seem to challenge the principles for which the CDU has stood for so many years or appear overly supportive of the SPD and Brandt in such a way as to demoralize the CDU who are our friends." (Ibid., NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII) Although no substantive record of the meeting has been found, Barzel published an account in *Auf dem Drahtseil*, pp. 113–114; and *Im Streit und umstritten*, p. 172. See also Document 116. Barzel also met Rogers in San Clemente on September 4. An account of their discussion is in telegrams 146771 and 146772 to Bonn, September 8. (Both in National Archives, RG 59, Central Files 1970–73, POL GER W-US)

116. Telegram From the Embassy in Germany to the Department of State¹

Bonn, September 11, 1970, 1526Z.

10460. Subj: Barzel on US Trip and Present Situation in FRG.

1. In conversation with EmbOff² Sept 9, CDU faction leader Rainer Barzel said he was extremely pleased with his recent visit to US. Particularly with the openness and frankness of his exchange with Secretary Rogers and the President.³ He expressed his warmest gratitude to those who had made the arrangements for trip. Barzel said he believed his tour to US, France and UK had had a constructive outcome in drawing attention to need to take energetic steps in Western European integration to counterbalance potential negative effects of German Eastern policy, which he continued to believe might have a basically disorienting effect on German public, loosening its allegiance to West and placing it in an undesirable intermediary role between East and West. Barzel also believed his visits to Britain and France might have had constructive impact with regard to measures needed to retain US forces in Europe and to a common position on Berlin.

2. With regard to the situation within CDU, Barzel said his more moderate position on FRG-Soviet treaty and his offer to collaborate with Brandt in working out a common position on Berlin had been unanimously approved by party executive board in its Sept 8 meeting.⁴ On his own initiative Kiesinger had stated his agreement with the position taken by Barzel. It is true that Franz Josef Strauss had not been heard from and that he would probably continue his all-out opposition to the FRG-Soviet treaty and to FRG Eastern policy. Strauss would probably conduct the Bavarian state election campaign on this basis

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 7 GER W. Secret; Limdis. Repeated to Berlin.

² The officer was Jonathan Dean. In a September 11 letter to Sutterlin, Dean gave the following account: "Barzel said that the President had indicated some distaste for the SPD's Eastern policy, but went on to tell Barzel that he felt that he had to take a responsible attitude in this matter. From the point of view of political responsibility, one could not lightly make trouble in American relations with a major ally. Personally, he found Barzel's conception of Eastern policy more attractive than the SPD version. But, he said, he would only intervene if it became unmistakably clear that it was leading towards a catastrophic development whose prevention was absolutely necessary in terms of American national interests; in this case, the intervention would be decisive." (Ibid., EUR/CE Files: Lot 85 D 330, Chrons (1969), Letters (Outgoing))

³ See footnote 7, Document 115.

⁴ A separate report on the meeting of the CDU executive board is in telegram 10358 from Bonn, September 9. (National Archives, RG 59, Central Files 1970–73, POL 7 GER W)

and, if election results were good, would claim the election as a plebiscite in favor of his hard-line position on Eastern policy. Nonetheless, Barzel insisted that he had made his final choice in favor of conciliatory posture of safeguarding German national interests and that he would not be brought away from it by Strauss' opposition. Barzel said he felt the CDU's executive board decision to continue Kiesinger as party chairman until the party convention in October 1971 had been the only realistic thing to do. There had been too much atmosphere of political assassination and regrade within the party and if determined effort had been made to drop Kiesinger in order to satisfy those elements in party and CDU electorate who wanted changed party leadership, the party would have lost [garble—just?] as much as it would gain criticism, from other CDU supporters, about callous treatment of past CDU party chairmen.

3. Barzel described his meeting with Chancellor Brandt, from which he had just returned. Brandt had been extremely anxious to get in touch with him from the very moment of his return from his trip to US. In that morning's meeting, Barzel said he told Brandt that latter would have to take determined action to accelerate Western European integration and to bolster the NATO Alliance in order to counter the negative, disorienting effects of the treaty with the Soviets. Brandt had agreed that such action would be necessary and should include actions to maintain presence of American forces in Europe at their present level. The conversation had turned to Berlin. Brandt said he agreed with the points Barzel had made in his press conference the previous day in the States on Berlin settlement. (Barzel's points: the Soviets should recognize "realities" of existing agreements between Western powers and FRG regarding latter's relationship to West sectors; FRG financial aid to Berlin, Federal presence in Berlin, and the fact that the FRG represents Berlin abroad; these political, legal, financial, economic and cultural links must be retained; access be unimpeded and travel possibility for Berliners must be improved and relieved of discrimination; Berlin must not become a third German state.) Barzel asked Brandt to read once more the text of Barzel's press statement, which he had available. Brandt did so on the spot and said once more he agreed fully with Barzel's views. Brandt and Barzel agreed to meet next Wednesday⁵ for detailed discussion of German negotiating aims on Berlin in an effort to work out a common position.

⁵ In a September 16 conversation with Dean, Barzel reported on his "long and useful talk with Brandt on Berlin." Barzel told Dean that "he thought there were definite prospects for a common CDU-SPD position on the Berlin talks." (Telegram 10712, September 16; *ibid.*)

4. Barzel said that Brandt's policy was clearly to clutch the CDU to his bosom and thus to immobilize it in its efforts to bring down his government. But the CDU was not going to relinquish this possibility. Barzel said he was convinced that somewhere in the verbatim records of German discussions with Soviets in Moscow there was a German commitment making permanent the engagements FRG had undertaken in the text of FRG-Soviet treaty on renunciation of force, and thus making this treaty equivalent to a peace treaty. If he found evidence of this, he would use it to bring the Brandt government down. Continuing economic difficulties in Federal Republic and continuing attrition of the FDP party organization throughout country would provide a basis for splitting off FDP deputies in this event.

6. *Comment:* Barzel seems to have concluded that he could not have displaced Kiesinger as party chairman at this time even if the CDU made a successful all-out effort to bring down the SPD government over issue of FRG-Soviet treaty. He has also expressed some uncertainty about the possible negative reaction to such a CDU action of German public opinion, governmental and public opinion in Allied countries, as well as Soviets and Eastern Europe, and about CDU capabilities to split off a sufficient number of FDP Bundestag deputies. Consequently, Barzel has thrown his influence on the side of a more moderate CDU policy towards SPD, abstaining from outright effort to bring down the SPD/FDP government at this time. He may have reached an understanding with Kiesinger to back the latter's continuation as party chairman in return for moderation of Kiesinger's opposition to the SPD's Eastern policy. It is not clear whether Barzel genuinely believes that verbatim records of FRG-Soviet discussions in Moscow actually contain the evidence he claims may exist of a secret FRG-Soviet understanding making conclusive the terms of the FRG-Soviet treaty or whether he is using this theory, which he has widely disseminated among his CDU colleagues, as a device to control and channelize the desire of the CDU rightwing to bring down Brandt government over the issue of FRG-Soviet treaty. Barzel has now come full circle back to his position at the outset of Brandt government in favor of a bipartisan foreign policy, a position he insists he will maintain in face of all internal party opposition, although there is some uncertainty as to whether he will not once again leave this position if Strauss again opens up a major attack.

Rush

117. Editorial Note

On September 18 and 19, 1970, senior-level officials from the United States, United Kingdom, France, and West Germany met in Bonn to discuss the status of the quadripartite negotiations on Berlin. In a memorandum for the U.S. representative, Country Director for Germany James Sutterlin explained that the participants would consider a German draft of a treaty on Berlin as well as an “expanded version” of an earlier Allied paper for possible exchange with the Soviet Union. “We believe that whatever emerges from the discussion of the two papers above,” Sutterlin concluded, “a new method of negotiating and probing the Soviet position must be found.” (Memorandum from Sutterlin to Hillenbrand, September 14; National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.1, 1970 Four Power Talks, Aug–Sep Preparations for Meetings)

William Hyland of the NSC staff summarized the meeting as follows:

“At a meeting of senior level officials this weekend, we have agreed with the British, French and Germans on the basis for a possible agreement to offer the USSR on Berlin. The essential features call for continuing respect for Four-Power agreements, and under this rubric, for unimpeded access to West Berlin with control features limited to identification. The agreement would also include freer movement for West Berliners to East Berlin, establishment of additional crossing points, and expanded or renewed telephone and telex communications. The various links between West Berlin (economic, cultural, etc.) and West Germany would be determined by the three Western powers and West Berlin would also be represented abroad by West Germany. In return, the constitutional organs of the FRG would not perform their official functions in West Berlin, and the Soviets would ‘respect’ the arrangements outlined in the agreement. A cutdown version of this approach will be given to the USSR, in an exchange of draft agreements. The formal Four-Power talks are scheduled for September 30.” (Memorandum from Fazio to Kissinger, September 22; *ibid.*, Nixon Presidential Materials, NSC Files, Box 26, President’s Daily Briefs, September 18, 1970–Sept. 30, 1970)

The texts of the papers approved at the senior-level meeting were transmitted in telegrams 10837 and 10839 from Bonn, both September 19. (*ibid.*, RG 59, Central Files 1970–73, POL 28 GER B and POL 38–6, respectively) A detailed account of the discussion at the meeting is in airgrams A–1045 and A–1046 from Bonn, September 25, and A–1047, September 28. (*ibid.*, POL 1 GER, POL GER W–USSR, and POL 38–6, respectively) For German records of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pages 1624–1636.

On September 23 the Soviet and Allied Ambassadors exchanged papers for discussion in the Berlin negotiations. The text of the Soviet paper is in telegram 1376 from Berlin, September 23. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B) In its analysis of the Soviet paper, the Embassy in Bonn concluded: “The paper shows a very slight degree of movement toward the Western position as regards inner-Berlin movement and access, but is otherwise a standard representation of Soviet views thus far.” (Telegram 11066 from Bonn, September 24; *ibid.*) The Department agreed that the paper was not “a suitable basis for eventual agreement on Berlin.” (Telegram 159011 to Bonn, September 26; *ibid.*)

118. Memorandum of Conversation¹

Washington, September 22, 1970.

SECRETARY’S BRIEFING—SEPTEMBER 22, 1970

Mr. Hillenbrand asked the Secretary if he had read the briefing book. The Secretary said he was familiar with the material because he had been exposed to it by German officials *ad nauseam*. He wanted to know what maximum hopes were on Berlin. Mr. Hillenbrand explained to him the actual procedure through which civilians have to go when travelling between West Berlin and the FRG, the fees they have to pay (which are repaid to them by the FRG Government). The Secretary also asked about the procedure for trucks, on waterways and air transit. Mr. Hillenbrand said that the four allies were reluctant to put on paper, even for their own use, their minimum position on Berlin or the maximum concessions they would be willing to make to the Soviets, because nothing could be kept secret in Bonn. He was optimistic that if we got the Soviets to make an agreement with us they could be kept to it. Of course, they could break the agreement. The Secretary said “so can we.” Mr. Hillenbrand said that our experience with the Soviets on negotiated agreements in the 1950’s had been good though they tried to nibble away at the edges.

¹ Source: National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.1, 1970 Four Power Talks, Aug–Sep Preparations for Meetings. Secret. Drafted by H.J. Spiro (S/PC). The meeting was presumably held to brief the Secretary for his meeting with Scheel on September 23. An account of their discussion on the Moscow talks is in telegram 157941 to Bonn, September 25. (*Ibid.*, Central Files 1970–73, POL GER W–US.

On the Moscow treaty, Mr. Hillenbrand said that Henry Kissinger took a dim view of it. He felt that the Germans had alternated between extremes at least since Bismarck's time—and Kissinger considered himself an expert on Bismarck. Therefore, the Germans could not really be trusted. The Secretary asked whether Kissinger himself, a German, made this statement as a German. He stated that the President is the elected official and the President is quite relaxed about our German policy and intends to stay with it. I suggested that Kissinger takes a tragic and almost determinist view of German history which is unjustified by recent experience. Under Secretary Johnson asked about a certain Belgian that he had met at a recent cocktail party. Mr. Hillenbrand identified him as an official of the Banque Belge, who is a local gossip. This man had told Mr. Johnson, that he, an experienced student of German affairs, and Henry Kissinger agreed that German eastern policy was all wrong. The Secretary reaffirmed that our support of Chancellor Brandt's policy was something to which we had committed ourselves, which was right, and which we would stick with. In any case, there was nothing else we could do. He had been impressed by Foreign Minister Scheel's visit,² during which Scheel was asked to make certain adjustments in the treaty negotiations with the Soviets. Scheel agreed to do these things and as soon as he got back to Bonn he lived up to his promise. The Secretary also considers Chancellor Brandt very trustworthy and he asked why many people considered him untrustworthy. Mr. Hillenbrand suggested it might be because Brandt had been a communist before the war. The Secretary said that if he had lived in Germany under Hitler he would have been a communist too. Mr. Hillenbrand also mentioned the fact that Brandt had worn a Norwegian uniform during World War II and some people in Germany, therefore, considered him a traitor. Mr. Spiers suggested that there were many people in this country who mistrusted any Socialist. I said that the fragility of the Brandt Government was exaggerated in the briefing paper because under the German constitution it was very hard to overthrow a government without finding a majority in Parliament to agree on the Chancellor's replacement. The FDP, since Scheel had negotiated the treaty, were more firmly in the coalition than before. Moreover, the CDU had been waffling in their opposition to the treaty. Mr. Hillenbrand said that the two state elections coming up in November might hurt the Government, especially the FDP, but that the Free Democrats really had no place else to go. The Secretary asked why he was being visited by so many German officials. Mr. Hillenbrand explained that the German Parliament was out of session so everybody was coming to Washington.

² Scheel had visited Washington in July, before signature of the Moscow Treaty; see Document 100.

119. Telegram From the Embassy in Germany to the Department of State¹

Bonn, September 25, 1970, 1041Z.

11081. Subject: Brandt on Berlin Talks.

Summary. Brandt gave the Ambassador September 24 his views on the Berlin talks. Brandt said the time has now come to appoint working groups to get on with the negotiations. The Embassy endorses the idea of a working group approach at the appropriate moment in the near future. *End Summary.*

1. In a general discussion on Berlin, Ost-Politik, and other matters, the Ambassador told Brandt about our concern regarding Soviet violations of the Middle East truce, which naturally raise fundamental questions of the reliability of the Soviets. Nevertheless, we hope to get on with practical solutions to questions, including the Berlin issue. The Ambassador explained to Brandt briefly the background of the senior group discussions September 18–19 and described his recent meetings with Abrasimov and Tsarapkin.

2. Brandt said he realizes the French were the significant cause of difficulties in working out a good Allied position. He said they had reason to think that Pompidou was more forthcoming on Berlin than Schumann. Brandt asked if we would have any objections to bilateral German talks with the French with a view to improving their position on Berlin. The Ambassador replied that we would not at all object to such a German effort; on the contrary, one of the President's important objectives is to improve general relations with the French. Brandt said that the French, in their current negotiations with the Soviets on economic cooperation and building a truck factory, had not consulted at all with the Germans, even though the Germans had earlier been careful to keep the French informed of their negotiations. The French had put in a lower bid and gotten the main part of the business with the Soviets.

3. Brandt said that when he was in Moscow he was struck by the fact that Brezhnev never criticized the European Community, German relations with it, or Community enlargement. Furthermore, Brezhnev had expressed understanding of the fact that the US would remain German's principal ally. Brandt said that neither Brezhnev nor Kosygin ever tried during their talks with him to split the US from its allies. In a side comment, Brandt noted that this was quite contrary to the line

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Priority; Limdis. Repeated to London, Moscow, Paris, Berlin, USNATO, and USMission Brussels.

which Abrasimov and Tsarapkin seem to have been taking recently. Brandt also confirmed what we earlier reported that Abrasimov had tried to see Brandt “secretly” in Berlin during the latter’s visit September 6. Brandt said this is not the first time Abrasimov has tried to arrange a secret meeting with Brandt. Brandt characterized Abrasimov as a very hard-liner.

4. Brandt has talked at length with Brezhnev about ties between Berlin and the FRG. Brezhnev had reiterated the line that West Berlin is not a part of the FRG and had spoken against “provocative political ties.” Nevertheless, Brandt had never gotten from either Brezhnev or Kosygin a really clear statement of their position on political ties. Brandt said, incidentally, that Brezhnev had spoken from notes, whereas Kosygin had not. Brandt thought there was some division within the Soviet Government over Berlin and what should be done about it. Brezhnev had also twice told Brandt that the Germans knew the official position of the Soviet Union but that some compromise was possible. Brandt attached significance to this statement.

5. Brandt said that, speaking frankly, he was disappointed in the results of the September 18–19 senior group meeting. He hoped that the talks after September 30 would be more profitable. He then suggested that the time has come to use the working group approach to negotiate with the Soviets. Brandt thought that the Abrasimov paper was not too disappointing as a starter and thought it might be possible to work from it.

6. Brandt referred to the strong feelings within the German Government on the air agreement and expressed the hope that early progress would be possible. Brandt showed awareness of the problems involved. The Ambassador assured him that he would do his part to expedite the matter.

7. *Comment:* We endorse Brandt’s view that the time has now come for a working group approach to the Berlin talks. We will be submitting our views shortly on the timing and form of such an approach.

Rush

120. Editorial Note

On September 27, 1970, Horst Ehmke, head of the West German Chancellery, arrived in the United States to discuss recent developments in the Berlin negotiations. According to his published account, Ehmke had come to defend Ostpolitik against two perceived threats:

the “disruptive tactics” of the German opposition and the delaying tactics of the Department of State. He was unable to meet with Assistant to the President Kissinger and other high-ranking officials who were accompanying President Nixon on a 9-day trip to Europe. (Ehmke, *Mit-tendrin: Von der Großen Koalition zur Deutschen Einheit*, page 140) Before arriving in Washington, Ehmke stopped in New York, where he met representatives of the press, including the editors of *The New York Times*. On October 1, the *Times* published an article and an editorial, both evidently based on information provided by Ehmke, regarding the recent Soviet proposals in the ambassadorial talks. The editorial concluded that these proposals “would appear to warrant a more intensive stage now in the four-power Berlin negotiations.” (*The New York Times*, October 1, 1970, pages 6, 40)

The Department of State, considering the publicity “mostly inaccurate and confused,” quickly sent press guidance to the Embassy in Bonn in an effort to reduce the damage to its diplomacy. (Telegram 161763 to Bonn, October 1; National Archives, RG 59, Central Files 1970–73, POL 28 GER B) Russell Fessenden, the Deputy Chief of Mission, lodged an official protest that evening in a meeting with Paul Frank, First State Secretary in the German Foreign Office. After decrying the breach of confidentiality in the negotiations, Fessenden declared: “Ehmke’s comments on differences between the US Government and the FRG and alleged differences between Embassy Bonn and Washington were equally unhelpful. The effect of all this on Allied unity, to say nothing of the Soviets, was serious. The result is just the opposite of what the FRG desires, i.e. rapid progress toward a Berlin solution.” Frank apologized for the incident, commenting on “how difficult it is to control ‘politicians’.” (Telegram 11385 from Bonn, October 2; *ibid.*)

Meanwhile, Ehmke met Acting Secretary of State John Irwin. In an October 6 memorandum to the President, Kissinger briefed Nixon on “important developments” during his absence, including the meeting between Ehmke and Irwin:

“On October 1 Acting Secretary Irwin met with German Minister Ehmke, a very close adviser to Brandt and general manager of the FRG Government. Ehmke expressed the conviction that Brezhnev wished to present the FRG–USSR treaty (signed in August) to the Party Congress in March. Given the public link between FRG ratification of the treaty and improvement in Berlin, Ehmke feels that the Berlin negotiations must be concluded by the end of the year. If the Soviets come to the judgment that the treaty will not be ratified by the time of the March party congress, they might be less interested in a Berlin improvement, concluded Ehmke. While in the US, Ehmke also provided several backgrounders to the press, the thrust of which was that the US was holding back in Berlin. Mr. Irwin reminded

Ehmke that such statements were untrue and unhelpful.” (Ibid., Nixon Presidential Materials, NSC Files, Box 1324, NSC Unfiled Material 1970, 2 of 11)

A detailed account of this meeting is in telegrams 163207, October 2, and 163305, October 3, to Bonn. (Ibid., RG 59, Central Files 1970–73, POL 28 GER B and POL GER W–US, respectively) For a different perspective on the Ehmke visit, see Ulrich Sahn, “*Diplomaten taugen nichts*”, pages 277–278.

121. Editorial Note

On September 29, 1970, the Soviet duty controller at the Berlin Air Safety Center informed his British counterpart that an area centered on the town of Rathenow in East Germany would be closed to air traffic for 2 hours the following day, effectively closing two of the three air corridors into West Berlin. Noting that this action coincided with the next session of the Ambassadorial talks on Berlin, the U.S. Mission in Berlin argued that the “Western powers cannot afford to allow precedent of accepting such closures to be established.” The Mission recommended, therefore, that the Allies probe the affected area with military aircraft during the period of closure. (Telegram 1407 from Berlin, September 29; National Archives, RG 59, Central Files 1970–73, POL 38–9)

The Department replied that “highest levels” had approved this recommendation, including issuing a “stiff *démarche*” to Pyotr Abrasimov, the Soviet Ambassador in East Germany, at the upcoming meeting. (Telegram 160778 to Berlin, September 30; *ibid.*) Abrasimov, however, refused to accept the *démarche* since he “knew nothing about the issue.” If such action were taken,” he insisted, “it must have been taken by middle echelon officials and certainly without his authorization.” (Telegram 1432 from Berlin, September 30; *ibid.*)

In a September 30 memorandum to President Nixon, Kissinger analyzed possible Soviet motives behind the incident:

“There are several angles to the Soviet announcement. First of all, the action strikes an ominous note on the very day that Berlin negotiations resume. Soviet willingness to engage in such pressure raises a question of whether they are as interested in serious negotiation as they intimated early this month to Ambassador Rush. In this connection it may be indicative that Yury Zhukov, the Soviet journalist who was recently visiting Bonn, took a strong line that the German-Soviet treaty should be ratified before Berlin agreement and would facilitate Berlin

agreement, whereas we take the position that ratification depends on a satisfactory Berlin outcome. Thus, Soviets may be increasing various pressures to force treaty ratification without Berlin's commitment. At the same time, harassment of sensitive air corridors, if continued beyond this minor probe, raises tensions and threatens the fate of the treaty in Bonn.

"It is possible that the meaning of this Soviet move is in a wider context. For example this could be their way of replying to publicity over the Soviet 'base' in Cuba. In this vein, the pinprick in Berlin is an obvious reminder of Soviet capabilities to counter any moves of ours in the Caribbean with their own pressures elsewhere.

"The Soviets gave no specific reason for the closure, though their pretext presumably is the beginning of Exercise Comrade-At-Arms. This is scheduled to last until October 20. Thus we could face an extended period of temporary closure or other harassments, depending on the Soviet reading of our response." (Telegram WH01947 from McManis to Haig in Naples, September 30; *ibid.*, Nixon Presidential Materials, NSC Files, Box 26, President's Daily Briefs, September 18, 1970–Sept. 30, 1970)

In another memorandum to the President on September 30, Kissinger reported on the outcome of the Allied probe:

"In agreement with the British and French, four probes were scheduled in the air space over Rathenow, East Germany this morning. The first aircraft, a British plane, landed in Berlin with the pilot noting no reaction. The second aircraft, a U.S. plane, also landed in Berlin with no apparent reaction. Because of the negative reaction, a second British flight was cancelled. The French probe did not get off of the ground because of mechanical or operational problems. Communications intelligence indicated no abnormal tracking of the flights." (*Ibid.*)

During a meeting with Soviet Foreign Minister Gromyko in New York on October 16, Secretary of State Rogers protested Soviet harassment of the Allied air corridors to Berlin. Rogers described his protest in a telephone conversation with Kissinger 2 days later. According to a transcript, the discussion of Berlin was as follows:

"R: Interestingly enough, I don't know whether the telegram shows this or not because I had a private meeting with him—about an hour. But on the—he got a little tough and I responded in kind and then he calmed down and I calmed down and he talked about the air corridor.

"K: That didn't come across.

"R: He said now what did we do, what did we do? And I said you know damn well what you did. You said that the corridors were going to be closed and you don't have any right to close the corridors and we are not about to let you. Then he again sort of said what did

we do and I said I just told you what you did. And he said well we didn't intend it that way. I said put yourself in our position. How would you have construed it? I said we were about to have four-power talks. You have done this in the past and then he said I can tell you that we didn't intend it that way. And I said are you saying it was a subordinate's decision, that it was accidental? And he said that is what I am telling you. And he said will you take my word for it. I said that if you say it in that way I'll take your word for it. I said if you tell me that it was an accident and it was not intended, that's all right with me, but you can well understand why we thought it had some significance because normally you don't do things that carelessly.

"K: Of course.

"R: I said but I will take your word for it. Let's go on to something else—so that's the way the damn thing ended. And I think that's probably a pretty good way to put it.

"K: I think that's right. It gives them a face saving way out of it." (Library of Congress, Manuscript Division, Kissinger Papers, Box 364, Telephone Conversations, Chronological File)

122. Telegram From the Mission in Berlin to the Department of State¹

Berlin, October 1, 1970, 1646Z.

1443. From Ambassador Rush. Subject: Berlin Talks: Next Phase. Ref: Berlin 1437, Berlin 1435,² Berlin 1434.³

1. I consider it important that we make a determined effort to make real progress in the current Four Power talks, and that urgent

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Immediate; Limdis. Repeated to Bonn and to Belgrade for Hillenbrand.

² Both dated October 1. (Ibid.)

³ In telegram 1434 from Berlin, September 30, the Mission reported: "The main development was an unexpected request by Abrasimov who had earlier explained that his absence at the UNGA in New York would make it impossible to meet again before October 30, to meet instead on October 9 on the basis of intensive preparation by subordinates." The Mission further commented that the change in schedule "indicates that Abrasimov feels himself under some pressure to move towards more rapid development of the negotiations and represents an important procedural shift on his part." (Ibid.) For a German summary of the September 30 meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 1671–1675.

consideration be given to steps we on the Western side might now take to accomplish this.

2. In view of our discussions yesterday with Ambassador Abrasimov, and particularly his definition of the three principal Soviet interests in Berlin—the banning of NPD; the cessation of Bundestag meetings; and the elimination of FRG offices, I would like to have the Bonn Group consider the following possibilities: (a) banning the NPD in Berlin (In the past, while the French, the British and the Germans were prepared to ban the party in Berlin, we on the American side were not. However, in the present context, it would, in my opinion, be desirable to reverse the American position, particularly if by so doing, we could produce sensible progress in Berlin.); (b) surfacing our proposal for the cessation of constitutional functions in Berlin by Federal Republic constitutional organs; (c) dealing with issue of the Federal offices in a way that protects them but also eliminates them as a point of contention. One way to do this may be to state that the Western powers remain supreme in the Western sectors; that they have the right to determine the ties of the Western sectors with the Federal Republic; that while the FRG does not govern the Western sectors, it continues to have important social, economic, cultural and other ties with them; that while Federal offices do not have governing responsibilities, they carry out essential functions connected with the Allied responsibility for assuring the viability of the Western sectors of Berlin. It may also be desirable to tell the Soviets that we remain prepared to give serious consideration to any reasonable Soviet grievances connected with these offices.

3. If we can do this at our next meeting, we will not have given away anything fundamental, but we will have demonstrated to the Soviets our readiness to deal fairly and equitably with their legitimate problems. In turn, we will put the burden on them to begin to meet our requirements. I therefore would like to have these propositions discussed urgently and in depth by the Bonn Group to be able to move the talks along at the October 9 meeting.

4. I would also appreciate Department's approval ASAP.⁴

Morris

⁴ The Department and Hillenbrand, who was in London, subsequently approved these recommendations. (Telegram 163300 to Bonn and telegram 8102 from London, October 3; both in National Archives, RG 59, Central Files 1970–73, POL 28 GER B) In telegram 1519 from Berlin, October 9, the Mission reported that Abrasimov, who served as chairman for the Ambassadorial meeting that day, adopted an uncompromising stance. "This, without doubt, was the toughest and tensest session thus far. There was heated debate. Western Ambassadors held firm line." (Ibid., POL 38–6) For a German summary of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 1731–1737.

123. Paper Prepared in the Department of State¹

Washington, October 12, 1970.

GERMAN EASTERN POLICY AND BERLIN

*I. Eastern Policy**1. Background*

The present period is one of important change in Europe. Patterns of political thought and organization to which we have become accustomed in the post-war period have become less firm. The Eastern policy being implemented by the Brandt Government is both the result of these changes and a major stimulus for further change. US interests are directly affected because of our continuing responsibilities for Berlin and Germany as a whole. Equally important the future role of Germany will determine in many ways the strength of the Western Alliance and the nature of East-West relations both of which touch directly on our own security. We have made broader negotiations in a Conference on European Security directly dependent on progress in the negotiations which the FRG has been conducting and in the talks which the Three Western Powers are holding with the USSR concerning Berlin.

The Brandt Government has signed a treaty with the USSR on the renunciation of force and is seeking to complete similar agreements with Poland, the GDR and eventually Czechoslovakia and the other Eastern European countries. Previous German governments led by CDU Chancellors have sought to reach constructive understanding with the USSR. What is new in the present Government's policy is its decision to seek to normalize relations with the East on the basis of formal acceptance of the present status quo in Europe—that is acknowledgment of the existence of two German states and recognition in all but the strictest legal sense of existing borders including its own border with the GDR.

¹ Source: National Archives, RG 59, EUR/CE Files: Lot 80 D 225, Bonn Group Study, Nov 23 1970. Secret. Drafted by Sutterlin and Skoug. The paper was a revision of a paper originally prepared for discussion by the NSC on September 15; the meeting, however, was postponed. On October 12 Jeanne W. Davis, NSC Staff Secretary, circulated the revised pages to serve as the basis for discussion at the NSC meeting on October 14. (Ibid., Central Files 1970–73, POL 1 EUR E–GER W) Copies of the original version are ibid. and ibid., Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII.

2. Objectives of Brandt's Eastern Policy

A. Short Term

—A regularized *modus vivendi* with the GDR to permit easier communication between East and West Germany.

—Greater political influence and trade in Eastern Europe.

—Assurance of the indefinite continuation of the present status quo in Berlin and of more secure access arrangements.

—The prestige to be derived from an active dialogue with Moscow.

B. Long Term

—Cultural, economic and social unity for the German people even though political unity is not possible.

—A gradual opening up of Eastern Europe and a loosening of Soviet domination which will permit a new European peace order marked by the disappearance of military and ideological confrontation in Europe.

The intention of the Brandt Government in seeking these objectives is not to change the strategic balance between East and West. The FRG's commitment to NATO, its support of the EC and its partnership with the US are to be maintained. The extensive and ever-growing economic ties between the FRG and the US and its EC partners will, in any event, serve to bind the FRG to its Western associations.

3. The Underlying Assumptions

A decisive development in Brandt's thinking was the Berlin Wall. The inability of the West, particularly the United States, to prevent the Soviets and East Germans from this move convinced Brandt that the United States, either alone or with its Allies, could not be expected to bring about a solution of the German problem. Brandt concluded further that strategic parity meant acceptance of the status quo in Europe by the United States. This status quo would not be changed by Western strength. His current policy is a logical extension of the policy of "little steps" he developed after the Wall was built which foresaw German initiatives for small improvements in relations with East Germany and the other Communist European countries.

Also important in Brandt's thinking are the following assumptions:

—The Western Alliance built on the US deterrent strength has been and remains essential to the security of the FRG and West Berlin.

—US experience in Asia and domestic trends in America make it inadvisable, however, to rely entirely on alliance with the United States as the sole long-range basis for German security.

—In any event only the FRG can bring about a satisfactory solution of the German question.

—The FRG is in a better position to encourage such a solution by reaching a *modus vivendi* with the East while a strong American presence remains in Europe since a firm foundation of Western strength is prerequisite for negotiations with the East.

4. *The Prospects*

German Eastern policy offers the following attractions to the USSR and its allies:

—Official German acceptance of the status quo in Europe.

—Greater access to technology and economic resources in the West.

—The prospect of greater influence in the FRG and Western Europe.

—Reduction of a potential cause of tension at a time of conflict with Communist China.

—An enhanced long-range prospect of loosening FRG ties with the West, weakening the Alliance and impeding the development of a politically integrated European community.

In connection with this last point it must be noted that Moscow's flexibility is limited by its strategic requirement to maintain Soviet forces in East Germany and by its political requirement to maintain a Communist regime in power in East Berlin. The Soviet Union cannot at this time tempt the FRG with any real prospect of reunification or change in the political system in the GDR. Under the circumstances Moscow's present objective may be not to entice the FRG away from its ties with the US and NATO but simply to reach sufficient understanding to suggest there is a slight bit of light on the horizon and that the FRG would be well advised to keep options open for the future, i.e. not become too integrated into a Western European community.

The attractions for the Communist side and the objectives of the FRG are obviously not the same and in some cases are in direct conflict. Each side, however, probably sees enough opportunity to attain its objectives—and such disadvantages in turning back—as to make further progress likely. But in assessing the prospects that the Eastern policy will be fully implemented the following impediments need to be kept in mind:

—The East German regime needs to isolate the GDR from the influence of West Germany rather than to encourage the improved communication between East and West which the FRG desires.

—Brandt's domestic political base is fragile.

—Implementation of the policy is dependent on a satisfactory solution in Berlin and this has been extraordinarily difficult to achieve in the past.

5. *What Lies Ahead*

The status quo ante cannot be restored. It is possible that the total package of treaties with the USSR, Poland, the GDR and Czechoslovakia and a quadripartite understanding on Berlin will be realized or that at some point difficulties will arise which will prevent its full accomplishment. In either event, however, the status of the GDR will have been substantially enhanced.

In the first eventuality the following corollary developments can be expected:

—The GDR will be accepted as a full-fledged member of the international community and the Western Powers will have to take this into account in preserving their position in West Berlin.

—The concept of Four Power responsibility for Germany as a whole will have less meaning than at the present.

—A Conference on European Security will take place and the atmosphere of détente in Europe will increase.

—The residual fear of the USSR will decline.

—A thinning out of troops in Europe will be encouraged.

—Increased German influence will be a factor for change in Eastern Europe.

—The USSR will find it more difficult to prevent some further loosening up in that area, particularly in terms of bilateral and multilateral contacts with the West.

—American defense and political support may seem less essential and US influence can be expected to decline.

—Cooperation between England and France as insurance against an overly independent Germany is likely to grow.

—For reasons other than Eastern policy, economic integration of the European community can be expected to deepen as well as the economic inter-dependency of the Atlantic world thus providing additional strong ties between the FRG and the West. (The latter could be weakened by a trade war or an American return to isolationism.)

The difference in Europe three to five years hence if German Eastern policy is realized only in part is likely to be primarily a matter of degree. The trends will be the same because they stem from the assumptions underlying German Eastern policy more than from the policy itself.

6. *Potential Dangers*

The objectives of German Eastern policy are compatible with US interests in Europe. The policy does, however, entail the following potential dangers which must be taken into account:

—Agreements between the Federal Republic and its Eastern neighbors which seem to provide a tolerable solution of the German problem and reduce the level of tension in Europe could lessen the defense efforts of the Alliance, including US willingness to maintain a strong military presence in Europe.

—Should this take place Western Europe would become more vulnerable to Soviet pressure with a resultant trend toward military neutralization.

—Eastern policy may fail to produce the objectives sought by the FRG particularly insofar as a loosening up in Eastern Europe and a lessening of the ideological confrontation between the two Germans are concerned. Increased popular frustration within the FRG might result, leading to the conclusion that progress can only be achieved through a more independent policy separate from the Western Allies and to internal instability which could prejudice the democratic system in West Germany.

—German preoccupation with the East could deprive the EC of the German leadership and initiative needed for progress in integration and expansion.

—An enhanced status of the GDR could weaken the Allied position in West Berlin and make more difficult the task of the Allies in resisting intensified Communist pressure, should this develop.

In short there is at least a theoretical possibility that Eastern policy, even if fully implemented, will not achieve the goals of the FRG but will nevertheless prejudice the Western defense structure, European integration and the Western position in Berlin.

7. American Options and Requirements

Given our own efforts to find areas of agreement with the USSR, including the current SALT talks, it would be extremely difficult to oppose in principle the efforts of the Brandt Government to normalize relations with the East. It could not be done without a deterioration in relations with the Brandt Government which could have lasting and far-reaching adverse effects on our ties with the FRG. This option therefore seems unrealistic. There remain two possibilities:

(a) We can continue to afford general support for the objectives of German Eastern policy, while avoiding, to the extent possible, endorsement of details and tactics, taking such restraining action as may be necessary to preserve quadripartite rights and responsibilities for Berlin and Germany as a whole.

(b) We can extend more comprehensive endorsement to the policy and perhaps take a more direct complementary role. We could, for example, publicly announce that the treaty with the USSR does not, in

our view, remove the need for a peace settlement, thus making Bundestag approval more likely.

The advantage of option (a) is that it minimizes our involvement in German internal politics and places full responsibility on the German Government for the resolution of the German problem which it is seeking. It permits us to intervene if quadripartite rights or the status of Berlin are endangered. The disadvantage is that it permits the suspicion that the United States is doubtful about the Brandt Government's intentions.

If the second option were chosen relations with the Brandt Government would become more cordial. Brandt's domestic position would be strengthened and the prospects for implementation of the various treaties foreseen under the Eastern policy would be increased. The disadvantages would be: (a) our involvement in domestic German affairs would become more direct; (b) relations with the opposition would become strained and might be difficult to restore in the event the CDU won the Chancellorship; (c) greater US support would remove a restraint from the Government and could result in more precipitate and radical actions which would contribute to a polarization of political opinion in Germany; and (d) in the event that Eastern policy fails to produce the desired results part of the blame, at least within the opposition, would rest with the United States.

On the whole the first option appears more advantageous than the second. Whichever is chosen, however, the Brandt Government will continue its efforts to implement Eastern policy and we will face both the advantages and possible dangers entailed therein.

A great deal of the tragedy and failure connected with German foreign policy in the period between Bismarck and Adenauer can be traced to the inability or unwillingness of the German Government to attain a stable relationship with its neighbors. Success of German Eastern policy would be dangerous mainly if it resulted in a destabilization of Germany's relations with the West. Paradoxically the main danger of its failure would be a feeling of frustration which could result in internal instability and more radical initiatives which could also lead to a kind of self isolation by the FRG.

To discourage the potential dangers entailed in both success and failure the main requirement is to ensure the continued existence of defense and economic communities on which the FRG can depend and where it will enjoy respect. It is not likely to sacrifice a reliable security association and any feelings of frustration in the East will be mitigated if a dynamic Western environment offers a field for more fruitful initiative. This means, in the context of present developments that we should:

—Maintain a relationship of confidence with the FRG leadership, whether SPD or CDU, so that it will have trust in the security and po-

litical assistance we can afford. This will entail full respect for the FRG's sovereignty and continuing evidence of our willingness to rely on the FRG to take full account of Western interests in its dealings with the East.

—Stabilize the US presence in Western Europe over the next three to five year period. This will ensure during a period of rather fundamental change sufficient continued deterrent to discourage the Communist side from any temptation to take advantage of these changes to renew pressure on the West. It will also eliminate any underlying German assumption of early US troop withdrawals and thus decrease the need for haste on the German side in the implementation of German Eastern policy. Most importantly it will reassure the FRG's leaders that the Alliance of which they are part will endure and remain effective.

—Achieve a long-range and effective system of economic burden sharing within the Alliance. This should place a continued US troop presence on a sounder basis, reduce pressure in the United States for withdrawal of American forces, and thus increase European confidence in the continued effectiveness of the American commitment and of the Alliance deterrent.

—Support the further development of the EC and encourage the further expansion of trade between the US and Western Europe.

II. Berlin

1. Relationship to Eastern Policy

The United States initiated its participation in the Berlin quadripartite talks on the assumption that the current status of the city was satisfactory but that specific improvements, primarily in civilian access to the FRG and in inter-sector travel and communications, could be sought from the USSR in exchange for some reduction of the FRG presence in the city. German Eastern policy initiatives have changed the situation.

The Brandt Government has stated that ratification of the treaty with the USSR must attend a successful outcome of the Berlin talks. At the same time, the West Germans have specified that Soviet acknowledgement of Bonn-Berlin ties and improved access are essential elements in a successful outcome. This nexus between the Moscow treaty and the Berlin talks has created an opportunity for the Western Powers to exploit the presumed interest of the USSR in treaty implementation to seek their objectives in Berlin. At the same time, the Western Powers have been placed in a position where lack of agreement in Berlin would open them to the charge of frustrating German Eastern policy.

A further new element is the enhancement of the status of the GDR, entailed in the FRG's Eastern policy, which could increase Allied difficulties in maintaining the security and viability of the city. The enhancement of the GDR raises the questions whether some changed status for the Western sectors of Berlin should be sought in the negotiations and whether this is the appropriate time and place to seek additional assurance for Berlin beyond the improvements originally contemplated.

2. *Choices for the Outcome of the Berlin Talks*

Although there are several theoretical possibilities in the outcome of the current talks, the basic choice is between concrete improvements within the framework of the current de facto status of the city and some broader solution. We could:

—Continue to offer the USSR some limited reduction in Bonn's political presence in Berlin in exchange for improved access arrangements, greater circulation and communication possibilities in and around Berlin, and Soviet acknowledgement of the ties between West Berlin and the FRG. This outcome, if it could be obtained, would entail no modification in our interpretation of the legal status of the entire city, as derived from wartime victory and reflected in quadripartite agreements. One detriment is that an agreement of this kind, unless the assurances on access were substantial, would provide no new Soviet or East German commitment to respect the quadripartite status of Berlin and would not greatly strengthen the Western position in the event of subsequent pressure from an enhanced GDR. Another is that it might fall short of the wishes of the Germans, particularly if overt Soviet acknowledgement of Bonn-Berlin ties is not forthcoming. The FRG might refuse to concede important elements of their presence unless this were obtained.

—Seek a broader agreement which would accept the Soviet thesis that only West Berlin is subject to three (actually four) power authority, whereas East Berlin is the capital of the sovereign GDR. An additional element might be an enhanced Soviet or East European presence in West Berlin. Under this solution, West Berlin would receive new guarantees from the USSR (and presumably the GDR). This sort of outcome would cost us prima facie our largely barren right to demand free access to East Berlin for our military and diplomatic personnel. The degree of satisfaction to the FRG would depend on the amount of association, if any, between Bonn and West Berlin which the USSR could be led to acknowledge. Such a solution would make it easier for the FRG and the Western Powers to recognize the GDR and establish diplomatic representation in East Berlin. On the other hand, it would terminate the historical legal basis of Berlin and substitute a new contractual relationship based on Soviet (and perhaps East German) agree-

ment. While it could be argued that a newer Soviet agreement would be a positive result, such a solution might make it psychologically more difficult to reassert Allied rights in the future if these were subsequently put to a new test. Geography would leave the Communists in a position to influence or even to determine events in West Berlin, whereas the Western concessions would be irrevocable. Lastly, such a solution would in itself further enhance the GDR.

Either type of agreement would leave our commitment to West Berlin and the responsibilities we bear for its defense unchanged.

3. *Tactics*

Our tactics to date have been to propose a number of specific improvements, while at the same time exploring whether any meeting of Western and Soviet positions in principle would be possible. At the most recent session (October 9) the Soviet representative responded with a formulation suggesting that the USSR is demanding an outcome along the lines of the broader settlement referred to above. He insisted that the Soviet side would not agree to discuss any practical arrangements to facilitate access or inter-sector relationships unless the West would agree that West Berlin alone is the subject of the negotiations.

This Soviet position had not been stated so boldly before and it may be a tactical move. We propose to probe them further, possibly in New York, to ascertain whether this is indeed a fixed demand. This can be done by proposing to discuss practical improvements which, while not requiring a specific Soviet endorsement of our principles, would improve the situation of Berlin and could implicitly confirm our general case as well.

If probing shows that the USSR intends to insist that we acknowledge that West Berlin is a separate political entity we will have to decide in consultation with the FRG, France and the UK whether we should

—accept the Soviet option and seek as many pragmatic improvements as we can obtain in exchange for the attendant risks in an implicit change in Berlin's status;

—reject the Soviet option but continue in contact with the Soviets in an effort to find a mutually acceptable means of achieving improvements utilizing such possibilities as discussion between the GDR on the one hand and the FRG or Berlin Senate on the other as a supplement to quadripartite talks.

If the impasse continues, at some point the question of whether or not to break off negotiations may arise; our problem will be to do this under such circumstances as to avoid any possibility of a growth of a myth that we actually toppled Brandt's Eastern policy by using the Berlin lever.

124. Memorandum for the Record¹

Washington, October 13, 1970, 12:59–2:22 p.m.

SUBJECT

Luncheon Meeting, Tuesday, October 13, Dr. Kissinger and Mr. Franz Josef Strauss

After meeting briefly with the President, Mr. Strauss talked at length with Dr. Kissinger over luncheon, mainly about relations with the Soviet Union, the new German-Soviet treaty, and about the internal political situation in Germany.

German-Soviet Relations

Mr. Strauss began by referring to a conversation he had had with a visiting Soviet journalist (Yuriy Zhukov). From this conversation it had become clear that the Soviet interpretation of the new Soviet-German treaty differed greatly from that being given in Bonn by the SPD Government. He had talked with Horst Ehmke and Foreign Minister Scheel about Soviet motives and German aims. Ehmke had told him that the treaty would create the conditions for the Soviets to abandon, step by step, their hold over Eastern Europe. The Soviets recognized, according to Ehmke, that they could not hold Eastern Europe indefinitely, and their aim was to create a gradual loosening up of Eastern Europe. Ehmke told Strauss that through the new treaty with Moscow Bonn would be able to move into Eastern Europe, and finally create a zone of democratic, socialist states. Dr. Kissinger interjected that even if this were true, the Soviets would never allow Germany to fill the vacuum in Eastern Europe. Strauss agreed and continued that Ehmke claimed the Government's goal was to roll back the Soviet sphere of influence to the USSR. Strauss had told Ehmke that if he accomplished this he (Strauss) would be the first to congratulate him, but that he strongly doubted that this is what the Soviets expected. In a similar conversation, Scheel told Strauss that the Soviets needed to consolidate their position in Eastern Europe and at home. For this they needed Western economic help. The Germans, according to

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII. Secret. Sent for information. Drafted by Hyland on October 16 and cleared by Sonnenfeldt. Kissinger initialed the memorandum on October 22, indicating that he saw it. The time of the meeting is from Kissinger's Record of Schedule, which notes a brief interview with the President (1:03–1:18 p.m.). (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No substantive record of the conversation between Nixon and Strauss has been found.

Scheel, would offer this in order to remove Soviet concern. Once the Soviets consolidate their position the Germans could expand their influence.

Dr. Kissinger commented that in other words, the Soviets would consolidate their position in Eastern Europe in order to give it up. Strauss continued that he had argued with Scheel that they did not need a treaty to convince the Soviets to accept economic help from Germany. He had told Scheel that this was as if Germany were paying reparations to the Soviet Union. They, the Germans, could hardly expect the Americans to be sympathetic while the Soviets with European help continued to support North Vietnam, cause tension in the Mediterranean and build up their strategic armaments on European credits. In such circumstances, how could Germany ask the United States to maintain troops against the USSR in Europe, while Germany was embracing the Soviets.

Strauss argued that the Soviet aim was to increase its influence over Germany, and that the treaty was a step in this direction. The Soviets also wanted to discourage freedom-loving Social Democrats in Europe, many of whom had told him that the SPD had abandoned them. He recalled that the last two wars had actually started long before the fighting broke out. Before each there was a turning point. He felt that Germany had reached such a turning point. After the treaty had been ratified, Europe would never be the same and Germany would never be the same. In a treaty between a weaker power and a stronger power, the final interpretation of the meaning of the treaty would be that of the stronger party.

In these circumstances, he concluded that America's greatest service would be to avoid supporting or applauding the treaty and Brandt's Ostpolitik. Brandt was constantly claiming that the CDU/CSU was isolated in its opposition and pointed to support from America, Britain, France, Scandinavia, etc.

Dr. Kissinger asked Mr. Strauss about the Berlin negotiations, and how they fit into his view of relations with the Soviets. Dr. Kissinger commented that it was difficult to see how the situation could actually be improved. What could we do if the German government decided that a certain agreement was satisfactory. We could not be more German than the Germans.

Strauss said that there was no real solution for Berlin. The only solution (which he did not identify) was understood by everyone, and everyone agreed that the situation was abnormal. His party was adamant that there could be no treaty without a Berlin agreement, and they would not accept a mere agreement in principle as the Soviets wanted. The Americans should slow down the negotiations and put forward the stiffest possible terms.

Internal Political Situation

Dr. Kissinger asked about the domestic political situation. He noted that Rainer Barzel, when he was in Washington, had given the impression that the CDU/CSU did not want to bring down the government at this time, but might wait up to a year. Mr. Strauss indicated some surprise at this, and said that perhaps Barzel was concerned to be quite correct in his remarks at the White House. He, Strauss, did not know if the SPD–FDP coalition could last for a year. The elections in Hesse next month and in Bavaria at the end of November would be crucial. If the FDP did poorly the national party would collapse. Then it was a matter of arithmetic as to how many of the FDP would come over to the government. Strauss foresaw that there might be a grand Coalition, since the CDU could not make up its mind about the Chancellorship. He believed Barzel would be the next Chancellor. He ruled out Schroeder, though Kiesinger might want to govern until the next elections. He knew that he himself had no prospects unless there was a major crisis, but that he would probably become Finance Minister or perhaps Foreign Minister. Schroeder might also take the latter post, though he was not well thought of in France. He thought that the combination of Barzel and Strauss would be a good one; Strauss for the Germans and Barzel for Germany's allies.

He felt that if the SPD called for new elections that they would be beaten at present. Strauss' idea, which was causing problems with the CDU, was to combine with the remnants of the FDP with his Christian Social Union and run a candidate outside Bavaria on a ticket called the German Union. In this way the CDU/CSU could get an absolute majority. Dr. Kissinger noted that in this case Strauss would have a policy veto. Strauss responded that he would not abuse it, but would of course use it.

He commented briefly on the economic situation, noting that if the Social Democrats ruled for one more year, no major damage would be done, but if they stayed in power for longer the problems would mount. He meant co-determination laws, and general socialization of society, as well as increase in inflation, cost of living, etc. In this connection, he noted the economic theories of Herbert Wehner, concerning convergence of reform Communism and democratic socialism. He said that Wehner was reverting to his old ideas, and explained at some length that there was a long standing psychological competitiveness between Wehner and Ulbricht. Wehner still hoped to be the man that lead all of Germany into a socialist society, rather than Ulbricht.

At the end of the luncheon, Mr. Strauss expressed his appreciation to Dr. Kissinger for receiving him and conveyed the regards of Kiesinger and Barzel. He indicated that he would keep the conversation in strictest confidence, and might see Dr. Kissinger again in De-

cember when he returned to the United States. He would understand, however, if Dr. Kissinger could not receive him then.

William G. Hyland²

² Printed from a copy that indicates Hyland signed the original.

125. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, October 14, 1970.

SUBJECT

NSC Meeting: (1) Germany and Berlin; (2) Burden Sharing

This will be the first of two meetings scheduled to deal with European issues. For this meeting *the main subject will be the longer term consequences of Brandt's Eastern policy and the Berlin negotiations*. We also have scheduled a *brief review of the burden sharing question*, and what further steps may be necessary to follow up with your statements at Naples.² At later meetings we will discuss our force levels in NATO and the question of mutual force reductions through negotiations with the USSR.

Germany

Brandt's concept of a German national policy is based on his conviction that neither the US, alone, nor the Western Allies together are capable of achieving Germany's national aims. Only a West German government can do this, he believes.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-029, NSC Meeting—European Security 10/14/70. Secret. Sent for information. The date of the memorandum is from another copy. (Ibid., White House Special Files, President's Office Files, Memoranda to the President, Beginning October 11, 1970) No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft and talking points for the meeting to Kissinger on October 12. In a covering memorandum Sonnenfeldt explained that, in accordance with Kissinger's instructions, "the papers now place heavy stress on the problems associated with Ostpolitik, both its failure and its 'success,' and, more importantly, with the current Berlin negotiations." (Ibid., NSC Files, NSC Institutional Files (H-Files), Box H-029, NSC Meeting 10/14/70 European Security)

² Reference is to Nixon's September 30 statements at the NATO Southern Command in Naples, in which he stressed the importance of burden-sharing within the NATO Alliance. See Document 128.

Accordingly, he has taken a series of initiatives to normalize relations with the USSR and the Eastern Europeans, and ultimately reach a modus vivendi with East Germany. The new element of this strategy is the willingness to accept the political and territorial status quo, including eventual recognition of East Germany, as the necessary price to create a new starting point for overcoming the division of Germany.

The West Germans assume that the Soviet Union will accommodate to Bonn's policies because of the problems with China and because of the intense Soviet desire to gain greater access to Western technologies.

In the short run, Brandt hopes to achieve a series of treaties, including a contractual relationship with East Germany, that will allow more intra-German communication and a greater scope for West German political and economic influence in Eastern Europe. Ultimately, Brandt's hope is that through this new position of influence and acceptance of the status quo, an evolutionary process will ensue in which all but political unity can be achieved for Germany, as the ideological and political division of Europe erodes.

The Problems

If everything were to proceed as Brandt and his advisors assume, we could only welcome his success. But there are several problem areas:

—First of all, *Brandt's policies thus far are mainly declaratory, e.g., the Moscow treaty, and create the sense of détente without much substance.*

—*Brandt's willingness to recognize the status quo as the starting point for changing it and expanding German influence in Eastern Europe and over East Germany runs directly contrary to the imperatives of Soviet policy, which surely must be to freeze the status quo, to contain German ambitions and consolidate Soviet hegemony in East Germany, while Germany remains divided; the result could be a stalemate and frustration inside Germany.*

—*Even if Brandt is partially successful he risks being caught between pressures from the East, on the one hand, and the requirements of the Western Alliance on the other; in this event Western distrust could develop and revive anti-German sentiment since none of the Western Europeans can be expected to share Germany's priorities or preoccupation with unification.*

—*Within West Germany, if Brandt appears to be succeeding, there could develop a competition for the most nationalist position among the leading parties; the SPD already claims it is conducting a truly national policy by seeking substitutes for, or the equivalence of unification; the CDU could be compelled to counter this; in the long run the Soviets could gain the capability to dictate which German policies and leaders were acceptable as in Finland.*

Our Choices

In the near term we do not have great freedom of action.

—We probably cannot oppose Brandt without greatly damaging the Alliance, and involving ourselves in internal German politics.

—On the other hand, to support him actively will also polarize German politics since we cannot go beyond a German consensus on national questions. Moreover, because of his thin domestic base, we may want to hedge against overidentification with his specific policies.

In the longer term, we have two general postures:

1. *We can continue to remain aloof;*

—this guards against being blamed for the failure of the specific results of West German policy, and maintains solidarity with the British and French first of all;

—the main disadvantage is that we encourage inside Germany a feeling of distrust and suspicion which may feed Brandt's belief that, in fact, we cannot be relied upon to support his national aims.

2. *We can structure our general policies in such a way as to mitigate some of the longer term problems discussed above, and try to anchor German policy firmly in the West, so that when confronted by frustrations and failures Germany will have the certainty of a safe haven in the West, rather than the alternative of playing East against West or finding itself isolated.*

—The requirements for such a policy are not startlingly new or different. The essentials are to demonstrate our continuing commitment to Western Europe, our stability as a partner through the maintenance of our military presence, regardless of specific troop issues, and our continuing strong interest in seeing the European Community progress beyond a mere Customs Union into a genuine West European coalition.

—Additionally, we would want to preserve the concept of overall responsibility for Germany's future, together with the British, French and the USSR. In this way we would have a legitimate voice in a European settlement, and would reassure the smaller Allies that Germany was not being given a blank check, even though specific rights and responsibilities based on wartime agreements may no longer be operable.

—In return we should expect the Germans to consult frankly and to demonstrate in practice that their commitments to the West are still meaningful.

—All of this does not mean a new departure. What it means is that our present course takes on a new sense of urgency and importance in light of Brandt's policies, and thus needs periodic reinforcing and a high degree of consistency.

Berlin

One result of Brandt's policy is that the Berlin negotiations with the USSR have been inflated from the low-keyed probe we originally

envisaged to a major element in the future of Brandt's Eastern policy. He has made a "satisfactory" settlement a condition for ratifying the German-Soviet treaty. And his opposition has also made it a test of his good faith.

The consequences of this turn of events are that we gain some greater bargaining leverage, but, at the same time, there will be even greater pressures on the Germans to see to it that a speedy solution is reached.

—The danger is that they may urge us into concessions that conflict with our own clear interests and responsibilities in Berlin.

—Moreover, should the talks not succeed, as the main negotiators we run the risk of being blamed for the failure not only of the Berlin talks but the Brandt policy in general.

There is a general agreement with the UK, the French, and currently with Bonn, that we must achieve in any new agreement: (1) improved access procedures; (2) the maintenance of West German financial, economic and cultural ties to West Berlin; (3) some greater freedom of movement for West Berliners to travel; and (4) if possible, agreement that Bonn represent West Berlin abroad.

In return the Germans agree to reduce some of the more visible of their political activities in West Berlin, such as meetings of the Bundestag and election of the Federal President—which have caused periodic clashes with the USSR.

It is doubtful that we can reach an agreement on this basis with the USSR without making important concessions. The Soviets are aiming for recognition that West Berlin is a "separate political entity," that the GDR controls access, not the USSR, and that the Federal Republic has no political claims or rights in West Berlin. In effect, they want to effect a new status for West Berlin in return for the practical improvements in the situation we seek.

The Issues

The most immediate issue is what we do if our current negotiating position leads to a stalemate.

1. We could terminate the talks or allow them to die.

—This might mean the end of Brandt's Moscow treaty, but is a defensible and legitimate position if Soviet demands prove intolerable.

—We could also try to separate the Berlin issue from ratification of the Moscow treaty.

2. If we choose to continue negotiating, we could consider a settlement confined to West Berlin, and involving some degree of recognition of East German sovereignty, i.e., the Soviet position.

—The West Germans may be inclined to accept this based on the formula that each of the occupying powers is sovereign in its sector of the city and will respect the decisions of the other.

—A new status might be more defensible against the day when East Germany is recognized internationally and we have to deal with it over

innumerable matters related to Berlin. Our bargaining power is greater now than after East German recognition and admission to the UN.

—*The disadvantages* are that creating a new agreement in itself provides no reliable guarantee beyond what we already have, because basically we are dependent on Soviet good will and the interplay of our total relations with the USSR to protect Berlin. Even under a new status we would be vulnerable.

3. We might accept a face-saving agreement on general principles.

—It might satisfy Bonn and avoid more concessions.

—But, it could be the source of new conflicts later.

The issues in Germany and even in Berlin do not appear to lend themselves to discrete choices and decisions. Our attitude toward Ostpolitik involves nuances and emphases (assuming we do not want to oppose it openly). In the Polish-West German treaty and a West German-Czech agreement, we would probably want to indicate our general support, and perhaps even make a gesture to Poland that we will support the Oder-Neisse as a permanent boundary.

We will also want to impress on the Germans that we expect them to carry out their avowed aims of strengthening their Western ties in the process of developing their Eastern policy. And we will want to inspire confidence in our own reliability in the resolution of other European security issues and our own role in the Alliance.

*In short, I feel that what you may want to do is to write a letter to Secretary Rogers, laying out your concept of our policies in dealing with the problems of Ostpolitik along the lines of your conversations with Barzel and Schroeder.*³

On Berlin, I feel that our present tactical position is sound enough but that we should be quite wary of German desire to speed up the talks or draw us into uncertain and unexplored territory. *It seems highly*

³ Regarding Nixon's meeting with Barzel on September 4, see footnote 7, Document 115. Nixon met Schroeder in the Oval Office on September 15 from 9:49 to 10:20 a.m. (National Archives, Nixon Presidential Materials, White House Central Files, President's Daily Diary) Although no substantive record of the meeting has been found, Kissinger suggested in a September 14 memorandum that Nixon stress "your agreement that Germany's Eastern policy should be balanced by Brandt's political and economic cohesion in the West." Kissinger also noted: "His [Schröder's] main interest, of course, is our appraisal of the recent German-Soviet treaty, the prospects for the Berlin negotiations, and our general policies toward Europe, especially our military presence. Schroeder has been rather moderate and restrained in his criticism of Brandt's Eastern policy. One reason is that he expects the coalition of Brandt's SPD and the Free Democrats to collapse about the middle of next year in favor of a new Grand Coalition and he wants to be available as Chancellor candidate. He is concerned, however, over the treaty, and especially the problem of obtaining a satisfactory Berlin settlement. He feels that some improvements were made in the Soviet treaty during the Moscow negotiations, but that the preferred order should have been a Berlin settlement first and then negotiations with the USSR." (Ibid., NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII)

doubtful that we will obtain an agreement, especially on access, that will be invulnerable to Soviet pressure.

We do have some leverage in these talks and we should be prepared to negotiate patiently. Experience has taught us that in Berlin matters, we cannot afford to leave much to chance or settle for a vague understanding which the Soviets later come back to and turn against us.

In particular, I feel that we cannot be caught out in front of a German consensus on how far we go in accepting East German sovereignty. At the same time, I think that now we are engaged in negotiations their failure would mean much more than in previous years. If pressed, I think we could realistically accept some change in the juridical status, provided that in return we gained what would be an airtight guarantee for access for civilian traffic, and maintenance of West German-West Berlin economic ties which are vital to the city's existence.

In the final analysis, our position in Berlin will depend on our own will to defend it and on the price the Soviets put on a continuing period of détente in West Europe.

If you concur, I will prepare a draft letter from you to Secretary Rogers with copies to other NSC members, outlining your approach to the German question in general and to the next phase of the Berlin negotiations.⁴

⁴The proposed letter from Nixon to Rogers was dropped in favor of a National Security Decision Memorandum from Kissinger to Rogers and Laird; see Document 131.

126. Memorandum of Conversation¹

Washington, October 14, 1970, 9:35–11:15 a.m.

PARTICIPANTS

President Nixon
Vice President Agnew
William P. Rogers, Secretary of State

¹ Source: National Security Council, Minutes File, Box 119, NSC Minutes 1970 Originals. Secret; XGDS. The meeting was held in the Cabinet Room at the White House. The memorandum is based on an attached set of handwritten notes by Richard T. Kennedy, which were transcribed by a secretary and edited by Peter Rodman in January 1975.

Melvin Laird, Secretary of Defense
George A. Lincoln, Director, Office of Emergency Preparedness
David M. Kennedy, Secretary of the Treasury
Adm. Thomas H. Moorer, Chairman, JCS
George Shultz, Director, OMB
Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
John N. Irwin, Under Secretary of State
Lt. Gen. Robert E. Cushman, Deputy Director of Central Intelligence
Martin J. Hillenbrand, Assistant Secretary of State for European Affairs
Robert E. Ellsworth, U.S. Ambassador to NATO
Kenneth Rush, U.S. Ambassador to the Federal Republic of Germany
Gen. Alexander M. Haig, Jr., Deputy Assistant to the President for National Security Affairs
Col. Richard T. Kennedy (USA, Ret.) NSC Staff
Helmut Sonnenfeldt, NSC Staff

SUBJECT

Meeting of the National Security Council: Berlin and Germany (NSSM 83)²

Dr. Kissinger: Amb. Hillenbrand will bring us up to date. I'll cover the general issues. He will cover the details of the negotiations.

The West German policy is not new. What has changed is that in the previous government the Eastern policy envisaged and sought a closer relationship with the East European satellite countries leaving the USSR aside. This failed. Brandt therefore concluded that the best approach was to concentrate on improving relations with the USSR. The focus of German policy is now on the USSR and to rely on the existing territorial arrangements; this amounts to their de facto recognition. The objective is a lessening of tensions weakening the ties between the East and the USSR.

The assumptions of the German policy are: (1) that the United States is not able to solve the German question; only a German Government can. (2) that the Western Alliance remains essential to West German security. (3) that it's best to negotiate while American assets are still present in Europe.

It is hard to find a quid pro quo on the Soviet side in a West German-Soviet treaty using the Berlin negotiations to lead along. The results of the Ostpolitik are, therefore, that East Germany will become recognized and a UN member; the Berlin negotiations will be thereby complicated; the Four-Power context of Germany will change; and the other conferences will take on a new light. Some other aspects of this are worth noting. As I noted, it is hard to perceive a quid pro quo aside from the Berlin issue. Secondly, some assumptions of the two parties in Ostpolitik seem to be in violent conflict. Brandt defends his policy

² For background on consideration of Germany under NSSM 83, see Document 49.

on the ground that the ties between the Eastern Europeans and the USSR will be weakened, but the Soviets see it as just the opposite—they see it as ratifying the status quo in Eastern Europe. If the Soviet interpretation holds, it will cause a domestic problem in West Germany. As the German commitment to Ostpolitik grows, the strains in their relations with the Alliance will grow. Many Europeans are wary that this will mean a growth of German nationalism and an increase of fear and a possible move of more states toward Moscow.

Our choices are limited. We could oppose the policy and bring Brandt down. This would put us into the position of thwarting a German national aspiration and interfering in German domestic policies. Alternatively, we would support the policy more actively. The price is that we would discourage those in Germany with whom we have been working in the past.

The working group feels we must avoid either of the above alternatives. The issue is: Can we create greater unity in the West and create and strengthen the ties of West Germany to the West while Ostpolitik goes on? Can we strengthen European integration? We face this dilemma: We can't afford to oppose Brandt but we can't support his policy too strongly either.

Now let me turn to Berlin. The basic problem is that we are asked to deliver the quid pro quo for Ostpolitik but the negotiations themselves are upset by the Ostpolitik because it enhances the sovereignty of East Germany. There are two kinds of improvements we can seek in the situation around Berlin. First is the humanitarian—improving access between East and West Berlin. Second, is the practical issue of access between West Germany and West Berlin. The fact is that traffic can be cut. If East-West relations are good, access can be good; they are not good, the access can be bad. The problem is that Bahr couldn't negotiate with the Soviets so now he wants us to do it via Berlin. We can be blamed for any failures.

Marty can give us the latest details of the Berlin negotiation.

Amb. Hillenbrand: The Berlin negotiations have had eight meetings so far. The results are indeterminate. After the German-Soviet agreement the FRG thought that the linkage with Berlin would soften the Soviet position on the Berlin negotiations. The opposite was the result. The talks are not at an impasse necessarily. Why the Soviets are now holding a tough line is not clear. Some people think it is a general toughening of the line across the board.

We have to examine the feasibility of two possible approaches to the Berlin negotiation. A more modest approach along the lines of the earlier approved paper would use agreement to some reduction in the Federal presence in Berlin as the quid pro quo for some modest changes in access arrangements and so forth. A more sweeping approach would

ask the Soviets to acknowledge the continuing Four-Power responsibility for West Berlin, but treat East Berlin as the capital of the GDR, and get more firm arrangements on access to the West. The latest Soviet position demands, as a prerequisite to discuss access improvements that we would have to accept their definition of what is acceptable in West Berlin. This is a non-starter and no basis for negotiating.

So where do we stand? We allies agree that the new agreements must be binding.

We agree that some Federal activity is to be reduced in West Berlin. There will be some concessions by the Soviets on access between West and East Berlin. And the agreement on access is to be part of the settlement. The Soviets demand that the agreement must be part of a broader agreement; that all political elements of the Federal Government must leave West Berlin; that there must be a blanket commitment from the West that nothing will be done adverse to Soviet interests in Berlin. On access between the FRG and West Berlin, all that the Soviets will do is join in a Four-Power recommendation but the details have to be agreed between FRG, Berlin and the GDR. This window is the most sensitive life line to the city.

We are in a good tactical position; we have given away nothing. Any improvement that we can nail down is a plus. We will have to produce a package that is satisfactory to the FRG.

If Gromyko shows any give in his talks with the Secretary of State this week and with the British later, we may have an inkling of where to go.

Dr. Kissinger: What the Soviets want is de facto the “free city” concept for West Berlin.

Amb. Hillenbrand: Yes, they have stressed this theme consistently for some time.

President Nixon: Thank you. Ken?

Amb. Rush: This new government represents the first major political change in Germany since the Republic was formed. The new government is composed of people of the East who look East. It will require a firm effort on our part to keep them in the Western camp. There are bitter divisions in Germany over Ostpolitik. The polls show 70% others [?] feel that Germany will lose its ties with the U.S. and increase the influence of the Soviets. I have tried to see Brandt regularly to let him know how we see it.

As to Berlin, the Soviet effort is to drastically change the status of West Berlin. They are determined to destroy the viability of West Berlin and to destroy its links with the FRG and the West. Brandt says he will not permit the weakening of the links between West Berlin and the FRG. We have no time factor pressing for an agreement. There are others in his government who would do almost anything. His government

has only a small 6-man majority in the Bundestag. I believe this government will last. We must avoid having the onus of a breakdown of negotiations or of Ostpolitik rub off on us—we must shift it to the Soviets.

Secretary Rogers: The French and British have stayed with us.

Amb. Rush: Yes.

Secretary Rogers: Brandt is in no hurry to reach agreement.

Amb. Rush: Yes, but he wants to move quickly but not at the cost of a bad agreement.

Secretary Rogers: The FRG has said publicly that it won't ratify the Soviet agreement unless there is an agreement on Berlin.

Amb. Rush: There are no reasons for us to give up anything for agreement.

Secretary Laird: We are caught in the middle. I think Brandt will take a softer line on Berlin in a couple of months and he will push us to take an easier line too. The Moscow Treaty is not necessarily in our interest. The FRG defense budget has been seriously cut and its posture is significantly decreased in effectiveness. We've given the FRG the wrong signals—their Defense Minister thinks we've let them down. We should look at the Treaty in terms of its effect on the Alliance, on our defense and the US position. This Treaty gives the FRG nothing. Schmidt is a loyal member of the government but if he had his choice he would not have gone to Moscow.

Ambassador Rush: Bahr and Schmidt would do anything on Berlin to get ratification of the Moscow agreement.

Secretary Rogers: They are appealing to the young people and expect to get political benefit from this.

Amb. Rush: The young people in the CDU support Ostpolitik.

Secretary Laird: They think the U.S. favors the Moscow treaty—we've remained silent.

Dr. Kissinger: Many in Germany see the Ostpolitik as a new German nationalism.

Secretary Rogers: If we show our hand, we would build nationalism.

Dr. Kissinger: I agree.

Secretary Laird: Many of the German young people see this as a chance to become a power in Europe.

Amb. Rush: We must be very careful.

President Nixon: It's 28 years since World War II and the young don't see the danger from the East any more. They like to kick the Yankee around.

Amb. Ellsworth: Europeans see this as an effort to lessen tensions, as German recognition of the facts of life, and as a possible move to

normalization. There is less fear of resurging German nationalism. They think Brandt is honest and will keep the ties to the West strong. But Europeans see Soviet goals as different—that the Soviets want to exert hegemony over East Europe and become a full-fledged European power. They worry that Brandt can go on and keep his ties with the West and the Alliance. So far the Allies resolved these doubts in favor of Ostpolitik—but in part because they think we have leverage to pace and manage German policy if we want or need to.

Secretary Rogers: We do have a lever. We can slow them down, but we'd be blamed to some extent. We've done all we could up to now. The present position of the negotiations is about as good as we can get. The British and French are with us. The FRG is in no hurry. All are agreed that a Berlin settlement is essential to the Moscow treaty.

Amb. Rush: Each side is wrapping the American flag around its position. All the media are directed to the issue of Berlin. We must make every effort to show that the USSR is blocking the Berlin agreement and not us.

President Nixon: A related issue is the offset problem. Let me state a few basic propositions to start with. There is growing sentiment here to reduce our defense costs and to reduce our commitment in terms of men. In terms of the European situation there are different views. The majority view is that the Europeans deep down still believe that the key to successful defense in the NPG strategy is the U.S. presence—which more than anything they can do for their own forces guarantees the deterrent. Also the bigger our presence, the more likely we are to be willing to use the deterrent. Some European countries would be willing to give money to us rather than devote it to improving their own forces. On our side, we need to work on the German offset to get the best possible deal we can, but for the long haul for us to get into the position that we can't finance our forces abroad and can stay only if Europeans will pay this would be bad. We have to look at a new NATO strategy. The need for maintaining adequate conventional forces may be infinitely greater than ten years ago.

Secretary Laird: The Germans are not very responsive now.

President Nixon: We must not be shortsighted. We must not show that our primary interest is in cost covering but rather in the mutual responsibility to ensure our defense.

Secretary Rogers: If we start reducing forces unilaterally it will play into the hands of those who support Ostpolitik. A troop withdrawal will cut our leverage.

President Nixon: We are at a sensitive point. With all our budget decisions and political actions we have to be careful that we do not imply that reductions will be made.

Amb. Rush: Chancellor Brandt considers that your statement, Mr. President, that you will maintain American forces in Europe, was essential from his point of view.

Secretary Laird: We must face up to the question of our ability to implement it. Our dealings on defense issues are with committees other than Foreign Relations. The situation in Europe now is that the other countries are just not cooperating in improving their forces. They haven't done what they needed to do to have the Alliance move to a new strategy. Their forces are going down. I have to take a tough line on the burden sharing mix. Germany isn't going forward to improve their forces. We are paying for aircraft shelters, which should be covered by the infrastructure account. Here is an example of what they can do to be helpful. I have to take some of the additional \$1 billion '71 cut from NATO forces—I can't take any from Southeast Asia. We must avoid tying ourselves down to numbers of planes, ships or personnel. The appropriations committees took a hard look this year at the costs of Europe and the contributions of the others. I must take a tough line.

President Nixon: If we look down the road it is not a viable strategy for them to reduce their forces and pay for ours.

Secretary Kennedy: There are no real inconsistencies there. We can get more help from them in terms of support for our operations. The Congressional pressures are tough. Offset is no good; it costs us money.

Secretary Laird: I think we should wait for them to come up with a plan; it's not for us to make a plan.

Secretary Rogers: But the Germans are confused.

Secretary Laird: There is no new policy.

Amb. Rush: The Germans do think there is a change. I agree with the Secretary of Defense that we should get them to pick up a fair share of the costs. We make about \$500 million in payments to German personnel; we should press them to pay for this. Schmidt says that no government in Europe could get an increase in the defense budget through its parliament.

Dr. Kissinger: In the broad sense of burden sharing—this is no change in policy—the question is whether they should pay for our non-military costs or whether they should put more in their own defense expenditures. All the studies I see show there are serious maldeployments; they've been taking a free ride on our forces. They won't face up to the issue. If the European effort goes down and we just sit there, our strategy is unviable. We must face up to it now.

Secretary Kennedy: Do they come up if we stay?

Dr. Kissinger: They must and they must accept our view of burden sharing.

Secretary Laird: They must be made to understand it's not a new policy. They think they are off the hook.

Amb. Ellsworth: They may feel they are slightly off the hook. The Italians and Dutch may have in mind each step. We must clarify this.

Admiral Moorer: They are living in a dream world about our nuclear support. They believe there will be an immediate shift to nuclear weapons in any war and thus conventional forces are unnecessary.

President Nixon: The easy way for them is to let them give us the money and we keep our forces there. I'm concerned that we should get all we can, but the most important thing is that our strategy has to be made viable, and that means they need more forces. We must change their thinking. We must avoid getting in the position of saying that if they contribute we won't reduce our forces—that means we accept their strategy. We cannot accept that proposition. This lets them deal easily with their own domestic problems.

Secretary Laird: The problem is that their forces are going down.
[The meeting adjourned at 11:15.]³

³ Brackets in the source text.

127. Letter From German Chancellor Brandt to President Nixon¹

Bonn, October 14, 1970.

My dear Mr. President:

I want to thank you sincerely for the account of your impressions from your European tour. Mr. Sonnenfeldt's oral presentation was a

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Willy Brandt, May–Dec 1970. Confidential. The text printed here is the translation by the Department, which was transmitted through the German Embassy and attached to an October 16 memorandum from Eliot to Kissinger. For the text in German, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 1757–1758. In an October 22 memorandum forwarding the letter to Kissinger, Sonnenfeldt wrote that Brandt's main message "seems to be his concern that a deterioration in American-Soviet relations will upset his own grand design in Central Europe." (National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Willy Brandt, May–Dec 1970)

valuable complement to it.² The reaffirmation of the American commitments in the Mediterranean, to which you gave such impressive expression, is of decisive importance for the security of Europe.

A conversation with President Tito on a short intermediate stop has shown me how strongly he was impressed by the meeting with you and what great interest he has in the maintenance of the balance in that region in view of his special position.

Especially in a situation in which the tensions between the United States and the Soviet Union appear to be mounting, I share your view that we must seek settlements and better communications with vigor and tenacity. If the West continues to strive for this, any progress made in Central Europe may exercise positive effects also on solutions respecting other areas, e.g., the Middle East.

Whether the Soviet Union is interested in an effective *détente* in Central Europe, which I assume it is, will be shown by the test of Berlin. The Federal Government maintains its position: The German-Soviet treaty signed on August 12, 1970 can enter into force only if the situation in and concerning Berlin is effectively improved by an arrangement not subject to any time limit. The Federal Government's main concern in this matter, on the basis of the existing rights of the Four Powers, is that the Soviet Union should respect the actual situation, i.e., the close tie between West Berlin and the Federal Republic.

Difficulties and reverses, which are customary in all negotiations with the Soviets, should not discourage us from maintaining our positions with firmness and determination. In this connection it will be important, following the talks of the French President in Moscow and the forthcoming meetings of Secretary Rogers and Sir Alec [Douglas-Home] with Mr. Gromyko, to organize as intensively as possible the consultations among the four Western Governments in preparation for the next negotiations on Berlin at the beginning of November. My Government is prepared to make its contribution thereto at any time and any place.

With sincere respect

Yours,

Willy Brandt

²In an October 4 letter, Nixon briefed Brandt on his European trip, September 27–October 5, which included stops in Italy, Yugoslavia, Spain, the United Kingdom, and Ireland. Winston Lord argued in an undated note to Kissinger that Nixon should see the reply from Brandt because “the President didn’t see his own [October 4] letter to Brandt.” (Both *ibid.*) Sonnenfeldt delivered Nixon’s letter during his visit to Bonn on October 5; see Document 128.

128. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 16, 1970.

SUBJECT

My Visit to Bonn, October 5, 1970

Attached are the records of all my talks in Bonn as well as copies of State Department reporting telegrams occasioned by the visit.²

I believe the trip was worthwhile in continuing the effort to keep major allies directly informed of important Presidential activities. Brandt appreciated the gesture—though regretting that you could not come—as well as the President's letter which reached him on the morning of my call on him and which he has now answered (see separate memorandum).³

There were two problems that arose in connection with the trip. The first resulted from an article in *Welt am Sonntag* (Springer), the only paper published in Germany on Sunday—the day before my meetings. The article alleged that your trip—and now mine in your place—was chiefly related to a major difference that had arisen between ourselves and the FRG over the Berlin negotiations. This story was apparently stimulated by Ehmke's activities in Washington where, unable to see most of the people he had originally wanted to see because they were on the President's trip, he spent his time claiming that the Soviets had made constructive new Berlin proposals but that we, especially State, were now dragging our feet because we were opposed to Ostpolitik. (The US Embassy had actually protested to the German Foreign Office on Ehmke's shenanigans in Washington.)⁴

To counter this, I took special trouble in all my talks to keep the focus on the President's trip. When Bahr tried to shift the discussion to Berlin, I merely asked him a couple of clarifying questions and then

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII. Secret; Nodis. Sent for information. Kissinger initialed the memorandum indicating that he had seen it.

² Tabs A–F are attached but not printed. Sonnenfeldt went to Bonn to brief the German Government on the President's trip to Europe. A memorandum of conversation between Brandt and Sonnenfeldt, largely devoted to the briefing on the trip, is *ibid.* For a German record of the conversation between Sonnenfeldt and von Staden on October 5, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 1679–1682.

³ See Document 127.

⁴ See Document 120.

let Ambassador Rush do the talking. Similarly, with Brandt, I talked exclusively about the trip and let the Ambassador raise Berlin.

I also took occasion of an approximately 60 second encounter with about ten journalists outside the Chancellor's office to say that

—the *Welt am Sonntag* article was wholly wrong;

—I had come solely to brief the Chancellor and his officials on the President's trip, although some other subjects like Berlin had come up in the natural course of our conversations;

—we had established a tradition of such briefings after Presidential trips: last year the President talked directly to Chancellor Kiesinger who came to Washington a few days after the President's return from his round-the-world trip, while you had gone to Paris to brief Pompidou;

—Ambassador Rush was in full charge of our Berlin negotiations in Berlin and the allied consultative machinery was working very well in Bonn, so that there was no need for any one to make a special trip from Washington. (Bahr interjected that there was complete agreement between us on all points relating to Berlin.)

I got one press question to the effect that the WAMS article had identified me as a major opponent of Ostpolitik in Washington; if that was inaccurate, was I optimistic about the prospects for Ostpolitik? I replied that it was my view that if there was to be a genuine era of negotiation there clearly had to be a normalization in Central Europe, including in the Federal Republic's relations with its neighbors.

Press coverage the following day correctly placed the stress of my visit on the report I made on the President's trip.

The *second* problem arose after my trip. Since several foreign representatives and Brosio were present when the President made his comments on burden-sharing in Naples, I decided that I could not very well purport to give a report on the trip without referring to the President's comments. (In fact, Brosio had already briefed Grewe and the NATO Permreps in Brussels by the time I got to Bonn.) I therefore cited the President's statement in two of my meetings, using almost verbatim the formulation sent out for guidance in the Madrid telegram.⁵ I only added in amplification that the President had long felt that effective alliance partnership would depend far less on money that might pass between the allies than on their sense of joint and proportional participation in the defense effort on the basis of agreed strategy.

Ehmke professed to be greatly disturbed by the word that had got through to Bonn that our position had changed and by what I had re-

⁵ Reference is to telegram 4583 from Madrid, October 2. (National Archives, Nixon Presidential Materials, NSC Files, Box 260, Agency Files, NATO, Vol. IX)

ported the President as saying. He asked whether we were now no longer interested in financial contributions. I said that the President had stated his basic philosophy and his long-term preference but that over the short-run certain financial arrangements clearly were not excluded. I added the personal judgment that the Euro Dinner Minute of October 1⁶ would provide a good basis for working out a burden-sharing mix compatible with the President's philosophy and the practical problems in certain special situations such as those pertaining to Germany. This seemed to satisfy Ehmke.

Subsequently, evidently more on the basis of what had seeped out of Naples and Brussels than of what I had said, there were certain anguished noises by Finance officials in Bonn and, I gather directly by Schmidt to Laird, that the President's statements had "pulled the rug out from under the Germans." This whole matter has of course by now been aired in the NSC.

In addition to the talks reported in the attachments, I had a wholly private conversation with Berndt von Staden at dinner on October 4. He is now head of the unified political department of the Foreign Office and has long had strong doubts about Ostpolitik. He asked me what I thought the principal *problems* with it were. I said I would speak personally, as a friend and in continuation of conversations he and I have had over a period of some eight years.

I said I took the Moscow treaty as given now and there was no point going over its terms or whether it was or was not a good deal. The lawyers had pored over it and found no juridical problems and it has been signed, and that was that. The problems, as I saw them, were derivative and potential and would require a lot of thought and management all around.

I said that perhaps the most immediate problem related to the Berlin negotiations because we were expected to provide the quid for the quo the Germans had given in Moscow. This obviously held dangers of mutual recrimination if the talks were stalled. In addition, a stalemate over Berlin would face Brandt with the awkward problem of what to do about the Moscow treaty and whether and how to admit that his Eastern policy had not worked and its assumptions had been faulty. My concern related to the potential in all of this for German domestic political paralysis and the undermining of public confidence in the political and constitutional structure of the Federal Republic. This in turn could have repercussions for Germany's Western relations.

⁶ The text of the Eurogroup minute of October 1 is in telegram 3572 from USNATO, October 2. (Ibid.)

On the other hand, I went on, if there did turn out to be a Berlin agreement that could be deemed to meet the criterion of improving the situation and led to ratification of the Moscow treaty, I saw a fundamental problem in the evident contradiction between Soviet and German interpretations of what was being done. The Soviets would see the treaty and its recognition of the status quo and the division of Germany as endorsing Soviet hegemony in Eastern Europe and as German support for a freezing of existing conditions; the Germans would see it as a starting point for changing the status quo both as regards the condition of life in East Germany and Germany's role in Eastern Europe. This incompatibility—heightened, incidentally, by some rather wildly romantic German right-wing nostalgia for a colonizing mission in Southeast Europe—could lead either to a violent clash with the Russians or to German frustration.

I made the further point that problems would arise for the FRG and the rest of us from what would be to all intents and purposes a full recognition of the GDR (regardless of metaphysical German distinctions in this area). There would be a flood-tide of additional recognitions and probable admission of both Germanies to the UN. In this situation, the GDR would run the FRG a strong race for the favor of the third world since it would have no political inhibitions in backing the most extravagant political positions of these countries. The FRG could very quickly get into difficulty with its Western allies if it sought to compete with the GDR in this respect.

I said that no one I knew questioned the firm intentions of Brandt and the FRG's government to remain strongly committed to NATO and to European integration. Yet one could foresee a point down the road, where many of the benefits that the Germans anticipated from Ostpolitik had failed to materialize and where the Russians would take the line that any such benefits could only accrue to the FRG if it changed its relationships with the West. At this point, there would be some bitter arguments and anguished soul-searching in Germany and one could at least question whether (a) the Germans would take the right fork in the road, or (b) the fabric of their political life was strong enough to face such agonizing issues.

I said—and, incidentally, this was not the monologue rendered above but rather a much-interrupted conversation with many supporting or clarifying comments by Staden—that I had answered his question about some of the problems I foresaw; I had not necessarily tried to analyze all the implications of Ostpolitik, positive as well as negative; nor was I necessarily saying that what I had depicted was inevitable and could not be counter-acted. But I added one thought which I said in all friendship and frankness one had to recognize: this was that Germany had a past that was almost universally viewed with dismay and skepticism. I had been struck that everywhere in Europe as

well as at home, not to mention within Germany itself, this past weighed heavily on people's minds when Germany made itself the engine for change in Central Europe and the source of a new fluidity and uncertainty in European politics and East-West relations. This was a fact of life which Germans, hopefully without self-pity or spite—to both of which they are prone—could not escape, almost no matter what they did. Staden said he understood this point only too well, though of course if carried to extremes it would simply lead to utter passivity, which no German government could permit itself to fall into, given the stirrings of its young.

I said that all of us in different ways carried certain burdens we could not escape. We, the US, carried the burden of great power which meant that what we do or don't do can have implications far different than those of identical actions by others. Thus no one really worried if the Danish Prime Minister went to Moscow; but if an American President goes to the summit it immediately raises either extravagant fears of deals behind backs or hopes of millennial settlements. Or, if de Gaulle quits Algeria he is lauded as a statesman who courageously ended an anachronism and liquidated an untenable position; whereas if an American President simply walked away from a commitment the tremors would be felt around the globe and, indeed, at home. In any event, there was no magic that could make German history disappear and consequently none that could wipe away people's memories of it or the inferences they drew from it.

Our talk concluded with some reflections on a situation wherein the SPD was now eagerly depicting itself as the truly national party (by in effect claiming to be trying to reunite Germany through first recognizing the reality of its division) while *Spiegel*, *Zeit* and the rest were picturing the CDU/CSU as the separatists who used the rhetoric of unity but practiced the policy of permanent division. This was of course the culmination of the great encounters between Schumacher (and Kaiser)⁷ on the one hand and Adenauer (the "separatist Rhineland state advocate" of the twenties) on the other, back in the 50s in the debates over Germany's entering NATO and signing the Treaty of Rome. We agreed that if the political argument between Germany's parties became increasingly one over which was the greater nationalist—or the greater traitor—it would be a most unpleasant rerun of a 40-year old tragedy.

⁷ Reference is to Kurt Schumacher, SPD chairman (1946–1952) and chairman of the SPD Bundestag fraction (1949–1952); and Jakob Kaiser (CDU), German Minister of All-German Affairs (1949–1957).

Staden ended the conversation on the upbeat note that, as Hallstein's⁸ former chef de cabinet, he felt the most encouraging element in contemporary affairs was the quiet work being done to unify the currencies and fiscal policies of the Six.⁹ He himself was encouraging it and was delighted that the people involved were wholly different from those who were making headlines with Ostpolitik and other more glamorous endeavors. He felt that success in this quiet, highly technical effort would have infinitely greater political significance than Davignon's¹⁰ plan for political coordination and would serve to offset many of the debits resulting from Ostpolitik, including the opportunities that either the failure or the success of this policy might give the Russians for playing a divisive or Finlandizing game in the West. It was late, and I did not feel like ending the evening by questioning Staden's hopes. (Indeed, I feel that while in purely private conversations with Germans we should not gild the lily, we should at the same time not talk ourselves and them into such a depth of fatalism that our fears become self-fulfilling prophecies.)

At one point in our talk, Staden switched the subject to burden-sharing, saying that he had heard our position on financial relief had changed. I said I would be referring to this more formally the following day in my official calls when I would report on the AFSOUTH meeting in Naples.

However, for Staden's background, I said that in line with the general approach of the Nixon Doctrine¹¹ and with what he had said about the nature of partnership in the alliance in the President's Report to Congress last February,¹² the President felt that financial contributions were essentially a short-run remedy tailored to specific situations. The more fundamental goal should be agreement to a joint strategy, adherence by all concerned to a harmonious interpretation of that strategy and equitable participation by all the allies in the implementation of the strategy. A healthy and organic partnership must involve a real sense of shared responsibility for the defense of Europe; we could not forever appear to be more interested in the security of our allies than they were themselves.

Staden asked whether this meant that we would cut our troops and expect the Europeans, particularly the Germans, to fill in the gaps.

⁸ Walter Hallstein, State Secretary in the West German Foreign Office (1951–1958).

⁹ Reference is to members of the European Community.

¹⁰ Etienne Davignon, Director General for Political Affairs of the Belgian Foreign Ministry.

¹¹ For the President's informal remarks to newsmen in Guam on July 25, 1969, later codified as the Nixon Doctrine, see *Public Papers: Nixon, 1969*, pp. 544–556.

¹² See footnote 5, Document 75.

He commented German soldiers could never take the place of Americans because (a) they would not deter the Russians to the same degree, (b) both Germany's allies and its enemies would be scared to death if the Bundeswehr acquired an even greater relative weight in the alliance than it already occupied, and (c) German domestic trends simply would not permit an increase in the size of the German army.

I said that in my view the notion of a see-saw, whereby we reduce and they increase was quite erroneous if applied purely to the number of troops. The issue turned on getting agreement on strategy and then getting the forces which in their quality, deployment and overall size would be adequate to implement the strategy. I said that in my personal judgment that unless this sort of partnership were established, and credibly so, it would indeed be hard for us to convince even the friends of NATO in the US (as distinct from others who want to cut forces no matter what) of the rightness of our European commitments. The whole point of the Nixon Doctrine and all its derivatives was to ensure the firmness and long-term tenability of America's foreign involvements rather than to disguise our withdrawal from them. And it was as part of this approach that the President felt that if the alliance became reduced to the passing of checks across the Atlantic—to a subsidization of American mercenaries—he could not for long maintain the commitments that he had just so strongly reaffirmed in public at Limerick.¹³

Staden said he was relieved to hear all this because it accorded with his own view of what the alliance should be like and of how Germany can best be protected from the pitfalls and temptations of its current and, indeed historical, fascination with the "wire to the East."

¹³ Reference is presumably to Nixon's remarks to reporters on October 4 in Newmarket-on-Fergus (not Limerick), Ireland. For text of the remarks summarizing his trip to Europe, including his public commitment to NATO, see *ibid.*, pp. 804–809.

129. Editorial Note

On October 22, 1970, President Nixon met Soviet Foreign Minister Gromyko at the White House for an important discussion of several issues, including the quadripartite negotiations on Berlin. In an October 19 memorandum for Nixon, Assistant to the President Kissinger noted that the meeting, the first between the President and a high-ranking Soviet official, came "at a moment of unusual uncertainty in both capitals

concerning the intentions and purposes of the other side." In addition to recent crises in the Middle East and Cuba, relations between the two superpowers were complicated by the uncertain prospects for West Germany's Ostpolitik, in particular the connection between ratification of the Moscow Treaty and a satisfactory settlement in Berlin. Kissinger thought that Gromyko might "charge that we are holding Germans back in their Eastern policy." Gromyko would probably also "reiterate Soviet readiness to safeguard the economic life of West Berlin and civilian access to it" but "reject any political ties between the FRG and West Berlin." Kissinger, however, added:

"There have recently been some indications that the Soviets might consider some low-key FRG political representation in West Berlin. This has aroused some interest in Brandt's entourage (Bahr) who has frequent surreptitious contacts with Soviet officials. We may at some point be faced with German schemes for reducing or transforming the FRG's political presence in West Berlin in an effort to get an agreement which would then permit Brandt to claim success and submit his Moscow treaty for ratification. But as a quid pro quo for such an arrangement the situation may evolve in which the Germans pay twice, on Ostpolitik and on Berlin."

Continuing his guidance for the President, Kissinger then offered the following talking points on the Berlin negotiations:

"In Response to Gromyko, You Should

"—avoid details;

"—avoid leaving the impression that you are willing to scale down the Western position since the Soviets *will immediately carry this back to the Germans* (and the French, who, if anything, have been the most reluctant to negotiate about Berlin at all because they want to keep their position in Berlin unimpaired as leverage vis-à-vis the Germany);

"—reiterate your basic view that there can be little hope of peace and quiet in Europe if Berlin boils up into crisis periodically;

"—state your conviction that there ought to be improvements in the life of the West Berliners, if only on humanitarian grounds;

"—note the basic reality that the FRG feels intimate ties with the city and that there can be no thought of making it a third German state;

"—express the hope that the Ambassadors will continue their work and reach a mutually acceptable agreement which would be bound to have beneficial effects beyond Berlin itself." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 71, USSR, Gromyko 1970)

In an October 20 memorandum for the President, Kissinger reported on two conversations between Gromyko and Secretary of State Rogers, who had met in New York on October 16 and 19 during the

annual session of the United Nations General Assembly. Although “no substantive change in the Soviet position emerged from these conversations,” Kissinger commented, Gromyko did make “a small procedural concession on the Berlin talks.” Kissinger summarized the discussion of Berlin as follows:

“Gromyko complained over the lack of progress in the four power talks. He said we would have to clarify our position. Most of his presentation was an attack on the political activities of the West German government in West Berlin. Any understanding, Gromyko asserted, would have to include prohibition on such activities.

“The Secretary responded that the recent Soviet proposals were full of difficulties, but that we also sought to reduce tensions provided there was no unilateral interference with our rights. Ambassador Rush emphasized the importance of West Berlin’s economic ties to West Germany. Gromyko replied that the Soviets accepted economic links between West Berlin and West Germany, but not political ties.

“In a second conversation, the Secretary said that the Soviets were hampering progress in the talks by their rigid position and Gromyko then agreed that our proposals for practical improvements could be discussed simultaneously with the matters of Soviet concern. Previously they had wanted their concerns met before discussing practical improvements. The Secretary suggested a review of the situation after two more Ambassadorial meetings.” (Ibid.)

The record of the discussion of Berlin between Rogers and Gromyko is in telegrams 172337, October 17, and 172472, October 20, to USUN. (Attached to a the memorandum for the President; *ibid.*, RG 59, Central Files 1970–73, POL 28 GER B) See also Document 121.

The meeting between the President and Gromyko on October 22 lasted from 11:01 a.m. to 1:34 p.m. (National Archives, Nixon Presidential Materials, White House Central Files, Daily Diary) In addition to the principals, the attendees included Rogers, Kissinger, and Soviet Ambassador Dobrynin. According to the memorandum of conversation, Nixon, citing the discussion between Rogers and Gromyko in New York, suggested that the participants discuss “questions of the general relationship between the two countries.” The two men then agreed to an agenda of “specific problem areas,” including the Berlin negotiations. The memorandum records the conversation on Berlin as follows:

“Mr. Gromyko said he was convinced that it was in the interests of both countries to achieve a reduction of tensions in Berlin and to create a situation there which would work for stability, *détente*, and general peace in Europe. The American side had many times referred to the status of West Berlin. He wanted to assure the President that the Soviet Union had no intention to weaken the status of the allied powers in West Berlin. In fact, at times he had the impression that the

Soviet Union did more than anyone else to respect the special status of West Berlin. The principal question there was the political presence of the Federal Republic of Germany in the city. This presence affected the interests of the Soviet Union and undermined the special status that the American side had so frequently talked about. The Soviet Union advocated that inviolability of the inter-allied agreements concerning Berlin, which were in effect. The Soviets were against anything that would violate these agreements. In his view it was possible that the American side misunderstood the Soviet position to some extent. He sometimes felt that representatives of the United States, at least at the ambassadorial level, regularly meeting to discuss the Berlin question, misunderstood the Soviet position. The Soviet Union as well as the German Democratic Republic, were ready to find a favorable solution for the two principal problems affecting West Berlin, those of transit from West Berlin to West Germany and vice versa, and access to East Berlin. These solutions would certainly serve the interests of the Federal Republic of Germany, as well as those of the people of West Berlin. The major stumbling block at the moment appeared to be the question of political ties (and he stressed the word 'political') between the Federal Republic and West Berlin. He strongly felt that there was a real possibility of reaching agreement here and this would help ease the situation in the area.

"Mr. Kissinger asked for clarification. He had heard Mr. Gromyko use the phrase that West German political activity in West Berlin must be 'curtailed', rather than 'eliminated.' Was this a correct interpretation?

"Mr. Gromyko [using the Russian word 'svyortyvaniye'] said that in his view there was no need to continue the political activities of the Federal Republic, since they constantly created new disputes. It would be comparatively easy to list what activities of the Federal Republic in Berlin could be continued and which political functions it should not be permitted to exercise in West Berlin. Above all, this referred to such matters as meetings in Berlin of the West German Bundestag, meetings of various Bundestag committees, and activities of the West German Chancellor in West Berlin. It was entirely possible that some of the activities in West Berlin had not come to the attention of the Allied Powers; they might require close examination under a microscope, as it were. First and foremost, the West Berlin problem, from the Soviet point of view, consisted in the political presence of the Federal Republic as a state in that city.

"Secretary Rogers also inquired whether the Russian word meant eliminate or curtail. He said that elimination was certainly out of the question and that the Government of the FRG would be unable to enlist the support of its people for complete elimination of all political ties with West Berlin.

“The President said that the umbilical cord between the city and the FRG could not be cut. Looking back over the years at the numerous Berlin crises during the Eisenhower administration, he saw the city as a central problem in Europe. It was precisely for this reason that we must have a clear understanding on West Berlin in order to reduce the frequency of these crises. Mr. Gromyko must be well aware of the fact that ratification of the Non-aggression Treaty between the Soviet Union and the FRG depended upon substantial progress on the West Berlin problem. On this point he, too, said that all political ties cannot be cut, this simply cannot happen. West Berlin cannot be allowed to become a third German state. But if he understood Mr. Gromyko correctly, a low profile of the Federal authorities in West Berlin, as opposed to the high profile represented by meetings of the Bundestag, might be acceptable to the Soviet side. We could not agree to eliminating all political ties for the simple reason that we could not sell this to the FRG any more than the FRG could sell this to its own people.

“Secretary Rogers remarked that it should be a matter for negotiation what lines and limits should be drawn from the FRG in West Berlin. If we were to continue negotiations on this issue some progress must be made.

“Mr. Gromyko again said that it was a matter of bodies and sub-bodies of the Federal Republic in West Berlin. As for a method of achieving concrete progress on this question, we should list specific activities to be eliminated. Mr. Gromyko expressed his appreciation to the President for the fact that the United States had taken a positive view of the treaty between the FRG and the Soviet Union. He considered this treaty to be an important step in the direction of creating a *détente* in Europe. As for the list of activities in West Berlin, these could be considered in detail in the course of negotiations.

“The President said that our reaction to the Soviet-German treaty was based upon the fact that we respected the independence of the FRG and that when it signed a treaty in its own interests, we approved of this action, of course. The treaty had been their idea, not ours. It was the Federal Republic that had taken the initiative to negotiate on the questions of borders and non-aggression. It should be realized, however, that this was only a first step. To complete it and obtain ratification of the treaty, it would be absolutely necessary that progress in the Berlin question be achieved. If we could cool down the Berlin problem, even apart from our bilateral relations over Germany, the whole situation in Europe would be affected positively.

“Secretary Rogers said it was a simple fact of life that the Federal Republic could not ratify the treaty unless a satisfactory solution was found for West Berlin. He thought we might hold two more Ambassadors’ meeting to see if we can make some progress, and also that all

of these various matters, political presence, transit and access, should be negotiated at one and the same time.

“Mr. Gromyko agreed and expressed the hope that the U.S. Government would work with the Soviet Union to find appropriate solutions.

“Secretary Rogers added that in his view an agreement on West Berlin should also provide for negotiation of any possible disputes there that might arise in the future.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 71, USSR, Gromyko 1970) The full memorandum of conversation is scheduled for publication in *Foreign Relations, 1969–1976*, volume XII. For his memoir account of the meeting, see Kissinger, *White House Years*, pages 788–794.

In a telephone conversation that afternoon, Rogers and Kissinger discussed the outcome of the meeting. A transcript records the discussion on Berlin as follows:

“R: I think the meeting was good. I didn’t mean to interrupt him on progress—

“K: What you said was essential. They can give us internal access in Berlin which means nothing.

“R: [Omission in the source text.] That’s not what we said. We want a solution.

“K: They did agree to (present them?)

“R: Now they say microscopic. The hold up was the condition. We had to eliminate FRG in Berlin. They backed away from that. They did in NY and again today. He made it clear.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 364, Telephone Conversations, Chronological File)

130. Telegram From the Embassy in Germany to the Department of State¹

Bonn, October 28, 1970, 1830Z.

12604. Subj: East German Message to Brandt.

1. Minister Ehmke informed the DCM on an urgent basis that a special emissary from the GDR, Bertsch, was traveling to Bonn tonight

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER E–GER W. Secret; Immediate; Limdis. Repeated to London, Paris, Moscow, Berlin, and USNATO.

via Autobahn with a special message to the Chancellor. Bertsch was expected to arrive around 9:00 p.m. and would be received immediately. Bertsch had called in the late morning saying that he had a message to deliver personally to the Chancellor. The Chancellor's office had decided that Ehmke would receive him, which he will do tonight. Ehmke said that Bertsch is the number 2 press and information man in the GDR Government and it was considered inappropriate, given his relatively low rank, for the Chancellor to receive him. (Ehmke said Bertsch is a Stoph man, the first press man is a Honecker man.)

2. Ehmke said he had had a hint from the BND that an initiative of some sort from the GDR might be expected. Ehmke thought the initiative might be a result of the FRG's effort to persuade the Soviets to put pressure on the GDR. Ehmke also was much intrigued by the fact that the GDR emissary was coming so close to Gromyko.² The FRG had no inkling of what Bertsch's message might contain, but promised to keep us informed.³

3. Ehmke asked that we inform the British and French here of this development, which we are doing here.

Rush

² Gromyko was in East Berlin on October 29.

³ On October 29 Bertsch delivered an oral message to Brandt on behalf of Stoph, which included the following: "The German Democratic Republic favors détente and an improvement of the situation concerning West Berlin. It is therefore interested in seeing the negotiations which are currently taking place between the Four Powers on West Berlin lead to a positive result." (Telegram 12664 from Bonn, October 29; National Archives, RG 59, Central Files 1970–73, POL GER E–GER W) A memorandum of conversation is in telegram 12669 from Bonn, October 29. (Ibid.) See also Heinrich Potthoff, ed., *Bonn und Ost-Berlin, 1969–1982: Dialog auf höchster Ebene und vertrauliche Kanäle. Darstellung und Dokumente*, pp. 26–27, 189–193; and *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 1863–1865.

131. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 29, 1970.

SUBJECT

NSDM on Germany and Berlin

I am not sure whether you intended to follow the recent NSC discussion² with an NSDM. The discussion was largely expository, and little emerged by way of guidance.

Nevertheless, I have prepared a draft NSDM (Tab B),³ based on what could be gleaned from the discussions and other sources, which provides some general points on Ostpolitik and some guidelines for a Berlin agreement.

I believe a NSDM or some form of Presidential instruction (the earlier idea of a letter to the Secretary of State⁴ does not now seem appropriate) is desirable for several reasons:

(1) It establishes Presidential interest and control over a crucial element of policy where none has been expressed in writing until now. (I think this is important for the history of this Presidency, too.)

(2) It completes a phase of the NSC process which has involved many months of work by large numbers of persons in the Agencies, culminating, finally, in an NSC meeting. (I think, in general, that the credibility and authority of the NSC process as a policy-making mechanism and as a major achievement, in its present form, of this Administration is enhanced if it is capped by a Presidential pronouncement.)

(3) While staying within what is in effect already taking place, it nevertheless sets limits for the time being, should any one be inclined to move beyond present policy or maneuver the President into a position where he has only the choice of going along with or overruling a bureaucratic consensus.

(4) It lays the basis, or at least gives you the option, for reviewing our interests and policies, perhaps in the spring of next year, when certain elements that are now uncertain might be clearer:

a. we may know better what the future of the German government is;

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-220, NSDM 91. Secret; Nodis. Sent for action.

² See Document 126.

³ See Document 136.

⁴ See footnote 4, Document 125.

- b. we may or may not have some definitive indication of whether a new Berlin agreement can be achieved;
- c. the fate of the present version of Ostpolitik may be clearer;
- d. the Soviet Party Congress may give us clearer indication of the direction of Soviet policy;
- e. there may have occurred some movement on SALT, which no matter how limited, would nevertheless change the international landscape and regardless of what will have happened to Brandt, his version of Ostpolitik and the Berlin negotiations in the meantime, will inevitably refocus attention on central Europe.

At that time, we may want to ask ourselves some serious questions about our Central European Policy and may, in particular, wish to undertake some review of the pertinence for the seventies of those famous rights and obligations with respect to Germany as a whole which everyone constantly invokes and which determine much of our policy but which no one can quite define or even list. This problem will become especially acute if, in the train of a “successful” Ostpolitik there should ensue some form of recognition of the GDR and an enhancement of its international status, which, Berlin apart, may well affect our interests and certainly our policies and those of virtually all our European allies.

In drafting the present NSDM for your review and consideration, I assumed that what would be wanted, should there be any document on the matter, was some indication that our objective was to anchor German policy to the West, and, in the Berlin negotiations, to present sufficiently strong terms that would preclude a fast and meaningless and possibly illusory and dangerous deal promoted by the West Germans.

I assume you will want to send this forward to the President. After you have a chance to go over this draft, you may wish to decide whether the effort is worth it and/or whether you wish to have any changes made. There is also a brief covering memorandum for the President (Tab A).

Recommendation:

That you sign the memorandum to the President (Tab A).⁵

⁵ Kissinger signed the memorandum at Tab A on October 31; it reads: “Following the discussion at the NSC of October 14, 1970, I have prepared a NSDM that states our general principles and objectives in dealing with Bonn’s Eastern policy. It highlights your view that German policy must be anchored to the Western Alliance, but that we cannot afford to become embroiled in internal German politics or the tactical conduct of Eastern policy. There is a second part dealing with Berlin, laying down requirements for an acceptable agreement. I believe such a statement is needed at this time, as we proceed with negotiations and perhaps reach a new decision point on where to go next. The basic requirements of an agreement spelled out in this NSDM should protect us from overeagerness on the German side for quick—and illusory—agreement, as well as from future blame should the negotiation collapse.” Nixon initialed his approval on the memorandum. (National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-220, NSDM 91)

132. Message From President Nixon to German Chancellor Brandt¹

Washington, October 31, 1970.

Dear Mr. Chancellor:

As you know, I have recently had a conversation with Soviet Foreign Minister Gromyko.² Though it cannot be expected to bring about any major change in our relations, the conversation was helpful since it allowed for clarification of views.

Among other issues, we discussed Berlin. The Foreign Minister presented the well-known Soviet position on the Federal political presence in West Berlin, which he considered the central issue. If that were solved—eliminated or severely curtailed—then the USSR and the GDR were ready to find a solution to the access problems. In response, I made it very clear to him that the umbilical cord between Berlin and the Federal Republic could not be cut, that all political ties simply cannot be severed. I underscored that West Berlin cannot be allowed to become a third German state. On the other hand, I noted there might be room for common understanding if the Soviets would agree to improved access arrangements to Berlin and improved communications within Berlin in return for a somewhat lowered profile of Federal activities in Berlin.

In your letter of October 14,³ which I very much appreciated, you again noted that the FRG–USSR treaty cannot come into force until there has been effective improvement in Berlin. In my conversation with Mr. Gromyko, I stressed the same point. He did not comment on that, though he did express appreciation for the positive view I had

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Willy Brandt, May–Dec 1970. Personal and Confidential. Drafted by Lord. Haig forwarded the message on October 31 for “immediate delivery to the Chancellor or an official in his office with immediate access to him.” (Ibid.) No original or signed copy has been found. Although he had initially maintained that a letter was not necessary, Sonnenfeldt argued in an October 30 cable to Kissinger that, due to speculation about the meeting between Nixon and Gromyko, it had become “important to get a message to Brandt setting out our version of the talks.” “The Soviets,” he added, “will continue to plant the seed of confusion and distrust with respect to the Gromyko meeting with the President. Our continued silence is only serving the Soviets.” (Ibid.) In a November 2 memorandum to Kissinger, Haig suggested the following item for discussion with the President: “Tell President of your message to Brandt covering discussion with Gromyko. (Rush may be upset about channel and could complain to Rogers. Hal will talk to him this a.m.)” (Library of Congress, Manuscript Division, Kissinger Papers, Top Secret Chronological File 1969–1975, Box TS 2) For a copy of the message, as received by Brandt on November 1, see *Dokumente zur Deutschlandpolitik*, 1969–1970, Nr. 220, pp. 835–836.

² See Document 129.

³ Document 127.

taken of that treaty. When the Foreign Minister raised the question of a European security conference, I also took that opportunity to stress the importance of progress in Berlin. You had made a similar point in your letter in relating the question of Soviet interest in genuine détente and the “test of Berlin.”

In addition to considering topics such as Vietnam and the Middle East, we discussed at some length the general status of US-Soviet relations, and the fundamental importance of stable relations to the cause of world peace. I stressed to the Foreign Minister that the US cannot develop its relations with Moscow at the expense of our allies. Incidentally, in my recent meetings with President Ceausescu I also made the point that while we wanted to do nothing that would complicate his relations with the USSR, we would make no arrangements with the latter that were inimical to the interests of Romania or any other third country.

Together, we shall be watching closely the further evolution of Soviet conduct on these questions, particularly with respect to Berlin. Deep and broad consultations between our Governments during this period will take on increasing importance.

Sincerely,

Richard Nixon⁴

⁴ Printed from a copy that bears this typed signature.

133. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and John J. McCloy¹

October 31, 1970.

M: . . . higher level than the ——— to how you can expedite this thing and get it totally ratified before elections take place.

K: But that's within the next three weeks!

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 364, Telephone Conversations, Chronological File. No classification marking. No drafting information or time is on the transcript, although “a.m.” appears in the heading. All omissions are in the original. According to a typed note, the transcriber “missed beginning of conversation—had to answer another phone.” McCloy was in New York; Kissinger in Washington.

M: Yes, but their thought is that Brandt make an offer to the East Germans or Gromyko on recognizing the GDR — idea that this will produce tangible results in Berlin and perhaps produce special relationship between GDR and Federal Republic. This seems to go completely contrary to the understanding that they had in regard to the entry of the GDR until there have been some concessions.

K: I don't understand how Brandt is going to improve his position by making a — concession. If he has to get the German public . . . but never underestimate the depths of German stupidity.

M: This is the feeling I get but if there is nothing on this from the U.S. government, then others will be approached to give their blessing to this before the Laender elections.² We are sitting in the wings in a neutral position and being completely outmaneuvered. We ought to be aware of this—it is the World War II peace treaty. For all practical purposes, Brandt is writing the fundamental peace treaty right now.

K: I have yet to see a European leader who is not profoundly disquieted by what the Germans are doing. But no one has the guts to say so publicly.

M: We've fought the war and we won, and here a small minority is taking the ball away from us in a way that will profoundly affect the rest of us.

K: Look at the Germans inside of Germany. I'm going to fix an appointment for you with the President. It's useless to go the other route. I think you should talk to the President first and then Rogers. I share your concerns.

M: I am profoundly disturbed.

K: If you look at Chile and Germans, that's where historical changes are going on.

It's a terrible thing—people don't recognize how precarious the situation in Germany is. They can say as much as they want about being related to the West.

M: Maybe we want to get Clay and Acheson in on this. I don't know but I think it should be brought to the attention of the highest people.

² Reference is presumably to the state elections in Hesse on November 8 and Bavaria on November 22. In a telephone conversation with the President on November 9, Kissinger reported the result in Hesse: "They had an election in Germany which saved the Brandt coalition. The Social Democrats were told to vote for [the Free Democrats]. That would be worked out all together. The other vote went up which is an odd coincidence. The Christian Democrats gained." (Ibid.)

K: You, Acheson and Clay should come in as people who understand this. The trouble is that the President will only be in Washington for two days. If we can't fix it then, we will do it after the 15th.³

M: Okay. You may be approached on this. It is part of the —— in Germany to avoid the possible consequences in Germany.

K: If I have anything to do with it, we'll ——.

M: How about Irwin or Rogers?

K: Talk to either, but Rogers won't be back till Wednesday either.

M: I've been through the fire with Brandt.

K: He's a public relations guy.

M: I defended Berlin two or three times when the blue shirts were there.⁴

K: He's a weak man.

M: If we had relied on Brandt we'd have lost the city.

K: Exactly.

M: He's completely —— . I sent you a letter yesterday which straightens out what we talked about the other day.⁵

K: Good.

³ Nixon met McCloy, Acheson, Clay, and Thomas Dewey on December 7 at the White House; see Document 140.

⁴ McCloy had been closely involved in German affairs since World War II, including service from 1949 to 1952 as the United States High Commissioner in West Germany.

⁵ No further information about the letter or the discussion has been found.

134. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 4, 1970.

SUBJECT

Message from Bahr

He has sent you a message (Tab B)² about the “strange happenings” involving the recent GDR approach to the FRG to resume talks. (We had previously briefed this for you and are also touching on it in a separate status report to you on the Berlin negotiations.)³

His points are:

1. After resisting until the last minute the Soviets caused the GDR to make its move;
2. As usual, the GDR bent to the Soviet will but set up unacceptable conditions for the FRG (i.e. to talk separately about Berlin without prior Great Power agreement).
3. The Germans will ensure that there will be no exchange with the GDR without pre-conditions, i.e. the roof of a four-power aegis so far as Berlin is concerned.
4. The Germans will report about their exchanges with the GDR to the (Western) Bonn group just as quickly as the West is reporting to the Germans about the four power talks on Berlin with the Soviets. (Bahr expresses himself as happy with Western practice in this regard: the Western powers have, in fact, given the Germans complete and immediate readouts of their meetings with Abrasimov).
5. Bahr has notified the GDR that he is ready to talk in Berlin as of November 3 but, as expected, the GDR is playing for time.
6. If you have questions, you should feel free to raise them with Bahr.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII. Secret; Nodis; Sensitive; (Outside System). Sent for action.

² Dated November 3; attached but not printed. The backchannel message was transmitted to the White House and relayed to Kissinger in San Clemente. Kissinger wrote the following note on another copy of the message: “Hal S. What is this about? Do we acknowledge? HK.” (Ibid., Box 423, Backchannel Messages, 1970, Europe, Mideast, Latin America) For the text of the message in German, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, p. 1901.

³ Document 135.

It appears that we are well enough informed about the GDR–FRG byplay and that the Germans (and Bahr for the moment) are playing it straight (which cannot be said of Bahr’s continued surreptitious contacts with the Soviets in Berlin about which CIA is reporting, though with little substance).

Attached for your approval is a brief message to Bahr thanking him for his message (Tab A).⁴

Recommendation:

That you approve backchannel transmission of the attached message to Egon Bahr.

⁴ After making several changes to the draft text, Kissinger approved the following backchannel message: “Dear Egon: I appreciate having your comments on the GDR’s approach to you and on your own intentions with respect to it. We shall await further developments. I am delighted that the consultative mechanism is working smoothly and appreciate your taking the time to provide your additional observations. Best regards, Henry Kissinger.” (National Archives, Nixon Presidential Materials, NSC Files, Box 684, Country Files, Europe, Germany, Vol. VII)

135. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, November 4, 1970.

SUBJECT

Status of the Berlin Talks as of November 5, 1970

The Four Ambassadors met November 4 in Berlin.² The meeting was held against the background of increased Berlin-related activity: Gromyko’s visit to Frankfurt, the East German approach on October

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret. Urgent; sent for information. Kissinger initialed the memorandum indicating that he had seen it. According to another copy, Downey drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 9, Chronological File, 1969–75, 11 Oct–20 Nov. 1970)

² A detailed account of the Ambassadors’ meeting is in telegrams 1663, November 4, and 1668 and 1669, both November 5, from Berlin. (All in National Archives, RG 59, Central Files 1970–73, POL 38–6)

29 in Bonn, and a fairly intense meeting of the four advisers on October 30.³

At today's meeting there was a predictable improvement in atmosphere (Abrasiimov went out of his way to be affable), but little advance on substance. The Allied side presented the Soviets with a suggested text outlining views on access (Tab A) and on the Bonn-Berlin relationship (Tab B), while the Soviets gave us their paper on Federal presence in West Berlin (Tab C).⁴ Serious consideration of the three papers was put off until the next advisers meeting and ambassadorial meeting, November 14 and 16 respectively. Abrasiimov again observed that the Four Powers should concern themselves only with general principles and leave the details to the Germans. Fortunately, the Allies (the French in the lead) insisted that any intra-German discussions on practical measures had to be handled within the framework of the Four Power responsibilities and under their auspices, and that Four Power commitments on access had to be precise and unequivocal with the general principles directly tied to the details.⁵

With respect to inter-German talks, Bahr on November 3 sent a telegram to East Berlin noting that he is ready to begin an exchange of views (as Brandt had told Bertsch, the GDR emissary), as soon as he learns who has been appointed head of the GDR delegation.⁶ The FRG has made it clear to us that at least initially Bahr intends only to ex-

³ A detailed account of the advisers' meeting is in telegrams 1637 and 1638 from Berlin, October 30, and telegrams 1640 and 1641 from Berlin, October 31. (All *ibid.*)

⁴ Tabs A, B, and C, attached but not printed, are telegrams 1664, 1665, 1666 from Berlin, respectively, all November 4. Other copies are *ibid.*

⁵ In a memorandum to Kissinger on November 5, Sonnenfeldt also reported on the Soviet proposal to issue a positive communiqué after the Ambassadors' meeting, "expressly to be of help to Brandt in connection with the Hesse elections on November 8." Rush argued that "communiqués should only follow definite progress and not anticipate it, and that this session had not made definite progress." According to Sonnenfeldt, since the British and French Ambassadors agreed to a positive text, "Rush felt he had to give in." In a marginal comment, Kissinger wrote: "Why—let's ask [British Ambassador John] Freeman *informally*. Maybe I better do it." (National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II) In a telephone conversation on November 14, Kissinger told Freeman: "John, as long as I have you on the phone. This is not an urgent matter. In the meeting of the Berlin Ambassadors they were discussing two texts. One you favored and the other was favored by the Soviets. While I do not pay much attention to the Berlin talks I was interested in knowing why you felt the way you did. The Soviet position and text seemed to me to more moderate that the one you supported. I am interested simply for my education." After Freeman promised to "do some backreading" of the relevant cables, Kissinger continued: "We have no displeasure or anything. I am just curious how you felt obliged to do it. Our and your analysis seem to be the same on these things." (Library of Congress, Manuscript Division, Kissinger Papers, Box 364, Telephone Conversations, Chronological File)

⁶ For an excerpt from the telegram, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, p. 1901, footnote 3.

change views rather than conduct negotiations, and that any talks relating to Berlin must be under the auspices of the Four Power talks. When Berlin access issues are discussed they will be geared to culmination in one single FRG–GDR agreement, despite the Soviet notion that there should be two sets of discussions and agreements, one between the FRG and the GDR, and the other between the Berlin Senat and the GDR. The Western Allies have taken the view that any Senat–GDR discussions can be only on the questions relating to inner-Berlin traffic (West Berlin access to East Berlin), and then only as experts of the Four Powers.

During the coming weeks we will probably see Soviet efforts to have the German access discussions begin without adequate Four Power cover (complicating Allied/FRG relations), continued insistence that two sets of German access talks be undertaken (complicating FRG/Berlin Senat relations), and demands that the Four reach agreement on Federal presence in West Berlin prior to any detailed agreement on access matters. At the moment, the Western side seems fully aware of these potential difficulties, and firm in opposition to them.

In a related development, on November 3 Barzel issued a press statement which spelled out his view of the ingredients of a “satisfactory” Berlin solution (Tab D).⁷ These include

- access safe from disturbance under Allied responsibility;
- guarantee that West Berlin will continue to belong to the FRG in accordance with the existing ties (including political ties), Federal presence in Berlin, and foreign representation of Berlin by the FRG; and
- removal of discriminating measures against West Berliners in inter-city movement.

⁷ Tab D is telegram 12844 from Bonn, November 3, attached but not printed. Another copy is in the National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

136. National Security Decision Memorandum 91¹

Washington, November 6, 1970.

TO

The Secretary of State
The Secretary of Defense

SUBJECT

United States Policy on Germany and Berlin

As a result of the discussion in the National Security Council meeting of October 14, 1970,² the President directs that the following guidelines be used as the basis for (1) our general approach to the problems and issues raised by the further development of the Federal Republic of Germany's relations with the USSR and the Communist countries of Eastern Europe, and (2) the conduct of the negotiations with the USSR over Berlin.

Germany

1. Our principal objectives in relations with the FRG will be:

—to create the conditions and opportunities for the FRG to maintain and deepen its relations with its western allies and western institutions in all respects, political, economic and military;

—to develop a sense of confidence and trust in relations with the FRG, whether governed by the CDU or SPD;

—to counteract any impression in the FRG that our longer term commitment to the western alliance is in doubt;

—to avoid to the fullest extent feasible any involvement, either indirectly or directly, in the internal political affairs of the FRG and, in particular, to avoid any impression that we favor or support any political party in the FRG.

2. Our approach to the specific question raised by the FRG's Eastern policy should continue to be one of general support for the avowed objectives, without obligating ourselves to support particular tactics, measures, timing or interpretations of the FRG's policies. We approve

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-220, NSDM 91. Secret; Limdis. Copies were sent to the Chairman of the Joint Chiefs of Staff and the Director of Central Intelligence. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft to Kissinger on October 29 (see Document 131). Kissinger revised the text; substantive changes are noted in footnotes below. The Department forwarded the final text to the Embassy in Bonn on November 11. (Telegram 185369 to Bonn, November 11; National Archives, RG 59, Central Files 1970–73, POL 1 EUR E–GER W)

² See Document 126.

the establishment of normal relations between the FRG and the states of Eastern Europe. We should not conceal, however, our longer range concern over the potentially divisive effect in the western alliance and inside Germany of any excessively active German policy in Eastern Europe as well as our concern over the potential risks of a crisis that such a policy might create in relations between Eastern European states and the USSR.³

3. We should also ensure that our juridical position with respect to Germany as a whole is in no way impaired by the actions of the FRG or others.

Berlin

1. Whatever the outcome of the negotiations over Berlin, it must be clearly understood by all parties involved that we will continue to exercise our responsibility for the viability, well being and security of the inhabitants of West Berlin. While favoring improvements, the President considers the present arrangement to be an adequate basis for fulfilling our obligations. A new four power agreement is, therefore, not an essential requirement in terms of *our* interests or *our* policy.

2. For both humanitarian and political reasons, we can accept practical improvements in the present situation as long as our juridical position is unaffected and our acceptance would not thereby involve us in German domestic political disputes.

3. In light of presently prevailing circumstances, and given the position taken by the present German government, any new four-power agreement concerning Berlin must include the following basic provisions:

—regular procedures for access to and from the Western Sectors of Berlin for goods and persons, guaranteed by the USSR to the maximum degree feasible;

—unrestricted opportunities for the further development of economic, cultural and financial links between West Berlin and the Federal Republic of Germany;

—provisions for the movement of West Berlin residents to Eastern sectors and areas adjoining greater Berlin;⁴

—an acknowledgement that our rights and responsibilities pertaining to Berlin are in no way affected by any new agreement, and that we continue to hold the USSR responsible for facilitating the exercise of our basic rights;

—an agreement must include the detailed provisions necessary to implement these requirements; and

³ Kissinger eliminated the following sentence from the draft: "We should make it clear in discussions with the FRG that we cannot accept a policy which confirms Soviet hegemony over Eastern Europe."

⁴ Kissinger substituted this language for the draft text, which read: "freedom for West Berlin residents to travel to the Eastern Sectors and areas adjoining greater Berlin without special restrictions."

—on matters⁵ such as the nature and extent of FRG political activities in Berlin, or the movement of West Berliners into the Eastern sectors,⁶ we can abide by the decisions of the FRG, as long as the other requirements of this paragraph are met.

4. It is also desirable, but not essential, that a new agreement allow for the representation of West Berlin's interest abroad by the FRG. If this is not obtainable in agreement with the USSR, however, the United States, assuming agreement with the UK and France, will continue the present practice of permitting the FRG to perform this function.

5. The US representatives should not take any initiative in reducing the terms of agreement as outlined in paragraph 3. Agreements on principles only, or secret protocols are unacceptable. Should it become apparent that no agreement is possible, or that only an agreement on lesser terms than outlined in paragraph 3 can be achieved, the President will decide whether any modification in our basic position could be made, or whether we will terminate the negotiations.

6. The President desires that our negotiators make every effort to demonstrate that our position is a reasonable one and that should negotiations fail it will be the result of the policy of the USSR. Our representatives should not regard themselves as operating under any particular deadlines and should also make every effort to coordinate our policy with the governments of France and the UK.

7. As for the relationship between the Berlin negotiations and the German-Soviet treaty, the United States did not, as a matter of its own initiative, insist on an organic connection between the present four-power discussions and the ratification of the German-Soviet treaty. The disposition of this treaty will be regarded as an internal affair of West Germany, so long as its interpretation or implementation is consistent with the rights and responsibilities of the United States resulting from the wartime and post-war agreements and the unconditional surrender. We support, however, the West German position to maintain a link between the ratification of the treaty and the outcome of the Berlin negotiations. Should, however, the West German government at some point decide to sever this link, our position will be subject to re-examination, consultation with our allies, and a new Presidential decision.

This policy will be communicated to the British and French governments and to the FRG as part of the normal consultative process.

Henry A. Kissinger

⁵ At this point, Kissinger eliminated the phrase "of concern to the USSR" from the draft.

⁶ Kissinger added this clause to the draft.

137. Editorial Note

On November 17 and 18, 1970, senior-level officials from the United States, United Kingdom, France, and West Germany met in Bonn to discuss the status of the quadripartite negotiations on Berlin. James Sutterlin, Country Director for Germany, argued in a November 14 briefing memorandum for Assistant Secretary Hillenbrand that the most important objective of the meeting would be to develop “a realistic understanding among the Four Western Powers on what we must obtain from the Soviets and what we can concede” in order to achieve a satisfactory settlement. (National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.1, 1970 Four Power Talks, Nov–Dec, Preparations for Meetings)

The Embassy subsequently reported that the meeting “covered all major topics without major differences.” The participants, for instance, agreed in principle that the Allies “should not consider themselves under time pressure,” although Bahr indicated that progress in the talks would be “helpful” for Klaus Schütz, who sought reelection in March as Governing Mayor of Berlin. The Embassy also reported the following discussion on ties between West Germany and West Berlin:

“Bahr said that in view of the intrinsic and domestic political importance of the limitations the Western allies were willing to undertake in the event of a Berlin agreement, the Western negotiators should seek a balanced package on FRG ties with Berlin, a package which should include positive elements as well as limitations. They should resist the Soviet tactic of a direct tradeoff of limitations on FRG presence against improvements in access. Arnaud proposed the Western negotiators should seek an agreement based on the general principles that the Western powers had supreme authority in their sectors and had permitted and would permit ties between the FRG and the Western sectors, and then list exceptions to general statement that ties were permitted. Hillenbrand expressed skepticism that the Soviets would agree to this but said it was the ideal approach and should be the basis of Western tactics. Other participants agreed this tactic should be followed.” (Telegram 13412 from Bonn, November 18; *ibid.*, Central Files 1970–73, POL 28 GER B)

A detailed account of the discussion on Berlin is in airgram A–1236 from Bonn, November 20. (*Ibid.*) For a German record of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pages 2078–2084.

On November 18, after nearly 10 months of intense negotiation, West German Foreign Minister Scheel and Polish Foreign Minister Jędrzychowski concluded a renunciation of force agreement in

Warsaw. In an uninitialed memorandum to President Nixon that morning, Kissinger assessed the agreement as follows:

“The Polish-West German treaty, to be initialed in Warsaw this morning, will contain an agreement that the Oder-Neisse (as defined in the Potsdam agreement), ‘constitutes the Western border of Poland’ and that neither side will raise territorial claims against the other ‘in the future.’ While the treaty disclaims any infringements on existing bilateral and multilateral agreements, it goes a long way to being the definitive settlement of the border issue. There is no mention in the exchange of notes between Bonn and the Three Western Powers, or between the Germans and Poles, of the German peace treaty. Attempts to make reference to the peace treaty in a note from Bonn to the Three Western Powers collapsed under strong Polish pressures. We plan to note the fact of the treaty with approval, and say little more in our note to the Germans. Brandt will probably go to Warsaw for the formal signing, but ratification procedures are still open to further talks. Presumably, the Poles will try to break the linkage of their treaty to the Moscow treaty, a linkage the Germans agreed to in Moscow.” (National Archives, Nixon Presidential Materials, NSC Files, Box 28, President’s Daily Briefs, November 17–30, 1970)

For text of the press statement released by the Department of State that afternoon, as well as the exchange of notes the following day between the United States and West Germany on Allied quadripartite rights and responsibilities, see *Documents on Germany, 1944–1985*, pages 1112–1113. For text of the treaty, signed by Brandt and Polish Prime Minister Cyrankiewicz in Warsaw on December 7, see *ibid.*, pages 1125–1127.

During a senior NSC staff meeting on November 18, Kissinger and Helmut Sonnenfeldt discussed the negotiations in Berlin and Warsaw. According to a record of the meeting, the two men had the following exchange:

“Mr. Kissinger: (to Mr. Sonnenfeldt) Could you give me an analysis of the latest developments on Berlin.

“Mr. Sonnenfeldt: We have done a memo for you. I am afraid those talks aren’t going anywhere.

“Mr. Kissinger: What did the Germans get from the Poles?

“Mr. Sonnenfeldt: Nothing. Incidentally, people are beginning to get queasy about the Germans making treaties in Eastern Europe, especially with the Russians. As you know, Brandt decided that Schroeder had made a mistake in trying to circumvent Moscow and he has changed their priorities. Some Poles are now beginning to talk about the Germans getting together with the Soviets on frontier questions. They’re beginning to talk about a fifth partition of Poland.

“Mr. Kissinger: I have yet to meet a non-German who is happy about German approaches to Eastern Europe.

“Mr. Sonnenfeldt: Many people are schizophrenic about this. They wanted a *détente*, but are getting very queasy over a German-Soviet treaty, particularly when it is referred to as a non-aggression pact.” (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 314, National Security Council, 1969–77, Meetings, Staff, 1969–71)

Regarding the memorandum cited above analyzing the Berlin negotiations, see footnote 2, Document 139. For further discussion of the U.S. position on the Warsaw Treaty, see Document 163.

The East German Government was also queasy about developments in Berlin. On November 28 East Germany protested an upcoming display of the West German presence in the city, a meeting on November 30 of the CDU/CSU parliamentary group, by starting to harass traffic on the Autobahn. In a memorandum prepared for (but not sent to) the President on November 30, Kissinger reviewed the situation:

“Promptly at 12:30 p.m. German time on Saturday [November 28] the East Germans began a slow-down of non-Allied traffic on the autobahns to and from Berlin. The resulting delays of some three hours and a mile-long line of cars awaiting entry have continued throughout the weekend, although the congestion has eased somewhat during the evenings. The harassment is clearly an Eastern reaction to the scheduled meeting in West Berlin today of the CDU/CSU Bundestag group. Late on Friday the Soviets delivered a written protest on the meeting to the three Allied Missions in West Berlin. In addition, the Soviets protested separately to the French in Moscow, although the French delayed advising us about it.

“The three Allies in Berlin replied to the Soviet protest last night, stressing that meetings of Federal Parliamentary groups have taken place in Berlin for many years, and therefore cannot be considered as complicating the current Four Power Berlin talks. The French had originally refused to join in a joint reply, since they planned a unilateral *démarche* in Moscow in response to the separate approach made to them by the Soviets. The French made their approach in Moscow on Saturday and in the end agreed to go along with the relatively joint statement of yesterday. We considered a speedy and tripartite joint reply to the Soviets more important than a stronger reply which lacked all three powers. Upon receiving our reply, a Soviet official declared it unsatisfactory because the Allies were allowing a ‘third party’ to carry out activities in West Berlin which would hurt the Berlin talks.

“The Brandt Government had hoped that the Three Powers would step in and insist that the CDU meeting be cancelled. The three, however, took the position that the issue of parliamentary group meetings

was a German question, and had previously asked only that such meetings not be held too close to the dates of the Four Power Ambassadorial talks. In the end, Brandt and CDU Bundestag leader Barzel agreed that the meeting could be held.

“The next Four Power Ambassadorial meeting is scheduled for December 10, but an advisers’ meeting is planned for today, at which we will raise the question of the autobahn harassment.” (National Archives, Nixon Presidential Materials, NSC Files, Box 28, President’s Daily Briefs, November 17–30, 1970)

East German harassment of the Berlin Autobahn ended on December 2. Additional documentation on the controversy surrounding the CDU/CSU parliamentary group meeting is in the National Archives, RG 59, Central Files 1970–73, POL 12–3 GER W. For his memoir account of the incident, see Barzel, *Auf dem Drahtseil*, pages 120–126.

138. Memorandum From Director of Central Intelligence Helms to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, November 30, 1970.

SUBJECT

Background of Bahr-Soviet Talks

1. Recent talks in West Berlin between State Secretary Egon Bahr and various Soviet officials² have been covered in a series of reports, [*less than 1 line not declassified*] which have already been made available to you. However, you may also be interested in a summary of the background of this reporting.

2. The meetings began in early June of this year, shortly after Chancellor Willy Brandt sought to follow up quickly on the Bahr–Gromyko understanding and encountered stiff opposition within the Cabinet. Indications were that Bahr arranged the meetings carefully and that he stressed their confidential nature to those aware of them. At the same time, the meetings lacked some of the trappings that would

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1324, NSC Secretariat, NSC Unfiled Material, 1970 [4 of 11]. Secret; Sensitive; Eyes Only.

² The Soviet officials included Valentin Falin, Valeri Lednev, and Vëiacheslav Kevorkov. See Falin, *Politische Erinnerungen*, pp. 128–129; and Kevorkov, *Der geheime Kanal*, pp. 90–91.

have made them entirely clandestine. Thus they followed the pattern of similar Soviet-Bahr contacts in Berlin during the 1960's, when Bahr was Chief of the Press Office of the West Berlin Senat and Brandt was Governing Mayor.

3. Soon after the meetings started, [*1½ lines not declassified*] the regular Soviet participant [*1 line not declassified*] Valeriy Vadimovich Lednev, an “international observer” (editor) of *Izvestiya* who has been engaged in German affairs on and off since he came to West Germany with Aleksey Adzhubey³ in the summer of 1964. Indications were that Lednev came from Moscow for his meetings with Bahr. For some of the October sessions, he brought his family with him to visit in West Berlin.

4. [*3½ lines not declassified*] Lednev himself has reportedly represented the KGB in some form, although the connection is not clear. Some of the Soviets with whom Bahr met during his earlier Berlin days were known KGB officers. As far as we know, all of Bahr's Soviet contacts have been active in diplomatic affairs and, as another common trait, have been German speakers.

5. Since June, we had reason to think that the Chief of the Third European (Germany, Austria) Division of the Soviet Foreign Ministry, V. I. Falin, was somehow involved in the exchanges with Bahr. [*1 line not declassified*]. In very recent meetings, we obtained indications that Falin was present in Berlin. Most recently Bahr himself identified Falin as his discussion partner in a meeting on 13 November.

6. On 17 November, as you know, Bahr revealed the fact of his discussions with the Soviets to senior American, French and British representatives in Bonn. He did not disclose the full extent of his meeting schedule, however, and it is safe to assume that his account of the subjects discussed was, at best, selective.⁴

7. When the meetings started, we assumed that they represented an extension of Bahr's on-the-record exchanges with the Soviet Government,

³ Alexei Adzhubei was editor of *Izvestia* and a member of the Central Committee of the Communist Party. In July 1964 Adzhubei visited West Germany to prepare for a visit of his father-in-law, Soviet Premier Nikita Khrushchev; both men were ousted from office in October 1964.

⁴ Telegram 13409 from Bonn, November 18, reported on a private discussion between Bahr and Allied representatives the previous day: “Bahr began by saying he had something very confidential to impart. He had been approached the week before last by a member of the Soviet Embassy staff, who told Bahr that Falin, head of the Western European Division of the Soviet Foreign Ministry, had indicated interest in speaking with him in West Berlin. The Soviet Embassy officer asked Bahr whether he would be available for such a discussion. Bahr said he would be. The discussion had taken place last Friday [November 13] in Berlin in his official residence as Bundesbevollmaechtiger [Federal Plenipotentiary] for Berlin.” Bahr then read from a German account of the meeting. (National Archives, RG 59, Central Files 1970–73, POL GER W–USSR) For the German account, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2042–2046.

their purpose being mainly to enable Bonn and Moscow to coordinate positions informally during events leading up to the conclusion of the West German-Soviet accord. We still have no reason to believe that the meetings were anything other than a form of secret and personalized diplomatic exchange on behalf of Willy Brandt, or that the KGB has played more than a support role in them.

8. A listing of reports on the subject [*less than 1 line not declassified*] is attached.⁵ Copies of the full series can be made available if you need them.

Dick

⁵ Attached but not printed is a list of nine intelligence information cables that Helms forwarded to Kissinger from June to November 1970.

139. Memorandum Prepared by the National Security Council Staff¹

Washington, December 1, 1970.

SUBJECT

Four Power Talks on Berlin

There has been virtually no substantive progress during the past two Ambassadorial meetings (November 16 and 23),² and indeed in the last meeting the Soviets took the toughest stance so far both in tone and substance. The Soviet approach seems to be to take the hardest possible line and then to mark time, as if they anticipated a shift in di-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret. No drafting information appears on the memorandum. Sonnenfeldt forwarded it as an attachment to a December 1 memorandum to Kissinger. Noting that the meeting on November 23 had been “particularly unproductive,” Sonnenfeldt wrote that the meeting scheduled for December 10 “should provide us with a better basis to assess where things stand.” Kissinger initialed this memorandum indicating that he had seen it.

² A detailed account of the former is in telegram 1746 (November 16), 1749 and 1759 (November 17) from Berlin; a detailed account of the latter is in telegrams 1784 (November 23), 1789 and 1790 (November 24) from Berlin. (All *ibid.*, RG 59, Central Files 1970–73, POL 38–6) In a November 17 memorandum to Kissinger, Sonnenfeldt forwarded a paper analyzing the meeting of the previous day. “Though the West Germans, and Bahr in particular, have claimed the Soviets are under great pressure for an agreement,” the paper concluded, “the record thus far suggests that the Soviets are willing to protract the talks, and the pressures will grow on the West Germans. (This may explain

rection but were not exactly sure which way the direction would point. They are protected most, therefore, by taking the hardest possible line.

There are several factors that have been at play in recent weeks which may have caused the Soviets to pause:

—There is a general assumption, fostered by pro-Ostpolitik forces in the FRG and especially Bahr, that Soviet policy has been impeded by GDR rigidity. The evidence on this is ambiguous but the frequent comings and goings between Soviet and East German officials do at least suggest that the Soviets are trying to get the GDR to take a more pliant attitude, at least in form. (We do know that the East Germans are unhappy about Polish and other East European efforts to normalize relations with the FRG without obtaining additional recognition for the GDR; this was reflected in the hard-line speech of the GDR delegate to the recent Hungarian Party Congress.)

—A Warsaw Pact meeting will be held in East Berlin this week, and the prime focus there will be coordination on German affairs (and the NATO meeting will run almost concurrently).

—The Soviets have viewed the Hessian and Bavarian elections as evidence of renewed strength for Brandt's coalition which, in their eyes, may make it easier for Brandt to secure ratification of the Soviet-FRG treaty without significant progress on Berlin (a doubtful calculus, given CDU views).

—Ulbricht's health, always a source of rumors, may in fact be failing, leading to more intense intra-party maneuvering in East Germany; the length of time Ulbricht will (and should) remain in command is relevant to Soviet decisions on Berlin.

—The intra-German talks (between Bahr and Kohl) began November 27; the Soviets will probably wish to test in this channel whether the Germans will negotiate on Berlin access without an adequate Four Power mandate (Bahr reports that he was firm in insisting that he could not discuss Berlin access without this mandate); which would have a spoiling effect on the Four Power talks.

—The Soviets may also have been hoping for a break in Allied Tripartite unity; especially since the Pompidou visit to the USSR in mid-October, the Soviets seem to have targeted the French for separate approaches (the French have not been unresponsive).

The autobahn slowdown in recent days in connection with the CDU meeting in Berlin probably was the least the Soviets could do to

Bahr's rather frantic efforts to deal with the Soviets behind our back.)" (Ibid., Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II) For a German summary of the meeting on November 23, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2119–2123.

placate the East Germans (and to save their own face).³ At the same time the Soviets hoped that the political nature of the problem (a CDU meeting) would create further division between Barzel and Brandt. In the end, however, the autobahn stoppages probably served the cause of Allied unity and pulled German opinion together in insisting on something concrete from the Berlin talks.

As of the last Ambassadorial meeting, the Soviets were still unhelpful on *access*. While the Four could agree on general principles, the specific commitments according to the Soviets, would have to take the form of agreements between the GDR, the FRG and the Berlin Senat, i.e., the Soviets continue to refuse to take formal responsibility for access, insisting that this is a GDR sovereign right. Before the Soviets would offer specific thinking on a possible FRG–GDR agreement they wanted assurances that there would be movement by the West to meet Soviet requirements for removing the Federal presence from Berlin. Abrasimov has clearly linked Federal presence with access. On the issue of *Federal presence* the Soviets have continued to insist that all federal agencies be removed (though there is some indication they may accept the Bahr concept of a cosmetic change to tuck all federal offices under the auspices of a Federal “representative” in Berlin (a position Bahr himself expects to hold as the present FRG official responsible for Berlin). There is increasing indication that the Soviets want to have a greater role in West Berlin, including assurances that the NPD and similar offensive organizations are eliminated and that the Soviets should have a consulate and other official officers in West Berlin. So far the Soviets have flatly refused to consider *representation abroad* of Berlin by the FRG. However, they have expressed some interest in learning more about our proposal that FRG passports issued in West Berlin bear an additional stamp indicating that they were issued under the authority of the respective Allied commandant (another Bahr idea). The Soviets also insist that we agree that Berlin is not only not a Land of the FRG but not “a part” of the FRG.

The advisers of the Four Ambassadors met on November 30⁴ for a discussion that centered largely around the format of any eventual agreement. There would be three general elements: the first would entail a Four Power statement on general principles, the second would be the unilateral communications by the Soviets (on access) and the Three (on Federal presence) together with the results of the negotiations between the German authorities, and the final element would again be a Four Power statement tying together the other two elements. During the advisers meeting, the Soviets hinted that the situation might

³ See Document 137.

⁴ A detailed account of the advisers’ meeting is in telegrams 1843 and 1845, November 30, and 1846, December 1, from Berlin. (All in National Archives, RG 59, Central Files 1970–73, POL 38–6)

be clearer in a week or so and perhaps there could then be another advisers meeting. This hint tends to confirm other indications that the Soviets may be trying to prepare a new stance for the Ambassadorial meeting of December 10. This will then be the last meeting for a month or so. Following that meeting (and assuming that the Warsaw Pact meeting this week supports a new Soviet line, or confirms the old one) we will be in a much better position to take a new look at where we stand in the talks and where we ought to be heading.

140. Memorandum of Conversation¹

Washington, December 7, 1970, 4:11–5:35 p.m.

Meeting at the White House

At the invitation of the President Messrs. McCloy and Dewey² and General Lucius D. Clay and myself, accompanied by Mr. Henry Kissinger, were received by the President in his office at four p.m. to discuss questions arising out of relations between the United States and the Soviet Union and relations of this country with Europe.³

¹ Source: Dean Gooderham Acheson Papers, Manuscripts and Archives, Yale University Library, Box 68, Folder 173. No classification marking. Drafted by Acheson. No official record of the meeting has been found. The time of the meeting is from the President's Daily Diary. (National Archives, Nixon Presidential Materials, White House Central Files)

² Thomas E. Dewey, former Republican Governor of New York.

³ In a December 4 memorandum Kissinger briefed the President on the meeting: "Your principal worry is the Eastern policy of Chancellor Brandt. You do not question his sincerity and his stated objectives are acceptable. What concerns you is the divisive effect of his policies within Germany where a new competition for the nationalist mantle seems to be developing. Second, you find it difficult to believe that the Soviets have conceded, or will concede any freedom of action for the Germans, of all people, to expand their influence in Eastern Europe or within a divided Germany. Third, you are concerned about the West German assumption that an accommodation with the East is necessary now because of a fear of a declining US commitment to Europe; this trend tends to become a self-fulfilling prophecy. Finally, you foresee that others in Europe will follow the German road to Moscow. The French in particular are not likely to allow Germany to become the interpreter of Soviet policy for the West or bridge to the East. *Your problem is how to keep Germany firmly anchored to the West during this period of Eastern experimentation and to do so without becoming deeply embroiled in German politics or becoming the so-called scapegoat for what could be a massive failure of German expectations in years to come. This is the reason we must negotiate on Berlin with the greatest of care. You want to ensure that we have made the best effort to obtain a viable Berlin agreement. If the negotiations fail under these circumstances it will be the fault of the USSR.*" (National Archives, Nixon Presidential Materials, NSC Files, Box 812, Name Files, Dewey–Acheson–Clay Meeting)

We stayed with the President for an hour and a half. As agreed between us, Mr. McCloy led off and, speaking largely from the attached paper,⁴ brought out the fact that in the past fifteen years he thought the position of the United States had been gravely eroded. This came about largely because of the technological and material progress of the Soviet Union and its armed forces, its aggressive foreign policy in all quarters of the world—the Mediterranean, Africa, Latin America, South Asia, and East Asia; the belief in Europe that the United States had become obsessed with Southeast Asia, that our own nuclear capabilities had greatly lessened vis-à-vis the Soviet Union, and that our interest in Europe had lessened. McCloy pointed out also that Germany, which had largely been under the influence of West Germans from the Rhineland in the period after the war, was now being governed by people from eastern Germany, who were seeking to experiment with relations with the Soviet Union.⁵

He thought that the time had come when there should be new developments in leadership in this country that would reaffirm our belief in a united Europe and strong connections between Western Europe and North America and in British admission to the Six and that there should be a review of all our policies, military, political, economic, with Europe, looking toward a period when both Europe and the United States would be freer to engage in joint positive action in their common interest. The President was much interested in this outline.

General Clay reaffirmed McCloy's views, speaking about his distrust of Willy Brandt and the present leadership in Germany, and of his concern over both the vagueness of American policies and the weakness of American leadership and power in Europe.

Tom Dewey worried about the President's position because of the lack of strong voices in the Congress that would support him if he gave a lead along the lines indicated by McCloy.

The President then called on me. I supported what had been said before and added a little further analysis.

First, I thought that if it had not already been done, there was grave need of some leadership directly responsible to the President, which in my time would have been the State Department, but which should now be any form that the President himself chose by which all poli-

⁴ Destroyed as per request. Burned at home. [Handwritten footnote in the original.]

⁵ McCloy was only half right about the new government: Bahr (Werra) and Ehmke (Danzig) were from the east, but Brandt (Lübeck) and Scheel (Solingen) were both from the west.

cies should be developed, brought together so that the entire Administration might know what it was that we wanted to see accomplished in Europe and what we were prepared to do to help and lead.

Second, I hoped that the President would in the near future make a series of forceful, yet restrained, speeches in which he would reaffirm some principles of American policy that had fallen into doubt: (1) American belief in the necessity for a unified Europe; (2) American belief in the necessity of close European-American association; (3) American determination to participate with Europe in mutual defense.

Third, I urged a review with our European allies of all questions on which the common action in behalf of the common interest might be required.

And, finally, fourth, There should be preparation for the execution of these decisions.

I suggested that we could begin upon the program as soon as it was clear within the government, but that the time for really occupying the attention of this country and its allies and for action could not arrive until after our present concerns had been met. These concerns were, in Europe, relations of Britain with the Six and, in the United States, the liquidation of our absorption in Southeast Asia, some progress on the domestic front, and the next presidential campaign. I was quite aware, I said, of the problems facing presidential leadership raised by the opposition in control of Congress. This, however, was not unprecedented. Compare, for instance, the period of 1946 to 1948. Whatever the difficulties, it would not be possible to provide such backing as was given to the Marshall Plan until there was something to back. That something could be provided only by the President and whatever risks were involved were inherent in the situation.

The President appeared to agree. He gave us a full and persuasive discussion of the steps already taken by the Executive in formulating policies and communicating them in the last NATO Ministers' meeting. He spoke of the further action he was prepared to take, of the dangers he saw in the Mills bill,⁶ some of which he could not avoid. He was aware of the need for popular support and wished to discuss that with us further when he was prepared to act. We were persuaded of his real interest in Europe as our principal foreign concern, although

⁶ Reference is presumably to a "protectionist" bill sponsored by Representative Wilbur D. Mills (D-Arkansas), chairman of the House Ways and Means Committee, to counter the administration's proposal to liberalize the Trade Expansion Act of 1962. The bill was defeated on December 28, following a filibuster in the Senate.

no one of us was ready to believe that action was fully assured for the future. On the whole, I found it an encouraging meeting.⁷

Dean Acheson⁸

⁷ In a December 9 telephone conversation, Kissinger and Acheson agreed that the meeting with the President “went well.” According to a transcript, Acheson said: “We were all impressed on how clearly the President came through. We conferred together for a moment or so to see if there was anything you would want from us.” Kissinger replied: “Some concrete suggestions on leadership we would exercise in Europe right now especially with respect to Ost-Politik which I think is a disaster.” “What you would like,” Acheson summarized, “is specific suggestions on what we can do and how. Especially about Brandt and Ost-Politik. I will talk to McCloy.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 365, Telephone Conversations, Chronological File) No paper from Acheson on Brandt and Ostpolitik has been found.

⁸ Printed from a copy that bears this typed signature.

141. Telegram From the Embassy in Germany to the Department of State¹

Bonn, December 9, 1970, 1400Z.

14211. Subj: Further Bahr Contact With the Soviets. Ref: Bonn 13409.²

1. State Secretary Bahr requested the US, UK and French Ambassadors to meet with him at 1800 hrs, December 8, ostensibly to hear his account of Brandt’s visit to Poland to sign the FRG-Polish treaty.³ After requesting the utmost secrecy, Bahr began the conversation by saying that at his initiative he had met with Soviet Foreign Ministry

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–USSR. Secret; Priority; Limdis. Repeated to Berlin.

² See footnote 4, Document 138.

³ Bahr reported to the Ambassadors on December 9 that “the atmosphere at the outset of the visit had been extremely strained and difficult” but soon improved. According to Bahr: “Within twenty-four hours, it had proved possible to talk openly and normally with the Polish leaders as though on the basis of long acquaintance. The Germans had feared a difficult situation and, in fact, the entire visit had been loaded with emotion on both sides. The Poles had heard the German national anthem for the first time since the war. And for Chancellor Brandt, as an opponent of Hitler, it had been particularly hard to have to assume the moral responsibility for the German past vis-à-vis the Poles.” “[T]he visit,” he concluded, “had been a very moving one for the German participants. They had all been struck by the impression, in contrast to their impression of the Russians in Moscow, that the Poles ‘were Europeans.’” (Telegram 14204 from Bonn, December 9; National Archives, RG 59, Central Files 1970–73, POL 7 GER W)

official Fallin in West Berlin on December 4 for a conversation of 1½ hrs.⁴ Bahr said the conversation had been “cool and tough.”

2. Fallin told Bahr that the Soviets had authorized recent harassments on the Autobahn at the request of the GDR. The Soviets had also approved the protraction of the harassments beyond the period of the CDU Fraktion meeting in Berlin. Fallin said the Soviets and the GDR were at the time of his talk with Bahr considering whether new harassments should be instituted in connection with the Heinemann visit to Berlin.

3. Fallin said he was informed about the hard-line position which Bahr had taken during the November 17–18 senior level meeting in Bonn. Fallin said that all four Western governments were taking an unconstructive attitude on the Berlin negotiations, but the FRG was the most unconstructive of all four. The Soviets felt this to be the case particularly because of the FRG refusal to discuss access questions with the GDR until the Four Powers had reached agreement on this subject. Fallin said the solidarity of the FRG with the negative position of the Western governments had raised a question in the minds of the Soviet leaders as to whether the Federal German Government genuinely wished to continue its present policy of reconciliation with the East.

4. Fallin said the Soviets were themselves considering adopting a more rigid position on Berlin partly because of the general Western attitude, partly because of the recent NATO communiqué creating yet another linkage between the Berlin agreement, this time with a conference on European security, and because of Brandt's similar action in linking ratification of the FRG-Polish treaty to a Berlin settlement. Fallin said the stiffening tendency on the part of the Soviets was supported by the GDR and by the attitudes expressed by all other Warsaw Pact members during their December 1–2 meeting in Berlin, where all participants had taken the same position. Bahr remarked parenthetically that Brandt had received the impression in his talk with Gomulka that Fallin's description of the Warsaw Pact meeting was accurate.

5. In commenting on the Warsaw Pact meeting, Fallin said the meetings had been initiated at the desire of the Poles. The latter wished to have Warsaw Pact confirmation of the reversal of the earlier Warsaw Pact common position against diplomatic relations with Bonn before the FRG recognized the GDR in the light of Polish willingness to establish diplomatic relations with the Federal Republic prior to officially recognizing East Germany. Fallin said this position had been

⁴ For a December 5 memorandum of conversation by Bahr, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2193–2194.

approved by Pact members with no opposing votes. The Pact had also approved the Czech proposal to begin negotiations with the FRG.

6. Fallin indicated that he was aware that no new date had been fixed for the continuation of the talks between Bahr and East German State Secretary Kohl. Bahr said Kohl himself had indicated that he was in no position to set a date before Dec 10 but was interested in a possible meeting between Dec 10 and Christmas. The FRG was also interested in such a meeting. Fallin said that the Soviets would not under any circumstances permit the FRG to negotiate on goods and persons moving out of Berlin towards the Federal Republic as this was not in the FRG's area of competence.

7. Bahr said he had concluded from this conversation that the Soviets were now concerned at the possibility the Western Powers believed the Soviets were in a position where they would be forced to accept a Berlin settlement. The Soviets were reacting to this. In this sense, Bahr said, the Soviets appeared to have changed their minds about the desirability of FRG ratification of the FRG-Soviet treaty prior to the CPSU Congress in March. They now were on a completely different time table where they thought they would take all the time they needed. In any event, the GDR for its part continued opposed in any event to a Berlin settlement and was working to pull the Soviets in their direction. Brandt had gained the same impression of this possible future from Gomulka.

8. Bahr said he believed the Western Powers' negotiations should move ahead briskly in the talks in any case and not lose time. Losing time only played into the hands of the GDR. Gomulka had indicated the same idea to Brandt. The Western Powers should move while the iron was still hot to some extent, before the development moved still further in the direction of the GDR's negative position. Ambassador Rush said the Western Powers were ready to move as soon as they can. But of course the main thing is that we want a sound agreement and this should have unquestioned primacy. Bahr said this was right, but in this, as in other negotiations, there was a critical time for closing the deal which should not be missed. Fallin had told Bahr that he had watched the faces of the West Berlin population. The West Berliners had looked tired, as though they did not want to have to live further with their present tensions. Bahr said he considered Fallin's observation to be correct and that time was in fact working for the GDR.⁵

Rush

⁵ For a German account of this discussion between Bahr and the Western Ambassadors on Berlin, see *ibid.*, pp. 2251–2254.

142. Memorandum of Conversation¹

Bonn, December 9, 1970.

PARTICIPANTS

Egon Bahr, State Secretary, Chancellor's Office
Guenther Van Well, Foreign Office
Ambassador Rush
Jonathan Dean

State Secretary Bahr took the initiative to see Ambassador Rush at short notice at the latter's residence December 9 just prior to Ambassador Rush's departure to Berlin for the 12th session of the Quadripartite talks. Van Well had informed us in advance that Bahr was concerned over the possible effects on the Soviets of the line Ambassador Rush intended to take in the December 10 session.²

Ambassador Rush began the conversation by saying he intended to make three points to the Soviets. He wanted to protest the November 28 and December 2 harassments on the autobahn and point out that they were illegal and would complicate the Four Power talks.³ He wanted to tell the Soviets that they were using unacceptable pressure tactics, that in effect they were asking us to abandon not only Four Power rights over access but also ourselves to pay for this abandonment through accepting limitations on the exercise of our own authority in the Western sectors to permit Federal German activities there. We did not like the Soviet tactic of equating each individual concession on the access routes with one limitation on Berlin. We thought it was absolutely necessary to be firm with the Soviets. Naturally we would also be courteous. We did not intend to indulge in polemics.

Bahr said he felt the Ambassador's approach was dangerous. He assumed the Ambassador's motivation was tactical, but tactics could

¹ Source: National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.5, 1970 Four Power Talks, Dec. Commentary on Talks. Secret; Limdis. Drafted by Dean on December 12. The meeting was held at Ambassador Rush's residence. Van Well also drafted a memorandum of conversation; see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2251–2254.

² For discussion of German concerns, see *ibid.* In a letter to Brewster Morris on December 21, Fessenden reported: "Von Staden told me the other day that the original impetus for Bahr's intervention with the Ambassador came from the Foreign Office, not from Bahr himself. When the Ambassador's proposed remarks were first received, Von Staden and others in the Foreign Office felt that the strong statement which the Ambassador proposed to make went too far. The Foreign Office view was that the circuit was already too overloaded with the Soviets." (National Archives, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.5, 1970 Four Power Talks, Dec. Commentary on Talks)

³ See Document 137.

be risky too. We were in a situation where the Berlin negotiations were not only difficult of themselves, but were also loaded down with so many complicating outside issues that the thread of the negotiations might tear. Bahr felt the approach intended by the Ambassador deviated from what was agreed at the Senior-Level meeting,⁴ where it was agreed to be firm on substance and flexible on method. The same approach had been agreed on at Brussels.⁵ Now, there was some risk that without introducing any new substance into the negotiations we might go back to general presentations on topics which have already been thoroughly discussed and on which there is no need to dwell further since it had been agreed that practical improvements were the objectives. The Four Western Governments should remain united in their tactics. There would not be much advantage if Ambassador Rush pushed ahead on a cavalry charge and the others did not follow. Ambassador Rush said to Chancellor Brandt that the German stake in the talks was very great and thus that the German opinion on tactics was most important. He wanted to say that German view now was that the negotiating position in Berlin was not as strong as many might believe. We should not forget that the Western side had increased its substantive demands on the Soviets during the past year. We had started on access alone and now had added on the highly political issue of FRG representation abroad, a question which earlier the FRG had not even dared to discuss privately with the Soviets. The fact that the Soviets are all ready to discuss this indicates that they are interested in the Moscow treaty and indicates that it is of value to them. But we have to watch out that the train will not be derailed. The point might come when the Soviets would say to themselves that the Western Powers were asking more on Berlin than the Soviets were in a position to give and would act on the basis of this conclusion.

Bahr went on to say that the CDU Fraktion session in Berlin was over now and the Western side had drawn from it every advantage which the occasion, including the harassments, presented. It had had favorable impact on the NATO meeting and the NATO communiqué.⁶ But we should not forget the same incident has again shown how limited our position was on the autobahn and our vulnerability to pressures. The Western rights for passage of their military transport was

⁴ Regarding the November 17–18 senior level meeting in Bonn, see Document 137.

⁵ An account of the discussion on Germany and Berlin at the quadripartite dinner during the NATO Ministerial meeting in Brussels, December 3–4, is in telegrams 4542 and 4543 from USNATO, December 3. (National Archives, RG 59, Central Files 1970–73, POL 38–6)

⁶ For extracts from the final communiqué of the NATO Ministerial meeting, see *Documents on Germany, 1944–1985*, pp. 1121–1125.

not affected by this incident. But as regards civilian traffic, the GDR merely had to apply existing procedures on a slowdown basis and then even an air lift could not help and Berlin would suffocate in its own unmovable products. To begin this kind of discussion now might cause the Soviets to regret not having instituted harassments at the time of the Heinemann visit. Consequently they might resume harassments at the time of the pending Brandt visit on December 12. He believed himself that we had made our point and the FRG should abstain, for the duration of the talks, from further similar political demonstrations in Berlin. We should be strong in substance but moderate in method.

Ambassador Rush said he agreed with Bahr's final remark, but could not agree with his concepts of tactics. If we said nothing on the harassments, the Soviets might interpret this as fear and lack of concern. He believed that a strong representation should be made and would do so at the next meeting. Ambassador Rush said he believed we should also make clear to the Soviets that the Western Powers do have rights as regards civilian access and that the Soviets are interfering with those rights by interrupting access. The Soviets should be told that their illegal interferences should stop if they wanted to be taken seriously.

Bahr said he did not think this approach especially wise. He did not believe we could make a good case for Allied rights on civil access before an international court. In any case, the basic issue was a power question and not a legal issue. He did not believe it desirable to raise the theoretical question, because the Soviets would answer in the same way and nothing would come of this.

Ambassador Rush said he also hoped to resist the linkage the Soviets were trying to establish between removal of obstacles and limitations on Federal presence in Berlin. In effect the Soviets were asking us to pay with limitations on our own freedom of action in the Western sectors for accepting their legal view of access, which implied that the Western Powers had no rights of access, and for removing their illegal harassments. Bahr said that he believed that, procedurally, the question of FRG-Berlin links should be treated in two aspects, the FRG presence issue and the foreign representation issue. As long as both of these points were discussed together, he had nothing against a parallel discussion of access and Federal presence. He did oppose linking limits on the Federal presence to access, with no attention to the positive aspects of Federal presence or FRG representation of Berlin abroad.

Bahr said he was of the view that we had already moved rather far ahead on access. We should not by our present tactics let the negotiations come to a point where the material slips out of hand and we

[are] at a loss as to how to pick up the threads again. Ambassador Rush said the Soviets had clearly shown that they were interested in the talks and would not let matters reach this stage. Abrasimov would not let the talks stop. Any decision about stopping the talks completely would come from Moscow and would be a major policy decision which would have little to do with the specific formulations used by individuals in the talks.

Bahr said that Ambassador Rush should not underestimate the role of the Ambassadors in the talks. Ambassador Rush said Bahr should appreciate that our procedural approach in the talks was that we put our points quietly and politely. We did not engage in deliberate dramatics like Abrasimov. He continued to feel we could not let these deliberate harassments in the matter of negotiations go by without remarks from us.⁷

⁷ Fessenden later explained that the Embassy had “deliberately done minimal reporting on Bahr’s intervention [of December 9], fearing that the full impact of what Bahr said would not be well received in Washington.” See Document 154.

143. Editorial Note

On December 10, 1970, *The Washington Post* published an account of statements former Secretary of State Acheson made to a group of reporters the previous day regarding West German Chancellor Brandt and Ostpolitik. Acheson reportedly told the newsmen that he had said much the same thing in the meeting of four “wise men” with President Nixon on December 7. According to the *Post*, Acheson, as the “most disturbed” of the four, insisted that something be done to “cool down the mad race to Moscow.” The Nixon administration, he claimed, feared that Brandt would sacrifice Berlin in order to save his Eastern policy. Acheson, however, contended that the United States must never allow Germany to compromise the status of Berlin. (Chalmers M. Roberts, “Acheson Urges Brandt’s ‘Race’ to Moscow Be ‘Cooled Off’,” *Washington Post*, December 10, 1970, page A8)

Later that morning, Secretary of State Rogers addressed Acheson’s remarks during a hearing of the Senate Foreign Relations Committee. Senator Fulbright (D–Arkansas), the committee chairman, stated: “I was very distressed to see one of the prominent advisers to the President this morning criticize Willy Brandt because Willy Brandt was seeking some way for better relations with Russia.” Rogers interjected that

Acheson “is not a member of this administration and does not reflect our views” either on Ostpolitik or the German Government. “[W]e not only support it,” Rogers explained, “but we have encouraged them.” (Telegram 202404 to Bonn, December 12; National Archives, RG 59, Central Files 1970–73, POL 1 EUR E–GER W) A spokesman for the Department of State reiterated the point at a press briefing on December 11: “Mr. Acheson is a private citizen and he does not speak for the Administration.” “[A]s a general policy, we welcome and endorse the Federal Republic of Germany’s efforts to normalize relations with the East,” the spokesman continued. “We believe that these efforts complement our own efforts to seek improvements in the international situation.” (Telegram 202226 to Bonn, December 11; *ibid.*)

On December 10 West German Ambassador Pauls raised the *Post* article in a meeting with Assistant Secretary Hillenbrand. Although he was aware that the opinions of private citizens could be officially disavowed, Pauls was concerned that views critical of German policy had been expressed to the President, especially by such prominent political figures as Acheson and McCloy. “This could present a problem for the German Government and be an obstacle to close cooperation with the U.S.,” Pauls warned. Hillenbrand could only repeat that the *Post* article “had not linked the reported Acheson remarks to any White House views, nor was Mr. Acheson an authorized spokesman for the U.S. government.” (Memorandum of conversation, December 10; *ibid.*)

On December 11 Pauls met Acheson himself to correct any misconceptions on Ostpolitik. “Germany did not have two policies, an eastern policy and a western policy,” Pauls explained, “but only one policy, which was based primarily upon its relations with the West and an attempt to improve the fate of their captive brethren in East Germany.” According to Acheson’s account, Pauls was “upset by the vigor of my language—‘the mad rush to Moscow’—and the severity of my criticism of the Chancellor. He hoped to persuade me that I had been in error.” Acheson, however, was not persuaded. The German attempt to “negotiate with the Soviet Union a recognition of the status quo,” he argued, “not only was an exercise in futility but was divisive with regard to the united policies both within Europe and between Europe and North America.” “Furthermore, having negotiated with the Russians in the past on the Berlin question, I saw no more likelihood now than in earlier periods for any improvement in access or other recognition of interests other than Russian or East German interests.” (Memorandum of conversation with Pauls by Acheson, December 11; Dean Gooderham Acheson Papers, Manuscripts and Archives, Yale University Library, Box 68, Folder 173)

Brandt evidently did not share Pauls’ concern. On the same day that Pauls met Acheson, Brandt discussed the *Post* article with Ambassador Rush in Bonn. Rush raised the issue, citing the Secretary’s

clarification before the Senate Foreign Relations Committee. Although he appreciated Rogers' statement, Brandt "laughed off the affair." "We have some of the same kind of problem here," he replied. "It is a healthy thing to have this kind of debate; it keeps us on our toes and encourages us to keep re-thinking what we are doing." (Telegram 14318 from Bonn, December 11; National Archives, RG 59, Central Files 1970–73, POL GER W–US)

Kissinger may have discussed the "affair" with Acheson when the two men met for lunch on December 15. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76, Record of Schedule) To prepare for the luncheon, a member of the National Security Council staff gave Kissinger a copy of the official reaction to the *Post* article from the Department of State. (Memorandum from Robert Houdek to Kissinger, December 12; National Archives, Nixon Presidential Materials, NSC Files, Box 807, Name Files, Acheson, Dean) No record of the discussion with Acheson has been found. Kissinger, however, addressed the issue in a meeting with editors of *The Washington Post* on December 17:

Question: Would you comment on the German Ostpolitik and on where Dean Acheson's views fit in with those of the Administration?

Answer: There was no special significance to the fact that Acheson, Dewey, Clay and McCloy came in recently. The President has made a policy of from time to time meeting with them. And it just happened that their turn came up. McCloy's views are well known on Europe and one would expect him to have certain views on Ostpolitik and their effect on NATO. The President's job in this situation is to listen to their points of view and to other points of view. It does not mean necessarily that he agrees, but these are people that he respects and which he likes to hear from.

"We are not opposed to Ostpolitik. We don't want to interject the United States into German internal politics. We did not open the negotiations with the Russians, nor did we establish a linkage between the Ostpolitik and the Berlin negotiations. Quite frankly, we do not know why people are complaining that we are dragging our feet. There has actually been no concrete proposal as yet on which we could act. In general, I believe that the Berlin situation really can't be improved very much. Historically, access to Berlin has become more difficult as East Germany has grown in sovereignty over the access routes. There are all sorts of administrative procedures which they could use against us. An ingenious bureaucracy can invent innumerable ways in which to harass access to Berlin. There is nothing in the treaty which could prevent this and it could even be legal.

"The real improvement is going to depend on the relationship between East and West Germany. If each believes it is in its interest to

have better relations and less friction with regard to Berlin, then there can be a meaningful treaty. One must admit that the Soviet attitude on Berlin has been quite puzzling, since they could get the Berlin situation settled by making a few concessions and this would force ratification of the Ostpolitik. No German politician is going to stand up and say he is against a rapprochement with the East Germans. I predict that when the Ostpolitik treaty is ratified it will be unanimous. Why then have the Soviets been so inflexible? One could say that perhaps the East Germans have more of a veto over their actions than we think. It could also be simply that the Soviets think they are going to get their way without giving any concessions, or it might be explained by a difficulty within the factions of the Soviet leadership which we discussed earlier." (Memorandum for the record, December 17; Library of Congress, Manuscript Division, Kissinger Papers, Box 269, Memoranda of Conversations, 1968–77, Chronological File, Dec. 1970–Aug. 1971)

Three days later, Rogers called Kissinger at home to discuss "this German situation," in particular, the President's recent meeting with Acheson, McCloy, Dewey, and Clay. Kissinger acknowledged that he had attended the meeting. After a brief interruption, the conversation continued:

"R: Did he indicate to them he wanted them to sort of sound off?

"K: Absolutely, definitely, totally not! It had absolutely . . . You know, you have heard him on what he thinks of Ostpolitik, and he may have made a few remarks to that effect. I'll let you see the notes. I've got them. As I told you, the purpose of the meeting—the primary purpose was to avoid a meeting with the Arms Control group and to give McCloy a chance to sound off. Most of what McCloy said had nothing to do with Brandt, but had to do with something that we had already done; namely, not withdraw troops. Two-thirds was the speech he always makes. Then he made a few comments about Brandt. Then Acheson made what he's now said to every newspaper. The President made a few general remarks, and then they talked also about other things. But the purpose of the meeting was in no sense . . . It was a total accident that it came about at that time.

"R: Well, it's causing a hell of a lot of problems. We are running into a real head-on struggle with it with the Germans because they just think we are lying to them. I guess you saw the article in the [*New York Times*] this morning [see Document 149].

"K: Yeah, but they have sent us a cable saying they've been trying to kill that. Have you seen that?

"R: No, but whether they were or weren't, the fact is that this is how they think. And Acheson, instead of keeping [omission in transcript: quiet?], he said it again in the paper. He reasserted what he said.

"K: Yeah, well, that's inexcusable.

“R: You know, if the President wants to create a crisis with the German government.

“K: No, no, but believe me, that isn’t what he . . . He had no such thought, and there is no possible way . . .

“R: I know, but the point is, Henry, he’s got to wise up for Christ’s sake. He can’t go around and talk to those four gossips and tell them what he thinks without them telling everybody. Christ, I heard Dewey at the party the other night. He was telling me he’s delighted—this is just what we need. I said, well, for Christ’s sake . . .

“K: What is what we need?

“R: Well, what Acheson is saying. In other words, if the President tells those four fellows what’s on his mind, if he sort of lets his hair down and thinks they are going to keep it to themselves, he’s as naive as Eisenhower. Jesus Christ, they’re the biggest gossips you can find. They’re bigger than [*Washington Post* columnist] Maxine Cheshire. They’ll tell everybody that [*what?*] they see and they would all like to be Secretary of State. In fact, they think they are. Jack McCloy is pushing his law firm, too. He’s telling all his God-damned clients, and he’s got the Arabs coming into his office as if he’s running the God-damned government.

“K: But you know how it happened, Bill. It wasn’t that he had wanted to tell them what he thought. You know how he is. When people talk to him this way, he has a tendency to fall into the mood. This was not intended as anything except a hand-holding session which he does maybe two or three times a year with these guys, and it’s taken on because of Acheson’s public popping off . . .

“R: Well, McCloy is telling everybody, too. When the Arabs now come to this country, they stop in to see him in his law office.

“K: But he hasn’t even talked to McCloy about the Arabs . . .

“R: That doesn’t make any difference at all.

“K: . . . in a year.

“R: He’s got them all thinking. What I’m saying is that each one of these . . . Now, Dewey is a little bit different. He said to me the other night—he said, ‘I’m not even sure what the hell we’re doing.’ He said, ‘Henry has given me a lot of papers to look over on things, and I read them over. I’m not sure . . .’ He was talking about Indochina in this case. We have to figure out what the hell kind of mischief we can get into, not through design but through inadvertence.

“K: You are absolutely right. I agree with you, Bill. We have to be more . . .

“R: Discreet about things. I would have absolutely no objection if the President decides, ‘Look it, I want to get four old guys in here and use them for purposes of sounding off and pretending that I’m wash-

ing my hands of it.' That's all right. I'm perfectly prepared to play by any game plan.

"K: No, but that isn't what it was, and you know isn't.

"R: No, but that's what I'm saying. That's why . . .

"K: That's how it's coming out.

"R: I don't get annoyed at . . . whatever the President decides, after he reflects on it, if he decided to follow a course of action, I am prepared to give full support even though I at times may not agree, but it seems to me that's my role. I should do that. On the other hand, I get madder than hell when, by inadvertence, we stumble into things that really . . . It just makes it . . .

"K: Well, I agree with that part of it. I think there are two parts of it. One is that these guys have been totally indiscreet about a conversation which really was designed to give McCloy a chance to say we shouldn't withdraw our troops. Secondly, the Germans, of course, are playing a deliberate game now at pretending that we are keeping them from an agreement and shifting their problems to us. Now, they are not all that innocent in this thing, either. Ehmke was popping off around town here in October at a time that we were keeping them from a Berlin agreement, at a time when there wasn't the slightest excuse that we were dragging our [feet]. In fact there is no excuse for it now.

"R: I'm sure that's true, and . . .

"K: But we still shouldn't give them the excuse . . .

"R: There, again, I know . . . I'm not plugging for the Germans. I don't give a damn if the President wants . . . Suppose he decides that we want to oppose them. It's bad to say it publicly.

"K: Well, if we want to oppose them, you are of course, absolutely right. We shouldn't use Dewey, Acheson and McCloy.

"R: Or if we are going to use them, let's use them in a planned way. Say, look it, here's a good way of talking out of both sides of our mouths and getting away with it, if that's what he wants to do. But we . . . Just because we haven't thought it through, we stumble into these things. Now you know damn well, if you know McCloy, what he does. He's got a hell of a big law firm. He's got a hell of a lot of oil clients. He likes to be in on matters in Europe because that also helps his law firm. He's getting garrulous as hell and you know he's going to tell everybody that he sees about it. As far as the arms control thing, he didn't help himself. In fact, the President is going to have a greater problem with those people because they are all sore now. They say, well for Christ's sake, he sees Dewey, Acheson, McCloy but he won't see his own Committee.

"K: McCloy has been a little tricky about [?]. McCloy, himself, said that if he saw a small group and he were a part of it, that would take care of his committee.

“R: Of course, he didn’t say that to his committee. Right in front of his committee is when he came . . .

“K: No, you told me that.

“R: He told me that this had nothing to do with his committee and it was not a substitute and that you had urged him to come in to see the President and this wasn’t a substitute at all, and he was sort of pressed . . .

“K: Hell, I don’t like McCloy particularly. I think he’s one of the most over-rated men in America.

“R: Well, I think probably in his day he was all right, but . . .

“K: I mean, he talks a lot. I think he’s completely outdated as far as Europe is concerned. He remembers the Germany and the Europe of the early ‘50’s. You can’t push them around like this anymore.

“R: No, and I mean he was . . . I mean you’ve got Clay and McCloy and Acheson all who feel that they have a sort of a pride of ownership of Berlin which is all right.

“K: But you know it was the President who thought up this group. He called them all separately. I only learned about it afterwards. It grew up after some Gridiron dinner when he was talking to Dewey and he’s seen them twice, I think. You remember when he saw them once before.

“R: Dewey is a little more discreet, and I think Dewey is a little perplexed himself. He said he wasn’t sure what the point was; on the other hand, he said he and McCloy were really applauding what Acheson has been saying—they said, that’s just right; that’s what we ought to do. And I said, well, for Christ’s sake, if that’s what we ought to do, it ought to be done by a program—the result of a program and not by the result of an accident.

“K: Incidentally, I don’t know whether you saw the traffic on some other stuff. Last week, Ehmke called me up—you know who he is—and said that he had missed me on that trip when he was over here and he was going to be over here and could he see me. So, I said fine. The next thing I knew he was saying he was coming over especially to see me. So I told Marty to join me so that it isn’t a White House/Ehmke conversation.

“R: I wonder about these things. Every time Strauss, even if Marty’s there, he goes back and tells everybody that he’s got an ‘in’ and that what we are saying publicly is not what we are saying privately. He uses you, too, for his own political advantages.

“K: Well, he’ll use anybody.

“R: I know it. Well, I think we have two major problems with our two major allies—Germany and Japan—in which we are heading into a hell of a storm.

“K: Well, I think we ought to wind up the textile negotiations one way or the other this week.

“R: We’ve got a major storm buildup in both places, and both of them are inexcusable. There’s no God-damned reason for it. Insofar as Germany is concerned, nothing has happened up to date that should cause us to have any concern. Now obviously, things could happen in the future that would be unfortunate. Obviously, we have to guard against those, but it seems to me the way to guard against them is try to be reasonable as hell and say, sure, this is a good direction in which to move. We’ve got to watch things, etc., etc.

“K: Well, my personal view on it is this. I agree with your statement. There’s nothing we can do about [it] and we shouldn’t try. I think that the basic direction of German policy, even though Brandt is a decent man and wants to stay with the West, is going to lead to German nationalism and is going to give over a period of time the Soviets an increasing voice there, but that is nothing we can do anything about by Acheson-like statements.

“R: Well, I’m not so sure. I agree with you there’s nothing we can do about what they have done. I mean, how the hell can anybody take issue with that? I think there’s a good deal we can do about the future, but I don’t think this is the way to do it.

“K: Oh, I agree with that.

“R: Taking the case in NATO, there was general agreement among everyone, including the Germans, that there were pitfalls; we had to be careful; the Germans vowed in public and in private that they would not get out of step, etc., etc. Now, obviously, that may be wrong; obviously, they may be misleading us. But, Christ, we don’t want to be . . .

“K: No, I don’t think they’ll do it deliberately. Well, I think Bahr is, of course, totally unreliable. You agree with that. And I think Scheel is a dope, but that’s neither here nor there. I think the basic trend is going to lead towards a more nationalistic policy, but the worst thing we can do is behave like a maiden aunt, clucking our tongue without having a concrete proposal.

“R: And, of course, the building nationalism which is not only growing in Germany but everywhere—but particularly in Germany—is going to be more than assisted, and really increased at a real fast tempo if they can say that the United States is treating Germany as if they are a God-damned puppet. I mean, here we are trying to do the best we can to improve our relations with the Soviet Union, and the United States is talking out of both sides of its mouth. That’s what frightens me and, as you noticed, the Russians are exploiting that now. The Russians and their propaganda—if they don’t believe what the Americans tell you publicly because they are lying to you. What they

really think is what they are saying privately, and what they are saying privately is that you have no right to do anything you want to that helps you. I mean, if you don't do what they tell you, why they won't like it.

"K: I think we should, in general, applaud détente and specifically trying to stay out of as much of their internal dispute we possibly can.

"R: And, three, don't let them do anything . . . Don't agree to anything that we don't think is acceptable.

"K: We shouldn't break the back of the people who worked with us in Germany for 20 years, but none of this requires Acheson popping off and none of this requires public posturing. I think the stance you've taken is the one that I agree with.

"R: You know, we got the NATO allies now in NATO to repeat exactly our position; that is, our position is fine, this is good; we think you ought to move in the direction, but only on the conditions that you, yourself, have stated. The conditions you've stated are that there have to be satisfactory solutions to the problem of Berlin, and we all agree what those solutions should be—certainly in terms of principles. There should be free access; there should be communication between the two parts of Berlin; there should be better postal facilities and better phone facilities. All these other things by and large are things that the Russians won't be able to do probably.

"K: On Berlin? Yeah. Well, on Berlin I think there's no disagreement at all. On Germany, as between you and me, I think that the trends, simply based on German history and the personalities, are more dangerous than one can deduce from what they are now saying and doing. But still, it is beyond our ability to affect by the sort of thing that Acheson is doing.

"R: That's right. But suppose we decide that we should do everything we can to prevent the trend that you are speaking of . . .

"K: No, I don't think . . .

"R: Even if we decided to do that, though, the way to do it is to fasten on to Berlin.

"K: Absolutely.

"R: Because the Russians can't get off that hook; if we keep the Federal Republic in line, the Federal Republic says there has to be a satisfactory solution to the problem of Berlin; it has to be a solution acceptable to the allies. We understand that we can't do anything; unless there's a satisfactory solution, we won't ratify the treaty either with Russia or Poland. Unless there is a satisfactory solution, we won't have a European Security Conference. We all agree what a satisfactory solution is. Now the Russians can't accept our satisfactory solution.

"K: I feel that the policy we have, in fact, been pursuing over the last year or so is correct."

After further discussion—which, due to an apparent gap in the tape recording, was not transcribed—the two men continued their exchange on the “crisis” in German-American relations:

“K: I mean supposing Brandt came to Acheson and said, ‘All right, what do you want me to do?’ What would he tell him?”

“R: I asked McCloy the other day—he said that he was afraid that the developments of Ostpolitik would prevent a peace treaty being signed. I said, ‘Well, now let me ask you now. Do you seriously think that a peace treaty can be signed? Can we reach a peace?’ He said, ‘Well, no.’ I said, well, what’s your point then? You know, a peace treaty is out of the question.

“K: And, you know, so what? Supposing there isn’t that much glory in a peace treaty for us to sign. He says the Germans are making peace with the Russians without us. Well, you know, so what?”

“R: You know, that’s what . . . Dean Rusk was there. He said to McCloy, ‘So what, suppose they make a peace treaty we like. What’s wrong with it? If they make one we don’t like, there’s a hell of a lot wrong with it.’

“K: Yeah, but if they do something we don’t like, they can do it in the form of a lot of other things other than what is called a peace treaty. They are going to be the first victims of an unfavorable peace treaty, not we.

“R: Of course. And, as a matter of fact, if we decide that they are moving in a direction we don’t like or moving in a way which is wrong, we probably by our actions can have the government thrown out.

“K: Well why don’t we do this, Bill. We have two problems: (1) we have the German one—let me put that aside for one second; (2) we have the problem of these four garrulous old men. I think the way to handle that is to let you know ahead of time when the President is thinking of calling them, and that way, we avoid any impression—and I will do that.

“R: I think if we go into it again, I’d better be there because at the end of the meeting I would like to say to them, if he is going to have them (I think he should quit seeing them) but if he should, I think then we should say to them, ‘It is understood that this is not for the purpose of having you make statements after you leave.’ Obviously, if you go to the White House, then you come out and have a press conference and say a lot of things, people think you are authorized to say them.

“K: Well, the thought that they might make statements—that was probably naive for the press—it didn’t occur to anybody, so it was always understood that these were private meetings. But I see no reason in the world why we can’t do it on this basis. (A) They should be kept . . .

“R: Why does the President announce these things to the press anyway? Why doesn’t he just go ahead and have the meeting. He sees some people without telling the press and other times, he does it.

“K: Frankly, what must have happened there—I had nothing to do with that part of it. Ziegler must have come walking into the office and he must have just run through his list with him. But . . .

“R: I sometimes think he gets sort of carried away with how much news he’s going to make that day.

“K: Well, the whole news policy is something that, if it were my business, I would express some views on, but I think this watching every day’s news summary drives one crazy, and is fruitless.

“R: I think so, too.

“K: Because things disappear. Three days later, no one knows what one was so excited about.

“R: Right. And whether you are in the paper every day or not . . . In the first place, the President is bound to get a lot of attention, and secondly, you don’t gain, anything by trying to get a little more coverage.

“K: Now, on the German policy, I think we should just . . . My own view is that we shouldn’t protest too much one way or the other. We should just say there’s a general agreement—the details we don’t get into, or something like that. And on Berlin, play it the way we are doing it.

“R: Yeah, I think so. So far, the way we’ve played it in Berlin is good. We’ve gotten the Russians confused as hell and I don’t think anything is going to happen between now and their [Party] Congress.

“K: And I’ll be damned though if I understand what the Germans are saying that we are holding up in Berlin. There has never been a proposition that we could accept or that they have asked us to accept.

“R: I don’t know if they are saying that, have they said that?

“K: Well, no, they are not saying it as a government. Ehmke said it when he was over here or Joe Kraft claimed but Kraft is such a son-of-a-bitch that you can’t tell what . . . whether he made it up or whether Ehmke really told him that.

“R: Kraft just says things like that to get us to respond to find out what our answer would be if they said it.

“K: Yeah, yeah.

“R: That’s his technique.

“K: But if he . . . I think basically on Berlin there is no problem. There oughtn’t to be a problem.

“R: I don’t think there is.

“K: On the basic Ostpolitik, I think that an artificial crisis, they are not doing anything now.

“R: That’s right. It is true that there may be a crisis.

“K: But then I think . . . I agree with you, we ought to decide it, you ought to announce it. Certainly you don’t want to use Acheson to popping off all over the place to set our German policy.

“R: Well, Henry, if we decide this—to have a policy to try to announce public policy and at the same time we want to express some reservations privately, let’s figure out the best way to express them privately. Just that simple, how do we want to do it? Sure as hell we don’t want to do it with Acheson, McCloy, Dewey and Clay.

“K: Yeah. No, it turned out unfortunately.” (National Archives, Nixon Presidential Materials, Henry Kissinger Telephone Conversation Transcripts, Box 29, Home File)

144. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, December 11, 1970.

SUBJECT

Berlin Talks—Preliminary Assessment

The Four Ambassadors met in Berlin for their 12th session on December 10. The full cable traffic has not yet arrived, and we will do a detailed status report on Monday.² However, in case questions come up before then, I thought you would want at least a brief report on and evaluation of the session.

General principles. Abrasimov produced a formulation for the general principles part of an eventual Four Power agreement (the text is at Tab A).³ The formulation is couched in extremely vague language,

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret. Urgent; sent for information. Kissinger initialed the memorandum indicating that he saw it. According to another copy, Downey drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 10, Chronological File, 1969–75, 21 Nov.–31 Dec. 1970)

² No “detailed status report on Monday [December 14]” has been found. The cable traffic is as follows: telegram 1925 from Berlin, December 10, and telegrams 1929 and 1930, December 11. (All in National Archives, RG 59, Central Files 1970–73, POL 38–6)

³ Tab A is telegram 1924 from Berlin, December 10; attached but not printed. (Also *ibid.*)

and purports to provide for agreement on three points: non-use of force by the Four Governments “in the area of their respective responsibilities and competence”; the existing status in “that area” cannot be changed unilaterally; and avoidance of interference in the internal affairs of others or action which could violate their sovereign rights, public safety and order. The Soviet formulation is much too vague and potentially full of traps. It may thus be a very mixed blessing that the Soviets have finally, after much prodding, offered a specific written text instead of vague oral generalities.

Access. Claiming it was a major concession, Abrasimov said that the Soviets were prepared to say within the “framework” of a possible Four Power agreement that:

“transit between the FRG and West Berlin would take place in accordance with generally accepted norms and principles of international law, *without interference, and on a preferential basis.*”

Abrasimov said that this proposal was based on the assumption that “illegal” (by Soviet definition) FRG political activities in West Berlin would cease.

Moreover, Abrasimov added that the GDR considered it possible, if the Four Powers reached agreement on all issues, to provide for the following procedures for transit to Berlin:

- the number of freight and passenger trains could be increased, and determined by the actual need;
- through-express trains to Berlin could be possible, as well as sealed cargo transport (not passengers) by rail, road and water; finally,
- certain freight documents might be eliminated.

These procedural provisions, Abrasimov said, could be contained in a written statement by the GDR, which in turn would be covered by a Soviet document. In this way, the Soviets would “join” in the undertaking.

Ambassador Rush pointed out that these proposals, while interesting, still did not meet the West’s interests since there was no real Four Power agreement on access, no commitment to avoid harassment on the access routes, and no reference to the principle of identification without control. All three Western Ambassadors agreed that the Soviet proposals were worth study, but all cautioned that the Soviet “concession” was in fact not too great.

Federal presence. As always, Abrasimov hit hard on the question of federal presence and Bonn-Berlin ties. Bundestag fraktion sessions clearly had to be eliminated, along with Bundestag committees. On the point of federal offices in Berlin, for the first time Abrasimov suggested (during a coffee break) that cosmetic changes might be sufficient—the federal offices might be identified as cultural and economic represent-

ation to the Senat, or liaison offices. Abrasimov also again insisted on a prohibition of neo-nazi activities and stricter conformity to demilitarization requirements in West Berlin. Finally, he again urged that the Three Powers state precisely that West Berlin was not a part of the FRG and not a Land of the FRG.

This last point caused some confusion when Ambassador Rush said that any arrangements relating to Bonn-Berlin relations must be balanced—it must note what is prohibited, but also some positive statements ensuring the continuation of ties. Abrasimov said that Gromyko had agreed with Rogers, Schumann and Douglas-Home that the Ambassadors were to consider only the exclusion of certain activities.

The next Ambassadorial session will be held on January 19, but advisers' meetings will be scheduled earlier. The Three Western Ambassadors resisted Abrasimov's repeated attempts to insert a positive note (constructive, progress, etc.) into the communiqué of the session. Both the US and the British Ambassadors opened their remarks by protesting the recent autobahn harassments, but the French Ambassador remained silent on that point.

Comment

The Soviets may well claim that their concessions are major and that they had to exert major pressure on the GDR to be able to offer them. (The concessions being (a) Soviet willingness to take some vague responsibility for access by a formula for the first time associating the USSR with the civilian access arrangements; and (b) willingness to maintain in changed form the presence of FRG administrative organs in West Berlin.)

In fact, the Soviets have given only very little, though it may be true that even that caused a major uproar with Ulbricht. Meanwhile, there remains the question of the Soviet *price* for what they purport to be giving. This continues to involve (a) a substantial grant of control over access to the GDR; (b) a major curtailment of the FRG's political ties with Berlin; (c) the raising of the Senat to near-sovereign status; and (d) as yet a covered card, almost certainly an increased Soviet presence in the Western sectors.

On the basis of all of this, I do not see where serious progress has been made.

145. Letter From German Chancellor Brandt to President Nixon¹

Bonn, December 15, 1970.

Mr. President,

The Treaty which the Polish Prime Minister and I and our Foreign Ministers signed last week is intended to help ensure, without prejudice to the rights of the Four Powers in relation to Germany as a whole, that the problem of the Oder-Neisse Line will no longer be a political burden on the relationship between the Federal Republic of Germany and Poland, and an impediment to an East-West détente in Europe. The realization of the necessity of this step does not mitigate the feelings of sorrow which move my fellow countrymen and me when we think of the territories which were German provinces for many centuries.

I am grateful for the understanding which you and your Administration have in this particular instance shown for the policy of the Federal Republic of Germany.

My talks with Mr. Gomulka and Mr. Cyriankiewicz have given me the impression that the Polish side will seriously endeavour to cooperate constructively in improving relations with the Federal Republic of Germany.

As was to be expected, the greater part of my talks was taken up by bilateral problems. I emphasized, as I had done in Moscow, that the Federal Government was in no position to provide government credits for the development of economic relations.

The realistic attitude shown by the Polish leaders was remarkable. They take it for granted that the Federal Republic of Germany and the Polish People's Republic are and will remain loyal partners of the existing alliances. We were in agreement that the treaties of Moscow and Warsaw were politically interrelated. I informed them, without any negative reaction, that this interrelationship would also become evident when the matter is debated in the German Bundestag.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Willy Brandt, May–Dec. 1970. No classification marking. The source text is the official translation from the Department of State, which Eliot forwarded as an attachment to a memorandum to Kissinger on December 18. (Ibid.) The letter was delivered to the White House on December 16; see Document 146. For the original German text, see *Dokumente zur Deutschlandpolitik, 1969–70*, pp. 982–83. For the nearly identical version Brandt sent Heath on December 15, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2273–2275. For memoir accounts of the letter to Nixon, see Bahr, *Zu meiner Zeit*, p. 354; Kissinger, *White House Years*, p. 800; and Sutterlin and Klein, *Berlin*, pp. 130–131.

At the Warsaw Pact conference in East Berlin, the DDR sought to sow the suspicion that in the negotiations on Berlin the West is trying to isolate the DDR and to wreck the negotiations by making excessive demands. In setting forth my counter-declarations, I was fortunately able to point out that there were no differences of opinion between the Three Powers and the Federal Government on the negotiating positions regarding Berlin.

My own impression of the Berlin talks is that the last round has produced a number of points of departure. In my opinion it is now important for the West to retain the initiative. I want to give this to consider, that the West should propose that the Berlin negotiations be given a conference-like character in the coming year. If you, Mr. President, were to accept this idea, we could instruct the quadripartite group in Bonn to work out details. I have also written to the President of the French Republic, Monsieur Georges Pompidou, and the Prime Minister of Great Britain, Mr. Edward Heath, putting forward the same suggestion.

I have addressed a few lines to the Soviet Prime Minister, Mr. Kosygin, to dispel any possible apprehension that the Federal Republic of Germany was seeking to create additional difficulties in the Eastern Bloc by means of the Warsaw Treaty.

In conclusion, I should like to take this opportunity to wish you every success in your responsible office and the best of health during the coming year.

Please accept, Mr. President, the expression of my high esteem.

Sincerely yours,

Willy Brandt

146. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 16, 1970.

SUBJECT

Your Meeting with Ambassador Pauls, December 17, 1970²

This looks like it will be a messy affair. The following rounds up for you material (with Tabs) bearing on the situation.

1. The Germans are obviously at least confused and probably deeply troubled by their reading of our attitude on Ostpolitik. They have long been aware of differences between the White House and the State Department (and indeed people like Pauls, who have their own doubts about the Ostpolitik, have been diligent in reporting home whatever adverse comment from here they could pick up). It now seems, however, that the SPD people around Brandt are convinced that we are trying to torpedo the Ostpolitik.

—The Germans noted Acheson's comments after the December meeting with the President and the Springer Press was quick to pick them up as being in effect White House comments which we did not want to make ourselves. (See Tab A)³

—The SPD is deeply suspicious about Strauss' two trips to the US. Strauss himself has publicly let it be known that he found Secretary Laird and the President are very critical of the consequences of Ostpolitik (Tab A).

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany, Vol. VIII. Secret; Nodis; Sensitive. Sent for information. According to another copy, Sonnenfeldt drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 10, Chronological File, 1969–75)

² Pauls called Kissinger on December 10, the same day *The Washington Post* published Acheson's call to "cool down the mad race to Moscow, to request an appointment as soon as possible. When Kissinger asked if some politicians in Bonn had been "screaming again," Pauls replied: "There are a number of points of common interest and I would like to see you alone." (Ibid., Box 365, Telephone Conversations, Chronological File) Kissinger met Pauls on December 17 from 5:14 to 5:45 p.m. (Record of Schedule; *ibid.*, Miscellany, 1968–76) No U.S. record of the discussion has been found. Pauls forwarded an account to the German Foreign Office. According to Pauls, Kissinger explained that Nixon valued differing points of view, even if the source was occasionally a "pain in the neck." See *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2292–2295.

³ Tab A, attached but not printed, is telegram 1610Z from USIS/Bonn to USIA, December 14, which included excerpts from recent articles in the *Frankfurter Allgemeine Zeitung* and *Die Welt*.

—In addition, Bahr has told [*less than 1 line not declassified*] that you broke your “agreement” with him that we would keep the government informed of any dealings we have with the CDU (Tab B). (The German Minister telephoned me just before the last Rockefeller dinner⁴ to inquire about whether Strauss would be seeing you, and also asked about Strauss’ earlier visit and his talk at that time with the President. I did not say anything beyond that I understood that Strauss might be coming to the dinner but that I knew nothing of any separate appointments.) Bahr claims that, in contrast to the US, the Poles first inquired of the Government how the recent Barzel visit should be handled and the Soviets did likewise in connection with Schroeder’s forthcoming visit to the USSR. He commented that “two can play at the game” of not keeping agreements and referred to the possible visit of Senator Muskie to Bonn. (Tab B)

—Bahr and other Germans are also claiming that we are dragging our feet on Berlin, asserting that Hillenbrand had consented to an agreed Western line when he was in Bonn in November (and Rogers at the NATO meeting)⁵ but we subsequently went it alone along a harder tack. According to Bahr, the deal had been firmness on aims but flexibility on tactics. (As we reported on December 11 (Tab C)⁶ Ken Rush did in fact hold to a firm line, as he was justified in doing in view of the phony concessions offered by the Soviets.)

—Bahr and other Germans argue that we live in a fool’s paradise if we think we can hold out on Berlin since time is on the side of the Soviets and the Berlin population wants a settlement. (Bahr has made the same statement to the Soviets.) It is worth recalling that it was Bahr who invented the theory that the pressure for a Berlin settlement would be on the *Soviets* because they would want so avidly to obtain ratification of the Moscow treaty.

—The Soviets, needless to say, are feeding Bahr’s and Brandt’s (induced chiefly by Bahr) view of US footdragging. Soviet Ambassador Tsarapkin, in a talk with Brandt on December 15 (see below) charged that the US above all is responsible for the slow progress on Berlin, whereas the Soviets wanted agreement as soon as possible.

⁴ A memorandum of conversation at the Rockefeller dinner on December 2 is in the Library of Congress, Manuscript Division, Kissinger Papers, Box CL269, Memoranda of Conversations, Chronological File, Dec. 1970–Aug. 1971.

⁵ Regarding the senior-level meeting in Bonn, November 17–18, see Document 137; the NATO Ministerial meeting in Brussels, December 3–4, see Document 142 and footnote 5 thereto.

⁶ At Tab C, attached but not printed, are Document 144 and telegram 1924 from Berlin, December 10; the latter is also in the National Archives, RG 59, Central Files 1970–73, POL 38–6.

—Bahr also claims that we in effect double-crossed the government on the matter of the recent CDU/CSU fraktion meeting in Berlin. He asserts there was agreement that it would be discouraged but that we then became passive while only the French made an effort to stop the meeting. (In fact, the Western agreement was that there would be no agreement around the time of an Ambassadorial meeting. Since the next Ambassadorial meeting was two weeks off we did not interpose objections to the CDU/CSU meeting; the French did.) Curiously enough, in this connection, both Brandt and President Heinemann visited Berlin within a few days of the last Ambassadorial meeting.

2. All of this puts in a somewhat peculiar light a letter to the President from Brandt which was delivered to us today. (Text and unofficial German Embassy translation are at Tab D.)⁷ (Brandt had told Rush some time ago he was sending it and Rush so reported to State. Sahm today also summarized the contents to Fessenden. The original has therefore been sent to State for translation and recommendations.)

Brandt's letter is basically a report on his Warsaw talks but it includes his expression of gratitude for our support for the FRG's policy, especially in regard to Poland. (On the record, we have of course given such support through the voice of the Secretary of State, publicly and privately earlier this month at NATO in Brussels, in the last two NATO ministerial communiqués, in his Congressional testimony of December 10 attacking Acheson and supporting Ostpolitik and in the Department's press release the following day doing likewise.) More than that, Brandt tells the President that he was able to assure the Poles that there was absolutely no difference between the Western powers as regards Berlin negotiations.

3. At the same time, Brandt's letter asserts that the last round of talks on Berlin produced a number of "points of contact" (Anknüpfungspunkte). Consequently, Brandt proposes consideration of the idea of giving the Berlin talks a "conference-like character" in the New Year. Bahr [*less than 1 line not declassified*] advanced the idea of raising the level to Hillenbrand and his friend Falin. Sahm, in summarizing the Brandt letter to Fessenden (Tab E)⁸ left open the question of level but explained that Brandt wanted an intensification so that the talks would be in "continuous session" rather than periodic one-day affairs. The reasoning, according to Sahm, apart from generally speeding up the negotiations, is that if there are no intervals the GDR would be less able to work "negatively on the Soviets."

⁷ Attached but not printed. The official Department of State translation is Document 145.

⁸ Tab E, attached but not printed, is telegram 14480 from Bonn, December 16; also in the National Archives, RG 59, Central Files 1970-73, POL 15-1 GER W.

Bahr also mentions having a more or less permanent four-power session at the higher level in Berlin with simultaneous talks there between Bahr and the East German, Kohl. The point is that the four powers would work on an umbrella agreement while the Germans would deal with the details of access, the whole to be combined in a package that would imply ultimate Soviet responsibility for access without formally derogating from GDR sovereignty. (As we pointed out on December 11, Tab C, the general format of an agreement has been agreed with the Soviets. The crucial sticking points are on the *substance* of the agreement.)

4. Brandt has sent similar letters to Heath and Pompidou and has also written more briefly to Kosygin. In delivering the letter to Kosygin to Soviet Ambassador Tsarapkin, Brandt said he had never made a juridical link between the Berlin talks and the treaty ratification but had emphasized the “importance” of a positive Berlin settlement for ratification. Brandt also expressed the conviction that Berlin would be settled early next year and ratification would then follow quickly (Tab F).⁹

[*less than 1 line not declassified*] Bahr spoke of the possibility of visiting the US again, of Brandt’s coming here and of either one of them doing a Face the Nation program. We had previously sent you a memo on a tentative Brandt visit to Indianapolis in connection with CCMS in May (Tab G).¹⁰ You approved a telegram instructing Embassy Bonn to welcome such a visit and holding out hope for a meeting with the President. This has been conveyed to the Germans, who expressed satisfaction.

Perhaps after your talk with Pauls we could have another brief chat to see where we go from here internally within the Government. In view of past experience a new NSSM seems fruitless. At the very least, State should be called upon to provide the President with an assessment of the Berlin talks and with proposed ways, with pros and cons, of proceeding. NSDM 91, November 6, page 3, para 5 provides the basis for this (Tab H).¹¹

⁹ Tab F, attached but not printed, is telegram 14478 from Bonn, December 16; also *ibid.*, POL GER W–USSR. For a record of the meeting between Brandt and Tsarapkin, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2275–2276.

¹⁰ Tab G, attached but not printed, is a memorandum from Sonnenfeldt to Kissinger, November 28.

¹¹ Tab H is Document 136.

Tab B

Intelligence Report Prepared in the Central Intelligence Agency¹²

SUBJECT

Comments of State Secretary Bahr Concerning the Quadripartite Talks and FRG–US Relations

SOURCE

[2½ lines not declassified] It is judged that Bahr intended the substance of his comments to reach the U.S. government. [1½ lines not declassified]

1. Chancellery State Secretary Egon Bahr stated that during the week of 14 December Chancellor Willy Brandt plans to write letters to President Nixon, President Pompidou, Prime Minister Heath, and Chairman Kosygin. To the Western leaders Brandt plans to report on his recent talks in Poland. In addition, at least in his letter to President Nixon, Brandt is thinking of voicing his concern over the progress of the Berlin quadripartite talks. According to Bahr, Brandt has not firmed up his views on the latter topic: currently, he is considering a variety of ways of getting his views on Ostpolitik across to the U.S. government. The alternatives he is considering include the sending of another FRG emissary to the President and Henry Kissinger or, possibly, the proposal of a personal meeting with the President in the late spring or early summer of 1971.

2. Bahr expressed his concern, which he said was shared by Chancellor Brandt, over the manner in which the Four-Power talks are being conducted. Bahr said that at the 17–18 November consultations with Assistant Secretary Hillenbrand and at the NATO ministerial meeting complete agreement had been achieved on the line to be taken by the Western Allies in the Berlin talks. Brandt and Bahr understood that the Western Powers would be firm concerning the aims they wished to reach but flexible as far as negotiation tactics were concerned.

¹² Secret; No Foreign Dissem; Controlled Dissem; Background Use Only. The intelligence report was attached to a December 16 memorandum from Karamessines to Kissinger. Karamessines wrote that Fessenden had asked that Kissinger, Hillenbrand, and Sutterlin receive copies of the report. Karamessines further noted: "Although Bahr's remarks may foretell shifts in the attitude of his government, in selecting such an informal method to communicate them, the State Secretary evidently chose not to use the direct, accountable channel available to him. The source of the report commented that he had never seen Bahr is such a depressed mood." In an attached December 16 note to Kissinger, Richard T. Kennedy of the NSC staff also explained: "As soon as I was aware of [the report] I called Tom [Karamessines] to see if he could stop distribution to Hillenbrand and Sutterlin at State. Tom called back to say that the distribution had been made simultaneously."

However, both Brandt and Bahr had the impression that, at the 10 December ambassadors meeting in Berlin the Americans had done the opposite; they had been tough with respect to tactics but had done nothing to move the negotiations toward agreed aims. In light of this, Brandt and Bahr have concluded that the Americans have decided to break with the line laid down during the 17–18 November consultations and at the NATO ministerial meeting.

3. Bahr stated that Brandt and he believe that a significant part of the U.S. leadership fails to understand the western position in Berlin. "Some people in Washington" accuse the FRG of being too soft in its stand on Berlin in the mistaken belief that the West still has a strong position there; in fact, its position is very weak. It is not American soldiers, Bahr commented, who operate the green and red lights on the Berlin autobahn. The Berlin problem, Bahr added, is like a paper boat on a large international ocean. If you weigh this boat down with too many demands, it is bound to sink. Furthermore, the Berlin population is tired of the constant harassment on the autobahn and wants a definitive agreement on access. The Soviets are therefore convinced that time is on their side. The longer they wait, the less they will have to pay and the more demands they will be able to make in return for an access agreement. The present delaying tactics of the Allies are being executed at the expense of the West Germans and West Berliners.

4. Bahr said that he and Brandt had given much thought as to how the impasse in the Berlin talks might be resolved. In their view, it might be easier to reach agreement if the talks were moved from the ambassadorial to the under-secretary level. Bahr and Brandt are thinking in terms of having continuous negotiations conducted by U.S. Assistant Secretary Hillenbrand, Soviet Diplomat V.M. Falin, Chief of the Third European Directorate of the Foreign Ministry, and their British and French counterparts. This procedure could eliminate some of the difficulties which Ambassador Abrasimov is creating in the discussions, since Abrasimov is under the influence of Ulbricht. In addition, Falin, whose influence is considerable, would insure that positions reached by the Four Powers in these talks would be accepted by the Soviet leadership. Parallel to the quadripartite talks, Bahr and GDR State Secretary Michael Kohl could conduct negotiations under the aegis of the Four Powers. In this way, all of the responsible representatives would be together in one city, meeting simultaneously, and a Berlin settlement could be reached expeditiously.

5. Bahr stated that he had talked with Falin during the latter's visit to East Berlin in connection with the 2 December Warsaw Pact conference.¹³ (Bahr added that this meeting was known only to the three

¹³ See Document 141.

Western ambassadors, Brandt, Foreign Minister Scheel, Minister Horst Ehmke, and Foreign Office State Secretary Paul Frank.) Bahr said that, at this meeting, Falin had pointed out to Bahr that the USSR believed there were differences in the attitudes of the three Western Allies on negotiation, with the Americans clearly presenting the hardest line. Falin added that the USSR was trying to decide on the best way to signal to the Americans that the USSR was willing to bring the Berlin talks to a successful conclusion. Falin added that there was a definite limit to the concessions the Soviets were willing to make. The USSR had considered extending the harassment tactics on the autobahn beyond the period of the CDU/CSU Fraktion meeting in Berlin—an approach which was strongly applauded by Ulbricht. However, in the end the Soviets decided not to exacerbate the friction with the Americans over Berlin.

6. Bahr said that Brandt and he were concerned about the nature of U.S. relations with the CDU/CSU leadership. In this connection, Bahr cited the discussions preceding the holding of the CDU/CSU Fraktion meeting in Berlin. Bahr stated that in these discussions Fraktion Chairman Barzel had told Brandt that through his “very close contacts to the American Embassy” he had learned that the latter had no objection to the CDU/CSU Berlin meeting. Bahr added that this situation made it impossible for Brandt to persuade Barzel to cancel the meeting, even though it was Brandt’s understanding that the Western Allies did not favor the holding of such a meeting at the present time; this had been made particularly clear by the French Embassy. Bahr said that it appeared that the U.S. had deviated from the previously agreed position and had encouraged Barzel to hold the Fraktion meeting.

7. Bahr said that Brandt also had been irritated by the visit of CSU Chairman Strauss to the U.S. “to confer with Kissinger.” Bahr stated that the FRG had not been informed of the nature of these talks, which was contrary to the “agreement” made by Kissinger with Bahr to the effect that he would keep the FRG government informed of his discussions with Opposition leaders. Bahr commented that “two can play at this game,” adding that Senator Muskie recently had approached the Brandt government and had indicated he wished information concerning the FRG Ostpolitik as background to discussing this topic with the leadership of the Democratic Party. Bahr added that the FRG had not yet responded to the Senator’s request. Bahr went on to contrast the U.S. attitude with that shown by Poland and the Soviet Union; in the case of Barzel’s trip to Warsaw, the Polish government had asked the FRG how it wished to have the visit handled, while the Soviet government had made a similar inquiry in the case of CDU/CSU Deputy Chairman Gerhard Schroeder’s forthcoming visit to the USSR.

8. Bahr commented that he had learned that Brandt would be *Time* magazine’s Man of the Year for 1970, and said that there had been some

discussion as to whether Brandt might use this honor as an excuse for a visit to the United States. It was also being considered whether Brandt or Bahr might appear on the U.S. "Face the Nation" television program.

9. Bahr stated that Brandt planned to spend Christmas in Berlin with his family, then leave for a vacation in Kenya until 16 January. Minister Ehmke would also be on vacation from 13 December to 10 January. Bahr added that, during this period, he and Vice-Chancellor Scheel would be "in charge" of the government of the FRG.

147. Editorial Note

On December 18, 1970, the Washington Special Actions Group (WSAG) met in the White House Situation Room to discuss developments in Poland, including the impact of recent events on West Germany's relations with the Soviet Union and Eastern Europe. The immediate crisis began on December 13, when the Polish Government announced price increases for food, fuel, and clothing in an effort to curb demand. The next day, fighting broke out in Gdańsk as shipyard workers demanded that the government rescind the increases; rioting soon spread to several other Polish cities, confronting the regime with serious internal unrest. The situation was still uncertain on December 18 as the WSAG considered the implications of the crisis. According to minutes of the meeting, the participants discussed the impact of these events on Germany and Berlin as follows:

"Dr. Kissinger: What conclusions can we draw about the reaction in East Germany and the Soviet Union? Can we get an assessment? We don't have to have it right now.

"Mr. Hillenbrand: We have a tentative assessment. Even if the disturbances do not rise to a higher level than at present, we believe the cause of economic reform in Poland will be set back. The Polish disorders will also give the Hungarians pause in carrying out their far-reaching economic reform program, to which there is considerable domestic opposition. In the USSR the group that takes a passive attitude toward Ostpolitik may be led to reassess their position. One theory about the Polish price hikes is that they were implemented at this time because the Polish Government was feeling more confident as a result of having settled its border with Germany. If the objective of Ostpolitik was greater Soviet permissiveness toward German intercourse with Eastern Europe, then the troubles in Poland may constitute a setback for Ostpolitik.

“Dr. Kissinger: If I may be the devil’s advocate, couldn’t the riots be viewed as being not the fault of Ostpolitik but of the conclusions the East Europeans drew from Ostpolitik? That is, it is all right to go full speed ahead on Ostpolitik, but it is not correct to conclude that it is possible to raise prices just because a major international settlement has been arranged.

“Mr. Hillenbrand: Possibly, although my judgment is that in the short run we will find the Soviets and the Poles taking a more conservative approach.

“Dr. Kissinger: Then you estimate that if the riots subside, the domestic consequences in Poland will be a more conservative economic policy and that internationally the Poles will adopt a more cautious approach toward increased dealings with the West.

“Mr. Irwin: These are possibilities, not predictions.

“Mr. Baker: There will probably be a greater impact on the Soviet attitude toward Ostpolitik than on the Polish. Poland will still be looking for the benefits that Ostpolitik could bring. As Marty [Hillenbrand] has said, if the Soviets see that the situation is volatile in Poland, they may take another look at Ostpolitik.

“Dr. Kissinger: The old approach to Ostpolitik, which the Germans tried in 1965, was to deal directly with the East European countries. When that didn’t work, they decided that the way was to go through Moscow. Now the Soviets may conclude that even that route is too dangerous. The Germans represent a magnet for the East Europeans. The conclusion the Soviets might draw is that rapport with Bonn is just not the right policy. If one carried this line of speculation one step further, it might be said that the Soviets will decide that it is better to seek *détente* with the US.

“I believe that one of the foreign policy problems the Soviets have had in recent years is choosing between geopolitical and ideological considerations. They want to be sure that they are free to meet the Chinese threat; yet, if they get too close to us, they open the way for the Chinese to contest their leadership in the communist world. Ostpolitik seemed to offer the Soviets a way out by pacifying Europe. Now they may draw the conclusion that these benefits from Ostpolitik are only superficial. Am I speculating too wildly?

“Mr. Karamessines: The Polish disorders could be the greatest thing that ever came down the pike for Ulbricht.

“Dr. Kissinger: (to Sonnenfeldt) What do you think?

“Mr. Sonnenfeldt: The Russians may be more cautious about German access to Eastern Europe, but they will still have a major problem. They want Western economic and technical assistance, and they know they can only get what they need from Germany. It is not going

to be available from us, and the French and British can't offer enough. The only way for the Soviets to avoid economic reforms is to get the margin of support that Germany can provide.

"Dr. Kissinger: When Ambassador Pauls was in yesterday crying about Acheson, he said the Germans were not going to give credits to the Soviets. (to Hillenbrand) Do you believe that?"

"Mr. Hillenbrand: On the basis of recent talks I have had with various German bankers and industrialists, I would say that the Russians have illusions about the quantity of money that might be available from either private or governmental sources in Germany. Pauls' statement is probably correct. People like Egon Bahr are economic illiterates. The money won't be produced by the Chancellor's office but by the industrialists and bankers, who are much more bearish about the possibilities.

"Mr. Sonnenfeldt: They also belong to a different party.

"Dr. Kissinger: If neither the government nor the private bankers give the money, then the last incentive for Ostpolitik is removed.

"Mr. Sonnenfeldt: The Soviets may well draw the conclusion that they cannot derive the dividends from Ostpolitik that they had expected. The Soviets face the problem of deciding what to do to promote economic growth. If credits are unavailable, the pressures for economic reform will possibly be increased. There are three ways they can make the economy move. They can squeeze the people, that constitutes a return to Stalinism. They can try to get subsidies from the West. Or they can make reforms, but this is repugnant to the present leadership.

"Dr. Kissinger: (to Irwin) What are your views?"

"Mr. Irwin: I tend to think that anything like what is happening in Poland tends to make the Soviets more cautious. However, if they recognize that the recent events are not the result of Ostpolitik but are due to the internal situation in Poland, they might conclude that Ostpolitik is still helpful to them."

Although he accepted this assessment, Kissinger wondered "if the Soviets did connect the troubles in Poland with German policy, what would happen." Hillenbrand replied: "I think the linkage is more complex. The Soviets might conclude that if the political systems in the Eastern European countries are so volatile that a price increase threatens their stability, how much more dangerous might it be if these countries are exposed to German influence." Kissinger thought Hillenbrand offered a "good thesis."

After discussion of other aspects of the crisis, the participants briefly considered contingency plans for East Germany and Berlin. Hillenbrand doubted that access to Berlin would be affected by events in Poland. In the event of such action, however, Hillenbrand commented: "With the stockpiles and an airlift, we can go for six months. We could

live through any short period of interrupted access without real dislocations in the city." As for the plan entitled "Western Attitude in the Event of an Uprising in East Germany or East Berlin," Hillenbrand explained: "The plan basically calls for doing nothing except to exert every effort to welcome refugees. There is to be no action on East German territory." At the conclusion of the meeting, Kissinger suggested that the WSAG reconvene on Monday, December 21. Library of Congress, Manuscript Division, Kissinger Papers, Box CL 309, National Security Council, 1969–77, Washington Special Actions Group, July 1969–Nov. 1971) The minutes of the December 18 WSAG meeting are in *Foreign Relations, 1969–1976*, volume XXIX, Document 144.

The crisis had already subsided by December 20, when Edward Gierek replaced Władysław Gomułka as de facto leader of the Polish Government; Gierek quickly announced a price freeze in addition to wage increases. In a December 20 memorandum to the President, Kissinger offered "preliminary comments on the events in Poland," including the following analysis of West Germany's relations with Poland and the Soviet Union:

"The change of leaders may lead to a slow down in the pace [of] normalization between Poland and West Germany. Gomulka had been heavily identified with the rapprochement with Bonn and the recent treaty. If only because of the tense internal situation, the new regime is not likely to make new moves in foreign policy. Gierek in his speech mentioned normalization with Bonn but perfunctorily. Moreover, the East German leadership will probably be able to claim that Gomulka's foreign policy contributed to instability in Poland. Ulbricht immediately congratulated Gierek, suggesting he is satisfied with Gomulka's removal.

"As for Soviet foreign policy, the Soviet leaders may also be inclined to believe that Ostpolitik has an unsettling effect on Eastern Europe. For example, they may believe that the treaty with Germany led Gomulka to conclude he could press unpopular price increases on the population. Thus, Moscow may also want a pause in its relations with Bonn. One casualty of Polish events could be the Berlin negotiations, where the Soviets may not wish to press the East Germans for concession—thus compounding instability in Central Europe.

"At the same time, with this détente with Bonn at least temporarily slowed down, the Soviet leaders, if they choose to maintain some prospect of détente, may be inclined to show some improvement in their relations with us." (National Archives, Nixon Presidential Materials, NSC Files, Box 698, Country Files, Europe, Poland, Vol. I)

The memorandum is in *Foreign Relations, 1969–1976*, volume XXIX, Document 145. For Kissinger's memoir account, see *White House Years*, pages 797–798.

148. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 19, 1970.

SUBJECT

More Berlin Harassments

The SPD is holding a conference of Landtag Fraktionen leaders, Minister Presidents, Bundestag Fraktion leaders in Berlin beginning on December 21. It will last two days. This is the first such meeting in Berlin, but SPD officials claim there is no particular significance since it was simply Berlin's turn to host the meeting.

The Soviets protested on December 18 (Tab A),² pointing out similarities between this meeting and the CDU meeting earlier this month. This time, however, the Soviet note is somewhat softer. It states the USSR, "as well as its Allies, deem it necessary to reach agreement on West Berlin . . . but cannot remain indifferent when their legitimate interests are violated." The East Germans followed with a Foreign Ministry statement, calling the meeting an attempt to disregard the status of West Berlin, incompatible with détente, etc.

Slowdowns on the Autobahn for civilian traffic began on Saturday³ morning and will no doubt continue through the meeting.

We have lodged a protest with the Soviets, answering their accusations and stating that if the Soviets are seriously interested in improving the situation in Berlin, harassments jeopardize prospects for such an improvement. (Tab B)⁴ (There was no White House clearance.)

Comment: Having made a major issue out of the CDU meeting, the Soviets and East Germans could not overlook the SPD meeting. Lest their action be taken in Bonn as a thrust against Brandt, however, the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret. Sent for information. Haig initialed the memorandum indicating that he had seen it.

² Tab A, attached but not printed, is a memorandum from Eliot to Kissinger, December 18; also *ibid.*, RG 59, Central Files 1970–73, POL 12–3 GER W.

³ December 19. In a December 21 memorandum to the President, Kissinger reported: "Early Saturday afternoon the East Germans began a coordinated slowdown of civilian traffic to West Berlin. By last evening some 450 vehicles were backed up at the Helmstedt entrance to the autobahn with only about 40 being processed per hour. Delays of up to nine hours were reported at Marienborn this morning. Allied traffic has remained unaffected." (*Ibid.*, Nixon Presidential Materials, NSC Files, Box 29, President's Daily Briefs, Dec. 16, 1970–Dec. 31, 1970)

⁴ At Tab B, attached but not printed, are telegrams 14618 from Bonn and 206506 to Bonn, December 19; both also *ibid.*, RG 59, Central Files 1970–73, POL 12–3 GER W.

East Germans made sure that Bahr–Kohl meeting (December 23)⁵ was agreed to first.

While we have no reason to doubt that the SPD meeting was, as claimed, more or less routine, it is probable that there was an element of calculation by the SPD that new harassments, etc., might influence us to be interested in Bonn's proposals to speed up the Berlin talks and put the access issue under active negotiation among German sides as well as settle the problem of what is and is not permissible in West Berlin. The SPD also regains whatever prestige it may have lost by the reluctant attitude they struck at the time of the CDU meetings. Some in the SPD may even allege that since we condoned the CDU meetings they had no alternative but to stage this one. This, however, would be the hard line to sustain since Brandt personally will have gone to Berlin twice in recent weeks. (He is scheduled to go December 23.)

An interesting sidelight is the willingness of both Soviets and East Germans to lay on minor harassments and publicize new wrangling over Berlin at a time when tensions are very great in Poland. This could suggest that both Moscow and East Berlin have decided that the Polish affair is under control.

⁵ See Document 157.

149. Telegram From the Embassy in Germany to the Department of State¹

Bonn, December 19, 1970, 1340Z.

14620. Subject: Quadripartite Talks: Binder Article on Alleged U.S. Government Differences Over the Berlin Negotiations and Ost Politik.²

1. *New York Times* correspondent David Binder told Ewing³ late last night that he had just filed a story concerning a "crisis of confi-

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Immediate; Exdis. Repeated to Berlin.

² In a note forwarding a copy of the telegram to Kissinger, Mary Brownell of the NSC staff reported that Benjamin Welles, the *New York Times* Washington bureau chief, had called, offering to let Kissinger read the article before publication. No evidence has been found, however, that Kissinger called Welles. The *Times* published the Binder article on December 20.

³ Gordon A. Ewing, public affairs officer (USIA).

dence” between the U.S. and the FRG over the Ost Politik and Berlin. The article cites well-informed circles in the German Government as the source. It states that the U.S. Government publicly affirms its support for the Ost Politik and asserts there is common position on Berlin. At the same time, however, there are many voices coming out of Washington critical of the Ost Politik. The article then proceeds to identify four different opinion circles—a first around Kissinger, a second around Hillenbrand, a third around McCloy, Clay and Acheson, and a fourth around Secretary Laird. The article concludes by saying that the German Government is becoming very impatient with the conflicting opinions on the Berlin negotiations and the Ost Politik emanating from the U.S. Government.

2. The Chargé called the Chancellor’s office’s attention to the article early this morning. The Chargé stated that such an article was extremely unhelpful and asked for any clarification which might be helpful.

3. Shortly afterwards Ehmke and Bahr called in the Chargé. They stated categorically that no one in the Chancellor’s office had given any such briefing to Binder. Ehmke and Bahr said they had just checked with the Chancellor and Sahm, the only two other than themselves who could be authorized to speak for the Chancellor’s office. None of the four had even seen Binder recently.

4. They urged that, if the article is published, both the U.S. and German Governments should take the same line with the press. They suggested something like the following:

“There exists complete unanimity on the Berlin negotiations between the U.S. and German Governments, as well as with the French and British Governments. This unanimity of position was agreed to at the NATO Ministerial meeting; no factor since that meeting has changed the situation. Any newspaper article asserting the contrary is entirely false.”⁴

5. *Comment:* We urge that a statement along these lines be used by Washington if the Binder article is published.

6. Ehmke and Bahr were obviously very upset by the Binder article. I am personally convinced that the Chancellor’s office was not responsible for passing this story to Binder, since it is so obviously against interest of the Chancellor’s office. Binder told Ewing, however, that the information had been given to him by someone close to the Chancellor’s office who obviously wanted it published. A finger of suspicion could point at Ahlers, who is very close to Binder and who we believe may be on the outs with the Brandt government.

Fessenden

⁴ An unidentified handwritten message on the note from Brownell to Kissinger reads: “HAK has no problem with language in para 4 if needed.” No evidence has been found that the proposed statement was ever released.

150. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 19, 1970.

SUBJECT

The Malaise in German-US Relations and the Ehmke Visit

In my memorandum of December 16, 1970 (Log 24424–Tab A),² I commented on various aspects of the current situation and also forwarded a CIA report on Bahr's views (Tab B).³

Following are additional comments which you should bear in mind in your forthcoming conversation, of which State incidentally is fully aware down to the working level. Moreover, you should be aware that Ehmke asked to see Helms and on learning that he was away asked to see Ray Cline instead. There is also some reason to believe that David Binder, *New York Times* correspondent in Bonn is aware of the visit. He has written an article concerning German perceptions of US attitudes which was to have appeared in today's *Times* but did not. It may appear in the *Times* on Sunday. The Chancellor's office has denied any responsibility for the article. For Bahr's and Ehmke's suggestion regarding treatment of the Binder article, should it appear, see Tab C).⁴

Comments on the Situation

1. The first question, as a starting point, is: To what extent does the CIA report reflect the personal views of Bahr himself or does he reflect the views of the Chancellor and of the government as a whole? The answer is complex. Bahr's power position is neither to be overestimated nor underestimated. In a word, the bitter attitudes reflected in the CIA report are in fact, albeit in somewhat exaggerated form, those of the center of the Brandt government and must be taken very seriously into account in our future relations with the German government.

2. Bahr is certainly the Chancellor's closest adviser, and the very intensity of his personality gives him enhanced influence. His single-minded obsession with the Ostpolitik gives him a driving force within

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 58, Country Files, Europe, Berlin, Vol. 1 [2 of 2]. Secret; Nodis; Sensitive; (Outside System). Sent for action. According to another copy, Sonnenfeldt drafted the memorandum. (Ibid., Box 685, Country Files, Europe, Germany, Vol. VIII)

² Document 146.

³ Tab B is printed as an attachment to Document 146.

⁴ Document 149.

the German government. Ehmke pretty much across the board follows his lead on Ostpolitik, although there is a certain amount of jockeying between them in the effort to get close to Brandt.

3. There are, however, many factors at work within the government which tend to moderate Bahr's all-out drive on the Ostpolitik:

A. First, within the SPD itself, there is strong opposition. There are emerging two major camps. On the one side are Wehner, Ehmke, Bahr, and Eppler.⁵ On the other are many powerful figures: Schmidt, Leber,⁶ Schiller, Wienand,⁷ Arendt,⁸ and Schmitt-Vockenhausen.⁹ There is going on right now a major fight between these two groups over how to handle the bitter issue of the young socialists, which came to a head at the recent Juso¹⁰ Conference in Bremen. But behind the Juso issue are basic differences between the two groups on the Ostpolitik, with the second group being for a more conservative line and a slower pace. Behind the dispute over the Ostpolitik, in turn, is the even bigger issue of a personal power struggle over the future leadership of the SPD. Schmidt and his followers, I judge, are beginning to throw their weight around more aggressively in recent weeks.

B. A second important drag is the FDP and more specifically, Genscher, the real strong man of the Party. It is he who bulled through the Berlin Junktim for both the Moscow and Warsaw treaties. Recently Genscher went out of his way to tell one of the Embassy people "Don't let anybody in the government press you for precipitate haste or too much compromise on the Berlin negotiations."¹¹ Genscher does this out of FDP political survival reasons: he wants to keep the traditional more conservative-minded FDP voters in the Party fold. He regards the FDP election successes in Hesse and Bavaria as vindication of his policy.

C. A third brake on the Ostpolitik within the government, curiously enough, is Schuetz and the Berlin SPD. He has now made it very clear that he does not want haste or softness in the Berlin negotiations. Obviously, he has the March elections in Berlin very much in mind.

⁵ Erhard Eppler, Minister of Economic Cooperation; member of the Bundestag and of the SPD party executive.

⁶ Georg Leber, Minister for Transportation and for Posts and Telecommunications; member of the Bundestag and of the SPD party executive.

⁷ Karl Wienand, SPD parliamentary secretary; member of the Bundestag and of the SPD party executive.

⁸ Walter Arendt, Minister of Labor; member of the Bundestag.

⁹ Hermann Schmitt-Vockenhausen, Vice-President of the Bundestag.

¹⁰ Jungsozialisten or Young Socialists.

¹¹ Reference is presumably to a meeting between Genscher and Jonathan Dean on December 5. A memorandum of conversation is in Department of State, EUR/CE Files: Lot 85 D 330, JDean—Memos of Conversation, 1970.

D. To digress somewhat, I should point out that the internal SPD struggle over the Jusos will be intensified by the fact that the Juso is driving middle-class voters away from the SPD. Most dramatically, the solidly SPD election district number 39 in Frankfurt which was held by Voigt, head of the Jusos, was lost by him to a totally unknown CDU housewife. This is the first time since 1946 that the district was not carried by the SPD in a Landtag election. Election statistics generally, in Hesse and Bavaria, reflect a drift from the SPD to both the FDP and the CDU of middle class voters, largely because of the disaffection over the extremism of the Jusos though also for economic reasons. In a national election this drift could well redound to the advantage of the CDU rather than the FDP. This situation adds to the pressures on the SPD to use nationalism as an offsetting appeal to middle class voters and thus adds a further driving factor to Ostpolitik. As you are aware, Ostpolitik for many SPD leaders, is not merely a policy of normalization and reconciliation but a route to achieve the moral equivalent of reunification together with increased German influence in Eastern Europe.

E. All of this is now further compounded by the events in Poland. Without going into detail and making this excessively long, it is clear that, assuming an "optimal outcome," i.e., that Gomulka and Co. or, at any rate, the Poles themselves will get things under control, the Soviets are bound to be even more cautious about letting the Germans have the dividends they expect from the treaties. Ulbricht's position in Eastern councils is bound to have been strengthened. (Other outcomes have even more far-reaching and potentially dangerous implications.) As a result, opposition to Ostpolitik in Germany is bound to rise, though with what effect on Brandt and the SPD is a complex question. One positive effect, to which we should be extremely alert, is that the SPD leaders will be driven westward despite themselves. Needless to say, this would be a development that we should welcome (as will the West Europeans) although it is one *that the Germans themselves should bring about*. Of course, the SPD may tear itself apart in the process and the coalition may be even less capable of governing than it already is. We must therefore also anticipate a further embitterment of German politics. (Beyond all this the Polish events may well have the beneficial effect of slowing the "race to Moscow" in Western Europe generally.)

4. This is a tense time in Bonn, with knives flashing all over and a constant danger that we will be sucked into the middle. Brandt has to reconcile these conflicting forces within his own government—to say nothing of the additional brake imposed by the CDU–CSU opposition. It might seem that the "go-slow" forces on the Ostpolitik within the government now strengthened by Polish developments would be so powerful that they would carry the day completely. But this is to underestimate the strength of Bahr and Ehmke, unless they too are dis-

heartened or thwarted by Poland. They both sit right next to Brandt in the Chancellor's office and spend long evenings with him. Their influence is very important and will continue to be so. The fact is that unless we can improve our relations with these two men, our relations with the Brandt government as a whole are bound to be plagued with mistrust and trouble.

5. The problem we face is to overcome [a] whole series of prejudices to which Bahr, Ehmke, and Wehner are prone. Most are all too accurately reflected in the CIA report. They include the following:

A. The US favors the CDU over the SPD through years of contact with the former. The steady stream of CDU visitors to Washington over recent months is cited as proof of this.

B. Republicans are constitutionally incapable of understanding Social Democrats.

C. There are differences within the Administration on the Ostpolitik and Berlin, with State (Secretary Rogers and Marty [Hillenbrand]) being much more understanding, and with the White House, including particularly you, being much more negative. Secretary Laird and Shakespeare are also identified in their minds as enemies of the Ostpolitik and the Brandt government. (Laird was until recently singled out as being particularly unsympathetic. Schmidt, who is a conservative on Ostpolitik, complained bitterly about Laird's position on Ostpolitik at the Ottawa NPG meeting. However, Schmidt indicated subsequently that Laird was much more "understanding" at the Brussels NATO Ministerial.)

D. Another belief in the Chancellor's office is that the US is over-obsessed with the Soviet worldwide threat, reading more into this than the facts call for. It is claimed that we take a rigid position in the Berlin talks because of spill-over from our tough and pessimistic approach to Middle East, Vietnam, Cuba, etc. Bahr has obviously in his talks with Falin been taken in by the Soviet line in this respect.

Ehmke Visit

At Tab D is a CIA report on the Ehmke visit. [2 lines not declassified]

Ehmke has meanwhile told Fessenden that the German Government press office has the following contingency guidance should the Ehmke visit evoke public notice. He has asked that we follow the same line

"Ehmke had planned to meet with Kissinger during Ehmke's visit to Washington in early October. However, this meeting could not take place because Kissinger had to go to the Mediterranean with the President. At the time they missed each other in October, Ehmke and Kissinger had agreed to get together in the near future. Ehmke's present trip to see Kissinger is for that purpose."

Ehmke told Fessenden that the press would be very skeptical about this but he nevertheless hoped both governments would rigidly stick to this line.

I presume you know what you want to say to Ehmke. I would merely note that, like it or not, as long as Brandt is in power Bahr and Ehmke will be powerful figures and we have no alternative to working with them. While my foregoing comments on the German situation suggest the possibility of a government crisis next year that will result in the end of SPD rule, this is wholly speculative. The CDU has yet to resolve its leadership crisis; and the Basic Law makes new elections, before 1973, an extremely difficult thing to pull off. The reasonable expectation therefore is that Brandt will stay in power for three more years.

1. Among particular points to make with Ehmke would be

—The CDU visitors to Washington were all self-invited guests, or at any rate not invited by us.

—Acheson's statements to Chalmers Roberts were his own (witness the things he said on matters other than Ostpolitik!); the President has made his own views known directly to Chancellor Brandt both orally and in writing and our basic philosophy was laid out in the Report to Congress last February 18.

—The Germans would make a terrible mistake if they tried to go around the US Government to take their case on Ostpolitik to the US people via TV, the press and opposition Senators (Muskie); the American people at large are not too much interested in the subject and to the extent they are, the Germans can expect little sympathy. (Ehmke himself has been a prime user of the American press in Bonn and, as you know, put on quite an act when he was here during the President's Mediterranean trip.)

—Our attitude on Ostpolitik is not a matter of "opposition" or "support." Our concern has been that the implications are fully analyzed and understood and that potential adverse effects are recognized in advance and steps taken to deal with them.

2. Ehmke may well elicit your reaction to Brandt's proposal to give a "conference-like character" to the Berlin talks. You should say that

—we are studying this carefully;

—the issue is not form but substance; if a new format could really produce progress on substance we will certainly not stand in the way;

—we will be consulting further with the French, British and Germans on the Chancellor's suggestion;

—the President will of course reply to the Chancellor's letter.

3. You should bear in mind these positive points: (a) Schmidt has been constructive on NATO issues, (b) relations with the Germans with

respect to our military presence there have become distinctly easier since the advent of the new Government, and (c) whatever Ostpolitik has done to complicate life and may yet do to bring about disaster, the Germans *have* exerted much effort to strengthening the EEC and to facilitate British entry. Dahrendorf's¹² flippant tongue aside, the Germans have *not* been the most difficult for us on economic issues. We are about to enter offset talks (after the USC gets up a position); all indications are that the Germans will try to be reasonable. Finally, the President's decision on European force levels provides a solid base from which to operate.

When all is said and done, *our basic goal must remain*, as NSDM 91¹³ pointed out, *to anchor the FRG firmly in the Western camp. This is the goal we must keep in view always and even more now* when Ostpolitik, turbulence in Eastern Europe, the obnoxiousness of the [*less than 1 line not declassified*] Bahrs, the danger of spiraling protectionism and the recrudescence of German romanticism in the guise of the SPD all threaten to bring down what has been constructed in the way of a viable structure in Europe and between Europe and ourselves.

Finally, we need order in our own house. I call to your attention my memorandum of December 18, Log 24418 (Tab E)¹⁴ seeking your approval, and if you choose to seek it, the President's for a NSSM that would address both the immediate and the longer term issues.

Tab D

Intelligence Report Prepared in the Central Intelligence Agency¹⁵

SUBJECT

Statement of Minister Ehmke on the Purpose of His Forthcoming Visit to Washington

¹² Ralf Dahrendorf (FDP), a noted sociologist, had been the parliamentary secretary in the Foreign Office before becoming in July 1970 a member of the Commission of the European Economic Community.

¹³ Document 136.

¹⁴ Attached but not printed; see footnote 1, Document 153.

¹⁵ Secret; No Foreign Dissem; Controlled Dissem; Background Use Only. The intelligence report was attached to a memorandum from Cord Meyer, Jr. to Kissinger, December 19. Meyer wrote that Fessenden had asked that Kissinger, Hillenbrand, and Sutterlin receive copies of the report. Meyer further noted: "State Secretary Bahr asked for the Washington response to his statements as conveyed in the previous report."

SOURCE

[3½ lines not declassified] It is judged that these comments by Ehmke to Bahr were intended to reach the United States government. The information was obtained [less than 1 line not declassified] December 1970.

1. [1 paragraph (8 lines) not declassified]

2. [2 lines not declassified] Ehmke confirmed that he would visit Washington and explained that the purpose of his trip is to discuss three general topics with Dr. Kissinger:

A. The advantages of continuous quadripartite meetings in Berlin while talks between Bahr and East German State Secretary Michael Kohl are in progress.

B. A further explanation of why the Federal Republic “is going as far as we are” in pursuit of the Ostpolitik.

C. An explanation of why Bonn believes the U.S. actually has a “weak” position with respect to Berlin, although the U.S. insists and appears to believe that it has a “strong” position.

3. [1 paragraph (6 lines) not declassified]

4. [1 paragraph (8 lines) not declassified]

5. Bahr remarked that he is disturbed and disgusted at the uncooperative attitude shown by U.S. authorities in connection with his request to hold a military flight for a few hours in West Berlin, on 23 December, so that he can return to Bonn that same evening.¹⁶ ([less than 1 line not declassified] *Comment*: The Air Force has insisted that the military aircraft which will take Chancellor Brandt to Berlin on 23 December should return to Wiesbaden the same day, without delay.)

6. [1 paragraph (6 lines) not declassified]

¹⁶ In an undated telegram to Sonnenfeldt and Sutterlin, Fessenden requested approval of a “one-time liberal interpretation” of the policy governing the use of USAF transport to Berlin for German officials other than the President or Chancellor. In a memorandum to Richard T. Kennedy of the NSC staff, December 18, Sonnenfeldt requested approval for the flight: “In view of our rather tense relations with the Germans at this time, we could do Bahr a small favor. I think we should, because we are beginning to look a little petty.” Kennedy approved the flight on December 21. (National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany, Vol. VIII)

151. Memorandum of Conversation¹

Washington, December 21, 1970, 12:40–2 p.m.

PARTICIPANTS

Mr. Horst Ehmke, Minister in the Office of the Chancellor of the FRG
 Rolf Pauls, Ambassador of the FRG
 Henry A. Kissinger
 Assistant Secretary of State, Martin Hillenbrand

Mr. Ehmke began the conversation by summarizing what had brought him to Washington for his one-day visit. He referred to newspaper stories about American, especially White House, unhappiness with the FRG's Eastern Policy and especially to a conversation between the U.S. Chargé in Bonn, Mr. Fessenden, and a member of the Chancellor's staff, Mr. Sahm, on December 16.² In that conversation, which Mr. Ehmke said had been initiated by Fessenden, the latter had expressed strong reservations concerning Germany's eastern policy and had also manifested deep concern concerning the state of German/American relations. According to Mr. Ehmke, Fessenden had indicated that the situation was so serious that a visit to Washington by Chancellor Brandt might be required.

Mr. Ehmke went on to say that Fessenden had then seen him and State Secretary Bahr on Saturday, December 19³ concerning a forthcoming article in the *New York Times* discussing divergent views in Washington concerning Germany's eastern policy and that Fessenden had also expressed concern regarding the Soviet protest about scheduled SPD readings in Berlin. Mr. Ehmke said he had asked Fessenden whether he was acting on Washington's instructions and Fessenden had replied that he was simply reflecting the facts of life and was being frank. As regards a Brandt visit, Fessenden, according to Ehmke

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 690, Country Files, Europe, Germany (Berlin), Vol. II. Secret; Nodis. Sent for information. Drafted by Sonnenfeldt on December 22; approved by Kissinger on January 4. The meeting was held in Kissinger's office at the White House. Another memorandum of the conversation, drafted by Hillenbrand, is in the National Archives, RG 59, Central Files 1970–73, POL 28 GER B. For Pauls' report on the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2305–2309. Kissinger also met Ehmke privately both before (12:05 to 12:38 p.m.) and after (4:40 to 5:11 p.m.) the meeting. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellaneous, 1968–76) Although no record of the private discussions has been found, Ehmke published an account in his memoir, *Mittendrin: Von der Großen Koalition zur Deutschen Einheit*, pp. 140–142. See also Willy Brandt, *People and Politics*, p. 289.

² See Document 154.

³ See Document 149.

said on this occasion that the latter should come to Washington to see Dr. Kissinger instead of a visit by the Chancellor.

Dr. Kissinger interjected that this was a good idea since an entirely wrong impression would have been created by a sudden visit of the Chancellor.

Mr. Ehmke continued that the Germans were in fact relaxed. There was complete agreement with the allies on Berlin; indeed the FRG was ahead of the allies on the question of access and of a Berlin solution generally. He added that the US could be certain that there would be no surprises on these subjects from the German side as long as Brandt and Bahr were in charge inasmuch as both of them had spent most of their political lives in Berlin. Mr. Ehmke said he could not see why there should be any differences between the US and the FRG. He concluded that if an agreement should prove impossible we could then get together among ourselves to see what possible concessions might be offered.

Dr. Kissinger observed that Mr. Fessenden had not been talking to Mr. Sahn on instructions but had been expressing personal views. The President would have been surprised indeed if Brandt had come. Meanwhile, he, Dr. Kissinger was delighted to see Mr. Ehmke. He wanted to assure Ehmke that there was no crisis in US/German relations. We consider the FRG a staunch ally and close friend. We might have minor disagreements on tactics but there was definitely no crisis of confidence. Only last week he had asked Assistant [Secretary] Hillenbrand what conceivable basis there could be for a disagreement on Berlin and they had both agreed that none existed.⁴ He had been astonished when Joseph Kraft had said several weeks ago that Ehmke had asserted (during his October visit to Washington)⁵ that we were using Berlin to wreck the FRG's Eastern Policy.

Mr. Ehmke stated that this was a wholly untrue assertion since he had never intimated such a thing.

Mr. Ehmke then went on to say that it would be useful to discuss with us Chancellor Brandt's recent letters to the President,⁶ President Pompidou and Prime Minister Heath before replies were sent. What the Germans wanted with respect to Berlin was essentially an intensification of the present negotiations so that they would not be punctuated by frequent pauses. He said that there were in fact signs of movement on the Soviet side. On the other hand, events in Poland might

⁴ Reference is presumably to the discussion in the Washington Special Actions Group on December 18; see Document 147.

⁵ Regarding Ehmke's previous visit to the United States, see Document 120.

⁶ Document 145.

serve to impede this movement. Moreover, the winter will be a difficult one for the GDR because of economic difficulties and the likelihood that butter and meat would have to be rationed. In addition, the problem of social democratization in the GDR would be fiercely debated. The hard-liners in the GDR would undoubtedly make the argument that it was dangerous to fool around with the FRG.

Reverting to Berlin, Ehmke said the outlook was uncertain, yet everything depended on it. It was essential to get the Russians to show their hand and it was precisely for this reason that we should do away with the pauses in the negotiations so as to stop the SPD [*SED?*] from using these pauses against us. Ehmke stressed that he was not advocating a hasty deal but rather continuing negotiations. In short, he said, the German proposal was for intensification, not for a speedup. He noted that in connection with the German proposal the question of the level of negotiations had been raised and that it had been suggested that Mr. Hillenbrand and his equivalent in France, the U.K. and the USSR should head the delegations. This, however, was not the business of the Germans, although they would expect that in any intensification of negotiations the present negotiators would get additional help from capitals. Ehmke concluded that the Soviet Ambassador in Bonn had recently told Brandt that the USSR wanted an agreement soon.⁷ Ehmke commented that there was no reason for us to get it sooner and that it would not be easier to get agreement in February than in June.

Dr. Kissinger asked whether Mr. Ehmke was saying that forward movement was too slow. Ehmke responded that his concern was with intensification. Dr. Kissinger asked whether we could not be worse off if the intensification failed to produce results? Ehmke rejoined that in that event we would all have to stick together. In any event, he said the present method was too sporadic. Further inquiry by Dr. Kissinger as to whether the Germans felt we were moving too slowly again elicited from Ehmke the statement that he was advocating intensification.

Responding to a question from Dr. Kissinger, Assistant Secretary Hillenbrand said that the question of intensification had never come up in a practical form and that the Soviets had never suggested it. Mr. Hillenbrand noted the technical problems that would arise if negotiations were to become continuous. Dr. Kissinger asked Ehmke whether the Soviets had suggested continuous negotiations to the Germans. Ehmke responded quickly that this had not been the case and that the FRG would never talk to the Soviets about such a thing without us.

⁷ See Document 146 and footnote 9 thereto.

Mr. Hillenbrand noted again that a continuous negotiation would be quite different from the present format since it would require agreement on a complete Western position with fallbacks, etc.

Dr. Kissinger observed that the White House did not interfere in matters of tactics and procedure. The subject of the discussions was not really a matter of principle and it was one for the State Department to consider and deal with.

Mr. Ehmke stressed that time was of the essence since we might miss the bus. The Soviets might lose interest and there may well be a general hardening in the Soviet foreign policy line. In addition, the GDR could acquire more freedom of movement.

Dr. Kissinger raised the question whether we could gain anything by delay. He thought the answer was negative. Then the question was how fast is fast. He himself had no judgment on this point and the experts should agree on it. He could foresee no problem at the level of the White House or the Secretary of State. In any event we were all agreed on what we wanted.

Mr. Ehmke then observed that Ambassador Abrasimov had made some interesting points, at the last Ambassadorial Meeting,⁸ regarding the representation of West Berlin by the FRG and the Federal presence in West Berlin. We should have the chance to press the Soviets on details in followup discussions. Ehmke cited this as an example of how and why continuous negotiations would be beneficial.

Mr. Hillenbrand commented that the real question was when do we intensify the negotiations? The British and French seemed to prefer to wait, although there was no disagreement in principle.

Mr. Ehmke said it was alright to wait but we should not wait too long. Of course the policy of intensification had its risks and we should not overplay our hand, but we should discuss all this between us.

Dr. Kissinger observed that it was wrong to imply that we were waiting. There was no objection in principle to move more rapidly. No one that he knew wanted to delay. Dr. Kissinger said that we owed it to the Germans to look at the procedures now being employed and to see if they could be speeded up. Mr. Ehmke interjected that the Germans would not go it alone and that they would stick to Four-Power positions. Dr. Kissinger concurred, noting that the former Mayor of Berlin would not be the one to give things away. At the same time we would not be responsible for any delays. Dr. Kissinger observed parenthetically that the Soviets may of course be tightening up in their attitudes. Mr. Ehmke said all of us were responsible. We have to get together to find the best way to determine Soviet intentions.

⁸ See Document 144.

Mr. Hillenbrand then noted that even an intensification would not produce a settlement in six months since at this stage we were only in a position to intensify the first of the three phases envisioned in a Berlin package, i.e. the Four-Power phase.

Mr. Ehmke said that everything the FRG did with the East was basically a help to American policy toward the East which, of course, involved many issues beyond Berlin and Germany. There was no reason to disagree in substance. He suggested that perhaps since the US was finding the going slow on SALT, more effort should be made in other areas. Dr. Kissinger responded that SALT was going about as we expected and that perhaps some results would begin to show at the next session in Vienna. In any event there was no reason at all to slow up the German negotiations because of SALT. Mr. Ehmke asked why not make Berlin a test case. Dr. Kissinger observed that he always got "killed" with charges of creating "linkages." Mr. Ehmke, reverting to his earlier point, stressed again that Berlin and the FRG negotiations with the East were not "German negotiations." They were as much American as they are German. The US could no more afford a confrontation in Berlin than the Germans.

Dr. Kissinger expressed concurrence with these observations. He repeated that we should look at speeding up the procedures in the Berlin negotiations and see if revisions in position are needed. He then observed with emphasis that no one would accuse the Germans of giving away Berlin. All of us were agreed and all of us want the viability of the city. Mr. Hillenbrand agreed with Dr. Kissinger's observations but, turning to Mr. Ehmke, observed that the Germans had been more optimistic about the prospects with regard to Berlin than we. Dr. Kissinger interjected that Bahr had been quite optimistic when he was here in August.⁹

Mr. Ehmke then noted that the Germans were often asked by the US what the effect would be for the US of a FRG/GDR agreement. Without pursuing the point, Mr. Ehmke argued that the FRG's policy had prevented a wave of recognitions of the GDR. If, he said, we did not get a Berlin agreement, there might be no holding back of the GDR and its international recognition.

Dr. Kissinger again underlined the agreement that existed between ourselves and the Germans though he noted that we should do more to control the "cosmetics." He said that he had talked to the Secretary of State the previous day about the problem of White House visitors who made statements concerning Germany and its Eastern Policy. Dr. Kissinger then reiterated that we would do what we could do intensify negotiations and that we would certainly treat this whole issue as a

⁹ See Document 108.

common responsibility. Mr. Ehmke stressed that that was the way Chancellor Brandt wanted it, too.

Dr. Kissinger stated we had absolutely no doubt about the FRG and its adherence to the alliance and Eastern [Western] institutions. It was essential that we should always talk frankly with each other.

Turning to “worries” that had been raised at various times about the Eastern Policy, Mr. Ehmke stressed that concern about the FRG’s economic and technical activities in Eastern Europe were unwarranted. They would, in practice, be very small. As regards expressions of concern about domestic, political polarization in the FRG, Mr. Ehmke argued that without the Eastern Policy there could be a serious danger of a “reunification frustration” particularly on the right of German politics. This would also have its anti-US overtones. Dr. Kissinger interjected that those who express the greatest concern about polarization were often the greatest polarizers themselves. In fact, Mr. Ehmke observed once the Eastern treaties were settled, the German Western Policy would be intensified. His government had concluded that it must accept some polarization now since it would be much worse if there were no eastern policy at all or if the eastern policy failed. The best course in terms of the Germans’ domestic situation was to have both an active western and eastern policy. Mr. Ehmke stressed that the Germans were not blind to the problem of polarization.

Dr. Kissinger stressed that we would not participate in domestic FRG debates. He observed that Opposition people from the FRG had been coming through town and we obviously have to see them just as we used to see people in the SPD when they were in opposition. But we do not give endorsement to the views of these Opposition personalities, and the newspapers are giving the wrong impression when they claim that we do.

Mr. Ehmke at once said that there was absolutely no problem about our seeing politicians from the Opposition. He then observed that the Opposition in Germany was of course not united and that he himself had the greatest respect for Schroeder. Dr. Kissinger observed in this connection, that when Strauss was here recently for a private dinner, which Dr. Kissinger attended, there had been no discussion of Germany at all.¹⁰ Mr. Ehmke indicated that the Strauss episode was of no consequence. Dr. Kissinger reiterated that we would not inject ourselves knowingly into German politics.

Dr. Kissinger then observed that we had to stay in close contact as policies and events evolved because the Soviets were trying to divide

¹⁰ See footnote 4, Document 146.

us. The Soviets have to be clear that they cannot be tough to one of us and soft to the other. That is a basic point and he was sure that Chancellor Brandt would agree. Agreeing with Dr. Kissinger, Assistant [Secretary] Hillenbrand noted that we had endorsed the Eastern Policy and that we were well aware that Chancellor Brandt had said that Eastern Policy begins with Western Policy.

Dr. Kissinger concluded the conversation by stressing that we needed common understanding about where we were going with respect to the East. In any case, the Germans could not jeopardize our interests in Europe without jeopardizing their own. Mr. Ehmke nodded strong assent. Dr. Kissinger stressed the value of Mr. Ehmke's trip and the conversation that had just taken place. Close contact was essential. It was a cardinal principle of the President to maintain close relations with the Federal Republic. We will not make policy by the press or through middle-level officials. If the President is worried, Dr. Kissinger stated, the Germans would hear about it directly. The discussions then ended.¹¹

HS

¹¹ In a telephone conversation that evening, Kissinger and Rogers discussed the Ehmke visit and the "crisis of confidence" in German-American relations. Kissinger reported: "I hit the Acheson point very well. I said when we have something to say the Secretary of State will say it." "I think it's fine," Rogers replied, "and I wish they would quit sending so many people over here." Kissinger noted: "He [Ehmke] claims that F[essenden] put him up to it." "I think it's fine," Rogers reiterated. "We will see how the stories come out." (Library of Congress, Manuscript Division, Kissinger Papers, Box 365, Telephone Conversations, Chronological File)

152. Editorial Note

On December 22, 1970, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 1:19 to 4:05 p.m. to discuss the "general state of U.S.-Soviet relations." (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the meeting took place in an "extremely cordial atmosphere." Although he cited several Soviet roadblocks to building "constructive relations", including "the harassment of Berlin corridors while negotiations are going on," Kissinger said that President Nixon wanted to reaffirm "his desire to improve our relations." Kissinger suggested that "we both agree to use this channel whenever

we see problems developing in our relations.” Acknowledging the “need to make some progress in our bilateral channel,” Dobrynin said he was “ready to meet as frequently as possible.” The two men also discussed recent developments in the Berlin negotiations:

“Dobrynin then said that with respect to Berlin, he was only repeating what our allies told him. Both the French and the Germans constantly told the Soviet Ambassadors that the United States was holding up progress. He admitted that the British were in a different category, but then the British are almost a sub-organ of the U.S. State Department.”

After assuring Kissinger that there was “great eagerness in Moscow to come to an understanding with the United States,” Dobrynin briefly described the difficulties involved in the Middle East negotiations and the Strategic Arms Limitation Talks. He then said:

“The same was true of Berlin. The Soviet Union thought it had made a major concession on December 10th by speaking of preferential, uninterrupted access. On the other hand, the American Ambassador seemed totally unprepared and had to ask for a recess twice. And when Abrasimov wanted to continue the meeting, he said he had personal business. This was unheard of in the Soviet Union. Soviet Ambassadors have the idea that they’re serving their government—not that private business has precedence. I [Kissinger] told Dobrynin that there was no sense in continuing an exchange of recriminations—that we should concentrate on the future. Dobrynin said he agreed and he recognized that this might be the last moment where we could have fruitful discussions.”

At the conclusion of the meeting, the two men agreed to meet on January 7, at the Soviet Embassy to “review our negotiating positions on Berlin, the Middle East and SALT, and see whether there were any points in which we might usefully make progress.” (National Archives, Nixon Presidential Materials, NSC Files, Box 490, President’s Trip Files, Dobrynin/Kissinger, 1970, Vol. 3)

Kissinger later forwarded, summarized, and analyzed the memorandum of conversation in an undated memorandum to the President. (Ibid.) The memorandum is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII. For their memoir accounts of the meeting, see Kissinger, *White House Years*, page 801; and Dobrynin, *In Confidence*, pages 209–210.

In a telephone conversation at 4:15 p.m. on December 24, Kissinger and Dobrynin continued their discussion of U.S.-Soviet relations, including the following brief exchange:

“K[issinger]: Some ideas you have discussed the other day he [Nixon] is considering in a positive spirit and I will say more to you on the 7th.

“D[obrynin]: Off the record, if something could be more completely now—it is important based on Soviet/American relations and would be good to discuss concrete—

“K: I am doing something on this. Berlin (I have worked out).” (Library of Congress, Manuscript Division, Kissinger Papers, Box 365, Telephone Conversations, Chronological Files)

Kissinger then called Nixon to report that he had “a long talk on the phone with Dobrynin and hung out the prospects for SALT and Berlin and the Middle East.” (Ibid.)

153. Memorandum From the President’s Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, December 22, 1970.

SUBJECT

Letter from Chancellor Brandt; Need for Review of our Policy on Berlin

The Chancellor has written you, Prime Minister Heath and President Pompidou letters reporting generally on his talks in Warsaw, when he signed the German-Polish treaty, and proposing that the Berlin talks be intensified (Tab B).²

He notes that the treaty will remove the Oder-Neisse border question as a burden on relations between West Germany and Poland and as an impediment to a wider European *détente*. He expects on the basis of his conversations to establish a “constructive” relation with

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-179, NSSM 111. Secret; Nodis. Sent for action. A stamp on the memorandum indicates that the President saw it. Sonnenfeldt forwarded it to Kissinger under cover of a December 18 memorandum. “Before dealing with Brandt’s ostensibly procedural proposal,” Sonnenfeldt explained, “there is urgent need for a new study within the NSC system of the status of the Berlin talks and of courses open to us in the New Year. If we are going to marathon negotiations, we will need to review both substance and tactics, particularly since we may well come under new pressures from Bonn to accept a broad agreement on principles and then turn the negotiations over to Bahr and Kohl. In view of the growing internal problems within the Government on Ostpolitik and mounting German resentment it is also urgent for the NSC system to reexamine problems that will be coming along quite soon if there is a Berlin agreement, and also examine the consequences if there is no agreement.” According to an attached routing slip, the memorandum was returned to Sonnenfeldt on December 28 for “further action.” (Ibid.)

² Tab B is Document 145.

Poland (this was before the riots). He informed the Polish leaders that the treaty with Warsaw was related to the Soviet treaty, as would become evident in the Bundestag debate. (By this he means that they will not be ratified separately, and the Soviet treaty will have to come first.)

The operational part of the message concerns the Berlin talks. The Chancellor finds that the last sessions produced some points of departure and in order to retain the initiative, he proposes that the negotiations be given a “conference-like” character. (His advisors have told us they envisage a more or less permanent negotiation at a fairly high level.)

The Chancellor notes that he has written to Kosygin, mainly to reassure him that Bonn continues to want a good relationship with the USSR and to repudiate press reporting that Bonn is taking a tougher stand, as reflected in the NATO meeting and the Berlin talks.

The Chancellor’s proposal to speed up the Berlin talks reflects the increasing anxiety in Bonn that the Berlin negotiations may fail, and, as a consequence that the Soviet and Polish treaties cannot be ratified thereby causing the collapse of the Chancellor’s foreign policy. Some of his advisors, and perhaps the Chancellor as well, have been shaken by some tough talk from the Soviets. Moreover, the Soviets are claiming to the Germans that we are the main sticking point in the Berlin talks. Bonn is also suspicious that we do in fact oppose Ostpolitik, a suspicion that is fed by newspaper speculation here and in Germany.

The French also seem to be wavering on the tactics of the Berlin talks, though not the substance. On the basis of my talks with Ambassador Alphan, ³ I think the French Foreign Ministry will probably want to support an acceleration in the negotiations, though this may not reflect President Pompidou’s desires. The British, however, seem more relaxed though they too might see some virtue in more intensive negotiations.

The problem, of course, is not the pace of the negotiations but the substance. The main issue for the Western Allies is access to West Berlin. We have taken the position that any new agreement must include a specific Soviet acceptance or acknowledgment of responsibility for maintaining unhindered access and some of the details of how it will be implemented. The Soviets cannot do this without repudiating to some degree the “sovereignty” of East Germany. Without this Soviet role, however, we have opposed turning the detailed negotiations over

³ Hervé Alphan, Secretary General of the French Foreign Ministry, met Kissinger and Nixon at the White House on the afternoon of December 11. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellaneous, 1968–76)

to the East and West Germans to work out the precise procedures for regulation of traffic. To date, the Soviets have fallen well short of the West's requirements since they have not been prepared to accept positions that, in his view, would derogate from GDR "sovereignty."

The second issue relates to the political presence of West Germany in West Berlin. The Soviets have made various proposals for drastic reductions of Federal offices, and prohibition of various political meetings, including the Bundestag. They seem prepared to negotiate on this, but have made it clear that their agreement on access is conditional to a solution of the question of the German political role and presence.

Bonn apparently believes that there can be some skillful manipulation of language and exchange of notes between the Western Allies and the FRG, on the one hand, and the Soviets and GDR on the other, that will circumvent the current stalemate on access. Hence the Chancellor's proposal for conference like talks.

Before replying substantively to this proposal, we will want to discuss it with the British and French. Before committing ourselves, however, it would be advisable to undertake re-examination of our position in preparation for the next Four Power Ambassadorial session on January 19, 1971. German issues were last addressed at the NSC on October 14. (Tab C)⁴

If you agree, I will issue an NSSM asking for a review of the status of the talks and alternative courses for us to follow. I will also ask that we do a longer term paper to examine the consequences of a failure in the talks and also a study of the problems we might face should the talks succeed and the German Eastern treaties be ratified. The issues involved have almost certainly been complicated by the rioting in Poland which is being kept under review for contingency planning purposes in the WSAG.

Recommendation

1. That you authorize me to direct two new studies on the operational alternatives in the Berlin negotiations, and on longer term implications of Bonn's Eastern policy. (Tab A)⁵

⁴ Tab C is Document 127.

⁵ Nixon initialed the approval option. Tab A is printed as Document 156.

154. Letter From the Chargé d’Affaires ad Interim in Germany (Fessenden) to the Assistant Secretary of State for European Affairs (Hillenbrand)¹

Bonn/Bad Godesberg, December 24, 1970.

Dear Marty:

The whole affair of the Ehmke visit, Binder article, and my talk with Sahm have kicked up such a fuss that I find it impossible to try to sum it all up. The whole thing is a classic case of Bonn intrigue, and I apologize for getting involved in it. The whole mess defies summing up, so I want to give you in this letter as full a report as I can give. I am enclosing a special report [*less than 1 line not declassified*] which is not being sent to anybody but you.² [*4 lines not declassified*] I am also enclosing a memcon of my talk with Sahm on December 16, as requested by Jim.³

I only hope in this whole affair that the State Department does not get into trouble with the White House on charges that the State Department put me up to expressing my concerns to Sahm. Ehmke told me that Kissinger entertained such suspicions. The fact is that Hal Sonnenfeldt knew about my plan to have a long talk with Sahm and raised no objections. He had called me on Monday, December 14, to ask me to send in my frank views. (I sent these in, and I understand you have seen them.)⁴ The whole purpose of Hal’s call was to do what he could with his boss to get him to take a more sympathetic view on the Ost Politik.

To demonstrate that Bonn is more intrigue-ridden than ever, I now want particularly to report two conversations I had yesterday, December 23, one right after the other, with Moersch and then with Ehmke, both of whom called me in.

Moersch really startled me. He is a mild-mannered man, although getting tougher in his new job. He said he wanted to make absolutely clear that in his view and that of Scheel, Frank and Von Staden “and everyone else in the Foreign Office,” I had done exactly what I should have done in this whole affair. He said that the all-important thing was that we continue to be completely open in our relations and that they valued the fact that I had spoken openly. He put the whole blame on

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, Amb/DCM Correspondence, 1970. Secret; Eyes Only Addressee. Drafted by Fessenden.

² Not found.

³ Sutterlin.

⁴ No such communication has been found.

what he called those “political amateurs” around the Chancellor, namely Ehmke and Bahr. He said that Ehmke has gotten very nervous because of the SPD loss in recent elections. He is the bright boy who has shot up fast, becoming a professor in his early 30’s and a Minister in his early 40’s. He doesn’t know how to react to setbacks, and has lost his nerve. He is lashing wildly out in all directions. Bahr he characterized as a man with a single-minded obsession on the Ost Politik, judging every issue by how the Soviets will react, and totally unconcerned by the internal political realities in Germany. He then said that “these people” in the Chancellor’s office actually believe that I was responsible for leaking the story to Binder. Moersch says he personally knew this to be a downright lie to cover up for the real culprits in the Chancellor’s office. He knows Binder well, had dinner with him December 21, and it was clear to him that Ahlers plus others in the Chancellor’s office were behind the Binder story. Ahlers ought to be fired, Moersch said. Moersch finally said that a problem that he and Scheel have is that they can’t get to Brandt without “those men” who surround him, but they will find an early opportunity to get to him alone in order to bring home to Brandt that all of this mess was not a plot by me or the State Department, but that the trouble lies with Ehmke and Bahr. Moersch ended by saying that he hoped very much that I would forgive this messy situation and would continue to deal with them in the same open spirit as I have in the past. I thanked Moersch profusely for his comments and expression of confidence.

I then went directly to Ehmke. He was just finishing dictating his report on his Washington trip. Sahm was there but sat as a silent and uncomfortable-looking partner during the entire conversation. Ehmke began by saying that he had good talks in Washington. He said that to his surprise he had found complete harmony of views with Henry Kissinger. First, Henry had not been nearly as much concerned as he had been led to expect by the problems we are having with the Soviets around the world. He had not been negative in his judgment of the SALT talks. He certainly gave no impression of a negative overflow effect on the Berlin negotiations of our general problems with the Soviets. On the substance of the Berlin talks, there seemed to be no differences at all, except possibly that the U.S. side—here he mentioned you particularly—feel that the Germans may be asking for too much. Furthermore, at least on the principle of expediting the Berlin negotiations, there was no disagreement with Kissinger. The principle of expediting was agreed, he said, with the details to be worked out later. The standing conference idea was received with an open mind and even sympathetically by Henry Kissinger. [1½ lines not declassified] All in all, Ehmke said, Kissinger in his view seemed to be in harmony with him. He said Kissinger was very surprised to find that the concerns I had expressed about misunderstandings simply did not exist. Ehmke said

that Kissinger said to him: "If there are any differences in the future, you have a telephone on your desk, just give me a ring."

On the Binder article, I said to Ehmke that I had heard an astounding report that I or the Embassy had been responsible for leaking the story to Binder. I said that we had talked with Binder and that, like any professional newsman, he has not divulged his source specifically, but he has said enough to make it very clear to us that this story came out of the Chancellor's office. Ehmke looked me straight in the face and said "I know whom you mean" (Ahlers). Ehmke said that he was present yesterday when that man in the presence of the Chancellor swore flatly that he had nothing to do with the story. Ehmke said this in such a way that one could deduce that he did or did not believe Ahlers.

I also told Ehmke that I assumed he knew that I had not been in any way the instigator of his trip to Washington; Sahm had raised it with me. I then told Ehmke that I had not been particularly surprised by Sahm's reference to a possible Ehmke or Bahr trip because "word had found its way to us" several days before that the Chancellor's office was considering such a trip because of its concerns about misunderstanding in Washington on the Ost Politik. [2 lines not declassified] Ehmke said flatly that he knew nothing of any such consideration in the Chancellor's office beforehand, either about a trip to the U.S. or about concerns on the Ost Politik.

I tried to end up on a disarming (or tongue-in-cheek) note. I said his mission was obviously a very successful one because he had found such a fine harmony of views. In spite of the general mess of the last ten days, perhaps the overall situation today was an improvement as far as confidence between Bonn and Washington. Ehmke responded in kind, said some complimentary things about me, said there were several things in this whole affair which were unclear to him, and expressed the hope that I would not think that they held me responsible. He also said he hoped I would continue expressing openly my views at all times.

On this pleasant note we parted. Sahm tried to walk me down to the front door, I am sure to tell me how much he regretted all this and probably to add more besides. Ehmke seemed to sense that Sahm wanted to have a private word with me and rather insistently called Sahm back into his office to prevent him from accompanying me. So Sahm, looking inwardly torn, only was able to wish me Merry Christmas.

The picture I get from all this business is of a nervous Ehmke and Bahr thoroughly mistrusted by the majority of the SPD, by the Berlin Senat, by the FDP, and by the Foreign Office, to say nothing of the Opposition. Wehner is their only real support. Brandt, tired and ordered firmly by his doctor to spend three full weeks in Kenya, is just not able to cope.

My final conclusion is that political Bonn desperately needs a Christmas vacation.

All the best,
As ever,

Russell Fessenden⁵

Attachment

Memorandum of Conversation⁶

Bad Godesberg, Germany, December 16, 1970.

PARTICIPANTS

Dr. Ulrich Sahn, Ministerialdirektor, Office of the Chancellor, Bonn
Minister Russell Fessenden, American Embassy Bonn

SUBJECT

U.S.-German Relations on Berlin Negotiations and Ost Politik

I invited Sahn to my house for lunch on December 16. I have known Sahn for a long time, first meeting him in the early 1960's when he was No. 2 in the German NATO Delegation. We normally discuss things very frankly.

In the course of discussing other currently operational subjects, I told Sahn that I had heard various indications that there was concern in the Chancellor's office about attitudes in Washington towards the Berlin negotiations and the Ost Politik. (I based this, of course, on the unquestionably accurate information we got [*less than 1 line not declassified*] about Bahr's concerns [*less than 1 line not declassified*] on December 11. Bahr had intended this to get to us. I did not, however, throughout the conversation say anything that could lead to identifying Bahr [*less than 1 line not declassified*].) I said that I was concerned about anything which could lead to mistrust between Governments. I added that if there were any concerns in the Chancellor's office, they were ill-founded. People seem to have been misled by such things as the Acheson story which, I pointed out, the White House as well as the State Department had been prepared to deny. Unfortunately nobody asked the question at the White House daily press conference, although they

⁵ Printed from a copy that bears this typed signature.

⁶ Secret. Drafted by Fessenden on December 24. For Sonnenfeldt's analysis of both this memorandum and a conflicting account drafted by Sahn, see Document 161.

had done so at the State Department. I also said that we in the Embassy have been doing everything possible to bring home to Washington the importance of maintaining good relations with the Brandt Government, and I believe this was understood in Washington. We had, for example, been stressing in our reporting that the longevity of the Brandt Government is probably much greater than earlier thought⁷ and that given the paramount importance of maintaining good relations with the elected government of Germany, this was important. We had also been highlighting the constructive role the Brandt Government has played in the NATO-burdensharing exercise and in negotiating military arrangements for our troops.⁸

I then said that on the substance of negotiations, there was complete understanding between Washington and Bonn. There is even some feeling in Washington that the Germans are taking a too-hard line on substance, in the sense of asking too much. There is, however, a difference of emphasis on tactics, and it is here that any difficulty may lie. I pointed out that the Chancellor in talking with the Ambassador has expressed a view identical with ours: no time pressure, patience and toughness. Nevertheless, we keep hearing from the Government noises about the need for speeding up the negotiations. All of this is not helped by Soviet propaganda, which keeps feeding out the line that the U.S. is acting as the big roadblock. I then told Sahm that I wanted to be very frank and tell him about some of the other things we hear from FRG Government circles. I stressed very strongly that all of these comments were volunteered to us. For example, Genscher has gone out of his way to volunteer to us “Don’t let anybody in the Brandt Government put you under pressure to speed up the negotiations or make undue concessions.”⁹ Schuetz made very similar comments on the pace of the negotiations to the President.¹⁰ Some key members of the SPD (Wienand, although I did not name him) have also told us not to be pressured into too much speed or into too soft a position. I told Sahm that we of course conduct our basic relations with the Chancellor’s of-

⁷ As reported in telegram 14392 from Bonn, December 14. (National Archives, RG 59, Central Files 1970–73, POL 15–1 GER W)

⁸ As reported in a letter from Fessenden to Sutterlin, November 30. (Department of State, EUR Files: Lot 74 D 430, DEF FRG)

⁹ A memorandum of conversation between Genscher and Dean, December 5, is *ibid.*, EUR/CE Files: Lot 85 D 330, JDean—Memos of Conversation, 1970.

¹⁰ Schütz met Nixon at the White House from 3:43 to 4:23 p.m. on November 17. (Daily Diary; National Archives, Nixon Presidential Materials, White House Central Files) Although no U.S. record has been found, Pauls drafted an account of the discussion, a copy of which is *ibid.*, RG 59, EUR/CE Files: Lot 91 D 341, POL 39.5, 1970. Four Power Talks, Dec., Commentary on Talks; see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, p. 2294, footnote 3.

fice and the Foreign Office, not with Schuetz or Genscher or the SPD Bundestag Fraktion. Nevertheless such comments as these volunteered to us from key figures have to be reported to Washington and cannot help but influence opinion.

I then raised with Sahn Bahr's last-minute intervention with the Ambassador on December 9,¹¹ just before the December 10 Berlin Ambassadorial meeting. I said that I frankly felt Bahr had overdone his presentation. I knew that Washington wanted something firm said to the Soviets by the Ambassador at the meeting. I said we had deliberately done minimal reporting on Bahr's intervention, fearing that the full impact of what Bahr said would not be well received in Washington.

I ended by saying that I hoped everything possible could be done to retain an atmosphere of confidence and trust.

Sahn immediately said that something had to be done and asked whether Kissinger could come to Bonn. When I said I thought this was most unlikely, he then said that somebody like Ehmke or Bahr ought to go to Washington promptly. I did not react one way or another to this suggestion. Nor did I indicate that we had already heard that such an idea was being considered.¹²

¹¹ See Document 141.

¹² In a December 28 letter to Hillenbrand, Fessenden supplemented his account: "I should have added to my Memcon with Sahn the fact that he queried me closely at the end about the reasons for any misunderstanding or mistrust of the Ostpolitik in Washington. After stressing again that there were no basic differences on substance, I added that Washington was a big place and that there were those who did have their doubts. In response to his prodding, I cited the view held by some that a false atmosphere of détente would be created, making it more difficult to maintain NATO strength. I also cited the view held by others that the Ostpolitik would lead to such internal differences as to be damaging to the fabric of the German body politic." (Department of State, EUR/CE Files: Lot 85 D 330, Amb/DCM Correspondence, 1970)

155. Intelligence Information Cable¹

TDCS DB–315/06924–70

Washington, December 24, 1970.

COUNTRY

West Germany

DOI

19–22 December 1970

SUBJECT

Comments of Federal Chancellery Minister Horst Ehmke concerning his quick trip to the United States

ACQ

[1 line not declassified]

SOURCE

[1 paragraph (3 lines) not declassified]

It is judged that Ehmke believes his comments will reach the U.S. Government.

1. [1 line not declassified] Federal Chancellery Minister for Special Affairs Horst Ehmke, who on 22 December had returned from a quick trip to the United States to discuss FRG–U.S. relations with senior U.S. officials in Washington. Ehmke stated that he was pleased with the results of his trip, considering that he had established to the satisfaction of the Brandt regime that there did not exist any “crisis of confidence” between the FRG and the U.S., as had been stated in a *New York Times* article, datelined Bonn, which was published on 20 December. Ehmke said that there existed, and undoubtedly would continue to exist, some disagreement regarding tactics; for example, the FRG wished to move at a faster pace than the U.S., and the FRG was advocating “continuous talks” while the U.S. position in this respect was more reserved; however none of these differences constituted a basic lack of confidence between the two governments and they can continue to work in close cooperation to try to achieve a solution of the complex problems which

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany, Vol. VIII. Secret. No Foreign Dissem; Controlled Dissem; Background Use Only; Routine. Prepared in the CIA. Kissinger initialed the cable indicating that he had seen it. An unidentified NSC staff member wrote the following summary for Kissinger in the margin: “Ehmke reports on this trip to the US: —reassured there is no crisis in confidence; —you, Sonnenfeldt, Hillenbrand assured him Acheson spoke for himself (?); —source close to Chancellor may have been source of info for *NY Times* article; —French have rejected Brandt proposal for continuous 4 power talks; —Bahr wants to move faster than Ehmke.”

face them with respect to Berlin and relations with the Soviet Union and the other Eastern European countries.

2. Ehmke stated that after seeing the 20 December *New York Times* article following his arrival in New York en route to Washington he had suspected that some of the information in the article had been leaked to the *New York Times* by American officials abroad, notably in the FRG. Ehmke said that he also suspected that the FRG press spokesman, Conrad Ahlers, had “confirmed” to the *New York Times* that certain of the information obtained by the *Times* was accurate. Ehmke added that Ahlers had been queried by Chancellor Willy Brandt and by Ehmke himself concerning the matter, and had denied any involvement. Ehmke indicated that he remained suspicious that Ahlers had had a hand in the affair, but that he was unable to prove it. (*Source comment*: It appeared that Ehmke’s comments concerning his expression of suspicion of American officials abroad as being the source of the *New York Times* story was more a provocative statement to the source than an expression of current belief. It is judged that Ehmke now believes that some party in or close to the Federal Chancellery was the actual source of basic information for the *New York Times* article and that his comments accusing American officials were aimed at camouflaging his true sentiments [*less than 1 line not declassified*].)

3. Ehmke characterized his conversations with senior U.S. officials in Washington, including White House National Security Adviser Henry Kissinger, Helmut Sonnenfeldt of Kissinger’s staff, and Assistant Secretary of State for European Affairs Martin Hillenbrand as having been very frank and highly useful. Ehmke stated that he had been assured by the group of U.S. officials that the U.S., as had been stated by President Nixon, Secretary of State Rogers, and other U.S. officials, continued to support the “Ostpolitik” of the FRG. When Ehmke expressed to the U.S. group the concern of the FRG that the recent statement of former Secretary of State Dean Acheson to the effect that the FRG was “going too fast” in its “Ostpolitik” represented the view of the Nixon administration, the officials assured Ehmke that this was not the case; Acheson spoke only for himself, not for the U.S. Government.

4. Ehmke said that in Washington he had been questioned about the conversations which have been held in West Berlin between FRG State Secretary Egon Bahr of the Federal Chancellery and V.M. Falin, Chief of the Central European Division of the Soviet Foreign Ministry, which U.S. officials had indicated had given rise to some suspicion concerning the FRG’s attitude with respect to unilateral contacts with the Soviet Union. Ehmke added that he had apologized to the U.S. officials concerning the FRG’s handling of the matter, and had promised them that the U.S. would receive a full account of the talks [*2 lines not declassified*].

5. Moving to a topic not concerned with his Washington trip, Ehmke remarked that he had learned that the French Government had rejected the proposal of Chancellor Brandt for the institution of “continuous Four-Power talks” and that he understood that the U.S. was tending to adopt the same negative attitude. Ehmke said that he hoped the U.S. would reconsider its position. However, the FRG plans to continue the talks with the German Democratic Republic (GDR) through the mechanism of meetings between FRG State Secretary Bahr and GDR State Secretary Michael Kohl. Ehmke added that he personally was not optimistic concerning the possibility of these talks generating significantly fruitful results; however he agreed that they should be continued. In speaking of the possible content of the talks Ehmke stated that it was his personal view that the question of Berlin access should not be broached in the FRG–GDR talks until “much later”; however Bahr was the FRG official designated to conduct the talks, and Bahr wished to move at a faster pace. Ehmke said that he hoped that the Four Powers understood that the official policy of the FRG with respect to the conduct of talks with the GDR was that enunciated by Chancellor Brandt, as set forth in the comments made by the FRG Press Spokesman, Conrad Ahlers, on 21 December, not that enunciated by SPD Deputy Chairman Herbert Wehner in recent statements to media representatives. Ehmke added that it continues to be FRG policy that any arrangements that the FRG–GDR negotiators might propose must be approved by the Four Powers.

6. [1 line not declassified]

156. National Security Study Memorandum 111¹

Washington, December 29, 1970.

TO

The Secretary of State
The Secretary of Defense
The Director of Central Intelligence

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 365, Subject Files, National Security Study Memoranda (NSSM's) Nos. 104–206. Secret; Nodis. No drafting information appears on the memorandum. A copy was also sent to the Chairman of the Joint Chiefs of Staff. Sonnenfeldt forwarded the text as an attachment to a December 18 memorandum to Kissinger; see footnote 1, Document 153.

SUBJECT

Study of Four Power Negotiations on Berlin and Implications of Ostpolitik

REFERENCES

NSDM 91; Chancellor Brandt's Letter of December 15, 1970²

1. The President wishes to review the four-power negotiations in Berlin and the alternatives we might adopt in the next phase. The review should include (1) a statement of the main issues, and the positions adopted by the USSR, the Western Allies, and where pertinent, the attitude of the West German government; (2) the currently agreed Western position, including fallback positions not presented to the USSR; and (3) the view points of our Allies and Bonn on how to proceed in the next phase. On this basis, the study should present and discuss the various approaches we could adopt on the main issues, and evaluate the effects that would result. This evaluation should build on the policy guidelines outlined in NSDM-91.

2. This study should be undertaken by a working group established by the Chairman of the European Interdepartmental Group, and should be submitted by January 12, 1971.

3. The President also wishes a longer term study to cover the consequences of various developments in the Eastern policy of the West German government. This study should assume (a) the success of the Berlin talks and subsequent ratification of the Soviet and Polish treaties, and (b) the failure of the Berlin talks and the consequences. In particular, the study should examine longer term problems such as the problems associated with the international recognition of East Germany, admission to the UN, questions relating to our rights and responsibilities for Berlin and Germany as a whole, domestic problems inside West Germany, our relations with Bonn, and Bonn's relations with its Western allies, as well as the effects on Soviet policy and Eastern European attitudes under the alternative assumptions.

4. The same group indicated in paragraph 2, will be charged with this study, with completion by February 10, 1971.

Henry A. Kissinger

² Documents 136 and 145.

157. Memorandum From William Hyland of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, December 31, 1970.

SUBJECT

Bahr–Kohl and Bahr–Fallin Talks

These two conversations last week produced nothing new in substance, but confirmed that both the Soviets and GDR are tightening the screw on the Bonn government.

*Bahr–Kohl*²

In the 23 December talks between Bahr and the East German State Secretary, Kohl, the latter insisted that their talks deal first with Berlin transit traffic rather than a general transportation agreement between the two Governments. Bahr, of course, had to reject this procedure on the grounds that the Germans could not begin such a discussion until the Four Powers had reached some agreement. Kohl insisted that the two sets of negotiations could proceed in parallel, and in this way the Germans would make a “contribution” to the Four Power discussions. (Such an end run would make the Four-Power talks meaningless.)

Kohl handed over a formal protest against West Germany's illegal activities in West Berlin to underscore his assertion that cessation of such activities was a precondition of the German talks. Bahr responded with an offer to discuss reciprocal actions to avoid further escalation of the situation. Kohl indicated he might be willing to discuss this in a private conversation (no indication that he did so, however).

*Bahr–Fallin (December 28)*³

In a private luncheon meeting Bahr complained to Fallin about the hardening of the GDR position. Whereas originally the German talks

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany, Vol. VIII. Secret; Limdis. Sent for information. Kissinger initialed the memorandum indicating that he had seen it.

² The account of the meeting is based on an attached report, telegram 14965 from Bonn, December 30. (Ibid., RG 59, Central Files 1970–73, POL 28 GER B) See also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2310–2318.

³ The account of the meeting is based on an attached report, telegram 14967 from Bonn, December 30. (National Archives, RG 59, Central Files 1970–73, POL GER W–US). See also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2341–2344. On December 31 Bahr also sent a backchannel message on his meeting with Falin to Kissinger. In the message (translated here from the original German by the

had been arranged to discuss general transit, now the GDR was pressing for discussion of Berlin traffic only. Fallin was not particularly sympathetic, though he made the usual noises about how difficult it was to deal with the GDR. Fallin, however, made it quite clear that the Soviets intended to support harassment of access (“increased counter-measures”), if Bonn continued to increase its activities in West Berlin. In a further implied threat he asked rhetorically what Bonn’s reaction would be if the GDR applied its legislation prohibiting the transport of “military goods.” It would be difficult for the USSR to argue against such action by the GDR, which had the impression that the FRG had flung down the gauntlet on Federal activities in West Berlin. (In practice this would probably mean actually stopping some traffic from leaving West Berlin, or extensive inspection for “military goods.”)

The carrot to this stick was Fallin’s indication that an early four power agreement on principles would avoid further hindrances to civilian traffic. He added that the USSR had noted “press reports” of Brandt’s desire to shift the Berlin talks to a “conference-like” format, and that the Soviets, while not officially asked, would be agreeable.

Comment

Apparently the Soviets and the GDR believe that the FRG is coming under increasing pressure to move the Berlin talks forward, and that a split is developing between Bonn, on the one hand, and the three Western Powers, on the other. The Soviets know, of course, that because of the Berlin laender elections in March, FRG political activity will become more visible and that there can be repeated opportunities for harassments. If Bonn backs away from various meetings, visits, etc., or if we deny them, the Soviets win a tactical and psychological point. On the other hand, if we stand firm or take retaliatory measures, such as postponing the Four Power sessions, the ratification of the Eastern treaties recedes even further and Brandt’s position is jeopardized. What the Soviets expect, and are obviously getting, is for Bonn to increase its pressures on the U.S. to intensify the Berlin negotiations.

editor), Bahr reported: “Gromyko had the feeling that the President has not been fully informed about the Soviet position on Berlin. Gromyko had a positive impression of the President’s good will. The Russians have a certain mistrust whether the attitude of the State Department suggests a game of good cop/bad cop. I told Falin that the conversation between you and Ehmke confirmed my conviction that the United States wants a Berlin settlement. Falin expressed skepticism on the latter point.” Bahr further said that the Allies should modify their position in the Berlin negotiations only when the Russians had been induced “to show their cards.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]) For the full text of the message in German, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1970*, Vol. 3, pp. 2356–2357.

Our principal problem will be that as pressures mount, the simple principles put forward by the Soviets (“unhindered traffic on a preferential basis”) will look more and more tempting to the FRG, and probably the British and French as well. As anticipated when these talks began, we then risk becoming isolated and shouldering the blame for an impasse or failure.

One final comment on the Bahr–Fallin channel: This extracurricular activity of Bahr’s is becoming more and more suspect. It is difficult to believe that it is only happenstance that (a) Brandt proposed, in a private letter to the President, to intensify the Berlin talks, (b) Bonn then leaked its contents, and (c) a few days later, Fallin indicated Soviet agreement.

158. Letter From President Nixon to German Chancellor Brandt¹

Washington, December 31, 1970.

Dear Mr. Chancellor:

Your letter of December 16² was of much interest to me. The treaty which you signed in Warsaw on December 7 can be of lasting significance to Europe and provides, I believe, the most incontrovertible evidence of the determination of the Federal Republic to bring to an end those tensions and hostilities which stem from past chapters in Europe’s history.

As is evident from the events in Poland these days conditions in the country require the full attention of the Polish Government. Hopefully the new leaders will realize that relaxation of tensions and freer exchange with Western Europe will be useful to them if they are to cor-

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–US. No classification marking. Although no drafting information appears on the letter, Rogers attached the text to a December 23 memorandum for the President. (Ibid.) Kissinger forwarded both in a December 30 memorandum to Nixon (see footnote 3 below). On January 4 the Department pouched the letter to the Embassy for delivery and transmitted the text by telegram. (Telegram 629 to Bonn, January 4; National Archives, RG 59, Central Files 1970–73, POL GER W–US) In telegram 84 from Bonn, January 5, Fessenden reported delivering the letter that morning to Bahr, who said he would forward it to Brandt on vacation in Kenya. According to Fessenden, “Bahr read the letter quickly and was obviously pleased with its contents. He noted particularly the favorable comments on the Warsaw Treaty and the comments on future procedure for the Berlin talks, which he said was generally in line with German views.” (Ibid.) See also *Dokumente zur Deutschlandpolitik*, 1969–1970, Nr. 265, pp. 1038–39.

² The letter was dated December 15; Document 145.

rect the conditions which have caused such unrest among the population. The whole world needs the assurances of peace which will permit a greater apportionment of time, resources and energy to the problems which, while widely differing in nature, affect the daily life of all our citizens.

I have been following the Berlin talks with close attention and with full realization of the importance which they have not just for Berlin but for the broader effort, in which your Government is playing a leading role, to normalize East-West relations in Europe. At the moment the Soviet Union is seeking to portray the United States as the main obstacle to a Berlin settlement. The full agreement on the Western side concerning the Berlin talks, which you usefully emphasized in your talks in Warsaw, is the best answer to this Soviet tactic. The carefully coordinated positions we have presented in Berlin are, I believe, beginning to produce a Soviet response which while equivocal and unsatisfactory on important points, shows at least the beginning of movement. It is up to us now to pursue these leads and see if a worthwhile agreement is possible.

With regard to the form of the Berlin talks, I believe your idea to give them a conference-like character merits full consideration and we will be glad to study the details of your thinking either in the Bonn Group or through our normal diplomatic channels. Meanwhile, I would suggest that we continue the established procedure but maintain sufficient flexibility to adjust the frequency and duration of the Ambassadorial and Counselor level meetings to possible movement in the Soviet position.³

May I take this occasion to send you and Frau Brandt our warm greetings for the holiday season which I understand you have the good fortune to be spending in Kenya.

Sincerely,

Richard Nixon

³ In a December 30 memorandum to the President (see footnote 1 above), Kissinger reported: "Through subsequent discussions with the Germans, it has become clearer that Brandt seemed to be primarily interested in extending the duration and number of the four power Ambassadorial and adviser-level meetings, not with establishing a permanent conference or raising the level of representation significantly as had been previously thought. The Chancellor's suggestion remains only vaguely articulated, and indeed there have been some reports that, following the latest Berlin autobahn harassment just before Christmas, Brandt even regretted having proposed the intensification of the talks." (National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-179, NSSM 111)

159. Note From the Soviet Leadership to President Nixon¹

January 6, 1971.

From the conversation of the USSR Foreign Minister A.A. Gromyko with President Richard M. Nixon² came the impression that there is a sufficient degree of accord between our sides as to the necessity to remove tension in and around West Berlin. This in effect is the central point from which the negotiations should proceed, a recognition that complications which occur there, are not in the interests of either the Soviet Union or the United States, and that, consequently, our countries—both of them together and each one separately in fulfillment of their competence—must see to it that appropriate measures are taken which would exclude such complications for the future.

Taking into view the position of the Western powers the Soviet Union has expressed readiness to have a possible agreement on West Berlin which now would include a minimum of questions, primarily of practical nature, and not involve some points of principle on which it is difficult to reach understanding in the present circumstances. Such practical solutions are possible on the basis of inter-Allied agreements related to that city. As it could be concluded from the A. Gromyko–R. Nixon conversation, our Governments' viewpoints on this score are close, too.

The abovesaid gave reason to believe that the four Ambassadors would take up the whole range of subjects that are within their competence and would consider them in their essence. Both the questions in which the Soviet side is primarily interested, as well as those to which particular significance is attached by the Western powers, must have been subject to the discussion.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 490, President's Trip Files, Dobrynin/Kissinger 1971, Vol. 4 [part 2]. No classification marking. David Young of the NSC staff sent the note at 12:37 p.m. to Kissinger in San Clemente. (Ibid., Box 714, Country Files, Europe, USSR, Vol. XII) In a covering message, Young reported: "I went to the [Soviet] Embassy and picked the note up at 10:50 a.m. When Vorontsov handed the note to me, he said the Ambassador would appreciate your calling him after you had read the note so he could expand on it orally over the phone and that this would probably be helpful for you to have before you discussed the matter with the President." For further background, see Document 160. Hyland prepared a memorandum analyzing the note for Kissinger; Kissinger later incorporated Hyland's analysis in a memorandum to the President (Document 166). In his memoirs, Kissinger recalled his response to the Soviet note: "I recommended to Nixon that we return a positive reply which would insist on Soviet guarantees of access and a clearly defined legal status for West Berlin. And I proposed linking the Berlin negotiations to progress in SALT; SALT in turn we would make depend on Soviet willingness to freeze its offensive buildup. Nixon approved." (*White House Years*, p. 802)

² See Document 129.

It should be said that the meetings of the four Ambassadors did not actually proceed in this direction. The position of the U.S. representatives—and this was especially noticeable at the last stage of the meetings—was not marked by the spirit of cooperation in favor of which the President of the United States and the USSR Foreign Minister spoke earlier. There is reason to speak even to the effect that the position of the United States and its allies continued to be affected by the inertia of the earlier, incorrect views of the intentions of the Soviet Union and of its approach toward the negotiations, which, it seemed, must have dissipated after the high-level conversations between the representatives of the sides.

Having in mind the importance which the West Berlin question has assumed in our relations, it would be desirable to know the point of view of the White House. In particular, we cannot leave unnoticed the fact that the discussion at the high level, which led to a useful clarification of the sides' positions and to their drawing nearer has not subsequently found expression in the specific measures and negotiations conducted by the Governments. Evidently, such a state of affairs should be avoided considering the role and importance of the USSR and the United States in international relations.

The negotiations on West Berlin are to resume in mid-January. It will be very important what they will start with and how they will be arranged. A definite bearing will also have the atmosphere in which the talks proceed, prevention of the type of occurrences which evoke and cannot but evoke a retaliatory reaction and aggravate the political climate in that area in general.

The Soviet side can definitely state that its representatives are empowered with due authority to conduct the negotiations and to put their positive results into formal shape. We expect that the same authority will be given to the U.S. representatives as well as to the other participants in the negotiations. If for the success of the matter a more regular format of the negotiations is required, that possibility should also be weighed. On our side we are prepared to support that.

It seems that the questions of principle are already sufficiently clarified. They have been talked over at the high level, and the Ambassadors should not, apparently, repeat the work which has already been accomplished earlier. The time now is ripe for formulating possible decisions, to work out the texts which are to constitute an accord on West Berlin. Since the negotiations are carried on within the framework of the existing inter-Allied agreements, and no new legal basis is sought, then there should be no attempts made to circumvent these agreements or to acquire beyond these agreements some rights that are not given by them to one or another country.

We are for discussing *all* questions which the four Ambassadors have the authority to discuss. We are for the representatives of the FRG,

West Berlin Senate and the GDR holding, in their turn, necessary discussions with the view of solving those practical questions that they must solve between themselves.

Accord on West Berlin is contemplated as a kind of package. This is not a unique case in international practice. Solution of this kind provides a definite assurance that the agreement will be observed in all parts, and that this or that side, meeting the other one halfway, will not subsequently find itself passed around and that her interests will be kept.

In discussing the West Berlin set of problems such method is especially appropriate considering the subtleties and complexities existing there.

The Soviet side would like to draw the attention of the White House to the aboveset considerations and to express the hope that it will find proper understanding. The Western powers have endeavoured to present the West Berlin question before the public as a test of good will of the Soviet Union. In the same measure this question is a test of good will of the Western powers themselves, first of all of the United States.

160. Editorial Note

On January 6 and 7, 1971, Assistant to the President Kissinger in San Clemente and Soviet Ambassador Dobrynin in Washington discussed by telephone the Soviet note on Berlin (Document 159). In the conversation at 11:45 a.m. (EST) on January 6, Dobrynin provided some background on the Soviet initiative.

“D: I asked Vorontsov to call Mr. Young and give him a special message to you. This is really in terms of our confidential channel. I thought it would be all right because the message is in an envelope so that only the two of us would know what it was. It is from the top to top.

“K: Can an answer wait until I see you on Monday [January 11]? I have not read the message so I cannot tell you what I think.

“D: It is a continuation of the talk between the President and Gromyko. In line of the discussions which took place at the White House. The consultation of the President and Gromyko at one point.

“K: We are in the process of reviewing that whole issue anyway so I will be glad to get this message. I am almost certain . . . I cannot give you an answer now because I have not seen the message.

"D: Continuation of what they discussed at the White House. That was a continuation of what we discussed before.

"K: I was just wondering when Vorontsov called if this was something you were planning to deliver someplace else later in the day.

"D: No. Not at all. This is in our channel. It is not going anyplace else. That is why I wanted to call and tell you what these arrangements are. I did not think it would hurt to have Vorontsov call Young.

"K: Now I understand. This is only a technical problem.

"D: I will see you on Monday." (Library of Congress, Manuscript Division, Kissinger Papers, Box 365, Telephone Conversations, Chronological File)

At 3:35 that afternoon, Kissinger and Dobrynin continued their long-distance discussion of using the confidential channel for negotiations on Berlin and other important matters.

"K: I have just talked about that document with the President and I will be prepared to discuss it with you on Monday but I wanted to be sure I knew what the precise question is to which you want an answer. The question is not clear. You said there is one question in particular to which you want an answer and I was calling to make sure I knew what it was.

"D: About the first page, to speed up the whole process. Secondly, from our side and from your side point of view—you remember Gromyko's discussion with the President.

"K: That you are prepared to go forward on this basis.

"D: How it was handled there—

"K: I understand, I understand. We are looking at this with a very constructive attitude.

"D: Constructive position. We are quite prepared to—I have instructions which I did not want to put in writing in that message—if President OK's we could have some talks between you and I. I have instruction to tell the President . . . details of the major issues—we are prepared to go but both of us should talk—

"K: For your information I think I will be prepared to talk with you. Perhaps on Monday we will not be able to deal with all of it but get the basis for which our discussions will take place.

"D: This one and maybe can discuss most useful things to do to speed up.

"K: At least I could explain to you how I think it can be done.

"D: It probably can be taken care of in 2 or 3 meetings and then see the President—

"K: 2 or 3 meetings to narrow the thing.

"D: Not how to solve but direction where we go.

“K: What we think our needs are and what you can do about them and then we will treat your needs in the same way.

“D: Two things—speeding up two major points which was discussed with the President.

“K: I thought that is what you were saying but I wanted to check.” (Ibid.)

At 3:05 p.m. on January 7, Dobrynin called Kissinger to explain that he could not meet on January 11 as planned: “I have just received a telegram from Moscow and they have asked me rather urgently to come to Moscow for consultations—tomorrow or the day after.” Kissinger, however, deflected the suggestion that he respond to the Soviet note in writing: “I am a little reluctant to put it in writing because it depends on a number of explanations. But I wanted to make a very concrete proposal on how to proceed on the subject you made yesterday and another concrete proposal in another area. If our relationships are going to be a part of your conversation this will be not at all unuseful. But if I put it in writing it will have to be very carefully drafted because you will study every word of it.” After considerable discussion of scheduling problems, Dobrynin indicated that he would seek a delay in his departure to permit a meeting in Washington on the morning of January 9. Kissinger declared that “this could be one of the more important conversations we have had.” (Ibid.) One hour later, Kissinger gave Dobrynin another reason to stay in Washington: “I wanted to mention one thing on a semi-personal basis. I think it would be very hard to be understood by the President if you were pulled out in light of the communication of yesterday without waiting for an answer.” Dobrynin replied: “I understand and will check with Moscow.” (Ibid.)

On January 9 Kissinger and Dobrynin met in Washington for a discussion of several issues, including the Berlin negotiations. According to Kissinger’s Record of Schedule, the meeting was held in the Map Room at the White House from 10:30 a.m. to 12:25 p.m. (Ibid., Box 438, Miscellany, 1968–76) According to the memorandum of conversation, however, the meeting took place in the Soviet Embassy at Dobrynin’s invitation (without specifying a time or duration), and Dobrynin, who had been unexpectedly recalled to Moscow, was delaying his departure for 24 hours in order to receive a response from Kissinger to the recent Soviet note on Berlin. The memorandum records the conversation on Berlin:

“I told Dobrynin that I had an answer from the President to the Soviet note on Berlin—specifically, whether the President still stood by his conversation with Gromyko. I said a lot depended, of course, on how one interpreted the President’s conversation with Gromyko. In the sense that the President said that he would be well disposed towards

the negotiations if they did not cut the umbilical cord between West Berlin and the Federal Republic, there was no problem. With respect to the Soviet proposal that the process be accelerated and that we review again the Soviet propositions, I said the following: I had reviewed the Soviet propositions and wanted to distinguish the formal and the substantive part. If the Soviet Union could give some content to the transit procedures and if the Soviet Union could find a way by which it could make itself responsible, together with the four allies, for access, we would, in turn, attempt to work out some approach which took cognizance of the concerns of the East German regime. I would be prepared, at the request of the President, to discuss this with him in substance, and if we could see an agreement was possible, we could then feed it into regular channels.

“Dobrynin said that this was very important because Rush was clearly an obstacle to negotiations since he either didn’t understand them or was too intransigent. I told him this was not an attempt to bypass Rush, but to see whether we could use our channel to speed up the procedure. I was prepared to have conversations with high German officials to find out exactly what they were prepared to settle for and then to include this in our discussions. Dobrynin said he would check this in Moscow and let me have an answer by the end of the week.” (National Archives, Nixon Presidential Materials, NSC Files, Box 490, President’s Trip Files, Dobrynin/Kissinger 1971, Vol. 4 [Part 2])

Kissinger forwarded the memorandum of conversation to the President on January 25. (Memorandum from Kissinger to the President, January 25; *ibid.*) The memorandum is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII. For their memoir accounts of this crucial meeting, see Kissinger, *White House Years*, pages 802–803; and Dobrynin, *In Confidence*, pages 210–211.

161. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 8, 1971.

SUBJECT

The German Version of the Fessenden–Sahm Conversation of December 16, 1970

As relayed by Commander Howe, you asked for my comments on Ehmke's letter to you of December 23 and on the German memcon of the Fessenden–Sahm conversation, which he enclosed (Tab A).²

I attach Fessenden's own memcon (Tab B).³ You will note that it is dated December 24, eight days after the conversation. This memcon was the result of a request by Hillenbrand after the Ehmke conversation in your office and Fessenden's memcon may therefore have been written to compensate to a degree for the allegations that Ehmke had made in his rendition of the conversation. *However*, in checking the account of Hillenbrand's conversation with Fessenden, I note that the former did not provide Fessenden with any detailed version of what Ehmke had attributed to him. Hillenbrand did make clear that Ehmke had alleged that Fessenden had proposed a Brandt visit. In addition, Fessenden sent in a private account of his December 16 talk late on December 18.⁴ This account, which though quite brief, squares completely with Fessenden's December 24 rendition of that part of the conversation dealing with a high-level visit (i.e., that Sahm proposed that you come to Bonn; that Fessenden expressed doubt that this would be feasible and that Sahm then suggested either Bahr or Ehmke; and that Fessenden did not react one way or the other).

A close reading of the purported Sahm memcon indicates that it is a doctored account. It is even questionable that the use of the word

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany, Vol. VIII. Secret; Sensitive; (Outside System).

² The text of the letter, as translated from the original German by the editor, reads: "Dear Henry, I believe that it was good that we spoke with each other, even if we were more or less limited to current questions. I would be happy if we soon found the opportunity to continue our exchange of views on more fundamental issues. Attached is the referenced memorandum of Mr. Sahm, released from the formal requirements for classified information. I am by the way convinced that Fessenden meant well, and besides acted according to instruction. Luckily I do not need to worry about on whose instruction. My own office ["Saftladen," literally "juice shop"] is more than enough for me. Best greetings and all good wishes for the new year. Yours, Horst Ehmke." (Ibid.)

³ See Document 154.

⁴ Not found.

“today” in the first line is bona fide. Circumstantial evidence, at least, indicates that this record was made up some time between midday of December 18 and Ehmke’s departure for the US on December 20.

Following are items in the “Sahm memcon” which are not only at variance with the Fessenden record (in itself not proof of doctoring) but almost certainly inaccurate on their face.

—It is highly unlikely that Fessenden would have cited either you or Laird or the President *by name* as being skeptical about Ostpolitik. While Fessenden knew at second-hand that each of you three gentlemen had at one time or another voiced reservations, the only written record involving you three even remotely approaching a statement of skepticism which Fessenden has access to was the memcon of April 11, 1970, between the President and Brandt in which the President stressed the need for consultations and cautioned about “seeking votes they did not have at the expense of votes they did have.”⁵ All other accounts came to Fessenden from German sources who reported to him what had purportedly been said to them by Americans. (Strauss, incidentally, did *not* see the Embassy after his last visit here, but wrote an article in the FAZ on December 13.)⁶ It is simply not in character for Fessenden to purport to cite the views of senior US officials without having seen those views in authoritative American writing.⁷

—The listing of you, the President and Laird as skeptics is identical to that in the Binder *New York Times* article, the existence of which became known in Bonn late in the afternoon on December 18. (The article had been scheduled to appear on December 19, but did not actually run until December 20, Tab C).⁸ Ehmke and Bahr have categorically denied (to Fessenden on December 19) being the sources of the Binder article. Ehmke himself has suggested⁹ [*name not declassified*] that Ahlers was the source and there is other evidence to indicate that this is so. There remains a suspicion that, despite their mutual dislike, Ehmke in fact put Ahlers up to stimulating the Binder piece.

⁵ Document 81.

⁶ See Document 146.

⁷ Since drafting this, I have learned that State on November 10 received a memcon between Laird and Schmidt at the NPG in Ottawa in October. In a brief reference to Ostpolitik, Laird asked what the Germans were getting out of it and expressed concern about an excessive mood of détente. State presumably sent this memcon on to Embassy Bonn. [Footnote in the source text. The memorandum of conversation between Laird and Schmidt in October has not been found.]

⁸ See Document 149.

⁹ See Document 155.

—Sahm attributes to Fessenden remarks concerning the fact that the President, you and Laird were acting under the impact of Soviet expansionism and that for this reason you had to be skeptical of Ostpolitik. But Fessenden had no first-hand record of any of you saying any such thing. Such a record does, however, exist in the debriefings in Bonn by Gaus and Wild of *Spiegel* who saw you here on November 25. They debriefed Fessenden and German officials some time in the first week of December, and did so in terms of highlighting the alleged difference of view between yourself and Hillenbrand, whom they also saw. Given this slant—an echo of which, incidentally, appears in *Spiegel's* opening article of December 28, in which Chancery sources are cited as saying that we are jealous of the FRG's stealing our détente policy—it is highly unlikely that Fessenden would have taken the Gaus and Wild debriefing as guidance for a conversation with a German official.

The “Sahm memcon” would thus appear to have been edited to incorporate the *Spiegel* debriefing plus, conceivably, other statements by yourself concerning the “two-tier” Soviet policy toward us and the West Europeans, especially the FRG.

—The Sahm and Fessenden versions are not too far apart on the matter of US-German agreement on substance but disagreement on tactics and timing. However, whereas “Sahm's memcon” indicates that Sahm quoted Brandt on the point that haste was not indicated (Brandt to Tsarapkin on December 15), Fessenden indicates that he himself cited Brandt on this point (Brandt to Rush, no date.)

—Sahm makes no reference to Fessenden's citation of Schuetz as an advocate of a cautious pace. (Fessenden was wrong in referring to Schuetz' remarks on this to the President (November 17) since he had no American record of that conversation, there being none extant. However, Fessenden had State telegram 190972 of November 21 quoting in detail Schuetz' remarks on precisely this issue to Rogers on November 17.¹⁰ Schuetz also debriefed Fessenden some time after his return. The Chancellor's staff is plainly not eager to incorporate in its records the strong current views of Schuetz on the Berlin talks.)

—“Sahm's memcon” makes the curious error of denying that the Germans favor an “intensification” of the Berlin talks. You will recall that Ehmke, while here, repeatedly stressed that while the Germans were not advocating a speed-up they were indeed advocating “intensification.” Sahm notes that Brandt's letter to the three Western heads (December 16)¹¹ did not refer to intensification but to a change in the

¹⁰ See footnote 11, Document 154. Telegram 190972 to Bonn, December 21, is in the National Archives, RG 59, Central Files 1970–73, POL GER W-US.

¹¹ The letter, Document 145, was dated December 15.

character of the talks. Some time between the drafting of the “Sahm memcon” and Ehmke’s arrival in your office on December 21, Ehmke must have devised the gambit of characterizing the Brandt letter as advocating “intensification” rather than speed-up. (Brandt, Sahm and Ehmke are, however, on the same wave-length in advocating greater continuity and a more systematic approach.)

—The “Sahm memcon” cites Sahm as using the debating trick of asking Fessenden how the Germans could be accused of wanting a speed-up when Hillenbrand (in Bonn on November 17–18) allegedly complained (“left the impression that”) the Germans were making excessive demands regarding Berlin.¹² Fessenden makes no reference to this. The record of the Hillenbrand-level talks in Bonn in November does indicate that Hillenbrand expressed some unhappiness about the elusiveness of the German position on Berlin because of its frequent shifts from conciliation to a more demanding stance; but it indicates no statement or “impression” of criticism of excessive German toughness. (Ehmke, while here, you will recall, stressed how far the FRG was ahead of the Allies in its toughness on substance; this was in the context of his denying Acheson’s claims of excessive German haste and eagerness.)

—The “Sahm memcon,” as already noted, attributes to Fessenden the idea of a Brandt visit to Washington, before the one already in the works in May (to Indianapolis for a conference on cities). Apart from the complete divergence on this point with the Fessenden record, we know that Bahr on December 11 broached [*less than 1 line not declassified*] the idea of an early Brandt visit in connection with *Time’s* selection of him as Man of the Year.¹³ Apparently, the proposal was put into Fessenden’s mouth in order to substantiate the dramatic and urgent character which the Germans chose to confer upon Fessenden’s remarks to Sahm. It is simply not credible that Fessenden, a trained and cautious diplomat, would have taken it upon himself to initiate the idea of a summit meeting. I find it somewhat more plausible, as the “Sahm memcon” indicates (but Fessenden does not) that in the course of this part of the conversation, Fessenden might have mentioned Schmidt. But even this seems unlikely and, in my judgment, the point was inserted into the “memcon” because Schmidt is known to be cautious on Ostpolitik and the idea of our proposing his coming as an emissary would fit into the context of picturing us as trying to slow-up the Ostpolitik.

I cannot judge where the drafting of the “Sahm memcon” occurred: whether Sahm himself wrote it, or whether Bahr, Sahm’s immediate superior who brought him from the Foreign Office, did it; or whether

¹² Regarding the senior-level meeting in Bonn, November 17–18, see Document 137.

¹³ See Document 146.

Ehmke did it; or whether all three did it. I have previously pointed out Sahm's own ambivalence on Ostpolitik (stemming from his Danzig birth and other aspects of his past). It is possible that he fixed the record because he was attempting to make points that he dared not make in his own name.

More likely, however, the editing occurred within the Bahr–Ehmke combo. For it is these gentlemen who have most at stake in regard to Ostpolitik (Ehmke, in part, because he has ambitions of his own for the succession to Brandt). My conclusion remains that Ehmke/Bahr decided to exploit the Fessenden–Sahm conversation to force you into support of the Ostpolitik. This decision was evidently reached in the 24 hours between the end of the Fessenden–Sahm luncheon on December 16th and Ehmke's call to you at 5:50 p.m. (Bonn time) on December 17th. (I gather, actually, Ehmke may have tried to reach you some time before this time in the afternoon of December 17.) If Ehmke colluded with Ahlers in launching the Binder article it probably fell in the same time frame since Binder must have taken some time to write his piece. (Its existence became known in Bonn, as pointed out previously, in the afternoon of December 18.) I would judge that the "Sahm memcon" was drafted for Ehmke's Washington briefcase some time after it was known that you had agreed to receive Ehmke and after it was known that Binder was going to press, i.e., some time after the later afternoon of December 18.

Now, as regards Ehmke's letter to you.

Given the weighty words attributed to Fessenden in the "Sahm memcon," it is only logical that Ehmke should contend that Fessenden had acted on instructions. Yet, why then does he also say that he is convinced "Fessenden meant well." If Fessenden was officially instructed what relevance is there to his personal intentions?

Ehmke seems to imply that the instructions came from State, since presumably he is not accusing you (or me) or Laird, or even the President of having sent them. But State, especially Rogers and Hillenbrand, have always been pictured by the Germans as favoring Ostpolitik. What motive could State therefore have had to instruct Fessenden. It seems far-fetched to suppose that Ehmke is trying to argue that State instructed Fessenden so that the Germans would be handed a tool to force *you* to support Ostpolitik.

(It is possible that the Germans have soured on Hillenbrand and are trying to pin the donkey's tail on him. The reference to Hillenbrand in the "Sahm memcon" is unfriendly and it was he, of course, who at your lunch for Ehmke stressed the technical difficulties of continuous Berlin talks. If this is so and since they can hardly believe they have permanently persuaded you of the virtues of Ostpolitik, the Germans would seem to be without any real friends in the Administration.)

The fact of the matter is that Fessenden was not instructed. I have closely examined all communications, formal and private between State and Embassy Bonn; nothing of the kind appears. And, as noted above, for State to instruct Fessenden along the lines of what the "Sahm memcon" says he said, would (a) either have been acting against its views on Ostpolitik, (b) or have been such an utterly complex game against you as to stretch credulity far beyond the breaking point.

Moreover, no one in Bonn, apart from Ehmke and Bahr, contends that Fessenden was instructed. As I have told you, I have received a personal letter from the political director of the Foreign Office¹⁴ which dissociates that organization from the whole episode. In addition, Fessenden on December 23 was called in by State Secretary Moersch, Scheel's deputy, and given a message of similar character.¹⁵

In sum, we have here at work a couple of fairly desperate characters (there is plenty of other evidence of this, both as regards Ehmke, [*1½ lines not declassified*]; and as regards Bahr, [*less than 1 line not declassified*]). It may amuse you to reflect that it was just 100 years ago that a far greater German tampered with a famous despatch;¹⁶ it is a sad commentary to think how one who would be his successor has developed the art. But then at least he did not start a war—yet.

I must add in conclusion that we are far from being out of the woods. We have only begun to see the tricks of the Ehmkes and Bahrs (and, I regret to say, the Wehners) since sooner or later the moment of truth must come in the Berlin negotiations. Moreover, judging from Arthur Goldberg's recent article¹⁷ and a talk I recently had with Hariman, there will be those in the Democratic camp who will try to make an issue of alleged White House obstruction of European détente and immutable attraction to the Cold War and anti-Communism. The cross-ruff between the Chancellor's Office and a part of the Democrats (not, to his credit, George Ball) may well be upon us after Muskie and Hariman have made their Moscow/Bonn visits.

The importance of the new NSSM on Ostpolitik now due in February is thus more than ever underscored.

¹⁴ Not found.

¹⁵ See Document 154.

¹⁶ Reference is to Otto von Bismarck, then Prussian Minister-President and Chancellor of the North German Confederation, who deliberately edited the so-called "Ems dispatch" in such a way that its publication soon led the French on July 19, 1870, to start the Franco-Prussian War.

¹⁷ Reference is to an op-ed piece that Goldberg, former Supreme Court Justice and Ambassador to the United Nations, wrote challenging the American critics of Brandt and Ostpolitik. (*The New York Times*, January 5, p. 35) In a subsequent letter to the editor, George Ball defended those critics. (*Ibid.*, January 8, p. 31)

162. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, undated.

SUBJECT

Berlin Autobahn Harassment

Last evening, the Soviets permitted Allied military vehicles to transit to and from Berlin, after a day of intermittent refusal. This morning (Berlin time), the Soviets again refused clearance for Allied military vehicles, charging that the vehicles lacked the proper documentation. The Soviets assert that a stamp of the Allied commandants in Berlin should be placed on the reverse side of the usual documentation, which carries the stamp on the front side. They further claim that they are not introducing any new procedures, but are merely more strictly enforcing existing procedures which allegedly call for passage of vehicles clearly identified as belonging to the Berlin garrisons. In fact the vehicles which make up the autobahn convoys often contain some assigned to USAREUR units.

It is difficult at this point to determine exactly what is behind this Soviet move. They may be interested in merely reminding the Allies of the precarious nature of even their own access. This may also be a further attempt to underscore the Soviet view of the separateness of West Berlin from West Germany, now carrying this concept to Allied military traffic.

Military vehicles of each of the Three Powers remained blocked at both ends of the autobahn during most of the day. Then, at 6:00 p.m. (Berlin time), in the course of meetings between the Allies and the Soviets both at the military and political level, the Soviets announced that all blocked vehicles would be allowed to proceed under their existing documentation. The next regular convoy is scheduled for 8:00 a.m. (Berlin time). The Soviets refused to give assurances that vehicles would be permitted to transit in the morning unless the documentation is changed to suit Soviet demands.

This situation presented the question of the handling of an advisers meeting between Allied and Soviet representatives scheduled for

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 691, Europe, Germany (Berlin), Vol. III. Secret; Sensitive. Sonnenfeldt drafted the memorandum, which is unsigned, on January 12.

Wednesday morning.² This meeting had been scheduled as part of the Four Power Berlin negotiations, to be followed on January 19 by a meeting of Ambassadors. The Secretary of State prepared a telegram of instructions providing that if the vehicles are stopped in the morning:

—the Soviets should be told that it is not appropriate to hold the advisers meeting while autobahn passage is being denied, though the Allies would meet with them to discuss the access problem;

—if the other Western Powers do not agree to this approach, we could agree, as a fallback, to request a preliminary meeting with the Soviets to discuss the access problem, on the understanding that if the Soviets are not forthcoming, the representatives will not proceed to a discussion of the regular Four Power negotiations.

The Secretary's original cable also contained a further fallback position, under which we would agree to the scheduled meeting if this proved necessary to preserve Western unity. Acting Secretary of Defense Packard did not agree to the inclusion of this ultimate fallback. My staff at the working level agreed with the Defense position. In the end, Secretary Rogers decided to eliminate this disputed point. In light of the urgency, the Secretary considered that there was insufficient time to secure formal White House approval of the cable, but instructed that the cable be sent to San Clemente for information after its dispatch to Berlin and Bonn (cable attached).³

² January 13.

³ Attached are telegrams 5276 and 5502 to Bonn and Berlin, both January 13. (Also in the National Archives, RG 59, Central Files 1970–73, POL 38–10) Also attached is a January 12 note from Sonnenfeldt that informed Haig that the Department of State had issued its instructions without White House clearance; both cables were then sent to Haig for Kissinger in San Clemente on January 13. According to his handwritten notation on another copy, Haig subsequently talked to Eliot about the President's interest in any future developments on Berlin. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 293, Memoranda to the President, 1969–1974, Dec. 1970–Apr. 1971) In a January 13 memorandum to the President, Kissinger reported: "Last evening the Soviets advised the Allies that the blocked vehicles would be allowed to proceed under their existing documentation. A four-truck U.S. convoy was cleared to proceed from Soviet Checkpoint Marienborn this morning and experienced no difficulties in processing." (National Archives, Nixon Presidential Materials, NSC Files, Box 30, President's Daily Briefs, Jan. 2, 1971–Jan. 15, 1971) At the advisers' meeting on January 13, Klein stated that "Western side could not but be indignant and surprised about interference with Allied access, particularly since Ambassador Abrasimov himself had given Ambassadors assurances earlier on Allied traffic." After claiming that the incident was the "result of some misunderstanding," Kvitsinsky "denied there had been interference. He alleged there had been only minor difficulty because of absence some stamp on documents and reiterated problem being looked into." (Telegram 68 from Berlin, January 13; *ibid.*, RG 59, Central Files 1970–73, POL 38–10)

163. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 15, 1971.

SUBJECT

US Position on the FRG-Polish Treaty²

We had earlier recommended that you raise with Under Secretary Irwin (or dispatch an instruction to the USC) the question of the US position on the FRG-Polish treaty so that policy alternatives could be prepared for use at the time of ratification (log #24191, Tab B).³ You raised the subject with the Under Secretary during your December 10 luncheon, and also the Secretariat (on your instructions) informed State that it should come forward with a memo. Secretary Rogers has sent such a memo for the President.⁴

The Secretary's memo unfortunately does not really consider our policy in the context of a ratified Polish treaty. He posed three options for our position in general:

- continue in public statements to stand by the November 18 statement⁵ which expressed satisfaction at the initialing of the treaty, and pointing out that quadripartite rights and responsibilities are not affected;
- state that we welcome the treaty, including its boundary provisions (this is essentially what the British said in November), and that our juridical position remains unchanged; or
- state that we would respect the border and would support it at the time of a peace settlement; this statement could be unilateral, tripartite, or quadripartite.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-179, NSSM 111. Secret. Sent for action. Haig initialed the memorandum, indicating that he had seen it.

² Regarding the Warsaw Treaty, see Document 137.

³ Attached at Tab B is a December 8 memorandum, in which Sonnenfeldt recommended that Kissinger raise the U.S. position on the Warsaw Treaty during his luncheon meeting with Irwin on December 10. "The main point," Sonnenfeldt explained, "is that if you want the NSC system to become active on this issue—and to ensure your early involvement—action must be taken now." Another copy is in the National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany, Vol. VIII. On a December 9 memorandum from Davis, Kissinger checked that he had discussed the issue with Irwin and commented: "Let State do it as memo to us." (Ibid., Box 340, Subject Files, HAK/Irwin Meetings, Oct 70—) Davis relayed this instruction to Irwin by telephone on December 11. (Memorandum from Irwin to Hillenbrand, December 11; *ibid.*, RG 59, Central Files 1970-73, POL GER W-POL)

⁴ Dated December 23; attached but not printed. (Also *ibid.*)

⁵ For text, see *Documents on Germany, 1944-1985*, p. 1112.

The Secretary recommends that our position should be to welcome the treaty, and if the FRG does not object, to consider specific comment welcoming the border provisions. Thus, the Secretary's recommendation falls slightly between his first and second option.

The first two options are virtually indistinguishable, while the third represents a significant modification of our position. The course recommended by the Secretary seems just fine for use, should the occasion arise, at any time prior to the ratification of the Polish treaty. (It is doubtful whether any occasion would arise in this period for the issuance of any sort of official USG statement, since the general public interest—very high when the treaty was signed in November—is rather low.) As the treaty is ratified, however, there will be occasion for a further enunciation of the American position.

The long-range study of Eastern Policy called for in NSSM 111⁶ (issued after the Secretary's memo) will be treating these broader issues, in part on the assumption that the Berlin talks are successful and the Polish and Soviet treaties are ratified (copy of NSSM 111 at Tab C). The study will also examine questions relating to our rights and responsibilities for Germany as a whole. It would seem that the best approach would be to approve the Secretary's position for possible use in the period prior to ratification, but to treat in the NSSM 111 study the broader issue of our position toward the treaty (and our rights involved). In that way we would have the benefit of more careful analysis of alternative policy positions for use at the next critical stage—when the treaty is ratified.

If you wish to forward the Secretary's memo to the President, the memo at Tab A⁷ does that, and also recommends that the Secretary's position be approved for interim use, and that the NSSM 111 study consider the issue within the context of a ratified treaty. *Alternatively*, you may wish not to bother the President with this at this time, and simply send the memo for the Secretary, attached to the memo for the President at Tab A, which contains the same conclusion.

Recommendations

1. That if you wish to involve the President, you sign the memo at Tab A.

⁶ Document 156.

⁷ Attached at Tab A, but not printed, is a draft memorandum from Kissinger to the President.

2. That alternatively you sign the memo for the Secretary of State (Tab A of the memo for the President).⁸

⁸ Kissinger wrote on the memorandum: "I have accepted rec[ommendation] 2." In a January 20 memorandum to Rogers, Kissinger reported that Nixon had "approved the position you recommended for possible use should the occasion arise prior to the ratification of the FRG-Polish treaty." He continued, "Since the underlying situation may change when the Polish treaty is ratified, the third alternative you posed may carry more weight at that time. In this light it would be useful to include within the framework of NSSM 111 a review of our posture toward a ratified Polish treaty in connection with the requested examination of questions related to our reserved rights and responsibilities with respect to Germany as a whole." (Also in the National Archives, RG 59, Central Files 1970–73, POL GER W–POL)

164. Intelligence Information Cable¹

TDCS DB–315/00308–71

Washington, January 20, 1971.

COUNTRY

West Germany

DOI

Mid-January 1971

SUBJECT

Comments of State Secretary Egon Bahr on U.S. Views of Ostpolitik and the Role of West German Ambassador Pauls

ACQ

[1 line not declassified]

SOURCE

[1 paragraph (5 lines) not declassified]

White House Situation Room: For Dr. Kissinger

To State: No Distribution Except to Dr. Ray S. Cline

To DIA: Exclusive for Lt. General Bennett

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany, Vol. VIII. Secret; No Foreign Dissem; Controlled Dissem; No Dissem Abroad; Background Use Only; Routine. Prepared in the CIA.

To NMCC/MC: Exclusive for Army ACSI, Major General Mc-Christian: Navy ACNO (Intel), Rear Admiral Harlfinger: Air Force AF/IN, Major General Triantafellu

To NSA: Exclusive for Vice Admiral Gayler

1. In a discussion in mid-January 1971 of West German-U.S. relations, West German (FRG) Chancellery State Secretary Egon Bahr remarked that Chancellery Minister Horst Ehmke had observed during his December 1970 visit to Washington that while the top U.S. officials had expressed unequivocal trust in the FRG's Ostpolitik, the entire upper-middle and middle officialdom appeared to be skeptical or hostile. The Americans are agreed that the FRG should pursue a policy of *détente*, but do not wish to have this exert a negative effect on the military readiness of the Western Alliance. The visits of several Christian Democratic Union politicians to the U.S. had reinforced the tendency within the U.S. officialdom to look with reserve on the FRG Ostpolitik.

2. Bahr went on to say that the key position in this question was occupied by Presidential Foreign Policy Adviser Henry Kissinger, and the hopes for an improvement in the U.S. attitude lay in his hands. What was surprising was the fact which emerged from Ehmke's talk with Kissinger that Kissinger appeared extremely ill-informed on FRG policy and was ignorant of important elements and concepts of Chancellor Willy Brandt's Ostpolitik. Bahr said that one might conclude from this that FRG Ambassador to Washington Rolf Pauls was not effectively briefing the U.S. Government. Pauls was merely acting as a message-carrier and higher-grade analyst and was not dynamically explaining and interpreting FRG policy. Pauls' U.S. contacts obviously gathered from the Ambassador's pro forma passage of messages that Pauls was only performing a duty and not acting with conviction, and this had a deleterious effect on U.S.-FRG relations. Bahr did not wish to imply that Pauls was not loyal to his government, but it was apparent that he did not back the FRG policy with personal conviction and dedication.²

3. When asked if Pauls might be recalled, Bahr replied that as long as the Ambassador made no serious mistake he saw no prospect in the foreseeable future of replacing him with another man, perhaps a confidant (*Vertrauensmann*) of the Chancellor. Pauls had made a good reputation as Ambassador to Israel, where he has supported wholeheartedly and without reservations the arms delivery policy of Konrad Adenauer and, particularly, of Franz Josef Strauss.

² In a January 23 letter to Sutterlin, Fessenden reported: "The Ambassador [Rush] had a long talk with Pauls the other day and found Pauls extremely annoyed with Ehmke for having made his ill-advised [December] trip. Pauls also showed signs of unhappiness with Bahr and Ehmke and the pace of the Ost Politik." (Department of State, EUR Files: Lot 74 D 430, Department of State—Sutterlin)

4. (*Headquarters Comment*: In making these statements, Bahr was speaking officially, without assuming an American audience. It is clear he now believes Ambassador Pauls is not helping the Ostpolitik, but sees no opportunity to replace him with a more effective spokesman for the Chancellery. The views on U.S. Government attitudes and abilities which Bahr credits to the December Ehmke mission to Washington suggest that Ostpolitik advocates in the Chancellery credit the White House with a better potential for accepting their viewpoint than they do various officials in the Department of State. Bahr's judgment was, presumably, influenced by Ehmke's reporting.

5. [1 line not declassified]

165. Editorial Note

On January 23, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin at the White House from 10:05 to 11:30 a.m. for a discussion of several issues, including the Berlin negotiations. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the meeting, which took place at Dobrynin's "urgent request," could not be arranged when Dobrynin first called on January 21, due to difficulties with Kissinger's schedule. Kissinger noted that the meeting was "perhaps the most significant that I have had with Dobrynin since our conversations began." The memorandum records the conversation on Berlin as follows:

"He [Dobrynin] said first on the issue of Berlin the Soviet leaders wanted to reaffirm their readiness, already expressed in the January 6, 1971 communication which was delivered in San Clemente, to have Dobrynin and me conduct our conversations in this channel. This feeling had been reinforced by a conversation that Bahr had had with Falin (Soviet Ambassador-designate to Bonn) in which Bahr had said he was an old friend of mine, and secondly both Brandt and Bahr believed that I was the only person who understood German conditions well enough to break through the logjams created by our bureaucracy.

"Dobrynin thought that we should not hold up a Berlin agreement until the Summit, but rather if possible to achieve one before then. He wanted me to know that the Soviet Union would approach Berlin negotiations with the attitude of achieving an objective improvement of the situation and not of worsening position. It expected, however, that we would pay some attention to their specific concern. Dobrynin said

that he had been instructed to tell me that my concern that there had to be some appeal to the Soviet Union or some acknowledgment of Soviet responsibility and Four-Power responsibility for access to Berlin was being most carefully studied in Moscow. An attempt would be made to find some consultative four-power body that could play a useful role. Dobrynin said he was prepared to have an expert come from Moscow to help with these talks without, however, necessarily telling the expert what he was here for. I told Dobrynin that I would have to proceed by first talking to Bahr and then talking to Rush and that I would be in touch with him in two or three weeks after these consultations were completed."

At the conclusion of the meeting, Kissinger stressed the importance of "total discretion" in using the confidential channel to conduct sensitive negotiations. (National Archives, Nixon Presidential Materials, NSC Files, Box 490, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 2])

Kissinger forwarded the memorandum of conversation to the President on January 27. (Ibid.) The full text is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII. For Kissinger's account of the meeting, see *White House Years*, pages 804–805; for Dobrynin's brief version, see *In Confidence*, page 211.

166. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, January 25, 1971.

SUBJECT

Soviet Note on Berlin

Attached is the Soviet note on the Berlin negotiations which the Soviets delivered to the White House on January 6, 1971 and was

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 490, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 2]. Top Secret; Sensitive; Eyes Only. Sent for information. No drafting information appears on the memorandum. Most of the analysis was taken verbatim from a January 6 memorandum prepared by Hyland. (Ibid., Box 691, Country Files, Europe, Germany (Berlin), Vol. III) Butterfield stamped the memorandum indicating that the President had seen it.

relayed to me in San Clemente.² You will recall our discussions on this and the fact that this was one of the topics that Dobrynin and I covered in our January 9, 1971 meeting (I am sending you separately a summary and the full record of that conversation).³

I thought you would be interested in a fuller analysis of the attached note. It is a politely worded and rather plaintive charge of bad faith and it is based on the Soviet interpretation of Gromyko's conversations with you and Secretary Rogers.⁴

What the Soviets expected to flow from those talks appears to be as follows:

—At that time Secretary Rogers made quite an issue over the Soviet negotiator's unwillingness to discuss the question of Berlin access, without first reaching an understanding on their demand for a reduction in West German presence in West Berlin. Gromyko made a "concession" and agreed to discuss both issues simultaneously. On this basis the Soviets apparently expected the negotiations would go more rapidly.

—The note suggests they believe we have not lived up to the bargain of simultaneous discussions of the two issues—access and West German presence. They expected to learn more of our position on West German presence, while they would reveal more of their position on access. In fact, the Soviet negotiator, Ambassador Abrasimov, did make a new proposal on access, and accompanied it with a reminder that he expected "parallel" progress on *all* the main issues.

Ambassador Rush, however, replied that the question of West German presence would have to cover activities to be excluded and those permitted. This latter point was new, Abrasimov claimed, and in contradiction of the understanding reached by the Foreign Ministers, including Secretary Rogers and Gromyko.

—The third complaint is that we have permitted continuing West German meetings and activities in Berlin, which force the Soviets to react. Probably, the Soviets believe we could prevent these incidents if we wanted to, and they expected us to, following the Gromyko visit.

On the more positive side:

—The Soviets indicate they are willing to move into more intensive discussions if that is desired (picking up the Brandt proposals).

—The negotiators should be empowered to work out detailed texts and to put agreements in "formal shape."

² Attached; printed as Document 159.

³ See Document 160.

⁴ Regarding Gromyko's meetings with Nixon and Rogers the previous October, see Document 129.

—The Soviet “package” already introduced (i.e., a four-power agreement, an intra-German agreement, and a subsequent covering document for the entire package) will provide a “*definite assurance* that the agreement will be observed in all parts.”

If this latter “definite assurance” could be translated into a similar commitment in the negotiations, one of our principal concerns would be met, since what we want is a *Soviet* assurance. We do not merely want the Soviets to pass on, as a kind of honest broker, the unilateral assurances of East Germany.

What do they expect of us?

—Apparently, the Soviets expect some sort of procedural signal from us, either to hold the sessions more often, or perhaps break them down into working groups to come up with detailed language.

—On substance, they are looking for us to reveal some of the fall-backs on German presence that their contacts with Bonn and other intelligence probably inform them we have considered.

—Since the Soviet offer on improved access of December 10 did come some distance toward our position, they probably want a sign that we have properly evaluated what they had done.

The note makes a special point that when the conversations resume this month it will be “very important” *what* they start with and *how* they will be “arranged.”

The Soviets probably are beginning to have some doubts that a Berlin agreement is possible. But they have a major stake in an agreement, because of the treaties with Bonn. After Gromyko’s discussion in Washington last October, it does appear that the Soviets decided they would have to loosen up their own position. In the session of November 4, Abrasimov was generally conciliatory, and accepted our general concept that traffic should be “unhindered and preferential.” About that time Brezhnev originated the new formula, adopted at the Warsaw Pact meeting in early December, that was unusually conciliatory (i.e., an agreement would have to meet the “wishes of the Berlin population”).

The Soviets may believe our response has been to harden our terms and challenge them on the Federal German presence. Our willingness to negotiate a reduction of German political activities was an essential part of our original approach in 1969 and the incentive for the USSR to negotiate.

Since the Polish riots and purge, the Soviets must have come under fire from the East Germans, and perhaps within the politburo for investing too heavily in Ostpolitik and accepting Western precondition of a Berlin settlement. This note seems to be an appeal of sorts at the highest level for a show of responsiveness.

The Soviets may have some considerable concern that they cannot go into a Party Congress in March with their Western policy in a shambles—no Berlin progress, no move to ratify the German treaties, no prospect for economic assistance from the West Germans—but that we hold the key to this increasingly complicated tangle of issues.

167. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, January 25, 1971.

Dear Henry,

1) Tsarapkin is conducting his farewell rounds in such a way that I expect Falin to arrive in the first ten days of February.²

2) The Bonn Group is preparing to submit a proposal of formulations on the entire Berlin complex to the Soviets.³ I would appreciate support when this is submitted to capitals for approval (see point 3 of my message of 31.12.70).⁴

3) We should generally hold to the positions arrived at in the middle of November⁵ even if the State Department considers them maximalist. In so far as the substantive review in Washington does not

¹ Source: National Archives, Nixon Presidential Materials, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]. Top Secret. The message, translated here from the signed German original by the editor, was forwarded to Kissinger in a January 25 memorandum; see footnote 2 below. In an attached handwritten note to Haig on January 29, Sonnenfeldt remarked: "I assume that no written response to Bahr is needed since the two will blast off together during the weekend anyway." For the meeting between Kissinger and Bahr that weekend, see Document 172.

² When he dropped off the message for delivery, Bahr, referring specifically to this paragraph, "praised Falin as 'a real expert' concerning German problems in contrast to Tsarapkin, whom Bahr characterized as being more of a diplomatic 'nutcracker' and not especially well-informed concerning German matters. In response to a question, Bahr said that he believed the presence of Falin in Bonn as the Soviet Ambassador would contribute substantially to progress concerning FRG-Soviet relations and the Berlin problem. Bahr added he continues to believe that the Soviets desire to achieve a solution re Berlin." (Memorandum to Kissinger, January 25; National Archives, Nixon Presidential Materials, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]) In spite of expectations, Falin did not present his credentials in Bonn until May 12.

³ Reference is to the comprehensive draft agreement which the Western Allies tabled on February 5. See Document 173.

⁴ See footnote 3, Document 157.

⁵ See Document 137.

lead to new results (that must first be coordinated again by the four Western governments), I would prefer to postpone our discussion until we know the reaction of the Soviets; unless you would like for other reasons to do it sooner.

4) The GDR appears now to accept negotiations without conditions, so we can proceed in the sense of points 3, 4 and 5 of my message of 3 November 70.⁶ Accordingly, tomorrow I will propose negotiations in East Berlin on a general traffic treaty with the exception of Berlin traffic.⁷ The visit of Winzer and Kohl in Moscow has evidently made the GDR more cooperative.⁸ They have also promised to activate telephone lines between East and West Berlin, a long-standing demand, by the end of this week.

5) Schroeder gave the Chancellor a very positive report of his trip to Moscow.⁹

Best Wishes

Egon Bahr

⁶ See Document 135.

⁷ For the meeting between Bahr and Kohl the next day, see Document 170.

⁸ Winzer and Kohl were in Moscow on January 11 and 12 for consultations with Gromyko and other Soviet officials.

⁹ Schroeder led a CDU/CSU parliamentary group on a visit to the Soviet Union from January 12 to 20. See Document 170.

168. Memorandum From V. James Fazio of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, undated.

SUBJECT

Trip Report

On January 27–28, 1971 I met twice with Ambassador Kenneth Rush and once with Mr. Egon Bahr in Bonn, Germany. The meetings

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]. Secret; Sensitive; Eyes Only. Haig initialed the memorandum. For published accounts of the Fazio trip, see Kissinger, *White House Years*, p. 807; and Bahr, *Zu meiner Zeit*, p. 354.

were mutually exclusive and to the best of my knowledge, neither the embassy nor foreign office personnel were aware of the subject matter of the private meetings.

I met first with Ambassador Rush shortly after my arrival Wednesday afternoon, January 27.² The Ambassador read the letter³ with great interest and asked me to clarify some of the technical channels involved and the types of information requested. He said he would make plans to leave for Washington as soon as possible and asked if I could meet with him again on Thursday when he would give me his final plans and any comments he might wish to make.

I advised the Ambassador that his reason for returning should be palatable to the Department and in no way connected to you. His preliminary reaction was to come back to discuss with Secretary Laird a possible replacement for General Polk, USAREUR. We decided that perhaps a different reason could be better rationalized.

When I met with the Ambassador on Thursday, he said that he had received a call from his friend John Mitchell. He now plans to return to the States in order to discuss some possible political appointments with the Attorney General. While in Washington, the Ambassador would attempt to have the Department set up an appointment with the President for normal consultations and/or a courtesy call. If the President's schedule does not permit this, he will have State set up an appointment with you.

The Ambassador plans to leave Bonn on Tuesday, February 2 and hopes to depart Washington no later than Thursday evening February

² Kissinger discussed the Fazio trip in a telephone conversation with Attorney General Mitchell, a personal friend of Rush, on January 26. According to a transcript, Mitchell reported: "We have completed the call overseas and it's taken care of." Kissinger: "My man [Fazio] will be there tomorrow." Mitchell: "I told him [Rush] I anticipated seeing him." (Library of Congress, Manuscript Division, Kissinger Papers, Box 365, Telephone Conversations, Chronological File)

³ The letter to Rush from Kissinger is, after the first paragraph, identical to the attached letter to Bahr, printed below. The first paragraph reads: "Events associated with our future efforts regarding a possible Berlin settlement make it essential that you find some non-related excuse to visit Washington before but also reasonably close to February 9. During your visit, the two of us could arrange a private meeting at which I will be able to share with you some extremely important and sensitive information known only to the President and myself. I am sure you recognize the importance of holding the fact and contents of this message and our subsequent meeting strictly to yourself. As a related matter and because of the great importance of the Berlin issue, the President has asked that until further notice you provide to him, through me, copies of any communications or inquiries with policy implications which you receive by any means, cable, letter, etc., as well as any responses that you provide to such inquiries. Please provide this data through [*less than 1 line not declassified*] back channel, directly to me at the White House, on an exclusively eyes only basis. Knowledge of this separate channel should be kept exclusively to you, [*less than 1 line not declassified*] and the absolute minimum number of traffic technicians." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2])

4. The Ambassador is scheduled to meet with Abrasimov on Monday, February 8 and would like to be in Bonn the preceding weekend for briefings.

Due to several unforeseen events, I did not meet with Mr. Bahr until Thursday, January 28. Mr. Bahr read the letter with great interest and he said that the letter clarified several points of confusion. He said he had received a call the previous day from a Mr. Naumberger (phonetic) who identified himself as one of your associates and said that you had asked (Naumberger) to call Bahr and tell him you wished an early meeting. Bahr said he then received your call regarding the possibility of attending the Apollo launch and when you asked if he (Bahr) received your message, he thought you meant the phone call. Bahr said the letter now put things in their proper perspective. He then suggested that rather than have the Vice President issue an invitation directly to him, perhaps it would be more inconspicuous if the invitation could be issued by NASA to Mr. and Mrs. Ehmke—who would decline—and name Bahr as their representative. In any event, Bahr was to leave for New York Friday, January 29 and was to get in touch with you Friday night.⁴

General Comments: You may want to discuss with Ambassador Rush the confidence he has in his principal advisors. The top two—Minister/DCM Russell Fessenden and the Chief of the Political Section Jonathan Dean—have been in German affairs most of their careers. I'm sure that they could make a convincing case to the Ambassador on recommendations they favor. I am also sure that State would use the DCM level for any private correspondence they would want to exchange.

This is just a possibility and you may want to solicit the Ambassador's private views on this.

The Ambassador asked that his best wishes be conveyed to you and the President and hoped he could get together with you, possibly for dinner.

⁴ In a January 29 memorandum to Haig, McManis noted that, according to Fazio who had just returned from Germany, "Bahr is to arrive in New York tonight and will call HAK." (Ibid., Box 60, Egon Bahr, Berlin File [3 of 3]) For a record of the meeting between Kissinger and Bahr on January 31, see Document 172.

Attachment

Letter From the President's Assistant for National Security Affairs (Kissinger) to the German State Secretary for Foreign, Defense, and German Policy (Bahr)⁵

Washington, January 25, 1971.

Dear Egon:

I have asked the bearer of this letter, who is a member of my personal staff, to present it to you personally, to remain with you while you read its contents and then to retrieve the letter for my personal files so that you will not be burdened with the need to safeguard it. Mr. Fazio is also prepared to convey to me whatever oral or written response you consider appropriate.

Recent events involving the future status of Berlin confirm the essentiality of your travelling to Washington as soon as possible so that I can discuss the matter with you in a frank and secure atmosphere. On our side, the information which I will share with you is known only to the President and myself. Therefore, it is important that you find some pretext for an early visit to Washington which is not related in any way to the real purpose of your visit.

I would anticipate that prior to your arrival you will discuss this communication privately with the Chancellor, with the view towards obtaining his authority to represent him in our discussions, on the Berlin question.

I must emphasize again that the fact and contents of this message and the actual motive for your trip to the United States should be shared with no one but the Chancellor and that the pretext for your visit avoid any implication which might lead to suspicions here as to its actual purpose. I am very sorry that it has become necessary to impose upon you in this way but I am confident that you recognize that it would be impossible for me to find a credible pretext to visit the Federal Republic. Hopefully, you enjoy greater flexibility in justifying a trip.

I look forward to seeing you at your earliest opportunity.

Warm regards,

Henry

⁵ Secret; Sensitive; Eyes Only.

169. Editorial Note

On January 28, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 12:05 to 1:15 p.m. for a discussion of several issues, including the Berlin negotiations. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, Kissinger requested the meeting “to give Dobrynin the answers to our discussions of the previous week [January 23].” The memorandum records the conversation on Berlin:

“I told Dobrynin that the President was prepared to proceed along the line that we had discussed; that is to say, that Dobrynin and I would discuss the outstanding issues, and after some agreement in principle, move our conclusions into the Four-Power discussions on Berlin. I also told Dobrynin that I planned to speak to Bahr on an early occasion, and that we were also bringing Ambassador Rush back to make certain that he would be in on these arrangements.

“I reiterated the need for total secrecy of this channel, and that if the channel became public or was leaked to people other than those authorized to know, we would simply break it off. Dobrynin said they had always respected the privacy of this channel; moreover, it was very much in their interest to preserve its secrecy, and I could therefore be sure. He said that Falin had told Bahr that there might be a separate channel, but had not told him its nature and, except for that, no other person had been told. Dobrynin said that he thought this information would be well received in Moscow, and that he was hoping that some significant progress could be made in the next few months.”

After discussion of the Strategic Arms Limitation Talks and negotiations in the Middle East, the conversation on Berlin continued:

“Dobrynin returned to the Berlin issue and said that the Soviet Union had attentively studied my suggestion that there had to be some guarantees. He then handed me the attached piece of paper (Tab A) which represents the strongest statement so far that the Soviet Union has made for assuming some responsibility for the outcome of an eventual West German-East German agreement. Dobrynin told me that Rush’s inflexibility had presented a peculiar problem for Abrasimov.

“Abrasimov actually has instructions to go further than he did on access procedures; however, since Rush was absolutely unyielding, he could not present them. He did not want to be in a position of seeming to keep making concessions. He therefore wondered whether Rush could offer anything at the February 9th meeting to show some move on our part to which, in turn, Abrasimov could then respond.”

At the end of the meeting, Kissinger and Dobrynin agreed to meet again after Kissinger had “prepared the ground with Bahr and Rush.”

Kissinger would then “let Dobrynin know what the procedure would be.” Dobrynin also said he would “check in Moscow.” (National Archives, Nixon Presidential Materials, NSC Files, Box 490, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 2])

The text of the Soviet note on Berlin (Tab A) that Dobrynin gave Kissinger during the meeting reads as follows:

“It goes without saying that the arrangement reached between the four powers on questions related to the status of West Berlin, as well as the agreements between the GDR and respectively the FRG and the Senate of West Berlin on questions of civil transit to West Berlin and therefrom, and on access for persons from West Berlin to the territory of the GDR, including its capital, are to be strictly implemented. Implementation of the arrangement on each question presupposes implementation of the arrangement on other questions.

“In those cases if facts of violation of the arrangement in this or that part thereof would take place, each of the four powers would have the right to call the attention of the other participants in the arrangement to the principles of the present settlement with the view of holding within the framework of their competence proper consultations aimed at removing the violations that took place and at bringing the situation in compliance with the arrangement.” (Ibid.)

Kissinger forwarded the memorandum of conversation, including the attached Soviet note, to the President on February 1. (Ibid.) Both are scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII.

170. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, January 29, 1971.

SUBJECT

The Berlin Negotiations: The Past Several Weeks

¹ Source: National Security Council, Senior Review Group Files, Box 96, SRG Meeting 2–10–71, Berlin Negotiations. Secret; Nodis. Sent for information. Haig attached a handwritten note to the memorandum: “HAK, Art [Downey] updated this for your use on weekend,” an apparent reference to Kissinger’s meeting with Bahr on Sunday, January 31; see Document 172.

There has been no positive movement in the Berlin negotiations since the first of the new year. But, there has been activity, especially on the Soviet side.

During this period, the Soviets have been active diplomatically: in the first half of January, Zorin saw Schumann in Paris, Gromyko met with Seydoux and with Ambassador Beam,² and in Washington, Dobrynin saw Hillenbrand just prior to his Moscow visit.³ Last week Schroeder met with both Kosygin and Gromyko. The thrust of the Soviet line in all these conversations was a combination of almost injured innocence (we really thought you wanted an agreement, but now we are disillusioned) and tough talk. As always, the Soviets bore down hardest on the question of Federal presence, and trumpeted their December 10 access proposals⁴ as major concessions.

In Berlin, the Soviets continued their diplomatic activity. Abrasimov took the initiative in arranging a private dinner with Ambassador Rush on January 18,⁵ and Abrasimov tried unsuccessfully to meet in secret with Mayor Schuetz. Abrasimov is now trying to arrange another dinner meeting with Rush just prior to the next Ambassadorial

² In a January 8 meeting with Beam, Gromyko commented briefly on the Berlin negotiations; his comments are reported in telegram 149 from Moscow, January 9. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

³ Dobrynin met Hillenbrand on January 6. An account of their discussion on the next phase in the Berlin talks is in telegram 2404 to Bonn, January 7. (*Ibid.*)

⁴ See Document 144.

⁵ In addition to the telegraphic reports cited in footnotes below, Rush reported to Kissinger by telephone on the dinner and other developments on January 19. According to a transcript of the conversation, Rush said: “[Abrasimov] to see me for dinner last night. I saw him in Sept. He came over and stayed until 2:00 and we canvassed everything. You will get a full report on that. No progress made today but he stayed after the other ambassadors left but I think they are getting edgy. If we hold our position and not let it out of hand we will get an unfreezing.” Kissinger replied: “It’s my thought and the President’s. We admire the job you are doing.” After a half-hour break, as Kissinger was called to see the President, the two men continued their conversation by telephone. Rush stated his view that Abrasimov was “under orders to make agreement but no indication today. He stayed on after the meeting this afternoon and continued to want to talk about Berlin. Quite a bit of unease on interruptions of the Autobahn. I said these jeopardize the talks themselves. I have the feeling that there’s a bit of haste in their desire to get an agreement. As I mentioned earlier if we can hold firm and not give in to those that are weak, we will do fine.” Kissinger: “You are under no pressure from us.” Rush: “I know. The worst pressures are from Bahr. Ehmke is apt to panic under pressure on this issue. Bahr has panicked and does not reflect Brandt’s feeling. The Chancellor has been in accord with what we have done. That’s it.” Kissinger: “I just talked to the President and we both admire what you are doing. I told him of your conversation. Look in when you are back.” Rush: “I will and if you want me back or want to call, do. It’s good to have you there and I am pleased to have you there. You are a source of great strength.” Kissinger: “If you say it a year from now, we have broken the back of this thing.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 365, Telephone Conversations, Chronological File)

meeting (February 8) (cf. my memo on Rush Log No. 25489).⁶ But, Soviet activity in Berlin has not been confined to the diplomatic: in mid-month there was the harassment of Allied military vehicles over documentation (which the Soviets now explain away as a minor misunderstanding) and at this moment the blockage of civilian traffic continues (a result of the provocation presented by the FDP meetings in Berlin).

Four Power Talks

There have been two negotiating sessions this month, an advisers meeting on January 13, and an Ambassadorial meeting on January 19. (The reporting cables of these and the Rush–Abramson dinner of the 18th, are at Tabs A, B, and C.)⁷ Neither side offered new proposals. The following points came up during these meetings.

Access. On the matter of the general principles (the Soviet commitment) for access, there were slight signs of progress. The Western side still insisted on a Four Power guarantee, without qualification, containing the principle of unhindered access on a preferential basis based on the concept of identification without control. The Soviets have made it clear that they cannot accept a Four Power role in access matters, though they are prepared to make a unilateral statement (as they proposed in December) endorsing unhindered and preferential access for peaceful or civilian traffic. (Comment: we will probably soon come under pressure to abandon our insistence on a Four Power access commitment, and to come around to accepting a Soviet unilateral statement [which will note consultations with the GDR].⁸ But this would not seem to be any great loss for us, particularly if we remain firm in insisting *now* on the need for the Four to commit themselves in some fashion to the implementation of the entire agreement, including the inner-German agreements.)

The concrete problem which developed on the access issue relates to the “practical improvements,” and whether they in fact are improvements. The Soviet proposals of December offered some appeal because they contained provisions for express passenger trains and sealed cargo trains, etc. However, at the advisers meeting on January 13, the Soviets added their definition to their earlier proposals. The Soviets revealed, for example, that the seals would be placed on the

⁶ Reference is to a January 29 memorandum from Sonnenfeldt to Kissinger reporting Rush’s urgent “request” for a meeting. (National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany, Vol. VIII)

⁷ Attached but not printed at Tabs A, B, and C are telegrams 71, 107, and 97 from Berlin, January 13, 20, and 19, respectively. (All also *ibid.*, RG 59, Central Files 1970–73, POL 28 GER B) Attached at Tabs E, F, and G are status reports on Berlin from Sonnenfeldt to Kissinger, January 11, 15, and 23, respectively. (All also *ibid.*, Nixon Presidential Materials, NSC Files, Box 691, Country Files, Europe, Germany (Berlin), Vol. III)

⁸ Brackets in the original.

trains *after* they had entered the GDR and had submitted to control. From the Western viewpoint the December access proposals became so diluted of content as to become little more than confirmation of existing procedures. From the Soviet viewpoint, as Abrasimov said on January 19, the proposals would provide some greater efficiency and speed by reducing the number of physical checks required for a large proportion of the civilian access. He made it clear that he never intended to suggest any sort of procedure that would allow for access free of GDR control.

In defending the Soviet position at the advisers meeting, the Soviet representative implied that the value for the West in the Soviet proposal was that it would, in effect, codify the existing procedures and in that way would prevent further deterioration in them. Abrasimov did not pick up this line at the Ambassadorial meeting which followed, but it does seem to represent the Soviet view of the negotiations as a whole. Whereas the Western side expected to proceed in the negotiations on the basis of the status quo, the Soviets have raised the ante, and are proceeding from the position that matters can be expected to get worse unless the West is willing to conclude an agreement now. The rather severe series of civilian autobahn blockages in the past two months have had as their “provocations” a level of Federal activity in Berlin which has continued for almost two decades without little more than minor oral protests from the East.

Federal Presence. The Western side offered no new proposals on this issue, although Ambassador Rush did indicate that the West would make clarifications through limitations on that presence. He also made the point that there also had to be explicit understandings to assure the continuation of approved (by the Three) activities without difficulties in the future—i.e., positive acceptance by the Soviets of Bonn-Berlin ties, as opposed to the drawing up of only a prohibited list. The Soviets were obviously displeased. Abrasimov said there could be no movement in the talks until the West explained exactly what it would do about ending Fraktionen and committee meetings, and eliminating the activities of FRG agencies, departments and institutions as well as neo-fascist and other hostile activities.

The Soviets have given the impression that they are prepared to make some concessions on access, Berlin’s representation abroad, and inner-Berlin movement—but that they absolutely will not budge, or reveal their concessions, until the West offers something more on Federal presence. The fact is, however, that the West has at least orally passed to the Soviets the full extent of our position on Federal presence—at least the maximum which the FRG has for the moment sanctioned.

It is possible that the Soviets can be brought to accept some cosmetic changes in the character of Federal agencies and institutions already existing in Berlin—though in the last session the Soviets

continued insisting that these agencies had to be eliminated (even the Federal court in Berlin). Federal political meetings and Bundestag groups are the most difficult issue. The Soviets have repeatedly said that political presence is the core of the problem and must be eliminated; the FRG says that political involvement between Bonn and Berlin is essential to preserve the viability (read financing) of Berlin. There seems nevertheless to be some more water that can be squeezed from the German position—and the Soviets probably know this. Thus, until the FRG is prepared to come forward with a greater scaling down of Federal presence, there can be little hope of getting the Soviets to reveal more of their position. The point at which a reduction in Federal presence genuinely impairs West Berlin's viability must be determined in the first instance by the Germans. For the Allies to make suggestions in this area invites only great danger.

Draft Comprehensive Agreement

During the past month the French, UK and FRG have evidenced great interest in consolidating the Western position. The French took the lead earlier in the month by offering a complete draft agreement. Then, the day before the Ambassadorial meeting, the British and French hit Ambassador Rush hard, charging that the US was lagging and out of line with the tactics of the negotiations (not the substance). It was essential, they said, for the West to present to the Soviets a draft comprehensive agreement. (So far in the talks, the West has tabled only position papers on portions of an eventual agreement.) Also, most of the Western position on Federal presence had not yet been offered to the Soviets in a written form, but only hinted orally. To submit a written document, the British and French argued, would represent some movement, and hopefully would reduce the FRG incentive to pursue access negotiations in the course of the Bahr-Kohl talks.

As a result of these pressures, the Bonn Group prepared the text of a comprehensive agreement for submission to capitals for approval. This text is at Tab D.⁹ In general terms the text is consistent with NSDM 91¹⁰

⁹ Tab D is telegram 842 from Bonn, January 23. (Also *ibid.*, RG 59, Central Files 1970–73, POL 28 GER B) Fritz Kraemer, Kissinger's former mentor and a senior adviser in the Pentagon, commented that a revised text of the draft agreement, transmitted in telegram 1156 from Berlin on January 30 (*ibid.*), was "totally inadequate." In a comment evidently intended for Kissinger, Kraemer wrote: "You have no time to study this complex, very important document. But, please let an 'objective' lawyer look at it." (*Ibid.*, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Berlin, Exchange of Notes Between Dobrynin and Kissinger) According to his Record of Schedule, Kissinger met Kraemer on February 4, the day before the draft agreement was tabled in Berlin, from 2:01 to 2:40 p.m. and again from 2:46 to 2:49 p.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No substantive record of the discussion has been found.

¹⁰ Document 136.

and does not damage the Western position. (Caution: the text does not yet have governmental agreement, and we wish to make a host of changes in it before it is near readiness for presentation to the Soviets.) You may wish to look it over, even in this preliminary stage, because it does contain the general format and positions. The limitations on Federal presence are contained in Annex III, and in particular in paragraphs 3–4 of that Annex. These limitations represent the maximum FRG concession so far.

Prior to the development of this text, Bahr floated his proposal in the Bonn Group for an “interim commitment” by the Four on access (recognizing that the Soviets would probably demand an interim commitment on Federal presence). The purpose would be to permit the inner-German talks to deal with access. A Four Power communiqué would trigger the inner-German negotiations; it would simply note that a stage had been reached which allowed the two Germanys to begin their negotiations. The substance of the commitment (which would remain confidential), according to Bahr, would be that the Four or the Soviets unilaterally state that access should be unhindered and on a preferential basis (comment: no one on the Western side can or has attempted to define the terms unhindered and preferential).

It is quite possible that the Germans plan to encourage the presentation of the draft comprehensive agreement to the Soviets on the expectation that the Soviets will reject it. At that point, Bahr can offer his interim commitment proposal as the only alternative to a complex collapse of the talks. (The initial Three Power reaction to the interim commitment proposal had been generally negative.) The British and French will probably go along with the scheme at that time. In that event, the center-weight of the negotiations will shift from the Four Powers to the Bahr–Kohl level. There is little likelihood that the Four could reject whatever arrangements were agreed by the German side. (Note: you are familiar with State’s instruction¹¹ on how to handle the tabling of a composite plan which we discussed telephonically on January 28.)

On the *German bilateral side*, the main events have been (a) two meetings between Bahr and Kohl, (b) Schroeder’s conversations in Moscow with Kosygin and Gromyko.

Bahr–Kohl

In their meeting of January 15, the main development was that Kohl dropped his earlier refusal to talk about general transportation and traffic between the GDR and FRG, thus bringing the East German

¹¹ Telegram 15262 to Bonn, January 29. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

position in line with Bonn's concept. In their second conversation on January 26, Kohl "officially" confirmed this new position, but only if Berlin traffic were also discussed. (Kohl and GDR Foreign Minister Winzer had just been in Moscow again.) Bahr continued to resist this on the grounds that a four power mandate was needed. Kohl argued that this was unnecessary since the Bundestag would approve all three agreements together—a Berlin agreement, the Soviet-German treaty, and the GDR-FRG traffic agreement. Bahr argued that a German traffic agreement would not be submitted for formal FRG ratification and Kohl replied that this would not be acceptable.

Thus these talks are deadlocked for now, though the East Germans can move into a technical discussion of intra-German traffic as a holding action. It is clear, however, that through inducements and pressures the East Germans are trying to precipitate a separate negotiation that would totally undercut the four power negotiations.

Schroeder Moscow Talks

The points made on the Soviet side by Kosygin and Gromyko contained nothing new. They argued, as expected, against German Federal presence in Berlin, and offered total assurance that if this were resolved there would be no problems with access. The interesting aspect is that Schroeder seems to have been impressed with his conversations and with Soviet concern. He told our Embassy that perhaps the activities of the FRG should be less demonstrative. A lower profile seemed in order, he said. One had the impression that Schroeder senses a Berlin agreement is probable and that this will mean the ratification of the eastern treaties. In contrast to the more vigorous and violent attacks on Ostpolitik by Kiesinger at the CDU convention, Schroeder is maintaining a reserved position on Ostpolitik. As you know, Brandt and Bahr saw Schroeder before and after his trip and are pleased with its results.

Conclusions

Without having any persuasive evidence, it nevertheless seems that the Soviets are positioning themselves to make some further concessions, either on German presence or access, after which they will push hard for inner-German negotiations—if we will make a concession on Federal presence. Certainly, the mood in Bonn, if not yet desperate, is probably tightening as the Berlin election and the Soviet Party Congress draw near. But at the same time the Berlin harassments are obviously worrying Brandt. Bahr and others seem to be maneuvering with the Soviets. Certainly the only good explanation of German willingness to table a new complete draft is to force a deadlock which will be relieved by the brokering that Bahr and Falin do without our knowledge. (Falin may assume his post as Ambassador in Bonn very soon.)

171. Editorial Note

On February 2, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 3:04 to 3:53 p.m. to discuss procedures for handling the Berlin negotiations outside normal channels. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the meeting was held at Dobrynin's request "on what he called rather urgent business"; Kissinger expected to face questions on the "American invasion of Laos." Dobrynin, however, first expressed concern on the "extremely alarming" situation in the Middle East then moved on to Berlin. The memorandum records the following discussion:

"Dobrynin then said that his superiors in the Politburo were very receptive to the approach on Berlin that I had outlined. I told him of my conversation with Bahr and I said I would have to have a conversation with Rush before I could get the procedure firmly established. However, I proposed the following approach: Bahr would tell me what the German Government might be willing to consider; I would discuss this with Rush. If they both agreed, I would discuss it with Dobrynin; if the three of us agreed, we would introduce it first in the Four Power Western group and subsequently in the Four Power talks on Berlin. Dobrynin said he would transmit this procedure to Moscow. Dobrynin asked me when I might have an answer from Bahr and Rush and I said that I thought that I would be ready to discuss it in the following week." (National Archives, Nixon Presidential Materials, NSC Files, Box 490, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 2])

In a February 3 memorandum to Kissinger, Deputy Assistant to the President Haig reported that he had arranged a channel to West German State Secretary Bahr by establishing "a special link from Navy to a single Navy officer in Frankfurt, who has no responsibility to our embassy or any other intelligence or departmental interests." According to Haig, Captain Holschuh USN, the Naval Intelligence Officer in Germany, "is totally reliable and has been alerted to receive traffic from Bahr. The only delay will be the travel time from Frankfurt to Bahr and pickup of the message, the encoding and decoding time at this end. At this end, the traffic will be handled exclusively by a Navy cryptologist who will inform us that the traffic is here and ready for pickup. Dispatch from you will be handled in reverse fashion." (Ibid., Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]) David Halperin of the National Security Council staff called Bahr at 3:20 that afternoon to explain how the "Bahr channel" would work. (Memorandum from Halperin to Kissinger, February 3; *ibid.*)

At 7 p.m. Kissinger met Rush to discuss the handling of back-channel negotiations on Berlin. (Record of Schedule; Library of Congress,

Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) Although no substantive record has been found, both men later published accounts of the meeting. In an oral interview, Rush recalled: “I was called back to Washington, and John Mitchell, a friend of mine, arranged for me to have dinner with him and Henry Kissinger at Mitchell’s Watergate apartment. They raised the question whether I could somehow conduct secret negotiations with Abrasimov to try to work out an agreement. I was all in favor of this because we were making no progress in the Four Power talks.” (Thompson, ed., *The Nixon Presidency*, page 338) As Kissinger described the meeting in his memoirs:

“Arrangements with Ken Rush were settled at our meeting on the evening of February 3 in John Mitchell’s apartment. Rush agreed that probably no other plan would work in a practical time frame. If the stalemate proved too protracted, Brandt might seek to break out on his own, blaming us for Germany’s unfulfilled national aspiration and perhaps charting a new and far more independent course. Rush questioned whether we could handle a Berlin crisis and its accompanying German domestic uproar while the war in Vietnam was going on.” (Kissinger, *White House Years*, pages 807, 809–810)

Kissinger then reviewed the arrangements for secret diplomacy on Berlin in separate meetings with Rush and Dobrynin on February 4. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) Later that afternoon, Rush received a memorandum from Kissinger on the “special channel for communications with the White House.” The memorandum outlined a procedure identical to the Bahr channel: “Captain Holschuh, upon receipt of telephonic notification from Ambassador Rush personally will be prepared to make arrangements for the pickup of the texts of any secure communications for direct delivery to the White House. He will also serve as point of contact for the delivery of messages from the White House to Ambassador Rush.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]) Although Kissinger had asked to see Dobrynin “in order to tell him of my conversation with Rush,” the main purpose of the meeting was “to show some interest in continued Soviet-American dialogue during the Laotian episode.” According to the memorandum of conversation, “Dobrynin said he had already received a reply to our last conversation from the Kremlin. The Kremlin told him to express to me [Kissinger] the pleasure of Moscow at the seriousness with which we approached the subject [Berlin], that they considered it a very positive contribution to the Summit we were planning.” (Ibid., NSC Files, Box 490, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 2])

172. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, February 4, 1971.

SUBJECT

Meeting with Egon Bahr, January 31, 1971

As a result of my discussions on Berlin with Dobrynin on January 28, I arranged a meeting with Egon Bahr on Sunday, January 31. The following are the highlights of the meeting which lasted for an hour and a half.

Bahr explained that the major issues from the Federal Republic's point of view were:

- (1) the legal access procedure,
- (2) the problem of guarantees, and
- (3) the legal status of federal organs in West Berlin.

On the third point the FRG was prepared to agree that:

—no constitutional organ (the President or Parliament) could meet in Berlin,

—the German Ministries would be made subdepartments of the Representative of the FRG in Berlin, and

—the Three Powers could notify Bonn that Berlin was not considered part of the FRG.²

I told him about my conversations with Dobrynin and showed him the Soviet note on guarantees (covered in the separate memorandum to you on my January 28 meeting with Dobrynin).³ He said that the Chancellor had authorized him to say that the FRG would welcome with enthusiasm any bilateral Soviet-American conversations and he felt the note was quite far-reaching. It was then decided that Bahr would let me know the German position on each of the three issues—access, guarantees and status, and that I would discuss them with Dobrynin. As we made progress on these points I would give

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. Sent for information. According to another copy, Kissinger and David Young drafted the memorandum on February 2. (Library of Congress, Manuscript Division, Kissinger Papers, Box TS 37, Geopolitical File, Soviet Union, Dobrynin, Chronological File ("D" File), Feb. 1971–Jan. 1977) Butterfield stamped the memorandum indicating that the President had seen it. For their memoir accounts of the meeting, see Kissinger, *White House Years*, pp. 805–810; and Bahr, *Zu meiner Zeit*, pp. 354–356.

² Nixon marked this point and wrote in the margin: "Doesn't this go too far?"

³ See Document 169.

them either to Ambassador Rush to introduce into the Four-Power discussions or, alternatively, to Bahr to raise as German ideas. I explained that we would not make any move that had not been approved by the FRG.

I concluded the conversation by emphasizing that it was essential to avoid the slightest leak and that the only persons aware on our side would be you, Ambassador Rush and myself. Bahr replied that he would tell only the Chancellor. We then agreed upon a procedure for establishing a secure communication link and reviewed the steps to be taken.

A full record of the conversation is attached at Tab A.

Tab A

**Memorandum for the President's File by the President's
Assistant for National Security Affairs (Kissinger)⁴**

January 31, 1971.

SUBJECT

Conversation of Dr. Kissinger with Egon Bahr Aboard the Jet Star Going From Cape Kennedy to New York, January 31, 1971

The meeting proved somewhat difficult to arrange because of Foreign Office jealousies in Bonn and State Department problems here. It was therefore decided that the Vice President would invite Egon Bahr to the moon shot under the pretext that he had promised it to him on the last occasion he was down there, and that I would then pick him up and give him a ride to New York.

We spoke for an hour and a half. The conversation began with my asking Bahr in a general way how he visualized the evolution of the talks. He said they had to be speeded up. I said I had never understood that phrase. What exactly did they have in mind? Bahr recommended that we put our total program on the table for the Soviets—let the Soviets reject it, and then begin a process of bargaining. I asked Bahr what he thought the major issues were. He said the legal access procedure, the problem of guarantees, and the legal position of the federal organs in West Berlin. I asked him what he was willing to do on the latter. Bahr said, with respect to the latter, the Federal Republic was

⁴ Top Secret; Sensitive; Exclusively Eyes Only. Sent for information.

prepared to agree that no constitutional organ (that is to say, the President or the Parliament) could meet in Berlin. It was also prepared to make the German Ministries subdepartments of the Representative of the Federal Republic in Berlin. And finally, they were prepared for the Three Powers to notify Bonn that Berlin was not considered part of the Federal Republic. Now, on the other hand, it would be very difficult to prevent committees of the Bundestag from meeting there. He said he also realized that there were some issues which were more important for Germans than for Americans. For example, the question of West German passes for citizens of Berlin was a matter of great urgency for the Germans. It was not a matter of particular concern to Americans.

I then told him briefly about my conversation with Dobrynin and asked him what he thought about it. He said that he had been authorized by the Chancellor to say that the Federal Republic would welcome with enthusiasm any bilateral Soviet-American conversations. The Federal Republic had full confidence in us. I said it would not be a matter of confidence because we would make no move that had not been approved by them.

We then discussed the procedure by which we could effect it. We agreed that it should be in the following manner. Bahr would let me know the German position on three issues: (1) access procedures; (2) guarantees; and (3) Federal presence. I said that I could not possibly raise the issue of West German passports at an early meeting since this would not seem to be a plausible American proposal. As we were making progress, and if we were making progress on these three points, I would give them to Rush to introduce in the Four-Power context, while alternatively, Bahr could introduce them as German ideas. In either event, then the Germans and we would work together within the Four Powers to bring about the agreed solution. I told Bahr that total discretion was essential and that if there were the slightest leak, I would break off my contact with him as well as my contact with Dobrynin on the subject. Bahr said that he was so enthusiastic for this procedure that there would be no question about any leaks. The only person in Bonn that would be told would be the Chancellor. I told him the only persons told on our side would be the President, Rush and myself.

I then showed Bahr the Soviet proposal on guarantees. He said there were two weak points in it; namely, the phrase that "violations would be brought to the attention of the four guaranteeing powers," and also that "they would act only in the sphere of their competence." But he said, except for those two phrases, the text was actually more far-reaching than the Western countries were prepared to demand in the proposal slated to be put forward at the February 9 session of the Ambassadors.

I then suggested to Bahr that the Germans toughen their position on the guarantees because there was no point in having the Soviets come up with a harder formulation than we were offering to them if this channel was to have any viability. Bahr agreed to do so.⁵

We then agreed on the following procedure: (1) we would establish a secure communication link, either via the hot line between Bonn and Washington or via the existing CAS channel or via a channel yet to be determined; (2) that Bahr would let me know through this channel what the German position was on access procedures and guarantees and Federal presence; (3) that I would let him know both before and after a meeting with Dobrynin; (4) that Bahr would do the same about any conversations he had with Falin; (5) that I would let him know exactly what would be told to various people; and (6) that Ambassador Rush would be kept informed and would funnel any agreement into the Four-Power context. Bahr expressed his enthusiasm about this procedure and departed on this note.

⁵ In a February 4 special channel message to Kissinger, Bahr forwarded a list of Federal institutions with offices in West Berlin and a proposed set of principles for a Berlin agreement, including formulations and clarifications on access, Federal presence, and foreign representation. Bahr also reported that he had his first substantive talk with Kohl on principles for an agreement between West and East Germany. On the basis of a "somewhat heated and polemical discussion," Bahr concluded, however, that East Germany would still "use every further pretext for new obstructions" on traffic to Berlin. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3])

173. Telegram From the Embassy in Germany to the Department of State¹

Bonn, February 4, 1971, 1955Z.

1381. Subj: Berlin Negotiations: Draft Agreement. Ref: State 19134.²

Following is text of latest revised draft of a possible Berlin agreement agreed in Bonn Group February 4 for further reference to governments.³ Comment on individual points in septel.⁴

Begin text. Quadripartite Agreement.

The Ambassadors of the French Republic, USSR, United Kingdom of Great Britain and Northern Ireland and the United States of America held a series of meetings from 26 March 1970 to (blank) in the building formerly occupied by the Allied Control Council in Berlin on the basis of instructions from their respective governments to seek improvements in and around Berlin. The Ambassadors proceeded on the basis of the rights and responsibilities which their governments have as a result of the outcome of the Second World War, as reflected in wartime and post war agreements and decisions reached between them relating to Berlin, which remain unaffected.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Immediate; Limdis. Repeated to Berlin, London, Paris, and Moscow. In a February 4 memorandum forwarding the text of the telegram to Kissinger and Haig, Sonnenfeldt commented: “The basic choice we have to make is whether a partial recognition, in writing, by the Soviets of our conception of our rights is better than none at all—the present situation. If we judge that it is worse we had better get out of the talks now. In practice of course the Soviets are likely to laugh this draft out of court precisely because it would require them to recognize Western actions as a matter of right which in the past they have acquiesced in (when they were not harassing) but have never underwritten in legal form. On the contrary, it is their position that no such rights exist. In addition, the draft requires them to accept, in writing, responsibilities they have never accepted before.” (Ibid., Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 58, Country Files, Europe, Berlin, Vol. 1)

² In telegram 19134 to Bonn, February 4, the Department instructed the Embassy to seek some last-minute revisions to the draft agreement. (Ibid., RG 59, Central Files 1970–73, POL 28 GER B)

³ In telegram 19705 to Bonn and Berlin, February 4, the Department approved the decision to table the draft agreement at the advisers’ meeting on February 5. (Ibid.)

⁴ In telegram 1382 from Bonn, February 4, the Embassy forward a detailed account of the discussion in the Bonn Group that day on the draft agreement. (Ibid.) In a February 5 memorandum to Kissinger, Sonnenfeldt reported that, at the advisers’ meeting earlier that day in Berlin, “the Soviets did nothing more than receive the Western draft with a few potshots, keeping all options open. Since it could not have been ruled out that the Soviets would have flatly rejected the draft, their reception could be termed positive. We can expect Abrasimov to attack the draft more systematically on February 8 and probably present a Soviet counter-draft. The SRG meeting scheduled for February 10 should be quite timely.” (Ibid., Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 58, Country Files, Europe, Berlin, Vol. 1)

Desiring, without prejudice to the legal positions of their governments to achieve practical improvements consistent with the wishes of the inhabitants, the Ambassadors at the conclusion of their discussions recorded the agreement of the four governments on the provisions set forth below:

Part I—General Provisions

1. The Four Powers will strive to avoid tension and to prevent complications in and around Berlin.

2. The Four Powers will be guided by the purposes and principles embodied in the Charter of the United Nations. In accordance with Article 2 thereof, they will settle their disputes by peaceful means and refrain from the threat or use of force.

3. The Four Powers will mutually respect their individual and joint rights and responsibilities.

Part II—Provisions Relating to the Western Sectors of Berlin

A. Civilian access on surface routes

1. Surface traffic by road, rail and waterways between the Western sectors and the Federal Republic of Germany for all persons and goods shall be unhindered and on a preferential basis.

2. Complications on the routes utilized by such traffic shall be avoided and the movement of all persons and goods shall be facilitated.

3. The movement of all persons and goods between the Western sectors and the Federal Republic of Germany on the routes utilized by such traffic shall take place upon identification only except as provided for in Annex I, paras 1 and 2, and the procedures applied shall not involve any delay.

4. In order to deal quickly and effectively with any hindrances, complications or delays in such movement, arrangements will be maintained for consultation in Berlin between representatives of the Four Powers.

5. Detailed arrangements concerning civilian access on surface routes are set forth in Annex I. Measures to implement them will be agreed between the appropriate German authorities.

B. Communication within the city and its environs

1. Communication within the city and its environs shall be improved.

A. Permanent residents of the Western sectors shall be able to visit and travel in the rest of the city under conditions no more restrictive than those existing at present for permanent residents of the Federal Republic of Germany.

B. Additional crossing points to the rest of the city, including U-Bahn stations, will be opened as needed.

C. Telephonic, telegraphic and other communications of the Western sectors with the rest of the city and its environs will be expanded.

D. Detailed arrangements concerning communication within the city and its environs are set forth in Annex II. Measures to implement them will be taken by the appropriate German authorities.

2. Problems of small areas which form part of the Western sectors but which are separated from them or which are difficult to reach, in particular Steinstuecken, shall be solved by exchange of territory.

C. Relationship with the Federal Republic of Germany

The relationship between the Western sectors and the Federal Republic of Germany as described in Annex III, shall be respected.

Part III—Final Provisions

1. The four governments agree to respect the arrangements set forth in the attached Annexes and not to hinder measures implementing them.

2. The attached Annexes constitute an integral part of this agreement.

3. This agreement will enter into force on the date specified in a final quadripartite agreement which will be concluded when the four Ambassadors have confirmed that the measures envisaged in part II, section A(5) and section B(1)(D) are ready to be applied.

For the French Republic

For the Union of Soviet Socialist Republics

For the United Kingdom of Great Britain and Northern Ireland

For the United States of America

ANNEX I

(Draft of written Soviet communication to the three Allied Ambassadors)

The Government of the USSR, with reference to part II, section A(5) of the quadripartite agreement of this date, and after consultation thereon within the Government of the German Republic, has the honor to bring to the attention of the Governments of the French Republic, the United Kingdom and the United States of America the following arrangements concerning civilian access on surface routes:

1. Conveyances carrying goods on surface access routes between the Western sectors of Berlin and the Federal Republic of Germany which are sealed by the respective local authorities before departure from one of these areas may move to the other area without control other than inspection of the seals.

2. Through passenger trains and buses between the Western sectors of Berlin and the Federal Republic of Germany may move from one of these areas to the other area without control.

3. Persons identified as through travelers using individual vehicles between the Western sectors of Berlin and the Federal Republic of Germany on designated roads will not be subject to search, baggage check or payment of individual tolls and fees. Such travelers will, by appropriate means, be distinguished from other travelers.

4. Increased facilities and installations necessary for rapid, convenient and adequate means of movement for all goods and persons between the Federal Republic of Germany and the Western sectors of Berlin will be made available. Such facilities and installations will be improved in conformity with growing transport needs and developments in transport technology.

5. The German Democratic Republic will expect to receive from the FRG an appropriate compensation for the costs related to surface traffic between the Western sectors and the FRG in the form of an annual lump sum to be agreed between their authorities.

6. Measures to implement the above arrangements will be worked out by the appropriate authorities of the German Democratic Republic and the Federal Republic of Germany in accordance with part II (A) (5) of the quadripartite agreement.

(Signature)

(Date)

ANNEX II

(Draft of written Soviet communication to the three Allied Ambassadors)

The Government of the USSR, with the reference to part II, section B (1) (D) of the quadripartite agreement of this date, and after consultation thereon with the Government of the German Democratic Republic, has the honor to bring to the attention of the Governments of the French Republic, the United Kingdom and the United States of America the following detailed arrangements concerning communication within the city and its environs.

1. Permanent residents of the Western sectors will be able to visit the environs of the city for compassionate, family, religious or cultural reasons, or as tourists.

2. The Western end of the Teltow Canal will be opened to navigation.

3. Measures implementing the above arrangements will be worked out by the appropriate German authorities in accordance with part II, section B (1) (D) of the quadripartite agreement.

(Signature)

(Date)

ANNEX III

(Draft of written Allied communication to Soviet Ambassador)

The Governments of the French Republic, United Kingdom and the United States of America, with reference to part II, section C of the quadripartite agreement of this date and after consultation thereon with the Government of the Federal Republic of Germany, have the honor to bring to the attention of the Government of the USSR the following concerning the relationship between the Western sectors of Berlin and the Federal Republic of Germany:

1. In the exercise of their supreme authority, the three governments determine the nature and the extent of the relationship between the Western sectors and the Federal Republic of Germany. They approve special ties between their sectors and the Federal Republic of Germany.

2. They state that the Western sectors are not to be regarded as a Land of the Federal Republic of Germany and are not governed by it. The provisions of the Basic Law of the Federal Republic of Germany and the constitution of Berlin which indicate to the contrary have been suspended and remain suspended by the three governments.

3. Constitutional organs of the Federal Republic: The Federal President, the Federal Chancellor, the Federal Cabinet, and the Bundestag and Bundesrat in plenary session, will not perform official constitutional acts in the Western sectors. The Bundesversammlung will not be held in the Western sectors.

4. The Government of the Federal Republic of Germany maintains liaison offices with the French, British, and United States authorities and with the Senat. These offices are subordinate to the Federal Plenipotentiary, who represents the Federal Republic of Germany to these authorities and the Senat.

5. In exercise of and without prejudice to their supreme authority, the three governments have authorized the Federal Republic of Germany to ensure the representation abroad of the Western sectors and their inhabitants. Such representation includes inter alia:

A) Consular matters and the issue to German residents of the Western sectors of Federal German passports under the authority of the three governments and stamped to that effect;

B) Inclusion of the Western sectors in international agreements and engagements of the Federal Republic of Germany as authorized by the three governments.

6. The three governments decide on permitting the holding in their sectors of meetings of international organizations and conferences as well as exhibitions with international participation, for which invitations are issued by the Federal Republic of Germany in agreement

with the Senat. Permanent residents of the Western sectors may participate in Federal German organizations and associations and in the international exchanges arranged by them.

(Signatures)

(Date)

FINAL QUADRIPARTITE AGREEMENT

The Ambassadors of the French Republic, the USSR, UK, and USA, met on (blank) in the building formerly occupied by the Allied Control Council in Berlin.

In the exercise of the rights and responsibilities referred to in the preamble of the quadripartite agreement of (blank), the Ambassadors took note with approval of the (insert appropriate references to measures by or agreed between the German authorities). Pursuant to the provisions of that quadripartite agreement, they determined that the measures provided for in the instruments of (blank) correspond to the provisions of that quadripartite agreement. Texts of these instruments are annexed to this final agreement.

The Ambassadors recorded the agreement of their governments that the carrying out of the measures described in the instruments annexed to this final agreement is essential to the implementation of the provisions of the quadripartite agreement of (blank) and will see to it that these measures are applied.

This final quadripartite agreement and the quadripartite agreement of (blank), which do not affect previously concluded Four Power agreements or decisions, will enter into force on (blank).

For the French Republic

For the USSR

For the United Kingdom of Great Britain and Northern Ireland

For the United States of America

Rush

174. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, February 9, 1971.

SUBJECT

Four Power Meeting on Berlin, February 8; Rush–Abrasi­mov Dinner, February 7, 1971

The main purpose of the Ambassadorial meeting was to learn the Soviet reaction to our draft treaty which had been handed over at the advisors meeting of February 5.

Judging from Abrasi­mov's glittering generalities he probably had no instructions of substance from Moscow. He took refuge in predictable critical remarks—"one sided, poor in content, ignores Soviet positions, etc."—but he was careful not to reject the draft. According to Ambassador Rush the meeting was one of the "more harmonious" ones, and Abrasi­mov was affable. As expected, he countered with a proposal to take up the Western draft section by section, and indicated the Soviets would present their own language and proposals.

This strongly implies that as far as general structure is concerned the Soviets are not going to throw the draft away. As the French Ambassador said at the outset of the meeting, the structure of the draft—a four power agreement, an intervening German negotiation, and a final Four Power Act—was the "main contribution" of our draft. Abrasi­mov responded that the Western draft was a "point of departure" and the schematic three stage agreement could be the basis for ultimate agreement.

Abrasi­mov gave no real indication of how the Soviets intended to treat the substance. He merely reiterated what we already know is the Soviet position.

The question of Federal German presence obviously remains at the center of Soviet concern. Abrasi­mov specifically called attention to the failure of our draft to address the issues of prohibition of Bundestag Committee and commission meetings (this of course was in the original draft but subsequently taken out by the FRG).

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Bahr/Rush—Back-up. Secret. Sent for information. According to another copy, Hyland drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, CL 11, Chronological File, 1969–75, 2 Jan.–16 Feb. 1971)

It is still fairly clear that the Soviets suspect we are trying to undermine and thwart Ostpolitik. For example, Abrasimov noted that the draft treaty was a maximum position put forward for “deliberate tactical purposes.” In his private dinner with Ambassador Rush, Abrasimov was more direct: he asked whether we supported the CDU or Brandt, and whether we really supported Ostpolitik.

Linkage

In their private conversations Abrasimov made another effort to draw us into a bilateral exchange or deal. This time, he proposed a bizarre meeting of Rush, Abrasimov, and Brandt in Hannover, at the home of a Professor Hillenbrecht!! Later he said this was merely an off the cuff suggestion. (Presumably, Abrasimov is duty bound to launch these probes, as he does with all three Western powers.)

Of more importance, Abrasimov and Rush engaged in a byplay on Berlin linkage to other international issues. While Abrasimov rejected any tie in to ratification of the Eastern treaties, he did assert that a Berlin solution would affect the prospects for solution of other outstanding world problems, and he assumed that the Ambassador knew which he had in mind.

Harassments

Rush reports that Abrasimov’s defense of recent harassments of traffic was not accompanied by new warnings. This might be interesting in light of the forthcoming SPD Vorstand meeting on February 15, which the East Germans have already warned Bahr will not go “unanswered.”

Rush tried out on Abrasimov a *modus vivendi* on harassments and Federal activities. He said that on the one hand, all activities could cease pending agreement, but that this would be unacceptable to Bonn; on the other hand, all activities could proceed, but the Soviets would not agree. Rush’s idea, therefore, was that those activities that had not caused difficulties in the past could continue pending an agreement. Apparently, Abrasimov did not respond.

It will be an interesting signal if, in fact, the harassments are less severe next time, or Abrasimov is authorized to reply.

(*Comment:* In your conversation with Rush last week at which I was present, you agreed with his idea of talking to the three FRG party leaderships to see if some reduction in their Berlin activities can take place. I assume that Rush knew whereof he spoke in now making his suggestion to Abrasimov.² At the same time, there is no evidence in cable traffic that he informed the Allies (and Germans) in advance of or

² Kissinger wrote the following comment in the margin: “Damn it Sonnenfeldt, he had no instructions from me!”

after making his proposition to Abrasimov. Rush's own report³ on his comments to Abrasimov does not indicate how he defined "FRG activities as had taken place without difficulty in the past." The "past" began yesterday and by that standard a whole host of FRG activities would have to stop. The Soviets of course maintain that all FRG political activities have caused "difficulties" for them even if they and the East Germans have not always reacted. In sum, this strikes me as rather slippery semantic ground and potentially quite dangerous if the subject is pursued without intra-allied consultation.

Meanwhile, as you are aware (see my memorandum of February 6, Log 25737),⁴ US officials in Berlin have vigorously denied the accuracy of Bahr's assertion, following his recent US trip, that we would like the Germans to think about reducing their presence in the context of a four-power agreement. This, however, is unlikely to stop Bahr from making the assertion and from being believed. I would judge that when the Rush initiative eventually gets out and is put alongside Bahr's assertion, we will be clearly identified as assuming a posture of initiative with respect to the reduction of the German presence in Berlin.)

The Next Round

The Western side proposed the next meeting for February 18, and in agreement with the Soviets, who urged intensification, there will be an advisors session on February 12, and, provisionally, on February 16. This represents an increase in the pace of the talks, and should relieve some of the pressures in Bonn and on us. (It also makes more important some clarification of our fall back positions, if any.)

The whole tenor of the meeting was that we have reached a new stage—a stage of drafting concrete sections of the agreement. The Soviets urged that the advisors come prepared to go through each major section, and when confronted with a major problem, move to the next section, etc.

³ Tab B; see footnote 7 below.

⁴ In his February 6 memorandum to Kissinger, Sonnenfeldt reported that "Bahr has told CDU leaders that 'the US Government had encouraged the FRG to weigh the removal of some features of the Federal presence within the context of Four Power talks.' You will note from the telegram that the CDU leaders, who had just returned from the US, correctly stated the US position as it has hitherto existed, i.e. that within the basic limits of what the allies had approved, it was up to the FRG to take the initiative in changing the Federal presence." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]) In a February 6 note to Kissinger, Haig commented: "Sonnenfeldt has gleaned on this like a leech on a hippo's belly. He is, of course, convinced that you are the source of the problem and has called to remind us both that whoever encouraged Bahr to weigh removal of some of the features of the Federal presence in Berlin has moved directly contrary to the existing NSDM. Sonnenfeldt also emphasized that he was the source of the CDU's information in Washington on February 1–3. I think it would be helpful for you to set Hal straight." (Ibid., Box 60, Bahr/Rush—Back-up)

Conclusions

Good humor, affability, and proposed “secret” meetings aside, it is not possible to tell from this meeting whether we have moved an inch.

The Soviets, of course, recognize that we have given them what Abrasimov described as a maximum position, 80–90 percent in our favor. Considering some of the trepidations we had about advancing such a position in mid-course of the talks, the Soviet reaction has not been very ominous.

Setting the probable intensification of these talks along side of the shift in the Bahr–Kohl talks to inner-German “principles,” one could conclude that the Soviets will keep the option of agreements open for a time. Abrasimov will return to Moscow for the Party Congress, and perhaps by then or shortly after, we will be clearer on the general course of Soviet policy.

We may get one signal next week in any case, when the Five Year Plan supposedly will be completed and the regional Soviet Party Congress begins.

Soviets Deny Souring on Ostpolitik and Brandt (Maybe).

The Soviet Embassy in Bonn meanwhile has denied the authenticity of the interview with a senior Soviet official (actually Vorontsov) which appeared in the Hearst press last week. (See my memorandum of February 5, Log 25734.)⁵ The denial was, however, only partial in denying that an interview “of this kind” had been given by a Soviet official. In point of fact, the Hearst reporter who wrote the original story was later called back to the Soviet Embassy and told that he had overwritten his story. The position in Moscow, according to this second interview, was indeed one of disenchantment with Brandt and the Ostpolitik but had not yet reached the point of “turning the back on it.” The Soviets also again mentioned differences of view in Moscow. Interestingly enough, *Die Welt* today carries a Stockholm-dated story attributed to a Soviet diplomat there by name and following closely the points of the Hearst piece. These are the only two items of this kind so far, but there does seem to be a line being put out from Moscow.

At Tab A is the full reporting cable of the Meeting.⁶

At Tab B is the report of Rush’s private dinner with Abrasimov.⁷

⁵ Memorandum from Sonnenfeldt to Kissinger, February 5. (Ibid., Box 691, Country Files, Europe, Germany (Berlin), Vol. III) See also Document 181.

⁶ Attached but not printed; telegram 262 from Berlin, February 8. (Also in National Archives, RG 59, Central Files 1970–73, POL 38–6)

⁷ Attached but not printed; telegram 263 from Berlin, February 8. (Also *ibid.*)

175. **Briefing Memorandum From the Assistant Secretary of State for European Affairs (Hillenbrand) to the Under Secretary of State (Irwin)**¹

Washington, February 9, 1971.

Senior Review Group Consideration of Response to NSSM 111 on Berlin Negotiations

NSSM 111² called for a two-part study to review first the Four Power negotiations in Berlin and the alternatives we might adopt in the next phase and second the consequences of various developments in the FRG's Eastern policy. The first part of this study was prepared by a special working group consisting of representatives of the Department, the Department of Defense, CIA and the NSC Staff.³ It was submitted to the NSC on January 18 and will be considered by the Senior Review Group on February 10. It is not clear whether there will be subsequent consideration by the NSC or whether it will be brought to the President's attention following the Senior Review Group meeting.

¹ Source: Department of State, S/S Files: Lot 82 D 126, Briefing on NSSM 111–Wednesday 2/10/71–11:30 am. Secret. Drafted by Sutterlin on February 8 and cleared by Spiro and Brower. The memorandum is an uninitialed copy.

² Document 156.

³ In a January 18 memorandum forwarding the study to Kissinger, Hillenbrand explained that it had been prepared by a special working committee of the European Interdepartmental Group, including representatives from the Departments of State and Defense, Central Intelligence Agency, and the National Security Council staff. (National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-179, NSSM 111) The study summarized the prospects on Berlin as follows: "The Soviets presumably have an interest in reaching a Berlin agreement which will permit the further implementation of the Federal Republic's Eastern policy, contribute to a sense of détente in Europe, and bring about a reduction in the FRG's political presence in the Western sectors. While not prepared to change their position on matters of principle, they may be willing, in exchange for Western concessions, to bring about some pragmatic improvements in the Berlin situation which are in the Western interest. These improvements could include freer movement of West Berliners to the surrounding areas, improved access procedures, particularly for freight, and the possibility of Soviet acceptance in some form of West Berlin's representation abroad by the FRG. The Soviets have advanced a number of positions which, if maintained, would preclude an agreement, but none appears so firmly held at this point as to rule out all prospects for a settlement. The negotiations may soon reach the point where the Western side will be required to make decisions of a rather specific nature concerning the form and content of an eventual understanding. Alternatives that can be foreseen at the present stage of negotiations amount in most cases to optimum positions with various gradations of fall-backs. In reviewing them, the present requirement is to determine which, if any, are completely unacceptable from the US point of view. Having done that, we should retain broad flexibility in the negotiations on the understanding that the US negotiators will hold to optimum alternatives on each issue as long as hope remains of achieving them and the requirements of Western solidarity permit." (Ibid.)

The study was submitted as an agreed document without reservations by any of the participating agencies. Accordingly there are no disagreements to be resolved in the Senior Review Group. The most controversial issue as the study was drafted was the question of an increased Soviet presence in West Berlin. Both Defense and CIA are strongly opposed to any increase because of the enhanced opportunities entailed for subversion and intelligence. Their representatives recognized that given the positions of our Allies on the subject it may be necessary in the negotiations to concur at least in some increase and they therefore agreed to list the alternatives set forth in the study. Nonetheless the Defense and CIA representatives at the Senior Review Group may pursue the matter further and recommend that the United States refuse to agree to anything more than a very limited expansion in Soviet presence. We also prefer to avoid anything beyond this largely because an increased Soviet presence will be seen in Berlin as symbolic of Four Power control in West Berlin. We continue to concur in the position established in the basic position paper for the Berlin negotiations⁴ according to which the West should agree at most only to minor increases and then in return for understandings which would permit an increased Allied presence in East Berlin. We doubt that this position will be tenable, however, if there are real prospects for a worthwhile Berlin settlement. While an increase in Soviet presence is undesirable we believe that adverse consequences would decrease to the extent that favorable results are obtained on other issues. It would be undesirable—and unnecessary from the point of view of the tenability of the Western position in Berlin—for the United States to seem to be preventing a settlement solely because of this issue. Therefore it is preferable to retain flexibility on this issue as on the others considered in the study on the understanding that US efforts will continue to be guided by the general principle established in the basic position paper.

Since the study was drafted there have been two significant developments pertaining directly to the Berlin talks. First the East Germans and Soviets have stepped up access harassment in response to meetings held in West Berlin by West German political parties. Secondly, the Western side for the first time has tabled a complete draft agreement.⁵ The draft is in line with the basic US position paper and NSDM 91.⁶ It is maximal in nature and not likely to be attractive to the Soviets. Nonetheless it provides a format which can serve as a useful focus of negotiations when and if the Soviets are prepared to be suffi-

⁴ See Document 65.

⁵ See Document 173.

⁶ Document 136.

ciently forthcoming to make negotiations meaningful. Neither of these developments alters the conclusions of the study submitted to the NSC.

From the Department's point of view the major objective in the study and in the Senior Review Group meeting is to retain sufficient flexibility to deal with individual issues as the negotiations proceed within the framework of our existing position and without the requirement for White House clearance at each step. There may be pressure from the NSC staff to define a minimum fallback position on each likely negotiating issue. We wish to avoid this since the minimum which might be acceptable on one issue will be directly influenced by what can be obtained on another. It is stated in the study that none of the alternatives set forth is totally unacceptable as part of an overall agreement which offers substantial advantage to the Western side. *What we would like to obtain is the President's concurrence that the alternatives are valid as defined and that the negotiations should be conducted within the range of these alternatives and in accordance with the basic position approved by the President last March and NSDM 91.* Inclusion of the alternatives on the Soviet presence in West Berlin would constitute the only substantive modification of the earlier position paper.

Talking points are attached⁷ for your use at the SRG meeting. We have not provided a separate statement of the Department's position since the conclusions of the study itself constitute such a statement and since there is no disagreement among the agencies concerned on these conclusions.

⁷ Attached but not printed.

176. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, February 9, 1971.

SUBJECT

SRG Meeting, NSSM 111: The Four Power Berlin Negotiations

We have had 14 meetings of the Four Power Ambassadors, stretching for almost one year. The talks have not evidenced much meeting of the minds on substance. The immediate standstill in the negotiations has been eased with the tabling of a Western draft agreement.² But, as the Soviets begin to counter-propose, the talks will soon again deadlock.

The Western side seems to have little idea of the full extent of its position: *we are not sure how far the FRG will be willing (or able, given the domestic tensions) to reduce its presence in West Berlin, and we are not sure how little we can accept from the Soviets and still consider an agreement satisfactory.* In short, we seem to be muddling through, without much idea of how far we can travel.

The main purpose of the SRG meeting therefore should be: to examine the scope of flexibility of our ultimate position and to set guides for the next phase of the talks. State is quite prepared to continue within the framework of the guidance they wrote for themselves in the basic position paper,³ as supplemented by NSDM 91.⁴ This meeting will consider only the first part of the NSSM (on the negotiations);⁵ the second part of the NSSM is a broader study, keyed to the alternatives of the success or failure of the talks, and will be considered later.⁶

There are several *basic issues which should be treated at the meeting.* (The paper contains a great host of issues and sub-issues with alternatives for each.)

¹ Source: National Security Council, Senior Review Group Files, Box 96, SRG Meeting 2–10–71, Berlin Negotiations. Secret; Nodis. Sent for information. No drafting information appears on the memorandum. The NSC staff also prepared talking points for the meeting as well as an analytical summary of the discussion paper. (Both *ibid.*)

² See Document 173.

³ See Document 65.

⁴ Document 136.

⁵ Document 156.

⁶ See Document 175.

I. *What is it that we hope to get out of the talks?*

A. First of all, of course, is improvements of *access*. But what does this really mean?

—*In the German view*, the access for the past 20 years has generally been satisfactory (not that it could not be smoother and faster), except for the major harassments which occur periodically. To remedy this, one has to get the Soviets to accept a certain standard of Bonn/Berlin ties and Federal presence. Once that is achieved, there will be no need for harassments, and perhaps minor improvements can be worked out over time.

—*In the US view*, we should obtain “pragmatic improvements” which will permit access to flow more smoothly. These should be evident and confidence-building, e.g., sealed trains, elimination of visas, etc. *Yet in the negotiations we have insisted that the Soviets agree to a question of principle*: that access be unhindered and preferential and on the basis of identification not control. Moreover, we have insisted that this principle be embodied in a Four Power agreement.

—Not only have we insisted on principle, but also we have demanded that the Soviets agree with us the details of the practical improvements, and only then are we prepared to permit the FRG/GDR negotiations to begin. *Thus, in our objective we seek “practical” improvement, but in our tactics we insist on Soviet concessions to our legal theory.*

One of your tasks, therefore, *will be to sort out exactly what we must have on access.*

—Can we not accept a unilateral Soviet statement as long as it contains the unhindered and preferential language?

—Is it really necessary for the Four Powers to pin down the specifics of the practical improvements, or can we let the Germans begin their talks at an earlier stage?

B. Little attention has been given to the *inner-Berlin improvements*, essentially access by West Berliners into East Berlin. One of our publicly stated objectives is to achieve some practical improvements here. The Soviets have implied that this issue can be resolved (by the GDR and Senat), but have offered no details. The Western side does not seem to have been pressing this, perhaps having been lulled into a false security by the Soviets.

One aim of the meeting should be to find out the pros and cons of turning over to the Germans the negotiations of this issue, on the assumption that the results will return to the Four Powers. The US paper states that there is no objection on the Western side to having the Senat negotiate with the GDR on this, and that the exact level of improvements should be left up to the German side. Thus, we should energize these negotiations, rather than leave them for the end at which point we might be

faced with hard demands and be forced to accept them or to scuttle the entire agreement.

C. Perhaps the most important basic point is that we must obtain a *Soviet guarantee*, and not rely on a GDR guarantee or on the contractual relations between the FRG and GDR, or GDR and Senat.

—The reason we have insisted on a Soviet commitment on access principles is to gain that Soviet guarantee. Yet, we have also insisted—though there has not been much discussion—on the Four Powers guaranteeing to each other the implementation of the entire agreement, including the inner-German agreements which will specifically be incorporated.

—The question is whether this final guarantee (which would also cover the inner-Berlin communication agreement worked out between the GDR and Senat) is more valuable to us than the commitment on access principle, which can never match the fullness of our inherent legal theory on Four Power access responsibility and therefore must derogate from it.

—Thus, you should probe to determine the (1) implications of reducing our demands on Soviet access “principles” and specifics, (2) getting the two sets of German negotiations under way (FRG/GDR for access, and GDR/Senat for Berlin communications) as soon as possible—as long as we (3) obtain agreement *now* that the Four Powers will guarantee the implementation of the entire agreement, including any German agreements.

II. *What is it that we can offer the Soviets?*

A. *Federal Presence.* We have told the Soviets right from the beginning that the Federal activities in West Berlin could be reduced in exchange for some practical improvements in access and inner-Berlin communications. The Soviets have probably expected more than we have offered them so far—and consequently may believe that we are deliberately holding back our concessions either because we are extremely tough bargainers, or because we want to deadlock the talks (they may believe *we* want to wreck Ostpolitik).

The Soviets have for their own part raised the ante. By staging major autobahn harassments over the last several months using as a pretext a series of Federal activities which heretofore had slipped by with the mildest routine protests, the Soviets are in effect saying that we should offer concessions in order to prevent the autobahn situation from getting worse.

The FRG has so far been willing to offer only very little (in fact, there would be little change in the physical presence or current level of Federal activities in Berlin under the proposals already made to the Soviets). We are in an awkward position: negotiating an agreement for

Berlin at the original insistence of the FRG, relying on concessions offered by the FRG, and at the same time being accused *sub rosa* of deadlocking the negotiations.

We have been correct so far in not applying pressure on the FRG to reduce its presence in Berlin. Were we to do that and the talks failed, the full weight of blame would be thrown to us. But, we must know the full extent of the FRG position—else we will never be in a position to know whether we can reasonably expect the talks to fail or succeed. At the same time we must recognize that the FRG position is still probably in a very fluid state, subjected to the various pressures produced by the domestic political tensions; to that extent, the “full” FRG position may *not* be “knowable.”

Therefore, *one purpose of the meeting will be to discover whether there is some method of impressing on the FRG that we must have knowledge of their full position, without at the same time increasing the risk that the onus will be placed on us, and that we will then be drawn into internal German politics.*

B. *Soviet Presence in West Berlin*

For years the Soviets have desired to increase their presence in West Berlin, both for the practical reason of making it easier to extend their influence there, and for the theoretical motive of enhancing their claim of West Berlin as an independent political entity. The Western powers have always resisted, though the British have traditionally inclined to permit increased Soviet presence.

The Soviets introduced this issue into the Four Power negotiations very slowly and in a low key. But, increasingly, they have placed greater weight on it, perhaps to offset the little they now expect on Federal presence, or perhaps simply because the British have tipped them off that there is disunity on the Western side over this issue.

Of first priority is to secure a common position on the Western side.

—We have held out for a limited Soviet increase in return for a reciprocal increase (from zero) in Allied presence in East Berlin. Our Allies have virtually laughed at us.

—The British have gone to the other extreme, and might even be prepared to accept a Soviet consulate general in West Berlin, perhaps in exchange for some sort of Soviet acknowledgment of Federal representation abroad of Berlin.

—The French and Germans remain in the middle.

—Thus, you will want to ensure that we determine if there is any possibility of obtaining our position, and if not, let us get in line with the others.

Western clarity and unity on this issue is important, since it may become our main bargaining chip. It is also the only issue which is

almost unencumbered by a proper German role—though it is possible that the Soviets will begin to work on the Germans to get us to agree to a sizeable expansion in return for a benefit for the Germans (FRG representation).

III. What you can hope to get out of the meeting

There is virtually no inter-agency divergence on the Berlin problem. Only on the question of Soviet presence will Defense and CIA have much to say (and that will be a hard line). Aside from that, Berlin has been a State show. State has resisted even a White House role in the negotiations, and prefers to rock along on their own.

Thus, the very existence of the meeting will be useful to get State in touch with your views, to get State thinking ahead, and to insert a greater White House role.

The most important single result of the meeting should be to get the IG/EUR to prepare two draft treaties, representing our intermediate position and our rock bottom positions in terms of the minimum improvements we can accept and the maximum concessions we can make. In addition, the IG/EUR should provide an assessment of the implications of each of these two drafts. Only with this knowledge can we be in a position to estimate whether there is hope for the talks, or whether we are in a pointless exercise and had better start planning to abandon it.

The SRG meeting will probably—and properly—focus on the conduct of the negotiations. Much of the discussion will necessarily have to be tactical in nature. However, you may wish to have in mind the broader context into which the negotiations rest. This will be covered in the second part of the NSSM study due soon. In the meantime, the following thoughts relate to the possible effect of a Berlin settlement on our relations with the Soviets and on the course of détente politics in Europe:

It is well within the scope of Soviet policy to make the minimal concessions on Berlin that would make an agreement attractive to many in Bonn. We cannot be sure that this is the direction the Soviets will move. There are factors concerning their position in Eastern Europe and in the GDR that may argue against moving too rapidly in the direction of a European “détente.”

If, however, the Soviets do decide to reach an agreement on Berlin, then probably they will have also decided to embark on a détente phase in Europe of some intensity. The West is virtually committed to a European conference if Berlin is resolved. Little of the substance of such a conference will have changed. The result could be some relatively meaningless agreements on non-use of force and the establishment of some “permanent organ” to handle MBFR.

For our part we should bear in mind how this course of events in Europe may also rebound on other major issues, SALT and the Middle East negotiations. If Berlin is the first of these issues to break there may well be an increased pressure in this country, and within this Administration, for a SALT agreement on whatever terms appear easiest to obtain, e.g., a separate ABM agreement.

It is for these reasons, as well as persuasive internal German factors, that I continue to feel we should remain in the background rather than in the forefront of the Berlin negotiations, at least for a while longer. Of course, we must know where we are going in these negotiations, and the SRG meeting is for this purpose. It still should be up to Bonn *or* the Soviets, however, to decide how to break the deadlocks. Thus, waiting until after the Soviet Party Congress before we take any initiative *on our part* would seem advisable.

This would be consistent with your view that the US as such has very little to gain from the Berlin negotiations, and in the end will be forced to share the burden (and potential blame) for a concession and a course of events in Europe that could be highly uncertain and, indeed, dangerous if it moves to another Czechoslovakia or competitiveness for the nationalist mantle in Germany. Since the issues are of greater immediate concern to the Germans, we should not be the ones to force the pace or the issues.

The point of all of this is that if the Soviets can make a decision to agree on Berlin, then we may enter rapidly into a period of détente politics in Europe. We should be thinking how to handle it, not only in SALT, but in relation to a possible summit meeting, which might become a more lively question following any agreement on Berlin.

177. Notes of the Senior Review Group Meeting¹

Washington, February 10, 1971, 3:08–4:07 p.m.

Kissinger: Primary purpose—to find out where we stand in Berlin & where we're going. Theological dispute of great substance & profundity—We've asked for principle of unhindered & preferential

¹ Source: National Security Council, Jeanne Davis History, Jeanne Davis Handwritten Notes from SRG & WSAG Meetings, 1969–1976. No classification marking. No formal minutes of the meeting have been found. The editor transcribed the text printed here from Davis' handwritten notes.

access—They ask for principle of reduced presence—peripheral issues. Could augur. Document already detracts from our position—fact of being written down. Assess if we got maximum position, where would it all lead. Nutty negotiations—Germans make agreement with no quid pro quo—ask us to deliver quid pro quo.

Irwin: We had 0 to do with quid pro quo—would have been satisfied with relatively modest.

K: We could live with lots on Federal presence in Berlin—won't go down a textbook case as desired by Germans.

Hillenbrand: Last meeting of advisers 2/5—we tabled proposed draft quadripartite agreement²—practically all given to Soviets in previous meetings—0 used. Represents maximum position—unacceptable to Soviets.

K: Assess if Allies signed document—would we be better off?

Hill: If observed, yes.

K: How?

H: In terms of West Berlin to do things vis-à-vis East Berlin & East Germany. Human factors—families. Other areas—Steinstuecken, exclaves subject to perennial harassment.

K: If observed—e.g. guarantees.

Hill: East German-West German negotiations as part of basic text. No penalty clause.

K: Rather weak.

Hill: Ambassadors received agreement of governments.

K: Will see to it these measures are approved.

H: Commit to execution of agreement reached between East & West Germany. Improvement of procedures of movement of German traffic & passengers. Hindrances on passenger traffic—restricted to air travel by West Germans, West Berliners. There is economic benefit. German firms haven't invested in Berlin—uncertainty of transit. Stability would heighten willingness. Make Berlin exports more competitive. Built in additional cost—delay, spoilage. Whether quality of life in West Berlin improved if not unclear island position. 3) representation of Berlin abroad. West Berlin travel in anomalous state—West German passports not recognized in Eastern Europe. Approval of [unclear] to West Berlin questionable. Make it more manageable problem. Also result in improvement in ability of West Berlin to ship goods to Eastern Europe. Additional legal benefit—public acknowledgment by Soviets of formal 4-power responsibility for Berlin as whole.

² See Document 173.

K: President would approve our signing if Soviets approve. Could make case we claim rights unlimited—Soviets unwilling to challenge—basically protects our position—Soviet interest in détente & own powers if challenged. Legal guarantees won't matter. Challenge always on administrative plane—not political or legal. Even if new agreement spelling out legal rights—1) detrimental from vague but unlimited claim, 2) opposition to claim we have broken it, 3) irrelevant to access. Ingenious Germans, comical? business—find unlimited opportunity for harassment. Got there by brilliance of West German diplomacy. 2 big issues: access—agreement won't break down on others. Study excellent. 3 requirements for civilian access—practical improvements, changes visible, changes encourage confidence. Want Soviet commitment to unhindered, preferential access & federal presence. Neither Soviets have admitted. Could get it by: 1) 4 power commitment, 2) unilateral Soviet commitment, 3) GDR-Soviet exchange interpreted as commitment. Willing to accept last 2?

Hill: Variables in complete package must be judged as part of other components. Might be circumstantial whether any 1 of 3 acceptable, provided Soviet commitment. Form of agreement not so important as basic Soviet commitment.

K: Willing to accept unilateral one?

Hill: If part of 4-power package—matter of drafting unilateral instead of Soviet statement—if part of overall package in 4-power agreement to package. Could draft it so.

K: If other points ok, any one of 3 could be acceptable.

Ir: Unilateral as opposed to 4? Or opposed to East German?

K: Soviets could say no 4-power authority is acceptable.

Hill: Fairly common diplomatic mode of achieving objective when no agreement on principles—unilateral declaration—but into larger package.

K: Suppose Soviet form of commitment to unhindered & preferential access—Bahr says now worked out acceptable procedure with East Germany where he can [get] unhindered & preferential & we don't believe it. True?

Hill: We would scrutinize inter-German agreement carefully to be sure isn't phony.

K: What do we mean by unhindered & preferential?

Hill: Specifics given to Soviets constitute as close to unhindered & preferential as likely to get.

K: p. 2?

Hill: Also in theme of earlier papers.

K: How identify self as them—passports?

Hill: Passport or other identity document identifying as West German or West Berliner. Confusion in practice. Controller—French for

inspection of document. Principle of establishment of identification, least can get away with.

K: They could accept that—6 hours to establish it is West German passport. Germans negotiate with each other. We reserve right to determine when unhindered & preferential.

Hill: Understood.

K: Ehmke, Bahr—paroxysm if we tried to stop.

Hill: Has to satisfy Brandt & SPD—Berlin SPD pretty realistic. Wouldn't accept phony. Won't be US vs. Ehmke & Bahr. Question of what Brandt can sell to Bund & Berlin factions.

K: Germans will accept hoping we will turn down. We accept hoping Brandt turn down. We can't torpedo Ostpolitik by vetoing Berlin agreement. Brandt might make agreement, love having us turn it down. Satisfactory everything. We don't turn down figuring reality of situation. When Germans realize they can't afford *not* to ratify treaty, will wind up CDU position. Hotspot pushed back to formality.

Ir: Could happen. We originally hadn't tied to Ostpolitik. Willing accept modest improvement in access as long as 4-power rights not affected.

K: Win if illusion of improvement.

Ir: No worse off.

K: Agreement would be written down.

Hill: Agreement no substitute for status quo. Exception is category of federal presence—not recognized right.

K: Want understanding with Soviets on principle & detail. Now will settle for Soviet agreement in principle—No worse off—might be slight improvement.

Hill: Gravy.

Ir: Either are better than onus of breakdown.

K: Access—willing to accept Soviet agreement in principle to unhindered and preferential & turn over to Germans—come back?

Hill: Yes, if rest of play stands up.

K: Question of federal presence—can't be favorable.

Hill: If Soviets accept representation of West Berlin abroad. Part of federal presence—

K: On presence issue—best can do is cut losses.

Hill: Yes—only quid pro quo we have to offer.

K: Grundgesetz & Bundes President—cut federal presence. Can't gain. Only area of gain is Berlin traffic & passport issue. Fallback—if other points of package OK, accept Soviet agreement in principle, leave details to Germans—come back?

Hill: Yes.

K: Federal presence—we notify West Germans constitutional organs can't meet there—Bundestag.

Hill: Bundestag, Bundesrat, several representatives. Chancellor could travel in unofficial capacity.

K: President can visit.

Sonnenfeldt: Can't sign law there.

K: Limitations—Federal plenipotentiary.

Hill: Eyewash—0 would change except signs in front of buildings. Limitations unclear as limitations.

K: Plus could hold conferences, committees.

Hill: Permitted.

K: Bundestag—Committee of Whole?

Hill: Theoretically.

K: Not likely.

Hill: If agreement to formulation (not yet) wouldn't be deserting.

K: In return Bonn wants right to represent Berlin abroad. Suppose Soviets accept but not passports.

Hill: Linking ban on political links with representation issue German idea. Since we agree question of accepting links up to Germans, if no, negotiations would collapse. At one time Bahr prepared to agree fraction couldn't meet there either. Such reaction in SPD, threw out. Prepared have committees meet on matters related to Berlin.

K: Most laws?

Hill: Except defense—civil law yes—have withdrawn that concession.

K: Major purpose to get before President some framework of decision to stop argument that we are stopping Berlin agreement.

Ir: Anything Federal Government willing to accept doesn't derogate from US basic principles.

K: 2 aspects—unclear if Federal principle important to US. Will play into Soviet hands to make it separate political entity. Could we get clear statements from Germans, assuming our document isn't acceptable, assess we shouldn't push Germans to push federal presence, before romantic Nibelungen frenzy—get clear statement of their fall-back position. If don't want fall-back position, say so. On access we're out, once we get principle. On Federal presence—if not tell us more, tell us. You are no longer villain.³

³ According to Sutterlin, "Kissinger was insistent on obtaining a clear fallback position from the West Germans on the Federal presence in Berlin before they ended up 'in a romantic *Nibelungen* frenzy.' He wanted to ensure that the Americans would no longer be the villain or rather, he said, that 'Marty' would no longer be the villain, since he, Kissinger, was now 'the good guy.'" (Sutterlin and Klein, *Berlin*, p. 120)

Hill: Tried to extract this last fall. Probably impossible to get their final fall-back position—conference negotiations used. 1) Brandt not prepared to add issue. 2) Fears fallback position become public property in Bonn 24 hours.

K: If access vs. presence?—end negotiations?

Hill: Might ext[?] position under those circumstances.

K: They say we are to blame for deadlock.

Hill: Some disappointment. Soviets maladroit. Harassment reflects on Soviets. Germans [unclear] to feeling Soviets & US blocking agreement.

Son: Clearly understood by pulling Allied 3 into 4-power agreement not derogating from our inherent right on presence?

Hill: Legal question. Satisfied no derogation. Legal basis for absolutist claims tenuous.

K: Whether prevents Soviets from challenge, legal right is consequence.

Hill: Therefore can't derogate—

K: No one knows rights; once withdrawn more difficult. If 4-power agreement on federal presence Soviets have right to make claim on us which we now deny they have.

Son: Ambassadors [unclear] as 3-power agreement of authority—by putting under umbrella of 4-power.

K: Soviets want agreement?

Hill: Haven't made up minds. Want treaty ratified. Haven't agreed on price. East German government influence probably determining factor. If left alone, no problem in arriving at agreement. Under pressure from East Germany make it impossible for Soviets to give us what we want. 20 years debate.

K: Where from here on federal presence?

Hill: We have given them document. Will probably say unsatisfactory—Counter draft. Advisers unclear into West Germany—many languages.

K: 2 issues. 1) Federal presence—fall back position? Can't avoid addressing it. Bahr & Ehmke—can't avoid telling us what fall-back is or no fall-back. 2) whether or not fall-back must link be limited to representation of West Berlin abroad. Assess Soviets accept this—can't believe accept both representation & presence linked together.

Hill: Highly unlikely—unless Soviets—

K: Why should they?

Hill: Germans after Moscow Treaty—convinced Soviets plans, economy—got illusion.

K: Bahr—September—Western Summit—2nd ½ of October—produce Berlin agreement.

Hill: Present pace not costing US anything but time except to degree we're being blamed for lower level of federal activity in Berlin than formerly. Suffer net loss—maybe whether negotiations or not.

Ir: If Soviets accept diminution of presence but refuse representation—accept political but not economic, constitutional activities. Germans only to political activities—could deny political activities easier than legal or constitutional. Germans might accept in desperation.

K: Credits of advantage of Soviet—make treaty to advantage of Soviets so as—Why sign 2 disadvantageous treaties?

Hill: Now not prepared to give.

Ir: Now giving credits to prop [unclear] Soviet blast?

K: Passport issue—do we care?

Hill: Concern—Germans care for psychological fallback?

Son: Issue passports but accept fact not recognition. Bahr—give away everything but passports. Minimum necessary for agreement: passport & West Berlin, Bund representation. Prepared to give on administrative presence etc.

Hill: Unclear only. So far government can't go. Can't eliminate links.

K: Issues. Passport issue—W[?] to Germans.

Hill: Berliners to East Germany—part of package.

K: 2 ways—West Berlin deal with East Germany which we bless. West Berlin fails to agree with East Germany, everything else settled. We prepared go ahead?

Hill: Couldn't sign agreement which Germans say unsatisfactory.

K: Bonn says yes, Berlin no?

Hill: Can't.

K: Get them started talking.

Hill: Ambassadors say no point in getting them.

K: Get Interdepartmental Group together to sum up in memo for President (no NSC) where negotiations go, fallbacks on access that might be required—how to handle. On federal presence—make effort to find out if fallback—what it is—

Hill: When get Soviet response logical time to ask.

K: Something along lines of description of passports, etc., answer questions.

Hill: Draft authority from President for next round?

K: Yes—get you more flexibility—good paper—learned a lot. If you don't know Berlin, no one does.

178. Editorial Note

On February 10, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin for dinner at the Soviet Embassy to discuss several issues, including the Berlin negotiations. Although the exact time of the meeting is not known, Kissinger left for the dinner at 8:10 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the meeting was “conducted with extreme cordiality despite the fact that [South] Vietnamese troops had invaded Laos with U.S. air support two days earlier.” The memorandum records the conversation on Berlin as follows:

“Dobrynin asked me what answers I had for him on the Berlin issue. I said that I had discussed the matter with Bahr and also with Rush, and we had worked out a procedure of communicating so that I would know the German position as well as the position of our principal negotiators. Whenever I saw him, I would try to be informed of these two positions. If Dobrynin and I agreed, we could then introduce it first into the four power western context and then into the four power negotiating context. Dobrynin asked me what specifically Bahr had been prepared to give on the issue of Federal presence. I said that Bahr had not been willing to go beyond what he been offered in the document that had been submitted to Abrasimov—that is to say, the constitutional organs should not meet in Berlin. Dobrynin indicated that this would not be satisfactory. I said that at some point there had been a discussion about committees and meetings of the parliamentary party groups, but that the Germans had been unwilling to accept that. Dobrynin said he could not understand how committees could meet if constitutional organs were excluded. I said that committees not being mentioned in the constitution were not considered constitutional organs. Dobrynin said that if the Bundestag was a constitutional organ, its committees had to be. I told him this was not the German interpretation, and Dobrynin said that this was legalistic word-picking.

“Dobrynin then asked about the formula by which the German Ministries were to be put under the plenipotentiary of the Federal Government in Berlin. He said that, too, was not acceptable. I said removal of the Ministries was not acceptable to us. He asked, ‘Well, then, what is the compromise?’ I said the only procedure on this issue was for us to query Bahr and Rush and to defer it until the next meeting. We would use our influence for a constructive solution, but a constructive solution depended on some agreement on accesses, Bahr had told me. A great deal, therefore, depended on what the Soviets were prepared to give on access. Dobrynin said he could not understand our point of view on access. We constantly came to the Soviets with a number of

principles. The Soviet Union would probably be prepared to grant many of those, but he and I had to recognize that what governed access was not principles, but some detailed technical procedures. Why could we not let the Germans talk about these? I said I was sure that the Germans could talk about these as soon as the basic principles were agreed to and if the agreement between the two Germanys were to be expressed in some common guarantee.

“Dobrynin said there was one difficulty with the principles. We were asking the Soviet Union to agree to the Four Power responsibility for access to Berlin; however, this put the Soviet Union into the same difficulty, as if they were demanding participation in the responsibility for West Berlin. The Soviet Union had agreed that we could express our responsibility in the form of a Three Power declaration, and Dobrynin wondered whether we could not be satisfied with a Soviet expression of responsibility for access in the form of a unilateral Soviet declaration of what the Soviets understand the GDR’s views of the principles of access to be—which would then be included in the general guarantees. I told Dobrynin that this sounded like a distinct possibility (I based this on a meeting of the Senior Review Group in the afternoon in which I had studied fall-back positions and Hillenbrand had indicated that this was our fall-back position on access.) I told him I would query Rush and Bahr and let him know the answer at our next meeting the following week. Dobrynin asked whether he should report this to Moscow. I said that was entirely up to him. Dobrynin said that Moscow found it very hard to understand how somebody in my position could say that he thought something was reasonable without committing himself completely. When Soviet diplomats said something, they always were sure that their government was 100 per cent behind it. I said I was sure about our governmental position but, before making a commitment, I wanted to make sure what the Germans thought about it since we did not want to be in a position of squeezing our own allies. Dobrynin said this was acceptable and we would review the situation next week.” (National Archives, Nixon Presidential Materials, NSC Files, Box 490, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 2])

Kissinger forwarded the memorandum of conversation to the President on February 22. (Ibid.) The full text is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII. For his memoir account, see Kissinger, *White House Years*, pages 825–826.

179. Telegram From the Embassy in Germany to the Department of State¹

Bonn, February 11, 1971, 1710Z.

1652. Subject: Views of CDU Leader Barzel.

1. *Summary.* In a long conversation February 10 between the Ambassador and CDU leader Rainer Barzel, the latter presented his views on the Berlin negotiations, Eastern policy and FRG politics. His positions on Eastern policy although presented with vigor were moderate in CDU terms. Barzel presented himself as the nearly assured successor to Kiesinger as party chairman and candidate for Chancellor. He indicated that he had formed an alliance with Franz Josef Strauss to this end. At the same time, he did not appear to believe that the chances of replacing the Brandt government before the 1973 elections were great. *End summary.*

2. Barzel began by saying he had written Chancellor Brandt last week to complain that for three weeks he had had no consultation or information concerning either the Bahr/Kohl talks or the Berlin negotiations. Brandt had replied offering to meet him next week but Barzel had told him that he would either have to receive him today or there would be trouble on Berlin during the Bundestag budget debate February 12. Brandt had then offered a meeting later on February 10.²

3. Barzel said the first question he was going to ask Brandt was whether there was any truth in reports of the February 10 press that Bahr/Kohl had reached agreement that the GDR would not respond to FRG election activities in Berlin with Autobahn harassments. There was an implication in these reports, Barzel said, of an agreement to diminish such activities following the Berlin election campaign. Barzel said the one thing he did not want was that Bahr/Kohl should negotiate on Berlin access before the Four Powers had reached agreement on this point.

4. Barzel asked Ambassador Rush for his assessment of the progress of the Berlin talks thus far. The Ambassador reviewed the

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Limdis. Repeated to Berlin, Bremen, Düsseldorf, Frankfurt, Hamburg, Munich, and Stuttgart.

² As Barzel later reported to an Embassy officer, Brandt “coolly confirmed” on February 10 that the Western allies had tabled a draft agreement but did not apologize or comment on the lack of consultation with the opposition. (Telegram 1892 from Bonn, February 17; *ibid.*) On February 11 Scheel told Rush that Barzel would see but could not take a copy of the draft agreement. (Telegram 1659 from Bonn, February 11; *ibid.*)

development of the talks, stressing Soviet on and off tactics and Soviet efforts to divide the alliance, particularly through repeated efforts to establish separate bilateral negotiations. The Ambassador said he had the impression that the Soviets would not be ready to do real business on Berlin until they have convinced themselves that these splitting tactics would not succeed.

5. Barzel agreed. He was convinced the Soviets were following a policy of using the Berlin talks to divide and weaken the alliance by trying to set one ally against the other in a war of nerves. He considered that the price for a Berlin settlement had already been paid in the form of German signature of the Moscow treaty. He was not ready to subscribe to any further payment. Because he and the Ambassador had a relationship of close confidence, particularly on this matter, he wished to make clear that for the CDU there were certain specific limits beyond which the party would not go on a Berlin agreement even if this agreement had received the prior approval both of the Soviet Union and of the US.

6. Barzel said he had with reluctance accepted the constitutional organs formula developed by the government. But he was not ready to remove Federal agencies or their personnel or to accept a situation where Bundestag factions and committees were excluded from going to Berlin. The CDU would oppose any such solution. Ambassador Rush observed that the extreme Soviet position was that they would give anything the West wanted on access if the Federal presence were totally removed, but then it would be access to a dying city. We did not intend to make any such agreement. We wanted to maintain a strong political presence. In view of the stress the Soviets were placing on Bundestag committee meetings, it might be difficult to reach an agreement without including some face-saving formula on this subject. But this was a decision wholly for the FRG to make, we hoped in continued agreement between government and opposition. Barzel said the main thing as he saw it was for the Western allies and the FRG to stay together and for the political parties in the FRG to stay together in maintaining a common position on Berlin. With such a common position, they might still get something worthwhile by the end of the year if the Soviet leadership did not change. If not, it would not be the end of the world.

7. Barzel said he had kept very much in mind the concern of top American leaders about developments in Germany as he had encountered it on his last trip to the US.³ This had been directed not so much to the external consequences of Ostpolitik, but about the divisive

³ Barzel met Nixon and Kissinger at San Clemente on September 4, 1970.

effect on the German body politik. He shared this concern. That is why he had exerted himself to such a degree before signature of the FRG-Soviet treaty to bring his party to a decision not to take a final position until all the returns were in and why he had again mentioned in his speech to the Duesseldorf party convention⁴ the possibility of CDU support for the policy if it brought actual results with regard to Berlin and improvements for the East German population. Barzel said he hoped he and the Ambassador could stay in closest contact on this issue. If a point came in the negotiations where some change in the common position appeared necessary, he would give it very serious consideration, although only if he were drawn into the consultation before the decision was made.

8. The Ambassador asked Barzel what he would do with regard to Eastern policy if the CDU were in power. Barzel said he would make a trip to Poland to see if there was any chance of coming to agreement with the Poles. He would also make specific proposals to Ulbricht, and after consultation with the US, he might ask the latter to inform the Soviets that the new CDU government was ready to talk seriously with it.

9. Ambassador Rush asked Barzel what he thought might happen if the Berlin talks broke down. Barzel said he thought there might be a year or two of friction or difficulty with the Soviet Union but he did not personally think matters would go any further even though many of his visitors made more alarming forecasts. The main requirement in this situation would be to maintain the psychological and economic morale of the Berliners themselves. With patience, we could live through such a period as we had before.

10. Describing his recent visit to Poland,⁵ Barzel said he believed that he had by hard bargaining brought the Poles to take actions with regard to the establishment of the Chamber of Commerce which they had insisted at the outset would be taken only after ratification of the FRG-Polish treaty. He believed other practical steps would follow because the Poles saw that a Berlin solution and ratification of the treaties was far off. Essentially, the Poles were in a very unfortunate situation caught in a vise between the Soviet Union and East Berlin. They had very little freedom of movement and they wanted to exploit what little they had by contact not only with the French but also with the FRG and anyone else who would enter into them. There was real concern both among the Poles and in his own mind about the possibility of

⁴ The CDU held its party convention in Düsseldorf from January 25 to 27.

⁵ Barzel was in Warsaw from January 20 to 23. For his published accounts of the trip, see Barzel, *Auf dem Drahtseil*, pp. 134–137 and *Im Streit und umstritten*, pp. 186–188.

Soviet intervention at this time. Consequently he had advised his CDU colleagues to hold back in further contacts with the Poles in order not to add an element of nervousness with the Soviets.

11. The Ambassador asked Barzel how he would evaluate his own domestic political standing. Barzel said he thought it had improved. He had not wished to push forward because this was not his way and because he wanted to see where the CDU would come out as regards its political posture on Western policy, Eastern policy and on the avoidance of socialist experiments. He was satisfied with the results of the Duesseldorf convention in this regard. His own Land organization had now asked him directly whether he would be a candidate for Chancellor and he said he would throw his hat in the ring if they considered it right. They had urged him to do so. Many others were coming to him with the same idea.

12. The Ambassador asked Barzel whether there was not an alliance in the making between Schroeder and Kohl which might block him. Barzel said he thought this combination existed, but did not think it would amount to much. Of course a place would have to be found in any CDU leadership team for Schroeder, who was a valuable man and well thought of. Besides, Barzel said, he was Fraktion chairman and without serious competition in that regard. One could not run for office as head of the opposition by making press conferences outside of the Bundestag; the action was there.

13. The Ambassador asked Barzel about the position taken by Strauss in this matter. Barzel said Strauss supported him as CDU/CSU Chancellor candidate. In fact, he said, Strauss had agreed to take an active role under him in the Fraktion as the CDU's main spokesman on economic questions when Stoltenburg carried out his planned shift to the Schleswig Holstein Land government.

14. The Ambassador asked Barzel whether he thought the CDU had a chance to come to power before the next elections in 1973. Barzel said Brandt would continue to hold on even if he was reduced to a one-vote majority and that it would take "something quite wild" to bring him down. Barzel said he would himself take the job even if he had a majority of only a few votes because he knew he could depend on a much wider majority on foreign policy issues and could draw support from the FDP on domestic policy. Moreover, the political constellation in the Laender was even more favorable towards the CDU than at the time of Adenauer.

15. *Comment:* Barzel was energetic and confident. He did gain some ground and support at the Duesseldorf party convention. His emerging alliance with Strauss, which we reported some months ago, appears to have become firmer. He is also reliably reported to have come to terms with former Labor Minister Katzer, leader of the CDU left

wing through promising the latter a cabinet position in the event the CDU returns to government. But Barzel still faces considerable strong opposition from Schroeder and Kohl, who in fact appear to be moving towards cooperation, from CDU Secretary General Heck and possibly in the last analysis from Kiesinger himself who is increasingly resenting Barzel's efforts to unseat him, when the former finally comes to the conclusion that he himself does not have a real chance. The leadership struggle in the CDU appears to be moving closer to resolution. But the timing and nature of the outcome is not yet clear. At the same time, nearly all of the leading contenders appear to agree that only a major accident will bring down the Brandt government and to be aiming instead for the 1973 elections.

Rush

180. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

Washington, February 12, 1971, 2250Z.

Had long and extremely cordial talk with Dobrynin.² With respect to Berlin, Dobrynin said that our draft agreement was unacceptable as it stood. We then talked about access and Federal Presence.³ About access Dobrynin said that the Soviet Union wanted its obligations stated in a manner analogous to the Western statement regarding Federal Presence as defined in Annex III. In other words Soviets wanted to state the principles on access after prefatory sentence along lines: "The USSR has been informed that the following principles will guide access." They would then include these in the guarantee of the last part. Do

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret; Eyes Only. The message was sent through the special Navy channel in Frankfurt. An attached note indicates that "Ambassador Rush will be at his home at 2:00 p.m. Saturday, February 13, German time, to receive message or telephone call from Captain Holschuh." Kissinger sent a nearly identical message to Bahr on February 14; the differences in the text are noted in footnotes below. (Ibid., Box 60, Egon Bahr, Berlin File [3 of 3]) For an explanation of how the special channel to Rush and Bahr operated, see Document 171. Copies of the messages between Kissinger and Rush are also in Department of State, Bonn Post Files: Lot 72 F 81, Berlin Negotiations—Amb. Kenneth Rush.

² See Document 178.

³ Up to this point, the message to Bahr begins: "Had informal meeting with Dobrynin. He stated our draft agreement was unacceptable as it stood."

you believe the approach of a unilateral Soviet guarantee is acceptable if the principles are? If so, it would be best for many reasons if word came in this channel for Presidential reasons.⁴

About Federal Presence Dobrynin said draft would have to say something about committees and meetings of Fraktionen, though he indicated that he might settle for limitation rather than prohibition.⁵ If we agreed, you and Abrasinov could work out the details. What do you think?

I made your points about the guarantee section to him. He indicated this would cause no problems after all other sections are agreed.

Can you answer fairly urgently—especially on access question. President for other reasons seeks to be forthcoming but sensible.⁶

⁴ The message to Bahr does not include this sentence.

⁵ After this point, the message to Bahr concludes: "What would you be prepared to recommend provided access agreement were acceptable? Will await your answers before undertaking further contact. Am I correct in assuming that your communications reflect Chancellor's views?" For Bahr's reply, see Document 182.

⁶ Rush replied by special channel on February 14: "Very pleased to hear of your cordial talk with Dobrynin. Yesterday's counselors' talk was unproductive with Russian counselor indicating he lacked instructions. With regard to access, I believe the approach of a unilateral Soviet guarantee would be acceptable, provided the principles were adequately covered. The question of limitations on meetings of Bundestag and Bundesrat committees and of Fraktionen is very sensitive. Barzel, speaking for the CDU, says there can be no limitations. We had earlier tentative acceptance by FRG Foreign Office that the draft of agreement submitted to the Soviets would include clause that only such meetings having to do with matters applicable to West Berlin would be held in West Berlin, but Brandt, under pressure, had to insist that this be deleted. The pressure came not only from the CDU, but also Genscher, Schiller, Schmidt and even Scheel. If we take a strong position, however, I believe some limitations could be worked out." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2])

181. Telegram From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, February 14, 1971, 2133Z.

WH10125. Subject: *Pravda* Editorial on German Treaty and Berlin. *Pravda* has added another piece to the strange puzzle of Soviet statements on Germany. In an apparent attempt to repudiate Soviet-inspired press stories attacking Brandt and hinting at a Soviet rapprochement with the CDU, *Pravda's* editorial launches an attack on the CDU for blocking the Eastern treaties and the Four Power negotiations on Berlin. Kiesinger and Strauss, but not Barzel, are criticized by name. Moreover, without naming Brandt, the editorial concludes that only a party and a "politician" who take into consideration "reality" and draw lessons from the past, can expect to succeed.²

Last week the Soviets tried to play down the speculation caused by the stories given out by Vorontsov in Washington and a Soviet diplomat in Stockholm. The Soviet Embassy in Bonn categorically denied that any interviews had been given at all. And Vorontsov called in the reporter from the Hearst press and argued that he had overwritten the story.³ Then, Tsarapkin in a farewell meeting with Brandt agreed to publish a six week old New Year's greeting from Kosygin as a gesture to the government (the actual Kosygin text, however, seemed as critical as it was friendly).⁴

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 714, Country Files, Europe, USSR, Vol. XII. Secret.

² The editorial appeared in *Pravda* on February 13. For a condensed text, see *The Current Digest of the Soviet Press*, March 16, 1971, Vol. XXIII, No. 7, pp. 30–31.

³ See Document 174.

⁴ For text of the letter from Kosygin, which Tsarapkin delivered to Brandt on February 9, see Meissner, ed., *Moskau–Bonn*, Vol. 2, pp. 1320–1321. In a February 11 memorandum to Nixon, Kissinger assessed the letter as follows: "In a letter to Brandt yesterday, Kosygin praised the [Moscow] treaty but emphasized that its benefits would only come with ratification. In this regard, Kosygin stated, 'much will depend on the efforts and energy of your government.' This polite reminder comes against a background of inspired press stories emanating from the Counselor of the Soviet Embassy in Washington [Vorontsov] to the effect that the Soviets had all but decided to abandon the Brandt government and wait for the CDU to return to power. The Soviet source claimed the article had been overwritten, and it was totally denied by the Soviet Embassy in Bonn. These actions will merely highlight the whole affair. The Soviets apparently hope that these implied threats will lead Brandt to advance some concession in the Berlin negotiations in order to fulfill his own commitment that a satisfactory Berlin solution is a precondition to ratifying the treaties. While all of this is part of a war of nerves, nevertheless some in the CDU believe that the Soviets may be seriously thinking about breaking with Brandt on the grounds that only the CDU could implement the Eastern treaties." (National Archives, Nixon Presidential Materials, NSC Files, Box 31, President's Daily Brief, February 1–17, 1971)

Now *Pravda* seems to close out the incident, since *Pravda* editorials can be considered definitive. Moreover, *Pravda* in its treatment of the issues not only defends the treaties as a legitimate compromise, but seems to accept the link between the treaty ratification and the Berlin negotiations, by lumping together criticism of the CDU (and the US) for blocking both. Why, then, did the Soviets begin this weird episode?

One explanation, that is favored by the West Germans is the old one of a split in the Kremlin. Perhaps this is not too far fetched, but it does seem implausible. It would be virtually unprecedented for two Embassies to lend themselves to Kremlin intrigue. Since the official majority line must be *Pravda's* editorial, this would mean that Vorontsov would be acting for some minority group—highly unlikely.

More likely is that the Soviets planned this little demonstration to impress on Brandt and the SPD the extent to which they have mortgaged their policies to the USSR's good will. By reminding Bonn that the USSR had an alternative of waiting for the CDU, and allowing this to sink in before retracting it in *Pravda*, the Soviets seem to be saying that they still expect Brandt to deliver the ratification of the treaties.

It is also possible that *Pravda* is responding to a private appeal that Brandt is reported [*less than 1 line not declassified*] to have initiated through a letter to well known Soviet journalist on February 4.⁵ In this appeal, written by one of Brandt's entourage, the West Germans complained that the Soviets themselves were placing obstacles in the road of Ostpolitik. It hinted that Brandt might have to retreat from the treaties and blame their failure on the USSR. Thus, the Soviets might have decided that they could not go too far in pushing Brandt by the threat of turning toward the CDU.

The upshot seems to be that the Soviets still have an interest in these treaties. *Pravda* goes a long way in defending them. While opening some line of retreat by emphasizing the strength of German opposition, the overall suggestion is that the Soviets will continue to work for their ratification. This means that they will have to consider how to move the Berlin talks off deadcenter. The tone of the Soviet advisor's comments in the Four Power session on Friday,⁶ also seems to fit in with one last Soviet effort to bring their own Westpolitik to fruition.

The full text of *Pravda* is not available here and the above speculation is preliminary. When the text is received we may want to send you some further analysis.⁷

⁵ As reported in a memorandum from Fazio to Kissinger on February 12. (Ibid.)

⁶ February 12. A detailed account of the advisers' meeting is in telegram 301 from Berlin, February 12. (Ibid., RG 59, Central Files 1970–73, POL 38–6)

⁷ No further analysis has been found.

182. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, February 15, 1971.

1) The principle of unhindered and preferential traffic (access) should be a four-power principle in order to allow a basis for “appeal” in case of difficulties. The proposal for a statement of the three powers on Federal presence is acceptable on this condition. This should also come from analogous prefatory wording in both statements.

In connection with a Berlin agreement, please consider repeating the statement on the three guarantees (presence, access and viability), which is not, in fact, affected by the planned agreement.

2) Federal presence is part of the ties [Bindungen] between Berlin (West) and the FRG. That is why we need a positive paragraph in order that existing ties will be maintained and fully developed.

At this point, the Federal Government could not possibly suggest restrictions on the decision-making powers of the parliament and its parliamentary party groups. With an acceptable settlement on access and foreign representation it may be possible to agree on a formula for restrictions with the parliamentary party group chairmen, for instance: parliamentary bodies of the FRG will allow their meetings in Berlin (West) to be governed by the provisions of the treaty. Also the rule must apply to the Berlin agreement: everything is allowed that is not forbidden.

3) My remarks in this channel represent the view of the Chancellor.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]. Top Secret. The message, translated from the original German by the editor, was sent through the special Navy channel in Frankfurt; the text responds to questions posed by Kissinger on February 12 (see Document 180 and footnotes thereto). A handwritten note indicates that the message was received in Washington on February 16 at 1115Z. For the German text, see also *Dokumente zur Deutschlandpolitik, 1971–1972, Vol. I*, pp. 92–93.

183. Editorial Note

On February 16, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 3:15 to 3:55 p.m. to discuss the Berlin negotiations as agreed at

their previous meeting (February 10). (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, Kissinger made the appointment “on the first day back from Key Biscayne [February 15] as soon as I had word that the submarine tender and a nuclear submarine had returned to Cienfuegos.” The memorandum records the following brief exchange on Berlin:

“Dobrynin began the conversation in a very jovial mood and asked me whether any progress had been made on Berlin. I told him I had received some answers on Berlin from Bahr and Rush, but I was in no position to proceed because I had a particular matter to discuss about Cuba.”

The two men then debated whether Soviet naval deployments in Cuban waters constituted a violation of the agreement on Cienfuegos.

“Dobrynin wanted to turn the conversation to Berlin. I said I was not prepared to discuss it until I had some explanation on the naval base and on the submarine tender.

“Dobrynin said that this would be construed as very arrogant in Moscow. I replied that in the United States their behavior was construed as being very provocative. He said, ‘Will you be prepared to talk again on Friday [February 19]?’ I said I doubted it.”

Dobrynin responded by declining to deliver a message from Hanoi; the meeting “broke up in a rather chilly atmosphere.” (National Archives, Nixon Presidential Materials, NSC Files, Box 490, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 2])

The next morning, Kissinger briefed the President by telephone on this “pretty starchy conversation” with Dobrynin. In relating the connection between Vietnam and Berlin, Kissinger explained that Dobrynin “said he had an answer [from Hanoi] but he wouldn’t give it because of Berlin. He will give it to me. We have to show they cannot play with us while we are negotiating.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 365, Telephone Conversations, Chronological File)

After meeting Dobrynin, Kissinger also sent the following special channel message to Ambassador Rush and German State Secretary Bahr: “One question put by Dobrynin which I neglected to ask. With respect to the question of Federal Ministries, Dobrynin said that our proposal was unacceptable but that they were prepared to compromise. Do you have any suggestions?” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]; and *ibid.*, Box 60, Egon Bahr, Berlin File [3 of 3]) Rush responded via special channel on February 17:

“With respect to Federal Ministries, a cosmetic approach might be taken which, instead of each of the some seventy ministries, containing about 23,000 employees, in Berlin remaining separate, all might be

brought under a single designation, such as ‘representative offices of the F.R.G.’ In private talks I have had with Abrasimov, he has at times indicated that something like this might be acceptable, and as of now this is probably as far as we should go. This subject is a sensitive one with the public, CDU, and such members of the Cabinet as Genscher, Schmidt, Schiller and Scheel.

“As an ultimate, fall-back position, some consideration might be given to some limitation on the number of offices or the number of employees, for example, the same as at present, that the F.R.G. might have in West Berlin. Another possible limitation would be with regard to the nature of the ministries, for example, those dealing with economic, cultural, monetary, but not political, activities might be permitted. As of now there is no indication that any such limitations would be acceptable to the F.R.G., but the issue has never been seriously raised with them.” (Ibid., Box 59, Ambassador Rush, Berlin, Vol. 1 [2 of 2])

Bahr, who had been out of town for several days, replied with a special channel message on February 18. The text, as translated from the original German by the editor, reads:

“1) Yesterday’s conversation with Kohl: the GDR is now prepared to regulate Berlin traffic on a preferential basis; in other words better than the other transit arrangements. That is great progress. As before, however, they want to include this arrangement on Berlin traffic as part of a general transit agreement between both German states. In considering this suggestion we will be careful that the German agreement clearly remains a function of a quadripartite agreement, that is, to consult on our reply.

“As before, the GDR (and Soviets) also want to conclude two German transit arrangements: one between the FRG and GDR for people and goods from the Federal Republic to West Berlin and back; and one between the GDR and West Berlin for all people and goods from West Berlin through the GDR to all countries, including the FRG, and back.

“At the moment, this point has reverted to the quadripartite negotiations. We are dealing with a question of principle here. I would be grateful if you could raise our position at the decisive moment: at the German level, the Federal Republic should only conclude an arrangement with the GDR, also for West Berlin, in which the FRG can be represented through West Berlin or the three powers.

“2) Kohl has offered to allow me to fly with the Bundeswehr to East Berlin. This is rather strange in view of the fact that West German flights to West Berlin are not possible. I do not intend to accept this offer at the moment.

“3) Falin arrives in the middle of next week to assume his duties.

“4) I am very concerned about developments in Poland. In addition to worker dissatisfaction on account of the low standard of living,

there is a quickly growing tendency of democratization, reminiscent of developments in Czechoslovakia: choice between more candidates for party committees, that is, the first signs of a genuine election. Strengthening of parliamentary budget rights vis-à-vis the government. Simultaneous liberalization in the cultural sector. It will be strange if Roman Polansky is portrayed as part of socialist culture in Poland.

“The beginning is familiar.

“Brezhnev has approved the line introduced by Gierek. If developments in Poland assume the form of a brush fire, the Soviet Union must intervene earlier than in Prague in order to avoid repercussions for the Soviet leadership. In any case, such a development would lead to an impasse in East-West affairs as occurred after Prague; the GDR would enthusiastically take advantage and we would be faced with a Berlin crisis, if by then we have not yet concluded a settlement.

“5) Regarding your question of February 16: we could propose creating *one* liaison office to the three powers and the Senat to which all federal ministries would be subordinate. That would be a cosmetic operation, by which it must be clear that no one who works for the Federal authorities in West Berlin would be forced to leave the city.” (Ibid., Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]) For the German text of the message, see also *Akter zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. I, pages 339–341

Kissinger and Dobrynin continued their discussion on Berlin in the Map Room on the evening of February 22. According to the memorandum of conversation, Kissinger conducted himself “in a deliberately aloof but correct manner.” The memorandum records the conversation on Berlin as follows:

“The discussion then turned to Berlin. I told Dobrynin that I had heard from both Bahr and Rush and that I was prepared to tell him that the United States would be willing to accept a unilateral Soviet assumption of responsibility which would then be absorbed in the third part of the agreement of a Four-Power guarantee. Dobrynin said that this was a considerable step forward, but could I give him a draft. I said since we had accepted the principle, why did the Soviet Union not make a draft. He said it would be easier if we made a draft, because then at least they knew what was acceptable to us, while if they made one, it would become a big issue.

“Dobrynin then said we should also include the principles we considered necessary since I had said that we would accept the Soviet assumption of responsibility only if the principles were acceptable. I said that since the principles would still have to be implemented by the two Germans, I would simply take the principles from the Four-Power note which I knew were agreed. Dobrynin suggested that perhaps I might incorporate one or two of the Soviet principles simply to preserve a

degree of symmetry. I told him I would have to check with Bahr and Rush.

“Dobrynin then turned to the question of Federal presence. He again urged that I come up with some formulation that the Soviets could react to, and that they were in a mood to be conciliatory. I said that this was a most delicate point and it would be much better if the Soviet side could come up with a generous proposal on access because it would help us talk to Bonn on the question of Federal presence. He said that the Soviet problem with the East German Government was exactly the opposite of ours with Bonn and that therefore I should give him some formulation. I said I could not give him any written formulation, but I would see whether I could elicit some talking points which we might discuss. Dobrynin reiterated the Soviet extreme eagerness to come to an understanding on the question of Berlin.” (Ibid., NSC Files, Box 490, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 2])

184. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, February 17, 1971.

SUBJECT

The Berlin Talks: The Issue of Federal Presence

In the SRG meeting last week² you properly highlighted the critical nature of this issue and the importance of getting from the FRG a statement of their fallback position, or that they will have a fallback position at some future point, or that there is no fallback. In light of this, I thought you might like to have some more detailed information on just what the parties are talking about with respect to Federal presence. To keep the focus narrow, this memorandum does *not* include any discussion of Federal representation of Berlin abroad, Berlin’s representation in the Bundestag or Bundesrat, or the so-called “hostile activities” in West Berlin such as the NPD and demilitarization. The mem-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 58, Country Files, Europe, Berlin, Vol. 1. Secret. Sent for information. Kissinger initialed the memorandum indicating that he had seen it.

² See Document 177.

orandum also does *not* cover the basic status questions, such as the provision in the Western draft agreement and the Allied suspension of the Basic Law provisions relating to the incorporation of Land Berlin will remain suspended.

The Western position on Federal presence was presented to the Soviets in the proposed draft agreement, as Annex III; it is at Tab A.³ The last Soviet document on Federal presence was its paper of November 4, which is at Tab B.⁴ The detailed discussions in Berlin on the Western draft have not yet reached the Federal presence section, though the Soviets have made it clear that the Western concessions as recorded in the draft are inadequate.

The Bundesversammlung. There is no issue here. The Soviets have made it perfectly clear that further meetings of the Federal Assembly must be eliminated, and the Western draft states that “the Bundesversammlung will not be held in the Western sectors” (paragraph 3 at Tab A).

Bundestag and Bundesrat. Plenary sessions of the Bundestag have not been held in Berlin (at Allied request) since 1965, and the Bundesrat has not met there since 1961. The Western draft states merely that the “Bundestag and Bundesrat in plenary session, will not perform official constitutional acts in the Western sectors.” The Soviets hold firmly that there can be no sessions of either body in Berlin, whether or not they refrain from performing official acts. (Admittedly, it is difficult to understand how either body could hold a plenary session without performing official acts.)

Committees and Fraktionen. There is a split over this issue. The Soviets include these as organs of the Bundestag, which must not meet in Berlin. In an interview published in East Berlin on February 8, between Stoph and SED chairman Danelius,⁵ the GDR stated that all sessions of the Bundestag committees and party groups must be discontinued as a prerequisite for an agreed settlement.

The Western draft agreement contains no provision on committees or fraktionen. However, during the Western drafting sessions, the FRG had included the following provision:

Committees of the Bundestag and the Bundesrat and the Fraktionen of the Bundestag will meet in the Western sectors to consider draft legislation to be taken over by the appropriate authorities in the Western sectors, to review legislation which has been taken over, and to consider matters relating to obligations undertaken by the FRG regarding the Western sectors.

³ See Document 173.

⁴ Attached but not printed.

⁵ Gerhard Danelius, SED chairman in West Berlin.

Before final Western agreement was reached on the draft text, the FRG representative withdrew this language, noting that the FRG did not feel it could support any language which would restrict the activities of these groups until it had been cleared with party leaders in the Bundestag. If the Three Powers felt that at some point advancing some language to the Soviets became unavoidable, he continued, then the Federal Government would at that point consult with Bundestag leaders with a view to providing a formal Federal German position.

It should be noted that the withdrawn German language would in effect permit virtually all committees and fraktionen to meet in Berlin. The Defense committee and the emergency committee would be the only ones clearly excluded. Since probably 85% of Federal legislation is in force in Berlin, the limitation which restricts committees and fraktionen meetings to those reviewing previous legislation actually amounts to hardly any restriction.

Visits of the President, Chancellor and Cabinet. There is less divergence on this point. The Western draft states that the President, Chancellor and the Cabinet will not perform official constitutional acts in West Berlin, whereas the Soviet paper of November provides that FRG officials may visit West Berlin as guests of the occupation authorities and Senat without, however, carrying on in the city any acts of supreme state authority. The President maintains an official residence in Berlin, and both he and the Chancellor travel to Berlin on US air force planes.

Political Meetings. All Federal political parties have held congresses in Berlin, as well as meetings of the Laender political leaders. The Soviet paper of November states flatly that "Federal conventions and congresses of FRG political parties or organizations are not held in West Berlin." The Western draft contains no provision for these meetings. The lists at Tab C⁶ indicate the number of Federal and Laender party officials, as well as Cabinet members, who plan to visit Berlin in the coming month (the schedule is unusually heavy because of the Berlin elections in March).

Federal Institutions and Agencies. There are some 42,000 employees of the Federal Government and quasi-governmental offices and organizations in West Berlin. Most Ministries maintain offices in the city; the largest employers are the Federal Revenue Directorate, Printing Office, Post Office, and Social Security Administration. The Soviet paper of November includes "the functioning of offices of FRG agencies" in the listing of Federal activities which will no longer take place.

⁶ Attached but not printed.

Brandt and Bahr and others on the FRG side have maintained that there can be no substantial reduction of Federal personnel in Berlin (indeed, several months ago Bahr told Berlin leaders that not a single employee will ever have to leave his job). To circumvent this, the FRG has chosen to apply cosmetics. Thus, the Western draft contains the provision that:

The Government of the FRG maintains liaison offices with the French, British and US authorities and with the Senat. These offices are subordinate to the Federal Plenipotentiary who represents the FRG to these authorities and the Senat.

The point of this provision is that it will become clearer (and so more acceptable to the Soviets) that the Federal agencies in Berlin do not govern there, but rather merely represent the Federal government in Berlin, and are tucked under the Federal Plenipotentiary who in turn has a quasi-diplomatic representational role in Berlin. In fact, the office of the Federal Plenipotentiary already exists and there is already some relationship between it and the Federal agencies. Unfortunately, however, there is a great lack of clarity on the Western side over exactly what is meant by the language in the draft agreement. State has asked the Embassy for a precise description of the organization of Federal offices at present and as foreseen for the future, but so far we have not received anything.⁷

⁷ Neither this request from the Department nor a response from the Embassy has been found.

185. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

Washington, February 22, 1971.

Had long talk with Dobrynin.² I told him that if access principles were acceptable some formulation or unilateral Soviet declaration

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret; Exclusively Eyes Only; Limited Distribution. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message. Kissinger sent a nearly identical message to Bahr; the divergence in text is noted in footnote 3 below. (Ibid., Box 60, Egon Bahr, Berlin File [3 of 3])

² See Document 183.

could be considered. Dobrynin suggested that I give him an illustrative text. With respect to principles themselves Dobrynin suggested that he was prepared to operate on the basis of the four power note though it would help greatly if we could include some Soviet formulations. Could you suggest a draft text of a Soviet declaration and also of an acceptable list of principles including perhaps some Soviet phraseology.

With respect to Federal presence Dobrynin pressed hard for some indication of our thinking, claiming it would ease their problem on access. How much of your thinking can I give him on an informal basis?³

Dobrynin tells me that Abrasimov has instructions to discuss some limitation on Committee and Party group meetings though you should make the first move. This implies that they no longer want them banned. Is this the time for it or should we wait? Please let me know before you move on it.

I am seeing Dobrynin again on Friday⁴ and would appreciate your answer before then.

The President is most grateful for your cooperation.

³ After this point, the message to Bahr concludes: "With respect to your recent messages could you clarify two points: (1) What did you have in mind with the formula regarding parliamentary groups? Were you suggesting they could eventually be banned or limited and if limited, how? (2) What did you mean by liaison office to the three powers and the senate? Is that something other than the Federal plenipotentiary? How would it operate? I am seeing Dobrynin again on Friday [February 26] so an answer would be helpful. Warm good wishes."

⁴ February 26. For an account of this meeting, see Document 190.

186. Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, February 23, 1971.

[Omitted here is discussion of the President's schedule, military developments in Vietnam, and the Strategic Arms Limitation Treaty talks.]

¹ National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, February 23, 1971, 10:05–11:30 a.m., Oval Office, Conversation 456–5. No classification marking. According to the President's Daily Diary, Nixon met with Kissinger in the Oval Office from 10:52 to 11:30 a.m. (Ibid., White House Central Files) The editor transcribed the portion of the conversation printed here specifically for this volume.

Nixon: On Berlin. How do we do that? Don't worry about this one.² On Berlin—

Kissinger: Well, on Berlin, we—

Nixon: There, the deal there is all, it's all in channels, so we don't have to worry about that.

Kissinger: With the Berlin deal, the only pity is you won't get the credit.

Nixon: Well let's try. Well, let's leak a story.

Kissinger: But we can leak it. I'll tell you when we get the, after the agreement is signed.

Nixon: No, no I don't want it before. I want it before the agreement.

Kissinger: Well before the agreement is signed—

Nixon: I'm going to leak the story or we're going to get screwed.

Kissinger: That's right.

Nixon: We've got to leak stories if we—Well then, why not leak it now?

Kissinger: Well, because it's too early. But this is going to be obvious long before there's a signature. We'll have plenty of opportunities.

Nixon: When do you think Berlin will come off?

Kissinger: Depending on how quickly we can move the Germans, within two months.

Nixon: All right. Send a letter; send a message to Rush and say that he should, should indicate that the President is playing a personal role in these negotiations.

Kissinger: To whom?

Nixon: To Brandt. When he's talking to him, you know, on background.

Kissinger: Yeah.

Nixon: That the President is personally in charge of these negotiations. Let's just set that straight.

Kissinger: I think if—Well, Mr. President, if we could wait a week—

Nixon: All right.

Kissinger: Until we could get some answers—

Nixon: All right, fine. As soon as you get the answers.

² Reference is apparently to a leak on the SALT section of the President's Annual Foreign Policy Report.

Kissinger: Otherwise, if it fails—

Nixon: As soon as you get the answers, and you think it's on stream, have him put out the fact that the President is personally—And have him put it out, it's much better than having it come from here.

Kissinger: Because at this point—

Nixon: Then you see, then you could, then people, other people in the government, they can't claim they did it. But I don't want them to know that we—

Kissinger: Because at this point, Mr. President, we're not—This is not like SALT. SALT, you can make one big play.

Nixon: That's right.

[Omitted here is discussion of SALT and Vietnam.]

187. Editorial Note

On February 24, 1971, Ambassador Rush replied by special channel to the February 22 message from Assistant to the President Kissinger on the Berlin negotiations (Document 185). In response to Kissinger's inquiry, Rush agreed that an annex, or unilateral Soviet declaration, to the quadripartite agreement should address specific provisions on access to the city. German Chancellor Brandt and State Secretary Bahr, he reported, had accepted this suggestion but the respective views of the Allies and the Department of State were as yet "unknown." Noting the influence of Soviet suggestions on the text of the proposed annex, Rush then explained:

"None of these changes have as yet been disclosed to the Russians. It may be that you will want to put them to Dobrynin as thoughts which would be passed on to us, if he agrees that they would be helpful in furthering our negotiations.

"The strategy which we now plan to adopt is to press the Russians as far as possible to finalize the access part of the agreement with two objectives in mind: (1) to enable us to allow the FRG and GDR to commence negotiations on the details of access, something which Abrasimov and Kohl have individually been pressing very hard, and (2) to enable us to proceed with the FRG to see how far we can go on the federal presence issue. Brandt thinks that both politically and otherwise we can as of now give nothing more on presence until the access issue is resolved. It would be of great value if you could induce Dobrynin to accept this strategy and to assist in having Abrasimov instructed to proceed accordingly. We have agreed with Abrasimov that

all issues are interdependent and nothing is binding until all aspects of the agreement are finalized.

“In the light of this, I do not think it would be advisable to outline to Dobrynin any more of our thinking with regard to federal presence at this time, except to indicate that if and when access provisions are tentatively settled, we hope to be in a position, with the concurrence of the FRG, to work out some limitations on the issues of committee and party group meetings and on federal offices in Berlin. Brandt told me yesterday that he feels that there is more possibility of give on the committee and party group meetings than there is on the federal offices. Politically, until we have a good tentative access agreement, Brandt cannot move on federal presence, nor can we. This is particularly true, since there are no secrets in this regard in Germany.”

After providing the text of the preamble for the annex, Rush outlined the following principles on access to Berlin:

“1. Surface traffic by road, rail and waterways between the western sectors and the Federal Republic of Germany for all persons and goods shall be unhindered and facilitated.

“2. The movement of all persons and goods between the western sectors and the Federal Republic of Germany on the routes utilized by such traffic shall take place upon identification only, except as provided for in paragraphs (a) and (b) below, and the procedures applied shall not involve any delay.

“3. Detailed arrangements concerning civilian access on surface routes are set forth below. Measures to implement them will be agreed between the appropriate German authorities.”

Rush concluded by presenting a list of detailed arrangements, similar but not identical to the provisions eventually listed in the quadripartite agreement of September 3 (*Documents on Germany*, pages 1138–1139), including the two exceptions noted above: (a) sealed cargo may be conveyed “without control other than inspection of the seals;” and (b) passenger trains and buses may travel directly to and from Berlin without control. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Berlin, Vol. 1 [2 of 2])

On February 25 Bahr also replied by special channel to Kissinger’s message on Berlin. The text of Bahr’s message, translated from the original German by the editor, reads:

“The Bonn Group and the Soviets appear to agree on the question of access principles and the balance in Soviet interest between a quadripartite agreement and a unilateral Soviet declaration. I cannot make a Soviet formulation proposal. I recommend that you ask Dobrynin for a draft on an informal basis that we can then consider.

“According to previous Soviet proposals, such unacceptable formulations as ‘peaceful traffic’ or ‘in the areas of their (Soviet) competence’ negate the Soviets’ acknowledged authority for civil access. It must be clear to Dobrynin that a relapse to such Soviet formulations won’t get us anywhere.

“On the subject of federal presence, I agree that you may tell him informally of our ideas.

“On the parliamentary bodies:

“a) They may convene in Berlin.

“b) They will not contravene the regulations (i.e. the defense committee will not convene there).

“c) They will not demand revision of the agreement or lay claim to Berlin as a state of the Federal Republic.

“The Bonn Group is considering a proposal here, which, personally I don’t like very much, because it contains additional restrictions: such meetings should take place for the handling of laws that are later assumed for Berlin.

“To maintain one liaison office (in contrast to more) is precisely the role assumed by the Federal plenipotentiary. The representatives of the ministries would be subordinate to him; they would not lose connection to offices in Bonn, but would maintain direct communication, just as attachés do with the knowledge of the ambassador.

“I consider it a good sign that Stoph limited his invitation for negotiations with Schütz to visits and avoided traffic questions. Otherwise, he accepts for the first time that all arrangements in connection with Berlin should come into force simultaneously. The entire initiative is also a sign that the GDR is beginning to reckon with a positive result in the quadripartite negotiations.” (Ibid., Box 60, Egon Bahr, Berlin File [3 of 3]) For the German text of the message, see also *Dokumente zur Deutschlandpolitik, 1971–72*, Vol. I, pp. 107–8.

188. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, February 26, 1971.

SUBJECT

Berlin Status Report

In the course of the two advisers and two Ambassadorial meetings, the Soviets have now completed the presentation of their views on the Western draft agreement of February 5.² In some areas they proposed specific language and in others they merely made general comments.

There has been no great progress on *access*. The Soviets still maintain that the preferential/unhindered principle applies only to traffic considered "innocent" and in accord with GDR laws. Nevertheless, the Soviets have hinted that there are possibilities of Soviet concessions to come.

On the general issue of *Bonn/Berlin ties*, the Soviets have proposed including a general statement on the separation of West Berlin and the FRG (non-applicability of the Basic Law) in the body of the Four Power agreement. They may continue to insist on this unless the Western side agrees to drop its insistence on a Four Power access commitment. There has been some real movement on Federal *presence* since the Soviets seem to have accepted a limitation only to non-performance of constitutional acts, rather than total elimination of Federal presence. As expected, they insist that committees and *fraktionen* be included within the limitation. On *representation abroad*, the Soviets have suggested the outlines of a formula which may allow each side to retain its legal position but possibly offer at least FRG consular protection for Berliners.

There have been lengthy discussions on *format* and nomenclature (including the near-impossible task of defining the area to which the agreement applies). While retaining the skeleton of the Western draft,

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 691, Country Files, Europe, Germany (Berlin), Vol. III. Secret. Urgent; sent for information. Kissinger initialed the memorandum; an attached form indicates that it was "noted by HAK" on March 4. The memorandum is based on an unsigned status report, attached but not printed, on the negotiations as of February 26.

² The advisers had met three times since February 5, when the Western draft agreement was tabled. The Mission in Berlin reported the same day on the meetings of February 12, 16, and 23 in telegrams 301; 315, 316, and 317; and 362, 363, and 364, respectively. (All *ibid.*, RG 59, Central Files 1970–73, POL 28 GER B). The Ambassadors had met only once since February 8 when they first discussed the Western draft agreement. (See Document 176) The Mission in Berlin reported the highlights of the February 18 meeting the same day in telegram 328 and the details the next day in telegrams 335 and 336. (All in National Archives, RG 59, Central Files 1970–73, POL 38–6)

the Soviets have attempted to thoroughly weaken its structure by clearly inserting the GDR and avoiding direct Soviet responsibility.

The GDR has continued its parallel efforts through the *Bahr/Kohl* (access) and now the *Stoph/Schuetz* (inner-Berlin) channels. Bahr is pressing us hard for the Four to reach an access commitment on a separate and expedited basis so that he can be given a signal thereby to negotiate Berlin access together with the FRG–GDR negotiations which will probably be beginning on a general transport agreement.

Both *Brandt and Ehmke* have indicated to us that they will be willing to make further concessions on Federal presence (committees and fraktionen), but not until the negotiations have proceeded further.³ But the question of further concessions may have been complicated by a Brandt/*Barzel* rift heightened by Barzel's anger at Brandt for not consulting him on the draft agreement. Barzel considers the Western draft unacceptable and representative of the status quo minus—and this draft contained no concession on committees or fraktionen.

We are finding ourselves in an increasingly awkward position of:

- trying to secure more concessions from the Soviets and rejecting their extreme proposals,
- without at the same time being able to offer concessions on presence which Brandt feels he will be able to offer later;
- but on which there is virtually no hope of securing CDU toleration let alone agreement;
- and at the same time trying to accommodate Bahr's desire for speedy Four Power agreement at least to signal the start of the Bahr/Kohl negotiations on access;
- and all in the pressure-cooker atmosphere of the March 14 elections in Berlin where the CDU smells blood and not even charismatic Brandt can rouse the local SPD. (The Stoph letter to Schuetz⁴ was of course intended to help the SPD.) Most predictions still see the SPD losing only some 3–5%, thus retaining the majority traditional in "Red Berlin."

As a result of the SRG meeting on Berlin two weeks ago, and in accordance with your instruction to Marty Hillenbrand, State is preparing a paper for the President outlining the state of play as well as enclosing a draft NSDM providing further Presidential guidance for the negotiations.⁵

³ In a conversation with Rush on February 23, Brandt presented some "preliminary thoughts" on Federal presence, including the suggestion that he might accept a proposal that parliamentary committee meetings in Berlin must deal directly with the city's affairs. (Telegram 2185 from Bonn, February 24; *ibid.*, POL 28 GER B) Ehmke addressed the issue in similar terms during a luncheon meeting with Rush on February 19. (Telegram 2087 from Bonn, February 22; *ibid.*)

⁴ Dated February 24. For text of the letter, see *Texte zur Deutschlandpolitik*, Vol. 8, pp. 80–81.

⁵ See Document 216.

189. Note From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, February 26, 1971, 12:20 p.m.

HAK

I have just had a phone call from a rather desperate-sounding Birrenbach in Duesseldorf who said he had been unable to get through to you.

He was calling on Barzel's instruction to say that contrary to Brandt's assurances last September to consult with Barzel on Berlin the latter had only just seen the Western plan. Moreover this was just "by the way." Barzel feels that Brandt has broken his word and can no longer withhold attacking the Government in the Bundestag in regard to Berlin.

Barzel insists on an early meeting *with the President*, evidently to put before him the CDU's strong reservations to the Western Berlin plan. Birrenbach intimated that Barzel can hold the CDU only if he can tell the Fraktion that he will be received by the President.

I told Birrenbach that you were in a meeting and that that undoubtedly was the reason why you had not been able to receive his call. I said I could give him no reaction to Barzel's request but would pass it on. I asked whether they had been in touch with our Ambassador. Birrenbach said not since Barzel learned of the text of the Berlin plan. (In fact Barzel on February 17 gave the Bonn *Embassy* a detailed bill of his grievances) see the attached telegram.²

Birrenbach said that Barzel, as head of the Fraktion, insisted that you should be contacted directly on the matter of a meeting and he requested that you return his call this weekend.

This is tricky business. A CDU attack on the SPD in regard to the Berlin plan is also an attack on us, since we tabled it. On the other hand, Brandt apparently did break his commitment to Barzel to

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Bahr/Rush-Back-up. No classification marking. Sonnenfeldt wrote "Urgent" at the top of the page.

² According to the attached telegram, Barzel told an Embassy officer that "he could have brought the Brandt government down at any time during the past week owing to the government's tactics with regard to the draft agreement," in particular, the government's failure to consult the opposition. After registering specific objections to its provisions, Barzel concluded that the "Western draft represented the status quo minus and was therefore not acceptable to him." (Telegram 1892 from Bonn, February 17; another copy is *ibid.*, RG 59, Central Files 1970-73, POL 28 GER B) See also Document 179.

consult. When Frank of the Foreign Office eventually showed (but did not hand over) the text to Barzel, Frank alleged that the allies had not wanted the CDU to be informed.

In any case, I do not see how the President can now permit himself to get sucked into this fight. However, Barzel plans to be in the US in April and you might consider offering an appointment at that time. *I strongly recommend against a special trip now.* It is up to the Germans to get their domestic house in order. My hunch is that in the end Barzel will not take on the allies but rather emphasize the breach of faith by Brandt on the matter of consultations.

I do think you should return Birrenbach's call.³

Sonnenfeldt

³ In a telephone conversation at 5:33 p.m., Birrenbach told Kissinger: "I have called you on behalf of Barzel. You have heard of the new Western proposal on Berlin. They accepted it without talking with the opposition. This is against the agreement (last fall). The CDU has supported the government in spite of their objections. We prefer not to have difficulties in Berlin. But Barzel is not able to remain silent because of what he knows about the German proposal unless he can say he will have the possibility of seeing you and the President before these proposals go into a definitive state." In reference to Barzel's request to see the President in April, Kissinger replied: "I am always glad to see him. I recommend that you request an appointment with the President through the Ambassador. I cannot be accused of interfering with German domestic politics. Whether the President consults with Barzel is a problem for the government and not me. I understand your position. If you request it through the Ambassador it will come to me and I will take it up with the President but I cannot give any assurance." (Transcript; Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Conversations, Chronological File) In a March 2 meeting with Rush, Barzel formally requested an appointment with the President during his visit to the United States in April. Rush supported the request as a means to encourage a "bipartisan approach to the Berlin issue." (Telegram 2517 from Bonn, March 3; National Archives, RG 59, Central Files 1970–73, POL 7 GER W) After a month's delay, the Department informed the Embassy on April 1 that Barzel's appointment with Nixon had been approved for April 14. (Telegram 55269 to Bonn, April 2; *ibid.*)

190. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

Washington, March 3, 1971.

I met with Dobrynin on February 28² and handed him your formulation of the access proposal. I said it might be well for Abrasimov to introduce it in the Four Power context. Dobrynin said that he recognized that some advance had been made but the principles themselves were probably too unchanged to meet with Moscow's approval. I said we had gone as far as possible.

Dobrynin inquired about the Federal Presence issue. I said that we should make progress on access first and then I was certain the presence question could be looked at in a new light. Dobrynin said that their perception was exactly the opposite. He would report to Moscow and let me know.

We seem to have reached the same deadlock you have in Berlin.

The only other interesting item is that Dobrynin told me Abrasimov was now instructed to discuss limitations on committee and party group meetings with you. I told him that I doubted we would proceed pending progress on access.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret; Exclusively Eyes Only. Kissinger's handwritten draft is attached to the message, which was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message.

² Kissinger met Dobrynin on February 26, not February 28, from 6 to 6:43 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the meeting was held in the Map Room at the White House. The memorandum notes that "the major topic of conversation was Berlin. I handed Dobrynin the Rush formulation on access [see Document 187]. The rest of the conversation went as described in the cable to Rush." (National Archives, Nixon Presidential Materials, NSC Files, Box 490, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 4 [Part 1]) Kissinger also sent the following message to Bahr on March 3: "Met Dobrynin on Feb. 28 [sic]. I told him that unilateral access guarantee would be acceptable provided principles were agreeable. I stressed that no progress was possible on the issue of Federal Presence until we had some agreement on access. Dobrynin said that their problem was exactly the opposite. We agreed to meet again after he had heard from Moscow." (Ibid., Kissinger Office Files, Country Files, Europe, Box 60, Egon Bahr, Berlin File [3 of 3])

191. Letter From the Director of the Office of German Affairs (Sutterlin) to the Political Counselor at the Embassy in Germany (Dean)¹

Washington, March 10, 1971.

Dear Jock:

Now that two sets of German talks have begun the question of when and how the green light can be given by the Four Powers for these talks to cover Berlin matters has become obviously more urgent. This is a subject to which you allude in your letter of March 4² and it is one with which we have been much concerned back here. It is rather difficult to send out official instructions for the moment because we are still in the process of dealing with NSSM 111.³ As I think I may have explained, the Senior Review Group met on February 10 to consider the rather lengthy paper which had been prepared setting forth the various alternatives on the major issues in the Berlin negotiations.⁴ The meeting amounted pretty much to a dialogue between Henry Kissinger and Martin Hillenbrand. Henry expressed again his general apprehensions concerning the negotiations but he did not take specific issue with any of the alternatives which we had defined. The only decision reached was that the paper should not go to the NSC but that instead a shorter memorandum should be prepared for direct submission to the President. This has now been done and I will be sending you a copy once it goes to the White House.⁵ While options have now been eliminated and the whole approach considerably simplified the question of the requirements for the initiation of German negotiations on Berlin matters is still covered. Under the circumstances we think it better to await the President's approval of the memorandum before sending official instructions.

Meanwhile I thought it might be useful for you to have my general thinking on the subject. The following paragraphs were prepared in the event we had decided to send a telegram.⁶ They have Martin Hillenbrand's concurrence but would no doubt be subject to consider-

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, Incoming/Outgoing Letters 1971, JSSutterlin. Secret; Official–Informal. Copies were sent to Rush, Fessenden, and Boerner.

² A copy of the letter is *ibid.*, JD Correspondence, 1971.

³ Document 156.

⁴ For the SRG meeting and the "rather lengthy paper," see Documents 176 and 175, respectively.

⁵ See Document 216.

⁶ No such telegram has been found.

able revision in the process of clearance in the Department. Therefore I think you should view them as simply reflecting my personal views but with some expectation that parts of them may appear later in official instructions. Needless to say your comments, and those of Brewster Morris, would be welcome and of value. I have left the numbers on the paragraphs since I thought they might provide helpful points of reference.

1. We have noted the further discussion among the Ambassadors and in the Bonn Group (Bonn 2615) and we concur with US rep's statement reported in final para that we are seeking a Four Power or Soviet commitment with real content and believe we should be prepared to accept delays in giving signal for German talks in order to achieve it.⁷ Since, however, this places heavy responsibility on the Three Powers who must define and bring about the conditions which will permit German discussions we think it is desirable to look ahead now and reach a clearer understanding on the Western side of the minimum Soviet commitment we can accept and see if alternatives exist in the event this minimum cannot be achieved.

2. We feel that realistic account must be taken of two factors:

(a) It is unlikely that the Soviets will give us all we want, particularly in terms of Soviet commitment on details.

(b) Despite present assurances to the contrary the FRG and Senat are likely to grow restive if German talks are delayed indefinitely because Western Powers hold to maximum requirements as represented by the Western draft. In this connection we think it important that if Berlin negotiations fail, FRG and Senat should first have had an opportunity for direct discussions with GDR in order to avoid any belief that they could have done better than Three Powers if given the opportunity.

3. Four Power or Soviet commitment on access and inner-Berlin communications seems to us embodied both in Part II and in the Final Agreement of the Western draft text. If Soviets will agree in advance of German negotiations to annex German instruments to quadripartite understanding and "see to it" that measures foreseen therein are applied they would be undertaking an important commitment even if Part II is substantially reduced. From tactical point of view disadvantage of

⁷ As reported in the final paragraph of telegram 2615 from Bonn, March 5, Dean stated at the Bonn Group meeting on March 4 "that in discussing the desirability to provide a Four Power green light soon for discussion by the Senat and by Bahr it should not be overlooked that what we were primarily interested in was not merely a signal for these negotiations to begin but a Four Power or Soviet commitment with real content. If it were necessary to negotiate longer with the Soviets to achieve this, then we should be fully prepared to accept delays in giving the signal." The German representative replied that this statement "accorded completely with the German approach." (National Archives, RG 59, Central Files 1970-73, POL 28 GER B)

commitment largely embodied in Final Agreement is that it would leave GDR free to pursue obstructive tactics in German negotiations and would involve USSR less directly in responsibility for unhindered access.

4. If, on other hand, Soviets can be brought to agree to something close to present Part II this would constitute in itself clear Soviet commitment. Achievement of this would reduce the importance of the wording of the Final Agreement and would have the tactical advantage of tying the GDR down before the German talks begin. For this reason we believe emphasis which is being placed on Part II in quadripartite talks is wise. If, however, Soviets will not agree to present Part II we believe acceptable course would be to try for a balance between Part II and Final Agreement which would constitute adequate Soviet commitment and involvement even though it might be less than ideal from tactical point of view of keeping GDR in check. This tactical consideration rests in any event on assumption that GDR will be tougher negotiator than Soviets. We are not entirely convinced that this distinction is valid but if Germans become impatient we see no reason why they should not have opportunity to disprove it provided essential Soviet commitment is obtained.

5. Illustrative of what we have in mind as satisfactory balance between Part II and Final Agreement would be:

- (a) Reduction of Part II to para A(1), B(1) and C.
- (b) Retention of Annexes I, II and III.
- (c) Rewording of final clause of second para of Final Agreement which now reads "will see to it that these measures are applied" to read "will use their influence to ensure that these measures are applied." Many other combinations are conceivable which could provide the Soviet commitment which is essential and yet offer hope of Soviet acceptance. We have provided this formula only as an example of what we have in mind. This kind of approach was discussed at the last senior level meeting.⁸ We believe Bahr was not inaccurate in recalling general agreement at that time that quadripartite agreement on principle in access field could be limited to statement that access should be unhindered and on a preferential basis provided the Final Agreement incorporated the results of German negotiations into the Four Power agreement and included Soviet acceptance of responsibility for implementation.

6. Above considerations suggest to Department the importance of engaging Soviets in serious negotiations on Final Agreement and giving full weight to its possible importance in discussing with German authorities when and how we can give green light for German negotiations.

⁸ Reference is to the meeting of senior level officials in Bonn, November 17–18, 1970. See Document 137.

7. With reference to para 3 Bonn 2516,⁹ we believe that a distinction can be made between access and inner-Berlin communications in terms of the Soviet commitment required to permit German talks to begin. The Berlin Senat for a good many years has negotiated directly with GDR on Berlin matters, most notably—but not exclusively—on pass agreements. The Three Powers specifically approved the pass agreements. The Soviets were not directly involved. In the US view this did not constitute Western acknowledgment that East Berlin is part of the GDR. We take the position that there was no other authority with which the Senat could effectively negotiate on passes than the GDR but, given the continued validity of quadripartite agreements, this did not imply that East Berlin was part of the GDR. To follow the opposite argumentation would raise the question of why we have approved the current Senat/GDR pass talks, for which, as in the past, there was no specific quadripartite authorization.

8. We see the situation as somewhat analagous to the Western position on FRG/GDR negotiations on access. We say that the FRG should conduct such negotiations even insofar as West Berlin residents and goods are involved. Our position does not imply that West Berlin is part of the FRG, but rather that the FRG is the only authority which can effectively negotiate with the GDR on this subject.

9. We conclude from this that while tactically it is desirable to obtain a Soviet commitment on inner-Berlin improvements, the initiation of Senat/GDR negotiations without a Soviet commitment or a specific quadripartite authorization would not imply anything different from previous and current Senat/GDR negotiations which we have approved. This, in the Department's view, permits the Western side more flexibility in determining the prerequisites for such discussions than FRG/GDR discussions on access and it is preferable not to equate the two.

⁹ Reference should be to telegram 2615 from Bonn, March 5, which also reported a meeting of the three Western Ambassadors on March 4. In the discussion on coordination of the Four-Power negotiations with the Bahr/Kohl and Senat-GDR negotiations, French Ambassador Sauvagnargues argued that "the Germans should not move in either field of negotiations until there were agreed four power rules covering their area of negotiation." Paragraph 3 reads: "Ambassador Rush said he in general agreed. However, we could not cut down our requirements merely for the purpose of issuing statements intended to sanctify inner-German negotiations. It would be better to negotiate deliberately and to continue to delay the FRG as necessary. We could not abandon our position as regards the Senat-GDR negotiations that the Soviets continued responsible for East Berlin under a general four power structure. If we allowed the Senat, which was our agent, to enter into an agreement with the GDR without the cover of a four power or Soviet commitment, the Allies themselves would be accepting by implication GDR authority over East Berlin. Moreover the GDR could withdraw any concession made and we would have no redress but to accept it." (National Archives, RG 59, Central Files 1970-73, POL 28 GER B)

10. For present we believe we should continue to seek to obtain Soviet agreement on Part II and on Final Agreement sections of Western draft before authorizing Senat to enter broader discussions with GDR than on passes. If there is long delay, however, we would be prepared—in interest of achieving pragmatic improvements—to consider resort to a special communiqué which by its wording would clearly involve USSR in responsibility for Berlin (see para 3B(2) of State 180421).¹⁰

Jim

¹⁰ In paragraph 3B(2) of telegram 180421 to Bonn, November 3, 1970, the Department stated that a “more positive communiqué” for the Ambassadorial meeting on November 4 “should be dependent on Soviet acceptance of a draft which would place the German discussions clearly within the framework of the Berlin Four Power talks.” (Ibid.) See also footnote 5, Document 135.

192. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, March 10, 1971.

1) At the request of the three Ambassadors, I refrained from discussing the model of a general transit treaty with the exception of Berlin traffic during the meeting with Kohl on March 8.² Kohl was shocked. After a two and one-half hour break he received permission to explain GDR ideas orally.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]. Top Secret; Eyes Only. The message, translated here from the original German by the editor, was sent through the special Navy channel in Frankfurt; a handwritten note indicates that it was received in Washington at 2059Z. In a March 11 memorandum to Kissinger, Sonnenfeldt assessed the message: “Bahr presumably is upset that the Allies intervened and obstructed his negotiations (though the resulting stonewall may have aided Bahr in obtaining these GDR concessions). He seems to acknowledge that there may have been some danger that his negotiations would undercut our negotiations. Now he sees this danger contained, but is concerned, apparently that we are taking too long term a view and (apparently) not really moving fast enough to agree on the mandate that would permit him to negotiate. Since the Bonn Group of Ambassadors is deeply involved in this tactical play, I do not see how you can intervene in it, or *allow Bahr to use you to circumvent this Group*. At the same time, if Bahr or the Bonn Government have specific proposals on tactics or on the substance of the four power negotiations, now is the time for them to come forward.” (Ibid.)

² See Documents 193 and 196. See also Bahr, *Zu meiner Zeit*, pp. 358–359.

2) Accordingly, the GDR withdrew its proposals for ratification and a termination clause and is now prepared to handle Berlin traffic in an annex.

3) With this position, the GDR has fully adapted itself to the concept of a Berlin settlement as discussed by the four powers.³ It is a great loss of prestige to give up ratification of the first treaty between both states. Kohl therefore asked that we not exploit this as an admission, as if that would constitute proof of an inner-German relationship.

4) In my view, the danger is less than ever that the quadripartite negotiations might be undermined by talks at the German level. On the other hand, I have reason to believe that the three Ambassadors have this concern and have adapted their negotiating tactics for a very long period of time. We face difficult decisions about the appropriate position we should now adopt toward the GDR, which we want to discuss on Friday evening.⁴ In this process, the unity of the three Western governments must remain of the utmost importance.

5) I would be interested in your assessment of the situation and your thoughts on further action.⁵

Warm regards

Egon

³ In the memorandum to Kissinger cited in footnote 1 above, Sonnenfeldt wrote: "These are, indeed, shifts in form which may indicate that the GDR will be flexible in further talks. But the fact remains that the general line of development is toward an inner-German agreement that will make it exceedingly difficult to obtain Soviet acceptance of our substantive positions on access and our proposals for a four power mandate." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 60, Egon Bahr, Berlin File [3 of 3])

⁴ March 12.

⁵ In a special channel message to Bahr on March 12, Kissinger assessed the situation as follows: "From these reports it does seem that there has been a certain forward movement on Kohl's part. This could well be significant although at the moment it appears to be on less essential matters and on form. I do not rule out the possibility that the movement that may be occurring may be due to some extent to talks in my channel. If this is the case, the Soviets may be waiting to see what they can get bilaterally with you before accepting the Four Power umbrella. Therefore, I think we should wait for Dobrynin's answer on the unilateral guarantee proposal." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [3 of 3]) On the same day, Kissinger also sent a special channel message to Rush containing the text of "my latest exchange with Bahr." (Ibid., Box 59, Ambassador Rush, Berlin, Vol. 1 [2 of 2])

193. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, March 12, 1971.

SUBJECT

Berlin Negotiations: Status Report

There are now three negotiations in progress: the Four Powers, Bahr/Kohl, and the Senat/GDR. All were active this week.

The Four Power Negotiations

The Four Ambassadors met on March 9.² The meeting produced absolutely no progress, and in fact was one of the most sterile sessions so far. Almost the entire discussion was devoted to placing blame on either side for the lack of progress, and endless debate about terminology (definition of the subject matter of the talks, and the transit/access formulations). On several occasions, Abrasimov retreated to the old Soviet positions of last November and December.

Abrasimov panned the Western draft agreement of February 5³ which he said was in need of radical revision and which could not serve as an agreed point of departure. This may indicate that the Soviets might decide to offer their own counter-draft, rather than trying to revise it.

Both during the meeting itself, and at the subsequent lunch, Abrasimov repeated that he would offer something new on access if only the Western side would offer something on Federal presence, and Soviet presence (a consulate general) in West Berlin. In defining Soviet interests on *Federal presence* Abrasimov listed:

—a maximum of one or two annual Bundestag committee, fraktionen and ministerial meetings in West Berlin, perhaps dealing with cultural or economic matters;

—all the federal ministerial offices now in West Berlin should be represented by only one office;

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 58, Country Files, Europe, Berlin, Vol. 2 [2 of 2]. Secret. Urgent; sent for information.

² The Mission reports on the quadripartite meeting of March 9 are in telegrams 469, 473, and 474 from Berlin, March 9, 9, and 10, respectively. (All *ibid.*, RG 59, Central Files 1970–73, POL 38–6) An account on the Ambassadorial luncheon of the same date is in telegram 2837 from Bonn, March 10. (*Ibid.*, POL 28 GER B)

³ See Document 173.

- a clear and explicit statement that West Berlin is not a Land or a part of the FRG;
- a private Western statement prohibiting neo-Nazi activities in West Berlin.

This listing of Soviet requirements is probably not the complete list of continued Soviet desiderata. For example, there is no mention of party congresses, a point which has caused the recent autobahn harassments and on which the Soviets have always insisted. However, the points contained in the list do represent a fair degree of movement from the original Soviet categorical demands for total elimination. There is not too much distance between the new Soviet position on committees and fraktionen and Brandt–Bahr–Ehmke position (indeed, Barzel even hinted that he could accept something along these lines). The centralization of FRG ministries is also close to the Bahr proposal (but it might mean the elimination of Federal courts). The Western side could not accept inserting in a Four Power agreement any statement that Berlin was not a part of the FRG. It is quite possible that this point could be handled by some sort of private unilateral as the Soviets have suggested for dealing with neo-Nazi activities. One difficulty is that Abrasimov insists on receiving the final Western concessions on presence before he will even begin to reveal the concessions he claims he will make on access.

The Western side urged that priority treatment be given to access in order that the Four could give the signal for the inner-German negotiations to begin. However, Abrasimov made it clear that the Soviets still desired to treat all subjects as a package, and would not agree to special treatment for access or inner-Berlin improvements. It seems obvious that the Soviets wish to stonewall in the talks until they are reasonably convinced that we have little more to offer on presence (FRG and Soviet) and until they see little hope for undercutting the Four Power talks by the Bahr/Kohl and Senat/GDR talks.

The Four Ambassadors will meet again on March 25.

The Senat/GDR Talks

The first meeting of Senat and GDR representatives took place in East Berlin on March 6. The GDR attempted to involve the Senat in a broad range of topics which they knew the Senat could not discuss without prior Four Power agreement. The Senat representatives specified that general access questions and the issue of permanent entry by West Berliners into the GDR hinged on the precondition of prior Four Power basic agreement. Similarly, agreements in the economic, scientific and technical areas should be handled through the IZT channel.

Aside from these GDR efforts to broaden the talks, and despite the usual arguments over geographical nomenclature, there was discussion of Easter passes. The GDR made a vague offer to permit West

Berliners to visit East Berlin and “other districts” of the GDR. To be sure, the GDR included the requirement for visas—for which they suggested that a GDR consulate in West Berlin would be useful to facilitate visa issuance. The GDR proposed that individual GDR citizens would have to “sponsor” a visitor, and the application would have to be then approved by the GDR, and finally presented to the West Berliner on entry. This provision is more onerous than the procedures for West Germans who enter East Berlin.

At the next meeting on March 12, the Senat hopes to gain GDR acceptance of entry procedures at least equal to those used for West Germans. The Senat will also probe for more information on the issue of entry into the GDR beyond East Berlin—an area which the Allies are concerned might bolster the Eastern concept of West Berlin as an entity, and might undercut the Western position concerning the representation of West Berlin abroad.

Bahr/Kohl Talks

Following the February 26 Bahr/Kohl meeting, the Germans told us that Bahr had agreed to draw up a model transit agreement in order to demonstrate to Kohl that it would not be feasible to work out an agreement confined to transit alone. Bahr had again made clear to the GDR, however, that Berlin access could not be a part of any transit agreement. The German move concerned the three Ambassadors, particularly the French and British who thought that the Germans were creating an atmosphere of haste and moving too close to the Soviet objective of emphasizing GDR sovereignty which would outflank the Four Power discussions on access.

Late on March 4 the Germans gave the three embassies copies of a draft *model transit agreement* which Bahr was going to offer to Kohl at their March 8 meeting. (The text of the agreement is at Tab A).⁴ The agreement relates to FRG traffic transiting the GDR en route to Eastern Europe, and to GDR traffic transiting the FRG en route to Western Europe—access to and from Berlin is not involved. The draft recognized that transit traffic is subject to the laws of the transited state, though it provided for the elimination of the need for passports and visas in transit.

⁴ At Tab A is telegram 2615 from Bonn, March 5, reporting the discussion the previous day among the three Western Ambassadors on coordination between the Bahr-Kohl talks and the quadripartite negotiations; see footnotes 7 and 9, Document 191. An informal translation of the model transit agreement is in telegram 457 from Berlin, March 8. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B) For text of the eventual traffic agreement, which was signed in Berlin on May 26, 1972, see *Documents on Germany*, pp. 1191–1198. An account of the discussion between Bahr and the Western Ambassadors on March 7 is in telegram 459 from Berlin, March 8. (National Archives, RG 59, Central Files 1970–73, POL 38–6)

The Three Ambassadors became upset at Bahr's plan and the lack of due notice and consultation. They feared that the draft would encourage the Soviets to persist in their approach that Berlin access is really a question of transit over the territory of a sovereign nation, and so to apply the transit points in the Bahr draft to Berlin access (e.g. acceptance of border controls, and applicability of GDR national legislation to access). The evening before the Bahr/Kohl meeting, the Three Ambassadors met with Bahr and stressed that the Soviets were hoping to get progress through the German talks (Bahr and Senat) and so undercut the Western position in the Four Power talks. The Three suggested that Bahr not present his model agreement.

In defense, Bahr argued that he had earlier made it clear to the GDR that Berlin would not be included in his model transit agreement. Also, Bahr argued, the GDR was fundamentally uninterested in concluding any agreement with the FRG, and would do so only under Soviet pressure following a prior Four Power agreement. Bahr explained that the FRG very much wanted to conclude some type of agreement with the GDR to symbolize the first step in FRG/GDR relations; transit was the only field where this could be done. In the end, Bahr agreed not to offer to Kohl his model agreement.

At the March 8 meeting, Bahr reportedly told Kohl that "at the desire of the Three Powers" and because of the connection with the Four Power negotiations, he was not in a position to talk about a model transit agreement. Kohl was "shocked." He immediately asked for a two hour break. Upon return Bahr [*Kohl*] said that he would explain his government's thoughts about a transit agreement, which included some limited concessions to the FRG position: the agreement need not be ratified, Berlin traffic relationship could be handled as an annex, a termination clause was unnecessary. Bahr and Kohl agreed to meet again on March 17.

The day after the Bahr/Kohl meeting the French Ambassador in Moscow met with Gromyko for one of their regular exchanges of views. In their conversation, Gromyko was particularly annoyed and upset that the Allies had pressured Bahr not to present the model agreement. The most interesting part of this is that Gromyko was well aware of the events in the Bahr/Kohl meeting just 24 hours before. (You will recall that Bahr in the past claimed that the GDR was not keeping the Soviets informed. One can speculate about the apparently sudden Soviet access to rapid information. Conceivably, Kohl, in the two hour break before he made his new offer, was in touch with the Soviets.)

If the SPD suffers heavy losses in the Berlin and Rhineland/Palatinate elections this month we can expect even greater pressure within the Brandt Government for visible evidence of success in any of the three sets of negotiations. It is doubtful that the Soviets will

offer concessions in the Four Power talks until their efforts in the German negotiations have played out. It is just possible that some sort of agreement for Easter passes may come out of the Senat/GDR talks, though it is too early to tell with any assurance. The Bahr/Kohl talks are perhaps the most difficult for they are potentially the most complex. And the pressure for movement may be greatest there.

Kohl's concessions, limited as they were, may very well have been the product of Bahr's refusal to talk about his model agreement because of Allied pressure. Another product of the Allied conflict with Bahr will be greater consultation on the Bahr/Kohl talks and better coordination with the other sets of negotiations.

194. Editorial Note

On March 12, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 8:05 to 8:55 a.m. to discuss the Strategic Arms Limitation Talks as well as the Berlin negotiations. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, Dobrynin had "set up the meeting urgently and it was held early in the morning because he was leaving for New York." The memorandum records the conversation on Berlin as follows:

"Dobrynin then raised the Berlin issue and asked whether I had anything new to tell him. I said that we were waiting for the Soviet reply to our access proposal. Dobrynin said it would be a lot easier for them if we could give them ground on Federal presence. I said that we had gone over this before—that it would be a lot easier to sell the reduction of Federal presence in the Federal Republic if the Soviet Union made it worthwhile by being generous on an access agreement, and they still had every hedge in the sense that it was a package deal. Dobrynin said they were in exactly the opposite position with the East Germans.

"We agreed to meet again on March 15 at 4:00 p.m. in order to discuss our draft reply." (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 2])

Kissinger forwarded the memorandum of conversation to the President on March 18. (Memorandum from Kissinger to the President, March 18; *ibid.*) The memorandum is scheduled for publication in *Foreign Relations, 1969–1976, volume XIII.*

195. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, March 15, 1971.

SUBJECT

Berlin Elections

The Social Democrats barely held on to their absolute majority in yesterday's Berlin elections.² They will have just over 50% of the vote and lose approximately 8 seats in the city parliament. Losses for the SPD had been expected, but not quite of this proportion. In the last election the SPD had approximately 57% of the vote. The reasons for the losses are partly the lack-luster character of Mayor Schuetz, but also, significantly, the dissatisfaction of the Berlin population because of continued Communist harassment, which the SPD had promised would be likely to be reduced because of its Eastern policy.

The FDP picked up a few percentage points and probably two seats in the parliament, and the present SPD/FDP coalition will therefore probably continue, although there had been some pre-election suggestion of a coalition of all the three major parties. The CDU picked up approximately five percentage points in the voting and probably also seven seats in the parliament.

The election outcome in Berlin thus follows the trend established previously in German local elections during the last year,³ with the SPD

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 691, Country Files, Europe, Germany (Berlin), Vol. III. Confidential. Butterfield stamped the memorandum indicating that the President had seen it.

² Kissinger and Nixon discussed the results of the election in Berlin by telephone on March 15. The transcript records the following exchange: "K: Brandt's party took a clobbering in Berlin. N: What? That's his city. That's amazing. K: They still have a majority but this used to be a city he dominated. N: It does indicate some concern about his policies. K: Right. It will make the Soviets more eager to use our channel. N: Right." (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Conversations, Chronological File) In a March 15 intelligence brief to Rogers, Cline assessed the result as follows: "The spanking which West Berlin voters administered to the Social Democratic Party (SPD) on March 14—a drop of 6.5 percentage points as compared with the 1967 Berlin election—will undoubtedly cause Chancellor Brandt and other party leaders some concern because it extends the series of setbacks that the SPD has suffered in state elections since taking over the government in Bonn. However, the loss in Berlin is not sufficient to threaten internal stability or the parliamentary position of the Federal Government, nor does it constitute a serious blow to Brandt's Eastern policy." (National Archives, RG 59, Central Files 1970–73, POL 14 GER W)

³ For an analysis of the June 1970 elections in North Rhine-Westphalia, Lower Saxony, and the Saarland, see Document 90. Regarding the November 1970 elections in Hesse and Bavaria, see footnote 2, Document 133.

steadily losing ground, the FDP picking up small percentages and the CDU picking up substantially. Still, for the moment, the effect on the policy of the Bonn coalition, particularly regarding the East, will probably not be large. The coalition has already reduced to some extent the momentum of its policy toward the East.

There are two additional local elections in Germany this Spring, in both of which the general trends as now again illustrated by the Berlin election are expected to be confirmed.⁴ However, it appears for the time being the Bonn coalition is not in danger of being voted out of office as a result of these elections. A more serious threat to its survival is the potential disaffection of FDP members over agricultural policy, which periodically leads to threats of resignation from the government of individual FDP members.

We will do a further analysis of the Berlin election when more detailed results of the voting have come in.⁵

⁴ In a memorandum to the President on March 22, Kissinger reported: "As expected the Christian Democrats (CDU) won an absolute majority in the [March 21] Rhineland-Palatinate regional elections. The Social Democrats also made gains at the expense of the smaller parties. Another regional election will be held later this year [April 25] in Schleswig-Holstein." (National Archives, Nixon Presidential Materials, NSC Files, Box 32, President's Daily Briefs, March 15–31, 1971)

⁵ No further analysis from the NSC staff to the President on the Berlin elections has been found.

196. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, March 15, 1971.

Thanks very much for your helpful messages. I am relying upon our cables to keep you informed in general, but if at any time you should like further facts, opinions, or comments, please let me know. I should also like to pass on to you now a few supplementary remarks and observations.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret. The message was sent through the special Navy channel in Frankfurt; a handwritten note indicates that it was received in Washington at 2208Z.

1. It was only on Friday, March 5, that I heard from my Political Counsellor that the previous evening the Foreign Office had informed us that Bahr intended to discuss the draft of a proposed model transit agreement with Kohl at the talks to be held Monday, March 8.² At the same time, we received a copy of this draft of proposed model transit agreement. After discussions among the three Allied Ambassadors, we arranged to see Bahr in Berlin Sunday afternoon, March 7, where, as a result of a friendly and cooperative discussion, he agreed not to discuss the proposed model with Kohl. Also as a result of that talk plus private talks I have since had with Brandt, Scheel, Schuetz, and others, I think the following comments can be safely made:

(A) No progress will be made in the Four Power talks until the Russians are convinced that their divisive tactics and their attempt to have the problems of access and inner-city relations settled primarily between the GDR on the one hand and the FRG and the Berlin Senat, respectively, on the other, cannot succeed.

(B) Therefore, the FRG and the Berlin Senat, respectively, will not discuss transit or inner-city relations (except such items as Easter passes) with the GDR until a tentative agreement has been reached in the Four Power talks concerning these subjects and the Four Powers have given to the German parties the signal that they can proceed with their talks under the umbrella of the Four Power accord.

(C) In view of the Russian divisive tactics and the complex nature of the three sets of talks now going on, it is essential that close and continued consultations, with adequate time for full consideration of all moves, take place between the FRG, the Senat, and the three Allied Powers. Past procedures must be tightened up and improved. Bahr has fully agreed to this.

2. At the post-luncheon meeting with Abrasimov following the Four Power talk on March 9,³ I told Abrasimov that as a political fact of life no movement, if any were possible, could be made on the Federal presence issue until a tentative agreement on access has been reached. While refusing to accept this, Abrasimov did mention that certain elements were of primary importance to him, namely,

(A) Very few Bundestag committees and Fraktionen meetings should take place in West Berlin, and these should consist only of those dealing with matters of a non-political nature pertaining to Berlin;

(B) A single Federal Republic office should represent the twenty-odd FRG Ministerial offices of the Republic now in West Berlin;

(C) An explicit statement that West Berlin is not a Land or part of the FRG;

² See Documents 192 and 193.

³ See Document 193.

(D) A unilateral statement by the Allies, outside the Four Power agreement, prohibiting neo-Nazi activities in West Berlin; and

(E) Some form of Soviet commercial representation should be allowed in West Berlin.

He seemed anxious to bring out the first two points, which may be the result of instructions from Moscow as mentioned to you by Dobrynin.⁴

3. I think that some difficulties have occurred in the past because of lack of adequate communication between the Foreign Ministry and the Chancellor's office and between the Chancellor's office and the Allies. Therefore, I am making a special effort to see Bahr and, less frequently, Brandt so that they are fully aware of all items with regard to the talks. In this connection, they greatly value the relationship with you, and it is very helpful from every standpoint.

4. We now have the text of the full notes of the March 8 discussion between Bahr and Kohl,⁵ and the resemblance between the points made and words used by Kohl and those of Abrasimov in the Four Power talks is quite striking. Both use such terms as "in conformity to custom," "international norms," "transit traffic exclusively for peaceful purposes," that the transit agreement followed from "the sovereign equality of states," etc. It is obvious that the respective talks and strategies are extremely closely synchronized.

5. With regard to another subject, thank you very much for your thoughtful message with regard to the visit of Senator Allott.⁶ He is a really outstanding person, and I thoroughly enjoyed my discussion with him. If we only had more Senators like him, our country would be infinitely better off.

Warm regards.

⁴ Dobrynin mentioned instructions for Abrasimov during his meeting with Kissinger on February 26; see Document 190.

⁵ An Embassy translation of the official record of discussion between Bahr and Kohl on March 8 is enclosed in airgram A-275 from Bonn, March 16. (National Archives, RG 59, Central Files 1970-73, POL 28 GER B)

⁶ Senator Gordon Allott (R-Colorado), chairman of the Senate Republican Conference (Policy) Committee.

197. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

Washington, March 15, 1971.

Dobrynin called on me today to discuss the Berlin negotiations prior to his departure for Moscow to the Party Congress.² Dobrynin began by repeating his standard position that their claim on the East Germans for an access agreement would be improved if they could show some progress on the issue of Federal presence. When I refused to be drawn out, Dobrynin said that Moscow might be prepared to move ahead on access if we could show some advance on the issue of Soviet presence in West Berlin.

He will come in Friday³ before his departure for Moscow. What can I tell him?⁴

I see two possibilities: (a) to give him a concrete proposal, (b) to tell him you are prepared to discuss it in a flexible way with Abrasimov. The best would be a combination of the two with some indication of the direction in which we are prepared to go, coupled with the statement that details are to be worked out by the Ambassadors.

For a variety of reasons, the President is anxious to keep this channel open, especially at this time.

Allott was ecstatic about his reception by you.

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message. Kissinger sent a similar message to Bahr on March 15; the divergence in text is noted in footnote 4 below. (Ibid., Box 60, Egon Bahr, Berlin File [3 of 3])

² Kissinger met Dobrynin in the White House at 4:05 p.m. to follow up on their previous discussion (March 12) on SALT and Berlin. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) The memorandum records the conversation on Berlin as follows: "Dobrynin then turned to the issue of Berlin and raised again the issue of access versus Federal presence. When I told him that it was impossible to make further progress there, he said it would certainly help if he could go back to Moscow and at least show some progress on the issue of Soviet presence in West Berlin. He might then be able to sell an answer on the access procedures in return for some increase in Soviet presence in West Berlin." (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 2])

³ March 19.

⁴ The message to Bahr, identical to this point, concludes with this sentence.

198. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, March 16, 1971.

Thanks for your message of March 15,² which evidently crossed my message of yesterday to you.³

1. The tactics on which the Allies and the FRG have agreed, that until progress is made on an access agreement nothing further can be done with regard to Federal presence, is based not only on judgment but also on what appears to be political necessity. Brandt, in a recent talk with Barzel, agreed to clear in advance with Barzel any proposed concessions with regard to Federal presence and believes Barzel would accept none now. This is also true in general of the C.D.U./C.S.U. and also even of some Cabinet members such as Genscher.

Yesterday I discussed with Bahr what possible concessions might eventually be made with regard to Federal presence, and we both agreed that some means of limiting Bundestag committee and Fraktionen meetings might in time be found and that it might be possible to establish a single Federal Republic office representing the twenty-odd FRG Ministerial offices of the Republic now in West Berlin. He confirmed, however, that at present this does not seem to be politically possible.

The above is in the atmosphere of the United States not expressing a desired course of negotiation. If you agree, I would like to re-explore with Brandt and Bahr the entire Federal presence issue with the objective of charting a recommended course if the present tactics produce an impasse. We could then at the proper time proceed to what I consider the preferable alternative B of your message, modified to include discussion between you and Dobrynin, as well as Abrasimov and me, to secure maximum probing benefit.

2. The Russian tactics are at present to attempt to show that the Four Powers can make no progress on access but that the FRG and the GDR can do so. Also, that the Four Powers can make no progress on inner-Berlin movements of goods and people but that the GDR and the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret. The message was sent through the special Navy channel in Frankfurt; a handwritten note indicates that it was received in Washington at 2047Z. A typed note indicates that the text was "dictated before Ambassador Rush left on a trip to Hamburg, but not read by him in final form."

² Document 197.

³ Document 196.

Senat can do so. The purpose of this obviously is to confirm the sovereignty of the GDR and to undercut the position of the Four Powers. Until the Russians are convinced that these tactics cannot succeed, I do not believe any real progress can be made on the access question, irrespective of what is done with regard to Federal presence.

3. As an alternative, in order to prevent a temporary stalemate and to give the Russians a further sign of our genuine interest, I have, by cable, suggested to the State Department,⁴ and followed this with a second personal cable to Secretary Rogers today,⁵ which was sent earlier this morning before I received word of your message, urging that approval be given for the three allies to make some minor, tentative concessions for inclusion in the final agreement with regard to the Soviet presence in West Berlin. These concessions are in essence agreeing that the Soviets can add two commercial enterprises in the Western sectors and can use their property at Lietzenburgerstrasse for that purpose. Copies of these cables have, of course, been sent to the White House, and I hope you can find time to read them, particularly the personal one to Rogers. I also hope you agree with this suggestion and can therefore support it.⁶

Warm regards.

⁴ In telegram 2838 from Bonn, March 10, Rush argued that the Department's guidance on the issue of Soviet presence in West Berlin did not take "sufficiently into account the tactical requirements of the present negotiating situation as I see them." Rush, therefore, asked the Department to review its position. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B) In telegram 42221 to Bonn, March 12, the Department explained that, while it was giving "full consideration" to this recommendation, "we are not able to provide substantive reply since subject is dealt with in high level review of Berlin negotiating issues which has not yet been completed." (Ibid.) The "high level review" refers to the interagency paper prepared after the Senior Review Group meeting of February 10 on NSSM 111. See Document 216.

⁵ Document 199. The telegram was attached to the message from Rush, presumably by a member of the NSC staff.

⁶ Kissinger replied via special channel on March 16: "Thank you for your message. It is well to keep in mind that any changes in our position should be given to Dobrynin through my channel first so that the President can claim some personal interest. We need this now for reasons to be mentioned when we meet. Do you think I could mention the essence of your cable on Soviet presence in Berlin to Dobrynin on Friday? I understand, of course, that you will then negotiate the matter in detail with Abrasimov. As I understand Dobrynin, they might use this as a fig leaf to move ahead on access. Let me hear from you before Friday in any event." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]) Rush sent the following reply to Kissinger on March 17: "Thank you for your message and for the helpful information that any changes in our position should be given to Dobrynin through your channel first. I shall keep this very much in mind and be alert to see that it is done. I think it would be an excellent idea for you to mention the essence of my cable on Soviet presence in Berlin to Dobrynin on Friday. This might well help move the access discussion along. While the suggestion has not been cleared in Washington, I am sure it will be favored by France, Britain and the F.R.G." (Ibid.)

199. Telegram From the Embassy in Germany to the Department of State¹

Bonn, March 16, 1971, 1145Z.

3092. Subject: Berlin Talks—Tactics in Present Phase. For the Secretary from Ambassador Rush.

1. I would like to bring to your attention a problem concerning current tactics in the Berlin talks.

2. As you know, we have, with some recent difficulty, succeeded in maintaining the position that the FRG will not negotiate with the GDR on Berlin access and that the Senat will not negotiate on inner-Berlin improvements until the three Western allies give the signal for this after having reached agreement with the Soviets on the fundamentals applying to each situation. My British and French colleagues and I are convinced that this tactic is the best one to obtain some commitment from the Soviets on these topics.

3. This position makes it the more necessary to achieve some progress in the Four Power talks themselves. In the Four Power talks, the Soviets have adopted standstill tactics regarding consideration of the Western draft of February 5, probably because they are waiting to see whether they can split the Federal Germans off and draw them into negotiations with the GDR. But aside from this, we are on the verge of an impasse with the Soviets on the substance of our February 5 paper; we insist that the Soviets must be more forthcoming and explicit with regard to the commitments they are prepared [to give] on access before there can be any serious review of the Federal presence issue. The Soviets on the other hand are insisting that they cannot move on access until there is further clarification on the Federal presence. The limitations in the Allied position are quite genuine, being based on the CDU position and the need to encourage a non-partisan German approach to the negotiations. Therefore we risk a complete deadlock which will bring renewed pressures for the FRG to start negotiations or on pressures from our allies to make concessions on the substance of our positions on access or Federal presence I would not consider advisable.

4. I would like to be in the position when the anticipated deadlock has been reached to suggest that we turn to discussion of Soviet interests in the Western sectors. This would be intended as a signal to the Soviets that we continue seriously interested in an agreement and as an encouragement to our allies to maintain a unified position with

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Priority; Exdis. Repeated to Berlin.

regard to pressing for movement on access in the Four Power framework. For this purpose, I would like to make the minimum concessions necessary to make plausible that we are discussing this subject seriously. The Bonn Group has suggested a course of action (Bonn's 2621)² which boils down to telling the Soviets that they can add two commercial enterprises in the Western sectors and can use their property at Lietzenburgerstrasse for that purpose. I would for the current purpose be satisfied with the mention of Soyuz Pushnina and Merkuri, dropping mention of Aeroflot and permission for Soviet nationals to reside in the Western sectors.

5. I am aware that this tactic would probably mean that we might at the end of the negotiations if they are successful have to slightly expand our final position on Soviet interests to include a few more Soviet commercial enterprises. I consider such limited concessions an unavoidable part of a Berlin settlement in any event, and in that context consider them of limited political significance. What is at issue at present is how the subject matter should be played in the negotiations, whether we should be willing to discuss it now with a minor concession to show we mean business or whether we should refuse to mention it until the negotiations are further along. In my judgment as negotiator in the field, it is better to do it sooner rather than to hold back.

6. I would be grateful for your guidance on this question.

Rush

² In telegram 2621 from Bonn, March 5, the Embassy reported that Audland had tabled a proposal at the Bonn Group meeting of March 2 on the Soviet presence in West Berlin. Although Lustig supported the proposal, Dean stated that "the U.S. view was that there should be no discussion of the subject with the Soviets at this time, and that the U.S. side was not prepared at this time to concur in a proposal concerning an increase in Soviet presence in the Western sectors. The proposed discussion was premature. The issue should be reserved for a later stage of the talks." Dean agreed, however, to listen and report the views of the other allies. (Ibid.) In telegram 38634 to Bonn, March 8, the Department replied: "As we have noted before, Western side has already offered clearly defined concession in terms of FRG presence in West Berlin. Soviets on the other hand have so far offered nothing really tangible either on access or inner-Berlin matters. In effect they insist they can be more forthcoming after Western side offers more. The Department is not prepared to accommodate this tactic by offering further Soviet offices in West Berlin." (Ibid.) See also Document 202.

200. Editorial Note

In a telephone conversation with Assistant to the President Kissinger at 7:25 p.m. on March 17, 1971, Soviet Ambassador Dobrynin reported that “tomorrow I would like to give you in a sealed envelope a new suggestion on a Berlin question.” “You can give it from my Government to the President for the Four Power [talks],” he explained. “You will be in a position to give me a certain kind of reaction before the [quadripartite] meeting on the 25th.” Kissinger suggested that Dobrynin send the envelope to the White House the next day; he would then need time to consider the proposal before he could give an informal response. The two men agreed that they would continue their discussion during dinner at the Soviet Embassy on March 22nd. Kissinger then addressed the conduct of negotiations on Berlin by confidential channel:

“K: The only other question I have, you will not object if I show this to our man in Berlin—Rush?

“D: Very privately?

“K: On a very private basis.

“D: I am afraid even our Ambassador knows nothing of this, no one knows about it, and if he should—

“K: Let me worry about whom I show it to.

“D: I understand how you do it.

“K: You can be certain it will remain in the presidential channel.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Records, Telephone Conversations, Chronological File)

After talking to Dobrynin, Kissinger called the President to report that he had “put off the meeting with Dobrynin till Monday, partly at his request because he is coming in with a big request for Berlin and I need time to study it.” (Ibid.)

On March 18, Dobrynin sent Kissinger two documents on Berlin: a handwritten note and the Soviet draft of a four power agreement. Notations on both indicate that they were “received from D 1:00 PM 18 March 71.” (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 2]) For text of the Soviet draft, see Document 201. The text of the handwritten note reads:

“After our telephone talk yesterday I received instructions to remind you of your information that the President instructed Ambassador Rush to talk with the leaders of political parties of the Federal Republic of Germany with the view to curtail various demonstrative actions in West Berlin so as not to complicate the Four Powers negotiations. Recent events, however, testify rather to the contrary—to the

increase of the number of such demonstrations and to their encouragement on the part of the Western Powers.

"You will also recall that you mentioned the intention to instruct Ambassador Rush to conduct confidential exchange of opinion with Ambassador Abrasimov on working out of an 'appropriate formulation' concerning 'serious limitation' of the Federal Republic's political activity in West Berlin. Although the Soviet side has agreed to this proposal of the United States, Ambassador Rush has not yet contacted Ambassador Abrasimov on this subject.

"Moscow wouldn't like to make conclusions from these and some other facts that the channel Ambassador-Dr. Kissinger does not function effectively when matters concern practical steps. But at the same time these facts do attract attention." (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 2])

Kissinger then sent the following special channel message to Rush: "Thank you for your message [Document 197]. Dobrynin has just handed me an extremely long document which Abrasimov wants to table at the next Four Power meeting. I will transmit it shortly. I must have your comments Monday [March 22] our time and sooner if possible. I have put off my meeting with Dobrynin until Monday evening. This is to alert you to stand by for a very long message containing a new Soviet proposal and draft agreement." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2])

In a telephone conversation at 6:12 p.m., Kissinger gave Dobrynin a preliminary response to the Soviet draft agreement.

"D: You received the paper?"

"K: Yes, and [I] am analyzing them now. There are some positive elements and some that may present troubles.

"D: We tried what you said to put it as compromise.

"K: I recognized that there were many positive elements.

"D: Even things we didn't discuss, for instance about presentation. Can I say to them that I will get your reaction, just to give them a time, by Monday?"

"K: I will give you some reaction on Monday. Whether it will be the formal one . . .

"D: No need to be the formal one, just your reaction.

"K: You can tell them you will get my reaction by Monday, but maybe not to every point.

"D: I understand. Then after I think they have a meeting on the 25th.

"K: Right. Are you committed to putting it forward on the 25th?"

"D: I think so."

Dobrynin asked that Kissinger and Rush “please observe strictly the instruction not to speak with our people” and proposed that Rush and Abrasimov “begin some private exchange,” presumably after the Soviets tabled their draft agreement. Dobrynin further maintained that the Soviet draft represented an attempt to be “constructive.”

“K: In reading it quickly I can see points where you were. There are also some points that will not be acceptable.

“D: But this is not worse.

“K: No, it is not worse.

“D: And there are points where this is definitely better.

“K: That is true. This represents a movement.

“D: Okay, Monday evening at 8:00 at my house.”

(Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Records, Telephone Conversations, Chronological File)

During a meeting with the President at 6:30 p.m. in the Oval Office Kissinger reported that the Soviet draft “on first reading it’s acceptable.”

Kissinger: “But in the two areas that I’ve discussed with him, the federal presence and, it’s a major, there’s some major concessions. He just called ten minutes ago to say he hoped he’d have a response by, a preliminary response from me by Monday; that they’re very anxious to move ahead.”

Nixon: “Hmm.”

Kissinger: “And I said, ‘Well, you know, as you know, there are parts of it that are totally unacceptable.’ He recognized that.”

Nixon: “On Berlin.”

Kissinger: “Yeah, on Berlin.”

Nixon: “Yeah.”

Kissinger: “But he said, ‘But you do know that none of the parts that are unacceptable to you are worse and a lot of the parts are better,’ which is true. I think we should use Berlin just to keep him talking.”

Nixon: “Yeah.” (National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon and Kissinger, March 18, 1971, 10:05–11:30 a.m., Oval Office, OVAL 469–13) The editor transcribed the portion of the conversation printed here specifically for this volume.

Kissinger then sent another special channel message to Rush:

“My ubiquitous contact Dobrynin called a few minutes ago to say that Moscow was counting on a reply by Monday evening. He stressed that I was the only person in the West to have a copy. When I told him you were being kept informed he urged me to keep you from making

any reference to the Soviet Ambassador who allegedly has not seen the draft. Finally, he said that he recognized some provisions remained unacceptable but no formulation was worse than the previous one and some were better.

“The President has asked me to make a preliminary reply to Dobrynin by Monday evening along the lines of my previous cable. It should contain some general reactions together with a few specifics.

“Dobrynin tells me that this is their last shot before the Party Congress, so you will be rid of me for a while.

“Warm regards.” (Ibid., NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2])

On March 18, Kissinger also received a special channel message from German State Secretary Bahr. The text of the message, as translated from the original German by the editor, reads:

“1) Yesterday Kohl agreed to accept our old proposal to deal with general traffic questions and to defer consideration of transit and Berlin traffic. The GDR recognizes and fully understands that the Federal Government cannot talk about transit and Berlin without the ‘green light’ of the three powers. I hope that this will help the Berlin negotiations.

“2) On the issue of Soviet presence in West Berlin, we agree with everything that you arrange, provided it remains below the level of a general consulate.

“It would be great if that becomes the point through which the access issue can finally be handled.

“Best wishes.” (Ibid., Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3])

201. Letter From the Soviet Ambassador (Dobrynin) to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, March 18, 1971.

Henry,

I am instructed to convey to you for the President the Soviet formulations of a possible Four Power agreement on West Berlin.

I would like to point out that the suggested formulations take into account the considerations transmitted through you as well as the exchange of opinion at the Four Power talks.

We hope that the American side will duly appreciate the desire of the Soviet Union to achieve a breakthrough in the principal questions by giving favorable examination to the considerations and formulations transmitted by President Nixon.

It is expected that the Soviet proposals will receive objective and favorable attitude.

If, in the opinion of the American side, the Soviet proposals could form a basis for further Four Power talks and for drawing up final formulations, the Soviet Union could officially table them on its behalf at the Four Power talks.

If the reply of the American side could be received promptly, the Soviet side could then submit the above mentioned draft for consideration already at the next meeting of the Ambassadors.

A.D.

P.S. I hope to receive an answer on Monday.²

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 2]. No classification marking. Handwritten notations on the letter and attached draft agreement indicate that both were received from Dobrynin at 1 p.m. on March 18. That afternoon, Kissinger forwarded the documents to Rush with the following special channel message: "The best way to deal with the attached document is to send you the full text together with the note which transmitted it. On Monday [March 22] evening when I see Dobrynin, I should indicate the following: (a) what parts are acceptable, (b) what parts are generally unacceptable and why, and (c) what parts are unacceptable as stated but could perhaps form the basis of a negotiation. In any event details would be shifted into your channel even with respect to point (a). I would appreciate as full talking points as you can prepare. I would not bother you this much without major Presidential interest. Your cooperation has been superb and we are all deeply grateful. Text follows." (Ibid., Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2])

² Dobrynin added the postscript by hand.

Attachment

Draft Agreement³

The Governments of the USSR, France, Great Britain and the USA on the basis of the agreements and decisions, jointly undertaken by them in wartime and postwar time, which are unaffected,

proceeding from the results of the Second World War, as reflected in the quadripartite agreements and decisions, and taking into account the existing situation,

guided by the desire to facilitate elimination of tension and prevention of complications in relations between the four powers as well as between other parties concerned, and with this aim in mind to facilitate practical improvement of the situation,

have agreed upon the following:

Part I. General Provisions.

1. The four powers are unanimous in that in the area, the situation in which was under consideration at the negotiations of their respective representatives, it is necessary to ensure compliance with the Charter of the United Nations and to exclude the use or threat of force.

2. They will mutually respect the individual and joint rights and responsibilities of each other, which remain unchanged, and will settle their disputes only by peaceful means.

3. The four powers are unanimous in that the status existing in that area, notwithstanding existing viewpoints on politico-legal questions, must not be unilaterally changed. There should be avoided everything that in accordance with generally accepted norms of international law would be equivalent to interference into internal affairs of others or could violate public security and order.

Part II. Provisions, Relating to Berlin /West/.

1. Berlin /West/ is not part of the Federal Republic of Germany and is not governed by it. The provisions of the Basic Law of the FRG and of the city constitution of Berlin /West/ which are not in accord with the above, are invalid. The relationships between Berlin /West/ and the Federal Republic of Germany must not be in contradiction with this. They will be formed in accordance with the provisions, set forth in the letter by the Governments of the three powers to the Government of the USSR /Annex I/.

³ A typed note on the draft agreement indicates that it is an "Unofficial translation from Russian," presumably done by the Soviet Embassy in Washington. The Russian text is *ibid.*, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 2].

2. It is necessary to facilitate maintaining and developing wide ties and contacts of Berlin /West/ with abroad in economic, scientific, technological, cultural and other peaceful fields. This presupposes, in particular, that agreements will be concluded between competent authorities on civilian transit to and from Berlin /West/, so that transit be implemented on the basis of common international norms and without delays, as set forth in the letter by the Government of the USSR to the Governments of the three powers /Annex II/.

3. It is stipulated that permanent residents of Berlin /West/ will be able to travel to the GDR for humanitarian, family, religious, cultural reasons and as tourists after necessary arrangements on this question, alongside with the questions of communications and of exchange of border areas, have been reached between competent German authorities, as provided for in Annex III.

4. The questions of representation of the interests of Berlin /West/ abroad will be settled in accordance with Annex IV.

5. The Soviet interests in Berlin /West/ will be respected. Appropriate provisions are set forth in Annex V.

Part III. Final Provisions.

This agreement will enter into force when arrangements and measures provided for in Annexes I, II, III, IV and V, are agreed upon between the competent parties.

ANNEX I

Draft

Letter by the Three Powers to the Soviet Union

The Governments of France, Great Britain and the USA have the honor to bring hereby the following to the attention of the Government of the USSR:

1. In the exercise of their competence in Berlin /West/ the three powers state, that

the Federal President,

the Federal Government,

the Bundestag and Bundesrat, as well as their committees and factions,

the Bundesversammlung,

other Federal or land state institutions of the FRG shall not perform in Berlin /West/ any official acts or other actions, which would mean extension of their authority to Berlin /West/ or interference in its affairs or use of the territory of Berlin /West/ against the interests of other states. From this will proceed also the officials of the FRG when they stay in Berlin /West/.

2. Ties between Berlin /West/ and the Federal Republic of Germany, including those of non-state nature, will be maintained in accordance with the fact that Berlin /West/ is not part of the FRG and may not be governed by it. Federal congresses and conventions of parties and organizations of the FRG will not be held in Berlin /West/.

3. Interests of the Federal Republic of Germany will be represented before the Senate of Berlin /West/ and the three powers by a liaison organ, the activity of which shall be in accord with paragraphs I and 2.

4. The Governments of France, Great Britain and the USA will see to it, within the sphere of their competence, that regulations on questions of demilitarization be implemented.

5. Necessary measures will be implemented so as not to permit, within the sphere of the competence of the three powers, neo-Nazi and any such activity, which may cause violation of public order or tension in this area.

ANNEX II

Draft

Communication by the Government of the USSR to the Governments of France, Great Britain and the USA

The Government of the USSR on the basis of consultations with the Government of the GDR and with the consent of the latter, expressed in the statement dated . . . , has the honor to bring to the attention of the Governments of France, Great Britain and the USA, that the Government of the GDR:

1. Is prepared to reach agreement with the parties concerned on transit to and from Berlin /West/ of civilians and goods, which would be implemented on the basis of common international norms and without delays;

2. Agrees that this movement by autoroads, railways as well as by waterways proceed in a most simple and expedient manner possible;

3. Agrees that in transit communications to and from Berlin /West/ procedures, common in international practice, be applied with regard to processing documents /identification/ and to control. In their turn transit passengers and persons accompanying goods will have to respect public order and laws in force on the territory of the GDR;

4. Is prepared to come to agreement that in transit of civilian goods sealed conveyances be used. The sealing would be performed by the senders and the checking procedure would be carried out, as a rule, through consignments. The GDR authorities, in accordance with common international norms, may, if necessary, examine the goods and see that they correspond to the invoices;

5. Would be able to agree that payments for using communication routes of the Republic for transit to and from Berlin /West/ were in

the form of a lump sum paid a year in advance calculated on the basis of actual volume of conveyance for the previous year. The payments received should fully compensate the costs incurred by the GDR in connection with transit to and from Berlin /West/, including costs to maintain the communication routes in due state;

6. Declares its readiness to settle complications relating to transit, if they occur, by consultations between the sides which concluded the agreements on practical measures concerning transit.

ANNEX III

Draft

Communication by the Government of the USSR to the Governments of France, Great Britain and the USA

The Government of the USSR on the basis of consultations with the Government of the GDR and with the consent of the latter, expressed in its statement dated . . . , has the honor to bring to the attention of the Governments of France, Great Britain and the USA, that the Government of the GDR:

1. Is prepared to reach agreement with the Senate of Berlin /West/, regulating the questions of visits by permanent residents of Berlin /West/ to the territory of the GDR, including its capital, for humanitarian, family, religious or cultural reasons, or as tourists;

2. Agrees to settle on a mutually acceptable basis the question of telephonic, telegraphic, transport and other communications with Berlin /West/;

3. Agrees to come to agreement on exchange with Berlin /West/ of border areas to solve the problem of enclaves;

4. Agrees to reach agreement on other questions of interest to both sides and directly affecting relations between the GDR and Berlin /West/.

ANNEX IV

Draft

On Representation of Interests of Berlin /West/ Abroad

A. Communication by the Governments of France, Great Britain and the USA to the Government of the USSR

The Governments of France, Great Britain and the USA have the honor to inform the Government of the USSR that in conformity with the rights and responsibility in Berlin /West/ they will continue to exercise their competence in questions of relationship of Berlin /West/ with other states.

On the basis of the above they will represent the interests of Berlin /West/ in political questions, in questions of security and in other

fields, affecting security and quadripartite allied decisions and concerning, in particular, disarmament and demilitarization.

Without prejudice to their competence and quadripartite agreements and decisions they consider it possible, that

1. The FRG take upon herself to provide consular service to permanent residents of Berlin /West/ and protection of their interests abroad in matters of civil law;

2. The effect of treaties /conventions, agreements/ of non-military and non-political nature, concluded by the FRG with other countries, be extended to Berlin /West/ with observance of the established procedures. In every case it must be specified, that inclusion of Berlin /West/ into a treaty /convention, agreement/ takes place in the implementation of the special settlement, determined by the four powers and with the consent of third states, with which treaties /conventions, agreements/ are being concluded.

The Governments of France, Great Britain and the USA intend to bring the above said to the attention of the Government of the FRG and the Senate of Berlin /West/.

B. Reply communication by the USSR Government to the Governments of France, Great Britain and the USA

The Government of the USSR has the honor to communicate its agreement with the manner of the representation abroad of the interests of Berlin /West/ as it is set forth in the letter /note/ by the Governments of France, Great Britain and the USA dated . . . It proceeds from the fact that the manner being established does not affect the quadripartite agreements and decisions, and that in its practical implementation the provisions of Part II of this four power agreement will be observed.

The Government of the USSR also takes note that the representation of interests of Berlin /West/ in political questions and in questions of security is performed by the Governments of France, Great Britain and the USA. This applies also to the ties of Berlin /West/ with individual states and with existing international organizations.

The USSR on its part will not object to the exercise of the consular protection by the FRG of permanent residents of Berlin /West/ and their interests abroad with the understanding that those residents will not acquire thereby capacity as citizens of the FRG and will travel abroad with West Berlin passports /identification cards/.

The question of representation of interests of Berlin /West/ and of consular protection of its permanent residents before the GDR is to be settled directly between the authorities of the GDR and the Senate of Berlin /West/.

Participation of Berlin /West/ in treaties /conventions, agreements/ of non-military and non-political nature, concluded by the FRG, may take place with the consent for that of the states, with which these acts are being concluded, and with the reference in each case to the present agreement.

The Government of the USSR agrees that the present exchange of letters /notes/ be brought to the attention of the Government of FRG and the Senate of Berlin /West/.

ANNEX V

Draft

Soviet Interests in Berlin /West/

Communication by the Governments of France, Great Britain and the USA to the Government of the USSR

The Governments of France, Great Britain and the USA have the honor to inform the Government of the USSR, that in the exercise of their competence they will implement necessary measures so that the interests of the USSR in Berlin /West/ be duly respected.

They agree that the consulate-general of the USSR be opened in Berlin /West/.

The same laws and rules, that are being applied with regard to the property of other states and their citizens, will be applied without any discrimination to the property of the Soviet Union and its property interests in Berlin /West/.

Most favored nation treatment will be applied to economic ties of the Soviet Union with Berlin /West/. Consent will be given, in particular, to opening consignment warehouses of Soviet foreign trade organizations as well as their offices and the office of "Aeroflot."

Soviet citizens permanently employed in Soviet offices in Berlin /West/ will be permitted to reside in that city.

FINAL ACT

Draft

1. This act enters into force the agreement, reached between the Governments of the USSR, France, Great Britain and the USA as a result of the negotiations, held from . . . to . . . 1971.

2. The four powers proceed from the fact, that agreements and arrangements, reached between the German authorities /list of these agreements and arrangements/ will come into force simultaneously with the agreement of the USSR, France, Great Britain and the USA. Each of these agreements and arrangements will remain in force with the understanding that all other agreements and arrangements, mentioned in the final act, remain in force.

3. In those cases if facts of violation of one or another part of the agreement occurred, each of the four powers would have the right to draw attention of the other parties to the agreement to the principles of the present settlement for the purpose of holding, within the framework of their competence, due consultations aimed at eliminating the violations that took place and at bringing the situation in conformity with the agreement.

202. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, March 18, 1971.

SUBJECT

Berlin Negotiations: The Issue of Soviet Presence in West Berlin

We may be reaching a turning point in the negotiations on the issue of Soviet presence in West Berlin. Ambassador Rush has sent Secretary Rogers a cable (Table A)² requesting permission to discuss this issue—and offer concessions—in order to signal the Soviets that we are seriously interested in an agreement and also to encourage our allies to maintain a unified position. I thought therefore that you might wish a brief report on this issue. You should also focus on how to deal with State on this matter now that it has spilled into the Rush-Rogers channel.

What is the current Soviet presence?

Since the immediate post-war period, the Soviets have had a physical presence in West Berlin in three locations:

—the former Allied Control Authority building (currently used for the Four Power talks) houses the Quadripartite Berlin Air Safety Center, in which the Soviets have participated 24 hours a day since 1945;

—Spandau prison, at which the Soviets are always represented, and for three months each year have 50 armed troops stationed there (when Hess dies, there should be no further need for a Soviet contingent at Spandau, but the Soviets may very well argue that they will have to guard the grave);

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 58, Country Files, Europe, Berlin, Vol. 2 [2 of 2]. Secret; Urgent. Sent for action.

² Document 199. See also Document 198.

—Soviet War Memorial just inside the wall, where there is a permanent Soviet honor guard.

The first two are the last remaining vestiges of Quadripartite authority in Berlin. All three are well-established and in theory unimpeachable (except perhaps the Spandau operation if the Soviets try to continue after Hess dies).

Soviet presence was static until 1960 when they seemed to embark on a program of rapid expansion. There are now separate Soviet offices serving Inturist, Tass, Sovexportfilm and Novosti-Izvestiya (the Inturist office opened in 1960). In 1963 the Soviets tried to put together these various offices and establish them on a Soviet-owned piece of property at Lietzenburgerstr. Their intent evidently was to set up what would amount to a Soviet headquarters at Lietzenburgerstr. At the time, the issue was treated at the Presidential level, and finally the Allies stopped the Soviets from establishing this presence. (You may recall this; it involved John McCone and CIA.)

In addition to these offices, the Soviets send a steady stream of extremely well qualified men—half of whom are identified KGB—into West Berlin every day. They work closely in setting up exhibits, developing the activities of the German-Soviet Friendship Society, and maintaining relationships with the press, business and political figures (the Soviet correspondents have taken over control of the Foreign Correspondents Association in West Berlin).

From time to time the Soviets use their existing “commercial” facilities for quasi-official functions. For example, recently the Allies stopped a planned gala reception in Sovexportfilm because, inter alia, the invitations clearly indicated that the Soviet Embassy in East Berlin was the sponsor of the party in “West Berlin.” (The Soviets were also unhappy recently when the Allies barred the entry of a Soviet correspondent, in retaliation for the GDR’s barring of a US correspondent from East Berlin; the Soviets’ displeasure in this case may have been heightened because the particular Russian correspondent happened to be an important KGB operator.)

Looking at the other side of the coin, there is no permanent Three Power presence in East Berlin (though each of the Three still own property there, the former Embassies). However, military patrols are sent into East Berlin frequently each day by each Power, and of course diplomats of the Three (including the Ambassadors) travel in East Berlin for social occasions and to meet with the Soviets. The French maintain an unofficial trade office in East Berlin, and the British are planning to establish one in the future.

What Do the Soviets Want?

The Soviet objectives in seeking for the past decade a significantly enhanced and official presence in West Berlin include the following:

—to further their theory (and the GDR's) that West Berlin is an independent political entity totally separate from East Berlin;

—to expand and facilitate Soviet influence over all aspects of life in West Berlin;

—and, more importantly in the longer run, to create for themselves a continuing West Berlin basis (Four Power status) for their all-German rights in lieu of the Greater Berlin basis which they have renounced.

While the Soviets have had these goals for some time, they probably have decided that they now have an opportunity to achieve a good part of their aims. Among other things, the Berlin talks provide the Soviets with the ability to spread their pressure to include the FRG by linking this issue to success in the talks and particularly to the German desire to achieve Bonn representation of Berlin abroad. The Soviets may also consider that an increased presence may be necessary to counter whatever concessions they may have to offer on Bonn/Berlin ties.

In the Ambassadorial talks, the Soviets have developed this issue very slowly. It was not until the end of June 1970 that they first proposed in the talks the establishment of an official Soviet installation in West Berlin, somehow vaguely accredited to both the Allies and the Senat. In the fall they hinted at their desire for a consulate general, an official trade center and commercial use of their Lietzenburgerstr. property. By December, Abrasimov had raised the issue as one of five that the Ambassadors had to work on for a successful negotiation. During consideration of the Western draft agreement in February, the Soviets raised this issue yet a further notch by insisting that the agreement itself must contain a provision on the principle of non-discrimination of Soviet interests in West Berlin, coupled with a detailed annex covering specifics. Increasingly, the Soviets have insisted that there can be no agreement unless the West offers something on Soviet presence (as well as Federal presence).

The Western Position

The *Germans* have been opposed to the establishment of a Soviet consulate or any other "official" representation in West Berlin, but they leave to the Three Powers the decision with respect to lesser degrees of Soviet presence. The *French* have traditionally been ambiguous on this issue though they generally side with the British. The *UK* has been most forthcoming on the Western side. All current and prospective Soviet presence is in the British Sector of Berlin (with the single exception of the Air Safety Center), and perhaps for that reason the British have tended to be very permissive—and the Soviet apply direct pressure on them. In the Four Power talks, the British have gotten well in front, even to the point of suggesting that the Soviets could have a consulate and by linking it to the representation abroad issue.

The *US* position has been that any increase in Soviet presence is undesirable. Thus, the possibility of any increase could come only at

the end of a successful negotiaton, and only if it was compensated by an increased Western presence in East Berlin. Specifically, we have said that we would want, in exchange, the establishment of an American cultural center in East Berlin. The British and French have not accepted our view, and indeed refuse to believe that we are seriously interested in a cultural center in East Berlin. They, and now the Germans, view our position as a tactical device (a filibuster) which will be misunderstood by the Soviets as an attempt to deadlock the talks. Because of our dogged adherence to our position, there has been no formal agreed Western position on this issue.

There seems to be general agreement, however, on one aspect of the US position: that any ultimate expansion of Soviet presence must *not* be included in the Berlin agreement. Rather, any increase would be permitted by a unilateral Allied act, underscoring that it is by Western grade that the Soviets may establish their presence, and that the Allies retain the power to terminate any Soviet presence at will (unlike a unilateral termination of the Agreement).

Current State of Play

The British proposed in the Bonn group meeting of March 2 that the Three Powers discuss this issue with the Soviets. The British proposed offering the Soviets two or three new offices (including Aeroflot), permitting the Lietzenburgerstr property to be utilized by any one of these, and authorizing Soviet nationals employed by these offices to reside in West Berlin. However, the British agreed to reject the Soviet request for a consulate. The French and Germans agreed with the British proposal.

The State Department instructed the Embassy to reject the British proposal (Tab B).³ The reasoning was that if the Soviets are really interested in an agreement, they are not likely to stop negotiating simply because the West refused at this point to offer concessions on Soviet presence. On receiving State's instruction, Ambassador Rush sent in a cable requesting a review of the matter.⁴ After almost a week of silence from State, Rush sent in the cable at Tab A—addressed personally to Secretary Rogers.

The Ambassador's argument is that the Four Power talks are approaching a deadlock which he feels will bring renewed pressures from the FRG (Bahr) and Soviets to permit the Germans to negotiate access, or pressures from our allies to make premature concessions on our positions on access or Federal presence. Thus, he feels that he must be in

³ At Tab B is telegram 38634 to Bonn, March 8.

⁴ See footnote 4, Document 198.

a position to begin a discussion of Soviet presence both as a signal to the Soviets that we are serious and also as an encouragement to our Allies to maintain a solid position on the other issues. The Ambassador proposes that we offer the Soviets only two additional offices (not Aeroflot) and not offer permission to reside in West Berlin. From the viewpoint of the “negotiator in the field,” the Ambassador argues that it is not feasible to postpone all discussion of this issue until all other aspects of the agreement are satisfactorily concluded.

I am not certain how State plans to handle the Rush telegram, or whether and how you wish to become involved. Defense and the CIA appear to be opposed to any change in the present US position; these agencies have traditionally opposed any Soviet increase in West Berlin.⁵ Within State, I understand that Under Secretary Irwin also does not wish to alter current policy. The German Desk is reluctant but Marty fears our getting isolated and being charged with blocking the Berlin talks. It is not clear whether Secretary Rogers has a view yet. At least the working level at State fully understands that—particularly in view of the DOD and CIA positions—acceptance of the Rush proposal would require White House approval. Their present inclination is to tell Rush that his ideas have to be studied, but we do not know whether this will hold.

On the question of *tactics*, I find myself unpersuaded by Rush’s arguments as they relate to the Soviets. The possible concession from the West on Soviet presence is really a good ace for us, without the complications of German politics as in the concession on Federal presence. I see no strong reason why we should offer a concession now just because the Soviets are stonewalling, hoping to advance their objectives through the Bahr/Kohl and Senat/GDR negotiations. On the other hand, I think Rush has a legitimate concern over the trouble our position is causing with our Allies. We are already isolated on this issue. Admittedly, much of the problem has been caused by the British getting out in front, but as the Four Power talks grind to a total standstill,

⁵ In a March 12 letter to Fessenden, Sutterlin explained that the bureaucratic debate on Soviet presence affected the drafting of an interagency response to NSSM 111 (Document 156): “If the President approves the revised wording which we have proposed for NSDM 91 [see Document 136] we will have sufficient flexibility to deal with the Ambassador’s understandable wish to present at least a minimum offer in the talks. This was, however, the most controversial issue as the memorandum was drafted and it is the one which the Pentagon, in particular, is watching most closely. CIA is also strongly opposed to any increase in the Soviet presence. We have not had much difficulty with these agencies on other issues which in many ways are more important. One thing we have to keep in mind here in Washington is the possibility that if we show very much flexibility on the Soviet presence questions at this stage of the negotiations, the other agencies will become more resistant on other issues, on the assumption that we are prepared to fallback in the face of Soviet pressure.” (Department of State, EUR/CE Files: Lot 85 D 330, Incoming/Outgoing Letters 1971, JS Sutterlin)

there will clearly be a good deal of pressure brought on us. The Soviets obviously know what the inter-Allied line-up is. If we are not in a position to yield even a little, inter-Allied friction might spill over onto other issues. A break in Western harmony at this stage would be extremely serious and could force us into worse concessions later.

On the *substance*, as distinct from timing and tactics, it seems fairly clear that a couple of additional Soviet offices of a “cultural or commercial” nature as such would not radically harm our position in West Berlin, and we could hardly oppose them at the cost of an otherwise satisfactory agreement. However, an official or more expanded and visible Soviet presence beyond the limited kinds in the Rush proposal would be qualitatively different. Rush has *not* proposed this, but this is also not a strawman, since once we concede just a little on this issue the Soviets will apply enormous pressure for considerably more. It is important, then to consider the implications of a significant official or highly visible Soviet presence in West Berlin. Aside from how the Soviets would read such a major Western concession, there is a serious question of how the Berliners would read it, particularly when added to other Western concessions (cut back of Federal presence, acquiescing in the status of East Berlin, acknowledging a GDR role over access, and perhaps demilitarization and NPD limitations). The Germans would consider it the first step in a new (Four Power) status for West Berlin, and this could affect choices of investment, relocation, etc. Such a significant Soviet presence might also revive for many Berliners the sense of physical danger and insecurity which was so real in the immediate post-war days.

There is *another quite important aspect*, too. The Three Powers have successfully maintained their military and diplomatic access to East Berlin virtually intact for 25 years. This access is the only physical evidence to support our theory of a Four Power status for all of Berlin. (It also provides us some intelligence, and is a useful showing-the-flag device vis-à-vis the East Germans.) Unquestionably, our continued access has caused friction between the Soviets and the GDR, whose claim to sovereignty is thus undercut.

The Soviets have probably been able to contain GDR pressures in part on the grounds that, if access to East Berlin were cut, the Three Powers would retaliate by cutting off valuable access by the Soviets to West Berlin (except for Spandau, BASC and the war memorial). However, if the Soviets had a consulate (or some other form of official or highly visible and greatly expanded presence) the Soviets might be willing to risk the chance that the West (especially the British) would not cut off the newly acquired Soviet presence in retaliation for a GDR restriction on Allied access to East Berlin. This is another reason why it is so important that *any* even minor concession (as suggested by Rush) on Soviet presence *not* be included in the body of any Berlin

agreement. If that were to happen, the Soviets would probably reason that the West would certainly not wish to jeopardize the agreement by interfering with Soviet presence and access. *Of course, this is likely to happen even if some increase in Soviet presence is arranged outside of the agreement, since it will in any event be seen as a part of the overall settlement, no matter what we say.* At a minimum, therefore, we must continue to insulate as much as possible this issue from the main agreement, and in doing so make a maximum effort to arrange it that the increased Soviet presence is clearly by the grace of the Three and can be withdrawn at any time.

One final and more minor point. Laudable as it is, I find dubious State's proposal for a counterbalancing American cultural center in East Berlin. The Soviets will almost certainly never agree to this on any terms other than those involving accreditation to the GDR or some other unacceptable arrangement. Our Allies would force us to give up the proposal quickly or charge us with blocking the talks. (I must admit, however, to being intrigued with the thought of proposing a passive Allied war memorial in East Berlin—a direct parallel to the Soviet memorial in West Berlin; yet, it too is probably infeasible.)

Please let me know if you wish to become immediately involved in consideration of this issue. *It is entirely possible that State will agree with DOD and CIA and reject Rush's proposal. In that event, the issue may not reach the White House.* (We will keep an eye on this *but* some in State are looking for a lead from the White House to use against Defense and CIA. Moreover, Rush may not take "no" for an answer.) If you wish to matter brought here in any case, please let me know.

Procedural Choices

1. We could ask the IG/EUR to reconvene to consider the matter (very cumbersome).
2. You could convene an SRG to consider it.
3. You could raise it with Under Secretary Irwin.
4. You could call Secretary Rogers and, referring to Rush's telegram, get a sense of the Secretary's view. You might then agree that any move in Rush's direction should be approved by the President on the basis at least of a memo laying out the pros and cons or, hopefully, of an oral discussion in the SRG to be followed by a memo (which the Secretary could sign).⁶

⁶ In an attached handwritten note to Kissinger on March 21, Richard T. Kennedy of the NSC staff reported: "Hal Sonnenfeldt proposed ways to deal with the problem of the response by the bureaucracy to the Rush cable. You did not indicate a preference. He asks whether you have any guidance." No guidance from Kissinger has been found.

203. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, March 21, 1971.

I have read with much interest your message,² which I did not receive until late yesterday, as I was away on speaking engagements in Hamburg and Hannover and attending General Polk's farewell in Heidelberg. In the circumstances, I have not had the time to make the following comment more succinct, but I hope it is clear.

As you know, the Western Allies tabled a draft agreement with the Soviets on February 5 and have been discussing it with them since. Whether it is tactically advantageous for us in the circumstances for the Soviets to table a written draft of their own which diverges widely from our text is questionable. But irrespective of what we think, I have come to believe from my discussion with the Soviets and from remarks they have recently made to others that they intend to table a draft in any event.

Without regard to this, I consider it a positive action on the part of the Soviets that they should have submitted a draft to you prior to bringing it up at the Four Power talks. This action strengthens my own feeling that the Soviets desire to reach a Berlin agreement in order to obtain ratification of the German-Soviet treaty and to move towards a Conference on European Security.

You will find a number of suggestions for possible modification of the Western position among my comments on the Soviet draft. I have indicated my estimate of their degree of acceptability to the Germans. I believe there is a reasonable prospect that these suggestions would be acceptable to the British and French in the context of an over-all agreement.

I will, of course, be careful to follow Dobrynin's request not to mention to Abrasimov anything about the draft, or for that matter, about our contact with Dobrynin on the Berlin subject.

Please let me know if you have suggestions where I could be helpful.

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret. The message was sent through the special Navy channel in Frankfurt; a handwritten note indicates that it was received in Washington at 0430Z (11:30 p.m., March 21).

² See footnote 1, Document 201.

General Comment

1. The paper follows closely the oral statements of the Soviet counselor in the two most recent sessions in Berlin,³ so that its content if advanced in writing would not come as a surprise for any of the participants in the negotiations.

2. The fact that the Soviets desire to advance a written text is of itself probably an indication of their interest in the negotiations.

3. The layout and form of the draft and the range of subject matter included corresponds to the concepts we have introduced in the negotiations. No completely new wild cards have been introduced. This is also some indication of seriousness. A comment by you to the Soviets along the above lines might indicate a somewhat positive response from us while reserving your position on issues of substance.

4. The following comment on substance is based on my viewpoint that our serious interests in these negotiations is to reach agreement on arrangements which have some practical if limited possibility of decreasing tensions over Berlin, that we must protect our own interests in Berlin against the deterioration of our position there vis-à-vis the Soviets and GDR which is one direct consequence of Brandt's Eastern policy with its augmentation of the status of the GDR, and that the resulting agreement must be acceptable enough to Federal German opinion not to become an object of constant controversy in US-German relations.

5. On the basis of these standards, the content of the present draft is in my opinion unsatisfactory on the following main grounds:

A. The content of Four Power commitment or at least of Soviet commitment is too low. This concerns in particular the access question and inner-Berlin improvements, where the only effective commitment extended comes from the East Germans, not the Soviets. It is essential to protect our position and interests in the future that there be a clear Soviet statement in the agreement that the Four Power status continues valid and that the Soviet Union is the guarantor of access commitments. This is a high political price for the Soviets to pay in the light of their claims of GDR sovereignty and their own relationship with the GDR. But we believe they have adequate treaty reserved rights and political power to get away with it. Moreover, it is an equitable requirement in the light of the benefits they are obtaining in the Moscow treaty and related issues.

³ The two most recent advisers' meetings were held on March 6 and March 17. The discussion on the former date is reported in telegrams 446, 447, and 448 from Berlin, March 6, 7, and 7, respectively; the latter in telegrams 513, 514, and 517 from Berlin, March 18. (All in National Archives, RG 59, Central Files 1970-73, POL 38-6)

B. The practical provisions contained in the draft on improvement of access are inadequate either to insulate Berlin traffic sufficiently from political interference under “normal” conditions or to make it apparent to Western public opinion that the agreement has in fact resulted in real improvements. In addition to a clear Soviet commitment on unhindered access, it seems essential that the agreement contain provision for sealed freight conveyances and through passenger trains and buses without controls. According to the draft, the Soviets appear to be moving on the first point, and this is a vital point.

C. The paper as drafted contains too much language with the connotation that West Berlin is a separate international entity. To the extent that this appears to be the case, it undermines the basis for our own position in Berlin: anything which indicates US acceptance that East Berlin has definitely moved under East German control also means US acceptance that the original basis of our presence in Berlin no longer exists. It is also unacceptable for the Germans.

D. The measures proposed in the paper for the definition of the relationship between the Federal Republic and the Western sectors and for cut-back of the Federal German presence in Berlin are so severe as to result of themselves in the rejection of the whole agreement by the Federal Republic.

6. Therefore, I would think that if adopted in its present form, the draft would have the possible practical effect of reducing some tensions in Berlin but would not protect the US position vis-à-vis the East Germans, would weaken the legal basis of our position, and would not be acceptable to German political opinion.

Summary of Comment on Individual Sections

My analysis of the specific sections which follow leads me to the general conclusion with regard to the negotiations as such that, if the Soviets were prepared to move toward our position on a limited number of very important points, we might be able to meet them with some less important concessions of our own. Thus the Soviets might accept: (A) the use of the word “Berlin” in the preamble, or part I of an agreement; (B) wording on access and on inner-Berlin improvements which contains an explicit Soviet commitment as distinguished from an East German commitment; (C) language which provides for sealed freight conveyances and through trains and buses without controls; and (D) wording on the Federal German presence in the Western sectors which makes clear Soviet acceptance of our authority in our sectors and of the special ties between the FRG and the Western sectors. For our part, we could give the Soviets a little more on Federal presence and on Soviet interests in the Western sectors.

To bring the Soviets to make these compromises would be very difficult. But with sufficient patience and firmness it might be achiev-

able. In my view, to accept less or to give more would probably not result in an agreement which meets that stated criteria of maintaining our position in Berlin in the face of increased East German status, entails sufficient real improvements to have some prospect of diminishing East-West difficulties over Berlin, and is politically acceptable to the Federal Germans.

Preamble and Part I

A. The main purpose of this section as Western Allies have conceived it is to serve as a framework for a statement that the negotiation was carried out on the basis of existing Four Power rights and responsibilities which remain intact.

B. In this sense, large scale re-wording of the proposed Soviet language would be necessary, particularly to excise the reference to “others” and the prohibition against interference in the affairs of others or violations of public security. This is the first of a series of grab-bag, blanket formulations which appear in the Soviet text which are far more significant than they first appear as they could provide a basis, apparently quadripartitely agreed, either for Soviet attempts to interfere in the Western sectors or to annul the agreement.

C. The draft of this section deliberately omits mention of the word “Berlin.” However, it appears most desirable that the agreement contain the word “Berlin” in this section in order that the agreement as a whole will make sense to the public—it would not be considered much of an agreement if it was observed that the contracting parties could not even agree on a name for the area they are negotiating on. The use of the word is also necessary in order to make convincing our claim that the legal status of Berlin has not changed and in order to work against the impression evident in the entire remaining parts that we are concluding a new statute for West Berlin. This last is in effect what is being done in practice, but I think it is essential for the maintenance of our position over the long run that this not appear to be the case in such obtrusive form as to undermine our rights which are based on Berlin as a whole.

D. This issue of the nomenclature for Berlin appears petty but is deadly serious. The Soviet effort in the negotiations is to enshrine in the text of the agreement their official view that there is only one Berlin, the Berlin which is the capital of East Germany, while there also exists a second autonomous city called West Berlin which is governed by the three powers. Acceptance by the three Western powers of this type of designation in the context of an agreement on Berlin would mean that the three powers recognize that the Eastern sector of Berlin was the capital of East Germany, and therefore that they recognize that the original basis for their presence in Berlin no longer existed.

E. Inclusion in this section of a neutral phrase like “Berlin area” to identify the subject matter and indirectly substantiate our claim that the original Four Power status remains untouched is highly desirable and not an excessive demand on our part.

Part II

1. For reasons just stated, nomenclature throughout the remainder of the agreement must I think be “Western sectors of Berlin,” not “West Berlin,” as the Soviets wish to have it.

2. The wording in point 1 of the Soviet draft in effect establishes a separate city of West Berlin and is unacceptable. It is I think essential that a commitment on this subject come from the three powers, that it not leave the implication of Soviet participation as the present wording does, and that it be so formulated as to indicate Soviet acceptance of continued Allied supreme authority in the Western sectors. We should not go beyond committing ourselves to the Soviets that we will maintain in effect limitations we now impose on the FRG-Western sectors relationship. This provision should also contain a positive statement on FRG-Berlin ties. These requirements would seem to me necessary not only for Federal German domestic political purposes, but to protect us in the future against Soviet efforts to claim that Allies no longer have status in the Western sectors or to annul the agreement on account of some FRG activities of which they do not approve.

3. Point 2 on access is in my opinion wholly inadequate and a regression behind what the Soviets have said in the negotiations; it does not represent a commitment of any kind by anyone. This point must I think represent a solid and direct undertaking of the Four Powers or at least of the Soviet Union that surface access to Berlin for civilian persons and goods will be unhindered. This is a key point in the negotiations and the Soviets should be expected to pay this much.

4. Point 3 on inner-Berlin improvements should be drafted as a Four Power or at least a Soviet commitment. The content, after amendment, is passable if the arrangements mentioned are adequate and specified in the annex. This issue is a secondary one in the negotiations.

5. Point 4 on the representation abroad of the Western sectors should not appear in the suggested form, which implies that it is a common Four Power responsibility with Soviet participation. It is a responsibility of the three Western powers, not the USSR, to determine how the Western sectors should be represented abroad.

6. Point 5 on Soviet interests should not appear in this agreement because it has the effect of building up the concept of a separate West Berlin. It is probably necessary to make some concessions in this area, but they should be handled by an exchange of letters between the Western allies and the Soviets. In fact, the Soviets have from time to time indicated that this procedure would be acceptable.

Part III

We have conceived this section as connective tissue. Preferably, it should specify that the annexes constitute an integral part of the agreement, that arrangements set forth in them will be respected, and that the agreement will enter into force when the four governments have confirmed that implementing details worked out by the German authorities are ready to be applied. These objectives would require some expansion of the Soviet wording, but this is not a requirement.

Annex I—FRG-Berlin Relationship

1. The weakness of this entire section as drafted is its nearly totally negative approach to the question of Federal German-Berlin ties. To protect our own interests against future Soviet efforts to interfere in the management of the Western sectors or to claim bad faith on our part, as well as to make the agreement acceptable to the Germans, this section must I think contain elements which are from the Western point of view positive as well as negative ones. This issue has been one of the most important points of discussion in the Federal Republic and the German Government could not in my opinion accept an agreement which did not contain a positive statement on ties. To the extent that this is done in Part II, it need not be repeated here in the annex.

2. In my view, paragraph 1 goes much too far in the negative direction, particularly in its catch-all phrases about actions which would mean extension of Federal authority to West Berlin, interference in its affairs, or use of the territory of West Berlin against the interests of other states. These formulas would provide a basis for Soviet intervention in the affairs of the Western sectors or for an excuse for annulling the agreement. We could in the final analysis accept some limitation on Bundestag committees and factions but in a less extreme form than that indicated. As an extreme concession, we might include some form of prohibition against Federal agencies carrying out activities which mean extension of Federal German governmental authority to the Western sectors. Such a formula would cause great difficulty for the Germans, and would be justifiable only if we could get other crucial points indicated above.

3. Paragraph 2. Wording of this paragraph should I believe be far more positive. It is doubtful whether we should agree to any limitation on FRG meetings of political parties. As an extreme concession, we might agree that such meetings would take place only on invitation of a local Berlin branch of Federal German parties and associations. Such a provision, although highly unpalatable for Brandt, would at least provide adequate coverage in the agreement against Soviet and East German criticisms when such meetings took place. If advanced it should be balanced by positive wording on participation by West

Berliners in FRG organizations and associations, including political parties, and in the international exchanges arranged by them, as well as on meetings of international organizations in Berlin.

4. Paragraph 3 on the Federal German liaison office. The concept has been accepted by the Western Allies. The present Soviet formulation, which implies the status of a diplomatic mission to a foreign country, is not acceptable.

5. Paragraph 4. We have already indicated to the Soviets that we might be willing to say that Federal German military activities will not be permitted in Berlin. In the light of the extensive remilitarization of the Eastern sector of Berlin, however, it would be humiliating for the Western allies to enter into a commitment vis-à-vis the Soviets to maintain the demilitarization of the Western sectors. Moreover, demilitarization is one of those catch-all concepts which could serve as a basis for Soviet interference in the affairs of the Western sectors or for Soviet or East German action to annul the agreement.

6. The same is even more true for paragraph 5. We have indicated that we are willing to take actions on our own outside the framework of the agreement to control NPD activities in the Western sectors, but not to undertake a blanket commitment to prevent political activities the Soviets or GDR do not like. In fact, Abrasimov has stated to me from time to time that a separate unilateral statement is all that is needed.

Annex II—Access

1. The wording of this section is inadequate in that it does not imply any Soviet commitment along with that of the GDR.

2. The references to common international norms and practice in paragraphs 1, 3 and 4 is unacceptable because, as we have told the Soviets, it is an indirect reference to claimed GDR sovereignty over these routes and would provide a legal basis for East German interference with access.

3. We have told the Soviets that an agreement covering access must contain a provision for through trains and buses without East German controls. This is important as symbolizing unhindered access and as an alternative for air travel and would appear to all as a real improvement. It must also contain a point on sealed conveyances for freight without any East German controls. Controls for individuals using their own cars should be radically simplified, but we are not asking for their total relinquishment. The Soviet wording of point 4 on sealing marks an advance but is not yet enough. It will be hard to get these two main points, but it is believed possible.

Annex III—Inner Berlin

This would seem to be generally acceptable if rephrased to represent a Soviet commitment and to cut down on the East German aspects.

Annex IV—Representation of Berlin Abroad

1. In my view, the concepts advanced here represent a start in the right direction but there is a long way to go. We could commit ourselves to the Soviets to maintain the present system, stating that the representation of Berlin abroad remains a reserved right of the three allies, but that we had authorized the Federal Republic to carry out these functions and that we would maintain the present practice of reviewing each treaty concluded by the FRG before applying to Berlin. I feel this would be an extreme concession on our part. We could not as a practical matter ourselves represent the Western sectors in certain fields and the FRG in others. There would be continual argument about whether the Federal Republic was observing the ground rules. We could as an ultimate concession inform the Soviet Union orally that the Western powers would be willing to represent the interests of West Berlin in matters in the UN Security Council. Other than this, I think there would have to be a clear understanding that the FRG represents Berlin in all international organizations including the General Assembly of the UN.

2. The wording of this section would, I believe, have to be radically revised, among other things to eliminate any impression that foreign representation of Berlin was a Four Power matter where the Soviets have a voice rather than an exclusive Three Power responsibility with the Soviets accepting that current Western practice is compatible with the status of Berlin through the act of agreeing to apply it in the USSR.

Annex V—Soviet Interests

1. The subject matter should, as we have indicated to the Soviets, be handled outside the framework of the present agreement as it concerns a relationship among the Four Powers themselves, rather than one which involves the Federal Republic, East Germany or the Berlin Senat. This treatment is our preference, but it does not appear a necessity.

2. A Soviet consulate general in the Western sectors appears unacceptable. Its mere existence would emphasize the existence of a separate city of West Berlin and thus undermine the Four-Power concept. The principles of non-discrimination and most-favored-nation treatment for Soviet interests in West Berlin are vague and broad and it is not clear what commitments we would be undertaking.

3. As I have mentioned in recent messages, we could in my opinion, safely permit the opening of a number of specified commercial offices of Soviet foreign trade associations, Aeroflot and even the grouping of these commercial offices on one premises. We could agree to a little more latitude for such commercial offices in such practical matters as renting more space, etc. We could permit Soviet citizens permanently employed in these firms to reside in the Western sectors within reasonable limits. In the final analysis, we could give them a consulate if they gave us all of the other things we wanted in the agreement,

but we should draw the line at a consulate general as having too much symbolism of a separate West Berlin. Some evaluations by Washington agencies of the significance of the concessions listed above have, I think, been exaggerated.

Final Act

1. The Soviet wording does not sufficiently provide for a Soviet commitment to maintain and carry out the results of the inner-German negotiations or make clear that those negotiations took place pursuant to the quadripartite agreement.

2. It is not sure that the consultation provision as set forth would be to our advantage and it should be treated cautiously.

204. Editorial Note

On March 22, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin for dinner at the Soviet Embassy Residence to discuss several issues, including the Berlin negotiations. Although the exact time of the meeting is not known, Kissinger left for the dinner at 8:10 and returned at 10:45 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) The memorandum of conversation records the discussion on Berlin as follows:

“I told Dobrynin that I had studied the text of the Soviet note [Document 201]. Dobrynin said that he hoped we realized that they had made a major effort to meet us, that none of their formulations had been made worse and many of them had been made better. I said we considered it a positive action on the part of the Soviets that they had submitted a draft prior to bringing it up at the Four Power talks. I also said that on a number of points the Soviets followed the concept of our draft, and that they had made some progress, for example in the matter of FRG representation abroad. On the other hand, there were a number of items which gave us difficulty. I listed them from the summary of comments made on Rush’s cable (attached at Tab A) [Document 203].

“I also said there were a number of other issues. Dobrynin pointed out that it would be better if I gave him the whole list in writing. I told him therefore I would give him those in writing the next day on an unsigned sheet of paper. The list is attached at Tab B.

“Dobrynin then asked how we could proceed in the future. I told him that it was quite conceivable that our Ambassador would com-

ment on his draft along the line of the comments that I had already made, and that a negotiation might develop in this manner. Dobrynin asked me whether the Ambassadors could meet privately. I said as far as I knew they had already met privately. Dobrynin asked whether I could send instructions to Rush to meet privately with Abrasimov. I said as far as I understood Rush did not need any instructions. At any rate that was not an insuperable issue as long as Dobrynin and I understood each other. Dobrynin then said it was very important for me to submit these comments to him as soon as possible so that they could be considered hopefully before the meeting on the 26th of the Four Powers. It was not possible to find them reflected in the Four Power document then, but I could be sure that they would be taken very seriously in the subsequent negotiations." (National Archives, Nixon Presidential Materials, NSF Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 1])

After meeting Dobrynin, Kissinger sent the following message to Rush via special channel:

"I had a long talk with Dobrynin this evening. I presented in effect the first paragraph of your 'Summary of Comment on Individual Sections' minus the possible concessions. I also said that the phrase 'Western Sectors' of Berlin has to be substituted for Berlin/West.

"Dobrynin replied that he would appreciate our formulation of the Soviet commitment for access and inner-city improvements. He also wants our wording on Federal presence. This will not be incorporated in the Soviet draft to be presented on March 25. It will be used to develop subsequent instructions for Abrasimov. May I have your suggestions by return cable.

"Dobrynin also asked me to give him additional comments. May I give him essence of your other comments minus the fall-back portions?

"Finally, Dobrynin asks whether you could be instructed to discuss our comments at occasional private meetings with Abrasimov. Since Dobrynin is leaving for Moscow I promised him an answer on both our formulations and your meetings with Abrasimov by close of business Tuesday, March 23.

"Warm regards." (Ibid., Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2 [2 of 2])

Late on the afternoon of March 23, Kissinger and Dobrynin continued their discussion of the Berlin negotiations by telephone. The following is an excerpt from a transcript of the conversation:

"K: I am going to send over some partial comments.

"D: That would be helpful.

"K: On the draft.

"D: I remember.

"K: But I want you to understand these are not phrased in polite diplomatic language.

"D: I understand.

"K: They are phrased in terms of what is acceptable and what is not. We will instruct our Ambassador accordingly.

"D: Just indicates the direction of your thinking?

"K: Yes, they are not formal and are all negative.

"D: They are all negative. There must have been something positive.

"K: I told you the positives yesterday—these are the things we want changed. But we do not have an exact formulation. We will try to have that tomorrow, but have indicated what we want.

"D: Those four major things?

"K: They are in there. Was that all you wanted? I gave you comments on every section.

"D: That is fine.

"K: But we will approach it in a positive spirit. One point on which I may have misled you. We are prepared to upgrade the commercial representation you have there, but we cannot do anything that has diplomatic status. But this is informal—not in the document.

"D: Okay. I understand. I am going to Moscow on Saturday [March 27]. I know you are leaving on Friday. If I have any questions I will drop them in the mail to you before Friday.

"K: Okay, Friday afternoon is when I leave." (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Conversations, Chronological File)

The list of partial comments, based on suggestions in the message from Rush to Kissinger of March 21 (Document 203), reads:

"1. Point 1 should contain a positive statement on FRG-Berlin ties and indicate Soviet acceptance of the continued Supreme Authority of the three Western Powers in the Western Sectors.

"2. Point 2 on access must represent a solid undertaking at least of the Soviet Union that surface access to Berlin for civilian persons and goods will be unhindered.

"3. Point 3 on inner-Berlin improvements should be drafted as a Four Power or at least a Soviet commitment.

"4. Point 4 on the representation abroad of the Western Sectors should be drafted to reflect the fact that it is a responsibility of the three Western Powers, not the Soviet Union, to determine how the Western Sectors should be represented abroad." (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 1])

205. **Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, March 23, 1971.

Very interested in your message of March 22.² We have just received word that Abrasimov will not be available for the scheduled Four-Power talk on March 25, and the date has now been set for Friday, the 26th. This is because he has been called to Moscow for instructions, which of course fits into your discussions with Dobrynin and his return to Moscow.

I am enclosing our formulation of what the Soviet commitment for access and inner-city improvements should be and also of what the wording on Federal presence should be.

I think that it would be in order for you to give to Dobrynin the essence of my comments in the message of March 21,³ minus the fall-back portions. In fact, I think it would be desirable to do so, since these would have the added weight of coming from you.

I think it would be all right for me to be instructed to discuss our comments at occasional private meetings with Abrasimov. This must be handled with extreme care, but that can be done.

Warm regards, and many thanks for keeping me so fully informed on your discussions.⁴

Our Formula on Federal Presence

1. In the exercise of their supreme authority with respect to the Western sectors of Berlin, the three governments determine the nature and extent of the relationship between the Western sectors of Berlin and the Federal Republic of Germany. They approve special ties

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret; Sensitive; Eyes Only. The message was sent through the special Navy channel in Frankfurt; a handwritten note indicates that it was received in Washington at 0054Z, March 24. (7:54 p.m., March 23).

² See Document 204.

³ Document 203.

⁴ At 9:58 a.m. on March 24, Kissinger called Dobrynin to discuss the message from Rush. Kissinger: "I have just had a message from Bonn. I need to discuss it with you right away. We have many visitors around here. Could I come right over?" Dobrynin: "It's quite all right with me." Kissinger: "I will be there in 10 minutes." (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Conversations, Chronological File) According to Kissinger's Record of Schedule, he met Dobrynin on March 24 from 10:05 to 10:26 a.m. (Ibid., Box 438, Miscellany, 1968–76) No substantive record of the meeting has been found.

between their sectors and the Federal Republic of Germany, including the representation of those sectors abroad.

2. The three powers state that the Western sectors of Berlin are not to be regarded as a Land of the Federal Republic of Germany and are not governed by it. The provisions of the Basic Law of the Federal Republic of Germany and the constitution of Berlin which indicate to the contrary have been suspended by the three governments and remain suspended.

3. The relationship between the Western sectors and the Federal Republic of Germany described above and in Annex III will be respected by all signatories of this agreement.

Formula on Access

1. Civilian surface traffic by road, rail and waterways between the Western sectors of Berlin and the Federal Republic of Germany shall be unhindered for all persons and goods. Complications on the routes utilized by such traffic shall be avoided, and the movement of persons and goods shall be facilitated. Persons and goods identified as moving between the Western sectors and the Federal Republic of Germany and the routes utilized by such traffic shall be permitted to do so without delay. Detailed arrangements concerning civilian access on surface routes are set forth in Annex I. Measures to implement them will be agreed between the appropriate German authorities.

2. In order to deal quickly and effectively with any hindrances, complications, or delays in such movement arrangements will be maintained for consultation in Berlin between the representatives of the Four Powers.

Note: The introductory sentence and paragraphs 1, 2, 3, and 6 of Annex I are essentials.

Formula on Inner-Berlin

1. Permanent residents of the Western sectors of Berlin will be able to visit and travel in contiguous areas under conditions no more restrictive than those existing at present for permanent residents of the Federal Republic of Germany. Facilities and arrangements to support expanded telecommunications, visits and travel by such residents shall be made available and improved. It is agreed that the problems of small areas which form part of the Western sectors, which are separated from them or which are difficult to reach, in particular Steinstuecken, shall be solved by exchange of territory. Detailed arrangements on all these subjects are set forth in Annex II. Measures to implement them will be taken by the appropriate German authorities.

Note: The omission of the references to the "city," etc., in this section would have to be compensated by a reference to the "Berlin area" in the preamble or part I.

206. Telegram From the Department of State to the Embassy in Germany¹

Washington, March 23, 1971, 1526Z.

48299. Subj: Berlin Talks—Soviet Presence in Western Sectors. Ref: Bonn 3092.² For Ambassador from the Secretary.

1. The question of whether the US should agree to offer the Soviets an additional presence in West Berlin as part of a Berlin settlement has been studied extensively in Washington during the preparation of an inter-agency paper on the Berlin talks for the Senior Review Group. It is also dealt with in a subsequent memorandum which has just been sent to the White House with my approval.³ In this memorandum it is recommended that the President agree to the following relevant paragraph for inclusion in NSDM 91:⁴ "If a settlement, which would be in the Western interest because of Soviet concessions in other areas becomes dependent on this issue, the US could agree to a limited increase in the number of Soviet offices in West Berlin as long as they would not have the status of an official Soviet representation. Similarly an increased Soviet presence can be accepted if compensated by an increased Western presence in East Berlin. In either case, however, this should be arranged under a separate understanding and not as part of the Four Power Berlin agreement."

2. In the way of background, you will recall that the basic US position paper⁵ provides that we can agree to minor increases in the Soviet presence in West Berlin, but only in return for an increased Allied presence in East Berlin. In order to maintain Western unity we accepted language in the Agreed Basis for a Possible Four-Power Agreement according to which limited Soviet offices might be accepted in West Berlin "subject to appropriate counter concessions." We continued to interpret this to mean a commensurate increase in the Allied presence in

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Exdis. Drafted by Sutterlin on March 19; cleared by Hillenbrand, Dubs, Brower, Sonnenfeldt, and Rich; and approved by Rogers. Repeated to Berlin. In a March 20 memorandum forwarding the draft telegram to Rogers, Hillenbrand explained: "Ambassador Rush considers that it would be desirable for the Western side to table a proposal for a minimal increase in Soviet offices in West Berlin at this point in order to avoid a complete impasse in the Berlin negotiations." "While it may in time be necessary to agree to a limited increase in the Soviet presence," he continued, "we do not believe this is warranted now." (Ibid.)

² Document 199.

³ See Document 216 and footnote 4 thereto.

⁴ Document 136.

⁵ See Document 63.

East Berlin. We realize, however, that the prospects of achieving an increased Allied presence in East Berlin under acceptable conditions would not be promising even if the British, French and Germans would agree to the tabling of our proposal for a US cultural center. We would not wish the effort to reach a Berlin agreement to fail seemingly because of US refusal to concur in limited additional Soviet offices in West Berlin. It is for this reason that we are seeking the President's approval for the language I have quoted, since it will give us some flexibility in dealing with this question.

3. The new language, as you will have noted, would not, if approved, rule out the kind of offer you have in mind, under all circumstances. I do feel, however, that an offer which is not tied to an increased Western presence in East Berlin would not be warranted at this point for the following reasons:

(a) If there is an impasse in the Berlin negotiations at the present time it results from three causes (1) the Soviet and GDR tactic of seeking agreement between German authorities rather than among Four Powers in order to enhance the GDR's status; (2) Soviet refusal to make any clearly defined concessions until the Western side offers a greater reduction in the Federal political presence in West Berlin than is covered by the Constitutional organs formula; and (3) Soviet immobility prior to the CPSU Congress. An offer of limited additional Soviet offices in West Berlin is not likely to break an impasse resulting from any or all of the above causes.

(b) Under the circumstances the likelihood exists that anything offered on the Soviet presence at this point in the negotiations would be pocketed by the Soviets without any Soviet concessions in return.

(c) The USSR is not likely to let negotiations founder because of the absence of a firm Western offer on Soviet presence at this point. It may for other reasons, but insofar as additional offices in West Berlin are concerned Abrasimov—rightly or wrongly—probably assumes from remarks already made by the British Ambassador that some increase can be achieved as part of an overall understanding.

(d) At present we do not know whether the Soviets are prepared to make any substantial concessions in the interest of reaching agreement. The chances of a worthwhile agreement can only be assessed on the basis of offers made by the USSR, not on Soviet willingness to keep talking because of offers the Western side makes.

(e) At a later stage, when and if some progress has been made on the major issue of access, concurrence in additional Soviet offices could conceivably be necessary in gaining other objectives, the achievement of which would add materially to the value of the agreement.

4. I realize that there is a tendency on the part of our Allies to interpret the US position on an increased Soviet presence as indicative

of a negative US attitude toward the talks. As you know, this is not our attitude. We wish to achieve a worthwhile agreement and to ensure that such leverage as we have is used effectively to this end. If you believe it useful, you are authorized to inform your colleagues of the reasoning outlined in this message without, of course, reference to the current memorandum to the President. You may also emphasize the point made in State 38634⁶ that we will carefully weigh the Soviet presence issue against the value of an agreement as a whole, if the Soviet position develops in a way to suggest that an agreement can be reached.

5. I will inform you further as soon as the President has considered the memorandum.

Rogers

⁶ See footnote 2, Document 199.

207. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, March 24, 1971.

1. I have just received a copy of an Exdis cable from Berlin (reftel secret Berlin 545),² a copy of which is of course in the White House, reading as follows:

“Subject: Berlin Talks: Abrasimov’s Request for Private Meeting With Ambassador Rush.

1. Confirming Klein–Fessenden telecon, Kvitsinskiy last night conveyed to US Abrasimov’s urgent request for a private meeting with

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2]. Top Secret; Sensitive; Eyes Only. The message was sent through the special Navy channel in Frankfurt; a handwritten note indicates that it was received in Washington at 2028Z. Evidently on the basis of this message from Rush, Kissinger briefed the President by telephone at 7:25 that evening: “There was a little screwup—Abrasimov asked for a private meeting with Rush to ratify some things Dobrynin and I had to discuss—little screwup in the bureaucracy but Rush handled it beautifully.” Nixon replied: “Fine.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Conversations, Chronological File)

² Dated March 24. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

Ambassador Rush at 2 p.m. on March 25. In so doing, he alluded to some recent contact between Soviet and US Governments and said he assumed Ambassador Rush would receive appropriate instructions from Washington. Without elaborating, he also said that as a result of this development the two Ambassadors might have to stay in almost constant touch. Furthermore, he stressed need for keeping Abrasimov's request strictly confidential, including from British and French.

2. Klein said he would convey request and be in touch as soon as he had appropriate instructions from Ambassador Rush.
Morris"

This cable was, of course, sent without my prior knowledge, and I cannot understand why Abrasimov made the reference to recent contact between the Soviet and United States Governments. No blame, of course, should attach to anyone in the Berlin Mission for sending the cable since they have no knowledge whatever of any contact between you and Dobrynin.

In any event, this cable has now had Exdis distribution and will doubtless give rise to questions both here and in Washington. I believe that I can handle the matter adequately here by categorizing it as another divisive tactic of the Russians. When I see Abrasimov tomorrow, I shall advise him that he is to make no further such reference in the future, and when I do so advise him I will have only his interpreter, not mine, present.

You may consider it advisable, through the Dobrynin channel, to warn Abrasimov against making any reference to your contact in the future.

2. The French Ambassador advised me today that Abrasimov has requested a private meeting with him on March 26 or 27 and has asked him to keep the meeting entirely confidential, including from U.S. and British, so Abrasimov is evidently following the same tactics with the French.³ The British Ambassador has had no such message from Abrasimov, so he evidently is *persona non grata*!

³ In telegram 3481 from Bonn, March 24 (1145Z), Rush reported that Sauvagnargues had received "a similar approach from Abrasimov for a strictly private meeting, also with the same request that the others not be told." (Ibid.) Kissinger raised the issue during a telephone conversation with Dobrynin at 10:45 a.m. on March 24: "I just found out that your super-active ambassador [Abrasimov] there has asked for others too, separately, telling them all not to tell the others which is a brilliant move. Under those conditions it would be wrong to cancel with ours. He should make it formal and make no reference to anything else." After a brief discussion of the situation, Kissinger suggested: "What he [Abrasimov] should do is have a meeting tomorrow with ours [Rush] on the basis of showing advance copy of the text and no reference to anything else." Dobrynin: "I am sure he has instructions. Probably in a general way. As for reference—" Kissinger: "He must not mention names or contacts." Dobrynin promised to send an "additional warning" to Moscow on the matter. (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Conversations, Chronological File)

3. It is most regrettable that evidently through mechanical problems in transmittal my message of yesterday⁴ was delayed in Frankfurt over five hours. I hope that it reached you in time for use with Dobrynin.

4. If anything of interest comes up in the Abrasimov talks, I will keep you fully advised but for secrecy reasons cannot do so until I return to Bonn next Monday.⁵

Warm regards.

⁴ Document 205.

⁵ In telegram 552 from Berlin, March 25, the Mission reported: "Soviet protocol officer Khrustalev called on Mission officer morning of March 25 to inform us Abrasimov regretfully could not make March 25 appointment with Ambassador Rush. Khrustalev explained, with numerous apologies, that Abrasimov had returned from Moscow later than Embassy had expected and was compelled to devote entire day to working on documents for March Four-Power meeting. Abrasimov, said Khrustalev, proposed arranging meeting for after CPSU Congress." (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

208. Editorial Note

On March 25, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 5 to 6:50 p.m. to discuss Berlin and other issues before they both left Washington: Kissinger to accompany the President to San Clemente; and Dobrynin to attend the 24th Congress of the Soviet Communist Party in Moscow. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the two men discussed Berlin as follows:

"At the beginning I handed Dobrynin the formulas on access, on inter-Berlin arrangements, and on Federal presence that Rush had submitted to me [see Document 205]. Dobrynin took them and he said that he noted that even in this channel we rather stubbornly clung to our position. I said so far we had made the major concessions in this channel, but in any event all the channel guaranteed was greater speed, not greater concessions.

"Dobrynin then went through the partial comments I had given him [see Document 204] and asked for clarification. He said he wanted to know first of all whether, except for the comments I had made, all other points would be acceptable. Specifically he wanted to know

whether with respect to the Soviet presence the only thing that was objectionable was the Consulate and everything else was acceptable. I told him that anything that had a diplomatic status was probably not acceptable. Dobrynin said that this presented major problems for the Soviet Union because obviously every enterprise was a State enterprise and their representatives abroad were State officials.

“Dobrynin also wondered whether I could assure him that there would be non-discriminatory treatment of Soviet concerns in West Berlin. I said I would have to check this since this was a technical point. He asked if I were implying that we wanted to write into an agreement discriminatory treatment of Soviet interests. I replied that I was not implying anything; I just had to check it in order to make sure that I knew what I was talking about. I would let him know as soon as possible.

Dobrynin said it was important for him to be able to show some movement on our side, since we had asked for some major commitment from them on access and other issues. He then asked a number of specific questions about every part, the gist in each case being whether, except for the comments, we were accepting all the other points. I replied that he had to understand that I was not conducting any negotiation; I was just giving him the general sense. For example, I said, I had not pointed out, because it seemed to me premature, the fact that we objected to the demilitarization clause in their draft. It was not that we were quite prepared to say that Federal military activities would not be permitted in Berlin. We could not accept a blanket demilitarization clause, considering their remilitarization of East Berlin. I also pointed out that we could not accept the term ‘West Berlin’; we needed the phrases I had submitted to him in my Partial Comments.

“Dobrynin then raised the question of Federal presence and asked again whether, except for the formulations which we were submitting, the other Soviet formulations were acceptable. I said I doubted whether complete prohibitions of committee meetings and party meetings were acceptable, but that we might look for some formula that moved toward the Soviet position. He said, ‘may I report to Moscow that you will move far enough towards the Soviet position?’ I said I don’t know what ‘far enough’ means. I said I thought the best thing to say was that if the Soviet position on access becomes more flexible we will move towards theirs on the Federal presence issue.

“Dobrynin next asked why we asked for an additional Soviet commitment on access when the introductory paragraph is verbatim what we had handed them in the draft of the annex on access procedures. He said that he could understand that we wanted different access regulations, so he thought it was an abstruse point which depended entirely on the inter-German negotiations, not on anything that we would

settle in the abstract. He added he could understand why we would hold out on the technical issues, but what about the commitment issue? I told him I would check and let him know.

“Finally, Dobrynin asked how the ambassadors could proceed with their work. I suggested the following procedure.

“I said that on the occasion of the next meeting of the four ambassadors, whenever that would be, Abrasimov could request a private meeting with Rush. That private meeting would be perfectly logical since it would follow on the aborted meeting of the 25th. Then Abrasimov should discuss with Rush the text of the Soviet submission of March 26. Rush would follow essentially the same points that I had already submitted as partial comments. At the end of the meeting Abrasimov and Rush should talk with only the Soviet interpreter present, to work out any procedures they might wish for additional meetings. However, it was imperative that Abrasimov make no reference to our channel while there are other Americans in the room with Rush. Rush was the only American who to my knowledge knew everything about the procedures and about the the negotiations. Dobrynin said he would see to it and that this procedure would be followed.” (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 1])

On March 25 and 26 Kissinger and Dobrynin followed up their discussion of the Berlin negotiations by telephone. Kissinger called at 7:30 p.m. on March 25 to reply to Dobrynin’s queries on Soviet presence in West Berlin.

“K: I wanted to give you an answer if you would stop interrupting me (laughter). On the commercial business, no problem about equal status and so we are against discrimination.

“D: After one hour of thought, I thought you would come to this conclusion.

“K: See, you tell your Government you scored a tremendous victory.

“D: When I say equal they will say naturally.

“K: The last point—consulate general—we can be quite flexible about commercial enterprises. So, you can assume that most of the items on your list are acceptable. We want a little flexibility. And the other points on commitment and on the other two items—I have found a way of communicating there and I will have an answer before tomorrow evening.

“D: Fine.

“K: But the general sense which I gave you is almost certainly correct.

“D: Thank you very much. I always was thinking and deeply believed you were a very efficient man.

“K: You also think that I am easily flattered.

“D: Oh, no, no, no, come on!!

“K: When we are both out of government service, which will be a lot later for you than me, I hope you will let me read the reports you send in on me.

“D: I can tell you before. When I get back I will tell you.

“K: I will probably talk to you tomorrow. If not, I will put it in an envelope and leave it for General Haig. In that case I would call you Saturday [March 27] morning.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Conversations, Chronological File)

In a telephone conversation with Dobrynin at 3:32 p.m. on March 26, Kissinger addressed several issues outstanding from their meeting the previous evening.

“K: Look, I want to clean up the items from yesterday. I gave you one answer already. On the access formulation, we will review our formulations and will carefully compare them with yours to see to what extent they are, in fact, in accord.

“D: Our two Ambassadors could do that meanwhile.

“K: On the formulation we gave you and the formulation you gave back.

“D: Your last proposal?

“K: I will have that reviewed in Bonn and presumably our two Ambassadors can look at it.

“D: It’s better not to mention it for the time-being?

“K: This is something I can tell Vorontsov (while you are away?) The access question can be discussed by our Ambassadors. Secondly, on the other points, on the committees and on the party, I can only repeat what I said before—if we can make progress on access, we will make every effort to move toward your position. We don’t like the phrase ‘far enough.’ We don’t know what it means.

“D: You will use your formula?

“K: We will make every effort to move toward your position. We will—in the spirit of what I have already told you.” (Ibid.)

At 8:20 p.m. on March 26, shortly after Kissinger arrived in San Clemente, the two men reviewed by telephone how to proceed on Berlin over the next several weeks, when, due primarily to Dobrynin’s absence from Washington, they would not be able to negotiate through the confidential channel.

“K: I have great confidence in your influence in Moscow. You remember I got you an answer within 24 hours on Berlin.

“D: But in this there are more countries involved in this Congress. It is difficult for me to go and say wait one week to the others and I will take up my business.

“K: I understand. On Berlin. It is best thing we get Ambassadors started as soon as—

“D: I think on 16th of April?

“K: We proceed as we discussed yesterday.

“D: They will begin and when they have difficulty then our channel will be again taken up. You will not forget to send instructions.

“K: Yes I will. But you tell Abrasimov to be somewhat cautious at first until we see how the communications work out.

“D: As you proposed they will proceed.

“K: I will be in touch with our Ambassador. If we have any questions on the technical things we can get in touch with Vorontsov. Is that the way you want it done?

“D: Vorontsov. In some cases that is not good but in this case it is OK to go through him.

“K: I have had no answer from Rush.

“D: They will discuss and then they will talk—it is difficult for me to say for them. I think 2 grown up men can work out and agree on these administrative details don’t you?

“K: I think so. However, I have heard that Abrasimov is more difficult to discuss things with than you.

“D: He could not be worse than me. I am easiest fellow to discuss everything with.

“K: I will now see what influence you have in Moscow. Have a good trip.” (Ibid.)

In a special channel message on March 25, Kissinger briefed Rush on the discussion of Berlin during his meeting with Dobrynin.

“When Dobrynin read the requirement about a Soviet commitment on access he professed puzzlement. He said the Soviet introductory paragraph contained the precise language of the formulation on access which you had sent me. What do I say prior to his departure?

“Also, Dobrynin asked whether the questions raised on the Federal Presence and our re-formulations exhaust our objections. Specifically do we agree in barring committee meetings? I told him that provided access formulations were acceptable, some limitations on committee meetings could be considered.

“As for the prohibition on political parties’ congresses in the Soviet draft I told him this was unacceptable in this form but that you might discuss this with Abrasimov provided again access formulations proved acceptable. I put this forward as a personal idea subject to correction before his departure.

“Can you let me have your views soonest since Dobrynin is leaving Friday [March 26] evening for Moscow and I for San Clemente.

“Warm regards.” (Ibid., Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1 [2 of 2])

In an attached note, Kissinger instructed Captain Holschuh: “This message should be delivered to Ambassador Rush by you in Berlin at approximately 1:00 p.m. Berlin time, Friday, March 26, 1971. Ambassador Rush will be at his residence in Berlin. You should then await a reply which will be prepared by Ambassador Rush before departing Berlin.” (Ibid.)

Rush replied by special channel on March 26:

“Sorry that this must be hurried but the three Ambassadors are with me as my guests and I can only leave them for a short while.

“On access I suggest you tell him that our respective formulations will be carefully compared and we will then see to what extent they are in accord.

“Your comments to him on the other points are excellent and represent all we can say just now.

“I shall send a further message to you Monday [March 29] when I return to Bonn.

“Best wishes for some rest at San Clemente.” (Ibid.)

209. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, March 27, 1971.

SUBJECT

Berlin: Soviets Table a Counter draft Agreement²

The March 26 anniversary session of the Ambassadorial talks did not produce much movement in the oral discussions. A large portion of the meeting was devoted to Ambassador Rush’s statement countering recent Soviet claims that Berlin was originally a part of the Soviet

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 691, Country Files, Europe, Germany (Berlin), Vol. III. Secret. Sent for information. The memorandum was apparently forwarded to Kissinger, who departed for San Clemente at 4:58 p.m. on March 26 and returned to Washington at 7:25 p.m. on April 5. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76)

² See Document 201.

Zone. (The cables reporting the meeting are being sent to you, Berlin 570 and 571.)³

The highlight of the session, as expected, was Abrasimov's tabling of a counterdraft to the Western February 5 text.⁴ (The text is also being sent to you, Berlin 573.)⁵ There was no serious discussion of the text, but the Three Ambassadors promised to study it before the next meeting on April 16.

At first glance, the Soviet draft resembles the *format* of the Western draft in that there is a Four Power document, with several annexes, and then a final act which notes related inter-German agreements. In fact, however, the Four Power document contains specific language and a clear quadripartite role only with respect to the separation of Bonn and Berlin, and Soviets interests in West Berlin. In the areas of access and inner-Berlin communications, the Four Power document is less than hortative: it notes that the Four envisage agreements between the competent authorities; the related annexes make clear that the Soviets are simply informing the Three of what the GDR is prepared to do. The Final Act notes that the German agreements will enter into force at the same time as the Four Power agreement, and that all the agreements are related in the sense that a breach of one would invalidate all. Enforcement responsibilities are not raised.

Some of the *terminology* is interesting. The Soviets have employed the term "Berlin (West)" for the first time.⁶ The term "Berlin" never appears in any of the documents, thus making it plain—despite the fuzzy language of part I—that the Four have reached an agreement which relates only to West Berlin. Also, in several instances, the description of the Three Power rights in West Berlin suggests that the Three have only a limited "competence" and not supreme authority. Coupling this with the phrasing dealing with Soviet presence in West Berlin plainly evidences some form of Four Power status for West Berlin.

Substantively, there is not a great deal of forward movement. However, on *Federal presence*, there is a new formulation prohibiting virtually all Federal organs (including Bundestag committees and

³ Both dated March 26; attached but not printed. (Also in National Archives, RG 59, Central Files 1970–73, POL 38–6)

⁴ See Document 173.

⁵ Dated March 26; attached but not printed. (Also in National Archives, RG 59, Central Files 1970–73, POL 38–6)

⁶ This time [*term*] was also used in a Brandt public statement to Barzel on March 22, which cause some discomfort. The term is fine in describing the Bonn/Berlin relationship, and indeed is customary in many Federal texts and laws. However, by using it also, as Brandt did, in relation to a new Four Power agreement on Berlin (West), does carry the implication of an acknowledgement of a separate entity. [Footnote in the source text.]

fraktionen) from activities which signify an extension of their competence. There is a flat prohibition of national party congresses and conventions. On *access*, the Soviets will inform us that the GDR will agree to civilian transit on the basis of international norms without interruption. The only specific commitment is a suggestion that freight could be sealed prior to entering the GDR, though the GDR expressly reserves the right to spot check.

The GDR will also agree to visits to East Berlin and the GDR, as well as some improvement for phone lines and other *inner-Berlin* communications. As previously hinted, the Soviets have handled the issue of Berlin's *representation abroad* by use of an annex containing Three Power and Soviet communications. This had been billed earlier as an effort to permit both sides to maintain their respective principles, but to permit agreement where they overlapped. The result is that the FRG may provide consular protection to West Berliners abroad (not in the GDR, however), and non-military and non-political treaties of the FRG might be extended to West Berlin.

Finally, the Four Powers agree in the main document to respect "*Soviet interests*" in West Berlin, and Annex V contains a communication from the Three to the Soviets with more details. The communication notes the agreement of the Three for the opening of a Consulate General and MFN treatment for Soviet economic relations with West Berlin.

Thus, at first glance the Soviet counterdraft seems to contain some advances from the earlier Soviet positions, but clearly is very far from what could be accepted by the Western side. We shall be reviewing this further, and pulling together comments as they are received.⁷

⁷ In telegram 3664 from Bonn, March 28, the Embassy provided the following assessment: "The fact that the overall form of the Soviet draft is relatively close to the Western paper of February 5 and that it covers all the topics we have raised in the talks (together with others we would prefer not to include), is its most positive aspect. We can now be relatively sure that a possible agreement might include some reference to Four Power rights, a statement that the present agreement did not affect them, formulations on access, inner-Berlin, and FRG-Berlin ties, and that it would be followed by inner-German negotiations and a subsequent Four Power wrap-up." "As regards substantive content," the Embassy continued, "the draft demonstrates Soviet determination to drive the hardest possible bargain on Berlin. We can assume it represents a maximum position." (National Archives, RG 59, Central Files 1970–73, POL 28 GER B) In an April 2 letter to Fessenden, Sutterlin commented: "The tabling of the Soviet draft last week can hardly be said to usher in a new stage in the negotiations. Rather it seems to me to highlight a number of the very serious and perhaps insurmountable problems we face in the negotiations." "I fear that in the process of negotiating on these drafts," Sutterlin explained, "the Western negotiators may place so much emphasis on expectations which are hardly realizable that it becomes increasingly difficult to deal with pragmatic improvements which might be achievable." (Department of State, EUR/CE Files: Lot 85 D 330, JD Correspondence 1971)

210. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, March 28, 1971.

1. As you have heard through our cables, Abrasimov cancelled the private meeting with me on Thursday, March 25 and also the private meeting to be held with Ambassador Sauvagnargues on the 26th. Evidently, and hopefully, he was called off by his superiors in Moscow. I am still puzzled as to why he sent our Berlin office the message quoted in my back channel to you of March 24.² It may have been that he wished to torpedo the talks between you and Dobrynin. How much Abrasimov knows about these talks I do not know. He made no reference to his message or his cancellation of the April [March] 25 meeting when I saw him on the 26th.

2. Early in the morning of March 25, I received through Sutterlin the following telephonic message from Secretary Rogers:

"The Secretary wants the Ambassador to know that, while this may not come up during his conversation with Abrasimov today, the Secretary met Dobrynin at a recent dinner of the Gridiron Club. In conversation the subject of Berlin did come up in a general way. If Abrasimov refers to this, the Ambassador should only listen and report."

This, as you doubtless know, was subsequently confirmed by cable (State 051636).³ This discussion is now generally interpreted here as being the negotiations going on in Washington referred to by Abrasimov.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Eyes Only. The message was sent through the special Navy channel in Frankfurt; a handwritten note indicates that it was received in Washington on March 29. The message was apparently forwarded to Kissinger in San Clemente.

² See Document 207.

³ Kissinger wrote and underscored in the margin: "Get me these cables [*sic*]." In telegram 51636 to Bonn, March 27, the Department reported: "During meeting devoted largely to other subject, Dobrynin raised Berlin and asked whether Secretary had anything new to convey to Gromyko, whom Dobrynin would be seeing during 24th Party Congress. After Secretary replied in the negative, Dobrynin said Soviet side would be presenting new formulations during Ambassadorial meeting which represented movement toward Allied positions. Soviets hoped these would be studied with care by U.S. Government. Dobrynin then asked whether Secretary saw any need at this particular time to elevate level of discussions. Secretary replied that this possibility had been mentioned previously, and we would be prepared to consider matter if we get to a point where we felt this would be helpful. Dobrynin said he fully understood." (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

3. As you know, Abrasimov did table the Russian draft of proposed agreement on April [*March*] 26. I am sorry I was not able to go into more detail in my message to you of that day⁴ for use that evening with Dobrynin, but unfortunately, as Chairman of the day and as host at lunch, I was tied up with the other three Ambassadors until very late in the afternoon, too late for me to send you a full analysis for use that evening. In fact, with regard to access there is very little I could have added to the objections I raised concerning the Russian draft in my message to you of March 21.⁵

We will now make a very careful analysis of the Russian draft and will, of course, be sending cablegrams on this as soon as the analysis is completed by us, working in collaboration with the FRG as well as the British and French.

4. Bahr, probably as suggested by Brandt, is developing a very frank and friendly relationship with me and is very fully, and accurately I believe, telling me what he is doing and the pertinent thinking and actions taking place within the Federal Government about Berlin and other matters. I am anxious to preserve this relationship and accordingly I am keeping it as secret as is feasible.

At a meeting on March 24, he told me he had been designated by Brandt to work secretly with Barzel to arrange a joint approach with regard to federal presence in Berlin, particularly with regard to committee and Fraktionen meetings.⁶ The next day, March 25, he called me early in the morning and came to my residence in Bad Godesberg at noon just before I was to leave for Berlin. He said he had been contacted by the Soviets and requested to meet with Falin in Berlin that evening, that he would do so, and that he would inform me afterward of the results if I wished. I agreed to meet him in Berlin after his talk with Falin.⁷

⁴ See Document 208.

⁵ Document 203.

⁶ During the March 24 meeting, Bahr also told Rush that the West Germans “would accept any arrangements the Allies finally reach with the Soviets” on Soviet presence in West Berlin. “The only step they definitely would not approve would be the opening of a Soviet consulate general in West Berlin.” (Telegram 3531 from Bonn, March 24; National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁷ In a March 26 message to Kissinger, Bahr reported on his discussion with Falin. The text, as translated from the original German by the editor, reads: “1) Falin, whom I met yesterday evening in West Berlin at his request, gave me the Soviet paper on Berlin with several clarifications. I informed Ken Rush in detail last night. 2) I will make a statement on it for you in the coming days. 3) Falin, whose wife nearly died from illness, now wants to be in Bonn immediately after Easter. 4) His primary point: the Western powers would not be able to receive rights in a Berlin agreement that they do not already have. 5) He expressed doubt regarding the American intention to reach a conclusion. I contradicted him. If Moscow gains the impression that Washington is going to be

Bahr came to my house in Berlin at 11 p.m. the same night and stayed for about an hour.⁸ He told me that because he had been designated by Chancellor Brandt as the official in the Federal German Government with chief responsibility for Berlin matters and because Falin had been assigned supervisory responsibility for Berlin issues by the Soviet Government and was thus in a way Bahr's counterpart, he had been meeting with Falin quite frequently to discuss Berlin and other issues.

On the present occasion, Bahr said, Falin told him that Abrasimov would table a draft Berlin agreement in the next day's Ambassadorial meeting. He gave Bahr a copy of the draft and reviewed its contents with him.

Falin and Bahr also discussed the FRG-Soviet civil air negotiations, now stalled over the question of inclusion of Tegel as an intermediate landing point. Falin stated that landings in the west sectors were a Four Power matter and could only be decided by the Four Powers together.

According to Bahr, there was a discussion of the Bahr-Kohl talks, in which Bahr developed the agreed western line that he would not discuss Berlin access questions until there had been prior Four Power agreement on the fundamentals of Berlin access.

Falin had told Bahr of Falin's difficulties in connection with presenting his credentials in Bonn, stating that his wife had almost lost her life and might have died within an hour had she not been operated on

serious, he would be prepared to conduct negotiations directly in Bonn with Rush. 6) To his inquiry regarding the talks with Kohl, I answered that we wanted the four powers finally to deal with and give priority to the 'access' issue. Surprisingly, he did not disagree. Yours." (Ibid., Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]) For the German text of Bahr's message, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. 1, pp. 508–509. See also Bahr, *Zu meiner Zeit*, p. 359.

⁸ This account of Rush's meeting with Bahr is based largely upon a March 26 letter to Hillenbrand in which Rush also explained: "I am sending you this information by letter not only because it is sensitive information, but because I believe that if it were to leak back to the Germans it might jeopardize a relationship with Bahr which has been developing well recently following our exchange on the evening of March 7 about his desire to negotiate on a transit agreement with Kohl. Since that time, we have seen each other privately on several occasions. Bahr has been much more open with me than he has previously, on the last occasion coming quite clean regarding his relationship with Falin and the frequency of contact involved. I believe these contacts with him may be useful to us and don't want to risk them." (Department of State, EUR Files: Lot 74 D 430, Department of State—Hillenbrand) Hillenbrand replied in an April 13 letter to Rush: "I think you are wise to cultivate the relationship with Bahr. For better or worse he obviously has the Chancellor's ear and through him our own views can be communicated and taken into account as the Chancellor and Bahr develop their thinking further on Eastern policy and Berlin. Bahr clearly finds it in the German interest to be sure there is no serious conflict between the United States and the FRG. I find this reassuring since it indicates we would be able to exert a restraining influence relatively easily if this should ever become necessary." (Ibid., EUR/CE Files: Lot 85 D 330, Amb/DCM Correspondence 1971)

when she was. Falin said he was trying to decide whether to come to Bonn now to present his credentials briefly and then to return to the Soviet Union to be with his wife, or whether he should wait until mid-April when she was feeling better to present his credentials. In the course of the conversation, Falin criticized Abrasimov for lack of diplomatic subtlety and used other language indicating the existence of friction between the two.

Warm regards.

211. **Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)**¹

San Clemente, March 29, 1971.

I wanted you to have the latest up-date on my conversations with Dobrynin.² On March 23 [22] I handed him an oral note, that is to say an unsigned paper containing the essence of your cable to me. The text of it is attached (Tab A)³ simply so that you know what is before the Soviets. On March 25 I handed him the verbatim text that you had been good enough to send me, containing your formulations on Federal Presence, access, and inner-city arrangements, also on an unsigned piece of paper. The essence of our March 25 conversation was contained in the cable I sent you.⁴ Following are additional details.

Dobrynin pressed me very hard at the meeting on these points:

1. Did we accept everything that was not covered by the objections raised in your paper? Specifically, were we prepared to have trade missions and give them equal treatment in West Berlin? My answer, after consultation with you, was that we would agree to an increase in commercial offices and that we would give them equal treatment.

2. He then raised the point about Soviet commitments with respect

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Eyes Only. An attached handwritten note indicates that the message was delivered to the "ONI courier at "0020-3/30." The message was then sent through the special Navy channel in Frankfurt.

² Kissinger also sent a special channel message to Bahr on his recent meetings with Dobrynin. See footnote 4, Document 215.

³ See Document 204.

⁴ See Document 208.

to access which I have already mentioned to you. He said that the introductory paragraph of the Soviet draft was precisely drawn from our document and he therefore did not understand why we were asking now for an additional commitment. After checking with you, I gave him the answer which you dictated from Berlin, namely that we would compare the drafts.

I will send you in a couple of days the extracts from the memorandum of conversation on the subject.⁵

The only unsettled issue is the procedure I have worked out with Dobrynin about your conversations with Abrasimov. I suggested that at the next meeting of the four ambassadors, which I understand is slated for April 16, Abrasimov would ask for a private meeting with you in the normal course of events. At that meeting the subject would be the Soviet draft proposal of March 26. You would raise the issues contained in the oral note that I had handed to him and Abrasimov would of course reply in whatever way he thought appropriate. At the end of that meeting you would ask to be alone with Abrasimov for a few minutes, in the presence of only the Soviet interpreter. You would make whatever other arrangements should be made for additional meetings, to cover any subjects growing out of the Dobrynin–Kissinger channel that had not come up at the meeting.

If this procedure is in any way difficult for you I must know it soonest so that I can notify the Russians. Also it is important that I know whether there are any members of your staff who know about my channel to Dobrynin. Dobrynin claims that at the last meeting Klein, and especially the interpreter, were taunting Abrasimov's counselor when the private meeting slated for March 25 was set up and constantly referred to a Dobrynin channel in Washington. Could you let me know about this so that I am protected in case anything happens?

Many thanks and warm regards.

⁵ No evidence has been found that Kissinger sent extracts of the memorandum of his conversation with Dobrynin.

212. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, March 30, 1971.

1. Thanks very much for your interesting message of March 29,² which is very helpful. It doubtless crossed mine to you of the same date.³

2. Klein and the interpreter, Akalovsky, who in fact is one of our Berlin political advisers, know nothing of your channel to Dobrynin. However, as mentioned in my message to you of March 24, much curiosity was aroused in Berlin, Bonn and Washington by the Exdis cable from Berlin (reftel secret Berlin 545) which I quoted to you in my message of March 24.⁴ You will recall that this recounted Abrasimov's urgent request, through his representative, for a very private meeting with me on March 25 (subsequently cancelled by Abrasimov's representative) (a) alluded to some recent contact between the Soviet and U.S. Governments, (b) assumed that as a result I would receive appropriate instructions from Washington, (c) stated that as a result of this development the two Ambassadors might have to stay in almost constant touch, and (d) requested that this be kept strictly confidential, including from British and French.

As I mentioned in my message to you of March 28, I think that the subsequent telephonic message I received from Secretary Rogers (confirmed by cable State 051636)⁵ about his talk with Dobrynin has at least momentarily quieted the speculation and that it is now tentatively assumed that the negotiations referred to by Abrasimov meant this contact between the Secretary and Dobrynin. However, speculation could be easily revived.

3. A satisfactory procedure for me to talk secretly with Abrasimov is very difficult to arrange. I cannot go to East Berlin or Abrasimov to

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Eyes Only. The message was sent through the special Navy channel in Frankfurt; a handwritten note indicates that it was received in Washington at 2158Z. According to an attached slip, the message was then forwarded to Haig for Kissinger in San Clemente.

² Document 211.

³ Reference is presumably to the March 28 message from Rush to Kissinger (Document 210).

⁴ Document 207.

⁵ See footnote 3, Document 210.

West Berlin without several people, including almost invariably the press, knowing about it. Also, in my private meetings with Abrasimov I have always had my interpreter, usually Akalovsky, with me, and this is also the invariable custom followed by the British and French Ambassadors and others in our Embassies. For me to do otherwise would arouse strong suspicion in my Embassy and the State Department as well as with the British, French, and FRG.

I should like to suggest two ways by which this delicate problem might be handled. (A) One would be to take Akalovsky at least in part into our confidence on a strict commitment to maintain secrecy. This presents the obvious problem as to whether he would be totally reliable in this regard. I think so, but one never knows. (B) The other method would be for me to have Akalovsky with me as interpreter but to have Abrasimov instructed by Moscow never to refer to your channel with Dobrynin and always to present his views to me as though they came from Moscow. This, I think, would be the better alternative. It would mean that the results of the talk with Abrasimov would have to go into the regular, or at least highly limited, communication channels of the State Department and in part at least would have to be disclosed to the French, the British, and the FRG. This, however, is in time necessary in any event because of the difficulty of reaching agreement with the British, French and FRG on every move and the serious problem of maintaining coordination and cohesion with them, particularly with the FRG, which is having serious problems in keeping the CDU from turning the entire issue into a highly partisan one. I feel that under this method, however, the usefulness of your channel with Dobrynin could be kept intact.

It may well be that you will have some better method of handling the problems, and I would appreciate receiving your views with regard to this.

4. The one person here who knows of your channel is my private secretary, who of course does all the typing and keeps the file. She has been my secretary for almost twenty years and is completely trustworthy.

Warm regards.

213. Letter From the Political Counselor at the Embassy in Germany (Dean) to the Director of the Office of German Affairs (Sutterlin)¹

Bonn, March 31, 1971.

Dear Jim:

I thought that before going away from the office for a few days I would drop you a line with some personal views on the Berlin talks in reply to your thoughtful letter of March 10.² The Ambassador and Russ will have seen this letter before it reaches you, but I did not consult with them because both happened to be out of town when it was written and because I believe the letter should at the present stage remain on the level of a communication from me to you. It is addressed mainly to two questions. The first is how much we should reasonably ask from the Soviets in the present negotiations, an issue which probably has to be re-examined at various intervals during any serious negotiations, and where at any time reasonable people on our side can and do have perfectly well-founded divergences of views. The second is the related question of when the signal should be given to start inner-German talks on access.

If you will bear with me, I might start at the beginning by saying that I do not myself share the view that the present negotiations are superfluous, or at least would be superfluous if there had been no German Eastern policy, or that our situation in Berlin, prior, shall we say, to the advent of the present German Government, was as satisfactory to us as it could be given the nature of the over-all situation.

In my view, the US position in Berlin has been deteriorating over the past several years because of progress of the GDR toward international acceptance and of Soviet and GDR actions in that regard. Our position has been moving gradually although undramatically towards increasing difficulty and eventually even a serious and major crisis. This I believe was true before the Eastern policy and remains so in two respects. The first was our legal and political position in Berlin, which I feel would have been undermined with further progress of the East Germans towards international acceptance and through persistent and

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, JD Correspondence 1971, JSSutterlin. Secret; Official-*Informal*. Copies were sent to Rush, Fessenden, Klein, Boerner, and Wehmeyer. In an attached note, Fessenden commented: "Good & thoughtful letter. I agree with almost everything, & especially with the argumentation toward the end re the great importance of holding the line against allowing FRG-GDR access talks before a Four Power Agreement."

² Document 191.

active Soviet and East German efforts to gain acceptance of their view of the situation. There is no doubt in my mind as to the seriousness of Falin's remarks to Allardt, which I reported to you in my letter of February 9, 1971,³ that the Soviets expected the Western Sectors eventually to be incorporated into the GDR, or that both the USSR and GDR will continue to undertake active steps to that end.

Second, and related to this, the situation for German civilian goods and persons on the Berlin access routes has been deteriorating over recent years through a long series of East German measures which the Western Powers were either powerless or unwilling to combat. There is a list of these measures, with which we are both familiar, in Annex A of Bonn's A-1119 of 24 November 1969.⁴ They picked up momentum in the spring of 1968 when the East Germans issued a ban on travel by neo-Nazi and leading officials of the FRG and continued with the passport and visa requirement announced on June 11, 1968. I believe there is no doubt that the East Germans would, with or without the Eastern policy, have continued to impose further restrictions.

It is correct, as the Soviets have been insisting to us in the Berlin talks, that the large majority of traffic to Berlin does move smoothly, and that its volume is very considerable. But, as we reported many times during 1968 and 1969, the continuation of this trend in East German activities would have created serious doubts in the minds of West Berliners and potential investors in the city as to the future viability of the Western Sectors and would in the long run have confronted us with a choice between intervening directly on the access routes against the East Germans or of accepting the decline of the Western Sectors.

The same is even more true of the erosion of our political-legal position in the face of the increasing status of East Germany. Doubtless we would have attempted to adjust our posture to the new situation in a way which did as little damage as possible to the continuation of our status in Berlin. But I doubt that the East Germans would have played so cautious a game. In the long run, their cumulative political gains and the cumulative erosion of our position would have become painfully evident, with important and adverse psychological and political effects both on opinion in Berlin, in the Federal Republic, in Europe and in our own country. To counteract these effects, we would here again have been obliged to choose between further and visible acceptance of deterioration or direct confrontation with the East

³ Not found.

⁴ Enclosed with airgram A-1119 from Bonn, November 24, 1969, is a draft discussion paper on the Berlin soundings with the Soviet Union. (National Archives, RG 59, Central Files 1967-69, POL 28 GER B)

Germans under conditions which would have been adverse both locally in Berlin (the Soviets holding back, pushing the East Germans forward, and coming in in ways and at times of their own choosing) and in the United States (current state of American opinion on engagements abroad).

This is not the place to discuss the merits and demerits of the Brandt Government's Eastern policy, but whatever its virtues, the advent of the Eastern policy has accelerated the process of deterioration of our position in Berlin in the sense that it has enabled the GDR to move great steps forward, through its acceptance as a State even by the Federal Germans, by Federal German endorsement of its borders in the Moscow treaty, and by a policy which in the long run envisages, as we know, the entry of the GDR into the United Nations as a full member.

At the same time, Federal German Eastern policy, mainly the FRG-Soviet treaty and the political linkages established by the German Government between ratification of this treaty and the conclusion of a satisfactory Berlin agreement, has given us a certain amount of leverage to redress the situation. There is no need here to specify the motives underlying Soviet policy toward the FRG and Western Europe, but one of them is clearly economical, and there is additional leverage in the economic field as long as the Germans remain firm, as we have been seeing in such matters as the FRG-Soviet negotiations on a trade treaty, which I believe is the ultimate reason why the Soviets have agreed to deal at all seriously with the question of FRG representation of Berlin abroad in the context of the present Berlin negotiations.

I continue to believe that the interest of the Soviet Union in its own Western policy is serious and deep rooted and that the Soviets will in the final analysis be willing to pay a price for its success. I feel that it is both wholly justifiable and necessary for the US to attempt to use the leverage created in this way to attempt to achieve through a Berlin agreement a certain redressing and re-balancing of our own position in Berlin which will enable us to face in better shape—nothing can change the geographic situation of Berlin—the coming period of GDR emergence as a state recognized by the international community. After all, we are going to have to hold out in Berlin in the interests of our own over-all policy in Europe. And after all, we are going to be expected to do so by the Germans, no matter what deterioration their own policy has brought about in our situation. It is therefore, in my view, wholly equitable if we attempt to include in the agreement we are negotiating certain elements designed to strengthen our position vis-à-vis the GDR for the long run even if the addition of these elements makes it considerably more difficult to bring the negotiations to a successful outcome. This is the view expressed by Horst Menders-

hausen in a paper which I believe you have seen,⁵ and which as you know we here have represented from the outset of serious discussion about possible Berlin negotiations in 1968.

Guided by your good sense and foresight, the Western Allies refrained from including in their negotiating goals an effort to bring the Soviet Union to outright reaffirmation of the Four Power status for all of Berlin as we here had originally envisaged. This probably would have been beyond our capability to achieve and the effort to do so might well, as you felt, have damaged our existing situation.

But we did include in our negotiating program and in the drafts we have tabled provisions for re-engaging the Soviets in responsibility for civilian access and inner-Berlin movement and for obtaining Soviet endorsement, to the degree possible, of FRG-Berlin ties. Although not declared US policy, the latter is an objective which I personally have supported with the goal of building into the Berlin situation a long-range element of flexibility for our own position, in the sense that, if Soviet and GDR behavior justified this over a very considerable period of 10–20 years, we might be in a position to be more flexible about the nature and scope of our own presence in Berlin. Moreover, although we correctly maintain that we are not engaged in defining a new status for the Western Sectors because to say this could undermine our present status, an acceptable Berlin agreement would in fact have that political function perhaps for many years to come and should be considered in that light. This is the reason I personally attach such weight to such matters as getting some mention of Berlin into the text of the first part and to Soviet acceptance of the concept that we have supreme authority in our sectors. We have also proposed, as we [*you*] know, some practical measures for the improvement of access, which in recent months have become focused on the concepts of through passenger trains and busses without controls and of sealed freight conveyances without controls. Although not proof against political sabotage, these measures would be objectively real improvements in the present situation evident to public opinion in the Federal Republic and Western countries.

The Soviets have told us very clearly, both in direct comment and in the form of their various proposals, that as far as they are concerned, all this means we are asking for more than the market can bear. Kvitsinskiy has at various points remarked to me that both sides are being too greedy and that both will have to cut back their demands. He has also

⁵ Mendershausen, an analyst with the RAND Corporation, commented on the Berlin negotiations in a February 26 letter to Hillenbrand, who in turn forwarded it in a March 12 letter to Dean. (Department of State, EUR/CE Files: Lot 85 D 330, Horst Mendershausen Correspondence, 1971–1972)

said very directly that, since it is evident that the West is not prepared to cut back totally on the Federal presence in Berlin, the Soviets for their part will not give us the satisfaction we are asking for with regard to access. Moreover, it has become quite clear that, instead of making a broad gesture with regard to Berlin in order to advance their entire Western policy as I, myself, originally expected them to do, the Soviets are using the negotiations to attempt to obtain a local equivalent for Berlin of the confirmation of the postwar status quo contained in the FRG-Soviet agreement.

The question arises, of course, of whether our negotiating aims are realistic or whether they should be cut back or whether we can find additional negotiating counters which may bring the Soviets toward agreement. This is essentially the question you address in your letter of March 10. Many participants on the Western side have in this context referred to the possibility of further concessions by the FRG regarding the Federal presence in Berlin. But, politically, the weak Brandt Government cannot pay this price. It cannot and will not move very much farther in this field than it has already done. We might push the Brandt Government to do so and we might succeed, but this would in my view endanger the acceptability of the agreement and would moreover jeopardize both the political viability of Berlin and the long-range aim of consolidating the Federal presence to which I referred above. Therefore, "payment" must come from the general context of Soviet interest in the success of their own over-all policy toward Western Europe.

This approach has had a recent application in the insistence of the three Allied Ambassadors in the face of Federal German presence [*pressure?*] that there be Four Power agreement on access and inner-German improvements before the Federal German or the Senat should negotiate on these subjects. I agree with the comment in your letter of March 10 that we cannot reasonably expect to bring the Soviets to acceptance of the complete text of our proposals of February 5⁶ as regards access and inner-Berlin improvements. But, in addition to attempting to gain acceptance of our text, our tactical objective has been to avoid a situation where we in effect received little or no commitment from the Soviets regarding access prior to the outset of the inner-German negotiations except perhaps a commitment to maintain the outcome of these negotiations in effect, and thus were dependent on whatever results the German negotiators could obtain. It would theoretically be possible to follow such a course deliberately, as is suggested for possible contingency use in your letter of March 10. It is farsighted to envisage

⁶ See Document 173.

this possibility and to pose it for reflection and someday we may be obliged to follow this course.

Such a procedure would be a possible way of passing on to the Germans the ultimate responsibility for the negotiating results. But, it seems to me, it does not take sufficiently into consideration either our own American interests for our future status in Berlin or considerations relating to our own standing in the Federal Republic following the conclusion of such an agreement. It would appear for one thing that, if such a procedure were followed, there would be no Soviet commitment as such of any dimension on access and very probably no inner-German agreement on sealed freight conveyances or through-passenger trains and busses without controls. The German negotiators do not have our interest in the maintenance of the Four Power rights, which Bahr tends to dismiss impatiently. They are under considerably more pressure than we to come up with a successful result. Moreover, they would be up against a negotiating partner in the shape of the GDR whose motivation is somewhat differently articulated than that of the Soviets.

The issue once more is whether, by holding out for prior Four Power agreement on access to include a Soviet commitment on an access principle and provisions for through-trains and busses and sealed cargo conveyances without controls in the face of evident Soviet determination to maintain their views on East German sovereignty over the access routes, we are not asking too much and by doing so risking the Berlin negotiations as well as the fate of the Eastern treaties, resulting in serious difficulties in American relations with the German Government.

This is possibly so. Frankly, in the light of the considerations set forth above, I believe it would be justifiable to take that risk. I believe that the position we are now taking in this matter would in fact be supported by the majority of seriously interested German political leaders of all three major parties if the issue became more widely known. The reverse, however, is not automatically true: this majority will not necessarily support a thin agreement, no matter how much they may respect our opinion and evaluation.

Moreover, I feel that we should not allow ourselves to be placed in the situation of first accepting that the Federal Germans proceed in negotiations with the East Germans in the interest of permitting ratification of the Eastern agreement, and then realizing the potential serious long-term damage to our position in Berlin and to our reputation and standing in Germany of the results they may achieve in such negotiations and then being obliged either to repudiate the agreement the Germans had reached in inner-German negotiations or to agree to an inadequate Berlin settlement leaving us to deal with the outcome. It

seems to me quite plausible that a logical further step, if the Soviets succeeded to this extent in getting their position accepted in this contest of wills and of political resolution, might well be for the Soviets and East Germans to edge towards East German takeover of control over Allied military access to Berlin.

In the final analysis, it would seem preferable, while continuing to engage the FRG in closest possible participation in preparation of a common Western negotiating position, to risk having the Soviets turn down that common Western position, thus clearly indicating where responsibility lies, rather than to have us in a position where we may have to turn down the results of an inner-German negotiation. This consideration overweighs in my mind the very valid consideration you raise of placing the Germans in a situation if the outcome looks bleak where they will directly experience the negative position of the other side so that our relations will not subsequently be haunted by suspicion that we did not do our best and if they had tried, they could pull it off. Clearly, the issue is one of a choice between two evils.

By extension, although one can have different views about the situation on inner-Berlin improvements, as you say in your March 10 letter, these have been included in our position and to break the front here would weaken it on access.

I feel possible differences of opinion on this matter can, as often is the case, be reduced by looking at the actual text. Despite tabling of the Soviet text of March 26,⁷ I still believe it may be possible by bargaining sufficiently hard to achieve mention of Berlin in the first part of the agreement and to obtain Soviet agreement to a Soviet commitment that access to Berlin be unhindered without qualifying reference, however indirect, to GDR sovereignty. I believe it possible also finally to obtain agreement on through-passenger trains and sealed vehicles without controls. Here I would agree with your idea that Part IIA might be compressed to one principle although for negotiating purposes I would rather start with an amalgam of points 1, 2 and 3 in order to try to aim for a slightly weightier end product. The concept is the same, however.

On Federal presence, I believe it may be possible to hold the line roughly where we now are, perhaps including committees and fraktionen and making meetings in Berlin by Federal German political parties take place at the invitation of the Berlin branch of the organization concerned. And I think we could finally get some degree of Soviet acceptance of FRG-Berlin ties and also of FRG representation of Berlin

⁷ See Document 201.

abroad, perhaps on the lines that we would undertake a commitment to the Soviets to maintain our reserved right in this field.

To summarize on what I believe the point of difference between our approaches is, I would attach considerably more weight to getting Soviet agreement to Part II and suitably worded annexes prior to giving the signal to the Germans because I have a strong feeling that once the inner-German negotiation has started, we have lost our major leverage—essentially that we are less interested than either Soviets or Germans in ratification of the German-Soviet treaty—and to a large degree our control over the outcome.

I will readily admit that it would be very difficult to achieve these objectives, that it will probably take a long time to do so, that we might fail in the effort, and that continued Allied unity, particularly Federal German unity with the Western Three, is a prerequisite for the attempt. I realize Bahr's desire to negotiate on Berlin access with the East Germans is a particular problem, but I believe it can be controlled if we don't take his onsets of negotiator's impatience to be the equivalent of full-scale crisis in government relations with the FRG, which it is not.

One of the hardest things in the current situation is to know when to take signs of German dissatisfaction seriously and when not to, but I think we have weathered German discontent about our procedural approach and now are in a stage where we will need very strong nerves and where we should be careful not to overreact to signs of nervousness on the German side.

I am a little concerned about trying to reach formal agreement with the Germans concerning our minimum requirements in the access field before we would be willing to give the signal because of the danger of leaks to the Soviets which could undermine our negotiating position, but if it is necessary we can go through this exercise also.

It is difficult to set forth this complex situation on paper, but I hope that I have made my own views clear and that we can have a good discussion on this subject matter when we next meet, which now looks more like the middle of May.

With best regards,
Sincerely,

Jock

214. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, April 1, 1971.

Thank you for your message of March 31.²

1. Without exciting any undue speculation, I can, I am quite sure, have at least a brief talk with Abrasimov on April 16 without my interpreter being present. In that talk I will outline to him our procedure as to how he should conduct himself at future meetings.

A minor item I should have mentioned is that Akalovsky, a political officer in Berlin, is my interpreter during the periods between the Four Power meetings. For the Four Power talks themselves, the State Department sends out from Washington, for this express purpose, an official interpreter named Cyril Muromcew, so that my problem is complicated by having two different individuals as interpreters at different times.

2. Your suggestion that I talk to Falin in the future has much merit. In this way we could avoid the problem of crossing from East Berlin to West Berlin, which can not be kept secret, and I could see Falin at any time, since after his arrival about April 15 we will both be in Bonn much of the time. I could also see him inconspicuously and without arousing speculation here in Bonn, where I of course have great freedom of movement. During my brief visits to Berlin virtually every movement of mine is known.

Also, I believe Falin speaks English, which would be a major factor in improving communication and avoiding complications.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 59, Country Files, Europe, Kissinger Office Files, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates it was received in Washington at 1956Z. According to an attached slip, the message was then forwarded to Haig for Kissinger in San Clemente.

² The text of the message, which was forwarded by Kissinger from San Clemente, reads: "Thank you for your message. As you know, I have told Dobrynin that the meeting on April 16 should follow your script, that is Abrasimov will not refer to our channel as long as Akalovsky is with you. However, he also expects you to talk to him afterwards with only the Soviet interpreter present. This was drawn from one of your earlier cables. It will now be difficult to change this since Dobrynin is in Moscow and I do not know who at the Soviet Embassy is familiar with our channel. Could I suggest that you follow the existing arrangements on April 16. When you are alone with Abrasimov, you can then tell him how to conduct himself at future meetings along the lines of your proposal. Another possibility is to have you talk to Falin instead of Abrasimov in the future. Falin seems to have suggested something like this to Bahr. Can you let me have your reactions? Warm regards." (Ibid.)

If you agree, I would suggest that this be thoroughly explored through your channel, in the hope that it will be acceptable. The Falin channel would not, however, necessarily preclude resort to the Abrasimov channel from time to time. I have been having occasional private talks with Abrasimov and this method could be used quite helpfully in the future with my interpreter present if Abrasimov has strict instructions not to mention your channel in any way.

3. I hope you are having good weather and some well-deserved rest in San Clemente. I will not be available next week, since we are going to Tunisia for Easter vacation.

Warm regards.

215. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, April 2, 1971.

1) I am going to the Bilderberg conference² in order to see you there. I am considering whether it would be useful to spend a day at the State Department either before or after the conference. Please give me your advice.

2) Regarding the Soviet paper:³ on the basis of our experience, information and the reaction of Kohl, we look at it as a sign of the Soviet intention to come soon to a positive result.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]. Top Secret. The message, translated here from the signed German original by the editor, was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 1732Z. No evidence has been found to indicate whether Kissinger saw the message in San Clemente or after his return to Washington on April 5. For the German text of the message, see also *Dokumente zur Deutschlandpolitik, 1971–72*, Vol. 1, pp. 173–174.

² Reference is to the Bilderberg Group, a loose organization of prominent political and business leaders dedicated to improving relations between Europe and the United States, named after the Hotel Bilderberg in Oosterbeek, Holland, where its first meeting was held in May 1954. In a brief special channel message on March 30, Kissinger had asked Bahr: "Are you going to the Bilderberg conference? We should have a chance to talk there." (Ibid.) The group met in Woodstock, Vermont on the weekend of April 24–25. See footnote 2, Document 224.

³ See Document 201.

Judging by the starting point of the talks and the Soviet attitude until the last several weeks—to show concession on access routes only after agreement on Federal presence and to ignore foreign representation until the last phase of the negotiations—the Soviets have placed their entire position on the table. That in fact saves time.

It corresponds with the Soviet tactic to formulate maximal positions that at the same time provide plenty of room for negotiation, much as the Western position paper from the beginning of February.

In this situation, which the Soviet side sees as the beginning of a decisive phase, we think it would be best for the Western side to react accordingly, that is, positive in principle with many suggestions for change and not negative in principle with the acknowledgment of several positive points.

3) In its formulations, the Soviet paper also attempts, as much as the Western paper, to assert its own interpretation of the law. Although understandable, this contradicts the previous agreement to negotiate a practical settlement that does not disturb respective interpretations of the law.

We have a certain concern, because the attempt to recover the quadripartite responsibilities of 1949 for civilian access will fail. On the other hand, it is worth noting that the Soviet paper provides for a commitment of the four powers in case the German agreement does not function.

4) In my view, your remarks to Dobrynin⁴ go too far in several questions of form and not far enough in several questions of substance.

In order to make this clear in detail, I would need to prepare a revised version of the Soviet paper. Even that would also be insufficient without the opportunity to justify and discuss the proposed changes in detail.

⁴ Kissinger sent Bahr a special channel message on March 29 reviewing his meetings of March 22 and 25 with Dobrynin: "Dobrynin wanted to know whether we accepted everything except the items to which I objected. I replied that these points indicated a general attitude that details had to be handled by Rush. With respect to Federal presence, I told Dobrynin that we could not move until there was some significant progress on access. With respect to Soviet presence in West Berlin, I told Dobrynin that: (a) we would not agree to a Soviet Consulate General, (b) that we would agree to an increase of Soviet commercial enterprises, (c) that they could be established on a non-discriminatory basis (except for the special position of the FRG). I agreed that Abrasimov and Rush could meet privately to discuss the details of the attached comments," referring to the points raised by Rush in his message to Kissinger on March 21, Document 203. Kissinger concluded: "Please remember that on our side only Rush knows of this channel. Please let me have your comments soonest." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]) For the full text of Kissinger's message, including the attached "partial comments," see *Dokumente zur Deutschlandpolitik, 1971–1972*, Vol. 1, Nr. 40, pp. 166–168.

This is obviously not possible in this channel. We are working on a new draft which I will bring with me.

Anyway your intention was certainly correct to avoid involvement in a discussion of details with Dobrynin.

5) The discussion of details between Rush and Abrasimov will be useful. At the same time, the contact between you and Dobrynin should be reserved for decisions about political guidelines.

I will review our positions in detail with Rush after we have spoken with each other. This suggests limiting the meeting of four Ambassadors on the 16th to a general discussion and the attempt to obtain additional clarifications from the Soviets.

6) I will be on vacation for several days but remain within reach.⁵

Kind regards.

Egon

⁵ Kissinger replied by special channel on April 12: "I look forward to seeing you at the Bilderberg conference. We can then review the entire situation. It might be useful to come to Washington for a day, preferably before, since I may spend some time on vacation the week after. However, since your primary reason should be to visit the State Department, this should not be decisive. Look forward to seeing you." (Ibid.)

216. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, April 5, 1971.

SUBJECT

The Berlin Negotiations—New Guidelines

The Senior Review Group met recently and considered the course of the Four Power Berlin negotiations.² It was suggested that now

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-223, NSDM 106. Secret; Limdis. Sent for action. Davis stamped the memorandum indicating that the President had seen it. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft, including a proposed NSDM, in a March 29 memorandum to Kissinger. "The new NSDM," he commented, "makes more current the President's guidelines, offers the negotiators a bit more flexibility without sacrificing any of the basic principles, and also serves to remind the agencies of the strong White House interest." (Ibid.)

² See Document 177.

would be an appropriate time for you to issue revised guidelines on the conduct of the negotiations. Your previous decisions were recorded in NSDM 91 which resulted from the discussions at the NSC meeting of October 14 (Tab B).³

At the instruction of the SRG, an interagency working group has prepared a memorandum for you which has been approved by Secretary Rogers (Tab C).⁴ The memorandum correctly points out the problem our negotiators have faced during the past year of the Four Power talks: to utilize Soviet interests in achieving an agreement (i.e., to secure ratification of the German treaties, and to permit a European Security Conference) in order to achieve meaningful improvements in Berlin, without jeopardizing the Western position or without paying a price in terms of Berlin's relationship with the Federal Republic which would prejudice longer term future of the city.

The memorandum concludes that there are three possible outcomes to the current negotiations:

—achievement of an agreement, from which would follow wide recognition of East Germany and eventual UN membership, but a better ability of West Berlin to be viable within the changed environment of a greatly enhanced East Germany;

—no agreement and no improvements, which would signify failure, block the ratification of the Soviet/FRG treaty, and might lead the Soviets to seek to obtain by harassment the objectives they failed to obtain in the negotiations;

—it is possible to achieve at least minor improvements without any formal Four Power agreement, and indeed some phone communications have already been opened between East and West Berlin; we would certainly not stand in the way of any improvements, but we would have to be sure that any inter-German arrangements did not conflict with our interpretation of Four Power rights and responsibilities.

³ At Tab B is NSDM 91, Document 136.

⁴ At Tab C is an unsigned March 19 memorandum for the President. Hillenbrand forwarded the memorandum to Kissinger on March 20 with the following explanation: "In accordance with the decision reached at the Senior Review Group meeting on February 10, the Special Working Group, consisting of representatives of the Departments of State and Defense, the Central Intelligence Agency and the National Security Council Staff, has prepared the attached memorandum for submission to the President. This memorandum has been approved by the Secretary." (National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Box H-223, NSDM 106) The SRG had decided on February 10 to submit a memorandum directly to the President rather than convene the National Security Council. (Memorandum from Hillenbrand to Eliot, March 5; National Archives, RG 59, EUR/CE Files: Lot 80 D 225, Berlin Negotiations, 1971 Memos) The Department of State subsequently requested a delay in the original due date of February 24. (Memorandum from Eliot to Kissinger, February 22; *ibid.*, Central Files 1970–73, POL 28 GER B)

This third possibility would still require some concessions from the Western side, probably in the form of a reduction in German Federal presence in West Berlin and perhaps also in an increase of Soviet presence in West Berlin. Also, this third possibility carries with it the fact that an outcome of this nature may cause difficulties with the FRG, since it will make more difficult their decision on whether to ratify the Moscow and Warsaw treaties.

The NSDM at Tab A,⁵ based on the recommendations contained in the SRG memorandum, attempts to bring up to date the guidelines laid down in NSDM 91 of last October. In essence, the proposed NSDM amends the previous one in two ways: provides some new flexibility on specific points; and adds some guidelines on issues not previously covered.

—the previous guidelines required that the agreement expressly acknowledge our interpretation of Four Power rights. Since the negotiations have demonstrated the impossibility of that requirement, the new NSDM requires only that the new agreement not prejudice our interpretations;

—a clear definition of our objectives on access (evident improvements less susceptible to arbitrary harassment) is included in the new NSDM, although the previous requirement is retained that they must be guaranteed by the USSR to the maximum extent feasible;

—new to the guidelines is the question of the strong Soviet desire to increase their physical presence in West Berlin. Our previous totally negative position has virtually isolated us from our allies, and Ambassador Rush has requested more flexibility⁶ (Secretary Rogers has advised the Ambassador of the more flexible language of the proposed guidelines).⁷ The new NSDM would permit a very limited but non-official increase in Soviet presence if an otherwise acceptable agreement depended upon it. However, it makes clear that any arrangement permitting an increase in Soviet presence must not be contained in the Agreement, and should not actually take place until well after the conclusion and implementation of the Agreement. This safeguard is designed to avoid a linkage between the Agreement and the Soviet increase which might otherwise give the appearance of acknowledgment of a new Four Power status for West Berlin and perhaps increase the risk of our own access to East Berlin being curtailed.

—finally, the new guidelines treat for the first time the issue of the inner-German negotiations on access and inner-Berlin improvements;

⁵ For the NSDM as approved, see Document 225.

⁶ See Document 199.

⁷ See Document 206.

the main point here is that in order to ensure the Western position that the GDR is not sovereign over access, any FRG/GDR negotiations must take place only after a specific Four Power framework has been established and after there is agreement that any German arrangements will be encompassed within the eventual Four Power agreement.

The negotiations have reached a new phase with the introduction by the Soviets of a draft agreement, a counter to the Western draft of early February.⁸ Though both sides have moved considerably from their original positions, such a distance still exists that it is very difficult to predict the outcome. Recently, the Soviets tried to secure their objectives by using the East Germans to pressure the West Germans to enter into arrangements prejudicial to the Four Power talks. The Western side, however, has held together.

It will be useful for our negotiators to have at this stage your new guidelines for the conduct of the talks. The proposed guidelines offer some more flexibility without prejudicing our basic rights and interests. The NSDM makes clear that if it appears that no agreement is possible, or that only an agreement which fails to meet these guidelines can be achieved, you will wish to decide whether any modifications can be made.

Recommendation

That you approve the issuance of the NSDM at Tab A offering guidelines for the conduct of the Berlin negotiations.⁹

⁸ See Documents 201 and 173, respectively.

⁹ The President initialed the approval option.

217. Editorial Note

On April 12, 1971, Assistant to the President Kissinger sent Ambassador Rush a special channel message to review the arrangements for the upcoming meeting with Soviet Ambassador Abrasimov on the Berlin negotiations. During the formal quadripartite session on April 16, Kissinger reminded Rush, "Abrasimov will ask for the private meeting which he postponed last time. As I understand it, Abrasimov will go over his draft treaty and he expects you to raise the points I have handed to Dobrynin [see Document 208]. At the end of the meeting, you will talk to him privately with only his interpreter present. As soon as Dobrynin returns, I suggest that you talk to Falin instead of Abrasi-

mov.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1) Rush replied by special channel on April 13: “I am in accord with arrangements outlined in your message and will promptly inform you of results of meeting with Abrasimov. I understand that you will arrange with Dobrynin for me to talk with Falin but if you have other suggestions please let me know.” (Ibid.)

In the absence of Soviet Ambassador Dobrynin, Kissinger met Soviet Minister Counselor Vorontsov at the White House on April 13 to confirm the “technical arrangements” for the private discussion between Rush and Abrasimov. According to a memorandum of conversation, Kissinger described the procedures as follows: “at the next meeting of the four Ambassadors slated for April 16th, Abrasimov is to ask Rush for a private meeting; the subject of that meeting is to be the Soviet draft proposal of March 26th, and Rush will raise the issues contained in the oral note already given to Dobrynin.” When Kissinger suggested establishing a backchannel between Rush and Soviet Ambassador Falin for talks on Berlin, Vorontsov said that “it sounded to him like a good idea and he would report it to Moscow.” (Ibid., NSC Files, Box 491, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 1])

Kissinger called Dobrynin in Moscow on an open telephone line at 7:15 p.m. to discuss “a technical point which you and I had already discussed and just wanted to make sure it was clearly understood.” After Dobrynin expressed some confusion on the subject, Kissinger explained that he had raised with Vorontsov the “other suggestion having to do with the April 16th meeting.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Records, Chronological File) Kissinger then called Nixon at 7:46 p.m. to “mention a number of relatively minor things,” including the arrangements for private talks on Berlin.

Kissinger: “I talked today to this fellow Vorontsov from the Soviet Embassy.”

Nixon: “Right.”

Kissinger: “The reason was that there’s a meeting between Rush and Abrasimov—”

Nixon: “Yes.”

Kissinger: “—on Berlin. And I just wanted to make sure that they didn’t blow, that they understood which way the channels were going.”

Nixon: “Yes.”

Kissinger: “And—”

Nixon: “He understood that?”

Kissinger: “Oh yeah, he understood it and he said that Dobrynin was coming back Sunday with new instructions, and that we should take the Brezhnev speech very seriously, and he was slobbering all over me.”

Nixon: "Good." (National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon and Kissinger, April 13, 1971, 7:46–7:52 p.m., White House Telephone, WHT 1–79) The editor transcribed the portion of the conversation printed here specifically for this volume.

218. Memorandum of Conversation¹

Washington, April 14, 1971, 11:47 a.m.–12:20 p.m.

SUBJECT

Meeting Between the President and Rainer Barzel

OTHER PARTICIPANTS

Ambassador Pauls
Ambassador Mosbacher
Henry A. Kissinger

The President began the meeting by saying, "We welcome you and all our friends from the Federal Republic. We are always glad to see members of what I understand is the majority party in terms of members in Parliament. Before you start saying anything, I would like to point out to you that I am aware that your area of greatest concern is Berlin. There we face two issues. We stand firm on the Federal Presence in West Berlin. We will not accept the elimination of the Federal Presence. Second, we will not accept a recognition of East German sovereignty over access routes."

[*Note:* The President said this because I had been told by Barzel before the meeting² that he needed those two statements in order to

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1025, Presidential/HAK Memcons, Memcon—The President and Rainer Barzel, Apr. 14, 1971. Top Secret; Sensitive; Eyes Only. The time of the meeting, which was held in the Oval Office, is taken from the President's Daily Diary. (National Archives, Nixon Presidential Materials, White House Central Files) The memorandum was evidently transcribed from Kissinger's taped dictation. A tape recording of the conversation is *ibid.*, White House Tapes, Conversation Between Nixon and Barzel, April 14, 1971, 10:30 a.m.–12:20 p.m., Oval Office, OVAL 479–3. For his published accounts of the meeting, see Barzel, *Auf dem Drahtseil*, pp. 119–120; and *Im Streit und umstritten*, p. 169.

² Before meeting the President, Kissinger met Barzel at 11:32 a.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No substantive record of the conversation has been found.

keep the CDU from going against the Ostpolitik publicly, and this did not fit into our game plan with the Soviet Union at this moment.]³

Barzel said, "Let me explain the reason why I asked for this meeting. I have sought to avoid a confrontation on the Berlin negotiations and foreign policy in general. But without this meeting there would have been the danger of an open domestic confrontation with our Government on Berlin and on the treaties. This would be unfortunate for domestic as well as foreign policy reasons. You should have no doubt that the CDU is determined to reject the Soviet Treaty above all because there is no *quid pro quo*." The President interjected and asked whether this was true of the Warsaw Treaty as well, and Barzel said, "Yes there will be no CDU vote for these Treaties. Nor can there be a Berlin Agreement that Berliners will not accept. If we make an agreement that eliminates the Federal Presence from Berlin it will lead to a mass departure. The Federal Presence must include Parliamentary committees. Let me make a last point. We can't agree to the participation of the Soviet Union in the administration of West Berlin. This is a serious moment. We must understand the seriousness of our views which will affect the future of our policy."

The President said, "I understand this skepticism you have expressed with respect to Soviet intentions. For them, Germany and Berlin have always been the big issue. We, that is to say, I am under no illusions regarding Soviet intentions. The Soviets want to get as much as possible and give as little as possible. You should stay in close touch with Kissinger who, in turn, is in close touch with Rush, and Rush is a good man."

(I interjected that Rush must be doing something right—the Soviets have complained about him.) The President continued, "We can't express an opinion on a treaty with the Soviet Union, but we can express an opinion on Berlin. We will not compromise our principles. What is the German attitude?" Barzel said, "We face a dangerous situation. The old anti-Communists missed that. On the other hand, there is a profound disappointment that concessions as sweeping as Brandt's to the USSR have not produced success on the limited issue of Berlin. This can lead to extreme nationalism of either Left or Right. I am glad that the President pointed out the need for progress in the German question in his World Report⁴ as a prelude to *détente*. In addition, this present Government has major economic difficulties. We face a curious situation in the world that while Moscow, Warsaw and East Berlin Marxism is dead, in West Germany there is now a renaissance

³ Brackets in the source text.

⁴ Reference is to the "Second Annual Report to the Congress on United States Foreign Policy," delivered on February 25, 1971. See *Public Papers: Nixon, 1971*, pp. 239–345.

of Marxism. The most dangerous situation of all would be if there were a renaissance of Marxism and nationalism concurrently, and we should not assume that they could not meet.”⁵

⁵After Barzel left, Nixon told Federal Reserve Board Chairman Burns that he had just “spent some time with the opposition trying to keep them from busting Brandt at the table.” When Burns asked if Brandt was reliable, Nixon replied: “Brandt is basically a fellow with a pretty good heart but he’s somewhat emotional, and, I think, somewhat gullible, and therefore not too reliable. On the other hand, we’re sort of guiding him along. We don’t want Germany to come apart at the seams.” (National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon and Burns, April 14, 1971, 12:21–12:40 p.m., Oval Office, OVAL 479–4) In a meeting with Kissinger at 1:05 p.m., Nixon raised Barzel’s point on the revival of Communism among Western intellectuals. Nixon: “What the hell is the matter with the intellectuals in the world, Henry?” Kissinger: “These are the party, this is the party that is on our side.” Nixon: “Yeah.” Kissinger: “And we musn’t discourage them.” Nixon: “Well, I think we gave him a little lift here.” Kissinger agreed and added: [1 line not declassified] (Ibid., Conversation Between Nixon and Kissinger April 14, 1971, 1:05–1:15 p.m., Oval Office, OVAL 479–7) The two men again assessed German politics in a conversation on the afternoon of April 17. [2 lines not declassified] Kissinger: “And as for Berlin, they can never get it by themselves.” Nixon: “You don’t think so?” Kissinger: “No.” Nixon: “Good.” (Ibid., Conversation Between Nixon and Kissinger, April 17, 1971, 1:00–3:30 p.m., Oval Office, OVAL 481–7) The editor transcribed the portions of the conversations printed here specifically for this volume.

219. Memorandum for the Record¹

Washington, April 15, 1971.

SUBJECT

Dr. Kissinger’s Conversation with Dr. Rainer Barzel
April 14, 1971, 12:15 p.m.

After his talk with the President, Barzel, accompanied by Ambassador Pauls, stopped briefly for a talk with Dr. Kissinger.

Barzel’s reaction to his talk with the President was very positive. He said that in dealing with the press he would confine himself to referring to the President’s Report to the Congress² whose formulations on Berlin and Germany he welcomed.

In the subsequent exchange Barzel stressed his need for assurance that there was a clear limit below which we would not go in the Berlin

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany (Bonn), Vol. IX. Confidential. Sent for information. Drafted by Sonnenfeldt. The original was sent to Kissinger. An attached form indicates that the memorandum was “noted by HAK.”

² See footnote 4, Document 218.

talks and he indicated that what he had heard in the Oval Office was satisfactory to him. He noted the restiveness in the CDU/CSU and his difficulty in keeping it from forcing the Berlin/Ostpolitik issues on the floor of the Bundestag.

Dr. Kissinger stressed that we were guided in our Berlin position, particularly as regards Federal presence, by the position of the German government. We could not be more German than the Germans although we were frequently under pressure to be just that. Barzel argued that US interests were affected by what the Germans did in their Ostpolitik and on Berlin. Dr. Kissinger noted that we could not interfere in tactics or get involved in German domestic politics. As regards Berlin, one had to be precise about details. Hypothetically—although no one had ever suggested it—if the Germans wanted to withdraw their presence in Berlin it would be difficult for us to stop them from doing so. No US rights would be involved. On the other hand, as regards access we clearly have rights and intend to maintain them.

Dr. Kissinger asked if the CDU/CSU would vote for the Eastern treaties if there were a Berlin arrangement. Barzel said it would not do so even then because the treaties were deficient. Ambassador Pauls asked if there was a difference as between the Soviet and Polish treaties. Barzel said that there used to be but the Poles could not now separate them. While in Warsaw he himself had received all sorts of welcome assurances from the Poles about the general state of Polish-German relations which, if acted on, could have made ratification of the Polish treaty feasible and indeed desirable. The treaty would have been the result of reconciliation (“Vertrag kommt von vertragen”). But this tack now seems impossible in view of Gierek’s weak position.

Barzel, switching back to Berlin and the treaties, gave his prognosis that we (the US) and the Allies would remain firm on the conditions for a Berlin arrangement while the treaties would remain on the table. He said he had made a statement on this the previous week, with Scheel’s prior knowledge, and this had cleared the air. Some in the Federal Government had been trying to untie the treaties from Berlin. This would have resulted in a constructive no-confidence motion in the Bundestag which “I” would have won. But Barzel said he wanted to avoid this sort of confrontation and, despite the desires of some around Brandt, the matter seems now to be well in hand.

Dr. Kissinger asked if Barzel thought there might be an agreement in Berlin in less than two years. Barzel said he doubted it; he thought negotiations should continue as they had for years on the Austrian treaty.³ Dr. Kissinger said our life would not be unfulfilled if there were

³ Reference is to the Austrian State Treaty signed by the Four Powers on May 15, 1955, which reestablished Austria’s sovereignty on the basis of permanent neutrality.

no Berlin agreement. It remains to be seen what the Soviets may do now that Brezhnev appears to have strengthened his position. Possibly he might want some foreign policy “success,” and there might conceivably be some new Soviet formulations. But the latest formal Soviet proposal was wholly unacceptable. Dr. Kissinger added he had heard of no German who thought it was acceptable.

Barzel said he had tried three times to get Brandt to tell him what the limits were below which he would not go on Berlin but he never responded. One simply could not tell what the people around Brandt would do. Dr. Kissinger said as a practical matter we must operate on the assumption that the Germans will protect their own interests. (Barzel then made some derogatory comments about the state of knowledge in the present Cabinet on Eastern questions. In essence, Bahr knew everything and Ehmke most things while Wehner set the basic direction. No one else, including the Chancellor, was fully informed.)

Toward the end of the conversation, Dr. Kissinger asked Barzel’s assessment of the internal situation in the FRG. Barzel thought the election in Schleswig-Holstein next week was uncertain.⁴ He thought Stoltenberg could make it, but if not—which was possible because of the unique circumstances in the Land—the momentum of recent CDU gains would be interrupted. Barzel thought that on the economic front the Government was in serious trouble because of inflationary pressures and the difficulty if not impossibility of raising the tax rate.

Barzel reverted to his basic theme of the Government’s untrustworthiness, citing in this regard the history of its handling of the question of the continued validity of Articles 53 and 107 of the UN Charter.⁵ Reciting the history, as he saw it, his point was that rather than having obtained Soviet agreement to the Articles’ invalidity the Government had merely obtained a formula that placed them backstage (“ueberlagert”). Apart from the Government’s “dishonest” handling of the issue, it demonstrated that when an unclear matter came up for interpretation between a weak and a strong power, the strong power would always win. Barzel said he could now understand why the Danes had never wanted to sign a treaty on minorities with the FRG. Barzel’s conclusion was that all the murky points, as he saw them, in the Moscow treaty would always be interpreted as the Soviets wanted.

⁴ The CDU, led by Minister President candidate Gerhard Stoltenberg, won the state election in Schleswig-Holstein on April 25 by absolute majority (51.9 percent). An INR analyst concluded: “The CDU’s clear majority victory in the April 25 state election in Schleswig-Holstein, though somewhat more solid than expected and accompanied by the exclusion of the FDP from the Landtag, is not likely to create serious trouble for the SPD–FDP coalition in Bonn.” (Intelligence Note REUN–26, April 27; National Archives, RG 59, Central Files 1970–73, POL 12 GER W)

⁵ For Articles 53 and 107 of the UN Charter, see footnote 9, Document 7.

Dr. Kissinger, in the course of this exchange, asked what the CDU/CSU would do if there were a Berlin agreement in two years, i.e., before the next German election. Noting that the basic agreement would not be a German one, Barzel stressed that if the deal involved also an FRG/GDR agreement or treaty conceding GDR sovereignty, his party would not accept it under any circumstances. There could be a *modus vivendi* with the GDR but no “final” solution. This was also his party’s basic reservation to the Moscow treaty.

Barzel, in conclusion, expressed his gratitude for the reception he had had. He said he deliberately had come over the Easter holiday to avoid extensive Congressional contacts and confine himself to a single day’s talks in the Executive.

HS

220. Memorandum of Conversation¹

Bonn, April 18, 1971.

PARTICIPANTS

Rainer Barzel, CDU Fraktion Chairman
 Ambassador Rush
 Jonathan Dean

BARZEL’S VISIT TO WASHINGTON

Discussion with the President and Barzel’s Future Tactics

In addition to the points he made on the CDU Fraktion meetings in Berlin and his general tactical posture following his Washington trip reported by telegram,² Barzel described for the Ambassador his discussion of Berlin and Ostpolitik with the President.

Barzel said that, in order to place this discussion in perspective, he would first have to refer briefly to his talk with the President at San

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, JDean—Memos of Conversation, 1971. Secret; Limdis. Copies were sent to Hillenbrand, Sutterlin, Rush, and Fessenden. The meeting was held in the Ambassador’s Residence.

² Telegrams 4637 and 4638 from Bonn, April 20. (National Archives, RG 59, Central Files 1970–73, POL 12–3 GER W and POL 1 EUR E–GER W, respectively) As reported in telegram 4637, Barzel agreed, at the request of the Allied Ambassadors, to postpone a meeting of the CDU parliamentary party group in Berlin.

Clemente six months ago.³ At that time, the President had indicated to him that he was concerned by two possible developments in Germany in connection with Brandt's Eastern policy. These were that there should be no fragmentation of the opposition which could have serious consequences in so important an ally as the Federal Republic, and that the polarization of German positive-negative opinion over Eastern policy should not take on such dimensions as to place in jeopardy the postwar achievement of a stable German political system. At that time, the President had thanked Barzel for his contributions in this regard. The San Clemente discussion had confirmed Barzel's similar views on this subject and he had continued to emphasize in CDU policy the essential tactical application of these considerations embodied in his position that the CDU should not take a final position on the FRG-Soviet treaty until the whole Eastern policy could be reviewed as one package and particularly until after a Berlin agreement had been reached.

Barzel said he had maintained this position in the interim, but he had been confronted with an increasingly difficult situation from CDU moderates like Hallstein and Birrenbach to which he had felt obliged to respond by tightening up his own position. He could deal with the CSU in this regard but not so easily with more serious-minded elements in his own party. He had been concerned about his future capacity to hold the line in this matter and it was for that reason that he had, as the Ambassador knew, requested an interview with the President.⁴

Barzel said that, when he had been received by the President on April 14, the latter had mentioned Berlin at the outset of the conversation. The President said he was guided by two main principles on the Berlin negotiations, that the FRG ties with the Western Sectors should continue unimpaired and that the GDR not be given a dominant position on civilian access to Berlin. The President had said he was flexible on other points but these were major principles for him. The President had reiterated his concern about German domestic developments and had thanked Barzel for his continued constructive position. He had repeated his earlier view that the final German position on the FRG-Soviet treaty was primarily German business and that it was for the German political system to determine. But Berlin was US business.

Barzel said that as a result of this interview he felt confirmed in his earlier policy that the CDU should not take a final position on the FRG-Soviet treaty until all the returns were in.

³ Barzel met Nixon at San Clemente on September 4, 1970; see footnote 7, Document 115.

⁴ Regarding Barzel's request for an interview with Nixon, see Document 189.

Barzel asserted that in the week before Easter he had come close to a decision to attempt to bring down the Brandt Government on Eastern policy. He had heard authoritatively that a top leader of the SPD, who is not a member of the Federal Cabinet, (Barzel did not specify, but he obviously had in mind Herbert Wehner) had told a meeting of the top SPD leadership that Brezhnev's remarks on a Berlin solution and treaty ratification at the 24th CPSU Congress⁵ meant that the Federal Government would have to decide to dissolve the link it had made between a Berlin agreement and a ratification of a Soviet treaty. Barzel said he had sought out Scheel on April 8 to discuss this subject. He had told Scheel that he would give him the choice between adhering with this SPD position and accepting a CDU effort to bring down the government or taking action to reaffirm the linkage, in which case Barzel would merely send up a warning rocket in the form of a newspaper interview to which the government might respond with a reaffirmation of its position. According to Barzel, Scheel had chosen the second alternative and matters took place in the way arranged. Barzel claimed this was the first CDU/FDP agreement on the matter of substance since the 1969 election.

Barzel said he believed that now that the Soviets had tabled their Berlin position in writing and deliberately leaked mention of its content, they would find it difficult for prestige reasons to change their position. In view of this fact and the firm US position he had encountered in Washington, he did not believe a Berlin agreement in the near future was probable. But he thought the Allies would wish to negotiate further and this was in his view correct. The existing situation would make it possible for him to maintain his tactical line on the Moscow treaty and on Berlin and to avoid all-out confrontation over this issue. As far as he was concerned, he preferred to conduct foreign policy aspects of the 1973 election campaign against the background of a situation where Berlin negotiations were still going on and a ratification of the Moscow treaty had not yet been accomplished than

⁵ For the full text of Brezhnev's speech at the party congress on March 30, see *Pravda*, March 31; for excerpts from a German translation, see Meissner, ed., *Moskau–Bonn*, Vol. 2, pp. 1331–1332. Kissinger assessed the speech in a March 31 memorandum to the President, including the following analysis of Brezhnev's remarks on Germany: "As expected Brezhnev defends the German treaties as a major breakthrough, 'confirming' the inviolability of borders. He notes the division in Germany over these treaties, but insists that they must come into force 'more rapidly.' He also states that 'the problems connected with West Berlin must also be settled' and forecasts that they will be settled if the Four Powers proceed from 'respecting Allied agreements, which determined the special status of West Berlin,' as well as respecting the sovereign rights of the GDR and the interests of the West Berlin population. There could be a nuance here reflecting recent talks in our channel." (National Archives, Nixon Presidential Materials, NSC Files, Box 714, Country Files, Europe, USSR, Vol. XII)

against the background of failed Berlin negotiations and a rejected ratification. This would avoid a German confrontation with the Soviets which could do harm to the Western policy.

In a discussion of Soviet-Chinese relations, Barzel said he did not adhere to the theory that one of the Soviets' main interests in their current Western policy might be to free their rear in order to permit them to deal more effectively with the Chinese problem. Barzel thought that, to the political leadership of the Kremlin, which was after all the same leadership which had decided on the Soviet invasion of Prague in 1968, the risks and damage to the overall Soviet position of a policy of actual détente with the West would appear considerably greater and more immediate even than their grave problems with the Chinese. Ambassador Rush said he found this reasoning interesting. He thought the Soviets nonetheless might have an interest in improving their own situation within Eastern Europe through a convincing demonstration in the form of the FRG-Soviet treaty and related negotiations that Germany, the one country in the West that might really question the post-war set up in Eastern Europe, had formally accepted it.

221. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, April 19, 1971.

A. Abrasimov did not get in touch with me before our Four Power meeting on April 16² and, at the lunch and private Ambassadorial discussion following the formal meeting, gave no indication of a desire for a private talk with me. We, of course, can only conjecture as to the reasons for this failure on his part to follow the procedure you and Dobrynin had established.

(1) It may be that the lines of communication between Dobrynin and Abrasimov are not good.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 59, Country Files, Europe, Kissinger Office Files, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington on April 19 at 1620Z.

² See Document 222.

(2) Possibly there is less than complete harmony between the two or between their respective sources of power and direction.

(3) As I earlier suggested in a message to you³ when Abrasimov made his reference to our Berlin staff about negotiations concerning Berlin being conducted in Washington, he may be trying to sabotage the channel you have with Dobrynin.

(4) As a matter of substance, the Russian draft agreement is so negative that it may be the Russians have decided the private talks are useless until the Western reaction to their draft agreement has been received. As you know, the Russian draft violates completely the understanding that, in the Four Power talks, we are seeking only practical improvements, not a redefinition of the legal and political status of Berlin and not an effort by either side to compel an acceptance of its concepts as to such status by the other side.

B. Changing to another subject, yesterday (Sunday) I had a long talk with Barzel⁴ and found that the President's recent talk with him has been extraordinarily helpful. Barzel, as a result of the talk, thinks he can now persuade the other CDU leaders (1) not to take a position against the ratification of the Moscow pact or the Ost Politik in general during the continuance of the Berlin Four Power talks, and (2) to maintain a non-partisan position with regard to the Berlin talks. Before this, both Barzel's position and his ability to carry other CDU leaders with him on these issues were in serious doubt.

C. Please keep me informed as to any suggestions you may wish to make.⁵

Very best wishes.

³ Document 207.

⁴ See Document 220.

⁵ Kissinger replied by special channel on April 21: "Thank you for your cable of April 19. In the continuing absence of Dobrynin, I have no explanation for Abrasimov's behavior. It may be that Dobrynin is returning with some new proposals. You should also know that I had passed on to Vorontsov, Dobrynin's Minister, your suggestion that you would find it easier to meet privately with Falin than with Abrasimov. As soon as I have talked to Dobrynin I shall be in touch." (National Archives, Nixon Presidential Materials, NSC Files, Box 59, Country Files, Europe, Kissinger Office Files, Ambassador Rush, Berlin, Vol. 1)

222. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, April 21, 1971.

SUBJECT

Berlin Negotiations: Ambassadorial Session of April 16

The 18th meeting of the Four Ambassadors amounted to little more than a formal presentation by the Western side of detailed criticism of the Soviet draft agreement of March 26, and predictable Soviet expressions of surprise and disappointment. There was no substantive advance. We have received no report of the Ambassadorial luncheon conversations (which typically have been livelier than the formal meetings), presumably because nothing of significance occurred.²

French Ambassador Sauvagnargues led off the Western commentary, making the following points:

—the Soviet draft does little more than propound the Soviet thesis since it: (a) refers implicitly to a separate quadripartite status for West Berlin, (b) contests the authority of the Three Powers in West Berlin, and (c) affirms the complete sovereignty of the GDR over access and inner-Berlin communications;

—the entire balance of the draft is distorted, with precision offered only in areas of Soviet interest and vagueness and absence of commitment on areas of Western interest;

—the question of Soviet presence in West Berlin should not be included within the agreement itself.

The British Ambassador discussed the provisions relating to access and inner-Berlin improvements. His main point was that the text contained no commitment about access by the Four Powers, together or separately, and the FRG/GDR agreements are given priority over the Four Power agreement, thus elevating the role of the GDR above the Four.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Berlin, Vol. 3. Secret. Sent for information. According to another copy, Downey drafted the memorandum. (Ibid., Box 691, Country Files, Europe, Germany (Berlin), Vol. III)

² An account of the quadripartite meeting on April 16 was forwarded in telegrams 691, 694, and 695 from Berlin April 16, 17, and 17, respectively. (Ibid., RG 59, Central Files 1970–73, POL 38–6) During the discussion at the Ambassadorial luncheon on April 16, Abrasimov insisted that, under the terms of the Soviet draft agreement, Moscow was committed to “seeing that the GDR authorities carried out their own agreements while the Western side would do likewise vis-à-vis the FRG.” (Telegram 4809 from Bonn, April 23; *ibid.*)

Ambassador Rush spoke to the issue of Bonn/Berlin ties, and concluded the Western presentation:

—the treatment in the Soviet draft of the Bonn/Berlin relationship was almost exclusively negative, and encroached on the authority of the Three Powers;

—the Soviet proposal on representation abroad attempted to replace present valid arrangements which were unacceptable and beyond the scope of the agreement;

—in general, the Soviet text systematically prejudiced fundamental elements of the Western position; the differences between the two sides are clearly major and substantive, not merely drafting differences.

Soviet Ambassador Abrasimov, of course, claimed that the March 26 draft contained all the elements for rapid conclusion of negotiations, and so he was surprised at the Western assertion that it contained no basis for moving forward. After quoting Brezhnev's comment on Berlin at the party Congress,³ Abrasimov responded to the Western points by general comments, e.g., the Soviets have no intention of establishing a Four Power status for West Berlin, the West must accept the reality of the GDR sovereignty over access, etc. He alleged that the March draft included language relating to a Soviet responsibility for transit. This assertion is baffling since no such language exists and Abrasimov himself failed to point to any specific language. For some reason the Western Ambassadors did not try to determine what Abrasimov was talking about.

Abrasimov said he could accept the Western proposition that the issue of Soviet presence in West Berlin could be handled outside of the agreement—as long as it was done simultaneously and in accord with Soviet proposals.

The Ambassadors agreed to meet again May 7.⁴

The day after the Ambassadorial session, the British in Berlin met informally with the two Soviet advisers who commented that the Western failure to take note of the "positive" aspects in the Soviet draft would create a very bad impression in Moscow. The Soviet advisers

³ See footnote 5, Document 220.

⁴ In a May 8 memorandum to Kissinger, Sonnenfeldt reported that the Ambassadorial meeting the previous day "went about as expected." Sonnenfeldt thought the talks would remain a "fruitless exercise" until the Western side defined its advocacy of "practical improvements" more clearly. "Nevertheless," he continued, "it appears that the opening is now there for the Bahr approach of de-emphasizing legalities and concentrating on practical results. It remains to be seen whether the Soviets agree to this. Since Bahr has had some recent contact with the Soviets through his clandestine channel, and now that Falin is in Bonn, it may be that Bahr has already worked out this new approach with the Soviets. Abrasimov's easy agreement to the three-column exercise suggests he was prepared and instructed about it in advance." (Library of Congress, Manuscript Division, Kissinger Papers, Chronological File, 1969–75, Box CL 13) The highlights of the meeting, upon which Sonnenfeldt based his account, are in telegram 827 from Berlin, May 7. (National Archives, RG 59, Central Files 1970–73, POL 38–6)

claimed there seemed little point in going on with the talks since the Allies made it clear they were not willing to do anything positive about Soviet interests, particularly about a consulate general in West Berlin. (While the Soviets have stressed their desire for a consulate, they have not previously raised that issue to this central importance.)

The Soviets also privately approached some US representatives with essentially the same suggestion of an impasse. The Soviet Counselor said that the time was soon coming when the talks should be brought to an end, with or without results. He later told us that the Soviets had gone as far as they could in their March 26 draft, and that their hands were tied (implying by the GDR). He saw no way to move forward, and suggested that the Four advisers had nothing to work on.

Paralleling the private talk of stalemate by the Soviets, the Eastern side has engaged in a major propaganda effort to demonstrate the reasonableness of the Soviet/GDR proposals (in part to counter the general negative assessment of the Soviet draft which has appeared in the Western press). The Poles published portions of the Soviet draft which was immediately echoed by the GDR press. In Geneva, visiting Polish Vice Minister Winiewicz gave Leonard⁵ a hard sell on Berlin, arguing that the Poles had published the Soviet text because it was important to get on the public record the significant concessions the Soviets had made. (The Poles no doubt hope in this way to erode the Western precondition regarding Berlin for a European security conference. Undoubtedly they acted with Soviet connivance.)

It seems clear that the next sessions of the Ambassadorial talks will be increasingly rigid and sterile, with the Soviets playing hard to get—continuing their hints of an impasse and a possible break-off of the negotiations. These hard Soviet tactics are probably based on a Soviet hope of obtaining some Western concessions and cracks in unity, as well as unnerving the FRG. A slightly different motivation for the Soviet hardlining may be that they are in fact locked in with the GDR, and wish to ride out the next several months until Ulbricht cedes his party post to Honecker—as the Soviet Counselor suggested recently.⁶

⁵ James F. Leonard was the U.S. Representative to the U.N. Conference of the Committee on Disarmament at Geneva.

⁶ In an April 21 memorandum to Kissinger, Fazio elaborated on this report: "In reply to a question about the significance of the change in the pecking order of the GDR delegation to the Soviet party congress, the counselor of the Soviet Embassy in East Berlin told a U.S. Mission officer that Honecker clearly would succeed Ulbricht, perhaps at the SED party congress in June. The Soviet said he would not be surprised if Honecker succeeded to Ulbricht's job as party chief, keeping only the titular position of head of state. The Soviet counselor proceeded to laud Honecker for his intelligence, ability and good health. Honecker has gradually eased into an increasing number of daily and representational functions, and is now leading the SED delegation to the Bulgarian party congress in Sofia (to which Brezhnev is leading the Soviet delegation)." (Ibid., Nixon Presidential Materials, NSC Files, Box 32, President's Daily Briefs, April 17–30, 1971)

223. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, April 21, 1971.

SUBJECT

Your Meeting with Bahr, Thursday, April 22

Bahr comes at a difficult time. The Moscow and Warsaw treaties are in limbo, the Soviets in the Berlin talks are threatening impasse, the inner-German talks are apparently fruitless, and the Czech negotiations are just beginning but not promising. Internally, a public split has surfaced between Brandt and Berlin SPD over the characterization of the Soviet draft agreement, and the CDU opposition is gathering itself together for attacks against the coalition both on foreign and domestic policy.

To set a framework for his talk with you, Bahr will probably wish to have your comments on your conversations with Barzel and Carstens.²

Note: Barzel told Ambassador Rush that, as a result of his Washington visit, he feels he is now in a position to insist within the CDU that the party maintain the earlier line of taking no final public position on the treaties and of attempting a bipartisan approach on the Berlin negotiations. He further said that he made his recent hardline public statements against Ostpolitik in order to protect his position within the fraktion.³

The Berlin Negotiations. (A copy of the status report on the last Ambassadorial session is at Tab A.)⁴ The Western side severely criticized the March 26 Soviet draft text, and the Soviets have begun suggesting that the talks may have to be broken off. The Soviets appear to have decided to stand pat on their text—which is virtually totally unacceptable—in hopes that cracks will develop in the Western position.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany (Bonn), Vol. IX. Secret. Urgent; sent for information. An attached form indicates that the memorandum was "noted by HAK" on April 22.

² For an account of Kissinger's meeting with Barzel on April 14, see Document 219. A memorandum of his conversation with Carstens on April 16 is in National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany (Bonn), Vol. IX.

³ See Document 220.

⁴ Document 222.

In an effort to put the best possible face on this gloomy situation, Brandt recently publicly said that the Soviet draft contained “positive points of departure for the continuation of the negotiations.” Last week, in contrast, the Berlin SPD (itself bitterly divided into factions) called the Soviet draft “a certification of capitulation,” and found comfort in the assumption that the West would find the draft so unacceptable that it would not even be discussable.

The Bahr/Kohl Talks. These have passed—as far as Bahr has revealed—into low gear following Allied intervention early last month to prevent Bahr from tabling principles of a transit treaty which might have been exploited by the GDR to undercut the Four Power negotiations on Berlin traffic. Bahr may now only talk to Kohl about reciprocal traffic (but not about transit or Berlin traffic) until the Four Powers give the Germans the “green light” to discuss Berlin access.

The Senat/GDR Talks. These resumed again following the Berlin elections and the absence of Easter passes. The GDR’s negotiating aim is to press the Senat for a general settlement on visits, thereby preempting the Four Power negotiations on this. The GDR also links this with a cessation of FRG political activities in Berlin (selling the same horse several times).

We have had virtually no reporting recently of Bahr’s comments on any of these negotiations. His silence may indicate that he has been preparing some new scheme or formulations and will wish to reveal them to you. It is possible that he will claim that the Federal Government is not able politically to be more forthcoming yet on Federal presence. (*Note:* Barzel told Ambassador Rush that he would postpone the CDU fraktionen meeting in Berlin from May 5 to some other date later in the year.) To prevent a total breakdown, Bahr may argue that some new arrangement must be made to permit the Germans to begin access negotiations, perhaps based only on a vague Four Power consensus that there should be “improvements” on access. He may have made some side deal with his GDR negotiating partner, Kohl, which he may feel has promise. Alternatively, Bahr may urge that the Allies offer the Soviets something on Soviet presence in West Berlin, a point on which the Soviets have placed increasing importance.

On all these issues, you may wish to

- seek his assessment of how the various talks can move forward, and what the effects would be if they all remained stalemated;
- ask him about the apparent split within the SPD (Berlin/Bonn) over the Berlin talks, and what the Government planning is for the Moscow treaty and handling of the CDU.

Bahr will probably wish to compare notes with you about the *Soviet Party Congress*, particularly Brezhnev’s comments on the Moscow

treaty and Berlin.⁵ You may wish to ask him about the situation within the GDR, perhaps including the Soviet counselor's comment that Ulbricht will step down in June.

Bahr may also wish to discuss some arrangements for the Brandt visit scheduled for June.

⁵ See footnote 5, Document 220.

224. Memorandum of Conversation¹

Washington, April 22, 1971, 11:45 a.m.

SUBJECT

The Berlin Negotiations

PARTICIPANTS

German

Egon Bahr—State Secretary, Federal Republic of Germany
Rolf Pauls—German Ambassador

American

Henry A. Kissinger—Assistant to the President for National Security Affairs
Helmuth Sonnenfeldt—Senior Staff Member, NSC
James S. Sutterlin—Director, Office of German Affairs

After an initial exchange concerning the forthcoming Bilderberg conference in Woodstock, Vermont² Mr. Kissinger asked where State Secretary Bahr felt we now stand in the Berlin negotiations.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret. Drafted by Sutterlin. In an attached May 7 memorandum to Eliot, Jeanne W. Davis, NSC Staff Secretary, reported that the memorandum had been approved for limited distribution within the Department of State. The meeting was held in the White House. The memorandum is part I of II. Part II, a brief discussion of the recent visit to China by Klaus Mehnert, a German professor, is *ibid.*, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany (Bonn), Vol. IX.

² Bahr and Kissinger met at the Bilderberg conference on April 24 and 25. No substantive record of their discussion has been found. On April 24 Bahr gave Kissinger a revision of the Soviet draft agreement. The original German document, including Kissinger's marginalia, is *ibid.*, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]. For an English translation, see Document 230. According to Kissinger, "Bahr and I reviewed the state of the negotiations. He had an ingenious suggestion: that both sides drop the legal justifications for their positions and work instead on describing their practical responsibilities and obligations. I agreed, subject to discussion with Rush, provided the access procedures were spelled out in a degree of detail that precluded later misunderstanding." (*White House Years*, p. 828) See also Bahr, *Zu meiner Zeit*, pp. 360–361.

The State Secretary replied that before coming to Washington he had reread the record of the senior level meeting held by the Four Western Powers last November in Bonn and he had found this extremely rewarding.³ At that time the Western representatives had listed the essential points to be achieved in a Berlin settlement, such as access improvements and Soviet acknowledgment of the Federal presence in West Berlin. Martin Hillenbrand had been somewhat skeptical at the time that the objectives were realistic as defined. Now, in Bahr's view, almost all of the objectives are covered in the Soviet draft agreement. The Soviet side is in effect prepared to accept almost everything we demanded. The problem is that the Soviets have done this in a form which is completely unacceptable to the Western side. Concessions are presented as the gift of a sovereign GDR and changes in the situation in West Berlin are dealt with in such a way as to suggest a controlling role for the Soviet Union there.

Bahr noted that the Western draft tabled last February is also formulated in such a way as to support the Western legal position on Berlin. The juridical points of view of the two sides, as represented in the drafts, simply cannot be brought together. Bahr recalled that earlier in the talks the Western side had suggested that juridical questions be put aside and that efforts be concentrated on finding a way of bringing about pragmatic improvements. If we can reach an understanding with the Soviets that nothing in an agreement should prejudice either side's juridical position then he was convinced a Berlin solution would be possible in a short time. One had to approach the texts from the point of view of what would have to be eliminated. The Ambassadors naturally would find this difficult since they must work in accordance with the general instructions received from capitals and do not have authority to make direct decisions.

Mr. Kissinger asked how it would be possible to avoid taking a juridical position when dealing with access, for example. Bahr replied that the Russians say the Three Western Powers have no rights whatever in the field of civilian access. What the Soviets have provided in their text is unsatisfactory since they simply inform the Western Powers of what the sovereign GDR has stated it is prepared to do. However, during the talks Abrasimov has said that the Soviets are prepared to give a Soviet guarantee on access. As Bahr saw the situation, it would be satisfactory if the Soviets would give to the Western Powers in their own name a statement in which they would indicate that such and such steps would be possible. The Soviets would thus be directly involved.

³ Regarding the senior-level meeting of November 17 and 18 in Bonn, see Document 137.

Mr. Kissinger asked how Bahr felt the question of Federal presence in Berlin could be dealt with without prejudice to juridical positions. Bahr said that just as the Soviets would give a statement to the Three Western Powers concerning access, the Three Western Powers would give a statement to the Soviets defining the relationship between West Berlin and the Federal Republic. This would start with a statement that West Berlin is not to be regarded as a Land of the Federal Republic and would include a positive statement concerning the ties which the Three Powers have authorized.

Recalling Bahr's statement that almost all of the Western demands were met by the Soviet draft, Mr. Kissinger said that it was his impression that the Soviet formulations were more far reaching with regard to reductions of the Federal presence in West Berlin than the FRG could accept. Mr. Kissinger mentioned in particular the prohibition in the Soviet draft of committee and Fraktion meetings as well as of political party activities.

Bahr answered that the Soviet draft does in fact lack a little bit. This consists mainly of three things. First there is no clear provision for utilization by West Berliners of Federal passports, secondly participation in FRG delegations by West Berliners is not covered, and finally there is the problem of committee and Fraktion meetings. Bahr thought that this third problem would be the most difficult to handle. He said that from the FRG's point of view there could be no prohibition on meetings of Federal political parties in Berlin. They were, on the other hand, prepared to accept some compromise concerning committee and Fraktion meetings. The FRG could agree, for example, that committees and Fraktionen would only meet in Berlin to deal with legislation which would be applicable in Berlin. Bahr said that he had had several constructive conversations with Dr. Barzel who had been quite cooperative. He was convinced that the Government would find support in the opposition for this kind of compromise.

Dr. Kissinger remarked that practically all legislation passed in the Bundestag becomes applicable in Berlin and he wondered whether the Soviets would accept such a compromise. He also pointed to the possible danger that if such a compromise were developed the Soviets might then try to limit the extent to which Federal legislation is taken over in Berlin.

Bahr acknowledged that this could be a problem. He thought that basically the Soviets have a different approach to the subject. It might, for example, be better to say that Federal personalities and Gremien will not, while in Berlin, act against the provisions of the agreement reached by the Four Powers. He said that consideration was also being given in Bonn to the possibility of reestablishing a Berlin committee in the Bundestag. If this were done, there could be a gentlemen's

understanding that only this committee would meet in Berlin although there would be no specific prohibition against other committees.

When Bahr was about to leave, Ambassador Pauls reminded him to mention the subject of the Soviet presence in West Berlin. Bahr commented that he had intended to discuss this subject with the State Department.⁴ However, he would mention that the Federal Republic could accept any arrangement on an increased Soviet presence in West Berlin which was satisfactory to the Three Western Powers with the possible exception of a Soviet Consulate General. The FRG considered such an office undesirable. However, during the flight to the United States his assistant had suggested to him that the establishment of a Soviet Consulate General might not be so disadvantageous and he was reconsidering the matter. Bahr noted that the Three Western Powers do not have Consulates General in the Western sectors. Other countries such as Switzerland and Greece do. If the Soviet Union has a Consulate General it would be placing itself in the category of other countries which have such offices rather than in the category of the Three Powers who control West Berlin. Mr. Kissinger asked Mr. Sutterlin to comment on this point. Mr. Sutterlin said that the question of agreeing to any increase in the Soviet presence in West Berlin was tactical as well as substantive. Tactically it did not seem an appropriate stage to pursue the subject with the USSR.

⁴ Bahr also met Irwin on April 22 to discuss the Berlin negotiations. An account of their discussion is in telegram 70601 to Bonn, April 24. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

225. National Security Decision Memorandum 106¹

Washington, April 22, 1971.

TO

The Secretary of State
The Secretary of Defense

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, NSC Institutional Files (H-Files), Boxes H-221-229, NSDMs 97-144. Secret; Limdis. Copies were sent to the Chairman of the Joint Chiefs of Staff and the Director of Central Intelligence. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft to Kissinger on March 29 (see Document 216). At a breakfast meeting on April 16, Irwin

SUBJECT

The Berlin Negotiations

After considering the Senior Review Group's memorandum of March 19, 1971,² the President has directed that the following guidelines shall be used as the basis for our conduct of the Berlin negotiations.

1. Although the present arrangement serves as an adequate basis for fulfilling US responsibilities for the viability, well being, and security of West Berlin, the President considers that we can accept a new Four Power agreement if it enjoys the support of the German Federal Government and the Berlin Senat, and if it meets the requirements set out below.

2. An Agreement should in no way alter the status of Berlin. In substance or format an Agreement should in no way prejudice the US interpretation of quadripartite rights and responsibilities with respect to Berlin and Germany as a whole. Our ability to hold the USSR responsible for the exercise of our rights, including those arising out of a new Agreement, should not be limited. An Agreement should not, even by implication, contain provisions which would constitute Western acknowledgment of GDR sovereignty over Berlin access.

3. An Agreement should provide for (a) improvements in German surface access which will afford reasonable assurances that such access will be less susceptible to arbitrary harassments; these improvements should be evident and of a nature to encourage increased confidence in the viability of West Berlin, and should be guaranteed by the USSR to the maximum degree feasible; and (b) entry by West Berliners at least into East Berlin and possibly East Germany.

4. There should be no restriction of the opportunities for the further development of economic, cultural and financial links between West Berlin and the Federal Republic. With respect to the questions of (a) Soviet acknowledgment of specific Bonn/Berlin ties, (b) West Berlin's representation abroad by the FRG, and (c) the nature and extent of Federal presence in West Berlin, we shall be guided by what the Federal Government and the Berlin Senat consider necessary and acceptable for a satisfactory Agreement.

5. Procedural and substantive details sufficient to provide for the implementation and effectiveness of the requirements in paragraph 3

asked Kissinger about the status of the NSDM, which had been pending at the White House since March 20. According to a record of the meeting: "HAK said that he thought he had signed the reply to JNI[rwin]; at any rate he will check on this." (Memorandum for the Record, April 20; National Archives, RG 59, S/S Files: Lot 74 D 164, Irwin/Kissinger Lunches, 1970–1971) In telegram 70827 to Bonn, April 26, the Department forwarded the text of NSDM 106. (Ibid., Central Files 1970–73, POL 28 GER B)

² See Document 216 and footnote 4 thereto.

must be contained within the framework of an Agreement. An Agreement must not contain principles only, or secret protocols.

6. The US could agree to an expansion in Soviet presence in West Berlin.

a. if all of the following conditions are met:

(1) an increase should not involve more than a limited number of Soviet offices,

(2) the increased presence should not have, or imply, the status of an official Soviet representation, and

(3) if an Agreement, which otherwise advances Western interest, becomes dependent on this issue; or

b. if it were appropriately counterbalanced by some form of Western presence in East Berlin under acceptable conditions.

An Agreement should contain nothing on this issue, and any actual expansion in Soviet presence should be well distanced from the conclusion and implementation of a Berlin agreement.

7. With respect to German discussions on access, and in connection with paragraph 2, it is essential that (a) a specific quadripartite framework be established before the discussions take place, (b) there must be prior Four Power agreement that the results of the German discussions will be encompassed within the Agreement, and (c) our ability to hold the Soviets responsible for enforcement must not be limited. Requirements (b) and (c) are sufficient for the Senat/GDR talks on inner-Berlin communications.

8. Should it appear that no Agreement is possible, or that only an Agreement which fails to meet these guidelines can be achieved, the President shall decide whether any modifications in these guidelines should be made.

9. The negotiators should continue to make every effort to coordinate our policy with the French, British and Germans, and should not regard themselves as operating under time pressures outside of the negotiations themselves.

10. We shall continue to support the FRG's position of maintaining a link between the ratification of the Moscow and Warsaw treaties and the outcome of the Berlin negotiations. This policy will, of course, be re-examined if the FRG decides to sever that link.

This NSDM supersedes the Berlin portion of NSDM 91;³ the Germany portion of NSDM 91 remains in force.

Henry A. Kissinger

³ Document 136.

226. Editorial Note

On April 23, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 1:04 to 3:31 p.m. to discuss several issues, including the Berlin negotiations. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, Dobrynin requested an appointment upon his return from Moscow, and the meeting was “cordial but businesslike.” When Kissinger asked about the failure of Ambassador Abrasimov and Ambassador Rush to meet as planned in Berlin on April 16, Dobrynin replied that “Abrasimov had had the impression that Rush was evading him. He [Rush] had left early from a lunch that he had attended and at which Abrasimov had intended to ask him for a private meeting.” Kissinger later commented in a parenthetical note: “I consider this very improbable. If Abrasimov had been instructed to have a private meeting, he would have found a way of making this known.” After discussing the Strategic Arms Limitation Talks, Kissinger and Dobrynin continued their exchange on Berlin:

“Dobrynin said that the Western response had been very disappointing to the Soviet Union. The Soviet Government had tried to meet our points on a number of key issues but had failed to obtain our support. At the last meeting, Rush had been very negative and so had Hillenbrand in conversations with Vorontsov. The Soviet Government was wondering just what was going on. I told Dobrynin that the President was not prepared to issue orders until we had agreed in principle on the direction we were going to take and that until then Rush was going to get the ordinary instructions from the bureaucracy.

“Dobrynin agreed to my proposal that instead of Abrasimov and Rush meeting, there should be meetings between Falin and Rush. Dobrynin wondered whether we could not ask Hillenbrand to participate in these meetings. I said this would be very hard from the instruction point of view—it would put matters into normal bureaucratic channels. Dobrynin wondered whether I could have a talk with Bahr, since Bahr, he said, knew the Soviet position very well and might have some ideas on how to handle it. I said I would talk to Bahr in Woodstock, Vermont this weekend. I would assure him that we would go as far as we could consistent with our obligation to our Allies and our relationships with the Federal Republic. But it was necessary that the Soviet Union understood our special problems.”

The Berlin question also arose during a discussion of a proposed summit meeting.

“On the other hand he [Dobrynin] was bound to tell me that he did not think a visit was likely until after the Berlin question was settled.

It would be impossible to convince their Allies—Soviet Allies—that such a meeting could be fruitful unless the Berlin questions was settled first.

“I reacted sharply. I told Dobrynin that I had heard many eloquent descriptions of the difficulties of linkage. We had promised a Summit Meeting over a year ago in order to make some progress in basic Soviet/American relationships. If this was to be the case, then it was inconceivable for the Soviet Union to make prior conditions. I did not yet know what the President’s reaction would be but I suspected that if there existed a definite plan to have a conference, the President might feel that he had some obligations of good faith. If the conference were used to bring pressure on him, his reaction was likely to be the opposite.

“Dobrynin said that I must have misunderstood him, the Soviet Government wanted a Summit Meeting but it was a reality that there should be some progress on Berlin, not a condition. I told him I was familiar with that formulation since I had used it very often to justify the theory of linkage and I simply wanted to stress that it was an unacceptable formulation to use towards the President. We agreed that I would consider further the issue of the SALT exchange and that we would be in touch next week.” (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 1])

For their memoir accounts of the meeting, see Kissinger, *White House Years*, pages 827–828; and Dobrynin, *In Confidence*, pages 220–221.

After meeting Dobrynin, Kissinger sent the following special channel message to Rush:

“I saw Dobrynin on his return. He claims that Abrasimov was mystified by your behavior, specifically that you seem to have departed prematurely from a lunch at which he had intended to ask you for a private meeting.

“I proposed that you meet henceforth with Falin. Dobrynin agreed in principle, stressing that Falin was the top Soviet expert on Germany.

“Bahr came through the other day. He suggested that the way to break the deadlock was to get away from the juridical arguments and stress only the obligations and undertakings of each side. Dobrynin picked up this theme independently, emphasizing that the Soviet Union had no intention of affecting our legal position. I would like to pursue this idea of dropping the legal formulae from both drafts if you think it has merit when I see Dobrynin on Monday [April 26].

“May I have your answer by then.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2)

During a conversation with the President in the Oval Office at 2:52 p.m., Kissinger emphasized the linkage Dobrynin made between

“some progress in Berlin” and the summit proposal.

Kissinger: “I said, ‘You’re making a terrible mistake.’ I said, ‘If we have a goal, then the President, who never plays for little stakes, would recognize that it has to fit into this framework. If you’re trying to hold him up with Berlin as a means to get to the summit, you don’t understand him. I’m not even sure if he’ll let me continue talking to you on Berlin under these circumstances.’ I thought this—”

Nixon: “Sure.”

Kissinger: “—this was the only way of doing it, because we really cannot promise to be able to deliver on Berlin.”

Nixon: “No.”

Kissinger: “I mean the Germans have screwed it up to such a fare-thee-well, that they may not be prepared to yield anything. I’m seeing Bahr this weekend. He’s up there. I’ll have a better estimates, at that Woodstock conference.” (Ibid., White House Tapes, Conversation Between Nixon and Kissinger, April 23, 1971, 2:52–3:36 p.m., Oval Office, OVAL 487–21) The editor transcribed the portion of the conversation printed here specifically for this volume.

Kissinger then told Dobrynin in a telephone conversation at 5 p.m.: “I have had a talk with the President. The Berlin reaction was what I predicted.” “On specifics,” Kissinger continued, “I will talk to you next week after the weekend conversation,” referring to his upcoming meeting with German State Secretary Bahr. (Library of Congress, Manuscript Division, Kissinger Papers, Box 366, Telephone Records, Chronological File) Regarding the meeting between Bahr and Kissinger at the Bilderberg conference, see footnote 2, Document 224.

227. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, April 25, 1971.

Thanks for your messages.²

(1) Abrasimov's explanation as to why he did not ask for a private meeting with me is not satisfactory. It is true that I had to leave our luncheon meeting shortly after 4 o'clock in the afternoon, since I, as patron, had to return to Bonn for the Boston Pops concert that evening and to be a host to Senator and Mrs. Edward Kennedy and party. However, I had given considerable advance notice of this to Abrasimov, as well as to the other Ambassadors, and on the morning of our meeting again mentioned it to Abrasimov. Nevertheless, he at no time attempted to arrange a private meeting with me. There, of course, may be some communication problems, but I don't believe these are the reasons for his action.

(2) We have for some time been considering the approach advanced to you by Bahr of dropping the legal formulae as to status and stressing only the obligations and undertakings of each side. Recently, the State Department has been more vigorous in pushing this approach,³ which has a lot of merit.

The problem with this approach is that any agreement, however reduced to essentials, would have to require that someone take certain action, thus unavoidably posing the question of competence, authority and sovereignty. With regard to access, for example, the Russians insist that the sovereign G.D.R. alone, not the Russians, has sovereignty over the access routes and competence to make an access agreement.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 59, Country Files, Europe, Kissinger Office Files, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No date or time of transmission or receipt is on the message; the date is from the text of Kissinger's reply (see Document 228).

² For Kissinger's last two messages, see footnote 5, Document 221 and Document 226.

³ In telegram 59068 to Bonn, April 8, the Department gave the Embassy instructions for handling the Soviet draft: "It should be stated to the Soviets that an agreement will not be possible if its wording prejudices the Western position concerning quadripartite rights and responsibilities, the status of Berlin and the role of the GDR. The Counselors should be given the task of seeking to formulate subjects covered both in the Soviet and Western texts in such a way as to avoid prejudice to the legal position of either side, which, after all, was mutually agreed earlier as the only feasible basis for an understanding. The Western Ambassadors should review in detail the problems entailed in the Soviet text in order to provide clear examples for the Soviet side of the work to be done." (National Archives, RG 59, Central Files 1970-73, POL 28 GER B)

As you know, despite our understanding with the Russians that our efforts should be to reach an agreement on practical improvements without affecting the legal position of either party, the recently tabled Russian draft attempts almost in full to assert the Russian position. They have also been very aggressive in maneuvering to have negotiations on access removed from the Four Power talks and carried on by the F.R.G. and the G.D.R. and in having negotiations on inner-city movement similarly taken over by the Senat and the G.D.R.

Despite these difficulties, I think we should attempt steadfastly to concentrate on the problems of practical improvements, and, to the fullest extent possible, defer all questions of political status or legal position. It would be very helpful if you could pursue this approach when you see Dobrynin again. If this approach should eventually be successful, we could, I feel sure, find ways to by-pass the issues arising from the conflicting legal positions.

(3) I am pleased that you suggested, and Dobrynin agreed in principle, that I meet henceforth with Falin. Unless you advise otherwise, I will do nothing until Falin approaches me, since psychologically, I think this procedure is important when dealing with the Russians.

228. Editorial Note

On April 26, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 12:14 to 1:05 p.m. to discuss several issues, including the Berlin negotiations. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) The memorandum of conversation notes that Kissinger requested the meeting, which was “conducted in a deliberately businesslike and aloof manner,” and records the following discussion on Berlin:

“I then turned the conversation to Berlin and mentioned to Dobrynin my conversation with Bahr over the weekend. I said that the only way we could see of breaking the deadlock would be to redraft both documents and to remove the juridical claims from both versions. The documents would then retain the existing form, but would simply state the obligations and responsibilities of both sides but not the legal justification for it.

“If this approach was acceptable to the Soviet Union, we would introduce it at the Western Consultative Meeting on May 17th and, after that, draft a document accordingly. Falin and Rush could meet

secretly to work out the details and possible compromises of the drafts, and Bahr would be prepared to join these meetings. This seemed to me the best way of making progress. Dobrynin said it seemed to him a reasonable procedure but, of course, he could not tell until he had seen some formulations. I said that Bahr would be prepared to give him the formulations on May 4th after consultations with Rush and Brandt. Bahr would give the formulations to Falin.

“Dobrynin asked whether Falin should take the initiative for a meeting or whether Bahr would. I said Bahr would take the initiative. Dobrynin, nevertheless, wondered whether I could give him on an informal basis some ideas of what we had in mind. I said I would try on a thinking-out-loud basis.” (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 5 [Part 1])

According to a handwritten note, Kissinger had with him the first paragraph of Rush’s message of April 25 (Document 227) on Abrasimov’s failure to request a private meeting with Rush. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1) Although the memorandum of conversation does not indicate discussion of the subject, Kissinger later reported (see the message to Rush below) that he gave “Dobrynin hell about Abrasimov.”

Kissinger briefed President Nixon on the Berlin negotiations during a meeting in the Oval Office that afternoon.

Kissinger: “I have worked out with Bahr, who was up at Woodstock—

Nixon: “Good.

Kissinger: “—and with Rush, a very intricate way of handling the Berlin problem, which I don’t want to bore you with, but which I really think now has a chance, and which has the other advantage of putting the control in our hands. It’s to take out all legal phrases and just talk about the facts, who will do what but not on what basis.”

Nixon: “Good.”

Kissinger: “And this has the great advantage that if they don’t play ball, we just tell Rush not to come to any meetings.”

Nixon: “Yeah.” (Ibid., White House Tapes, Recording of Conversation Between Nixon and Kissinger, April 26, 1971, 3:56–4:12 p.m., Oval Office, Conversation 489–17) The editor transcribed the portion of the conversation printed here specifically for this volume.

On April 27 Kissinger and Dobrynin continued their discussion of Berlin at 3:30 p.m., meeting this time in the office of the President’s Military Assistant, Brigadier General James D. Hughes, USAF. According to the memorandum of conversation, Kissinger scheduled the meeting “to put before Dobrynin the general outline of our approach

as it was developed between Bahr and me at Woodstock the previous weekend.”

“I told Dobrynin that if the Soviet Government agreed to the general approach, we would try to find juridically neutral formulations to introduce the substance of each section and to confine the negotiations on Berlin to the practicalities of access, Federal presence, and similar matters.

“Dobrynin said that he would have to transmit this to Moscow but, in principle, it seemed to him like a fruitful approach. I handed Dobrynin the German formulations since I was afraid that, if I undertook the translation, I would miss some words of art and because the draft had been prepared by Bahr. Dobrynin took the formulations, and there was some discussion as to whether they could be transmitted in the clear without indicating what they were, or whether there was some other way of transmitting them. I told him I would check and later called him to say that it would be better if they went in code.

“We then discussed general subjects. I told Dobrynin that our approach to Berlin should indicate our good faith in attempting to come to some understanding with the Soviets. However, we were struck by the rapidity of their responses on Berlin and the slowness of their responses on SALT. I said I understood that they had a great interest in Berlin, but our interest as a nation was relatively less. Dobrynin said this was true—that the Soviet Government would appreciate it very much if there were some progress on Berlin, and they would take it as a sign of our good will.” (Ibid., NSC Files, Box 491, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 6 [Part 2])

According to a copy of the “German formulations,” Kissinger did not give Dobrynin the full text, leaving out, for instance, specific provisions from both the Western letter on Federal presence and the Soviet letter on access. (Ibid., Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]) For the full text, see Document 230.

On April 28 Kissinger sent the following special channel message to Rush on his recent meetings with Dobrynin:

“Because of many pressures, I have been slow in answering your telegram of April 25th [Document 227] and providing you with a résumé of my conversation with Dobrynin on April 26th.

“I agreed with Bahr that he go over with you the draft of the approach which meets the juridical formulations. If you agree, Bahr would then take up the neutral formulations with Falin as an illustrative approach. If the Soviets indicate to us that this is a possible approach, we then introduce it in the Western Four. Falin and you can then meet privately with the occasional assistance of Bahr. You would conduct most of the negotiations with Falin, while Dobrynin and I back-stop on big issues. I outlined this general approach to Dobrynin and

he agreed, subject to looking at the formulation. I also gave Dobrynin hell about Abrasimov.

“Can you tell me your reaction?” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1)

Rush replied by special channel on April 29:

“The procedure you outlined in your message of April 28 is, in my opinion, excellent and will enable us to operate effectively. I shall see Bahr this afternoon and discuss the matter fully with him. Your recent meeting with him has been helpful in ensuring that we three are in complete accord.

“Falin’s arrival in Bonn has been repeatedly postponed. Bahr informed me in early April that Falin would be here by April 15 at the latest, but he still has not arrived. Each week I receive word that he is expected the following week.

“I expect no major difficulties with the British or French in implementing our program of concentrating on practical improvements and by-passing to the fullest extent possible the questions of legal status and political position. As I mentioned in my last message, these practical improvements in themselves involve substantial issues of legal status and political position, but if the Russians really want an agreement we can, I feel sure, arrive at neutral language to cover this problem.

“I will keep you informed of any noteworthy developments.” (Ibid.)

229. Telegram From the Embassy in Germany to the Department of State¹

Bonn, April 30, 1971, 1545Z.

5157. Subject: Chancellor Brandt Comments on Berlin Negotiations. Reference: (A) Bonn 5095;² (B) Bonn 5096;³ (C) Bonn 4637.⁴

1. *Summary:* In a conversation with Ambassador Rush on April 30, Chancellor Brandt expressed complete agreement with the Allied approach to the Berlin negotiations (reference B). Brandt seemed quite relaxed about the status of the talks and emphasized again that the FRG felt under no time pressure with regard to Berlin. He also agreed on the need for efforts to combat actions which give the appearance that there are differences between the Allies and the FRG over Berlin. Brandt once again supported the view that no progress could be expected in the Four Power talks until the Soviets were convinced they could not split the FRG from the Allies or the Allies among each other. Ambassador Rush also mentioned his recent conversation with CDU Fraktion leader Barzel concerning parliamentary meetings in Berlin. The Chancellor said he agreed with the approach the Ambassador had taken and was pleased that Barzel had agreed to cooperate (reftel C). *End summary.*

2. Ambassador Rush gave the Chancellor a detailed outline of Allied tactics for upcoming sessions as reported reftel B. He noted that we would concentrate on searching for practical improvements. The three Western Ambassadors would adopt the so-called "three column

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Immediate; Limdis. Repeated to Berlin, London, Moscow, and Paris.

² In telegram 5095 from Bonn, April 29, the Embassy forwarded an account of a meeting between Bahr and Rush, including the following summary: "Shortly after returning to Bonn from Washington on the afternoon of April 28, State Secretary Egon Bahr contacted Ambassador Rush and asked to discuss his trip and the Berlin talks as soon as possible. The talk took place on April 29. Bahr told the Ambassador he was very satisfied with the discussions he had had in Washington and was pleased at the agreement between the FRG and US on future tactics in the Berlin negotiations. Ambassador Rush reviewed for Bahr recent discussions by the Allied Ambassadors on the subject; Bahr again agreed with the tack which had been taken. Bahr also agreed with the emphasis placed by Ambassador Rush on the need to avoid the appearance of differences between the Allies and the FRG on tactics and goals in the Berlin negotiations." (Ibid., POL 7 GER W)

³ In telegram 5096 from Bonn, April 29, the Embassy reported on a meeting between Ambassadors Rush and Sauvagnargues and British Chargé Richards, in which "they decided that the best tactics for the next series of meetings would be to inform Abrasimov in the May 7th meeting that they are willing despite the serious shortcomings of the Soviet draft which they will again emphasize, to attempt to see if it would be possible to reach compromise wording on the operative portions of Section II, having to do with practical improvements." (Ibid., POL 28 GER B)

⁴ See footnote 2, Document 220.

approach” of comparing the Western and Soviet drafts and then giving their views on what could be done to reconcile the differences on specific practical points. Legal arguments would be left aside. The Ambassador stressed the strong belief of the Allies that no minimum Western position could be agreed upon. The likelihood of leaks would soon transform this into the maximum the Allies could expect to achieve. He also mentioned that in the next sessions, the Allies would avoid pushing terminology embodying explicit reference to Four Power rights. This seemed to be a sore point with the Soviets, and progress on practical improvements might be made easier if we did not raise the subject too often.

3. Brandt said he agreed wholeheartedly with this approach. The “three column” method provided a good way of proceeding, and it was also clear that no minimum position should be formulated. One thing which caused the Chancellor some hesitation, however, was the question of FRG ties to Berlin. He did not want this important subject, which did involve legal arguments, to be lost among the activity surrounding practical improvements. A Berlin agreement must include a reaffirmation of these ties.

4. The Ambassador assured Brandt that the Allies also considered reaffirmation of the ties to be a key element of any possible agreement. Since the Soviets were now disputing many of the ties which did exist, an explicit Russian statement recognizing them would in itself be a practical improvement. We considered these ties to be separate from legal arguments concerning the political status question, and would treat them accordingly in the negotiations.

5. A problem which continued to bother us, the Ambassador noted, was the unfortunate impression often gained from the press that there was a difference in emphasis between the FRG and the Allies concerning the Berlin negotiations. One often got the idea that the FRG was emphasizing the search for practical improvements while the Allies were more interested in legal and political status. Not only was this not true, but it also played directly into the hands of the Soviets, who were still trying to split the FRG and the Allies as a means of achieving their goals in the negotiations. The Ambassador reiterated his belief that until the Soviets were convinced that they could not split the Allies and FRG, there would be no progress in the Four Power talks. He said he had mentioned this subject to Bahr (refTel A), who had promised to pursue it within the German Government. The Ambassador hoped the Chancellor would agree with this point of view.

6. Brandt said he did agree and would look into what could be done. He also restated his support for the Ambassador’s analysis of Soviet tactics. He reaffirmed FRG support for a closely coordinated approach to Berlin and Eastern policy.

7. Ambassador Rush told Brandt that, with the agreement of his two colleagues, he had recently spoken to Rainer Barzel about upcoming CDU Fraktion meetings in Berlin (reftel C). He had noted that we considered the meetings completely legal and did not want to forbid them. It was, however, true that the meetings do have a negative effect and it was for the CDU to decide whether it might not be in the interest of all to hold up on meetings for the next months. The Ambassador noted that Barzel had agreed to postpone the meeting scheduled for May 7, but had said he was still committed to hold one in Berlin in 1971.

8. Brandt said he agreed with this approach and was pleased that Barzel had agreed to cooperate. He noted that Bundestag President Von Hassel had recently announced publicly that the May 7 meeting had been cancelled.

Rush

230. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, April 30, 1971.

Yesterday I had a long talk with Bahr² and find that we are in complete accord on all questions of tactics and strategy. He gave me two copies of the English translation of his draft of proposed agreement. I am transmitting the full text along with this message.

Tomorrow Bahr and I are going over this draft in detail to determine how much of it, if any, should be transmitted at this time to Falin who, incidentally, is still not in Bonn.

This morning I had a talk with Chancellor Brandt,³ also reviewing our tactics and strategy, and here too we are in complete accord. Incidentally, the Chancellor told me that his information is to the effect that the French report of Abrasimov's assignment to Paris to replace Zorin is accurate. If so, conceivably the timing would be such that Abrasimov would go to Paris before the Berlin talks are concluded and be replaced by someone who is less of a hardliner.⁴

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington on April 30 at 1910Z. According to an attached transmittal slip, the message was forwarded the same day to Haig, who was with the President in San Clemente. (Ibid., White House Central Files, President's Daily Diary) Haig then presumably arranged its delivery to Kissinger, who was on a 10-day vacation in Palm Springs, California. (Kissinger, *White House Years*, pp. 718, 721–724; Haldeman, *The Haldeman Diaries*, p. 282)

² See footnote 2, Document 229.

³ See Document 229.

⁴ Kissinger replied by special channel on May 3: "I have read with great interest your messages of April 29 and 30 and am glad that things appear to be in order at your end. I told Dobrynin, based on my conversations with Bahr, that we would be willing to show the Soviets sometime this week our version of our juridically neutral formulation. Unless you and Bahr think it would be desirable, this would not include the substantive detail of our formulations on such things as access and presence but be restricted solely to the formulations which are legally neutral. I intend to see Dobrynin again next week, and in the interim, trust that you will keep me informed on what is being passed to the Soviets. Warm regards." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1)

(DRAFT) AGREEMENT⁵

The Governments of the French Republic, USSR, United Kingdom of Great Britain and Northern Ireland and the United States of America,

On the basis of their rights and responsibilities, proceeding from the respective agreements and decisions of the Four Powers which remain unaffected, taking into account the existing situation, guided by the desire to contribute through practical improvements of the situation to the elimination of tensions and the prevention of complications in relations between the Four Powers and between other interested parties, have agreed on the following:

Part I. General Provisions

1. The four governments are of the unanimous view that in the area of their jurisdiction the use or threat of force must be excluded and disputes shall be settled solely by peaceful means.

2. They will mutually respect each other's individual and joint rights and responsibilities, which remain unchanged.

3. The Four Powers are of the unanimous view that the situation which has developed in this area, irrespective of the difference in legal positions, shall not be changed unilaterally.

Part II. Provisions Relating to the Western Sectors of Berlin

1. The relations between the Western sectors of Berlin and the Federal Republic of Germany shall be respected in accordance with provisions set forth in the letter from the governments of the three powers to the government of the USSR (Annex I).

2. Surface traffic by road, rail and waterways between the Western sectors of Berlin and the Federal Republic of Germany for all persons and goods shall be carried out unhindered and on a preferential basis in accordance with the provisions set forth in the letter from the government of the USSR to the governments of the three powers (Annex II).

3. Traveling of permanent residents of Berlin (West) to Berlin (East) and the environs of the city, other communications and the exchange of small areas shall be arranged for in accordance with the provisions of the letter from the government of the USSR to the governments of the three powers (Annex III).

⁵ Bahr gave Kissinger a copy of the draft agreement at the Bilderberg conference in Woodstock, Vermont, April 24–25. See footnote 2, Document 224. The German original is dated April 21, 1971.

4. Problems relating to the representation abroad of the interests of the Western sectors of Berlin shall be settled in accordance with the provisions of the letter from the governments of the three powers to the government of the USSR (Annex IV).

Part III. Final Provisions

This agreement shall enter into force after the arrangements and measures provided for in Annexes I, II, III, and IV have been agreed upon.

ANNEX I

Letter From the Three Powers to the USSR

The Governments of the French Republic, the United Kingdom and the United States of America, after consultation hereon with the Government of the Federal Republic of Germany, have the honour to bring the following to the attention of the Government of the USSR:

1. In exercise of their supreme authority in the Western sectors of Berlin the governments of the three powers have approved special ties between these sectors and the Federal Republic of Germany.

2. They confirm that the three Western sectors are not to be regarded as a Land of the Federal Republic of Germany and are not governed by it. The provisions of the Basic Law of the Federal Republic of Germany and the constitution of Berlin which indicate to the contrary remain suspended.

3. The Federal President, the Federal Government, the Bundestag and the Bundesrat will not perform official constitutional acts in the Western sectors.

4. For the rest, the Federal Republic of Germany and Berlin (West) will continue to maintain and develop their ties.

5. The Federal Government is represented in Berlin (West) by the plenipotentiary of the Federal Republic of Germany. He is the head of the liaison office with the Senat and the French, British and American authorities. Subordinate to the liaison office are the offices of the Federal Ministries which on the basis of the special responsibilities of the Federal Republic of Germany towards the Western sectors of Berlin have to ensure the liaison between the former and the latter.

(This letter has to be confirmed by the USSR.)

ANNEX II

Letter From the USSR to the Three Powers

The Government of the USSR, after consultation hereon with the Government of the German Democratic Republic and with the latter's

consent, has the honour to bring the following to the attention of the Governments of the French Republic, the United Kingdom and the United States of America:

1. Surface traffic by road, rail and waterways between the Western sectors of Berlin and the Federal Republic of Germany for all persons and goods shall be carried out unhindered and on a preferential basis.

2. This traffic shall be carried out in the simplest and most expeditious manner and must not involve any delay.

3. All traffic shall, as a rule, take place upon identification only; a control by testing at random shall be restricted to exceptional cases.

4. Goods may be transported in sealed conveyances. The sealing shall be effected by the senders and, as a rule, control procedures shall be carried out with respect to accompanying documents and by inspection of the seals only. In exceptional cases for which reasons are offered the shipments may be inspected regarding their conformity with accompanying documents.

5. Through passenger trains and buses between the Western sectors of Berlin and the Federal Republic of Germany may move from one of these areas to the other area without control.

6. Persons identified as through travelers using individual vehicles between the Western sectors of Berlin and the Federal Republic of Germany on designated roads will not be subject to search, baggage check or payment of individual tolls and fees. Such travelers will, by appropriate means, be distinguished from other travelers.

7. Settlement of the costs for the utilization of the communication routes between the Western sectors of Berlin and the Federal Republic of Germany may be arranged in the form of a lump sum to be paid one year in advance.

8. In order to have encumbrances, complications and delays with respect to this traffic rapidly and efficiently dealt with and settled the arrangements for consultation of the representatives of the Four Powers in Berlin remain in force. The representatives of the Four Powers take action, if the German authorities cannot reach agreement.

9. Detailed arrangements for civilian traffic shall be worked out by the appropriate authorities of the Federal Republic of Germany and the German Democratic Republic.

Letter From the Three Powers to the USSR

The Governments of the French Republic, the United Kingdom and the United States of America have the honour to communicate to the Government of the USSR their consent to the arrangements put forward in its letter. In doing so they proceed on the basis that increased

facilities and installations necessary for rapid, convenient and adequate means of movement for all goods and persons between the Federal Republic of Germany and the Western sectors of Berlin will be made available, and that these facilities and installations will be improved in conformity with growing transport needs and developments in transport technology.

ANNEX III

Letter From the USSR to the Three Powers

The Government of the USSR, after consultation hereon with the Government of the German Democratic Republic and with the latter's consent, has the honour to bring the following to the attention of the Governments of the French Republic, the United Kingdom and the United States of America:

1. Permanent residents of Berlin (West) may travel to Berlin (East) and the environs of the city.
2. Telegraphic, telephonic, telex, transport and other communications shall be expanded.
3. The problem of enclaves shall be settled by an exchange of territory.
4. Details shall be worked out by the Government of the German Democratic Republic and the Senat of Berlin.

Letter From the Three Powers to the USSR

The Governments of the French Republic, the United Kingdom and the United States of America have the honour to communicate to the Government of the USSR their consent to the arrangements put forward in its letter. In doing so they proceed on the basis that permanent residents of the Western sectors of Berlin shall be able to visit and travel in the rest of the city and its environs under conditions no more restrictive than those existing at present for permanent residents of the Federal Republic of Germany, and that additional crossing points to the rest of the city, including U-Bahn stations, will be opened as needed.

ANNEX IV

Letter From the Three Powers to the USSR

The Governments of the French Republic, the United Kingdom and the United States of America, after consultation with the Government of the Federal Republic of Germany, have the honour to bring the following to the attention of the Government of the USSR:

1. The governments of the three powers confirm that they will continue to represent the interest of Berlin (West) in matters regarding its status and security.

2. Without prejudice to their supreme authority the three governments have authorized the Federal Republic of Germany to ensure the representation abroad and in international organizations of the Western sectors and their inhabitants. Such representation includes, *inter alia*:

- A) consular representation
- B) inclusion of the Western sectors in international agreements and engagements by special clause.

3. The holding in Berlin (West) of meetings of international organizations and conferences as well as exhibitions with international participation is, as a rule, not subject to restrictions.

The participation of permanent residents of the Western sectors of Berlin in organizations and associations incorporated in the Federal Republic of Germany and in international exchanges arranged by them is, as a rule, not subject to restrictions.

Letter From the USSR to the Three Powers

The Government of the USSR has the honour to communicate to the Governments of the French Republic, the United Kingdom and the United States of America its consent to the arrangement of the representation abroad of the interests of Berlin (West) as described in the three powers' letter. In doing so, it proceeds on the basis that the arrangement being established does not affect quadripartite agreements and decisions.

The Government of the USSR takes note that the representation of the interests of Berlin (West) in matters of its status and security is carried out by the three powers.

It will make no objection to the Federal Republic of Germany's carrying out consular protection of permanent residents of Berlin (West) and of their interest abroad on the understanding that passports for those residents will be issued by Berlin (West) authorities.

It furthermore proceeds from the premise that invitations to the holding in Berlin (West) of meetings of international organizations and conferences as well as exhibitions with international participation will be issued commonly by the Senat and the Federal Government.

It finally proceeds from the assumption that into those treaties, conventions and agreements concluded by the Federal Republic of Germany which are to be extended also to the Western Sectors of Berlin a reference to the agreement of the Four Powers dated. . . (Annex IV) will be included.

FINAL ACT

1. This act brings into effect the agreement reached between the Governments of the French Republic, the United Kingdom, the United

States of America and the USSR as a result of the negotiations which took place in Berlin from 1970 to 1971.

2. The Four Powers proceed on the basis that the agreements and arrangements concluded between the German authorities (follows list) will enter into force simultaneously with the agreement between the Four Powers. This agreement and all agreements and arrangements referred to in the Final Act are concluded for an unlimited period of time.

3. Should this agreement be violated in any of its parts, each of the Four Powers would have the right to draw the attention of the other three powers to the principles of this agreement, in order to carry out consultations in which the situation is reviewed and, if necessary, measures are decided upon with a view to bringing back the situation into conformity with the agreement.

231. Editorial Note

On May 3, 1971, while Assistant to the President Kissinger was on vacation in Palm Springs, California, Soviet Ambassador Dobrynin sent the following note on the Berlin negotiations to the White House: "The Soviet side is ready to conduct in Bonn confidential meetings of the USSR, US and FRG representatives for exchanging opinion on the West Berlin question in parallel with the continuation of the official negotiations of the Four Power Ambassadors." (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 6 [Part 2]) In a telephone conversation that evening, Deputy Assistant to the President Haig called Dobrynin to discuss the note. "I just wanted to make sure," Haig explained, "that this is in the context of the approach outlined to you last week," referring to the meetings between Kissinger and Dobrynin on April 26 and 27. Although reluctant to review the note with Haig on the telephone, Dobrynin said: "We are prepared to follow the lines discussed with Dr. Kissinger and understood from the President." Dobrynin also indicated that he would address the issue when Kissinger returned to Washington on May 8: "By that time we will have more clear picture, this is a major message." (Ibid., Box 998, Haig Chronological File, Haig Telcons—1971 [2 of 2])

As soon as his conversation with Dobrynin was over, Haig reported by telephone to Kissinger in Palm Springs: "It took a little bit to get our friend (Dobrynin) but I just talked to him and he said, I guess so. This is in response to what Dr. Kissinger mentioned to me but then

he went on to say this is not any big deal. Just thought it would be to explore this channel, this way no pre-conditions and we shouldn't read anything into it."

When Kissinger asked "what the hell does he mean," Haig replied: "It was my distinct impression that this is along the lines of what you mentioned to him." After an exchange on arrangements for the proposed secret trip to Beijing, Kissinger and Haig continued their discussion of the Soviet note on Berlin.

"K: What worries me is Dobrynin.

"H: Yeah. Well, I think you could call him.

"K: I won't call him. What did he say, we shouldn't read too much into it.

"H: To the proposal that they have given us. It would be useful to explore.

"K: Explore the forum, or in the context of your proposition?

"H: In the context of your proposition.

"K: The forum was established a long time ago.

"H: This is in response to what you told him. This is the way my government has responded to the proposal made by Dr. Kissinger last week.

"K: Yeah. Have you got a backchannel to the Ambassador? I am just worried that a God-awful mess will occur if everybody doesn't read from the same sheet.

"H: I couldn't agree more.

"K: Basically, we are not sure what the goddamn thing means. Best thing to do is send it to Rush with explanation of how it came about.

"H: Right. He linked it directly? to your proposal but that funny business about, I guess so threw me off the track. Maybe my question threw him off.

"K: What was the question?

"H: Is this proposal in the context outlined by you to him last week.

"K: That's correct, that's exactly right.

"H: And his first answer was I guess so and then he went on and talked very quickly and saying this not by [would not be?] a substantive set of conditions and his government thought this would be a useful way to explore this." (Ibid.)

On Kissinger's behalf, Haig sent a special channel message to Ambassador Rush in Bonn on May 3. After quoting the text of the Soviet note, Haig provided the following background:

"As I communicated to you last week I had explained to Dobrynin the general approach agreed to by you, Bahr and me. In order to illustrate what we meant by a juridically neutral draft I gave him the

introductory sentences from the sections on Federal Presence and Access contained in the draft handed to me by Bahr at Woodstock on April 25.

“From Dobrynin’s reply today confirmed by telephone later we can assume that this general approach is acceptable to the other side.

“In these circumstances, I wonder if we should now give them any additional drafts until we have obtained the agreement of the British and French on this approach at the working level meeting on May 17 and 18.

“I leave to you and Bahr the judgment on whether we should provide them with any additional material at this time. Please let me know what you plan to do.” (Ibid., Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1)

At the same time, Haig sent an identical message by special channel to German State Secretary Bahr. (Ibid., Box 60, Egon Bahr, Berlin File [2 of 3]) For a German translation of an excerpt from the message, see Bahr, *Zu meiner Zeit*, pages 361–362.

232. Memorandum From the President’s Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, May 4, 1971.

SUBJECT

Ulbricht Resignation

Declining health was probably the immediate cause of Walter Ulbricht’s resignation.² He was forced to cancel a recent visit to Romania, and rumors have been flying that he was quite ill. Nevertheless, the succession seems to have been foreshadowed during the visit to Moscow last month when Ulbricht went out of his way to bring his

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany (Bonn), Vol. IX. Secret. Sent for information. Haig initialed the memorandum for Kissinger, who was on vacation in Palm Springs, California. Butterfield also stamped the memorandum to show that the President had seen it; an attached slip indicates that it was “noted by Pres” on May 10. According to another copy, Hyland drafted the memorandum on May 3. (Ibid., Box 715, Country Files, Europe, USSR, Vol. XIII)

² Ulbricht formally resigned as First Secretary at a meeting of the SED Central Committee on May 3; he retained the largely ceremonial post of Chairman of the State Council until his death on August 1, 1973.

successor, Erich Honecker, to all the meetings with the Soviets, and sent Honecker in his place to the Bulgarian Party Congress last month.

In the short term the change over probably will not be translated into any new or different policies. Honecker has long been the designated successor. The new leadership will probably be nervous and concerned that the population not become restive or be led to believe that favorable changes are in the making. The Soviets will share this concern for stability. They may have even tried to reduce the element of surprise by floating rumors of Ulbricht's resignation over the past two weeks (including a broad hint to one of our officials in Berlin).³

The resignation could have been held up until the East German Party Congress this month as a more appropriate forum. However, Honecker (and perhaps the Soviets) may have felt that the Congress would be useful to build up his new leadership and to introduce any further changes in the top command that may be necessary to secure Honecker's position, and convince the population he is fully in charge.

If the East German party successfully negotiates this period of uncertainty, *it is likely that the Soviets will find Honecker easier to deal with than Ulbricht.* Honecker will be too dependent on the Soviets to take the independent positions that Ulbricht often did, especially on the questions of negotiations with West Germany, the four power talks on Berlin and Ostpolitik in general.

In this sense, then, there may be a prospect for a modification in the tough Soviet stand in the Berlin negotiations. Ulbricht had been dragging his feet in his attitude toward Brandt's government and an agreement on Berlin, largely because he had insisted that international recognition of East Germany should have first priority over a Berlin agreement. The West Germans may also find it easier to deal with Honecker if only because Ulbricht symbolized the division of Germany, the Berlin Wall, etc.

Any change in the direction of greater East German flexibility, however, will probably await the internal consolidation of the new regime.

The new leader, Erich Honecker, has the reputation of the "youngest of the old guard," since he is grouped politically with the older "Ulbricht faction" that has dominated the East German party since the end of the war. He is not Moscow trained, however. From 1937 until the end of the war he was in prison in Germany; on release he resumed work in the Communist Youth movement, rising rapidly to the second position behind Ulbricht in the early 1960s. Most observers feel that Honecker is the leader of a hard line faction in the East German leadership, and is thus likely to continue the Ulbricht line.

³ See Document 222 and footnote 5 thereto.

However, Ulbricht has presided over this party for so long that any new leader may find it far more difficult to rule in the same fashion, thus the change in East Germany marks the beginning of a new era with consequences that are difficult to foresee.⁴

⁴ In another May 4 memorandum to Nixon, Kissinger summarized a May 3 CIA intelligence memorandum on the implications of Ulbricht's retirement: "CIA concludes that in moving Ulbricht upstairs to an honorific post, the East German and Soviet parties appear to have acted with a forethought and control which Communists rarely achieve in the delicate matter of political succession. Ulbricht's position has been weakened somewhat in the last year by his addiction to overambitious economic planning and by Soviet annoyance over his obstructionism in policy toward West Germany. But he does not appear to have been forced out, and he probably agreed that the time had come to give way to his hand-picked and long-groomed successor, Erich Honecker." (National Archives, Nixon Presidential Materials, NSC Files, Box 33, President's Daily Briefs, May 1–15, 1971) In a note to Kissinger the same day, Haig attached a copy of the intelligence memorandum to a copy of the memorandum to the President, explaining that the former was received afterwards. (Ibid., Box 715, Country Files, Europe, USSR, Vol. XIII)

233. Editorial Note

On May 4, 1971, Deputy Assistant to the President Haig met Soviet Ambassador Dobrynin at 1 p.m. in the White House to discuss linking progress in the Berlin negotiations to recent developments in the Strategic Arms Limitation Talks. Assistant to the President Kissinger, who was on vacation in Palm Springs, California, had instructed Haig to summon Dobrynin for an explanation of a proposal floated the previous day by Vladimir Semenov, head of the Soviet SALT delegation in Vienna. Although Gerard Smith, head of the U.S. SALT delegation, viewed it as a possible breakthrough, Kissinger saw the proposal in a different light. "Whatever the reason," he later recalled, "Semenov's move, as well as raising doubts about Soviet good faith, in effect circumvented the Presidential Channel." (*White House Years*, pages 817–818; see also Smith, *Doubletalk*, pages 218–223)

According to the memorandum of conversation, Haig began the meeting with Dobrynin not by raising the proposal on SALT from Semenov, but by introducing a message on Berlin from Ambassador Rush:

"General Haig first showed the Ambassador a message from Ambassador Rush (Tab A [see Document 228]). The Ambassador read the message carefully. General Haig noted that it was evident from that document that our side was moving constructively in response to the agreement which had been arrived at between Dr. Kissinger and the

Soviet Ambassador in their special channel. General Haig continued that both the President and Dr. Kissinger were now, however, beginning to question the value of this special channel because of various actions taken on the Soviet side.”

After allowing Dobrynin to read a telegram from Smith on the Semenov initiative, Haig explained that the White House was “shocked” that the Kremlin would take important steps in Vienna before responding to proposals discussed in Washington between Kissinger and Dobrynin. “Because of this turn of events and the apparent shifting Soviet attitude on SALT,” he continued, “both Dr. Kissinger and the President were beginning to seriously question the value of continuing with this special channel and wondered whether or not it might not be more advantageous to terminate the channel now and return the discussions on the range of issues which had been covered in this channel to their regularly established forums.” Following a debate on the conduct of SALT by special channel, Haig and Dobrynin concluded the meeting by returning to Berlin.

“Ambassador Dobrynin then asked to read again the message at Tab A. After doing so, he asked General Haig whether or not this message was designed to convey to him the fact that progress was being made on the Berlin issue.

“General Haig stated that the message spoke for itself, adding that obviously the U.S. side had been and was prepared to continue to act in good faith as a result of the discussions which were held in the special channel between Ambassador Dobrynin and Dr. Kissinger. However, when incidents arose such as that which occurred yesterday in Vienna, it could not help but shake our confidence in the value of continuing these discussions.

“General Haig stated that the Soviet side must understand that the U.S. Government had to maintain a level of discipline within its own bureaucracy in its dealings with the Soviet Union and comments like those made by Ambassador Semenov could be the source of serious confusion and make the continuation of the special channel counterproductive. For this reason, it was important that the Soviet side deal solely in the special channel and coordinate carefully with Dr. Kissinger before new initiatives can be taken in the Vienna forum.

“Ambassador Dobrynin smiled and reiterated that we should be assured by the statements made by Semenov and not be so suspicious of Soviet intentions.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1)

234. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, May 5, 1971.

After receiving your messages of May 3rd,² I got in touch with Bahr, and we agreed that no part of the Bahr draft agreement would be given to Falin at the meeting they had scheduled for last evening. In this meeting, Falin confirmed to Bahr the information that you had received from Dobrynin that Falin had been authorized by Moscow to conduct confidential meetings with Bahr and me in Bonn. Falin further expressed the view that Honecker's replacement of Ulbricht would be a delaying factor, because Honecker would have to prove that he is a strong man and would not be as free to move as Ulbricht would have been.

Bahr and I agreed this morning that the only thing we should give Falin prior to the working level meeting on May 17 and 18 would be the neutral formulations of Bahr's draft, that is, substantially the same material you have given Dobrynin. Bahr would also attempt to secure confirmation from Falin that these neutral formulations are acceptable.

If this is confirmed, it would be a major breakthrough, for in essence it would mean that the Russians had taken a substantial step away from their position that the GDR, not the Russians, should be the primary contracting party on questions involving access and inner-city movement. We could then concentrate on attempting to reach agreement on the practical improvements for implementation of which the Four Powers would agree to undertake responsibility.

After the working level meeting in London, we can decide the manner and extent of disclosure to Falin of the substantive portions of

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission appears on the message; a handwritten note indicates that it was received in Washington on May 5 at 2200Z.

² See footnote 4, Document 230 and Document 231.

the Bahr draft, relating to access, Berlin/FRG special ties, representation abroad, etc.³

Warm regards.

³ Bahr also sent a special channel message to Kissinger on May 5, reporting on his meetings with Falin and Rush and responding to the issues raised in Kissinger's message of May 3 (see Document 231). Bahr commented: "I believe that the Soviets have accepted both the method and the general line. In order to avoid misunderstandings, I would like to have the direct reaction of the primary author of the Soviet paper," i.e., Falin. "Based on the attitude of Falin," he concluded, "Soviet Berlin policy will not be disturbed by the change from Ulbricht to Honecker. The inner-German negotiations could become more difficult; Honecker does not have the authority of Ulbricht. He will attempt to gain such authority on the domestic side. For the Soviets he will be an easier partner. In his first declaration before the Central Committee he endorsed the attack on Mao. At the party congress in Moscow, Ulbricht and the Rumanians were the only members who did not direct an attack against China." These excerpts were translated from the original German by the editor. (National Archives, Nixon Presidential Materials, NSC Files, Box 60, Country Files, Europe, Kissinger Office Files, Egon Bahr, Berlin File [2 of 3]) For the full text of the message in German, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland*, 1971, Vol. 2, pp. 726–727. See also Bahr, *Zu meiner Zeit*, p. 362.

235. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, May 11, 1971.

1. Last night, Bahr, Falin and I had a long and useful discussion (from 8:00 p.m. until after midnight) in my residence. Falin, whom I met last summer in Moscow, adopted throughout a low-key, non-controversial negotiating stance of give and take. The discussion of our respective points of view was very helpful to Bahr and me in clearing up many ambiguities of the Russian position, and in turn Falin evidently understood for the first time much of the reasoning underlying our position. A continuation of this type approach could lead to substantial progress and possibly a final agreement in the near future.

Falin speaks adequate English, and thus all of our discussion was in English. The difference between Falin's and Abrasimov's personality

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission appears on the message; a handwritten note indicates that it was received in Washington on May 11 at 2230Z.

and style and the elimination of the language barrier represents an improvement difficult to overestimate. Falin is thoroughly conversant with his subject matter, as of course is Abrasimov, but has a high degree of flexibility of approach in contrast to the rigid, polemical approach of Abrasimov.

2. The basis for our discussion was that neither side would attempt to impose its concept of legal position on the other and that to achieve this neutral language would be employed in the general provisions. Another cardinal principle is that our decisions are tentative and subject to withdrawal or change in the light, for example, of any objections or suggestions you may have or of possible reactions from the French and British when the issues reach them.

3. With these underlying principles, we went through the non-substantive parts of what I shall call the Bahr draft, as sent to you with my message of April 30.² A detailed review of these provisions resulted in the tentative conclusions set forth at the end of this message.

4. Last week Bahr pressed me hard to consent to giving Falin at once the substantive parts of the draft, stating that the Chancellor very much wanted this to be done. I explained to him that this was not advisable, but should be delayed until after the working level meeting, for several reasons; namely, (a) I had told you that this would not be done until after that meeting, (b) by waiting until after the meeting we will have the benefit of additional input from it and at the same time will be in a factual position of having outlined orally the conceptual approach of the Bahr draft to the British and French before we give it to the Russians (something that might some day be useful in the event there should ever be a leak with regard to our talks with Falin), and (c) the passage of a week to ten days could make virtually no difference with regard to going forward to final agreement. Bahr accepted this, but again last evening, with Falin present, urged that we forthwith give Falin the substantive portions. Once again I refused, and Falin remained silent concerning this issue.

5. The next meeting of us three will be on Wednesday evening, May 19, following the working level meeting. At that time, unless you think otherwise, we would plan to start giving to Falin, either section by section or, perhaps preferably, in their entirety, the substantive parts of the Bahr draft. This would seem to be justified in view of the negotiating stance of Falin last evening, clearly indicating his desire to push forward to an agreement that would be satisfactory to all parties.

6. We must soon determine the best method of feeding the results of our talks into the negotiations. There are various ways of doing this,

² Document 230.

one way for example being that the Chancellor, through Bahr, could advance them to the three powers as representing the desires of the FRG. They would then be fed into the regular channels of the three powers. I shall discuss this question fully with Bahr soon and send you our recommendations.³

TENTATIVE DECISIONS WITH REGARD TO THE BAHR DRAFT

The first issue that arose was whether to use the term “Western sectors of Berlin,” “Western Berlin” or “Berlin (West).” Falin contended that “Western sectors of Berlin” violates their concept of the status of the city, since it indicates acceptance of our view that all of the city is still under Four Power control and that the Eastern sector is not a part of the GDR. Our position is basically (a) that the use of the words “Western sectors” is necessary to establish clearly that these sectors are not a separate political entity and (b) that their use does not prejudice the Russian legal concept. Falin contended, with justification, that both the Allies and the FRG have repeatedly referred to the area as “West Berlin” or “Berlin (West)” and that our argumentation therefore was not entitled to great weight. The term “West Berlin” is not acceptable to the FRG, who are pressing for use of the term “Berlin (West)” and have been using this term quite a bit lately in public statements and otherwise. We agreed that the issue was subject to further discussion but that tentatively the term “Berlin (West)” would be used so that we could go forward to the other parts of the agreement.

Comment: Since the Russians have consistently taken such an adamant position with regard to this throughout our discussions, and since in my opinion the issue is not of major importance to us, I would

³ In a special channel message to Kissinger on May 11, Bahr reported that the meeting had been “encouraging,” particularly since Falin had adopted an “unpolemical and constructive attitude.” On the assumption that Rush would report details of the discussion, Bahr continued: “The main problem at the moment: how should the result be introduced in London? Could you possibly give Hillenbrand some guidelines? I would prefer any method that would leave the process to the Americans themselves but am ready, of course, to offer any necessary cooperation.” These excerpts were translated from the original German by the editor. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]) For the German text, see also *Akten zur auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. 2, p. 744. Kissinger replied by special channel on May 12: “I am delighted that at last we are making progress. I look forward to hearing about your next meeting. As for introducing it in London I think it would be best to have you present your concept. Rush will support you. If you have other suggestions we are open-minded. I prefer not to give guidelines to Hillenbrand until after the meeting.” (Ibid.) For their memoir accounts of the exchange, see Kissinger, *White House Years*, pp. 828–829; and Bahr, *Zu meiner Zeit*, pp. 362–365.

recommend that at the proper time we accept use of the term “Berlin (West).” In my opinion this would not prejudice our position.

A. Preamble. This remains unchanged.

B. Part I. General Provisions.

Paragraph 1. The words “in the area of their jurisdiction” were deleted, and “within the subject matter of this agreement” was inserted instead, so that this subdivision 1 would read as follows:

“1. The four governments are of the unanimous view that, within the subject matter of this agreement, the use or threat of force must be excluded and disputes shall be settled solely by peaceful means.”

Paragraph 2 is unchanged.

Paragraph 3. The words “and as provided for herein and in the other agreements referred to herein” were inserted so that this paragraph would read as follows:

“3. The Four Powers are of the unanimous view that the situation which has developed in this area, irrespective of the difference in legal positions, and which is provided for herein and in the other agreements referred to herein shall not be changed unilaterally.”

C. Part II.

It was concluded that for purposes of balance all of the introductory parts of the opening clauses of the subdivisions of Part II should conform. Giving effect to this, the following changes were made:

Paragraph 1. The word “respected” was deleted.

Paragraph 2. As we are talking in the agreement only about civilian traffic, not military traffic, it was agreed, for purposes of simplification and conformity, that the words “surface,” “by road, rail and waterways” and “carried out unhindered and on a preferential basis” would be deleted. The “carried out unhindered and on a preferential basis” will be inserted in the text of Annex II.

Paragraph 3. The term “Berlin (East)” disturbed Falin for the same reasons as mentioned above, namely, this would imply that Berlin (East) is not a part of the GDR. Accordingly, we adopted the phrase “to Berlin (East) and the districts of the GDR,” striking the words “environs” and “city.” Since the GDR is divided into districts (similar to the FRG being divided into Laender) and since Berlin (East) is not a district, this language could be interpreted by us in the manner that we desire, namely, that “Berlin (East)” is not modified by “of the GDR,” while it could be interpreted by the Russians as being modified by “of the GDR.”

In addition, the words “communications and the exchange of small areas” and “arranged for” were deleted and the words “related items” were inserted.

Paragraph 4. The word “settled” was deleted.

As so modified, Part II in its entirety would read as follows:

“Part II. Provisions Relating to Berlin (West)

“1. The relations between Berlin (West) and the Federal Republic of Germany shall be in accordance with the provisions set forth in the letter from the governments of the three powers to the Government of the USSR (Annex I).

“2. Civilian traffic between Berlin (West) and the Federal Republic of Germany for all persons and goods shall be in accordance with the provisions set forth in the letter from the Government of the USSR to the governments of the three powers (Annex II).

“3. Travelling of permanent residents of Berlin (West) to Berlin (East) and the districts of the G.D.R. and other related items shall be in accordance with the provisions of the letter from the Government of the USSR to the governments of the three powers (Annex III).

“4. Problems relating to the representation abroad of the interests of Berlin (West) shall be in accordance with the provisions of the letter from the governments of the three powers to the Government of the USSR (Annex IV).”

D. Part III. Final Provisions.

This remains unchanged.

E. The Annexes.

Only the initial clauses of the annexes, terminating with the colon, were given to Falin. The conclusions were as follows:

Annex I. He objected to the term “after consultation hereon with the Government of the Federal Republic of Germany.” However, on our insistence that this is necessary to balance Annex II’s reference to the GDR, he withdrew his objection.

Annex II. This, as you know, is a key issue in controversy, for it is essential in this case that the undertakings be by the Russians and not by the GDR. Falin said that in your discussion with Dobrynin you had accepted the Soviet formulation of this initial clause, but I told him that this obviously was an error of communication, for you and I had been in close touch and you had given Dobrynin the same formulation which we were discussing. He did not press the point, and while he said that he might want to suggest some changes in the formulation, he could insure that it would be acceptable to us.

Annexes III and IV were unchanged.

F. Final Act.

The Final Act was basically satisfactory, except that we concluded that the agreements resulting from the negotiations between the GDR and the FRG with regard to details of access and between the FRG and

the Berlin Senat with regard to details of inner city movement should be included in a wrap-up clause, so that the Four Powers would have contractual responsibility for their provisions. As you know, we have been urging this, while the Russians have been resisting it, and I was surprised that Falin tentatively accepted the concept without too much argument. We further concluded that paragraph 3 should be clarified and made more precise, but this was left for another time since the hour was quite late.

236. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

Washington, May 11, 1971.

For the time being, the President desires that there be no private meetings with Falin and that you cool matters with Bahr. Adoption of this tactic is due to circumstances not related to the Berlin issue. It is important that in cooling things you do so in such a way that the obstacles appear technical at your end rather than a result of instructions from here.²

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message.

² In his memoirs, Kissinger explained that he instructed Rush to postpone his May 19 meeting with Bahr and Falin "as a response to Semenov's conduct in circumventing the [Presidential] Channel during the SALT talks." (*White House Years*, p. 829) See Document 233.

237. **Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, May 12, 1971.

1. Thanks for your message of May 11,² the instructions of which I shall, of course, follow closely. We have some serious problems, however. As I mentioned in my message of yesterday, a further meeting with Falin has been set for May 19, following the London working level meeting. I shall cancel this so far as my attendance is concerned. However, Bahr may take a strong stand with regard to his seeing Falin alone, something which, as you know, he has done rather frequently for some time, according to our intelligence information. Also, since the Chancellor and Bahr have been pressing hard to give to Falin the substantive portions of the Bahr draft, it will be very difficult to persuade them not to do so, particularly since the meeting with Falin on May 10 seemed to go so well and has aroused high hopes with the Chancellor and Bahr for real progress. I assume that I should make every effort to attempt to persuade them not to pass the substantive parts to Falin and, in fact, for Bahr not to have private meetings with Falin concerning Berlin. Please give me your thoughts concerning this as soon as possible.

2. I shall be in Washington for a few days at the time of Brandt's visit to the President on June 15. At that time I hope we can have a private, full discussion of tactics and strategies and of your thinking. This would be extremely helpful to me.³

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 1638Z.

² Document 236.

³ Kissinger replied by special channel on May 12: "Thank you for your informative cables of May 11 and 12. The obstacles to your attending the next meeting have been substantially removed though if it could be conveniently delayed a few days say to the week of May 24 it would still be very helpful. But I prefer you to attend than to have Bahr go to the meeting alone. Do your best to get a postponement. I agree that at the next meeting you should give Falin the substantive portions of the draft. Incidentally, I think it is highly inappropriate for Bahr to argue with you in front of Falin and I shall tell him so. As for introducing the new approach to the Four Powers I believe it might be best for Bahr to do so but we are open-minded. I look forward to seeing you in June. Keep up the good work." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1)

238. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, May 14, 1971.

1. Thanks for your message of May 12.² I am pleased that you have been able to overcome the difficulties standing in the way of a continuation of my talks with Bahr and Falin. As I have mentioned in previous messages, these talks show such promise that I feel we might miss some real opportunities if they should be discontinued at this point.

2. Earlier today, in a talk with Bahr,³ he accepted postponement of our meeting with Falin to May 27 or 28. This afternoon Falin made his official call on me⁴ and told me he was returning to Moscow on the 21st and would not return until the 26th and would let us know which date would be acceptable to him.

3. My talk with Falin today was very satisfactory. We reviewed the discussion that he, Bahr and I had had the evening of May 11,⁵ and he reiterated his acceptance of the basic issues we had agreed upon then. To test his flexibility of approach, I again brought up the question of the use of the term "Western sectors of Berlin" instead of "Berlin (West)" pointing out that while my own feeling was that this issue was not so vital, there were many among the other three allies who considered it to be important. He tentatively agreed that "Western sectors of Berlin" would be satisfactory, assuming other obstacles were over-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message.

² See footnote 3, Document 237.

³ In telegram 5813 from Bonn, May 14, the Embassy forwarded a brief account of the Ambassador's meeting with Bahr. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁴ In telegram 5917 from Bonn, May 17, the Embassy summarized the discussion on Berlin as follows: "Falin said the USSR was sincerely interested in reaching an agreement in Berlin. The Soviets believed an arrangement was necessary in itself to help ease tensions and did not tie it to progress in any other area. He thought the Four Power talks had been useful in helping each side to understand the other's views and that now the discussions had entered a final phase and an agreement was in sight. Amb Rush said he too thought progress was possible. If an agreement were to be reached, both sides would have to understand that they could not impose their legal concepts on each other and the Four Powers would have to assume responsibility for all parts of the package. The agreement must contain unambiguous language in the operative sections if tensions were really to be diffused." (Ibid., POL 17 USSR–GER W)

⁵ See Document 235.

come. He expressed his satisfaction over the results of our discussion of May 11 and said that on the basis of the progress we had made then he could foresee the possibility of rapid advances in the talks and their successful conclusion within a few weeks. The real test, of course, is still to come, but his over-all attitude is encouraging.

Best wishes.

239. Editorial Note

On May 17 and 18, 1971, senior-level officials from the United States, United Kingdom, France, and West Germany, including Assistant Secretary of State Hillenbrand and German State Secretary Bahr, met in London to discuss the status of the quadripartite negotiations on Berlin. In a memorandum to Hillenbrand on May 11, James Sutterlin, Country Director for Germany, maintained that the primary American objective in the meeting was a consensus that Allied negotiators should: 1) seek "pragmatic improvements" for the city; 2) avoid a settlement that might prejudice the Western legal position; and 3) continue to negotiate on the basis of the existing draft format while considering alternatives that would not compromise matters of principle. "In pursuing these objectives, he explained, "we will wish to make clear that the US side continues to be interested in a Berlin settlement and is by no means inflexible concerning its format." Sutterlin added:

"We are particularly anxious to see the early initiation of German discussions. At the same time the other Three Powers should understand that there are two basic limits under which we operate: we are not prepared to enter an agreement which by implication or otherwise could prejudice the Western legal position; equally we cannot accept an agreement which could prejudice control of the Western sectors or the prospects of their further social and economic development. A summary of NSDM 106 as representing the views of the highest US authority should be conveyed to the meeting." (National Archives, RG 59, EUR/CE Files: Lot 80 D 225, General Instructions, Tactics, Scheduling)

After a review of Ostpolitik on the morning of May 17, the participants in the senior-level meeting assessed the quadripartite negotiations on Berlin. Bahr began by declaring that it was now clear "that there would be no inner-German agreement on transport before there was a Four-Power agreement on Berlin access." In spite of some contradiction with his previous position, Bahr maintained that it was "necessary for the Four Powers to close off this subject before it could be

taken up by the two German sides." On the issue of access, Hillenbrand stated that the United States sought "the maximum number of practical improvements." "We were flexible on the specifics," he continued, "provided certain basic criteria were met. Any agreement had to be in accordance with the principle that it contain visible improvements, and that it should encourage increased confidence in the viability of West Berlin. It should also be guaranteed by the Soviet Union to the maximum extent feasible." Bahr countered that "in the end, the Four-Power talks might not achieve very much in practical terms no matter what was agreed on the issue of how civilian traffic should actually be handled in detail." "We might come to a result where it was in effect not possible to achieve real practical improvements on access: it was impossible to create a corridor situation, as this would exclude every right of the East Germans to control traffic." Although "no real evaluation of the possibilities would be possible until the inner-German talks began," Bahr reiterated that "conclusion of a Four-Power agreement would not of itself assure practical improvements in Berlin access." Allied officials, however, endorsed Bahr's "three-column approach," in which the Four Power advisers would attempt to distill neutral formulations from the Western and Soviet draft agreements on access and other matters. (Airgram A-525 from Bonn, June 3; *ibid.*, Central Files 1970-73, POL GER E-GER W)

During the morning session on May 18, Hillenbrand raised an issue on which "the U.S. seemed to have the strongest views": Soviet presence in West Berlin. Hillenbrand reported that the Nixon administration had conducted an intensive review of its Berlin policy, leading to the issuance of a "basic paper," National Security Decision Memorandum 106 (Document 225). Under NSDM 106, he explained, the United States might support a limited increase in Soviet presence, without any implication of official representation, but only as a last resort. "There was great reluctance in Washington," he said, "to give any sign to the Soviets that we were willing to agree to any Soviet presence in West Berlin." As for a Soviet Consulate General, Hillenbrand insisted that "this proposal went beyond the criterion of not permitting any activities in West Berlin which implied an official Soviet status there. The U.S. side was bound by this and it would require a Presidential decision to reverse this decision." Although the issue was not primarily a West German concern, Bahr thought there was "some logic in the Soviet position." "In the present negotiations," he argued, "we had reached a point where all questions involving West Berlin for a considerable time in the future were under study. If we did not settle the problem of Soviet representation now, it could be asked when we would ever settle it." Bahr later took another tack: "We should not tell the Soviets that first the three essential points [access, Federal presence, and foreign representation] must be dealt with, and only then Soviet

presence. We had now reached the stage where all points should be under parallel discussion at the same time." Hillenbrand, however, refused to budge: "The time had not come to go beyond a general statement on the issue in the talks. This might change, and change quickly. It might not be a matter of three or six months, but in any case for the time being we should hold the line fully." (Airgram A-525 from Bonn, June 3; National Archives, RG 59, Central Files 1970-73, POL GER E-GER W)

240. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, May 24, 1971.

1) On the London consultations, you should know that Hillenbrand took a rather cool and skeptical position.² It was probably not an accident that he waited until the end to mention the guidelines of the NSC that give sufficient room for maneuver.

I pointed out that the way things stand, contrary to prevailing opinion, the Four-Power negotiations should be finished before supplementary negotiations at the German level begin.

I told Hillenbrand personally that the Chancellor is for a speedy negotiation without a summer recess. Hillenbrand stated that Rush, after his visit in June, would be available indefinitely.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The message, translated here from the original German by the editor, was sent through the special Navy channel in Frankfurt. No time of transmission or receipt appears on the message. For the German text, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. 2, pp. 850-852.

² In a conversation with Rush after his return from London, Bahr also reported that he was "pleased with the Berlin aspects of the meeting, although he did come away with the feeling that the U.S. was taking a somewhat harder and more difficult line than the others." (Telegram 6106 from Bonn, May 20; *ibid.*, RG 59, Central Files 1970-73, POL 7 GER W)

2) Regarding the successful vote on the Mansfield Resolution,³ to which the Chancellor intended to contribute in his interview, our congratulations are mixed with some concerns: individual arguments in the debate were so stupid, apparently or actually uninformed and emotionally charged, that the Chancellor would like to speak with the Foreign Relations Committee during his visit. Do you have any advice on this?

3) On our side, there will be no linkage between MBFR and Berlin. At the same time, we assume that Berlin remains the first priority while MBFR still requires an exploratory phase before negotiations can begin whose duration is difficult to predict. However successful these negotiations may be judged, the real success for the GDR lies in participating in its first conference as an accepted international partner.

We will not change our position that the entry of both German states in the UN can only follow as the result of the fundamental settlement of the relationship between them. This buys us a little time. The inevitability of East German participation in MBFR [talks] will not force us to the barricades.

4) I would appreciate a hint on how much time the President and you have for the discussion with the Chancellor. Until now, one and one-half hours have been scheduled. I doubt somewhat whether that is enough.⁴

Warm regards.

³ Reference is to a resolution, introduced by Senate Majority Leader Mansfield, to limit the number of American troops stationed in Europe. The proposal was defeated in the Senate by a roll-call vote on May 19. In its efforts to oppose the resolution, the Nixon administration asked the West German Government to issue a public statement on the importance of the U.S. troop commitment, particularly on the advent of negotiations for mutual and balanced force reductions. On May 14 the West German press office released the text of an interview in which Brandt opposed unilateral reductions without directly criticizing the Mansfield resolution. (Memorandum from Houdek to Ziegler, May 15; *ibid.*, Nixon Presidential Materials, NSC Files, Box 824, Name Files, Mansfield Amendment)

⁴ Kissinger replied by special channel on May 24: "Thank you for your cable. We will bring Hillenbrand along when there are decisions to make. He will not hold matters up. A meeting of the Chancellor with the Foreign Relations Committee would be very helpful. As for the meeting between the President and the Chancellor: a working dinner is planned for him in addition to the one and one-half hours with the President. This will permit a discussion of more technical issues in the larger group. The Chancellor should know that no one in our government outside the White House knows about the Rush-Falin-Bahr meetings or your channel to me. I will try to extend the hour and a half somewhat but cannot promise it. You and I will require some time to talk perhaps with Rush present. I look forward to your report about the May 26 meeting." (*Ibid.*, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]) Bahr did not report on the May 26 meeting; see Document 244.

241. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

Washington, May 24, 1971.

With the date of your next meeting approaching, I wanted to send you a note about our general strategy. We would like to keep the Berlin talks and SALT in some sort of balance. This means that we want to make progress in Berlin and show good faith. At the same time, we want to keep open some recourse for the contingency that the Soviets go back on the understanding with the President regarding SALT. This may not be manageable because we do want to keep the Berlin talks moving forward for other reasons. So perhaps my only useful advice is to avoid being stampeded into too rapid a pace. Let us have a good talk when you are here with Brandt.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message.

242. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, May 27, 1971.

SUBJECT

Berlin Negotiations: Status Report

There has recently developed an "umbrella of good will" in the talks (the term is from the Allied Ambassadors at the May 25 session).²

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV. Secret. Sent for information. Kissinger initialed the memorandum; an attached form indicates that the memorandum was "noted by HAK" on June 1.

² This memorandum is based in part on the following Embassy reports on the May 25 Ambassadorial meeting: telegrams 932, 935, and 936 from Berlin, all May 26. (All *ibid.* RG 59, Central Files 1970–73, POL 38–6)

And there has been an increase in the tempo—advisers meetings May 13, 22, 26 and 27—as well as press speculation that a breakthrough has been achieved. In fact, there has been some progress.

A fragmentary draft agreement emerged from the May 13 and 22 advisers meetings. Most attention was focused on the access portions, and so they are the fullest; a rough composite text (not containing anything on the Final Protocol) is attached at Tab A.³ This draft shows definite improvement over the Soviet text of March 26⁴ with respect to the directness and significance of a Soviet commitment on access in Part II. It also indicates some progress on the removal of objectionable features of the Soviet draft, particularly claims of GDR competence.

While he agreed generally with its content, Abrasimov at the May 25 Ambassadorial session did take away some of the improvements. He insisted that the access portion include the concept and term “transit,” as well as “generally accepted international practice or rules” (to his credit, however, Abrasimov did not resurrect the earlier Soviet line that international transit rules per se had to be applied to the Berlin access). Finally, he insisted on the need for observance (which in part he relates to spot-check inspection by GDR authorities) of GDR laws and regulations as a condition for unimpeded transit.

On the positive side, he offered to accept the Western nomenclature “Western sectors of Berlin” in place of the Soviet version, “Berlin (West).”

A general order of procedure has developed, and Abrasimov affirmed it in the May 25 meeting. The access issue has had a detailed review, and a fairly full document has been produced. Now, attention will turn to Federal presence, about which Abrasimov currently seems to be interested in Fraktionen and committee meetings and some formula on the point that Berlin does not belong to the FRG. There may be some hope for resolution of this issue if the Soviets will limit their scope of interest to these areas. The advisers are meeting on this issue at this time. Once general agreement is reached on presence, then the Soviets would consider the questions of entry into the GDR by West Berliners and representation of West Berlin abroad. Abrasimov made it clear that he was proceeding from the assumption that the question of Soviet interests in West Berlin would be discussed and agreed upon “in a binding form” together with the other parts of the agreement. (The last NSDM precluded this.)⁵

³ Attached but not printed.

⁴ See Document 201.

⁵ Document 225.

It is difficult to judge the ultimate significance of this fairly sudden switch by the Soviets, both in atmosphere and in substance. At any rate, Ambassador Falin, almost from the first day he arrived in Bonn, has methodically called on all the leaders (including Brandt) to press his line that the Soviets are willing to commit themselves on access and to guarantee the agreement, and that a Four Power agreement can thus be achieved very quickly. Gromyko gave the same line to Schumann in Moscow. During the senior Western meeting in London,⁶ Bahr reversed himself completely on the question of the “green light” to the German sides to begin their negotiations on access; now, he urges that the Four agree on the greatest degree of detail possible, so that his efforts with the East Germans can be kept to a minimum. Evidently, Bahr assumes that more can be gained now from the Soviets than later from Honecker.

On the Western side, too, there has been some concrete expressions of intent to develop, or at least not impair, the good atmospherics. Barzel’s decision (at Allied prompting) not to hold the CDU Fraktion meeting this month in Berlin must have telegraphed to the Soviets that we were genuinely trying to be helpful. Similarly, the Allies have just decided to prohibit a secret meeting of the NPD Landesparteitag scheduled for May 29. The main concession was on our side, since we (unlike the French and British) have traditionally refused to ban meetings in Berlin except in extremes. This decision to ban the NPD meeting will also reinforce the Western position to the Soviets that we are prepared to take some sort of action against the NPD outside the framework of an agreement.

The level of overt optimism seems to be highest among the French ever since the Schumann visit to Moscow. (Recent *Washington Post* stories referring to breakthrough were in part stimulated by the French.) Judging by the performance of the French Ambassador at the recent session, Ambassador Rush suggests that the French now see their role as that of a broker between the Soviets and the other allies. Some of the comments of the French Ambassador indicated that the French and Soviets have had bilateral talks, particularly on the issue of the relationship between Bonn and Berlin (the French and Soviets seem to share the same formula, i.e., “West Berlin is not a part of the Governmental structure or territory of the FRG”), although the French pressed hard in the meeting for the need to have a positive statement also on the other links between Bonn and Berlin. We have also had an unconfirmed report that the French will insist at the NATO meeting to drop the direct Brussels communiqué linkage between a CES and the Berlin talks.⁷

⁶ See Document 239.

⁷ See Documents 246 and 45.

It is fair to say that all the Western participants as well as the Soviets for various reasons now perceive an interest in bringing the talks to a successful outcome. Of course, the definition of “success” in the several quarters involved still differs. And just how much the situation in Berlin will in fact have been improved, whatever an agreement says, is a speculative matter, since the effect of the price we will be paying and of other developments in East-West relations can only be gauged over time. But that a piece of paper is now on the horizon can hardly be doubted.

243. Conversation Between President Nixon and the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, May 28, 1971.

[Omitted here is an extended discussion of foreign policy and domestic politics, including Vietnam, the Strategic Arms Limitation Treaty talks, and China.]

Kissinger: He’s [Rush] really got that Berlin thing moving. I’ll tell Ken to slow down a little bit, but that would be another feather. And there you might want to consider—it’s up to you, of course—whether we shouldn’t get Bahr to leak, when it’s done, what you did.

Nixon: Sure, of course.

Kissinger: Because then, in many ways—

Nixon: Yeah, I know. We did the whole thing, generally. I know.

Kissinger: And that will [unclear]—

Nixon: You know Bahr very well. Just tell him to leak it.

Kissinger: Oh sure, Bahr will leak it.

Nixon: We’re hosting a dinner for Brandt and everything. And we’re—

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, May 28, 1971, Time Unknown, Oval Office, Conversation 505–18. No classification marking. According to his Daily Diary, Nixon met with Kissinger in the Oval Office from 9:50 to 11 a.m. The editor transcribed the portions of the conversation printed here specifically for this volume. The time of the conversation, which was held in the Oval Office, is taken from Kissinger’s Record of Schedule. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) Haldeman, who briefly commented during the conversation, entered the Oval Office at 10:23 a.m. (National Archives, Nixon Presidential Materials, White House Central Files, President’s Daily Diary)

Kissinger: Oh no, he'll leak it all right if I tell him too. He may leak it anyway, but he'll certainly leak it if I tell him.

Nixon: That the President personally intervened in the damn thing. [Omitted here is further discussion of Vietnam, China, and public relations.]

Nixon: Now as far as Berlin is concerned, we did it. And we're going to—

Kissinger: We've got to leak that, because really that is a—

Nixon: Well—

Kissinger: —if it sounds—

Nixon: When will it come?

Kissinger: It's moving. Now we can—I'm slowing it down a little bit—

Nixon: Yeah.

Kissinger: —just to get the summit.

Nixon: Yeah.

Kissinger: July, I think.

Nixon: All right. That's got to be a presidential initiative too. I might announce it.

Kissinger: [unclear] Mr. President, I set up that procedure, on your instructions, on an airplane. I got Bahr invited to the moonshot in January—

Nixon: Yeah.

Kissinger: So that I'd have an excuse to see him—

Nixon: That's right.

Kissinger: I rode up on the plane with him to New York, and we worked out that whole procedure.² And we've got a file this thick—

Nixon: Right.

Kissinger: —of backchannel traffic to Bahr and Rush.

Nixon: Right.

Kissinger: And the Russians—

Nixon: That's a hell of a job. I know.

Kissinger: And actually that was a trickier one, because we had another party involved, than—

Nixon: I know.

Kissinger: —than SALT. And that, now if that happens in July, we can say they had a Berlin crisis and we solved it.

² See Document 172.

Haldeman: They had an escalating war; we brought it down. They had a missile—

Kissinger: The Berlin thing, actually, and the way it—

Nixon: The Berlin thing is really more important, really, in terms of world peace, than either the Mideast or in—in order of magnitude the least important is Vietnam. It never, never has risked world war.

Haldeman: Right.

Nixon: You know that. We all know it. I mean I've been making that speech for 20—for 10 years. You know it's true. China's going to intervene. Russia's going to intervene. None of them will ever intervene. Second. The next is the Mideast. That has the elements that could involve the major powers, because it's important. But compared in order of magnitude, the Mideast to Berlin, Christ, it's light years difference. Berlin is it. Shit, if anything happens in Berlin, then you're at it. Right?

Kissinger: Right.

Nixon: That's why Berlin is so enormous and also it's more important to the Russians.

Kissinger: And, what we—

Nixon: The Russians would let, they'd let Egypt go down the tubes. They will never let Berlin go down—

Kissinger: And we got a number of very significant concessions out of them. For example, they had always insisted that we call—these are minor things—that we describe in the document—

Nixon: Uh-huh.

Kissinger:—Berlin as Berlin (West). We've insisted that they say the Western sectors of Berlin so that it shows—

Nixon: Yeah.

Kissinger: —that, the Four Power responsibility. They've now accepted this.

Nixon: Right.

Kissinger: Secondly, which is more important: they had insisted all along on legal justifications that gave East Germany control over access.

Nixon: Yeah.

Kissinger: They've now accepted legal formulations in which they have the responsibility for access, which they never did even in the forties. That's more than Truman or Roosevelt got out of them.

Nixon: Right.

Kissinger: And, under those conditions, the Berlin agreement—which I always told you we had to cut our losses—will actually be a small net plus on the ground. I would like to call Dobrynin to dis-

courage him from, he's going over to State today, from mentioning a Foreign Ministers meeting on Berlin.³

Nixon: Foreign Ministers?

Kissinger: Because it's—

Nixon: Now, Bill did raise this point in this crazy meeting with—⁴

Kissinger: Yeah.

Nixon: He can—

Kissinger: He can't float it. It's too cumbersome.

Nixon: Oh, it's the silliest thing I ever heard of. Gromyko—

Kissinger: I think that their high-level meetings, Mr. President, for this year and next they ought to be yours.

[Omitted here is a brief discussion of the President's prepared remarks on two occasions: to the corps of cadets at the U.S. Military Academy in West Point on May 29 and at the Annual Conference of the Associated Councils of the Arts in Washington on May 26.]

³ Kissinger and Dobrynin discussed Berlin, the role of the Department of State and the possibility of a Foreign Ministers meeting, on May 24. According to the memorandum of conversation: "He [Dobrynin] said he had tested Hillenbrand and realized that Hillenbrand didn't know anything about our channel. I [Kissinger] told him that it was really not very helpful to play these games—that he could trust me on giving him the correct information. Dobrynin then raised the question of whether at some point a Foreign Ministers meeting might not be helpful. I said that I thought a Foreign Ministers meeting, given the variety of channels, would be highly ineffective at this moment. If there was to be an agreement, it would be through the Falin/Bahr/Rush channel, and we should give that an opportunity to work. Dobrynin said he thought matters were going along rather well." (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 6 [Part 2]) No record of a telephone conversation between Kissinger and Dobrynin on May 28 has been found. According to his Appointment Book, Rogers did not meet Dobrynin on May 28. (Personal Papers of William P. Rogers) Dobrynin, however, did meet Hillenbrand on May 28 to discuss Berlin and other matters but apparently did not mention the proposal for a meeting of Foreign Ministers. (Telegram 95355 to Moscow, May 28; National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁴ Rogers met Nixon and Kissinger in the Oval Office on May 27 at 2:42 p.m. (Ibid., Nixon Presidential Materials, White House Central Files, President's Daily Diary) A tape recording of the conversation is *ibid.*, White House Tapes, Recording of Conversation among Nixon, Rogers, and Kissinger, May 27, 1971, 2:42–4:26 p.m., Oval Office, Conversation 504–13.

244. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, May 28, 1971.

1. The meeting with Bahr and Falin yesterday proceeded in the same amicable, cooperative manner as our previous one.² It is quite clear that Falin has full authorization with regard to Berlin issues, and in fact he said so. It is also clear that he is thoroughly familiar with everything transpiring in this area. For example, I am having dinner with Abrasimov Monday evening, and I asked Falin to be sure to instruct Abrasimov not to refer to your discussions with Dobrynin or mine with Falin. Falin then gave a full version of their side of that incident³ and said Abrasimov was under strict instructions with regard to this matter. As double insurance, however he is getting in touch with Abrasimov again.

2. Our discussion centered primarily on the issue of Federal presence and was helpful in bringing out reasons we had not anticipated for some of the Soviet positions. This in turn may lead to easy solutions of what have been major problems. I will give two examples of this.

A highly controversial item in the Federal presence area is the paragraph in the draft of letter from the three powers to the Soviets reading:

"2. They confirm that the Western sectors are not to be regarded as a Land of the Federal Republic of Germany and are not governed by it. The provision of the Basic Law of the Federal Republic of Germany and the constitution of Berlin which indicate to the contrary remain suspended."

As you know, the Soviets have been very insistent that the statement "that the Western sectors are not to be regarded as a Land of the Federal Republic. . . ." is not satisfactory, and instead have been quite adamant that we must say that the Western sectors are not a "part of the Federal Republic." Falin gave the surprising explanation that the reason the "Land" phrase is unacceptable is that while the three Western sectors might not be considered to be a Land of the Federal Republic of Germany, all of Berlin might be considered to be one and

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message.

² See Document 235.

³ Reference is presumably to the incident of March 23, when, during a meeting with U.S. officials in Berlin, Kvitsinsky alluded to "recent contact between Soviet and US Governments," i.e., the channel between Kissinger and Dobrynin in Washington. See Document 207.

there can be no room for such a contention. The suggestion that we substitute the words “that the three Western sectors are not to be regarded as included among the Laender of the Federal Republic” seemed at least tentatively to be satisfactory with Falin and was taken under advisement by us all.

As another example, Falin stated that the reason the Soviets could not accept “remain suspended” is that this would imply recognition that the provision of the Basic Law of the Republic and the constitution are legal and valid although temporarily suspended. The suggestion that the words “continue not to be in effect” replace “remain suspended” was also taken under advisement by all of us as a possible alternative.

Thus it may be that minor substitutions of words not affecting our basic position may resolve major controversies.

3. Falin reiterated the objection to an affirmative statement in the three power letter of the approval by those powers of special ties between the Western sectors and the Federal Republic. However, after a long discussion and explanation why it is essential to have this affirmative statement of special ties established and approved by the three powers in order to balance and give a basis for any limiting of the ties, he seemed to be more receptive to our approach. The issue, however, is still to be resolved.

4. Falin brought up and we discussed at some length the issue of demilitarization in the Western sectors and the question of banning neo-Nazi organizations. He is quite willing to have these issues settled outside the agreement in a letter from the three powers to the Soviets, but evidently considers the issues to be very important. We explained to him that the present agreement between the Four Powers regarding demilitarization applies to all of Berlin and not just the Western sectors, and to have a letter relating only to the Western sectors would cause very adverse public opinion and would not be acceptable. With regard to neo-Nazi organizations, we are willing to state that we will take steps to prevent future meetings of the NPD. We are not willing to use a phrase such as “neo-Nazis” with regard to future groups, which would be highly controversial between the Russians and the four Allies. He seemed to be satisfied, and I think we can solve these problems with a letter from the three powers, outside of the agreement, stating simply that we are banning future meetings of the NPD.

5. It is very difficult to say to what degree the Berlin talks can be synchronized with SALT. Judging by Falin’s approach of yesterday, there is a fair probability that the Berlin talks [will] move ahead quite rapidly by virtue of the Russians taking an easy position on all the remaining issues. We can discuss this in full when I am in Washington.

6. The next meeting between Bahr, Falin and me will be on June 4. Meanwhile, he is going to Moscow and may return with concrete proposals concerning most of the remaining issues.

7. Bahr called and asked me to tell you that he will not be sending you a message about our meeting of yesterday since the meeting was of the nature I have described above without definitive conclusions.

Warm regards.

245. Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

Washington, May 29, 1971.

[Omitted here is a brief discussion of the President's schedule and of Kissinger's plans for secret talks with the North Vietnamese in Paris.]

Kissinger: I had a cable from—

Nixon: Rush.

Kissinger: —from Rush.² And we are in the ridiculous position, Mr. President, that—

Nixon: [unclear]

Kissinger: —the Berlin talks are going so well that we may not be able to slow them down enough. I think we'll have the Berlin agreement, unless there's a snag, by the middle of July, which makes it imperative that I talk to Dobrynin and tell him—

Nixon: Yes.

Kissinger: —“This is it now.” And actually the Russians are making two-thirds of the concessions.

Nixon: Hm-hmm.

Kissinger: That formula we came up with—

Nixon: You're talking about the—

Kissinger: —just the pragmatic things, no legal justifications—which is actually a great help to us, because any legal justification would give East Germany an enhanced status.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, May 29, 1971, Time Unknown, Oval Office, Conversation 507-4. No classification marking. According to his Daily Diary, Nixon met with Kissinger in the Oval Office from 9:08 to 10:32 a.m. The editor transcribed the portions of the conversation printed here specifically for this volume. The time of the conversation, which was held in the Oval Office, is taken from the President's Daily Diary; Haldeman joined the discussion at 10 a.m. (Ibid., White House Central Files)

² Document 244.

Nixon: Sure.

Kissinger: While this one just describes who has what.

Nixon: Great.

Kissinger: And the Russians, that's their big concession, have agreed to assume responsibility, or some responsibility, for Four Power, for the access to Berlin. Now, I don't kid myself that any time they, they really want a crisis, they can find administrative reasons.

Nixon: Yes.

Kissinger: They can rebuild the Autobahn or tear up the road bed. That is not affected by it. But—

Nixon: It's a very good job.

Kissinger: —but that they could do anyway.

Nixon: It's really the most, probably the best thing we've done. It's better, when I say best—

Kissinger: It's more complicated.

Nixon: Well, what I mean is, more people, most people wouldn't even understand what the heck you're talking about. I understand it—the logic. The logic is so clear: to get away from legality. That's what, those are the things that send them up the wall. That's—

Kissinger: That's right. And that's what creates the domestic issue.

Nixon: That's one place where your diplomats would never, never, never—

Kissinger: And also the way we are doing—

Nixon: They always get hung up, the diplomats, always get hung up.

Kissinger: The way we are doing it with Bahr and their Ambassador [Falin] and Rush meeting privately from time, every two—

Nixon: Everybody know it's private?

Kissinger: Oh yes.

[Omitted here is a discussion of Brazil, Vietnam, and the Strategic Arms Limitation Treaty Talks.]

Kissinger: The Berlin thing is going to break—

Nixon: Yeah.

Kissinger: —in the next 2 or 3 weeks."

Nixon: I think that what we've got to figure, at least, is that we get those two [Berlin and SALT]. But, on the other hand, the Berlin—Can we keep Berlin from breaking if they don't agree with the summit?

Kissinger: Well, I'm going to give him [Dobrynin] an ultimatum on the summit a week from Monday.

Nixon: I know but I'm just asking what—

Kissinger: Yeah. We can keep it, we can keep it from breaking.

Nixon: All right.

Kissinger: We have to be bastards but we just—

Nixon: All right. We'll be bastards. That's right. Just say the President—All right, and when he gets to that say "We're not going to agree to Berlin. It's up to you."

Kissinger: The next time they're going to meet is on June 4th. And that's mostly technical stuff.

Nixon: Hm-hmm.

Kissinger: Then Brandt and Rush are going to come over here.

Nixon: And we see Brandt.

Kissinger: And we see Brandt. And before Brandt gets here, I'm going to tell Dobrynin "That's it now, we've horsed around long enough."

Nixon: We have.

Kissinger: We have to make our basic decisions. The only thing is, the only way we'll make it plausible is to say if you reject it now, that's it for this year.

[Omitted here is discussion of numerous issues, including Cuba, China, Vietnam, SALT, and the summit.]

Kissinger: Mr. President, for us to get Berlin, SALT, China, the summit, all into the one time frame and to keep any of these countries—

Nixon: To keep Europe happy.

Kissinger: To keep Europe happy, to keep Vietnam from collapsing, that takes great subtlety and intricacy.

Nixon: All of this, everything is close. But on the whole, everything worthwhile in the world is close. Nothing is easy. Nothing is easy in these times.

Kissinger: To get this Berlin thing is, I now consider, practically certain. We've got that where we had SALT in March—

Nixon: I ought to get into that, don't you think?

Kissinger: I beg your pardon?

Nixon: I probably ought to get into that sometime.

Kissinger: Berlin?

Nixon: Yes.

Kissinger: Still—

Nixon: Get a little credit.

Kissinger: When Brandt is here you may be able to do something with that.

Nixon: Well, we'll see. I don't want to hurt our friends in Germany though by catering to that son-of-a-bitch.

Kissinger: Well, that's the thing, I think we can leak, Bahr will be eager to leak out that story.

Nixon: Yeah, yeah. The leak is one thing, but the other thing is to demagogue it. I just got to remember every little thing that is, all the plusses and the demagoguery—

Kissinger: You see I talked to Harriman the other day—³

Nixon: —leaking things—

Kissinger: —and all he's got left now is Vietnam but he, and he's hacking around at Berlin. He says if you could settle Berlin he figures [unclear] stalemate. "What a great achievement," he said, "but you are so against Brandt that [you] aren't going to be able to do that." So I said "All right, Averell, we—" I didn't tell him anything. So with that bunch, it will compound their confusion, because we're not supposed to be able to settle Berlin.

Nixon: Henry, the difficulty with all of these things—

Kissinger: Is how to get it across?

Nixon: No. The difficulty with all of these things, it has a great effect on that bunch, and I don't know when they'll vote for us.

Kissinger: That's right.

Nixon: The thing that we have to remember is that we have to, that's why I said we have to demagogue a few things [unclear] business of SALT, that basically for me not to make the announcement [unclear] try to get a little credit for it and the same with these other things, you have to realize—

Kissinger: I agree.

Nixon: —the priority in all of these areas now, all that matters is the political consequences.

Kissinger: The trouble with Berlin is, it's technically a Four Power thing so you can't do it alone.

Nixon: Right. We have Congress [unclear exchange] big deal about it. [unclear]

Kissinger: Maybe we could have a Western summit or something. That could be done.

Nixon: The West is—

Kissinger: Western summit.

Nixon: Yeah.

Kissinger: The thing is, it's a Four Power, we can't do it alone.

[Omitted here is brief discussion of presidential appointments and Kissinger's schedule.]

³ Kissinger met Harriman for an hour on the afternoon of May 24. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No substantive record of the meeting has been found.

246. Editorial Note

On June 3 and 4, 1971, Secretary of State Rogers attended the semi-annual session of the North Atlantic Council in Lisbon, including the traditional quadripartite dinner held the evening of June 2 on matters relating to Germany and Berlin. During the dinner, French Foreign Minister Schumann declared that “the Soviets, who wished to support the Brandt government as a force for peace, are determined to reach an agreement [on Berlin] acceptable to the Western side.” He, therefore, urged endorsement of a positive statement in the NATO communiqué, dropping the condition that a Berlin settlement must precede talks on security and cooperation in Europe. Joined by the British and West German Foreign Ministers, Rogers refused to sever this linkage, arguing that “it would be overly optimistic to assume this agreement can be reached in a short time.” (Telegram 1827 from Lisbon, June 3; National Archives, RG 59, Central Files 1970–73, NATO 3) For text of the communiqué, see Department of State *Bulletin*, June 28, 1971, pages 819–821.

Rogers was in the minority, however, when his colleagues advocated addressing the issue of Soviet presence in West Berlin. As he reported to President Nixon afterwards:

“On Berlin I found the UK, France and Germany all more optimistic than we have been on the progress recently made in the talks. Soviet willingness to state its own responsibility for maintaining civilian access to Berlin has particularly impressed them. I stressed that many of the most difficult issues lie ahead and that progress really would not be assured until we have an agreement, but agreed in the communiqué to wording expressing ‘satisfaction’ the negotiations had ‘enabled progress to be registered in recent weeks.’ All three also are prepared to concede Soviet consular representation as well as other increases in Soviet presence in West Berlin as part of the next phase of negotiations. I told them I understood their views but was not now in a position to express a view. We will have to re-examine this matter upon my return.” (Telegram Secto 26 from Lisbon, June 4; National Archives, RG 59, Conference Files: Lot 73 D 323, CF 519)

247. **Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, June 4, 1971.

1. Our meeting with Falin today was cut short by the fact that Bahr had to attend a meeting of the coalition leaders which Brandt had called for the purpose of explaining the current status of the Berlin negotiations. We therefore met from 2:15 to 4:15. No definitive results were reached but we had a useful discussion in many ways.

2. Falin had brought back with him from Russia a re-draft of a complete agreement² embodying some of the points contained in the draft being used by the Ambassadors and their advisors in the Four Power talks but which did contain quite a few changes from this. We pressed him hard to go back to the draft form that had come out of the Four Power talks and on which some progress has been made. We were not completely successful in this but will take a strong position on it again tomorrow.

3. Much of today's session was devoted to Falin's attempt to weaken the provisions on special ties between the Western sectors and the FRG. He proposed substituting "regulations" for "special ties," and stating "that these sectors still do not belong to or are included in the FRG nor can be governed by it," for our language to the effect that the Western sectors are not to be considered a Land of the FRG and are not governed by it.

Bahr has been discussing the entire agreement with Brandt. They are willing to drop the word "special" before "ties" and are willing to accept language that "the ties between the Western sectors and the FRG will be maintained and developed, taking into account that these sectors continue not to be a part of the sovereign territory of the FRG and are not governed by it."

4. I have to go to Berlin on Sunday morning for the talks preceding the Four Powers talks on Monday and will be returning to the States next Wednesday. Our discussion with Falin tomorrow is a dinner meeting that will carry through the evening, so I may not have an opportunity

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. A copy was sent to Haig. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message.

² No copy of the Soviet "re-draft" has been found.

to send you a message prior to my return to the States. If anything of consequence develops, however, I will let you know or will have Bahr let you know.

As ever.

248. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, June 6, 1971.

1. Yesterday Bahr and I had a 9½ hour session with Falin, lasting until after midnight. Bahr is to report to you in detail² but I will give you some brief highlights before leaving for Berlin.

We all agreed that in the light of the tough problems remaining, several more such meetings will be necessary. Every item requires long, tortuous discussion, but Falin is obviously authorized to push toward an eventual agreement and shows an analytical, somewhat flexible (for the Russians) approach, which is encouraging. He keeps emphasizing the need to satisfy their reluctant "friends," the G.D.R. All of our decisions are, of course, tentative and subject to approval by our governments.

2. The tough question of "international practice," so vital to the G.D.R. was resolved evidently by having paragraph (1) of Annex I read as follows: "Transit traffic by road, rail and waterways of civilian persons and goods between the Western sectors of Berlin and the F.R.G. will be facilitated and take place unimpeded in the simplest and most expeditious manner and will receive the most preferential treatment provided by international practice."

3. Falin finally made some other major concessions concerning traffic.

(A) With regard to conveyances sealed before departure: "inspection procedures can be restricted to the inspection of seals and related documents."

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. A copy was sent to Haig. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message.

² Document 249.

(B) With regard to conveyances that cannot be sealed, such as open trucks, only “inspection regarding their conformity to related documents made.”

(C) With regard to through trains and buses: “the inspection procedure will not include any formalities other than for purposes of identification.”

(D) With regard to through travelers using individual vehicles: “procedures applied for such travelers shall not involve delay and can be without search of their persons or hand baggage. They may proceed to their destination without paying individual tolls and fees for use of transit routes.”

4. Time ran out as we were engaged in an extensive discussion of the most sensitive problem, Federal presence. The original paragraph was agreed as follows: “The Governments of France, the United Kingdom, and the United States of America in the exercise of their rights and responsibilities affirm (the Soviets want state) that the ties between the Western sectors and the F.R.G. will be maintained and developed taking into account that these sectors continue not to be a part of the sovereign territory of the F.R.G. and are not governed by it.”

This is as Brandt wants it and means important concessions by Falin, namely: “rights and responsibilities” instead of “competence”; “ties” instead of “relations”; “maintained and developed” instead of “maintained”; “part of the sovereign territory” instead of “part of.”

However, we then bogged down on the sticky questions of meetings of committees and Fraktionen, acts in the Western sectors by individual officials of the F.R.G., etc.

5. I’ll give you more when we get together in Washington.

249. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, June 6, 1971.

Two meetings of the three [Bahr, Rush, and Falin], on June 4th for two hours, and on June 6th for a little over nine hours. We came to an agreement on the basic formula for the relationship between West Berlin and the FRG (Annex II). We are stuck on detailed formulations for the conduct of West German representatives in West Berlin. Falin insists on a formula which shows a clear difference from the previous situation but which we reject as a general good conduct clause. With some effort, a compromise appears possible.

We are almost finished with Annex I (Traffic). In the process, we have essentially agreed that the German supplementary agreement, which Kohl and I will negotiate, also applies to West Berlin. The Russians no longer insist on separate negotiations with the Senat. The question of signature for the Senat remains open. We want the Senat to authorize me to sign; the Russians want the three powers to authorize a West Berliner.

We are in agreement with the NPD-ban and demilitarization should not lead to categories on either people or goods which would make traffic vulnerable to obstruction.

We are in agreement that the Federal Republic should not represent the affairs of West Berlin in the GDR but the question of consular representation of West Berliners in the GDR should not (and cannot) be resolved in the Berlin agreement.

Four or five points remain, whose solution, in the unanimous assessment of Rush, Falin and myself, requires three to four days of eight hours of work apiece.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The message, translated here from the signed German original by the editor, was sent through the special Navy channel in Frankfurt. No time of transmission appears on the message; a handwritten note indicates that it was received in Washington on June 7. Actual names have been substituted for pseudonyms used in the message. According to an undated note, the following pseudonyms were used in this and other messages from Rush (or Bahr) to Kissinger: Kissinger ("Sunshine"), Rush ("Snow"), Brandt ("Whirlwind"), Bahr ("Fog"), Kohl ("Rain"), Dobrynin ("Blizzard"), Abrasimov ("Overcast"), and Falin ("Thunder"). (Department of State, Bonn Post Files: Lot 72 F 81, Berlin Negotiations—Amb. Kenneth Rush) For the German text, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland*, Vol. 2, pp. 918–919.

The talks are tough, very intensive, very open and, on Falin's part, conducted by increasing and then withdrawing demands, a methodology characteristic of Soviet diplomacy in the final round.

Rush and I are certain that the Russians want to come to a positive result. Falin regrets that we cannot continue in the next several days; Brezhnev is coming to East Berlin on June 14 for the SED party congress, and this would be the opportunity to make clear to the GDR what agreements have been reached. Falin intended to be finished with the entire paper by then. We will now continue at the end of the month. It would be good if Rush returns here by June 22.

Falin explained the Soviet understanding that their consulate in West Berlin would be limited to non-political questions, thus maintaining no political ties to the Senat and leaving undisturbed the political ties between the Soviet Embassy and the three Western Ambassadors. Rush said he will seek an appropriate ruling in Washington on this basis.

Rush will not send you a special telegram on the last meeting [June 6].

The three of us should have about two to three hours in Washington. In addition, I would like to have about one half hour with you alone.

Things look good.²

Warm regards.

² During a conversation with the President at 9:43 a.m. on June 7, Kissinger reported that he had received a piece of "bad/good news" on Berlin. Kissinger: "They're going so fast on the God-damned Berlin agreement, that we're going to lose it as a regular—." Nixon: "You mean, you can't—." Kissinger: "Well, Rush, now that he's so close, is going too fast." "The tragedy is," Kissinger explained, "what we've done on Berlin is really, we really, actually are getting them a good agreement now. The Russians are making major concessions on their new formula." After an exchange on Vietnam, Kissinger returned to "this Berlin thing." Nixon: "Well, Berlin is not important." Kissinger: "No, no, but this guarantees the summit." Nixon: "If you think so." Kissinger: "Yes, because Dobrynin said that they've got to make major progress on Berlin to have the summit and they've got that now. It's a, I feel sort of sorry that Berlin is important only that the cognoscenti are going to have to shut up. You know, again the Krafts and the Kleimans, that's not going to bring you up in the public opinion polls." Nixon: "No." (Ibid., White House Tapes, Recording of Conversation Between Nixon and Kissinger June 7, 1971, 9:43–11:05 a.m., Oval Office, Conversation 511–1) The editor transcribed the portion of the conversation printed here specifically for this volume.

250. Telegram From the Embassy in Germany to the Department of State¹

Bonn, June 8, 1971, 1425Z.

6947. Subj: Berlin Talks: Request for Interpretation of Policy Guidance on Berlin Negotiations. Ref: State 70827.² For the Secretary.

1. In reviewing the current status of the Berlin talks, which have now entered a more active phase following recent sessions, I have reached the conclusion that substantial progress has in fact been made in the talks and that their successful termination in the coming months is possible. After careful study of the Soviet position thus far, as well as that of our allies, I have also concluded that it will be impossible to go forward toward concluding the negotiations successfully unless we are prepared to begin discussion of the issue of Soviet interests in the Western sectors. I therefore believe that the situation envisaged in paragraph 6A(3) of NSDM 106 (reftel) has arisen. I would like to request your concurrence with this finding, and authorization to open discussion on this topic at the next quadripartite Ambassadorial session, now scheduled for June 25.

2. Not to take this action would, in my opinion, seriously prejudice the prospects for a Berlin agreement. In the event of our continued refusal even to discuss the topic with the Soviets, I anticipate that the Soviets would in the near future refuse seriously to discuss open issues in the quadripartite talks and that the talks would reach an impasse for which the US would be blamed by all concerned in the negotiations, including our French and British allies and in particular, the Federal Germans. This outcome was clearly foreshadowed by the statements of the British, French and Federal German Ministers at the June 2 quadripartite dinner in Lisbon.³ I see no intrinsic reason in the subject matter as we would wish to deal with it for us to incur this political cost.

3. In order to give further background for the requested determination, it may be helpful to indicate our current views on possible tactical handling of the topic if the decision of principle is reached. I have not discussed the following ideas with my British and French colleagues or with the Germans, but from previous knowledge of their

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Priority; Exdis. Repeated to Berlin.

² In telegram 70827 to Bonn, April 26, the Department forwarded the text of NSDM 106 (Document 225). (National Archives, RG 59, Central Files, POL 28 GER B)

³ See Document 246.

views believe they would be in agreement. Tactical handling of the issue could be divided into two distinct phases. I believe the first phase should be introduced at the next Ambassadorial session. The second phase might take place after an agreement has been substantially completed except for a relatively small number of still contested hard points. The material contained in the second phase would in effect form part of our bargaining counters for the last stage of bargaining on these remaining hard points.

4. The Soviet position as outlined in their March 26 draft agreement calls for the Allies to agree to (A) a Soviet Consulate General; (B) non-discrimination against Soviet property in the Western sectors; (C) most-favored-nation treatment in economic relations; (D) consignment warehouses for Soviet firms; and (E) permission for Soviet employees of Soviet firms to reside in the Western sectors. Thus far, the Allies have reserved their position on this whole issue, indicating only that any increases in Soviet activities in the Western sectors, if agreed to at all, can come only if the overall agreement is satisfactory, and in any case must take place outside the agreement.

5. As we would envisage the first discussion of this topic, the Allies might take the following position: we can ask the Soviets to expand in greater detail on the meaning of the individual requests contained in the Soviet draft of March 26 concerning Soviets interests. In the course of the discussion we could indicate to the Soviets that the Western Allies might be prepared to consider the following Soviet interests in the context of a successful agreement, one which would include satisfactory provisions on access, Federal ties, and foreign representation of the Western sectors. In a subsequent advisers session, the Allied advisers could become more specific and tell the Soviets that, under these conditions, and subject to the overall requirement for a satisfactory agreement we might be willing to take the following specific actions:

(A) Allow Soyuzpushnina and Merkuri to open offices in the Western sectors.

(B) Allow consignment warehouses for permitted firms.

(C) Allow Soviet employees of all permitted firms to reside in the Western sectors, without official status and subject to local legislation.

(D) Return the Lietzenburgerstrasse property to the Soviets, also permitting them to exchange it for another property if they wish.

(E) Allow the Soviets to centralize private offices in the Western sectors, either at Lietzenburgerstrasse, or at an alternate location obtained in exchange.

6. We would not go beyond this position during an initial discussion. We would soon thereafter be engaged in a still further run-through of the text of the agreement as a whole attempting to fill in as many as possible of the gaps still outstanding. If this run-through

results in substantial completion of the text of the agreement, and there is a clear indication that the Soviet position on all major issues in the talks is sufficiently forthcoming, the Allies might at that time indicate their willingness to consider the following additional items on Soviet interests in the Western sectors. Using the items as counters in a final bargaining process against other items we wish to obtain from the Soviets:

- (A) Permit Intourist offices to sell tourist reservations.
- (B) Permit Aeroflot to establish an office in the Western sectors.
- (C) Agree to consider, on a case by case basis, the possibility of permitting establishment of further offices of individual Soviet firms.
- (D) Subject to further examination, determine whether and in what acceptable way Soviet interest in facilitation of their trade with the Western sectors might be met.
- (E) Agree to the establishment of a Soviet state trading agency but without official status.
- (F) Agree to permit a Soviet visa official to operate in the premises of the state trading agency.

7. All of the above steps, it will be noted, stop short of the establishment of an official Soviet representation in the Western sectors, which the NSDM opposes. When Abrasimov raised the issue of Soviet interests including a possible Consulate General at the private dinner on May 31 (Bonn 6607),⁴ I told him quite clearly that any form of political representation caused us great difficulty and that we would insist that any commercial offices we might consider should have no political function whatever. I stressed that any ultimate agreement by us to increased Soviet presence in the Western sectors must be met by full compensating advantage for us and that there must be no trace of shift to these offices of responsibility of Abrasimov and his successors of Four Power responsibility for Berlin as a whole.

8. I would be obliged if we could discuss this matter during my pending visit to Washington starting June 11, and if a decision on it can be reached prior to my return to Germany on June 23 to resume negotiation with the Soviets.

Rush

⁴ In telegram 6607 from Bonn, June 1, the Embassy also reported the following exchange: "Abrassimov replied that it would not be the purpose of a Consulate General to handle such matters [related to Berlin and the Western sectors]. It would be confined to problems of travelers and consular functions. In response to the Ambassador's specific question, Abrassimov said the Consul General would have no political officers and would not engage in any policy activity. If individuals did, it would be without authorization and 'you should kick them out.' The Ambassador then said that this is a sensitive subject with us. At the same time we recognize that it seems to be important to the Soviet side. We will give the matter careful consideration and hope that we can come up with something that will meet minimum Soviet needs. In any case, it is to be hoped that this issue will not be an obstacle to an overall agreement." (National Archives, RG 59, Central Files 1970–73, POL US–USSR)

251. Telegram From the Embassy in Germany to the Department of State¹

Bonn, June 8, 1971, 1600Z.

6962. Subj: Berlin Talks: CDU Position.

1. CDU Fraktion leader Rainer Barzel asked EmbOff to call at his office urgently evening of June 7. He noted that the CDU Vorstand planned to meet in Berlin on June 14. He wanted to know if anything had happened since that meeting was originally decided on which might affect this decision. EmbOff described the status of the Berlin talks in general terms. He replied that, in view of the Allies' relative success on eliminating a number of negative blanket provisions from the Soviet draft of March 26, of a certain degree of general progress in the Berlin talks, and of the Soviet prestige engagement in the June 14 SED party congress as reflected by Abrasimov during the June 7 Ambassadorial session in Berlin, he believed it might be in the German interest to postpone the planned meeting. If the meeting were held, the Soviets would try to reintroduce into the negotiations a specific prohibition against this type of meeting. Moreover, to be a focus of controversy at this particular time might not cast the CDU in a favorable light.

2. In further discussion of the Berlin negotiations which ensued, Barzel said one thing he could never accept as a CDU leader was some kind of good conduct clause which the Soviets could in effect use in future years to effectively strangle FRG-Berlin ties, no matter how well they otherwise might be protected on paper.

3. Barzel then returned to the question of the Vorstand meeting. He said he would agree to postpone it, but no one must know of the conversation which led to his decision. He would justify this decision to the Fraktion as a recommendation not to overdo the Berlin matter at this time in view of the parliamentary questions he was raising on June 9 in the Bundestag on the Berlin talks. Barzel said he had a bad feeling in reaching this decision. The US had also suggested that in the interests of the Berlin negotiations he postpone a Fraktion meeting he had planned for May or June. If the results of the Berlin negotiations showed meetings of this kind would not be permitted without Soviet intervention in the future, the US would "hear from him" and the CDU would reject the entire agreement outright. EmbOff said that with Barzel's help, there was some prospect that the section of a possible Berlin agreement concerning FRG-Berlin ties would cover such meetings.

¹ Source: National Archives, RG 59, Central Files 1970-73, POL 28 GER B. Secret; Priority; Exdis.

4. Barzel said that he planned to raise the Berlin issue in the Bundestag on June 9 in the form of a priority interpellation from the floor, followed by a so-called topical debate. He said he would be replying in this way to Herbert Wehner's criticism of the CDU in a recent radio broadcast as asking the impossible on Berlin. Specifically, he would attack the Chancellor's formula that the objective of the Berlin talks was "practical improvements," stating that practical improvements were all right in their way, but if this was all that could be achieved in Berlin, then the FRG-Soviet treaty should be scrapped in favor of practical improvements in the German-Soviet relationship. Barzel said his second theme would be that he had heard from the heads of government of the US, UK and France in recent visits that the Allies intended to leave the question of what cuts would be made in Federal presence in Berlin to the decision of the Federal German Govt. Since this was apparently to be a German decision, he wished the government to know the view of the opposition on it. In particular, he did not agree with Wieland Deutsch (Bonn's 6846)² whom Barzel identified in part accurately as State Secretary Frank, that the FRG ties with Berlin and FRG presence in Berlin was on Allied suffrance. These ties had grown over years and had achieved a legal standing of their own. Barzel said he would take pains to hold the interpellation within careful limits. He intended only to make brief remarks as the sole CDU speaker and was willing to leave it at that if the SPD was intelligent enough to follow suit.

5. Concerning ratification of the FRG-Soviet treaty and the FRG-Polish treaty, Barzel said he now considered the CDU position absolutely clear. It was Poland, yes; Russia, no. That is, the CDU might vote for the Polish treaty but would vote as a unit against the FRG-Soviet treaty when the time for ratification came. Barzel added that from what he could judge from the emerging Berlin agreement, the CDU might well also oppose it. He wished to remind us that he had given several indications of this possibility and did not wish to be accused of bad faith at a later time.

6. Concerning his own situation in the CDU leadership race, Barzel said he felt it was improving greatly. He said he was going to tell the CDU Fraktion before it left on summer vacation that his decision was simple. He would either be named party candidate at the

² In telegram 6846 from Bonn, June 5, the Embassy reported that controversy had erupted over an article published on May 19 in the *Frankfurter Rundschau*, in which the author, writing under a pseudonym, argued that "an eventual Berlin settlement will have to leave aside all legal issues and concentrate on limited practical improvements." A CDU spokesman quickly attacked the article as evidence that the government had already conceded the West German position in Berlin. The Embassy further commented that the article, written by Deputy Spokesman von Wechmar, was based on recent briefings by Frank, Bahr, and Brandt. (Ibid.)

convention at Saarbrücken in October or he would leave his post as CDU Fraktion leader.

7. *Comment:* Barzel's remarks concerning CDU meetings in Berlin were calculated to give the impression that US credit is running out as concerns advising against specific meetings. On the other hand, Barzel himself sent for EmbOff with obvious foreknowledge of the situation including the SED congress and is in general a seasoned politician with always room for one more understanding, so that we do not take his remarks too seriously on this score. Barzel's move in originating a Bundestag debate on Berlin is obvious grandstanding at a time when he is facing the CDU Fraktion with his take-it-or-leave-it position regarding his own future. Information from other sources would indicate that Barzel and Schroeder are fairly close contenders at present with Schroeder ahead in general public opinion and Barzel with somewhat more support from local party organization. We do take somewhat more seriously Barzel's prediction that the CDU would oppose a Berlin agreement as he saw it emerging less because this outcome rests on Barzel's assessment of the actual agreement, than because it is a logical necessity for the CDU to oppose a Berlin agreement if it wishes to make its opposition to the Soviet treaty convincing.

Rush

252. Editorial Note

On June 8, 1971, Assistant to the President Kissinger and Soviet Ambassador Dobrynin left Washington at 6:20 p.m. for an overnight stay at Camp David to review the international situation. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the two men had the following exchange on the Berlin negotiations during a 3-hour dinner that evening:

"Dobrynin said that his impression was that matters were going forward well. There was, however, the fact that Rush, at the end of the last private meeting, had said that he had not studied the problem of Soviet presence in West Berlin, while Dobrynin had reported that we would be prepared to concede a trade mission. This was true. I [Kissinger] had been told this by Rush. I told Dobrynin that I would have to check into it since Rush was coming home for consultations. Dobrynin also made some comments about our alleged recalcitrance

on the issue of Federal presence in West Berlin. But, on the whole, he thought matters were on the right track.”

The Berlin question then arose during a discussion of the proposed summit meeting:

“Dobrynin said he thought on the whole it would be better to have the Summit after the Berlin negotiations were concluded. I said they were far enough down the road, and we could not have them used as a black-mail. In any event, we would be unable to meet in September if we could not decide it by the end of June.” (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 6 [Part 2])

In a memorandum to the President, June 15, Kissinger also noted: “We agreed that, on the whole, matters were going forward well. I agreed on our consenting to a Soviet trade mission in West Berlin.” (Ibid.)

Shortly after returning to Washington on the morning of June 9, Kissinger and Dobrynin continued their discussion by telephone. According to a transcript of the conversation, Kissinger raised two points: “One, I have told our bureaucracy that you and I had breakfast and I took you for a helicopter ride around the city. You don’t have to say anything but just don’t say the opposite. Secondly, on that issue on your presence in W. Berlin, I have now received communications from Rush and it will move in the direction I talked with you about.” Dobrynin replied: “What you hinted before. It will be this way when I will be back. Confirmation of what you mentioned. Thank you.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 394, Telephone Conversations, Chronological File, Dobrynin, Anatoliy Fedorovich) Kissinger was presumably referring to telegram 6947, Document 250.

253. Editorial Note

On June 14, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 5:11 to 5:47 p.m. to discuss several issues, including the Berlin negotiations. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the two men had the following brief exchange on Berlin:

“Dobrynin then said that in view of the upcoming conversations with Brandt and Bahr, he wanted to let me have some formulations on

Berlin (Tab I) which the Soviet side would find acceptable, and he hoped that I would use my influence with the Germans. I said I would have to study them. I also said I would talk to Bahr and Rush in great detail and have a brief meeting of Rush, Dobrynin and myself set up for Monday [June 21]." (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 6 [Part 2])

The informal note (Tab I) that Dobrynin delivered contained proposed language on the following "principal unsettled or partially unsettled" questions: 1) the "nonbelonging" of West Berlin to West Germany; 2) the "curtailment" of West German political presence in West Berlin; and 3) the area in East Germany that residents of West Berlin would be allowed to visit. The note then addressed the "Final Act":

"At the last meetings of the Ambassadors the Western side submitted new formulations of the Final Act, in which once again the idea is put forward about sanctioning by the Four Powers of the arrangements of the competent German authorities. Such an approach would undermine the agreement already reached among the Four Powers to the effect that an agreement on West Berlin should not lead to acquisition by any of the participants in the negotiations of additional rights or to prejudicing somebody's rights and should not affect political and legal positions of the sides.

"Some time ago the American side approached us as regards ensuring the effectiveness of the possible agreement on West Berlin. The Soviet side made a move to meet the wishes of the US Government in this question of principle. We, as is known, suggested, that 'in those cases if facts of violation of one or another part of the agreement occurred, each of the Four Powers would have the right to draw the attention of the other parties to the agreement to the principles of the present settlement for the purpose of holding, within the framework of their competence, due consultations aimed at eliminating the violations that took place and at bringing the situation in conformity with the agreement.' We then received a reply that the text of the Soviet formulation is in principle acceptable to the United States.

"We are convinced that the solution suggested by us fully ensures reliability and effectiveness of the operation of the agreement in all its parts."

After proposing language on the principal provisions of the Final Act, the note continued:

"While noting the usefulness of the meetings in Bonn on the tripartite basis, we would like at the same time to draw your attention to the fact that their results still have not found due reflection in the negotiations in Berlin.

“In particular, at the experts’ meeting on June 9, the Western side submitted formulations on the preamble of the agreement which repeat a thesis unacceptable to us, about the so-called ‘area of Berlin’ and do not contain an important provision concerning the necessity of taking into account the existing situation, which contradicts the understanding reached in Bonn.

“Obviously it is necessary to take some measures aimed at closing the gap which exists here.” (Ibid.)

President Nixon met Ambassador Rush in the Oval Office from 6:12 to 6:45 p.m. to prepare for Nixon’s discussion the next day with German Chancellor Brandt. (Ibid., White House Central Files, President’s Daily Diary) Kissinger, who also attended, briefed the President immediately before the meeting.

Kissinger: “If you could thank him [Rush]. All he knows is the Berlin part of the negotiations. He doesn’t even know about the summit. He just knows that for reasons of your own—”

Nixon: “Yeah.”

Kissinger: “—you want to be forthcoming on Berlin in a separate channel.”

Nixon: “Right.”

Kissinger: “But if you could thank him for the discretion and delicacy with which he’s handled it—”

Nixon: “That’s right.”

Kissinger: “That would be very much appreciated.”

Nixon: “That’s about all I want to do at this point, you know.”

Kissinger: “He had a number of technical issues. I don’t know whether you want to get into the degree of Soviet presence.”

Nixon: “Jesus Christ, I don’t know anything about it.”

Kissinger: “I can—if you tell him to discuss them with me, and if there’s any problem we can come back to you. You don’t need a long meeting, as long as you thank him for the—”

Nixon: “Yeah.”

During the meeting with Rush, Nixon confided that Berlin was only part of “a game at the very highest level with the Russians,” including the Strategic Arms Limitation Talks. “I’m not going into the details,” he insisted. “I know nothing about Berliners.” After praising Rush for his skill as a negotiator, Nixon asked about the prospects for an agreement.

Nixon: “But you agree that we’re going to get an agreement, don’t you?”

Rush: “Yes, yes.”

Nixon: “You do?”

Rush: “Yes. [unclear exchange]”

Kissinger: “And they’ve made very significant moves, don’t you agree?”

Rush: “Yes.”

Nixon: “Let me say this, that the, it’s going to come. The other thing is that I’d like to get the agreement, [unclear], for other reasons, because, you know what I mean, you can’t move without it. You’ve got to stay until the damn thing is finished. So it will be an enormous achievement in itself, but when you see this thing open, you will know in a month—no, 60 days—how much would you say, Henry we’ll know whether things are going to come off?”

Kissinger: “What was that? Within the next three months.”

Nixon: “The next thirty days to sixty days.”

Kissinger: “By the end of August.”

Nixon: “By the end of August. Then we’ll either want to delay it, Berlin, as an end in itself, or we go ahead on Berlin as part of a larger package, as part of a larger package, which will have historic significance far beyond Berlin.”

Rush: “Yes.”

Nixon then emphasized the importance of linkage in his calculations. Although the Russians were almost always “pathological” about the concept, both sides understood that “everything is linked.” “Berlin is something they very much need from us,” he explained, “a hell of a lot more than we need it from them.” “We’re going to make them pay. That’s really what we’re trying to do here.” Nixon asked Rush for guidance on his meeting with Brandt.

Nixon: “What should he hear from me when I see him tomorrow? [unclear] What does he want to say to me? What should I say to him? What should I say to him? What do you want me to say to him?”

Rush: “Well, he is optimistic now about the progress in the Berlin talks. I mean that—”

Kissinger: “But that’s on the basis of your channel.”

Rush: “That’s right.”

Kissinger: “So this can’t be mentioned in the presence of anyone except, you know, Brandt or Bahr or you or myself.”

Rush: “That’s right.”

Nixon: “Yeah. Oh, he only knows—”

Kissinger: “Only Brandt and Bahr know.”

Rush also reported, however, that the “very close cohesion” on the Allied side had been upset by the French Ambassador in Bonn, Jean Sauvagnargues. Sauvagnargues, for instance, recently suggested that the Allies accept that West Berlin “is not a part of the territory or state

structure of the Federal Republic.” Rush had rejected the proposal as a “derogation of all that has been done.” Kissinger agreed that to treat Berlin as a third state was “what the Russians want.” Kissinger then mentioned the latest Soviet proposal.

Kissinger: “Dobrynin came in today with 4 pages of language which, on various issues, but there’s no sense bothering the President with it, including this one—”

Rush: “Yes.”

Kissinger: “—and it’s very close to the French formulation.”

Rush: “Yes.”

Nixon: “It seems to me that we can’t—can never do that.”

Kissinger: “They have done a whole series of things since we started the separate channel. They started it hard-line and they’ve really gone on most of it two-thirds of the way—”

Rush: “Yes.”

Kissinger: “—to our position. I think they’ve made the bigger concessions.”

Rush: “They’ve made the bigger concessions.”

As the meeting ended, Nixon and Kissinger reiterated their praise of Rush. The President also reminded the Ambassador: “And remember it’s a bigger play.” (Ibid., White House Tapes, Conversation Between Nixon and Rush, June 14, 1971, 6:10–6:45 p.m., Oval Office, Conversation 519–15) The editor transcribed the portions of the conversations printed here specifically for this volume.

254. Conversation Among President Nixon, German Chancellor Brandt, the President's Assistant for National Security Affairs (Kissinger), and the German State Secretary for Foreign, Defense, and German Policy (Bahr)¹

Washington, June 15, 1971.

[Omitted here is an exchange of pleasantries and discussion of scheduling arrangements.]²

Nixon: How do you feel?

Brandt: I think there is reason for some moderate optimism.

Nixon: Moderate optimism. That's a good term. Moderate optimism. That's good. Well, actually, we know, I know that, taking the whole problem of Berlin, which is key to this, this instance, if you simply look at what appears publicly in the Four Power thing, it doesn't look too promising. But what is occurring privately, you know, some of these other things, it seems to me that the—and I would like to get your version on it—that the Soviets, while taking a very hard position at the beginning, have come much further toward our direction and yours, than we have gone toward theirs. Would you agree?

Brandt: I would agree with that. Yes.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Brandt, June 15, 1971, 11:02 a.m.–12:34 p.m., Oval Office, Conversation 520–6. No classification marking. According to his Daily Diary, Nixon met with Brandt in the Oval Office from 11:02 a.m. to 12:34 p.m. The editor transcribed the portions of the conversation printed here specifically for this volume. Kissinger and Bahr joined the discussion at 11:13 a.m.; Kissinger left at 12:30 p.m., just before Mosbacher, Ziegler, Pauls, Ahlers, and several others entered for several minutes. (Ibid., White House Central Files, President's Daily Diary) A memorandum covering the end of the conversation, during which Pakistan and SALT were discussed, is in the National Archives, RG 59, Central Files 1970–73, POL 7 GER W. For Brandt's memorandum of conversation, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. II, pp. 966–972. For his memoir account, see Brandt, *People and Politics*, pp. 291–295.

² Before the meeting with Brandt, Nixon told Kissinger to "bring up as much of the conversation as you can. I don't know this fellow [Bahr]. I know Brandt. I don't trust him, you know." Kissinger: "Brandt. No. I—." Nixon: "Not at all. And I'm not sure—That's the only thing I'm a little concerned about, about the Ambassador [Rush]. I think he, when he says that in order, you know about, that Brandt's going to be in for all that time. I think he underestimates the—The CDU just can't be that—Good God, this, if that's all Germany's hope is, then Germany ain't got much future." Kissinger: "No." Nixon: "But, nevertheless, that's irrelevant." Nixon then asked Kissinger to give Brandt "the line that he needs to hear." "I don't know what the hell I'm talking about," he explained. "I don't want to say that I, that we're enthusiastic about Ostpolitik." Kissinger replied: "I was not going to say that. Absolutely not." (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, June 15, 1971, 10:39–10:59 a.m., Oval Office, Conversation 520–4) The editor transcribed the portion of the conversation printed here specifically for this volume.

Nixon: Because what we want to do here, Mr. Chancellor, we want to be sure that we take a position that protects you.

Brandt: Yes.

Nixon: And we can be a little tougher than you can as a matter of fact, because you, you have, having, with all of your ties to Berlin, I mean as a person and also with regard to your country and the rest. I think the fact they've come quite a ways is a good thing. Now, if we get them a little further, we've got the makings of a deal. That's the way it looks to me.

Brandt: Yes, yes.

Nixon: How do you feel about this? You—

Brandt: Well, one has no guarantee that there could[n't] be a surprise.

Nixon: Sure, sure.

Brandt: A surprise in the negative sense.

Nixon: Well, you'd like insurance.

Brandt: Yes.

Nixon: Because you're a smart guy.

Brandt: Yes, but it doesn't look like that. If we get it along the line I see it now, then this would mean, Mr. President, that if you compare it with, well the [unclear] was discussed in Geneva in 1959 of Khrushchev,³ how he made it, or even if you can compare it with President Kennedy's "Three Essentials,"⁴ this would be much more than the West was willing to accept at that time.

Nixon: '59, right? Very, very, very important.

³ According to Brandt's account, this remark, unintelligible on the tape recording, concerned "the points discussed at Geneva in 1959." (Brandt, *People and Politics*, p. 292) In November 1958 Soviet Premier Khrushchev issued an ultimatum on Berlin: if the Allies did not agree to resolve the city's status within 6 months, the Soviet Union would reach a separate peace treaty with East Germany. Although the Allies agreed to formal negotiations, both sides were still talking in Geneva when the deadline passed in May 1959. On May 14 the Allies tabled a "Phased Plan for German Reunification and European Security and a German Peace Settlement" at the Geneva conference. For text of the Allied plan, see *Documents on Germany, 1944–1985*, pp. 624–629. For the development of the plan before and discussion with the Soviets at Geneva, see *Foreign Relations, 1958–1960*, volume VIII. See also Hillenbrand, *Fragments of Our Time*, pp. 140–142, 146–147.

⁴ In a report forwarded to Secretary of State Rusk on July 31, 1961, former Secretary of State Acheson recommended that the Western Allies adopt the following "essentials" of a counter-proposal to continuing efforts by the Soviet Union to resolve the German question by treaty: "(a) as put forward, it should make no major concessions; (b) it should have something of novelty and more of appeal to allied and neutral opinion; and (c) it should be capable of being added to later on if the USSR appears willing to negotiate in earnest." (*Foreign Relations, 1961–1963*, vol. XIV, Document 89) See also Hillenbrand, *Fragments of Our Time*, p. 183.

Brandt: Yes, this would be—

Nixon: Everything is relative.

Brandt: Yes.

Nixon: You can't get, you can't get the whole ball—

Brandt: No.

Nixon: —but here this is more than '59—

Brandt: Yes.

Nixon: And more than that. Is that your opinion?

Brandt: Yes.

Nixon: Good.

Brandt: Yes. And this in spite of the fact that we all know the military position rather is more favorable for the Soviet Union than it was then.

Nixon: Yeah.

Brandt: But still they must have their own reasons why they think— They should not be too different. I hope, I hope this will work out. The private contacts you mentioned, I think, have been helpful up to now with Dobrynin and Ambassador Falin, the new Russian man, who is a very intelligent man. They don't have much freedom of movement probably.

Nixon: No, no. I authorized those only because I know that with regard to these fellows in Moscow, they tend to want to deal at the highest levels.

Brandt: Yes.

Nixon: So I said "OK, talk to them," having in mind that I can put it all in the channel over there so that you, of course, can decide what you want to do with it, so then that our, our man—he's a good man—

Brandt: Yes.

Nixon: —a very good negotiator.

Brandt: Yes.

Nixon: And he speaks very highly of you incidentally. He was just in here. But he says that, he is somewhat hopeful about it. He's a tough negotiator. He says about the same thing you did. Unless they make a sudden turn hard-line, which they might, that they're going to make a deal. And of course another thing which we have to have in mind is that, [they need] the deal too.

Brandt: Yes.

Nixon: After all, they, if they block this, they know very well what happens to the treaty and all that.

Brandt: Yes.

Nixon: So they need the deal, so we must never be in the position where, in other words—

Brandt: Yes.

Nixon: They're not looking down our throats, we're not looking down theirs either, but that's the way to make a good negotiation, where each side can make a [unclear] and I think we may get something out of it.

Brandt: Yes.

Nixon: What do you think?

[Omitted here is a brief exchange of greetings as Kissinger and Bahr enter.]

Nixon: We, the Chancellor and I, just started our discussion. We, I asked him for his evaluation of Berlin. And, incidentally, Mr. Chancellor, let me tell you that, in our discussion, there's so many things that we have [unclear] in our previous occasions, the two of us [unclear], any notes that are made on our part are only for me.

Brandt: Yes.

Nixon: And we do not send them to the State Department, not through the bureaucracy, because we feel that, we have to feel that we can talk very candidly.

Brandt: Yes.

Nixon: And I want to assure you that that's the case.

Kissinger: Not that we don't, Mr. President—

Nixon: Not that we don't trust our State Department, but you know, you have the same problem with yours, and they all, the more your notes get around.

Brandt: Yes.

Nixon: Then some well-intentioned fellow leaks it out, and it may [unclear]. And so we—That way we can talk frankly. The Chancellor put it this way, he said he felt that unless there is a hard turn, unexpected development, that there is a chance now, a good chance, or a, he said a moderately good chance for a Berlin settlement, is that what you—?

Brandt: Yes.

Bahr: Egon Bahr, Mr. President, if I may repeat it.

Nixon: Yes, what you said about, this is very important.

Bahr: Yes, which would give us, I mean, not all we would want, but much more than the West was prepared to discuss in '59—

Brandt: Or even compared with President Kennedy's "Three Essentials." This would have much more substance.

Nixon: Do you agree with that, Henry?

Kissinger: I do. I told you, not in those words, but I, I felt that, I feel that we're doing better than, than I thought possible.

Nixon: Well, Henry has said, Mr. Chancellor, he says said that he had, they had come about two-thirds toward us and we had gone one third towards them. Well, that's a pretty good deal.

Bahr: Yes it is.

Nixon: Provided, provided you can still maintain your position. You know, I noticed, it's interesting how in all their public statements they constantly get back to that same old song of trying, trying to split off Berlin as a separate entity. They, they, they want, they want to cut it off as a separate entity.

Brandt: Yes.

Nixon: That's the public position. On the other hand, you've stood firm on that and privately they don't go that far anymore.

Kissinger: I think, on access, for example—

Nixon: Yeah.

Kissinger: —Mr. President, they have essentially accepted our essential point. Don't you agree on that?

Bahr: Yeah, yeah.

Kissinger: The big problem now is Federal presence—

Nixon: Yeah.

Kissinger: —in Berlin and Soviet—

Nixon: And their presence—

Kissinger: —presence in West Berlin.

[Omitted here is a brief exchange which, due to interference, is largely unintelligible.]

Kissinger: Soviet presence in West Berlin, of course, we can go along with—

Nixon: What do they want, a consular office or something?

Bahr: Consular, yes. They want—

Brandt: Yes, if I may say, well, on our presence, Mr. President,

Nixon: This is the FGR. [*sic*]

Brandt: Yes. When Falin, the new Russian Ambassador, came to see me, he said that—I made just a couple of remarks on the link which we had established between Berlin and the ratification of our treaties. I repeated that this was not a very good thing, but politically it had, had to be done this way. And he then said he would express a personal view, he was not sure that that was the view of his government [unclear]. He said, "It might be that even if we had argued against it that you were right because had you not created that link then Berlin would have been a controversy over the years," that it was so central to a solution. Then he said, "Since I said this, I will add something. We have argued all the time against Federal presence, but I'm telling you, because you know, that you must have Federal presence in West Berlin

if we say it belongs together not in the sense of being a Federal state but [unclear].” This was quite interesting. On Soviet presence in West Berlin, Mr. President, when I still was Mayor of Berlin, they had three offices.⁵

[Omitted here is further discussion of Soviet presence in West Berlin, which, due to interference, is largely unintelligible.]

Brandt: So I already at that time said that I would prefer to have one Embassy or one consulate that [unclear]. In Berlin they can send [unclear] East Berlin all the time. So from an intelligence point of view, having an official thing in West Berlin is the [tip of the iceberg], which is easy, easier to have under control than what is [unclear].

Nixon: Right, right, right, right.

Brandt: So, and there was a psychological element [unclear] if you consider it from the point of view—one has to be very careful how to, what kind of [unclear]—but from the point of view of the West Berliners. Take for example, businessmen and artists and others who go to the Soviet Union. They now have to go to East Berlin to collect their visa. If they had a visa office in West Berlin, this whole department would, for the West Berliners, would be regarded as an improvement, because they would not have to go to the Embassy in the GDR in order to pick up their visa.

Nixon: Huh.

Brandt: The West Berliners.

Nixon: I see. I see your point. [unclear] I was saying to the Chancellor. If he doesn't get this, what I'm going to do is take the position that will be not only consistent with yours but will be ahead of your position, and even, will even be, if necessary, stronger, you know, in any particular area indicated as needed. The point being that to us this argument is not about Berlin. It's about you. It's about, you know what I mean.

Brandt: Yes.

Nixon: That's what it's really about, your Berlin support and all the rest. Now, we therefore are, and Henry is aware of this, we will

⁵ Reference is apparently to the following Soviet offices in West Berlin: Intourist, the Soviet travel agency; TASS and Novosti-Izvestiya, the Soviet press agencies; and Soveksportfilm, the Soviet foreign trade organization for the export and import of films. The Soviet Union also participated in the administration of the Berlin Air Safety Center and Spandau Prison. Brandt later recalled his remarks to Nixon on Soviet presence in West Berlin as follows: “I pointed out that we had already been obliged to live with sundry Soviet offices during my years in Berlin, and that it was easier from the security aspect to supervise the legal tip of an iceberg. It would be psychologically beneficial if the West Berliners could obtain visas in their own part of the city.” (Brandt, *People and Politics*, p. 292)

bargain. And remember it seems to me we are in exactly the same channel. We want an agreement; you want an agreement. We want to maintain the linkage basically that you do. Now the Soviets need an agreement, so, therefore, they're not looking down our throats or yours. So, under the circumstances, we should just continue without, without being too anxious that the—. Because if you're too anxious, then they think that they raise the price because you're too anxious. We should just continue to go right forward until we get one. Now, that's about the way I would feel. Does that meet your approval?

Bahr: Yes.

Brandt: Yes, I agree.

Nixon: Do you have anything to add to that, Henry?

Kissinger: No. Egon and I, and Egon and Rush, have a very close working relationship now. So that we have the bidding of the Chancellor.

Nixon: Right.

Kissinger: And the—

Nixon: You see what we do is this. What we do is to put this right into the channel directly to Moscow—to Dobrynin.

Brandt: Yes, yes.

Nixon: But we don't sell them a thing, we don't talk to them, unless we've got it from you personally.

Kissinger: That's right. I—

Nixon: We are not, we want you to know that we are doing this only because we may be able to break, break the deadlock. Do you, do you see what I—?

Brandt: Yes.

Nixon: Because I said to the Chancellor, it just happens that when you're dealing with totalitarian powers, they expect to deal at the highest levels—in the first instance.

Kissinger: They brought in some new formulations yesterday, Dobrynin,⁶ for your visit, which—There's no sense bothering you with now, I'll take that up with Egon later. One is a new formulation for the Final Act which is better than the one they've given us. It may not be enough yet, but it's an improvement. And one has to do with Federal presence which probably isn't quite enough. But it's, again it's a slight step in our, our direction.

Bahr: This will be one of the key points [unclear].

Kissinger: Yes. It was their concern to remove the—

⁶ See Document 253.

Nixon: Now look, on the Federal presence thing, just take the hardest line that's necessary or is necessary. We really want—What is really at stake here is, as I say, is actually the deal with them. What is at stake is the whole Federal Republic, and its future and its position, your position as a leader, your whole Ostpolitik etc. I mean, Berlin is the key. We've got to get what we want to. We want to be sure that [if] we open that door, we don't fall down the steps. And for that reason, even though they, our Soviet friends, always abhor the word linkage, of course there's linkage. Let's face it, you know and I know that when we talk about mutual balanced force reductions, why are we maintaining forces, them, you, I, anybody? The reason that we maintain forces is because there are tensions. So if you reduce those factors that cause tensions, you therefore can be more forthcoming in reducing forces. On the other hand, if you make no progress in reducing those things that cause tensions, you're going to have an incentive to maintain the forces. So there is linkage between Berlin, and the future of Europe, and the forces, all the rest. Right?

Brandt: Yes.

Nixon: And I think it's just, without using that nasty word which sets them off. They know very well—and they link everything, don't they?

Brandt: They do.

Nixon: They, they like it. They want us to discuss everything separately, but they never do anything unless it's in tandem, part of the process. So we're in a position to, I think, I think it's good. I am pleased that you feel we're operating with, we're acting consistent with what you want here, because that's what we want.

Brandt: Yes, this is true for Berlin and also for those matters which were discussed at the last NATO Council meeting in Lisbon.⁷

Nixon: Yeah.

Brandt: I think this was clear.

[Omitted here is the remainder of the conversation, including discussion of Mutual and Balanced Force Reduction talks, the North Atlantic Treaty Organization, the European Economic Community, international financial policy, the crisis in South Asia, and the Strategic Arms Limitation Treaty talks.]

⁷ See Document 246.

255. Editorial Note

On June 15, 1971, President Nixon hosted a “stag dinner” in honor of German Chancellor Brandt at the White House from 8:11 to 9:32 p.m. (National Archives, Nixon Presidential Materials, White House Central Files, President’s Daily Diary) In a June 15 memorandum for the President’s File, Lee Huebner of the White House staff reported that “this was a very quiet, brisk, uneventful dinner.” The President toasted the “closeness of German-American relations” and hoped that “the meeting will plant a few seeds so that we can soon harvest the new crops of progress.” According to Huebner, Brandt then gave in his toast a “remarkable review” of global affairs from the reduction of tensions in Germany and China to recent developments in Southeast Asia and East Pakistan. Acknowledging the “burden of U.S. responsibilities,” Brandt offered German support, including a degree of “cooperation commensurate with our common interests.” Huebner concluded: “Altogether this is one of the best toasts from a visiting leader during this Administration.” (Ibid., White House Special Files, President’s Office Files, Memoranda for the President, Beginning June 13, 1971)

Nixon expressed a different view of Brandt’s toast in a conversation with Kissinger in the Oval Office the next morning. “It was a pretty goddamn shameful exercise,” the President said. “He had in a gratuitous business about that we hope you bring an end to the war to Vietnam. He had in a statement about the suffering in Pakistan in there. You know, Pakistan. And he had in nothing in particular in regard to, really the grace notes, about this is the second time we have received him and nothing about how we stood by him.” Although Kissinger offered to contact German State Secretary Bahr, Nixon continued to complain: “Brandt really owes it to us. He owes it to us to say something frankly complimentary about the President. Now, I get up in all of these toasts and I praise for his—and we got back very little in return. You understand that.” Kissinger: “Yeah.” Nixon: “We get very little in return. Now this fellow owes us a great deal. He owes us a great deal. He’s got to know it. We stood up on this Mansfield amendment. We stood up. We didn’t embarrass—we should have embarrassed him more than we did on the Mark. We—the Berlin thing isn’t going to go without us. But he’s playing this kind of a game, Henry.” (Ibid., White House Tapes, Recording of Conversation between Nixon and Kissinger, June 16, 1971, 10:39 a.m.–12:07 p.m., Oval Office, Conversation 522–2)

During the conversation, Kissinger called Bahr from the Oval Office to discuss Nixon’s reaction. Speaking English “because it’s a little easier for me,” Kissinger reported: “[The President] had the impression that yesterday the Chancellor in his toast was really playing very much for his domestic situation without saying one graceful thing about, you know, his reception and what support you’ve been getting

from us. And he [Nixon] felt that the remarks about Vietnam were certainly very ambiguous." "We didn't ask you to say anything about it one way or the other," Kissinger continued. "And I just wondered, Egon, as a friend, whether it isn't, wouldn't be good if he [Brandt], when he met with the press today and with the Senate Foreign Relations Committee, he could make some positive statements about the relationship that has developed." "Appalled" and "somewhat alarmed" by Kissinger's report, Bahr replied in German that Brandt had been afraid that any reference in his toast to the "intensive cooperation" between the United States and West Germany might be taken as an allusion to the "backchannel" negotiations. Kissinger, however, reiterated his request for a statement: "If the Chancellor could find an opportunity while he is in this country in talking to the press to make clear that we have been helpful on, in the negotiations and in your general policy and that we have been working together, well, it would remove this slight ambiguity that he detected yesterday." Bahr asked Kissinger to assure Nixon that Brandt had certainly not intended his remarks on Vietnam to imply any criticism of U.S. policy. (Ibid., Recording of Conversation Between Kissinger and Bahr, June 16, 1971, Time Unknown, White House Telephone, Conversation 5–92) Kissinger briefly reported Bahr's side of the story to Nixon. (Ibid., Recording of Conversation Between Nixon and Kissinger, June 16, 1971, 10:39–12:07 p.m., Oval Office, Conversation 522–2)

During a meeting that afternoon, Nixon asked Indian Foreign Minister Singh, who had commended Brandt for a "good statement" on East Pakistan, whether the Germans were giving any economic assistance. Nixon then told Kissinger afterwards that Brandt was "flying around and lecturing us about Vietnam and lecturing us about Pakistan," but "what the hell are they doing?"

Nixon: "He's doing something that he oughtn't to be doing. Henry, the Germans have got so goddamned many problems. He ought to stay the hell out of the India-Pakistan. He ought to stay the hell out of other things."

Kissinger: "We'll say it in Bonn. Why the hell—For all he knows, Mr. President—"

Nixon: "Yeah."

Kissinger: "—you have your own problems with India-Pakistan, as indeed you do."

Nixon: "Yeah."

Kissinger: "It's totally inappropriate. If you started holding a speech on a whole range of foreign policy issues in Bonn, everyone would say how inappropriate that is."

Nixon: "Suppose I go over there and start talking about our, talking about the problems of Mexico and Nicaragua."

Kissinger: "Well, these still would be your problems but supposing you talked about Poland and Czechoslovakia who are, who are countries closer to them with whom they have relationships. It was totally inappropriate. And our—"

Nixon: "He wasn't that bad really except that it just seemed to me to be dumb and presumptuous."

Kissinger: "Yes."

Nixon: "You know the use of their—"

Kissinger: "Well, he wrote it for his own people. Well, I gave Bahr hell."

Nixon: "What did you just put it on? On the basis that you [unclear]—"

Kissinger: "What, I said, I said quite frankly a number of people, I've asked people what their reaction was. I can't judge it, but a number of people said they thought it was not appropriate in the presence of the Democratic Senate Majority Leader [Mansfield] and a lot of others to be so relatively cool about the President and not to say any graceful thing and to say things which unintentionally give the impression that you are slapping at the Vietnam policy. And as far as India-Pakistan is concerned that is just a very delicate matter which we should each do separately. Well, he said he was sorry. He was he was amazed that anyone could interpret this, and he said that every other public statement now is going to be carefully scrutinized with that in mind. And they need us badly enough."

Nixon: "Look, it's just as well to shake Brandt up if he comes over here and gets the news people and he talks to Humphrey and all the left-wingers and the socialists and so forth. Let me say incidentally, as I said, I believe Rush on anything else except that I think that he is, that he is misjudging Brandt's ability to hang on. I don't think this man has it. And—"

Kissinger: "Well, the trouble—He is right in that if he dies or when he dies or if he, that the Social Democratic Party would split up. From that point of view he's right. He's the only one that they can all agree on."

Nixon: "I agree."

Kissinger: "As between him and the Christian Democrats, unfortunately if we get him the Berlin agreement his chances rise. That is the one price. But then let's see what the Russians are coming up with. If they kick us in the teeth on the summit, our incentives go down again."

Nixon: "Yeah. In a sense [unclear]—"

Kissinger: "Although it is a pretty—The reason why we are helping him is, is because that it is a pretty good agreement we are getting."

And for us to turn it down—If it were a lousy agreement we could turn it down on substance.”

Kissinger concluded, “The worst tragedy, that election in ‘69 was a disaster.” “If this National Party, that extreme right wing party, had got three-tenths of one percent more, the Christian Democrats would now be in office.” (Ibid., Recording of Conversation Between Nixon and Kissinger, June 16, 1971, 3:41–4:30 p.m., Oval Office, Conversation 523–4) The editor transcribed the portions of the conversations printed here specifically for this volume.

256. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, June 16, 1971.

SUBJECT

Berlin Agreement: Soviet Presence in West Berlin and The Terms of NSDM 106

I understand from State that Ambassador Rush feels—apparently on the basis of his White House discussions²—that he should move ahead on the question of Soviet presence in West Berlin, including Allied agreement to the establishment of a Soviet Consulate General.

Assuming this were to be the case, the question arises whether the current Presidential guidelines (NSDM 106)³ should be modified, and to what extent. That NSDM (copy at Tab A) at the moment precludes in paragraph 6 any significant Soviet expansion and the establishment of a Consulate General. If negotiations with the Soviets are to continue under formal guidance of a NSDM, you may want to eliminate subparagraphs a and b of paragraph 6 of NSDM 106 so as to permit a Consulate General.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV. Secret. Sent for action. According to another copy, Downey drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 14, Chronological File, 1969–75, 20 May–10 July, 1971)

² Kissinger underlined this comment and wrote in the margin: “When will you grow up?”

³ Attached; see Document 225.

The final paragraph of paragraph 6 contains the provision that the Berlin Agreement itself should contain nothing on the issue of Soviet presence (this is the only exception to the statement in paragraph 5 that an agreement must not contain secret protocols). Further, it provides that any actual expansion of Soviet presence should be well distanced from the conclusion and implementation of a Berlin agreement. Again, you may want to consider whether this aspect of the NSDM requires revision.

Regarding the substance, while an increase in Soviet presence may pave the way to an agreement, there are serious dangers to it, and very serious ones if it were to include a Consulate General. Recapitulating my earlier memos on this, the three most evident dangers seem to be:

—the risk is greatly increased that the Soviets, once officially established in West Berlin, will accede to GDR pressures to end the current official Allied access to East Berlin which is highly embarrassing to the GDR;

—there is a substantial risk that the Soviets will feel relatively free to further expand their West Berlin activities, both overt and covert, considering that the Western powers will be unlikely to curtail them for to do so would run the risk of the Soviets threatening a counter breach of the Agreement as a whole;

—it is entirely possible that with the addition of a significant Soviet presence in West Berlin to an agreement which, in the eyes of Berliners, provides only marginal practical benefits at the expense of reduced ties to Bonn, there will be considerable public dissatisfaction with an agreement, to the extent that an agreement might not be acceptable at least to the Berliners.

It was to reduce these dangers somewhat that even the modest increase provided for in NSDM 106 called for the actual Soviet expansion to take place only *after* an agreement is concluded and is actually being implemented. Consequently, I recommend that this provision be retained.

*Guidance Requested:*⁴

Revised NSDM not necessary

Prepare revised NSDM which will allow Consulate General in addition to other new Soviet offices

With respect to distancing the establishment of an expanded Soviet presence from the implementation of an Agreement,

this should be retained

this should be dropped

⁴ The memorandum does not indicate whether Kissinger provided any guidance, as requested, on Soviet presence in West Berlin.

257. Memorandum of Conversation¹

Washington, June 17, 1971, 2:30 p.m.

SUBJECT

Berlin Negotiations

PARTICIPANTS

German

Egon Bahr—State Secretary, Chancellor's Office

Guenther van Well—Assistant Secretary, Foreign Office

American

Henry A. Kissinger—Assistant to the President for National Security Affairs

Helmut Sonnenfeldt—Senior Member, National Security Council

James S. Sutterlin—Director, Office of German Affairs

Mr. Kissinger asked State Secretary Bahr whether there were any points to be covered on the Berlin negotiations. Bahr replied that the United States and the FRG are for the most part in such close agreement that there was little which needed discussion. The only point of difference concerned the possibility of a Soviet Consulate in the Western sectors.

Mr. Kissinger asked whether Bahr saw any differences between a Soviet Consulate General and a Soviet trade mission. Bahr said that a trade mission would be something exceptional since there are no other trade missions in the Western sectors. On the other hand there are many other countries which have consulates in West Berlin. Thus a Soviet Consulate would simply be in line with an existing pattern. Mr. Kissinger commented that the other countries which maintain consul-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany (Bonn), Vol. IX. Secret. Drafted by Sutterlin on June 18. The meeting was held in Kissinger's office. The memorandum is part II of III; parts I (MBFR) and III (RFE and RL) are *ibid.* Sonnenfeldt forwarded the memorandum to Kissinger on June 21 for approval. (*Ibid.*) An attached note from David Halperin to Jeanne Davis indicates that Kissinger reviewed but did not specifically approve the memoranda of conversation with Bahr. For a German record of the conversation on Berlin, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland*, 1971, Vol. 2, pp. 995–996. Kissinger told Nixon after the meeting with Brandt on June 15: "I'm having three different meetings with Bahr." "One I have to do for the record, so that the State Department gets a record; then I'm seeing him with Rush tomorrow, for 2 hours tomorrow afternoon." (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, June 15, 1971, 5:13–6:03 p.m., Oval Office, Conversation 521–13) The editor transcribed the portion of the conversation printed here specifically for this volume. According to his Record of Schedule, Kissinger also met Rush and Bahr on June 16 from 5:32 to 6:35 p.m., and Bahr privately for breakfast on June 17 from 8 to 9:10 a.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellaneous, 1968–76) No substantive record of either meeting has been found.

ates in the Western sectors do not have the special claims to responsibility which the Soviets have. Bahr replied that if the Soviets claim special responsibility in West Berlin then we should not give them a consulate general. He repeated, however, that a Soviet consulate office could be accredited in West Berlin on precisely the same basis as those of other countries. Mr. Kissinger said that from these remarks he assumed the German side would prefer a consulate general to a trade mission. Bahr replied affirmatively.

Mr. Kissinger said that we do not have a fixed position on a Soviet Consulate General. He asked Mr. Sutterlin whether there would be some paper coming over from the State Department on what the general status of the question was. Mr. Sutterlin said that there was a distinction in the U.S. position between a relatively small increase in the Soviet presence in West Berlin and a Soviet office having the character of an official representation such as a consulate general. The Department had prepared instructions, which would be coming over to the White House, authorizing Ambassador Rush to broach with the Soviets a small increase in their presence after having first consulted with the British, French and Germans.² In the case of a consulate general the Department would have to present a paper to the White House proposing a change in the terms of the relevant NSDM,³ with which the German side was already familiar.

² Document 260.

³ Reference is to NSDM 106 (Document 225).

258. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, June 18, 1971.

SUBJECT

Berlin: Soviet Presence; Ambassador Rush's Instructions

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV. Secret; Sensitive. Urgent; sent for action.

After the meeting yesterday with Bahr, Sutterlin prepared a cable of instructions for Ambassador Rush centering on the issue of Soviet presence in West Berlin in response to Rush's cable of June 8 (Tab B).² (This dealt with increased Soviet presence *short of* a Consulate General.) Sutterlin has sent informally a copy of the proposed instruction cable (Tab A)³ and has asked for White House reaction. Evidently, he anticipates difficulty in getting the cable cleared at Defense, and so is looking for a green light of some sort from here in order to be able to force Defense's hand.

The instruction is generally consistent with NSDM 106 (Tab C),⁴ except that the instruction should contain an express point relating to the necessity to distance the actual presence from the conclusion and implementation of a Berlin agreement. There may also be some question whether the fairly extensive list of concessions can properly be considered consistent with the NSDM's authorization of only a "limited number" of Soviet offices which do not imply an official Soviet presence.

Even though Defense's objection to any increase in the Soviet presence has already been overruled by the NSDM, it does not seem a good idea to give State an *informal* green light which it will then use against Defense. Unless, to avoid delay, you wish to take this up directly with Secretary Laird, I believe that I should tell State to handle the instruction in the normal fashion, i.e., seek Defense clearance and then send to White House, or failing Defense clearance, send a split position to the White House. This latter contingency would then presumably lead to reaffirmation of the NSDM and a second overruling of Defense.

Guidance Requested:

Let State seek clearances in normal way.⁵

Other

² Document 250.

³ Attached but not printed. For the final instructions, see Document 260.

⁴ Document 225.

⁵ Kissinger initialed his approval on June 21 with the following handwritten caveat: "but in time for next meeting. Though if we are going to overrule Defense anyway why not give them an inkling?"

259. Editorial Note

On June 21, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin and Ambassador Rush in the Map Room at the White House from 5 to 6:04 p.m. to review the Berlin negotiations. Kissinger also met Rush both before (4:37–5:00 p.m.) and after (6:04–6:06 p.m.) the meeting with Dobrynin. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the three men discussed Berlin:

“The meeting took place because I had promised Dobrynin to introduce him to Rush and make clear that we understood the agreed procedures for proceeding on Berlin.

“After introducing Rush and some pleasantries, I told Dobrynin that the President had met twice with Rush. I had met separately with Rush and Bahr and jointly with them for extended conversations. As a result, we had agreed on the following: (1) The President wanted to reaffirm his desire to expedite a Berlin agreement; (2) Rush had been instructed to be as flexible as possible within the general framework of American policies; (3) we proposed a continuation of the Bahr/Falin/Rush talks. As they were finishing each section, they were to agree on how to handle it in the Four Power context; (4) the Advisors’ meetings were a bad forum because our advisors were instructed by the regular bureaucracy and would, therefore, reject even matters that Bahr, Falin and Rush had already agreed to. Therefore, there should be a stalemate in the advisors’ talks, and Abrasimov should suggest at the next Ambassadors’ meeting on July 7th or 8th that henceforth matters be moved into the Ambassadorial context. At these Ambassadorial meetings, Rush could propose a compromise formula that had previously been concerted; (5) Falin, Bahr and Rush should agree among each other how to handle it. For example, the question of transit could be handled by Abrasimov putting forward a modification of the Soviet position which was still unacceptable, but which showed some progress. Rush could then propose a compromise which knocked out some of the ideas of Abrasimov, but which would come close to or be the agreed language. On other topics, the process could be reversed. In any event, there had to be some bargaining or some seeming bargaining in order to explain why the progress; (6) I told Dobrynin that I had carefully gone over with Bahr and Rush the proposals that he had made for specific formulations and that the answer would be given by Rush. I did not want to inject myself into the detail drafting process; (7) on the specific matter of Soviet presence in Berlin which he had raised at the last meeting with me, Rush had been given new instructions to conform with what I had already told Dobrynin; (8) I had

worked out a procedure with Rush and Bahr according to which, if nothing new happened, the three would agree by the end of July on a Berlin solution and the Four Powers by the end of August.

“Dobrynin asked whether, under the formula we proposed, it was the Soviets who had to make all the compromise proposals in the Big Four context. Rush explained that this was not the case, and that either side could make proposals, but that the precise details should be worked out by the three. Dobrynin said he thought this was a positive program and that it might lead to a result.

“I then asked Rush to wait for me outside, and turned to other matters.” (National Archives, Nixon Presidential Materials, NSC Files, Box 491, President’s Trip Files, Dobrynin/Kissinger 1971, Vol. 6 [Part 1])

The next morning, Dobrynin called Kissinger to clarify the arrangements for talks on Berlin both in the special channel and the four-power forum.

“D: I would like to check one thing which we discussed yesterday. I received [a] call from our Ambassador [Falin] there were the gentleman [Rush] which was yesterday . . .

“K: I understand.

“D: Our Ambassador spoke with a third man [Bahr] who was here, not in our meeting . . .

“K: I know exactly what you are saying.

“D: That gentleman told our Ambassador the meetings, three of them, on the 21st and 23rd of this month will not take place.

“K: They will next week. There was a misunderstanding between the third man and the man you met yesterday. He said to fix the first three days he was back, and he thought they were this week.

“D: So it will be next week.

“K: Yes.

“D: The second man will not arrive at the capital at all? He will go to the four powers next week.

“K: They will meet three times.

“D: But when are the four . . . ?

“K: Be on the 25th. The four are going to the meeting.

“D: Then I guess he is going still to that.

“K: But they will meet next week on the 29th, 30th and 1st.

“D: Can I tell him that for his own information.

“K: Yes, tell him it was a technical misunderstanding.

“D: Yes, and you better check with that third man to make sure he will tell our Ambassador.

“K: Okay.

“D: And then the second point, this third man when asked what [he] was going to do about (councilor? [advisors]) . . .

“K: That we haven’t told him yet. We have to straighten that out.

“D: You will?

“K: I will do that today.

“D: Good, because I received a telegram.”

(Library of Congress, Manuscript Division, Kissinger Papers, Box 394, Telephone Conversations, Dobrynin, Anatoly Fedorovich, Feb. 1970–Aug. 1971)

After his conversation with Dobrynin, Kissinger sent the following special channel message to Bahr:

“Dobrynin tells me that Falin is confused as to the reason for the delay in the meeting between you, Rush and Falin. Can you explain to him that it was due to your misunderstanding as to the time of Rush’s return. Also, Rush and I worked out a procedure by which we believe your agreements can be moved into the Four-Power context. Rush will explain it to you but it involves a substantial downgrading of the advisors. Rush and I mentioned that to Dobrynin about the same time that you said the opposite to Falin. Could you concert with Rush so that we can get our lines cleared? It was good to see you.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 60, Egon Bahr, Berlin Files [2 of 3])

Bahr replied by special channel on June 24. The text of the message, as translated from the original German by the editor, reads:

“I explained to Falin the misunderstandings on the agree dates. I tried to dispel his obvious mistrust with the firm conviction that, as a result of the discussions in Washington, no one could possibly doubt the serious intention of the USA to come to an agreement.

“Regarding further procedures, I merely said that the three of us [Rush, Falin, and Bahr] must arrange them. In Washington they are contemplating in great detail the various possible ways to introduce this at the official level. Falin recalled that the three of us would still need three to four meetings, which he had expected this week. This is the reason why he “restrained” Kvitsinky. It may well be a problem that the Soviets are waiting for the result of the discussions between Ambassador Rush, Falin, and me in order not be beat around the bush during the [quadripartite] negotiations.

“Best wishes.” (Ibid.)

260. Telegram From the Department of State to the Embassy in Germany¹

Washington, June 24, 1971, 0046Z.

112959. Subj: Berlin Talks—Soviet Presence. Ref: Bonn 6947.² For the Ambassador.

1. You are authorized to broach the question of an increased Soviet presence in West Berlin at the next Ambassadorial session if, after reviewing outcome of the current advisors meeting, you continue to feel that progress toward a worthwhile Berlin agreement is dependent on this issue.

2. Department concurs with the tactical approach outlined in paras 5 and 6 of the reftel with the following alterations:

(a) We do not see much point in asking the Soviets to give further details on the meaning of the individual requests contained in the Soviet draft of March 26 since this could involve us in premature detailed discussion of the whole range of Soviet demands. Instead we would think that the Western Ambassadors should simply state that after reviewing Soviet wishes the Western side is prepared to consider certain specified increases in the Soviet presence in the context of a successful agreement. In accordance with NSDM 106 it should be understood that any actual expansion in Soviet presence should be well distanced from the conclusion and implementation of a Berlin agreement.

(b) Initial offer can, at Ambassador's discretion, include (1) fur outlet (Soyuzpushnina) with consignment warehouse; (2) return of Lietzenburgerstrasse property to Soviets either for utilization in West Berlin or exchange; and (3) permission for already present Intourist to sell tourist reservations. Since Intourist is already in West Berlin we see no reason to authorize additional travel agency Merkuri. In addition, we prefer to withhold any permission for Aeroflot office to tie in with possible future developments involving additional Western air carriers.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Exdis. Drafted by Sutterlin on June 23; cleared by Hillenbrand, Haig, Morris (DOD), and Stimson CIA; and approved by Rogers. Repeated to Berlin. Hillenbrand forwarded the telegram to Rogers for approval on June 23 with a memorandum in which he explained: "The instructions do not authorize the Ambassador to propose as large an increase in the Soviet presence as he has recommended. We would have been prepared in EUR to include one or two additional offices but it was impossible to obtain Defense clearance. This message will, however, permit the Ambassador to broach the subject and there may be a tactical advantage in moving rather slowly on any concessions until we are more certain that the Soviets will go further than they have so far in accepting our minimum requirements for a satisfactory agreement." (Ibid., POL 28 GER B)

² Document 250.

(c) We are also prepared to include either in initial offer or later round permission for Soviet employees of Soviet enterprises to reside in the Western sectors but permission must be on a case-by-case rather than a blanket basis. We think it important to maintain control over the number and identity of Soviet residents and prefer to avoid as far as possible situation where only means of dealing with known Soviet intelligence agents is through expulsion after residence is established. For similar reasons we also think it important to monitor and regulate the number and identity of Soviets who work in West Berlin but do not reside there.

(d) We believe that permission to centralize all or most Soviet offices at Lietzenburgerstrasse should be held at least for second round. This will be of considerable importance to Soviets once they know they can get additional offices and return of Lietzenburgerstrasse property. By holding it for second round, although not necessarily until final negotiating phase, we may be able to get more in return in terms of FRG representation or other outstanding issues.

(e) Department does not wish to include question of establishing Soviet state trading agency with resident visa official in discussions with British, French, and Germans at this time. In view of inherent risk that word of our possible willingness to make this concession would reach Soviets prematurely, it is preferable that discussion of this possibility should be postponed until we have clearer idea of what remains to be settled in final bargaining stage. At that time we shall wish to weigh overall Soviet negotiating stance against possible effects of such concession on Allied position in Berlin as a whole, including US capacity to enhance its presence in East Berlin and afford protective services (without official dealings with the GDR) to American citizens who encounter difficulty there.

Rogers

261. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, June 26, 1971.

On my return from the States Thursday for the Berlin talks yesterday, Jonathan Dean, my political counselor and principal assistant in the talks, told me of a disturbing situation which is difficult to analyze. For secrecy reason, I waited until returning to Bonn to send this message about it.

At the advisors meeting on June 9, Kvitsinskiy, the Russian advisor, prematurely and in violation of our understanding introduced the draft of preamble as tentatively agreed upon between Bahr, Falin and me and this was resisted by Dean and the French and British advisors. Bahr and I discussed this incident with you in Washington.² At this June 9 meeting, Kvitsinskiy called Dean aside and expressed surprise that Dean had opposed the draft. Kvitsinskiy told Dean that there existed a direct, very high-level link between Moscow and Washington on the subject matter of the Berlin talks. The existence of this was very tightly held, and Kvitsinskiy had been told that he was not authorized to know of it and was not to mention the subject to anyone. He assumed Dean knew of this link and had expected, therefore, that, since the draft of preamble he had presented came out of this link, Dean would support it.³

Dean, of course, truthfully replied that he knew nothing whatever of any such arrangement, and Kvitsinskiy then urged Dean to call me in Washington to get some word of it. Dean refused and said he would await my return. Yesterday, during a break in our talks,⁴ Kvitsinskiy again asked Dean about the matter and whether he had any information from me. Dean said no.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. A handwritten notation reads "No Dissem." The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten notation indicates that it was received in Washington at 1855Z.

² No record of this discussion has been found; see footnote 1, Document 257.

³ For memoir accounts of this meeting, see Bahr, *Zu meiner Zeit*, pp. 364–365; Falin, *Politische Erinnerungen*, pp. 168–169; and Kvitsinsky, *Vor dem Sturm*, pp. 243–246.

⁴ In a June 28 memorandum to the President, Kissinger noted that the Ambassadorial meeting of June 25 "produced no dramatic results. Ambassador Rush told the Soviets that a point had been reached in the negotiations which would permit us to begin forward movement on the issue of Soviet interests in West Berlin. The Ambassador offered no details, suggested that the advisers discuss it and mildly linked progress on this issue to resolution of other outstanding points such as access and foreign representation." Kissinger further reported: "Noting that Ambassador Rush had presumably

It is a tribute to Dean's discretion and loyalty that he has told no one except me about this, and I have strictly instructed him not to mention it to anyone. I have full confidence in his integrity, after working closely with him for almost two years, and feel sure he will follow my instructions. At the same time he is very intelligent and with this incident following upon the earlier Abrasimov one about a secret top level link,⁵ he must have strong suspicions. He further told me that Kvitsinsky had recently been to Bonn to see Falin. This doubtless strengthens any suspicions he may have.

The explanation for this action by Kvitsinskiy is difficult to find. At first I thought it was a deliberate attempt to sabotage your channel, particularly since this is the second incident of mentioning a secret channel and since, after the first one, you with Dobrynin and I with Abrasimov and Falin made such strong representations. It may be, however, that Kvitsinskiy really thought that Dean knew about the channel, and this view is reinforced by the fact that Dean told me yesterday that Kvitsinskiy, several weeks ago, had also mentioned to Dean something about a secret, high level link. At the time Dean had just ignored the reference.

The meeting between Bahr, Falin and me has been advanced to Monday⁶ and at that time I intend to tell Falin about this and insist it not happen again. I shall do this in low key, however, so as not to ruin Kvitsinskiy for the negotiations, in the event he is only guilty of a bad indiscretion. Dean and Kvitsinskiy have developed a close relationship which is very valuable to us, and it would be a mistake to kill this relationship. Accordingly, I think it would be best if you do not mention this situation to Dobrynin, who might take strong action.

At a large "summer fest" hosted by Brandt last evening, I told Bahr about this incident and he is as baffled by it as I am. I also saw Falin there, and he was quite affable and relaxed. At yesterday's talks, Abrasimov also was quite conciliatory. All this lends weight to the view that Kvitsinskiy was really indiscreet, not part of a sabotage conspiracy. (Incidentally, Bahr told me that Falin was very suspicious about the postponement of our talks, and seemed to think it resulted not from a

received final instructions from Washington, and that the French and British Ambassadors would soon have their instructions, Abrasimov commented that he had several occasions to speak with Brezhnev during his recent visit to East Berlin and that accordingly, he had received his own final instructions—implying that the negotiations had entered the concluding phase." (National Archives, Nixon Presidential Materials, NSC Files, Box 34, President's Daily Briefs, June 17–30, 1971)

⁵ Reference is presumably to the incident of March 23, when, during a meeting with American officials in Berlin, Kvitsinsky alluded to "recent contact between Soviet and US Governments," implying the channel between Kissinger and Dobrynin in Washington. See Document 207.

⁶ June 28.

misunderstanding but from the fact that the U.S. really does not want a Berlin agreement.)⁷

My talks with you and the President were invaluable to me and I am very grateful for them. I will keep you advised concerning the talks with Falin and Bahr next week.

Warm regards.

⁷ For Bahr's report on his effort to allay Falin's suspicions, see Document 259.

262. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

Washington, June 28, 1971.

Thank you for your cable.² I have talked to Dobrynin in a very low-key way and he promised me to guarantee discipline.³ I am a little bit disturbed by the pace of your negotiations. It is imperative that you do not come to a final agreement until after July 15 for reasons that will become apparent to you. The ideal from our point of view is to make some progress but prevent a final conclusion until the second half of the month sometime between the 20th of July and the end of the month. I know this puts you in a tough spot with Falin and Bahr but it is essential for our game plan. Please try to tread the fine line

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. The message, which Haig initialed for Kissinger, was sent through the special Navy channel in Frankfurt. No time of transmission appears on the message.

² Document 261.

³ Kissinger met Dobrynin on June 28 from 2:34 to 3:29 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to a memorandum of conversation: "The conversation concerned the fact that a subordinate Soviet official—Krevinsky [*Kvitsinsky*—had approached Jonathan Dean from our Embassy in Bonn and mentioned to him a special channel. I pointed out that this was an impossible situation and had to be rectified. Dobrynin said he could assure me it was a mistake—that in Moscow now, there was a feeling that definite progress was being made, and he was certain that it was not a deliberate action. He would take measures in a gentle way because he thought Krevinsky was a very valuable person and he didn't want him to be punished. He said I had to understand that our system of government was hard for the Soviet leaders to understand." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 57, Berlin and European Security, Vol. II [1 of 2])

between progress and ultimate success. Above all, please keep me fully and immediately informed.⁴ No one will believe what we did here.⁵

⁴ Rush replied by special channel on June 29: "Your message of June 28 was delivered by Commander Reed when he arrived to pick up my enclosed message to you [Document 263]. I shall follow instructions and keep the negotiations going until the time you mention, namely between July 20th and the end of the month. If unusual difficulties arise, I'll let you know." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1)

⁵ In his memoirs, Kissinger later explained: "Once it became clear that there would be no summit in September, I sought to delay the conclusion of the Berlin agreement until after the announcement [on July 15] of my Peking visit. This would ease Soviet temptations to use our China opening as a pretext to launch a new round of crises. I succeeded, but only with some difficulty. Even Rush, like all negotiators, was getting carried away by the prospect of an agreement and procrastinated only with great reluctance (not knowing, of course, the reasons involved)." (*White House Years*, p. 829)

263. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, June 29, 1971.

In the meeting with Bahr and Falin yesterday, lasting almost 8 hours, I mentioned in low key the incident outlined in my last message.² Bahr had told me that at Brandt's "summer fest" Friday night he had had an opportunity to mention it to Falin, who had reacted angrily over it's having occurred. Yesterday, Falin said that earlier this month he had read a message from Abrasimov to Moscow stating that, at my dinner with Abrasimov on May 31 I had told Abrasimov that Dean was the only one in our Embassy who knew of the special channels.³ I, of course, said this was completely untrue, that neither Dean nor anyone else knew anything about it, and I had not only never mentioned the subject to Abrasimov but that it would have been impossible to do so since throughout Abrasimov's stay my Berlin political advisor, Akalovsky, had been with

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. A copy was sent to Haig. The message was sent through the special Navy channel in Frankfurt. No time of transmission appears on the message; a handwritten note indicates that it was received in Washington at 2218Z. Attached to the message but not printed is the text of a partial draft agreement, consisting of formulations for parts I and II and Annex I.

² Document 261.

³ See Document 250 and footnote 7 thereto.

me as interpreter. Falin said he did not doubt that what I said was true, that Kvitsinskiy would not have made the statement to Dean or introduced the preamble without instructions from Abrasimov, and that this incident plus the earlier one⁴ were in Falin's opinion designed by Abrasimov to sabotage your special channel and our talks. Gromyko has called Abrasimov, Kvitsinskiy, and Falin to Moscow for a meeting Thursday on⁵ this subject among others, and I'd certainly like to be there too!

⁴ See Document 207.

⁵ July 1.

264. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, June 30, 1971.

1) Two discussions of the three [Rush, Falin, and Bahr] on the 28th and 29th of June yielded, or rather confirmed, agreement on the preamble, the issues of access and visits of West Berliners as well as the exclaves, the Teltow Canal, and Part 3 (Final Provisions). The issues of foreign representation and Soviet interests in West Berlin were not discussed.

An exchange of views followed on the Final Act without formulations.

A partial formulation on the theme of Federal presence took place but at the same time the positions have hardened. This is becoming the most difficult point.

I will send the texts to you as soon as they are available.²

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [2 of 3]. Top Secret; Sensitive; Exclusively Eyes Only. The message, translated here from the original German by the editor, was sent through the special Navy channel in Frankfurt. No time of transmission appears on the message; a handwritten note indicates that it was received in Washington at 2157Z. For the German text, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. 2, pp. 1035–37.

² Bahr forwarded the available texts without comment in a special channel message to Kissinger on July 1. (Ibid.) Kissinger replied the next day: "Thank you for your cables. I am glad things are still going well. You can count on our support even if the Soviet line should harden temporarily. All the best." (Ibid.)

2) Falin was ordered to Moscow today and will return on Sunday.³ As agreed, the next discussion will be on Tuesday afternoon, the 6th of July.

The hardening can be attributed to Gromyko's intervention, who thinks Falin is too conciliatory. Some jealousy is also involved: Gromyko would like to leave his personal mark on a Berlin settlement; he does not like that Falin has authority and is protected at a higher political level. Only after Falin's return will we know if we have reached a confrontational stage or a crisis.

In my opinion, we should take the time necessary to deal with this.

On the other hand, Rush and I gave Falin the impression that we are ready to reach a swift conclusion.

3) The worsening on the issue of Federal presence is apparent above all in the Soviet demand that committees and parliamentary party groups should only be allowed to come to Berlin at the invitation of the Senat. Falin reported that a clear distinction must be drawn from the current situation and that it would be the responsibility of the three powers to regulate this in detail. The Soviets propose periods of very limited visits, amounting to almost nothing.

For the German side, this is unacceptable. I pointed out that we would accept no regulation which would change the procedure for meetings of committees and parliamentary party groups outside of [procedures determined by] Bonn (invitation and scheduling by the party chairmen).

4) We discussed in great detail the method for shifting the result of our negotiations to the official level. It would not be useful to communicate the details until Falin returns.

5) Regarding the Final Act, Falin left no doubt that the French proposals⁴—in which the Four Powers should approve the German arrangements and thus assume a higher legal authority—were completely unacceptable. Rush and I are agreed that the German arrangements must be integrated into the Final Protocol, thereby ensuring their subordination to quadripartite consultation in case minor difficulties complicate consultation at the German level. We are accordingly trying to

³ July 4.

⁴ At the Ambassadorial meeting in Berlin on June 25, Sauvagnargues declared that "one could not go back on practice followed without obstacles for twenty years in the whole world, except for Eastern Europe. It was also necessary here to respect the realities." "[I]n order to take into account the Soviet concerns," the Ambassador proposed that the Western Allies were "ready to expressly state in the framework of the agreement that their rights and responsibilities, particularly in matters of status and security, were not and could not be affected by the delegation of concrete functions to the Federal Republic." (Telegram 1198 from Berlin, June 26; National Archives, RG 59, Central Files 1970–73, POL 38–6)

influence the French, for which the Pompidou visit⁵ should give us a good opportunity.

6) This visit will not be easy, since we must expect an attempt to reduce Phantom jet sales. The Chancellor stands by what he told the President.⁶

7) The GDR has unofficially offered to expand telephone and telegraph connections and to discuss, with the goal of an official agreement, setting up a television broadcast cable.

Warm regards.

⁵ A French delegation, led by President Pompidou, was in Bonn July 3 and 4 for semi-annual consultations with the West German Government.

⁶ See Documents 254 and 255.

265. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, June 30, 1971.

Yesterday's meeting went off well, Falin being in his usual relaxed friendly un-Russian mood. The principal developments were as follows:

1. We completed the section and accompanying annex on visits by West Berliners to East Berlin and the GDR. The big issue is how to describe the area so as to bypass the question as to whether East Berlin is or is not a part of the GDR. Until our meeting yesterday the Russians had insisted on wording such as "Berlin (East) and other areas of the GDR." However, after long discussion he yesterday accepted, subject to Moscow approval, the wording, "communications with areas contiguous to the Western sectors of Berlin as well as with areas not contiguous to those sectors."

Another issue has been our attempt to have the western end of the Teltow Canal opened to navigation. The canal is largely in East Berlin and the acrimonious post war history of the canal has caused a hardening of attitudes and given the issue an undue symbolic importance. The

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive; Exclusively Eyes Only. A copy was sent to Haig. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington on July 1 at 0110Z.

Russians have adamantly refused to open the western end of the canal, but yesterday Falin finally agreed that it “can be opened to navigation.”

The text of the tentatively agreed upon provisions is attached.²

2. We were also to discuss yesterday the final protocol, to which the French give such importance. In order to help meet your timetable however, I postponed that discussion on the basis that we had to do much more work with the French first.

3. Particularly in view of the Kvitsinskiy–Dean episode, I think that in order to allay suspicion and prevent disruption, we should continue the normal pattern of advisors meetings and thus deviate somewhat from the plan you and I outlined to Dobrynin. We can give the advisors plenty to do usefully, and, by careful coordination through Bahr, Falin and me, prevent these talks from adversely affecting our plans for getting the agreement as secretly finalized through the Four Power Ambassadorial talks. Bahr and Falin agreed with this reasoning, and Falin is taking the word back to Moscow.

4. Our next meeting is on Tuesday 6 July following Falin’s return from Moscow. I think it will take some time for him to work out an acceptable posture on Federal presence, but if instead he returns with one, we may have a small problem of avoiding embarrassment with the Germans as we carry out your time schedule. However I think it can be done by delaying consideration and final agreement on the issues of representation abroad and Soviet interests in West Berlin and by other means.³

² Attached but not printed.

³ Kissinger replied by special channel on July 2: “Thanks for your messages. They were greatly appreciated. Could you not use my Asia trip to bring about a delay by claiming difficulty in getting instructions? At any rate, keep things fluid until I am back from my trip and various things have fallen into place.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 59, Ambassador Rush, Berlin, Vol. 1) Kissinger had already left Washington on July 1 for a 2-week tour of Asia, including stops in Saigon, Bangkok, New Delhi, and Islamabad; on July 9, he secretly arrived in Beijing, the “real destination” of his trip. (Kissinger, *White House Years*, pp. 736–741) In Kissinger’s absence, Haig sent the following message to Rush on July 6: “Due to circumstances which will be explained subsequently, Dr. Kissinger has asked me to flash to you the essentiality of going as slowly as possible during any meetings which may be already arranged. He also asks that you avoid, on some pretext, any new meetings to which you are not already committed until he returns from his trip on or about July 12. Best regards.” (Department of State, Bonn Post Files: Lot 72 F 81, Berlin Files—Amb. Kenneth Rush) In a conversation that morning, Nixon told Haig to “tighten up on Berlin” to counter a “crude and obvious attempt” by the Soviets to delay a decision on the summit. Haig: “Well, I just sent a message to Rush and told him to delay everything, not to accept any new meetings on the subject and just to hold up. That’s why I’m a little—That’s what they really want. They’re pressing to get that thing locked into shape.” Nixon: “Hm-hmm. Can we still stop them?” Haig: “It’s still manageable, sir. It’s going to take a little gasping because of the German side, they’re Goddamn panting on this thing.” Nixon: “Sure.” Haig: “But we can make it very difficult.” (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Haig, July 6, 1971, 9:10–9:25 a.m., Oval Office, Conversation 538–4) The editor transcribed the portion of the conversation printed here specifically for this volume.

266. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, July 7, 1971.

Falin returned from Berlin with what he termed the good news that he and Gromyko were not as far apart as Falin had thought, and thus he had not needed to go to Kosygin or Brezhnev for a resolution of differences.² The highlights of our meeting of yesterday were as follows:

1. With regard to the text of those parts of the agreement we had tentatively agreed upon, Gromyko has approved everything except the following:

(A) He wanted to revert to their desire that the entire substantive part of the access provision be modified by the phrase: "according to international practice." I flatly refused but agreed to shift the word expeditious in Annex I so that the applicable paragraph reads:

"1. Transit traffic by rail, road and waterways of civilian persons and goods and goods between the Western sectors of Berlin and the FRG will be facilitated and take place unimpeded in the simplest manner. It will receive the most expeditious and preferential treatment provided as international practice."

(B) With regard to visits and travel by residents of the Western sectors to East Berlin and the GDR, Gromyko refused to accept "with areas contiguous to the Western sectors of Berlin as well as areas of the GDR not contiguous to those areas." As a substitute formulation Falin has tentatively agreed to our suggested rewording as follows:

"The Government of the USSR, after consultation and agreement with the GDR, declares that communications with the Western sectors of Berlin will be improved; permanent residents of the Western sectors will be able to travel to and visit areas beyond them for compassionate, family, religious, cultural or commercial reasons, or as tourists, under conditions comparable to those applying to other visitors and travelers entering areas of the GDR."

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1. Top Secret; Sensitive. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt is on the message.

² Kissinger later commented on this report: "Even skeptics like me, whose minds boggled at the vision of Gromyko's learning of a month's quota of major concessions for the first time from a subordinate who then threatened to go over his head if need be, could not doubt that the Soviets meant to press Berlin to a rapid conclusion." (*White House Years*, p. 830)

2. The big problem continues, of course, to be that of “Federal presence.” Falin came back with a new approach which has much merit. It is embodied in the following rewording of Annex II, the new parts being paragraphs 2 and 3:

“Annex II

Communication from the Governments of the French Republic, the UK, and the USA to the Government of the USSR.

The Governments of the French Republic, the UK and the USA, with reference to part II.B of the quadripartite agreement of this date and after consultation with the Government of the FRG, have the honour to inform the Government of the USSR that:

1. They declare, in the exercise of their rights and responsibilities, that the ties between the Western sectors of Berlin and the FRG will be maintained and developed taking into account that these sectors continue not to be a constituent part of the FRG and not to be governed by it. Those provisions of the Basic Law of the FRG and the constitution operative in the Western sectors, which contradict the above continue not to be in effect.

2. The Federal President, the Federal Government, the Bundesversammlung, the Bundesrat, and the Bundestag, including their committees and fractions as well as other state bodies of the FRG will not perform in the Western sectors of Berlin constitutional or other acts which contradict paragraph 1. Official bodies of the Western sectors of Berlin will also act in accordance with the provisions of paragraph 1.

3. The Government of the FRG will be represented in the Western sectors of Berlin to the authorities of the three governments and to the Senat by a permanent liaison agency.”

This represents a great advance over the earlier extreme Soviet position barring most if not all committee and Fraktionen meetings and “official” visits of the President, Chancellor and other high officials as well as eliminating or severely restricting the location of Federal agencies in Berlin. According to Falin the new language would not involve the barring of any such meetings, visits or location of Federal agencies, but would impose an obligation that they not take place for governing Berlin. They could of course take place for “maintaining and developing” the ties, or otherwise than “governing” Berlin. The general nature of the language could be a future source of controversy, but this danger always overhangs in any event. Politically and substantively this approach seems preferable to any definite and precise limitations which the Russians have indicated would be adequate for their purposes.

Bahr is taking the new formulation to Brandt for his decision. Unless you advise otherwise, I will be guided by Brandt’s desires. If this approach is adopted, I would hope that we can improve the language.

3. We should have no difficulty in meeting your timetable of post July 20 for the final agreement. We can use your trip plus the new proposal of Gromyko's for delaying purposes.

4. In view of the sure leakage to the press of action by the four Ambassadors, however, I think it would be preferable after Bahr, Falin and I have reached full, final agreement, to have the four Ambassadors have a long wrap-up session to reach accord on the full agreement rather than reach agreement on different sections piecemeal at different sessions. We can thereby avoid critical attacks by the Springer press and other bitter opponents of the Ost-politik until the full agreement is made known. This method should also allow us to ease the problem of the State Department. Since the entire agreement would go in at once, you could advise them that all in all it looks satisfactory and that they, in essence, should not press personal preferences on wording or technical matters.

5. I have followed your trip and related events with avid interest. What a great contribution you are making to the best interests of our country.³

³ Since Kissinger was in Islamabad, preparing for his secret arrival the next day in Beijing, Haig sent the following special channel message to Rush on July 8: "Thank you for your message on July 7. Due to sensitivity, I will hold here until Kissinger's return on July 12. I wish to emphasize again the essentiality of employing delaying tactics during those sessions to which you have already been committed and the need to avoid commitments on any pretext for future meetings." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 1) Rush replied by special channel on July 9: "Thanks for your message of July 8. I can employ delaying tactics, but a failure to agree on future meetings would arouse deep suspicions on the part of both the Russians, and more importantly the Germans, that is, Brandt and Bahr. Before your message of July 6 [see footnote 3, Document 265] arrived, I had agreed to meetings of next week and do not think these can be cancelled without serious effects." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2)

267. **Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, July 14, 1971.

1. I have encountered difficulties with regard to the time frame of reaching an agreement with Falin no earlier than July 20 and preferably nearer July 30, but feel that these problems are now in hand without undue damage. The major difficulty, of course, arises from the fact that the Chancellor and Bahr are very anxious to reach final agreement as soon as possible, are fully aware that Falin is willing to cooperate fully to accomplish this, and have a deep fear that the Russians may change their minds and attitude for some reason, such as suspicion that the United States does not want an agreement. As I mentioned earlier, Bahr told me that Falin and Gromyko were deeply suspicious of the reasons as to why in June I did not return a week earlier from the States for meetings as Bahr had erroneously informed them I would.²

The Chancellor and Bahr pushed me very hard to conclude the talks with Falin this week. This, of course, I insisted was unrealistic and your trip was cited as an important reason for delay. As a further reason, I have insisted that the regular activities of the Bonn Group, the advisers' and Ambassadors' meetings, etc., must be carried on in order both to avoid suspicion on the part of the British, French, FRG Foreign Ministry, and our State Department, and also in order to reach as full agreement as possible with the three Allies and the FRG through these procedures in order to minimize possible difficulties in carrying everyone concerned along with us in accepting the final draft of agreement as it comes out of our talks with Falin.

Another source of pressure for an early agreement comes from the British, French, and the FRG Foreign Office. They are aware from the meetings of advisers and Ambassadors and from private talks at lunches, dinners, and otherwise with Abrasimov and Kvitsinskiy that the Russians are willing to move rapidly, and are implying so publicly. For example, the Bonn *General-Anzeiger* reported July 13 that Falin, in a meeting with leading FDP politicians on July 11, had stated that the Berlin talks could be successfully concluded by the end of August

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington on July 15 at 0020Z.

² See Document 261.

(Bonn 8542).³ Accordingly, our colleagues are anxious to have as many meetings as needed to achieve final agreement as soon as possible. Here, too, however, after long discussions they have reluctantly accepted that at least as of now the course to be followed is to have only one advisers' meeting and one Ambassadorial meeting a week. In so far as seemed expedient, I have, of course, also delayed action at the advisers' and Ambassadors' meetings. At the same time, I must be very careful to appear to be cooperative and forthcoming while meeting your timetable.

Prior to receiving the messages from General Haig,⁴ I had agreed, in order to make the delaying tactics less obvious and more palatable, to have two meetings with Bahr and Falin this week, the results of which are outlined below. I have also discussed in full with Bahr and Falin the fact that orderly procedures must be carried out and that we should not expect to reach final agreement in our talks before the end of this month. They very reluctantly seem to have accepted this, as well as the fact that I have postponed any further meeting until July 22nd because of the fact that I have engagements in Berlin following our Ambassadors' talk there on the 16th. However, the pressures on all fronts will continue and may increase and it may be that Bahr or Drobnyin will get in touch with you directly to see if you can have me move more speedily. I will, of course, do everything possible to prevent its reaching this point and don't believe it will do so since they know how thoroughly I coordinate everything with you.

2. The time frame as I would envision it is somewhat as follows, assuming that the Russians continue in their present mood of wanting an agreement and that we are able to settle the issues remaining:

By July 31, Bahr, Falin and I will have a final draft of agreement to be sent by me to you and to be taken by Falin to Moscow. He has said that he will need a few days for final clearance in Moscow and with the GDR.

During the week of August 7, the intensive Ambassadorial sessions would take place, at which the final agreement as recommended by the Ambassadors would emerge in, I hope, exactly the form agreed to in our Falin–Bahr talks.

This should mean that sometime between August 15 and August 30 the agreement would be signed and the issues as to implementation turned over to the FRG and GDR.

Bahr thinks that around two months may be needed to complete his agreement with Kohl, although longer may be required. So that fol-

³ Dated July 13. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁴ See footnote 3, Document 265, and footnote 3, Document 266.

lowing the signature to that agreement the final quadripartite protocol would be signed between November first and the end of the year.

The Germans insist that unless the final quadripartite protocol is signed by the end of the year at the latest, it would not be possible to ratify the German-Soviet treaty prior to the parliamentary recess of 1972. This would bring the ratification into the beginning, for practical purposes, of the election campaign of 1972 and would mean that the ratification could not take place prior to the 1973 elections. Frank told Falin this in strong terms recently. (See Bonn 7835 and 8234)⁵

3. The Chancellor considers the new formulation with regard to Federal presence advanced by Falin and outlined in my message of July 7⁶ to be a major step forward and generally acceptable. In our discussion with Falin on July 12, however, we pointed out to him that as soon as the wording becomes public there would be major pressure on the Chancellor and the Allies to state with precision just what is and is not permitted under the rather general language. Accordingly, at the time of signing the agreement it will be essential to have an official protocol statement broadly outlining this. The substance of this statement could, in turn, be transmitted by the Allies to the Federal Republic with a copy to the Soviets as guidelines for FRG presence in West Berlin. Falin reaffirmed that the purpose of the broadened language is to permit the holding of committee and Fraktionen meetings in general but that these should not be on subjects having nothing to do with Berlin and should not consist of so-called Bundes weeks, where many committees meet at the same time. We are drafting a protocol statement and letter along the lines of what the FRG has decided are acceptable and will discuss the texts with Falin.

We also raised objection to the statement that the Western sectors of Berlin will also act in accordance with the provisions of paragraph 1. We pointed out to Falin that this was unnecessary and difficult to explain to the public since the Senat and other official bodies of the Western sectors, unlike the FRG, act overall under the administration of the Three Powers in assisting to govern Berlin and any such statement would create an unfavorable comparison with East Berlin and arouse political resistance. Without my troubling you with details of a long discussion, Falin at last agreed, subject to Gromyko approval, that the provision might be deleted and that instead we would insert in the protocol statement and letter wording to the effect that in the administration of the Western sectors of Berlin the provisions of paragraph 1 of Annex II will, of course, be respected.

⁵ Dated June 27 and July 6, respectively. (Both National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁶ Document 266.

4. At the advisers' meeting yesterday, instructions were to work on the final quadripartite protocol which, as you know, is a very sticky subject with the French. We went over the draft with Kvitsinskiy today and reached tentative agreement on it. A copy of this final tentative draft is attached.⁷ In it the Russians have substantially abandoned their earlier position and have met our major demands, namely,

(A) Taking note of the German agreements with regard to traffic and listing these agreements in protocol;

(B) Providing that the German agreement and the Four Power agreement and protocol enter into force simultaneously and remain in force together;

(C) Providing for consultation with regard to both the German agreements and the Four Power agreements and protocol to insure the observance of the commitments undertaken and to bring the situation into conformity with them. This should satisfy even the French.

5. Germany has been following your trip with intense interest and no one more than I. I should certainly like to hear about it and hope that it lived up to your highest expectations. I have some concept of how many important balls you are keeping in the air, and if I can be of any further help over here, please call upon me.

⁷ Attached but not printed.

268. Editorial Note

On July 19, 1971, the day after returning to Washington from his secret trip to Beijing, Assistant to the President Kissinger sent a special channel message on the Berlin negotiations to Ambassador Rush in Bonn: "As you can gather Berlin has not been at the forefront of our attention. You can proceed with deliberate speed but leave a little margin as long as you can. We still do not have Moscow's reaction to the Peking caper." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2) In his reply on July 20, Rush congratulated Kissinger: "Your spectacular accomplishments in Peking have left us all in a state of awe. It is one of the really great diplomatic feats of our time, and all Americans should be deeply grateful to the President and you." Turning to Berlin, Rush promised a full report after the Ambassadorial meeting of July 22 and his talks the next day with German State Secretary Bahr and Soviet Ambassador Falin. (Ibid.) On July 22,

Bahr also sent Kissinger a message on China and Berlin. The text, translated from the original German by the editor, reads:

“1) Very hearty congratulations on your visit to Peking and the way you did it. The Russians here appear very worried and somewhat emotional. I now have the impression that they will respond rationally.

“Moscow must be interested in creating as many faits accomplis as possible before the President visits Peking.

“2) In addition to the information via Rush: I hope that the three of us [Bahr, Rush, and Falin] can successfully complete our discussions in the next ten days. At that time, you will receive the agreed texts, which will be ad referendum. The Chancellor has declined to comment until everything is known. The Russians are ready to finish, even officially, by the middle of August.

“Warm regards.” (Ibid., Box 60, Country Files, Europe, Egon Bahr, Berlin File, [1 of 3])

Kissinger later commented that the message from Bahr was “a useful piece of intelligence, indicating that the fear of our Kremlinologists that an opening to Peking would wreck our relations with Moscow was false.” (*White House Years*, page 830)

269. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, July 20, 1971.

SUBJECT

Soviet Consulate General in West Berlin

This memo follows up our brief talk in San Clemente² on the issue of a Soviet Consulate General in West Berlin.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 715, Country Files, Europe, USSR, Vol. XIV. Secret. Urgent; sent for information. Kissinger wrote “Good job” on the memorandum, which, according to an attached form, was “noted by HAK” on August 3. Haig also initialed the memorandum, indicating that he had seen it.

² Kissinger arrived in San Clemente on July 13 and returned to Washington with Nixon on July 18. (President’s Daily Diary; National Archives, Nixon Presidential Materials, White House Central Files) No record of a “brief talk” between Sonnenfeldt and Kissinger in San Clemente has been found.

Why do the Soviets want this? In practical terms, they do not need such an office. Members of the Soviet Embassy in East Berlin are able to move freely in and out of West Berlin, with no obstacles apart from those of their own making. Conversely, West Berliners desiring Soviet consular services could travel to the Embassy in East Berlin were it not for obstacles placed by the East—and which in any event should disappear once the Four Power agreement comes into force.

Therefore, one must conclude that there is no practical reason or motive for the Soviets to insist on establishing an independent official representation in West Berlin. Supporting that conclusion, is the fact that the Soviets have not indicated at all that they would even consider lesser levels of representation (such as a consulate or the use of consular agents) which might have been more appropriate in relation to the amount of genuine consular work involved. The Soviets have insisted on the fullest possible representation, a Consulate General.

From the Soviet viewpoint, the establishment of a Consulate General in West Berlin will permit them to:

—further their theory (and the GDR's) that West Berlin is an independent political entity totally separate from East Berlin;

—expand and facilitate Soviet influence over all aspects of life in West Berlin; and

—create for themselves a continuing West Berlin basis (four power status) for their all-German rights in lieu of the Greater Berlin basis which they have renounced.

What are the risks for us? Aside from the fulfillment of the general Soviet objectives noted above, the Allies would be put in the position of tacitly admitting that they have no role in East Berlin. Serious doubt would be cast on the continued vitality [*viability?*] of the Four Power status for all of Berlin. Along with this comes the increased risk that the Soviets, once so officially established in West Berlin, would accede to GDR pressure to end the residual Allied “presence” in East Berlin (i.e., official access and military patrols) which is highly embarrassing to the GDR.

Having gained an official establishment such as this in West Berlin, the Soviets would have achieved a tactical advantage in any subsequent disputes and confrontations with the Allies. Inevitably, the Soviets will seek to expand their activities into an establishment impressive enough to support their eventual role as a Fourth Occupying Power. At some point, the Allies would feel forced to draw the line and will wish to prevent this sort of erosion. But the Allies will have to take into account that the Soviets might charge violation of the Four Power Agreement and threaten a counter-breach of the Agreement as a whole. Particularly with the pressure the Allies would feel from the Germans, there is little likeli-

hood that the Allies would run that risk. (It is not inconceivable that the Soviets might attempt to interfere with Allied—not German—traffic as a counter to Allied attempts to curtail their expansion in West Berlin.)

As I already mentioned to you, there is also the question of how this Soviet advance (when added to other Western concessions and the only marginal practical benefits of an Agreement) would be read by the Berliners. It is entirely possible that there will be considerable public dissatisfaction to the extent that an Agreement would not be acceptable. The question of Soviet presence in West Berlin is already receiving great interest in Berlin. The CDU chairman, Peter Lorenz, on July 15 charged publicly that eventually the three Allies would be induced into handling current West Berlin affairs through the Consulate, and the outcome would be a joint administration of West Berlin by all Four Powers. If this line gains great currency, it will quite possibly affect choices of investment, relocation, etc., and may even revive for many Berliners the sense of physical danger and insecurity which was so real in the immediate post-war days. This will not assist in maintaining the viability of West Berlin.

Does it make any difference to whom it is accredited? Until the past several months, the FRG has been opposed to the idea of a Consulate General, though other lesser form of increased Soviet presence was acceptable if the Three Powers were so inclined. Then the FRG made a switch. Bahr and his colleagues began arguing that indeed, the existence of a Consulate would enhance the Allied theory because it would be clear that the Soviets had a consulate just as did the Greeks, for example, making clearer that the Three Powers were supreme. This sort of argument is an exercise in question-begging, for the Greeks (or any other non-Four Power) cannot be equated with the Soviets in this situation.

It may be useful to look briefly at the question of under which auspices the Consulate General would be created (assuming in all cases, there would be accreditation to the Three Commandants). If the Consulate were connected with the Soviet Embassy in East Berlin, it would clearly appear (under Allied theory) to be a local arm of the Soviet governing authority in East Berlin. Its similarity to the Allied missions in West Berlin, and its legal connection with the Soviet Embassy, would make it more difficult for the Allies to argue that the area of applicability of the Four Power status had not been reduced to West Berlin.

Alternatively, the Consulate General could be subordinate to the Soviet Embassy in Bonn and would operate under the auspices of the Soviet-FRG Consular Convention which would be extended to Berlin. It can be argued that this approach would still entail damage to our legal theory because West Berlin (for purposes of the Convention and the scope of the Consulate's jurisdiction) would be substantially distinguishable from East Berlin and to that extent would undercut our

claim to continued Four Power status for all of Berlin. Nevertheless, this relatively slight disadvantage would be offset greatly by the fact of the Soviet's acceptance of Berlin-Bonn ties in this fashion. [*less than 1 line not declassified*] reports³ have recently indicated that a substantial part of the FRG Foreign Office considers that the only way a Consulate could be acceptable would be if made subordinate in this way to the Bonn Embassy. It is extremely doubtful, however, that the Soviets would ever agree to such an arrangement, and so this approach should be considered a non-starter.

For a Consulate to be established connected with neither the Soviet Embassy in East Berlin nor with the Soviet Embassy in Bonn (and under the Consular Convention), the effect would be the most serious. The West would have accepted a discrimination undercutting the Four Power status concept without any possible counter-arguments against the Soviet three-state theory.

The views of our allies. The *British* from the beginning have been the most forthcoming on the general issue of Soviet presence in West Berlin (most existing Soviet presence is located in the British Sector). Their present position is that they have "severe doubts" about a Consulate General, but they would not wish to block it if it were the only thing standing in the way of a satisfactory Berlin agreement; this concession should not be made until the final stage of the negotiations, and only if the major issues of Western concern had first been resolved. The *French* have usually been ambiguous on this though lately they seem to have sided with the Germans accepting the proposal. During a private conversation on July 9 Ambassador Sauvagnargues told Abrasimov flatly that he was not hostile in principle to the opening of a consulate. According to a recent [*less than 1 line not declassified*] report, the *German* Foreign Office is pointing out privately that the US will have to agree to this Soviet demand, because without it the Soviets would not agree to permit Bundestag committees and fraktionen as well as the guarantee for access. (This linkage is out of line with the course of the negotiations, in which the consulate has been linked—by the Soviets—to the issue of FRG representation of West Berlin aboard.) In any event, the FRG is now very much in favor of accepting a Consulate, but refuses to accept a Soviet trade mission which, the Germans argue curiously, would bolster the Soviet argument that West Berlin was an independent political entity.

In order to decrease any implications that an asymmetrical increase in Soviet presence in West Berlin would affect the city's status, the US

³ Not further identified.

had proposed (with less than full gusto) the establishment in East Berlin of a US cultural center (accredited to the Soviets).⁴ The Soviets have in effect said no (it should be accredited to the GDR Ministry of Cultural Affairs, said the Soviets), and our Allies have made it clear they do not want us to raise this possibility again for fear of jeopardizing the negotiations. Ambassador Rush has recommended that we drop the idea completely.⁵

The other method we have been employing to reduce the dangers of an enhanced Soviet presence has been to insist (in accordance with NSDM 106)⁶ that any actual Soviet expansion (including a Consulate General) should take place only after an Agreement is concluded and is actually being implemented. In refining this timing point further, State has been seeking clearance of a cable⁷ indicating that the Allies would state publically at the signature of the Berlin Agreement that, separate from it, the Western Allies intend to authorize specified increases in Soviet activities during the year following the signature of the Final Protocol. At the July 16 meeting, Abrasimov professed an inability to understand why the arrangements for the increased Soviet presence cannot be included in the text of the Agreement, or at a minimum, in an agreed Four Power statement issued at the same time.

⁴ In telegram 122679 to Bonn, July 8, the Department stated its conviction that “adverse implications of a substantial increase in Soviet presence in West Berlin from point of view of Berlin’s status can best be countered by a qualitative increase in Western presence in East Berlin.” Although “under no illusions” regarding Soviet acquiescence, the Department instructed the Embassy to pursue “energetically” its proposal to establish an American cultural center in East Berlin. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁵ In telegram 8747 from Bonn, July 17, Rush reported that British, French, German, and Soviet representatives had “expressed negative views” on the American proposal to establish a cultural center in East Berlin. He, therefore, recommended that the Department “relinquish the project.” (Ibid.)

⁶ Document 225.

⁷ Sonnenfeldt forwarded the text of the telegram to Kissinger (through Haig) for clearance on July 8. (Memorandum from Kennedy to Haig, July 8; National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV) Kissinger presumably cleared it after returning to Washington from his secret trip to Beijing. The telegram, which was sent as 135585 to Bonn on July 27, is *ibid.*, RG 59, Central Files 1970–73, POL 28 GER B.

270. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, July 23, 1971.

1. Today's meeting with Bahr and Falin was largely devoted to developing the tactics to be followed by our advisers at their two-day meeting next week and to the tactics for the wrap-up Ambassadorial meetings to take place during the week of August 9. We also reviewed those parts of the agreement on which we have reached tentative agreement, and I submitted a number of suggestions to strengthen it from our standpoint. Falin showed considerable flexibility in discussing these and accepted most of them, at least in substance.

We have not yet discussed the issues of representation abroad or Soviet presence in West Berlin, since the advisers have not completed their preliminary drafting work on these but are expected to do so today. Bahr and I have another meeting with Falin next Tuesday, July 27, at which time we hope to reach agreement on these other outstanding unresolved issues. This will be a very difficult and critical session, since the other outstanding problems concern Federal presence, a Russian Consulate General in West Berlin, and the use of FRG passports by West Berliners in Russia.

2. Last Saturday I invited Abrasimov in for dinner and he urgently requested me to accept an invitation to see him last Wednesday. During this time we were able to get rid of our political counsellors,² mine being Akalovsky, who was my interpreter, and I had some time alone

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington on July 24 at 0048Z. A copy was sent to Haig.

² July 17 and 20, respectively. In telegram 1393 from Berlin, July 19, the Mission summarized the discussion on July 17: "Abrsimov pressed hard for a Soviet consulate general, claiming that recent spate of Western press stories on the subject indicated a deliberate effort to obstruct an agreement. Ambassador Rush pointed out the Western side's difficulties with the Soviet request for a consulate general, but indicated that final decision on this item might depend on the overall content of the agreement. Stressing that any agreement would have to be acceptable to all interested parties and their public opinion, Ambassador Rush also emphasized the great importance of FRG passports for West Berliners. Abrsimov took a very negative attitude on this latter issue, asserting that acceptance of FRG passports by the Soviets would be completely contrary to their fundamental position on the status of West Berlin and that therefore this matter was not a subject for discussion. He proposed the status quo on this issue as a possible compromise." (Ibid., RG 59, Central Files 1970–73, POL 38–6) The Mission subsequently reported that the conversation on July 20 was "in large part a replay of their discussion at dinner July 17." (Telegram 1430 from Berlin, July 22; *ibid.*)

with Abrasimov and only his interpreter. We reviewed the question of how he and I could arrange a meeting alone with only his interpreter to develop our tactics for the wrap-up Ambassadorial sessions and decided the better method would be for me to meet him in Potsdam for a day, something I have tried to do several times in the past but have been refused permission by Abrasimov. Ostensibly, this would be a renewal of my prior unsuccessful requests.

3. In my private sessions with Abrasimov and Falin and in the advisers and Ambassadorial sessions it had become quite clear that the Consulate General issue has become a pivotal one for reaching a final agreement. The Russians are taking a very strong and unyielding position on this. At the same time, the State Department feels that they are strictly limited under the terms of National Security Decision Memorandum 106³ and that they are in no position to agree to any flexibility on this issue. Since the Consulate General has become a top priority item and an issue of such burning interest, I feel that it would be highly desirable for the State Department to go along with granting a Consulate General prior to my going into the final Ambassadorial session the week of August 9. My understanding is the Department is not opposed to granting the Consulate General if to do so would enable us to secure a good agreement, but feels it is bound by the NSDM. Accordingly, I should like to send a cable to the Department requesting authorization to negotiate on the Russian Consulate General in the Western sectors of Berlin as part of the over-all negotiations.⁴ Unless you feel this is not the correct method to pursue, I will do so sometime early next week and would greatly appreciate it if you could expedite my receiving a speedy affirmative reply.

I would, of course, only agree to granting the Consulate General if we have a very strong agreement on all other issues and if the Consulate General itself were strictly limited along the following lines:

- A) The functions of the office would be explicitly defined in a paper agreed with the Soviets.
- B) The functions would be limited to consular matters as explicitly defined.
- C) Political functions would be explicitly excluded.
- D) The Soviets would agree to a statement that Soviet participation in Four Power responsibilities would continue to be through Abrasimov and his successors and not through the Consulate General.
- E) The Consulate General would be accredited to the Allies.
- F) It would abide by all applicable Allied laws and regulations.
- G) It would abide by pertinent German legislation as specified.

³ Document 225.

⁴ See Document 272.

H) Its title would be “The Soviet Consulate General in the Western Sectors of Berlin.”

I) Its head would be a normal career official of appropriate rank; the Allies would reserve the right to pass on him.

J) The number of personnel would be specified, limited, and controlled.

4. As you know, Brandt and his government are strongly in favor of the Consulate General since they feel that otherwise no agreement can be reached. The British will only go along if a strong agreement is reached by doing so. The French, who are wooing the Russians, seem to be rather indifferent. The issue has been the subject of very avid discussion in the German press for the last few weeks, but in general this is somewhat meaningless because a Consulate General cannot be responsibly considered alone but only in the light of the overall agreement.

5. I will keep you informed after my next meeting with Falin and will send you a copy of final draft as soon as he, Bahr, and I agree on it, if and when we do so.

Many thanks and warm regards.

271. Message From the Ambassador to Germany (Rush) to the President’s Assistant for National Security Affairs (Kissinger)¹

Bonn, July 28, 1971.

1. In a long session with Bahr and Falin yesterday we reached tentative final agreement on practically everything except the issue of Soviet presence in West Berlin, including the Consulate General. We are meeting again this afternoon to discuss that, and I will send you a message² tomorrow morning prior to leaving for Berlin for the Ambassadorial talks on Friday.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message. For his memoir account, see Kissinger, *White House Years*, p. 830.

² Document 274.

2. A draft of the tentative agreement is enclosed,³ and it is still difficult for me to believe that it is as favorable as it is. It is still subject to the final approval of you, Gromyko, and Brandt, respectively. After weeks of highly negative Ambassadorial and advisers' discussions and private discussions with Abrasimov concerning the issue of representation abroad, we yesterday tentatively secured from Falin practically everything we wanted. The main points are:

(A) The Russians recognize that the Three Powers can delegate to the FRG consular functions for permanent residents of the Western sectors abroad, something that they have contested as illegal in the past. They have been insisting that they would not go along with this practice for Russia, and in fact have until now refused to accept it in the agreement for any countries except the U.S., France and Great Britain.

(B) They have agreed, as you will note, to the FRG representing the Western sectors in international agreements and arrangements and in international organizations and conferences.

(C) They have agreed that permanent residents of the Western sectors may participate with the FRG in international agreements and arrangements.

(D) They have agreed that international organizations and conferences as well as exhibitions with international participation can be held in the Western sectors of Berlin.

The one issue remaining is whether they will consent to a minute outside the agreement to accept FRG passports for Russia. We will discuss that today.

All in all, this will be of incalculable benefit to West Berliners and greatly strengthen the agreement.

With regard to Federal presence, as you will note, we have come through better than we thought was possible. Annex II is to be supplemented by a note from the Three Powers to the FRG, a copy of which is attached, which outlines what "state bodies" means and contains the provisions with regard to meetings of state bodies and committees and Fraktionen in the Western sectors.

3. Without your intervention through the Dobrynin channel, and your setting up the talks with Bahr and Falin, I think it would have been impossible to have achieved anywhere nearly as good an agreement as we seem about to have. In fact, it would have been extremely difficult to reach any agreement, and certainly no agreement could have been reached within anywhere near the time frame that now seems possible. With the indecisive, highly technical and involved bureaucracies of four countries on our side, the slightest bit of movement requires a

³ Attached but not printed.

massive effort and is one of the more frustrating experiences I witnessed. You have no idea how grateful I am personally that the President and you were able to cut through all that so that progress could be made and for all the additional help and guidance you have given.

4. I today am sending off to the State Department the cable I mentioned in my last message, requesting authority to agree to a strictly limited Russian Consulate General in West Berlin. (The cable is Bonn 9190.)⁴

Today I will have to indicate to Falin that, subject to your final approval, we will agree to a Consulate General under the conditions outlined, since the entire agreement hinges upon that item and Brandt has virtually promised it to them. Without the Consulate General it is questionable whether any agreement could be secured, certainly not one having the strength of what has been tentatively agreed upon. When the carefully limited Consulate General is fitted into a strong agreement, I feel that criticism of it will be at a minimum and only by the most hardline opponents. The present criticism comes from discussing a Consulate General in the abstract, and of course it is hard to imagine anyone advocating that. However, those with whom I have talked who are now opposed to a Consulate General have admitted that if it were necessary to give one in order to secure a strong agreement, they would be in favor of doing so.

5. The big problem now will be to steer the agreement through the Ambassadorial sessions starting probably August 10 and continuing for three or four consecutive days. We can expect trouble, particularly from the French, with regard to a lot of items, and since all participants have their own pet loves and hates, it may be difficult to bring them all into accepting the agreement as drafted, while at the same time keeping completely secret the fact that any agreement has been drafted. However, I am optimistic that this can be done.

6. There is a real danger that the State Department may seriously complicate matters by issuing instructions before and during the wrap-up meeting starting August 10 which are contrary to the adoption of the agreement.⁵ Cables will, of course, be going in before and during the course of the meeting. I think it would be very helpful if you would

⁴ Document 272.

⁵ In telegram 132343 to Bonn, July 21, the Department managed to “complicate matters” by suggesting “a pause of several weeks for reflection during August.” “While not desiring to slow the pace of constructive progress,” the Department explained, “we do not believe Soviet position at present warrants placing such a strain on Western negotiators on a sustained basis.” (National Archives, RG 59, Central Files 1970–73, POL 28 GER B) The Embassy replied on July 23 that the proposal for a pause contradicted plans for a marathon session starting on August 10. “To move away from this approach at this time, after it has been discussed repeatedly among the Allies and agreed upon by the Soviets,” the Embassy

indicate to them that you favor the plan for the several day session starting August 10, that I should have considerable discretion with regard to it, and that they should not suggest changes in the parts of the draft agreement as they are cabled in without consulting you. I suggest this, however, only for your consideration and, if you do not agree, would not wish to urge it.

I would welcome any comments or advice you may have.

reported, "might in Ambassador's opinion be very damaging to harmony among the Allies as well as to negotiations." (Telegram 9041 from Bonn, July 23; *ibid.*) In telegram 136539 to Bonn, July 28, the Department accepted the Embassy's assessment as long as the pace of negotiations was matched by "the actual pace of Soviet forthcomingness." In addition to an emphasis on "precision of language," the Department further stressed that "it must be clearly understood that any agreement reached on August 10 and 11 is ad referendum to governments and can neither be initialed nor signed without governmental approval." (*ibid.*) For further discussion of the latter telegram, see Document 316.

272. Telegram From the Embassy in Germany to the Department of State¹

Bonn, July 28, 1971, 1000Z.

9190. Subject: Request for Authorization to Negotiate on the Soviet Consulate General in the Western Sectors of Berlin. Ref: State 70827.² For the Secretary.

1. Begin summary: In this message I request revision of National Security Decision Memorandum 106 to permit inclusion of a Soviet Consulate General on the list of Soviet interests we would be prepared to accept in the Western sectors of Berlin in the context of the current Berlin negotiations. On the basis of Soviet behaviour in the negotiations during recent weeks, I have concluded that conclusion of a satisfactory Berlin agreement is dependent on our willingness to take this step. My British and French colleagues are personally of the same view, as are Chancellor Brandt and other senior officials of the Federal

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Exdis. According to another copy, the telegram was drafted by Dean on July 26 and approved by Rush. (Department of State, EUR/CE Files: Lot 85 D 330, JD Telegrams and Airgrams, 1971)

² In telegram 70827 to Bonn, April 26, the Department forwarded the text of NSDM 106 (Document 225). (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

German Government. I request that this authority be provided as soon as feasible in the near future so that we may be in a position to exploit our potential willingness to take this step as a source of leverage in the Berlin negotiations. End summary.

2. The repeated emphasis placed by Ambassador Abrasimov and by his adviser Kvitsinskiy on the issue of establishing a Soviet Consulate General in the Western sectors of Berlin in Four Power meetings during recent weeks has finally convinced me that it probably will be necessary to accede to this desire, with all necessary safeguards of Allied interests, in order to obtain a satisfactory Berlin agreement. In our meetings on July 8, 13 and 22, Abrasimov assigned top priority to this item and he has done so repeatedly on other informal occasions. The same point has been made again and again by Kvitsinskiy in the advisers' sessions of the Berlin talks.

3. The Soviets have directly linked the issue of their interests in the Western sectors and thus that of a Consulate General with the questions of representation abroad of the Western sectors. We have told the Soviets that the Consulate General item is too big to be linked to representation abroad alone. In substance, there appears to be agreement on this, although from opposing viewpoints, on the part both of the Western negotiators and the Soviets. This means that the issue of the Consulate General has connotations for the entire Berlin agreement, including matters of primary interests to the US, like access. As matters have developed, I do not believe we can look forward to a satisfactory agreement on these other issues without willingness on our part to yield on this point. But on the other hand, our willingness to take this step could be used to improve the quality of the entire agreement in the Western sense.

4. As concerns the link made by the Soviets between a Consulate General and representation abroad, it is true that the latter issue is not a priority US interest. But it should be pointed out that, in German eyes, the United States among the three Western Allies will bear the chief responsibility for the entire content of a Berlin agreement. The reaction of the German public to the agreement we have negotiated will be an important element in the overall German-American relationship. Political opinion in the Federal Republic attaches great weight to Soviet acceptance of representation abroad of the Western sectors by the FRG. Gains in this field will serve directly to diminish criticism of limitations in the Federal presence we may be obliged to agree to. It is true that there is increasing criticism in German public opinion of a possible Soviet Consulate General. I believe it would be possible to meet this through presenting the positive content of the agreement and through making clear the limitations and conditions we have placed on the Consulate General.

5. This is also the view of Chancellor Brandt, who took the matter up with the President during his recent visit to the US, and of my

co-negotiators, Ambassadors Sauvagnargues and Jackling. As pressure mounts in the final phase of negotiations, and in particular increases with regard to this item, the US would be in an increasingly difficult position if it is the only standout.

6. I believe we laid out adequate safeguards and controls over a possible Consulate General in the presentation by the Allied advisers on June 30 (Berlin 1244).³ As indicated by discussion at that time and in the advisers meeting of July 21, the Soviets have declared their general readiness to meet our conditions. Any agreement we might enter on this subject will be tightly drafted to protect our interests. These conditions would include:

A) The functions of the office would be explicitly defined in a paper agreed with the Soviets.

B) The functions would be limited to consular matters as explicitly defined.

C) Political functions would be explicitly excluded.

D) The scope of cultural and propaganda activities would have to be narrowly defined.

E) The Soviets would agree to a statement that Soviet participation in Four Power responsibilities would continue to be through Ambassador Abrasimov and his successors and not through the Consulate General.

F) The Consulate General would be accredited to the Allies.

G) It would abide by all applicable Allied laws and regulations.

H) It would abide by pertinent German legislation as specified either in the Vienna Consular Convention, which has been taken over in the Western sectors, or the German-Soviet consular agreements, if the Soviets agree to extend this to Berlin, or such appropriate combination of these instruments as may be agreed on.

I) Its title would be "the Soviet Consulate General in the Western sectors of Berlin."

J) Its head would be a normal career official of appropriate rank, not a prominent political personality; the Allies would reserve the right to pass on him.

K) The number of personnel would be specified, limited, and individually controlled.

7. I request to be authorized as soon as feasible to begin discussion of this topic with the Allies and then with the Soviets. We should avoid a situation in which we are obliged by the situation at the very end of the negotiations to give way on this point without having been

³ Dated July 1. (Ibid.)

in a position, prior to that stage, to gain some negotiating advantage for ourselves out of potential willingness to take this step.⁴

Rush

⁴ In telegram 138285 to Berlin, July 29, the Secretary responded to the Ambassador's request as follows: "Taking into account the many factors involved I have decided against raising with the President at this time the possibility of revising NSDM 106 to permit a Soviet consulate general in West Berlin. If the issue becomes a breaking point in the negotiations I will be prepared to reconsider on an urgent basis raising the matter with the President. I appreciate this could come at an early date if the Ambassadorial meetings scheduled to begin on August 10 prove productive." (Ibid., POL 17 USSR–GER B) Sonnenfeldt sent an urgent memorandum to Kissinger on July 29, asking whether to take action before Rogers sent the telegram. (Ibid., Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV) In a subsequent memorandum to Kissinger the same day, Sonnenfeldt reported, however, that the telegram had already been sent. "This action by the Secretary," he continued, "does not presumably prevent the SRG from examining the matter both as to substance and as to the timing of a possible decision to amend NSDM 106 in accordance with Ambassador Rush's recommendations." Sonnenfeldt, therefore, urged Kissinger to issue a NSSM on the proposed Soviet consulate general. (Memorandum from Sonnenfeldt to Kissinger, July 29; National Security Council, NSSM Files, NSSM 136) For text of NSSM 136, see footnote 4, Document 274.

273. Editorial Note

On July 29, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the White House office of Military Assistant to the President Brigadier General Hughes to discuss Vietnam and other issues, including the Berlin negotiations. The meeting, which was arranged at Kissinger's request, lasted from 6:38 to 8:10 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, Dobrynin said that, with respect to Berlin, "he thought that we were on a good course and that things were working out exactly as I [Kissinger] had predicted. He said it had made a good impression in Moscow." After an exchange regarding the Paris Peace Talks on Vietnam, Dobrynin raised the Berlin negotiations in the context of a proposed summit meeting:

"He [Dobrynin] said it was a pity that the Peking trip had intervened, because he was certain that within five days of the preliminary agreement on Berlin an invitation to a summit in Moscow would have been issued. I said that this was an example of the difficulties in our relationships. The President had given his word that he would work constructively for a Berlin solution. After some initial fumbling about setting up the right channels, we had carried out exactly what we had told him. Yet the Soviet leaders had continually started bringing little

pressures on us. I said the President would be as willing to make a big move with Moscow as he was with Peking; in fact, given the nature of our relationships, he would probably attach higher priority to Moscow than to Peking. However, it was important to put relationships on a level that was worthy of the President instead of this constant nit-picking argument.”

Although Dobrynin insisted that the Americans did not understand the Soviet position on the summit, he suggested that both sides look to the future “to see whether we could work out a more constructive relationship.” Kissinger agreed, and the two men “departed after some exchange of amenities.” (National Archives, Nixon Presidential Materials, NSC Files, Box 492, President’s Trip Files, Dobrynin/Kissinger, 1971, Vol. 7 [Part 2]) Kissinger forwarded the memorandum of conversation to the President on August 9. (Memorandum from Kissinger to the President; *ibid.*) The text is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII.

274. Message From the Ambassador to Germany (Rush) to the President’s Assistant for National Security Affairs (Kissinger)¹

Bonn, July 29, 1971.

1. Yesterday Bahr and I had our concluding session with Falin insofar as reaching final tentative agreement on all issues is concerned. Falin is leaving Friday for Moscow and a final check of all provisions with Gromyko and with the GDR. Next Tuesday Bahr is going to see Brandt, who is on vacation, for a final review session.

2. In our session yesterday, we once more went over the entire agreement and discussed the very troublesome issue of the use of FRG passports in Russia (which for this purpose really includes the entire Warsaw Pact bloc) and the question of a Consulate General.

(A) With regard to the passport problem, Falin says Gromyko is very “stiff” both on legalistic and on emotional grounds. Legalistically

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 2000Z.

Gromyko repeated the arguments that Abrasimov has advanced that in socialist countries passport means citizenship. I again pointed out that this is not relevant for obviously the Soviets must recognize the laws of other countries concerning passport issuance when foreigners visit the Soviet Union. For example, the Soviets accept the use by Lichtensteiners of Swiss passports, Monacans of French passports (I believe) and Andorrans of Spanish passports. In addition, many people have dual passports, and I know of several instances where people carry Dutch and American passports. The Soviet Union accepts the one used by the traveller. Accordingly there is no violation of Russian law if a West Berliner travels on an FRG passport, regardless of what nationality or citizenship the Soviet Union may think he has. After a long discussion, Falin agreed to recommend to Gromyko that an additional clause be added to Annex IV B (1) so that it would read as follows:

(1) The exercise by the FRG of consular functions for permanent residents of the Western section, including the use by such residents of passports of the FRG issued by special procedure, it being understood that such use is not in contradiction of the provisions of Part II B and Annex II.

(B) With regard to the Consulate General, Falin was very emphatic that the Russians consider this to be a top priority item and that it must be included in the text of the quadripartite agreement. He advanced the point that the Russians feel they have been treated very shabbily in West Berlin (!) and that they are unwilling to take an inferior status by having the Consulate General question handled outside the agreement in the same way as the banning of the NPD. He said that not only was Gromyko absolutely adamant in this but that Gromyko had no leeway in the matter since his strict instructions had come from the top. We of course attempted to explain just why the Russians had been treated as they have in West Berlin, the horrible example being the way we have been treated in East Berlin, but Falin stated flatly that he had no power to move. He finally agreed that we would add to the agreement the following as Part II, paragraph E.

E. The Governments of the French Republic, the UK and the USA agree that consular functions for the USSR in the Western sectors will be exercised through its Consulate General. Detailed provisions concerning the establishment and functions of such Consulate General will be made by the parties.

We also agreed that we would have a short minute which would cover the limitations which I recently forwarded to you concerning the Consulate General² and would also include in that minute a statement

² See Documents 271 and 272.

that during the period between the signing of the quadripartite agreement and the final quadripartite protocol the Four Powers would agree on the details with regard to such items as property claims of the Russians and their desire to expand the activities of Intourist, establish an office for Aeroflot, and a non-official trading office.

3. Yesterday we also made some changes in Annex IV concerning representation, and I am enclosing the text as changed. I am sorry that yesterday we left out Part III of the quadripartite agreement, which is the concluding signature section. The text of that is also enclosed.

We redrafted the note to be sent by the three powers to the FRG, clarifying the meaning of the ties provision (Part II B and Annex II) and also the note to be sent to the Senat. The texts of these are attached.³

4. I am leaving for Berlin today for the Ambassadorial meeting tomorrow. Nothing of importance will take place at that time. Falin plans to leave Moscow next Thursday and will go to Berlin, where he expects to join Abrasimov and me when I go to Potsdam on Friday or Saturday to map out the final strategy for the sessions commencing August 10. He may return earlier in which case he will come to Bonn, and Bahr and I will have a final review session with him. Unless something unexpected happens, I would not expect to send you another message until I see Falin again. I would welcome any last minute instructions or guidance you may wish to give.⁴

Warm regards.

³ The proposed texts mentioned in the message are attached but not printed.

⁴ Kissinger replied by special channel on July 31: "Good Work! I have put the Consulate General into an interdepartmental framework. It will wind up in the desired direction. But it may take a week to ten days. I have explained this problem to Dobrynin." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2) Kissinger sent NSSM 136 to Rogers and Laird on July 30. The text reads: "The President directs that the IG/EUR prepare a brief discussion of the pros and cons of agreeing to a Soviet Consulate General in West Berlin. The study should include a discussion of the terms under which a Soviet Consulate General would have to operate. The study should also examine the relationship between the success of the Berlin negotiations and a US decision to grant a Soviet Consulate General. The study should be completed and forwarded to the Senior Review Group by August 3." (National Security Council, NSSM Files, NSSM 136) Deputy Executive Secretary Curran told Colonel Richard T. Kennedy of the NSC staff on July 30 that "the proposed NSSM on the Soviet Consulate General in West Berlin was fine with the Secretary of State." (Memorandum of conversation; *ibid.*)

275. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, July 30, 1971.

1) Today I will submit the results of my discussions with Rush and Falin to Brandt at his vacation place.

2) We should maintain the position that a Soviet consulate general will only be accepted if the Soviets accept Federal passports for Berliners.

3) As discussed here in detail, we should attempt to transfer the whole thing to the official level in successive meetings starting on August 10. It may be necessary for you to help overcome doubts about this in Washington.

4) The Russians have adhered to our arrangements and declared that nothing more can be accomplished at the advisors' level. Yesterday evening, Rush very impressively prepared Sauvagnargues and Jackling on this, saying that he wanted to try to finish in successive meetings starting on August 10. The English will go along. The Frenchman supports the move to the Ambassadorial level, but is skeptical about the chance of success and critical of several Soviet formulation proposals, which are compatible with the direction set by Falin but have been sharpened for tactical reasons. The entire operation will be complicated. I will tell Rush in particular that we must be careful to avoid the suspicion that the matter has already been settled between the Russians and Americans.

5) We are agreed on the Western side that, for practical purposes, a news blackout will be imposed as of today.

6) Brandt had a private discussion with Barzel to explain the government's position on the Berlin settlement in the most precise terms.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 60, Egon Bahr, Berlin File [1 of 3]. Top Secret. The message, translated here from the original German by the editor, was sent through the special Navy channel in Frankfurt. No time of transmission or receipt appears on the message. For the German text, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland*, 1971, Vol. 2, pp. 1198–99.

The points that Barzel asked be taken into account will be fully covered by the planned agreement.²

Warm regards.

² Kissinger sent the following special channel message to Bahr on July 31: "Congratulations on a good job. We shall support your position on the Consulate. The tactics of moving into a four-power context will require great skill. Luckily, you and Rush are up to the task. As for the Peking trip, I will give you an oral briefing at the earliest opportunity. We shall take great care to make clear to Moscow that we are in no sense colluding against them and that our desire for détente remains unimpaired. All the best." (Ibid.) In his reply of August 2, Bahr informed Kissinger that Brandt had "approved the draft agreement on the whole" with several minor revisions to the text. According to Bahr, Brandt also explained to Brezhnev, presumably by letter, how important the issue of Federal passports was for the West German Government. (Ibid.)

276. Briefing Memorandum From the Assistant Secretary of State for European Affairs (Hillenbrand) to Secretary of State Rogers and the Under Secretary of State (Irwin)¹

Washington, August 3, 1971.

NSSM 136²—BERLIN NEGOTIATIONS

A. The Problem

NSSM 136 requests a brief paper discussing the pros and cons of agreeing to a Soviet consulate general in West Berlin. The Soviets have been increasingly insistent on obtaining Western agreement to such an office as part of a Berlin settlement, most recently resorting to threats of retaliation in the event the consulate general is denied. While this issue has thus assumed much importance in the negotiations, it is by no means the only unresolved issue. Thus the question of a Soviet consulate general has to be seen within the context of the overall negotiations, in the realization that even a positive Western decision on this issue will not necessarily open the way to resolution of other questions on which the basic value of an agreement will depend.

¹ Source: National Archives, RG 59, EUR/CE Files: Lot 80 D 225, Soviet Presence. Secret; Exdis. Drafted by Sutterlin. Fessenden initialed the memorandum for Hillenbrand.

² See footnote 4, Document 274.

B. The Broad Considerations

The British Ambassador early in the talks encouraged the Soviets to think that they could obtain a substantial increase in their representation in West Berlin, not excluding a consulate general. It has become a matter of public knowledge that the German Government now favors offering this concession to the Soviets and has been seeking to persuade the United States to concur. The result is that the Soviets are now probably convinced that the Soviet consulate general can be obtained and are prepared to hold out for it, at least to the point of a threatened break down in the negotiations.

It is only realistic to assume that the Soviets wish the consulate general for far more than consular purposes. All things being equal, we would be better off without it. In our judgment it entails two main disadvantages, both political. First, the establishment of a Soviet consulate general will afford the Soviets an opportunity to increase their influence in West Berlin and it can be expected that this influence will be exerted contrary to the interests of the Western Powers. Secondly, the consulate general is the most easily understandable issue in these complex negotiations and if uncompensated by any increase in the Western presence in East Berlin, can be seized on as evidence that the Western side is giving away more than it is receiving in the negotiations. Thus the consulate general can cast a negative light on what we expect to be a generally positive settlement.

The value of a Berlin settlement will depend in the long run on the provisions for concrete improvements in access and inner-Berlin communications. If these are obtained, the presence of a Soviet consulate general in West Berlin will be generally—although not universally—accepted as justified. While it will pose problems, it is not likely to endanger the security of West Berlin. The consulate general, in brief, does not pose sufficient threat, in our view, to cause us to scuttle an agreement which offers real improvements and which does not prejudice the Western legal position. Moreover we must look forward to a substantially changed situation within the next five years which will probably include American recognition of the GDR and an American official representation in East Berlin. Under such circumstances, a Soviet consulate general in the Western sectors will be seen as relatively normal.

C. Conclusions

A consulate general in West Berlin is of obvious importance to the Soviets and entails potential disadvantages for the Western side. It should therefore under no circumstances be conceded lightly. In our judgment it would probably be possible, if Allied unity could be maintained, to obtain a reasonably satisfactory settlement without giving a

consulate general since we assume the Soviets have broad and compelling reasons on their side to want a Berlin agreement. We believe, however, that this would entail disunity on the Western side, including the possibility of serious friction with the German Government, and that it would risk for the United States the major onus for a failure of the Berlin talks even if the failure derived primarily from issues other than that of the Soviet consular office.

Taking these considerations into account, we believe that the United States should be prepared to concur in a Soviet consulate general under strictly defined terms within the context, but not as a part of, a Berlin agreement. Such concurrence would be conditional on the achievement of a satisfactory agreement as defined in NSDM 106³ and which specifically would include: (a) settlement of all major outstanding issues on access to the satisfaction of the Western side; (b) at least one reference to Berlin (as opposed to West Berlin) in the body of the agreement; (c) Soviet concurrence in the utilization by West Berliners of FRG passports when travelling in the Soviet Union, and, by extrapolation, when travelling in other Eastern European countries.

There is one other issue to be considered. The optical and juridical disadvantages of a Soviet consulate general in West Berlin would be substantially reduced if the Western side could obtain Soviet agreement to an increased Western representation in East Berlin without the necessity for accreditation to the GDR. The United States has put forward the idea of the establishment of an American cultural center in East Berlin. The Germans and the French have strongly resisted this idea, contending that it would complicate negotiations and reduce Western leverage in obtaining Soviet concurrence to West Berlin's representation abroad by the FRG. From the perspective of criticism which may be voiced in this country concerning an agreement which includes a Soviet consulate general, the idea of a compensatory increase in the US presence in East Berlin continues to deserve consideration. The British very slowly have perceived its value. Ambassador Rush, however, has recommended against it,⁴ following the same line of reasoning as the Germans and French. Our general conclusion, therefore, is that regardless of its intrinsic merit, the idea cannot be effectively pursued in the negotiations at the present time. It can, however, continue to be held in reserve, to be reconsidered in the light of further developments and the extent of criticism voiced in Germany and the United

³ Document 225.

⁴ See Document 269 and footnotes 5 and 6 thereto.

States against a Soviet consulate general, uncompensated by some enhancement of the Western position in East Berlin.⁵

⁵ In an August 4 memorandum to Rogers and Irwin, Deputy Legal Adviser Aldrich generally concurred with this conclusion but stressed “the grave implications of an official Soviet presence west of the Wall for our legal position in Berlin.” “A Soviet Consulate General,” he argued, “would constitute a significant step to alter the basis of Allied rights in the City by establishing that the Western Sectors of Berlin are the sole remaining area of applicability of the Quadripartite agreements in Berlin.” Aldrich, therefore, urged that “permission for this facility be withheld until such time as a final decision is reached by the United States Government that our refusal would seriously jeopardize the Berlin negotiations and our relations with our Allies and the Soviets.” (National Archives, RG 59, EUR/CE Files: Lot 80 D 225, Soviet Presence)

277. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, August 5, 1971.

1. Falin returned from Moscow yesterday, and Bahr and I had a long meeting with him last evening. He stated that he had reviewed everything with Gromyko and that there were no serious problems except that Gromyko had turned down the use of FRG passports by West Berliners in Russia. Falin said that he had transmitted our arguments with regard to the legal and political positions to Gromyko but without favorable results.

In my last cable² I outlined our reply to the legal position of the Russians about this. We also pressed the point that it would be distinctly contrary to the spirit of the agreement if the Russians and the Three Powers could not agree on this very vital issue and if Russia went her own way. Bahr took a hard line on this, supported by me, and finally flatly stated that the issue was a political one of great importance and that the Chancellor would not accept any agreement unless the question were favorably resolved. It was left with Falin this way, and he is going back

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 2226Z. According to an attached note, the message was disseminated only to Kissinger and Haig.

² Document 274.

to discuss the matter with Abrasimov and Gromyko. In actual fact, this issue is not important to us but does have real political value to the Brandt government, particularly in the light of the fact that an agreement cannot be secured without the Consulate General and this would be a balancing political item. Therefore I think Bahr took the right approach tactically, although the approach may have to be changed.

2. French Ambassador Sauvagnargues has taken a very strong position against the phrase in part II A and part II C “after consultation and agreement with the Government of the GDR.” He contends that this dilutes the Soviet responsibility and has made his position fully known to Abrasimov and Falin and to the Allies. The French approach is a highly formalistic one, where form takes precedence over substance, and Sauvagnargues had become emotionally deeply involved over this issue. He has no objection to the same phrase being in annex I and annex III, which, of course, are integral parts of the agreement. I have pointed out to him that in fact the phrase does not dilute Russian responsibility but enhances it by making all these sections of the agreement consistent and imposing on the USSR a stronger responsibility with regard to insisting that the GDR live up to the agreement. This would become even more valuable as the GDR is increasingly accepted into the community of nations. However, thus far he is adamant and evidently has the full support of his government. I discussed this last night with Falin, and he is going to consider whether they will take out the phrase in order to placate the French.

3. Falin, speaking for Gromyko, raised various other suggested changes, some of which were adopted and others not, and Bahr brought back some changes from the Chancellor.³ An outline of the nature of these and the way they were handled is attached.⁴ Also attached is a draft

³ In a special channel message to Kissinger on August 6, Bahr reported on the passport issue: “The Chancellor instructed me on the 6th to maintain our position. We are faced with the following situation: both sides reiterate that the consulate general and Federal passports are necessary for conclusion of the agreement. For us, it would be conceivable to have an agreement without a consulate general and passports. I consider it possible that both of these points will remain open during the next several weeks. We should have the nerve then to proceed with this position another week later into the next round. I am not sure in my assessment, whether we are dealing with a definitive, negative decision of the Russians on the passports or with their typical poker-playing in the final round.” This excerpt was translated from the original German by the editor. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3]) For the full German text of Bahr’s message, see *Dokumente zur Deutschlandpolitik, 1971–1972, Vol. 1, Nr. 79, p. 347.*

⁴ In the attached outline, not printed, Rush reported, for instance, that the language on Federal presence had been revised “at Gromyko’s suggestion and represents what we wanted all along but what he had refused to give before. What changed his mind I do not know.”

minute to be initialed by the four parties with regard to the Consulate General and other aspects of Soviet presence in the Western sectors.⁵

4. In the meetings starting August 10 we can probably expect the Soviets to follow their usual tactics of escalating demands the nearer we get to what would seem to be an agreement. (The passport issue does not fall in this category, since, as I outlined in my last message, Falin, after turning it down, only very reluctantly agreed to take it up again with Gromyko.) The Soviet ability to resort to such tactics will, of course, be enhanced by the fact that the French in particular will be difficult to handle in the meeting because of their deep commitment to various words and phrases and other formalistic things, although with regard to substance I would not expect too much serious trouble from them. There is a possibility, however, that instead of coming out with a complete agreement next week, it would at some point become tactically advisable to have an adjournment. If such should appear to be the case, I shall be in touch with you.

5. I shall be in Potsdam on Friday to map out strategy with Falin, Abrasimov, and Kvitzinskiy. Bahr and I tentatively have another meeting with Falin Sunday evening.⁶

6. Many thanks for your cable and for your action with regard to the Consulate General.⁷ It is quite clear that this is a top priority item and an essential element of a satisfactory agreement. I hope that it will be possible for me to have formal approval before it is needed during next week's sessions. In any event, unless you advise me otherwise and provided we secure the agreement substantially as it now stands, I will consent to the Consulate General, subject, of course, to the fact that the entire agreement is ad referendum.

⁵ Not printed; for the final text of the minute, including several revisions and additions to the attached draft, see *Documents on Germany, 1944–1985*, pp. 1142–1143.

⁶ August 6.

⁷ See footnote 4, Document 274.

278. Memorandum From Arthur Downey and William Hyland of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, August 5, 1971.

SUBJECT

SRG Meeting: NSSM 136²—Berlin Negotiations, Soviet Consulate General in West Berlin

The response to NSSM 136³ is fairly brief, does not contain options, and is expository in style. Agency views are not revealed and there are no conclusions. In light of that, we have prepared only a brief summary of its highlights.⁴

1. *What you can hope to get out of the meeting.*

There should be

—*a full probing of the agency positions on the potential risks and possible benefits of acceding to the Soviets' demands for a Consulate General;*
—*an airing of possible alternative methods of handling the issue.*

In addition, you should indicate that the issue will be put to the President for an early decision (presumably in memorandum form) without the necessity to schedule a full NSC meeting.

The main reason these points are important is that there seems to be an unexpressed feeling within the agencies (at least at the staff level) that either (a) the negotiators have complicated this issue by seeming to exceed their instructions during recent months, and that there has been less than satisfactory control or, (b) that in some way we have already decided to offer this to the Soviets as part of the bargain. Thus,

¹ Source: National Security Council, Senior Review Group Files, SRG Meeting 8–6–71, Berlin Negotiations (NSSM 136). Secret. Sent for information. A typed note indicates that Sonnenfeldt saw the memorandum "before he left," apparently for summer vacation.

² See footnote 4, Document 274.

³ In an August 4 memorandum to Kissinger, Hillenbrand forwarded the interagency response to NSSM 136, discussing the pros and cons of agreeing to a Soviet consulate general in West Berlin. "This study was prepared," he explained, "by a special working committee of the European Interdepartmental Group, with representation from the Department of Defense, the Central Intelligence Agency, the National Security Council and the Department of State. It has been cleared by the participating agencies." (National Security Council, NSSM Files, NSSM 136) Davis distributed the paper to the members of the Senior Review Group on August 5. (Ibid.)

⁴ The summary of the interagency paper and Kissinger's talking points for the meeting are *ibid.*, Senior Review Group Files, Box 98, SRG Meeting 8–6–71, Berlin Negotiations (NSSM 136).

to conduct a full airing of all possible positions, and to ensure that the President will make a decision on the issue, will serve to instill in the agencies a greater confidence in the ultimate decision.

2. *The issue: context and current status.*

The Soviets developed the issue of an increase in their presence in West Berlin very slowly during the course of the negotiations. Only after the first six months did they first propose an official Soviet establishment in West Berlin, and by last fall they hinted at their desire for a Consulate General, an official trade center, and commercial use of their Lietzenburger property.

More recently, *the Soviets have established a linkage between the Western willingness to accept an enhanced Soviet presence and Soviet willingness to accept some form of FRG representation abroad for West Berlin.* At various times, the Soviets have claimed that there can be no agreement at all unless the West satisfies their demands in West Berlin, including a Consulate General. Finally, at the last Ambassadorial meeting, Abrasimov went so far as to threaten harassment of the air corridors and Allied entry into East Berlin if Soviet desires were not satisfied.

Thus, *from the Soviet viewpoint*, the general issue of a significant expansion of their presence in West Berlin, and the particular issue of a Consulate General, has been offered as a virtually sine qua non of an agreement—or at least they are trying to convince us this is the case.

On the Western side, there is some diversity. Initially, all four Western parties had concluded that a Consulate General should not be permitted, but since then there has been considerable erosion. The issue is most controversial in Germany. *The Federal Government has moved from a position opposed to the Consulate General to a position of acceptance.* Officially, the FRG has indicated that it considers the gain of Soviet acceptance of foreign representation (especially Federal passports for Berliners) clearly outweighs the risks involved in accepting the Soviet demands. (In addition, *there is a feeling among the agencies that Bahr has made a deal with the Soviets that he will deliver an Allied acceptance of a consulate in exchange for less of a reduction in Federal presence in West Berlin.*) The consulate issue now has become somewhat of a cause celebre, with the CDU, as well as a significant portion of the Berlin SPD solidly against acceptance. Clearly, then, *acceptance of a consulate will in most German eyes be a highly visible sign of a Soviet victory—without regard to its intrinsic value.*

For the *British*, this has been very awkward. The UK Ambassador has been well out in front, having indicated to the Soviets rather early on that their desires could be accommodated. London, however, has now made it clear that it considers a Consulate General undesirable, and should be granted, if at all, only in exchange for substantial Soviet concessions preferably in the form of some unspecified increase in Western presence in East Berlin.

The *French* have tended to move with the Germans on this. Recently, the French Ambassador told the Soviets that he had no objection to the establishment of the consulate.

Thus, we find ourselves in the position where the Soviets seem to have been led to believe that they can be successful in gaining a significantly expanded Soviet presence, including a Consulate General.

For our part, we have maintained in the negotiations that the purpose of the talks is to reach practical improvements for the Berliners—and not to alter in any way the status of Berlin nor to seek advantage for any of the Four Powers. We have also agreed with the existing offer to the Soviets—dependent on Soviet acceptance of representation abroad—of a greatly expanded presence: the utilization of the Liezzenburgerstr property (which the President in 1963 refused to grant)⁵ as well as the establishment and consolidation of some 17 Soviet trade associations in West Berlin, and a variety of more minor items of enhancement. The US has not suggested in the negotiations that a Consulate General might be acceptable. Ambassador Rush now seeks this authority.

Agency Positions

The agencies have not expressed positions in the NSSM paper. It is probable, however, that at the meeting *Defense* will argue strongly against accepting a Consulate General—at least unless the Soviets agree to some major concession such as a balancing Western presence in East Berlin. The *CIA* perhaps will avoid taking a position, although it seems generally opposed to accepting it. *State* may argue reluctantly that we probably ought to accept a Consulate General because otherwise there is no hope of achieving a satisfactory agreement. *State* is very much influenced by Ambassador Rush's strongly held view we must agree.

3. *Options*

Since *there is general agreement* that the establishment of a Soviet Consulate General (and the other less official Soviet expansion in West Berlin) *offers the West no advantage but significant risks*, there seems to be no point in discussing this narrow point in any detail. The issue will have to be considered in the context of the current state of the negotiations and the implications for the conclusion of a satisfactory agreement.

There seem to be the following general approaches which might be considered:

A. *Exclude from the Agreement both Soviet interests in West Berlin and FRG representation of Berlin abroad.*

⁵ For a brief account of this decision, see Document 202.

It may be argued that this is somewhat of a strawman, since the negotiations have proceeded too far to permit a reversion to this concept. Furthermore, it will probably be very difficult to convince our Allies, especially the Germans, to adhere to this line.

On the other hand, this resolution would be very close to our original position (improvements in access in exchange for reduced Federal presence) which excluded consideration of Soviet presence and did not put great weight on representation abroad. In addition, while this would be a minimal agreement it would avoid the controversy which will surround any significant enhancement of Soviet presence.

B. Acceptance of the increased Soviet presence, including a Consulate General, in exchange for Soviet agreement on foreign representation (including passports) and some additional Soviet concession such as some form of Western presence in East Berlin.

The major argument favoring this approach is that the inclusion of FRG passports for Berliners, plus some additional concession will be sufficient gains to justify the Soviet advances, and thus will make the agreement satisfactory to all parties in the West. This will be particularly important in avoiding German domestic political difficulties, and so ease the passage to ratification of the Moscow treaty.

On the other hand, it will be argued that it is unrealistic to hope that the Soviets will agree to accept Federal passports let alone an additional concession to the Allies. Thus, to insist on this approach will result in a substantial risk that the Germans will abort the negotiations. As a general consideration, of course, if the negotiations collapse over any issue, it will be very difficult to return to the status quo ante in Berlin—in terms of Federal presence for example.

C. Accept increased Soviet presence perhaps including a non-resident Soviet Consular Agent, in exchange for Soviet agreement to representation abroad including passports.

By reducing the consulate question to its bare minimum—a consular agent—both sides may still be able to claim victory on this symbolic and prestigious issue. The West, and the Germans in particular, can point to the exclusion of a Consulate General as a major limit on the expansion of Soviet presence, while the Soviets may still allege that their interests on securing consular services in West Berlin have been at least minimally satisfied. From the Western viewpoint, the addition of representation abroad and passports will clearly make the Agreement satisfactory.

Arguing against this approach is the assessment that the Soviets will never accept a consular agent (insulting to one of the Four Powers) nor will it agree to including passports. Also, it will be very difficult to maintain Western unity if we insist on excluding a Consulate General.

It seems clear that there is no positive reason for us to accept any increased Soviet presence in West Berlin and certainly not a Consulate General. The essential issue is how severe to us are the costs of refusing to give in to the maximum demands. (We have already made substantial concessions.) If you judge the costs are very high, then it seems necessary to either (a) secure some counterbalancing concessions of at least symbolic importance such as some increased Western activity in East Berlin, or (b) to grant an increased Soviet presence, but well short of a full Consulate General.

In our view (Hyland, Downey, Sonnenfeldt) the Soviets will *not* risk a collapse of the negotiations over the Consulate General. Indeed, the Chinese developments may have made it more urgent for the Soviets to achieve a Berlin Agreement (and the German treaties) even without achieving one of their major goals. Despite the prestige invested by the Soviets in the Consulate General, this is an offensive (in both senses) position in which the Soviets hope for maximum gains. We think they will settle for what we have already conceded plus some face saver.

We are strongly persuaded that the acceptance of a full Consulate General in West Berlin will be interpreted as a major defeat for the US and will be seized upon by the CDU (and perhaps the Berlin Senat) with such vigor as to block the resulting Agreement and probably the ratification of the Moscow treaty.

However the issue is decided, it will be important that Ambassador Rush receive firm and detailed instructions well in advance of the marathon negotiating session August 10–12.

279. Minutes of the Senior Review Group Meeting¹

Washington, August 6, 1971, 12:13–12:50 p.m.

SUBJECT

Berlin Negotiations: Soviet Consulate General in West Berlin

¹ Source: National Security Council, Minutes Files, Box 121, SRG Minutes 1971 (Originals). Secret. The meeting was held in the White House Situation Room. No drafting information is apparent. Davis forwarded the minutes on August 11 to Kissinger, who, according to a stamped note, saw them on September 7. (Memorandum from Davis to Kissinger, August 11; *ibid.*) For a brief memoir account of the meeting from a participant, see Sutterlin and Klein, *Berlin*, p. 139.

PARTICIPANTS

Chairman—Henry A. Kissinger

State

John N. Irwin, II

Martin Hillenbrand

Joseph Neubert

James Sutterlin

Defense

David Packard

Armistead Selden

Col. Frederick Ackerson

JCS

LTG Richard T. Knowles

Brig. Gen. Francis J. Roberts

CIA

LTG Robert E. Cushman

Mr. Arthur Stimson

NSC

William Hyland

Arthur Downey

Col. Richard T. Kennedy

Jeanne W. Davis

SUMMARY OF CONCLUSIONS

It was agreed that:

(1) State would prepare a memorandum which:

(a) states the issues;

(b) outlines the status of negotiations on the other key issues;

(c) indicates the three or four major concessions we should get in order to make the other parts of the agreement acceptable;

(d) states the consensus of the SRG that, if we can get concessions on a few major items in each category, and if the only way is by giving on the Consulate General, Ambassador Rush should be authorized to do so.

(2) If it appeared that we might not get all the concessions we wanted but that our allies were putting pressure on us to give in on the consulate and would blame us if we held out and the agreement failed as a result, Ambassador Rush would come back for instructions;

(3) We would put specific restrictions on the activities of the Consulate General which would be spelled out in the document which conveys the President's decision.

(Mr. Irwin was not present at the beginning of the meeting.)

Mr. Kissinger: It appears that we have reached the ironic situation in these negotiations that some of us predicted. The German Government undertook an agreement with the Soviets. The quid pro quo to obtain German approval of the Moscow Treaty was to be an agreement

on Berlin. The argument had been that the Moscow Treaty could not be ratified without obtaining the benefits of the Berlin Agreement. Now they are in the position that they need the Berlin Agreement in order to get ratification of the Moscow Treaty, and we are being asked to offer a major concession (a Soviet Consulate General in West Berlin) in order to get Soviet concessions sufficient to make the Berlin Agreement palatable to the Germans, in order to get ratification of the Moscow Treaty! In other words, the Germans are paying twice. And whatever the outcome, we will be blamed. Is that a fair statement of the situation?

Mr. Hillenbrand: A reasonably fair statement.

Mr. Kissinger: This is in the best tradition of German foreign policy. This could have been conceived only by the nation that got into World War I without wanting to.

(Mr. Irwin arrived.)

Mr. Kissinger: The basic point now is the issue of a Soviet Consulate General in West Berlin. The President wishes to decide this personally, since the issue may escalate rapidly to the Brandt level. If the President approves, the German opposition will have a field day. If he disapproves, he will have to deal with Brandt. The issue is also of some consequence in our relations with the Soviets and may, in fact, torpedo a Berlin settlement. (to Mr. Hillenbrand) Marty, what precisely are the objections to a Soviet Consulate General? I know them, but we should be sure we all agree on them. Why is this such a difficult pill to swallow?

Mr. Hillenbrand: The primary objection is that it grants a degree of Soviet presence of a formal nature in West Berlin. This could become a center for increased Soviet activity which ultimately might result in a fundamental change in the status of the Soviets in West Berlin and form the basis of expanded Soviet operations.

Mr. Kissinger: Is this your view or are you summarizing the objections?

Mr. Hillenbrand: I am giving a summary of the objections. I agree there is a real danger. But I think that if we maintain the proper controls, we can hamper the development of the Soviet presence so that it does not become a major problem. Keeping Soviet institutions under control is difficult, but we have the means to do so if we have the will. There are also some legal objections—some feeling that a concession on this would denigrate from our long-standing legal position. Also, there are some psychological factors. A Soviet Consulate would be an immediately visible condition of the agreement to the West Berliners and they would see it as a major concession. The benefits of the agreement would not be as visible.

Mr. Packard: There would be no objection if the Consulate worked under the Soviet Embassy in Bonn, but the Soviets won't agree.

Mr. Kissinger: What if it were accredited to the three Commandants or to the Commandant of the Sector in which it was located?

Mr. Sutterlin: Technically it would be accredited to each occupying power separately since it would operate in all three Sectors.

Mr. Kissinger: Is there any validity to Bahr's argument that this would reinforce the occupation status, since accreditation of the Soviet Consulate General to the Western Commandants would constitute Soviet acknowledgement that the three Western Powers are supreme in the Western Sectors and that the Soviet Union does not share sovereignty.

Mr. Hillenbrand: Those are lawyers' arguments.

Mr. Kissinger (to Mr. Hillenbrand): Do you think the Soviets will give up on this?

Mr. Hillenbrand: No.

Mr. Kissinger: Do you think that without the Consulate General the other parts of the agreement would collapse?

(12:21 p.m.: Mr. Kissinger was called from the meeting.)²

Mr. Packard: I don't think we should do it; we should hold tight for a while. We don't know what the real Soviet intentions are.

Mr. Irwin: They may want to show that West Berlin is under the Four Powers and East Berlin is not.

Mr. Packard: I don't think we should give in at this point.

Mr. Irwin: I don't think our positions are very different. We would agree only if we get a satisfactory conclusion on the other parts of the agreement and if we have adequate safeguards.

Gen. Knowles: It's a question of timing. When should we be ready to do this and still get all we can from them?

Mr. Hillenbrand: Ambassador Rush thinks next week may be the culmination of the Berlin negotiations. He wants authority to put this on the table to prevent a break-off of the negotiations.

Mr. Irwin: But the real crunch may not come next week, and we wouldn't want him to use the authority prematurely.

Mr. Hillenbrand: That is our judgment.

Mr. Selden: Would the final assessment of when to make the move be made here or would the Ambassador make the decision?

Mr. Irwin: I would feel more comfortable if it were made here.

Mr. Selden: We can hold tight on it, but if it looks as though the talks may break off, the issue could be brought back here for decision.

² According to his Record of Schedule, Kissinger met with the President from 12:24 to 12:38 p.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No evidence has been found to indicate whether the two men discussed the Berlin negotiations.

Mr. Hillenbrand: The only difficulty with that is that, by next Wednesday evening, Ambassador Rush may conclude that we're in a box unless he can put this concession on the table. By that time, it will be too late to come back here and get a decision. There is also the possibility that the other parties may be willing to go along, and if we hold out and the negotiations break off as a result, we will be blamed. We think there are many other outstanding issues which need to be settled, but Rush believes he could get a bunch of concessions we want in return for this one.

Mr. Packard: What are the concessions we want?

Mr. Hillenbrand: (1) Representation of the interests of Berliners abroad by the FRG, including the question of passports; (2) Soviet agreement to a degree of FRG political presence and general linkage with West Berlin; (3) most importantly, we have six or seven outstanding issues we want Soviet concessions on in the area of access. All told, there are about 15 Soviet concessions we want.

Mr. Selden: Have they made any concessions?

Mr. Hillenbrand: Some, but not enough to advance the negotiations to a successful conclusion. There are a half-dozen major concessions we want.

Mr. Packard: Then we're not talking about the right issue. We should be discussing what concessions we think we ought to get in return for a concession on the consulate.

Mr. Irwin: We don't want to give on the consulate unless we know we can get an overall reasonable agreement. It's a question of how much authority to give to our negotiator to deal, if he thinks he can get the concessions we want. We want a settlement of all outstanding issues on access, at least one reference to Berlin as opposed to West Berlin, use by West Berliners of FRG passports when travelling in the Soviet Union and other Socialist countries. We have eight concessions in the area of access alone.

Mr. Packard: Then we should approve a Consulate General only if we get the concessions we want.

Mr. Irwin: That's our position.

Mr. Packard: We should agree on the list of concessions. I agree that access is important. But passports may be more a convenience.

Mr. Irwin: That's more of a German problem.

Mr. Packard: And some acceptance of a Bonn Government presence in Berlin is important. If this is a big German issue, it may be difficult to get a satisfactory negotiation on the other points.

Mr. Irwin: The British and French are willing to go along on the consulate. (to General Cushman) Do you have any intelligence on this?

General Cushman: A consulate would give the Soviets a leg up in the intelligence race. We assume 80% of the officers assigned to a

consulate would be intelligence officers and we would have no corresponding situation in East Berlin. We would also be in the peculiar situation where it would be almost impossible to PNG anyone, even if we caught him red-handed. Because of the status of the city, all the allies would have to agree in each case. [2½ lines not declassified]

Mr. Packard: The Soviets have pretty good intelligence access already, though.

Mr. Hillenbrand: This is really a political judgment and can't be based on the legal position. There is also an economic consideration. West Berlin is not a negligible quantity economically. Their GNP is larger than that of Africa, except for South Africa and Nigeria. They have great trade potential and the Soviets would love to tap into the industrial and other resources in West Berlin.

General Cushman: They already have some trade commissions, don't they?

Mr. Hillenbrand: They have visits, but they would be getting trade commissions under the agreement. We've already agreed that they may have trade organizations with small, modest headquarters in West Berlin.

(12:38 p.m.—Mr. Kissinger returned to the meeting.)

Mr. Kissinger: Is it the judgment of everyone concerned that there will be no agreement without a Soviet Consulate General?

Mr. Packard: No. There may not be an agreement, but we should think about what we would expect to get in return for a Consulate General.

Mr. Kissinger: Is the agreement that is shaping up sufficiently attractive that we want it?

Mr. Irwin: Not without satisfactory agreement on some additional issues.

Mr. Kissinger: Like what?

Mr. Irwin: On access, for example. The Soviets have allegedly agreed to unimpeded access but they want to add "in accordance with international practices or rules." That would in fact give them the right to impede access.

Mr. Hillenbrand: This implies that access would come under the accepted rules of normal transit traffic. But Berlin is an exceptional case. Under normal transit traffic practices, passage through another country is subject to the restrictions of that country.

Mr. Kissinger: What is the concession then?

Mr. Hillenbrand: There isn't any and we can't accept it in that form.

Mr. Kissinger: Speaking frankly, I always did think this whole negotiation was insanity, but we're into it now. Suppose we do have a

Soviet commitment on access, and they begin to repair bridges on the access routes and they are closed to both East and West Berlin traffic. If the closure were not discriminatory we couldn't complain.

Mr. Packard: Or they commenced spot checks on sealed cargoes.

Mr. Hillenbrand: That's another point. We have seven or eight things under access that we want concessions on.

Mr. Packard: At least we should have a list of the things we want.

Mr. Irwin: We have it.

Mr. Kissinger: Is the situation on a Federal presence satisfactory?

Mr. Hillenbrand: Far from it.

Mr. Irwin: We have several items we want on a Federal presence too.

Mr. Kissinger: Would we sign this agreement as it stands now, without the issue of a Consulate General?

Mr. Irwin: No, not without getting the concessions we want.

Mr. Kissinger: Let me put it another way. If we can get our way on key issues having to do with a Federal presence and access, would we agree on a Consulate General? I'm just trying to get the question into shape for the President to deal with it.

Mr. Packard: We need a list of the things we have to have.

Mr. Kissinger: I agree. If we can get satisfaction on the essential items, would we give in on the Consulate General?

Mr. Irwin: If the negotiations were seen likely to break up and if we were to be blamed for it.

Mr. Packard: If we got enough of our concessions, okay.

Mr. Selden: What have we got in return for the concessions we have made so far.

Mr. Hillenbrand: We haven't given much yet.

Mr. Kissinger: We've given up some on the Federal presence.

Mr. Hillenbrand: Yes, we would be accepting the principle that the constitutional organs of the FRG could not perform as such in West Berlin, but there is some question as to how that would operate in practice.

Mr. Kissinger: (to Mr. Sutterlin) Do you think the Bahr formulation [on the FRG constitutional organs]³ will fly?

Mr. Sutterlin: The Soviets won't accept it.

Mr. Kissinger: If he can't sell even that . . . I assume you don't think you can do any better.

³ Brackets are in the source text.

Mr. Sutterlin: No.

Mr. Hillenbrand: There would be an improvement in the foreign representation of West Berliners.

Mr. Kissinger: Only in the Socialist countries. They have no trouble elsewhere.

Mr. Hillenbrand: Also in international organizations. This is important for the FRG and will help compensate for derogations elsewhere.

Mr. Kissinger: The President will have to decide this by Monday evening,⁴ won't he?

Mr. Hillenbrand: Theoretically, yes.

Mr. Kissinger: Then get me a memorandum over the weekend which: (1) states the issues; (2) outlines the status of negotiations on the other key issues; (3) indicates the three or four major concessions we should get in order to make the other parts of the agreement acceptable; (4) states what I take to be the consensus of this group that if we can get concessions on the three or four major items in each category, and if the only way to get them is by giving on the Consulate General, then Rush should be authorized to do so.

Mr. Irwin: We might get some but not all of the things we want, and under these circumstances it might be unlikely that we would want to give in on the Consulate General. But the British, French and Germans might want to give in and would put considerable pressure on us. Under these circumstances, if the agreement failed as a result, the U.S. would be blamed. We should recognize that possibility and be prepared to accept it.

Mr. Kissinger: If this situation develops, Rush can come back to us to see if we want to take the opprobrium. I assume we would put some specific restrictions on the Consulate General.

Mr. Hillenbrand: They're spelled out in the paper.

Mr. Kissinger: Would it be all right to include those restrictions in any NSDM we might prepare on the President's decision? To say that the President approves only with these restrictions?

Mr. Hillenbrand: Yes.

⁴ August 9.

280. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

Washington, August 7, 1971.

Thank you for your cable.² I have put the issue of the Consulate General into interdepartmental machinery. Your instructions will probably be to get some improvement in the other sections and to use the Consulate General only as a last resort. Since most of the improvements are already agreed to, this should not be too onerous. It does suggest leaving the Consulate General until last. I shall stay on top of the negotiations and try to prevent too much interference. If there are any problems, back channel me immediately.

I am concerned about the access section. What does the phrase *inspection procedures may be restricted to the inspection seals* mean? The same problem reappears throughout this section and only there. Why is it not *will be restricted*? Does this leave an unnecessary ambiguity? Can you reassure me on this?

Congratulations on a delicate job skillfully carried out.

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt; no time of transmission or receipt appears on the message.

² Document 277.

281. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, August 9, 1971.

1. The meeting Friday² with Abrasimov, Falin and Kvitzinskiy went off very well and seemingly without suspicion on the part of anyone as to the real purpose of my visit to Potsdam. I opened the meeting by stating I would not discuss any changes in the draft of agreement since Bahr was not present, just as I would not expect him to have any such discussion without my being present.

We then reviewed in detail the strategy to be followed at the coming marathon session. In order to get the meeting off to a good start and avoid an acute confrontation between the French and the Russians on the question of "after consultation and agreement" in part II A, the order in which we will take up the items of the draft agreement will be as follows:

- (A) Federal presence and ties. Part II B and Annex II.
- (B) Representation abroad. Part II D and Annex IV.
- (C) Access. Part II A and Annex I. We will take the annex up first, in order further to postpone the basic problem.
- (D) Visits by West Berliners to East Berlin and the GDR. Part II C (where the same issue is involved) and Annex III.
- (E) Consulate General and other Soviet presence in West. At the Chancellor's request this will become a part of part II D and Annex IV.
- (F) Preamble and part I.
- (G) Final provisions of the quadripartite agreement. Part III.
- (H) Final quadripartite protocol.

2. Falin was due to arrive at Bahr's last evening (Sunday) at 7:40 and I was to arrive at 8:00. He had been to the Chancellor's house, where Bahr also resides in Berlin, once before but did not have the address or the telephone number. He got lost on the way, therefore, and did not arrive until nine o'clock.³

The chances are that our intelligence forces, who are very good, may have observed that I went into Bahr's house and Falin followed, although they may not have recognized Falin. To avoid suspicion from

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 1948Z.

² August 6.

³ For his account of this episode, see Falin, *Politische Erinnerungen*, pp. 144–145.

any possible intelligence report, I am going to have an Exdis cable sent out to the effect that Bahr called me last Saturday and stated that Falin was in Berlin and indicated that he would like to get better acquainted with me. Therefore, if I agreed, Bahr would have us in to dinner Sunday evening. I did agree. We had a pleasant dinner, passed lightly over a number of subjects such as the enlargement of the Community and President Nixon's visit to China, and very casually mentioned the Berlin negotiations, with regard to which Falin stated that the Soviet was willing to negotiate on a reasonable basis and that he hoped an agreement might be reached by the end of August. Please don't be surprised when you see this cable.⁴

The meeting itself went off very well. We again reviewed the agreement, and in compliance with Brandt's request changed "may be" to "will, as a rule" in Annex I, paragraph 2 (a) and (c), so that the sentences concerned will read as follows:

"Examination procedures will, as a rule, be restricted to the inspection of seals and related documents"

and

"Procedures applied for such travellers shall not involve delay and will, as a rule, be without any search of their person or luggage."

In part II D and Annex IV Falin has been insisting that we use the term "consular services" instead of "consular functions" since Russia refuses to accept the Vienna Convention definition of consular functions. This is a two-edge sword, since whatever difference there may be would apply to the Russian Consulate General in West Berlin as well as the FRG's representation. We finally compromised on the words "consular matters." We also agreed that representation abroad should be of "the interests of the Western sectors" instead of just the "Western sectors."

We further discussed the unsettled issue of the use of FRG passports in Russia by West Berliners. Gromyko's feeling evidently is based upon the fact that the passport contains the words "Staat-Angehorige—Federal Republic of Germany" and the FRG refuses to change the passports. We remained adamant with regard to the issue, and since

⁴ In the telegram (1561 from Berlin, August 9), Rush reported: "I raised the subject of the Berlin talks with Falin. He said that the Soviets were willing to meet the Allies in a reasonable manner. The Soviets would move, he said, if we would move. Falin commented that he had been quoted as predicting an agreement by the end of August; he still believes this possible, although he thought now that he might be too optimistic in that estimate." "No reason was advanced for Falin's presence in Berlin at this juncture," Rush continued. "I can only speculate that he is here in connection with the talks, since he is the leading Soviet specialist on Germany and Gromyko is in India." (National Archives, RG 59, Central Files 1970-73, POL GER E-US)

Gromyko is now in India it may not be settled until he returns to Moscow, which I understand will be on Wednesday.⁵ However, from Falin's approach it seems fairly clear that the Soviet is weakening and that a satisfactory outcome will be reached.

With regard to the clarification of the new section on ties (part II B), the Russians insist that, because of the GDR, they cannot sign a letter or minute but they factually will find no objection to our clarification. They are willing to accept a letter from us before signature of the quadripartite agreement giving the clarification and stating that we are signing the agreement on this understanding and would also accept a declaration just prior to signing, repeating this. The text of this clarification letter would be sent by the Allies to the FRG by letter and all would constitute part of the entire package to be released publicly. This issue is still under consideration.

We made some minor changes in the draft minute with regard to Soviet presence in West Berlin, but these are for appearance and not substantive, so I am not enclosing a redraft of the minute.

3. The State Department has now sent an instruction agreeing with the French and stating that I shall not accept the "after consultation and agreement" in II A and II C without coming back to the Department for approval.⁶ The British, French and Germans of course know about the instruction. It is too early for me to send in a request about this but, unless you advise me otherwise, I shall do so when the time is right. Knowing the strong feeling of the French, I have been urging Falin individually and also Falin, Abrasimov and Kvitziński on Friday, to avoid the confrontation and agree to delete the phrase from these parts, since it appears in any event in Annexes I and III. They have informed me, however, that it was only by the inclusion of this phrase in A and C that they were able to get the agreement of the GDR to unimpeded access without reference to international practice and to many of the other distinct improvements on access, and that if this phrase should be deleted they would have to go back to their prior position on access. As you know, to me the whole issue is a tempest in a teapot. It is rather illogical on the one hand to insist that the annexes are an integral part of the agreement and on the other hand to say that a phrase appearing in the annexes cannot appear in the main part of the agreement. But you know my views on this.

⁵ August 11.

⁶ In telegram 144479 to Bonn, August 7, the Department instructed Rush to oppose efforts to insert language stating that the Soviet Union had acted "after consultation and agreement" with East Germany, "since this would substantially detract from value of Soviet commitment." (National Archives, RG 59, Central Files 1970-73, POL 28 GER B)

I have been flooded with instructions from the State Department⁷ and am more than ever convinced that without the intervention of the President and you we would probably never have had an agreement, at least in our lifetime.

Warm regards.

⁷ In addition to the telegram cited in footnote 6 above, the “flood” of instructions from the Department on unresolved issues includes telegrams 142522, 142523, 142524, and 142525 to Bonn, August 5. (All *ibid.*)

282. Message From the Ambassador to Germany (Rush) to the President’s Assistant for National Security Affairs (Kissinger)¹

Bonn, August 9, 1971.

Your message of August 7² was delivered to me by our messenger who came to receive one for you.³ I will supplement that one in this message.

The point you mentioned concerning “may be” in the access section is one of the most difficult in our negotiations. We have been continuously pressing Falin to change this to “will” but without success. As I mentioned in my other message, we have now been able to carry out Brandt’s suggestion to use “will, as a rule,” instead of “may be” in the two cases involved, namely, the examination procedures concerning inspection of sealed conveyances and that concerning the search of person or baggage of travelers.

In the case of sealed conveyances, the Soviets have stated that the GDR insists on having the right to make occasional spot checks in order to be sure that the sealed freight conveyance does not contain weapons or ammunition for military use, narcotic drugs, or other materials which might pose a direct or immediate danger to human or animal life while moving along designated routes. In the case of the

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 1949Z.

² Document 280.

³ Document 281.

individual, the Soviets state that the GDR must be able to protect itself against individuals seeking to travel on the designated routes with weapons, ammunition, narcotic drugs, and the like. The Soviets further insist that the details concerning any such search are to be worked out by the FRG and GDR in their implementing negotiations. While it would be highly desirable to have had “will” instead of “will, as a rule” in the agreement, our best attempts to do so have not been successful, and Bahr and I agree that there is no chance of changing this. In fact, I raised the issue again both last Friday⁴ and last evening in different forms but without success. We do hope that the issue can be tied down very strictly in the German negotiations.

For your convenience I am attaching the text of the clause as it now reads on access.⁵

Thanks very much for handling the Consulate General problem. Holding it until last poses to no problem, for in fact I have been repeatedly telling the Russians that this will be the case.

Many thanks for your generous remarks. Little could have been or can be done without your invaluable support and help, for which I am deeply appreciative.

This will be an interesting week, and we can take a full new look when it is over.

⁴ August 6.

⁵ Attached but not printed.

283. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, August 9, 1971.

SUBJECT

The Berlin Negotiations

¹ Source: National Security Council, NSDM Files, NSDM 125. Secret; Exdis. Sent for action. Butterfield stamped the memorandum indicating that the President had seen it. In an August 9 memorandum to Kissinger, Downey explained that, “in accordance with your instructions, there is at Tab A a memo for the President setting out the state of the negotiations, the key issues, and the problem of the Consulate General.” (Ibid.) According to another copy, Downey drafted the memorandum to the President on August 9. (Ibid., SRG Files, SRG Meeting 8–6–71, Berlin Negotiations (NSSM 136))

The Senior Review Group met on August 6 and considered generally the state of the Berlin negotiations and, in particular, the issue of whether we should permit the establishment in West Berlin of a Soviet Consulate General.² The memorandum at Tab B,³ which was prepared as a result of that meeting, sets out the factors involved.

The negotiations will enter the intensive phase with the Ambassadorial meetings scheduled to begin on August 10. While there has been substantial progress, there still exists many unresolved questions of critical importance. We could not accept an agreement based on the current Soviet position.

The most important issue for us is *access*. The Soviets have indicated that they are prepared to give a unilateral commitment to unimpeded access—a point on which they had refused to yield for twenty years. However, the Soviets are attempting to dilute greatly their commitment by demanding formulations which suggest that the access to Berlin is of the same character as general international transit across a third country (with all the attendant disadvantages for the traveler).

Aside from attempting to dilute the principle of unimpeded access, the Soviets have also attempted to ensure a large role for the GDR into the access process. If the Soviet position is accepted, the GDR will have the ability to block access and still be within the scope of the agreement. To guard against this, we consider it important that an Agreement include various safeguards such as (a) no provision for the GDR to make spot checks on the contents of sealed conveyances, and no GDR inspection of baggage on through trains and buses; (b) it must be clear in the Agreement that the GDR cannot arbitrarily deny visas for Berlin travelers, and that the GDR cannot arrest travelers for crimes which allegedly took place previously.

If we hold to these minimum requirements the resulting Agreement, with respect to access, should be a distinct advance over the regime of the past twenty years.

The general *issue of the ties between Bonn and Berlin* has been difficult, and there remain significant areas of continued disagreement. The West has had to accept at least part of the Soviet demands that Federal German presence in West Berlin be diminished. We have tried to arrange this in such a fashion that the Soviets impliedly acknowledge the legitimacy of some Federal presence and ties. The exact extent of

² See Document 279.

³ Attached but not printed is an interagency paper submitted by the Department of State on August 7 without clearance from the Department of Defense. Davis distributed the paper to members of the Senior Review Group on August 10. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

the limitations on the FRG Bundestag committees and party groups, Federal courts and legislation, and the functions of Federal offices and Ministers in West Berlin still must be negotiated.

In negotiating this general issue, we have sought to include acceptance by the Soviets of the principle that the FRG represents *West Berlin abroad*. Although we have not yet reached common formulations, we have gained Soviet acceptance of FRG consular protection for West Berliners, as well as other manifestations of FRG “protection” for West Berlin. The Soviets have so far refused to accept the concept of FRG passports for West Berliners, because they argue that this would mean acknowledging FRG citizenship for Berliners.

In developing our positions in the negotiations on this general issue of Bonn/Berlin ties, we have been guided by the Germans as to which specific points are considered essential for a satisfactory agreement. Since these are essentially “German” interests, as opposed to access for example, this seems to be a sound course to follow.

Resolution of these outstanding questions will depend primarily on the Soviets, since we have very few further possible concessions. There is one, however, of great interest to the Soviets: Western concurrence in the establishment of a *Soviet Consulate General in West Berlin*. We have already offered them a sizable expansion of commercial activities and establishments in West Berlin, but so far we have refused a new official Soviet presence in West Berlin.

Our negotiating Allies appear to have come to the position that it will be necessary to agree to the Consulate General in order to obtain an otherwise satisfactory Agreement. Ambassador Rush is also convinced of this, but points out that there must be strict limitations on the activities of such a Soviet Consulate General.

The conditions set by the West for the operation of the Soviet establishment should include a strict limitation on the number of personnel (under twenty), an understanding that it will not perform political activities (exercising Four Power rights, for example) but only consular functions, and that the Consul General will be accredited to the Three Western Commandants.

All agree that there are inherent disadvantages in agreeing to this Soviet interest. Yet, there is also agreement that we should concur, if, and only if, all major Western objectives are thereby achieved. In this manner, the disadvantages entailed in the Consulate General will be balanced by the Western gains.

The NSDM at Tab A⁴ sets forth the key specific requirements for an Agreement, and authorizes the concurrence in a Soviet Consulate

⁴ Document 285.

General only if necessary to obtain all our major objectives. The exact terms and conditions under which the Consulate General would be permitted to operate are also set out. The NSDM reflects the judgment of the Senior Review Group, and can serve as guidelines for the final phase of the Berlin negotiations.

If you approve, I shall issue the NSDM. It will be important for Ambassador Rush to have the benefits of these instructions before the negotiating session beginning on August 10.

Recommendation

That you approve the dispatch of the NSDM at Tab A.⁵

⁵The President approved this recommendation, which, according to an attached note, was done on August 10.

284. Memorandum From Arthur Downey of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, August 11, 1971.

SUBJECT

Berlin Negotiations—the August 10 Session

The first day of the marathon negotiating session produced both a constructive atmosphere and visible improvements. The following is a brief summary (the reporting cables² run over sixty pages):

The Ambassadors decided on the *order of consideration* of the various issues, beginning with the focus on Bonn/Berlin relationships, then representation abroad, access, entry into East Berlin, and finally Soviet interests in West Berlin. In this first meeting, the concentration was on Bonn/Berlin relationships and representation abroad.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV. Secret. Urgent; Sent for information. Haig and Kissinger both initialed the memorandum, indicating that they had seen it; according to an attached form, the memorandum was “noted by HAK” on August 17.

² On August 11 the Mission reported the highlights of the August 10 session in telegram 1580 and the details in telegrams 1586, 1587, 1588, 1589, and 1590. (All *ibid.*, RG 59, Central Files 1970–73, POL 28 GER B)

Abrasimov offered a fairly tough paper on *Bonn/Berlin relations*.³ In presenting it, he indicated that even this was on the condition that, outside the framework of the Agreement, but in connection with it, the Four Powers reach an understanding on banning the NPD and on demilitarization. As they hinted at in the last session, the Soviet paper was in the “short form.” As a result, the Three Ambassadors made clear that agreement to this brief format would depend on Soviet agreement to adding a supplementary letter or an agreed minute setting forth clarifications and interpretations of the laconic language.

The critical “constitutional” formulation describing the Bonn/Berlin relationship in the Soviet draft contained the statement that the Western Sectors “are not a part of the FRG, do not belong to it and cannot be governed by it.” In a *major breakthrough*, Ambassador Rush succeeded in securing Abrasimov’s agreement to drop the “does not belong” language, and altering the last phrase to provide that West Berlin “continues not to be governed” by the FRG.

The consideration of Berlin’s *representation abroad* was also fruitful. Both sides offered texts of an exchange of letters, and the Western side finally agreed to treat this subject separately and not merely as one aspect of the Bonn/Berlin relationship. There are few significant differences in the two texts. Essentially, both provide that the USSR will not object to provision of consular services by the FRG, extension of treaties, representation in international organizations and conferences and inclusion in exchanges and exhibitions. The Soviet text, of course, highlights particularly that these forms of FRG representation are tolerable only to the extent that matters of security and status are not affected (it is not clear, for example, exactly how Berlin’s representation at the Security Council will be handled).

The major difference on this issue remains the question of *FRG passports*. Ambassador Rush pressed hard for Soviet acceptance, noting that this was a very important aspect for the acceptance of the agreement as a whole. Abrasimov said he did not reject the right of a West Berliner to have an FRG passport in his pocket, but only that he could not use this document while traveling to the USSR.

Abrasimov immediately linked this issue with the question of a *Soviet Consulate General*. At various stages during the session, Abrasimov said that unless there was agreement on a Consulate General, there would be no section on representation abroad, and even no agreement at all. He finally made clear that he was going to raise the Consulate General in connection with every issue to be discussed. Ambassador

³ The text of the Soviet paper was transmitted on August 11 in telegram 1581 from Berlin. (Ibid.)

Rush pointed out that it would be a serious matter for the Allies to grant the Consulate General and not to be able to obtain the right for West Berliners to use FRG passports.

In a brief cable this morning, Ambassador Rush said that the question of the Consulate General would be up for discussion this afternoon,⁴ and he requested instructions. The NSDM⁵ of this morning has been sent by flash cable.⁶

With respect to timing of the negotiations, the four Ambassadors agreed that, if necessary, a meeting after the August 12 session would take place on Monday, the 16th. All agreed not to meet on August 13—the tenth anniversary of the Wall. In that context, Rush told Abrasimov that he had gone to great lengths to tone down Western publicity on the 13th. Abrasimov responded that there would be no military parades on the 13th in East Berlin, but “only” a march of workers’ brigades before a reviewing stand.

⁴ In telegram 1594 from Berlin, August 11, Rush sent the following personal message for Rogers: “Negotiations are moving at a faster pace than we anticipated. Subject of Soviet interests, and particularly Consulate General up for discussion still this afternoon. I would therefore appreciate earliest possible instruction.” (Ibid., POL 38–6)

⁵ Document 285.

⁶ Telegram 146328 to Berlin, August 11. (National Archives, RG 59, Central Files 1970–73, POL 38–6)

285. National Security Decision Memorandum 125¹

Washington, August 11, 1971.

TO

The Secretary of State
The Secretary of Defense

¹ Source: National Archives, RG 59, EUR/CE Files: Lot 91 D 341, NSSM & NSDM. Secret; Exdis. Copies were sent to Moorer and Helms. According to another copy, Downey drafted the NSDM on August 7. (National Security Council, SRG Files, SRG Meetings 8–6–71, Berlin Negotiations (NSSM 136)) Kissinger then revised the text; the changes are noted in the footnotes below. The Department forwarded the final text to the Mission in Berlin on August 11 in telegram 146328 to Berlin. (National Archives, RG 59, Central Files 1970–73, POL 38–6)

SUBJECT

The Berlin Negotiations: The Issue of a Soviet Consulate General

After considering the Senior Review Group's memorandum of August 7,² the President has directed that the following guidelines shall be used as the basis for our conduct of the remainder of the Berlin negotiations:

1. The general requirements for a satisfactory Agreement defined in NSDM 106³ are maintained. In addition, the following specific requirements are defined:

a.⁴ The concept of unimpeded access should not be diluted through reference to international practice or rules.

b. There should be no provision for GDR spot checks of the contents of sealed conveyances, and no GDR inspection of baggage on through trains and buses.⁵

c. Soviet acceptance of the utilization by West Berliners of Federal passports should be a requirement if the FRG desires. Formulations relating to FRG-Berlin ties should be precisely worded so as to minimize the likelihood of future disputes.

d. It should be established that the Agreement is not limited to West Berlin, and this may be accomplished by referring to "Berlin" in the Preamble. Similarly, there should be no implication of a Western acknowledgment of the division of Berlin, as the phrase "taking into account the existing situation" implies.

2. If an Agreement obtaining most⁶ of the above requirements can be obtained *only if* the Western side concurs in the establishment of a Consulate General in West Berlin, then authorization is granted on the condition that the Soviets accept in binding form the following restrictions on the Consulate General:

a. The Consulate General must be accredited to the Western Commandants.

b. The Consulate General will not perform any functions deriving from the rights and responsibilities of the Four Powers for Berlin and Germany as a whole; its activities will be limited to consular functions, and it will not perform political functions.

² See Document 283.

³ Document 225.

⁴ At this point, Kissinger removed the following phrase from the draft: "No reference to the GDR should appear in the provision of the Agreement which defines Soviet responsibility for unimpeded access, and." (National Security Council, NSDM Files, NSDM 125)

⁵ Kissinger eliminated the following provision in the draft: "The Agreement must provide that the GDR cannot obstruct unimpeded access by arbitrary denial of visas, and the Agreement must make clear that the GDR cannot arrest access travelers for crimes or other activities which allegedly took place previously." (Ibid.)

⁶ Kissinger inserted the word "most" to replace "all" in the draft. (Ibid.)

c. The consul general, and all Soviet staff members, must be acceptable to the Western Commandants who must be given prior notification of their designation; and the number of Soviet staff will be established at a figure not to exceed twenty.

d. The consul general and its personnel must abide by all applicable Allied laws and regulations, and any pertinent German legislation.

3. The prohibition in NSDM 106 (paragraph 6 a (2)) with respect to an official Soviet representation in West Berlin is deleted.

Henry A. Kissinger

286. Memorandum From Arthur Downey of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, August 13, 1971.

SUBJECT

The Berlin Talks: The August 11–12 Sessions

The August 11–12 discussions centered on Federal presence, inner-Berlin communications, access and the Final Quadripartite Protocol. The atmosphere changed markedly from the warm glow of August 10: on the 11th Abrasimov made deliberate attempts to tangle with the UK Ambassador which heated passions on both sides; during the shorter meeting on the 12th, the atmosphere was cooler and Abrasimov was less rough (though unyielding).

Federal Presence. Agreement was reached on the text of an Allied letter of clarification/interpretation relating to the new short-form provisions in the main Agreement on Federal presence. The interpretive letter, however, is itself not free from ambiguity. For example, it contains the sentence:

“Single Committees of the Bundestag and Bundesrat may meet in the Western Sectors in connection with maintaining and developing the ties between those sectors and the FRG.”

Ambassador Rush advanced the proposition that “single” committee meetings of *several* committees could be held simultaneously

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV. Secret. Sent for information. Kissinger initialed the memorandum, indicating that he had seen it; according to an attached form, the memorandum was “noted by HAK” on August 18.

when they were dealing with the same subject matter or when it was otherwise appropriate. In response, Abrasimov agreed vaguely by suggesting that if there were meetings of the Finance and Budget Committees on matters connected with West Berlin, the Soviets would not protest. Abrasimov offered this on his word “as a gentleman”—*but* refused to include it in the clarifying letter.

On this issue, the *major difficulty* during the two sessions was the question of *the addressee and the extent of acknowledgment/acceptance*. The question remains unresolved. Abrasimov would like the letter to be sent to the Chancellor and a copy sent to him, which he would at most tacitly note (no written pledge or acknowledgment). The Allies, on the other hand, wish the letter sent to the Soviets, coupled with an acceptance indicating agreement with the contents. State has subsequently sent instructions² pointing out that a mere Soviet acknowledgment of receipt of an Allied communication would lack any binding legal effect. For it to have any binding effect, it must involve transmission of an original note to the Soviets and it must generate a positive response in which the Soviets concur in the understandings contained in the Allied note.

(This all sounds rather legalistic, but the fact is that the idea of resorting to an interpretive letter came about because there could be no agreement on the hard points in Federal presence. If we permit the Soviets to avoid all acceptance of these points, we have gained nothing more than a unilateral Allied assertion to which the Soviets for the time being have decided not to object.)

Final Quadripartite Protocol. After two days of discussion, a final text was agreed. It provides that the Four Power Agreement and the German Agreements enter into force simultaneously, and shall remain in force together. (The last point is rather unclear. By its terms, the GDR could denounce its agreement with the FRG, and as a result, the Four Power Agreement would lose its force.) There is also a consultation provision. Most of the discussion related to whether a hierarchy of agreements was developed (the German agreements are termed “consequent” to the Four Power Agreement), and over the details of the consultation provision.

The detailed reporting cable (not the highlights)³ reveals that the *French Ambassador gave up the guarantee provision*: “each Government will take appropriate action in order to see to it that the above-mentioned arrangements are applied.” This provision had been key to

² Telegram 147244 to Bonn and Berlin, August 12. (Ibid., RG 59, Central Files 1970–73, POL 28 GER B)

³ On August 11 the Mission reported the highlights of the day’s session in telegram 1603 and the details in telegrams 1607, 1608, 1614, and 1615. The Mission reported the highlights of the August 12 session the same day in telegram 1619 and the details the next day in telegram 1622 and 1623. (All *ibid.*)

the Western side, since it committed the Soviets (however inadequately) to guarantee the GDR's performance. Now, this concept is totally lost—unless one is prepared to engage in great linguistic gymnastics to discover a guarantee in the consultation provision. As far as we are aware, Ambassador Rush had not sought instructions with respect to dropping this major point.

Access. During the discussion on August 11, there was a sharp conflict between the Soviet and French Ambassadors over the question of including “in agreement with the GDR” in the body of the Agreement relating to the Soviet “commitment” on access. The French Ambassador noted that the Soviet access commitment was already weak, and to introduce the GDR would have the effect of placing in question Soviet responsibility for the entire access issue. Abrasimov remained unmoved. The French consider this a point of principle on which they will not yield.

Most time was spent on the general question of the extent of permissible GDR inspection and search. Abrasimov insisted on allowing spot checks and “infrequent” inspections. In the end, there seemed to be agreement that on *sealed conveyances*, inspection will be restricted to seals and accompanying documents. The question of *persons and hand-baggage* was more difficult. Ambassador Rush pressed hard for a firm statement that any exceptions from the no-search and no-inspection rule should be specific. He suggested that a list could be developed relating exceptions such as transport of military material, narcotics, and contraband. Final consideration of the point was put off until the August 16 session, after general but tentative Allied acceptance of an Abrasimov text containing unacceptable references to general transit abuses, GDR law and normal international practice.

Inner-Berlin communications. A text was agreed for the annex relating to entry into East Berlin, enclaves, and general communications. The major issue had been over the exact terminology of the areas involved. The accepted formulation calls for improvements in communications between West Berlin and those areas bordering it (i.e., East Berlin and contiguous GDR) and those of the GDR not bordering it. The conditions under which West Berliners might enter East Berlin shall be “comparable” to those applying to other persons entering those areas. (It is unclear whether these refer to the same conditions as FRG residents, or to the normal conditions for any international traveler.)

Soviet presence. This issue will be formally discussed on August 16, but there is a cryptic report that it was reviewed at lunch.⁴ Abrasimov

⁴ The “cryptic report” evidently refers to information on the August 12 luncheon forwarded in telegram 1619 cited in footnote 3 above. A detailed report on the luncheon conversation is in telegram 1636 from Berlin, August 14. (Ibid.)

evidently suggested that he and his successor would be prepared to offer a sort of consular protection in the GDR for Allied nationals. He also proposed that he could reduce the Soviet demand for a Consulate General to a “mere” Consulate *if* the Western side would drop its demands for Soviet acceptance of FRG passports.

The Ambassadors are planning to proceed on August 16 with consideration of access, and Bonn/Berlin ties, and then turn to Soviet interests. They apparently intend to continue the daily sessions through the week as necessary.

We have learned informally from State that Ambassador Rush intends to come to the US for *consultations on August 23*, and then to return to Berlin in order to *sign the Agreement on August 27 or 31*.

287. Message From the Ambassador to Germany (Rush) to the President’s Assistant for National Security Affairs (Kissinger)¹

Bonn, August 13, 1971.

1. I have been relying on our cables² to keep you informed concerning the course of the talks this week. I have had no time to send a message through our channel because of continuous sessions with Bahr and Schuetz, the British and French Ambassadors, and my staff to keep up with the pace of the negotiations, which, as you know, ran nine hours during each of the first two days.

2. As you know from the cables, the negotiations have gone very well, almost entirely according to script. On important matters Abrasimov has played his part pretty much as planned and done very well. It has been difficult for us to maintain communication and not arouse suspicion, but our contact has been adequate. The big problem has come from the British and French Ambassadors, both of whom are very first-class as men but neither of whom I believe has ever taken a leading role in important negotiations before. They are both professional

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. A copy was sent to Haig. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 2100Z.

² See Documents 284 and 286.

foreign service officers, therefore bureaucratic. Both also have low boiling points, are nervous and become emotionally involved over pet ideas and phrases. Abrasimov is keen enough to know this and plays on it to the full. On Wednesday,³ the situation got out of hand and almost the entire afternoon was lost in very acrimonious discussion between Jackling and Abrasimov, with Abrasimov resorting to unacceptable personal remarks. Yesterday he got back on the track. We may be able to complete virtually everything on Monday.⁴

3. Our strategy of an intense marathon session has worked very well, and the French, British, German Foreign Office, and, I believe, the State Department, are in something of a state of stupor at the rapidity of the movement. Yesterday Sauvagnargues and Jackling registered considerable disquiet over how fast things were moving, and it was not difficult to slow them for a while. This was done by attempting to draft a simple sentence in the final quadripartite protocol, which is close to Sauvagnargues' heart. Over two hours were taken in changing a few words without substantially changing the meaning. If the same procedure had been followed throughout all parts of the negotiation we probably wouldn't be able to finish within the next decade.

4. Bahr and Falin were both in Berlin during most of the week, which was a great help since I could communicate freely with Bahr and he in turn with Falin.

5. The text of the final agreement, as you have doubtless noticed, is almost precisely that previously settled in my talks with Bahr and Falin, although on access we have some important improvements and I think will get the remainder on Monday. The disturbing clause in Annex I C with regard to inspection of sealed trains and search of individuals and their luggage has now been changed to knock out "as a rule" in "will, as a rule." This is now definite with regard to paragraph II A of Annex I relating to sealed trains. In paragraph II C of Annex I, Abrasimov has proposed language outlining just when search can be made, but his language is much too broad. I hope we will be able to get this in the form that we want it.

6. Bahr encountered delays with the Foreign Office and with Scheel with regard to the changes we have made in Annex II (also part II B) to the effect that "constituent part" would be substituted for "regarded as a Land" and that the provisions of the Basic Law and the constitution which contradict the above provisions would read "continue not to be in effect" instead of "be suspended." Bahr got agreement on the basic change of "Land" to "constituent part" but Scheel

³ August 11.

⁴ August 16.

wants to say “continue not to be regarded” as a constituent part and “having been suspended,” continue not be in effect. This, of course, will be turned down by the Russians, and Bahr says that he will then have not too much difficulty in correcting the problem.

7. The other major items remaining to be settled are the preamble and part I, which may cause considerable trouble, the use of FRG passports by West Berliners in Russia, and Soviet presence in West Berlin, including the consulate general. With regard to the consulate general, Abrasimov said at lunch that the Soviets would take a consulate if we would drop the demand for use of FRG passports in Russia. We will discuss this with Bahr and Brandt this morning, but the answer is obviously “no!”

8. I shall probably get off to the State Department today a request to be released from the instructions not to include “after consultation and agreement with the GDR” in part I A and part III A.⁵ The French are more emotionally committed to elimination of this than ever, and Jackling is staying with them, so some real efforts may be needed to pry the matter loose. In talking last night on the plane with the British lawyer on whom Jackling heavily relies, I discovered that he agrees with me that inclusion of the phrase not only prevents real inconsistency but also adds real strength to the provision, and that may help change Jackling’s viewpoint. It would be helpful if when the request comes in your views could be made known to the State Department, but I realize that you may consider this to be untimely.⁶

9. Thanks very much for the excellent instruction with regard to the consulate general.⁷ It is very skillfully drafted.

10. Bahr and I are seeing Falin this evening, and I hope that we can resolve the as yet unresolved issues then. I will send you a message tomorrow about this.

Warm regards.

⁵ In telegram 10012 from Bonn, August 14, Rush requested the authority to include the phrase “after consultation and agreement with the GDR,” arguing that Abrasimov’s recent conduct “clearly indicates, in my view, that such inclusion will be essential for reaching agreement with the Soviets.” “Naturally, we would not agree to use of the term,” he explained, “unless this is conclusively shown to be the case. My personal view is that it is in any case desirable to include the words, but in view of the very strong opposition of the French and to a less intense degree that of the British, I would not plan to move on this matter unless the development of the situation clearly requires it.” (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁶ No evidence has been found that Kissinger intervened with the Department of State on this issue.

⁷ Reference is to NSDM 125, Document 285.

288. Telegram From the Department of State to the Embassy in Germany¹

Washington, August 13, 1971, 2131Z.

148742. Subj: Berlin Negotiations. Ref: Berlin 1600.² For the Ambassador From the Secretary.

1. I appreciated the referenced message. You were correct in anticipating that the current Ambassadorial sessions would be of critical, possibly decisive, importance. You may be sure that we will continue to give you all possible support, realizing of course that you will have to bear the major negotiating burden.

2. I am convinced by their actions that the Soviets want a Berlin agreement badly, though naturally on the most favorable terms possible from their point of view. In view of this Soviet interest it seems that a sound Berlin agreement may be within reach. As your current talks proceed the Western side should take full advantage of this Soviet interest to obtain the best possible terms as defined in the guidance which the President and the Department have provided. Apart from our own requirements, I am particularly concerned that any agreement which we sign shall be one which the German public will find worthwhile and which will not become the subject of major controversy. I believe it will be better to hold out long enough on each issue—even on each detail—to be sure we are achieving the maximum in improvements in the situation. No one can now seriously suspect the United States of holding back in the Berlin negotiations. Having come this far, the Western side will profit by taking the final steps with all due deliberation.

3. Looking to the future, the text which emerges from your current sessions will, because of its lasting importance, require careful examination in Washington. There may be few matters on which you will not be able to reach full agreement in Berlin. For our part, we may have suggestions which will require further quadripartite consultation in Berlin. Time will also be required for consultation in NATO. Taking this into consideration, it would, in my opinion, probably be best for the negotiations to be structured so that signature would take place after Labor Day.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Priority; Nodis. Drafted by Sutterlin; cleared by Hillenbrand; Miller, Downey; and approved by Rogers.

² In telegram 1600 from Berlin, August 11, Rush sent the following personal message to Rogers: "Thank you for your support. I appreciate everything everyone has done to assist me in these negotiations." (Ibid.)

4. I shall be awaiting the outcome of next week's sessions with intense interest and wish you much luck in your good endeavors.

Rogers

289. Telegram From the Embassy in Germany to the Department of State¹

Bonn, August 14, 1971, 0900Z.

10007. For the Secretary From the Ambassador. Subject: Berlin Negotiations. Ref: Berlin 1600; State 148742.²

1. Thanks very much for your reftel. I am in full accord with your views concerning the Soviets and concerning the need to take full advantage of the present Soviet interest to obtain the best possible terms as defined in the guidance which the President and the Department have provided. It is also essential as you stated that any agreement must be one which will be accepted, insofar as any agreement could be accepted, by the German public as being worthwhile. However it must be kept in mind that any agreement will involve major controversy, since a Berlin agreement will open the door to ratification of the Moscow agreement, which is so bitterly contested. We will take all the time necessary to achieve the maximum in improvement.

2. As the Ambassadors discussed yesterday with Bahr and Frank, it would be very difficult for the FRG to keep the agreement secret once it is sent to governments. They therefore are anxious to sign as soon as possible after that date. We will attempt to find ways of achieving the objective of signature after Labor Day by perhaps keeping one or two issues open and having a final Ambassadorial session a few days before signature. In any event, I think means can be found to postpone the signature until after Labor Day.

Rush

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Priority; Nodis.

² See Document 288 and footnote 2 thereto.

290. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, August 14, 1971.

1. We had a long session with Falin last night but not much was accomplished. The principal issue was the problem concerning the use of FRG passports for West Berliners in Russia, and Falin was not in a position to give on this, while of course Bahr and I were adamant. We agreed that in the quadripartite agreement the provision concerning this issue would read that the passports would be only "for identification" which would, it would seem, take care of the problem of the issue of FRG citizenship. This issue, however, is one of Gromyko's pet prejudices, and both he and Abrasimov have been completely unyielding, according to Falin. Falin said he would go to East Berlin and Moscow to see what could be done. If we stand firm, I feel we will get what we want.

2. The second issue that occupied most of our time was the question of who would negotiate the implementing agreement on access, with Falin standing firm that the Senat must be a party and sign the agreement or, in the alternative, that the Western powers do so for West Berlin, and that the FRG sign only for itself. Our position is that the FRG must have one signature only, both for itself and for West Berlin, or, as a concession, will sign once for itself and have a second signature for the Western sectors. This is an issue of real importance, for the negotiations will take place between the date of signing of the quadripartite agreement and the final signing of the quadripartite protocol, when the quadripartite agreement will be under the most severe scrutiny and criticism by those opposed to it. It would be extremely dangerous politically at a time like that to make any concessions with regard to the negotiating parties or the signature.

3. We did not go into the access problem very deeply, both because there was no time and because I want to be sure that we have an agreed upon position with regard to wording among the three powers and the FRG. This was being done last evening by the Bonn Group, and the text of what we plan to submit to Falin concerning the sole

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 2330Z.

exceptions to the provisions of 2 A, B, and C of the access portion is the following as a new sub-paragraph D:

“D) The sole exceptions to the provisions of sub-paragraphs A, B, and C above are that:

Search or inspection of persons, luggage, vehicles, and freight conveyances may take place in those cases where there is substantial evidence of the presence of non-sporting weapons or munitions, illicit narcotics, other specifically prohibited items, or materials posing immediate danger to life or traffic safety; or of undeclared passengers. Through travelers may be detained on the designated routes only for serious crimes committed while actually on those routes. Only those persons may be excluded from travel on the ‘designated routes who are wanted by the authorities of the place of the offense for serious crimes committed on their territory.’”

4. We went through the results so far on the quadripartite agreement and the documents attached to it. Bahr is now in a position to take care of the issues in the Federal presence part (part II B and Annex II) so that the words “is not to be regarded as” and “have been suspended” can be deleted.

5. In a surprise turn-around, on the provision with regard to travel by West Berliners in East Berlin and the GDR (paragraph 2 (C), Annex III) Falin agreed that we can include the Teltow Canal in the following words:

“The western end of the Teltow Canal can be opened to navigation in accordance with pertinent regulations of the waterways of the Western sectors.”

The Berliners and the FRG feel very strongly about the opening of the Teltow Canal because of its value in communication, and this will be a real plus for them both psychologically and in substance.

6. We reviewed the strategy for Monday’s meeting, which I shall not go into in detail.

7. Bahr and I are having another meeting this afternoon and then we meet Falin at five o’clock, in hope that we can clear up practically all of the remaining issues.

8. We may have still another meeting with Falin tomorrow, and I have further meetings planned with Bahr, the other Ambassadors, and the like, so I will wait until Monday to send you another message covering anything of importance up to that time.

Warm regards.

291. **Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, August 15, 1971.

1. At our meeting with Falin last night, we explored almost exclusively the access problem, and it is now clear that the situation we hoped to avoid is upon us and that we probably face a crisis or temporary stalemate. I will outline the nature of this in the next paragraph, but in order to provide time for cooling off and reflection it may be advisable, after a one- or two- or three-day session starting tomorrow, to adjourn the meetings for two weeks or so. We can only determine this as this week's sessions approach a conclusion.

2. The situation that has arisen is briefly as follows: as I mentioned in my cable of August 13,² Abrasimov, during the afternoon session on August 11, got into a very acrimonious discussion with Jackling and, to a lesser degree, with Sauvagnargues, in which Abrasimov made some strong personal attacks on Jackling. Our cables covering the subject go into this in more detail.³ As a result, there was a general hardening of position on the part of the British and French and a bad psychological climate was created. At the same time, because of the rapidity of movement we had had, the true reason for which was, of course, not known to them, Jackling and Sauvagnargues, along with their staffs, my staff, the State Department, and the various Foreign Offices, concluded that the Russians were so anxious to make an agreement that we could revert to maximum positions on access.

3. When the developing situation became clearer to me following the Wednesday session, I decided to send a message to Abrasimov⁴ the next morning (Thursday), suggesting that, since little progress could be expected that day, we first take up the final quadripartite protocol and then return to access, but that he should bring in nothing new. He was chairman Thursday and in a strategic position. My plan was to slow down the proceedings on Thursday and not to bring up any new concepts while the psychological atmosphere was bad. After a day or

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington on August 16 at 1915Z.

² Document 287.

³ See Documents 284 and 286.

⁴ Not found.

so of stalemate and for cooling off, everyone would probably become receptive to new approaches. However, since the discussions of the final quadripartite protocol went off without too much acrimony and the situation seemed to be back on the track, Abrasimov decided to try to complete the access provisions and brought out his new “exceptions” formula, which I mentioned in my message of August 13.

4. As became evident in the meetings yesterday between the Ambassadors, their advisers, Bahr, Frank and the German advisers, Abrasimov’s doing this so precipitously not only failed to carry credit for breaking the impasse but, in fact, reinforced the idea of our allies and of our State Department that the Russians were over-anxious to reach an agreement at any price, and accordingly the Bonn Group came up with a tough three-page list of exceptions for consideration at the meeting. This would have enraged the Russians if it had been presented to them. I was able to get it cut back to the one forwarded to you with my message yesterday⁵ and we presented the text of this to Falin last night. He took a very hard line with regard to it and insisted that this would never be acceptable to the GDR or to the Russians. We broke up the meeting with no progress.

5. Prior to presenting that text to him, we had discussed various improvements of the quadripartite agreement and he was very accommodating with regard to these. However, our “exceptions” draft obviously struck a raw nerve, and we are in for trouble.

6. We could not meet again today, so we will not have a meeting again until after the Four Power talks starting tomorrow. We will devote the Four Power session primarily to attempting to bring together the Russian version and our version on “exceptions,” or to finding alternatives although the chance of doing so is probably remote in view of the hardness of the position on both sides. Bahr, Falin and I therefore will probably have to get together in Bonn this week after the Berlin talks and try to work out something that will be acceptable to all parties, once they return to a more flexible position.

7. Although you have received through the cables or in my messages the Russian and the Western versions of the “exceptions,” for your convenience I am attaching the text of both.⁶

8. Since the cables will keep you fully informed with regard to our next week’s talks, I will not be in touch with you again, unless something unusual happens, until after the next meeting with Falin, which is not as yet scheduled.

⁵ Document 290.

⁶ Attached but not printed.

9. The development that has occurred is the sort of thing that happens in complex negotiations, and no one is particularly at fault. I feel that we are fortunate to have gotten much of the agreement through before it occurred. It could have come earlier with more serious disruption of our planned progress.

All good wishes.

292. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, August 16, 1971.

The discussions with Falin on the 13th and 14th [of August] have created a serious situation. Falin responded to the unattainable demands of the Englishman [Jackling] for access without controls, which Rush and I supported, as follows: he would be prepared to collaborate on changes in form, but if our request involved changing the substance of the agreement, which the highest levels of the three participants approved in the existing form, it would raise very serious, fundamental questions.

We face here a question of confidence, that is to say, the suspicion of a double game.

The situation has been further aggravated by a detailed instruction of the State Department,² which was also communicated to Paris

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3]. Top Secret. The message, translated here from the original German by the editor, was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 1955Z. For the German text, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. 2, pp. 1245–46.

² Reference is evidently to telegram 149394 to Berlin, August 14, in which the Department provided supplementary guidance on access, addressing, in particular, the "possibility of GDR spot checks of contents of sealed conveyances and search and arrest of travelers." "While aware that a satisfactory resolution of the access problem will not be easy and may require additional negotiating sessions," the Department argued, "we note that the offer of a consulate general has not yet been made to Soviets. As Ambassador Rush pointed out in requesting authorization to make this offer, our potential willingness to do so should be a source of leverage in the negotiations and have ramifications for entire agreement including matters of primary interest to us, like access. Hence, we hope that once consulate general has been brought into play as bargaining chip for Western side, Soviet agreement on spot checks and other access questions covered in this message will be among the counter-concessions which we may obtain." The Department reported that it would inform the British and French Embassies on this matter and instructed the Embassies in London and Paris likewise to notify the respective Foreign Offices. (*Ibid.*, RG 59, Central Files 1970–73, POL 28 GER B)

and London, and which in part raised new demands. This will awaken the Russian suspicion that—as a result of their concessions in recent weeks in the areas of foreign representation, inner-city traffic, and the relationship to the federation[FRG]—the more we get, the more we want.

I am in constant contact with Rush in order to keep things under control.

It might be good if you told Dobrynin that we stand in principle by previous arrangements and will try to overcome the current difficult situation in the course of this week. I say this week because the English Ambassador last night reserved the option of repeating his proposal to suspend the negotiations without setting a new date in case the meeting on Monday, the 23rd, does not achieve a breakthrough.

I consider it a minor miracle that we have done so well to this point, which would have been impossible without our method of negotiation [with Rush and Falin]. I hope that this will now work for us again.

Warm regards.

293. Telegram From the Mission in Berlin to the Department of State¹

Berlin, August 17, 1971, 0055Z.

1645. Subject: Berlin Talks: Ambassadorial Session August 16, 1971—Highlights.

1. The August 16 Ambassadorial session of the Berlin talks lasted from 0930 to 1945, with a working lunch which was followed by a two-hour break requested by Ambassador Abrasimov to allow him to consult with his and GDR authorities. The meeting resulted in important progress in access and FRG-Berlin ties sections of an agreement. (Texts in septels).²

2. The potentially most difficult deadlock of the agreement was resolved when Abrasimov agreed to suggestion from Ambassador

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Immediate; Limdis. Repeated to Bonn, London, Paris, Moscow, Budapest, Prague, Warsaw, Munich, Bremen, Düsseldorf, Frankfurt, Hamburg, Stuttgart, and USNATO.

² On August 17 the Mission reported the details of the previous day's session in telegrams 1648, 1655, and 1657. (All *ibid.*)

Sauvagnargues to say that the Government of the USSR would “guarantee” that access traffic will be unimpeded in return for Allied acceptance of the Soviet desire to include the phrase “after consultation and agreement with the Government of the GDR” in section II A of the agreement. This section now reads:

“A. The Government of the USSR guarantees, after consultation and agreement with the Government of the GDR, that transit traffic by road, rail and waterways of civilian persons and goods between the Western sectors of Berlin and the FRG will be unimpeded; that such traffic will be facilitated so as to take place in the simplest and most expeditious manner; and that it will receive preferential treatment.

“Detailed arrangements concerning this civilian traffic, as set forth in Annex I, will be agreed on by the competent German authorities.”

3. Ambassador Abrasimov then agreed to language on sealed conveyances which would provide “that inspection procedures will be restricted to the inspection of seals and accompanying documents.” He bracketed “will be” when Ambassador Jackling insisted on bracketing “the accompanying documents” phrase. The Ambassador considers that, while the Allies are fully aware of the potential difficulties the GDR could cause for sealed freight shipments through questioning accompanying documents and will resist inclusion of this phrase, the overall provisions of the access section are so unexpectedly favorable that in the final analysis they should not be jeopardized by Allied insistence on this point. Abrasimov agreed to through trains and buses without inspection procedures other than identification of persons. He agreed to provisions on unsealed vehicles and through travelers in individual vehicles with language clearly indicating that search of such conveyances or search, detention or exclusion of such travelers would be limited exceptions, with specific details to be worked out in the inner-German negotiations.

4. Tentative agreement was reached on language for para II B, on FRG-Berlin ties. After Abrasimov insisted that, if the Soviet Union was going to guarantee that access would be unimpeded, then the Allies should use the word “guarantee” in the ties section, the following compromise wording (on which the prior agreement of State Secretary Bahr had been received) was tentatively agreed:

“The government of the French Republic, the UK and USA, guarantee, in the exercise of their rights and responsibilities and after consultation with the government of the Federal Republic of Germany, that the ties between the Western sectors of Berlin and the Federal Republic of Germany will be maintained not to be a constituent part of the Federal Republic of Germany and continue not to be governed by it.

“Detailed arrangements concerning the relationship between the Western sectors and the Federal Republic of Germany are set forth in Annex II.”

5. Paragraph I of Annex II on FRG-Berlin ties is identical to the first paragraph quoted in paragraph 4 above, except that it is followed by this sentence:

“The provisions of the Basic Law of the Federal Republic of Germany and of the constitution operative in the Western sectors which contradict the above have been suspended and continue not to be in effect.”

6. The main problems outstanding for the August 17 session are the exchange of letters between the Allies and the Soviets, in which the Allies would transmit to Abrasimov a copy of their letter to the Chancellor of the Federal Republic of Germany containing their clarifications and interpretations of Annex II on FRG-Berlin ties; the use of FRG passports by West Berliners traveling to the Soviet Union; Soviet interests; part I and the preamble; and the final clean up of details on access. It seems possible that agreement on these points for reference to governments could be reached by the end of the day’s session. (It should be noted, however, that Ambassador Jackling reserved his position on II A, II B and all of Annex I pending further reflection by the UK delegation on the language developed.)

Klein

294. Editorial Note

On August 17, 1971, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 1:10 to 3:04 p.m. to discuss a Soviet proposal for a summit meeting, as well as other issues, including the Berlin negotiations. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) According to the memorandum of conversation, the exchange on Berlin was as follows:

“Dobrynin then pulled out a slip of paper and discussed the Berlin issue. He said he had received instructions to get in touch with me immediately on the basis of a cable he had received that Falin had sent to Moscow. Apparently Rush had said that he was bound by Presidential instructions to deviate from the agreements already reached. Dobrynin said that it was making a very bad impression, if an agreement reached by the highest authorities was overthrown again later by the bureaucracy. I explained to Dobrynin that our problem was as follows: Neither our bureaucracy nor our allies knew of the agreement. Therefore we had to go through a procedure of negotiations.

Sometimes the formulations might have to be altered. I wanted him to know, however, that if there were a deadlock we would break it in favor of the agreed position, unless overwhelming difficulties arose. I read to him the telegram from Rush [Document 291] speaking of Abrasimov's rough tactics towards the British Ambassador which certainly didn't help matters. Dobrynin said that speaking confidentially the Soviet Ambassadors in Eastern Europe were not used to diplomacy. They were usually drawn from party organizations and when they met opposition they didn't realize that they were not dealing with party subordinates. This was the trouble with Abrasimov. Falin would certainly have acted differently." (National Archives, Nixon Presidential Materials, NSC Files, Box 492, President's Trip Files, Dobrynin/Kissinger, 1971, Vol. 7 [Part 2])

Kissinger forwarded the memorandum of conversation to the President at the Western White House in San Clemente, California on August 24. Wishing only to see "a minimum of papers" while on vacation, Nixon reportedly only "glanced at the top page" of the covering memorandum, which summarized the conversation. (Ibid.) The memorandum is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII. See also William Burr, editor, *The Kissinger Transcripts: The Top-Secret Talks with Beijing and Moscow*, pages 42–46.

Although he evidently did not read them before meeting Dobrynin, Kissinger also received special-channel messages from Bahr and Rush on August 17. The text of the message from Bahr, as translated from the original German by the editor, reads:

- "1) Also on behalf of Rush:
- "2) No more worries. Relax!
- "3) Access better than hoped for.
- "4) Only consulate general and Federal passports remain open.
- "5) We hope to be done tomorrow. Rush will report how that is now possible.
- "6) Many factors had to come together for a Berlin settlement; the good connection between us was perhaps not the least important. Thanks and greetings." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3]) For the German text of Bahr's message, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland*, 1971, Vol. 2, p. 1247.

Using a "cryptic style," Rush telephoned the text of his message from Berlin to Frankfurt, where it was then forwarded via the special Navy channel to Washington. "A new formula developed Sunday [August 15] and approved by our Allies Sunday evening," he explained, "broke the impasse and averted the impending crisis. It also opened the way to complete agreement which I am sure you will find satisfactory." After noting that the telegraphic traffic from Berlin would provide the "full formal details," Rush concluded: "All credit is due to the President

and thank God you are his invaluable right arm." (Ibid., Box 59, Ambassador Rush, Berlin, Vol. 2) After his meeting with Dobrynin, Kissinger told Nixon: "I just got a message from Rush." Although "we'll never get credit for it," Kissinger commended Rush as "a good man." Nixon replied: "Shows you about having one of your own, doesn't it, Henry?" (Ibid., White House Tapes, Recording of Conversation Between Nixon and Kissinger, August 17, 1971, 3:05–3:23 p.m., Oval Office, Conversation 566–14)

In a telephone conversation the next morning, August 18, Kissinger read Dobrynin the text of the message from Bahr and reported sending both Bahr and Rush identical messages the previous afternoon "to say there are nothing except orders coming from President and me." (Ibid., NSC Files, Kissinger Office Files, Country Files, Europe, Box 57, Berlin and European Security, Vol. II [2 of 2]) Neither message has been found.

295. Telegram From the Mission in Berlin to the Department of State¹

Berlin, August 18, 1971, 0001Z.

1658. Sub: Berlin Talks: August 17 Ambassadorial Session—Highlights.

1. *Begin summary.* The August 17 Ambassadorial session of the Berlin talks saw Ambassador Abrasimov pulling back on a number of points, particularly on access, where he had moved forward during the August 16 session. Thus, he withdrew from the word "guarantee" with regard to the Soviet commitment on access, insisted on a Russian translation of the word "unimpeded" which means only "without difficulties," and insisted on both accompanying documents and on leaving open the possibility of spot checks regarding sealed freight conveyances. He also tried to evade a written Soviet reply to the Allied communication on FRG-Berlin ties. Soviet advisers told the US advisers prior to the meeting that Abrasimov had gone too far in the August 16 session and had been instructed to pull back. By the end of the day, however, Abrasimov had dropped some of the tough defensive

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Immediate. Repeated to Bonn, London, Paris, Moscow, Budapest, Prague, Warsaw, USNATO, Bremen, Düsseldorf, Hamburg, Frankfurt, Stuttgart, and Munich.

positions he had taken up during the session. He produced a proposal on the use of FRG passports which, although not ideal, nonetheless represented some movement on the subject. After a tough rear-guard action, he dropped the demand for inclusion of the phrase “after consultation and agreement with the GDR” in part IIA on access. The Ambassadors agreed to meet on August 18 for a further session. Although the August 17 session failed to bring this phase of the negotiations to a conclusion, owing essentially to Abrasimov’s bravado in the August 16 session in trying to outtrump the Allied Ambassadors and its consequences, it continues possible that this might take place in tomorrow’s session. *End summary.*

2. Prior to the opening of the August 17 session, Soviet advisers Kvitsinskiy and Khotulev indicated to the US adviser that Abrasimov had gone too far in the previous day’s drafting session. In particular, he would have to renege on the use of the word “guarantees” in connection with the Soviet commitment on access and would also be required to insist on checks of sealed freight conveyances in addition to accompanying documents for such shipments.

3. Abrasimov’s actual conduct when the session began thoroughly verified this forecast. When Ambassador Jackling as chairman of the day opened the session and turned to the open question of the proposed Russian translation of the word “unimpeded,” Abrasimov insisted on using the Russian wording which is the exact equivalent of “without difficulties,” rather than “unimpeded,” for which adequate equivalents exist in Russian. Abrasimov then insisted on retaining both the word “may” and the reference to “accompanying documents” in paragraph 2(A) of Annex I. It was clear from Kvitsinskiy’s earlier remarks that the resultant phrase “inspection procedures may be restricted to the inspection of seals” was intended by the Soviets to leave room for the possibility of GDR spot checks.

4. Ambassador Rush told Abrasimov he could not have it both ways. He would have to make up his mind between having accompanying documents, which obviously also in some circumstances might provide a basis for delay of traffic, and strictly limited checks in carefully specified circumstances. The Allies were not willing to accept a text on sealed conveyances which would make a mockery of the term. Further discussion of this point was without definite conclusion but the Allies made their point to Abrasimov.

5. The subsequent discussion focussed on the possible exchange of letters between the Allied Ambassadors and Ambassador Abrasimov, in which the former would send Abrasimov a letter enclosing a copy of their letter of interpretation on FRG-Western sector ties to Chancellor Brandt and Abrasimov would acknowledge receipt of the Allied letter and take note of it. Abrasimov first refused to drop Soviet lan-

guage in the draft Allied text to Brandt which would have limited the subject material of Fraktionen meetings in Berlin to topics connected with the maintenance and development of the ties between the Western sectors of Berlin and FRG. Abrasimov then tried to renege on the idea of a written Soviet acceptance of the Allied letter, claiming that a registered receipt would be adequate. The disputed language in the letter to the Chancellor was left in brackets, and Abrasimov said he would reply concerning his own note in the following day's session.

6. Language was adopted for part IID as follows:

"The representation abroad of the interests of the Western sectors of Berlin can be exercised as set forth in Annex IV."

Ambassador Rush again brought up the Teltow Canal issue and Abrasimov indicated a slight amount of give. The question of the use of FRG passports by West Berliners traveling in the USSR was discussed at the luncheon of the Ambassadors. Abrasimov proposed that an insert be added to FRG passports when visiting the Soviet Union, with the following data:

First and last name and photograph, residence, the notation "issued by the Senat of the city of Berlin (West) in conjunction with FRG passport number (blank) based on the Four Power agreement dated (blank). With seal and signature of the Senat."

This insert could be stamped in Soviet consulates with the visa authorizing the bearer, "as a resident of the Western sectors of Berlin to travel to the USSR and other friendly countries." Although only the insert would be used for travel purposes, the FRG passport would be used to obtain consular services within the Soviet Union as required. Abrasimov said this was the ultimate Soviet concession. He again offered to call up Brezhnev and obtain his consent to this proposal on the spot. The Allied Ambassadors, inured to Abrasimov's quick deal tactics, said they would consider the proposal and discuss it with the FRG.

7. Following lunch, Abrasimov pulled back from the "guarantees" language in part IIA. The Allied Ambassadors fought him to the wall concerning his desire, despite renegeing on the word "guarantees," to retain inclusion of the phrase "after consultation and agreement with the Government of the GDR" in part IIA. Abrasimov retreated step by step, displaying his broad histrionic range of temper tantrums and amicability. At the end, throwing up his hands, he said "God will see that I have fought on to the very end" and added that he was removing the formula on GDR consultation and agreement from IIA.

8. Abrasimov then showed his serious side. He said very explicitly that the Soviet Union would not conclude negotiations on operative part II(2) of the entire agreement without satisfaction on the establishment of a Soviet Consulate General in the Western sectors.

Unless the Allied Ambassadors were willing to discuss this matter in serious terms, further meetings of the Ambassadors would be a waste of time. Abrasimov returned to this matter again and again during the lunch, using the same categorical and final terms.

9. During informal discussions over the past several days, the French and British Ambassadors have argued that the Allied Ambassadors should indicate a somewhat more favorable perspective on the Consulate General issue. They pointed out that the Allied Ambassadors had in recent discussions been so reserved and negative about the idea of a Consulate General that Abrasimov might not feel that there was a reasonable prospect of Allied agreement to it even if he went very far on agreeing to unresolved Allied interests in other fields. In view of Abrasimov's strong approach on this matter and of these considerations, Ambassador Rush replied to Abrasimov that at this stage he could speak only individually since the agreed ground rule of this session was that the Ambassadors were not able to make final agreements for governments but only recommendations to them. If he considered it necessary to a satisfactory agreement, he might be willing to make personal recommendation to his government on this topic subject to the understood rule that all of the parts of the agreement were to be considered as one package, if the Soviets would give the Allies full satisfaction in the remaining outstanding points in the negotiations: resolutions of the open points on access, the question of the Soviet reply to the Allied letter of clarification, the issue of FRG passports, and other points raised thus far. In that event, it would also have to be agreed that a Consulate General would have only consular functions, would be accredited to the Commandants of the Western sectors, would have no functions in the field of Four Power rights and responsibilities and that its personnel would be limited to twenty and subject to Allied or German regulations, plus a series of other conditions already discussed by the advisers and other Ambassadors. Ambassador Jackling said he was willing to make a personal recommendation to this government on the same basis. Ambassador Sauvagnargues said he was willing to make the same recommendation to his government and did not expect much difficulty if the agreement was satisfactory.

10. At the end of the session, Soviet representatives hastily distributed a text of part II which indicated that the Soviets had definitively dropped the consultation and agreement with the GDR clause from part IIA and might be prepared to give satisfaction on the problem of Russian translation of "unimpeded." (Details in septel).²

Klein

² The Mission reported the details of the August 17 session the next day in telegrams 1659, 1660, 1661, and 1665. (All *ibid.*)

296. Editorial Note

On August 18, 1971, during their 32d meeting at the Allied Control Council building in West Berlin, the three Allied Ambassadors to West Germany and the Soviet Ambassador to East Germany reached tentative agreement on “the remaining deadlocked points” in the Berlin negotiations. (Telegram 1674 from Berlin, August 19; National Archives, RG 59, Central Files 1970–73, POL 28 GER B) Although Soviet Ambassador Abrasimov reiterated that the “question of the consulate general was not linked to the question of passports,” the final settlement, in fact, rested on a balance between the terms for Soviet presence in West Berlin and West German representation of West Berlin abroad. After all other issues had been resolved, Abrasimov suggested addressing the consulate general and Federal passports at the “Ambassadorial level,” i.e. without advisers, “not because the Ambassadors did not trust them but because each of them had wives and each wife had many girl friends and one of them might say something to the *‘Spiegel’*.” (Telegram 1695 from Berlin, August 20; *ibid.*)

During the private discussion, Abrasimov was equally blunt: “if there were no paragraph relating to a Soviet consulate general in the main text of the agreement, there would be no agreement.” Ambassador Rush replied that “he and his Western colleagues were willing to recommend to their governments that they grant a consulate general to the Soviets in the Western sectors subject to conditions concerning status, personnel and facilities.” Rush said, however, that he was “disturbed by the idea that the consulate general would be taken up in the agreement itself.” Abrasimov expressed gratitude that the Allied Ambassadors had conceded the issue but insisted that mention of the consulate general in the agreement itself was “a question of prestige for the USSR.” “On the other hand,” he continued, “if it were of no concern to the Allies, the Soviets would remove from the agreement the section on representation abroad of the interests of the Western sectors of Berlin.” French Ambassador Sauvagnargues then proposed that, rather than remove provisions on Soviet presence and West German representation from the agreement, the issues, being “intrinsicly linked together,” should be combined. The Ambassadors accepted this proposal as Rush quickly offered language that had been secretly advanced in draft form two weeks earlier by West German Chancellor Brandt (see Document 277). Once the details on Soviet presence had been settled, the Ambassadors had little difficulty dealing with West German representation, approving a provision which stated that West Berliners could travel to the Soviet Union carrying Federal passports stamped “issued in accordance with the Quadripartite Agreement.” At the end of the meeting, Abrasimov praised his colleagues for their

ability to take decisions “very important for the life of our people and for the preservation of peace.” “As the old German saying goes,” he said, “‘everything is good which ends good’.” (Telegram 1700 from Berlin, August 20; National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

297. Telegram From the Department of State to the Mission in Berlin¹

Washington, August 18, 1971, 1914Z.

151368. 1. I understand that the four Ambassadors might agree to comprehensive formulations for eventual Berlin agreement tonight.

2. I have concluded that an ad referendum agreement should not be reached at the present time, and that before such stage is reached we will need to make thorough review of results of last 48 hours’ meetings and possibly have consultations with you in Washington.

3. You should therefore inform the other three Ambassadors formally by the close of tonight’s session that you feel the negotiations have reached a point where the Ambassadors should pause for consideration in capitals, following which further negotiations can be expected.

Rogers

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Nodis; Flash. Strictly Eyes Only for Ambassador Rush from the Secretary. Drafted by Brower; cleared by Skoug, Fessenden, and Irwin; and approved by Rogers. An information copy was flashed to the White House for Kissinger in San Clemente. According to his Record of Schedule, Kissinger left the White House for San Clemente on August 18 at 1:12 p.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 439, Miscellany) For background on the decision to send the telegram, see Documents 298 and 316.

298. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, August 18, 1971.

SUBJECT

Berlin

State's 151368² from Secretary Rogers to Ambassador Rush, about which I called Haig on the aircraft, has been repeated to you.

Secretary's message was precipitated by extremely rapid pace of negotiations in last 48 hours and growing lag in reporting from Berlin which made it virtually impossible to maintain current picture of progress and to provide Rush with up-to-date guidance. British in London on August 17 made formal *démarche* to our Embassy about pace of negotiations and about their being maneuvered into isolated position on several issues on which London feels Ambassadors are giving up too much.³

As I understand it from phone calls which State has received from Berlin, present status is that Preamble and Part I have been completed and intention was to have all-night session to wrap up entire text. State is disturbed about several formulations evidently accepted by Rush, particularly new language incorporating reference to Soviet interests in West Berlin in body of agreement. NSDM 106⁴ specifically precluded this. Soviets have also apparently watered down their access "guarantee" and have gotten Western Ambassadors to accept Russian word for "unimpeded" which in fact means "without difficulty." Individually, as you know, most of these phrases involve distinctions that are more artificial than real. But cumulatively, it seems clear from what has been reported, the trend of the last three days has been to dilute the position set down in governing NSDMs.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Germany (Berlin), Vol. IV. Secret; Sensitive. A handwritten note indicates that the memorandum was sent to Kissinger in San Clemente.

² Document 297.

³ As reported in telegram 7608 from London, August 17. (National Archives, RG 59, Central Files 1970–73, POL 38–6) See Document 316.

⁴ Document 225.

When State told me of their intention to dispatch the Secretary's message to Rush, I told them I could not clear it without checking with you and would not be able to do so fully until you were on the ground and could see text. I told them that I would make sure you had the Secretary's message as soon as you arrived. They said time pressure made it mandatory to send Flash message to Rush at once and this was Secretary's wish though he also wanted us to be informed of what he was doing.

It is my judgment that the Secretary's message is warranted by developments.

299. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

San Clemente, August 18, 1971.

Given the bureaucratic situation here you should go along with Secretary Rogers and ask for no more than a two week recess in negotiations to permit review of draft agreement prior to final commitment. You should assure Falin that there will be no difficulties this end, that if State makes trouble we will force issue to White House for decision. We shall stand behind you. I shall reassure Dobrynin at this end. You should contemplate initialing for first few days of September.²

Best regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was forwarded to the White House, where it was received at 2218Z, and then sent through the special Navy channel in Frankfurt.

² Rush replied by special channel on August 19: "Your message of August 18 reached me as I was sending mine to you today [Document 302]. Thanks very much for your complete reassurance and backing which are, of course, essential. Sec. Rogers message [Document 297] reached me about 9 last evening after almost everything was settled, including the fact that the Ambassadors would hold a meeting next Monday to clear up relatively minor issues, go over the agreement for accuracy, and cover up the fact for the press and other media that an agreement reached. You now have doubtless received my cable reply to the Secretary [Document 301]. I shall do all I can to help clear up the bureaucratic situation, which fortunately did not get out of hand before an agreement was reached. Many thanks and warm regards to you and the President." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 59, Ambassador Rush, Berlin, Vol. 2)

300. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Soviet Ambassador (Dobrynin)¹

August 18, 1971.

K: Anatole, how are you?

D: You already calling from West Coast?

K: That's right.

D: Oh [omission in the source text].

K: That's right. Uh, Anatole, we are having a slight bureaucratic problem with the Berlin thing that I wanted to discuss with you. While I was in the air Rush reported officially that he had made a tentative agreement. Rogers then ordered him to come back for a week so that he could look it over to see whether it was in accord with Presidential directives. Now, I am very reluctant to overrule this because if there is any problem about whether it is in accord with Presidential directives I can settle it because I write the directives.

D: Yes, I understand.

K: So, what I want to tell you, I have asked Rush to see whether he could get it reversed without appealing to me.

D: I understand.

K: If he cannot get it reversed I've asked him to ask for a two-week recess . . .

D: Why not for one week?

K: Or one week, I didn't give a time, I said for a short recess. But I want to assure you . . . I've talked to the President by telephone.² We stand behind the agreement and there is simply a bureaucratic problem to get everybody lined up.

D: Oh I see. Okay.

K: So you have . . . I just want Gromyko to understand that it is just . . . If he asks for a recess which is not a hundred percent sure, it is entirely technical.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 57, Berlin and European Security, Vol. II [2 of 2]. No classification marking. Kissinger was in San Clemente; Dobrynin was in Washington.

² The President, who was in New York the previous evening for the 89th Annual International Meeting of the Knights of Columbus, called Kissinger in Washington at 8:27 a.m. EDT; after stops in Illinois, Idaho, and Texas, Nixon arrived in San Clemente at 6:23 p.m. PDT on August 19. (Ibid., White House Central Files, Daily Diary) No substantive record of the conversation on August 18 has been found.

D: I understand.

K: And we expect to have it initialed the first week of September.

D: Initial what?

K: Well, you know.

D: Oh . . . at the beginning, the settlement between Ambassadors.

K: That's right.

D: By beginning of September.

K: That's right.

D: Okay.

K: Or during maybe the first week of September. But I repeat we stand by what Rush has done and we will not ask for any changes.

D: Oh I see. I understand. Okay.

K: But it's a way for us to get the State Department lined up.

D: Yes so . . .

K: Well, what I've told Rush is if he can get it changed without appealing to us then it will go normally. If he cannot do it then I asked him to come home and if there's any disagreement it comes to me.

D: But you say what was agreed upon by Rush up till now you still buy, yes?

K: Yes, so you have nothing to worry about.

D: I understand, thank you very much.

K: It's simply a question of management and we will stand literally behind everything that has been agreed upon.

D: Thank you, I will notify Gromyko.

K: But if you can have a little patience to let us go through our bureaucratic procedures.

D: I understand.

K: And I've also told Rush to explain the situation to Fallin.

D: Okay, I think it is fair enough. Thank you very much, I will notify Gromyko. Thank you for calling and have a nice time.

301. **Telegram From the Mission in Berlin to the Department of State**¹

Berlin, August 18, 1971, 2250Z.

1667. Strictly Eyes Only for the Secretary from Ambassador Rush.

1. Well before your message 151368² was received during the Four Power meeting this evening, and after a very tough last ditch stand on his part, Abrasimov had begun to concede in our favor on most of the unresolved major points in the Berlin negotiations. He clearly had highest-level instructions to reach agreement in today's session.

2. I believe that you and the President will be pleased with the results. All agreement to individual points from our side was of course tentative and made explicitly dependent on approval of governments. The texts will be forwarded tonight for your consideration. I will as you request inform my colleagues tonight that I think a point has been reached where we should pause in our meetings to refer the results of our work to governments for consideration. But Abrasimov was giving way on Soviet concessions so fast that I considered it could do great damage to the negotiations to stop him in mid-course by stating that we should not [*now?*] at this stage submit the results of our work to governments. I feel sure you will understand the circumstances in which I found myself.

Klein

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Nodis; Flash. A copy was sent to the White House for Kissinger in San Clemente.

² Document 297.

302. **Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, August 19, 1971.

1. The bureaucrats have been foiled, and as you doubtless know by now from the cables,² we have completed an agreement. It contains virtually everything we hoped to get under our maximum demands, and the momentum inspired by Abrasimov's wanting to conclude the agreement yesterday resulted in his making concessions which are still hard to understand. I shall not go into details, since you will have the cables by the time this arrives, but the provisions on unimpeded access, visits by West Berliners to East Berlin and the GDR, Federal ties, and representation abroad, including the use of passports in Russia, are all something that we hardly dared hope for.

2. Bahr is in ecstasy, and after being in touch with the Chancellor told me that the Chancellor wanted to give me any present I would name. He should be giving the presents to you and the President.

3. Sauvagnargues and Jackling were in something of a daze throughout the proceedings, but all in all are to be highly commended for the courage they showed. They both made very fine contributions to the final result.

4. The State Department at long last seemed to have caught up with the game plan and last evening while we were still negotiating I received the cable from them of which you received a copy, asking me not to conclude the agreement.³ But it was too late.

5. Needless to say, I have not carried out the flood of instructions containing the pet ideas in their maximum form of the various bureaucrats. They will doubtless try to change various aspects of the agreement, and this would be, as you know, very bad in our relations with Russians and otherwise. It may be necessary for you to intervene

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt; no time of transmission is on the message. A handwritten note indicates that the message was received in Washington at 1700Z; it was then forwarded to Kissinger in San Clemente.

² See Document 296.

³ Document 297.

to prevent this from happening.⁴ I am sending to the Department cables justifying the failure to follow various instructions.⁵ These point out that the actual drafts of agreement drawn up by them at the senior level and which have always been considered too optimistic, in fact have been exceeded in terms of what we have in our present agreement. You will, of course, get copies of these cables, and I hope they will be very useful to you in handling the situation.

6. Nothing has been more clear to me than the fact that if the President, with your invaluable help, had not intervened, we would never have had a Berlin agreement. Once the Russians realized that we really were serious, they carried through on every understanding we had, while I had to adapt to the changes which had to come about in working with the British, French, and German Foreign Office. Abrasimov all in all did a really first-class job, except that he almost gave the game plan away by looking to me for guidance too often.

7. I am looking forward to giving you, and I hope the President, the full story at the first opportunity. Please tell the President again how sound his approach is and how grateful I am for his entrusting me with this mission. I can only repeat that the best thing that has happened to our country is the fact that you and he are working together to help our country so magnificently.⁶

Warm regards.

⁴ In a telephone conversation with Haldeman at 9:22 a.m. (PDT), Kissinger reported: "Rush is running to an agreement and State doesn't know about the by-play and trying to slow him down and Russians giving more concessions than we can ask for. If Rogers does try to get him it would help if the President says we want a fast agreement. They can't understand why it's moving so fast and not take orders to slow down. I can probably handle it from here. Don't want him to be surprised. On the other hand, I left the time open. I am certain they will go again for the way we did it last time. I will raise it." (Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File) Haldeman's notes of the conversation are in the National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H. R. Haldeman.

⁵ See Documents 301, 303, and 307.

⁶ In a telephone conversation with Dobrynin at 1:50 p.m. (PDT), Kissinger summarized the message from Rush: "Rush went ahead and concluded the agreement," Kissinger further explained. "We are going to ask him on Monday—State is going crazy because they don't know why it's working so fast—so he will come back for a week. He may not initial the agreements but pay no attention. Everything will go on as it is. I can't refuse Secy. to call back the Ambassador. If there's a disagreement between State and him, we will rule for him. We have achieved one thing—Rush is saying good things about Abrasimov. Done a first class job." When Dobrynin suggested that everything was proceeding as expected, Kissinger replied: "Except yesterday instructions not to go further until he has gone home. But for him to go as far as possible and make it look like it will be finished. He will say he has to check with State and we cannot refuse that but no problem. I think they have found a formula for use of passports. It looks to me that it's settled. We now have the bureaucracy to worry about. Simply time consuming. I think we will make the deadline or maybe miss it by a few days. Want you to understand what's going on. Internal American problems. No disagreement on plans." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 57, Country Files, Europe, Berlin and European Security, Vol. II [2 of 2])

303. Telegram From the Embassy in Germany to the Department of State¹

Bonn, August 19, 1971, 1948Z.

10252. For the Secretary. Subject: Berlin Talks: Preliminary Evaluation of Results.

1. *Begin summary.* This message contains my preliminary report to you evaluating in general terms the text of a possible Berlin agreement tentatively agreed with Ambassador Abrasimov on August 18, 1971. I conclude that the results achieved meet most of the negotiating goals set forth in NSDM 106² and recommend acceptance of the text as it stands despite obvious imperfections. I will be sending detailed evaluation of the negotiating results in a subsequent message.³ *End summary.*

2. Nearly 18 months of intense negotiations on Berlin culminated at midnight on August 18 with tentative agreement of the four Ambassadors to portions of a text covering the main unresolved questions in the Berlin talks to be submitted to governments for their consideration. I believe it may be of some help for you, and for your officers of the Bureau of European Affairs who have provided support of unparalleled quality for our negotiating effort in Berlin, as well as for other interested Washington agencies, to receive my preliminary evaluation of these results.

3. The results of the Berlin talks as they now stand should be measured against two standards, that of Allied negotiating objectives, and that of real life prospects that an agreement based on the present text would bring specific improvements for Berliners and other interested Germans and better control or eliminate some, at least, of the numerous points of controversy in which the East-West conflict has found expression in Berlin.

4. Judged by the first standard, that of Allied objectives, the text can be considered a considerable success. The relevant criteria are those contained in NSDM 91⁴ and 106 and the President's directive of August 11,

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Immediate; Exdis. According to another copy, the telegram was drafted by Dean and approved by Rush. (Department of State, EUR/CE Files: Lot 85 D 330, JD Telegrams and Airgrams, 1971) Repeated to Berlin, Budapest, London, Moscow, Paris, Prague, Warsaw, USNATO, Bremen, Düsseldorf, Frankfurt, Hamburg, Munich, and Stuttgart. A copy was sent to the White House for Kissinger in San Clemente.

² Document 225.

³ Although a "detailed evaluation of the negotiating results" for Rogers has not been found, Rush sent such an evaluation in a special channel message to Kissinger on August 23; see Document 314.

⁴ Document 137.

1971 (State 146328).⁵ I believe the major requirements of these instructions have been met except on two detailed points, avoidance of the term “existing situation” and inclusion of reference to the issue of Soviet interests in Western sectors in the text of an agreement. Further messages will contain details of how Allied moves on these two points came about.⁶ For the moment, I will only express my own opinion that these steps were more than justified by the overall outcome. The tactical situation in the August 18 session was such that Ambassador Abrasimov, after a protracted, tough 18-month negotiation, was at last moving, and moving fast, in meeting the Allied position. He had clearly received highest level instructions to conclude the agreement that day and was willing to pay a great deal to do so, as is shown in the summary account in Berlin’s 1674.⁷ It was necessary to try to capitalize on this negotiating break.

5. The objectives paper adopted in the senior level meeting in Bonn on September 19, 1970 (text in Bonn’s 10839 of the same date)⁸ and the Western draft agreement given the Soviets on February 5 this year⁹ provide further, more specific standards by which to measure the August 18 text. It will be recalled that the objectives paper was originally intended by the Bonn Group to provide the basis for a written draft agreement to be proposed to the Soviets at that time. It was decided by the senior level group in discussion of this paper that it was premature to make such an overall written presentation to the Soviets and that the goals it described were suitable as Allied goals in the ideal sense but considered unachievable and inadvisable. Comparison of the text tentatively agreed on August 18, 1971, with that of the September 19, 1970, paper shows that the present agreement has achieved roughly 90 percent of the objectives set forth there as regards the preamble and part I, the issue of communications in and around Berlin, and the FRG-Western sector ties, including representation abroad. In the field of access, by far the toughest fought area of negotiation and of course the core area of East/West tension over Berlin, the results were about 80 percent of the agreed objective.

6. Perhaps the most important point which we failed to gain was the effort to obtain an access commitment which explicitly endorsed Four Power rights over the access routes, although this was recognized to be so difficult that it was not a formal objective of the negotiations. We did obtain a Soviet commitment and an East German engagement

⁵ Document 285.

⁶ No such further messages have been found.

⁷ Dated August 19. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁸ See Document 117.

⁹ See Document 173.

on access in a binding form. We obtained provision for sealed freight shipments without spot checks (although with accompanying documents), through trains and busses with inspection limited to identification and considerably ameliorated conditions for unsealed shipments and individual travelers.

7. Comparison of the tentative text of August 18 with the content of the Western draft proposal for a Berlin agreement given the Soviets on February 5, 1971 (text in Berlin's 251, February 8, 1971)¹⁰ also shows that the August 18 text is close to our original objectives.

8. There are numerous imperfections in these results, as is characteristic of any agreement negotiated among equals. These results are only results on paper, which is all they could be at this stage. Real improvements will depend on two factors: East German behavior in negotiating on the implementing agreement with Bahr, and actual Soviet and East German behavior when the agreement is applied. On the first point, I believe we can be relatively optimistic. The pressures and momentum of the overall situation are such that the advantage lies on the Western side. If results in the Four Power talks had been achieved later, this would not have been the case. But now, Bahr has been given the time margin to outlast Kohl in a situation which brings the maximum pressure available to the Western Allies to bear on the East German.

9. Even the results of the Bahr/Kohl negotiations will also be paper results. Moreover, it is widely recognized that the actual practical effects of the Berlin agreement will be directly dependent on the overall status of the East-West relations, primarily American-Soviet relations, at any given future time. No agreement covering one segment of this relationship can contain sufficient intrinsic protection and assurance to continue unaffected in the event of a general worsening of the overall relationship. A Berlin agreement with the Soviets can only do two things. It can, to a limited extent, insulate the area which it covers against a possible general worsening of relationships. Second, it can contribute something to better relations between at least those officials of both sides directly concerned with the topic and in this way contribute to the quality of the overall relationship.

10. Despite natural bias as the negotiator, I believe that the present text will meet these standards. I think, too, that, at least in the initial period of application of the agreement, it will in fact bring specific improvements for the Berliners and some improvement of the local East-West relationship. This is because I believe Soviet behavior in the Berlin negotiation has fairly conclusively demonstrated that the

¹⁰ Not printed. (National Archives, RG 59, Central Files 1970–73, POL 38–6)

interest of the Soviet leadership in continuing their own Western policy vis-à-vis the United States and Western Europe is a serious one. One cannot reasonably make a more long-term assessment of the prospects for benefits from the prospective agreement.

11. The results of the negotiations should strengthen Chancellor Brandt's domestic political position and help him in the difficult process of ratification of the German-Soviet agreement which will begin after signature of the final protocol of the Berlin agreement.

12. There remains the question of what might have been, of whether better end results could have been obtained through other tactics than those used. This is one of those unanswerable questions which we are nonetheless obliged to put to ourselves to test the results of our work. It is possible that three or four months of further patient grinding away of the Soviet position might have brought some improvement in the present text. But two factors limited this possibility. First, as FRG State Secretary Frank told Falin quite openly, unless the Berlin talks, plus the associated inner-German talks, which Bahr has predicted would be complex and difficult, are successfully concluded by the early spring of 1972, the Moscow treaty cannot be ratified. This would mean that Brandt's Eastern policy and his Eastern treaties would be a central theme of the German election campaign of the summer of 1973. There is good chance that adverse sentiment in the German public would further mount in those circumstances and that Brandt would lose the election. Therefore, in practical terms, we probably had only ninety more days at our disposal in the Berlin talks before the zone of real political danger for the Brandt government was approached in connection with the Berlin talks. Both Brandt and Bahr, who has been much criticized, unjustly I feel, have shown courage and self-restraint in repressing their natural nervousness over the fate of their policy and their government. But it has been an important element in my own tactical considerations that, as the deadline described by Frank approached, given its political significance for Brandt and his government, it is probable that the nervousness of the Germans and their consequent willingness to make concessions would have become strong, to the detriment of the negotiations.

13. The second factor is the Soviet attitude. Against the background of the cold war which had its practical manifestation in the Berlin problem, the whole Berlin negotiation has been characterized by acute distrust between both sides, decreased just enough from its peak to permit negotiation in the purely formal sense of the term. The Soviet leadership and Abrasimov himself, products of a political system which engenders distrust, have been continuously subjected to doubts about the feasibility of their own Western policy, which has itself been under attack by still more skeptical Soviet leaders. Specifically, they

have had doubts as to whether the Allies, particularly the United States, actually wish to conclude a Berlin agreement or would use the excellent opportunity provided by these negotiations to sabotage Brandt's Eastern policy, and with it, the prospects for some degree of easing of East/West relations, which the Soviets of course wish for their own national purposes.

14. The nagging doubts of the Soviet leaders have been evident in the persistent questions of Abrasimov to me about whether the American government really wants a Berlin agreement. It is clear that such statements have a tactical aspect, but I consider them to have a wholly genuine basis. The existence of these Soviet doubts has placed limits on our ability merely to hammer single-mindedly away at the individual points in the negotiation. There was a limit to the Soviet will to stand still to accept this pounding. We had to build up the trust of the Soviet negotiators and of the Soviet leadership in the course of the negotiations, and to judge the right moment to cash in on that trust, rather than risking its revival. I believe this was done.

15. Finally, there is the question of American national interests. For over twenty-five years, controversy over Berlin has been a mortgage on American prospects for peace. I consider the present agreement reduces the size of that mortgage without increasing the risks of our position in Berlin. Although many improvements, large and small, could theoretically be made by reopening negotiation on the text, this might jeopardize gains contained in it. I would like to recommend the text for consideration in its present form.

Rush

304. Transcript of Telephone Conversation Between Secretary of State Rogers and the President's Assistant for National Security Affairs (Kissinger)¹

August 19, 1971, 1:12 p.m., PDT.

R: I was going over this tentative agreement Rush made.² It has a lot of what we think are failures to comply with the NSDM.³ I don't really understand it. I am now sending him a telegram⁴ telling him not to finalize it on Monday.⁵ I'm saying go to the meeting but don't sign the thing and then let's talk about it. On access it's okay, but on rights and responsibilities we've taken a beating. In some places he directly violates the NSDM, uses words we expressly said not to. I don't understand.

K: I have just been going through the cables. I haven't had a chance to compare. The access looked pretty good and also [omission in the source text]. But I haven't studied rights and responsibilities.

R: That's where it's touchy and gives the Russians more authority than it should on visas and passports.

K: On the tactics of having Rush come back and discussing it I see no problem with it. I asked Haig to tell Eliot this morning—the President told Rush in a general way that he was eager to get an agreement on Berlin. And that he wanted it, within limits, to do what could be done. But he said nothing on any specific problem.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File. No classification marking. Rogers was in Washington; Kissinger was in San Clemente.

² According to his Appointment Book, Rogers attended a briefing at 3:20 on the Berlin negotiations before calling Irwin at 3:33 p.m. (EDT), Kissinger at 4:05 and Fessenden at 4:22. (Personal Papers of William P. Rogers) No substantive record of these discussions has been found. Eliot, who saw Rogers at 5:05 p.m., reported on the outcome: "In accordance with your instructions Russ Fessenden has spoken to Ambassador Rush and Marty Hillenbrand, and they will both be back in Washington on Wednesday. Ambassador Rush told Rus that the Monday meeting was not intended as an initialing meeting. It had been contemplated that at the Monday meeting the four Ambassadors would agree merely that the drafts had been referred to governments. Ambassador Rush expressed unhappiness with the suggestion that we tell the British and French here or in London and Paris about our problems with the present draft texts. He would prefer to have this procedure await review of his instructions in San Clemente. You may wish to consider having his instructions cleared in San Clemente so that it will be plain to the Ambassador that everybody at this end concurs in what we are telling him to do." (Memorandum from Eliot to Rogers, August 19; National Archives, RG 59, Central Files 1970–73, POL 38–6)

³ Document 285.

⁴ Document 306.

⁵ August 23.

R: I got the impression that Rush was disregarding all instructions. I didn't know whether the President said to do anything he wants. Our people have been wondering hard as hell, but on the rights and responsibilities . . . the British are sort of alarmed too.

K: We have till Monday. Let's both talk to the President when he gets in, or I'll mention it. I see no problem with having Rush come back—it will only delay it for a week.

R: Unless he's got some window-dressing planned.

K: I think we should keep the publicity about it to a minimum to give us a chance to go over it.

R: Parts of it we can claim credit for, but on closer analysis I think we took a beating.

K: You do?

R: Yes.

K: It's a stinking negotiation to begin with. I have never been for the concept of it. But I see nothing wrong with bringing Rush back. The only suggestion I have is not to do anything to Rush that looks like a reprimand. If he goes to Bahr and starts leaking . . .

R: We won't make any reprimands. All we'll say is not to have any signing ceremony either with a signature or initials and after the Monday session come back and we can talk it over because there appear to be some inconsistencies between the agreement and the NSDM.

K: That looks all right to me.

305. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and President Nixon¹

San Clemente, August 19, 1971, 7 p.m., PDT

K: What I let them do is get Rush back next week. The agreement is done but I can't refuse to let the Secretary of State talk to him. But if there is any disagreement we may have to invoke you to rule on behalf of Rush. But I think it won't come to that. The only reason I wanted you to know is so that if you get any phone call [. . .]

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File. No classification marking. According to the President's Daily Diary, Kissinger called Nixon at 6:57 p.m., PDT; the conversation lasted until 7:04 p.m. (National Archives, Nixon Presidential Materials, White House Central Files)

P: You mean State wants to delay it?

K: State has a few legalistic nit-picks Mr. President that will take me a half an hour to explain to you. The basic fact is that we made an agreement—a proposal on February 6² and that the agreement we got is better in every respect than the proposal we ourselves made which is almost incredible.

P: Right.

K: And Rush thinks [. . .]

P: Well why is State bitching then?

K: State is bitching because it has moved so fast that Rush—it looks as if Rush did it all.

P: Great, let him do it then.

K: Then they found some legalistic things. Well, of course they must suspect that we did something from here.

P: Oh sure.

K: Because Rush has just gone—well I think we can get [. . .]

P: Well, do you think the announcement is going to be good?

K: Of Berlin.

P: Yes.

K: Oh yes. It will now be delayed a week. We were going to be ready to announce it Monday,³ but I have got to let them bring Rush back.

P: One week. OK, fine.

K: But we will have it done by September 1. Because if that screws up, the summit will screw up.

P: Yes.

K: And we really have our good faith engaged and it is—given the fact that the whole thing is a lousy negotiation it is as well as we could do.

P: Yes. OK.

K: Right Mr. President.

P: Well then the deal is to—I will hold the line with State.

K: Right. And we will give them instructions that they shouldn't say anything.

P: Right. [Omitted here is a brief discussion of the October 3 Presidential election in South Vietnam and the public reaction to Nixon's "New Economic Policy" announced on August 15.]

² Reference is to the comprehensive Allied draft proposal of February 5; see Document 173.

³ August 23.

306. Telegram From the Department of State to the Embassy in Germany¹

Washington, August 20, 1971, 0347Z.

152955. For Ambassador Rush from the Secretary.

1. I have reviewed the text of the draft agreement as agreed by the four Ambassadors in your meeting of August 18. I have reservations about quite a number of aspects of the draft and am glad to learn that you would not give your own agreement to it or initial it in Monday's ambassadorial session. You should inform your ambassadorial colleagues that this text cannot be regarded as having been agreed at the ambassadorial level and submitted to governments ad referendum. You should also take all appropriate steps to dispel any press or public speculation that an agreement text has been reached ad referendum.

2. In order that we may have a chance to review the situation and to have the benefit of your personal assessment, I am asking that you return for consultations on Wednesday August 25. You should inform your negotiating partners that we will need a period of about 3 weeks to review the negotiations and that they should make allowance for the likely possibility of further negotiating sessions when this review is completed.

3. Among particular subjects which I will wish to review with you are aspects of the agreement which appear to run counter to guidance contained in NSDM 106² and the Presidential guidelines set out in State 146328.³

a) The agreement fails to refer specifically to Berlin and does not otherwise establish that the agreement is not limited to West Berlin.

b) The Preamble, contrary to presidential guidelines set out in State 146328, contains the phrase "Taking into account the existing situation," thereby implying Western acknowledgment of the division of Berlin.

c) Also contrary to Presidential guidelines set out in State 146328, there is a reference in the annex to international practice, a term which dilutes the concept of unimpeded access.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Immediate; Nodis. Drafted by Skoug on August 19; cleared by Fessenden, Brower, Emmons and Irwin; and approved by Rogers. A copy was sent to the White House for Kissinger in San Clemente.

² Document 225.

³ See Document 285 and footnote 1 thereto.

d) There is a reference in the text to consular activities of the USSR in the Western sectors of Berlin and a paragraph in an annex authorizing the establishment of a Soviet Consulate General. In providing for deletion of the prohibition in NSDM 106 (paragraph 6 a (2)) with respect to an official Soviet representation in West Berlin, State 146328 provided that the general requirements defined in NSDM 106 were maintained. NSDM 106 provides that the Agreement should contain nothing on this issue.

e) The agreed minute on passports provides for issuance of a travel document to West Berliners under quadripartite authority. The special stamp foreseen would appear on passports of Berliners for journeys to "such countries as may require it." This formulation could prejudice the US interpretation of quadripartite rights, as provided in NSDM 106.

f) I find that some of the formulations on FRG-Berlin ties offer room for interpretation to an extent that may be inconsistent with the provision in State 146328 that these formulations should be precisely worded so as to minimize the likelihood of future disputes. Among these issues are references to single committees, which the FRG may interpret more broadly than the strict sense of the text, and provisions pertaining to federal courts.

3. There are additional formulations in the text which also cause concern, including the term "sufficient reason," a phrase which could be exploited by East German officials to make searches, detentions and exclusions of through travelers or inspection of contents of unsealed conveyances under this agreement. I would like to have the opportunity to review these and other points with you on Wednesday.

4. We plan to inform British, French, and Germans locally here Friday afternoon⁴ our time.

Rogers

⁴ August 20.

307. Telegram From the Embassy in Germany to the Department of State¹

Bonn, August 20, 1971, 1150Z.

10262. For Secretary From Ambassador. Ref: State 152955.² Subj: Berlin Talks: Draft Agreement.

1. I have received your message and have immediately arranged to fly to Washington Tuesday for consultations Wednesday. I will plan to return to Bonn Wednesday evening unless you indicate otherwise.

2. I look forward to discussing the draft with you personally because I believe that you and I together can quiet many of the apprehensions expressed in the refTel.

3. As I said in my preliminary evaluation (Bonn's 10252)³ recommending acceptance, in my opinion this text—with its admitted imperfections—is the best available. It has obtained far more than anyone thought possible.

4. As stated in para 5E of State's 136539,⁴ it was clearly understood that any agreement reached in our "marathon session" would be ad referendum to governments and could be neither initialed nor signed without governmental approval, and I was proceeding on that basis. I was, therefore, very surprised to receive State's 151368⁵ which arrived late in the evening of August 18 as our negotiations were virtually complete and we were adjourning for dinner. At that juncture it would have been extremely disruptive and no one here would have understood had I suddenly refused to give my own agreement ad referendum to a text I had taken such an active part in negotiating and formulating. The credibility of the US Government would have been opened to question had I done so. Further, I could not understand why signals were changed at the eleventh hour, especially as no basis was given and I was not consulted.

5. It has been made abundantly clear over and over that the four Ambassadors were negotiating texts for recommendation to governments, which, in turn, would have to examine our results and agree to them before they could in any sense be considered final. In my view,

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Immediate; Nodis. A copy was sent to the White House for Kissinger in San Clemente.

² Document 306.

³ Document 303.

⁴ Dated July 28. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B) See footnote 5, Document 271 and Document 316.

⁵ Document 297.

it is too late to change this now, and there must have been some misunderstanding if any impression was received that I would not give my own agreement ad referendum.

6. I feel very strongly that it would be most unwise to inform the British, French, Germans, and Soviets that this text cannot be regarded as having been agreed at the Ambassadorial level and submitted to governments ad referendum, and I recommend most urgently that this not be done. In my opinion, such action would be extremely disruptive of the next logical step, the orderly examination by the respective governments of the results of our work. It would introduce extremely harmful complications. It would unnecessarily antagonize the Germans (including Brandt, Bahr and Scheel) who are very pleased. It would arouse acute distrust on the part of the Soviets and cause them to question our motives profoundly. And finally—of importance not only to me but the USG as well—such action would seriously undermine my credibility and damage my usefulness.

7. In sum, I see absolutely nothing to be gained by such action and very serious disadvantages, especially as I am convinced that when you and I discuss this matter on Wednesday⁶ I can satisfactorily answer the question raised, and that you and I together can calm concerns which have understandably been aroused.

8. We will certainly take all appropriate steps to dispel any press or public speculation that an agreement has been reached ad referendum. As a matter of fact, our Monday meeting in Berlin is largely intended to cover up the fact that the Ambassadors' recommendations have been submitted to our governments.

9. I look forward to seeing you on Wednesday.

Rush

⁶ August 25.

308. Message From the President's Assistant for National Security Affairs (Kissinger) to the Ambassador to Germany (Rush)¹

San Clemente, August 20, 1971.

1. You are doing a superb job and you will continue to have the full backing of the President and myself.

2. The objections raised in State's cable 152955² are almost totally frivolous and I am confident can be easily managed once the issues are crystalized back here.

3. In my judgment, the negotiating recess should in no circumstances be more than two weeks. Therefore, you should leave the length of the recess vague. Once the President has reviewed the situation, I am sure he will order a rapid resumption and conclusion of the negotiations.

4. I am sending a back channel to Bahr asking him to get Brandt to write the President a letter with congratulations on an excellent agreement.³

5. Again, our gratitude for your magnificent performance and our assurances that your labors will bear final fruit in the coming weeks.⁴

Warm regards.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. No time of transmission or receipt appears on the message, which was sent through the special Navy channel in Frankfurt.

² Document 306.

³ The text of the special channel message to Bahr, also sent on August 20, reads: "Congratulations. We are running into bureaucratic problems here produced by departmental self-will. We shall stand behind Rush. It would be very helpful if you would generate a very strong letter from the Chancellor to the President praising Rush, expressing enthusiastic support for the agreed text and urging us to go along with it. I am assuming, of course, this reflects his views. You might help with Falin in explaining bureaucratic problems. I would appreciate having the Brandt letter as soon as possible. Warm regards." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

⁴ Rush replied by special channel on August 21: "I am deeply grateful for your cable and for the full backing of the President and you. I will return to Washington for one day—Wednesday [August 25]—to consult with Sec Rogers and his associates, whose behavior, as reflected in their cables, borders on panic. Their objections, as you stated are almost totally frivolous, and we cannot, in my opinion, change the text of our agreement in any way. I am very pleased that you are expediting the date of the signing. If we postpone it, beyond Sept. 2 or 3 it will be embarrassing, and difficult to explain, particularly to the Germans." (Ibid., Box 59, Ambassador Rush, Berlin, Vol. 2)

309. Transcript of Telephone Conversation Between Secretary of State Rogers and the President's Assistant for National Security Affairs (Kissinger)¹

August 20, 1971, 10:35 a.m., PDT.

R: On the Rush thing, we have done what you wanted . . .

K: I just talked to the President to give you his views.²

R: Let me say this, we have got the telegram³—it's on the way. I am worried the President is going to get a black eye.

K: I haven't studied the details of the deal. His feeling is he doesn't want an international crisis over it before he knows the problem and the specific objections that we have. He thought what went out yesterday was handleable. He wanted to see the detailed objections before we decide on three weeks or on one week. Frankly, he would like an agreement, and fairly soon, for domestic reasons.

R: Well, if he and you are giving Rush the idea that it didn't matter . . .

K: No one gave him that idea.

R: When we called him he said 'have you checked with San Clemente' which gave me that impression. It doesn't make any difference to me if the President wants it, but I think he will be accused of selling out Berlin. Rush has openly violated the President's instructions.

K: He got not detailed instructions from me on any of the points you have in your telegram. The President did mention to him that he was eager to get an agreement and stated that fairly strongly. But it doesn't make any sense for him to say he wanted him to violate his instructions.

R: No, and there's no reason for Rush to do it now—he has another meeting on Monday.⁴

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File. No classification marking. Rogers was in Washington; Kissinger was in San Clemente. According to his Appointment Book, Rogers called Kissinger at 1:27 p.m. (EDT) after attending a briefing on Berlin; he then called Eliot before leaving town for a long weekend in West Virginia. (Personal Papers of William P. Rogers) No substantive record of the briefing or the discussion with Eliot has been found.

² According to Haldeman's handwritten notes of the meeting, Kissinger entered Nixon's office at 9:45 a.m. and reported: "we're having massive prob[lem] on Berlin. Th[in]ks Rogers trying to engineer deadlock & break it for personal publicity. Rogers plans to tell Ambs of Fr and Br we have serious obj[ection]—ask for 3 w[ee]k delay." (National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H. R. Haldeman)

³ Document 306.

⁴ August 23.

K: On the tactics of the day-to-day sessions, I am usually behind Hillenbrand.

R: Let me say this. I don't think it is totally unmanagable, but I think it is important for Rush to say this is ad referendum. He is acting as if this is his own baby. And I think the President will get clobbered.

K: It should come back ad referendum. And second, we should identify the problems and solve them after that. He shouldn't lock it in on Monday. What we don't want is a commitment to delay and to let our allies know that we have problems.

R: How much delay should we have?

K: About two weeks.

R: I think it will be tough for the President to focus on this. Everyone is euphoric about getting an agreement, but it's not just the agreement but what the agreement contains. You are going to have people like McCloy and Clay and that gang very upset.

K: Why? The objections in the telegram don't seem to me ones McCloy would raise hell about.

R: Yes he will. First, the things in the NSDM⁵ you said don't do and he did them all.

K: Like what?

R: The language. The NSDM said don't use these words. Use the word "Berlin" when [omission in the source text]. Then there are two or three other places not violating the spirit, but the language of the NSDM. He could have said something like "It looks good, but we'll wait for Monday."

K: That part of it I don't understand. Why he did something on one day rather than another I don't understand, and the President has nothing to do with that part of it. I don't know why he did it.

R: I don't either. Agreements can be good or bad. But I have a feeling this will be construed as the United States being out-traded.

K: What do the Germans think?

R: I don't know. At any rate, I don't like to have him openly violate the specific language, and to do it at a time when he didn't have to. Then he says he wants to help the German government because they have got an election coming up.⁶ He ought to be thinking about the President and the election he's got coming up.

⁵ Document 285.

⁶ Reference is to the next Bundestag election, scheduled for September 1973. For Rush's comments on the subject, see Document 303.

K: No, he's the one we have to think about. After I saw your cable⁷ Wednesday, Sonnenfeldt called me on the plane⁸ and asked me whether I had any objections to your cable saying that he [Rush] should come back. I said no. Then I saw his cable to you⁹ saying that Abrasimov had made all the major concessions.

R: Sure, if that had been the case we'd have had no problem.

K: I haven't studied the text yet. What I don't want is headlines saying the thing is on the verge of blowing up.

R: No, that won't happen. Our problem is in the anxiety to get an agreement we don't end up with a bad one. It seems to me that we need not only a good agreement but the support of those people like McCloy and Clay.

K: Could we get Rush back without making too many waves and just see where we are.

R: That's what we want to do.

K: That's what he should do ad referendum. Are you sending a new telegram out here?¹⁰

R: Yes.

K: I will look at that and if there any any problems I will call you directly.

R: I am taking the weekend off, but you can talk with Ted Eliot. I don't want him to think this is his agreement—it's the President's.

K: Absolutely, Rush is not the figure we are interested in. If we have any problems I'll check with Ted Eliot.

R: I think he should know that when we say ad referendum we mean that.

K: Exactly.

⁷ Document 297.

⁸ See Document 298.

⁹ Document 301.

¹⁰ Reference is evidently to Document 306.

310. Transcript of Telephone Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger)¹

San Clemente, August 20, 1971, 2:52–2:56 p.m., PDT.

[Omitted here is a discussion of public reaction to Nixon's "New Economic Policy" and a proposal that the President visit Japan after his trip to China.]

P: Right. Incidentally, I think that on Berlin, too, the perfect ploy there is the one I mentioned to you, get Bill and say look, the economic thing really requires that we have a good announcement this week, if we could; that coming at this point would be very helpful.

K: Well, I talked to Bill this morning² and he, as it turns out, your instinct was absolutely right, he doesn't know what he's talking about. These bureaucrats have given him a brief and he says he just wants to make sure McCloy and Clay can't get mad at us.

P: Right.

K: And, so, I've called Rush and called Dobrynin,³ so everybody understands what's going on.

P: And did Bill sort of agree that we don't want to wait three weeks—

K: That's already agreed. So I thought the best thing we can do is to low-key it to get Rush back. Let him fight for his draft and if there's a deadlock we'll have to rule with Rush. I think I can avoid a deadlock, because frankly Bill doesn't understand it.

P: What [omission in the source text] picayunish crap?

K: Well, what he's picking—exactly. The thing he's picking on—but what's basically getting these guys, Mr. President, is that they know damn well you've been in touch with Rush.

P: Oh, sure.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File, 2 Aug.–30 Oct. 1971. No classification marking. The time of the conversation is taken from the President's Daily Diary, which also indicates that Nixon placed the call. (National Archives, Nixon Presidential Materials, White House Central Files)

² See Document 309.

³ Although no evidence has been found of a telephone conversation between Kissinger and Rush on August 20, reference may be to Document 308. For excerpts from a transcript of the telephone conversation with Dobrynin on August 19, see footnote 6, Document 302.

K: And they know you did it and it kills them. They were willing to settle for something infinitely less good. This is—

P: The point is, Bill's going to get plenty of credit out of this, too. What the hell? Rush is an Ambassador.

K: Bill has never been better off than now.

P: That's right.

K: Everyone's giving him credit for outstanding foreign policy.

P: Another thing, too, it would be very good if he had this done before he speaks to the Legion.⁴

K: When is that?

P: Next week.

K: I don't think it will be completely—

P: Well—

K: He's now agreed that they can initial it—

P: Yeah.

K: But that they can put it ad referendum and I will explain to Dobrynin.⁵ They may have to give us a word or two someplace which doesn't mean anything, just to prove that Rogers has done something.

P: OKay.

K: But within a week we'll have handled it.

P: Good. [Omitted here is a discussion of the October 3 presidential election in South Vietnam.]

⁴ For text of Rogers' speech before the national convention of the American Legion in Houston on August 31, including his comments on the Berlin agreement, see Department of State *Bulletin*, September 20, 1971, pp. 297–302.

⁵ Although no evidence has been found that they talked on August 20, Kissinger called Dobrynin on August 23. For excerpts from a transcript of the conversation, see footnote 4, Document 314.

311. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, August 20, 1971.

SUBJECT

The Berlin Agreement

The August 18 Agreement is clearly less advantageous to us than the February 5 Western draft.² (A comparison of the two texts begins on page 4.)³

Taken as a whole, the Agreement appears to offer the prospect of some relatively minor practical improvements for West Berliners, at a cost of some relatively minor reduction in Federal presence together with a significant dilution of the Western view of the status of Berlin. This last point, while not expressed in any single provision, comes from the entire context of the Agreement. It is clearly an Agreement for and about West Berlin—which appears from the Agreement to be an independent entity (although with some ties to the FRG) under some Four Power authority exercised at the time by the Three Powers with the consent of the Soviets.

There is a clear prospect for improvements in *access* such as sealed conveyances, and in a lesser opportunity for the GDR arbitrarily to harass. The price for these improvements is the derogation from the Western position on access (and enhancement of the GDR's) by employment of terms such as "transit" and "international practice."

We have not had to pay a price of any immediate, major and practical reductions in *Federal presence*, and we would have lost anyway on those aspects of presence which have been withheld during this period. Yet, we have lost in the general theoretical or psychological position, for the agreement makes it appear that West Berlin and the FRG have a relationship of separate states with close ties. This in itself would not necessarily be a problem were it not for a 13-year history of Western rejection, first of the Free City concept and then of the "special political entity."

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV. Secret. The memorandum was sent that afternoon to Kissinger in San Clemente.

² See Document 173.

³ Kissinger wrote the following comment on another copy of the memorandum: "But Feb 5 draft was max position." (National Archives, Nixon Presidential Materials, NSC Files, Box 728, Country Files, Europe, United Kingdom, Vol. VI)

There is a prospect for improvement in *inner-Berlin communications*—and *any* improvement in this area would be an improvement. Once again, the price we have paid will relate to the general position on status (since the West Berliners will undoubtedly be treated as “foreign” visitors).

We have also made a slight gain in practice on the issue of *representation abroad* since now there is the prospect that the FRG can include Berlin in its agreements, exchanges, etc., with Socialist countries, as well as offer consular services for Berliners. The cost to us has been a strong suggestion of a Soviet role in the interests of West Berlin, as well as a hint that the Soviets will insist that the Three represent West Berlin in some international bodies (such as the [UN] Security Council and perhaps the Conference on European Security).

The handling of *Soviet interests in West Berlin* has been a loss to the West, though some, like Bahr, have argued that the Consulate General enhances rather than detracts from Three Power authority.

The general assessment, therefore, is that the results of the Agreement will be marginal in practical terms—both in gains and losses—for the immediate future. However, depending somewhat on its immediate reception in Germany and Berlin, the Agreement carries with it the seeds of a new status for West Berlin, a status which is closer to the Eastern position than the Western position.

It is quite possible that the Berliners will suspect that a new status has been reached, a status leading (sooner rather than later) to a Western pull-back, and take their business and personal decisions accordingly.

The questions that obviously must be asked are whether better terms could have been obtained and whether we should try to improve on the terms that have been obtained. As regards the first point, it is my judgment that we have consistently underrated our bargaining power, and therefore settled on terms well short of what might have been achieved. The reason for this underestimate comes through clearly in the reasoning presented by Ambassador Rush. He argues, in effect, that *we* needed a Berlin agreement in order to restore an element of confidence in East-West relations, and by doing so, strengthen those Soviet political leaders who were seriously interested in an East-West détente.

While it may be true that the Brandt government badly needed an agreement it is also true that the failure of the Berlin negotiations and therefore the failure of the German-Soviet treaty, would have been a major disaster in Soviet policy, especially in the wake of our China moves. If as Rush argues, the détente faction in Moscow (a dubious proposition) needed to demonstrate that it could do business with the US, then we clearly should have been able to translate this into concrete concessions.

But the opposite occurred. The Soviets injected an issue—the Consulate General—which by its nature was not a Berlin “improvement”—but a political advance by the USSR, and they succeeded in forcing it through by displaying more patience and stamina than we did. The reason is obvious: by August 10, the option of no agreement was clearly not a viable one in Western policy. None of the Western governments involved seriously contemplated breaking off the negotiations. From the Soviet standpoint, then, the agreement demonstrates that the Western commitment to *détente* has evolved to a point that the USSR does not have to pay much of a price to maintain it.

If this analysis has any merit, I doubt that we can seriously expect to reopen the August 18 text with any prospect of tangibly improving on it unless we are able convincingly to project a willingness to go without an agreement. But this is hardly a prospect we can contemplate now since—referring solely to the Berlin context—to forego agreement at this point would not simply take us back to the crisis-ridden status *quo ante* but to a status *quo minus*. Not only can we not expect to resume activities in Berlin which have been suspended during the negotiations; we cannot allow activities which in the August 18 text are precluded. Not, at least, unless we are willing to have a major confrontation over Berlin. And such advances on access and intra-Berlin contacts, etc., which have been achieved would of course be lost. In addition it is quite unlikely that Brandt would be willing at this point to run the risk of losing the Berlin agreement.

This is, however, a first judgment and should not preclude our reviewing the text and being clear among ourselves where the deficiencies are. It cannot after all be precluded that the Soviets themselves might reopen certain issues on which they, or some of them, feel that despite their gains they have paid too great a price. Moreover, the allies, particularly the British, may want to make another try and a united allied front might conceivably achieve some marginal improvements. More likely, it will result in Soviet counterproposals and gain nothing. Procedurally, we should presumably await Ambassador Rush’s return and then, perhaps after some Allied consultations, put the issues in a Memorandum to the President.

As this exercise is gone through, we should recognize that the August 18 text does represent departures from the pertinent NSDMs.⁴ (State 152955⁵ lists them.) This raises the general question whether in fast-moving negotiations NSDMs are a valid vehicle for instructions. It does not, in my view, solve the problem to say that a text satisfies 80% or 90% or even 99% of what is prescribed in a NSDM. If a NSDM

⁴ Documents 225 and 285.

⁵ Document 306.

constitutes a Presidential instruction (rather than an approximate goal) then it ought to be in some fashion amended if it is to be departed from. Otherwise it, and the process that produced it, loses credibility in the bureaucracy.

Finally, if we do go ahead with the Agreement we will be opening the way to movement in FRG–GDR relations and on European security issues. At a time when economic issues have raised a host of new problems in our relations with the Europeans, we should invigorate alliance consultations on East-West issues and do what we can to minimize the divisive effects which we have always known will accompany heavy activity in East-West relations.

COMPARISON OF THE AUGUST 18 AGREEMENT AND THE FEBRUARY 5 WESTERN TEXT

Preamble and General Provisions

The Western draft of February 5 made clear that the purpose of the agreement was to seek improvements “in and around Berlin,” thus indicating that the agreement covered the area of Four Power concern—the entire city, not just West Berlin. This concept is *not* manifested in the August 18 draft, which refers to the “relevant area.” The operative portions of the agreement as a whole expressly refer *only* to the Western Sectors of Berlin, and so imply that the agreement pertains only to that area. (Abramson repeatedly asserted that the negotiations related only to West Berlin. The Western Ambassadors rejected this and the issue has remained unresolved.)

The non-use of force concept has also been altered significantly. The February 5 draft made it clear that the Four parties were assuming no obligation except that already existing under Article 2 of the UN Charter—which would permit us to use force in self-defense in the Berlin area, and access routes, for example. The August 18 agreement, however, provides flat commitment that “disputes shall be settled solely by peaceful means,” and that there shall be no use or threat of force “in the area.”

The last significant change in concept relates to the acceptance of the statement that the “situation” which has developed in the area “shall not be changed unilaterally.” This phrase has been a code-phrase, used by the Soviets throughout, for an acceptance by the West of the division of Berlin and the restriction of Four Power activities to West Berlin. The Western draft of February 5 had no such provision; indeed, the language in the August 18 agreement on this point is almost identical to that contained in the March 26 Soviet text.⁶ The preamble of

⁶ See Document 201.

the August 18 agreement also contains the language “taking into account the existing situation” which suffers from the same difficulty.

(A curious and very minor point is that the commitments in the General Provisions part relating to peaceful settlement of disputes, and no unilateral change in the situation—i.e., Soviet positions—are both presented in the mandatory “shall,” while all the Soviet “commitments” in the body of the agreement itself, such as on access, are in lesser, conditional forms such as “will” or “may.”)

Access

The basic concept of the Allied February 5 draft was that there should be a Four Power commitment that surface traffic shall be unhindered, etc., and that implementing measures should be agreed between the appropriate German authorities. There has been a *complete shift*. The August text now contains only a Soviet declaration that “transit” traffic will be unimpeded (the exact Russian translation of that word will be critical, and the Soviets have suggested that a word more comparable to “without difficulties” may be used). Further, details (not *implementing* measures) will be agreed by the “competent” German authorities. The general result is a *considerable move toward a Western acknowledgment that the GDR is competent over the access routes, and that there is no general Four Power responsibility for them*. This is underscored by the inclusion in the related annex of the statement that the Soviet declaration and information is in agreement with the GDR (the Western draft had accepted consultation with the GDR, but not agreement).

The implication of Western acceptance of a significant GDR role, the same as any transited state in international practice, is enhanced by the provision in the annex referring to transit traffic, through the GDR, which will receive the best treatment provided by international practice. The Western draft of February, of course, had nothing about international practice which—however harmless the context—will provide the *Soviets and GDR with the ability to argue effectively that they are obligated to offer nothing more than the best of international transit practice* (for example, the treatment the Indians accord to West Pakistanis wishing to transit to East Pakistan).

With respect to more of the detailed provisions on access, we have agreed in the August draft to accept *GDR inspection of accompanying documents* with respect to sealed conveyances. In the February draft we were willing to accept only inspection of the seals. Similarly, the February draft provides for no controls whatsoever for through trains and busses, but the August version permits *identification of persons* traveling on these through conveyances. The August agreement also permits (in special cases) *search and detention of individual vehicles* and travelers, whereas the February 5 draft contained no exception.

(All of these points are subject to interpretation and can be used to interfere with access. Whether they will be so used is of course another question.)

Bonn-Berlin Ties

The concept of the February 5 Western draft was that there should be a Four Power commitment in the body of the agreement to “respect” the relationship between Bonn and Berlin—which was set out in detail in a communication of the Three to the Soviets. This statement made clear that the *Three have supreme authority in West Berlin*, and that *they determine the nature and extent of the Bonn/Berlin relationship*. This concept is now changed. In the August agreement, there is no Four Power statement respecting the relationship established by the Three, but rather a statement only by the Three that ties can be developed taking into account that Berlin is not a constituent part of the FRG.

The annex relating to *Federal presence* extends the restriction to Bundestag committees and Fraktionen, as well as to “other state bodies” of the FRG (which include courts and ministries). The Western position on February 5 continued the Bundestag restriction to plenary sessions, and contained no general catch-all phrase about other state bodies.

The detailed “interpretation” of the Federal presence provisions are contained in an Allied note to Brandt (this was not contained in the February 5 draft), and a copy of that note will be sent to Abrasimov to “inform” him of the interpretation of the Three Powers. Abrasimov will merely note and acknowledge the receipt. By using this procedure, *the Soviets have assumed no obligation with respect to the Allied “understanding” of significant details on Federal presence*, such as the fact that single committees of the Bundestag may meet in Berlin. (It is also interesting that in those areas where the Soviets wish clarity—their interests in West Berlin, and the passport issue—an agreed minute has been used, in contrast to the “information” note the Three will be employing concerning the details on Federal presence.)

Inner Berlin Communications

The general concept has not been altered significantly, although there has never been any detailed discussion of this entire subject. The February 5 draft provided that there should be a Four Power commitment that movement “shall” be improved; but in the August version, there is only a unilateral Soviet “declaration” that there “will” be improvement. An important point of the February draft was that access by West Berliners should be under conditions no more restrictive than those imposed on FRG residents. We have moved from this idea, and have accepted the position that the entry shall be under conditions comparable to “other” persons entering the GDR. This permits the *GDR*

to treat West Berliners just as any other “international” visitors, and not necessarily the same as West Germans.

As in the general access provisions, there has been a shift from “appropriate” Germans “arranging” implementing measures, to “competent” Germans “agreeing” to details. Also, the agreement of the GDR is expressed in the annex. A small point: we failed to secure the opening of the Teltow Canal, as provided for in the February 5 text.

Representation Abroad

The concept has shifted significantly. In the February Allied version, representation abroad was considered to be an aspect of the general relationship between Bonn and Berlin, and so its provisions were contained in the Three Power statement (in exercise of their supreme authority) which all Four Powers agreed to respect. Now, this issue is treated separately, and is handled in the form of an exchange of communications between the Three and the Soviets. This *implies that the Soviets have some role or authority over the general question of West Berlin’s representation abroad.*

The February 5 draft noted that the Three had given a general authorization to the FRG to represent West Berlin, including issuing passports and consular matters. The August agreement, however, contains no general authorization, *does not mention passports*, and *implies that the Three will continue to actively exercise responsibilities for status and security* (implying that the Three may represent West Berlin in the UN’s Security Council, for example).

The exact arrangements with respect to passports are not clear. An agreed minute indicates that a West Berliner will have to carry (a) a German passport issued in accord with the Four Power Agreement (which contains nothing on passports), which has been stamped in an “appropriate” manner, (b) an identity card, which will have the appearances of a passport, and (c) a separate paper, inserted into the passport, which will also appear to be a passport issued by the Senat. The Soviet visa will be stamped on this inserted paper. The upshot of this is that the *Soviets have not accepted German passports issued by the FRG as travel documents for West Berliners.* And, the *Allies have accepted documentation which arguably supports the theory of West Berlin as a separate entity under Four Power authority.*

Soviet Interests

This is the most obvious shift from the February Allied paper, which expressly concerned only practical improvements for the inhabitants. The establishment of a Consulate General is provided for in the body of the August Four Power Agreement. In addition, the agreed minute relating to the Soviet interests states that the *authorization for increased commercial activities will be “extended indefinitely.”* There would

appear to be no way in which the Allies could henceforth attempt to reduce the level of Soviet activities in West Berlin, even if there is cause.

Final Provisions

In the February 5 draft, there was a statement of commitment of the Four to implementation, both in Part III of the Agreement and in the Final Protocol (the Four agreed to “respect” the German arrangements, and will “see to it” that the measures are applied). The final provisions and the Protocol of the August Agreement contain nothing of this character. In addition, the agreement states that both the German and Allied agreements shall remain in force together (i.e., the GDR could void all agreements). There had been no such provision in the February Allied draft, but there was in the Soviet draft of March.

312. Telegram From the Department of State to the Embassy in Germany¹

Washington, August 21, 1971, 0111Z.

153863. For Ambassador From the Secretary. Subject: Berlin Talks: Draft Agreement. Ref: Bonn 4386 [10262].²

1. I look forward to a full discussion with you on Wednesday³ of the Berlin draft agreement. I fully understand that in your capacity as US Negotiator you felt the responsibility to accord your agreement to the text which you had worked out in such laborious negotiations on the understanding that it was ad referendum to governments. My personal concern is that the President should be fully protected against the charge of selling out Berlin.

2. Given the considerations outlined in your telegram, I have no objection to your agreeing to the text for referral to governments, but in doing so I believe it essential for you to make clear at Monday’s meeting that Washington wishes to give careful consideration to a number of the formulations used in the text, particularly insofar as they pertain to the status of Berlin. Therefore, the Soviets should not claim

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Priority; Nodis. Drafted by Sutterlin; cleared by Brower, Fessenden, Eliot, and Haig; and approved by Rogers.

² Document 307.

³ August 25.

bad faith if the United States wishes to clarify and alter certain points before final agreement is reached.

3. Re para 4 our 152955⁴ we will not make approach to French, British and Germans.

4. Timing of signing will be determined during your consultations in Washington.

Johnson

⁴ Document 306.

313. Telegram From the Embassy in Germany to the Department of State¹

Bonn, August 21, 1971, 1926Z.

10324. 1. Egon Bahr has just given Ambassador following letter for President.²

2. *Begin text.*

Dear Mr. President,

Back in Bonn I have studied the Berlin draft agreement the four Ambassadors reached this week. Taking into account the realities of the Berlin situation and putting wishful thinking aside, this draft represents a major achievement for the three Western powers and for the Federal Republic. The draft safeguards the Western positions; in addition improvements have been reached which many of us have not considered feasible when the negotiations started. The draft will find my full political support and I am sure that on Wednesday³ the Cabinet will follow me in this judgement. I am convinced that the draft will find your approval and that you will regard it a limited but very important result of your policy. I remember the day when you initiated the Berlin talks by your speech at the Siemens factory.⁴ Your government

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Secret; Immediate; Exdis. Repeated to the White House.

² The letter was sent at Kissinger's instigation; see footnote 3, Document 308, and Kissinger, *White House Years*, p. 832.

³ August 25.

⁴ See Document 17.

has done everything possible to make these very difficult negotiations a success.

The excellent work, imagination and cooperation of Ambassador Rush have been of the greatest importance. In the process of the negotiations he has won our admiration in addition to our friendship and respect. I will express my feelings to Ambassador Rush at a later occasion.

Having studied the text I wanted to express to you immediately that I am most grateful and encouraged.

With kindest regards,

Yours sincerely

/s/ Willy Brandt. *End text.*

Rush

314. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, August 23, 1971.

1. As you have doubtless now heard, your message,² through some deficiencies of the Army communications center³ in Frankfurt, did not reach me until this morning. Fortunately, the material you want was already almost completed, and I am attaching it. I hope it is what you want and serves your purpose.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message. A handwritten note indicates that it was received in Washington at 0330Z on August 24 and then sent to San Clemente.

² Kissinger sent the following special channel message to Rush on August 21: "I would be most grateful if you could provide for me through this channel your analysis of why you consider the current draft close to our maximum position and where the current Berlin draft constitutes advances over previous formulation. It would be especially helpful if you could present these advances in the context of the U.S. February 5 draft and known positions of the other powers. I recognize the burden that the preparation of this analysis entails at this busy time, but I would be most grateful if you could furnish your analysis as quickly as possible—hopefully by Monday—so that I will be thoroughly prepared for the bureaucratic problems which we must face next week. Best regards." (Ibid.)

³ Reference should be to the Navy communications center in Frankfurt.

2. From all indications over here, the State Department now seems to have recovered from panic and to be getting in step.⁴ As you know, I am leaving Tuesday⁵ for a meeting with the Secretary Wednesday, and it now looks as though instead of being in the lion's den I will be with a peaceful group of lambs.

3. Many thanks again to the President and you, and warm regards.

I have today, August 23, given oral concurrence to the text of a Berlin agreement which I believe achieves our basic negotiating goals.⁶ It provides for significantly improved access arrangements backed by the USSR; improved access by Berliners to East Berlin and East Germany; Soviet acceptance of representation aboard of the Western sectors by the FRG including FRG consular protection for Berliners traveling in the USSR and use of FRG passports; and acceptance by the USSR that the ties between Berlin and the FRG will be maintained and developed. Negative aspects of this text include acceptance of a Soviet Consulate General in West Berlin; and a somewhat enhanced status for the GDR. The status of Berlin is not altered. The agreement has the fullest support of Chancellor Brandt, Foreign Minister Scheel, and those German officials familiar with its development.

I am transmitting by cable to the Secretary of State (Berlin 1708)⁷ the text of the quadripartite Berlin agreement and related documents as agreed today ad referendum to governments by the four Ambassadors. In accordance with the State Department's instructions,⁸ Ambassadorial concurrence was oral only. The text was not initialled or signed.

I believe that the prospective agreement conforms to the provisions of NSDM 106⁹ and in general is very close to the Western draft of February 5, 1971,¹⁰ which it will be recollected, was advanced as a

⁴ In a telephone conversation with Dobrynin earlier that afternoon, Kissinger reported that the "bureaucratic problem" had been solved. "It may be that I will appeal to you to change a word or two that will have no substantive significance," he explained, "but probably that is not necessary." After a brief exchange on plans for Rush to return to Washington, Kissinger further remarked: "We have reduced objections to a point where it's bureaucratic. I hope your government is better disciplined than ours. Last week a big problem but substantially settled. W[hite]H[ouse] is not spectacular but persistent." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Europe, Box 57, Berlin and European Security, Vol. II [2 of 2])

⁵ August 24.

⁶ The remainder of this message is classified secret. The Mission reported the highlights of the August 23 session the same day in telegram 1714 and the details the following day in telegrams 1715, 1716, and 1717. (All in National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁷ Dated August 23. (Ibid.)

⁸ Document 312.

⁹ Document 225.

¹⁰ See Document 173.

negotiating draft only, with deliberate inclusion of considerable negotiating “fat” designed to be sweated off in the negotiating process. But despite the Soviet draft of March 26¹¹ whose negative aspects are almost wholly discarded in the present draft, the “fat” of the February 5 Allied paper has largely been retained and even built on. In that sense, the agreement recommended today is a fat agreement.

The August 23 text and the February 5 Western draft are identical in structure and concept. The following is a summary comparison, section by section, of the two papers.

1. *Preamble*

The preamble is almost identical in the two documents. We could not get Soviet agreement to include in it the word “Berlin” which, in their political vocabulary, means only “Berlin, the capital of the GDR,” i.e., the Eastern sector. We tried our best on this point but acceptance of the word “Berlin” is too crass a conflict with Soviet political objectives. We of course refused to use Soviet terminology for the agreement. They wanted to use the term West Berlin throughout. The result is a compromise, but one in our favor. We have a reference to Berlin at the end of the first paragraph, and the entire construction of the agreement (the preamble, and part I of general nature refer to the “relevant area,” while part II refers specifically to the “Western sectors of Berlin”) leaves the whole burden of constructive evidence in our favor that the preamble and part I of the agreement do refer to Berlin as a whole.

We did accept in the preamble the phrase “the existing situation,” a Soviet phrase which Abrasimov has been pushing since the beginning of the negotiations. We did so because we considered that we would get more advantage from the use of this phrase than the Soviets. In their terminology, the phrase refers to the division of Berlin, the status of the GDR, and so on. In our terminology, it refers to Berlin as a whole, and our legal position on Germany as a whole, and so on, which, it is stated in the agreement, should not be changed unilaterally. Given the fact that political power in the area is actually exercised by the Soviet Union and the GDR and that they would be the ones carrying out unilateral change, the use of the phrase here gives us more advantage than them in terms of binding and committing the signatories of the agreement.

2. *Part I*

The first three paragraphs of part I are nearly identical with those of our February 5 draft. Paragraph 4 is new. Its content provides that the overall situation in the area, as provided in the original Four Power

¹¹ See Document 201.

agreements, the present agreement, and the inner-German agreements to be concluded, shall not be changed unilaterally. I consider this advantageous in the sense of the last point I made above with regard to the preamble.

3. *Part II*

The title of this section and that of part I are those used in the February 5 draft and are just as we wished them, in order to make the distinction that the first part refers to Berlin as a whole and the second part to the Western sectors only.

I consider part II, paragraph A of the present agreement to be superior to the equivalent paragraph of the February 5 draft (paragraph A and subparagraphs 1–5). In the present paper, we obtained all of the substance contained in paragraph A of the February 5 draft, but got it in a form which embodies a clear Soviet commitment. It therefore comes closer to our agreed negotiating goal than the neutral wording of the February 5 draft which left it to imagination whether there was a commitment and who was undertaking it. The present text of paragraph A contains the phrase “through the territory of the German Democratic Republic.” I consider this an advantage because it shows that, despite Soviet legal theory to the contrary, the Soviet Union is continuing to exercise what we consider to be a Four Power responsibility over the GDR.

4. Paragraph B of part II of the August 23 agreement is superior to the formulation of the February 5 draft. It states in a Four Power agreement whose language was agreed with the Soviet Union, “that the ties between the Western sectors of Berlin and the Federal Republic of Germany will be maintained and developed.” That we could obtain Soviet agreement to such a formulation at all, and also to its inclusion in part II, or the Four Power part of the Berlin agreement, was considered so unrealistic and far reaching that it was not even proposed in the February 5 draft.

Subparagraph C

This paragraph on inner-Berlin in matters (paragraph B in the February 5 paper) has the same substantive content as that in the February 5 draft. Like paragraph A, it is couched in the form of a commitment from the Soviet Union and is therefore better than the February 5 formulation in that regard.

Part III—Final Provisions

This is nearly identical in substance with the February 5 draft.

Final Quadripartite Protocol

Although the wording of this section in the August 23 draft text and that of the February 5 draft is not identical, I consider their

substance to be the same. The August 23 draft does not contain a statement that the Four Powers “will see to it” that the inner-German agreements will be applied. But it does definitely contain the “package concept” and, in my opinion, the consultation clause of the August 23 draft gives us what we want as regards bringing Four Power pressure, especially Soviet pressure, to bear on the GDR to fulfill its commitments on access and inner-Berlin matters.

Annexes

Annex I Access

This objective, that of obliging the GDR to maintain its commitments in the access field, is also carried out through the inclusion of annex I of the August 23 text of the phrase “after consultation and agreement with the Government of the German Democratic Republic.” This is a strengthening of the language contained in the introductory paragraph of the February 5 draft and an improvement over it.

Paragraph 1 of Annex I of the August 23 draft has no counterpart in the February 5 paper. It has the constructive effect of committing the GDR to observe the same general principles in treatment of access as the Soviets undertake in paragraph A of part II. It also mentions the words “international practice,” to which there has been some objection in Washington. The formulation used in this regard, however, permits us to draw on the best of international practice as a supplement of what is specifically agreed in the present agreement as regards access. It is a recognized principle of law, to which the Soviets have specifically subscribed in the present negotiations, that specific provisions of any agreement have a primacy over reference to general principles of law, so that there should be no confusion whatever about the fact that “international practice” is only a supplementary source of procedures for handling access traffic rather than conditioning the remainder of the annex.

Paragraph 2(A) of Annex I of the August 23 text is nearly identical in substance with paragraph 1 of the February paper except that we did concede “accompanying documents” above and beyond the February 5 text. Just what these documents are will have to be defined by Bahr in the inner-German negotiations. I have no concern on this point, as on other details regarding access still to be worked out in the inner-German negotiations. Soviet behavior in the last days of the negotiation, including the presence of Foreign Minister Gromyko in East Berlin to backstop Abrasimov, justifies the conclusion that the Soviets are highly interested in conclusion of the Berlin agreement in order to move rapidly on the ratification of the German-Soviet treaty in the Bundestag. I believe these pressures will operate in our behalf during the inner-German talks.

Paragraph 2(B) of the August 23rd paper is a bonus. There is no provision whatever in the February 5 draft for coverage of unsealed vehicles, which are by far the largest number of goods conveyances used in Berlin access traffic. The present paragraph will give them preferred treatment.

Paragraph 2(C) on through trains and busses is 90 percent of what we wanted to get in the February 5 draft. It does provide for control of identity, including in practice acceptance of visas, which we wished to avoid. But there are no other limitations and what we have here could, in practice, come fairly close to being a ground equivalent of the air corridors.

Paragraph 2(F) of the August 23 paper also contains 90 percent of the content of paragraph 3 of the February 5 paper. But it has two highly important features which the February 5 paper completely lacked. Its provisions operating against arbitrary search are extended to vehicles as well as travellers and their baggage. Moreover, it contains protection both against arbitrary arrest and against arbitrary exclusion from use of the access routes. GDR arrests and exclusions of FRG citizens travelling on the access routes have been main areas of friction in the past. With these two points, we have come close to completely free access to Berlin, at least in contractual terms.

Paragraph 2(E) of the August 23 paper is equivalent to paragraphs 4 and 5 of the February 5 draft and is slightly less favorable. The content of these paragraphs is of technical nature and best suited for negotiation between the FRG and the GDR.

Annex II of the August 23 Paper

This is comparable to Annex III of the February 5 paper.

Paragraph 1 of the present annex again has the strength that it puts maintenance and development of the ties between the Western sectors as a positive formulation ahead of any limitation imposed. This is a negotiating achievement, given the wholly negative Soviet view on FRG-Berlin ties, which considerably exceeds the comparable formulation contained in paragraph 1 of Annex III of the February 5 paper. Moreover, it appears not only in the Annex but in part II itself, giving it added status. As in II B, the paragraph continues to state that "these sectors continue not to be a constituent part of the Federal Republic of Germany and not to be governed by it." The phrase "not to be governed by it" was also in the February 5 draft. The phrase "a constituent part of the Federal Republic of Germany" has been used in official Allied correspondence to the Federal Republic and cannot be regarded as a new term. This part of the description of the overall relationship between the FRG and the Western sectors of Berlin, which, as stated, appears also in part II A, marks a definite advance over the formulations used in the February 5 draft, in that it uses the phrase "continues to"

in describing this aspect of the relationship. This language makes unmistakable that there is no change in the previous relationship as approved by the three powers, thus fulfilling a major objective of the Berlin negotiations. The second sentence of paragraph 1 of the August 23 text is equivalent in significance to the comparable phrase contained in the February 5 draft. Paragraph 2, Annex II, of the August 23 paper mentions more "state bodies" of the FRG as limited in their actions than the equivalent paragraph 3 of the February 5 paper. In compensation, the delimitation contained in this paragraph on "constitutional or official acts which contradict the provisions of paragraph 1," is greatly superior to the February 5 draft because in my view it permits Federal officials to act while in the Western sectors to govern the Federal Republic of Germany itself. Such actions would have been wholly excluded by the formulation of the February 5 draft.

The Allied letter of interpretation to Chancellor Brandt, which will be acknowledged by Abrasimov in a way which makes clear that the Soviets had knowledge of it and raised no objection, defines these constitutional and official acts as "acts in exercise of direct state authority over the Western sectors of Berlin." This is, in my view, a limitation which should permit Federal German agencies located in the Western sectors to continue to take actions with effect on the local Berlin authorities.

The definition of "state bodies" in paragraph (E) of the interpretative letter to the Chancellor is explicit evidence, in my opinion, and that of my colleagues, of what we agreed, that branch offices of Federal Ministries shall not be removed from Berlin. We did not believe it possible in formulating the February 5 draft to gain Soviet acceptance for such a statement in writing.

Paragraph (B) of the Allied letter of interpretation to Brandt permits committee and Fraktionen meetings to be held in the Western sectors. This is a highly important point for Brandt from the domestic political viewpoint. It was not contained in the February 5 draft.

The content of Annex IV of the August 23 paper on foreign representation corresponds to paragraphs 5 and 6 of Annex I of the February 5 document, but is far wider in scope and more explicit. This should eradicate prior sources of difficulty in this regard. We got Soviet agreement to accept use of FRG passports by West Berliners traveling to the USSR, something that every expert familiar with this subject considered out of the question.

Paragraph 2(D) of Annex IV corresponds to paragraph 6 of the February 5 draft. Our success in obtaining this paragraph is unexpected and should end a long series of frictions. We did not obtain agreement in August 23 document to the statement that "permanent residents of the Western sectors may participate in Federal German organizations and associations" as a general statement, out of the context of the

representation abroad. However, we do have a clear understanding with the Soviets that those things in former practice which are not specifically prohibited will continue to be permitted. This applies to the present case.

Paragraph 3 of Annex IV of the August 23 text states that the three governments will authorize the establishment of a Soviet Consulate General in the Western sectors of Berlin. This item was of course not contained in the February 5 paper. It and the Soviet commercial offices authorized in the agreed minute on Soviet interests are very carefully circumscribed and controlled, as the wording makes clear. My own view and that of Ambassadors Jackling and Sauvagnargues, as well as of Chancellor Brandt, is that the significance of this concession on our part has been exaggerated in the Federal Republic for political reasons. In view of the advantages, described above, which the August 23 draft contains in comparison with that of February 5, I consider it fully justified to have agreed to the Consulate General and the commercial interests. In fact, I believe that what we received in return has far greater importance than what we have in this form.

Other more general comment on the present agreement is contained in my August 19 cable, Bonn's 10252.¹²

¹² Document 303.

315. Information Memorandum From the Acting Assistant Secretary of State for European Affairs (Fessenden) and the Acting Legal Advisor (Brower) to Secretary of State Rogers¹

Washington, August 23, 1971.

CONSULTATION WITH AMBASSADOR RUSH
ON THE BERLIN AGREEMENT

In accounting in Bonn 10262² (Tab A) for his decision to agree to submit to governments on August 18 the text of a quadripartite agreement on Berlin, Ambassador Rush states that he cannot understand

¹ Source: National Archives, RG 59, EUR/CE Files: Lot 80 D 225, Aug 23, 1971, Memos to the Secretary. Secret; Nodis. Drafted by Skoug on August 22.

² Document 307.

why signals were changed at the eleventh hour, without basis and without consulting him. He cites paragraph 5E of State 136539 of July 28, 1971³ (Tab B) to show that it was clearly understood that any agreement reached in the “marathon session” would be ad referendum to governments and would neither be initialed nor signed without government approval. He also states that for him not to have given his approval to the text ad referendum would have opened the credibility of the United States Government to question and would have antagonized friendly governments and aroused Soviet distrust.

State 136539, which provided guidance on the timing of further meetings, provided (paragraph 5) for an Ambassadorial meeting on August 10 and 11 “to be followed by a pause for reflection if major points of difference cannot be overcome at that time.” Specifically, the Department provided the following instructions: “Sufficient flexibility should be maintained in arranging the Ambassadorial meeting to permit, if necessary and sufficient progress is being made, a day’s interruption for consultation with capitals on points where existing guidance is inadequate.” The Department also stated:

“. . . the history of postwar period has shown that we have had the least difficulties where the language of agreements has been most precise, as for example on the air corridors, military traffic on the Autobahn and the railroads, and the sector boundaries of Berlin.”

When the negotiations continued into the next week you instructed the Ambassador as follows in State 148742⁴ (Tab C): “The Western side should take full advantage of this Soviet interest to obtain the best possible terms as defined in the guidance which the President and the Department have provided. . . . I believe it will be better to hold out long enough on each issue—even on each detail—to be sure we are achieving the maximum in improvements in the situation. . . . Having come this far, the Western side will profit by taking the final steps with all due deliberation.” The Ambassador accepted this guidance and replied on August 14: “We will take all the time necessary to achieve the maximum in improvement.” (Bonn 10007, Tab D).⁵

Further negotiations were held on August 16 and 17. Reports from the field,⁶ both those received directly from the US Mission in Berlin and comments received from other Embassies, indicated a confused situation where a number of important points had not yet been resolved.

³ Attached but not printed. Another copy is in the National Archives, RG 59, Central Files 1970–73, POL 28 GER B. See footnote 5, Document 271.

⁴ Document 288.

⁵ Document 289.

⁶ See Documents 293 and 295.

There were several inquiries about these negotiations, including one from the White House taking critical note of the failure of the Mission to provide early telegraphic reporting on the negotiations.

On the morning of August 18 the Department learned by telephone from the Mission that the Ambassadors were again in session and had nearly completed agreement on a text for referral to capitals ad referendum at the close of the session in progress. The Mission, upon request, informed the Department as to the contents of the text on which agreement was being reached. It was immediately clear that this text would not be in accord with a number of provisions of NSDM 106 and NSDM 125.⁷ Under these circumstances Department officers felt obliged to draw to the attention of the principals of the Department that (a) an agreement with the Soviet Union was at that moment being drawn up ad referendum and (b) the agreement, whatever advantageous elements it might contain, would not meet the guidelines established by the President and the National Security Council. Department officers were obliged to do this on the basis of telephoned information since no telegraphic reporting was sent, even though the Department had requested that texts already available in Berlin be sent by immediate precedence cable. (The texts, when received, confirmed that their provisions failed in several respects to conform to the Presidential guidance.)

It was on this basis that you agreed to ask Ambassador Rush not to give his agreement to the draft until the Department had an opportunity to review the results of the negotiations and possibly to have consultations with the Ambassador in Washington (State 151368, Tab E).⁸ Since the Ambassador was in the concluding phase of the negotiating session, there was no way to consult him at this stage. There was no eleventh hour change of guidance by the Department.

While the Ambassador might argue that the texts had been agreed only ad referendum to governments, he is well aware of and has quoted Foreign Minister Scheel⁹ on the practical difficulty of making any important changes in a text agreed ad referendum with the Soviets, especially when extensive press leaks would have to be anticipated. To make further changes after that point had been reached could do more harm to the Ambassador's own prestige than would have been the case had he reported his problem to the Department together

⁷ Documents 225 and 285.

⁸ Document 297.

⁹ In a meeting with Rush on August 20, Scheel maintained that "in his limited experience, once the Soviets reached this stage in negotiating, they did not accept change and it was therefore unwise to reopen an agreed package." (Telegram 10316 from Bonn, August 20; National Archives, RG 59, Central Files 1970-73, POL 28 GER B)

with a recommendation that in spite of the fact that the anticipated text did not meet all of the terms of the guidance he had received, he desired permission to agree to it *ad referendum* as the best text he could achieve.

We do not expect the Ambassador to pursue this subject in his discussion with you nor do we suggest that you raise it. We provide the information only for your background—for contingency purposes.

316. Briefing Memorandum From the Acting Assistant Secretary of State for European Affairs (Fessenden) and the Acting Legal Advisor (Brower) to Secretary of State Rogers¹

Washington, August 23, 1971.

BERLIN QUADRIPARTITE AGREEMENT

The Western objective in the Berlin negotiations has been to obtain pragmatic improvements in the situation which would facilitate the life of the Berliners and lessen the likelihood of confrontation with the Soviets or the East Germans. The text agreed to by the Four Ambassadors for consideration by governments substantially accomplishes the pragmatic improvements we had in mind. Access should, as a result, be visibly facilitated, communication between West Berlin and the surrounding areas improved and Berlin's representation in the USSR and Eastern Europe by the FRG on matters not affecting status and security assured. This is a significant accomplishment, going beyond what we thought possible when the negotiations began.

We intended to utilize two factors to obtain Soviet concessions: (1) a reduction in the FRG's political presence in West Berlin and (2) the possibility of a Conference on European Security. As negotiation progressed we added the prospect of ratification of the FRG's Moscow treaty and an enhanced Soviet presence in the Western sectors. Thus the bargain has been broadened on both sides.

A basic principle underlying the Western approach to negotiations was that the status of Berlin as reflected in Four Power agreements should not be altered. The Soviets have shown the contrary objective of establishing that West Berlin and only West Berlin is the subject of

¹ Source: National Archives, RG 59, EUR/CE Files: Lot 80 D 225, Aug 23, 1971, Memos to the Secretary. Secret. Drafted by Sutterlin on August 22.

Four Power negotiations and is a separate political entity where Four Power agreements on Berlin as a whole continue to be valid. It is in this area that the major problems arise in the text agreed to by the Ambassadors. These are discussed in the following paragraphs. The full text as agreed by the Ambassadors is at Tab A.²

The Status of Berlin

No individual sentence in the text as it now stands can be cited as altering the status of Berlin. However, despite references to the effect that Four Power rights and responsibilities remain unchanged and legal positions are not prejudiced, the following aspects of the text in combination could be interpreted as Allied acknowledgment of a separate Four Power status for West Berlin:

(1) There is no mention in the text of Berlin as the subject of negotiations.

(2) All of the operative provisions of the text have to do with the Western sectors or travel to and from them.

(3) The text (the Preamble) includes the phrase “taking into account the existing situation in the relevant area,” which suggests acceptance of the division of the city.

(4) The text (Part I, para 4) also refers to “the situation which has developed in the area, and as it is defined in this agreement as well as in other agreements,” thus implying that the present agreement does, in fact, define a new “situation” in the city.

(5) The stipulation that this situation “shall not be changed unilaterally” indicates that the Allies may not have an entirely free hand in West Berlin.

(6) The provision, in the agreement, for the establishment of a Soviet consulate general in West Berlin, without any increase in the Western presence in East Berlin, tends also to increase the impression that a separate status is being established for the Western sectors.

(7) The provisions for limited representation of the Western sectors by the FRG in the Soviet Union and issuance of Federal passports to West Berlin residents for travel to the Soviet Union and other countries are cast in a form suggesting that the Soviets share with the Three Western Powers certain functions limited to the Western sectors.

It is evident that not all of these aspects of the draft agreement can be changed, nor do we consider this absolutely necessary. The extent to which one or more might be altered, however, could materially affect the overall implications of the text insofar as Berlin’s status is concerned.

² Attached but not printed.

Soviet Commitment

The Soviet commitment to see to it that the GDR lives up to agreements reached with the Federal Republic and the Senat is weak. To the extent that it exists it derives from the wording of paragraph 4 of the final quadripartite protocol (page 16 of the text at Tab A). It could be materially strengthened by the addition of a few words as the Department suggested during the final stage of the negotiations.

Soviet Presence

An increased Soviet presence in West Berlin is part of the bargain and must be accepted as such. In accepting such a presence, however, we have considered it important to maintain Western freedom to deal with Soviet installations in West Berlin in accordance with Soviet behavior both in West and East Berlin. Thus if the Soviets should close East Berlin to Allied access we should be in a position to expel Soviet representatives in the Western sectors. For this reason, among others, it was decided that provision for an enhanced Soviet presence should not be included in the quadripartite agreement itself since we would thus be unable to change the nature of the Soviet presence without placing in question the continued validity of the agreement as a whole.

The Western Ambassadors were unable to persuade the Soviets to handle the question outside the agreement and this battle has presumably been lost. The agreed Minute on Soviet activities in the Western sectors (page 21 of the draft) contains wording, however, which could intensify the problem. The Minute states "this authorization will be extended indefinitely, subject to compliance with the provisions outlined herein." The conditions outlined have to do only with the operations of the Soviet offices to be located in the Western sectors. If taken literally, this provision would prevent us from taking measures against the Soviet offices because of Soviet actions in East Berlin or unacceptable Soviet comportment in the Western sectors.

The Balance

At Tabs B and C³ you will find analyses of the concessions made by both sides in reaching the draft text and of the points on which the United States Government may be vulnerable to criticism because of

³ Both attached but not printed. The paper at Tab B presented a detailed tabulation of Soviet and Allied concessions in the draft agreement. The paper at Tab C argued that the agreement left the United States vulnerable to domestic criticism on several fronts, including the implied change of status for both West Berlin and East Germany and the lack of balance between Soviet presence in West Berlin and Allied presence in East Berlin. "The unhappiness of the CDU/CSU opposition in the Federal Republic with these provisions," the paper concluded, "may be reflected in the US, particularly by American leaders who have been directly involved with Germany and Berlin in past years."

omissions and commissions. In summary, the Soviets have made significant concessions—more, in concrete terms, than the Western side. If this were not the case, there could hardly be a satisfactory agreement, since the “pragmatic improvements” largely consist of revisions of arbitrary restrictions imposed unilaterally by the Soviets and East Germans in the past. There will be critics who claim that the agreement amounts to Western acceptance of a separate West Berlin, in which the Soviet Union will have increased influence, if not control. Questions will be asked as to why the Western side gained nothing in East Berlin.

On the whole, however, the pragmatic improvements resulting from the agreement should more than balance the effect of such criticism. Chancellor Brandt and Foreign Minister Scheel have both welcomed the agreement without reservations as a major achievement. Moreover, if a Berlin agreement opens the way for changes in central Europe, including general recognition of the GDR, the status of Berlin is likely to be affected. At that point, any ambiguities in the present Berlin agreement could lose their importance.

Conclusion

We should view the draft developed by the Four Ambassadors as an important achievement which essentially meets Western objectives in the Berlin negotiations. A few substantive changes could result in a sounder text which would be less vulnerable to criticism and less susceptible to varied interpretations in the future. There is, however, serious reason to doubt whether these changes can now be achieved. Both Chancellor Brandt and Foreign Minister Scheel believe that the text should be accepted as it now stands. The British Foreign Office has also approved it and it seems likely that the French will follow suit. Thus, in pursuing changes, we will have the double task of first persuading our Allies and then tackling the Soviets. There is also the danger that in reopening the text we would afford the Soviets an opportunity to withdraw some of the concessions which they have made.

In view of the great importance of the agreement, and the critical scrutiny to which it is bound to be subjected we believe that, on balance, it would be worthwhile to make a final effort to achieve a few changes which could materially improve the text. With this in mind, telegrams are at Tabs D and E⁴ providing appropriate instructions to the field. These telegrams can provide a focus for discussion with Ambassador Rush during your meeting on August 25. You will no doubt wish to take into account his views before reaching a decision on their despatch. Should we decide not to take the initiative in seeking

⁴ Attached but not printed. Neither telegram was sent.

changes, the telegrams could be redrafted as contingency guidance in the event the Soviets reopen the text.

White House clearance will be required if the telegrams are sent since, even if the changes we are suggesting are made, the resultant text would not comply with all of the requirements of NSDM 106 and NSDM 125.⁵ The same would be true if the decision is made to send a telegram authorizing signature of the text as it now stands.

⁵ Documents 225 and 285.

317. Editorial Note

On August 25, 1971, Secretary of State Rogers met Ambassador Rush at 11 a.m. in the Department of State for consultation on the Berlin negotiations; Assistant Secretary Hillenbrand, Director of the Office of Central European Affairs Sutterlin, and Acting Legal Adviser Brower joined the meeting shortly thereafter. (Appointment Book; Personal Papers of William P. Rogers) Although no record has been found, Sutterlin later published an account of this “decidedly cool meeting”:

“The secretary, when he saw Ambassador Rush (for whom he had no great admiration, although he later accepted him as his deputy), was not deeply concerned about the Soviet consulate general, in which he had concurred in the earlier memorandum to the president. Nor did he express reservations about any portion of the text as agreed. He recalled that he had earlier admonished the ambassador to take the final step ‘with all due deliberation,’ and noted that the ambassador had done the opposite and in the process exceeded his instructions. The secretary’s concern was whether the agreement as reached would leave the president vulnerable to domestic political attack. He considered it a major responsibility, which he bore, to protect the president from such an eventuality. Ambassador Rush gave a spirited defense both of the agreement and his negotiating technique, emphasizing the necessity of taking full advantage of the negotiating momentum that had developed. He did not reveal that he had been acting under separate instructions from the White House.” (Sutterlin and Klein, *Berlin*, pages 112–113)

During the meeting, Assistant to the President Kissinger and Attorney General Mitchell, who were both with President Nixon in San Clemente, discussed the situation by telephone. Kissinger asked Mitchell, a personal friend of Rush, to intervene.

"K: You didn't talk to Rush did you?

"M: I haven't been able to.

"K: Our problem is that he got in last night and due to some bureaucratic foul-up I didn't get through to him. Now he is with Rogers.

"M: You planned to talk to him?

"K: Yes. I wanted to get the President and Rush some credit out of this and wanted him to come out here.

"M: I recommended that last Sunday to Haldeman, that he give some thought to it. You want me to call Rush?

"K: I wonder if there is any chance of your interrupting him while he's in with the Secretary before he agreed to any publicity and our desire is to give it to the President a little bit if you can say that in a complicated way.

"M: Let me see if I can get a call through.

"K: Okay, will you call me back?

"M: Sure will." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 57, Country Files, Europe, Berlin and European Security, Vol. II [2 of 2])

As Rush later recalled: "We were in the middle of a rather heated argument about the whole thing when a telephone call came from John Mitchell out at San Clemente: the President wanted to see me there." (Rush, "An Ambassador's Perspective," in Thompson, ed., *The Nixon Presidency*, page 339) Mitchell then called Kissinger back.

"M: I got him out of the meeting and got the message to him. He is not [omission in the source text] at the moment, but he understands and will get back and talk with you.

"K: And he won't build up Rogers?

"M: He understands. There's no telling whether Rogers will build up himself.

"K: But he understands.

"M: Yes. I told him to get in touch with you as soon as he reasonably can. He didn't know whether he could call from State. I told him to go to Justice or the White House.

"K: You're fantastic.

"M: Undeniably. I'll bet you ten bucks Rogers had someone listening in on that call. But we'll find out, won't we?

"K: Thank you." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 57, Country Files, Europe, Berlin and European Security, Vol. II [2 of 2])

According to Sutterlin, Rogers also received a telephone call during the meeting, "which he took in private as was his custom." Although White House Chief of Staff Haldeman may have called, as

Sutterlin presumed, Rogers' Appointment Book (Personal Papers of William P. Rogers) only records a call from Robert McCloskey, the Department spokesman. The Secretary "gave no indication," Sutterlin continued, "but he did not return to his earlier questions about political fallout from the agreement." (Sutterlin and Klein, *Berlin*, pages 112–113)

318. Memorandum From the President's Deputy Assistant for National Security Affairs (Haig) to the President's Assistant for National Security Affairs (Kissinger)¹

San Clemente, August 25, 1971.

Henry:

I talked to Rush and conveyed to him the satisfaction which you and the President hold for the draft agreement and the gratitude of both of you for his outstanding efforts. He called me from his hotel room and will call back again at 11:30 [PDT] with the hope of talking to you.² I alerted him to the possibility of a trip to San Clemente tomorrow morning, which he said he could easily do, with the view toward returning tomorrow afternoon for a departure to Europe.

Ted Eliot called back and stated that there would be no difficulties with a trip by Rush to San Clemente but noted that the Secretary was scheduled to meet again with Rush at 3:00 p.m. Washington time this afternoon³ and that he was still going over the substantive points of the agreement. He noted that the Secretary's principal concern was that we did not buy a pig in a poke which would subsequently generate much criticism against the President. He said in the final analysis the present treatment of the agreement should be dictated by the substantive issues which may not be as satisfactory as we would like.

In this regard Sonnenfeldt told me this morning that the German opposition has decided to take the position that whatever is unsatisfactory in the agreement is the result of Brandt's pressure and not U.S.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 685, Country Files, Europe, Germany (Bonn), Vol. IX. Confidential. Kissinger initialed the memorandum, indicating that he had seen it.

² See Document 320.

³ Rogers met again with Rush, Hillenbrand, Sutterlin, and Brower at 3:30 p.m. (Appointment Book; Personal Papers of William P. Rogers) No other record of the meeting has been found.

naivety.⁴ This further confirms the wisdom of moving to highlight the achievement.

I note that the Secretary has a call in to you now and I am sure he is going to make the point that we should not hype Rush's achievements until he, the Secretary, is convinced that they are in fact that.

AH

⁴ In a meeting with an Embassy officer on August 22, Barzel explained that the CDU would "claim that the Brandt government, because of its desire to move on to ratification of the FRG-Soviet treaty, had exercised undue pressure on the Allies on these individual points, particularly the Soviet consulate general. He would claim that Allied concessions under the pressure of the FRG government made it clear that full and exclusive payment for the Berlin agreement was not to be found in the FRG-Soviet treaty, but rather that the Allies had been obliged, in order to achieve an agreement which was otherwise quite useful, to make further concessions of their own. Therefore, the CDU would not stand under any moral obligation to vote for the Moscow Treaty merely because a successful Berlin agreement had been concluded. The CDU would not in any case vote for the Moscow Treaty and the position he had just outlined would justify its posture." (Telegram 1723 from Berlin, August 24; National Archives, RG 59, Central Files 1970-73, POL 28 GER B)

319. Transcript of Telephone Conversation Between Secretary of State Rogers and the President's Assistant for National Security Affairs (Kissinger)¹

August 25, 1971, 11:24 a.m., PDT.

R: How is the weather?

K: Glorious.

R: Good. Henry, I went over with Rush this morning the tentative agreement.² We are going to talk again later this afternoon.³ I think we are sort of stuck with it, but it does have parts that trouble the hell out of me. Have you got it in front of you?

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File. No classification marking. According to his Appointment Book, Rogers, in Washington, first called at 1:25 p.m., EDT, before reaching Kissinger at 2:21 p.m., EDT, in San Clemente. (Personal Papers of William P. Rogers)

² See Document 317.

³ See footnote 3, Document 318.

K: Yes.

R: On General Provisions, the first, as you notice of the preamble they have said “taking into account the existing situation . . .” That expression was not to be used it said, but I think that is manageable. But I think point #4 is the part that is really troublesome. Keep in mind that the word “Berlin” was never used. I can see why it was not possible to use that, but in view of the fact that it was not used, this paragraph is very troublesome. [reads]⁴ “. . . shall not be changed unilaterally.” This is the one the Russians insisted upon. It will be taken by them to mean that nothing in West Berlin can be changed by the three without their consent. We don’t have any say in what happens in East Berlin.

K: Can’t we claim that it means East Berlin too.

R: Of course we can claim it. . . .

K: Do you have any suggestions?

R: The trouble is I don’t know what it does mean. He said it means that the agreement shall not be changed unilaterally—that’s redundant. An Agreement between four parties means that one party can’t change it. I think this will be construed that we can’t change anything in West Berlin without Russian agreement. If this is seized upon by the McCloys, the Achesons, and Norstads,⁵ it could cause trouble. We know what they say it means; we’re having difficulty knowing what we say it means.

K: It says “shall not be changed”—it doesn’t say we cannot do anything.

R: I just wanted to alert you to the problem.

K: I think some explanation of how we understand it might be in order.

R: Yes. It’s going to be pretty feeble if we say that nothing can be changed in East Berlin without the consent of the U.S.

K: Perhaps we should say it is a restrictive thing, applying to this treaty.

R: The only way this agreement can be changed is by unanimous consent.

K: Yes, I think that’s right.

⁴ Brackets in the source text.

⁵ General Lauris Norstad, former Supreme Commander of the Allied Powers in Europe.

R: Another thing . . . I talked to Bob Haldeman.⁶ I think we ought to give some thought to briefing some of the fellows like McCloy. He was [omission in the source text] we were going to sell Berlin down the river. We ought to keep them quiet if we can.

K: I agree—how can we do that?

R: I thought I could get Rush, Hillenbrand, or Sutterlin . . . do you know him?

K: Excellent, first-rate. He was in my seminar.

R: Oh really?

K: But don't hold that against him.

R: He was concerned, but we have got to be enthusiastic now.

K: I agree. I think it will be helpful for your people to do some briefing.

R: I'll set that up.⁷ Okay, anything else?

K: No. [Omitted here is a brief discussion of matters unrelated to Germany.]

⁶ Rogers called Haldeman at 1:15 p.m., EDT. (Appointment Book; Personal Papers of William P. Rogers) According to Haldeman's handwritten notes of the conversation, Rogers said that it was "good to have Rush come out to see P[resident]. Q[uestion] would be that there are some disadvantages esp[ecially] with conservatives. Rogers wants to get together w/Clay, McCloy etc. to keep them in line—avoid criticism." (Haldeman Notes; National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H. R. Haldeman) See also the entry for August 25 in Haldeman, *The Haldeman Diaries: Multimedia Edition*.

⁷ Rogers called McCloy and Clay that evening; he reported by telephone to Haldeman on September 1 at 1:15 p.m. (Appointment Book; Personal Papers of William P. Rogers) According to Haldeman's handwritten notes of the latter conversation, Rogers said that the Department had briefed "people on Berlin, esp. key cong[ress]men—McCloy, Murphy, Acheson, Rusk, etc. Clay opposed but won't say anything." (Haldeman Notes; National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H. R. Haldeman)

320. Transcript of Telephone Conversation Between the Ambassador to Germany (Rush) and the President's Assistant for National Security Affairs (Kissinger)¹

August 25, 1971, 11:40 a.m., PDT.

K: How are you?

R: A little weary after all this moving around.

K: The demon negotiator.

R: But it's quite a saga.

K: If we wrote our biographies they'd put it under fiction. Really, this has been the most brilliant negotiation I have ever seen. I was not surprised you brought it off substantively but I didn't think it would go technically. The President is delighted and I just talked to Rogers.² He is down to such minor nit-picks that there's no real problem left.

R: There really isn't. It's unbelievable.

K: They are down to paragraph 4 of part I, although they can't explain what it means. It seems to me we can use it better for our purposes than they could for theirs.

R: That's what I've told them.

K: What it says is in the area it can't be changed unilaterally.

R: They are reaching under the bed to see if there's a ghost somewhere. Since we each have our own legal theories, this will be interpreted differently by the Russians and us.

K: Is there a chance of your coming out? The President would like to see you.

R: I would like to.

K: We are all full of admiration for what you have done and the President would like to see you personally.

R: I would like to come.

K: How about tomorrow?

R: Fine.

K: Can you stay loose for a couple of hours and let me check with the President?

R: Yes.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File. No classification marking. Rush was in Washington; Kissinger was in San Clemente.

² See Document 319.

K: I think it's best for tomorrow. Then you and I can have a talk. I would like to go into the public consciousness of the President's role in this. I agree with you that if he hadn't had the guts to go unilateral in January, you'd still be arguing the points.

R: We'd still be arguing them when the second term is over.

K: I'll have Haig get back in touch with you in a few hours.

R: I'll be seeing Rogers at 3:00 again.³

K: Why don't you call Haig when you are finished?

³ See footnote 3, Document 318.

321. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Soviet Ambassador (Dobrynin)¹

August 25, 1971.

K: Hello, Anatol.

D: Yes.

K: Where are you?

D: At home.

K: At home. OK. I am calling you about this Berlin thing.

D: Yes.

K: And I just wanted to check the following with you. I understand that you are going to see the Secretary tomorrow about it?

D: I already have seen him.²

K: Oh you have.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 57, Country Files, Europe, Berlin and European Security, Vol. II [2 of 2]. No classification marking. Kissinger was in San Clemente; Dobrynin was in Washington.

² Rogers met Dobrynin at 10:03 a.m. (Appointment Book; Personal Papers of William P. Rogers) In telegram 156614 to Moscow, Bonn, Berlin and USNATO, August 25, the Department summarized the discussion on the quadripartite talks: "Secretary said we pleased with the progress made by the Ambassador and that draft seems to provide good 'general framework' for agreement. He added that we of course want to look over draft and if we have any suggested changes we will be back in touch with the other participants. Dobrynin asked when Ambassador Rush would return to Germany and was told that date not yet set. Dobrynin said that Gromyko had personally requested him to delay departure on leave (planned for today) for few days in case we wish to discuss Berlin with him." (National Archives, RG 59, Central Files 1970-73, POL US-USSR)

D: But this morning I saw him before he saw Ambassador Rush.

K: Right.

D: And he said maybe later on today he would see me or tomorrow and he will give me a call.

K: Right.

D: So, this is the situation.

K: Now what I want to have happen here is that before this thing gets completely confused, is don't report anything to Moscow without checking back with me.

D: Right.

K: Can you do that?

D: Of course, I will call you then.

K: Because I don't want Moscow to be confused about our position.

D: OK.

K: We have tactically solved most of the problems along the lines of our agreement, but we cannot prevent any discussion. So if it goes to you, you call me and then we will agree how to handle it.

D: OK. Up until now, nothing was said on this.

K: Alright, but in any event what I want to prevent is confusion in Moscow and to make sure that what you report reflects the President's thinking.

D: OK. Good. If I receive something, I will call you back.

K: OK, fine.

D: But I saw today at the State Department by accident Ambassador Rush and his message to me was he is going today at night back to Bonn.

K: No, I have changed that.

D: Oh, I see.

K: Rush is coming out to see the President and so that gives the President an opportunity to back the agreement publicly.

D: Oh, I understand. OK.

K: But we have to go through several maneuvers along the way.

D: I understand.

K: And so far everything has gone pretty well, don't you think?

D: The Secretary simply mentioned to me that he is going to call me back to say if there is anything too serious or that it is more or less alright.³

³ Rogers called Dobrynin on August 27 at 9:27 a.m. (Appointment Book; Personal Papers of William P. Rogers) No other record of the conversation has been found.

K: Right. I think that is right. There is one particular point he has and if he raises it with you come back to me and we will discuss it.

D: OK. Thank you very much.

K: OK Anatol.

D: I will give you a call.

K: Good. Thank you.

[Omitted here is discussion of press speculation on a U.S.-Soviet summit.]

322. Telegram From the Department of State to the Mission in Berlin¹

Washington, August 26, 1971, 2021Z.

157008. Subject: Berlin Agreement—Textual Review.

Following is revised text of State 156618² and replaces it and is now confirmed as your instruction.

1. In reviewing the text agreed Ad Referendum by the Ambassadors on August 23 the Department finds Para 4 of Part I ambiguous in its wording and desires that an effort be made to clarify its meaning through revision during the current textual review.

2. In our view the paragraph is intended to mean in effect that this agreement will be complied with and no changes can be made except by unanimous consent. An alternative wording would be “The four governments agree that, irrespective of the differences in legal views, this agreement, as set forth herein, as well as other agreements referred to in this agreement, will not be changed unilaterally.” We are

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Confidential; Immediate; Exdis. Drafted by Sutterlin; cleared by Hillenbrand, Eliot, Brower, and Haig; and approved by Rogers. Repeated to Bonn.

² In telegram 156618 to Berlin, August 25, the Department instructed the Mission to seek several changes in the text of the agreement, including the exact language contained in paragraph 2 of the telegram printed here. The telegram, however, was not cleared with the White House. (Ibid.) In telegram 156694 to Berlin, August 26, the Department instructed the Mission to take no action pending receipt of further instructions. (Ibid.) Kissinger reported to Nixon by telephone at noon on August 26: “Rogers is withdrawing his cable he was going to send last night on Berlin.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File)

also prepared to drop the entire paragraph because a number of the thoughts in it repeat phrases from the preamble.

3. Please report urgently the Soviet response. The Secretary has discussed this matter with Ambassador Rush.

Rogers

323. Telegram From the Mission in Berlin to the Department of State¹

Berlin, August 27, 1971, 1335Z.

1742. Pass San Clemente for Ambassador Rush. Subject: Berlin Agreement: Textual Review. Ref: State 157008.²

1. Mission officer (Akalovsky) saw Kvitsinskiy and Khotulev on Aug 27 to raise para 4 of part I per instruction contained reftel.

2. Both Kvitsinskiy and Khotulev said that the Soviet text of the agreement had received final approval in Moscow yesterday and was therefore not subject to any change. Moreover, the change proposed affected one of key points advocated by Soviet side in course of negotiations and would destroy the balance of the compromise formulation finally agreed upon among four Ambassadors. They argued that purpose of this paragraph was to maintain status quo as regards both those aspects of the situation covered by quadripartite agreements, including the present one, and those that had resulted from unilateral actions. Kvitsinskiy said that for all these reasons he was sure that his higher authorities would reject U.S. suggestion, but nevertheless agreed to have Khotulev report to Abrasimov and obtain his reaction.

3. After Khotulev returned, he confirmed that no changes in the Soviet text were possible, asserting that Abrasimov was disturbed and surprised by the U.S. attempt to go back on what had been agreed to by Ambassadors. Khotulev also insisted that referral of this matter to Moscow would result in exactly same reaction.

4. Akalovsky pointed out that U.S. approach was entirely legitimate since the Ambassadors had agreed that the text they had developed was subject to review by the governments. He also stressed that

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 38–6. Confidential; Immediate; Exdis. Repeated to Bonn.

² Document 322.

the Soviets should be fully aware of the fact that the Western side considered reference to “the area” as covering all of Berlin and not only the Western sectors.

5. During the conversation, Kvitsinskiy and Khotulev also made clear that further discussion of the remaining differences between the Russian and the English texts would serve no useful purpose. Akalovsky emphasized the difficulties divergent texts would create along lines of Dean’s argumentation on August 25 (Berlin 1734).³ However, Soviets remained adamant that no further changes in the Russian text were possible.

Klein

³ In telegram 1734 from Berlin, August 26, the Mission reported that Soviet and Allied advisers met on August 24 and 25 to compare English, Russian, and French translations of the Berlin agreement. In a meeting with Dean on August 25, Kvitsinsky confided that he had a “presentational problem” in Moscow. “When each of the relevant concepts had been introduced into the negotiations,” Kvitsinsky explained, “he had in his discussion with his own authorities, used the terms in the Russian text which were now in dispute. These terms were now part of the conceptual vocabulary of Soviet leaders interested in the Berlin agreement and it was too late to change them.” Although he personally accepted this explanation, Dean countered that the Allies could not “exclude the possibility that the Soviets were attempting to gain extra negotiating advantage in the last moment through the use of a divergent text.” The Allied advisers later underscored for Kvitsinsky the political implications as follows: “The discrepancies between the English and the Russian texts would be immediately seized upon by opposition critics in the Federal Republic because they concerned the core of the relationship between the Federal Republic and Berlin. Controversy on this point could undermine much of the political value of the Berlin agreement. This could in turn jeopardize the chances of ratification for the German-Soviet treaty and could make that treaty the main issue of the FRG political campaign which would begin in the summer of 1972, thus risking not only the success of the treaties themselves, but the continuation of the Brandt government.” (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

324. Memorandum for the President's File¹

San Clemente, August 27, 1971, 9:30 a.m. PDT

SUBJECT

The President's Meeting with Ambassador Kenneth Rush

OTHER PARTICIPANTS

Dr. Henry A. Kissinger

Ambassador Rush—U.S. Ambassador in Bonn and chief U.S. negotiator in the Berlin talks—had returned to Washington for consultations on the Berlin draft which had been agreed upon among the Four-Power Ambassadors on August 18. The President invited Ambassador Rush to San Clemente to review the draft with him and to congratulate him for his skillful performance in the negotiations.

After a brief photo opportunity, the President opened the conversation by paying tribute to the Ambassador's key role in producing the agreement, about which Dr. Kissinger had kept him fully informed. As the Ambassador knew, he had taken a strong personal interest in the Berlin negotiations and had followed him closely. He knew that Ambassador Rush had done a masterful job on a complicated issue in a complicated situation. He had a look at the final draft and considered it a satisfactory agreement. This was a superlative performance and a great contribution.

Ambassador Rush thanked the President warmly for his generous remarks and replied that in his view the Berlin accord was a good one and that it was a great personal achievement for the President. The Ambassador referred specifically to the President's speech in Berlin in 1969² and to his active involvement in the negotiations. On numerous occasions, White House initiatives had broken deadlocks and made progress possible.

The President asked for the Ambassador's more specific assessment of the strengths and weaknesses of the Berlin agreement. The Ambassador stated his view that it turned out far better than he had

¹ Source: National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Memoranda for the President, Beginning August 22, 1971. Confidential. No drafting information appears on the memorandum. According to the President's Daily Diary, Nixon met Rush and Kissinger at 9:41 a.m. in his office at the Western White House; at 9:45, the three men went to the office patio for a brief photo opportunity before going to La Casa Pacifica to resume the meeting, which evidently ended at 10:31 when Nixon and Kissinger (but not Rush) walked to the swimming pool area. (*Ibid.*, White House Central Files)

² See Document 17.

expected was possible. There were a number of imperfections and compromises, but the Soviets had made important concessions and had agreed to genuine practical improvements. Chancellor Brandt had applauded it in a letter to the President.³ A great deal of course depended on the course of the negotiations between the two Germanies on filling out the details. The President agreed.

The President and the Ambassador then briefly discussed the possible impact of this Berlin settlement on the range of European security issues. They agreed that a Berlin solution would mitigate one chronic source of tensions in Central Europe and was thus a contribution to a realistic approach toward *détente*.

On this note, the meeting ended, and Ambassador Rush departed for the San Clemente Inn for a press briefing.⁴

³ See Document 313.

⁴ In a press conference at 10:42 a.m. (PDT), Rush emphasized that Nixon, in spite of other responsibilities, had been personally involved on Berlin, and was largely responsible for “a successful outcome of the negotiations.” After commending the “unparalleled example” of Allied cooperation, the Ambassador also praised the “excellent cooperation and excellent support that has come from Secretary Rogers and the State Department.” “They have been a source of real strength,” he continued, “and I am very grateful to them.” Rush concluded that the agreement “will be of great benefit to the West Berliners and will make a major contribution in improving relations between Russia and the other four powers and in opening the door for further important advances in the field of relieving tension in Europe.” Transcripts of the press conference, and the background briefing afterwards, are in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 57, Country Files, Europe, Berlin and European Security, Vol. II [2 of 2].

325. Transcript of Telephone Conversation Between Secretary of State Rogers and the President's Assistant for National Security Affairs (Kissinger)¹

August 27, 1971, 2:08 p.m., PDT.

R: That played very well here, the Rush thing there.²

K: I haven't seen it. I wasn't there. I was at the meeting on Japan.³

R: How did that go?

K: There is a terrible babble of voices to tell you the truth, but it went okay. So I was present when the President and Rush talked, but not at . . . The President asked him to do a little backgrounder. I don't know how it played; I haven't seen the transcript.⁴

R: I haven't either, but the coverage was good. I thought it worked out well.

K: I think it did.

R: And the fact that we made our position clear was good too.

K: They didn't accept it, but at least it didn't hurt.

R: It helped us.

K: The only thing that bothered me was admitting that they might have a point in their interpretation.

R: The thing that bothers me [omission in the source text] are you aware of that?

K: Rush mentioned that on the issue of [omission in the source text] versus relations.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File. No classification marking. Rogers was in Washington; Kissinger was in San Clemente. According to his Appointment Book, Rogers placed the call to Kissinger at 5:05 p.m., EDT. (Personal Papers of William P. Rogers)

² Rogers also called Haldeman at 11:53 a.m., EDT, on August 27 to discuss Nixon's upcoming meeting with Rush. (Ibid.) Haldeman wrote the following account in his diary: "Rogers called me first thing this morning, said they've having problems on the Berlin agreement with the Russians, because they're renegeing on the translation. The agreement was made in English and German. He thinks regarding the Rush meeting scheduled for today, the P might want to say a few words afterwards on TV, making the point that he's pleased about the agreement so far, and thank those who worked on it, especially those at State. So the P should not say he accepts it, but he should just say he feels it's a good move, and he [Rogers] suggested this is a good way to get credit for the P." (*The Haldeman Diaries: Multimedia Edition*) Haldeman's handwritten notes of the conversation are in National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H.R. Haldeman.

³ Kissinger attended a Senior Review Group meeting on Japan from 10:55 a.m. to noon. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76)

⁴ See footnote 4, Document 324.

R: The Russians are trying to make it appear henceforth so-and-so will happen. Our position is that it continues to be happening.

K: We have got to hang tough.

R: Yes. Apparently it's not a dispute between the translators—it's a question of whether they can change words.

K: I would be adamant.

R: We have got to be. The English feel very strongly about this; the French don't seem to care.

K: My recommendation would be to tell Rush he should go to the brink on that. They won't blow up the agreement.

R: No, they can't.

K: You going to be in your office in another half hour?

R: Yes.

K: I want to talk to you about another matter which I can't do at this moment.

R: Okay.

K: I will call you back within half an hour.⁵

⁵ Kissinger called Rogers back at 5:45 p.m., EDT. (Appointment Book; Personal Papers of William P. Rogers) No other record of the conversation has been found.

326. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, September 2, 1971, 10 a.m.

SUBJECT

Berlin

Pertinent State traffic² has been repeated to you.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV. Secret. Haig initialed the memorandum, indicating that he had seen it. According to a handwritten note, the memorandum was forwarded to Kissinger in San Clemente.

² Not further identified.

Soviets have stonewalled on changing Russian text but have agreed to oral statement by Western Ambassadors and Abrasimov at time of signing that texts are identical in substance and meaning. Rush's theory in agreeing to this is that an agreed German language text which conforms to the English will avoid later controversy about the Russian/English discrepancies.

Germans, East and West, meanwhile, have resumed session in East Berlin to resolve the numerous divergences in East and West German versions. (You can tell from Berlin's 1791³ how far apart the texts are and what the East is trying to do with its version.) At Bahr's request our people told the Soviets that Bonn could not approve signature as long as East Germans maintained their version.

Further complication is that Ambassador Rush felt ill last night and went to hospital where high blood pressure was diagnosed and Ambassador told to go to residence and take medication and rest today. He is doing so and announcement⁴ is being made in Berlin that signature has been postponed probably until tomorrow due to Ambassador's indisposition.⁵ (In fact, it is of course known in Berlin that there are other reasons as well for postponement.) From talking to Dave Klein I don't believe there is reason for concern. He will keep us posted.⁶

³ Dated September 2. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

⁴ The text of the announcement reads: "The signature of the quadripartite agreement on Berlin tentatively scheduled for 1300 hours, September 2 has had to be postponed, owing to the indisposition of Ambassador Rush, who has been confined to bed by his physician for the rest of the day." (Telegram 1795 from Berlin, September 2; *ibid.*)

⁵ The President sent the following message to Rush on September 2: "I was very sorry to learn that you are not feeling well and want to assure you personally that you should not consider yourself under any time pressure to resolve the remaining problems leading to the signing of a Berlin Agreement. Your rapid recovery is the only priority matter of concern to me at this time." (Memorandum from Haig to Eliot, September 2; *ibid.*, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. IV) Rush replied on September 3: "Thank you very much for your considerate cablegram for which I am deeply grateful. The flare-up in my blood pressure, the first I have ever had, has subsided, and as a result I was able to sign the Berlin agreement today, along with the Ambassadors of the other three powers. After a stubborn fight, we were able to secure an agreed upon German translation almost entirely along the lines we desired. Thank you again for your invaluable guidance and support throughout these negotiations." (Telegram 1805 from Berlin, September 3; *ibid.*)

⁶ In telegram 1803 from Berlin, September 3, the Mission flashed the following report: "Ambassador's health has improved so that he can participate in signing today. The FRG and the GDR have agreed on all except for one outstanding point concerning 'constituent part.' It seems probable that this will be resolved in the next hour. We have informed Abrasimov that if this next point is resolved we are ready to begin initialing at 12:30 and will proceed to signature of the quadripartite agreement today at 1300, September 3." (*Ibid.*)

Compromise on Russian text is no more than that and its effectiveness in preventing later disputes will depend importantly on what happens to German text. Although the French for some reason have become very eager to sign regardless of situation with respect to German text, I think we should hold out signature until this is settled. This apparently is Rush's intention. There is I think fair chance that the more egregious East German divergences will be overcome by these tactics.⁷ If not, I do think we have a rather serious problem and you may want to consider intervening in another channel.

⁷ In a telephone conversation that afternoon, Kissinger and Rogers discussed the translation issue. According to a transcript, the exchange was as follows: Rogers: "On the Rush thing, they are having translation problems." Kissinger: "I think we should hold tough." R: "We are better off not to rush it. I keep telling Ken. Two days." K: "That was not our preference." R: "It would have been better to take another week. Not a major problem." K: "They are incurable bastards." R: "They [omission in the source text] interpreted in E. German text and not in the [W. German?] text." K: "And in the Russian text." R: "Clever bastards." (Library of Congress, Manuscript Division, Kissinger Papers, Box 369, Telephone Conversations, Chronological File)

327. Telegram From the Mission in Berlin to the Department of State¹

Berlin, September 3, 1971, 1740Z.

1810. Subject: Berlin Talks: 34th Ambassadorial Session, September 3, 1971.

1. The Berlin quadripartite agreement, a cliff-hanger to the last, was signed at 1303 hours local on September 3, 1971, in the main conference room of the ACA building.² Ambassador Rush received medical clearance to participate at 1000 hours. At 1030 hours the East Germans conceded on the word "Bindungen" and at 1100 hours on a compromise formula for "constituent part," thus resolving the last remaining questions on an agreed German translation.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Confidential; Immediate. Repeated to Bonn, London, Paris, and Moscow, and USNATO.

² The Mission first flashed the news that the agreement had been signed in telegram 1802 from Berlin, September 3, 1230Z. (Ibid.) For text of the agreement, including annexes and associated official correspondence, see *Documents on Germany, 1944–1985*, pp. 1135–1148.

2. Prior to the signing of the quadripartite agreement, which was carried live by radio and TV, a private ceremony was held in the ACA building's small conference room, at which time the related notes and agreed minutes were initialed. Ambassador Sauvagnargues, as chairman of the 34th Ambassadorial session, opened the private ceremony by expressing his and his colleagues' regrets over Ambassador Rush's indisposition. After summarizing the purpose of the private ceremony, Ambassador Sauvagnargues made the following oral statement: "Concerning the authenticity of the French, English, and Russian texts of the quadripartite agreement, my colleagues and I proceed from the premise that all parts of the Russian language text of the quadripartite agreement are identical in meaning and substance with the French and English texts.

I will appreciate receiving confirmation of this point from Ambassador Abrasimov."

3. Abrasimov replied that, as he had been informed by his colleagues, the text in the English and French languages conform in form and substance to the Russian language text. Abrasimov then expressed his concern about Ambassador Rush's health and wished him a speedy recovery.

4. The formal signing of the quadripartite agreement then took place, followed by champagne and lunch, hosted by Ambassador Sauvagnargues, in the ACA building. (Conversation at lunch reported septel.)³

Klein

³ Telegram 1808 from Berlin, September 3. (National Archives, RG 59, Central Files 1970-73, POL 28 GER B)

328. Telegram From the Embassy in Germany to the Department of State¹

Bonn, September 6, 1971, 1721Z.

11010. Subject: Ambassador Rush's August 31 Meeting With CDU/CSU Leaders on Berlin Agreement.

1. *Summary.* Ambassador Rush held a luncheon meeting with CDU/CSU leaders Barzel, Schroeder, Heck, Gradl, Werner Marx and Leo Wagner on August 31 to acquaint them with US Government's viewpoint on the Berlin quadripartite agreement and to request the cooperation of the CDU/CSU Bundestag Fraktion in dealing with this topic in the future. Judging from first reactions, the discussion was highly useful. *End summary.*

2. Ambassador Rush began by pointing out that President Nixon had taken the initiative to start the Berlin talks in his February 1969 speech at the Siemens plant in Berlin.² Before the talks formally began, the President had formulated the US negotiating goals. He had asked Ambassador Rush to stay close in touch with him during the entire negotiation, which the Ambassador had done on a frequent basis. The President had now approved the agreement in full and had told the Ambassador that he was highly pleased with the results.³ The President had very close ties with the CDU/CSU and would consider it unfortunate if there were conflict or controversy between the American Government and the CDU/CSU over the Berlin agreement. President Nixon had confidence in the CDU leadership, with which he had remained in close touch throughout the negotiations, particularly with CDU leaders Barzel and Schroeder.

3. Barzel replied that the CDU was very satisfied with its cooperation with President, with the Ambassador and with his staff. The talks with the President had been most helpful in maintaining a common CDU line with the Brandt government throughout the initial period of the talks. The crisis had come with the Federal Government when the Western powers advanced the February 5, 1971 draft to the Soviets without the FRG having raised the draft for previous discussion with the opposition.⁴

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 28 GER B. Secret; Exdis. Repeated to London, Moscow, Paris, Berlin, and USNATO. A copy was sent to the White House for Kissinger.

² See Document 17.

³ See Document 324.

⁴ For text of the Western draft agreement of February 5, see Document 173. Regarding the failure of the government to consult the opposition on the draft, see Documents 179 and 189.

Nevertheless, since that time the CDU had continued to maintain a moderate position. There was no need for special thanks on either side since the CDU regarded continued close cooperation with the American Government a matter of course, but he did wish to thank the Ambassador for his very close cooperation. He could assure the Ambassador that the CDU would not criticize points in the agreement for which the Allies were primarily responsible. The points which it would criticize were those which the Federal German Government, in its rush to move for ratification of the FRG-Moscow treaty, had urged be brought into the text. The close cooperation with the US would continue during the period of inner-German negotiations on the agreement.

4. Barzel said that he thought that the concept of the final protocol would make it impossible for the Soviets to establish a reverse linkage between the signature of the protocol, and the coming into effect of the Berlin agreement, and ratification of the German-Soviet treaty. Ambassador Rush agreed that this would be most difficult. The Soviets had boxed themselves in with their continued rejection of the idea that there was any linkage between the two. Barzel said the FRG Government appeared to be hesitating about the extent in which it was willing to cooperate with the CDU/CSU in the next phase of talks. He implied that the text of the quadripartite agreement showed that the Allies had successfully rejected the concept of acknowledgment of East German visas. He said that the CDU/CSU would be carefully following the Federal Government position to see whether the FRG in the inner-German agreement acknowledged East German visas. Ambassador Rush said the visa question had been very toughly fought over. It had not been possible to gain their abolition but there was some prospect that payment of individual visa fees might be done away with in the course of inner-German talks.

5. Gradl asked Ambassador Rush whether there had been understanding with the Soviets that during the period of validity of the Berlin agreement there would be no change in the status of East Berlin. Ambassador Rush said this was the effect of the agreement. The agreement contained a provision against unilateral change in the status quo. Moreover, he himself had intervened with Abrasimov concerning the then pending East German election law to point out that if the distinction made in the previous law between the Eastern sector and the GDR were to be dropped, this would be regarded as a major unilateral change. Subsequently, the East German election law had been published and the new version maintained the previous distinction between the Eastern sector and East Germany.

6. Werner Marx asked whether, if the GDR gained international recognition and became a member of the UN, this would enable it or the Soviet Union to say that the Soviet commitment on access was no

longer valid. Ambassador Rush said that the text of the quadripartite agreement bound both the Soviet Union and East Germany as regards access.

7. Barzel asked whether the Ambassador considered there were time pressures on the Soviet Union which would cause them to press the GDR to move to rapid conclusion of the inner-German agreement. Ambassador Rush said he would not be surprised to see conclusion of the inner-German agreements and signature of the final quadripartite protocol prior to the December NATO ministerial. Nonetheless, there had been frequent indications during the negotiations of differences between the Soviets and GDR; the relationship was not a simple master-servant one.

8. Marx asked the Ambassador about the practical significance of the formulation in annex III which provided that West Berliners could enter East Berlin or East Germany under conditions comparable to those in force for other persons. Ambassador Rush said that as far as he was concerned the West Berliners should receive treatment equal to that given anyone else, including East Bloc nationals.

9. Ambassador Rush stressed the general need for continued close German-American cooperation. Barzel replied that like President Nixon, the CDU wanted to retain its old friends. He had taken seriously the warning of the President to him that German political leaders should do their utmost to prevent division of the country over Eastern policy. This position had been an important component of the CDU/CSU's willingness to cooperate on Berlin. The CDU would continue to cooperate on Berlin, but this did not mean a change in its negative position with regard to ratification of the German-Soviet treaty.

10. Barzel then asked Ambassador Rush whether he thought it would be desirable for the CDU to hold a Fraktion meeting in Berlin in September. Ambassador Rush said he did not consider it politic to do so until the quadripartite agreement had been signed. To act otherwise would merely elicit a counter reaction from the East Germans and create bad blood at the time of the inner-German negotiations. Barzel said he had committed himself to meet with the Fraktion in Berlin sometime this year. This was a political obligation he would have to honor. Ambassador Rush said he could understand if the CDU felt it would have to meet in Berlin this year. This meeting could be held on the basis of the new agreement or on the old basis.⁵

11. Dr. Gradl asked whether the Ambassador did not think that the commitment undertaken by the Western powers to the Soviet Union

⁵ The CDU/CSU parliamentary party group met in Berlin on December 6 and 7.

to the effect that Allied decisions that the Western sectors did not continue to be a constituent part of the FRG and not governed by it would not weaken the status of the Western sectors. Ambassador Rush replied that the contrary was the case. The Soviets had now explicitly acknowledged the Allied intention to remain there. This seemed to him to consolidate the protection given to the Western sectors by the Allies.

12. After the luncheon concluded, Barzel again thanked the Ambassador and offered the continued cooperation of the CDU with the USG or Berlin and on other matters of concern to the Allies.

Rush

329. Message From the Ambassador to Germany (Rush) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, September 8, 1971.

1. I deeply appreciated President Nixon's considerate cable² and am glad to report that I am now completely recovered. The upsurge of my blood pressure on September 2, the doctor says, came about primarily from the fact that after the rapid time changes involved in the trip to the States I had no time to recover but at once had to plunge into trying to overcome the serious impasse that had developed on the Russian translation and the common German text. On September 3 my blood pressure was back to normal. But I stayed under the doctor's supervision for a few days to be sure that everything was in order, which it is. The pressure has remained at its normal 130/80, as you may have noticed from the report in Berlin 1822.³

2. On returning from the States, I found a deadlock with regard to the Russian translation, and an absolute refusal on the part of the Russians, supported by the French, to have a common German text.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 59, Country Files, Europe, Ambassador Rush, Berlin, Vol. 2. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent through the special Navy channel in Frankfurt. No time of transmission is on the message; a handwritten note indicates that it was received in Washington at 1830Z.

² See footnote 5, Document 326.

³ Not found.

As you know, the latter is essential for success of the agreement.⁴ I immediately got hold of Falin and discussed the problem with him. He said he would do his best with Gromyko, and on September first he came back with a Russian text which was acceptable provided we had a common German text based on the English version. He further agreed that the GDR would sit down with the FRG to work out a common German text. When the two groups got together the next day, as we had suspected, the GDR text was completely unacceptable and in essence incorporated what they wanted in the agreement rather than what is there.

After steady work by the two groups there still remained on the morning of September 2, when we were tentatively slated to sign, some nineteen differences, all of them quite important. Jackling, Sauvagnargues and I had a stormy session, at which Sauvagnargues, acting chairman by virtue of rotation, insisted that we were being very unfair to the Russians, that he would not join Jackling and me in putting any pressure on Abrasimov, and that if we insisted on a common German text the GDR would be in a position to postpone signing the agreement indefinitely. I, of course, took a very firm stand to the contrary, strongly supported by Jackling, and stated I would not sign until we had a common German text. Sauvagnargues stormed out of the room. A detailed account is given in Bonn 11011.⁵

I felt very badly that morning before the meeting and had arranged to see a doctor, whom I saw about noon. As soon as he found the condition of my blood pressure he ordered me to bed at once, and I cancelled the meeting for the 2nd without setting a new date. The press and even the Bonn government thought that this was a clever maneuver on my part to pressure the Russians and the GDR. In any event, at about 10:30 the next morning, when my blood pressure had returned to normal, the only two remaining problems of the joint German text, namely, the use of "Bindungen" instead of "Verbindungen" for "ties" in article II B and Annex II, and the use of the term "kein Bestandteil (konstitutiver Teil)" for "constituent part" had been accepted by the

⁴ In a September 7 memorandum to Rush, Dean argued that the problem with the German translation of the quadripartite agreement was not "an internal German matter" but "first of all a matter between the US and USSR." If allowed to maintain a separate translation, East Germany would adopt a more rigid stance not only in the negotiations for a transit agreement with West Germany but also "in its general relations with the West and in its dealings with the Berlin problem in the future." In the event that East Berlin remained intransigent, Dean recommended that Bonn discontinue the transit negotiations. "I make this point," he concluded, "in full knowledge of the consequences." (Department of State, Bonn Post Files: Lot 72 F 81, FRG–GDR Discussion—#2)

⁵ Dated September 6. (National Archives, RG 59, Central Files 1970–73, POL 28 GER B)

GDR after their representatives had returned to East Berlin for further consultations. I then agreed to sign, and as you know the ceremony took place at one o'clock that day.

When *Neues Deutschland* published the text of the agreement on September 4, contrary to the agreed text, they used the words "Verbindungen" and omitted "konstitutiver Teil," including, however, footnotes giving the official words used in the Russian, English, and French translations. When Bahr got in touch with them about this, they stated that the FRG had violated the agreement by publishing the fact that there had been a disagreement about these words and that this released the GDR from its agreement. At the meeting between Bahr and Kohl on September 6, Kohl was adamant and no progress was made. See Bonn 11013 and 11027.⁶

Fortunately, Bahr and Brandt agree that it is absolutely essential that the GDR live up to their agreement and use the correct terms. There are various ways of doing this without humiliating the GDR, but from a political as well as many other standpoints, it is essential that this be done. Kvitinskiy has stated that the reason the GDR feels so strongly about these terms is that they think that at some time they can make claims with regard to the territory of the Western sectors and that the agreed terms would prevent them from doing this. At the same time, if Brandt or Bahr refused to make the GDR accept the terms now, the opposition would tear them apart.

I feel sure that under pressure from the Russians the GDR will have to yield.⁷

3. The position of the French with regard to this is inexcusable. In the presence of Kvitinskiy, Lustig stated that the French were in complete accord with the Soviets, that there was no need for a common German text, and that one could not be secured. I have good reason to believe that Sauvagnargues told Abrasimov the same thing. The French also called in the British and American representatives in Paris, Washington, and I believe London, and informed them that the Americans in Bonn were being very foolish and that Brandt wanted to sign the agreement without a common German text but that the Americans would not permit him to do so. This was a complete falsehood, and Brandt knew that it would be a disaster not to

⁶ Dated September 6 and 7, respectively. (Both *ibid.*)

⁷ During a meeting on October 1, Bahr and Kohl issued a statement on the translation issue and began negotiations for the transit agreement. (Telegram 12292 from Bonn, October 1; *ibid.*, POL GER E–GER W) According to two U.S. observers, the statement was "notable for its circumlocution." (Sutterlin and Klein, *Berlin*, p. 157) Bahr and Kohl signed the transit agreement on December 17 in Bonn. For text, see *Documents on Germany, 1944–1985*, pp. 1169–1179.

have a common German text and has been unyielding on this point. We must give this attitude of the French serious thought as we approach other situations, such as the MBFR and the European security conference.

4. At our Ambassadorial lunch on August 23, Jackling suggested that the Foreign Ministers would sign the final quadripartite protocol. Abrasimov flatly disagreed and said that no matter what his position was at the time, he had been delegated by his government to carry out the entire negotiation and to sign all agreements, and that he would sign the final quadripartite protocol for the Russians and, of course, the other Ambassadors would, he assumed, sign for their governments. (Berlin 1717)⁸ I was very pleased to hear this, both from a purely self-ish standpoint and from another reason with which you are familiar. I hope you agree and, if so, will arrange it accordingly when the time comes.

5. My trip to San Clemente and seeing the President and you as well as Martha and John Mitchell was the most delightful part of the entire negotiation and one that I greatly value. The President was most generous, as were you and John, and I consider it a great privilege to have worked with the President and you on this important agreement.

6. I have carried through with the press conference concerning President Nixon's vital role in the Berlin talks and this received very wide publicity here in Germany. I hope the same is true in the States. My statement at the signing⁹ also followed this theme, as you know. Brandt came through handsomely in his letter to the President,¹⁰ it seemed to me. I also had a meeting with the CDU leaders along the lines that we discussed with President Nixon, and it seemed to go very well. Those attending were Rainer Barzel, Gerhard Schroeder, Bruno Heck, J.B. Gradl, Leo Wagner, and Werner Marx. (See Bonn 11010)¹¹ Kiesinger and Strauss were away on vacation.

Warm regards.

⁸ See footnote 6, Document 314.

⁹ Rush forwarded the text of his remarks for the signing ceremony on August 31 in telegram 10778 from Bonn. (National Archives, RG 59, Central Files 1970-73, POL 38-6) The Department and the White House approved his remarks with two minor revisions. (Telegram 161413 to Berlin, September 1; *ibid.*)

¹⁰ In the letter to Nixon on September 3, Brandt declared that the quadripartite agreement on Berlin was "an important step on the road to détente in Europe." Brandt also expressed his appreciation for the level of cooperation during the negotiations, which "deepened still further the tried and tested friendship between our two countries." (*Ibid.*, POL 28 GER B) Nixon replied on September 13 that the agreement was "an important step which can mean a better life for the people of Berlin and greater peace and security in Europe." "Your own strong and effective role," Nixon continued, "was indispensable in the success of this effort." (*Ibid.*)

¹¹ Document 328.

330. Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹

Bonn, September 20, 1971.

Independent from what is reported in official channels, the Chancellor would like to impart the following impressions to the President: "1) Brezhnev, who clearly acts like he is in charge, appeared seriously interested in what he called 'balanced' troop limitations. He asked me if I thought this interest is reciprocated on the American side.²

2) In general, Brezhnev reviewed American policy from a new perspective, spoke with respect of the President and of his hope to make progress on the reduction of tensions. This all sounded considerably more positive than one year ago.

3) In the course of mostly lengthy, very critical comments about China, Brezhnev mentioned the President's upcoming trip there without the usual polemics.

4) Brezhnev was completely reserved in discussing the difficulties that have arisen in our talks with the DDR due to the German translation. He was clearly inoculated by the DDR, poorly informed on the details and anxious to avoid allowing me to engage him on the issue."

I would like to add the following:

The Russian comments and questions on MBFR are almost word for word the same as several months ago on Berlin: we really want it but do not know whether the Americans really want it too.

The Russians made so many concessions on Berlin—in comparison to their position a year ago and still in their March paper of this year—that they would feel betrayed if the Moscow Treaty is not ratified.

Brezhnev will be reassured by his trip to Yugoslavia.³ His policy in Western Europe does not tolerate tensions in the Balkans.

I had interesting experiences with Brezhnev personally. The same goes for my insights into how the leadership structure functions. I

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files Europe, Egon Bahr, Berlin File [1 of 3]. Top Secret. The message, translated here from the original German by the editor, was sent through the special Navy channel in Frankfurt. There is no time of transmission or receipt on the message. For the German text, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. 2, pp. 1432–33.

² Brandt visited Brezhnev at Oreanda in the Crimea September 16–18.

³ Brezhnev was in Belgrade September 22–25 for meetings with Yugoslav President Tito.

would like to discuss this at our next personal meeting. Perhaps the annual meeting of the Nord-Atlantik-Brücke⁴ will provide an occasion to do so.

Warm regards.

⁴ Reference is to the Atlantik Bruecke, or Atlantic Bridge, a private non-partisan association founded in 1952 to promote closer ties between West Germany and the United States.

331. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, September 28, 1971.

SUBJECT

The Brandt–Brezhnev Meeting in the Crimea

Chancellor Brandt spent some 16 hours in conversation with Brezhnev during their recent meeting. Brandt wrote to you immediately upon his return, and his special adviser, Egon Bahr, gave Ambassador Rush a special briefing.² The translation of Brandt's letter is at Tab A.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 753, President's Correspondence File, Germany, Chancellor Brandt, 1971. Secret. Sent for information. A note attached to the memorandum indicates that the President saw it on October 4. In a September 20 memorandum forwarding a draft to Kissinger, Sonnenfeldt commented: "I have not tried to critique the Soviet visit for the President, but from our point of view it is pretty bad." Kissinger wrote in the margin: "You should critique it along these lines soonest." (Ibid.) According to another copy, Downey drafted the final memorandum to the President on September 24. (Ibid., Box 686, Country Files, Europe, Germany (Bonn), Vol. X)

² Bahr met Rush on September 19 to deliver an "advance account" of the discussions between Brandt and Brezhnev at Oreanda. On the basis of Bahr's account, Rush reported: "Brandt was impressed by the extent to which Brezhnev took the American posture on the Berlin negotiations as evidence of overall American seriousness in negotiations with the Soviets. The atmosphere of the talks was relaxed and cordial. The only negative aspect of the trip was Brandt's failure to get Soviet support for the attempt to resolve his difficulties with the GDR on the translation of the Berlin quadripartite agreement." (Telegram 11676 from Bonn, September 20; *ibid.*, RG 59, Central Files 1970–73, POL 7 GER W)

Brandt's report of his conversations borders on the euphoric. In fact, however, on most of the issues—mutual force reductions (MBFR) and a European security conference (CES)—Brandt seems to have largely gone along with Soviet views. In response to Brezhnev's pressure for an early CES, according to a [*less than 1 line not declassified*] report [*less than 1 line not declassified*],³ Brandt agreed that there should be a preliminary conference (which is a Soviet view). He told Brezhnev that this was in accord with a discussion he had had with you on this subject.⁴

On MBFR prospects Brandt seems to have implied that MBFR could await the convocation of a CES. This contrasts with the US position that the issue of force level reduction is independent of a CES and should proceed as soon as possible without regard to the possibilities for convening a CES. Brandt also seems to have secured Brezhnev's support for the position the Germans have been pressing within NATO that national forces (German) should be reduced in addition to stationed (US) forces, and that the area of reductions should be wider than both Germanies.

Brezhnev applied very heavy pressure on Brandt on the question of the ratification of the Moscow treaty. (According to a [*less than 1 line not declassified*] report,⁵ Brezhnev advised Brandt that his Chancellorship would be wrecked if the treaty is not ratified expeditiously; Brandt said it would be within five months.) On the one issue which Brezhnev could have been helpful to Brandt—the impasse over the inner-German Berlin negotiations—he refused. Indeed, Brezhnev's advisers warned the Brandt party not to raise it again, lest Brezhnev become extremely angry.

The upshot of this seems to be that increasingly Brandt's position is mortgaged to Brezhnev, that Brezhnev will demand further installments in each succeeding phase. In this contest, Secretary Rogers points out in the memorandum at Tab B⁶ that Brandt has allowed the impression to grow out of the meeting of wide-spread agreement and growing friendship between the FRG and the USSR, which in turn will permit the Soviets to exert greater influence in FRG policy.

There have been some interesting comments on Brezhnev's personality and range of interests. Brandt found Brezhnev to be more re-

³ A copy of the report is *ibid.*, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. X

⁴ Reference is presumably to the meeting between Nixon and Brandt on June 15; see Document 254.

⁵ See the report cited in footnote 3 above.

⁶ Dated September 21; attached but not printed. Another copy is in the National Archives, RG 59, Central Files 1970–73, POL 7 GER W.

laxed, and self-confident than during their meeting in Moscow last year. Brandt was impressed with Brezhnev's much greater grasp of the subject matter (last year, for example, he relied heavily on prepared material and frequently read from it, but this year he only occasionally consulted the few papers in evidence). It emerged from the conversations that Brezhnev has assumed a particular responsibility for foreign relations with Western Europe and the US, whereas Kosygin concentrates on the Near East, Algeria and Scandinavia and Podgorny on Asia.

Similar impressions were received by the French Ambassador in Moscow. In a highly unusual if not unprecedented initiative, Brezhnev called in the French Ambassador to brief him (for conveyance to Pompidou) immediately following his return from the Crimea. In the two year interval since the Ambassador had seen Brezhnev, he appeared a "changed man." He was now thoroughly confident, relaxed and poised—even to new tailoring and manicuring. The Ambassador said that two years ago Brezhnev acted and dressed like a chief engineer of a factory, but now he behaves and looks like the owner.

Tab A

Letter From German Chancellor Brandt to President Nixon⁷

Bonn, September 20, 1971.

Mr dear Mr. President:

The discussion with Secretary General Brezhnev left me with the impression that he is anxious to emphasize his interest in further détente in Europe. This is expressed in Soviet readiness to discuss complicated questions such as troop reductions and that in concrete terms and with the qualification that they must not lead to disadvantages for any of the parties concerned.

The Soviet side obviously has not yet developed a perfect conception, not even for the criteria to be followed. This could put our alliance into a favourable position to influence Soviet thinking. I attach

⁷ Secret. The text is a courtesy translation provided by the German Embassy on September 20; the original letter in German, dated September 19, is *ibid.*, Nixon Presidential Materials, NSC Files, Box 743, Presidential Correspondence Files, Germany, Chancellor Brandt, 1971. A stamp on the translation indicates that the President saw it. For the German text of Brandt's letter, see *Dokumente zur Deutschland politik, 1971–1972*, Vol. 1, Nr. 94, pp 386–388.

particular importance to the conference to be held on this issue in the framework of NATO early October.⁸

At least Mr. Brezhnev has commented in a positive sense on our view that a troop reduction should include also national forces, that it should not be limited to the territory of the two states in Germany, and that it should be balanced.

According to my impression the Soviet Union continues to attach great importance to convening a conference on security and cooperation in Europe; it has realized that the actual questions of security cannot be left aside, and it is also aware that careful preparations are necessary. My host was interested to learn whether the Federal Republic would raise special objections during the preparation of such a conference. I have, of course, based my answer on what has been agreed in the Alliance.

Mr. Brezhnev apparently wanted above all to make sure whether the German-Soviet treaty of August last year would indeed be ratified, which I have answered in the affirmative.

The Secretary General particularly emphasized that both German sides should overcome their present difficulties—about which he had been informed in a one-sided and incorrect way—by themselves. He stressed his interest in speedy negotiations. The Soviet Union would coordinate directly with the three Western powers the signing of the final protocol to the agreement of September 3, 1971.

I hope that the bilateral questions pending between the Federal Republic of Germany and the Soviet Union, such as trade and cultural agreements, may now be negotiated without the inclusion of West-Berlin being put into question, as it had been the case until now.

You will be interested, dear Mr. President, that Mr. Brezhnev addressed himself on several occasions to the American policy, and that in a different sense than he did a year ago. Certainly, at that time he also underlined that he did not wish to drive a wedge between us and our allies, especially our principal ally. This time, however, he expressed, at least by his words, his interest in the best possible relations especially with the United States. He mentioned this both in discussing MBFR and in general.

Without polemics he mentioned your planned trip to Peking, and that in the framework of an otherwise thoroughly polemical exposé on China. In a few days Foreign Minister Scheel will have the opportu-

⁸ Reference is to a meeting of the North Atlantic Council in Brussels October 5–6. The meeting, attended by Deputy Foreign Ministers, focused primarily on proposals for mutual and balanced force reductions (MBFR).

nity to talk with Secretary Rogers about this and some other aspects of my conversations on the Crimea.⁹

I would like to take this opportunity to thank you for your letter of August 3, 1971¹⁰ which I have read with great interest. I deem it necessary to harmonize carefully the political efforts undertaken by the different countries in the Alliance with a view to reducing the confrontation and to bring about a balanced stability. We would see our own role in such a cooperative coordination clearly determined by the priority, that the development in Europe has for us. At the same time we are aware that important decisions cannot be made without giving consideration to the developments in other parts of the world. I am confident that the intensive coordination, especially in the relationship between our two governments on different levels, which has been so fruitful, will remain a stable element of our foreign policy efforts.

Accept, Mr. President, the expression of my highest consideration.¹¹

Willy Brandt

⁹ Rogers met Scheel on October 1 in New York during annual consultations for the United Nations General Assembly. A memorandum of the conversation was transmitted in telegram 3111 from USUN (Secto 39), October 3. (National Archives, RG 59, Central Files 1970–73, POL 7 GER W)

¹⁰ In the letter Nixon briefed Brandt on “some of the considerations involved in my decision to accept the Chinese invitation” to visit Beijing in February 1972. (Ibid., Nixon Presidential Materials, NSC Files, Box 753, Presidential Correspondence File, Germany, Chancellor Brandt, 1971)

¹¹ In his response, forwarded by Kissinger via special channel message to Bahr on October 6, the President informed Brandt of his conversation the previous week with Gromyko. “In commenting on his presentation,” Nixon reported, “I called attention to the Berlin agreement as the most significant development of the past year, since it was such a sensitive and delicate issue involving the conflicting interest of the two sides. I stressed the need to bring it to a satisfactory conclusion.” Nixon also noted that he told Gromyko that the United States could not begin preparations for a European security conference until “the Berlin agreements were fully completed and implemented.” (Ibid., Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

332. Editorial Note

On September 29, 1971, President Nixon met Soviet Foreign Minister Gromyko in the Oval Office at the White House for a general discussion of international affairs, including matters relating to Germany and European security. Secretary of State Rogers, Assistant to the President Kissinger, and Soviet Ambassador Dobrynin also attended the meeting, which lasted from 3 to 4:40 p.m. Although the Soviet Union and the United States continued to have differences in a number of areas, Gromyko observed that the two countries had recently worked to improve bilateral relations, specifically citing the quadripartite agreement on Berlin as a concrete example. Gromyko recalled his meeting with Nixon on October 22, 1970, when the latter had "expressed certain ideas on West Berlin." He then remarked that "the Soviet leadership was gratified to note that the United States, the U.S. Government and the President personally had made positive contributions to make it possible to reach agreement on this question."

After Gromyko finished his presentation, Nixon replied that Berlin was "perhaps the most significant development that had occurred, particularly in view of the fact that this was such a delicate and sensitive issue to both powers, to the other European countries and to the Germans themselves." "The fact that this problem could be worked out," he observed, "was an indication that difficulties in other areas could also be reduced."

The Soviet Foreign Minister also raised Berlin in connection with the proposed conference on European security. Gromyko recalled that, during their meeting the previous October, Nixon had linked the conference to the quadripartite talks. In view of the agreement on Berlin, Gromyko hoped that the Nixon administration would now adopt "a more definite stand in favor of this conference." The President confirmed the linkage: "Now that we had made some progress on the Berlin problem, we could look more favorably upon considerations of other European questions on which we might make some progress." When Rogers remarked, however, that the inner-German negotiations for a transit agreement were not finished, Nixon qualified his position, stating that preliminary discussions on the conference could begin "when the Berlin thing was wrapped up." In the belief that such conditions might complicate matters, Gromyko asked if the President would at least support "a private exchange of views in the near future." Nixon replied that, since there had already been discussion of the issue in private, such an exchange "would not concern him." The United States, he explained, was "not trying to pressure the Soviet Union in regard to the German treaty. We did have a problem while the German talks were in progress, but if preliminary talks were kept

strictly private, this might be possible.” (National Archives, Nixon Presidential Materials, White House Special Files, President’s Office Files, Box 86, Memoranda for the President, Beginning September 26, 1971)

Kissinger and Gromyko continued to discuss Germany and European security at the Soviet Embassy on September 30 but in light of an important new development. During a meeting with West German Foreign Minister Scheel in New York on September 27, Gromyko had established “reverse linkage” between the final protocol for the Berlin agreement and ratification of the Moscow Treaty. Helmut Sonnenfeldt of the NSC staff explained the situation in a September 29 memorandum to Kissinger: “As was anticipated some time ago, the Soviets are now trying to hold up the final Berlin Agreement until ratification of the Moscow treaty by the Bundestag. As you know, Brandt will get crucified if he accepts this.” (Ibid., NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V) Sonnenfeldt also drafted a report briefing the President on the issue, but the memorandum was withdrawn and Nixon did not see it before his meeting with Gromyko on September 29. (Ibid.) Kissinger, however, broached the subject in his meeting with Gromyko the following evening:

“I [Kissinger] said that one of the difficulties in our relationship was that as soon as an agreement on something was achieved, new conditions were raised, so that we felt we had to buy the same agreement over and over again. Gromyko asked what I was referring to. I mentioned the fact that the Soviets had now established a reverse linkage according to which ratification of the German Treaty had to precede a Berlin agreement. Gromyko said this was based on a total misunderstanding. The Soviet Union was afraid the Germans would ratify the Berlin agreement first and then refuse to go ahead with the German Treaty. They were afraid of being left holding the bag. Gromyko stressed that the Soviet Union would agree to any formula for ratification which would put the two instruments into effect simultaneously, but it was a little difficult to think of a formula that would accomplish that other than by the prior ratification of the German Treaty. He said, ‘after all, why would we sign the Berlin Treaty if we did not want to bring it into effect?’ I suggested that perhaps the Berlin [Treaty] could be ratified as scheduled and then an exchange of notes be added to it, according to which the treaty would become effective only after the German Treaty was ratified. Gromyko said he would think about it.

“I then raised the matter of the translation problem. He said the Germans were unbelievable. There were three official texts—British, French, and Russian—and now the Germans were raising the issue of the correct German text. None of the powers had negotiated in German, so why should the Four Powers get involved in it? Why not let

the Germans operate with two separate texts if they wanted—especially if there were only two words at issue—and substitute for these disputed German words the agreed English, French and Russian words. I said we would stay out of it for the time being but it was my view that, after all the investment we had made, it would help greatly if we moved ahead on the ratification.” (Ibid., Kissinger Office Files, Box 71, Country Files, Europe, USSR, Gromyko, 1971–1972)

333. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President’s Assistant for National Security Affairs (Kissinger)¹

Washington, October 5, 1971.

SUBJECT

Gromyko’s Reverse Linkage on Berlin and the President

Gromyko has now several times affirmed the Soviet intention to withhold final consummation of the Berlin Agreement until the FRG ratifies the Moscow Treaty. Something like this had been anticipated some time ago but then did not materialize although Wehner apparently among others things envisaged Brandt’s Soviet trip as a way of smoking out Brezhnev and persuading him not to establish this reverse linkage. None of the German reporting on the Crimean meeting indicates that the issue as such came up (though Brandt did inconclusively raise the possibly related problem of East German footdragging on the second-stage agreement).² If this is correct, Gromyko’s move a bare two

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V. Secret; Eyes Only.

² During a meeting with Irwin in Bonn on October 7, Brandt revealed that he had, in fact, discussed reverse linkage with Brezhnev in Oreanda. (Telegram 2042 from Berlin, October 7; *ibid.*, RG 59, Central Files 1970–73, POL GER W–US) In an October 12 memorandum to Kissinger, Sonnenfeldt commented: “One point which emerges from this episode is yet further evidence that Brandt is not candid with us in his dealings with the Soviets. In this case, Brandt gave us no suggestion—at least in any of the communications I have seen—that Brezhnev even hinted of reversing this linkage.” “Of course it is possible that Brandt assumed that he had convinced Brezhnev not to establish the new Junktim,” Sonnenfeldt continued, “and so there was no need to tell us how close it was. Thus, either Brandt exercised some very poor judgment in assessing Brezhnev, or he deliberately withheld important information from us, presumably in the hope that we would rush to his aid.” (Ibid., Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V)

weeks after Brandt's visit is another instructive commentary on Soviet diplomatic practice.

But, more important, this turn of events should also be seen in the light of the President's intimate personal association with the triumph of the Berlin Agreement, which, as you know, the Soviets have at the highest level repeatedly gone out of their way to record with approbation. What they are now saying is that the President's initiative cannot be consummated until a third power, the FRG, delivers on a new prior condition.

In addition, the President's personal role involves a version of history—and form of reinsurance—which has been assiduously fostered by his Ambassador in Bonn (who incidentally failed fully to comply with his instructions to tone down the more Bülowesque³ adulations of the President which he had written into his oration for the initialing ceremony.)⁴ What this means, if the Russians persist, is that in order to realize the enormous investment of his personal prestige in the Berlin Agreement the President is maneuvered into first delivering the German ratification of the Moscow Treaty. This, of course, puts him squarely between the SPD and the CDU. Brandt, at any rate, can hardly be blamed after all that has been said of the President's role, if he tries to save his own political life by arguing that a vote against the Moscow Treaty is a vote against the American President.

Various "compromises" have been bruited about, such as a simultaneous ratification of the Moscow Treaty and signing of the Final Quadripartite Protocol. Apart from the fact that this would probably require renegotiation of the text of the Protocol, it does not let the President off the hook since Brandt had earlier stated with the utmost clarity that the Berlin Agreement must be signed, sealed and delivered *before* the Moscow (and Warsaw) treaties move to ratification.

I should think that the Russians should be told in no uncertain terms, and soon, that as far as we are concerned there can be no extraneous conditions to the completion of the Berlin Agreement, which the Soviets negotiated with us not the Germans; and that therefore their commitment is to us not the Germans.

It should not be excluded that the whole German-Berlin policy remains a matter of some controversy in Moscow and that the reverse linkage may have been accepted by Brezhnev to placate some of his skeptics (though as we know he also is not above trying some last-minute exploitation of an advantageous tactical position. The Soviets,

³ Reference is to Bernhard von Bülow, German Chancellor (1900–1909), who was well known for his adulation of Kaiser Wilhelm II.

⁴ See footnote 9, Document 329.

after all, never stop negotiating.). I should think that if Brezhnev is made to realize that his present Berlin tactics can be an obstacle to his further objectives he might have an incentive to overrule his doubters or stop trying to sell the Berlin Agreement yet another time, whichever the case may be.

334. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, December 24, 1971.

SUBJECT

Your Meetings with Chancellor Brandt in Key Biscayne Tuesday, December 28, 1:30–4:30 private; Working Dinner, 8:00–9:30; Wednesday December 29, 9:30–11:00, private, Optional Plenary Meeting 11:00–12:00

I. Purpose

There are no specific agreements intended to come out of this meeting. As in the discussions with Prime Minister Heath,² a general review is in order, with special attention to the relations between Europe, the US and the USSR.

The Chancellor, who is vacationing in Sarasota, comes to this meeting as he enters on what is almost certainly the decisive test of his policies and personal leadership. Between now and late May, the Bundestag and Bundesrat will decide the fate of his treaties with the USSR and Poland. Though he is expected to win approval by a very slender margin, these next months will be ones of intense German debate on foreign policy, including not only the treaties, but the Berlin agreement, which, owing to Soviet linkage, are intimately bound to the fate of the treaties. By implications or innuendo, the Chancellor will want as much support as he can gain.

Thus, your basic purpose will be to steer carefully between the general endorsement we have given the stated goals of Ostpolitik and the more spe-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 918, VIP Visits, Brandt Visit, Key Biscayne December 1971 [1 of 3]. Secret; Sensitive. Sent for information. No drafting information appears on the memorandum. Butterfield stamped the memorandum to indicate that the President had seen it.

² Nixon met Heath in Bermuda on December 20 and 21.

cific approval of the German treaties that would propel us into the middle of what is going to be a tough vicious debate in Germany.

Beyond this general aim, you will want to explain to the Chancellor your view of relations with the USSR, with special emphasis on your unwillingness to settle for vague assurances or a good climate devoid of substance.

Our relations with the USSR, in such matters as SALT and your trip to Moscow are in a broad sense linked to Brandt's Ostpolitik, in that a bad turn in Soviet-American relations could make it seem that Brandt had been pursuing an illusory rapprochement with the USSR.

You should emphasize:

A. Now more than ever before, when there may be some chance for better relations with the USSR, it is essential that the Allies harmonize their individual approaches within a common framework;³

B. The USSR must not be permitted to set the terms of a détente; rapprochement with Moscow must have solid political accomplishments at its core, not only in Europe, but in other areas—Middle East, South Asia—where there is still dangerous potential for confrontation.

C. The German treaties and the Berlin agreements mark a major change from the post-war period; this turn must not become the cause for future discord over how to build on what has been achieved.

D. In our dealing with the USSR, we will make no arrangements at the expense of the Allies, and intend to continue the closest consultations on such matters as a European Conference and troop reductions which will not be resolved bilaterally with the USSR.⁴

E. The recent monetary agreements⁵ demonstrate that we can overcome differences if we can transcend national preoccupations in the interest of Western unity.

F. The statesmen of Western Europe have an unprecedented opportunity to move ahead toward unity now that the British are in the EEC.⁶ You have agreed with President Pompidou and Prime Minister Heath that Western cohesion must not be pitted against détente with the East,⁷ which is what the Soviets will try to accomplish in the dealings with the Allies separately and collectively.

³ Nixon underlined the phrase "Allies harmonize their individual approaches within a common framework."

⁴ Nixon underlined much of this point.

⁵ Reference is to the Smithsonian Agreement of December 18 which realigned the currencies of the so-called Group of Ten: the United States, Canada, United Kingdom, France, Belgium, Netherlands, West Germany, Italy, Sweden, and Japan.

⁶ Nixon underlined this sentence.

⁷ Nixon underlined this sentence and checked the phrase "Western cohesion must not be pitted against détente with the East."

II. Background, Participants, Press Plan

A. *Background*: We differ greatly with Brandt's concept of East-West relations, though we have been careful not to let the basic conflict come to open disagreements. Brandt has long believed that the Western allies could not be relied upon to protect let alone advance German interests. Consequently he devised a new approach to the USSR that differs conceptually from his Christian Democratic predecessors; his thesis is that the status quo in Central Europe can only be changed by accepting it as the starting point (as the Soviets insist):⁸ Thus, he has developed the thesis of one German nation in two states, and indicated his readiness to concede in the Soviet and Polish treaties not only the post-war division of Europe, but ultimate recognition of East Germany as a separate state.⁹

His underlying assumption is that the US is destined to disengage from Europe and that he must settle his relations with the East while the US military and political presence is still strong.¹⁰ Hence his hectic campaign to conclude treaties with Moscow, ignoring the Berlin problem; and then his pressures to achieve a four-power Berlin agreement to rescue the German treaties, and, ironically, now, the reverse linkage from the Soviets that make implementation of Berlin dependent on treaty ratification.¹¹ All this brings us to the present juncture in which we must defend our own four power agreement with the Soviets, but in doing so we seem to be putting on pressures for the Bundestag to ratify the Soviet-German treaty.¹² Moreover, by making a European Conference on Security and Cooperation dependent on implementation of the Berlin agreement, we have added weight on the already fragile treaties.¹³ If they fail, no one can foresee what this would mean in terms of Soviet policy or German internal developments. If they succeed, the Germans will be committed to an ever increasing rapprochement with Moscow and a *modus vivendi* with East Germany. It is in the German scheme of *Ostpolitik* that economic penetration of Eastern Europe will become the dominant strategy of their policy,¹⁴ which, in some undefined manner, will cause the Soviet Union to disengage from Eastern Europe and allow the Germans to solve the question of national unity.

⁸ Nixon underlined this phrase.

⁹ Nixon underlined much of this sentence.

¹⁰ Nixon underlined this sentence and highlighted it in the margin.

¹¹ Nixon underlined the phrase "make implementation of Berlin dependent on treaty ratification."

¹² Nixon underlined this sentence and highlighted it in the margin.

¹³ Nixon underlined most of this sentence.

¹⁴ Nixon underlined most of this phrase and highlighted it in the margin.

In sum, German national interests, as conceived by Brandt, dictate that Germany must play the leading role in East-West diplomacy in Europe. Since Brandt's policy is a constant gamble, he naturally fears that outside events will intrude on his calculations—i.e., a crisis outside Europe—or that the US will preempt Soviet interest in Germany in favor of a US-Soviet rapprochement. Characteristically, Brandt believes our shift of attitude on China vindicates his own approach to the USSR.¹⁵

On matters of Allied policy, the Germans have been erratic. Largely through the efforts of Defense Minister Helmut Schmidt, the Germans have played a leading role in making the Euro Group (ten NATO countries) a viable working arrangement, contributing to increased Western Defense. Schmidt was also helpful in improving the *German offset* package.¹⁶ Nevertheless, the Brandt government is under pressure not to make any more bilateral financial arrangements to offset our troop costs, but in 1973, to replace it with a NATO-wide multilateral arrangement. This is probably in our interest as well.¹⁷ (Brandt may propose this.)

The recent financial arrangements are less favorable than the Germans wanted, largely because they suffered in comparison to France. The Germans also fear that their agriculture will be damaged by trade concessions that may be made in the follow-on negotiations. German concerns over the recent economic crisis are now focussed on improving relationships between the US and EEC; and they are interested in pressing for some more institutionalization of US-EEC consultations.¹⁸ (Brandt may propose something of this order.)

Despite significant differences we will probably have to deal with him for the foreseeable future; the odds are that he will gain approval of his treaties, and with the prestige of the Nobel prize,¹⁹ may be re-elected in September 1973. (Note: Rainer Barzel, the Christian Democratic leader, hopes to come here in January to see you.)²⁰ *Our principal objective is to anchor West Germany to the NATO Alliance and to the EEC as insurance against the frustrations within Germany when Ostpolitik*

¹⁵ Nixon underlined much of the previous two sentences.

¹⁶ Deputy Under Secretary Samuels and West German Ministerial Director Herbst signed the 1972–1973 offset agreement in Brussels on December 10. The text of the agreement is in telegram 5168 from USNATO, December 10. (National Archives, RG 59, Central Files 1970–73, FN 12 GER W) See *Foreign Relations, 1969–1976*, Vol. III, Documents 50, 68, and 86.

¹⁷ Nixon highlighted this sentence in the margin, and underlined it and part of the previous two sentences as well.

¹⁸ Nixon underlined this sentence and highlighted it in the margin.

¹⁹ Brandt accepted the 1971 Nobel Prize for Peace in Oslo on December 11.

²⁰ For an account of the meeting between Nixon and Barzel on January 28, see Document 338.

is played out,²¹ or when the Germans are confronted with demands to reduce their Western ties as the price for further movement in the East.

B. *Participants*: You and the Chancellor will have two private meetings while Secretary Rogers and Foreign Minister Scheel will hold parallel talks. A plenary session on Wednesday is optional.

III. *Action Sequence*

You will receive the Chancellor at 1:15 Tuesday at the Helicopter Pad and following the reception ceremonies, begin a 3 hour meeting at your residence. You will host a working dinner for the Chancellor and Foreign Minister Scheel that evening at 8:00 p.m.²² On Wednesday at 9:30 a.m., the Chancellor will arrive for the second and last private meeting (2½ hours). You then have the option of having the remainder of the Chancellor's party to join you for a plenary meeting. Then you and the Chancellor have the option of meeting with the press for informal remarks similar to the Pompidou²³ and Heath visits. The Chancellor departs at 12:05 p.m.

IV. *Your Basic Talking Points*

—In your talks with Pompidou and Heath, two themes have been the accelerated pace of change in the international arena²⁴ and how the major Allies, Britain, France, Germany and the US can deal with the new situations that are emerging;

—The Chancellor has personally made a major contribution to fluidity that now characterizes East-West relations; he is to be congratulated on the successful conclusion of the second part of the Berlin negotiations;²⁵

—It is now necessary to raise our sights from the immediate tactical problems to the medium term prospects of dealing with both the USSR and its allies, and with each other;

—We have always supported European unity; we appreciate the constructive role Germany has played in paving the way for British en-

²¹ Nixon highlighted this phrase in the margin.

²² Nixon, Rogers, Rush, Brandt, Scheel, Pauls, and Sahn attended the working dinner, which lasted from 8:15 to 10:30 p.m. (President's Daily Diary; National Archives, Nixon Presidential Materials, White House Central Files) Although no record of the discussion has been found, see Sahn, "*Diplomaten taugen nichts*", pp. 291–293.

²³ Nixon met Pompidou on Terceira Island in the Azores on December 13 and 14.

²⁴ Nixon underlined the phrase "accelerated pace of change in the international arena."

²⁵ Nixon noted the "successful conclusion" of the second part of the Berlin negotiations. Michael Kohl and Egon Bahr signed the transit agreement between East and West Germany in Bonn on December 17. For text of the agreement, see *Documents on Germany, 1944–1985*, pp. 1169–1179.

try; we have in the past underestimated some of the economic problems that European unity creates, but we cannot conceive of a European peace order that does not rest, first of all, on the intimate cooperation of Britain, France and Germany;

—You initiated this series of meetings with our Allies to ensure that in a period of international change and resulting uncertainties or apprehensions, that we harmonize our policies to the greatest extent possible and maintain an essential unity of purpose that permits autonomous national bilateral policies within a common framework.²⁶

Soviet Relations and European Security

—You are working for a genuine détente with the USSR, and the Chancellor's policies have been in a parallel direction.

—There are elements in Soviet conduct that suggest they may want a better relationship with the US (and with Germany), but there are also aspects of their policies—especially outside of Europe—that are sobering;

—There is the dangerous tendency to seek a marginal, tactical advantage even though this sort of policy cannot help but jeopardize any longer term relationship;

—What concerns you now is that having achieved some solid results, as in the Berlin agreements, we not allow the Soviets to begin playing the Allies off against each other;²⁷

—There are some tactical differences in the Alliance—on such issues as the timing of a European Conference, or the precise approaches to negotiating troop reductions; these are of no great consequence unless we allow the Soviets to enlarge on our small differences and inflate them into major issues;

—On European Security, you believe a Conference with the Warsaw Pact must be deferred, while the West concentrates on its own preparations. The Conference must not become a substitute security arrangement for NATO, which is what the Soviets want;²⁸

—Similarly, improved East-West trade and economic arrangements must not dilute the unity of the EEC, or our Atlantic partnership;

—Germany is the primary object and potential victim of hasty or ill-conceived agreements,²⁹ whether on European security or mutual troop reductions;

²⁶ Nixon underlined most of this point.

²⁷ Nixon underlined the last phrase of this point.

²⁸ Nixon underlined most of this point and highlighted it in the margin.

²⁹ Nixon underlined this phrase.

—On the latter—negotiated troop reductions—we rule out any bilateral bargain with the USSR; any agreements must come through the Allied consensus.

(*Note:* In view of the extensive and rather intimate contacts the Chancellor has had with Brezhnev personally, you may want to ask his estimate of the man and his policies.)

China

—Your visit to Peking will inevitably differ in its objectives and contents from that to Moscow; after 25 years of no communications we must first establish the philosophical framework for relations with China; this will take time; more specific matters can follow later when the framework is set.

—You did not embark on your China policy to harm Soviet interests although the effect of recent Soviet actions in South Asia could produce such a result; these Soviet actions were in part intended to humiliate China;

—Your basic point, which you believe is shared by the Chancellor, is that China will be a major international actor in the years ahead; therefore, we must have communication and normal relations with it; this will also help China to resist Soviet pressures;

—You recognize that Germany's relations with China will be a sensitive subject because of East Germany and the Bundestag ratification on problems with the USSR.

Berlin and the German Treaties

—You believe that the Berlin agreement is a major accomplishment of Allied and German cooperation;

—There have been some tricky passages in the negotiations, and the end is not in sight;

—For our part we will defend the Berlin agreements on their merits;

—We cannot be drawn into the internal German debate over the detailed provisions of the treaties, even though the Chancellor knows that we will do nothing to complicate his problems;³⁰

—We defer to Bonn on the future of East German recognition or admission to the UN, but we must be careful not to jeopardize our position in Berlin.³¹

³⁰ Nixon underlined this point.

³¹ Nixon underlined this point.

German Offset

—The new agreement which runs to June 1973 is a helpful contribution (about \$2 billion in offset for two years);

—It may be that this should be the last such arrangement;

—We could use the time to work out a broader multilateral offset arrangement that would include all the Alliance;

—Germany's contribution would still be large, but we would welcome a European initiative in this area.

The EEC Trade and Monetary Problems

—Germany's role has been constructive in easing the entry of Britain, and in accepting a relatively large revaluation of the mark;

—We need Bonn's support in agreeing on a trade package with the EEC;

—Whatever our short run problems with the EEC, our longer term interests are identical and we support the strengthening and expansion of the Community.

Additional talking points and background material attached to this memorandum:

Tab A, European Unity and the EEC;

Tab B, European Security Issues: MBFR and A European Conference;

Tab C, Berlin and the German Treaties;

Tab D, German Offset;

Tab E, Trade and Monetary Issues³²

In the attached briefing book, there are: a memorandum and talking points from Secretary Rogers,³³ background papers on the inner German agreements, German reaction to the New Economic Policy and Narcotics; Biographical material and a schedule.³⁴

³² All tabs are attached but not printed.

³³ In his December 22 memorandum to the President, Rogers noted: "One of Brandt's objectives may be to secure your further endorsement of the treaties the FRG negotiated with the USSR and Poland in 1970 which he has now submitted to the Bundestag for approval. You will wish to assure him that we continue to welcome his efforts toward reconciliation, provided they entail no loss to Western security and freedom. You will find Brandt highly pleased with the Berlin Agreement and personally grateful to Ambassador Rush for his strong and constructive leadership in the negotiations." (National Archives, Nixon Presidential Materials, NSC Files, Box 918, VIP Visits, Brandt Visit (Dec 1971), Key Biscayne [1 of 3])

³⁴ The other materials contained in the briefing book are *ibid.*

**335. Memorandum For the President's File by the President's
Deputy Assistant for National Security Affairs (Haig)¹**

Key Biscayne, December 28, 1971.

SUBJECT

Meeting with Chancellor Brandt on Tuesday, December 28, 1971 at 1:30 p.m.,
The President's Residence, Key Biscayne, Florida²

PARTICIPANTS

The President
Chancellor Brandt
Mr. Sahn
General Haig

Following press photographs, the President, Chancellor Brandt, Mr. Sahn and General Haig moved from the living room to the President's library. President Nixon welcomed Chancellor Brandt and informed him that he had looked forward to their meeting in this particular setting which would provide for the kind of informality that would generate the most frank and free exchanges between the two leaders. The President proposed conducting the meeting in a way that would bring the discussion first through various worldwide problems of interest to the two governments and then to specific bilateral issues. He asked whether or not Chancellor Brandt had any other approach that he would prefer or any specific topics that he would wish to include.

President Nixon stated that he would like to discuss first the Soviet summit meeting scheduled for May. This meeting had been most carefully prepared and followed specific and concrete achievements on issues of concern to the United States and the Soviets. The President recalled that he had at the previous meeting³ told Chancellor Brandt at the time of that meeting that the moment was not propitious for such a meeting with the Soviet leadership, but events over the past year had now crystalized in a way which offered some promise for a constructive meeting in Moscow. The President reassured Chancellor Brandt

¹ Source: National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Box 87, Memoranda for the President, Beginning December 26, 1971. Top Secret; Sensitive; Eyes Only.

² For the German record of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971, Vol. 3*, pp. 1980–1997. For memoir accounts, see Kissinger, *White House Years*, pp. 965–967; Brandt, *People and Politics*, pp. 297–302; and Sahn, "Diplomaten taugen nichts", p. 291.

³ Reference is to the meeting between Nixon and Brandt on June 15, 1971. See Document 254.

that the discussions in Moscow would in no sense result in agreements arrived at the expense of old friends. He stated that both the summit in Peking and the summit in Moscow had been undertaken with a firm commitment to that underlying philosophy.

The issue of MBFR was a topic which could only be pursued within such a philosophy. No discussions should be held with the Soviets on this issue until the most careful consultation and preparation had been completed by the western powers and only then could the topic be discussed by them with the Soviets.

President Nixon asked Chancellor Brandt for his assessment of Messrs. Brezhnev and Kosygin, both of whom the Chancellor had met on recent occasions.⁴ The President noted that he would discuss with the Soviets such problems as South Asia, Southeast Asia, and the Middle East. He noted that recent experience in South Asia confirmed the definite conflict of interests between the Soviets and the People's Republic of China in that particular area.⁵

President Nixon then turned to the situation in Western Europe. He noted that although problems elsewhere in the world were of great importance, the focal point of world power and our center of interest must remain in Europe, adding that the key to Europe is Germany and this is a fact well known by the Soviets. The President asked Chancellor Brandt for his views on the future of Europe.

Chancellor Brandt stated that he had been for some time a proponent of improving relationships between the West and East but in doing so he had only proceeded in the confidence that Germany's NATO partners, especially the United States, were fully cognizant and supportive of his actions. The last NATO Ministerial meeting⁶ confirmed this support.

The Chancellor stated that he would like to give the President his impressions of the Soviet leadership, but also touch upon the European economic community and NATO after discussing in a broader context East-West relationships. President Nixon agreed with this approach.

Chancellor Brandt stated that he had visited Moscow in the summer of 1970 and that had been his first trip to the Soviet Union.

⁴ Regarding Brandt's meetings with Brezhnev and Kosygin at Oreanda in September, see Documents 330 and 331.

⁵ Reference is to the undeclared war between India, supported by the Soviet Union, and Pakistan, supported by the United States and China. The fighting began when New Delhi invaded East Pakistan on November 22 and escalated when Pakistan attacked India on December 3. The two countries agreed to a cease-fire on December 17, the day after the fall of Dacca and the surrender nearby of remaining Pakistani forces.

⁶ The most recent NATO Ministerial meeting was held in Brussels, December 7–10.

Subsequently, he saw Brezhnev again in September and during this meeting he noted a somewhat remarkable change in Brezhnev. During the first four and a half hour meeting in August, 1970 Brezhnev appeared very unsure of himself, especially in the area of international affairs. The meeting had been one-on-one with only interpreters present and during that meeting Brezhnev even resorted to reading from point papers that had been prepared for him.

Conversely, during their meeting in September, Brezhnev was far more relaxed, far more at ease with the subject matter and obviously very confident that he was in charge. He had told Chancellor Brandt that he was completely responsible for Soviet relations with Western Europe and the United States while Kosygin was concentrating on India, Scandinavia and other less important areas.

Brezhnev described how the Politburo functioned with respect to foreign policy, emphasizing that it was in fact the Politburo itself which had the final say on all foreign affairs.

During this meeting Brezhnev asked Chancellor Brandt whether or not President Nixon was truly interested in peace. The Chancellor assured him that he was. During the earlier meeting last summer Chancellor Brandt assiduously avoided raising the issue of China, having been informed that it was an issue of great sensitivity to the Soviet leadership. However, because of the more relaxed and open atmosphere of the September meeting, Chancellor Brandt asked Brezhnev for his views on China. Brezhnev replied that this was a very difficult subject and stated that he would like to think about it overnight before responding.

The following morning, Brezhnev again avoided the subject and Chancellor Brandt again raised it by stating that the Federal Republic was seriously considering recognizing the People's Republic of China. Mr. Brezhnev stated that he hoped this would not occur tomorrow.⁷ Brezhnev then went on to talk for approximately an hour on China. The discussion was open and devoid of outward suspicion of Chinese motives. There were no derogatory remarks made about President Nixon's visit to Peking.

Chancellor Brandt stated that he believes there is now a genuine interest in Moscow in normalizing relations with Western Europe and the United States. The Soviets probably seek more economic and technical cooperation and are definitely interested in a reduction in armaments. Chancellor Brandt stated that the normalization of relations with the Soviet Union demanded the greatest caution however, because

⁷ West Germany and the People's Republic of China established diplomatic relations on October 11, 1972.

of the effects of the process on Eastern Europe. The Eastern Europeans are in a dilemma on this topic since increased contacts contribute to increased pressure for greater autonomy among the Eastern states.

Chancellor Brandt states that he believed that the Soviets were genuinely unhappy about the actions they had undertaken in Czechoslovakia in 1968⁸ and therefore are themselves inhibited in undertaking greater normalization. The last crisis in Poland⁹ showed a definite shift in Soviet policy. This was handled differently from the Czechoslovakia crisis. There were no anti-German statements made by the Soviets and the situation was genuinely handled as an internal domestic problem. Nevertheless, the danger remains. Perhaps the greatest danger is that of Communist Chinese influence in Eastern Europe. Should Chinese influence result in breaks between Moscow and certain Eastern European regimes, the Soviets will probably intervene. In this respect Albania is probably not so important, but Romania and Yugoslavia constitute most serious problem areas. Although the Communist Chinese have little influence in East Germany, they are also working there and the Soviets are suspicious of their activities.

In commenting on the Chinese character, Brezhnev had employed a four-stage argument with Chancellor Brandt. The first dealt with the historical character of the Chinese people which was strange and difficult for Western nations to understand. Brezhnev had told Chancellor Brandt that if one were to say to the Chinese that that wall is white, the Chinaman would reply that this is not so; it is in fact black. And this is the kind of logic that one is confronted with when dealing with the Chinese. Stage two involved the Chinese approach to interstate relations. Brezhnev had conceded that the Chinese might now be interested in some normalization in the area of trade, but he described this trade in kopeks rather than rubles. The third stage of the China problem mentioned by Brezhnev was the diversionist activities of the People's Republic which they were utilizing on a worldwide basis. These diversionist tactics, Brezhnev recounted with some emotion, were anti-Soviet. Brezhnev recalled the story of the Soviet engineer who visited a Chinese-run hotel in Algeria and who had found that each meal was garnished with reams of Chinese Communist printed propaganda. Brezhnev had specifically recounted the activities of left-wing Maoists in Bengal.

The fourth stage of argumentation used by Brezhnev dealt with the overall importance of China as a nation. Here again he employed

⁸ Reference is to the invasion of Czechoslovakia in August 1968 by the Soviet Union and other members of the Warsaw Pact.

⁹ See Document 147.

a degree of emotion referring to China as a nation of 800 million backward people who tilled the soil with their hands rather than sophisticated machinery and whose technological advancement was decades behind the industrial powers of the world. China had no automobiles and the upper class still rode bicycles. Even the Soviet Union was now replete with automobiles.

Chancellor Brandt described this argumentation by Brezhnev as somewhat similar to the youth who strolls through the woods crying loudly in order to do away with his own fear. In short, Brezhnev appeared to be adopting the tactic of belittling the Chinese because of a fundamental fear of China's power.

Chancellor Brandt described Mr. Brezhnev as an active, optimistic individual in contrast to Kosygin whom he described as conservative and pessimistic. The Chancellor noted that this difference in the character of the two leaders may be the reason that President Pompidou favors Kosygin while on the other hand Chancellor Brandt favors Brezhnev. Chancellor Brandt stated that in his view Kosygin may step down soon.¹⁰

Turning to the specifics of West German-Soviet relations, Chancellor Brandt noted that West Germany was having some problems with the Soviets on the treaty problem. The Soviets strongly resented the linkage of the Berlin agreement and the treaties of 1970. For this reason, they developed a counter-linkage concept of their own. It would be a year and a half since the Soviet and Polish treaties had been signed and they were still not ratified. During that period there had been some improvement in German-Soviet relations with an increase of about 3.5 percent in trade and some additional cultural and technological exchanges. In addition, the Soviets had turned away from their unfriendly attitude toward West Germany.

President Nixon noted that it was evident that West Germany was no longer the Soviet Union's whipping boy. Chancellor Brandt agreed stating that he had information that the Soviets were actually reindocinating their people and especially their military away from an anti-German preoccupation. Defense Minister Grechko had recently commented on this in Sweden stating that he is weaning the Soviet army away from its formerly hostile attitude toward the Germans. This has been accomplished at some risk to the Soviets because in the past the anti-German bugaboo had always been the rallying cry for Warsaw Pact unity in times of crisis and this trend confirms Soviet intentions are long range in character.

¹⁰ Kosygin remained Chairman of the Council of Ministers (Premier) until October 1980.

President Nixon asked the Chancellor about the Soviet attitude toward East Germans. Chancellor Brandt replied that there were some recent indications of increased tensions. Certainly there was evidence that the Soviets had pressured the East Germans to be more flexible and forthcoming with respect to the Berlin Agreement. Chancellor Brandt noted that the East German leaders were opposed to improved communications between East and West Germany. On occasion the East German newspapers had commented that West Germany was closer to the Soviets than was East Germany. The traditional fear of West German visitors had its impact and East German control of the people was, of course, a factor. Nevertheless, the Soviets have pressured the East Germans to loosen up and to be less intransigent. It is possible that Ulbricht was replaced by Honecker to assist the process. Honecker is more responsive to Soviet control and at the same time more flexible. Honecker however is not a representative of the new forces in East Germany. He still represents the apparatus whereas in several years the new managerial class will have a greater voice in East German affairs. President Nixon asked whether or not the new class were dedicated Marxists and Chancellor Brandt replied that they were less so than the apparatus. President Nixon asked whether Ulbricht was a tougher leader than his successor and the Chancellor confirmed that that was his impression. President Nixon stated that initially Ulbricht had been very close to the Soviets. Chancellor Brandt confirmed this but stated that he had become less so in recent years.

President Nixon asked which of the two leaders were most respected by the people of East Germany. Chancellor Brandt stated that Ulbricht had been despised for many years, although he became more popular as Soviet influence waned in East Germany.

President Nixon thanked Chancellor Brandt for his appraisal but emphasized that Soviet motives must always be judged in terms of the Soviet assessment of Germany as the key to Europe. The Soviets recognized that Germany is the moving force. On the one hand, free Germany needs Soviet cooperation; on the other, the Soviets need a cooperative Germany due to Germany's central position in Europe. Western Europe without West Germany is nothing.

The President asked Chancellor Brandt why he thinks the Soviets are being more conciliatory to the Federal Republic. Chancellor Brandt stated that it is probable that the Soviets tend to over-estimate German power. This is based on their historic view of Germany. It is probable that they want better terms for three reasons:

1. They hope at least temporarily to get acceptance of the status quo in Eastern Europe. The Soviets know that they cannot hold Eastern Europe forever, but they would like to prolong the process as long as possible.
2. There is also a genuine desire for increased exchange.

3. It may be that the Soviets genuinely want better relations with the United States and assume that improved relations with West Germany will assist this trend.

President Nixon stated that if all this were true, it further emphasizes the importance of reaffirming U.S. and West German ties and the respective ties of both countries to their NATO allies. It is probable that another factor in Soviet interests for normalization is a genuine fear of China. China is a reality and will soon be a substantial nuclear reality. China's threat to the Soviets in many ways is not measurable since it involves leadership of the communist world. This is the greatest fear of all to the Soviets—doctrinal influence with the radical elements of the third world. The Soviets remain conflict-oriented. At present it is the East flank which gives them worries. Thus, they must wish to normalize the west flank. This fact notwithstanding, the U.S. decision to visit Communist China was not directed against the Soviets. Nevertheless, it could not but have had a disturbing effect in Moscow. China is Moscow's rival.

Chancellor Brandt then turned to East-West trade. He noted that West Germany had trade with Romania, Yugoslavia, and also with Poland and Czechoslovakia. The Poles wanted more while the Czechs are less interested. Hungary is also less interested. Chancellor Brandt emphasized that West German policy is to influence their firms to concert with other West European firms and to plan jointly on the whole subject of trade with the east, and to get guarantees against Soviet and Polish splitting efforts.

The Chancellor asked President Nixon to discuss the results of Secretary Stans' visit to the Soviet Union.¹¹ President Nixon stated that Stans was received warmly and had extensive talks with the Soviet leaders. The Soviets are definitely interested in increased trade with the U.S. but of course also wanted credits and most-favored-nation treatment. This is a topic which will be discussed in May at the summit.

Gromyko also emphasized the need for trade while in Washington.¹² Mr. Brezhnev had written on the subject.¹³ The Soviets of course do not like linkage of this subject. Nevertheless, U.S. policy assumes progress in political areas must precede progress in trade for as a practical matter the Congress would not support any other approach. If the Soviets are fishing in troubled waters in the Middle East or elsewhere,

¹¹ Maurice Stans, Secretary of Commerce, visited the Soviet Union in late November for trade talks. Documentation on the visit is in *Foreign Relations, 1969–1976*, vol. IV, Documents 348–352. See also *ibid.*, volume XIV, Document 14.

¹² Gromyko visited Washington in late September for meetings with Nixon and Kissinger. See Document 332.

¹³ Scheduled for publication in *ibid.*, volume XIII.

they cannot expect increased trade. Furthermore, the Soviets have more to gain from increased trade.

Chancellor Brandt stated that Brezhnev had asked him to join in the creation of a joint five-member trade committee to explore increased trade with West Germany. Brezhnev had stated that the Soviets also want producer goods but had only offered raw materials for which West Germany has no need as a *quid pro quo*.

President Nixon stated that the United States views trade much like West Germany. It must be broadened slowly and carefully. It is in our interest only in the context of political gain.

The President asked whether the Middle East had been raised in the discussions with Brezhnev. Chancellor Brandt stated that is not specifically, but that he had a definite impression that the Soviets were not looking for a crisis but a way out of one in that area. He added that Brezhnev had commented that their arms policy with respect to Egypt involved only doing what was necessary for the defense of Egypt. President Nixon stated that he shared the judgment that the Soviets do not want a confrontation in the Middle East. The economic burden of Egypt must be substantial. Cuba costs the Soviets a million and a half a day; the Middle East in the neighborhood of a billion and a half a year. The Soviet economy is now flat. Therefore leadership may now feel it is time to focus on internal problems, to reduce external commitments and to satisfy some of the demands of the Soviet people. In a sense, Soviet progress which had been diverted to improve the lot of the Soviet people had been welcome as it might ultimately temper expansionist trends.

The foregoing review confirms that both sides must maintain the closest contact on trends within the Soviet Union before the Moscow summit. The United States will do nothing behind the back of its allies. Above all, West Germany is the cornerstone of our Europe policy.

President Nixon then asked Chancellor Brandt to comment on the Soviet-German treaty. Chancellor Brandt stated that there were some differences of view internally on procedural arrangements needed to ratify the treaty. In any event, a vote is expected in early May. West Germany had not thought about the processing of the treaty in terms of the timing of the President's Moscow trip, but had wishes to have it formalized before the next NATO Ministerial meeting at the end of May or early June.¹⁴ This may not be possible however.

Both the Soviet and Polish treaties should be ratified before summer. The Polish treaty is easier. Also, the Berlin agreement should be signed before the summer.

¹⁴ The next NATO Ministerial meeting was held in Lisbon, June 1–6, 1972.

President Nixon asked if the Soviets had not used reverse linkage. Chancellor Brandt confirmed that they were doing so, but that he was against this Soviet tactic. Both leaders agreed that the Berlin agreement was a definite achievement for United States and the West German diplomacy and a manifestation of great cooperation between the two powers. President Nixon stated that the United States would support the Berlin agreement on its own merits, but that the treaties and their processing within the German bureaucracy was an internal matter. He noted that the U.S. press might speculate on both of these subjects and that the Chancellor should know that the U.S. supports the Berlin Agreement and that the treaties are an internal matter for the German people to decide although the U.S. will do nothing on that subject to embarrass the Chancellor. Chancellor Brandt stated that he agreed with this policy but might wish to make it clear that the treaties were accomplished in close consultation with West Germany's allies.

President Nixon stated that Christian Democratic leader Barzel wished to visit Washington early next year and that he would have to act favorably on such a request although he would do so with benign neutrality.

Chancellor Brandt stated that with respect to the issue of the entry of East and West Germany to the United Nations he would not favor such a move before the end of 1973, if that soon. Some German allies are pushing on this issue, but it is not a welcomed initiative. President Nixon stated this was one of the reasons the United States had refused to accept the universality issue with regard to Taiwan. Brandt stated that it would be necessary to achieve additional progress with East Germany on access, traffic control, etc., before UN membership could be considered. In any event, the Federal Republic will have to maintain the one-nation concept.

President Nixon stated that the issue of MBFR must also be approached with the greatest caution and care. He noted that Prime Minister Heath expressed this same concept as had the French. General Haig noted that no U.S. studies had come up with formulas which would not hurt Western European security, and for this reason discussion of balanced force reductions should be in terms of principles and most carefully approached. Chancellor Brandt stated that he agreed fully with this appraisal. Nevertheless, ultimately the subject will have to be looked at most carefully. President Nixon stated that it is a topic on which hope must be held out but reductions would only make sense if they did not hurt the alliance. In this regard, the increase of a billion dollars in force improvements by the Allies has been most helpful in the U.S. ability to hold the line on its own force levels. President Nixon stated that he sensed that even the Soviets are beginning to have doubts about the MBFR. Chancellor Brandt's reply was that it is probable that the Soviets have not even really studied the subject.

President Nixon then complimented the Chancellor on his peace prize acceptance speech¹⁵ and especially on that portion dealing with youth. Chancellor Brandt noted that the anarchist trend among West Germany's youth had cooled off. Nevertheless, there were continual problems in communication.

Chancellor Brandt raised the issue of the leadership problem in Yugoslavia. He noted that this experiment with collective leadership had failed in Croatia and had resulted in the dismissal of the party leadership there. All of these events highlighted the great danger of the situation in Yugoslavia following Tito. Brandt noted that German intelligence indicated that the Soviets were working with nationalist anti-communist Croatian forces abroad and were hopeful of imposing Soviet hegemony. Brandt urged that the United States undertake some measures to assist Tito without appearing to interfere. Tito needs an image of good relations with the United States and Western Europe. President Nixon instructed General Haig to follow up on this issue.

President Nixon stated that he understood that Brezhnev might have been quite tough on Tito during their recent meeting. Brandt stated that Brezhnev had tried to give the opposite impression.

Chancellor Brandt then asked about the Middle East. President Nixon noted that they were hopeful of achieving some progress, but that the situation looked quite discouraging. He stated that Mrs. Meir had relied on the President personally for the kinds of assurances that were essential. In this regard, recent events in South Asia had an important parallel in the Middle East. The Soviets would have been badly misled had they been permitted to achieve objectives through proxies in that area. Obviously, a similar situation existed in the Middle East. Chancellor Brandt stated that West Germany had just reestablished relations with Algeria and the Sudan,¹⁶ and that they were also increasing their activities in Egypt and Syria. The Chancellor noted that he had a good man¹⁷ who was close to the Israelis and the Arabs and who might be some help on the Middle East. The President told the Chancellor to contact Secretary Rogers and Dr. Kissinger on this subject.

¹⁵ For the text of the speech, delivered in Oslo on December 11, see *Texte zur Deutschlandpolitik*, Vol. 9, pp. 302–319; for an English translation, see Brandt, *Peace: Writings and Speeches of the Nobel Peace Prizewinner 1971*, pp. 141–156.

¹⁶ West Germany reestablished relations with Algeria on December 21 and Sudan on December 23; most Arab states had severed relations after Bonn recognized Israel in May 1965.

¹⁷ In a special channel message to Kissinger on January 26, Bahr reported that Brandt was thinking of Hans-Jürgen Wischniewski, former Minister of Economic Cooperation (1966–1968) and SPD party secretary, who enjoyed “the highest personal trust on the Arab side as well as in Israel.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

The President then asked the Chancellor to discuss his views on the European Economic Community. The Chancellor stated he was very pleased with the enlargement of the community and especially the United Kingdom's entrance. The Scandinavians posed some worries in this respect however, and Norway might be the toughest problem. If it does not enter it could just slip into a neutralist stance. Britain's entry in any event will change the entire structure of the community and Britain's outward perspective will influence it. President Nixon stated that the Community is now like a three-legged stool. Chancellor Brandt recalled that this was precisely what Adenauer had feared.

Adenauer had told him earlier that if the three great powers belonged, two would gang up on one and Germany would be the one. Brandt on the other hand did not accept this concept. He preferred to believe that ongoing political cooperation will help European unity. In the context of Britain's membership three fields of activity would be involved: 1. monetary; 2. foreign policy; and, 3. defense. Defense cannot be given too high a posture at the moment or the French will shy away. Within the Alliance, the European group is in a very good state. Former British Defense Minister Healy had launched the concept and German MOD Schmidt is now the Chairman. This body is now responsible for recent decisions to improve NATO's defenses. Trade remains the main source of friction between the United States and West European unity. The monetary settlement cannot but help however, even though West Germany was not pleased with the French attitude on the monetary settlement. Germany never had a problem with the deutschmark and the dollar but rather with the deutschmark and the franc. There was already a 20 percent differential and Pompidou wanted another 6. President Nixon stated he actually wanted seven.

Brandt continued that he had settled on 5.5 percent but nevertheless Germany can live with the final outcome and will do so. Trade talks are now quite important and the issues must be moved forward. CAP¹⁸ and the grain issue is difficult. All of these things suggest that a new relationship or a new forum be created in which these problems can be discussed in a clear way. Agriculture is a difficult problem, especially with France. Over time it will change and the French will become more level. Right now they are very difficult on this subject. The requirement now is for an organized link in the economic field between the enlarged European Economic Community and the United States. A forum should be created which meets once or twice a year to discuss all problems.

President Nixon stated that the U.S. may feel that the enlarged European community might concert against U.S. interests and could ultimately result in an economic confrontation with Europe. This would be

¹⁸ Reference is to the Common Agricultural Policy of the European Union.

very grave and would raise political overtones. For this reason the Chancellor's idea has much merit. It is essential that the community not become protectionist. It is also necessary that Japan be considered. The United States, Canada, Western Europe and Japan comprise 90 percent of the production of the free world and it is essential that Japan not feel isolated. Should not Japan also be included? Chancellor Brandt stated that the Federal Republic of Germany has important trade with Japan.

Brandt noted that the French would be suspicious of an arrangement between the expanded market and the United States since the U.S. would look like a member without being one. This was a result of the Gaullist syndrome. President Nixon stated that the U.S. understood this problem and for this reason Great Britain might be a little Gaullist itself at the moment.

Chancellor Brandt stated that Pompidou had implied that economic integration in Western Europe also ran somewhat counter to détente adding that he did not accept this judgment and in any event it is a French problem. Brandt added that there is also a problem with the Swiss and the Swedes. If they are excluded, they can only run to the Soviets. The expanded community should not however enter into the former British areas in the Caribbean and elsewhere. This could be difficult for the United States. On the other hand, Africa, especially the Mediterranean areas, is a different question and Common Market activity there actually helps the United States.

An additional problem is that developing countries should also get preferential treatment from the community. The U.S. has tended to stay out of Africa whereas Germany has been quite active in that area. President Nixon stated that the U.S. welcomes Germany's activities in Africa. Chancellor Brandt stated that the Africans must have help from Western Europe. Britain, France and Germany must fill the gap, and Germany is better able to do so because it has long since lost its colonial image.

President Nixon noted that the Caribbean and the declining British role there is potentially dangerous since the vacuum left by the British might easily be filled by extremist nationalist regimes. Therefore, the continued British presence, however small, is a stabilizing influence.

President Nixon thanked Chancellor Brandt for his frank and open attitude during the talks. He noted that the discussions could be continued at the working dinner that evening and suggested that Ambassador Rush and Ambassador Pauls be added to the dinner.¹⁹ Both men agreed to meet and continue the discussions the next day.

Alexander M. Haig, Jr.
Brigadier General, U.S. Army

¹⁹ See footnote 22, Document 334.

**336. Memorandum for the President's File by the President's
Deputy Assistant for National Security Affairs (Haig)¹**

Key Biscayne, December 29, 1971.

SUBJECT

Meeting with Chancellor Brandt on Wednesday, December 29, 1971 at 9:30 a.m.,
The President's Residence, Key Biscayne, Florida²

PARTICIPANTS

The President
Chancellor Brandt
Mr. Sahn
General Haig

President Nixon introduced the meeting by informing the Chancellor that General Haig was proceeding to China the following day to make arrangements for the President's February 21 visit there. The President noted that the China initiative was not a sudden whim, but rather the culmination of a long period of careful preparation, which commenced as early as 1967 when he had written an article for *Foreign Affairs*³ pointing out the desirability of opening a channel of communication with 750 million of the world's most talented people. Despite the difficulties posed by our obligation to Taiwan, continued isolation could no longer be tolerated. In ten years China will be a great nuclear power and an incalculable danger to peace should it continue to be isolated from the world community. From the outset of his Administration the President was conscious of the obligation to make an effort at least towards establishing a dialogue. Consequently, discreet approaches were made through third parties. Among others, the Government of Pakistan made known to the leader of Communist China our desire to open a dialogue. Two years of indirect contacts were maintained. Then an invitation was received for the President's visit and Dr. Kissinger travelled to Peking in July to work out the details.

There is a substantive difference between the Summit in Peking and that in Moscow. The President had always made it clear that a visit

¹ Source: National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Box 87, Memoranda for the President, Beginning December 26, 1971. Top Secret; Sensitive; Eyes Only.

² For the German record of the meeting, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1971*, Vol. 3, pp. 2008–2019. For memoir accounts, see Kissinger, *White House Years*, pp. 965–967; and Brandt, *People and Politics*, pp. 302–308.

³ The article, entitled "Asia After Vietnam," appeared in the October 1967 edition of *Foreign Affairs*, pp. 113–125. See also *Foreign Relations, 1969–1976*, vol. I, Document 3.

to Moscow would have to be based on concrete substantive achievements which would precede the event. This occurred through the vehicle of SALT, ongoing discussions on the Middle East, trade and other specific negotiations. Furthermore, the U.S. has had years of diplomatic relations with the Soviet Union. President Nixon has never looked upon the Soviet Summit as an exercise in atmospherics; detailed preliminary work has been underway for an extended period. Above all, the Moscow visit could not be another Yalta where hopes were raised only to be dashed by a lack of specific accomplishments. The Peking visit, on the other hand, is distinctively different in character. The fact of the visit itself constitutes the opening of a channel of communication with the Government which has been isolated from the U.S. for a quarter of a century. There are still insurmountable differences between the two governments. It is not likely that recognition will result from the visit and, above all, no agreements will be sought at the expense of old friends. On the other hand, problems of the Pacific and future confrontations there might be avoided by talking about the problems. An overriding truth, however, is the fact that both Peking and Washington are separated by a wide gulf both in ideologic sense and on specific substantive issues. These differences will exist for years to come just as many of the differences which existed with the Soviets in 1945 still exist today. It will take years to overcome these differences. Certainly Dr. Kissinger made no agreements during his two trips to Peking.⁴ It is clear, however, that the Chinese view the U.S. as no longer its major enemy. The Soviets are their greatest fear; Japan is second and very probably India in the light of recent events. The Chinese have a phobia of being hemmed in and this may explain their willingness to host a U.S. President. Asia is in a period of transition as the U.S. presence is reduced. The likelihood of Japanese rearmament is high and China fears this.

Chancellor Brandt asked about the situation in South Vietnam.

The President pointed out that the U.S. involvement, casualties and sacrifices have steadily declined. He noted that the North Vietnamese now appear to lack the punch for a decisive military victory. U.S. withdrawals will continue. The recent air raids against North Vietnam represent insurance for forthcoming U.S. withdrawals. Total withdrawal is the ultimate U.S. aim. The U.S. will soon reach a point where residual forces are required only for our prisoners of war. But the residual forces will remain there as long as Hanoi holds U.S. prisoners. The war will not be settled in Peking however since Hanoi poses a dilemma for both Peking and Moscow although it is most probable that China

⁴ Kissinger visited Beijing in July and October 1971.

would like to be done with the war. The Soviets, however, provide major assistance. At the present time it looks like South Vietnam can survive although Laos and Cambodia remain in doubt. Soviet mischief-making continues in Southeast Asia and it appears that North Vietnam remains the main obstacle to peace.

Chancellor Brandt noted that Germany has an interest in relations with China and already has a substantial amount of trade. All this is without an official presence there. The West German News Agency man conducts Bonn's diplomacy in Peking. At the right time Brandt will seek to normalize, also. But the Soviets are the problem. Bonn cannot appear to be playing China off against Moscow. On the other hand, Bonn does not have the Taiwan problem. The problem of two Germanies is much like two Chinas in the United Nations and this also complicates normalization. Sometime within the next six months the FRG will try to meet with the PRC in a third country to:

- formalize trade relations, and
- broaden other contacts.

Before this occurs Bonn will inform the Soviets, however.

President Nixon commented that in many respects Germany's problem is even more difficult than is the U.S. problem. The Soviets are able to apply greater retaliatory leverage.

Chancellor Brandt said in any event nothing will happen soon. Contacts might be in Paris or in Vienna ultimately.

President Nixon noted that the PRC Ambassador in Paris is competent.⁵

Chancellor Brandt asked about the status of SALT negotiations.

President Nixon said that the bargaining and negotiating have been difficult and hard and that this issue goes to the heart of the security of both sides. Nevertheless, progress is being made. On the Soviet side the key question is defensive systems and on the U.S. side it is control of Soviet ICBMs. For this reason the U.S. has insisted on simultaneity. It is probable that the point of agreement could be arrived at before or by May with perhaps the final touches taking place in Moscow. In any event SALT will be on the Summit agenda. After the initial agreement, however, explorations must go beyond ABM and ICBMs, and the initial agreement will not deal with European oriented systems.

President Nixon stated that he plans to be in Peking for a full seven days and that the meetings will include extensive talks. At that time

⁵ Huang Zhen, who in May 1973 became the first director of the Chinese Liaison Office in Washington.

President Nixon plans to plumb Chinese attitudes with respect to the Federal Republic.

Chancellor Brandt welcomed this offer and indicated that the FRG would then hold off until President Nixon returns from Peking.

President Nixon added that in addition to an assessment of Peking's attitude it is his view that the FRG must play a strong role with Japan as well as with China. The President then asked Chancellor Brandt if he had any views on the SALT negotiations.

The Chancellor stated that he had none, adding that Germany was pleased with the progress thus far.

President Nixon stated that the overall objective is to seek viable controls. Neither side can permit the other to acquire a decisive advantage. Thus much tough bargaining lies ahead. However, Berlin is a good example of what can be accomplished when the bargaining is hard and detailed.

Chancellor Brandt stated that the treaties with the Soviet Union and Poland will become an issue of great domestic debate in the FRG. While this is essentially an internal problem, his Government must hold firm to the NATO Communiqué of the preceding year which portrays both treaties "within the framework of a policy of the NATO Alliances."⁶ Thus it will be depicted that these treaties are consistent with the policy of the Alliances. This should be understood clearly in the light of the discussion with the President the day before. While the FRG would not wish the allies or the U.S. to interfere, it is also essential that the German public is aware that what has been done is not in conflict with the interests of the Alliances.

President Nixon suggested that perhaps the best way to present it is in the context that the Alliances did not object but the decision is for the Federal Republic to make and the allies in turn could accept it.⁷

The President asked General Haig to confirm the U.S. attitude. General Haig stated that we favor normalization but the objectives undertaken by the Federal Republic must remain the Federal Republic's business.

President Nixon stated it was now apparent that the Soviets have linked Berlin to the other treaties thus employing reverse linkage.

⁶ For the text of the final communiqué issued at the NATO ministerial meeting in Brussels on December 4, 1970, see Department of State *Bulletin*, January 4, 1971, pp. 2–6.

⁷ Kissinger described this exchange in his memoirs as follows: "[Brandt] expressed his gratification at NATO's support for his Ostpolitik. Nixon frostily corrected him, saying that the Alliance did not *object* to the policy. But the Federal Republic had to make the decision and accept the responsibility." (Kissinger, *White House Years*, p. 966)

Chancellor Brandt stated that however is an erroneous position. Of course the Soviets have always lacked human concern. The Federal Republic on the other hand has an interest in people. While the Soviets agreed on Berlin their agreement was politically motivated.

President Nixon stated this is the same kind of attitude the U.S. faces on the POW issue in Southeast Asia. In the same way the Soviets missed an opportunity for psychological gain in Germany if they had been more forthcoming on the humanitarian side. Perhaps this is the greatest achievement of the Berlin settlement. Neither the U.S. nor the Federal Republic could afford to be as calculating as the Soviets and yet the agreement is essentially a good one.

President Nixon asked for the Chancellor's view on Brazil.

Chancellor Brandt stated that Germany has some trade and investment there, especially in the Sao Paulo area. He noted that political relations are good.

President Nixon stated that Argentina has great internal problems but also has a fairly sizeable German population.

Chancellor Brandt stated that it appears that the greatest problem is Chile and he continued by asking about Cuba.

President Nixon stated that Cuba poses a mixed bag of tricks. Castro's influence has been reduced and he has failed economically in Cuba. Most Latin leaders recognize this. It costs the Soviets a million and a half a day and it is anything but a showcase. On the other hand Latin America is in a state of turmoil with Brazil being the greatest exception. The youth is disturbed and alienated. The Catholic Church is divided especially among the younger leadership and anyone who establishes himself as a force for change becomes a popular hero. On the other hand, Castro had mixed reception in Chile.⁸ The people there are beginning to recognize that Allende hasn't solved their problems. Peru is a somewhat different case. Velasco wants to set his own course while Castro seeks to be the inspiration for revolution. He remains alive and mischievous but his appeal has dropped. Another point of concern is the fact that Peru is pushing for re-evaluation of the OAS view on Castro. The U.S. and Brazil are opposed and in fact the U.S. must continue to oppose Castro until he stops the trouble-making against his neighbors. What Castro does in Cuba is his business. When he resorts to exporting revolution, then the U.S. must be opposed. The same policy would apply to Allende. When he goes abroad, then the U.S. must be affected and must object. Expropriation is a case in point. Brazil is also

⁸ At the invitation of Chilean President Salvador Allende, Cuban Prime Minister Fidel Castro arrived in Santiago on November 10 for an official visit; the trip, which lasted until December 4, was Castro's first abroad in nearly 8 years.

a good counter balance. Its leadership does not meet our democratic standards. On the other hand, the Brazilian leader⁹ has been good for Brazil and we continue to maintain that if he takes no foreign policy actions against us, then what he does is acceptable. There are some that take the contrary view. Those who are opposed to Right Wing or military regimes seldom take exception to Leftist regimes. If it is a Greece or a Brazil, they become targets. All this constitutes is different standards of morality. In final analysis, however, great nations must recognize the limits on their ability to change the internal affairs of a country. This is true in Greece, Brazil, and Indonesia in the Pacific. President Nixon recalled the situation in October in South Vietnam when people were clamoring for a cutoff in aid to President Thieu because of his election practices. At that time the President stated that if he applied these standards to other nondemocratically installed nations, then 70% of all U.S. aid would have to be terminated.

Chancellor Brandt stated that he used the same kind of argument with the German foreign policy.

President Nixon agreed pointing out that a parallel exists in the case of his China trip. Many claim that the U.S. is meeting with its enemies. The answer is simple. China has been an enemy but it is there and the question is whether we talk or fight. Conversely should the U.S. overthrow a Greek regime just because it is reactionary. It is essential that the world be looked at as it is and not within ideological biases. Policies of this kind do not indicate a lack of understanding. They do indicate a facing up to problems as they are. Just as Chancellor Brandt wishes to change the game in Central Europe, President Nixon seeks to change the game in Asia. It doesn't make sense to just dig in and stay intransigent. President Nixon recalled Dean Acheson's writing in the book "Present at Creation" where he revealed two types of diplomacy. One the idealistic and the other brought about the realization that we were not present at creation and therefore must live with the world we have. The need is to ease tensions and to seek ways to lessen the dangers. If a leader fails to make the effort during his tenure, what has he accomplished.

Chancellor Brandt agreed noting that recognition of facts is not necessarily support of them or acceptance of them. Further, neither leader could afford to underestimate his potential influence on more advanced segments of the Communist world.

President Nixon stated that John Foster Dulles reiterated that minds that can understand the atom must also be able to perceive the fallacies of Communism. Over time the human mind will see the light.

⁹ General Ernesto Geisel.

This is why trade can be helpful. When those within the Communist system observe the free world, they cannot but question their own system. Anyone who has been to Eastern Europe sees what the system means. Dulles referred to it as the "East of change."

Chancellor Brandt stated that this was absolutely correct.

President Nixon stated that the Communist Bloc and especially the Soviet Union are dominated by tough leaders. On the other hand they are fifty years behind in meeting the demands of their consumers.

The conversation then turned to driving conditions in West Germany which President Nixon stated were bad since German drivers move at too fast a speed. This also is a problem in the U.S.

Chancellor Brandt stated that they have been trying to solve the problem by imposing speed limits but without substantial luck.

President Nixon stated that it was perhaps the quality of the German automobile.

Chancellor Brandt noted that the Chinese had just purchased six new Mercedes 600s, perhaps in time for the President's visit.

Chancellor Brandt asked President Nixon if he intended to visit other locations in Russia besides Moscow.

President Nixon stated that he did intend to visit other locations so that he could see the different peoples of the Soviet Union.

Chancellor Brandt noted that in Moscow he observed great differences between the older women and younger women. The older women were in the traditional mode but the younger women had picked up some of the modern styles.

At this point, President Nixon, Chancellor Brandt, General Haig, and Mr. Sahm were joined by Secretary of State Rogers and Foreign Minister Scheel. Secretary Rogers stated that concerning the European Security Conference, there should be no firm schedule on such a meeting, and it should not be considered until after the Protocol in May or June, and also until after the Ministerial Meeting on May 30–31. He stated that the initial meetings could occur as early as perhaps September or October, with further discussions in the Spring of 1973. Foreign Minister Scheel agreed that it would be difficult to fix a schedule for the actual convening of a European Security Conference at this point.

President Nixon stated that the best he could assess at this point was that the Conference would focus on political and economic issues.

Chancellor Brandt stated that there would have to be some improvement in political coordination and organization before a Conference could be convened. Foreign Minister Scheel stated that it was essential that a summit be held with the new European Economic Community and that the role of the United States be defined with

respect to the European Community on economic matters. Secretary Rogers stated that maybe this could occur in August or September. Chancellor Brandt stated that that was too soon, since the Olympic Games would be hosted in Munich in August.

President Nixon stated that he would like to see the Games, but that in any event, it is essential that the European Security Conference be kept in clear focus. It is obvious that the Soviets want such a Conference, but within the United States—especially within the Congress—there is a great tendency to assume that the Conference itself would be tantamount for justification for mutual balanced force reductions, noting that many seek to give this impression. It also tends to build expectations for unilateral U.S. reductions. For this reason, it is essential that the planning prior to the Security Conference be complete and detailed, and that no hopes be raised that it can be a substitute for continued essential defense sacrifices. In essence, the European Security Conference is a misnomer. The United States does not believe that hardware can be given for software. Therefore, all of the allies must move in the most deliberate fashion, express a willingness to discuss the issue with the Soviets, but, above all, achieve complete alignment of views among the Western allies before entering into any kind of a Conference.

Secretary Rogers stated that the Soviets now do not seem particularly interested in mutual balanced force reductions. German Foreign Minister Scheel agreed, but stated that with perhaps Soviet intentions to link force reductions with the European Security Conference and to have such a Conference serve as a substitute vehicle for achieving their end.

Chancellor Brandt said that all the governments must have a forum to express their concerns and their hopes. The European countries wish to raise the Brezhnev Doctrine, the issues of sovereignty, etc.

The Romanian said he would feel safer if such a Conference were held. Thus, many of the Eastern European states hope to achieve additional security from it by obtaining a principle for the renunciation of force or some other type of reassurance not in terms of pure military security but rather in terms of political assurances which would lead to additional security for the Eastern states.

President Nixon stated that it is obvious that the Romanians would wish to see a European Security Conference.

Secretary Rogers added that the Scandinavians, Belgium and Netherlands are also interested.

Foreign Minister Scheel stated that even France was somewhat interested since they wished to ease the independence movement in Eastern Europe.

Secretary Rogers stated that this is what the United States would seek out of such a Conference.

Chancellor Brandt stated that the mutual balanced force reduction issue in his view is a matter which the Soviets are interested in but haven't had sufficient time to study. The Soviets are also aware that the French are strongly opposed to balanced force reductions but he wondered about the status of the Brosio visit to Moscow.¹⁰

Foreign Minister Scheel stated that the Soviets have not replied to the Brosio initiative. He knows that when he asked about it in Moscow the Soviets had stated that this was not a problem, especially with respect to Brosio's known views, but rather the Soviets were delaying because they were not sure themselves what their own views would be on MBFR. Secretary Rogers stated that the U.S. had been unable to get a commitment from the Soviets on the issue. Foreign Minister Scheel stated that Soviet Foreign Minister Gromyko had raised the issue of MBFR with him over a year ago and even referred to asymmetrical reductions. At that time, Gromyko was interested in getting MBFR discussions started if only in a symbolic sense. Secretary Rogers replied that since that time, however, the Soviets had said nothing. Secretary Rogers stated, in any event, it is not a problem that has to be faced for a while. Foreign Minister Scheel stated that MBFR is a long-time political problem which will continue after his retirement.

President Nixon stated that the talks in Key Biscayne thus far have been very helpful, and he noted that he and Chancellor Brandt have covered China, European problems, FRG and U.S. relations, and that on the whole, these relations were excellent.

Secretary Rogers confirmed that the counterpart sessions with the Foreign Minister and himself were equally productive.¹¹ Foreign Minister Scheel then noted that the President and certainly Secretary Rogers should come to Munich for the Olympics. President Nixon noted that he had been there in 1956 at the time he was working on the Hungarian refugee problem. Chancellor Brandt stated the British Queen and the Shah of Iran would be among their honored guests and that President Nixon should seriously consider joining the group.

President Nixon then referred again to reverse linkage on the Berlin Agreement and the Soviet/Polish Treaty, noting that the Soviet position lacked humanitarian concern. Secretary Rogers asked whether

¹⁰ During a meeting at Brussels in October 1971, NATO Deputy Foreign Ministers appointed former Secretary General Manlio Brosio to explore in Moscow the possibility of mutual and balanced force reductions (MBFR). The Soviets did not respond to Brosio's request for a visa and refused to negotiate with a single NATO representative.

¹¹ Memoranda of conversation for the session on December 28 are in National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. X. A memorandum of conversation for the session on December 29 is *ibid.*, RG 59, Central Files 1970–73, POL 28 GER B and POL EUR E–GER W.

the Soviets might change their position. Chancellor Brandt stated that he was not sure; he thought so but that, in any event, he looked for ratification of the treaty sometime in May and hoped that there would be improved transit to East Berlin by Eastertime, so that the reverse linkage problem may ultimately be finessed. Foreign Minister Scheel stated that the Soviets had not been particularly intelligent about this issue. He had raised it with Gromyko in Moscow¹² and Gromyko had informed him that Brezhnev had his reputation intertwined with the Moscow treaty and, therefore, they had to be secure with respect to its ratification. Secretary Rogers stated that the problem was that they had moved from a position of no linkage to reverse linkage and that, in effect, this helped us.

The group bade farewell and President Nixon issued instructions for the departure ceremony and the movement of the Chancellor and his party by helicopter back to Sarasota.¹³

¹² Scheel was in Moscow November 25–30 for meetings with Brezhnev, Kosygin, and Gromyko. For the text of an announcement on the visit, issued by the West German Foreign Office on December 2, see *Texte zur Deutschlandpolitik*, Vol. 9, pp. 241–244.

¹³ For the text of remarks exchanged between Nixon and Brandt at the end of the meeting on December 29, as well as the text of the joint statement issued on the same day, see Department of State *Bulletin*, January 24, 1972, pp. 96–97.

337. Memorandum of Conversation¹

Washington, January 10, 1972, 12:30 p.m.

PARTICIPANTS

President Nixon
Amb. Kenneth Rush, U.S. Ambassador to Federal Republic of Germany
Richard T. Kennedy, Acting Assistant to the President for National Security
Affairs

President: Where are you staying?

Rush: I stay at a cove in the Bahamas. We spend two or three weeks a year there. It's like San Clemente or Key Biscayne.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1331, NSC Unfiled Materials, 1972 [6 of 8]. Secret; Nodis; XGDS. Drafted by Kennedy, based on his attached handwritten notes. The meeting was held in the Oval Office. A tape recording of the conversation is *ibid.*, White House Tapes, Recording of Conversation Between Nixon and Rush, January 10, 1972, 12:35–1:24 p.m., Oval Office, Conversation 644–14.

President: The weather's better in Key Biscayne except in the summer. The views in San Clemente are spectacular.

Rush: They have great charm.

President: Is the Mitchell decision a possibility?² Where does it stand?

Rush: I would do whatever you wish.

President: When do you have to go back?

Rush: I'm due to go back later this week. I could change my plan.

President: There's plenty of time to get the wheels in motion. I want you to see Mel Laird.

Rush: I will see him tomorrow and his people about the financial aspects.

President: The problem is Laird. He had wanted some people from inside. Your experience in government, on MBFR and SALT, and in business, will be helpful.

Rush: Laird is mostly interested in discussing the financial aspects.

President: I want to do it soon. How quickly should it be? How about the Germans?

Rush: A new man just went over.³ Fessenden was abler. He's now Deputy Assistant Secretary.

President: We must have a name out to replace you fast. Do you have any thoughts?

Rush: I would like to think about it a little.

President: Please see Peter Flanigan this afternoon and discuss the people we should consider. Between the two of you, come up with a recommendation. I want to be ready to move on both simultaneously.⁴

Rush: Yes, the Germans will be anxious as to who it will be.⁵ Many of the old timers are living in the past.

President: The Clay's, the McCloy's, are just not with it any more.

² Mitchell told Haldeman on January 6 that Rush had agreed to the President's request that he replace David Packard as Deputy Secretary of Defense. (Entry for January 6; Haldeman, *Haldeman Diary: Multimedia Edition*) Although Laird opposed the appointment, Rush was sworn in on February 23.

³ Frank Cash replaced Fessenden as Deputy Chief of Mission in June 1971; Cash also served as Chargé d'Affaires for 4 months after Rush left Bonn on February 20.

⁴ On April 17 the White House announced Hillenbrand's nomination as Ambassador; the Senate confirmed the nomination on April 27. (Department of State *Bulletin*, May 15, 1972, p. 714) Rogers, however, asked Hillenbrand to remain as Assistant Secretary through the Moscow Summit in May and the subsequent signing of the Quadripartite Agreement on Berlin. (Hillenbrand, *Fragments of Our Time*, p. 307) Hillenbrand presented his credentials in Bonn on June 27.

⁵ In a special channel message on January 26, Bahr reminded Kissinger "how much we regret Rush's departure and how important it still is to have a man here who has the personal trust of the President." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

Rush: Brandt is going to be in. He runs Foreign Affairs. Scheel is the traveler but he works mostly with Brandt.

President: Scheel's party is small.

Rush: But it's indispensable to them.

President: Brandt is running strong.

Rush: He's now 49/33 to 47/35 against Barzel. The next elections will be in September 1973.

The CDU is against ratification of the eastern treaties. All the leaders now believe there will be no defections. Brandt has 250 votes in the Bundestag; he needs 249. Another defection means no Berlin agreement, no European Security Conference, no détente. Brandt would have to have an election. He would win, if the economic situation is O.K.

The earliest that ratification could be is early May; the latest is late June. If they're not ratified by then, there'll be an election probably in September. Otherwise it'll be one year later.

President: Is Brandt satisfied with our meetings? There is not much to decide, but a lot to talk about.

Rush: Yes. Relations are better with Germany than with almost any other ally. There are no divisions. I have close relations personally. They are our staunchest ally in Europe.

President: They're the only ones with any guts as a country; the others can't play a great role.

Rush: They have the strength and they are on the firing line. Brandt knows this. The troop question is the most important factor in their security and even the left wing socialists know this.

President: It makes the post very important. We need to put a good man in.

Rush: There are no pressing problems.

President: Yes.

Rush: I'm worried about MBFR.

President: It will string out, but I sense that Brandt told Brezhnev to be satisfied with the idea. It would be devastating to move too fast. The Germans will see we are holding firm. Will Brandt give way? Out of a desire for détente, is he willing to pay too big a price?

Rush: No. I'm convinced Brandt's approach is to have strong relations with us and a strong Western alliance as the basis for détente. He wants to improve the lot of East Berliners and East Germans. He's motivated also by a desire to seem attractive toward the East.

They are concerned by press reports on Mansfield and our problems.

President: I can see how he feels. What is Barzel's position?

Rush: Politically he has the CSU, Strauss, on his extreme right. They oppose détente. They're Catholic and feel you can't deal with the

devil. Barzel needs the CSU to support the CDU. Barzel is one of the most moderate. If not for the political pressures, he would see it's stupid to fight ratification.

President: He would fight but lose.

Rush: Yes.

President: Can't an economic and internal political issue bring down Brandt.

Rush: He could still have an anti-Russian posture. All the détente measures could go ahead.

President: Barzel is coming. I'll see him.

Rush: I urge that you do. It's likely he'll be the next chancellor.

President: Things shift quickly. Nobody ever knows.

338. Memorandum for the President's File by the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 28, 1972.

SUBJECT

Your Meeting with CDU Chairman Rainer Barzel on Friday, January 28, 1972
11:32–12:16 p.m.²

¹ Source: National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Box 87, Memoranda for the President, Beginning January 23, 1972. Top Secret; Sensitive; Exclusively Eyes Only. No drafting information appears on the memorandum. A tape recording of the conversation is *ibid.*, White House Tapes, Recording of Conversation Between Nixon and Barzel, January 28, 1972, 11:32 a.m.–12:16 p.m., Oval Office, Conversation 659–3. For Barzel's memoir account of the meeting, see *Im Streit und umstritten*, pp. 170–172.

² Before the meeting with Barzel, Nixon and Kissinger discussed the U.S. attitude toward the CDU/CSU and ratification of the Eastern treaties. Kissinger: "I think this, Barzel's party, is essentially the party of our friends." Nixon: "I know." Kissinger: "And we should just take the position it's up to them, that we're not advising them anything. If we want to bring pressure on them for ratification, we should do it a little later as a result of a deal with the Soviets." Nixon: "Yep." Kissinger: "The more domestic trouble Brandt has the more the Russians need us." After further discussion of the "position of neutrality," Nixon commented: "Brandt, in my opinion, has made a major error in doing what he's done but he's done it now." Kissinger: "Well, the only thing is, it is in our interests for the Russians to have, not to have their flank completely clear in Germany." The two men restated the Soviet factor in their calculations. Kissinger: "And then we can help them [the Soviets] at the right moment, that we'll moderate Barzel if necessary. But not now; it's much too early." Nixon: "I couldn't agree more." (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, January 28, 1972, 11:17–11:27 a.m., Oval Office, Conversation 659–2) The editor transcribed the portion of the conversation printed here specifically for this volume.

PARTICIPANTS

The President
 Mr. Barzel
 Dr. Henry A. Kissinger

Mr. Barzel: I want to thank you for your very kind invitation.³ I must also congratulate you on your Vietnam speech.⁴ I was happy that you took the initiative to see the European leaders; this has counteracted the Soviet shadow. I think it is essential to have visible cooperation between the EEC and the United States. I hope you will visit. It may not be possible in an election year but I hope you can soon afterwards. Naturally the initiative must come from the Europeans. We shall be working on it in the coming weeks.

Moscow attacked the EEC in my talks there.⁵ The results of your Peking policy are already noticeable. The PRC is offering to send an ambassador to the EEC.⁶ You'll soon be in Peking and Moscow. Moscow's policy is very tough.

The President: I am not surprised. Despite the change in Soviet statements there is no change in Soviet policy. They still want to have

³ Barzel, who had requested the invitation in November, asked that Pauls be excluded from his meetings in Washington; Kissinger discussed this request in a telephone conversation with McCloy on January 22. According to McCloy, Birrenbach told him that Pauls had argued in telegrams from Washington that "if [the] treaties are not ratified it is the end of cordial relations between the U.S. and Germany." Kissinger replied: "Baloney." (Library of Congress, Manuscript Division, Kissinger Papers, Box 370, Telephone Conversations, Chronological File) In a January 28 memorandum to Kissinger, Sonnenfeldt reported, however, that Averell Harriman warned Pauls the previous evening that "if the CDU manages to defeat the Moscow Treaty 'we' will have to rethink our entire European policy." (National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI)

⁴ In a televised address on January 25, Nixon revealed the secret talks with North Vietnam in Paris and unveiled his latest peace proposal. For the text, see *Public Papers: Nixon, 1972*, pp. 100–106.

⁵ During his visit to Moscow December 10–16, Barzel met various Soviet leaders, including Gromyko and Kosygin. For Barzel's memoir account of the visit, see *Auf dem Drahtseil*, pp. 140–154; and *Im Streit und umstritten*, pp. 157–168. In a January 27 memorandum to the President, Kissinger noted that, when Barzel insisted in Moscow that the Soviets accept the European Community, Kosygin replied that the Community was "a hostile anti-Soviet grouping." "This last point," Kissinger explained, "was a coup for Barzel because Brandt had said that Moscow accepted the European Community and heralded this as a major turning point. No doubt Barzel's aggressive tactics baited Kosygin. But Barzel now can claim that the [Moscow] treaty, with its unreciprocated concessions, with no agreed interpretation on German self-determination, and with the Soviet opposition to the EEC, all make clear that Moscow will try to isolate and then neutralize the Federal Republic." (National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI)

⁶ The People's Republic of China and the European Community established diplomatic relations on May 6, 1975.

domination of Europe and to neutralize the FRG. I know that the Soviet change in tone is greatly influenced by our China policy. Their desire for détente has more to do with China than with Europe. They remain eager to fragment Europe, but they use softer tactics now. I see the Communists for my reasons and they see me for their reasons.

We will not interfere in the ratification process in Bonn. It is a German domestic problem. We recognize your party's views. We understand your concern that treaties would perpetuate the division of Germany. We consider the FRG an old friend. Our only concern is that détente doesn't become a way to weaken Germany's ties with the West. We are not for a security conference for the sake of a conference. We recognize that Western and Eastern interests are different. Our policy is to seek concrete agreements concretely arrived at.

Mr. Barzel: Kosygin told me that total peace in Europe was insane. When I said everywhere, he changed the subject.⁷

⁷ According to Barzel, Nixon pulled him aside at the end of the meeting and said: "Good Luck. We stand by our old friends. Please give my regards to Kiesinger and Schroeder." (Barzel, *Im Streit und umstritten*, p. 172) Dobrynin raised the Barzel visit in his meeting with Kissinger on February 7. The memorandum of conversation records the following brief exchange on the subject: "Dobrynin then mentioned the Soviets' impression of what Barzel had been told in the United States. It was that the United States was technically neutral with respect to ratification of the treaties, but in fact leaned towards it. This was sufficient help and was within the spirit of our arrangement. I did not contradict the point, but simply said that we wanted a relaxation of tensions and that we were pursuing a positive course." (National Archives, Nixon Presidential Materials, NSC Files, Box 493, President's Trip Files, Dobrynin/Kissinger, 1972, Vol. 9 [Part 1])

339. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, February 10, 1972.

SUBJECT

German Bundesrat Vote Against the Eastern Treaties

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI. Secret; Eyes Only; (Outside System.) Sent for information. Haig and Kissinger both initialed the memorandum, indicating that they had seen it.

As you probably saw, the Bundesrat, in a straight party-line vote, rejected the Eastern treaties yesterday 21 to 20. The next steps will be a series of three Bundestag readings beginning with the first on February 23–24. In each of these a simple majority (of those present and voting) will be required for passage. After the third reading, the treaties will go back to the Bundesrat. There can then either be a conference committee in which differences between the two houses might be ironed out. Or there could be a second Bundesrat reading without a conference committee. Assuming no change in government in Baden-Wuerttemberg as a result of the election there in April, the Bundesrat presumably would again reject the treaties. In the then-required fourth reading in the Bundestag an absolute majority would be needed for passage. As you are aware, the timing of these actions could coincide roughly with the May summit unless both the German parties agree to delay the procedure until afterwards. (If the CDU loses the Minister Presidency in Stuttgart in April, the Bundesrat would agree to the treaties in its second reading and no further Bundestag vote would be required.)

In yesterday's Bundesrat debate, Brandt partly followed the script I understand he outlined to the President:² he said that the treaties had been negotiated in closest cooperation with the Allies.³ But he also went beyond what he had told the President: he said the Eastern treaties had broken the ice for the Berlin agreement which President Nixon has just termed a milestone on the way to détente in Europe.⁴ This of course represents the not unexpected effort to engage the President's interest in ratification of the treaties.

The CDU spokesman, Kohl, on the other hand, noted that the Allies, particularly the US, had made clear that the decision on the treaties was a German one.⁵ This, I think, reflects accurately what the President told both Brandt and Barzel. It is of course a useful line

² For the meetings between Brandt and Nixon on December 28 and 29, see Documents 335 and 336.

³ For the text of Brandt's address to the Bundesrat on February 9, see *Texte zur Deutschlandpolitik*, Vol. 10, pp. 79–90.

⁴ Reference is to the President's Annual Report on Foreign Policy, submitted to the Congress on February 9, in which Nixon hailed the quadripartite agreement on Berlin as a "milestone achievement." For the full text of the report, see *Department of State Bulletin*, March 13, 1972, pp. 313–418.

⁵ For the text of Kohl's address to the Bundesrat on February 9, see *Texte zur Deutschlandpolitik*, Vol. 10, pp. 43–53.

for the opponents since it decouples the Berlin agreement from the treaties.

Efforts by both sides in the debate to involve the US, and the President personally, will no doubt continue.

340. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, February 16, 1972.

SUBJECT

U.S. Policy Toward the German Democratic Republic (East Germany)

Secretary Rogers has sent you a memorandum (Tab C) recommending a redefinition of our policy toward the GDR and attaching a draft telegram of instruction to our Embassy in Bonn and Mission in Berlin.² The instruction would postpone the establishment of diplomatic relations with the GDR, at least until entry of West Germany and the GDR into the UN and would subject establishment of relations to two conditions: (a) West German agreement; and (b) Soviet (and GDR) acknowledgement that recognition of the GDR will not affect Four Power agreements, rights, and responsibilities for Berlin and Germany as a whole.

The instruction goes on to propose that, in the interim, the U.S. seek to activate its presence in the GDR and East Berlin. Specifically that we:

- try to increase trade, travel and contacts generally;
- facilitate unofficial cultural and academic exchanges.

State's instruction to the field, as Secretary Rogers observes in his memorandum to you, deals with policy affecting an area of major concern to the United States. Under these circumstances, I believe that you

¹ Source: National Security Council, Secretariat Files, NSSM Files, NSSM 146. Top Secret; Sensitive. Sent for action. No drafting information appears on the memorandum. Sonnenfeldt forwarded a copy to Kissinger on February 16. (Ibid.)

² The memorandum, dated February 14, and the draft telegram are attached at Tab C but not printed. Both are also in the National Archives, RG 59, Central Files 1970–73, POL 1 GER E–US.

should make the appropriate policy decision only after full consideration by the National Security Council.³

The memorandum at Tab A from you to Secretary Rogers acknowledges the importance of the issues he has raised and states that they require NSC consideration. With your approval I will issue a NSSM (draft at Tab B)⁴ calling for an interagency study of all the issues which any alteration of our present policy toward the GDR might raise. I will discuss this NSSM with Secretary Rogers before issuing it.

Recommendation

1. That you sign the memorandum to the Secretary of State at Tab A.⁵
2. That you authorize issuance of the NSSM at Tab B.

³ In a February 11 memorandum to Rogers, Hillenbrand stated his belief that, since there was “no divergence of views” in the interagency clearance process, “an elaborate NSC procedure” to approve the policy was unnecessary. (Ibid.) Kissinger, however, disagreed in a telephone conversation with Haldeman on February 16. Noting that Rogers intended to recognize East Germany, Kissinger insisted that the policy “should never be put into a cable before it is discussed in the NSC. It’s another attempt to bust the system.” The two men agreed that the White House should postpone a decision until a “full discussion” after the President returned from China. “This is a major decision and it basically builds a confrontation between him and the President,” Kissinger explained. “If it is disapproved, he can say he is a great hero. We should sell it to the Russians if we are going to do it.” Kissinger also told Haldeman that the telegram would be withdrawn at his initiative. (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File)

⁴ Tab B is not printed. For the NSSM as issued, see Document 341.

⁵ Although he did not indicate a decision on the memorandum, Nixon signed the memorandum to Rogers on February 17. The text reads: “Your thoughtful memorandum of February 14 raises important issues for US policy which I believe should have a full airing in the NSC. I have asked Dr. Kissinger to issue an appropriate NSSM and he will be in touch with you before doing so.” (National Security Council, Secretariat Files, NSSM Files, NSSM 146)

341. National Security Study Memorandum 146¹

Washington, February 17, 1972.

TO

The Secretary of State

SUBJECT

US Policy Toward the GDR

The President has directed that a study be prepared on US interests and policies with respect to the German Democratic Republic.

This study should examine the relevant issues in the context of:

- (a) Four Power responsibilities for Germany;
- (b) our position in Berlin;
- (c) our relations with the Federal Republic of Germany;
- (d) the development of the FRG's relationship with the GDR;
- (e) our relations with other East European countries;
- (f) the attitudes of our allies and third countries.

The study should consider US policy options over the next few years, including timing of possible US actions. Each option should include a full discussion of probable implications for US interests. Attention should also be given to the implications of possible GDR participation in international organizations and conferences such as the Conference on Security and Cooperation in Europe (CSCE).

The President has directed that the study should be undertaken by the NSC Interdepartmental Group for Europe and should be completed by March 30, 1972, for consideration by the NSC Senior Review Group and, subsequently, by the NSC.

Henry A. Kissinger

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 365, Subject Files, National Security Study Memoranda (NSSM's), Nos. 104–206. Top Secret. Copies were sent to the Secretaries of Treasury, Defense, and Commerce, and to the Director of Central Intelligence. In the absence of Kissinger, who left Washington that morning to accompany the President to China, Haig asked Kennedy to clear the memorandum with the Department of State. (Memorandum from Haig to Kennedy, February 17; National Security Council, Secretariat Files, NSSM Files, NSSM 146) On February 18 Kennedy noted that Rogers had "no objection to the NSSM as written" and that the memorandum "should be issued with a date of February 17." (Memorandum for the Record by Kennedy, February 18; *ibid.*)

342. Telegram From the Department of State to the Embassy in Germany¹

Washington, March 10, 1972, 6:15 p.m.

42053. Subj: Washington Visits by German Political Leaders. Ref: Bonn 3247.² From the Secretary.

1. Given the uncertain situation which has developed in Bonn concerning ratification of the Moscow and Warsaw treaties, both the government and opposition parties are likely to be inclined to send high level representatives to Washington in the hope of gaining some support for their positions or at least some expression of US views which they can utilize in the domestic debate. Von Weizsaecker's idea that Schroeder should visit Washington in order to explain to the President the CDU's concepts concerning relations with the Soviet Union is a case in point.

2. The United States is determined to avoid involvement in the Bundestag's decision on the Eastern treaties. In responding to press questions I have made clear that we view this as a German matter to

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 7 GER W. Secret; Exdis. Drafted by Sutterlin on March 9, cleared by Springsteen, and approved by Rogers. Repeated to London, Moscow, Paris, Warsaw, and Berlin. The time and date of transmission, which are illegible on the telegram, are taken from a notation on an action memorandum from Springsteen to Rogers, March 10. (Ibid.) Rogers also enclosed a copy of the telegram in a March 10 memorandum to Nixon. "While we cannot prevent German politicians from coming to Washington," Rogers explained, "I think that it is in our interest to discourage such visits to the extent we can tactfully do so during the current period of intensive controversy in the Federal Republic. I am sending a message to this effect to our Embassy in Bonn and wished to let you know since the White House and the Department will no doubt have to work in close coordination in handling the various visit proposals which can be anticipated despite best efforts of our Embassy in Bonn to discourage them." (Ibid., Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI) Kissinger briefly summarized Rogers' memorandum in a March 20 memorandum to Nixon; Butterfield stamped the latter to indicate that the President had seen it. (Ibid.)

² In telegram 3247 from Bonn, March 8, the Embassy reported that Richard von Weizsäcker, then a liberal member of the CDU/CSU parliamentary group, told an Embassy officer that "the consequences of defeating the Eastern treaties has been, at least until now, underestimated by CDU leaders including Barzel." Weizsäcker, therefore, proposed that "Schroeder, as shadow foreign minister and in the role of special emissary from Barzel to President Nixon, ought to visit Washington and explain what the Ostpolitik of a CDU-CSU government would be and also to express willingness to do what it reasonably could to bring the Berlin agreement into force." (Ibid., RG 59, Central Files 1970–73, POL 12–6 GER W) After discussing the proposal with Schröder, however, Weizsäcker told an Embassy officer on March 14 the proposed visit was "undesirable" and "that any contact therefore would be between the CDU/CSU and Western embassies in Bonn." (Telegram 3659 from Bonn, March 15; *ibid.*)

be decided by the German people.³ Our involvement and interest in the Berlin Agreement is evident but we view this Agreement as desirable on its own merits and we hope it will come into effect whatever the decision of the German Government may be concerning the Eastern treaties.

3. I feel that visits by high level Germans can only make more difficult during the present period our objective of avoiding involvement in the internal German political scene. Therefore, to the extent that this can be done without offense to German leaders, Embassy Bonn should do what it can to discourage such visits. The President's trip to Moscow, the dates of which have not yet been determined, the NATO Ministerial meeting which will require my attendance, and the fact that this is an election year in the United States can all perhaps be used to good advantage in turning aside or discouraging visit proposals while the controversy over the treaties and the future of the Brandt Government remain intense.⁴

³ Rogers fielded several questions on the political situation in Bonn during his news conference on March 7. When a reporter asked what the administration would do if the Bundestag failed to ratify the Eastern treaties and the Soviets then refused to sign the final protocol of the Berlin agreement, Rogers replied: "Well, I am not going to make any answer to a hypothetical question of that kind. You know our position about the Berlin agreements. You know that we hope that the protocol that we worked out will be signed. We don't want to say anything that interferes with the internal affairs of the Federal Republic at this time. If that should happen, then we will have to consider what to do." (Department of State *Bulletin*, March 27, 1972, pp. 472–473)

⁴ The telegram is unsigned.

343. Information Memorandum From the Assistant Secretary of State for European Affairs (Hillenbrand) to Secretary of State Rogers¹

Washington, March 16, 1972.

IMPLICATIONS OF NON-RATIFICATION OF THE FRG'S TREATY WITH MOSCOW

A political situation has developed in Bonn which raises a serious question as to whether the Bundestag will ratify the FRG's treaty with

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–USSR. Confidential; Exdis. Drafted by Sutterlin and Perry.

Moscow. Analysts within the Government coalition parties and the opposition CDU/CSU both conclude that at the moment the chances are about 50/50, with a slight edge in favor of ratification. The latest intelligence reports² suggest that the Soviets intend to put great pressure on the East Germans to make concessions in the current inner-German talks. This could tip the scales further toward ratification but the reliability of these reports remains to be proven.

The one clear fact is that the Government now has a margin of only one vote above the required minimum if, as is expected, an absolute majority is required; and this one vote is in doubt.³ If the Government cannot muster an absolute majority for the third reading in early May, its prospects for doing so during a fourth and final reading in June will be poor. It is therefore conceivable that while final action will not have been taken in the Bundestag prior to the President's Moscow trip, the prospects for ratification will have become clear—either better or much worse. Almost all of the détente measures foreseen for Europe are tied in one way or another to the Bundestag action. Even the decision of the Norwegians and Danes on EC membership could be affected.⁴ Given the time frame, both the atmosphere and results of the President's Moscow visit are likely to be substantially influenced by concurrent developments in Bonn. Under the circumstances we need to consider the situation which would arise if ratification fails.

² Not further identified. Sonnenfeldt summarized several intelligence information cables in a March 14 memorandum to Kissinger, including one regarding Soviet efforts to press the East Germans to make further concessions. "Bahr has been told by the Soviet Ambassador (Falín) that the USSR had started talking with the East Germans about concessions in the field of human improvements," Sonnenfeldt reported. "Falín said that the Soviets had proposed to the East Germans that they lower the age limit for the old people they permit to visit the FRG, liberalize local trips across the border, or arrange more bus tours for West Germans to the GDR. He described a Soviet-East German division of labor on the treaties—Moscow warning of dire consequences if the treaties fail, the GDR acting in a forthcoming fashion." (Ibid., Nixon Presidential Materials, NSC Files, Box 718, Country Files, Europe, USSR, Vol. 21)

³ On February 29 Herbert Hupka, a member of the SPD parliamentary group and spokesman for Silesian expellees, announced both his defection to the CDU/CSU opposition and his intention to vote against ratification of the Eastern treaties. In a March 2 memorandum to Kissinger, Sonnenfeldt explained that, although the defection was not unexpected, the SPD "seems less sure about ratification that it has been." (Ibid., Box 686, Country Files, Europe, Germany (Bonn), Vol. XI) One week earlier Kurt von Kühlmann-Stumm, a member and former chairman of the FDP parliamentary group, told an Embassy officer in Bonn that he would not defect but would probably not vote for ratification. "If any other Government Deputy joins Kuehlmann-Stumm and SPD Deputy Hupka on this issue," the Embassy commented, "the Treaties' ratification bills will fail, unless at least one opposition Deputy votes for them, a most unlikely possibility." (Airgram A-195 from Bonn, February 24; *ibid.*, RG 59, Central Files 1970-73, POL GER W-POL)

⁴ Norway and Denmark signed the Treaty of Accession to the European Communities on January 22, 1972. Although Denmark formally acceded on January 1, 1973, the Norwegian people rejected membership by referendum in September 1972.

Possible German Actions

The following courses are open to the Government and opposition parties in Bonn in the event the Government does not have the absolute majority which it requires:

(a) Brandt can connect the vote on the treaty with a vote of confidence in his Government. If he fails to receive an absolute majority, he can request the President to call for new elections.⁵ The President is also a member of the SPD and can be expected to cooperate within the bounds of his constitutional limitations. If new elections are held during the summer on the Eastern policy issue, the SPD probably will gain strength and would re-submit the treaty for ratification after forming a new government with the FDP. Under these circumstances ratification and all of the things connected with it would be delayed but nothing more serious would necessarily be involved.

(b) The opposition leader, Dr. Barzel, is not bullish on the CDU's prospects in an early election. If he senses that the Government does not have the necessary absolute majority on the treaty, he may propose that the critical vote be postponed until such time as the current inner-German negotiations have been completed and humanitarian alleviations achieved for Germans living in the GDR. This course could delay ratification indefinitely and leave the Berlin Agreement in limbo until after the next German elections in the fall of 1973.

(c) If the FDP does poorly in provincial elections which are scheduled in Baden-Wuerttemberg for April 23, Barzel may find enough FDP members in the Bundestag who are willing to switch to the CDU and give him an absolute majority necessary for his election as Chancellor to replace Brandt under a procedure in the German Constitution known as a constructive vote of no confidence.⁶ Should this occur, Barzel would quickly make a conciliatory statement to the Soviets, possibly suggesting that the FRG would be prepared to participate in a CSCE if the USSR would sign the Final Berlin Protocol without requiring prior ratification of the Moscow Treaty. A totally new situation could then develop, depending on the Soviet reaction.

Effect on the Soviet Union

In assessing the impact of non-ratification upon the Soviet Union, two levels of analysis are necessary. In the broadest, long range sense nothing fundamental is likely to be changed in Soviet policy. Soviet Westpolitik is not a short-term, tactical maneuver, but a long-range policy based upon lasting determinations of Soviet interests. There has

⁵ Article 68 of the West German Basic Law.

⁶ Article 67 of the West German Basic Law.

been debate about the priority the Soviets attach to these interests, but most observers would agree that the following should be included:

- A strong desire to cement the political and geographical status quo in Eastern and Central Europe;
- The need for greater access to Western credits and technology via increased East-West economic intercourse;
- The desire for a stable and relatively relaxed Western front in order to leave more room for maneuver in the contest with China;
- A long-term drive towards predominant influence throughout Europe, and therefore the desire to see US presence and influence diminish.

All of these desiderata have been linked to Brandt's Ostpolitik. If Brandt fails, Soviet hopes would be set back and timetables revised. The Soviet need for détente in Europe goes far beyond Brandt, however, and far beyond the short term. If the treaty fails of ratification, they will adopt new tactics but will pursue the same long-term ends.

Nevertheless we would consider the failure of ratification to be potentially of high importance since it could cause repercussions within the Soviet leadership. We believe that great controversy has attended the formulation of Soviet policy in response to the Ostpolitik. Policy towards Germany has always been highly sensitive, and the "German Question" figured in the downfall of both Beria and Khrushchev.⁷ It is significant that Brezhnev has attached his personal prestige to the FRG/USSR treaty from the beginning. While Brezhnev's position appears solid, it is impossible to say with any confidence what the effect on the Kremlin lineup would be if a new debate arose about German policy.

The Soviets have already issued editorial warnings that "any attempt to return to the past as leaders of the CDU/CSU are urging could bring with it the most serious, perhaps irremediable damage for the FRG."⁸ Therefore Moscow can be expected to take a fairly tough stance initially, at least, should there be a new CDU government. If, on the other hand, new elections are scheduled, the Soviets presumably will do what they can to ensure an SPD victory. Logically this should mean that the Soviet Union will not react with sharp pressure on Berlin in

⁷ Deputy Chairman of the Council of Minister's Lavrenti Beria, who considered abandoning socialism in East Germany, was arrested on June 26, 1953, 10 days after a major uprising in East Berlin and other East German cities. Chairman of the Council of Ministers Nikita Khrushchev, who advocated improving relations with West Germany, was ousted on October 14, 1964, 6 weeks after he announced his intention to visit Bonn in 1965.

⁸ The warning appeared in *Pravda* on March 4. For additional excerpts from an English translation of the editorial, see *Current Digest of the Soviet Press*, March 29, 1972, Vol. XXIV, No. 9, pp. 18–19.

the event that failure of the Bundestag to ratify the Moscow Treaty is linked with early elections. The Soviet Union can be expected, however, to put additional pressure on the Western Europeans to drop the linkage between signature of the Final Berlin Protocol and multilateral preparations for a CSCE, on the ground that the Germans themselves are standing in the way of signature of the Protocol. We do not believe that the Soviets will sign the Berlin Protocol until the Moscow Treaty is ratified, unless the United States would more or less guarantee achievement of the same results through a CSCE as the Soviets hoped to achieve through the Moscow Treaty, something we consider out of the question.

US Contingency Planning

It would be premature to conclude at this point what attitude the President should take during his Moscow visit on the ratification question. After the Baden-Wuerttemberg elections, we will be better able to make recommendations. For the present it seems to us that we should continue our strict policy of non-involvement in the internal German debate over the Moscow Treaty, and be prepared to proceed on the following basis if ratification fails:

(a) Continue to emphasize that the Berlin Agreement stands on its own merits, is in the interest of the Berliners and of a relaxation of tensions in Europe and should be signed. There is no linkage in the Quadripartite Agreement to ratification of the Moscow Treaty by the FRG.

(b) Maintain the position that multilateralization of preparations for a CSCE should not take place until after the Berlin Agreement is in effect. The Berlin Agreement is too central to a successful CSCE to go ahead before it is signed.

(c) Proceed on the assumption that bilateral US/Soviet relations need not be affected by a failure of the FRG to ratify the Moscow Treaty, unless the USSR reacts in such a way as to threaten the security of Berlin or the integrity of the FRG. On this understanding, we should continue our dialogue with the Soviet Union on a normal basis in continuing negotiations, including efforts to initiate discussions on MBFR.

(d) Make clear that we will respect the democratic decision of the FRG whatever it is, and will continue to place the highest value on the FRG's contribution to the security of the Alliance and to the maintenance of peace, which is the clear and demonstrated intent of all major political parties in the FRG.

344. Letter From the Political Counselor at the Embassy in Germany (Dean) to the Director of the Office of German Affairs (Sutterlin)¹

Bonn, March 21, 1972.

Dear Jim:

Washington has taken the position that we should not intervene in the inner-German conflict over ratification of the Eastern Treaties.² This position is certainly correct and we here have been abiding by it. I should tell you, however, that in his discussions of the ratification situation with me on March 3 and March 20,³ State Secretary Bahr requested a personal intervention with Barzel by either Mr. Rush or Dr. Kissinger acting in the name of the White House.

On the first occasion, I referred to our established policy of non-intervention but, on the second one, Bahr made it clear that he expects at least that his message be sent through to Mr. Rush with whom, as you know, he had a very close working relationship. Bahr pointed out that he expected that the Administration would have a direct interest in preventing a situation where treaty ratification might fail and the Berlin Agreement went into limbo just before the President's trip to Moscow. He is hoping that Barzel can be persuaded to urge Kohl and Stoltenberg not to vote against the treaties in the Bundesrat⁴ if the CDU majority there is confirmed by the Baden-Wuerttemberg elections and that a direct expression of concern by the Administration might be a factor in Barzel's decision.

My own worry is that if the tight situation here continues, and the Brandt Government nevertheless survives, it may for some time to come resent the inactivity of our government at the time of its own greatest need. On the other hand, the risks of intervention with Barzel are considerable even on a private basis and the effects on him uncertain, also with some chance of resentment if it becomes public and even

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, JD—Correspondence 1972. Secret; Official–Informal. A copy was sent to Cash.

² See Document 342.

³ The Embassy forwarded accounts of these discussions in telegrams 3029 and 3902 from Bonn, March 3 and March 21. (National Archives, RG 59, Central Files 1970–73, POL 15 GER W and POL GER W–USSR)

⁴ As Minister Presidents of the Rheinland-Pfalz and Schleswig-Holstein, Kohl and Stoltenberg each controlled four votes of the CDU/CSU majority (21 to 20) in the Bundesrat.

if it does not. In any event, I believe that the state of our relations with the FRG requires that Bahr should be told that his message has reached Ambassador Rush.

With best regards,

Jock

345. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, March 24, 1972.

SUBJECT

Your Meeting with Egon Bahr, March 28²

Bahr is coming at a moment when the fate of the Eastern treaties in the Bundestag hangs by a one vote thread (see the intelligence memorandum at Tab A,³ already somewhat outdated). The Coalition is at odds with itself on several issues, including whether to seek new

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI. Secret. Sent for action. The memorandum was pouched to Kissinger, who was on vacation in Acapulco, Mexico. According to another copy, Livingston drafted and Kissinger noted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 270, Memoranda of Conversations, 1968–77, Chronological File)

² In a special channel message to Kissinger on January 26, Bahr requested a meeting sometime in March to discuss “our ideas” for Ostpolitik. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3]) Kissinger replied on February 8: “You would be very welcome in March or whenever it suits your schedule. It is important for us to talk.” (Ibid.) On March 1 Bahr reminded Kissinger by special channel that he had “no cover for the trip.” In order to avoid political trouble in Bonn, Bahr suggested that Kissinger formally request the meeting through Pauls in Washington; Kissinger could then argue that he needed to see Bahr before the Moscow summit, since “there are not many people in the West who know Brezhnev as well, except the Chancellor, who is difficult to ‘summon’.” (Ibid.) In a special channel message on March 16, Kissinger offered an appointment on March 28; Pauls accepted the “invitation” on Bahr’s behalf one week beforehand. (Ibid.)

³ In the attached March 8 intelligence memorandum, entitled “Moment of Truth for West Germany’s Ostpolitik,” the CIA concluded: “At this point in time, the treaties seem likely to be ratified—albeit by a very small margin—and a court battle is far from certain. The odds, then, are that Brandt will pass the first important domestic test of his Ostpolitik, and he will be able to look with confidence to the 1973 elections.”

elections if the treaties fail. The Soviets, and to a lesser extent the East Germans, have been making some concessions to help ease the treaties through. Bahr himself is visibly in the forefront as the chief negotiator with the GDR and has been getting much press coverage, not all of it favorable (for example, the *Christ und Welt* profile at Tab B).⁴

The situation looks like this:

Soviet Stand on the Treaties. Recent Soviet moves designed to help Brandt and counter CDU accusations include:

(a) A letter of March 9 from Falin, the Soviet Ambassador, to Scheel transmitting a *Pravda* article⁵ that says the German and Russian texts of the treaties are identical. (Some treaty opponents in Bonn had claimed that the Russian word for “inviolable” frontiers was more definitive than the German and precludes negotiated changes.)

(b) Falin suggested to State Secretary Frank about the same time that the USSR and the FRG should sign a general economic agreement right after treaty ratification, adding the important additional observation that a clause making the agreement applicable to Berlin should be no problem. (For years, the two countries have been unable to conclude a new trade agreement because the Russians haven’t wanted it to apply to West Berlin.) Brandt subsequently publicized this.⁶

(c) Brandt reported to the Bundestag Foreign Affairs Committee that he had met March 13 with Falin who had told him that Scheel’s August 1970 letter asserting the Germans’ right to unity would be brought to the Supreme Soviet’s attention.⁷

(d) Brandt also announced that he had reason to believe the Soviet Union was reconsidering its attitude toward the EEC. Brezhnev subsequently said on this point that the Soviet Union is “far from

⁴ Not printed. The article, “Bahrs inneres Gelände: Gespräch mit dem Staatssekretär im Kanzleramt” by Jürgen Engert, was published on March 17.

⁵ The article, which appeared under the name “Spectator,” was published on February 20. For a German translation, see Meissner, ed., *Moskau-Bonn*, Vol. 2, pp. 1431–1432.

⁶ Brandt revealed that the Soviet Union was prepared to negotiate a trade agreement, with language that would apply in principle to West Berlin, during his presentation to the Bundestag foreign affairs committee on March 16. (See footnote 7 below.) After less than one week of formal negotiation, the Soviet Union and West Germany initialed a Treaty on Trade and Cooperation in Moscow on April 7. For text of the agreement, which was signed in Bonn on July 5, see Meissner, ed., *Moskau-Bonn*, Vol. 2, pp. 1559–1561.

⁷ Brandt appeared before the Bundestag foreign affairs committee on March 16 to address concerns raised by Barzel and other opposition leaders during the parliamentary debate. During his presentation, Brandt gave an account of Soviet concessions based largely on a meeting 3 days earlier with Falin; according to Brandt, Falin also predicted “a serious crisis of confidence, as well as the failure of the Berlin agreement, should the treaties not be ratified.” (Telegram 3822 from Bonn, March 17; National Archives, RG 59, Central Files 1970–73, POL GER W–USSR) For his memoir account of the meeting with Brandt, see Falin, *Politisches Erinnerungen*, p. 190. For an English translation of the “Letter on German Unity,” which Scheel had delivered to the Soviet Foreign Ministry on August 12, 1970, see *Documents on Germany, 1944–1985*, p. 1105.

ignoring the actually existing situation in Western Europe, including the existence of . . . the Common Market.”⁸ This is being interpreted as Soviet “recognition” in contrast to Kosygin’s denunciation of the EEC as a Chinese wall when he saw Barzel.⁹

These last two points ((c) and (d)) are designed to undercut objections which Barzel has been making to the treaties. At the same time, Brezhnev took a very tough line should the treaties fail.

GDR Moves. The GDR has recently:

(a) Unilaterally announced that it will issue West Berliners passes to visit East Berlin during Eastertide and Whitsun. Applications are now flowing in.

(b) Announced that it will ease administrative processing of Autobahn traffic to Berlin during these holidays.

(c) Hinted—but only hinted—that it would be willing to permit some local traffic across the FRG–GDR frontier (kleiner Grenzverkehr).

(d) Hinted that it might be willing to reduce the minimum age of East German pensioners who can travel to the FRG from 65 to 60. (This might even double the present volume of travellers, about a million annually.)

In addition, Honecker has made a surprisingly conciliatory speech on the possibility of “co-existence” with the Federal Republic.¹⁰

Bahr’s Activities. Bahr has started weekly sessions with his GDR counterpart in an effort to conclude a GDR–FRG traffic treaty before the treaties come up for the final ratification reading, probably in June. He is telling our chargé in Bonn that he has been using a tough line with the East Germans, saying the FRG won’t modify its stand against GDR membership in international organizations, particularly the World Health Organization (WHO), pressing him on the pensioners’

⁸ Brezhnev made these remarks in an important speech at the 15th Congress of Soviet Trade Unions in Moscow on March 20. In his attempt to support the government in Bonn, Brezhnev also attacked the opposition for refusing to recognize such political realities as the inviolability of postwar borders in Europe. “The F.R.G. now faces a crucial choice,” he declared, “one that will determine the destiny of its people and the attitudes of other states toward the F.R.G. for many years to come. This is a choice between cooperation and confrontation, between détente and the aggravation of tensions, and in the final analysis it is a choice between a policy of peace and a policy of war.” (*The Current Digest of the Soviet Press*, April 19, 1972, Vol. XXIV, No. 12, pp. 1–9)

⁹ See footnote 5, Document 338.

¹⁰ Honecker discussed the prospects for “peaceful coexistence” with West Germany in an address at Leipzig on March 10. For text of the speech, see *Texte zur Deutschlandpolitik*, Vol. 10, pp. 393–397.

age limit, and warning him that Bonn won't conclude the agreement unless there are travel improvements.¹¹

Bahr is also predicting to our Embassy that the treaties will pass, for the SPD hopes to win over some CDU votes for them.¹² He says Brandt does not now intend to introduce a confidence vote in early May, when the treaties come up for their next-to-last readings. According to a sensitive report of information which Bahr apparently intends to reach the US Government (Tab C),¹³ Bahr believes that a defeat for the treaties will usher in a crisis and Berlin blockade. One way to manage such a crisis, in Bahr's opinion, would be for the Western allies to recognize the GDR.

Your Meeting with Bahr

The fact of your meeting, which is known to State and elsewhere in the government, will be interpreted here and in Germany as indicating US concern and foreshadowing American intervention of some sort on behalf of the treaties. Most likely it will also cause the CDU to review its plan, shelved ten days ago, to send an emissary like Schroeder to Washington to discuss the treaties.¹⁴ Bahr certainly knows of the President's assurances to Brandt that we intend to stay neutral in the treaty debate.¹⁵ But he must assume that our interests may dictate otherwise in the crunch. He will presumably seek to confirm this assumption. His inventive brain may have some suggestions on how we should proceed.

I don't know what your preferences are. Mine would be simply to ask Bahr whether he anticipates further Soviet and East German concessions and whether they will be enough to get the treaties through, and for the rest to maintain the neutrality line.

It seems to me that for many reasons you should in any discussion of the consequences of a defeat of the treaties (or of the postponement of action on them or of several of the contingencies other than ratification) *not take the position that all hell will break loose*. Bahr is not a discreet man, whatever his other virtues and uses, and I do not

¹¹ The East German Government announced the temporary relaxation of travel restrictions for Berlin on March 14. For text of the announcement, see *ibid.*, pp. 398–400.

¹² Bahr made these points in a March 21 briefing of Cash, Sauvagnargues, and Jackling on his talks with Kohl. The Embassy forwarded an account of the discussion in telegram 4019 from Bonn, March 22. (National Archives, RG 59, Central Files 1970–73, POL GER E–GER W)

¹³ Attached at Tab C but not printed is an intelligence information cable dated March 23.

¹⁴ See Document 342.

¹⁵ See Documents 335 and 336.

think it would be in our interest to reinforce the notion that the President's fortunes (or the world's) depend on the skill or the luck or the longevity of the present German government.

Perhaps the best outcome would be to learn from Bahr quite frankly what Brandt intends to do in each of the likely contingencies, mainly because of the President's trip to Moscow. We need to know if Brandt intends anything dramatic if he gets into further difficulties.

Apart from the treaty issue, you will presumably want to have Bahr's observations about the Soviet leaders. He is an astute observer who has of course seen a great deal of them in recent years.¹⁶

Caution. You are probably not fully informed about the complex minuet that is being danced on CSCE/MBFR, although we have a book on it for you for next Wednesday's SRG.¹⁷ To avoid confusion and crossed wires with State, *I think you may want to keep any comments on a very general plane.* Let him talk.

¹⁶ In a March 24 follow-up note to Haig, Sonnenfeldt reported on "a little problem with the serpent." "As was to be expected," he explained, "the German press has the story of his [Bahr's] trip and has asked State for confirmation." Sonnenfeldt noted that he had called Kissinger, who was on vacation at Acapulco, to discuss the issue; the two men agreed that "if the pressure for comment built up there should be a very low-key line that Bahr is coming to talk about European developments in the context of our preparations for the summit." "A more serious problem," he continued, "which I did not discuss with Henry, is that Rogers does not know about the trip. As you know he just sent the President a memo [see footnote 1, Document 342] saying that we should have no Germans come at present. The State man has no access to Rogers (who is away anyhow) and Hillenbrand is in Brussels. But I think before this thing blows in our press you ought to say something to Rogers. I think you can tell him the truth (Bahr's initiative, talk about Brezhnev) and add that since he was so pressing HAK decided to do it now rather than closer to the German vote; it was only recently arranged and you were going to mention it after Rogers' return Monday." "I gather Bahr will also see Rush," Sonnenfeldt added, "(but this is grapevine and I have made no checks)." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

¹⁷ Reference is to Kissinger's briefing book for the meeting of the Senior Review Group on March 29. (National Security Council, Secretariat Files, SRG Meeting Files, European Security Conference & MBFR, 3–29–72) For a brief excerpt from the minutes of the meeting, see footnote 2, Document 348.

346. Editorial Note

Before his luncheon with German State Secretary Bahr on March 28, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House to discuss the upcoming summit in Moscow. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No substantive record has been found. Dobrynin briefly described the discussion in his memoirs. (Dobrynin, *In Confidence*, p. 242) During the meeting, Dobrynin delivered a letter to President Nixon from Soviet Communist Party General Secretary Brezhnev. The letter, which included an exchange of views on the Strategic Arms Limitation Talks, Middle East, and Vietnam, first addressed the importance of the Berlin agreement and of ratification of the Eastern treaties in the Bundestag:

“Both in public statements and confidentially we repeatedly outlined our views and put forward certain specific proposals concerning Europe. We understand the readiness expressed by you to a confidential exchange of opinion on this score, in such a way that in the course of the preparation for the meeting appropriate specific considerations will be expressed by the American side as well.

“You, Mr. President, noted on a number of occasions the great significance of the quadripartite agreement on West Berlin. Such is our appraisal of that agreement, too. Its entry into force will indeed make a major step on the way to strengthening the détente and ensuring security in Europe. It is clear at the same time that the agreement on West Berlin is inseparable from other European problems and, above all, from the entry into force of the treaties of the Soviet Union and Poland with the FRG. We therefore believe it very important for all the participants of the quadripartite agreement on West Berlin, including the United States, to actively facilitate, with all the means at their disposal, completion of the ratification of the above treaties with West Germany.

“I want to use this occasion to emphasize anew the positive significance of the fact that both the Soviet Union and the United States have worked hard enough to make their contribution to the attainment of the above agreement on West Berlin.” (National Archives, Nixon Presidential Materials, NSC Files, Box 493, President’s Trip Files, Dobrynin/Kissinger, 1972, Vol. 10)

The full text of the letter is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII.

347. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, March 28, 1972.

SUBJECT

Additional Material for Bahr Meeting

State has sent over a paper (Tab A) containing, first, a series of questions relating to Brezhnev and Soviet policy and, second, comments and talking points relating to treaty ratification issue.²

In regard to the latter, you should note that Bahr has twice talked to our Political Counselor in Bonn, Jock Dean, concerning possible White House intervention with Barzel.³ The purpose would be to persuade Barzel to get two CDU Land Minister Presidents (Kohl and Stoltenberg) not to vote against the treaties in the Bundesrat, thereby removing the need for an absolute majority in the Bundestag.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI. Secret. Sent for action. Another copy indicates that it was drafted by Hyland. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL.270, Memoranda of Conversations, 1968–77, Chronological File) According to an attached routing form, Kissinger noted the memorandum on March 29, i.e. after his meeting with Bahr. (National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI)

² Attached but not printed at Tab A is a briefing paper forwarded under cover of a memorandum from Eliot to Kissinger, March 27. The paper included the following discussion on ratification: "It has been our policy to avoid direct involvement in the Bundestag debate on the Eastern treaties. On March 22 the White House provided guidance on the subject with an indication that the President wished all American officials to observe it strictly. Underlying this policy are evident disadvantages which could result from direct American intervention: (a) These treaties are of historic importance to the German people and the German Parliament should bear full responsibility for the ultimate decision. (b) The USSR will gain certain long held objectives through the treaties. It has shown a readiness to clarify several points at issue in FRG/USSR relations to achieve its ratification. If we push the Bundestag to ratify the treaty in Moscow, the Soviets and the East Germans will be relieved of the necessity to take further steps to ensure ratification which could be quite beneficial to the Western side. (c) Finally, there is the question of how the United States could take a more active posture without giving the impression of direct involvement in German domestic affairs, in which case the results would be unpredictable." (Ibid., Box 286, Agency Files, State, Vol. 16) In a March 22 memorandum to Eliot, Haig forwarded the President's instructions that all U.S. officials adopt the following line in response to questions on the ratification debate: "It would be quite improper for me to comment on the vote in the West German Parliament. Moreover, I will not speculate on the effect of their decision, one way or another. As for the Berlin agreements, they have an intrinsic merit. We are prepared to sign them at any time. The relaxation of tension over this issue should be in the interest of all parties concerned." (Ibid.)

³ See Document 344.

If Bahr does indeed raise such a proposition, it has to be seen against the background of the President's statements to both Brandt and Barzel that we consider the ratification issue an internal German one.⁴

The US has only two ways in which to influence the outcome in Bonn: (1) to urge the Germans to ratify and (2) to urge the Soviets to make additional concessions which take the wind out of the sails of the CDU/CSU. The first is much the trickier since, however confidential, it will leak and eventually place responsibility for the treaties on us, not the Germans. It would of course also constitute a departure from what the President told Barzel and Brandt.

A variant of (1) would be to paint a grim future for East-West relations in the event the treaties fail. But we cannot have an interest in creating self-fulfilling prophecies in this respect. The Soviets should not be absolved of responsibility for their actions ahead of time; and we should not assume that the conjunction of interests that have led the Brezhnev coalition to its present policies would automatically lapse with the failure of the German treaties.

I think our best posture right now is to await the results of the B-W⁵ elections on April 23. If the SPD/FDP squeaks through to be able to form a government (one current poll suggests this), there will be no problem. Even if the CDU wins out but with the FDP still running reasonably well, chances are that Brandt can hold the majority in the Bundestag. The most difficult case would be the one where the CDU wins and the FDP is so badly trounced that its Bundestag members begin to run for cover in the CDU. This could lead either to new federal elections, or a constructive vote of no confidence replacing Brandt, or simply defeat of the treaties.

In any case, we should wait to take stock on April 24, meanwhile telling the Soviets to keep anteing up.

⁴ See Documents 335, 336, and 338.

⁵ Baden-Württemberg.

348. Memorandum of Conversation¹

Washington, March 28, 1972, 1 p.m.

SUBJECT

Prospects for Ratification of Moscow Treaty

PARTICIPANTS

German Side

State Secretary Egon Bahr
Ambassador Rolf Pauls

U.S. Side

Dr. Henry Kissinger, Asst. to the President
Martin J. Hillenbrand, Asst. Secty. for
European Aff.
Helmut Sonnenfeldt, Senior Member,
NSC Staff

State Secretary Bahr assessed the prospects for ratification of the Moscow Treaty between the FRG and the USSR along the following lines:

It would be difficult to have any meaningful discussions with the CDU prior to the Baden-Wuerttemberg elections since the CDU was totally preoccupied with the campaign. Thereafter, it should be possible for leaders of the two parties to talk. Gerhard Schroeder was in a pivotal role. He was really in favor of ratification of the treaty, but if he saw he had any possibility of becoming Chancellor, he would come out against it. The CDU party leader Barzel wants to avoid a constructive vote of no confidence at all costs, since he knows that some members of his own party would not support him as Chancellor candidate and Schroeder would probably win out in the end.

Chancellor Brandt would not make the second reading in the Bundestag scheduled for early May an issue of confidence for his government. The SPD tactic would be to try to obtain a free vote.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–US. Secret; Exdis. Drafted by Hillenbrand; approved by Kissinger. (Memorandum from Davis to Eliot, April 5; *ibid.*) The meeting was held in Kissinger's office at the White House. The memorandum is part 1 of 4. The remaining parts, on Currency Exchange Problems, European Community Relations, and Presidential Visit to the Soviet Union, are *ibid.* According to Kissinger's Record of Schedule, the meeting lasted from 1:22 to 3:08 p.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) For Bahr's memoranda on his meeting with Kissinger, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1972*, Vol. 1, pp. 347–351.

If that succeeded, there was no doubt that the treaty would carry with some 257–258 votes in favor. It was likely that the Bundesrat would not send back the treaty to the Bundestag for a third reading in June, even with its 21 to 20 CDU majority. If it did, Brandt would make the vote in June a vote of confidence. It seems likely, however, that Brandt would obtain an absolute majority in the second reading.

Turning to the Baden-Wuerttemberg Landtag elections to be held on April 23, Bahr conceded that if the FDP fell under 5% the Brandt government would thereafter immediately fall. This was not likely, however. The fact that the NPD vote had gone over to the CDU would drive back some of the old liberals to the FDP, despite their alienation by the unskillful electoral campaign conducted by the FDP so far. The possibility of throwing some SPD votes behind the FDP, as had occurred in Hesse, was also something to be considered.

Bahr's personal estimate was that the FDP would get 7% of the total vote in Baden-Wuerttemberg, with the SPD moving up from 29% to 39% and the CDU getting some 51% to 52%.

A procedural possibility being considered in the event that the Moscow treaty obtained only a simple majority in the second reading was to have a vote taken in the Bundestag on a procedural resolution (*Abschliessung*) that Bundesrat action was not required. Under existing rules this would permit the Berlin members to vote, which meant that the resolution would undoubtedly be carried by the Bundestag and the bill would never go back to the Bundesrat.

Dr. Kissinger commented that, after an initial period of optimism in January about ratification of the treaties, the defection of Hupka and other developments had seemed to make the government's majority more precarious.² Bahr observed that this was essentially a psychological matter that would straighten itself out. As a matter of fact, most of the principal leaders of the CDU wanted the treaty to be ratified. After Easter, Barzel and Brandt would get together to avoid too much broken crockery, although their decisive talks could only take place after the Baden-Wuerttemberg elections.

In response to Dr. Kissinger's question as to whether there was a possibility that the Bundestag might accept the Polish treaty while rejecting the Soviet treaty, Bahr said that this could not take place since the government would not put forward the Polish treaty under those circumstances. Moreover, the Poles would not be in a position to have

² See footnote 3, Document 343.

the treaty come into effect in the absence of ratification of the Moscow treaty.³

Turning to his current negotiations with the East Germans on a traffic treaty, State Secretary Bahr noted that there were three material points of consequence: movement of East Germans westward; movement of West Germans into East Germany and the problem of crossing points. However, it was the political issues which would be decisive, and he was not at all sure if agreement could be reached on these. Soviet pressure would only be maintained on the GDR until after ratification of the Moscow treaty. It was obvious that the GDR leaders would prefer no agreement at all and reversal to the status quo ante. After completion of the inner-German talks on the Berlin agreement, the Soviets had at first refused to bring pressure on the GDR in connection with the traffic treaty, but when they were told that a more forthcoming GDR attitude in these negotiations would be helpful in the ratification process, they obviously brought some pressure to bear.⁴

³ Rush gave a brief report on ratification of the Eastern treaties during a meeting of the Washington Special Actions Group on March 29: "Let me say a word about the treaties, if I may. Bahr called me yesterday, Henry, before he saw you, and he expressed some optimism about the outcome of the voting. I had also investigated the vote problem before I left Germany. The Bundestag votes on May 4, and if there are 249 votes for ratification the whole thing is just about over. Then, of course, the Bundesrat votes. If the Bundesrat sends the treaties back, there will probably be another vote in the Bundestag in June. In any case, we should know in early May if there is a problem in Germany. My prognosis is that the treaties will be ratified." (National Security Council, Secretariat Files, Minutes Files, SRG Minutes, 1972 thru 1973 (Originals)) Kissinger also met Rush for 10 minutes after the SRG meeting. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No record of the discussion, however, has been found.

⁴ In a memorandum to Kissinger on March 29, Sonnenfeldt reported: "I have learned that Bahr and Pauls held a press conference for German correspondents yesterday after Bahr's meeting with you. Bahr put out the agreed statement. The correspondents then pressed hard on the *Spiegel's* story about a telegram Pauls purportedly sent home reporting widespread media and official support in the US for ratification of the Eastern Treaties. By sitting silently at first and then remarking that Pauls' views were highly respected in Bonn, Bahr left newsmen with the impression that he shared Pauls' reported assessment. Asked by the journalists if the State Department's earlier public statement of non-intervention in the treaty issue still stood up after his meeting with you, Bahr gave a lengthy reply, the key sentence of which was that non-intervention was not identical with lack of interest. Some correspondents present thought he tried to leave the impression that the US was indeed shifting its position." (National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI) Birrenbach called Kissinger at 2:30 p.m. on March 31 to ask about reports that Washington might abandon its policy of neutrality in the ratification debate. "We will not take any position from here," Kissinger replied. "What we told [Barzel] remains our position and will remain our position." Kissinger quickly added: "but I want to make sure this is not put out publicly." (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File)

349. **Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)**¹

Washington, April 1, 1972.

1) Many thanks for our discussion² to which I would like to add the following: I am working under the assumption that the Soviet Union sees the USA as a guarantor for the situation in Europe. In any case, Soviet approval of the permanent presence of the USA in the middle of Europe through the Berlin Agreement is an indication of this. In my view, it is absurd to speak of the Soviet wish for the withdrawal of Americans from Europe, since Moscow, in so far as it still has such a wish, must consider it unrealistic and unrealizable.

Such a wish would also contradict the Soviet interest in a stabilization of the status quo in Europe, which is only possible with the USA.

It corresponds to well-known realities, and the Russian understanding of them, that the USA should participate in a conference on security and cooperation in Europe.

In the interest of détente and security, it would be important to include language to this effect in the communiqué,³ in so far as there is agreement on the matter.

2) We are hoping to be able to regulate by treaty the Fundamental relationship between the two states no later than November 1. This treaty will be handled at the same time in the Bundestag as the legislation we need to apply for membership in the UN.

To encourage this possibility, we will adopt a hard line against the East German efforts for membership in the ECE in April and the WHO in May.⁴ We may reconsider the question of the environmental

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3]. Top Secret. A copy was sent to Sonnenfeldt. The message, translated here from the original German by the editor, was sent through the special Navy channel in Frankfurt. For the German text, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1972, Vol. 1* pp. 351–353.

² See Document 348.

³ Reference is apparently to the communiqué issued by the North Atlantic Council at its ministerial session in Bonn on May 31. For the text, see *Documents on Disarmament, 1972*, pp. 247–250.

⁴ East Germany became a member of the Economic Commission for Europe in December 1972; its membership in the World Health Organization was deferred in May 1972 and approved in May 1973.

conference⁵ if [the treaties] are ratified in the first week of May without the requirement for referral again to the Bundesrat.

3) At the Prague Conference, [the Warsaw Pact] agreed to prepare an expert's paper on the relationship between COMECON and the EEC.⁶ The substantive statement by Brezhnev on the EEC⁷ was the most possible at this point without submitting a formal report on the matter for political decision.

4) The Soviet side has transmitted a kind of memorandum to the Chancellor regarding its attitude on ratification, that he then used privately in the Bundestag foreign affairs committee. Something similar from the American side would be used only in the talks between the Chancellor, Scheel, Barzel, and Schroeder. In this regard, I am assuming that the President's trip to Moscow will take place in any event and be seen in a positive light if the treaties have been ratified and we are able to agree on a date for signature of the final protocol. An explanation of the American position and interests is as important and necessary as ever for a free decision of responsible men in the opposition.

Warm regards.

⁵ Reference is to the United Nations Conference on the Human Environment, which was held in Stockholm June 5–16, 1972; the Soviet Union and other East European countries refused to attend when East Germany was invited to observe but not vote during the proceedings.

⁶ The members of the Warsaw Pact met in Prague on January 25 and 26, 1972. For the text of the declaration issued at the conclusion of the meeting, see *Documents on Disarmament, 1972*, pp. 1–8.

⁷ See Document 345.

350. Editorial Note

On April 3, 1972, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 5:37 to 6:15 p.m. to discuss several issues, including the impact of the recent North Vietnamese offensive on ratification in Bonn of the Moscow and Warsaw treaties. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No substantive record has been found. Both participants later described the conversation in their memoirs. According to his account, Kissinger accused the Soviets of “complicity in Hanoi’s attack,” arguing that Moscow had supplied the military equipment necessary for the oper-

ation. He then emphasized the linkage between North Vietnam and West Germany:

“If the offensive continued, we would be forced into measures certain to present Moscow with difficult choices before the summit. In the meantime we would have to call off some steps of special concern to Moscow. For example, Moscow had asked us to send a message to West German leaders to urge the ratification of the Eastern treaties, scheduled for a vote in about a month’s time. We had been reluctant to intervene to such an extent in Germany’s internal politics. We used the North Vietnamese offensive as a pretext to avoid what we were reluctant to do in any event. Under current conditions, I told Dobrynin, we could not be active in Bonn. Moscow could not ask for our assistance in Europe while undermining our position in Southeast Asia. The Kremlin was put on notice that North Vietnamese actions might jeopardize some fundamental Soviet goals.” (Kissinger, *White House Years*, page 1114; see also Dobrynin, *In Confidence*, page 243)

President Nixon called Kissinger at 6:19 p.m. to review the meeting with Dobrynin. Kissinger reported that he had raised “the Berlin thing” in order to emphasize Nixon’s determination on Vietnam.

“K: I said, ‘Look, here we are. We get the ratification thing coming up in Germany, the President has been asked to write to Brandt, but he can’t under these circumstances and he wants you to know if we should lose in Vietnam that is the last concession we will make this year.’ He said, ‘You aren’t going to lose. In our assessment you can’t lose.’

“P: I think he’s right.

“K: I think we are going to see this through.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File; and National Archives, Nixon Presidential Materials, White House Central Files, President’s Daily Diary)

The two men again discussed the connection between developments in Vietnam and Germany when Kissinger telephoned Nixon at 7:10 p.m. During the conversation, the President reiterated his resolve to avoid defeat on the battlefield.

“P: I will do everything necessary including taking out Haiphong.

“K: The more we shock them the better.

“P: Is there anything we could do in the Haiphong area?

“K: I think it is still too early. I think the Russians will do something. They are not going to risk everything.

“P: They will [not] risk Summit, Berlin, German treaty—correct.

“K: That’s right. I told Dobrynin. We can’t consider sending a message to Brandt under these conditions.

“P: I won’t.

“K: I don’t think you should send it anyway—so any excuse.” (Ibid.)

During a meeting in the Oval Office the following afternoon, Nixon and Kissinger discussed the linkage in Soviet policy between the summit and ratification.

Kissinger: "They're not doing the summit to do you a favor."

Nixon: "Oh, no."

Kissinger: "In fact, when they thought the summit was doing you a favor, they played a damn tough game."

Nixon: "That's right."

Kissinger: "They gave you an answer only—They started coming the other way only when they started needing you. They need you now on the Berlin ratification. If they have a big crisis—"

Nixon: "Does that make any, any imprint—"

Kissinger: "Oh, yeah."

Nixon: "—on Dobrynin's mind?"

Kissinger: "Well, and he knows it's a fact. 'If you start raising hell with us, that strengthens the enemies of ratification in Germany.' That's a fact."

Nixon: "I see."

Kissinger: "And—"

Nixon: "You told him that."

Kissinger: "Oh, yeah."

Nixon: "Good." (National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon and Kissinger, April 4, 1972, 1:17–1:32 p.m., Oval Office, Conversation 701–17) The editor transcribed the portion of the conversation printed here specifically for this volume.

351. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Deputy Secretary of Defense (Rush)¹

Washington, April 8, 1972, 12:43 p.m.

[Omitted here is discussion of the U.S. response to the North Vietnamese offensive.]

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File. No classification marking.

K: I was calling you because we have some sensitive German intelligence in which you told Bahr you might write Barzel.

R: Bahr wanted me to write Barzel.

K: While this crisis goes on we have to be sure there is no move which gives aid and comfort to the Soviets. If you can tell Bahr we cannot consider it, it would be helpful.

R: I don't know how he got that.

K: You know what an oily guy he is.

R: I told Pauls when he saw Barzel that he (Pauls) could say he was talking to me and I worried about the image of the German people.

K: Yes, you told this to me.

R: Bahr called me and asked if I would write Barzel, and I said no.

K: Can you get it across to the Germans—say to Bahr you and I have been talking and we are working in this direction. But we are confronted a second time in four months with an offensive backed by Soviet arms, and we have to reassess our whole situation.

R: I can get word to him on that.

K: How?

R: I can think of four ways: (1) go through your backchannel; (2) go through the State Department; (3) go through Rolf Pauls . . .

K: Why not go through Pauls. That is the most likely to leak. Do it in a way saying we are not going to do it because we have to reassess. Do it as an individual and not as a government. Can you do it this weekend?

R: I will do it right now.

K: Can you let me know after you do it?

R: Certainly.²

² In a return telephone call at 1:05 p.m., Rush reported that Pauls had agreed to send an urgent message to Bahr. Rush: "I told him I told Bahr I would not write a letter. This was all we could do. However, there was no [reluctance?] on your part or on my part personally with regard to changing of position, but as of now we could do nothing with regard to approving something for the Russians. Rolf understood completely." Kissinger: "Did you put it in the context of this offensive?" Rush: "I said in light of this heavy invasion with nothing but Russian equipment we obviously could not get behind something the Russians wanted." Kissinger: "Okay, Ken; well done." (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File)

352. Editorial Note

On April 8, 1972, Assistant to the President Kissinger sent a special channel message to German State Secretary Bahr on ratification of the Moscow and Warsaw treaties. After thanking Bahr for his previous message (Document 349), Kissinger linked political developments in Bonn to military developments in Vietnam:

“With respect to sending a memorandum to the Chancellor on our view of long-range East-West relationships into which we could fit the Berlin treaty and the general issue of ratification, we now confront the problems posed by a massive invasion of South Vietnam based on Soviet arms. We are undertaking an urgent review of the implications of that situation and will communicate with you after it is completed.” (National Archives, Nixon Presidential Materials, NSC Files, Box 424, Backchannel Files, Europe, 1972)

Kissinger reported his message to Bahr in a telephone conversation with President Nixon the next morning:

“I sent a message to Bahr. They requested a letter from you recommending ratification of the treaties. I was against it and sent a message saying under the circumstances—since this is the second time Soviet arms are engaged in an offensive—we are reassessing the whole policy. He will run to the Soviet ambassador [Falin]—we have some intelligence on him. He gave back exactly what we gave him here.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File)

During a meeting in the Oval Office at 12:44 p.m. on April 10, Nixon and Kissinger briefly reviewed their strategy to link U.S. policy on Germany to Soviet policy on Vietnam:

Kissinger: “If the Soviets start a major crisis with us [in Vietnam], their Berlin treaties are down the drain.”

Nixon: “And he [Dobrynin] knows that?”

Kissinger: “That’s right. So this is the worst month—”

Nixon: “Does Dobrynin know that we could ruin the Berlin treaties—”

Kissinger: “Two phone calls and I’ll ruin them. Look, Ken Rush and I between us could ruin those treaties in one afternoon.”

Nixon: “Could you really, Henry?”

Kissinger: “Oh yeah.”

Nixon: “Great.”

Kissinger: “So they just are in a hell of a spot.” (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, April 10, 1972, 12:44–1:06 p.m., Oval Office, Conversation 705–13) The editor transcribed the portion of the conversation printed here specifically for this volume.

Later that afternoon, the two men continued their discussion in the Executive Office Building. "If the Soviet Union and we are hostile to each other," Kissinger explained, "then there is no *détente* in Central Europe. If there is no *détente* in Central Europe, there is no basis for Brandt's policy. They need our summit for their German policy. That's what they learned in '70." After an exchange on the role of troop withdrawals in Vietnam, Nixon declared that, if the Chinese and Soviets persisted in playing games there, "we're going to play it tough." "We're going to have to tell Dobrynin," he said, "Well, the Berlin game is off." When Kissinger mentioned his message to Bahr, Nixon asked: "What did you say to the son-of-a-bitch?" According to Kissinger, the message stated that "the President was seriously considering the request for a memorandum on the possibilities of *détente*" and on support for treaty ratification, but, in light of the North Vietnamese invasion, was "engaged in an intensive review of the situation." Nixon then asked: "Are you sure Bahr will pass it on?" Kissinger replied: "I'll tell him to." "I had Rush, who had been asked by the Germans to write a personal letter to Barzel, communicate with Barzel that we cannot now [write] the letter," Kissinger further reported. "And I told him to give this to Pauls, the Ambassador. The Ambassador has to report back through channels, so many people in the German Foreign Office will read it. It's certain to be picked up." (*Ibid.*, Recording of Conversation Between Nixon and Kissinger, April 10, 1972, 3:10–3:55 p.m., Executive Office Building, Conversation 330–31) The editor transcribed the portion of the conversation printed here specifically for this volume.

353. Memorandum From Peter Rodman of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, April 13, 1972.

SUBJECT

Talk Between Bahr and Emissary of Brezhnev

[*less than 1 line not declassified*] report of a conversation on March 30 between Egon Bahr and Valery Lednev, an editor of *Izvestia* and personal emissary of Brezhnev (Tab A).²

Bahr briefed the Russian on his talks with you and Rush, and explained the parliamentary processes and prospects of treaty ratification. [2 lines not declassified]

Among the interesting points:

—Bahr said you were working on the premise that the Treaties would be ratified [*less than 1 line not declassified*].

—Bahr had asked Rush to write to Barzel to push the Treaties along [*less than 1 line not declassified*].

—Bahr was concerned that the U.S. stance appeared to be neutral, which was not consistent with the President's statements on Berlin [*less than 1 line not declassified*].

—Bahr was hoping the U.S.-Soviet summit would produce a joint statement on the Berlin Accords, which would imply that international policies depended on Treaty ratification [*less than 1 line not declassified*].

—Bahr interpreted a remark by you to mean that the U.S. and PRC had concluded a non-aggression pact in Peking [*less than 1 line not declassified*].

¹ Source: Ford Library, National Security Advisor Files, Kissinger & Scowcroft West Wing Office Files, Box 35, West Germany—Egon Bahr Communications. Secret; Sensitive. Sent for information. A handwritten note indicates that the memorandum was "OBE," overtaken by events. According to another covering memorandum, Kissinger received a copy of the attached report on April 7. For a discussion between Kissinger and Rush on the report, see Document 351.

² Tab A, a report of a conversation between Bahr and Valeriy Vladimovich Lednev, which took place in Berlin on March 30 (9 pages), was not declassified. For Bahr's record of the meeting, see *Dokumente zur Deutschlandpolitik*, Series VI, Vol. 2/1, 1. Januar 1971 bis 31. Dezember 1972: *Die Bahr-Kohl Gespräche 1970–1973*, pp. 503–505. For background on the relationship between Bahr and Lednev, see Document 138.

—Bahr emphasized that the GDR should concede nothing on liberalizing West-East Travel until the CDU made concessions on the Treaties. [*less than 1 line not declassified*].

—[*2 lines not declassified*]

Should this go to Sonnenfeldt?³

³ Kissinger did not indicate a decision on this question.

354. Telegram From the Embassy in Germany to the Department of State¹

Bonn, April 14, 1972, 1850Z.

5272. Subject: CDU Leader Barzel on Present German Political Situation.

1. *Summary.* In discussion April 14 with EmbOff, CDU Party Chairman Rainer Barzel indicated that he and other CDU leaders are feeling pressures from the public campaign on ratification of the treaties launched by the Brandt government over the past ten days with Soviet help. Barzel said the CDU lead in Baden-Wuerttemberg had decreased and that an SPD/FDP government was now a possibility although the odds still favored an absolute CDU majority. Barzel indicated that he had made up his mind fairly firmly to try to bring down the Brandt government on a constructive vote of non-confidence if the occasion presented itself. However, he considered it somewhat more probable that the treaties would be ratified by a one-vote margin and that the Brandt government would stay in power until the end of the electoral period in 1973. *End summary.*

2. Barzel said that the CDU lead in Baden-Wuerttemberg had been reduced in the last two weeks. Although he still considered a CDU absolute majority more probable for the first time there was a possibility that the SPD and FDP together could get enough votes to form a gov-

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 15 GER W. Secret; Exdis. Repeated to Bremen, Düsseldorf, Frankfurt, Hamburg, Munich, and Stuttgart. Sonnenfeldt briefly summarized the telegram in an April 19 memorandum to Kissinger. (Ibid., Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII)

ernment. Barzel described the decrease in the CDU lead to the combined impact of the Soviet help for Brandt, including the passes for Berliners at Easter, and of the “fear and pressure campaign” being systematically waged by both the Soviets and the SPD against both the Baden-Wuerttemberg electorate and the CDU. During the last three weeks, a very large number of Soviet representatives of all kinds, diplomats, professors, journalists, and plain “visitors,” had called on nearly every leading CDU politician in the country, painting the blackest picture of the consequences for Germany if the Eastern treaties were rejected. Some of these Soviet emissaries had even used the term “hot war” in this connection. At present CDU deputies were under great pressure in their constituencies. A considerable number had been threatened with violence and kidnapping of their families. Barzel attributed this development to an organized Communist campaign. Under the present rules of the game, the CDU stood alone in the West in a contest with the Soviets without any help from anyone.

3. Barzel said, that he did not wish to advance a proposal on the matter, but that he believed that the fear and whispering campaign was making so much progress that it would leave a serious residue in German opinion if something were not done about it. It would be useful in this context if there could be a high-level American statement that US defense support of the Federal Republic would, of course, continue no matter the outcome of the domestic political decision process.

4. Barzel reviewed his April 12 discussion with Brandt and Scheel. Scheel had presented an overdramatized picture of the catastrophe which would befall the Federal Republic if the treaties were not ratified. As evidence that the political leaders of Germany’s allies shared this view, Scheel had cited only three persons: his liberal party friend, the Luxembourg Foreign Minister, Moro of Italy, and the Yugoslav Ambassador in Paris. Barzel said he had not been impressed by this recitation. Scheel had also hinted that a public US statement might still be in the offing to the effect that the USG did not wish its insistence on remaining outside the German parliamentary struggle of ratification to be mistaken for indifference towards the treaties or Brandt’s Eastern policy.

5. Barzel said that a similar rumor had followed Bahr’s recent visit to the US.² He was grateful for the neutrality of the USG in this matter and assumed that it would continue.³ Barzel said the only new el-

² See footnote 3, Document 348.

³ During a meeting in the Executive Office Building with Kissinger on April 15 at 1 p.m., Nixon mentioned the possibility of abandoning this neutrality if the Soviet Union failed to produce “concrete progress” on Vietnam. “I don’t know if the blockade [of Haiphong] is going to worry them,” Nixon commented, “but the German thing [will].”

ement in the talk with Brandt was that Brandt announced that some concessions on travel improvements might be forthcoming from the GDR.

6. EmbOff asked Barzel for his reaction to recent Soviet moves in support of the treaties, particularly the Gromyko statement concerning the Scheel letter on self-determination.⁴ Barzel said he had been visited by the Soviet intermediary V. Lednev on March 25. Lednev had asked Barzel to tell him what he really needed in order to change or moderate the CDU's opposition on the treaties. Barzel had told him that what he wanted was a formal Soviet written reply to the Scheel letter. Lednev had promised to return in a few days to discuss the matter further but had not yet done so. Barzel believed that Gromyko's action in presenting the Scheel letter to the Supreme Soviet was in response to the pressures brought to bear by the CDU. But this action did not go far enough.

7. Barzel said his recent trip to France had been much more pleasant than anticipated.⁵ He had received very friendly treatment from the French, perhaps because at that time the furor about change of governments in the FRG had been at its height. He had received a very strong impression from his talk with Pompidou that the latter was considerably more interested in successfully furthering French policy towards Western Europe than he was in the success of Brandt's Eastern treaties. Perhaps Pompidou would like both, but he seemed to attach much greater importance to moving ahead on European policy, telling

And it's been a hell of a thing but I'll sink that without question. We'll just tell Barzel and the Russians now we're against it. Do you agree?" Kissinger replied: "Right." (National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon and Kissinger, April 15, 1972, 1:00–2:00 p.m., Executive Office Building, Conversation 329–42) Nixon reiterated this point in a meeting with Kissinger in the Oval Office 2 days later. "I'd be very tough [with Dobrynin]," Nixon suggested. "Cause I'd very much like to see Johann [Franz Josef] Strauss. I like the old fart." Kissinger replied: "Right, right." Kissinger laughed when Nixon then asked if he understood. Nixon persisted: "Don't you think that's the way we play it?" Kissinger: "Absolutely." Nixon: "I think Dobrynin expects you to play that way." (Ibid., Recording of Conversation Between Nixon and Kissinger, April 17, 1972, 8:59–9:24 a.m., Oval Office, Conversation 709–8) The editor transcribed the portion of the conversations printed here specifically for this volume.

⁴ Gromyko reported on the ratification debate at a joint session of the foreign affairs committees from both houses of the Supreme Soviet on April 12. During his remarks, Gromyko acknowledged receipt on August 12, 1970, of the "Letter of German Unity" from Scheel, thereby implying its relevance to the Moscow Treaty. For a published account of the session, see Meissner, ed., *Moskau–Bonn*, Vol. 2, pp. 1453–1462. For an English translation of the letter, see *Documents on Germany, 1944–1985*, p. 1105.

⁵ Barzel visited Paris March 21 and 22. For his published account of the visit, including extracts from a record of his discussion with Pompidou, see Barzel, *Im Streit und umstritten*, pp. 177–183.

Barzel that following the referendum⁶ France's commitment to Europe would be total, that he intended to play a very active role in this development and hinting, according to Barzel, that he would welcome a more energetic German partner in this regard. Barzel said there was a distinct difference between the position on the ratification taken by the Foreign Minister Schumann who had told Kurt Birrenbach, Barzel's advance envoy, that failure to ratify could be catastrophic, and the position taken by Pompidou.

8. Treaty ratification. Barzel said he expected the Brandt government to try to field 249 votes for treaty ratification in the May 4 Bundestag reading in order to demonstrate that it had an absolute majority at its command. The greater possibility was that this effort would succeed, but this was not certain. Barzel said he had specific information on a coalition deputy who had not yet come to the public attention who was seriously considering a change in his vote on patriotic grounds, although he had not yet made up his mind. Barzel did not identify the individual more closely. With regard to the Bundesrat vote on the treaties, Barzel said that it was out of the question that any CDU Land Minister-President would vote for the treaties. Barzel claimed that even if the CDU lost the Baden-Wuerttemberg elections, Minister-President Filbinger who according to the Baden-Wuerttemberg constitution need not leave office for a month or more, would nonetheless still cast the votes of Baden-Wuerttemberg against the treaties. (*Comment*: Although possible, we doubt that this would take place. It would on the one hand be a violation of strong local attachment to democratic principles and does not seem practically feasible because a decision on the Bundesrat vote presumably would be based on a decision of the CDU/SPD cabinet in Stuttgart, possibly giving the SPD an opportunity to dissolve the government beforehand if the CDU insists on opposing.)

9. Constructive vote of non-confidence. Barzel said he had decided during the last few days to try bring about a constructive vote of non-confidence against Brandt even if the CDU were sure of only a one-vote majority. This was a firm decision, at least under present circumstances. There was no reason why a majority of one vote was not good enough to establish a government committed to improving the Eastern treaties if one vote were considered good enough to ratify the treaties. Barzel said he believed he could continue to successfully govern with a one or two vote majority until the 1973 elections because he

⁶ On March 16 Pompidou announced that a referendum would soon be held on the long standing proposal to include Great Britain in the European Economic Community. The referendum, which was held on April 23, resulted in French approval of British membership.

would himself pose the confidence question on all important votes and a lot of deputies did not want to have elections before the scheduled time in 1973. Barzel said that he was now trying to find out whether he could collect the necessary votes for this action. If he did and the outcome in Baden-Wuerttemberg was positive for the CDU, the attempt would be made during the Bundestag debate on the budget for the Chancellor's office in the week of April 23. Barzel told EmbOff he would try to inform him in advance if the decision was taken to try the non-confidence vote. He reminded EmbOff, however, that at the beginning of the year he had forecast to him that the CDU would win an absolute majority in the Baden-Wuerttemberg elections and that Eastern treaties would scrape through the Bundestag. This still seemed the greater probability.

10. *Comment:* We agree with Barzel in his analysis. The latest estimates available to us make it appear that the CDU is falling off in Baden-Wuerttemberg, but most observers continue to forecast a slight absolute majority for the CDU, although if the present adverse trend continues, this evaluation may have to be revised. As Barzel complains, the numerous steps taken by the Soviets or East Germans in the last several weeks have cumulatively had effects on German opinion. These steps include a Soviet statement that controversial Russian language translations of key sections of the treaty on the inviolability of borders were identical in sense to the German language version; the Soviet treatment of the Scheel letter on self-determination; conclusion of a trade agreement with the Berlin clause; Brezhnev's statements that the Soviets considered the European Community as a reality; Brezhnev's statement of refusal to renegotiate the Eastern treaties with any German Government, a statement which undercuts the CDU position; Soviet agreement announced April 13 to permit 700 ethnic Germans to emigrate to the FRG from the USSR; and a statement that the FRG would assure consular protection for West Berliners in the USSR on lines at least roughly comparable to those followed with regard to permanent residents of the FRG.⁷ We would add to this list the Lednev visit of which Barzel speaks. Above all, the unilateral GDR travel easements at Easter have had a considerable effect on political opinion in the FRG and, according to sources from all three major parties, on public opinion in Baden-Wuerttemberg. The announcement two days ago that FDP Deputy Kienbaum who has been listed as a waiverer would

⁷ Sonnenfeldt listed the Soviet carrots and sticks in his March 24 memorandum (Document 345) and in an April 13 memorandum to Kissinger. "All told," he concluded, "the situation continues to argue strongly in favor of our keeping hands off for now." (National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII) Sonnenfeldt also submitted a similar status report in the memorandum cited in footnote 1 above.

vote for the treaties has for the moment halted speculation on FDP defections. The FDP leadership itself now believes it will exceed the critical 5 percent hurdle in the Baden-Wuerttemberg elections and may get even over seven percent of the popular vote; this is not much, but more than earlier expected. Taken together, these factors have created more confidence among coalition leaders and have tended to place the CDU on the defensive at this point in time. Barzel's decision to try to bring down the Brandt government even with a one-vote majority, which he implied had the approval of his party Presidium, does not seem a sound one from the viewpoint of CDU party interests and illustrates that the CDU is becoming increasingly obstinate under what it feels is a telling public attack.

Cash

**355. Paper Prepared in Response to National Security Study
Memorandum 146¹**

Washington, April 20, 1972.

[Omitted here is the table of contents]

SUMMARY

The present paper provides an analysis of US interests and possible policy moves with respect to the German Democratic Republic (GDR). Conclusions and recommendations are contained in the draft National Security Decision Memorandum which is attached as Annex A.²

Geographically, the territory of the GDR surrounds Berlin and forms the Warsaw Pact's longest frontier with the NATO Alliance. It

¹ Source: National Security Council, Secretariat Files, NSSM Files, NSSM 146. Secret. The date is taken from an April 20 memorandum from Hillenbrand forwarding the paper to Kissinger. NSSM 146 is Document 341. Hillenbrand, acting as chairman of the Interdepartmental Group on Europe, noted that the Departments of State, Defense, Treasury, and Commerce, as well as the Central Intelligence Agency and the United States Information Agency, all participated in its preparation. Davis circulated the paper for discussion at the Senior Review Group meeting on April 26. (Memorandum from Davis to Johnson, Rush, Moorer, Helms, and Under Secretary of Treasury Walker; *ibid.*) The meeting, however, was postponed, presumably as Kissinger was busy preparing the President for his televised address that evening on Vietnam. See also Document 383.

² Attached but not printed.

constitutes the principal foreign stationing area of Soviet forces. Politically, the GDR is part of a larger German entity where the Four Powers continue to have special rights and responsibilities. It will remain a major concern for the Federal Republic of Germany and a factor of great sensitivity in the relationship between the FRG and its allies, particularly the US, UK, and France. For these reasons, what happens in the GDR is of special importance for the United States and is certain to remain so. Our main interest there will be to ensure that the GDR does not utilize its geographic position, its political status, or the strategic leverage resulting from the Soviet military presence, to undermine the security or viability of West Berlin. In addition, it will be to our advantage: (a) to open up the GDR to the liberalizing influence of increased contact with the West; (b) to encourage acceptance by the GDR leadership of a reasonable and constructive relationship with the FRG; (c) to obtain as much information as possible concerning developments in the GDR; (d) to expand economic relations; and (e) to afford consular services and protection to Americans traveling, or having business, in the GDR and East Berlin.

In considering a policy which will best conform with US interests, two principles must be taken into account as of overriding importance. First, as long as the United States retains primary responsibility for the security of the Western sectors of Berlin, the quadripartite rights and responsibilities with regard to Berlin and Germany as a whole must not be prejudiced. Second, no actions should be taken which would seriously strain relations with the FRG, since the FRG will remain vastly more important to the United States than the GDR.

In the past, these two principles have severely circumscribed the flexibility of the United States and the other Western Powers in dealing with the GDR. This situation is changing since the FRG now acknowledges the GDR's existence as a separate state and is prepared to see it accepted as a UN member, if certain conditions are met. In addition, the Quadripartite Berlin Agreement includes Soviet recognition of the continuing validity of the Four Power rights and responsibilities and thus provides useful assurance that an enhanced status for the GDR need not affect these rights and responsibilities, particularly insofar as unimpeded access to Berlin is concerned.

The United States can, therefore, contemplate changes in its policy toward the GDR and, indeed, needs to do so, since events in train connected with the Federal Republic's Eastern policy can lead to a fairly early enhancement in the status of the GDR. Since the UK and France share responsibility with us on the Western side, and since any Western moves affecting the GDR are of critical importance to the FRG, most changes can be undertaken only after consultation, and in many cases agreement, with the other Three Powers in the Bonn Group.

Possible initiatives and changes in US policy fall within three general areas:

—*A more active American presence in the GDR and East Berlin.* The United States, without recognizing the GDR or causing serious concern in Bonn, could pursue trade possibilities with the GDR more energetically, and seek to encourage more unofficial exchanges in the academic, cultural and scientific fields. As part of such initiatives, we could authorize US representatives to travel more widely in the GDR and deal more freely with East Germans as long as the East Germans are not functioning as members of the East German Government. The degree of success of such initiatives would depend on the reaction of the GDR, which until now has not been particularly cooperative.

—*GDR membership in the United Nations and participation in international organizations and agreements.* The Four Western Powers presently contemplate that after the Berlin Agreement comes into effect negotiations will be undertaken with the Soviets and the East Germans to establish the conditions of UN membership for the two German states. These conditions are: (a) an understanding between the Three Powers and the Soviets, in which the FRG and the GDR would be associated, that UN membership will not alter the rights and responsibilities of the Four Powers; and (b) an agreement between the FRG and the GDR establishing a basis satisfactory to the FRG for their bilateral relationship. If these conditions are achieved, the Four Powers would jointly sponsor UN membership applications on behalf of the FRG and the GDR. It is possible that these conditions cannot be achieved before the GDR gains, through its own efforts, membership in a specialized agency of the United Nations. Similarly, meetings connected with a CSCE may begin first in which the GDR will participate and thus gain substantial enhancement. Several options would be open to the Western Powers under such circumstances, but the most likely course would be to continue efforts to achieve the conditions for UN membership while dealing pragmatically with the GDR's participation in other fora on a basis of continued non-recognition.

—*US recognition of the GDR.* If the conditions for UN membership can be achieved, the way would be open for the Three Western Powers to recognize the GDR bilaterally. The major advantage for the United States would be that we would then be in a better position to ensure that US interests in the GDR are effectively pursued. The major disadvantage would be the impression thereby created that we accept the division of Germany as more or less permanent, thus possibly raising some question as to the continued relevancy of Four Power rights and responsibilities for Germany as a whole. Difficult negotiations with the GDR would undoubtedly be required to establish a satisfactory basis for the operation of an American Embassy accredited to

the GDR. The location of the Embassy would itself raise a problem—though not of an insuperable nature—since East Berlin, while patently serving as the capital of the GDR, is not recognized as part of the GDR by the Three Western Powers.

[Omitted here is the body of the 43-page paper.]

356. Editorial Note

On April 20, 1972, Assistant to the President Kissinger arrived in Moscow for a series of secret meetings with Soviet General Secretary Brezhnev to discuss the upcoming summit. Although Vietnam and the Strategic Arms Limitation Talks dominated the discussion, Kissinger and Brezhnev also reviewed the political situation in Germany. During a meeting on April 22, Brezhnev expressed concern on the prospects for Chancellor Brandt and ratification of the Moscow and Warsaw treaties:

“Brezhnev: I would like to ask you to tell President Nixon that we value highly the President’s position on this matter, the support he is giving to ratification of the treaties and the agreement on Berlin. I would like you to bear in mind this is not [just] a compliment to the President, this is the truth. At the same time, I don’t want to be too reticent or shy in speaking my mind on other aspects. I want to express the wish that at this decisive stage for Chancellor Brandt and the FRG the President should say a still more weighty word in favor of ratification. This would have a considerable significance and would be much appreciated in the Soviet Union and throughout the world. I would like to ask you Dr. Kissinger to draw President Nixon’s attention to this.

“Kissinger: You can be sure I will.

“Brezhnev: President Nixon does have an unlimited capacity in this respect. It would be a very important step toward very successful negotiations.

“Kissinger: In what respect ‘unlimited’?

“Brezhnev: If I were elected President, I would show you. It would be good if I were elected President, but I don’t seek the nomination!

“Kissinger: With respect to influencing the Germans?

“Brezhnev: The President has unlimited capacity with respect to ratification. We do highly appreciate his position. The point I make is that we would appreciate any further efforts he could make in favor of it. Intuition is sometimes a good guide, and I have the impression President Nixon will respond favorably.

“Kissinger: As you know, there are elections tomorrow in the German state of Baden-Württemberg. If these go badly, that is, if the Free Democrats get wiped out or get reduced substantially, or if the Social Democrats don’t do well, then I don’t think anything we do can make any difference. I think the Brandt Government will fall. I give you my best judgment.

“Brezhnev: Would that be to our advantage for the Brandt Government to fall?

“Kissinger: No, we don’t want this, but I state it as an objective fact.

“Brezhnev: The U.S. President still has 24 hours to act. I know you sometimes put out surprise press conferences. Well, the President knows better how to do it.

“Kissinger: No, we cannot influence a State election in Germany. It is too difficult. I don’t think it will happen, but I wanted to say it would be difficult.

“Brezhnev: You are a difficult man to come to terms with. We came to agreement immediately before, and we have already notified Semenov immediately.

“Kissinger: But can you influence elections for us?

“Brezhnev: Isn’t all this understanding we have reached in favor of that? On SALT, ABM, European issues, long-term credits, the whole radical improvement in the atmosphere of U.S.-Soviet relations?

“[The Russians conferred among themselves briefly, at which Dr. Kissinger remarked: “Every time I say something, there is a brawl on the Russian side.”]

“Brezhnev: Because, after all, the President is a politician, not a merchant. Politics covers all questions. The important thing is for us to reach agreement.

“Kissinger: Realistically, what I would like to do is claim credit when the elections go well tomorrow and then ask you for concessions.

“Brezhnev: What concessions?

“Kissinger: I’ll think of one.

“Brezhnev: I’ll be prepared to give you credit if it goes well, but if things go badly, I’ll say it was your fault.

“Kissinger: You must have read in the Ambassador’s cables that I am vain.

“Brezhnev: I have never read that.

“Dobrynin: I have told them you are modest.

“Kissinger: I will have revolution on my hands. Realistically, it is too late to do anything. If the elections go as expected without radical change in Bonn, we will see what can be done.

“Brezhnev: What is your general forecast?

“Kissinger: My forecast is that tomorrow’s election will not affect the parliamentary situation in Bonn. Perhaps some minor parliamentary changes, but it will not affect the situation. Confidentially, we have attempted to be helpful. We invited Bahr to Washington and let it be known, and we have not received anyone from the Opposition. This is a fairly clear signal in Germany. We have not seen Barzel since the ratification debate started. He wanted to come in April and we did not receive him.

“Brezhnev: I know you received Bahr.

“Kissinger: And when Barzel came in January, your Ambassador in Bonn can confirm we did not encourage him.

“I want to be honest with you. I had arranged with Bahr to send a memo that perhaps he could use confidentially in early April. But this became impossible because of the Vietnam situation. Our domestic situation became more complicated. We will review what can be done between now and May 4.

“Brezhnev: This is a very important component of the general package of problems we will be having discussions on and hoping to resolve. We feel that on all the issues, agreements should be reached that will be worthy of our two countries.

“Kissinger: Mr. General Secretary, we have invested so much in the Berlin Agreement that we are in favor of ratification of these agreements. In light of these discussions, we will see what additional steps we can take to assist ratification.”

After an exchange on the need to discuss European security at the summit, Brezhnev asked Kissinger about membership for East and West Germany in the United Nations.

“Brezhnev: [O]n the subject of the admission of the 2 German states to the U.N., you know when we signed the treaty with the FRG, there was a clause in the statement on efforts of the sides to secure the admission of the 2 Germanies. Since at the Summit we will be discussing important issues, it would not be understood by the public in the USSR or the GDR or also in the U.S. if nothing was said on that subject.

“Kissinger: The Foreign Minister knows the sequence. It is possible that the treaties won’t be ratified by the Summit. They may pass on May 4 and then be rejected by the Bundesrat, then go back to parliament for a full majority in June.

“If this is the sequence, then a successful Summit would be a guarantee of ratification. It would be impossible that a German Parliament could reject them after a successful U.S. and Soviet meeting. Secondly as regards the GDR, I don’t want to raise the wrong expectations as regards what we can say at the meeting. I don’t think we can go much beyond the Berlin Agreement. With respect to admission of the 2

Germanies to the U.N., we frankly have not yet taken a position. My informal view is that we will back whatever Chancellor Brandt wants to do. If he proposes it, we will be prepared to support these steps.

“Brezhnev: Brandt did register in a document his readiness to support entry.

“Kissinger: We will check with Brandt before the Summit. We will not be an obstacle. If he is willing, we have no American interest to oppose it.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 72, Country Files, Europe, USSR, HAK Moscow Trip–April 1972, Memcons)

Kissinger later sent the following undated message to Bahr on the subject: “Brezhnev has approached us with a request to support UN membership for the GDR and the FRG. We have told him that we will be guided by the FRG’s approach on this matter. I would greatly appreciate your suggestions on how we should handle this in Moscow.” (Ibid., NSC Files, Box 424, Backchannel Files, Backchannel Messages, Europe, 1972)

Before the final meeting with Brezhnev on April 24, Sonnenfeldt briefed Kissinger on the growing political crisis in Bonn. The previous day, the Christian Democratic Union won the state election in Baden-Württemberg, and Wilhelm Helms, a member of the Free Democratic parliamentary party group, announced his defection from the governing coalition. While the opposition thus maintained its majority in the Bundesrat, the government was now in danger of losing its majority in the Bundestag. The loss of one more vote there would mean defeat not only for Brandt but also, in all likelihood, for ratification of the Eastern treaties. In a note to Kissinger, Sonnenfeldt wrote that the electoral results “will look ominous to Soviets.” He then offered the following advice on the Soviet request for U.S. intervention: “B[rezhnev] may believe *we* could have done something. *Let him believe it.* You held out hope, indeed virtually promised to do something before May *if* Brandt survives.” “*If US-Soviet relations deteriorate* (because of V[iet]N[am]),” Sonnenfeldt concluded, “[Barzel] may well defeat German treaties and—before that—topple Brandt.” (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 230, Geopolitical File, 1964–78, Soviet Union, Trips, 1972, April, Notes)

Although he saw “no great sensations” regarding the outcome in Baden-Württemberg, Brezhnev reiterated his plea to Kissinger for U.S. intervention during their meeting on April 24. “Now is a decisive moment,” he declared, “when our two countries should take the necessary steps to further ratification of the treaties and sign a protocol on West Berlin.” After a discussion on summit preparations, Kissinger assessed the recent German developments.

“Dr. Kissinger: I have not seen our official analyses yet, but my personal analysis is that there has been a slight weakening of the Brandt

Government but not a significant weakening of the Brandt Government. In my judgment—again I am only speaking personally—it means that the treaties will be rejected by the upper house and will therefore have to come back to Parliament to pass by an absolute majority in June. It is my judgment that they will still pass. We will use our influence where we can.

“Brezhnev: America can certainly speak in a loud voice when it wants to.

“Dr. Kissinger: As I told the General Secretary, when I return I will discuss with the President what we can do. Having worked so long on the Berlin agreement, we want to see it achieved. It is one of the useful results of the exchanges between the President and the General Secretary.

“Brezhnev: I trust you will convey the general tenor and our tone to the President on our policy toward Europe, which contains nothing bad for Europe or for the U.S.

“Dr. Kissinger: You can be sure. We will see what we can do, possibly a letter to the Chancellor, or something else.

“Brezhnev: This requires looking at things thru realistic eyes, and perhaps everything will fall into place. I’m not in any way suggesting any concrete steps, because I am sure the President knows better. To help your own ally. I already told Chancellor Brandt in the Crimea that we had nothing whatsoever against the allied relationship between the FRG and the U.S. I am sure Chancellor Brandt told the President this but I wanted to reassure you.

“Dr. Kissinger: We will approach it in a constructive spirit. I will communicate thru the special channel. I will see your Ambassador Friday, but I can tell you now we will approach it in a constructive spirit, and with a desire to get the Treaties ratified.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Box 72, Europe, USSR, HAK Moscow Trip—April 1972, Memcons)

Later that day, Kissinger adopted a different line in a memorandum to Nixon on his trip to Moscow. “Brezhnev and his colleagues displayed obvious uneasiness over the outcome of the *German treaties*,” he reported, “and made repeated pitches for our direct intervention. The results of Sunday’s election and the FDP defection have heightened their concern, and the situation gives us leverage. I made no commitment to bail them out and indeed pointed out that we had been prepared to assist them through Bahr but had not done so because of the North Vietnamese offensive. We will see to it that we give them no help on this matter so long as they don’t help on Vietnam.” (Ibid.) As Kissinger later explained: “the Soviets’ eagerness to complete these treaties would be one of our assets if Vietnam should reach crisis proportions in the weeks ahead. From our point of view, having the Eastern treaties in abeyance was exactly the ideal posture.” (Kissinger, *White House Years*, page 1150)

357. Memorandum From Secretary of State Rogers to President Nixon¹

Washington, April 24, 1972.

Evening Report

No-Confidence Motion Submitted Against Brandt—In the immediate wake of the provincial elections held in Baden-Wuerttemberg on April 23, the CDU/CSU opposition in the German Bundestag has submitted a motion for a constructive vote of no-confidence in Chancellor Brandt.² The objective is to elect Rainer Barzel as Chancellor. The critical vote will take place on April 27. This is the first time in the history of the Federal Republic that such a vote has occurred.

The results in Baden-Wuerttemberg were not in themselves sufficient to undermine the Brandt Government. The FDP, Brandt's small coalition partner, did better than expected and the SPD, itself, registered a small gain over its vote in Baden-Wuerttemberg in the last Federal elections. A CDU victory had been expected and discounted in advance. The size of the CDU victory—53% of the vote—was surprising, however, and since Eastern policy was the most prominent election issue, it has been interpreted by the CDU as a popular rejection of Brandt's foreign policy. A second unexpected development was the resignation from the FDP on April 23 of one of its Bundestag representatives.³ He took this step because of dissatisfaction with the Government's social policy and not because of its Eastern policy. As a result the Brandt coalition's Bundestag strength was reduced to 249, the bare minimum needed for an absolute majority, without which the Eastern treaties cannot be approved.

This combination of circumstances has impelled the CDU/CSU to seize the moment to try and unseat Brandt. The vote of non-confidence

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 40, President's Daily Briefs, April 18–29, 1972. Confidential. Eliot signed the memorandum for Rogers. Butterfield stamped the memorandum to indicate that the President had seen it.

² In telegram 5733 from Bonn, April 24, the Embassy reported that Barzel had given one of its officers advance warning on the decision to file a motion of no-confidence against Brandt. When asked about the likely outcome, Barzel expressed some uncertainty, since "no one could be absolutely sure what every deputy in every party, including the CDU would do in this situation." "We doubt from his own words and our observations," the Embassy commented, "that Barzel has commitments from more than two or three coalition deputies to vote for the CDU no-confidence motion, not enough to provide a reliable cushion if a few CDU deputies should decide to vote for the Brandt government in the ballot, which will be secret. Consequently, the outcome of the vote appears uncertain and likely to be close either way. If the CDU wins, it is doubtful that its majority will be large or the resultant government very stable." (Ibid., RG 59, Central Files 1970–73, POL 15 GER W)

³ Wilhelm Helms.

will be based on the entire policy of the Brandt Government, with heavy stress on social and economic “failures.” If the move succeeds, however, and Brandt falls, his Eastern policy will be viewed as the decisive factor.

With the margin so small, it is impossible to predict whether the CDU move will succeed or fail. If Barzel is elected, it will be by a very small majority but he will have the advantage of a one-party administration rather than a coalition. The reaction in both Eastern and Western Europe will be negative at least initially. Ratification of the Eastern treaties and the coming into effect of the Berlin Agreement will be indefinitely delayed.⁴

T.L. Eliot Jr.⁵

⁴ Kissinger also briefed Nixon on the no-confidence motion in a memorandum on April 25. “One positive outcome from the vote, regardless of which way it goes,” he concluded, “will be a clearing of the air on the treaties. If Brandt wins, his treaties will probably be ratified, for the CDU/CSU will hardly challenge him again. If Barzel wins, he will have overturned the government—at least formally—on an issue other than the treaties. Whether the Soviets, or the French and British for that matter, will look at it that way is another question.” (National Archives, Nixon Presidential Materials, NSC Files, Box 40, President’s Daily Briefs, April 18–29, 1972)

⁵ Eliot signed for Rogers above Rogers’ typed signature.

358. Editorial Note

On April 27, 1972, the Bundestag voted on the first motion of no-confidence in the history of the Federal Republic of Germany. Under Article 67 of the Basic Law, Rainer Barzel, chairman of the Christian Democratic Union, needed a “constructive” majority of 249 votes to replace Chancellor Brandt. During a conversation in the Executive Office Building the previous day, Assistant to the President Kissinger briefed President Nixon on the vote of no-confidence and the pending vote for ratification of the Eastern treaties. “Frankly, I would prefer it if he [Brandt] didn’t fall,” Kissinger explained, “because if he did fall, we might not be able to get the treaties ratified.” He then continued his assessment:

“Brezhnev will be finished if the treaties don’t get ratified and, therefore, we will be in trouble too. If Brandt maintains himself tomorrow, he will still be so weakened. This is the first time in the whole postwar history that anyone has attempted a vote of no confidence. It shows how weak the government is. Because to overthrow the government it isn’t enough to get a majority against it, you have to get

a majority for somebody else. And that's never even been attempted. Then he has to pass the treaties by a relative majority. Then they go to the upper house, which we know will turn it down as a result of those elections. Then it comes back to the lower house after your trip to Moscow, where he's got to get an absolute majority, which is almost—which he cannot get without us. So we have a hell of a lot of leverage if he wins tomorrow." (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger April 26, 1972, 9:26–10:29 a.m., Executive Office Building, Conversation 333–7) The editor transcribed the portion of the conversation printed here specifically for this volume.

Kissinger also briefed Nixon on the situation in a memorandum that morning:

"Nobody can say with any certainty how the vote will go. Our Embassy thinks that Brandt will squeak by. Barzel himself told our Political Counselor on Monday that he is not sure of the 249 vote absolute majority required. Brandt himself is reportedly confident and seems to relish the contest. His speech yesterday in the Bundestag was a strong one. In the end, Germans' reluctance to see a government overthrown may influence CDU/CSU deputies to cast blank ballots or abstain, thus depriving Barzel of his majority.

"Bonn is tense. A torchlight parade and possible counter-demonstration are scheduled in front of the Chancellery. Bundestag deputies' houses are under guard. There have been reports of labor unrest elsewhere in the country and even of a general strike, but the SPD is reported working hard on the trade union federation to dampen the labor agitation.

"The CDU/CSU is under strain. Barzel implied to our Embassy that he had been pushed against his will into calling for the vote by Schroeder, Kohl, and Strauss. He or one of his confidants probably fed this same line to the *New York Times* Bonn correspondent, whose story appeared Tuesday. Strauss, on the other hand, is asserting, according to a [*less than 1 line not declassified*] report, that the no-confidence vote now, during the budget debate, was Barzel's idea.

"The East Germans apparently are trying to help Brandt. The FRG government announced yesterday that negotiations on the FRG–GDR traffic treaty had been concluded. The East German party chief Honecker told the press April 25 that the Bundestag vote would be a choice for the FRG between détente and 'cold war' and that the GDR, Poland, and Moscow would not renegotiate the Eastern treaties with a CDU government." (Ibid., NSC Files, Box 40, President's Daily Briefs, April 18–29, 1972)

Before the balloting began, Herbert Wehner, chairman of the Social Democratic parliamentary group, instructed his delegation to re-

frain from voting while Wolfgang Mischnick, chairman of the Free Democratic parliamentary group, instructed several reliable members to vote against the motion. This parliamentary maneuver served to discourage dissidents within the governing coalition and to encourage those within the opposition. Bundestag President von Hassel finally announced the results at 1:22 p.m.: 247 votes for, 10 against, and 3 abstentions. The motion of no-confidence had failed by two votes.

Four hours after the vote (11:30 a.m., EST), the Washington Special Actions Group, chaired by Deputy Assistant to the President Haig, briefly reviewed the outcome during a meeting in the White House Situation Room.

“Mr. Rush: The best news the President could have gotten was the vote in the Bundestag.

“Gen. Haig: In a sense, though, the vote could encourage the Soviets to get tougher.

“Mr. Rush: All this is part of the East-West fabric. The situation could have taken a serious turn for the worse if Brandt’s government had fallen. And that in turn would have serious implications on such things as CES and MBFR. It would all be reflected in the Summit, which would undoubtedly not turn out well.

“Gen. Haig: The Soviets made major concessions in order to have the Brandt government stay in power and in order to get the treaties ratified. If things were to turn sour with a Barzel government, there would be no ratification. And there would be serious implications with other things, such as CES. In fact, there could very well be a serious revanchist attack on Germany. I’m sure the President’s trip to Moscow would be affected.

“Mr. Johnson: I agree.” (National Security Council, Minutes Files, WSAG Meeting Minutes, Originals 1972)

In a special channel message to German State Secretary Bahr on April 27, Kissinger also expressed satisfaction with the news from Bonn, which, he wrote, was “most gratifying.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 74, Country Files, Europe, USSR, Moscow Summit, 1972 [2 of 2])

Secretary of State Rogers reported on the day’s events in a memorandum to the President that evening:

“The Opposition’s bid to unseat the Brandt Government today through a constructive vote of no-confidence failed. However, the results have not resolved the Government’s problems or clarified the prospects of ratification of the Eastern treaties. Barzel, the Opposition leader, gained 247 votes, two short of the 249 necessary for election as Chancellor. The ballot was secret but it appears that at least two

members of the FDP, Brandt's small coalition partner, either voted for Barzel or abstained while one or more of Barzel's own party voted against him. As a result, the Government, while remaining in office, does not have a clear majority on which it can rely in future Bundestag votes.

"This situation was immediately apparent since the no-confidence vote was to be followed by a debate and vote on the budget for the Chancellor's office. The Government felt that it did not have the necessary majority to gain approval for the budget and Brandt during the afternoon sought to persuade Barzel to postpone consideration of the budget until mid-May, after the vote on the Eastern treaties. Brandt may have made other compromise proposals as well. Barzel was negative and the budget debate began early in the evening.

"As this is written the FRG Cabinet is in session and it is understood that new elections are under urgent consideration. According to reports we have received, Federal President Heinemann is of the opinion that only through political elections can the situation be stabilized. If Brandt decides to pursue this course he will presumably ask for a vote of confidence in the Bundestag under circumstances that will ensure his defeat. He will then ask the Federal President to dissolve the Bundestag and call for new elections which would then probably be held sometime in June.

"I would emphasize that the situation is extremely fluid at the moment. The picture may be clearer tomorrow. I think it is safe to conclude, however, that a period of unusual political turmoil is at hand in Germany." (Ibid., NSC Files, Box 40, President's Daily Briefs, April 18–29, 1972)

359. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, April 28, 1972.

SUBJECT

Barzel on Fate of Eastern Treaties; Wants a Message From Us

Barzel this afternoon told our Political Counselor in Bonn, Jock Dean (Tab A)² that his main objective now was to keep pressure on Brandt to oblige him to move toward a bipartisan Eastern policy. Specifically Barzel wants to delay ratification of the Eastern treaties for two or three weeks, during which time West Germany would seek concessions from the Soviets and East Germans. These concessions should be (a) *written* Soviet acceptance of the fact that the treaties did not bar German self-determination; and (b) a *binding commitment* from the GDR to improve intra-German travel.

Barzel said that he needs such a concession to achieve his ultimate objective of turning his party around on the treaties. He assumed that the US government would not consider such a two or three week delay as having a negative effect on the Moscow Summit, if it were designed to achieve a bipartisanship in Eastern policy.

Barzel said the Eastern treaties would likely not get even a *simple* majority if a vote on them were held as scheduled on May 4. This is because of the likelihood that several FDP deputies would either vote or abstain.

After asking whether there was any message from Washington for him, Barzel said he thought that a confidential message from

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI. Secret; Exdis; (Outside System). Urgent; sent for action. This memorandum, and the one attached at Tab A, are based in part on telegram 6023 from Bonn, April 28. (National Archives, RG 59, Central Files 1970–73, POL 15 (GER W))

² Attached at Tab A is an informal memorandum, April 28 (7:30 p.m.), in which Sonnenfeldt informed Kissinger that “the German situation is getting messier by the minute.” “[W]e obviously cannot accept Barzel’s request for a message,” he argued, “since it would favor his position (even if that position could be construed to be statesmanlike and honorable). We simply cannot afford to intervene in this highly fluid situation. Moreover, in terms of our Soviet policy right now, while I think the delay Barzel is shooting for would in fact objectively help us, we clearly should not be caught with our hand in the jam pot.” Sonnenfeldt further suggested that Kissinger might mention to Dobrynin that “we expressed gratification to Brandt on his defeat of the no-confidence motion (which we did in the backchannel to Bahr reporting on your Moscow trip).” For the April 27 message, see Document 358.

Washington to both him and Brandt urging renewed efforts toward bipartisanism would be helpful “even if it meant a limited delay in the ratification process.”

Comment: The situation is very fluid in Bonn and Brandt’s plans uncertain. One group of his advisors, and also President Heinemann, evidently wants him to try to bring about new national elections *before* submitting the treaties for ratification. Another group favors pushing for a ratification vote next week. According to Barzel, Brandt is inclining to the latter group and wants to force the treaty issue to a vote.

In a separate discussion with our chargé in Bonn this afternoon, Bahr confirmed that Brandt does *not* want to change the ratification scenario and is determined to hold the treaty vote as scheduled, May 4 or 5.³ Bahr said the Chancellor wants to adhere to the schedule so that the Bundesrat can act as planned on May 19. Thus when the President goes to Moscow he will know where he stands on this particular aspect of East-West relations.

Under these circumstances, I think it would be very unwise to send any messages. Our political counselor thinks Barzel is serious in his wish to achieve bipartisanism. But who knows whether the Soviets and East Germans will grant the concessions he says he requires? And if they should, who knows whether his authority over the CDU/CSU is strong enough to turn his party around?⁴

Recommendation

That we make no communication to Bonn.⁵

³ The Embassy reported the discussion in telegram 6020 from Bonn, April 28. (National Archives, RG 59, Central Files 1970–73, POL 15–1 GER W)

⁴ In telegram 6035 from Bonn, April 29, the Embassy reported that Barzel had met an Embassy officer that morning to review his discussions the previous evening with Brandt and other coalition leaders. During the meeting, Barzel repeated his request for a message from Washington. “He said it would be useful,” the Embassy explained, “if a private US statement could be made to the leaders of all three Bundestag parties to the effect that if there was a prospect to achieve a broader base of support of German Eastern policy in order to avoid the damage resulting from continuation of controversy over this issue, it should be pursued.” (Ibid., POL 15 GER W)

⁵ In spite of this recommendation, Kissinger sent the following undated message to Bahr: “We have had a suggestion from Barzel that we make a confidential statement to both the Chancellor and Barzel that we would welcome it if renewed efforts were made in the present situation to achieve a more bipartisan approach to the Eastern treaties even if this means a certain limited delay in the ratification process. Obviously, the President would wish to undertake nothing that would complicate the Chancellor’s situation. I would therefore appreciate your urgent reaction to the above suggestion—to which there has, of course, been no reply—and any other comments you think it is useful for me to have at this time.” (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany—Egon Bahr Communications)

360. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Soviet Ambassador (Dobrynin)¹

Washington, April 29, 1972, 11:55 a.m.

D: You are still here?

K: You are making me go to dinner tonight when I have options which are more attractive.²

D: I want to make a proposal at the beginning of dinner.

K: Your proposals always deprive me of any real options.

D: You taught me how to find a compromise.

K: You better be friendly to me tonight or they will think we had a bad fight in Moscow.

D: I will make the concession.

K: I will let you have on Monday the rough estimate on figures. We are working on it this weekend, but by Monday noon, I will let you know.³

D: I won't ask you across the table tonight.

K: Anatoliy, we have the German problem I want to discuss. Our information is that the CDU may be looking for a way out of the German treaties.

D: Barzel?

K: If we can get the votes delayed a little bit . . . One way is by looking for a face-saving formula by which there can be a minor concession. They want language from us asking for the restoration of bipartisanship in Germany. We are asking Brandt if he wants us to do it. We are also asking you.

D: I will have to check.

K: We have not answered the communication from Barzel. He is proposing that we in some form write him and say we hope he restores the spirit of bipartisanship.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations. No classification marking.

² Kissinger left his office at 4:45 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No record has been found of his dinner discussion that evening with Dobrynin.

³ The two men met in the Map Room at the White House from 12:15 to 12:40 p.m. on Monday, May 1. (Ibid.) The note Kissinger gave Dobrynin during the meeting on freezing the number of submarine-launched ballistic missiles, is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII.

D: Not any specific question mentioned, but bipartisanship on treaties?

K: Then he would ask for some additional minor concession about ratification. Then he will make a very reasonable proposal and that enables the treaties to go through. On the other hand, we have not replied. If we reply now, it may delay the vote on May 4. When you are in direct communication with Brezhnev you can ask what he wants—say I have just gotten a message to check Gromyko or Brezhnev's judgment in Moscow. We want to work cooperatively with you.

D: It is very important now.

K: None of this is known to our people. Keep this in mind. You understand the problem.

D: I understand; it is clear. They will appreciate your call in Moscow.⁴

K: I would like Mr. Brezhnev to know that we sent yesterday a message to Brandt congratulating him on [defeating] a vote of no confidence.⁵ He can use that.

D: From the President?

K: Yes. Your people will recognize that as positive.

D: Until this evening . . .

K: I am reluctant, as fond of you as I am.

D: I shall accompany your date.

K: I don't know.

D: You should say yes or no.

K: I would like to say no to you on something.

D: We will talk it over during dinner.

K: Okay, bye.

⁴ Kissinger called Dobrynin back at 12:15 p.m. to discuss whether Washington should intervene to encourage bipartisanship in Bonn by a private message, as suggested by Barzel, or by a public statement from the White House. Kissinger: "One other thing we want Gromyko's judgement on. We were prepared to say something [publicly] in general along lines we discussed yesterday, on Monday. Under these conditions it may precipitate a vote. Brandt may lose." Dobrynin: "You mean before." Kissinger: "If he wants us to follow Barzel's suggestion this may mean delays in vote. We will hold that with a statement until we hear reply from Brandt." Dobrynin: "You will ask him about statement from White House—Barzel, you are going to ask him too." Kissinger: "No. I just want to explain to Gromyko the reason we are holding up on statement until we have the reply from Brandt because practical consequences of our making statement might be to precipitate vote on Thursday and it may not be desirable. If we get a reply from Brandt before Monday we will make it Monday." Dobrynin: "I understand. You will just await reply from Brandt. You will give this to Barzel and second, you will make a statement." Kissinger: "If we write this for Barzel we wouldn't make a public statement." Dobrynin: "Yes, if he says he doesn't like Barzel you will not make a statement." (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations)

⁵ See Document 358.

361. **Message From the State Secretary for Foreign, Defense, and German Policy in the German Federal Chancellery (Bahr) to the President's Assistant for National Security Affairs (Kissinger)¹**

Bonn, undated.

The Chancellor has offered to collaborate [with the opposition] on ratification of the treaties. We are working on a joint resolution of the Bundestag, which will state the principles of foreign policy that will remain unaffected by the Eastern treaties. If we reach an agreement with the opposition by the middle of next week, we are prepared to postpone for several days the decision in the Bundestag, which had been scheduled for May 4th. Otherwise we will force a decision so the President can go to Moscow with the situation here resolved. (The second reading in the Bundesrat could happen as scheduled on May 19th, if the Bundestag votes on May 4th. Agreement with the opposition would also mean that the Bundesrat reading is unnecessary.)

Barzel's position within his party is becoming more difficult due to growing public pressure on the opposition to abandon its untenable stance and refrain from blocking ratification. In this situation, he is trying to achieve a kind of government participation [eine Art Regierungsverteiligung zu erreichen], which we refuse to do. Any identical recommendation of the President to both the Chancellor and him would strengthen [Barzel] and would not be acceptable for the Chancellor.

A state [from the President] to him on international developments, including connections to Berlin and the treaties, could be useful for Barzel and us. It should say that the President is interested in having the situation resolved before he goes to Moscow.

We would be informed about such a statement to Barzel.

It would be good to know tomorrow confidentially what the President decides to do.²

Warm regards.

¹ Source: Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications. Top Secret. The message translated here from the original German by the editor, is in response to one from Kissinger, undated but probably sent on April 28; see footnote 5, Document 359.

² Kissinger replied by special channel on April 30: "Thank you for your prompt reply. Under the current circumstances it is best that we not intervene with the message at this time. However, Press Secretary Ziegler may say something in support of the Berlin Treaty at a future press briefing." (Ibid.)

362. Action Memorandum From the Assistant Secretary of State for European Affairs (Hillenbrand) to Secretary of State Rogers¹

Washington, May 1, 1972.

US MESSAGE TO GERMAN POLITICAL LEADERS
IN CURRENT CRISIS

In talking with an Embassy officer in Bonn, Opposition leader Barzel on two recent occasions has raised the possibility of the President sending a message to German political leaders in the current crisis.² Barzel maintains that he is seeking a reasonable solution if the Government will move to a bi-partisan foreign policy. He believes that message from the President to the Chancellor and to him emphasizing the advantages of a bi-partisan approach even if it entails delay in ratification would be very helpful in resolving the present polarization.

We continue to feel that any direct intervention from Washington in the German situation would be unwise. A self-explanatory telegram in response to the messages from Bonn is attached for your consideration. Since the question of a message from the President is involved I believe you may wish to refer the message to the White House for clearance, in the event that it has your approval.

Recommendation:

That you sign the attached telegram.³

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–US. Secret. Drafted by Sutterlin. The memorandum is uninitialed.

² See Document 359.

³ Although he initialed his approval on the draft, Rogers decided against sending the telegram. In a May 2 memorandum to Dean, David Anderson, an Embassy political officer, reported discussing the decision by telephone with Sutterlin: "Sutterlin said that Cash's message over the weekend had been carefully considered and that it had been decided that no message should be sent to the German parties in question. A reply to Cash's message had been drafted, indicating the Department's strong belief that no message should be forwarded, but the Secretary decided that even this message of reply should not be sent. According to Sutterlin, Rogers was afraid that even the existence of an exchange between the Embassy and the Department on this topic might somehow be misused and might prove embarrassing to the United States Government. Sutterlin said that this general sentiment against the sending of a message reflected the strong feeling of the White House as well." (Department of State, EUR/CE Files: Lot 85 D 330, JD Correspondence 1972) Livingston briefly informed Haig and Kissinger of Rogers' decision in a memorandum on May 2. (National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII)

Attachment

Draft Telegram From the Department of State to the Embassy in Germany⁴

Washington, May 1, 1972.

Subject: FRG Political Crisis. Ref: Bonn 6023 and Bonn 6035.⁵

1. Barzel's willingness to give Embassy such a full account of critical developments in the current FRG political crisis has greatly enhanced our understanding of the forces at play. With the assistance of the Embassy's outstanding reporting we are following the situation closely, recognizing that it constitutes not only a test of the statesmanship of government and opposition leaders but, potentially at least, also of the cohesion of the FRG's population in pursuit of common goals which has been generally present since the FRG's establishment. The United States welcomes signs that the coalition parties and the opposition are seeking to bridge their differences on the Eastern treaties and is hopeful that in this way a measure of stability can be restored, even if some delay in the ratification process is entailed.

2. We have given careful consideration to Barzel's suggestion of a message from the White House to the German political leaders urging a bi-partisan approach on Eastern policy and sufficient delay to make this possible. We have concluded that this is not desirable for the following reasons:

(A) The advantages of avoiding acute polarization on the Eastern treaties must be apparent both to Brandt and Barzel. For the US to point this out in an official message at this stage would be a statement of the obvious which could risk offense as direct US intervention.

(B) Such a message could be interpreted by the Chancellor as favoring the CDU and as implied criticism of him since the CDU has charged him with neglecting bi-partisanship and since any delay could conceivably run counter to his tactical interests.

(C) Most importantly, much more is involved in the current German instability than Eastern policy. Any US intervention in connection with Eastern policy would tend to put us right into the middle of the larger complex which because of its nature must be resolved by the political forces in Germany, including if necessary the electorate.

⁴ Secret; Immediate; Exdis. Drafted by Sutterlin; cleared by Hillenbrand, and initially approved by Rogers (see footnote 3 above). A handwritten note indicates that the original was returned to EUR on May 2.

⁵ See footnotes 1 and 4, Document 359.

3. The US position on Brandt's Eastern policy and on the Moscow and Warsaw treaties is well and publicly documented. We think it best to leave it at that, and to allow the German body politic to resolve the difficult questions it now faces on its own responsibility without intervention from Washington.⁶

⁶ In telegram 6128 from Bonn, May 2, the Embassy reported an exchange that day between Barzel and an Embassy officer on this subject: "At the beginning of the conversation, Barzel asked EmbOff if he had any message from Washington. EmbOff said no. At the end of the conversation Barzel said he wished to make an explicit request in view of the great damage to the political fabric of the Federal Republic which would be caused by continued controversy over the Eastern treaties. He wanted to ask for a statement from the USG to the effect that it considered attaining a bipartisan approach on the treaties highly important. EmbOff said he would report Barzel's request but did not hold out any prospects of a response." (National Archives, RG 59, Central Files 1970-73, POL GER W-USSR)

363. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and John J. McCloy¹

Washington, May 3, 1972, 3:36 p.m.

M: Henry, I don't know that I need to bother you or should bother you about it but I've got now two calls pending coming from Germany and they must be in relation to this [crisis?] they are in over there and I gather that well one of them I know is from Birrenbach. I have an idea the other one is from Barzel. I don't know the latter but I do know the former. And they have now put the date off to another hour from now. I don't know whether they want me to do anything or say anything or I just was wondering if there was any aspect of that German thing that I ought to know about in talking to them. If they ask . . .

K: Well, here is what . . . Barzel has asked us for a plea to restore bipartisanship to German policies.

M: Yes.

K: We talked to Brandt.² He doesn't want us to do it. And therefore we are deciding to stay out of it.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 368, Telephone Conversations. No classification marking.

² See Document 361.

M: Yes.

K: Because we will be blamed either way.

M: Well it seems to me so.

K: Now what we do not want to have done is to have us urge these Treaties.

M: Us do what?

K: We do not want—we do not urge ratification of these Treaties. You know we won't oppose them either obviously.

M: You know I have been rather unsympathetic to Brandt's approach on this whole thing. I just think his technique wasn't very good and I guess some people over there know that although I have only communicated that to Brandt. But I happen to know they have been after Lucius Clay. And I think he said he was going to send me over a statement to see whether I thought he ought to make it. I haven't seen it yet.

K: Well, I would strongly urge him to stay away from it.

M: That's what I was going to do.

K: Would you do that for me? Would you call him for me? I really do not think it is right for us. The Russians have been so bloody-minded to us in Vietnam and elsewhere.

M: Well, I think this is right. You saw that Carmen (Sp?)³ intervened.

K: Well, yeah, but.

M: You can expect that.

K: You can expect that.

M: I would think that would be counterproductive with the Germans.

K: No one takes him too seriously.

M: Well, I am going to tell Barzel that I am going to stay out of it and not make any statement. That I feel if I make any statement I feel that this is a matter for the Germans to determine and that it is an important moment to them that no outsiders should be interfering with it.

K: That's right.

³ Reference is apparently to W. Averell Harriman, who wrote an editorial entitled "Giving Brandt a Chance" for the May 2 edition of *The New York Times* (p. 43). In the editorial, Harriman argued: "The Christian Democrats have taunted Brandt over lack of American support for his *ostpolitik*." "Certainly the United States should bring strong pressure quietly but firmly on the Christian Democrats making plain our concern over their opposition to ratification. They should understand that if they come into power by blocking the treaties this will adversely affect our relations. It is hard to believe that if such representations were made by the United States they would not sway the few votes which are necessary to insure ratification. I earnestly hope that the United States Government will act before it is too late."

M: Is that okay.

K: That would be fine.

M: Okay. One other thing while you are on the phone is the situation in Vietnam as bad as it seems to be in the paper? Or do you think you could hold it?

K: Well.

M: I think maybe you don't want to talk about it.

K: No, no. I am trying to give you a responsible answer. And frankly, I don't know. It is not as bad as it is discussed in the papers but how far that retreat will go I am not yet absolutely sure.

M: You just have to hope for the Monsoons.

K: Well the Monsoon isn't going to hit up in that area.

M: Oh, it doesn't have that effect.

K: No.

M: Okay, I am debating whether to—I've got a business session of no great moment over in Athens this coming week but I am sort of hesitating to go over because of some possibility that something might develop in the disarmament of the Moscow business that might want the Committee—for me to talk about.⁴ I am inclined to beg off but I may have to go and be away for a week. Though it would be okay with you either way I imagine.

K: Well, there is a chance that we will bring that thing off in the next two or three weeks.

M: Uh-huh. Well maybe I better stick around.

K: Well, it may not be a bad idea.

M: Okay, well forgive me for calling but I did want to get a little background on the German affair.

K: Not at all.

M: If I get any dope from them I will give you a ring. If I think it is worthwhile passing on.

K: Yeah, but call me in any event.

M: Okay.

K: But tell Clay to stay out of it.

M: I will tell Clay to stay out of it.

K: Good.

M: Okay, thank you.

⁴ McCloy served as chairman of the General Advisory Committee on Arms Control and Disarmament.

364. Backchannel Message From President Nixon to Secretary of State Rogers in London¹

Washington, May 3, 1972.

WH21242. Deliver at Opening of Business.

We have noted reports² of an informal understanding between you and Scheel to the effect that the treaties should be settled by the time of the summit so that I can participate in the completion of the Berlin Four-Power protocol.

1. As you know, under no circumstances do I wish to sign or participate in the completion of the Berlin Four-Power protocol at or in conjunction with the Moscow summit.

2. Under no circumstances do I want to intervene in any way directly or indirectly in the issue of the treaties.

I know I can count on you to deflect any efforts to engage us in the treaties issue and to avoid situations which might contribute to erroneous rumors on the subject.³

¹ Source: Department of State, S/S Files: Lot 73 D 443, WPR—President Nixon. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent at 0403Z on May 4 (11:03 p.m., EST, May 3). Rogers was in London May 3 and 4 for consultations with British leaders on the President's trip to Moscow at the end of the month.

² Not further identified.

³ Rogers replied by backchannel on May 4: "I have received your telegram about reported informal understanding between Scheel and me about completion of the Berlin Four-Power Protocol. There has never been any such agreement and I have not seen or been in touch with Scheel since December 1971. I have scrupulously avoided any suggestion of any intervention by you or anyone in the U.S. Government directly or indirectly on the issue of the treaties. In fact it is not even possible to have the treaties ratified until at the earliest June 4, and it has been understood by everyone that the Protocol could not be signed until the treaties were ratified so whoever gave you that information did not even understand the parliamentary situation. I would be interested in knowing from whom you received such information to the contrary." (Department of State, S/S Files: Lot 73 D 443, WPR—President Nixon)

365. Memorandum for the Record¹

Washington, May 8, 1972.

SUBJECT

Dr. Kissinger's Meeting with Ambassador Pauls, Friday, May 5, 1972²

Replying to Dr. Kissinger's question of how he has been doing, Pauls said "not so good, not so bad." He asked whether Dr. Kissinger had been busy. Dr. Kissinger agreed that he had.

Pauls then said he wanted to describe the present situation in Bonn in regard to the ratification of the Eastern treaties. Efforts to reach common ground had as yet neither succeeded or failed. The leaders on both sides were trying hard to find a solution, but they have difficulties within their Parties. Neither group of leaders has a free hand. There would be continuing efforts over the weekend and the debate could begin on May 9. On the other hand, the CDU might succeed in getting an indefinite postponement. The government may not have a majority. This would mean stalemate, to Pauls a very discouraging situation.

Pauls then talked about the difficulty of having new elections before autumn. He pointed out that summer vacations begin in North Rhine-Westphalia on June 20th and would then continue in the rest of Germany throughout the summer. Then there would be the Olympics at the end of the summer.³ Pauls reviewed the difficulties involved in dissolving Parliament stemming from the no confidence system set up in the Basic Law and from such selfish reasons of Parliamentarians as their concern over pensions. Pauls concluded that everything argues in favor of finding common ground, but given the difficulties he could only give a 50–50 chance.

Dr. Kissinger said we were watching the situation with interest. He is taking no calls from Germany. Pauls noted that Secretary Rogers would be in Germany Sunday and Monday and would be seeing Brandt. Dr. Kissinger said "I don't think he will express a view."⁴

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII. Confidential; Nodis. Sent for information. Drafted by Sonnenfeldt. According to an attached correspondence profile, Kissinger noted the memorandum on May 20.

² The meeting was held at the White House from 3:15 to 3:25 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76)

³ The 1972 Summer Olympics were held in Munich, August 26–September 10.

⁴ Rogers was in Bonn May 6 and 7 as part of a 9-day tour to consult with European leaders on the upcoming Moscow summit. Upon his arrival in Bonn, Rogers made

Pauls then said that perhaps the Secretary or Hillenbrand could see Barzel, Schroeder or Strauss.⁵ It was after all in the US interest to find a solution and the CDU leadership was having great difficulties with parts of the Party membership. It takes much convincing and it would be useful, especially now, to strengthen the hands of those who are trying, that is the leaders of the CDU. Pauls said that he was speaking without instructions but he was deeply concerned about failure. Dr. Kissinger asked Pauls if he thought the current efforts would fail. Pauls said he was not too hopeful on the basis of the information he was getting, but because success is “the only way” it was his “feeling” that things will work out. The basic problem was how to work out a compromise that could be presented to the Soviets. Dr. Kissinger said he thought that the Soviets would be reasonable. Pauls said it seemed that the Soviets were prepared to receive a resolution worked out by the Parties in Bonn.

Dr. Kissinger said that as a German expert he had always believed that the treaties would pass but he was not saying this as an official. Pauls recalled that Dr. Kissinger had stated this belief before. Pauls commented that postponement might not be failure. Dr. Kissinger asked how long a postponement there might be. Could the government reintroduce the treaties in June. Pauls said that it could but of course the situation of no majority remains and so would the stalemate. Dr. Kissinger commented that it used to be said that a situation like the present one—a stalemate—was impossible but now the Germans had proved it could be done. Dr. Kissinger said he would talk to the President about the situation, but officially we would stay out of it. However, he would talk to Pauls if there was a change. Pauls said he was not suggesting anything official or public, he was suggesting that secretly and privately we make our interests clear and that failure would not serve our interests.

the following statement on ratification: “Although my visit here happens now to coincide with the effort in Bonn to resolve the question of the ratification of the treaties with Poland and the Soviet Union, I want to emphasize that my visit has been planned for many weeks. I had expected to be here after the parliamentary vote on the treaties. While in the Federal Republic I intend to avoid any comment publicly or privately which in any way could be considered as interference by the United States Government in what is entirely an internal matter for the Federal Republic. I am confident that the Government and the people of the Federal Republic understand that any such comment would be inappropriate and contrary to the purpose of my visit.” (Department of State *Bulletin*, May 29, 1972, pp. 773–774) Rogers interrupted his trip on May 7 and returned to Washington for an emergency meeting of the National Security Council the next day on Vietnam.

⁵ During a meeting with an Embassy officer on May 5, Bahr requested the opposite, i.e. that Rogers refrain from any contact with opposition leaders during his visit to Bonn. “Bahr said he believed that if the Secretary were to see Barzel,” the Embassy reported, “latter would inevitably attempt to publicize the content of the discussion, the Government would then reply, and the US would be caught in between.” (Telegram 6326 from Bonn, May 5; National Archives, RG 59, Central Files 1970–73, ORG 7 S)

Dr. Kissinger said as he saw it, three things could happen: a compromise this weekend; if not, the treaties would either pass or fail. He asked Pauls to keep him posted, which Pauls said he would do. He added that if the treaties passed by a simple majority, Barzel and Strauss might still try to prevent the Bundesrat from vetoing [*voting?*]. Dr. Kissinger asked Pauls to stay in touch over the weekend.

Pauls then said he was watching the Vietnam situation with compassion. He asked what impact it would have on relations with Moscow. Dr. Kissinger said we will not accept defeat. There probably would be an impact if things go beyond a certain point, but we will do what is necessary. Pauls asked what the “certain point” was.

At this point Dr. Kissinger was called away to see the President.⁶ He suggested that the conversation might be continued later the following week but meanwhile asked Pauls to stay in touch on the German situation over the weekend.⁷

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⁶ According to his Daily Diary, Nixon met Kissinger in the Executive Office Building from 3:36 to 3:46 p.m. (National Archives, Nixon Presidential Materials, White House Central Files) The two men discussed the military situation in Vietnam. (Ibid., White House Tapes, Recording of Conversation Between Nixon and Kissinger, May 5, 3:36–3:46 p.m., Executive Office Building, Conversation 336–7)

⁷ On May 7 Pauls called Kissinger at 5:45 p.m. to report on negotiations in Bonn for a joint parliamentary resolution on ratification. Pauls: “I told you on Friday that I thought, on the group of the information that I got, that it sounds 50–50. I would say today it’s 65 to 35.” Kissinger: “Good.” Pauls: “In moving toward a compromise solution. Draft resolution seems to be acceptable for all sides including the Soviets—I think we are going to get the answer tomorrow, and Barzel has found some more backing inside of his party and this also maybe will be decided tomorrow, and Barzel and the Chancellor are going to see each other privately again tomorrow evening.” Kissinger: “I see.” Pauls: “So that I hope that until Tuesday [May 9] the state will be certain in Parliament.” Kissinger: “I see.” Pauls: “It’s not yet decided but it looks somewhat better than the day before yesterday.” Kissinger: “And would they then vote on Tuesday.” Pauls: “No, on Wednesday.” Kissinger: “I see.” Pauls: “On Wednesday. And I wanted to give you this information.” Kissinger: “Well, I am very grateful.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations)

366. **Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Deputy Secretary of Defense (Rush)**¹

Washington, May 8, 1972.

Kissinger: Hello?

Rush: Hello, Henry.

Kissinger: Ken, how are you?

Rush: Fine, thank you. [How did] things go this morning?²

Kissinger: Well, your leader [Laird] fought with, you know what his position is.

Rush: Yes, I do.

Kissinger: And he defend—and he, that's the position he took.

Rush: Hm-mm.

Kissinger: The President is in the process of making up his mind.

Rush: Well, I hope he makes it up the way you and I think.

Kissinger: Right. Ken, what I called you about is to see whether we could get that German vote delayed a week.

Rush: The, which one?

Kissinger: The German vote which is now set for Wednesday [May 10].

Rush: Oh, oh, oh, right.

Kissinger: Do you think we can do something without getting caught at it?

Rush: I doubt that we can. In Germany today, Henry, both parties are—well you might say both groups because each one has two so-called parties—are in disarray.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Kissinger and Rush, May 8, 1972, Time Unknown, White House Telephone, Conversation 024–4. The editor transcribed the portion of the conversation printed here specifically for this volume. The exact time of the conversation is unknown. Kissinger placed the call during a meeting with Nixon and Haldeman from 1:36 to 2:35 p.m. in the Executive Office Building. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) During the telephone call, Nixon and Haldeman continued their own discussion; a tape is in the National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon, Haldeman, and Kissinger, May 8, 1972, 1:15–2:30 p.m., Executive Office Building, Conversation 336–8. Two instances when Nixon can be clearly heard on the telephone recording, apparently commenting on that conversation, are noted in footnotes 4 and 5 below.

² Nixon convened a meeting of the National Security Council from 9:10 a.m. to 12:07 p.m. to discuss a military response to the North Vietnamese invasion, including the mining and blockading of the harbor at Haiphong. (President's Daily Diary; National Archives, Nixon Presidential Materials, White House Central Files)

Kissinger: Yeah.

Rush: Brandt is fighting for his life.

Kissinger: Right.

Rush: Brandt and Wehner are very anxious to bring this thing to a vote this week.

Kissinger: Yeah.

Rush: And to vote—really to start tomorrow and have it voted on the following day.

Kissinger: Well, you see, they want a message from the President, but I don't want to waste a presidential message on these guys.³

Rush: But they—yes they want the President. Well, they both want a message from the President. Barzel wants a message from the President saying that he's in favor of a bipartisan foreign policy. And Brandt wants some help, of course, for his Moscow agreement.

Kissinger: Yeah.

Rush: So that anything—

Kissinger: You see I would be glad⁴ to recommend a message to the President if in return the Soviets lay off, let us go through with what we are thinking of.

Rush: Yes, yes.

Kissinger: But for that we need a week.

Rush: Yes. Well, without, without bringing Brandt into it directly,⁵ it would be impossible for us to intervene, I think, and not be very, very seriously misunderstood.

Kissinger: Yeah.

Rush: And probably permanently damage for quite some time. But what you have now, Henry, is a fight for control of the government and for domination of the party.

Kissinger: Look, I've got to see the President. I'll call you in about half an hour, if you can give some more thought to it.

Rush: I will, Henry. Thanks very much.

³ Kissinger received a telephone call from Bahr at 1:15 p.m.; the two men talked in German for about 6 minutes. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No record of the discussion has been found. Kissinger reported, when he met Nixon at 1:36 p.m., that Bahr "wants a message from you on the treaties." According to this account, Kissinger promised to submit the request to the President and suggested that Bahr call again the next day. (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon, Haldeman and Kissinger, May 8, 1972, 1:15–2:30 p.m., Executive Office Building, Conversation 336–8)

⁴ At this point, Nixon commented in the background: "No, no."

⁵ At this point, Nixon commented in the background: "I personally wouldn't."

Kissinger: Right.

Rush: Good.⁶

⁶ Although no record has been found that Kissinger called Rush back that afternoon, the two men met from 5:23 to 5:34 p.m. after both attended a meeting of the Washington Special Actions Group. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) During his meeting with Rush, Kissinger called Nixon at 5:30 p.m. After reviewing the President's televised address on Vietnam that evening, the two men discussed linkage between the Eastern treaties and the Moscow summit: "P: Do you think you can do anything about the Germans? K: Well, I'm getting Rush to call Bahr as soon as your speech is finished and say they cannot use the argument that you need this for your trip to Moscow. P: Who—the Germans? K: Brandt is using the argument that the reason they must ratify it is because you need it for your trip to Moscow. P: Um-humm. What is your view as to what that does then? K: That may delay it. P: Um-humm. Well, that'll put a little pressure on the Russians wouldn't it? K: That's right. P: Um-humm. Good, good." (Ibid., Box 372, Telephone Conversations)

367. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and Soviet Ambassador Dobrynin¹

Washington, May 9, 1972, 10:09 a.m.

K: Hello.

D: Hello, Henry.

K: Anatoliy, how are you?

D: Thank you.

K: I just wanted to tell you—I have just talked to Bahr² and we've also been in touch with Barzel, and I think we can assure now that the treaty will be ratified by tomorrow evening.

D: They are beginning today and tomorrow. Two days, yes?

K: That's right. Formally, only starting tomorrow.

D: Tomorrow, but how could they be ratified tomorrow?

K: Well, at any rate, I don't know whether they start today. All I know is that our understanding now is that due to our joint efforts, it's now worked out so that by tomorrow evening the treaties will be ratified.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations. No classification marking.

² Bahr called Kissinger at 10:02 a.m. on May 9; the two men conversed in German for 5 minutes. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No other record of the conversation has been found.

D: Tomorrow evening?

K: By tomorrow evening.

D: It's from both, then, Bahr and Barzel.

K: That's correct.

D: You don't know the details. Did they work out the joint . . .

K: Well, they worked out a joint declaration³ which we have urged Barzel to accept, and they are taking it up with Falin. And my understanding is that this will be acceptable.

D: That it will be acceptable. I see. Okay; thank you.

K: I wanted you to know that at least in areas outside Southeast Asia, we have continued to do business as we promised.⁴

D: Okay. Thank you, Henry. I will be in touch with you, I'm sure.

K: I don't think so.

D: No, I think . . .

K: You think there's going to be a message?

D: I think there will be a message or statement.

K: No, I'm sure. I was pulling your leg.

D: Yeah; I understand. You picked out a day which is really a national holiday in Russia.⁵

K: I'll hear from you. There's no question.

D: Well, bye-bye. I'll be in touch with you.

K: Bye.

³ For the final text of the joint resolution, see *Documents on Germany, 1944–1985*, pp. 1188–1190.

⁴ The previous evening, Nixon announced his decision not only to bomb Hanoi but also to mine the harbor at Haiphong. Kissinger later argued that the Soviet reaction to the decision was restrained due to their concern for ratification. Citing his call to Dobrynin on the joint resolution as evidence, Kissinger asserted: "We had not planned it this way—we had no influence over the procedures of the German Parliament—but the linkage so disparaged by commentators was obvious." (Kissinger, *White House Years*, p. 1192) Hillenbrand challenged this linkage in his memoirs by discounting the implication that Kissinger had given Dobrynin confidential information: "The Soviets, of course, knew about the German situation directly from their able ambassador in Bonn, Valentin Falin, who had been negotiating with the Germans about the declaration and reporting fully on German political developments to Moscow." (Hillenbrand, *Fragments of Our Time*, pp. 305–306) Brandt, however, also linked developments in Vietnam and Germany. According to Bahr, who discussed the situation with an Embassy officer on May 9, Barzel agreed to support the joint resolution after Brandt expressed concern that "the Soviet reaction to the mining of Haiphong might amount to a second Cuban crisis," possibly including "measures against Berlin." "If in addition to the pressures on the Soviet leadership from the American position on Vietnam," Brandt argued, "the German Bundestag rejected the treaties to which Brezhnev and other top Soviet leaders had attached their personal prestige, this action might tip the balance towards an overall East-West breakdown." (Telegram 6516 from Bonn, May 9; National Archives, RG 59, 1970–73, POL GER W–USSR)

⁵ May 9, 1945, was the day that Stalin announced the end of World War II in Europe to the Russian people.

368. Editorial Note

As Chancellor Brandt prepared for the vote in the Bundestag on ratification of the Moscow and Warsaw treaties, President Nixon and Assistant to the President Kissinger were preparing for the upcoming U.S.-Soviet summit in Moscow. After the decision to mine the harbor at Haiphong, Nixon and Kissinger were concerned that the Soviets might retaliate by canceling the summit. During a meeting at 3:09 p.m. on May 11, the two men discussed issuing a public statement supporting ratification to discourage this eventuality.

Kissinger: "They [Soviets] won't do a damn thing until the German treaties are ratified."

Nixon: "You don't think so?"

Kissinger: "No. And they want a statement from you."

Nixon: "Well, we'll get it to them, you know. When is that? When do we have to have that done?"

Kissinger: "I guess Tuesday [May 16] would be a good day to have it. Monday or Tuesday. Until that they won't do a thing."

Nixon: "But if we give them that it has to be a straight quid pro quo, don't you think?"

Kissinger: "They won't cancel it now. There's nothing in it for them to cancel it a day before you go." (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, May 11, 1972, 3:09–3:24 p.m., Oval Office, Conversation 723–10) The editor transcribed the portion of the conversation printed here specifically for this volume.

During a telephone conversation with Soviet Ambassador Dobrynin at 11:15 a.m. on May 12, Kissinger raised the possibility of issuing a public statement on ratification.

"K: We are thinking now very seriously of a public statement on Monday.

"D: On what?

"K: On the German thing.

"D: Oh, I think it's—

"K: That will have the maximum effect.

"D: Oh, I think it's very [important]. Could I send this or are you just thinking? Better not to make disappointment. Sorry I really ask you blunt question. If you are really so, I will send them but if you change your mind—

"K: Let me say, you know, if there is no, which I don't anticipate, no [further] aggravation of this situation.

"D: Oh, I don't think—I think for our part could say this, whether you do or not. Don't you think so?"

"K: What?"

"D: About whether it will be an aggravation or not.

"K: What do you mean we can say?"

"D: No, I think we could judge—I think you and me could fairly say whether there would be aggravation or will not be before Monday.

"K: Yeah. My impression is there will not be.

"D: You mean about [Barzel?] and Bonn [Brandt?]?"

"K: No, no; I mean in the overall world situation.

"D: Oh, well, this is what I think is my impression. . . . So if your impression is the same, so I think we are on the same ground.

"K: Right. So I just wanted to tell you that. In that framework I think you are pretty safe assuming it.

"D: Yeah. It would be White House statement?"

"K: A White House statement.

"D: A special statement?"

"K: Well, we've planned it in answer to a question.

"D: Okay, an answer to a question.

"K: And I will work that out and give it to you Monday morning.

"D: Okay. I think it's fair enough and good enough." (Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations)

Before the White House issued the statement, the CDU executive board met on May 15 to consider the joint parliamentary resolution on ratification. Helmut Sonnenfeldt of the National Security Council staff sent Kissinger the following Associated Press release soon after the meeting: "Leaders of West Germany's opposition announced today they have dropped final objections to Chancellor Willy Brandt's treaties with the Soviet Union and Poland—all but guaranteeing the pacts will be ratified by a broad majority in parliament." Sonnenfeldt suggested, therefore, that the White House issue its statement at a press conference that afternoon. (Memorandum from Sonnenfeldt to Kissinger, May 15; National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII) When a reporter sought reaction to the news from Bonn, White House Press Secretary Ziegler responded as follows:

"Well, this is of course a decision for the Germans themselves to take. It is of central importance to their future, so the decision must be theirs. That has been and is our position.

"Now, the President recognizes that the Berlin agreement, to which we are a party and which we think is a very good one, has been made

dependent on the ratification of the German treaties. He obviously would like the Berlin agreement to take effect. He understands that the leaders of both the government and the opposition in Bonn have made efforts to achieve a common approach and that seems to him a wise course." (Telegram 85265 to Bonn, May 15; *ibid.*, RG 59, Central Files 1970–73, POL GER W–POL)

On May 17 Nixon and Kissinger discussed another important German matter: the signing of the final protocol for the quadripartite agreement on Berlin. At a senior-level meeting in Washington on May 16, Allied representatives agreed that the protocol should be signed the next month in Berlin with the participation of the four Foreign Ministers. The representatives also decided to approach the Soviets "informally during the President's Moscow visit on timing, and that if a favorable Soviet response is received, a specific date for the signing be fixed at the quadripartite dinner in Bonn on May 29." (Telegram 86030 from Bonn, May 16; *ibid.*, POL 28 GER B) In a telephone conversation at 9:52 a.m. on May 17, Nixon and Kissinger interpreted this decision in a different light:

"K: Another thing that's come up is that apparently State is again talking to the Russians and the Germans about signing the Berlin agreement while we are in Moscow. And I just think that's a mistake.

"P: Just . . . sit . . . and we'll put out a . . .

"K: I'll take care of it.

"P: Just say that from me, I do not want any agreements . . . I don't want anything done except by ourselves, I don't want anybody else there.

"K: Yeah, well the present plan is for Rogers and Gromyko to come back to Berlin, but it would . . . I don't see why we should do that. We can do it later. Of course the treaties may not pass in time. There's another chance now to pull another little wrinkle which we've discovered which is that the German upper house we thought it had automatically to vote on it on Friday [May 19] but we found that if there's one German state that wishes a delay in the debate they can delay it. So now we're looking around whether we can find a state that can ask for a delay without our getting caught at it. Because that's the best insurance you have for good Soviet behavior." (Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations)

Kissinger then raised this issue during a meeting with Dobrynin in the Map Room at the White House at noon. According to a memorandum of conversation, Kissinger "said that the President did not wish the Berlin agreement signed during the visit to Moscow because he did not want to get Four Power activities mixed up with the summit. Dobrynin agreed that this was so, but said the initiative did not come from them; it came from the State Department." (National Archives, Nixon

Presidential Materials, NSC Files, Box 494, President's Trip Files, Dobrynin/Kissinger, 1972, Vol. 12 [Part 2])

The Bundestag, meanwhile, began its vote on ratification of the Moscow and Warsaw treaties. Although the opposition had agreed to allow its members to vote for the treaties, Franz Josef Strauss, leader of the Christian Social Union, reversed his position: he insisted at a meeting of the CDU/CSU parliamentary party group on May 16 that members could vote for the resolution but not for the treaties. In a choice between cohesion and conscience, Rainer Barzel, leader of the Christian Democratic Union, decided that the opposition should remain united by abstention. On May 17 the Bundestag, therefore, approved the bills of ratification by simple majority of 248 votes and the joint resolution by an absolute majority of 513 votes. Kissinger reviewed the outcome in a telephone conversation with Nixon at 11:12 a.m.:

"K: The German vote has come out very well.

"P: Oh.

"K: They fell short of an absolute majority by one, but they have a relative majority so now it has to go to the upper house. They were going to vote on it Friday, but the two German states have . . . it has to lie before that house for six days unless they unanimously vote to accept the consideration immediately.

"P: And they didn't?

"K: They refused . . . they couldn't get a unanimous vote so now they will vote next on the 24th, next Wednesday, and then it won't get signed until the following Friday. So that will cover most of your visit there. That removes even the one percent chance that they [Soviets] might kick over the traces.

"P: Yeah, they . . . they'd be playing a damn dangerous game.

"K: That's right.

"P: That's right. Well they're not anyway . . . they can't now anyway Henry; it's too late.

"K: No, exactly.

"P: Well, they can but they're . . . then they're proving that they're utterly stupid, and if they're utterly stupid we should be smart.

"K: But it also means that we have a pretty clear run for the better part of that week while we are there [Moscow]. I mean we would have it anyway, but this gives us a little insurance." (Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations)

Robert McCloskey, Department of State spokesman, called Kissinger at 11:58 a.m. to discuss an official response on ratification. McCloskey explained that the Department had prepared a statement for the Secretary, including the following sentence: "In light of this action we would hope for an early signature of the final quadripartite

protocol which will bring the Berlin agreement into effect, an accord which President Nixon described as a milestone [achievement].”

“K: Well, the only thing that the President . . . it so happened I talked to him about this early signature business in a different context.

“M: I see.

“K: He does not want to build a fire that any of that be done in the next two or three weeks. If you said ‘In light of this we should not proceed to the signature . . .’

“M: Uh, hm. ‘The way is open for early signature.’

“K: Well, he doesn’t want to use . . . I know he won’t want to use the word ‘early.’

“M: Yeah, I see.

“K: For the signature.

“M: All right. ‘In light of this action, the way is open for signature.’

“K: Yes.

“M: Okay. Otherwise all right?

“K: Yeah.” (Ibid.)

Secretary of State Rogers also called Kissinger at 2:20 p.m. to confirm the decision to delay the official response:

“R: [O]n the matter of the statement on the German matter—you and I saw eye to eye. I called [McCloskey] just before you did and told him I didn’t think it was a very good idea.

“K: Yes, because their constitutional process hasn’t completed yet—

“R: That’s what I said. There is no point putting it up to the President.

“K: Okay, I will hold it Bill.

“R: I heard on the radio and called him and said hell it isn’t finished so there is no point—we have taken the position until it is final or almost final we shouldn’t say anything.

“K: I completely agree.” (Ibid.)

The ratification process in Bonn, however, proceeded ahead of expectations in Washington. On May 19 the Bundesrat followed the Bundestag by approving the bills of ratification by simple majority. Rogers, therefore, delivered the official U.S. response in a press conference at the Department of State that morning:

“First, I would like to say that it looks now as if the German Parliament has ratified the Eastern treaties with the Soviet Union and Poland. And although the final act of ratification has not occurred, I think it is now fairly certain that it will take place. And that provides an opportunity for me to state that the United States Government views with satisfaction the action taken by the Parliament of the Federal

Republic and the ratification of these treaties with the Soviet Union and with Poland. The path will now be open for signature of the final Four Power protocol which will bring the Berlin agreement into effect, an agreement which President Nixon has called a milestone achievement." (Department of State *Bulletin*, June 5, 1972, page 779)

On May 23, the day after Nixon arrived in Moscow, President Heinemann signed the bills of ratification in Bonn. West Germany exchanged the formal instruments of ratification with the Soviet Union and Poland in Bonn on June 3. On the same day, the United States, Soviet Union, Great Britain, and France signed the final protocol for the quadripartite agreement in Berlin. For the text of the joint resolution, see *Documents on Germany, 1944–1985*, pages 1188–1190; for the text of the final protocol, see *ibid.*, pages 1204–1206.

369. Paper Prepared by the National Security Council Staff¹

Washington, undated.

UN MEMBERSHIP FOR EAST GERMANY

As part of their effort to solidify the status of the GDR, the *Soviets want* it admitted to the UN. From the Soviet standpoint, once both the FRG and GDR are admitted to the UN (the Soviets also support FRG membership), it will be difficult to contest the legal status of the GDR as a separate, sovereign state.

Our position has been to support West Germany's policy on this point. The situation is as follows:

1. Since Brandt came to power in 1969, he has repeatedly expressed willingness to treat East Germany (the German Democratic Republic) as a second state in one German nation.² This is a major change of policy and doctrine. He has met with the East German leaders, and his government has also indicated its readiness to see East Germany en-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 487, President's Trip Files, For the President's Personal Briefcase, May 1972 [Part 2]. Secret; Exclusively Eyes Only. Butterfield stamped the paper to indicate that the President had seen it. The paper was part of the President's briefing material for the Moscow summit, which began on May 22.

² Brandt first announced this position in his government declaration on October 28, 1969. See footnote 4, Document 39.

ter the United Nations, along with West Germany, *provided* the GDR first agrees by treaty to a *modus vivendi* that (a) improves contact between people in the two Germanies; and (b) recognized the principle, important to Bonn, that the relationship between West and East Germany is “special” and different than that between other states.

2. At the time of the West German-Soviet treaty in 1970, the two sides also signed a declaration of intent “in accordance with their different circumstances” to promote entry of the two Germanies into the UN.³ The declaration, which has no legal force, also stated that the West German-Soviet and the West German-East German treaties were part of a single whole, so that UN membership is linked with the intra-German treaty process.

3. On May 12, West and East Germany initialed a transportation treaty, the first treaty between them and a major step toward the *modus vivendi*.⁴ Bonn still wants to conclude a basic treaty embodying the special relationship. It has requested friendly governments *not* to support UN membership for East Germany until it has completed this entire process. We have honored that request.

4. *For us there is also the problem of quadripartite rights, which are vital to our position in West Berlin.* The Berlin agreements, which include a separate section of implementing measures worked out by East and West Germany, are a step toward our acceptance of East Germany as a state, but we have made no commitments on recognition or on UN entry. We have, however, agreed with West Germany, France, and the UK at the Ministerial level, that before we support UN membership for both Germanies we should seek an understanding with the Soviet Union that four-power rights and responsibilities will not be affected by UN entry.⁵ We do not know, of course, whether the Soviet Union would agree to such an understanding.

Issues and Talking Points

Brezhnev has directly appealed to us to take a position favorable to UN membership of both German states.⁶ He asserts that Soviet and East German public opinion would not understand if he did not raise this question at the summit where important issues would be dis-

³ Reference is to the seventh article of the so-called “Bahr Paper.” For the text, see *Documents on Germany, 1944–1985*, pp. 1101–1103.

⁴ Bahr and Kohl signed the traffic treaty in Berlin on May 26. For the text, see *ibid.*, pp. 1191–1198.

⁵ The Allied Foreign Ministers approved a statement to this effect at the quadripartite dinner in Brussels on December 8, 1971; Rogers presented the statement at a meeting of the North Atlantic Council the next day. (Telegram 5154 from USNATO, December 9, 1971; National Archives, RG 59, Central Files 1970–73, POL 38–6)

⁶ See Document 356.

cussed. He will most likely claim that Brandt supports UN admission and in this connection Brezhnev may refer to the Soviet-German declaration of intent of last year.

Brezhnev and Dobrynin have been told that our position will be guided by the views of the Federal Republic and that you would check with Brandt. (A message has been sent to Egon Bahr to ask how Brandt wishes the subject handled at the summit.)⁷

If Brezhnev pursues the subject you *should make the following points*:

—On this specific issue we must follow the lead of our Ally in Bonn. You are aware of the Chancellor's attitude on this question; he has endorsed the UN admission, but as a part of a larger process of establishing a *modus vivendi* between the two German states. He wishes to put this in treaty form and *then* support UN admission.

—We have not taken a position, but you can tell the General Secretary that we would not oppose UN admission as a matter of principle, providing that the West German government agrees, and that the rights of the Four Powers are not affected.

—You have checked this position with Brandt and this is your understanding of the current state of the issue.

—In any case, we have the Berlin agreements, including the inner-German agreements, and this is an indicator of our position.

If the situation in your talks warrants a gesture toward the Soviets on this issue, you could

—suggest that they and we now approach the UK and France to undertake a joint examination of the manner in which Four Power rights regarding Germany would be safeguarded once the two Germanies enter the UN.⁸

⁷ See Document 356.

⁸ Although other issues predominated at the summit, Nixon and Brezhnev discussed European affairs during their noon meeting on May 24. After raising the proposed conference on European security, Brezhnev remarked: "now [that] we have through joint cooperation settled the matter of the ratification of the treaties and the question of West Berlin, another important matter arises and this is a simultaneous admission of the two German states, the Federal Republic of Germany and the German Democratic Republic, to the United Nations. The possible solution to this question would certainly remove much tension in Europe and the sources of friction between us on those grounds. This is a major issue, and we feel we should be entitled to count on the positive attitude of your part on this also. Although it is an international problem, it also relates to bilateral relations between our two countries. It would help to create a better climate for the relations between us. And that is something to which you made frequent reference during this visit, Mr. President." Nixon replied: "The second point, with regard to UN representation of East Germany, this is a problem where we, of course, will have to be guided by the attitude of the Federal Republic. And when the Federal Republic has discussed this matter and indicated it is ready to move forward, we will, of course, cooperate. We will be prepared to discuss it with the British and the French. There is the very sensitive problem of four-power rights that might be affected by this action." (National Archives, Nixon Presidential Materials, NSC Files, Box 487, President's Trip Files, The President's Conversations in Salzburg, Moscow, Tehran, and Warsaw, May 1972 [Part 1])

(*Note:* The four powers would probably issue a joint declaration in connection with FRG and GDR admission into the UN.)

(*Note:* The above gesture has been endorsed by Brandt in a confidential message from Bahr to us⁹ following our request for German advice on how we should handle the UN issue in Moscow.)

⁹ In the message, dated May 16, Bahr reported: "The Federal Government stands by its position: an article of the Basic Treaty with the DDR will express the wish of both states to apply for admission in the UN. Already in the spring of 1970, I told Gromyko that our readiness in this regard also corresponds to Ulbricht's recommendation. That was not possible earlier. We will next discuss membership of the DDR in international organizations internally. Here there could be some room for maneuver. For the DDR, full UN membership is, as a sign of equal rights, its highest goal, in other words, more valuable than it is really worth. The quicker the negotiations lead to agreement on relations between the two states, the sooner will UN membership be possible. That is still attainable by the end of this year." Bahr also added the following postscript: "It might be taken as a gesture of good will in Moscow, if the President and Brezhnev agree to establish contacts immediately in Paris and London with the goal to work out the necessary joint declaration reaffirming four-power rights upon entry of both German states." (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany—Egon Bahr Communications) The foregoing excerpts were translated from the original German by the editor.

370. Memorandum for the Record¹

Washington, July 20, 1972.

SUBJECT

Meeting between Helmut Schmidt, Minister of Economics and Finance, Federal Republic of Germany and Dr. Kissinger, July 20, 1972, 2:40–3:30 p.m., Dr. Kissinger's Office (Also present were Rolf Pauls, Ambassador to the United States, Federal Republic of Germany, and R.G. Livingston, NSC Staff (note-taker))

Minister Schmidt: I want to discuss international monetary affairs. We are facing a very bad situation.

Dr. Kissinger: The Minister now has an opportunity to talk with one of the leading experts in this field. But you probably don't know much more yet than I. Whenever you come through Washington you

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII. Secret; Sensitive. Sent for information. Drafted by Livingston on July 22. According to an attached routing slip, Kissinger approved the memorandum on July 26.

should come in for a talk. I value your opinion on the German and US political situation. If the monetary situation was indeed becoming very bad, I could help perhaps.

Minister Schmidt: It is bad and could become worse. I thought that even ten days ago before I took on this portfolio.² Last year I tried to make you understand that the political effects in Europe of Secretary Connally's actions.³ The United States cannot embark on international monetary reform before its elections. Nor is this necessary.

Dr. Kissinger: Nor desirable. Will there also be elections in Germany in the fall which will have a bearing on the situation?

Minister Schmidt: It is 99% sure that elections will take place, probably the first Sunday in December. Schiller's resignation has damaged the government coalition and will damage it further. The government has a chance—which I put at 51 to 49 percent—to win, however.

Dr. Kissinger: Is there any chance that the government would have to resign before December?

Minister Schmidt: Probably not. If there is a change in government, however, foreign, defense, financial, and European Community policies will remain unchanged. The changes will be in personalities and domestic policies only.

Dr. Kissinger: Will the FDP change sides?

Minister Schmidt: The FDP cannot switch without losing its credibility. In the public eye, it is too committed to the Social Democrats. The FDP will get at least five and maybe more than seven percent in the national elections.

Dr. Kissinger: The CDU/CSU will in this case have to come out way ahead of the SPD in the elections and win an absolute majority.

Minister Schmidt: If the present government wins again it will form the same coalition. Brandt will be Chancellor and Scheel Foreign Minister. This will be the outcome if the FDP/SPD wins 20–25 additional seats and even if the CDU does not get more than 12 additional seats. If the CDU should win 20 more seats, however, it will form the government.

Dr. Kissinger: What about the Minister's own plans after the elections?

² Schmidt, who had been Minister of Defense, was appointed Minister of Economic Affairs and Finance on July 7; his predecessor, Karl Schiller, had resigned on July 2 due to differences over economic and monetary policy.

³ Reference is presumably to the New Economic Policy, which Nixon announced, at the urging of then Secretary of the Treasury Connally, on August 15, 1971. The policy included a 90-day freeze on wages, rents, and prices; an end to the convertibility of dollars into gold (the Bretton Woods system); and a 10 percent surcharge on imported goods. Connally resigned from Treasury on May 16, 1972; he was replaced on the same day by George P. Shultz, former Director of the Office of Management and Budget.

Minister Schmidt: Until 10 days ago I had fully expected to return to the Bundestag as floor leader of the SPD. Wehner had planned to give up this job six months or so after the elections. The plan had been to make Arndt Economics Minister and another man Finance Minister. But Schiller's resignation occurred *after* the Bundestag had recessed. Had the Chancellor wanted to name a replacement who was not now in the cabinet, he would have had to recall the Bundestag, since the constitution provides that ministers must take the oath before it. Brandt did not want to recall the parliament. So he was obliged to replace Schiller by a man already in the cabinet.

Dr. Kissinger: I know your replacement as Defense Minister. [Georg] Leber is very solid although he doesn't know much about defense.

Minister Schmidt: He knows enough about the Alliance, however.

Dr. Kissinger: One can't conduct policy in Washington because statements made in interdepartmental meetings keep getting into the press. Any sarcastic remark I make is written down by the agencies' note-takers and, misinterpreted and distorted, finds its way into the press.

Minister Schmidt: Bonn is worse in this respect.

Dr. Kissinger: The situation is impossible here. Even remarks made at cabinet meetings appear in the papers soon afterwards. In this room and within the NSC itself the record on leaks is very good: We have had none. Maybe the way is to tell the bureaucracies nothing.

Minister Schmidt: I have a personal rule never to mind what others make of comments of mine which leak to the press. I want to turn the conversation back to international monetary issues, however. Billions of dollars are floating about the world and Germany is taking in too many of them.

Dr. Kissinger: What is the cause of this?

Minister Schmidt: The US economic situation is improving. Within two years or so this may have an impact on the US trade balances. Meanwhile, there are too many dollars circulating in the world. New York bankers are selling dollars and the German Federal Reserve System is having to buy them up at a fixed rate to prevent the dollar from falling below 3.15 against the DM. The German Federal Bank is handing out far too many DMarks, billions in a week. This has a very bad internal effect. The German price level is rising far too fast. The inflation rate is 5.4 percent at present. This will be the number one campaign issue. If I am to survive politically, I will have to do something about this as Minister of Finance and Economics.

Dr. Kissinger: We want you to survive, which is not to say, necessarily that we want your government to do so. We appreciate how much you have done as Defense Minister.

Minister Schmidt: My main objective is to have US-German cooperation survive. The dollar problem remains and the German inflation rate may reach 6 percent. To prevent this I may have to cut off the purchase of the dollars "immediately." This will be done by means of regulations on capital inflows and corresponding regulations on trade.

Dr. Kissinger: Like the French.

Minister Schmidt: There is no other way. Schiller was against that but the whole cabinet was for it. That is why Schiller had to go. Last year there had been a DM float and DM revaluation. There can be no revaluation this year. I want you to understand the situation and the background to the action I may have to take.

Yesterday, however, Chairman Burns has done what I came to the United States to ask him to do. By intervening in the international monetary market to sell DM he took an action which serves as a token of US determination to defend the Smithsonian Agreement.⁴ That is essential: to defend the Smithsonian Agreement and not let the situation get out of control.

There has as yet been no German cabinet decision to stop buying dollars. I am not going to ask for one, if the United States government continues actions such as the Federal Reserve Bank's of yesterday. The difficulties may be ironed out in that case. The problem is the rumor mill among international bankers. The meeting of the EEC finance ministers July 17–18, and the rumors coming out of it has made the July 19 intervention of the Federal Reserve Bank necessary.

Ambassador Pauls: The Fed's action has raised the dollar by a point and a half.

Dr. Kissinger: Last year the situation had to get very bad before I was able to intervene within the government. Then the crisis was brought under control. You should know that Secretary of the Treasury Shultz thinks that floating is the right policy. However, I understand that a US float will make it impossible for the German government to control inflationary pressures. The Germans are saying to the US that either you defend the Smithsonian Agreement by intervention of your own to strengthen the dollar or we will defend it by means of controls.

Minister Schmidt: That is the choice. An important aspect is the psychological impact of US action on bankers in New York and in Frankfurt, whose psychology I do not understand very well.

⁴ The Smithsonian Agreement, signed in Washington on December 18, 1971, realigned the currencies of the so-called Group of Ten, the United States, Canada, United Kingdom, France, Belgium, Netherlands, West Germany, Italy, Sweden, and Japan; the agreement included a 8.57 percent devaluation of the dollar.

Dr. Kissinger: I cannot give you an answer right now. What is required is day-to-day actions, a series of them. This is not an issue which you can bring up to the President in the form of a single paper to be signed. Secretary Shultz and Chairman Burns will have to take actions daily. It is the totality of these, no single action, which is important. This is different than the situation last year. Then there was a concrete set of decisions to be taken.

I will talk with Secretary Shultz and Chairman Burns. I need two weeks time for this.

Minister Schmidt: I want the White House to understand that even a strong supporter of cooperation with the United States such as I am may have to act suddenly in the international monetary field.

Dr. Kissinger: Our situation with the Europeans is precarious. I know that. A unilateral European move in the monetary field could trigger an unexpected reaction in the United States. Strangely, the old internationalists in the United States have now become isolationists. And the old isolationists, who have become internationalists now, are good on defense but remain isolationists at heart in economic affairs. I hope you will hold off any restrictive move for at least ten days.

Minister Schmidt: I am not going to act within the next ten days.

Dr. Kissinger: I know that you are meeting with Shultz and Burns today. I will call Shultz and explain to him that you are no anti-American economic nationalist. Mr. Burns needs no convincing. The problem with him is the way he presents his views. He is a difficult personality to orchestrate in a coordinated policy. However, Burns favors the Smithsonian Agreement and the need to defend it.

Minister Schmidt: The Agreement must be defended until the elections.

Dr. Kissinger: After I have been in touch with Burns and Shultz I will inform you confidentially of the outcome through Rolf Pauls. That way the communication will remain completely private.

What do you think about European-American relations?

Minister Schmidt: The greatest present uncertainty is how soon the European Community will clarify its views on relations with third countries, particularly the United States, on European economic and monetary union, and on European political consultations. None of this depends on the United States; it depends on Pompidou's interpretation of France's interests and on the strength of the British Pound. I don't understand the significance of the French Cabinet reshuffle.⁵

⁵ Jacques Chaban-Delmas resigned as French Prime Minister on July 5; the next day, Pierre Messmer, a close associate of the late Charles de Gaulle, formed a new Cabinet.

Dr. Kissinger: It may be a move in the Gaullist direction.

Minister Schmidt: The central problem is whether the European Community would be outward-looking, as Germany wants, or inward-looking, as the French want. Germany does not want the European Community to become a currency bloc against the dollar. Schiller's problem was his inability to deal with the French tactfully on this issue. As Economics and Finance Minister I will try to establish cooperation with Giscard as I did with Debre.⁶

Dr. Kissinger: I want you to know that we will miss you in the Defense Ministry. As far as you personally are concerned, I am happy you can leave this suicidal post.

What do you think of US policy?

Minister Schmidt: You made two mistakes in 1971, the first in handling of Japan and the second in handling the Europeans until Secretary Connally was called home.

Dr. Kissinger: To some degree the Japanese are making a profession out of being hurt. What could we have done to handle them better?

Minister Schmidt: When I was in Japan I got the impression that the Japanese are somehow stirred up, intrigued with the potentiality of relations with mainland China. They couldn't seem to see that mainland China can't buy any more from Japan, that it is no bigger a market than Taiwan. Somehow the Japanese have lost direction and feel dropped by the United States.

This year the United States has done well—with the Moscow Summit and the Berlin Agreement, on which the Germans and the Americans had cooperated. You helped Brandt to carry out his Eastern policy while strengthening the security foundation in the West.

Dr. Kissinger: We helped the Eastern policy as much as we could without going public about it.

Minister Schmidt: We have nothing to complain about.

Dr. Kissinger: As far as our handling of the Europeans last year is concerned, you should understand that Texans like Secretary Connally are used to dealing with problems in a forceful way. The Secretary is a strong, able, and attractive man.

Minister Schmidt: Yes, he is. I advised the Chancellor last year that financial and economic matters should be taken out of the hands of men like Connally, Giscard and Schiller and put into the hands of statesmen. With billions of dollars floating around, the monetary crisis of 1971 can easily repeat itself.

⁶ Valéry Giscard d'Estaing, French Minister of Finance and National Economy; and Michel Debré, French Minister of State for National Defense.

Dr. Kissinger: Give me two weeks time to determine attitudes in the United States on international monetary policy. I will let you know candidly about these attitudes.

Minister Schmidt: How influential is Mr. Eberle?⁷ He seems to understand these problems.

Dr. Kissinger: Eberle is somewhere between the first and second levels in the government structure. He does indeed understand the problems but he is not too influential.

Turning to United States election politics, I think that McGovern will either win or else lose disastrously. Our internal, unpublished, polls are so favorable that they scare one. It is eerie. The polls give the Republicans a 20 point lead, and they could win every state, except South Dakota.

McGovern is a phenomenon like Goldwater. His constituency has never before been represented in national affairs. It is undefinable, a group which is united only by its frustrations. McGovern's supporters have never dealt with the problem of managing a bureaucracy.

I know and like McGovern. But his election could be a disaster, for he means exactly what he says. The important thing about (Ted) Kennedy is that he is not a loser, although he is not quick to learn. McGovern can't learn and he can't change his mind. He is a missionary. His present constituency is up in arms, its expectations in McGovern are high. Among my friends in the film industry who support him, there is a feeling of exaltation. In America today the family, the Church, and even psychiatry are losing their appeal. The institution of the Presidency is the focus of exaggerated expectations. If McGovern wins and is unable to meet these expectations—and no man can meet them—his constituency might turn on him.

Despite the indications of the private polls, I would not rule out that McGovern might find 10 million voters whom nobody knew were there. Muskie, Humphrey, or Jackson, wouldn't be able to find these voters. But I would not be astonished if McGovern could.

Minister Schmidt: Both West German parties, the SPD and the CDU, look to President Nixon, although not necessarily to the Republican Party. We like the calculability of the present Administration.

Dr. Kissinger: No professional can figure out how McGovern might win.

Ambassador Pauls: There is a desire for change in this country, however.

Dr. Kissinger: Two important facts in the primaries have been overlooked. First, McGovern's opponents together got more votes than he.

⁷ William D. Eberle, Special Representative for Trade Negotiations.

Second, McGovern lost as many primaries as he won. He was, however, clever in picking his primaries. Muskie, on the other hand, was foolish to get into the Florida primary where he had no chance. He wasted a month there. McGovern ran a smart primary campaign but won only a single two-man race, California, where his vote was less than had been expected.

Minister Schmidt: What about Vietnam?

Dr. Kissinger: Were it not for our election, I am certain that the war could be settled within six months. There are several reasons for this. First the North Vietnamese have been “stopped” militarily even if one could not yet say they had been defeated. We are likely to see a big attack within the next two weeks. I regard this as a sign of despair. If the North Vietnamese can take Hue it will be worth it. If not, it will be a very bad setback. The North Vietnamese are strapped for manpower. They are moving their 320th *training* division south, a division which they have never used before and which consists of new recruits who have never fired a shot in anger. If we cannot stop them with air power and with four of the best South Vietnamese divisions, we can never stop them.

The North Vietnamese have not won a battle since May. When they were winning it was very costly for them. We thought at one juncture, and I told the President, that they might take Kontum within four days. We didn’t know when we made that estimate that the North Vietnamese had already lost two thirds of a division which was attacking the city. They were being defeated by the second worst South Vietnamese division. In some ways, without being tactless, one can compare the North Vietnamese situation today with that of Germany at the time of the Battle of the Bulge. Even if they score a limited victory, it will be a defeat.

Secondly, the North Vietnamese are isolated politically. You have just to read what the Chinese and the Soviets are saying. The North Vietnamese Ambassador the other day presented a list of charges to the Chinese leadership. What did Chou reply, according to Peking radio? That the Chinese supported their North Vietnamese people in their just struggle. Imagine if we should give such a reply to one of our allies asking for help!

The Chinese are giving the North Vietnam supplies but no diplomatic support. And they are not giving enough supplies to reverse the situation. After their next offensive has been stopped the North Vietnamese will have used two dry seasons worth of supplies. That means that they cannot launch another attack until February, 1974.

What the North Vietnamese do have going for them, however, is that McGovern is offering to give them their maximum program. So perhaps they believe they should wait. But the North Vietnamese must

consider that the polls show that McGovern won't win, that the North Vietnamese forces have been seriously weakened, and that they cannot be sure that McGovern will actually do for them what he says he will do. A Chinese commentary is very interesting in this respect; it says that the American domestic structure won't permit McGovern to scale down our military support. I like such commentaries, for their impact in Hanoi.

I think that there is a 50–50 chance of a Vietnam settlement *before* the elections and a four to one chance of one afterward. We will be down to 39,000 troops, all volunteers, by September 1 and down to 35,000 by November. We have withdrawn 525,000 troops since the present Administration came in.

Minister Schmidt: You fail to exploit these facts enough with the European publics, who are down on you because of Vietnam. Your figures are unknown, especially to young people in Europe.

Dr. Kissinger: How can we exploit these facts with the European publics?

Ambassador Pauls: You are doing better in Vietnam than you are in selling that policy in Europe.

Dr. Kissinger: Everybody in this country said that the Administration's decision to blockade Haiphong would ruin the Summit.

Minister Schmidt: Bonn hasn't said that.

Dr. Kissinger: We have no complaint about the Germans on this score.

Since the blockade, the North Vietnamese have become more flexible. We are still not sure if they want to settle before the elections, however. There has been only one meeting with them in Paris, the one of yesterday.

Minister Schmidt: You are not fully aware of the growing proportion of Europeans who dislike the United States because of Vietnam. You must tell these Europeans more about your withdrawals.

Dr. Kissinger: And about what we have offered the North Vietnamese. The only thing we have not offered is to collude with them in the overthrow of a government that is allied with us. What would the Europeans say if we did that? Perhaps a few months after the settlement they would be saying that the United States, when the going really gets tough, simply jettisons the governments of its allies. It is strange that the men who resist are always those who are vilified by the left wing. It was the same with Adenauer at the time of the Berlin crisis in 1961.

Minister Schmidt: It is not governments to whom you need to explain these things but to the European publics. You need to show in some dramatic way how much you have done to get your soldiers out.

Dr. Kissinger: I hope that we can count on seeing you when you come through Washington again in September.

I will try to call Secretary Shultz before your appointment at 4 this afternoon.

The meeting ended at 3:30.

Robert Gerald Livingston

371. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, August 26, 1972.

SUBJECT

West and East Germany in the United States

At our request, State has prepared a good background memorandum (Tab A)² on the current stage of negotiations between the FRG and the GDR, the question of UN membership for the two, and on the issue of a covering Four Power declaration in connection with that membership. The last may eventually cause us some trouble with the West Germans and possibly the Soviets. You should be aware of the present state of play, which is likely to move ahead rapidly in September and October.

A summary of State's memorandum follows:

Bahr-Kohl Talks

The two state secretaries have been negotiating since August 16 on a FRG–GDR modus vivendi in the form of a “Basic Treaty.” Kohl's draft treaty is unsatisfactory to Bonn in several respects. The two main problems with it are:

—How to include the FRG's wish for language that indicates there is a “special relationship” between the two Germanies and reunifica-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 303, Agency Files, USUN, Vol. X [Part 3]. Confidential. Sent for information. Kissinger initialed the memorandum; an attached routing slip indicates that it was noted by him on September 7. According to another copy, Livingston drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Chronological File, 1969–75, Box CL 26)

² Attached but not printed at Tab A is a memorandum from R.T. Curran, Acting Executive Secretary, to Kissinger, August 26.

tion is eventually possible. Bahr would like to have the treaty refer to the FRG and GDR constitutions, both of which mention a single German nation.

—Whether to include a clause affirming quadripartite rights and responsibilities in some way.

UN Membership and Four Power Rights—The Issues

When the Berlin protocol was signed last June, the Three Western Powers presented Gromyko with the agreed Western position. It is:

(a) The Berlin agreement opens the way to UN membership for the two Germanies.

(b) First, however, there must be an FRG–GDR general treaty, then Bundestag approval of it and a *written* understanding among the Four Powers (USSR, US, France, and UK) that UN membership of the GDR and FRG will not affect Four Power responsibilities for Berlin and Germany as a whole. Then the two Germanies can enter first UN specialized agencies and later the UN itself.³

Gromyko was initially unreceptive to the Four Power statement idea, and the Soviets started sending out negative signals.⁴ But on August 17, the Soviet Ambassador in East Berlin told Marty Hillenbrand that Moscow’s reply would be positive.⁵

³ After signature of the final quadripartite protocol on June 3, Rogers gave Gromyko both an oral presentation and written talking points outlining the Allied position on German membership in the United Nations. (Telegram 7809 from Bonn, June 3; National Archives, RG 59, Central Files 1970–73, UN 6 GER W)

⁴ In a June 13 memorandum to Kissinger, Sonnenfeldt reported that, when Bahr outlined the Allied position in a meeting with Gromyko on June 3, the Soviet Foreign Minister replied that “the two Germanies should enter the UN *first*, then the FRG could more easily and to its better advantage regulate its relations with the GDR. The ‘fetishism’ of Quadripartite rights could hurt GDR–FRG relations. Moscow would not go along with any attempt to establish Four Power rights if the sole purpose was to bind the two Germanies together.” (Ibid., Nixon Presidential Materials, NSC Files, Box 718, Country Files, Europe, USSR, Vol. 20)

⁵ The Mission reported on this meeting between Hillenbrand and Yefremov, which was held at the Soviet Embassy in East Berlin, in telegram 1460 from Berlin, August 18. (Ibid., RG 59, Central Files 1970–73, POL 17 USSR–GER E)

Some issues have also cropped up with the West Germans in this connection:

—Whether the FRG and the GDR should formally associate themselves with a Four Power Declaration. The FRG thinks this is neither necessary nor desirable.⁶

—Whether there should be formal Four Power “support and sponsorship” of the two Germanies’ entry into the UN. The FRG is against, the Three Powers for, although they believe it not essential.

Additionally, there is some apprehension, particularly in Paris and London, about parallelism between the Bahr–Kohl negotiations and those by the Three Powers with the Soviets. The two Germanies might, if Bahr presses ahead, come to an agreement well before the Three, putting them under undue pressure to settle for less in a quadripartite declaration than they consider necessary. The fear here is that the Western Allies could be put into the position of appearing to block a German–German treaty which Brandt would want, for domestic reasons, to submit to the Bundestag quickly.

If the Bundestag is dissolved in mid-September,⁷ however, this will probably be no problem. Ahlers did feel it necessary on August 9 to deny, however, that the Three are concerned about Bahr’s negotiating “haste.”

US–GDR Relations

Besides this major issue of what our policy should be toward East Germany’s entering the UN, there are two minor policy questions which State has recently addressed. You should be aware of these. Both are referred to in the NSSM–146 response (Policy Toward the GDR),⁸ which awaits SRG action. These issues are:

—Should the State Department now modify its regulations to permit our diplomats to travel more widely in the GDR? NATO rules, hitherto fairly restrictive, are going to be relaxed. State wants to follow suit.

⁶ In a September 7 memorandum to Kissinger, Sonnenfeldt revised this statement: “Initially the West Germans were much opposed to an association, but their position has softened in the past few weeks. After Marty Hillenbrand discussed this problem with the Auswärtiges Amt, State now believes the FRG would go along with formal association.” “We consider a formal *East German* (and hence an FRG) association important,” Sonnenfeldt further explained, “because in the event that GDR pressure on Berlin one day resumes, we will need the most unambiguous possible political and legal basis to sustain our Four Power position in the city.” (Ibid., Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 24, HAK Trip Files, Briefing Book, Henry A. Kissinger Germany Trip, Secret)

⁷ The Bundestag was dissolved on September 22 when Brandt arranged to lose a vote of confidence; under Article 68 of the Basic Law, Federal elections were then scheduled for November 19.

⁸ See Documents 341 and 355.

—Should we allow high-ranking GDR officials to travel in the US? We have been against this so far, although our NATO Allies have been far more permissive. State now favors visits by such officials for specific purposes, such as trade promotion.

You should be aware of these proposed policy changes. Others may arise soon.

372. Memorandum of Conversation¹

Munich, September 10, 1972, 4:15–4:45 p.m.

PARTICIPANTS

Minister of State Franz Heubl
Franz Josef Strauss
Henry A. Kissinger
Helmut Sonnenfeldt

Strauss: I want to ask you first of all about the CSCE.

Kissinger: It is probably inevitable some time next year.

Strauss: Are you sure it is inevitable?

Kissinger: We did not favor it but all our allies do; the French do, the British do and your government does.

Strauss: Well, we do not and we will go slow once we are elected. You have to realize that with these socialists there is nothing but concessions.

Kissinger: Why do you say that?

Strauss: My dear Henry, because socialism is synonymous with concessions. They can't help themselves. And we are really faced with a socialist belt now. First there are the Scandinavians and we all know about them. Then there is Austria, although [Chancellor Bruno] Kreisky is trying to follow his own policy. In Italy by sheer luck there isn't a socialist government yet but who can tell in that country how long the present setup will last. And in France you have Mitterand,² who is already in bed with the Communists. Pompidou, who is a good man,

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 24, HAK Trip Files, HAK European Trip Sept. 1972, FRG Memcons Brandt, Strauss (Originals), Eyes Alone. Confidential; Eyes Only. Kissinger, an avid soccer fan, was in Munich to attend the Olympic Games. The meeting was held at the Arabaella House.

² François Mitterand, First Secretary of the French Socialist Party.

will probably win in the elections next year but don't discount Mitterand and the socialists. And then our socialists. Well, the chances are you will have this socialist belt from the North Cape to the Mediterranean.

Heubl: There has been a story, just in the last few days, that the Chinese will somehow want to participate in the CSCE.

Kissinger: I cannot believe that Mao will die unfulfilled if there is never a conference. For obvious reasons, this is not a favorite idea of the Chinese. They are the best members of NATO these days. You mentioned the election. What do you think the outcome will be?

Strauss: It looks as though we will win it. The Olympics have probably hurt Brandt.³ There also was the Schiller affair and the Quick affair⁴—the practice of persecuting journalists for minutia. You are laughing. But I am not sensitive when I say this because I think there is a difference between printing a letter of resignation of a minister and the nuclear target list of NATO.⁵ So I am not sensitive. You should know there is an underground attack against our system. Communists and anarchists pervade the youth organizations of the SPD and even the Free Democrats. And of course the Russians support the Government and have a mammoth propaganda machinery against us. This could result in a close election.

Kissinger: What is the best time for you?

Heubl: December 3 is optimal, after that is is unpredictable.

Strauss: There is a story that Brandt in the next two weeks will send a letter to the President of the Bundestag and ask him to pose the confidence question. Brandt does not want to pose it himself. But under our constitutional system that would be a very questionable procedure.

Heubl: I had not heard of this.

³ On September 5 eight Arab terrorists of the Black September organization stormed the quarters of the Israeli athletic team at the Olympic village in Munich, killing two and taking nine hostage. In a gun battle with German security forces that night at a nearby military airport, five of the terrorists were killed but not before killing all of the hostages.

⁴ *Quick*, a popular illustrated magazine, published Schiller's private letter of resignation on July 26; the magazine had also published without permission the "Bahr Paper" in June/July 1970 and several drafts of the quadripartite agreement on Berlin in July 1971. On August 29 two state secretaries resigned from the Federal Government after a police raid on the *Quick* offices in Munich and Hamburg revealed that they had received consulting contracts from a publishing company associated with the magazine.

⁵ In November 1962 Strauss, then Minister of Defense, was forced to resign due to his role in the so-called *Spiegel* affair in which his concern for national security, the unauthorized disclosure in *Der Spiegel* of a NATO exercise on nuclear war, led to the controversial arrest of several representatives of the German newsmagazine.

Strauss: I heard about it just in the last few days. I don't know what von Hassel will do. But I think it is impossible.

Kissinger: What will be the effect of the completion of the treaty with East Germany?

Strauss: Well they could have that; and Scheel will go to China; and there could be an agreement on CSCE; and the Poles could agree to repatriate Germans from their Western territories. But I think people are not so much concerned about foreign policy as they are about security ("Sicherheit").

Heubl: Anyway, it could be close. But if Brandt ends up with just a one-vote majority, the legislative period will not last four years.

Sonnenfeldt: What if you end up with one-vote [majority]?

Heubl: Then we have to govern; there would be no alternative.

Strauss: Of course we will have to keep Barzel tied down.

Kissinger: But you supported him.

Strauss: What was the alternative? But he would have to go if he does not perform after the election.

Heubl: But with Franz-Josef running economics and finances and Schroeder foreign policy it should be possible to keep Barzel in line.

Strauss: Barzel lost a lot because of his wavering on the Eastern treaties. But if he does not perform, he will have to go.

Kissinger: We are talking completely privately? No press leaks?

Strauss: None whatsoever.

Kissinger: Not even hints or statements attributed to me by implication?

Strauss: Nothing traceable to you. That is how it should be between old friends.

Kissinger: Who would be the alternatives to Barzel?

Strauss: Well—Schroeder or Stoltenberg.

Kissinger: Do you think the evolution would have been the same if the small coalition had continued in 1966?

Heubl: I don't think so.

Strauss: It is very hard to say; it is speculative.

Heubl: I know your time is short. I want to ask you three questions. One, what do you think will be the reaction in Moscow if there is a CSU/CDU Government? Two, what are the prospects for US troop cuts in Europe? (Strauss: Application of the Nixon doctrine to Europe.) Three, how do you see the developments in the Middle East and will this come up in your talks in Moscow?

Strauss: Yes, and then there have recently been many stories, especially from the French that say you and the Russians will get together

on a combined attack on the EEC. Of course, the French have a reason for saying this. Pompidou is an intelligent man but the French use this to argue against any derogation of sovereignty in Europe.

Kissinger: (Asks for repetition of first question.) Let me tell you about our experience. We were warned that when President Nixon became President, the Russians would see him as a cold warrior and things would be rough. Everyone was making proposals to us: that we should go to the summit immediately; that we should start SALT; that we should make concessions; that we should move quickly on trade. The *New York Times* and other papers were full of this. Well, we did nothing like that. We took our time. The Russians tried to build a submarine base in Cuba and we reacted tough; they tried to inject themselves in the Middle East and we reacted. Then things began to change. Now we are prepared to move on trade and we will do many things because we have gotten some political things. We moved very coldly and concretely and deliberately. That is what the Russians respect because they also calculate coldly.

Strauss: That is exactly my approach.

Kissinger: You may have a similar experience. Lots of threats beforehand. And maybe some kind of crisis after you are elected. But then they may be ready to do business. In any case, we won't permit a crisis to happen.

Strauss: I find this very interesting. There actually are some signs already of their trying to communicate with us. But this is very interesting.

Kissinger: The Russians have no use for sentimental people.

Heubl: Well, Franz-Josef is not sentimental.

Kissinger: Now on the second question. We will use MBFR to reduce troops as slowly as possible—not more than 10–15% over five years and then only reciprocally. But of course the Europeans have to do their share.

Strauss: Burden-sharing. A Nixon doctrine modified for Europe. I have advocated it for eight years.

Kissinger: Yes, burden-sharing. The Europeans have to stop using our troops for their détente policies.

Strauss: I hope you have said this to Helmut Schmidt.

Kissinger: If you are defense oriented, we won't reduce. Of course, I can't guarantee some small number like 20,000. But . . .

Strauss: I have always said that if the Americans reduce in Europe, *mutatis mutandis* have to make up the difference.

Kissinger: I agree. You simply cannot expect the US to defend an economic competitor. I mean there will be competition; but it has to be within bounds. You simply cannot expect this to go on indefinitely.

Strauss: Well, I agree with that.

Kissinger: Now on the Middle East. Well—this is really too complicated and I don't really want to say anything about it now. It is very dangerous and there has recently been a substantial US success because of the removal of the Russian troops.⁶ But we do need a united Western policy on energy sources. We can't let them—cites example of Libya—play us off one against the other. So we really should do what we can to get a united policy on that.

Strauss: Well, I agree with you on that, too.

Kissinger: Now about the EEC. It is absolutely essential—and I have said this to the members of the Government with whom I have spoken—that after we have had our elections that we have a fundamental review of our relations, the relationship between the US—America—and Western Europe. I think this is absolutely essential or we will find ourselves fighting about individual issues year after year. And after a while the economic problems will make it impossible to maintain the security relationship. You should be aware that if it were not for Richard Nixon—this extraordinary political phenomenon who does not come from the American political establishment—if it were not for him we would already be in the midst of a major fight with Europe. You could very well get this. I wouldn't say that there will be a joint US-Soviet attack. But there will be real pressures against Europe. So we need to get our relations fundamentally looked at. I don't mean that you would agree with us in every detail.

Strauss: Obviously, that would not be the case. But I completely agree with you. We are exactly in agreement on this. But I doubt that the other party, the present majority party, is.

Kissinger: Well, as soon as the elections are over, we must get in touch. I may send somebody over. All this is of course on the premise that the President will be elected. I remember the advice you gave me once that after defense one should turn to economics. Maybe this is what I should do.

Strauss: I hope you will do nothing that can be used by the Government as being your blessing of its eastern policy. I mean the sort of thing the Secretary of State said, though he hasn't recently.

Kissinger: There is no reason to say anything. But we will do nothing like that.

Strauss: Well, we really hope so because it gets used in the debates with us constantly.

⁶ On July 18 Egyptian President Sadat announced his order for the immediate withdrawal of Soviet military personnel from Egypt.

Kissinger: Well, I am afraid the time is running out. I have to get to Moscow to see Brezhnev. I hope we can stay in touch. We are old friends.

Strauss: I tried to get in touch in April—about those statements that the Secretary of State was making. But you were away.

Kissinger: Yes, I think I was out of town. But let me know when you come so we can talk.

Strauss: Well, I don't like to trade on old personal friendship. But we will stay in touch.

373. Memorandum of Conversation¹

Moscow, September 13, 1972, 11:10 a.m.–3:50 p.m.

PARTICIPANTS

Leonid I. Brezhnev, General Secretary of the Central Committee of the CPSU
Andrei A. Gromyko, Soviet Foreign Minister
Anatoli Dobrynin, Soviet Ambassador to the United States
A.M. Aleksandrov, Assistant to the General Secretary
Viktor M. Sukhodrev, Interpreter
Soviet Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Winston Lord, NSC Staff Member
Jonathan T. Howe, NSC Staff Member
John D. Negroponte, NSC Staff Member

SUBJECTS

Vietnam; Middle East; Germany; Far East

[Omitted here is a discussion on Vietnam and the Middle East.]

Mr. Brezhnev: What else. Perhaps German affairs.

Dr. Kissinger: Yes, the General Secretary mentioned German affairs yesterday, and then perhaps I can make some comments regarding the Far East.

Mr. Brezhnev: We have all along sought to promote a settlement between the two German states to the best of our ability. You and we

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Box 74, Europe, USSR, HAK Trip to Moscow Sept. 1972, Memcons (Originals). Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in the Kremlin. Kissinger visited Moscow from September 10 to 13 for "a general review of all aspects of US-Soviet relations." (Kissinger, *White House Years*, p. 1271)

helped Brandt on the ratification but that is past. There are still further outstanding issues. One of the most important is the admission of the two Germanies to the UN, then negotiations between the two Germanies. That is their own business, but we have an interest. My latest information is that there has been some progress. There is also the question of quadrilateral rights of the allies arising from the post-war agreement. This arises because of the UN issue. We have drafted a formula here relating to the rights of the four powers. [Brezhnev reads a text which he then hands to Dr. Kissinger. Text at Tab A.]²

“The Governments of the Soviet Union, Great Britain, the United States and France note the existence of the necessary prerequisites for the admission of the German Democratic Republic and the Federal Republic of Germany to the United Nations and state in this connection that the admission of the GDR and the FRG to the UN does not affect the question of the rights and responsibility of the four powers under the wartime and post-war agreements and decisions.”

When do you think we can practically expect a settlement of the question of the admission of two Germanies to the United Nations?

Dr. Kissinger: I talked to Bahr and Brandt in Munich.³ As you know, in principle we are not opposed to the admission of two German states. We believe that if a satisfactory formula can be found for the four power responsibilities, and I frankly want to examine this, then I propose the following process. My understanding from Bahr is that he expects to conclude the agreement with the GDR by November 1.

We’ll certainly encourage this from our side and if you could encourage your German allies it would be helpful. After the agreement is signed, we are prepared at this UN session, to support observer status for both Germanies at the UN and, after it is ratified, we are prepared to support membership.

It looks all right to me, but there are always details. But I am sure we can settle it.

² The text of the note attached but not printed at Tab A is identical to the text quoted in the memorandum. Brackets in the original.

³ Kissinger met Brandt on September 10 at the Chancellor’s villa in Feldafing outside Munich; Bahr and Hillenbrand also attended the meeting “except during the last twenty minutes which were private.” In telegram 1583 from Berlin, September 12, Hillenbrand forwarded the following account of the discussion on UN membership: “Reporting on his recent lightning trip to East Berlin, Egon Bahr said he had undertaken it to head off an East German initiative to seek observer status in the UN. Dr. Kissinger noted that the President had said in Moscow that in this area we would follow the lead of the Federal Republic. Brandt observed that the Soviets tell the Germans this implies that there is no real US objection to UN membership for the GDR. Dr. Kissinger pointed out that for us to have said otherwise would have caused the Soviets to apply even heavier pressure on the FRG.” (National Archives, RG 59, Central Files 1970–73, POL GER W–US)

Mr. Brezhnev: We are encouraging our allies.

Dr. Kissinger: I have that impression. We can be in touch.

Mr. Gromyko: We do, however, still have some serious disagreements. To a great extent it will depend on the attitude of the West Germans.

Dr. Kissinger: You are, of course, informed of the latest meeting.

Mr. Brezhnev: You mean the one of two days ago?

Dr. Kissinger: Yes. I had the impression from Bahr that he was optimistic that it could be settled by November 1 and I strongly urged him in this direction. Speaking confidentially, I urged him that those issues related to Berlin that he simply say that they should be handled in accord with the Berlin Agreement so we do not have to get into new legal arguments. But this is between us. This was my advice to him.⁴

Mr. Alexandrov: In order not to go through this once more.

Dr. Kissinger: In order not to negotiate again.

Mr. Brezhnev: That is the right thing to do.

Mr. Dobrynin: Otherwise it's a waste of time.

Dr. Kissinger: But what I told Bahr, my remarks to Bahr, should be treated especially confidentially and not repeated to him. It's my idea.

Mr. Brezhnev: Don't worry.

⁴ In a September 18 memorandum to Kissinger, Helms forwarded a report on Bahr's account of his meeting with Kissinger: "1. First, Bahr said, he had told Dr. Kissinger that he was having difficulties with the State Department and the U.S. Embassy in Bonn with respect to the Four-Power Declaration, since both were demanding much more than he considered possible or necessary. Bahr had explained his own formula to Dr. Kissinger and had noted that it would appear to be quite adequate. He would be very happy, he had said, if Dr. Kissinger would tell the Soviets that the formula was satisfactory, so that there was an understanding at the highest level. Dr. Kissinger had replied that he had heard Bahr's explanation, and that Bahr's proposal for a Four-Power Declaration was indeed satisfactory. He had advised Bahr not to worry about the State Department. Bahr should tell him if he had problems with those people, and 'we will roll over them.' Dr. Kissinger had promised to inform the Soviets to this effect. Thus, Bahr told [his interlocutor], he could now say that he had reached an agreement with Dr. Kissinger—over the head of and against the State Department—on a formula which, he knew for certain, was acceptable to the Soviets. 2. Bahr said he had then told Kissinger that he had reached an agreement with the East Germans to the effect that the German Democratic Republic would attain sovereign status as soon as the Basic Treaty had been completed. When Dr. Kissinger had asked whether he might tell this to the Soviets, Bahr had responded that he would be very happy if Dr. Kissinger did. That, Bahr explained, would put the seal on this agreement, because the Soviets could tell the East Germans that the Americans had endorsed it. Very clever, wasn't it, Bahr asked rhetorically." (Ibid., Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

Dr. Kissinger: I was also urged by opposition leaders to use my influence in the opposite direction.⁵

Mr. Gromyko: Are you going to do it?

Dr. Kissinger: No, I am going to do it in the direction I indicated to you. We will use our influence to settle by November 1 and then support observer status afterwards, before ratification.

Mr. Gromyko: Although in all fairness we should say that the GDR is already entitled to ask for observer status. We must be clear on this issue. The Federal Republic already has observer status.

Dr. Kissinger: I understand your point but it is a complex issue which will create enormous debate, and we are only talking really only about a period of six weeks.

Mr. Brezhnev: But perhaps that step—observer status—now could have some positive role for subsequent events. I ask you to put that to President Nixon in my name.

Dr. Kissinger: If it were done now, before the signing of the general treaty, there would be an enormous crisis in Germany. Moreover Brandt doesn't want it. It would complicate our relations with him. It would reduce our influence in the treaty negotiations. I will, of course, mention everything you say to the President, and your views are always taken seriously. But, I believe it is more practical not to mention observer status now and raise it immediately after signature and then I can assure you it will go through quickly.

Mr. Brezhnev: I just want President Nixon to hear this is my name as I said it.

Dr. Kissinger: I will convey what you said to the President.

Mr. Brezhnev: I would see this as an important step in our relations.

Dr. Kissinger: I will raise it with him.

Mr. Brezhnev: We will have to come to it sometime.

Dr. Kissinger: I will raise it, but I think it will be settled anyway before the end of the General Assembly. But I will mention it to the President.

Mr. Gromyko: It also would certainly produce a very favorable impression in the GDR. We cannot conduct negotiations only on the strings of tension. This would be a great positive effect.

⁵ In addition to his meeting with Strauss on September 10 (see Document 372), Kissinger was scheduled to see Barzel in Munich on September 9. (Memorandum from Kennedy to Haig, September 5; National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 24, HAK Trip Files, HAK's Germany, Moscow, London, Paris Trip, Sep 9–15, 1972, Misc. Cables & Documents) No record of the conversation has been found.

Mr. Brezhnev: I am sure this would prompt the GDR to take a more amenable stand and to make more concessions. It would show that an objective approach was being taken to the whole situation.

Dr. Kissinger: I will report fully to the President. I will discuss the matter and I will let your Ambassador know our reaction, that is if we ever see him again in Washington.

Mr. Brezhnev: That depends on how you act to prepare all these questions for agreement. If not, I will send him to the Crimea and keep him there.

Dr. Kissinger: He will be badly missed. I do not know if you saw the photograph of him in Hollywood, the one in which he was holding a rock over my head in his usual negotiating method.⁶

Mr. Brezhnev: I have no knowledge of this so far.

Dr. Kissinger: It was his usual method—a big rock over my head.

Mr. Gromyko: There is a famous sculpture in clay by the Soviet sculptor Chadre which shows a Soviet worker bending to pick up a rock and the title is “Weapon of the Proletariat.”

Mr. Brezhnev: Did Brandt ask you to convey anything to us?

Dr. Kissinger: There was no special request but he did confirm his desire to come to an agreement by November 1. But his basic attitude towards relations with the East, as you know, is extremely positive.

Mr. Brezhnev: What is his assessment of his prospects for the elections?

Dr. Kissinger: All leaders to whom I spoke were confident they would win the elections. My assessment is that if he completes the treaty before November 1 and there is no crisis which we don't expect, then I think his chances are reasonably good. Whatever the result, it will be very close, and therefore, the management of the government will be very difficult no matter who wins the election. He has been hurt by the events at the Olympics, not in a negative sense of losing votes, but because he thought the good sentiment created by the Olympics and himself being photographed there and so forth would add to his votes. He has lost that possibility. The Olympics hurt him, Schiller's resignation hurt, and the scandal of the two secretaries paid by the German magazine hurt him. It will be a very close election. If the Christian Democrats win, it should be by a narrow margin and the possibilities of radical changes in policy will be very limited. We will use our influence in the direction of the continuation of the present course.

⁶ Dobrynin visited Hollywood during a trip to San Clemente in mid-July for meetings with Nixon and Kissinger. For his published account of the visit, see Dobrynin, *In Confidence*, pp. 257–260.

We, in any event, will not attempt to influence the outcome of the elections. We will do nothing to encourage Brandt's opponents and we are thinking of doing a few things that will show our close association with the policies of Brandt.

Mr. Brezhnev: That is extremely important indeed, because I think given the desire President Nixon can do a great deal to help Brandt.

Dr. Kissinger: Everything here is confidential. These are very sensitive comments when we talk about the domestic situation of other countries, but the General Secretary has correctly understood our attitude, and indeed we have asked Brandt to suggest some symbolic steps which we could take to help him.

Mr. Brezhnev: In all confidence, too, I had occasion to observe over the past two years the policies and actions of Brandt. He is a wise politician and it is wise to go on dealing with him. He is better than the others. Because Brandt should, of course, be regarded as a politician whose general line is leading towards the general reduction of tensions in Europe. Both you and we are interested in seeing that happen. That should be the principal criterion, especially since the alternative is someone else in office who will want to return to the past situation. We shall pay attention to Brandt and if you and we are of like opinion, we should find a way of helping Brandt.

Dr. Kissinger: There's no need to discuss this now because the elections are two months away. We'll pursue the course discussed with the General Secretary. If for some reason the opponents should win, we will use our influence with them not to change policy, but if that happens we will be in touch before then anyway. There is no need to discuss this now, and I don't expect this.⁷

[Omitted here is a discussion on the Far East.]

⁷ In a special channel message to Bahr on September 22, Kissinger reported on his discussion of German matters with Brezhnev: "Regarding Germany I had the distinct impression that Brezhnev wants an early agreement between you and the East Germans and is exerting himself in that direction. Brezhnev of course also wants the GDR in the UN as soon as possible, at least as an observer but I think he recognizes and accepts our common point that observer status can come only after your treaty is signed and membership not until ratification. My impression also was that there should be no serious problem about an appropriate four-power declaration regarding four-power rights and responsibilities." (National Archives, Nixon Presidential Materials, NSC Files, Box 424, Backchannel Files, Backchannel Messages, Europe, 1972) For the full text of Kissinger's message, see *Dokumente zur Deutschlandpolitik, 1971–1972, Vol. 1, Nr. 173*, p. 609.

374. Memorandum of Conversation¹

Washington, October 2, 1972, 1:20–3:45 p.m.

PARTICIPANTS

Andrei Gromyko, Foreign Minister of the USSR
Anatoliy F. Dobrynin, Soviet Ambassador
Victor M. Sukhodrev, Interpreter
Henry A. Kissinger, Assistant to the President for National Security Affairs
Peter W. Rodman, NSC Staff

SUBJECTS

Europe; Nuclear Understanding; Jackson Amendment; Middle East

[Omitted here is an exchange of pleasantries.]

[The Foreign Minister began speaking in Russian.]²

Europe

FM Gromyko: On the question of the rights of the four powers, the formula that our Ambassador received from you [U.S. draft of September 18, Tab A]³ is something that simply cannot be discussed. It cannot be discussed. I can't imagine who it was prepared for. Let's agree this way! With regard to the admission of the two Germanies to the United Nations—this is why the matter of rights and responsibilities was raised in the first place—the matter of rights and responsibilities simply is not touched upon; it does not arise. This is the best formula for us and for you. So as not to create the impression that it was discussed. Otherwise someone might develop a taste for review-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 495, President's Trip Files, Dobrynin/Kissinger, 1972, Vol. 13. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the Soviet Embassy. Gromyko, who had recently attended the opening session of the United Nations General Assembly in New York, was in Washington for his third annual review of U.S.-Soviet relations at the White House.

² All following brackets are in the original.

³ The text of the U.S. draft of September 18 (Tab A) reads as follows: "The governments of the Soviet Union, Great Britain, the United States and France . . . have agreed to support the application for UN membership when submitted by the FRG and GDR and to affirm in this connection that such membership shall in no way affect or change the four power rights and responsibilities, which they retain pending a peace settlement for Germany, or the agreements, decisions, and practices and procedures which relate to them." Kissinger apparently gave Dobrynin the draft during their meeting in the Map Room at the White House on September 18 from 1:10 to 3:20 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) The draft is largely based on a text suggested by the Department in telegram 167644 to Bonn, September 13. (National Archives, RG 59, Central Files 1970–73, POL 38–6)

ing these matters, and in some years from now they may want to review them.

Dr. Kissinger: I don't understand. How does it differ from what you said?

Ambassador Dobrynin: Your's said [shows copy of Soviet text handed over in Moscow, Tab B]⁴—it mentions all sorts of things about a peace settlement and unification and so forth.

Dr. Kissinger: Unification? Where does it say that? Peace settlement? We can take that out. [He puts brackets around the clause "which they retain pending a peace settlement for Germany"].

FM Gromyko: First, the word "Germany" is mentioned. We do not know such a phenomenon. Second, a peace treaty is mentioned; this cannot be. Third, everything is in terms of whether these rights exist or they do not exist, whether we respect rights or do not respect them. We think all three points are not justified. We should not create the impression that this is being discussed, or else three or five years from now someone will develop a taste to take up the matter of rights and responsibilities.

Dr. Kissinger: I can see your point with respect to the clause "which they retain pending a peace settlement for Germany." Two of your points apply to this clause; that can be deleted. Let me tell you that the main operational difference between your version and our version, in our mind, was that we added the phrase about practices and procedures to the clause about rights and responsibilities. That was the important part for us. Your third point is about whether we should affirm these rights and responsibilities at all. On this there is a difference of opinion. The reason we feel we must have it is because by entrance into the United Nations the GDR acquires a character of sovereignty which up to now we have not admitted, and transit rights across a sovereign country are not the same as transit rights across a country whose sovereignty we did not admit.

FM Gromyko: But the strongest possible guarantee of your and the British and the French position is our wording "does not affect the question of."

Dr. Kissinger: The real difference is that our version says, "does not affect the rights." Your version says, "does not affect the question of the rights."

FM Gromyko: The difference is that ours does not imply anything about substance.

⁴ For the text of the Soviet draft of September 13 (Tab B), see Document 373.

Dr. Kissinger: I would say just the opposite. To affirm the rights is not to detract from them. The implication of yours is that the question is still open. So sometime in the future or someone—for example your German allies—could take advantage of this. If you affirm that it does not affect the rights and the responsibilities, then the only question open is what are these rights. The answer is in the Berlin Agreement.

FM Gromyko: But we are saying that the question can never be raised. In connection with UN membership. The phrase “does not affect [nye zatragivayetsa]” is in the sense of “is not involved.”

Dr. Kissinger: What is your objection to the other language?

FM Gromyko: It means that we are discussing the question of rights and admit the possibility of changing them.

Dr. Kissinger: I understand. It is an interesting point. Let me think. Now if we agreed to drop this clause about a peace settlement and if we agreed to add the phrase “the question of,” would you agree to add the phrase about practices and procedures?

Ambassador Dobrynin: Why do you need that? What does it mean?

Dr. Kissinger: If it is not affected, what difference does it make? Of course, this whole thing has already been discussed with our allies and we will have to discuss it again. Now if we take your phrase we are saying that the whole complex of the Berlin machinery is not affected. Is that right?

FM Gromyko: The whole question is not affected.

Dr. Kissinger: That I am willing to concede. But we will place great stress on this phrase with respect to what has developed in the body of arrangements on Berlin. I can understand that you don't want to affirm them individually, but we need some reference to the whole body.

FM Gromyko: But which “procedures”? Several questions arise from this phrase. Do you mean multilateral, bilateral?

Dr. Kissinger: But all we are saying is that they cannot be challenged on the basis of UN membership. We are not codifying them for all eternity. Our concern is not to create new pressures as a result of voting for UN membership.

FM Gromyko: Maybe we will give thought to it.

Dr. Kissinger: We will give thought to it. We ought to handle it like the Berlin thing. I understand your point exactly, and I think you understand mine. I'll talk to Stoessel. We will give you a document which you won't find acceptable, but we will agree ahead of time on how it will come out.

FM Gromyko: When can we get a final result?

Dr. Kissinger: What I have given you is what the allies want. We will try to nudge them in the direction of what you want.⁵ Would you consider something like “procedures, decisions and practices?”—we’ll leave out “procedures”—if we dropped out the clause about peace settlement and added “the question of”?

FM Gromyko: It creates difficulties for us.

Dr. Kissinger: What I am proposing will create difficulties for me too. Home came to me⁶ and you told him that you didn’t think any declaration at all was required. Or so he thought you meant. He said to me Britain would not go along unless there was some declaration that rights and responsibilities were not affected. I will talk to Stoessel tonight and tell him what we want.⁷ I wanted it to develop more slowly, but let’s get it done. I don’t think we can do less than what I have told you. We can insert the phrase “question of,” but we need “decisions and practices.”

⁵ In a special channel message to Bahr on October 4, Kissinger reported: “As regards the four-power declaration, our talks with Gromyko show that the Soviets remain quite willing to have such a declaration. They are also close to us on the language but some details remain. As soon as there is a text that seems satisfactory, we will of course be in touch and nothing will be made final without participation and agreement of all the Allies. For the moment, would you keep the fact that we are talking to the Russians about the text just between yourself and the Chancellor. On this particular subject, it would probably be helpful for you to tell Brezhnev that a declaration satisfactory to all concerned is an essential part of the package.” (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35 West Germany—Egon Bahr Communications)

⁶ Kissinger met Home on September 29 from 3:40 to 4:05 p.m. and for dinner from 7:50 to 10:07 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) A memorandum of conversation is in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 62, Country Files, Europe, UK Memcons 1972 (Originals).

⁷ According to Sutterlin and Klein, when Kissinger called to discuss the quadripartite declaration, “Stoessel proposed that the text be shown to Secretary Rogers, but Kissinger demurred on the ground that this raised various questions of responsibility that could only cause problems.” (Sutterlin and Klein, *Berlin*, pp. 174–175) Kissinger also met Stoessel on October 3 from 11:01 to 11:15 a.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No record of either conversation has been found. The two men reviewed the quadripartite declaration by telephone at 11:28 a.m. on October 4. After an exchange on revisions to the text, Stoessel mentioned that he had raised the issue with Rogers: “WS: I talked with the Secretary yesterday and told him that there have been discussions by you with the Russians on this and that they in general seem to be disposed to talk about it and we thought agreement was possible and they suggested that discussions be between Ambassadors in Bonn and also that we had shown them our text—he didn’t say anything about agreeing. HK: What did he say? WS: And he said that sounds reasonable and apparently he also had mentioned this subject to Gromyko yesterday morning and apparently gotten the answer that yes this could be worked out so he seemed fairly relaxed about it—. HK: Well, let’s get the text agreed and then how you handle it in your shop is your business.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File)

FM Gromyko: What decisions? Joint decisions?

Dr. Kissinger: Yes.

FM Gromyko: Decisions of the four parties?

Dr. Kissinger: That's right. You will still get a document that looks a bit different. Then we will handle it like the Berlin negotiation. You make a counter proposal.

FM Gromyko: Not unilateral decisions, just multilateral decisions.

Dr. Kissinger: Right.

FM Gromyko: Why do you want to lay yourselves at a future time open to some review?

Dr. Kissinger: I don't. All I am doing is to describe the body that cannot be reviewed, if we put in "question of."

FM Gromyko: Then it is "the question of the rights, responsibilities, agreements, decisions and practices is not involved."

Dr. Kissinger: Right.

FM Gromyko: Please think it over.⁸

[Omitted here is unrelated discussion.]

⁸ Kissinger called Dobrynin at 11:34 a.m. on October 3 to discuss how to handle the proposed quadripartite declaration. After tentatively agreeing to hold the formal talks in Bonn, the two men reviewed the informal procedures: "K: The only thing, Anatol, is we have to play the game again like we did with Berlin. D: Yes. K: Because we will give you the unacceptable version, you give us your unacceptable version, and we compromise on this. D: Oh, and so it will be precisely like this—you will send it, Gromyko will look if it's all right so you put the thing in Bonn in our channel, yes? K: Right. D: Did you already present your text on this or not yet? K: No, no; we want to wait until we hear from you. D: No, I mean the previous one. K: We haven't presented that. D: And so then you will present your old one or you will present the new one? K: No, we will present the old one, and you present your old one. D: I see and then it comes to compromise. K: Exactly. D: Okay, I think it is fine. Just fine." (Library of Congress, Manuscript Division, Kissinger Papers, Box 395, Telephone Conversations, Dobrynin, Anatoliy Fedorovich)

375. Editorial Note

On October 6, 1972, Assistant to the President Kissinger and Soviet Ambassador Dobrynin discussed revisions to the quadripartite declaration on German membership in the United Nations. In a telephone conversation on October 4, the two men had considered the operative phrase: "that such membership shall in no way affect the question of the four power rights and responsibilities and the appropriate agreements, decisions, and practices which relate to them." (Library of Congress, Manuscript Division, Kissinger Papers, Box 395, Telephone

Conversations, Dobrynin, Anatoliy Fedorovich)

On October 6 Kissinger called Assistant Secretary of State Stoessel at 10:10 a.m. to review this formulation:

"K[issinger]: On that Four-Power declaration, the major thing that the Russians claim that they are worried about when they say, 'which relate to them,' is to make clear that we are talking about the Four-Power thing and not unilateral Three-Power things.

"S[toessel]: Well, then we can come up with something—

"K: Now my experience with the Russians has been, you know, once Gromyko digs himself in like this, it's better if we can offer him something else which meets our point and so he can say he got something.

"S: Sure.

"K: Would you give it a try?

"S: We'll try some language.

"K: And I told him I would let him know before the end of the day.

"S: What about that, 'appropriate.'

"K: Well, they insist on that too but if we give him something to meet the other point, I'll just insist that that go out." (Ibid., Box 374, Telephone Conversations, Chronological File)

When he called back that afternoon, Stoessel suggested that Kissinger drop the word "appropriate" and revise the phrase to read "and the agreements, decisions and practices involving the four powers which relate to them." Although Stoessel thought this would satisfy the Soviets, Kissinger replied: "nothing will satisfy these bastards." (Ibid.)

Before he could ask Dobrynin about this proposal, Kissinger responded to questions on the declaration from the British Government and the German opposition. Kissinger first met British Ambassador Cromer in the White House at 12:10 p.m.

"Amb. Cromer: I came here for just one thing, to clear up what happened with Gromyko on the matter of quadripartite rights.

"Dr. Kissinger: Yes, I should have informed you. They have agreed to a four-power declaration.

"Amb. Cromer: One which is more or less similar . . .

"Dr. Kissinger: Very similar to an admission that the entry into the UN of the Germanies—which will be more or less simultaneous with finalization of the German Treaty—will not affect the rights and responsibilities. Their draft is close enough to the four-power draft to be negotiated.

"Amb. Cromer: That's fine.

"Dr. Kissinger: It is close enough so that the Ambassadors in Bonn can do it. They would prefer Bonn because Falin knows the issue better than their man in Berlin.

“Amb. Cromer: We prefer Berlin but don’t feel very strongly about it.

“Dr. Kissinger: I told him I had spoken with Sir Alec [Douglas-Home] about it. I told him regretfully that we couldn’t support UN admission without it.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 62, Country Files, Europe, UK Memcons 1972 (Originals))

Soon after Cromer left, Kissinger received a telephone call from Kurt Birrenbach, a foreign policy expert in the Christian Democratic Union. When he learned that Kissinger was considering “a four power declaration or something like that,” Birrenbach argued that “this would appear like a blessing” for the proposed treaty on basic relations between East and West Germany. “[B]ut the Four Power Declaration,” Kissinger explained, “would only say it doesn’t affect our rights and responsibilities.” Although he appreciated the explanation, Birrenbach urged Kissinger to be sure that “this declaration will not be misused” in the upcoming election in Germany. (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File)

At 5:50 p.m. Kissinger called Dobrynin to discuss the language Stoessel had proposed earlier that afternoon:

“K: I have a text for you now on Berlin which I think meets all your points.

“D: Yes, what is the text, or you could send me.

“K: Let me send it to you.

“D: How [does] it sound . . .

“K: Let me read it—‘shall [in] no way affect the question of the four-power rights and responsibilities [a]nd the agreements, decisions and practices involving the four-powers which relate to them.’

“D: ‘Involving four powers’?

“K: ‘Which relate to them.’

“D: Why do we need ‘which relate to them’? ‘Involving four powers’ . . . I think it is better. You are going to introduce this “relate,” and here we are going around and around.

“K: But ‘relate’ is the same as ‘appropriate’—which relate to the four-power responsibilities.

“D: Practices of the four powers. What do you say, ‘Agreed among them’?

“K: No, ‘involving the four powers.’ That’s as far as we can go.

“D: Four powers—again you leave room for a possibility of three together but—separately from the fourth.

“K: No, I mean—give us an alternative to that—I mean you can’t agree to practices as such, that’s our concern.

"D: Yeah, but I mean 'involving the four powers' is still—If you say 'agreed among them,' it is clear that they are agreed among them. But if you just say 'involving' you couldn't prevent that there is a situation where not only four powers but maybe three or two powers. You would still count their involvement.

"K: Anatol . . .

"D: Yeah.

"K: If you had the right religion you would be a great Talmudic scholar.

"D: [Laughter] Well maybe I will after having experience with you, I'm gaining some points in my own domestic . . .

"K: Oh, come on, you've got to give ground once just to prove that I have some persuasive powers left.

"D: You already have some—you have taken off 'appropriate' already. Now we come to 'which relate to them'—involving four powers.

"K: Yes.

"D: And then relating . . .

"K: Let me send it over to you and then you can yell about a piece of paper you actually have.

"D: Yes, I could, then you will disappear today.

"K: No, no, I will be here at night. It is coming now by messenger.

"D: I understand. Okay, I will look at this. But this is my personal reaction because I am afraid it will be the same two powers business.

"K: I take it back. I used to say I could settle with you faster than I could with Le Duc Tho. I take it back.

"D: Oh, you are going to stay with him for a few days and you give me only a few minutes. It is a rather nice ratio, I should say. I will look at it and then I will call you back." (Ibid., Box 395, Telephone Conversations, Dobrynin, Anatoliy Fedorovich)

Kissinger called Stoessel at 6 p.m. to explain that Dobrynin was concerned that the phrase "involving the four powers" might imply that "two or three powers can act," i.e. that the Allies could take action in Germany without Soviet approval:

"K: I told him he should change his religion and become a Talmudic student.

"S: My God, yeah, I think that is too much.

"K: But another possibility, he said, was just to drop the phrase 'which relate to them.'

"S: So you have '[the] question of four power [rights] and responsibilities and the agreements, decisions and practices involving the four powers.'

"K: Yeah. But I don't know what [that] adds to it.

“S: Well, that might be a possibility. Do you think he would accept that?

“K: Probably.

“S: Yeah.

“K: But he [will] probably accept the next round if I kick him in the teeth.

“S: Yeah. Yeah. We could probably drop ‘agreements,’ too. I don’t know if that would help.

“K: That won’t help. Don’t drop anything he hasn’t asked for.

“S: That’s what we thought—maybe we would do that later. It’s decisions and practices that I am concerned about on the Autobahn, the air corridor, you know things that have been sort of understood and accepted but not really written down in any precise way. That is what we want to preserve.

“K: Yeah.

“S: Well, shall I check on this?

“K: Yeah, would you?

“S: ‘Agreements, decisions [and] practices involving the four powers.’ Okay. I’ll get back to you tonight.

“K: That would be helpful.” (Ibid., Box 374, Telephone Conversations, Chronological File)

Stoessel soon called Kissinger back to report his approval of the following formulation: “relevant agreements, decisions and practices involving the four powers.” “I’ll tell him that’s our final position,” Kissinger replied, “and one more word and I’ll kill him.” (Ibid.) Kissinger gave Dobrynin the revised text over the telephone that evening. (National Archives, Nixon Presidential Materials, NSC Files, Box 495, President’s Trip Files, Dobrynin/Kissinger, 1972, Vol. 13)

376. **Telegram From Helmut Sonnenfeldt of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig) in Paris**¹

Washington, October 10, 1972, 1620Z.

TOHAK 26. Hold Until General Haig Arrives.

Assistant Secretary Stoessel just called me deeply distressed concerning a development in the matter of the proposed quadripartite declaration on Allied rights and responsibilities in Germany. It appears that at today's Bonn Group meeting the British Ambassador there reported to his colleagues that Dr. Kissinger had informed Lord Cromer of the fact that we have been negotiating a text with the Soviets.² Hillenbrand, who had been informed by Stoessel of the situation, declined to comment on his British colleague's remarks or to respond to the immediate requests by the three Western members of the Bonn Group that we "come clean" on what we have been doing. Hillenbrand feels that he cannot avoid reporting the episode by telegram to the Department of State, if only because the other members of the Bonn Group will be reporting to their governments as well. Stoessel, needless to say, is deeply worried that the Secretary of State will now discover the existence of the texts that have been exchanged with the Soviets as well as the fact that Stoessel has been involved in this exercise without informing the Secretary. Stoessel called to ask advice as to whether Hillenbrand should send his reporting telegram; he personally feels there is no alternative but is pleading that he be protected as regards his own involvement vis-à-vis Secretary Rogers.

As you may be aware this is one of the matters to which I have not been privy for a week, neither as regards to the latest language that has been exchanged nor as to who knows what.

The most immediate question is the Hillenbrand reporting cable and what Stoessel should tell Hillenbrand about that. (I told Stoessel I would report my conversation with him immediately but had no advice of my own until some word could be gotten from Dr. Kissinger.) The second problem is the protection of Stoessel.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, HAK Trip Files, Box 23, HAK's Secret Paris Trip, HAKTO/TOHAK, October 7–12, 1972. Secret; Exclusively Eyes Only. Haig was in Paris with Kissinger for secret peace talks with North Vietnamese negotiator Le Duc Tho.

² See Document 375.

Incidentally, I do know, since I have been involved to that extent, that Dr. Kissinger has informed Bahr of the fact that a text is under negotiation and indeed asked Bahr to tell Brezhnev that it was essential that a mutually satisfactory formula be worked out.³ To their credit, the Germans, at least so far, have not divulged their knowledge but with the British statement in the Bonn Group they will be hard put to keep quiet. Unless something has been said to the French that I am not aware of, they will then be the only ones who were not be informed.⁴

Since Stoessel is deeply concerned and also owes Hillenbrand some guidance, it would be extremely helpful if you could try to get some sort of word back here on a most urgent basis.⁵

³ See footnote 5, Document 374.

⁴ In message Tohak 29 to Haig in Paris, Sonnenfeldt reported: "Further to my message on the Four Power Declaration on Germany, the French Embassy in Washington has now begun inquiring at State and here concerning the report in the Bonn Group that Dr. Kissinger has been negotiating on a text with the Soviets. No response is being made to these inquiries from here." (National Archives, Nixon Presidential Materials, NSC Files, Box 495, President's Trip Files, Dobrynin/Kissinger, 1972, Vol. 13)

⁵ In telegram 13865 from Bonn, October 10, Hillenbrand informed the Department that there had been "some discussion of contacts between the US and the Soviets" on the quadripartite declaration. (Ibid., RG 59, Central Files 1970–73, POL 38–6) On October 12 Hillenbrand reported, however, that, on the basis of information received from the British Ambassador, "Soviets have conveyed certain views in Washington with respect to language." Hillenbrand also asked for instructions. (Telegram 13941 from Bonn; *ibid.*, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V) In an October 12 memorandum to Kissinger, Sonnenfeldt suggested that Haig provide some "useful background" in a memorandum to Eliot; the Department would then draft a reply to Hillenbrand "which if sent immediately will probably not draw any further attention, since Secretary Rogers is in New York." Although he disapproved this suggestion, Kissinger agreed to discuss the incident with Cromer. (Ibid.) Kissinger called Cromer at 3:40 p.m. on October 14: "K: Your ambassador in Bonn has a little problem. He stated that the four power group—. C: I thought he had—. K: And, you know, things I tell you shouldn't go into those—. C: I'm extremely sorry about this, I don't know what the hell happened. Quite honestly. And I apologize. K: Now, could he sort of square it away? C: Yes, what is the scenario going to be? Are they going to produce—. K: Well, we will produce whatever text they've agreed on, and the Russians will produce something, and let's agree on something in common. C: Yes sure. K: I mean, all I wanted from the Russians was something that was close enough to what we had so that it could be negotiated." (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File)

377. **Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, October 10, 1972.

1) In the conversation with Br[ezhnev], he indicated that he would like to promote the completion of our treaty with the DDR.² After the inevitable public speculation, he was most anxious to emphasize that we had only exchanged information and that concrete decisions could only be made in the negotiations themselves. Regarding the issues of the [German] nation and of reference to the outstanding peace treaty, he declared himself unconvinced by my arguments. Although he will still think about these issues, he believes that the material advantages of the treaty for us are so great that we would also reach an agreement without these two points. I denied this.

2) In connection with the Soviet proposals before the United Nations, Br[ezhnev] also mentioned the subject we discussed in Munich.³ This was intended only for the Chancellor.

3) He asked whether or not Washington also could help somehow. In this connection, I informed him about our possible meeting.⁴

4) I mentioned to him the points on MBFR. He emphasized that he also wanted to make real progress there. In general he places great value on the talks.

¹ Source: Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications. Top Secret. The message, translated here from the original German by the editor, was received in Washington on October 11 at 1457Z. No time of transmission is on the message.

² In a special channel message on October 4, Bahr informed Kissinger of his plans to visit Moscow, October 8–10. "Since the negotiations with the DDR have hardened on the fundamental issues of the goal of [national] unity and of the outstanding peace treaty," Bahr reported, "we will make an attempt to further a settlement via Moscow. If that works, we could initial the Basic Treaty around the end of the month. Otherwise, we will hardly finish the negotiations before the election. I will give the General Secretary a message from the Chancellor, in which he points out the necessity of formulating the Basic Treaty in such a way that it corresponds to our constitution and does justice to the special situation in Germany. For the public we will emphasize bilateral issues and issues related to European developments. It is clear that we must avoid any public reference to the Basic Treaty." (Ibid.) The editor translated the foregoing excerpt from the original German. For his memoir account of the trip, see Bahr, *Zu meiner Zeit*, pp. 416–420.

³ See footnotes 3 and 4, Document 371.

⁴ Due to their negotiations with East Germany and North Vietnam, respectively, Bahr and Kissinger were unable to meet as planned at the end of October. Messages on their efforts to arrange a meeting are in Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications. See also footnote 5, Document 381.

5) It would be helpful if you could transmit to me via the embassy an invitation for a meeting on 28. 10., perhaps in connection with the four-power declaration.⁵

Warm regards.

⁵ In a special channel message on October 5, Bahr reminded Kissinger that the four-power declaration was essential for the completion of the Basic Treaty by the end of the month. (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications) Kissinger replied on the same day: “We are of course quite prepared to get the four power declaration settled by the end of the month and fully understand your desire to accomplish this so that it will not delay the completion of your negotiations. The essential point is that the text is satisfactory to all concerned. I assume you will make clear to the Soviets that this is essential.” (Ibid.)

378. Editorial Note

On October 14, 1972, Roy L. Ash, former Chairman of the President’s Advisory Council on Executive Organization, met White House Chief of Staff Haldeman to discuss a personal message from Franz Josef Strauss, Chairman of the Christian Social Union. According to Haldeman’s handwritten notes, Strauss had asked Ash in a meeting 3 days earlier to convey his views on the upcoming German election to President Nixon rather than Assistant to the President Kissinger. When Haldeman questioned this, Ash replied that Strauss, uncertain of Kissinger’s attitude, probably wanted to be sure that the President received the message. Although the race between Chancellor Brandt and Christian Democratic Chairman Barzel was “50–50,” Strauss had received an alarming intelligence report: Brandt was seeking Soviet support to give West Berlin full voting rights in the Bundestag. If the Soviet Union agreed, the balance of power there would shift to Brandt. The proposal, however, required four-power approval. If the United States disagreed, Barzel and the opposition could well regain the majority. There were many reasons, Strauss told Ash, why Washington should intervene in Bonn: as a conservative, Barzel was more congenial to Nixon; the interests of the United States and the Christian Democratic Union were mutual. Strauss, therefore, requested a reply from Nixon not only to hinder Brandt on the proposal but also to help Barzel in the election. (National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H. R. Haldeman, Box 46, Haldeman Notes, Oct–Nov–Dec 1972, Part I) “I reported this,”

Haldeman wrote in his diary on October 14. “Well, that’s the end of that one.” (Haldeman, *Haldeman Diary: Multimedia Edition*)

Nixon and Haldeman, however, discussed how to handle the message the next morning. Although conceding that his Soviet policy complicated German politics, the President decided that he could not help Strauss. In order to avoid Kissinger, Nixon instructed Haldeman to tell Deputy Assistant to the President Haig that the White House should “drag [its] feet.” Ash should inform Strauss that his message had been received at the highest level in Washington and that his views would be “taken into account.” Haig meanwhile gave Haldeman another interpretation of Nixon’s decision: “we should *not* help Brandt.” (National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H. R. Haldeman, Box 47, Haldeman Notes, April 1973, Part I [*sic*]) A tape recording of the conversation between Nixon and Haldeman, in which the latter read from the handwritten notes of his meeting with Ash the previous day, is *ibid.*, White House Tapes, Recording of Conversation Between Nixon and Haldeman, October 15, 1972, 9:16–10:55 a.m., Camp David Hard Wire, Conversation 220–12.

Although he apparently did not learn of the Strauss initiative, Kissinger had already discussed by telephone the question of Berlin voting rights with Assistant Secretary of State Stoessel on October 6:

“S[toessel]: Henry, another point—on this question of voting rights for Berlin. I don’t know if you’ve gotten into this at all.

“K[issinger]: No, but I know the issue. We’re against it, aren’t we?”

“S: We’re against it, Marty’s against it; I’ve told the Germans we’re against it.

“K: Well, what’s the problem.

“S: Ken Rush is for it.

“K: Well, the hell with him.

“S: Well, I didn’t know if he had been in touch with you or—

“K: No. What does he want—to get Brandt re-elected?

“S: Well, he thinks this would be a help to Brandt and then that you’d buy the Russians, and so on.

“K: But would that be good, to help Brandt?

“S: Well, I think it would cause trouble with the Russians too in the Quadripartite Agreement.

“K: I don’t think we should go that way.

“S: Well, I just wanted to check with you. I don’t think it’s an active thing now but Rush may approach you sometime on it.

“K: Yeah. Okay.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File)

Stoessel reported the decision on Berlin voting rights in a memorandum to Deputy Secretary of State Irwin on October 17:

“In accordance with your request, I spoke by telephone today with Deputy Secretary of Defense Rush and told him that, after careful review of the question concerning Berlin voting rights in the light of his comments, you had decided that it would be best not to change our position on this matter, i.e., we would continue to oppose action looking to the granting of voting rights in the Bundestag to the Berlin deputies.

“Mr. Rush reviewed the arguments in favor of a change in this position. After further discussion, he said he could see both sides to the matter and he did not wish to insist further regarding it. He said he appreciated very much our consideration of his views and our interest in informing him of the results of our study.” (Department of State, EUR Files: Lot 82 D 307, Memorandum for the Record, 1972)

379. Editorial Note

On October 25, 1972, Soviet Ambassador Dobrynin called Assistant to the President Kissinger at 4:27 p.m. to discuss a personal appeal from Soviet Foreign Minister Gromyko regarding the quadripartite declaration on German membership in the United Nations.

“D[obrynin]: I just received a telegram from Gromyko and he asked me on his behalf—or rather from his name to discuss with you one point. You mentioned yesterday about this profile of the discussion on this Germany and United Nations.

“K[issinger]: Yes.

“D: And he asked you, couldn’t you in a few weeks—how to say—go fast on the whole declaration to make it a little bit weaker than its—

“K: Well, I’ll do my best.

“D: Because he’s even mentioned tomorrow they have about—you couldn’t really [do this?] for tomorrow?

“K: Let me call immediately and see what I can do.

“D: Yes, because this is his personal approach to you and he would like—

“K: I appreciate it and we will do our best.

“D: Yes, but you will notify [me] today whether it’s possible or not?

“K: I’ll call you back within an hour.

“D: Within an hour. Oh, thank you very much, Henry.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 395, Telephone Conversations, Dobrynin, Anatoliy Fedorovich)

Deputy Assistant to the President Haig called Executive Secretary Eliot at the Department of State that afternoon with instructions for Ambassador Hillenbrand to introduce a “fall-back position” after the Allied and Soviet texts had been tabled at the formal talks in West Berlin. (Memorandum from Haig to Eliot, October 25; National Archives, Nixon Presidential Materials, NSC Files, Box 1001, Haig Special File, Haig (General Files) 1972 [1 of 3])

The revised or “fall-back” text, which Dobrynin had given Kissinger on October 24, reads as follows: “The Governments of the Soviet Union, Great Britain, and the United States and France . . . have agreed to support the applications for UN membership when submitted by the FRG and the GDR and affirm in this connection that such membership shall in no way affect the question of the four power rights and responsibilities and the related quadripartite agreements, decisions and practices.” (Ibid., Box 495, President’s Trip Files, Dobrynin/Kissinger, 1972, Vol. 14)

Kissinger called Dobrynin back at 7:25 p.m. to report on his response to Gromyko’s appeal:

“K: Anatol, I just wanted to tell you we’ve given instructions now through official channels to avoid this dancing around.

“D: Yeah, I understand.

“K: To Hillenbrand to move in this direction.

“D: Um-humm.

“K: I hope they get there fast enough for tomorrow but you can certainly count on the fact that we will now energetically move in that direction.

“D: Directly by orders from you from White House, yes?

“K: From the White House but we gave it through the State Department.

“D: Yes, I think it will—

“K: It makes it less complicated.

“D: Yes. I’m sure Mr. Gromyko will appreciate it.

“K: Well, you tell him that this is—that this has been done.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 395, Telephone Conversations, Dobrynin, Anatoliy Fedorovich)

In an undated backchannel message, Kissinger instructed Hillenbrand as follows: “The President would like you to work to a conclusion of the four power talks on four power rights and responsibilities as promptly as possible. Accordingly, using tactics which you consider most effective, you should secure Allied approval of the following text

[see above] which we know to be acceptable to the Soviets and which we regard as acceptable to us." (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany—Egon Bahr Communications) On October 26 the Department of State also sent Hillenbrand the "fall-back" text, which it considered "an acceptable minimum position for the Western side provided it is part of a scenario which meets the Western requirements." (Telegram 194544 to Berlin, October 26; National Archives, RG 59, Central Files 1970–73, POL 38–6) Although he agreed with this assessment, Hillenbrand replied the same day that "it will take a little time before our allies can be brought around to this position." (Telegram 1848 from Berlin, October 26; *ibid.*)

When he floated the text on October 27, the French and British responded as Hillenbrand expected. "They have not yet specifically reacted," he reported, "except that the French Ambassador [Sauvagnargues] said the phrase 'the question of [quadripartite rights and responsibilities]' was completely unacceptable to him. The British Chargé [Hibbert] observed that, on the basis of his current instructions, he had no latitude in moving beyond the substantive content of the draft declaration given to the Soviets during our initial October 23 meeting, although he had some discretion as to form." (Telegram 1853 from Berlin, October 27; *ibid.*)

Hillenbrand explained the reason behind this reaction in his memoirs: "My British and French colleagues immediately jumped to the obvious conclusion that there had been Soviet-American collusion of the kind previously experienced during the negotiation of the Quadripartite Agreement itself. My embarrassment was as obvious as the irritation of Sauvagnargues and Henderson." (Hillenbrand, *Fragments of Our Time*, p. 322) Nicholas Henderson, the British Ambassador, provided further testimony in his diary entry for October 27. "One of the underlying problems of this whole negotiation," he wrote, "is that Kissinger appears to have done some deal with the Russians over the heads of the other powers. There is really little that we can usefully do round the negotiating table in trying to persuade the Russians to accept something when the American government has already reached an agreement with them bilaterally." (Henderson, *Mandarin*, page 41)

380. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 30, 1972.

SUBJECT

Soviet Intelligence Said to Support Brandt

CIA has sent you a *background use only* memorandum (Tab A)² reporting that the Soviet government wants the SPD–FDP coalition to win the elections and that KGB headquarters has instructed its chief operatives abroad to mobilize all resources in support of their victory this November 19. The report is attributed to “a Soviet source with plausible access.”

According to the reported KGB directive, KGB field offices should carefully disseminate the following line through the media:

a. Only the Brandt–Scheel government can carry out an Ostpolitik which is in the FRG interest;

b. If the coalition continues in power this will contribute to relaxation of tensions and a CSCE but if the CDU/CSU comes in this would revive Cold War politics;

c. The CDU/CSU is leaning on reactionaries in its campaign, and according to secret information it has agreed to cooperate with the right-wing NPD and *Deutsche Union*.

The Source of the report says that this line suggests that the Foreign Ministry has prevailed over the KGB, which three years ago preferred a CDU/CSU government because it could attack one more easily.

Several other reports provide some supporting evidence, both ideological and tactical. One sensitive CIA report (Tab B)³ [*less than 1 line not declassified*] says that at an August 1972 meeting in the Crimea Soviet Party officials agreed with at least some West European communist party counterparts on a cooperative line toward Social Democrats. The aim is to increase the desire among Social Democrats, particularly on the left, for cooperation with the Communists. Attention should be focussed on (a) forming left-wing factions within the Social Democratic parties;

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 721, Country Files, Europe, USSR, Vol. XXVI. Secret; Background Use Only. Sent for information. Kissinger initialed the memorandum indicating that he had seen it.

² Attached but not printed at Tab A is a memorandum from Karamessines to Kissinger and Cline, October 27.

³ Dated October 27; attached but not printed.

(b) maintaining liaison with prominent Social Democratic leaders to explain the need for cooperation and the opportunities for political decisions on the basis of equality.

There have also been several intelligence reports recently of West German Communist Party (DKP) decisions to back SPD candidates in key constituencies. According to one, DKP headquarters directed lower units to throw their votes at the last minute to the SPD in those electoral districts where the SPD–CDU race looks close. (The DKP’s very poor showing in the local elections in Hesse and Lower Saxony a week ago Sunday⁴ will convince the party’s locals that they haven’t a prayer in any case and render them more willing to cast their ballots for the SPD as directed.)

Comment: The reports sound logical enough, given the Soviets’ evident preference for Brandt. There is the obvious inconsistency in the reported Crimean guidance, which is inherent in all Popular Front tactics, between working *with* the Socialists against the center and right and *within* their parties to promote left-wingers. But in the case of West Germany, overriding Soviet interests in Brandt’s victory probably dictate emphasis on the former for the moment.

Should Soviet and DKP support for Brandt become public knowledge and an election issue, of course, the SPD would hardly profit.

⁴ October 22.

381. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, October 30, 1972.

SUBJECT

Four-Power Talks in Berlin: Problems with the Allies

Ambassador Hillenbrand made little progress in trying to persuade the Allies and Bonn to accept the text you worked out with Gromyko and Dobrynin.² Indeed, *Egon Bahr has now indicated that he needs to gain some concessions in the four-power talks that he failed to gain in his negotiations with Kohl.*

Moreover, Bahr claims that his talks with Kohl are virtually completed and in order to make a deadline for a West German cabinet review of the inner-German treaty on November 7, he needs a four-power text by Monday³ at the latest.

The French and British showed no enthusiasm for our text. The British, at least in Bonn, believe it falls below a tolerable minimum. The French are more relaxed, but are resisting the use of the one phrase *the question of "quadripartite rights and responsibilities . . ."*

*Bahr made the following points in a discussion on Saturday:*⁴

—A reference to "Berlin and Germany as a whole" would be highly desirable, but probably unattainable; a fallback could be a reference to rights and responsibilities "concerning Germany"; a second fallback, which he described as "tolerable if necessary," would be to mention the locale of the negotiations as the building of the former Allied Control Council "for Germany."

—This last position may not be too difficult since part of it has been used in the communiqué of each meeting. However, the addition of "for Germany" will not easily slip by the Soviets.

Bahr's second point: Bonn would prefer a reference to the fact that a "peace settlement" is still outstanding, but realizes that this too may

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V. Secret; Exclusively Eyes Only. Urgent; sent for information. Kissinger and Haig both initialed the memorandum indicating that they had seen it. The memorandum is largely based on the reporting in telegrams 14751 and 14756 from Bonn, October 28 and 30, respectively. (Both National Archives, RG 59, Central Files 1970–73, POL 38–6)

² See Document 379.

³ November 6.

⁴ October 28.

not be possible. He would settle for a clear description of four-power rights and responsibilities.

—Such a clear description means that the phrase “the question of . . .” would have to be dropped so that the declaration would affirm “rights and responsibilities of the four powers,” rather than “the question of rights and responsibilities.”

Bahr wants a reference to the “peace treaty,” but again realizes that this is difficult, and would therefore settle for its use in the exchange between Bonn and the Allies.

Finally, Bahr wants a formulation that indicates the FRG and the GDR would notify the four powers of their intention to apply for UN membership, and mention in the four-power declaration of “simultaneous admission.”

The French stressed two points: dropping “the question of . . .” and some reference to “Germany,” the latter being “vital.”

The British indicated they wanted to work from maximum positions, and depart from them very gradually.

In sum, *we are faced with a difficult road in order to reach the outcome we already agreed on with the Soviets*. Bahr’s position is, upon close examination, fairly flexible but boils down to the *three essentials*:

1. Some reference to Germany in the text.
2. Elimination of the phrase the “question of . . .”
3. A substitution of “their” for “such” in the phrase “such UN memberships does not affect . . .”

Assuming Bahr knows or senses the real status of the text that Hillenbrand introduced, he may be posturing in front of the other Allies since his real requirements do not seem all that difficult. At the same time, he has already alerted you to his probable need for help in the next few days in regard to the Four-Power Declaration.⁵

The net effect of Bahr’s discussion was to confirm the British and French in their desire to obtain better terms. Meetings are continuing to devise bracketed texts. Completing an agreed text by Bahr’s deadline, however, would seem highly unlikely, unless you reopen the disputed points with Dobrynin.

⁵ Bahr alerted Kissinger by special channel on October 26 that he might still need some help over the next several days in negotiating the four-power declaration. (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications) In a special channel message to Bahr on November 11, Kissinger regretted the delay in his response but remarked that “the acute problems relating to your agreement with the GDR and the four power declaration have all been satisfactorily settled.” (Ibid.)

As I understand the various positions, the following would be a text that *might* get by the Allies (changes from your text are underlined⁶ or bracketed):

"The Governments of the US, Great Britain, France and the Soviet Union, *represented by their Ambassadors, who met in the building formerly occupied by the Allied Control Council for Germany*,⁷ have agreed to support the application for UN membership when submitted by the FRG and the GDR and affirm in this connection that *their*⁸ membership shall in no way affect [the question of the four-power]⁹ rights and responsibilities *of the four powers* and the related quadripartite agreements, decisions and practices."

I am not recommending that you reopen this with Dobrynin but this is how it looks today.¹⁰

⁶ Printed here in italics.

⁷ This is in place of "... " in the present US/Soviet text; the addition of "for Germany" is the key. The current Western text uses "American Sector of Berlin" at this point. [Footnote in the original.]

⁸ In place of "such." [Footnote in the original.]

⁹ This alters the meaning by affirming that four power rights and responsibilities are not affected, whereas the Soviet text literally says that the question is not affected. Moreover, the Russian text could be translated "the problem of," since the word for question and problem is the same. [Footnote in the original.]

¹⁰ Kissinger met Dobrynin at the White House from 10:20 to 11:58 a.m. on November 3 (except from 11:16 to 11:28 when he saw the President in the Oval Office); Kissinger then met Cromer from 12:02 to 12:12 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No other record of their meeting has been found.

382. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and William Hyland of the National Security Council Staff¹

Washington, November 4, 1972, 9:10 a.m.

K: Bill?

H: Yeah.

K: On that Berlin thing.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File. No classification marking.

H: Yeah.

K: What is the situation, we did check it through our people, we did tell the Russians it was ok.

H: Well, the problems are with the allies, the French and British Ambassadors are behaving pretty wildly.

K: But why, what the hell difference does it make?

H: It doesn't, but you know they feel they're in a contest with the Russians. Bahr is also insisting that certain things get in there because he can't get them from the East Germans² and he gets the support of the British and French and now the Russians in Berlin have ended the subterfuge with Hillenbrand and they are talking to him privately.

K: Now, then what can we do?

H: Well, I think it boils down to one simple phrase right now, it's weird but there—

K: What is the phrase?

H: "The question of four power rights."

K: What difference does it make?

H: Well, literally we're saying it doesn't "affect the question of" and everybody, the allies would rather say it doesn't "affect the rights." And the second—

K: It doesn't say it cannot raise the issue of the rights.

H: Well, the text that Marty's working from³—

K: "The question—"

H: "The question of."

K: Well why does that—what the Russians don't want to do is reaffirm the rights again, they just want to keep it in the status quo.

H: Yeah and the British, French and Germans are all disturbed about the vagueness of "the question of." That seems—they all come back to that every damn time. If they could—if the Russians could back away from that phrase it might unlock it. But it may all come down to Bahr. Bahr has now thrown in a real ringer by saying that if he can't get a reference to Germany in his treaty or preamble then some reference to Germany has to be in the four power document. And this morning they are going to press Bahr to find out whether that's really a demand of his or whether he's just bargaining.

K: Couldn't I talk to Cromer and tell him—

² Reference is to the negotiations for a treaty on basic relations between East and West Germany. See Document 383.

³ See Document 379.

H: That would be very helpful because the British damn near walked out of the talks last night.⁴

K: OK, I'll talk to Cromer.

H: But if Marty could, if they could have a little flexibility in Berlin, sometimes this comes down to a word and Hillenbrand is so damn scared to—but now that the Russians are talking to him there are a couple of minor changes that would placate people that have no substance.

K: Right. Like what?

H: Well, for example there's a phrase "the four powers have agreed to support." Now the Germans don't want this, they say it's condescending to their sovereignty and they would like to say, "state that they will support." Now that's minor. I'm sure the Russians would buy it.

K: OK.

H: Then there's another "that they will support such membership" and the Germans would like to say "this membership." But Marty's afraid to make these changes because he's been told this is—

K: OK, OK, good I understand.

H: OK.

K: Can you get this memo over to me?⁵

H: Yeah, I'm working on it right now and the text is so—

⁴ In telegram 1923 from Berlin, November 3, the Mission reported that, in a meeting of the three Western Ambassadors that afternoon, Henderson stated his belief that, if Bahr insisted on inserting a reference to Germany in the declaration, "the Western side would have to make a dramatic presentation in order to convince the Soviets that we meant business. He went so far as to mention the possibility of a 'walk-out' should the Soviets turn it down again, although he quickly retreated from this and agreed with the US and French Ambassadors that a walk-out would be undesirable." (National Archives, RG 59, Central Files 1970–73, POL 38–6)

⁵ Reference is presumably to an unsigned memorandum from Sonnenfeldt to Kissinger on November 4. In an attached typed note to Kissinger, Hyland reported: "Since writing this, we are informed that Bahr has agreed to drop effort to get 'Germany' in the four power text but suggest trading it for 'the question of.' The French want to drop 'practices' in trade for 'the question of' but we must oppose this; it is important on its merits and is in the agreed text with Sovs. State is instructing Hillenbrand to oppose." Hyland added a handwritten postscript: "We do *not* have results of today's meeting, which is still on." (National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V) The Department forwarded the instructions referred to in telegram 201380 to Berlin, November 4. (Ibid., RG 59, Central Files 1970–73, POL 38–6)

K: Can we do it fairly quickly?

H: Yeah.

K: Good.⁶

⁶ Kissinger called Hyland back at 10:58 a.m. and asked: "If they [Soviets] drop the phrase, 'the question of' can we then guarantee that the God damn document will be accepted[?]" Hyland replied: "I think we have about a 90% chance of getting everybody on board if they make the semantic concession." "But if we want to guarantee that they [Soviets] drop 'the question of,'" he added, "it would be good to have the British with us." (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File) Kissinger called Cromer at 11:15 to see if the British Government, and its "temperamental ambassador there," would support this proposal; Cromer promised to "be back to you soon." (Ibid.) Kissinger meanwhile called Dobrynin at 11:25 to confirm the agreement. "HK: If you drop 'the question of' and keep in the word 'practices'—'practices' is in our text anyway—then we will support it. I have talked to the British and they will also support it. They will take one more run at the specialized agencies and if you reject it they will break off on it. I am telling you this confidentially. AD: Good. I will mention it. If we drop 'the question of' then you will send a telegram and your ambassador will be in touch with ours. HK: If you can say this—. AD: I will give the message to our ambassador and you to yours and then we'll use it together." (Ibid., Box 395, Telephone Conversations, Dobrynin, Anatoliy Federovich) Kissinger then called Hyland again at 11:35 with the necessary instructions for Hillenbrand. (Ibid., Box 374, Telephone Conversations, Chronological File) In telegram 1936 from Berlin, November 4, the Mission reported that the Ambassadors had finally agreed on the text of the quadripartite agreement. (National Archives, RG 59, Central Files 1970–73, POL 38–6) For the full text, which the four governments issued simultaneously on November 9, see *Documents on Germany, 1944–1985*, p. 1213.

383. Memorandum From Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 7, 1972.

SUBJECT

FRG–GDR Treaty and Our GDR NSSM

The West German Cabinet today approved the West German–East German Basic Treaty.² Initialing and publication of the text is sched-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII. Confidential. Urgent; sent for action. Haig initialed the memorandum indicating that he had seen it.

² For the text of the treaty and related documentation, see *Documents on Germany, 1944–1985*, pp. 1215–1230.

uled for tomorrow, November 8. Brandt has already made a campaign speech hailing the practical advantages which the treaty brings for Germans in both states.

What the FRG Gained

a. GDR agreement (Article 7) to regulate practical and humanitarian questions and promote exchanges in commerce, health, science and technology, environment, transport, justice, post and telecommunications, and the exchange of books, periodicals, and radio and TV programs. Bahr and Kohl made separate agreements outside the treaty to open new border-crossing points, reunite divided families, and increase travel and trade.

b. A reference (preamble) to the existence of “the national question”—about which the two sides disagree—and one (Article 2) to “the right of self-determination.” Also a separate exchange of letters by which the FRG and GDR will notify each other that they have informed their respective Big Four allies that the treaty cannot affect Quadripartite agreements, decisions and practices. These references will enable Brandt’s government to claim in the Bundestag that the treaty has not permanently closed off reunification.

c. GDR willingness to accept separately and without contradiction a letter from the FRG on German unity.

d. From the three Western allies separately—a letter (preliminary draft at Tab A)³ confirming that Quadripartite Declaration does not affect the 1952 (1954) convention on relations between the FRG and the three Western allies.⁴ This will enable Brandt to assert that the allies too still support German unity and that the treaty does not undermine the FRG’s link to NATO, for which the 1954 convention paved the way.

e. Agreement (Article 8) to exchange “permanent representations,” rather than Embassies.

f. Finally—GDR agreement (in a separate oral exchange) that the West German permanent representative will represent West Berlin and that the FRG–GDR agreements on commerce, health, etc., will apply to West Berlin too.

What the GDR Got

a. Virtually complete FRG acceptance (Articles 2 and 3) of its sovereignty and equality. The long-sought goal of East Berlin.

³ Attached but not printed at Tab A is telegram 15132 from Bonn, November 6; also in the National Archives, RG 59, Central Files 1970–1973, POL 38–6.

⁴ Reference is to the Final Act of the Nine-Power Conference, signed in London on October 3, 1954. For the text and context of the agreement, see *Documents on Germany, 1944–1985*, pp. 419–438.

b. An FRG undertaking (Article 3) to respect the GDR's frontiers and its territorial integrity and to refrain from the threat of the use of force. Almost as important for a regime as apprehensive as the East Germans have been.

c. A final burial of the Hallstein Doctrine⁵ in all its forms (Article 4).

d. An FRG pledge (Article 7 supplementary protocol)—of considerable economic benefit to East Berlin—to continue to trade in the advantageous “inter-zonal” framework which gives GDR products duty-free entry into the Common Market.

e. FRG support (Article 7 supplementary protocol) for GDR membership in the Universal Postal Union and the International Telecommunications Union.

Comment

The treaty in effect fully Germanizes the German question, with the Allied role even in West Berlin being relegated to minor importance. It is astonishing in how many areas the East Germans have agreed to open themselves up to dealings with the FRG. Brandt has gone a long way toward achieving the *Annäherung* which Bahr set as a policy objective a decade ago.⁶ The East German regime, to ensure his success at the polls, has decided to take the risk that this will cause some *Wandel* in its internal structure too and in its relations with West Germany.

What about the GDR NSSM (No. 146)?⁷

Originally requested nine months ago, the response to NSSM 146 has been awaiting Senior Review Group consideration since April.⁸ The rapid pace of Four Power negotiations on a Quadripartite Declaration, the Bahr–Kohl treaty, and the international upgrading of the GDR which has occurred over the past few months (e.g., India's recognition and Fin-

⁵ Reference is to the policy, announced in December 1955, by which West Germany refused to maintain diplomatic relations with any country, other than the Soviet Union, that maintained diplomatic relations with East Germany. Although associated with State Secretary Walter Hallstein, the doctrine was formulated by Wilhelm Grewe, Director of the Political Division in the West German Foreign Office. See Grewe, *Rückblenden*, pp. 251–262.

⁶ In an address before the Evangelical Academy in Tutzing on July 15, 1963, Bahr first discussed *Wandel durch Annäherung*, or “change through rapprochement,” a phrase that soon became the maxim most associated with Brandt's *Ostpolitik*.

⁷ Document 341.

⁸ See Document 355. The Interdepartmental Group for Europe issued an updated, and nearly identical, version of the response to NSSM 146 on June 29. Davis circulated the paper to members of the Senior Review Group on September 25 for a September 28 meeting, but the meeting was postponed. (National Security Council, Secretariat Files, NSSM Files, NSSM 146)

land's likely recognition within a few weeks)⁹ have solved many of the issues treated in the NSSM response. Only two major ones remain:

a. *Whether, how and when we begin negotiating with the GDR on the question of opening up bilateral relations.* Timing should be related to (1) the outcome of the FRG elections, November 19; (2) consequent prospects for signing and ratification of the GDR–FRG basic treaty; (3) FRG, British and French attitudes.

b. *How do we regard our longer-term relations with the GDR as a State?*

(Conceivably, if the CDU/CSU should win the elections—a possibility—and want to renegotiate the Bahr–Kohl treaty—less likely—we will have to deal with the minor issue of how to deal with GDR pressures to enter UN organizations. But this can be handled by normal State Department strategies.)

On a. The British are already pressing us to begin preliminary exchanges on how the Three Powers go about establishing relations with the GDR. The French no doubt feel the same way. Timing of our negotiations could be early (as soon as the GDR–FRG treaty is signed, perhaps) or late (after the GDR is finally in the UN). *We need to decide this now.* I understand that Secretary Rogers is sending a memorandum to the President proposing that we begin discussions with the British and French soon.¹⁰

On b. We need to consider what sort of an establishment, if any, we will have in the GDR and what we want it to do. This is of course less pressing.

Your Decision

Two courses of action are possible:

—hold the long-delayed SRG meeting, addressing ourselves only to those parts of the NSSM response which relate to the two remaining major issues. (We can use the NSSM response as is for the discussion, focussing the SRG discussion only on the pertinent sections).

—reply to the forthcoming memorandum from Secretary Rogers that asks for authority to consult with the British and French by issuing a decision memorandum that will lay down a timetable for opening up relations with the GDR.

It would be preferable to air the issues in an SRG meeting, which will besides dealing with the GDR give the agencies a needed opportunity to discuss German issues and provide them with guidance for

⁹ India established diplomatic relations with East Germany on October 8; Finland unilaterally extended diplomatic recognition to both East and West Germany on November 24.

¹⁰ See Document 386.

the coming months. The best time to schedule it would be after the German elections.

Recommendation

That you indicate your preference:

Schedule an SRG meeting on the GDR NSSM.¹¹

No meeting needed. Timetable on opening relations to be decided by memorandum to State.

¹¹ Kissinger checked and initialed his approval of this recommendation. According to an attached routing form, the SRG meeting was approved on November 13. Kennedy also wrote on the memorandum: "Per discussion with Livingston meeting scheduled 29 Nov 72."

384. Telegram From the Embassy in Germany to the Department of State¹

Bonn, November 10, 1972, 1715Z.

15432. Subj: Conversation With CDU Party Leader Rainer Barzel.

Summary: When I called this afternoon on CDU Party Leader and Chancellor-candidate Rainer Barzel as the first of the four Ambassadors (US, French, British, Soviet) whom he had asked to see, he was visibly disturbed and unhappy. He sharply criticized the basic treaty initialed on November 8 by the FRG and the GDR, and characterized the 4-power declaration as an unfortunate interference in the German electoral campaign. I explained to him some of the background of the 4-power negotiations and denied that there was any Allied intention to interfere in the German political process.

1. In a polite but heated manner, Barzel said he had been shocked by the developments of the last few days. Having studied the text of the basic treaty, he could only describe it as being a bad thing for Germany. He felt betrayed by the Allied haste in arriving at a 4-power declaration in a way that he thought constituted intervention in a West German electoral campaign. He did not see why the three Western powers could not have waited until after the elections to conclude their negotiations in Berlin.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 12–6 GER W. Confidential; Priority; Exdis.

2. I commented that interference in the German political process was certainly not our intention, and that a deliberate slowing up on our part could also have been regarded as such interference. I explained the background of the 4-power negotiations, pointing out that initial contacts were made by the three Allied Foreign Ministers with Gromyko in Berlin on June 3, and that these contacts were continued in September in connection with UNGA. Thus, the basic groundwork for the negotiations had been laid months ago. Moreover, it had always been understood that we should maintain a parallelism with the FRG–GDR negotiations on a basic treaty which would, inter alia, open the way to eventual application by the two German states for UN entry. It was the exchange of letters between Bahr and Kohl on UN entry² which required that we react quickly by concluding an agreement which would protect quadripartite rights and responsibilities.

3. Although some of my arguments made an impression, Barzel was basically not persuaded. He observed that, if elections had been held last Sunday, the CDU/CSU would have won a victory, but now he could not be sure of the outcome. Returning to the basic treaty, he noted that while there were many things wrong with the Moscow and the Warsaw treaties, he had been willing to make compromises in order to blunt an all-out CDU attack on them. But the basic treaty was unacceptable as it stood. In order to remove it from the present political campaign, he had offered a truce (*Burgfriede*) for the next ten days on discussion of the treaty, but the Chancellor had rejected this and was insisting on a clear-cut definition of the CDU position. Barzel would accordingly have to make a comprehensive statement on the subject before November 19. He did not, however, intend to criticize the three Allies in that statement. It was obviously impossible to mount an effective counter-attack on such a complicated document during the next 9 days. Brandt was massively manipulating the Ostpolitik in order to divert attention away from domestic issues.

4. Barzel then asked what the position of the three powers would be in the event that the CDU/CSU did win the election, chose to insist on changes in the basic treaty, and then the GDR, supported by the Soviet Union, submitted its application for UN membership. I pointed out that the wording of the 4-power declaration was very precise on this point. We had agreed to support the applications of the FRG and the GDR to membership in the UN only when they were submitted by the two countries, and not in isolation. He also asked why we had been unable to get a reference to Germany in the declaration. I went over the history of this point, starting with the negotiation of the Berlin

² For the text of the letter from Bahr to Kohl on November 8, see *Documents on Germany, 1944–1985*, p. 1212; the letter from Kohl to Bahr on the same date was identical.

agreement, but stressed that the all-German connotation of the declaration was apparent from the very way in which it had been negotiated by the four Ambassadors in Berlin, and that the Western powers clearly understood that their rights and responsibilities included those for Germany as a whole.

5. Barzel said he had one request to make. If it were intended to make a response to the Chancellor's message of congratulations on the re-election of the President,³ then he hoped he too would receive some reply to his similar message.⁴ If this type of equal treatment were not observed, the Chancellor would undoubtedly make use of any message to him as campaign material.

Comment: Barzel had cooled down somewhat by the end of our conversation, but his general appearance was more agitated than I have ever seen before. He is clearly chagrined at being out-manuevered by the Chancellor, and the constant unfavorable comparisons between him and Brandt have clearly been taking their toll on his nerves. He now feels that Brandt has pulled a great coup which may tip the scales in favor of the SPD. His agitation may well have been increased by the latest election poll. We understand from the head of the Infas Polling Institute that the SPD/FDP is given a 20-seat majority over the CDU at this point.

I would urge, if the intention is to respond to the Chancellor's congratulatory message on the re-election of the President, that consideration be given to sending a similar message to Barzel. This may help to correct in his mind what he considers to be the current imbalance in our approach.

Hillenbrand

³ Nixon defeated George McGovern, the Democratic candidate for President, on November 7 by a landslide in both the popular vote and electoral college. The texts of Brandt's congratulatory message of November 8 and Nixon's reply of December 16 are in the National Archives, Nixon Presidential Materials, NSC Files, Box 754, President's Correspondence File, Germany, Willy Brandt, 1972.

⁴ Neither the congratulatory message from Barzel nor a response from Nixon has been found.

385. Backchannel Message from Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 20, 1972, 0146Z.

TOHAK 9. Deliver to Winston Lord for Dr. Kissinger at Opening of Business.

Following is State Department's preliminary analysis of the West German elections (edited slightly).²

The Brandt government has emerged from the November 19 elections with some 48 more seats in the Bundestag than the opposition CDU/CSU and with an absolute majority for the coalition of more than 20 Bundestag votes. This will enable Brandt to form a stable government with his FDP coalition partner, which he and Walter Scheel will quickly do. The election outcome constitutes a personal triumph for Brandt and a popular mandate for him to continue his foreign policy both in the East and in the West. It also indicates that a majority of the German public is confident that Brandt will, if given time, be able to deal successfully with domestic issues of inflation and social reform.

The following conclusions emerge from the election outcome:

—The SPD, under Brandt's leadership, has for the first time become the largest political party in the FRG. It is thus clear that the German population now view both major parties as competent to govern but, by giving more than 8 percent to the small FDP, have also shown a desire to maintain a third party as a guarantee against excessive orientation toward the right or the left on the part of the CDU or SPD.

—Extreme parties of the right and left were practically eliminated in the election. This is complemented by the extraordinary voter participation of 90 percent of the eligible voters despite bad weather in many areas. It is evident from this record how closely the West German population feels involved in the free political system which has been developed in the Federal Republic in the post-war period.

—While the CDU has suffered a major defeat it still retains the support of some 45 percent of the population. Its future as a viable party is not in doubt. There will unquestionably be wide ranging

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip, TOHAK [2 of 2]. Confidential. Kissinger was in Paris for private discussions with Le Duc Tho to negotiate a settlement of the Vietnam War. A memorandum from Kissinger, briefly summarizing Sonnenfeldt's message, was forwarded to the President on November 20. (Ibid., NSC Files, Box 47, President's Daily Brief, November 17–30, 1972)

² The "preliminary analysis" by the Department of State has not been found.

changes in leadership, however, and Barzel may find it difficult to retain his hold on the top.³

The first steps of the new Brandt government to gain major public attention are likely again to be in the field of Eastern policy. The Chancellor will sign the general relations treaty with the GDR in East Berlin before Christmas.⁴ This will be accompanied by the full-scale emergence of the GDR on the international scene. The FRG will involve itself deeply in the CSCE and MBFR talks which it will view as an extension of the Brandt Eastern policy. (On MBFR in particular, this may produce some problems for us. A memorandum will be sent separately on this.)⁵

Brandt will continue to place major importance on his bilateral relations with the United States and on enhancing the cohesion and stability both of the European Community and the Atlantic Alliance. The governmental stability which the election outcome has assured is bound to give the FRG an even stronger voice in these organizations and we can expect the German Government to speak and act with increased self-confidence. This should serve the ultimate interests of the United States since an essential requirement for a peaceful structure in Europe is the existence of a stable and responsible government in Bonn.

³ Barzel resigned as chairman of the CDU/CSU parliamentary party group on May 9, 1973; one week later, he also renounced his candidacy to remain CDU chairman.

⁴ Bahr and Kohl signed the Basic Treaty in East Berlin on December 21; due to difficulties in fixing a date, Brandt and East German Prime Minister Stoph did not attend the ceremony.

⁵ Not found.

386. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, November 30, 1972.

SUBJECT

East Germany

Secretary Rogers has sent you a memorandum (at Tab 1)² pointing out that initialling of the Basic Treaty between West Germany and East Germany (the GDR) last week opens a new chapter in German history. It renders imminent the entry of the GDR (and West Germany) into the United Nations, GDR participation in international organizations and conferences, and the exchange of permanent representatives between Bonn and East Berlin, which will symbolize both states' acceptance for the foreseeable future of the division of Germany.

The Secretary believes that it is in our long-range interest to be adequately represented in the GDR. The British and French want to move quickly toward recognition of the GDR. The Secretary intends to consult with them and with the West German Foreign Minister on this question early next month, during the NATO Ministerial Meeting.

The emergence of the GDR onto the international scene will pose some problems for us which deserve consideration by the agencies. To this end, I have scheduled a Senior Review Group meeting to be held before the end of this month, so that the Secretary's consultation and other necessary government policy actions can take place on the basis of a coordinated policy decision approved by you. Until this SRG meeting, there is no need for action on your part.³

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, East Germany, Vol. I. Confidential. Sent for information. Butterfield stamped the memorandum to indicate that the President had seen it.

² Dated November 8; attached but not printed.

³ The SRG meeting, originally scheduled for November 29 (see Document 383 and footnote 8 thereto) was cancelled. Nixon marked the last two paragraphs and wrote on the memorandum: "K—*Don't rush*—we don't have to be the first to go pandering to them." Kissinger initialed the memorandum to indicate that he had seen the President's remarks.

387. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, December 16, 1972.

SUBJECT

Brandt May Have Throat Cancer

Director Helms has sent us a highly sensitive report² which suggests that Chancellor Brandt may have cancer of the vocal cords. [3 lines not declassified] it revealed a malignance "indicative" of cancer. But his diagnosis is tentative, and further experiments are to be made. He recommended that Brandt cut back on his activities for several weeks. As of December 1, he had not told Brandt of his diagnosis but at least four other Social Democratic leaders have been informed. So the Chancellor must know by now.

The Chancellor seems to be conducting business normally, however. Last week he received Senator Humphrey, who, we understand, found him in apparent good health. He has also been meeting with the SPD parliamentary group and preparing his state of the nation speech. Possibly his reported condition accounts for his decision not to travel to East Berlin for the December 21 signature of the GDR–FRG Basic Treaty. On December 18, he is scheduled to appear publicly in the Bundestag to accept designation as Chancellor. This will provide an opportunity to judge the state of his health.

If Brandt retires, is incapacitated or dies, the most likely successor is Helmut Schmidt, who was Defense Minister from 1969 until last summer and since then Minister of Economics and Finance, and whom you met in November 1969 when NATO's Nuclear Planning Group met in Washington. At the moment it looks as if the succession would be smooth, although Schmidt is less popular with the Social Democrats' steadily stronger left wing than Brandt is. However, he will probably exercise firmer control over the party as a whole than the Chancellor has. He is as popular, perhaps even more popular, in the country at large. He is a good and long-standing friend of the United States and

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII. Secret; Sensitive; Eyes Only. Sent for information. Butterfield stamped the memorandum to indicate that the President had seen it. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft to Kissinger on December 14. (Ibid.)

² Dated December 5; on December 12 Helms also sent Kissinger a memorandum analyzing the West German leadership question. Both are attached but not printed.

as widely experienced in US-European politics, economics and strategy. He is more his own man intellectually too, less receptive to the ideas and projects of Brandt's close advisors like Bahr. He has, however, been critical of some of our foreign economic policies and can be quite hard-nosed as a negotiator.

388. Memorandum From the President's Assistant for National Security Affairs (Kissinger) to President Nixon¹

Washington, December 20, 1972.

SUBJECT

Initial Contacts with East Germany

As a consequence of West Germany's treaty with East Germany, we and our Allies are close to making our own first official contacts with East Germany (the GDR). Secretary Rogers has sent you a memorandum (at Tab A)² informing you of how he plans to go about this. He also points out that the British and, especially, the French want to move more rapidly than we. It is possible that the French will send a message to the GDR proposing discussions on diplomatic relations as early as December 22, the day after West Germany signs its Basic Treaty with the GDR.

The Secretary proposes in his memorandum that we use the opportunity of a courtesy call on Ambassador Bush by the GDR observer at the United Nations to indicate to him our willingness to start discussing relations. The French and possibly the British may want to send a message directly to the GDR government. The Secretary believes that

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, East Germany, Vol. I. Confidential. Sent for information. Butterfield stamped the memorandum to indicate that the President had seen it; according to a typewritten note attached to a copy, Nixon still had the memorandum as of December 26. (Ibid.) In a memorandum forwarding a draft to Kissinger on December 19, Sonnenfeldt wrote: "We have now reached the stage where the State Department is about to initiate contacts with the GDR. Steps in this direction so far have been made without overall guidance from us, except on the Four-Power Declaration, and indeed without the President having been fully informed. The contact with the GDR now proposed by State will put us on the path to diplomatic relations. I think the time has therefore come to give Secretary Rogers Presidential guidance for the steps which he proposes to take." (Ibid.)

² Dated December 18; attached but not printed. Butterfield stamped the memorandum to indicate that the President had seen it.

our approach on this initial contact makes us look less eager since we will be utilizing an already existing channel and permitting the East Germans to talk with us without their feeling required to reply to a formal message such as the British and French want to send them. In both our approach and the British and French, however, care would be taken to make specific reference to the Quadripartite rights and responsibilities for Germany as a whole so that we all three are on record in our first dealings with the GDR that our diplomatic relations with them will be within that framework.

Once the initial contact is made by us and by the British and French, there will be tripartite consultations, probably in January, to harmonize our further steps toward establishment of formal diplomatic relations and to make certain that there is tripartite agreement on how to handle issues such as claims and the practical problems connected with setting up embassies in East Berlin. Then formal negotiations will begin. A possible timetable is:

- December 21: signature of FRG–GDR Basic Treaty;
- December 22 or before January 1: French (and possibly British) messages to the GDR;
- early January: our initial talks at the U.N. with the GDR observer;
- late January: Tripartite (US, UK, France) meeting to harmonize formal approach to the GDR;
- post-January: formal discussions, probably in Washington, London, and Paris;
- late April: FRG parliament's ratification of the Basic Treaty with the GDR;
- early May: FRG "permanent representation" established in East Berlin;
- post-May: France, UK, and US embassies established in East Berlin.

Once we make the initial contact with the GDR the path to establishment of formal relations is probably irreversible, though we can retain some control over timing.

The West Germans have agreed to this general scenario. They will be kept informed as it unfolds. Their main concern is that the three and especially the US avoid any dramatic statements in initiating contacts or establishing relations with the GDR, that we avoid saying we are "recognizing" the GDR, and that we delay sending an ambassador to East Berlin until the FRG has installed its permanent representative there.

I believe that the Secretary's proposed approach is generally satisfactory. It is preferable for the British and French to take the lead, and there is no disadvantage to us if they use a slightly different method of making their initial contacts with the GDR. (There are domestic political pressures from the left on Pompidou to move quickly and pressures on Heath from commercial circles.)

It is essential, however, that we avoid a situation where the East Germans manage to respond to our, later, preliminary contact *first*, engaging us in formal talks *before* the British and French. It is also important that we keep in closest possible touch with the FRG on our East German policy, even if this risks delays and frictions with the British and the French. For Brandt's government relations with the GDR remain the most sensitive and emotional of all foreign policy issues. Our interest in good relations with his government on East-West security issues generally dictates maximum accommodation to Brandt on East Germany, where our interests, except for Berlin, are minor.³

In informing the Secretary that his proposed approach is satisfactory, I have urged (a) that he take care that we not get out ahead of the British and French in talking with the GDR either in the initial or the subsequent, more formal phase, and (b) that he make sure as an overriding requirement that the West Germans are carefully consulted as we go down the road to establishment of diplomatic relations with the GDR.

There is no need for action on your part at this time, unless you believe that we should adopt a different approach.⁴

³ Nixon wrote and circled "no" at the end of this paragraph. He also wrote in the margin nearby: "K—Do *absolutely* nothing which plays to Brandt (regardless of his election)."

⁴ Nixon wrote at the end of the memorandum: "I *disagree*. No courtesy call. Keep it cool. K—In the future submit this type of decision to me *only*— Don't leave to N.S.C. staff or State Bureaucrats—. K—the State Bureaucracy is *pro-Brandt* + *pro-Socialist*—I *totally* disagree with their approach. From now on all decisions are to be submitted to me on *German* matters." Kissinger, who initialed the memorandum to indicate he had seen these remarks, also wrote the following message to Sonnenfeldt: "Hal did you notice the P's notes?" Nixon, however, either did not write or did not forward his instructions before December 26 (see footnote 1 above). By then, Kissinger had already replied on his behalf. In a memorandum to Rogers on December 20, Kissinger approved the proposed telegram subject to the following points: 1) the French and British should take the lead; 2) the President should review the "harmonized" approach after the tripartite meeting in January; and 3) West Germany should be consulted "on our initial contact, formal bilateral discussions, and all other aspects of our negotiations" with East Germany. (National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, East Germany, Vol. I) The Department sent the revised telegram to the Embassy in Germany on December 21. (Telegram 230126 to Bonn; *ibid.*, RG 59, Central Files 1970–73, POL 16 GER E)

Index

References are to document numbers

- Abrasimov, Pyotr A., 54, 261
 Bundesversammlung in West Berlin, 2
 Four Power talks/negotiations on Berlin:
 Access/checkpoint issues, 293, 295
 Acrimonious discussions between Soviet-British-French ambassadors, 291
 Agreement (final), 327, 329
 Agreement (tentative), 281, 296
 Air corridors to Berlin closed, 121
 Ambassadorial meetings, December 11, 1970, 144
 Ambassadorial meetings, May 25, 1971, 242
 Ambassadorial meetings, August 10-12, 1971, 284, 286, 287
 Ambassadorial meetings, August 16-18, 1971, 293, 295
 Draft agreement, Soviet, 210, 215, 222
 Draft agreement, Western, 242
 Kissinger-Dobrynin meetings, 152, 168
 Kissinger-Ehmke meetings, 151
 Kissinger's assessments, 166
 Nixon-Soviet leadership communications, 166
 Passport issues, 281, 296
 Private negotiation channels, 207, 208, 210, 211, 212, 214, 215, 217, 221, 226, 227
 Rush, meetings with, 114, 251, 281
 Rush-Bahr-Falin meetings, 243, 263
 Rush's assessments, 122, 196
 Sonnenfeldt's assessments, 170
 Soviet presence in West Berlin, 250, 270, 272, 281, 284, 295
 Paris, assignment to, 230
 Access/checkpoint issues in Berlin (*see also under* Four Power talks/negotiations on Berlin), 33, 34
Acheson, Dean, 133
 Four Power talks/negotiations on Berlin, 149
 Nixon, meetings with, 140
 Acheson, Dean—*Continued*
 Ostpolitik, 143, 146, 149, 150, 155
 Soviet-U.S. relations, 254
Ackerson, Col. Frederick, 279
Adenauer, Konrad, 164, 335
Adzhubei, Alexei, 138
Africa, 335
Agnew, Spiro T., 6, 126
Agriculture, 335
Ahlers, Conrad, 15, 16, 79, 115, 154, 254
Akalovsky, Alexander, 212, 214, 270, 323
Albania, 335
Allott, Gordon, 196
Alphand, Hervé, 153
Alsop, Joseph R., Jr., 22
Anderson, David, 362
Apollo missions:
 11, 22
 12, 44
 13, 78
Arabs. *See* Middle East.
Arendt, Walter, 150
Argentina, 336
Ash, Roy L., 378
Audland, Christopher J., 199
Austria, 372
Bahr, Egon, 44, 228
 Brandt, no-confidence motion submitted against, 358
 Brandt's review of global affairs, 255
 Four Power talks/negotiations on Berlin (*see also* Bahr-Kohl (Michael) parallel negotiations and Rush-Bahr-Falin meetings under Four Power talks/negotiations on Berlin):
 Access/checkpoint issues, 188, 210, 224, 264, 266, 292
 Agreement (final), 329, 349
 Agreement (tentative), 271, 274, 275, 277, 308, 313
 Ambassadorial meetings, November 17-18, 1970, 137
 Ambassadorial meetings, May 17-18, 1971, 239, 240

Bahr, Egon—*Continued*

- Four Power talks/negotiations on Berlin—*Continued*
 - Ambassadorial meetings, August 10–12, 1971, 287
 - Assessments conveyed to U.S. State Department, 67
 - Backchannel discussions between Kissinger/Rush/Bahr, 171, 172, 183, 187
 - Brandt's trip to U.S., 80
 - Central Intelligence Agency's assessments, 87, 146, 150
 - Draft agreement, Soviet, 215, 224, 230, 234, 235
 - European alliance/unity, 68
 - Falin, communications with, 210
 - Falin, meetings with, 157
 - Fazio, meetings with, 168
 - Federal presence in Berlin, West German, 174, 224, 243, 248, 249, 264, 265, 266
 - Fessenden-Sahm meetings, 154
 - Gromyko, meetings with, 59, 68, 70, 84
 - Hillenbrand, meetings with, 107
 - Kissinger, communications with, 102, 167, 168, 192, 215, 249, 264, 265, 275, 308, 349
 - Kissinger, meetings with, 224, 226, 257
 - Kissinger, meetings with (proposed), 222
 - Kissinger-Dobrynin meetings, 178, 183, 262
 - Kissinger-Rush communications, 210, 263, 265, 266, 270, 271, 274, 277
 - Leaking information, 243
 - Legal formula as to status, 226, 228, 235
 - Linkage between Berlin settlement and other issues, 83
 - National Security Council's assessments, 139
 - Nixon, communications with, 236, 237, 238
 - Nixon-Brandt meetings, 254
 - Rights/responsibilities, four power, 374, 381, 382
 - Rush, development of the relationship with, 210
 - Rush, meetings with, 97, 141, 229, 251

Bahr, Egon—*Continued*

- Four Power talks/negotiations on Berlin—*Continued*
 - Sonnenfeldt's assessments, 222, 381
 - Soviet presence in West Berlin, 230, 257, 274
 - Tactics for the wrap-up ambassadorial meetings, 270
 - Traffic issues, 182, 183, 264, 265, 266
- Non-Proliferation Treaty, 36
- North Atlantic Treaty Organization, 36, 140
- Ostpolitik (*see also* Treaty listings *below*):
 - Assessments conveyed to Kissinger, 134
 - Brandt's U.S. trip, 79
 - Central Intelligence Agency's assessments, 146, 150, 164
 - Ehmke's trip to U.S. (proposed), 150
 - Gromyko, meetings with, 74, 79, 85, 91
 - Hillenbrand, meetings with, 107
 - Kissinger, communications with, 85, 102
 - Kissinger, meetings with, 76, 108
 - Kissinger, meetings with (proposed), 222
 - Kissinger-Sonnenfeldt communications, 146
 - New York Times*, coverage of, 151
 - Rush, meetings with, 91
 - Rush's assessments, 92
 - Sonnenfeldt's assessments, 222
 - Sonnenfeldt's European trip, 89
 - Soviet officials, meetings with, 138, 141
- Renunciation-of-force agreements, 56, 97
- Soviet-East German relations, 36
- Soviet-U.S. relations, 330, 331
- Soviet-West German relations:
 - Brandt upgrades negotiations with Soviets, 50
 - Gromyko, meetings with, 61, 68
 - Kissinger, communications with, 50
 - Kissinger, meetings with, 36
 - Moscow trip (actual), 55
 - Moscow trip (proposed), 51
- Strategic Arms Limitation Talks, 80, 108, 243
- Treaty of Moscow (1970):
 - Barzel's request for U.S. assistance, 359

- Bahr, Egon—*Continued*
 Treaty of Moscow (1970)—*Continued*
 Bundesrat in West Germany votes
 against, 344, 345
 Dean, communications with, 344
 Embassy (U.S.) in Germany,
 assessments by, 354
 Kissinger, communications with,
 330, 352
 Kissinger, meetings with, 348,
 353
 Kissinger, meetings with
 (proposed), 345
 Lednev, meetings with, 353
 Media, statements to the, 348
 Rogers' trip to Bonn, 365
 Sonnenfeldt's assessments, 345
 Vietnam linked to, 350
 Treaty of Warsaw (1970), 141
 Barzel's request for U.S. assistance,
 359
 Embassy (U.S.) in Germany,
 assessments by, 354
 Kissinger, communications with,
 352
 Kissinger, meetings with, 348,
 353
 Kissinger, meetings with
 (proposed), 345
 Lednev, meetings with, 353
 Media, statements to the, 348
 Nixon-Brandt communications,
 158
 Rogers' trip to Bonn, 365
 Troop (U.S.) commitment in Europe,
 36, 108
 United Nations, German membership
 in the, 373
 U.S. visit (proposed), controversy
 over, 28
 Vietnam, 352
 Voting rights of Berlin deputies in the
 Bundestag, 30, 36
 West-East German relations, 40, 43,
 369, 371
- Baker, John A., Jr., 147
 Ball, George, 161
 Bartholomew, Reginald, 111
 Barzel, Rainer, 318, 329, 335
 Brandt, attempts to unseat, 86
 Brandt, no-confidence motion
 submitted against, 357, 358
 Elections (1972) between Brandt and,
 378, 380, 385
- Barzel, Rainer—*Continued*
 Four Power talks/negotiations on
 Berlin:
 Access/checkpoint issues, 219
 Agreement (final), 328
 Agreement (tentative), 275
 Assessments conveyed to U.S. State
 Department, 69
 Brandt, meetings with, 275
 Brandt, rift between Barzel and,
 188, 189
 Draft agreement, Western, 189
 Federal presence in Berlin, West
 German, 219
 Hillenbrand, meetings with, 384
 Kissinger, meetings with, 115,
 219
 Rights/responsibilities, four power,
 384
 Rush, meetings with, 179, 220, 251,
 328
- Nixon, meetings with:
 Four Power talks/negotiations on
 Berlin, 218, 220
 Ostpolitik, 218, 220
 Rush-Barzel meetings, 220
 Treaty of Moscow (1970), 338
 Treaty of Warsaw (1970), 338
 Nixon's election victory over George
 McGovern, 384
 Ostpolitik (*see also* Treaty listings
below):
 Assessments conveyed to U.S. State
 Department, 69
 Christian Democratic Union's
 concerns, 72
 Kissinger, meetings with, 115
 Kissinger-Sonnenfeldt
 communications, 103
 Nixon, meetings with, 218, 220
 Opposition to, 86
 Rush, meetings with, 179
 Treaty of Moscow (1970):
 Dean, meetings with, 116, 220
 Embassy (U.S.) in Germany,
 assessments by, 354
 Kissinger, meetings with, 115,
 219
 Nixon, meetings with, 338
 Soviet Union, trip to the, 338
 U.S. assistance, request for, 359,
 362, 363
 Vietnam linked to, 116, 220, 338,
 367

Barzel, Rainer—*Continued*

- Treaty of Warsaw (1970):
 - Embassy (U.S.) in Germany, assessments by, 354
 - Kissinger, meetings with, 219
 - Nixon, meetings with, 338
 - U.S. assistance, request for, 359, 362, 363
 - Vietnam linked to, 338, 367
 - West-East German relations, 384

Bauer, Leo, 92

Beam, Jacob D., 19, 21, 54, 102, 170

Belgium, 336

Berg, Hermann von, 43, 60

Bergsten, C. Fred, 89

Beria, Lavrenti, 343

Berlin (*see also* Four Power talks/negotiations on Berlin; Ostpolitik):

- Abrasimov-Lodge meetings, 2
- Access/checkpoint issues, 33, 34
- Air corridors closed, 121
- Allied probe on Berlin: a status report, 47
- Bundestag convening in West Berlin, Soviet protests over, 48
- Bundesversammlung (Federal Convention) in West Berlin:
 - Abrasimov-Lodge meetings, 2
 - Brandt-Rusk communications, 3
 - Kiesinger-Tsarapkin meetings, 13
 - Kissinger-Dobrynin communication, 11
 - Kissinger-Dobrynin meetings, 48
 - Kissinger-Rogers communications, 4, 5
- Meeting on March 3, 1969, 17
- National Security Council's assessments, 6, 7
- Nixon-Kiesinger meetings, 15
- Nixon-Kissinger communications, 4, 7
- Nixon-Pauls meetings, 5
- Rogers' assessments, 4
- Rogers-Dobrynin meetings, 8, 13
- Rusk-Lodge communications, 3
- Sonnenfeldt's assessments, 9
- Soviet-Chinese military skirmish over Chenpao Island, 17
- Soviet-West German relations, 7
- Travel restrictions, 7, 8
- Tripartite reply on, 10
- Voting rights challenged, West Berlin's, 7

Berlin—*Continued*

- Christian Democratic Union/Christian Social Union meeting in Berlin, 137
 - Contingency planning on, review of, 34
 - Dobrynin-Rogers meetings, 8
 - Four Power talks accepted, 54
 - Kissinger-Dobrynin meetings, 17
 - Kissinger-Helms communications, 12
 - Kissinger-Laird communications, 12
 - Kissinger-Rogers communications, 12
 - Military traffic (U.S.) over the Autobahn to and from West Berlin, 12
 - National Security Council's assessments, 18, 34
 - Nixon-Dobrynin meetings, 11
 - Nixon-Kiesinger meetings, 15, 16
 - Nixon-Kissinger communications, 26, 42
 - Nixon-Kosygin communications, 19
 - Nixon's trip to West Berlin, 17
 - Rogers' assessments, 42
 - Social Democratic Party holding meetings in, 148
 - State Department (U.S.) and White House, confusion between, 32
 - Transitional arrangements, 20
 - Travel restrictions to, 1
 - Tripartite aide-mémoire to Soviets, 47
 - Voting rights of Berlin deputies in the Bundestag, 29, 30, 31, 36
 - Western proposal of December 16, 1969, Soviet response to, 54
- Bertsch, Herbert, 130
- Big Minh, 23
- Bilderberg Group, 215, 224, 226
- Binder, David, 46, 149, 150, 154
- Birrenbach, Kurt, 189, 220, 338
- Bismarck, Otto von, 161
- Blumenfeld, Erik, 46
- Boerner, Michael P., 213
- Bonn Convention (1954), 71
- Bonn Group:
 - Allied probe on Berlin: a status report, 47
 - Berlin, transitional arrangements on, 20
 - Bundesversammlung in West Berlin, 4, 7
 - Four Power talks/negotiations on Berlin, 170, 173, 199
 - Renunciation-of-force agreements, 43

- Brandt, Willy:
- Ally of U.S., West Germany as a more independent, 43
 - Barzel, tentative agreement on Berlin and meeting with, 275
 - Barzel's attempts to unseat, 86
 - Berlin, 15, 17
 - Brezhnev, meetings with:
 - Chinese-Soviet relations, 335
 - Kissinger-Bahr communications, 330
 - Middle East, 335
 - Nixon, communications with, 331
 - Nixon-Kissinger communications, 331
 - North Atlantic Treaty Organization, 331
 - Rush-Bahr communications, 331
 - Soviet-Chinese relations, 335
 - Treaty of Moscow (1970), 331
 - U.S.-Soviet relations, 330, 331
 - Bundesversammlung in West Berlin, 3, 13
 - Cancer, throat, 387
 - Chancellor, elected, 38, 39
 - Christian Democratic Union's attempts to unseat, 86
 - Coalition policies, new West German, 35
 - Détente policy, 1
 - Elections (1969), West German, 27
 - Elections (1971), West German, 195
 - Elections (1972) between Barzel and, 378, 380, 385
 - European Alliance, 16
 - Four Power talks/negotiations on Berlin:
 - Agreement (final), 329
 - Agreement (tentative), 275, 313
 - Allied approach, agreement with, 229
 - Backchannel discussions between Kissinger/Rush/Bahr, 187
 - Barzel, meetings with, 275
 - Barzel, rift between Brandt and, 188, 189
 - Cabinet session, closed, 96
 - Central Intelligence Agency's assessments, 87, 146
 - East German position, 130
 - Federal presence in Berlin, West German, 188, 254
 - Kissinger-Barzel meetings, 219
 - Kissinger-Rush communications, 210
- Brandt, Willy—*Continued*
- Four Power talks/negotiations on Berlin—*Continued*
 - Kissinger's assessments, 158
 - Letter to the three other powers, 62
 - Linkage between Berlin settlement and treaty issues, 333
 - Nixon, communications with, 70, 127, 136, 153, 158, 329
 - Nixon-Kissinger meetings, 245
 - Nixon's reply to Brandt's letter to the three other powers, 64
 - Rush, meetings with, 119
 - Rush-Barzel meetings, 179
 - Soviet presence in West Berlin, 254, 272
 - Stoph, communications with, 66, 70
 - Stoph, meetings with (proposed), 63
 - U.S., trip to the, 80
 - U.S., trip to the (proposed), 74
 - Heath, communications with, 146, 153
 - Kissinger, meetings with, 257, 373
 - Middle East, 335
 - Nixon, communications with:
 - Brezhnev, meetings with, 331
 - Chinese-U.S. relations, 331
 - Conference on Security and Cooperation in Europe, 44
 - European trip, Nixon's, 127
 - Four Power talks/negotiations on Berlin, 64, 70, 127, 132, 153, 158, 329
 - Nixon-Gromyko communications, 132
 - Ostpolitik, 112
 - Poland, 145, 153
 - Renunciation-of-force agreements, 44
 - Soviet-West German relations, 44, 104, 105, 127, 306, 331
 - Strategic Arms Limitation Talks, 38
 - Treaty of Moscow (1970), 104, 105, 127, 331
 - Treaty of Warsaw (1970), 145, 146, 153, 158
 - U.S.-Chinese relations, 331
 - Nixon, meetings with:
 - Argentina, 336
 - Brazil, 336
 - Chinese-U.S. relations, 331, 336
 - Cuba, 336
 - European alliance/unity, 81, 335, 336

Brandt, Willy—*Continued*

- Nixon, meetings with—*Continued*
 - Four Power talks/negotiations on Berlin, 254
 - Global affairs, review of, 255
 - Middle East, 335
 - Mutual and balanced force reductions in Europe, 335
 - North Atlantic Treaty Organization, 335
 - Ostpolitik, 81, 254
 - Soviet-East German relations, 335
 - Soviet-West German relations, 335
 - Strategic Arms Limitation Talks, 81, 336
 - Trade issues/policies, 335
 - Treaty of Moscow (1970), 335, 336, 337
 - Treaty of Warsaw (1970), 336, 337
 - U.S.-Soviet relations, 335
 - Vietnam, 336
- No-confidence motion submitted against, 357, 358, 371, 372
- Non-Proliferation Treaty, 39
- North Atlantic Treaty Organization, 39, 331, 335
- Ostpolitik (*see also* *Treaty listings below*):
 - Acheson's statements to the *Washington Post*, 143
 - Cabinet session, closed, 96
 - Dean-Barzel meetings, 116
 - Hyland's assessments, 109
 - Kissinger-Barzel meetings, 115
 - Kissinger-Ehmke meetings, 151
 - Kissinger's assessments, 74
 - Kissinger-Sonnenfeldt communications, 146
 - Kissinger-Strauss meetings, 146
 - Kosygin, communications with, 181
 - National Security Council's assessments, 111
 - Nixon, communications with, 112
 - Nixon, meetings with, 81, 254
 - Nixon, meetings with (proposed), 77, 78, 334
 - Rush, meetings with, 119
 - Rush's assessments, 92
 - Rush-Strauss meetings, 82
 - Sonnenfeldt's assessments, 55, 71, 125
 - Stoph, communications with, 74, 96

Brandt, Willy—*Continued*

- Ostpolitik—*Continued*
 - Stoph, meetings with (proposed), 63
 - U.S. position, 123
 - U.S., trip to the, 79, 80
- Politburo, dispute within the East German, 60
- Pompidou, communications with, 146, 153
- Renunciation-of-force agreements, 44, 50, 96, 113
- Rogers, meetings with, 20, 45
- Rush, meetings with, 39, 119
- Sonnenfeldt's European trip, 128
- Soviet-West German relations, 44, 50
- Strategic Arms Limitation Talks, 38, 81, 336
- Treaty of Moscow (1970):
 - Brezhnev, meetings with, 331
 - Heath, communications with, 146
 - Kosygin, communications with, 181
 - Nixon, communications with, 104, 105, 127, 331
 - Nixon, meetings with, 335, 336, 337
 - No-confidence motion submitted against Brandt, 358
- Treaty of Warsaw (1970):
 - Heath, communications with, 153
 - Kosygin, communications with, 181
 - Nixon, communications with, 145, 146, 153, 158
 - Nixon, meetings with, 336, 337
 - No-confidence motion submitted against Brandt, 358
 - Pompidou, communications with, 146, 153
- Troop (U.S.) commitment in Europe, 335
- United Nations, German membership in the, 373
- U.S.-Chinese relations, 334
- U.S.-Soviet relations, 334
- U.S.-West German relations, 45, 79, 80, 81
- Vietnam, 336, 367, 368
- Brazil, 336
- Brezhnev, Leonid I., 16, 23, 105, 108, 119, 183, 261
- Brandt, meetings with:
 - Chinese-Soviet relations, 335
 - Kissinger-Bahr communications, 330
 - Middle East, 335

- Brezhnev, Leonid I.—*Continued*
 Brandt, meetings with—*Continued*
 Nixon-Brandt communications, 331
 Nixon-Kissinger communications, 331
 North Atlantic Treaty Organization, 331
 Rush-Bahr communications, 331
 Soviet-Chinese relations, 335
 Treaty of Moscow (1970), 331
 U.S.-Soviet relations, 330, 331
 Four Power talks/negotiations on Berlin, 220, 356
 Kissinger, meetings with:
 Middle East, 373
 Moscow summit (proposed), 356
 Strategic Arms Limitation Talks, 356
 Treaty of Moscow (1970), 356
 United Nations, German membership in the, 373
 Vietnam, 356, 373
 Middle East, 335, 373
 North Atlantic Treaty Organization, 331
 Southeast Asia, collective security pact for, 23
 Trade issues/policies, 345
 Treaty of Moscow (1970), 331, 346, 356
 Treaty of Warsaw (1970), 346, 356
 United Nations, German membership in the, 369
 U.S.-Soviet relations, 330, 331, 335, 356, 369
 Vietnam, 356, 373
 Brosio, Manlio G., 128, 336
 Brower, Charles N., 206, 297, 312, 315, 316, 317
 Brownell, Mary, 149
 Buchanan, Patrick J., 16
 Bulgaria, 222
 Bundesversammlung. *See under* Berlin.
 Bureau of Intelligence and Research (INR), 9
 Burns, Arthur F., 218, 370
 Burr, William, 294
 Butterfield, Alexander P., 283, 342, 369, 386
 Butterworth, Robert, 386
 Caribbean, 335
 Carstens, Karl, 15, 16, 22, 223
 Cash, Frank E., Jr., 337, 362
 Castro, Fidel, 336
 Ceausescu, Nicolae, 23, 132
 Central Intelligence Agency (CIA), 74
 Four Power talks/negotiations on Berlin, 87, 146, 150, 175
 North Atlantic Treaty Organization, 146
 Ostpolitik, 146, 150, 155, 164
 Chaban-Delmas, Jacques, 370
 Chenpao Island, 17
 China, People's Republic of:
 Conference on Security and Cooperation in Europe, 372
 Nixon-Kiesinger meetings, 23
 Soviet Union, relations with, 17, 220, 335
 U.S., relations with:
 Nixon-Brandt communications, 331
 Nixon-Brandt meetings, 336
 Nixon-Brandt meetings (proposed), 334
 Christian Democratic Union (CDU) (*see also* Barzel, Rainer), 1, 2, 27, 30, 35
 Brandt, attempts to unseat, 86
 Brandt, no-confidence motion submitted against, 357
 Christian Social Union, meetings with, 137, 146, 148
 Dean-Barzel meetings, 116
 Elections (1970), West German, 90
 Elections (1971), West German, 195
 Elections (1972) between Brandt and Barzel, 378, 380, 385
 Ellsworth's assessments, 97
 Four Power talks/negotiations on Berlin:
 Barzel's assessments conveyed to U.S. State Department, 69
 Kissinger-Barzel meetings, 115
 Kissinger-Strauss meetings, 124
 Pravda's negative editorials on, 181
 Rush-Bahr meetings, 141
 Rush-Barzel meetings, 179
 Kissinger-Schmidt meetings, 370
 Ostpolitik (*see also* Treaty listings below):
 Barzel's assessments, 69, 103
 Concerns over, 72, 86, 102
 Kissinger-Barzel meetings, 115
 Nixon-Barzel meetings, 115
 Nixon-Scheel meetings (proposed), 100
 Pravda's negative editorials on, 181
 Rush's assessments, 92

- Christian Democratic Union (CDU)—
Continued
 Ostpolitik—*Continued*
 Sonnenfeldt's assessments, 75
 Soviets' desire for Christian
 Democratic Union's return to
 power, 181
 Renunciation-of-force agreements, 89
 Rush-Strauss meetings, 82
 Sonnenfeldt's trip to Europe, 128
 Treaty of Moscow (1970):
 Bundesrat in West Germany votes
 against, 342
 Kissinger-Dobrynin meetings, 360
 Kissinger-Haig communications,
 318
 Kissinger-Sonnenfeldt
 communications, 347
 Nixon-Kissinger communications,
 113
 Nixon-Rush meetings, 337
 Ratification, official, 368
 Treaty of Warsaw (1970):
 Bundesrat in West Germany votes
 against, 342
 Kissinger-Dobrynin meetings, 360
 Kissinger-Sonnenfeldt
 communications, 347
 Nixon-Rush meetings, 337
 Position on, 318, 337
 Ratification, official, 368
 Clay, Lucius D., 133, 140, 149, 319
 Cline, Ray S., 79
 Common Agricultural Policy (CAP),
 335
 Common Market, 78, 345
 Communism, 372
 Conference on Security and
 Cooperation in Europe, 44, 336,
 341, 349, 372
 Connally, John B., 370
 Council for Mutual Economic
 Assistance (COMECON), 19, 349
 Court, John, 111
 Croatia, 335
 Cromer, Earl of, 375
 Cuba, 183, 335, 336
 Cushman, Gen. Robert E., 111, 126, 279
 Cyrankiewicz, Józef, 145
 Czechoslovakia, 1, 15, 16, 23, 39, 84, 335
 Dahrendorf, Ralf, 150
 Daniels, Col. Elmer R., 6
 Davignon, Etienne, 128
 Davis, Jeanne W., 111, 123, 177, 216, 224,
 257, 279, 355, 383
 Dean, Jonathan, 41, 46, 51, 92, 95, 141,
 150, 154, 168, 272, 303, 362
 Four Power talks/negotiations on
 Berlin:
 Access/checkpoint issues, 213
 Agreement (final), 329
 Agreement (tentative), 323
 Assessments conveyed to Rush, 94
 Assessments conveyed to Sutterlin,
 213
 Federal presence in Berlin, West
 German, 213
 Rush, communications with, 329
 Rush-Bahr-Falin meetings, 261, 262,
 263
 Soviet presence in West Berlin, 199
 Sutterlin's assessments, 191
 Traffic issues, 213
 North Atlantic Treaty Organization,
 94
 Ostpolitik:
 Treaty of Moscow (1970), 94, 116,
 213, 219, 220, 344
 Treaty of Warsaw (1970), 344
 Strategic Arms Limitation Talks, 94
 Troop (U.S.) commitment in Europe,
 94, 344
 De Gaulle, Charles, 14, 22
 Denmark, 219, 343
Der Spiegel, 161, 348, 372
 Dewey, Thomas E., 133, 140
 Diehl, Günther, 15, 16
Die Welt, 46
 Dobrynin, Anatoly F., 19, 20, 261, 381
 Berlin:
 Bundestag convening in West
 Berlin, Soviet protests over, 48
 Bundesversammlung in West
 Berlin, 8, 11, 13, 48
 Kissinger, meetings with, 17
 Nixon, meetings with, 11
 Nixon's trip to West Berlin, 17
 Rogers, meetings with, 8
 Bilateral or Four Power talks, 25
 Four Power talks/negotiations on
 Berlin:
 Abrasimov's private negotiation
 channels, 207, 208, 226
 Access/checkpoint issues, 185, 189,
 194, 197, 208
 Agreement (final), 368
 Agreement (tentative), 300, 302, 321

- Dobrynin, Anatoly F.—*Continued*
 Four Power talks/negotiations on
 Berlin—*Continued*
 Backchannel discussions between
 Kissinger/Rush/Bahr, 171
 Draft agreement, Soviet, 201, 203,
 204, 208, 215
 Draft agreement, Western, 180
 Federal presence in Berlin, West
 German, 180, 194, 197, 208,
 211, 215, 253
 Foreign Ministers meeting, 243
 Hillenbrand, meetings with, 170
 Kissinger, communications with,
 201, 207, 230, 300, 302, 321
 Kissinger, meetings with, 48, 152,
 160, 165, 168, 178, 180, 183,
 185, 189, 194, 197, 204, 208,
 211, 215, 226, 228, 243, 252,
 253, 262, 273, 368, 375, 379
 Legal formula as to status, 228, 230
 Nixon-Gromyko meetings, 332
 Nixon-Soviet leadership
 communications, 160
 Rights/responsibilities, four power,
 374, 375, 379
 Rogers, meetings with, 321
 Rush-Bahr-Falin meetings, 262
 Soviet offer for confidential
 meetings, 231
 Soviet presence in West Berlin, 252,
 253
 Nixon, meetings with:
 Four Power talks/negotiations on
 Berlin, 160
 Non-Proliferation Treaty, 11
 Soviet-U.S. relations, 37
 Strategic Arms Limitation Talks, 37
 Vietnam, 37
 Non-Proliferation Treaty, 11, 17
 Ostpolitik. *See Treaty listings below*
 Strategic Arms Limitation Talks, 37,
 228, 233
 Treaty of Moscow (1970):
 Kissinger, communications with,
 367
 Kissinger, meetings with, 350, 360,
 368
 Nixon-Barzel meetings, 338
 Nixon-Kissinger communications,
 338
 Treaty of Warsaw (1970):
 Kissinger, communications with,
 367
- Dobrynin, Anatoly F.—*Continued*
 Treaty of Warsaw (1970)—*Continued*
 Kissinger, meetings with, 350, 360,
 368
 Nixon-Barzel meetings, 338
 Nixon-Kissinger communications,
 338
 United Nations, German membership
 in the, 375, 379
 U.S.-Soviet relations, 294, 346
 Vietnam, 350
 Dohananyi, Klaus von, 80, 81
 Downey, Arthur, 58, 93, 144, 279, 285,
 286, 288
 Dubridge, Lee A., 80, 81
 Dubs, Adolph, 8
 Duckwitz, Georg F., 7, 15, 50, 62, 79, 80,
 81, 83
 Dulles, John F., 87
- Eagleburger, Lawrence S., 4, 97
 East Germany. *See* German Democratic
 Republic.
 Eberle, William, D., 370
 Economic issues:
 Agriculture, 335
 Common Market, 78, 345
 Council for Mutual Economic
 Assistance, 19, 349
 European Economic Community, 71,
 354
 Kissinger-Barzel meetings, 115
 Kissinger-Schmidt meetings, 370
 Monetary stability, international, 14,
 16
 Nixon-Brandt meetings (proposed),
 334
 Poland, price increases and worker
 protests in, 147, 183
 Southeast Asia, future of, 23
 Trade issues/policies:
 Nixon-Brandt meetings, 335
 Nixon-Kiesinger meetings, 16
 Soviet-West German relations, 345
 Stans' trip to the Soviet Union,
 335
 Trade Expansion Act of 1962 (U.S.),
 140
 West-East German relations, 40, 49
 Treaty of Rome (1954), 71
 U.S.-West German relations, 22, 78
 West-East German relations, 40, 49,
 345
 Egypt, 335

- Ehmke, Horst, 44, 60, 146
 Four Power talks/negotiations on Berlin:
 East German position, 130
 Federal presence in Berlin, West German, 188
 Hillenbrand-Fessenden communications, 154
 Kissinger, meetings with, 151
 New York Times, coverage of, 120
 U.S., trip to (actual), 155
 U.S., trip to (proposed), 150
 Ostpolitik:
 Bahr's comments on U.S. views, 164
 Irwin, meetings with, 120
 Kissinger, meetings with, 151
 Kissinger-Strauss meetings, 124
 New York Times, coverage of, 151, 154, 161
 Rush's assessments, 92
 U.S., trip to (actual), 155
 U.S., trip to (proposed), 150
 Sonnenfeldt's trip to Europe, 128
 Eitel, Antonius, 107
 Eliot, Theodore L., 23, 35, 105, 112, 127, 145, 148, 224, 304, 309, 312, 318, 347, 357
 Ellsworth, Robert F., 97, 126
 England. *See* United Kingdom.
 Eppler, Erhard, 150
 Erhard, Ludwig, 1, 14
 European alliance/unity (*see also* Troop (U.S.) commitment in Europe *under* Military issues):
 Barzel's trip to the Soviet Union, 338
 Bilderberg Group, 215
 Conference on Security and Cooperation in Europe, 44, 336, 341, 349, 372
 Declaration of European Communist (1967), 18
 Economic Commission for Europe, 349
 European Economic Community, 71, 354
 Gromyko-Bahr meetings, 68
 Interdepartmental Group for Europe, 278, 383
 Kiesinger-Rush meetings, 22
 Kissinger-Gromyko meetings, 374
 Kissinger-Strauss meetings, 372
 Linkage between Berlin settlement and, 14, 246
 European alliance/unity—*Continued*
 Market expansion, 335
 Moscow summit (actual), 369
 National Security Council's assessments, 49, 109, 111
 Nixon-Brandt meetings, 81, 335, 336
 Nixon-Brandt meetings (proposed), 334
 Nixon-Gromyko meetings, 332
 Nixon-Kiesinger meetings, 14, 15, 16, 23
 Nixon-McCloy/Dewey/Clay/Acheson meetings, 140
 Nixon's trip to Europe, 127
 Ostpolitik, 69, 75
 Rogers' European trip, 45
 Sonnenfeldt's assessments, 345
 Sonnenfeldt's trip to Europe, 128
 Treaty of Accession to the European Communities, 343
 U.S. position, 110
 Ewing, Gordon A., 149
 Falin, Valentin, 138, 141, 146, 157, 214, 217, 226, 228, 234, 303
 Four Power talks/negotiations on Berlin (*see also* Rush-Bahr-Falin meetings *under* Four Power talks/negotiations on Berlin):
 Access/checkpoint issues, 210, 264, 266, 292
 Agreement (final), 329
 Agreement (tentative), 271, 274, 275, 277, 281
 Bahr, meetings with, 157
 Passport issues, 281
 Rush, communications with, 210
 Sonnenfeldt's assessments, 242
 Soviet presence in West Berlin, 270
 Strategic Arms Limitation Talks, 243
 Treaty of Moscow (1970), 345
 Treaty of Warsaw (1970), 345
 West-East German relations, 343
 Fazio, Jim, 168, 222
 Federal Convention. *See* Bundesversammlung *under* Berlin.
 Federal Republic of Germany (FRG) (*see also* Bahr, Egon; Berlin; Brandt, Willy; Four Power talks/negotiations on Berlin; Kiesinger, Kurt G.; Ostpolitik; Treaty of Moscow; Treaty of Warsaw), 1
 Elections (1969), 27

Federal Republic of Germany (FRG)—
Continued

- Elections (1970), 133, 135
- Elections (1971), 195
- Elections (1972) between Brandt and Barzel, 378, 380, 385
- Elections, Soviet intervention in, 41
- Finland, relations with, 383
- France, relations with, 16, 57, 355
- German Democratic Republic, relations with:
 - Allied probe on Berlin: a status report, 47
 - Bahr-Kohl (Michael) parallel negotiations, 371
 - Bilateral or Four Power talks, 25
 - Brandt, no-confidence motion submitted against, 357, 358
 - Economic issues, 40, 45, 49, 345
 - Embassy (U.S.) in Germany, assessments by, 31
 - Hillenbrand-Barzel meetings, 384
 - International organizations/status, 40, 41
 - Kissinger-Dobrynin meetings, 25
 - National Security Council's assessments, 341, 349, 355, 369
 - Nixon-Kiesinger meetings, 16
 - Rogers' European trip, 45
 - Rogers-Gromyko meetings, 25
 - Rush's assessments, 43
 - Sonnenfeldt's assessments, 343, 345, 371, 383
 - Soviet position, 24, 343
 - Trade issues/policies, 40, 49
 - Treaty between East and West Germany, 40, 383, 386, 387
 - United Nations, German membership in the, 369
 - West German position, 39, 40
- Greece, relations with, 40
- Nixon's election victory over George McGovern, 384
- Non-Proliferation Treaty, 35
- Renunciation-of-force agreements, 40
- Rush-Strauss meetings, 82
- Social Democratic Party/Free Democratic Party coalition, 82
- Social Democratic Party holding conference in Berlin, 148
- Soviet Union, relations with
 - Bahr's Moscow trip (actual), 55
 - Bahr's Moscow trip (proposed), 51

Federal Republic of Germany (FRG)—
Continued

- Soviet Union, relations with—
Continued
- Bilateral or Four Power talks, 43, 44
- Brandt upgrades negotiations with Soviets, 50
- Bundesversammlung in West Berlin, 7
- Elections (1972) between Brandt and Barzel, 378, 380
- Gromyko-Bahr meetings, 61, 68
- Kiesinger-Rush meetings, 22
- Kissinger-Bahr communications, 50
- Kissinger-Bahr meetings, 36
- Lodge's assessments, 1
- New York Times*, coverage of, 46
- Nixon-Brandt communications, 44
- Nixon-Brandt meetings, 335
- Nixon-Kissinger meetings, 23
- Rogers' European trip, 45
- Sonnenfeldt's assessments, 61
- Trade issues/policies, 40, 345
- Travel restrictions in Berlin, 7
- United Nations, membership in the:
 - Brandt-Kissinger meetings, 373
 - Brezhnev-Kissinger meetings, 373
 - Kissinger-Bahr meetings, 373
 - Kissinger-Dobrynin meetings, 375, 379
 - National Security Council's assessments, 340, 341, 355, 369
 - Rights/responsibilities, four power, 374
 - Sonnenfeldt's assessments, 371
 - Soviet position, 371
 - U.S. position, 371
- U.S., relations with, 15, 22, 23, 44, 45, 46, 78
- Voting rights of Berlin deputies in the Bundestag, 29, 30, 31, 36
- Fedorovich, Anatoliy, 375
- Fessenden, Russell, 14, 15, 16, 29, 41, 92, 93, 94, 168, 207, 213, 304, 306, 312
- Cash (Frank) replaces, 337
- Four Power talks/negotiations on Berlin:
 - Agreement (tentative), 315, 316
 - Hillenbrand, communications with, 154
 - New York Times*, coverage of, 120, 149
 - Rogers, communications with, 315

- Fessenden, Russell—*Continued*
- Four Power talks/negotiations on Berlin—*Continued*
 - Rush, communications with, 95, 315
 - Sahm, meetings with, 154
 - Soviet presence in West Berlin, 316
 - Oder-Neisse Line, 52
 - Ostpolitik, 46, 53
 - Assessments conveyed to
 - Hillenbrand, 51
 - Barzel's assessments, 103
 - Ehmke's trip to U.S. (proposed), 150
 - Hillenbrand, communications with, 154
 - Kissinger-Ehmke meetings, 151
 - New York Times*, coverage of, 149, 151, 154, 161
 - Sahm, meetings with, 154
 - Finland, 383
 - First Annual Report to the Congress on United States Foreign Policy for the 1970s*, 76, 128
 - Firyubin, Nikolai, 10
 - Flanigan, Peter, 337
 - Foster, William C., 14
 - Four Power talks/negotiations on Berlin:
 - Abrasimov's private negotiation channels:
 - Draft agreement, Soviet, 215
 - Kissinger-Dobrynin communication, 207
 - Kissinger-Dobrynin meetings, 208, 226
 - Kissinger-Rush communications, 207, 210, 211, 212, 214, 217, 221, 226, 227
 - Kissinger-Vorontsov meetings, 217
 - Nixon-Kissinger communications, 217
 - Acceptance of/agreement to have, 54, 65
 - Access/checkpoint issues, 185, 187
 - Ambassadorial meetings, May 17–18, 1971, 239
 - Ambassadorial meetings, August 10–12, 1971, 286
 - Ambassadorial meetings, August 16–18, 1971, 293, 295
 - Bahr-Falin communications, 210
 - Bahr-Falin meetings, 157
 - Four Power talks/negotiations on Berlin—*Continued*
 - Access/checkpoint issues—*Continued*
 - Comparing tentative agreement with Western draft proposal, 311, 314
 - Dean's assessments, 213
 - Decision Memorandum (NSC) 106, 216
 - Decision Memorandum (NSC) 125, 283, 285
 - Draft agreement, Soviet, 203, 215
 - Kissinger-Bahr meetings, 224
 - Kissinger-Barzel meetings, 219
 - Kissinger-Dobrynin meetings, 189, 194, 197, 208
 - Kissinger-Rush communications, 280, 282, 290
 - Kissinger-Sonnenfeldt communications, 188, 298
 - Nixon-Barzel meetings, 218
 - Rogers-Rush communications, 306
 - Rush-Bahr-Falin meetings, 264, 266
 - Soviet position, 292
 - U.S. position, 292
 - Agreement (final):
 - Ambassadorial meetings, September 3, 1971, 327
 - French position, 329
 - Kissinger-Bahr communications, 349
 - Kissinger-Dobrynin meetings, 368
 - Kissinger-Rush communications, 329
 - Linkage between treaty issues and Berlin settlement, 335
 - Nixon-Brandt communications, 329
 - Nixon-Gromyko meetings, 331, 332
 - Rush-Barzel meetings, 328
 - Rush-Dean communications, 329
 - Signing of the, 327, 368, 371
 - Soviet position, 349
 - Translation issues, 329
 - Agreement (tentative):
 - Acrimonious discussions between Soviet-British-French ambassadors, 291
 - Ambassadorial meetings, August 16–18, 1971, 296
 - Brandt's approval, 275, 313
 - Comparing tentative agreement with Western draft proposal, 303, 311, 314
 - Fessenden-Brower assessments, 316

- Four Power talks/negotiations on
Berlin—*Continued*
Agreement (tentative)—*Continued*
French position, 277
Kissinger-Bahr communications,
308
Kissinger-Dobrynin
communication, 300, 302,
321
Kissinger-Rogers communications,
304, 309, 319
Kissinger-Rush communications,
271, 281, 294, 299, 302, 308,
320
Kissinger-Sonnenfeldt
communications, 298, 326
Nixon-Kissinger communications,
310
Nixon-Rush meetings, 324, 325
Rogers' assessments, 322
Rogers-Dobrynin meetings, 321
Rogers-Fessenden-Brower
communications, 315
Rogers-Rush communications, 297,
301, 303, 306, 307, 312
Rush-Abrasimov-Falin-Kvitsinskiy
meetings, 281
Rush-Bahr-Falin meetings, 271, 274,
275, 277
Rush-Fessenden-Brower meetings,
315
Rush-Haig communications, 318
Soviet position, 323
Soviet presence in West Berlin, 271,
296
Textual review procedures, 322,
323, 325, 326
U.S. position, 322
Air corridors to Berlin closed, 121
Ambassadorial meetings:
September 18–19, 1970, 117
November 17–18, 1970, 137
December 11, 1970, 144
January 19, 1971, 170
February 9, 1971, 174
March 9, 1971, 193
March 27, 1971, 209
April 16, 1971, 222
May 7, 1971, 222
May 17–18, 1971, 239, 240, 242
May 25, 1971, 242
August 10–12, 1971, 284, 286, 287
August 16–18, 1971, 293, 295, 296
September 3, 1971, 327
- Four Power talks/negotiations on
Berlin—*Continued*
Backchannel discussions between
Kissinger/Rush/Bahr, 171, 172,
183, 187
Bahr-Falin meetings, 157
Bahr-Kohl (Michael) parallel
negotiations, 183
Hyland's assessments, 157
Kissinger-Rush communications,
210, 267
Rush-Barzel meetings, 179
Rush's assessments, 196
Sonnenfeldt's assessments, 170,
193, 222
Traffic issues, 157
Bahr leaking information, Nixon-
Kissinger discussion about, 243
Bahr's assessments, 67
Barzel's assessments, 69
Bonn/Berlin relationship, 284, 311
Brandt and Barzel, rift between, 188,
189
Brandt-Barzel meetings, 275
Brandt-Heath communications, 146,
153
Brandt-Rush meetings, 119
Brandt's agreement with Allied
approach, 229
Brandt's closed cabinet session, 96
Brandt's letter to the three other
powers, 62
Brandt's positive/enthusiastic
greeting by East German people,
66
Brandt-Stoph communications, 66, 70
Brandt-Stoph meetings (proposed), 63
Brandt's trip to U.S., 80
Brezhnev's speech, 220
Central Intelligence Agency's
assessments, 87, 146, 150
Christian Democratic
Union/Christian Social Union
meeting in Berlin, 137
Dean's assessments, 94, 213
Delaying the conclusion of an
agreement:
Kissinger-Hillenbrand
communications, 302
Kissinger-Mitchell meetings, 317
Kissinger-Rogers communications,
304, 309
Kissinger-Rush communications,
265, 267

- Four Power talks/negotiations on Berlin—*Continued*
- Delaying the conclusion of an agreement—*Continued*
 - Kissinger's explanation, 262
 - Nixon-Kissinger communications, 265, 309
 - Rogers-Rush meetings, 317
 - Rush-Haig communications, 266
 - Rush's illness, 326
 - U.S. position, 271
 - Draft agreement, Soviet:
 - Access/checkpoint issues, 203, 215
 - Ambassadorial meetings, April 16, 1971, 222
 - Bahr's revisions, 224, 230, 234, 235
 - British response, 222
 - Counterdraft to Western draft, 209
 - Federal presence in Berlin, West German, 201, 203, 215
 - French response, 222
 - Kissinger-Bahr communications, 215
 - Kissinger-Bahr meetings, 224
 - Kissinger-Dobrynin communication, 201
 - Kissinger-Dobrynin meetings, 204, 208, 215
 - Kissinger-Rush communications, 203, 204, 234
 - Polish support for, 222
 - Rogers-Rush communications, 210
 - Rush-Bahr-Falin meetings, 235
 - Rush's revisions, 204
 - Soviet presence in West Berlin, 201, 203
 - Traffic issues, 201, 230, 235
 - U.S. position, 227
 - Wording, compromise attempts on, 229
 - Draft agreement, Western, 170, 173, 174, 176
 - Barzel's objections, 189
 - Comparing tentative agreement with Western draft proposal, 303, 311, 314
 - Federal presence in Berlin, West German, 242
 - Kissinger-Dobrynin meetings, 180
 - Kissinger-Sonnenfeldt communications, 188
 - Revisions by Allied ambassadors, 242, 253
- Four Power talks/negotiations on Berlin—*Continued*
- Draft agreement, Western—*Continued*
 - Rush-Fazio meetings, 168
 - Soviet response, 188
 - East German position, 130
 - Ehmke's trip to U.S. (actual), 155
 - Ehmke's trip to U.S. (proposed), 150
 - European alliance/unity, 14, 246
 - Federal presence in Berlin, West German, 180
 - Ambassadorial meetings, August 10–12, 1971, 284, 286
 - Ambassadorial meetings, May 17–18, 1971, 239
 - Bahr's draft revisions, 230
 - Comparing tentative agreement with Western draft proposal, 311
 - Dean's assessments, 213
 - Decision Memorandum (NSC) 125, 283
 - Draft agreement, Soviet, 201, 203, 215
 - Draft agreement, Western, 174, 242
 - Kissinger-Bahr meetings, 224
 - Kissinger-Barzel meetings, 219
 - Kissinger-Dobrynin meetings, 183, 194, 197, 208, 211, 215, 253
 - Kissinger-Rush communications, 210, 267
 - Kissinger's assessments, 166
 - Kissinger-Sonnenfeldt communications, 184, 188
 - Nixon-Barzel meetings, 218
 - Nixon-Brandt meetings, 254
 - Rush-Bahr-Falin meetings, 243, 248, 249, 264, 265, 266
 - Study Memorandum (NSC) 136, 276
 - Fessenden-Sahm meetings, 154
 - Fessenden's assessments, 95
 - French position, 83, 242, 246
 - Gromyko-Bahr meetings, 59, 68, 70, 84
 - Gromyko-Beam meetings, 170
 - Gromyko-Seydoux de Clausonne meetings, 170
 - Hillenbrand-Bahr meetings, 107
 - Hillenbrand-Dobrynin meetings, 170
 - Hillenbrand-Fessenden communications, 154
 - Hyland's assessments, 109, 157

- Four Power talks/negotiations on
Berlin—*Continued*
- Kissinger-Bahr communications, 102, 168, 215, 249, 264, 265, 275, 308, 349
 - Kissinger-Bahr meetings, 224, 226, 227
 - Kissinger-Bahr meetings (proposed), 222
 - Kissinger-Barzel meetings, 115, 219
 - Kissinger-Birrenbach communications, 189
 - Kissinger-Dobrynin communication, 201, 207, 230, 300, 302, 321
 - Kissinger-Dobrynin meetings, 48, 152, 160, 165, 168, 178, 180, 183, 185, 189, 194, 197, 204, 208, 211, 215, 226, 228, 243, 252, 253, 262, 273, 368, 375, 379
 - Kissinger-Ehmke meetings, 151
 - Kissinger-Gromyko communications, 379
 - Kissinger-Gromyko meetings, 374
 - Kissinger-Hillenbrand communications, 302
 - Kissinger-Laird communications, 274
 - Kissinger-Mitchell meetings, 317
 - Kissinger-Rogers communications, 304, 309, 319
 - Kissinger-Rush communications, 180, 203, 204, 207, 210, 211, 212, 214, 217, 221, 226, 227, 228, 234, 243, 247, 248, 263, 265, 266, 267, 270, 271, 274, 277, 280, 281, 282, 290, 294, 299, 302, 308, 320, 329
 - Kissinger's assessments:
 - Brandt's slow pace, 158
 - Brandt-Stoph meetings (proposed), 63
 - Federal presence in Berlin, West German, 166
 - Linkage between Berlin settlement and other issues, 101
 - Nixon-Soviet leadership communication, 159, 160, 166
 - Review of policy, request for an official, 153
 - Kissinger-Schmidt meetings, 370
 - Kissinger-Sonnenfeldt communications, 102, 146, 184, 188, 256, 258, 298, 326
 - Kissinger-Strauss meetings, 124
- Four Power talks/negotiations on
Berlin—*Continued*
- Legal formula as to status:
 - Ambassadorial meetings, May 17-18, 1971, 239
 - Kissinger-Bahr meetings, 226
 - Kissinger-Dobrynin communications, 230
 - Kissinger-Dobrynin meetings, 228
 - Kissinger-Rush communications, 227, 228
 - Nixon-Kissinger communications, 228
 - Rush-Bahr-Falin meetings, 235
 - Linkage between Treaties of
Moscow/Warsaw and, 93, 101, 246, 332, 333, 335, 336, 350, 352, 354, 367, 368
 - National Security Council's assessments, 111, 126, 131, 136, 139, 216, 279
 - Decision Memorandum 106, 216, 225, 256, 260, 270, 298
 - Decision Memorandum 125, 283, 285
 - Senior Review Group, February 10, 1971, 177
 - Study Memorandum 111, 49, 153, 156, 175, 176
 - Study Memorandum 136, 276, 278
 - New York Times*, coverage of, 120, 149, 150
 - Nixon-Bahr communications, 236, 237, 238
 - Nixon-Barzel meetings, 218, 220
 - Nixon-Brandt communications, 64, 70, 127, 132, 153, 158, 329
 - Nixon-Brandt meetings, 254
 - Nixon-Dobrynin meetings, 160
 - Nixon-Gromyko meetings, 129, 132, 159, 331, 332
 - Nixon-Kissinger communications, 58, 62, 64, 65, 66, 73, 217, 228, 249, 265, 309, 310
 - Nixon-Kissinger meetings, 186, 245, 253
 - Nixon-McCloy/Dewey/Clay/Acheson meetings, 140
 - Nixon-Rush meetings, 324, 325, 327
 - Nixon-Soviet leadership communications, 159, 160, 166
 - Passport issues:
 - Ambassadorial meetings, August 16-18, 1971, 296

- Four Power talks/negotiations on
Berlin—*Continued*
- Passport issues—*Continued*
- Decision Memorandum (NSC) 125,
285
- Gromyko's objections, 277
- Kissinger-Rush communications,
290
- Rogers-Rush communications, 306
- Rush-Abrasimov-Falin-Kvitsinskiy
meetings, 281
- Pravda's* negative editorials on, 181
- Rights/responsibilities, four power:
- British position, 379, 381, 382
- French position, 379, 381, 382
- Hillenbrand-Barzel meetings, 384
- Kissinger-Dobrynin meetings, 375,
379
- Kissinger-Gromyko
communications, 379
- Kissinger-Gromyko meetings, 374
- Kissinger-Hyland communications,
382
- Sonnenfeldt-Haig communications,
376
- Sonnenfeldt's assessments, 371, 381
- Rogers' assessments, 73
- Rogers-Dobrynin meetings, 321
- Rogers-Fessenden communications,
315
- Rogers-Gromyko meetings, 129
- Rogers-Hillenbrand meetings, 118
- Rogers-Rush communications, 210,
288, 289, 297, 301, 303, 306, 307,
312
- Rush-Abrasimov meetings, 114, 251,
270, 281
- Rush-Bahr-Falin meetings:
- Access/checkpoint issues, 264, 266
- Agreement (tentative), 271, 274,
275, 277
- Draft agreement, Soviet, 235
- Draft of preamble, 261, 264
- Federal presence in Berlin, West
German, 264, 265, 266
- Gromyko's agreement with tactics,
266
- Kissinger-Bahr communications,
249, 264, 275
- Kissinger-Dobrynin meetings, 262
- Kissinger-Rush communications,
236, 237, 238, 243, 247, 248,
263, 265, 266, 270, 271, 274, 277
- Legal formula as to status, 235
- Four Power talks/negotiations on
Berlin—*Continued*
- Rush-Bahr-Falin meetings—*Continued*
- Rush-Fazio meetings, 168
- Soviet presence in West Berlin, 274
- Tactics for the wrap-up
ambassadorial meetings, 270
- Traffic issues, 264, 265, 266
- West-East German relations, 371
- Rush-Bahr meetings, 97, 141, 229
- Rush-Barzel meetings, 179, 220, 251,
328
- Rush-Dean communications, 329
- Rush-Falin meetings, 270, 281
- Rush-Fessenden meetings, 315
- Rush-Haig communications, 266, 318
- Rush-Hillenbrand communications,
210
- Rush-Kvitsinskiy meetings, 281
- Rush's assessments, 122, 196, 197,
198, 199, 250
- Scheel's assessments, 84
- Senat/East German talks, 193, 223
- Sonnenfeldt-Haig communications,
336
- Sonnenfeldt's assessments:
- Ambassadorial meetings, May 25,
1971, 242
- Bahr-Kohl (Michael) parallel
negotiations, 170, 193, 222
- Brandt's U.S. trip (proposed), 74
- Divergence of views from Western
powers, 83
- Kissinger-Bahr meetings
(proposed), 222
- Kissinger-Pauls meetings
(proposed), 146
- National Security Council's
assessments, 125, 256
- Rights/responsibilities, four power,
371, 381
- Soviet presence in West Berlin, 256,
258, 269
- Soviets' diplomatic activity, 170
- Status report, 88, 135
- Western position, need for a, 65
- Soviet offer for confidential meetings,
231
- Soviet presence in West Berlin:
- Agreement (tentative), 271, 296
- Ambassadorial meetings, August
10–12, 1971, 284, 286
- Ambassadorial meetings, August
16–18, 1971, 295, 296

- Four Power talks/negotiations on Berlin—*Continued*
 Soviet presence in West Berlin—*Continued*
 Bahr's draft revisions, 230
 Bonn Group, 199
 British position, 269, 272, 295
 Comparing tentative agreement with Western draft proposal, 311
 Decision Memorandum (NSC) 106, 216
 Decision Memorandum (NSC) 125, 285
 Decision Memorandum (NSC) 136, 278
 Draft agreement, Soviet, 201, 203
 Fessenden-Brower assessments, 316
 French position, 272, 295
 Kissinger-Bahr meetings, 257
 Kissinger-Dobrynin meetings, 252, 253
 Kissinger-Laird communications, 274
 Kissinger-Rogers communications, 274
 Kissinger-Rush communications, 280
 Kissinger-Sonnenfeldt communications, 256, 258
 Nixon-Brandt meetings, 254
 North Atlantic Council, 246
 Rush-Abrasimov-Falin-Kvitsinskiy meetings, 281
 Rush-Abrasimov meetings, 270
 Rush-Bahr-Falin meetings, 274
 Rush-Falin meetings, 270
 Rush's assessments, 198, 199, 250
 Rush's request for authorization to discuss topic, 272
 Senior Review Group (NSC), August 6, 1971, 279
 Sonnenfeldt's assessments, 269
 Study Memorandum (NSC) 136, 276, 278
 U.S. position, 199, 206, 260
 Soviets' diplomatic activity, 170
 Soviet-West German relations, 63
 Sutterlin's assessments, 191
 Traffic issues, 148, 157, 162, 182, 183
 Ambassadorial meetings, May 17–18, 1971, 239
 Dean's assessments, 213
- Four Power talks/negotiations on Berlin—*Continued*
 Traffic issues—*Continued*
 Rush-Bahr-Falin meetings, 248, 249, 264, 265, 266
 Rush-Hillenbrand communications, 210
 Rush's assessments, 196, 198
 France (*see also* Four Power talks/negotiations on Berlin; Pompidou, Georges), 7
 Agriculture, 335
 Berlin, 10, 47
 East Germany, relations with, 16, 57, 355, 383, 388
 European Alliance, 14, 246
 Four Power talks accepted, 54
 Kiesinger-Rush meetings, 22
 National Security Council's review of French-German relations, 57
 Nixon-Kiesinger meetings, 16, 23, 45
 West Germany, relations with, 16, 57, 355
 Frank, Paul, 96, 120, 146, 303
Frankfurter Rundschau, 251
 Freeman, John J., 135
- Gandhi, Indira, 23
 Geisel, Gen. Ernesto, 336
 Genscher, Hans-Dietrich, 92, 93, 150, 154
 German Democratic Republic (GDR) (*see also* Abrasimov, Pyotr A.; Berlin; Four Power talks/negotiations on Berlin; Ostpolitik), 1
 Christian Democratic Union/Christian Social Union meeting in Berlin, 137
 Economic Commission for Europe, 349
 Federal Republic of Germany, relations with:
 Allied probe on Berlin: a status report, 47
 Bahr-Kohl (Michael) parallel negotiations, 371
 Bilateral or Four Power talks, 25
 Brandt, no-confidence motion submitted against, 357, 358
 Economic issues, 40, 45, 49, 345
 Embassy (U.S.) in Germany, assessments by, 31

German Democratic Republic (GDR)—
Continued

- Federal Republic of Germany, relations with—*Continued*
- Hillenbrand-Barzel meetings, 384
- International organizations/status, 40, 41
- Kissinger-Dobrynin meetings, 25
- National Security Council's assessments, 341, 349, 355, 369
- Nixon-Kiesinger meetings, 16
- Rogers' European trip, 45
- Rogers-Gromyko meetings, 25
- Rush's assessments, 43
- Sonnenfeldt's assessments, 343, 345, 371, 383
- Soviet position, 24, 343
- Trade issues/policies, 40, 49
- Treaty between East and West Germany, 40, 383, 386, 387
- United Nations, membership in the, 369
- West German position, 39, 40
- Finland, relations with, 383
- France, relations with, 16, 57, 355, 383, 388
- India, relations with, 383
- Politburo, dispute within the, 60
- Social Democratic Party meeting in Berlin, 148
- Soviet Union, relations with (*see also* Four Power talks/negotiations on Berlin; Ostpolitik), 1, 36, 335
- U.K., relations with, 383, 388
- United Nations, membership in the:
 - Brandt-Kissinger meetings, 373
 - Brezhnev-Kissinger meetings, 373
 - Conference on the Human Environment, 349
 - Kissinger-Bahr meetings, 373
 - Kissinger-Dobrynin meetings, 375, 379
 - National Security Council's assessments, 369
 - Rights/responsibilities, four power, 374
 - Soviet position, 371
 - U.S. position, 371
- U.S., relations with, 371
 - Kissinger's assessments, 388
 - National Security Council's assessments, 340, 341, 355, 369
 - Rogers' assessments, 340

German Democratic Republic (GDR)—
Continued

- U.S., relations with—*Continued*
- United Nations, membership in the, 369
 - U.S. position, 340, 341
- Gerstenmaier, Eugen, 2
- Gierek, Edward, 147, 183
- Gomulka, Wladislaw, 145, 147
- Goodpaster, Gen. Andrew J., 34
- Gradl, Johann B., 69, 328, 329
- Greece, 40, 336
- Grewe, Wilhelm G., 128
- Gromyko, Andrei, 19, 242, 321
 - Bilateral or Four Power talks, 25
 - European alliance/unity, 68, 332, 338, 374
- Four Power talks/negotiations on Berlin:
 - Air corridors to Berlin closed, 121
 - Bahr, meetings with, 59, 68, 70, 84
 - Beam, meetings with, 170
 - Brandt's letter to three other powers, 62
 - Kissinger, communications with, 379
 - Kissinger, meetings with, 374
 - Linkage between Berlin settlement and treaty issues, 332, 333, 336
 - Nixon-Soviet leadership communications, 166
 - Passport issues, 277
 - Rights/responsibilities, four power, 374, 379
 - Rogers, meetings with, 25, 129
 - Rush-Bahr-Falin meetings, 263, 266
 - Seydoux, meetings with, 170
- Nixon, meetings with:
 - Four Power talks/negotiations on Berlin, 129, 132, 159, 331, 332
 - Nixon-Brandt communications, 132
 - Ostpolitik, 129
- Ostpolitik:
 - Bahr, meetings with, 74, 79, 85, 91
 - Brandt's trip to U.S., 79
 - Hillenbrand-Bahr meetings, 107
 - Kissinger-Bahr meetings, 108
 - Nixon, meetings with, 129
 - Treaty of Moscow (1970), 354
- Sixth Session of the Seventh Supreme Soviet in Moscow, speech on Berlin in, 21
- United Nations, German membership in the, 373, 379
- West-East German relations, 25

- Gromyko, Andrei—*Continued*
 West German-Soviet relations, 61, 68
 Guttenberg, Karl T.F., 89
- Haig, Alexander M., Jr., 6, 12, 18, 92, 97,
 126, 148, 162, 168, 230, 262, 304,
 312, 339
 Berlin, 32, 47, 54
 Brandt, no-confidence motion
 submitted against, 358
 East German-U.S. relations, 341
 Four Power talks/negotiations on
 Berlin, 58
 Agreement (tentative), 318
 Ambassadorial meetings, August
 10–12, 1971, 284
 Backchannel discussions between
 Kissinger/Rush/Bahr, 171
 Delaying the conclusion of an
 agreement, 265, 266, 267
 Rights/responsibilities, four power,
 376
 Rush, communications with, 318,
 326
 Sonnenfeldt, communications with,
 376
 Soviet offer for confidential
 meetings, 231
 Nixon-Brandt meetings, 335
 Ostpolitik, 55, 318, 345
 Renunciation-of-force agreements,
 56
 Strategic Arms Limitation Talks,
 233
 Voting rights of Berlin deputies in the
 Bundestag, 29
- Haldeman, H.R., 243, 302, 309, 317, 319,
 325, 337, 366, 378
 Hallstein, Walter, 128, 220, 383
 Halperin, David, 257
 Harkort, Günther, 50
 Harriman, W. Averell, 363
 Hassell, Kai-Uwe von, 7
 Healy, Denis, 335
 Hearst's (William R.) newspapers, 176,
 181
 Heath, Edward, 115, 145, 146, 153
 Heck, Bruno, 86, 179, 328, 329
 Heinemann, Gustav W., 17, 36, 368
 Helms, Richard, 6, 12, 138, 285, 355,
 373, 387
 Henderson, Nicholas, 382
 Heubl, Franz, 372
 Heubner, Lee, 255
- Hillenbrand, Martin J., 14, 15, 16, 20, 21,
 43, 70, 81, 95, 188, 206, 260, 288,
 304, 317, 348
 Ambassador to Federal Republic of
 Germany, appointment as, 337
 Bahr's U.S. visit (proposed),
 controversy over, 28
 Berlin, 34
 Bilateral or Four Power talks, 25
 East German-U.S. relations, 340, 355
 European alliance/unity, 49, 111
 Four Power talks/negotiations on
 Berlin:
 Ambassadorial meetings,
 November 17–18, 1970, 137
 Ambassadorial meetings, May
 17–18, 1971, 239, 240
 Bahr, meetings with, 107
 Barzel, meetings with, 384
 Brandt's trip to U.S., 80
 Central Intelligence Agency's
 assessments, 146
 Decision Memorandum (NSC) 106,
 216
 Delaying the conclusion of an
 agreement, 302
 Dobrynin, meetings with, 170
 Fessenden, communications with,
 154
 Kissinger, communications with,
 302
 Kissinger-Ehmke meetings, 151
 National Security Council's
 assessments, 175, 177, 278, 279
New York Times, coverage of, 149
 Rights/responsibilities, four power,
 376, 379, 382, 384
 Rogers, meetings with, 118
 Rush, communications with, 210
 Rush's assessments, 122
 Senior Review Group (NSC),
 August 6, 1971, 279
 Study Memorandum (NSC) 136,
 278
 Sutterlin's assessments, 191
 Traffic issues, 210
- French-German relations, 57
 Ostpolitik, 53
 Acheson's statements to the
Washington Post, 143
 Bahr, meetings with, 107
 Brandt's trip to U.S., 79
 Christian Democratic Union's
 concerns, 72

- Hillenbrand, Martin J.—*Continued*
 Ostpolitik—*Continued*
 Fessenden, communications with, 154
 Fessenden's assessments, 51
 Kissinger-Ehmke meetings, 151
 Kissinger-Sonnenfeldt communications, 146
 National Security Council's assessments, 126
 New York Times, coverage of, 149
 Poland, 79, 147, 183
 Treaty of Moscow (1970), 107, 343, 362, 367
 Treaty of Warsaw (1970), 362
 United Nations, German membership in the, 371
 Vietnam, 367
 West-East German relations, 384
- Hirschfeld, Thomas J., 111
 Hitler-Stalin Pact (1939), 1
 Holzapfel, Hans, 14, 15, 16
 Honecker, Erich, 7, 60, 222, 232, 335, 345
 Hot line between Washington and Bonn, 23, 44
 Hughes, Gen. James D., 228, 273
 Hughes, Thomas L., 9
 Hungary, 45
 Hupka, Herbert, 343
 Hyland, William G., 18, 26, 35, 74, 106, 107, 111, 174, 279
 European alliance/unity, 109
 Four Power talks/negotiations on Berlin, 114
 Ambassadorial meetings, September 18–19, 1970, 117
 Assessments conveyed to Kissinger, 109, 157
 Bahr-Kohl (Michael) parallel negotiations, 157
 Nixon-Soviet leadership communications, 159
 Rights/responsibilities, four power, 382
 Ostpolitik, 109, 124
 Troop (U.S.) commitment in Europe, 109
- India, 23, 335, 383
 Indonesia, 336
 International Olympic Committee (IOC), 40
 Irwin, John, 120, 126, 147, 177, 276, 297, 304, 333
- Israel (*see also* Middle East), 164, 335
 Italy, 372
Izvestia, 138, 353
- Jackling, Roger W., 67, 272, 287, 291, 292, 329
 Japan, 23
 Jedrychowski, Stefan, 137
 Johnpoll, Alexander C., 3, 20
 Johnson, Lyndon B., 14, 23, 69
 Johnson, U. Alexis, 34, 111, 118, 312, 355
 Joint Chiefs of Staff (JCS), 6, 12
 Jurich, Anthony, 80, 81
- Karamessines, Thomas H., 146, 147
 Kennedy, David M., 15, 126
 Kennedy, Paul A., 16
 Kennedy, Col. Richard T., 111, 126, 146, 150, 279, 337, 341
 Kevorkov, Venacheslav, 138
 Khrushchev, Nikita, 87, 138
 Kiesinger, Kurt G., 69, 115
 Berlin, 1
 Bundesversammlung, 4, 13, 15
 Dean-Barzel meetings, 116
 Lodge, meetings with, 1
 Nixon, meetings with:
 Bundesversammlung, 15
 China, 23
 Czechoslovakia, Soviet invasion of, 16
 East-West relations, 16
 Elections (1969), West German, 23
 European alliance/unity, 14, 15, 16, 22, 23
 French-German relations, 16
 Hot line between Washington and Bonn, 23
 Liberalization process, Soviets and the, 16
 Mediterranean, Soviet presence in the, 16
 Middle East, 16
 Monetary stability, international, 14, 16
 Non-Proliferation Treaty, 14
 North Atlantic Treaty Organization, 15, 16
 Oder-Neisse Line, 23
 Reunification, German, 16
 Romania, 23
 Strategic Arms Limitation Talks, 16, 22, 23
 Trade issues/policies, 16

- Kiesinger, Kurt G.—*Continued*
 Nixon, meetings with—*Continued*
 Troop (U.S.) commitment in
 Europe, 16
 U.S.-Soviet relations, 23
 U.S.-West German relations, 15, 23
 Vietnam, 23
 West German-Soviet relations, 22,
 23
 Non-Proliferation Treaty (NPT), 14
 North Atlantic Treaty Organization,
 15, 16
 Ostpolitik, 170
 Rush, meetings with, 22
 Sonnenfeldt's trip to Europe, 128
 Tsarapkin, meetings with, 13
 Vietnam, 23
 Voting rights of Berlin deputies in the
 Bundestag, 29
- Kissinger, Henry A., 46, 79, 80, 105, 106,
 113, 118, 127, 145, 148, 219, 330,
 338, 339, 351, 381
 Bahr's U.S. visit (proposed),
 controversy over, 28
- Berlin:
 Access/checkpoint issues, 33
 Allied probe on Berlin: a status
 report, 47
 Contingency planning, review of,
 34
 Dobrynin, meetings with, 17
 Helms, communications with, 12
 Laird, communications with, 12
 Military traffic (U.S.) over the
 Autobahn to and from West
 Berlin, 12
 National Security Council's
 assessments, 18
 Nixon, communications with, 26,
 42
 Nixon-Dobrynin meetings, 11
 Nixon's trip to West Berlin, 17
 Rogers, communications with, 12
 Rogers' assessments, 42
 Soviet response to Western proposal
 of December 16, 1969, 54
 State Department (U.S.) and White
 House, confusion between, 32
 Bilateral or Four Power talks, 25, 37
 Brandt, meetings with, 257, 373
 Brandt, no-confidence motion
 submitted against, 357, 358
 Brandt elected as Chancellor, 38, 39
 Brandt's review of global affairs, 255
- Kissinger, Henry A.—*Continued*
 Brandt's throat cancer, 387
 Brezhnev, meetings with:
 Middle East, 373
 Moscow summit (proposed), 356
 Strategic Arms Limitation Talks,
 356
 Treaty of Moscow (1970), 356
 United Nations, German
 membership in the, 373
 Vietnam, 356, 373
 Bundesversammlung in West
 Berlin:
 Change location, accused of trying
 to, 2, 5
 Dobrynin, communications with, 11
 Dobrynin, meetings with, 48
 National Security Council's
 assessments, 6, 7
 Nixon, communications with, 4, 7
 Rogers, communications with, 4, 5
 Rogers' assessments, 4
 Rogers-Dobrynin meetings, 8, 13
 Sonnenfeldt's assessments, 9
 Soviet-West German relations, 7
 Tsarapkin, communications with,
 13
 Chinese-U.S. relations, 334
 Christian Democratic
 Union/Christian Social Union
 meeting in Berlin, 137
 Coalition policies, new West German,
 35
 Conference on Security and
 Cooperation in Europe, 372
 East German-U.S. relations, 340, 341,
 355, 388
 Economic issues, 370
 Elections (1969), West German, 27
 Elections (1971), West German, 195
 European alliance/unity, 109, 111,
 372, 374
 Four Power talks/negotiations on
 Berlin:
 Abrasimov's private negotiation
 channels, 207, 208, 210, 211,
 212, 214, 217, 221, 226, 227
 Access/checkpoint issues, 185, 188,
 189, 194, 197, 208, 219, 224,
 280, 282, 290, 292, 298
 Acrimonious discussions between
 Soviet-British-French
 ambassadors, 291
 Agreement (final), 329, 349, 368

Kissinger, Henry A.—*Continued*

- Four Power talks/negotiations on Berlin—*Continued*
 - Agreement (tentative), 271, 274, 275, 277, 281, 294, 298, 299, 300, 302, 304, 308, 309, 310, 319, 320, 321, 322, 324, 325, 326
 - Air corridors to Berlin closed, 121
 - Ambassadorial meetings, November 17–18, 1970, 137
 - Ambassadorial meetings, January 19, 1971, 170
 - Ambassadorial meetings, February 9, 1971, 174
 - Ambassadorial meetings, March 27, 1971, 209
 - Ambassadorial meetings, May 7, 1971, 222
 - Ambassadorial meetings, August 10–12, 1971, 284, 287
 - Assessments conveyed to Nixon, 63, 66, 101, 153, 158
 - Backchannel discussions between Kissinger/Rush/Bahr, 171, 172, 183, 187
 - Bahr, communications with, 102, 168, 215, 249, 264, 265, 275, 308, 349
 - Bahr, meetings with, 224, 226, 247
 - Bahr, meetings with (proposed), 222
 - Bahr-Kohl (Michael) parallel negotiations, 210, 267
 - Bahr leaking information, 243
 - Barzel, meetings with, 115, 219
 - Berlin, 63
 - Birrenbach, communications with, 189
 - Brandt and Barzel, rift between, 189
 - Brandt's closed cabinet session, 96
 - Brandt's letter to three other powers, 62
 - Brandt-Stoph talks (proposed), 63
 - Comparing tentative agreement with Western draft proposal, 311, 314
 - Decision Memorandum (NSC) 106, 216, 225
 - Decision Memorandum (NSC) 125, 283, 285
 - Delaying the conclusion of an agreement, 262, 265, 267, 302, 304, 309, 317

Kissinger, Henry A.—*Continued*

- Four Power talks/negotiations on Berlin—*Continued*
 - Dobrynin, communications with, 201, 207, 230, 300, 302, 321
 - Dobrynin, meetings with, 48, 152, 160, 165, 168, 178, 180, 183, 185, 189, 194, 197, 204, 208, 211, 215, 226, 228, 243, 252, 253, 262, 273, 375, 379
 - Draft agreement, Soviet, 201, 203, 204, 208, 210, 215, 224, 234, 235
 - Draft agreement, Western, 170, 180, 188, 189
 - Draft of preamble, 261
 - Ehmke, meetings with, 151
 - Federal presence in Berlin, West German, 174, 180, 183, 184, 188, 194, 197, 208, 210, 211, 215, 219, 224, 253, 267
 - Gromyko, communications with, 379
 - Gromyko, meetings with, 374
 - Hillenbrand, communications with, 302
 - Hyland's assessments, 109, 157
 - Laird, communications with, 274
 - Legal formula as to status, 226, 227, 228, 230
 - Linkage between Berlin settlement and treaty issues, 93, 332, 333
 - Mitchell, meetings with, 317
 - National Security Council's assessments, 131, 136, 139, 156, 175, 177, 216, 225, 278, 279, 283, 285
 - New York Times*, coverage of, 149
 - Nixon, communications with, 58, 62, 64, 65, 66, 73, 217, 228, 249, 265, 309, 310
 - Nixon, meetings with, 186, 243, 245, 253
 - Nixon-Bahr communications, 236, 237, 238
 - Nixon-Barzel meetings, 218
 - Nixon-Brandt communications, 153
 - Nixon-Brandt meetings, 254
 - Nixon-Gromyko meetings, 129
 - Nixon-Rush meetings, 324, 325
 - Nixon-Soviet leadership communications, 159, 160, 166
 - Nixon's reply to Brandt's letter to the three other powers, 64
 - Passport issues, 281, 290

- Kissinger, Henry A.—*Continued*
 Four Power talks/negotiations on
 Berlin—*Continued*
 Pauls, meetings with (proposed),
 146
 Polish-West German relations (*see*
also Treaty of Warsaw below),
 63
 Rights/responsibilities, four power,
 374, 375, 379, 381, 382
 Rogers, communications with, 274,
 304, 309, 319
 Rogers' assessments, 73
 Rogers-Gromyko meetings, 129
 Rush, communications with, 180,
 203, 204, 207, 210, 211, 212,
 214, 217, 221, 227, 228, 234,
 236, 237, 243, 248, 263, 265,
 266, 267, 270, 271, 274, 277,
 280, 281, 282, 290, 294, 299,
 302, 308, 320, 329
 Rush-Bahr-Falin meetings, 236, 237,
 238, 243, 247, 248, 249, 262,
 263, 264, 265, 266, 270, 271,
 274, 275, 277
 Rush-Haig communications, 266
 Rush's assessments, 196, 198
 Schmidt, meetings with, 370
 Senior Review Group (NSC),
 February 10, 1971, 177
 Senior Review Group (NSC),
 August 6, 1971, 279
 Sonnenfeldt, communications with,
 102, 146, 184, 188, 298, 326
 Sonnenfeldt's assessments, 65, 74,
 83, 88, 125, 135, 146, 170, 193,
 222, 242, 248, 256, 269, 371, 381
 Soviet offer for confidential
 meetings, 231
 Soviet presence in West Berlin, 252,
 253, 256, 257, 258, 269, 274, 280
 Soviet-West German relations, 63
 Strategic Arms Limitation Talks,
 159
 Strauss, meetings with, 124
 Study Memorandum (NSC) 136,
 278
 Sutterlin's assessments, 191
 Traffic issues, 162, 182, 183
 Vorontsov, meetings with, 217
 West German-East German
 relations, 63
 French-German relations, 57
 Korea, 6
- Kissinger, Henry A.—*Continued*
 Middle East, 372
 Nixon, meetings with, 186, 243, 245,
 253
 Nixon-Brandt meetings, 81
 Nixon-Pauls meetings, 5
 Non-Proliferation Treaty, 17, 36
 North Atlantic Treaty Organization,
 36, 100
 Oder-Neisse Line, 52, 63, 74
 Ostpolitik (*see also Treaty listings*
below):
 Acheson's statements to the
Washington Post, 143, 146
 Assessments conveyed to Nixon,
 101
 Bahr, communications with, 85, 102
 Bahr, meetings with, 76, 108
 Bahr, meetings with (proposed), 222
 Bahr's assessments, 134
 Barzel, meetings with, 115
 Brandt-Stoph communications, 74,
 96
 Central Intelligence Agency's
 assessments, 146
 Common Market, 78
 Ehmke, meetings with, 151
 Ehmke's trip to U.S. (proposed),
 150
 Ellsworth's assessments, 97
 Gromyko-Bahr meetings, 74
 Hyland's assessments, 109
 McCloy, meetings with, 133
 National Security Council's
 assessments, 111, 126, 131, 136
New York Times, coverage of, 149
 Nixon, communications with, 71,
 78, 140
 Nixon-Barzel meetings, 218
 Nixon-Brandt communications, 112
 Nixon-Brandt meetings (proposed),
 77
 Nixon-Scheel meetings (proposed),
 99, 100
 Nixon-Schroeder meetings, 125
 North Atlantic Treaty Organization,
 100
 Offset and budget support, 78
 Poland, price increases and worker
 protests in, 147
 Sonnenfeldt, communications with,
 102, 146
 Sonnenfeldt's assessments, 55, 71,
 75, 88, 125, 150

Kissinger, Henry A.—*Continued*Ostpolitik—*Continued*

- Sonnenfeldt's European trip, 89
- Strauss, communications with, 102
- Strauss, meetings with, 124, 146
- Renunciation-of-force agreements, 56
- Romania, trip to, 23
- Schmidt, meetings with, 370
- Sonnenfeldt's trip to Europe, 89, 128
- Soviet-U.S. relations (*see also*
 - Brezhnev, meetings with *above*), 37, 152
 - Bahr, communications with, 330
 - Brandt-Brezhnev meetings, 330, 331
 - Moscow summit (proposed), 273, 294, 346, 368
 - Nixon-Brandt meetings (proposed), 334
 - Nixon-Dobrynin meetings, 37
 - Rush, communications with, 280
- Soviet-West German relations, 36, 44, 50, 68
- Strategic Arms Limitation Talks, 159
 - Bahr, meetings with, 108
 - National Security Council's assessments, 111
 - Nixon, communications with, 78
 - Nixon, meetings with, 243
 - Nixon-Dobrynin meetings, 37, 228
 - Nixon-Kiesinger meetings, 23
 - Nixon-Scheel meetings (proposed), 100
 - Rush, communications with, 241
- Treaty of Moscow (1970), 104
 - Bahr, communications with, 330, 352
 - Bahr, meetings with, 348, 353
 - Bahr, meetings with (proposed), 345
 - Bahr-Lednev meetings, 353
 - Barzel, meetings with, 115, 219
 - Barzel's request for U.S. assistance, 359, 363
 - Brezhnev, meetings with, 356
 - Bundesrat in West Germany votes against, 345
 - Dobrynin, communications with, 367
 - Dobrynin, meetings with, 350, 360, 368
 - Haig, communications with, 318
 - Nixon, communications with, 113, 338, 352
 - Nixon, meetings with, 354, 368

Kissinger, Henry A.—*Continued*Treaty of Moscow (1970)—*Continued*

- Opposition leaders drop objections to, 368
- Pauls, meetings with, 365
- Ratification, final, 368
- Rush, communications with, 366
- Schmidt, meetings with, 370
- Sonnenfeldt, communications with, 102, 103, 146, 347
- Sonnenfeldt's assessments, 345, 354
- Strauss, meetings with, 124, 146
- Vietnam linked to, 350, 354, 367, 368
- Treaty of Warsaw (1970), 137, 163, 339
 - Bahr, communications with, 352
 - Bahr, meetings with, 348, 353
 - Bahr, meetings with (proposed), 345
 - Barzel, meetings with, 115, 219
 - Barzel's request for U.S. assistance, 359, 363
 - Dobrynin, communications with, 367
 - Dobrynin, meetings with, 360, 368
 - Lednev, meetings with, 353
 - Nixon, communications with, 338, 352
 - Nixon, meetings with, 354, 368
 - Opposition leaders drop objections to, 368
 - Ratification, final, 368
 - Rush, communications with, 366
 - Sonnenfeldt, communications with, 347
 - Sonnenfeldt's assessments, 354
 - Vietnam linked to, 350, 354, 367, 368
- Troop (U.S.) commitment in Europe, 36, 78, 108
- Ulbricht's resignation, 232
- United Nations, German membership in the, 371, 373, 375, 379
- Vietnam, 350, 352, 354, 356, 365, 370, 373
- Voting rights of Berlin deputies in the Bundestag, 29, 31, 36
- West-East German relations, 25, 343, 383, 386
- Klein, David, 114, 207, 212, 213, 293, 295, 301, 323, 327
- Klosson, Michael, 24
- Knowles, Richard T., 279

- Kohl, Michael (*see also* Bahr-Kohl (Michael) parallel negotiations *under* Four Power talks/negotiations on Berlin), 115, 344, 358, 371
- Konnerer, Hermann, 115
- Korea, 6
- Kornienko, Georgi M., 10
- Kosygin Alexei N., 89, 105, 170, 331, 335
Berlin, 19
Ostpolitik, 108, 113, 146, 181
- Kozyrev, Semen P., 21, 47, 54
- Kraemer, Fritz, 13, 170
- Kreisky, Bruno, 372
- Kusterer, Hermann, 23
- Kuznetsov, Vasili V., 19
- Kvitsinskiy, Yuli A., 207, 261, 263, 267, 272, 281, 295, 323, 329
- Lahn, Lothar, 79
- Lahusen, Carl, 80, 81
- Laird, Melvin R., 6, 12, 45, 80, 81, 337
Four Power talks/negotiations on Berlin, 126, 149, 225, 274, 285
Ostpolitik, 30, 149, 161
- Laos, 171
- Leber, Georg, 150, 370
- Lednev, Valery, 138, 353, 354
- Lee, Vice Adm. John M., 111
- Legislation, U.S.:
Mansfield Resolution, 240
Trade Expansion Act of 1962, 140
- Lesh, Donald R., 7, 12
- Liechtenstein, 107
- Lincoln, George A., 6, 57, 126
- Livingston, Robert G., 345, 370, 371
- Lodge, Henry C., 1, 2, 3
- Lord, Winston, 115, 127, 132, 385
- Luebke, Heinrich, 17
- Lustig, René, 329
- Mansfield, Michael, 16, 240
- Marx, Werner, 328, 329
- McCloskey, Robert, 368
- McCloy, John J., 133, 140, 149, 319, 338, 363
- McConnell, Gen. John P., 6
- McDonough, Col. Joseph C., 6
- McGovern, George, 370, 384
- McManis, Dave, 43, 68, 168
- Mediterranean, Soviet presence in the, 16
- Mendershausen, Horst, 213
- Messmer, Pierre, 370
- Meyer, Cord, Jr., 150
- Middelmann, Helmut, 79
- Middle East, 6, 115, 171
Brandt-Brezhnev meetings, 335
Brezhnev-Kissinger meetings, 373
Kissinger-Strauss meetings, 372
Nixon-Brandt meetings, 335
Nixon-Kiesinger meetings, 16
- Military issues (*see also* Non-Proliferation Treaty; North Atlantic Treaty Organization; Treaty of Moscow; Treaty of Warsaw):
Air corridors to Berlin closed, 121
Ballistic missiles, 23, 360
Greece, West Germany building submarines for, 40
Military traffic (US) over the Autobahn to and from West Berlin, 12
Nixon Doctrine, 128
Renunciation-of-force agreements, 39, 137
Brandt's closed cabinet session, 96
Brandt upgrades negotiations with Soviets, 50
Christian Democratic Union's attempts to unseat Brandt, 86
Declaration of European Communist (1967), 18
Kissinger-Bahr communications, 56
Nixon-Brandt communications, 44
Rush-Bahr meetings, 97
Rush's assessments, 43
Sonnenfeldt's European trip, 89
Treaty, Brandt and Kosygin sign a, 113
West German position, 40
- Troop (U.S.) commitment in Europe:
Dean's assessments, 94
Hyland's assessments, 109
Kissinger-Bahr meetings, 108
Mansfield Resolution, 240
Mutual and balanced force reductions, 16, 78, 109, 110, 240, 331, 335, 336, 337
National Security Council's assessments, 36, 111, 126
Nixon-Brandt meetings, 335
Nixon-Kiesinger meetings, 16
Nixon-Kissinger communications, 78
Nixon-Rush meetings, 337
Rush-Strauss meetings, 82
Sonnenfeldt's trip to Europe, 128

- Mills, Wilbur D., 140
 Mischnick, Wolfgang, 358
 Mitchell, John N., 111, 168, 171, 317, 329, 337
 Mitchell, Martha, 329
 Mitterrand, Francois, 372
 Moersch, Karl, 154
 Moorer, Adm. Thomas H., 111, 126, 285
 Morris, Brewster H., 2, 122, 191, 260
 Morse, John, 111
 Mosbacher, Emil, Jr., 5, 79, 254
 Muromcew, Cyril, 214
 Muskie, Edmund S., 146, 150
- National Security Council (NSC):
 Action Memorandums:
 109, 34
 Berlin, 18, 34
 Bundesversammlung in West Berlin, 6, 7
 Decision Memorandums:
 91, 131, 136, 146, 150, 156, 175, 176, 303
 106, 216, 225, 256, 260, 270, 298, 303, 304, 306, 315, 316
 125, 283, 285, 315, 316
 136, 278
 East German-U.S. relations, 340, 341, 355, 369
 European alliance/unity, 49, 109, 111
 Four Power talks/negotiations on Berlin, 111, 125, 126, 131, 136, 139, 176, 216, 279
 Decision Memorandum 106, 216, 225, 256, 260, 270, 298
 Decision Memorandum 125, 283, 285
 Decision Memorandum 136, 278
 Senior Review Group, February 10, 1971, 177
 Senior Review Group, August 6, 1971, 279
 Study Memorandum 111, 49, 153, 156, 175, 176
 Study Memorandum 136, 276, 278
 French-German relations, 57, 355
 Meetings:
 February 4, 1969, 6
 Interdepartmental Group on Europe, 278, 355, 383
 Senior Review Group, 386
 Senior Review Group, February 10, 1971, 176, 177, 191
- National Security Council (NSC)—
Continued
 Meetings—*Continued*
 Senior Review Group, April 5, 1971, 216
 Senior Review Group, August 6, 1971, 279, 283
 Senior Review Group, April 26, 1972, 355
 Senior Review Group, September 25, 1972, 383
 Non-Proliferation Treaty, 6, 18
 North Atlantic Treaty Organization, 36, 89, 126
 Ostpolitik, 45, 49, 71, 111, 125, 126, 131, 136, 139, 156
 Rogers' European trip, 45
 Strategic Arms Limitation Talks, 111, 176
 Study Memorandums:
 83, 49, 109, 111, 126
 84, 36, 89
 111, 49, 153, 156, 175, 176, 191
 136, 276, 278
 146, 340, 341, 355, 383
 Troop (U.S.) commitment in Europe, 36, 111, 126
 Vietnam, 366
 Voting rights of Berlin deputies in the Bundestag, 29
 West-East German relations, 341, 349, 355, 369
- Nelson, James C., 79
 Neo-Nazi activities, 196, 243
 Netherlands, 336
Neues Deutschland, 7, 329
 Newlin, William, 80, 81
New York Times, 46, 120, 149, 150, 151, 154, 161, 358
 Nguyen Van Thieu, 23
 Nine-Power Conference (1954), 68
 Nixon, Richard M., 269, 300
 Bahr's U.S. visit (proposed), controversy over, 28
 Barzel, meetings with:
 Four Power talks/negotiations on Berlin, 218, 220
 Ostpolitik, 218, 220
 Rush-Barzel meetings, 220
 Treaty of Moscow (1970), 338
 Treaty of Warsaw (1970), 338
 Berlin:
 Access/checkpoint issues, 33
 Dobrynin, meetings with, 11

- Nixon, Richard M.—*Continued*
 Berlin—*Continued*
 Kissinger, communications with,
 26, 42
 Kosygin, communications with,
 19
 Military traffic (US) over the
 Autobahn to and from West
 Berlin, 12
 Rogers' assessments, 42
 Trip to West Berlin, 17
 Bilateral or Four Power talks, 37
 Brandt, communications with:
 Brandt-Brezhnev meetings, 331
 Chinese-U.S. relations, 331
 Conference on Security and
 Cooperation in Europe, 44
 European trip, Nixon's, 127
 Four Power talks/negotiations on
 Berlin, 64, 70, 127, 132, 153,
 158, 329
 Gromyko, communications with,
 132
 Ostpolitik, 112
 Renunciation-of-force agreements,
 44
 Soviet-West German relations, 44
 Strategic Arms Limitation Talks,
 38
 Treaty of Moscow (1970), 104, 105,
 127, 331
 Treaty of Warsaw (1970), 145, 146,
 153, 158
 Brandt, meetings with:
 Argentina, 336
 Brazil, 336
 Chinese-U.S. relations, 331, 336
 Cuba, 336
 European alliance/unity, 81, 335,
 336
 Four Power talks/negotiations on
 Berlin, 254
 Global affairs, Brandt's review of,
 255
 Middle East, 335
 Mutual and balanced force
 reductions in Europe, 335,
 337
 North Atlantic Treaty Organization,
 39, 331, 335
 Ostpolitik, 81, 254
 Poland, 145, 153
 Soviet-East German relations,
 335
- Nixon, Richard M.—*Continued*
 Brandt, meetings with—*Continued*
 Soviet-U.S. relations, 335
 Soviet-West German relations,
 335
 Strategic Arms Limitation Talks, 81,
 336
 Trade issues/policies, 335
 Treaty of Moscow (1970), 335, 336,
 337
 Treaty of Warsaw (1970), 336, 337
 Vietnam, 336
 Brandt, no-confidence motion
 submitted against, 357, 358
 Brandt elected as Chancellor, 38, 39
 Brandt's throat cancer, 387
 Bundesversammlung in West Berlin:
 Kissinger, meetings with, 15
 Kissinger, communications with, 4,
 7
 National Security Council's
 assessments, 6, 7
 Pauls, meetings with, 5
 Rogers' assessments, 4
 Rogers-Dobrynin meetings, 8
 Sonnenfeldt's assessments, 9
 Soviet-West German relations, 7
 Travel restrictions to West Berlin,
 East German, 7
 West German position, 13
 Chinese-U.S. relations, 334, 336
 Christian Democratic Union, 90
 Dobrynin, meetings with:
 Four Power talks/negotiations on
 Berlin, 160
 Non-Proliferation Treaty, 11
 Soviet-U.S. relations, 37
 Strategic Arms Limitation Talks, 37
 Vietnam, 37
 East German-U.S. relations, 369, 388
 Economic issues, 334, 335, 370
 Elections (1969), West German, 27
 Elections (1971), West German, 195
 Election victory over George
 McGovern, 384
 Europe, trip to, 127, 128
 European alliance/unity, 15, 16, 23,
 45, 81, 140, 332, 334, 335, 336
 Four Power talks/negotiations on
 Berlin:
 Abrasimov's private negotiation
 channels, 207, 217
 Agreement (final), 329, 331, 332,
 368

- Nixon, Richard M.—*Continued*
 Four Power talks/negotiations on
 Berlin—*Continued*
 Agreement (tentative), 294, 310,
 322, 324, 325
 Bahr, communications with, 236,
 237, 238
 Bahr leaking information, 243
 Brandt, communications with, 70,
 127, 132, 153, 158, 329
 Brandt's closed cabinet session,
 96
 Brandt's letter to the three other
 powers, 62, 64
 Brandt-Stoph communications, 66
 Decision Memorandum (NSC) 125,
 283
 Delaying the conclusion of an
 agreement, 265, 309
 Dobrynin, meetings with, 160
 Federal presence in Berlin, West
 German, 218, 254
 Kissinger, communications with,
 58, 62, 64, 65, 66, 73, 217, 228,
 249, 265, 309, 310
 Kissinger, meetings with, 186, 245,
 253
 Kissinger-Bahr meetings, 257
 Kissinger-Dobrynin meetings, 183
 Kissinger's assessments, 63, 101,
 153, 158, 166
 Legal formula as to status, 228
 Linkage between Berlin settlement
 and treaty issues, 336
 McCloy/Dewey/Clay/Acheson,
 meetings with, 140
 National Security Council's
 assessments, 126, 283
 Reply to Brandt's letter to three
 other powers, 64
 Rogers' assessments, 73
 Rush, meetings with, 324, 325,
 327
 Sonnenfeldt's assessments, 65, 74,
 88, 125
 Soviet leadership, communications
 with, 159, 160, 166
 Soviet offer for confidential
 meetings, 231
 Soviet presence in West Berlin, 254,
 272
 French-German relations, 57
 Gromyko, meetings with:
 European alliance/unity, 332
- Nixon, Richard M.—*Continued*
 Gromyko, meetings with—*Continued*
 Four Power talks/negotiations on
 Berlin, 129, 132, 159, 331, 332
 Ostpolitik, 129
 Kiesinger, meetings with:
 Bundesversammlung in West
 Berlin, 15
 China, 23
 Czechoslovakia, Soviet invasion of,
 16
 East-West relations, 16
 Elections (1969), West German,
 23
 European alliance/unity, 14, 15, 16,
 23
 French-German relations, 16
 Hot line between Washington and
 Bonn, 23
 Liberalization process, Soviets and
 the, 16
 Mediterranean, Soviet presence in
 the, 16
 Middle East, 16
 Monetary stability, international,
 14, 16
 Non-Proliferation Treaty, 14
 North Atlantic Treaty Organization,
 15, 16
 Oder-Neisse Line, 23
 Reunification, German, 16
 Romania, 23
 Soviet-U.S. relations, 23
 Soviet-West German relations, 23
 Strategic Arms Limitation Talks, 16,
 23
 Trade issues/policies, 16
 Troop (U.S.) commitment in
 Europe, 16
 Vietnam, 23
 West German-U.S. relations, 15, 23
 Kissinger, meetings with, 186, 243,
 245, 253
 Kosygin, communications with, 19
 Lodge's assessments of Soviet-
 German relations, 1
 Lodge transferred to Vietnam, 2
 McCloy/Dewey/Clay/Acheson,
 meetings with, 140
 McGovern, election victory over,
 384
 Middle East, 16, 335
 Nixon Doctrine, 128
 Non-Proliferation Treaty, 11, 14, 19

- Nixon, Richard M.—*Continued*
 North Atlantic Treaty Organization,
 5, 15, 16, 100, 125, 335
 Ostpolitik (*see also* Treaty listings
below):
 Barzel, meetings with, 218, 220
 Brandt, communications with, 112
 Brandt, meetings with, 81, 254
 Brandt, meetings with (proposed),
 77, 78, 334
 Central Intelligence Agency's
 assessments, 146
 Gromyko, meetings with, 129
 Kissinger, communications with,
 71, 78, 140
 Kissinger's assessments, 63, 74, 101
 National Security Council's
 assessments, 126
 Pompidou, meetings with, 57
 Rogers, communications with, 99
 Rogers's assessments, 65
 Scheel, meetings with (proposed),
 99, 100
 Schroeder, meetings with, 125
 Sonnenfeldt's assessments, 71, 88
 West German-U.S. relations, 46
 Pauls, meetings with, 5
 Renunciation-of-force agreements, 44
 Rogers's European trip, 45
 Rush, meetings with, 324, 325, 327,
 337
 Schroeder, meetings with, 125
 Southeast Asia, trip to, 16
 Soviet-U.S. relations:
 Brandt, meetings with (proposed),
 334
 Brandt-Brezhnev meetings, 331
 Brezhnev-Kissinger meetings, 356
 Dobrynin, meetings with, 37
 Moscow summit (actual), 369
 Moscow summit (proposed), 294,
 336, 364, 368
 Rogers, communications with, 364
 Soviet-West German relations, 44, 50
 Strategic Arms Limitation Talks, 16,
 23, 37, 38, 78, 81, 100, 243, 336
 Strauss, meetings with, 124, 335, 345
 Trade issues/policies, 16, 335
 Treaty of Moscow (1970):
 Barzel, meetings with, 338
 Brandt, communications with, 104,
 105, 127, 331
 Brandt, meetings with, 335, 336,
 337
- Nixon, Richard M.—*Continued*
 Treaty of Moscow (1970)—*Continued*
 Brezhnev, communications with,
 346
 Kissinger, communications with,
 113, 338, 352
 Kissinger, meetings with, 354, 368
 Rush, meetings with, 337
 Vietnam linked to, 350, 352, 354,
 367
 Treaty of Warsaw (1970):
 Brandt, communications with, 145,
 146, 153, 158
 Brandt, meetings with, 336, 337
 Brezhnev, communications with,
 346
 Kissinger, communications with,
 137, 338, 352
 Kissinger, meetings with, 354, 368
 Vietnam linked to, 350, 352, 354,
 367
 Troop (U.S.) commitment in Europe,
 16, 78, 335, 337
 Ulbricht's resignation, 232
 Vietnam, 23, 37, 336, 354, 365, 366,
 367, 368
 Voting rights of Berlin deputies in the
 Bundestag, 31
 West-East German relations, 386
 Noebel, Hans, 79, 80, 81
 Non-Proliferation Treaty (NPT):
 Brandt's assessments, 39
 Coalition policies, new West German,
 35
 Dobrynin-Kissinger meetings, 17
 Kissinger-Bahr meetings, 36
 National Security Council's
 assessments, 6, 18
 Nixon-Dobrynin meetings, 11
 Nixon-Kiesinger meetings, 14
 Nixon-Kosygin communications, 19
 Soviet-West German relations, 7
 Norden, Albert, 60
 North Atlantic Council (NAC), 246, 331,
 349
 North Atlantic Treaty Organization
 (NATO):
 Allied probe on Berlin: a status
 report, 47
 Brandt-Brezhnev meetings, 331
 Brandt-Rush meetings, 39
 Burden of maintaining, sharing the:
 National Security Council's
 assessments, 126

- North Atlantic Treaty Organization (NATO)—*Continued*
- Burden of maintaining, sharing the—
Continued
 - Nixon's statements, 125
 - Rush-Strauss meetings, 82
 - Sonnenfeldt's assessments, 125
 - Sonnenfeldt's trip to Europe, 128
 - Central Intelligence Agency's assessments, 146
 - Dean's assessments, 94
 - Kissinger-Bahr meetings, 36
 - Lodge's assessments, 1
 - National Security Council's assessments, 36, 89, 126
 - Nixon-Brandt meetings, 335
 - Nixon-Kiesinger meetings, 15, 16
 - Nixon-Pauls meetings, 5
 - Ostpolitik:
 - Christian Democratic Union's concerns, 72
 - Dean-Barzel meetings, 116
 - Kissinger-Bahr meetings, 76
 - Kissinger-Sonnenfeldt communications, 146
 - Nixon-Scheel meetings (proposed), 100
 - U.S. position, 123
 - Rush-Bahr meetings, 142
 - Norway, 343
 - NSC. *See* National Security Council.
 - Nutter, G. Warren, 79
 - Obst, Harry, 23
 - Oder-Neisse Line. *See under* Poland.
 - Olympic Games, 365, 372
 - Oncken, Dirk, 46, 52
 - Osterheld, Horst, 15, 16, 29
 - Ostpolitik (*see also* Oder-Neisse Line *under* Poland; Treaty of Moscow; Treaty of Warsaw):
 - Acheson's statements to the *Washington Post*, 143, 146, 150, 155
 - Bahr's assessments, 134, 164
 - Bahr-Soviet officials, meetings between, 138, 141
 - Barzel's assessments, 69, 86, 103, 179
 - Brandt-Rush meetings, 119
 - Brandt's closed cabinet session, 96
 - Brandt-Stoph communications, 74, 96
 - Brandt-Stoph meetings (proposed), 63
 - Brandt's U.S. trip, 79, 80
 - Ostpolitik—*Continued*
 - Central Intelligence Agency's assessments, 46, 150, 155, 164
 - Christian Democratic Union's concerns, 72, 86, 102
 - Common Market, 78
 - Dean-Barzel meetings, 116
 - Dean's assessments, 94, 213, 344
 - Ehmke's U.S. trip (actual), 155
 - Ehmke's U.S. trip (proposed), 150
 - Ellsworth's assessments, 97
 - Fessenden-Sahm meetings, 154
 - Fessenden's assessments, 51
 - Gromyko-Bahr meetings, 74, 79, 85, 91
 - Hillenbrand-Bahr meetings, 107
 - Hillenbrand-Fessenden communications, 154
 - Hillenbrand's assessments, 53
 - Hyland's assessments, 109
 - Irwin-Ehmke meetings, 120
 - Kiesinger's attacks on, 170
 - Kissinger-Bahr communications, 85, 102
 - Kissinger-Bahr meetings, 76, 108
 - Kissinger-Bahr meetings (proposed), 222
 - Kissinger-Barzel meetings, 115
 - Kissinger-Ehmke meetings, 151
 - Kissinger-McCloy meetings, 133
 - Kissinger's assessments, 63, 74, 101
 - Kissinger-Sonnenfeldt communications, 102, 146
 - Kissinger-Strauss communications, 102
 - Kissinger-Strauss meetings, 124, 146
 - Laird-Schmidt meetings, 161
 - Linkage between Berlin settlement and, 93, 101, 246, 332, 333, 335, 336
 - National Security Council's assessments, 45, 49, 71, 111, 125, 126, 131, 136, 139, 156
 - New York Times*, coverage of, 46, 149, 150, 151, 154, 161
 - Nixon-Barzel meetings, 218, 220
 - Nixon-Brandt communications, 112
 - Nixon-Brandt meetings, 81, 254
 - Nixon-Brandt meetings (proposed), 77, 78, 334
 - Nixon-Gromyko meetings, 129
 - Nixon-Kissinger communications, 71, 78, 142
 - Nixon-Pompidou meetings, 57
 - Nixon-Rogers communications, 99

Ostpolitik—*Continued*

- Nixon-Scheel meetings (proposed), 99, 100
- Nixon-Schroeder meetings, 125
- North Atlantic Treaty Organization, 100
- Opposition camps, 150
- Poland, price increases and worker protests in, 147, 183
- Pompidou's trip to Bonn, 91
- Pravda's* negative editorials on, 181
- Recognition of East Germany, legal, 71, 128, 133, 213
- Rogers' assessments, 65
- Rogers-Hillenbrand meetings, 118
- Rogers-Scheel meetings, 100
- Rogers-Schmidt meetings, 79
- Rogers' trip to Europe, 45, 365
- Rush-Bahr meetings, 91
- Rush-Barzel meetings, 179, 220
- Rush's assessments, 92
- Rush-Strauss meetings, 82
- Schmidt-Rogers meetings, 79
- Social Democratic Party's opposition to, 150
- Sonnenfeldt-Guttenberg meetings, 89
- Sonnenfeldt's assessments, 55, 71, 75, 88, 125, 150, 223, 345
- Sonnenfeldt's trip to Europe, 89, 128
- Soviets' souring on, reports of, 174
- Threats to, internal, 92
- U.S. position, 123, 362
- U.S.-West German relations, 45, 46
- Warsaw Pact countries, debate within the, 63
- Washington Post*, coverage of, 143, 146, 150, 155
- West German position, 59
- Packard, David, 111, 279
- Pakistan, 255, 335
- Pauls, Rolf F., 15, 16, 20, 79, 80, 81, 107, 108, 151, 348, 351, 370
- Bundesversammlung in West Berlin, 5
- Four Power talks/negotiations on Berlin, 146, 224
- Nixon, meetings with, 5
- North Atlantic Treaty Organization, 5
- Ostpolitik:
 - Acheson's statements to the *Washington Post*, 143, 146
 - Bahr's comments on U.S. views, 164

Pauls, Rolf F.—*Continued*

- Ostpolitik—*Continued*
 - Kissinger-Sonnenfeldt communications, 146
 - Nixon-Scheel meetings (proposed), 100
 - Treaty of Moscow (1970), 338, 348, 365
 - Treaty of Warsaw (1970), 338, 348, 365
- Pedersen, Richard F., 15, 16, 49
- Podgorny, Nicolai V., 19
- Poland (*see also* Treaty of Warsaw), 16, 45, 49, 79
- Democratization, growing tendency of, 183
- Four Power talks/negotiations on Berlin, 63, 222
- Gierek replaces Gomulka as leader, 147
- Kissinger-Bahr meetings, 183
- Kissinger-Michalowski meetings, 52
- Oder-Neisse Line, 35, 52, 137
- Gromyko-Bahr meetings, 85
- Kissinger's assessments, 63, 74
- Nixon-Brandt communications, 145, 153
- Nixon-Kiesinger meetings, 23
- Price increases, worker protests against, 147, 183
- Renunciation-of-force agreements, 44
- Riots and purge, 166
- Washington Special Action Group, 147
- Political issues (*see also* Berlin; Christian Democratic Union; Four Power talks/negotiations; Ostpolitik; Renunciation-of-force agreements *under* Military issues):
 - Ally of U.S., West Germany as a more independent, 43
 - Bilateral or Four Power talks, 25, 37, 43, 44
 - Brandt, no-confidence motion submitted against, 357, 358
 - Brandt elected as Chancellor, 38, 39
 - Bundestag convening in West Berlin, Soviet protests over, 48
 - Christian Social Union, 128, 137, 146, 148, 328, 342, 380, 385
 - Coalition policies, new West German, 35, 82
 - Elections (1969), West German, 23, 27
 - Elections (1970) in Hesse and Bavaria, state, 133, 135

- Political issues—*Continued*
- Elections (1971), West German, 195
 - Elections (1972) between Brandt and Barzel, 378, 380, 385
 - Free Democratic Party, 27, 30, 31, 35, 55, 82, 92, 116, 347
 - National Democratic Party, 1, 2, 27
 - Politburo, dispute within the East German, 60
 - Social Democratic Party, 27, 29, 30, 31, 35, 55, 77, 82, 116, 148, 150, 195, 347, 372, 385
 - Voting rights of Berlin deputies in the Bundestag, 29, 30, 31, 36
 - West German Communist Party, 380
- Pompidou, Georges, 45
- Bonn, trip to, 264
 - Brandt, communications with, 153
 - European alliance/unity, 22, 335
 - Four Power talks/negotiations on Berlin, 119, 146, 153
 - Kissinger-Schmidt meetings, 370
 - Market expansion, European, 335
 - Nixon, meetings with, 57
 - Ostpolitik, 57, 91, 146, 153
- Potsdam Agreement (1945), 63, 74, 79
- Prague Conference (1972), 349
- Pravda*, 181
- Protocol on Termination of the Occupation Regime in Germany (1954), 68, 76
- Puhan, Alfred, 3, 5
- Quick*, 372
- Rapallo Treaty (1922), 1
- Renunciation-of-force agreements. *See under* Military issues.
- Richardson, Elliot L., 23, 28, 32, 47, 54, 58, 79, 80, 81
- “Risks of Nuclear Proliferation: New Directions in Arms Control and Disarmament” (Foster), 14
- Robert, Horst-Krafft, 79
- Roberts, Chalmers, 150
- Roberts, Gen. Francis J., 279
- Rodman, Peter, 353
- Rogers, William P., 6, 16, 20, 23, 29, 81, 276
- Bahr’s U.S. visit (proposed), controversy over, 28
 - Berlin, 12, 42, 47
 - Bilateral or Four Power talks, 25
 - Brandt, meetings with, 20, 45
- Rogers, William P.—*Continued*
- Brandt, no-confidence motion submitted against, 357, 358
 - Bundesversammlung in West Berlin, 4, 6, 8, 13
 - Christian Democratic Union, 90
 - Coalition policies, new West German, 35
 - East German-U.S. relations, 340, 341, 388
 - European alliance/unity, 15, 45, 336
 - Four Power talks/negotiations on Berlin, 64
 - Access/checkpoint issues, 306
 - Agreement (tentative), 297, 299, 301, 303, 304, 306, 307, 309, 312, 315, 316, 319, 321, 322, 325, 326
 - Air corridors to Berlin closed, 121
 - Assessments conveyed to Nixon, 73
 - Brandt’s trip to U.S., 80
 - Decision Memorandum (NSC) 106, 216, 225
 - Decision Memorandum (NSC) 125, 285
 - Delaying the conclusion of an agreement, 304, 309, 317
 - Dobrynin, meetings with, 321
 - Draft agreement, Soviet, 210
 - Fessenden, communications with, 315
 - German politicians visiting Washington, 342
 - Gromyko, meetings with, 25, 129
 - Hillenbrand, meetings with, 118
 - Kissinger, communications with, 274, 304, 309, 319
 - Linkage between Berlin settlement and treaty issues, 246, 336
 - National Security Council’s assessments, 126, 216, 225, 285
 - Nixon-Brandt communications, 70
 - Nixon-Gromyko meetings, 332
 - Nixon-Soviet leadership communications, 166
 - Passport issues, 306
 - Rights/responsibilities, four power, 374
 - Rush, communications with, 210, 288, 289, 297, 301, 303, 306, 307, 312
 - Rush, meetings with, 317
 - Scheel’s assessments, 84

- Rogers, William P.—*Continued*
 Four Power talks/negotiations on
 Berlin—*Continued*
 Sonnenfeldt's assessments, 65
 Soviet presence in West Berlin, 199,
 206, 260, 272, 274
 Mediterranean, Soviet presence in
 the, 16
 Ostpolitik, 45
 Acheson's statements to the
Washington Post, 143
 Assessments conveyed to Nixon,
 65
 Brandt's U.S. trip, 79
 Bundesrat in West Germany votes
 against, 342
 Europe, trip to, 45, 365
 German politicians visiting
 Washington, 342
 Hillenbrand, meetings with, 118
 Kissinger-Ehmke meetings, 151
 Nixon, communications with, 99
 Nixon-Scheel meetings (proposed),
 99
 Scheel, meetings with, 100
 Schmidt, meetings with, 79
 Treaty of Moscow (1970), 65, 104,
 105, 113, 362
 Treaty of Warsaw (1970), 362
 Soviet-U.S. relations, 21, 364, 365
 United Nations, German membership
 in the, 371
 West-East German relations, 25, 35
 West German-U.S. relations, 45
 Romania, 16, 23, 67, 132, 335, 336
 Ruete, Hans, 15, 16, 20
 Rush, Kenneth, 79, 80, 81, 213, 351, 355
 Ally of U.S., West Germany as a
 more independent, 43
 Berlin, 47
 Brandt, meetings with, 39, 119
 Brandt, no-confidence motion
 submitted against, 358
 Four Power talks/negotiations on
 Berlin (*see also* Rush-Bahr-Falin
 meetings *under* Four Power
 talks/negotiations on Berlin), 59
 Abrasimov, meetings with, 114,
 251, 281
 Abrasimov's private negotiation
 channels, 207, 210, 211, 212,
 214, 217, 221, 226, 227
 Access/checkpoint issues, 264, 266,
 280, 282, 290, 295, 306
- Rush, Kenneth—*Continued*
 Four Power talks/negotiations on
 Berlin—*Continued*
 Acrimonious discussions between
 Soviet-British-French
 ambassadors, 291
 Agreement (final), 328, 329
 Agreement (tentative), 271, 274,
 275, 277, 281, 294, 296, 297,
 299, 301, 302, 303, 306, 307,
 308, 312, 313, 315, 318, 320,
 324, 325, 326
 Air corridors to Berlin closed, 121
 Ambassadorial meetings,
 December 11, 1970, 144
 Ambassadorial meetings, January
 19, 1971, 170
 Ambassadorial meetings, February
 9, 1971, 174
 Ambassadorial meetings, August
 10-12, 1971, 284, 286
 Ambassadorial meetings, August
 16-18, 1971, 295
 Assessments conveyed to
 Kissinger, 196, 198
 Assessments conveyed to U.S. State
 Department, 122, 199
 Backchannel discussions between
 Kissinger/Rush/Bahr, 171,
 172, 183, 187
 Bahr, meetings with, 97, 141, 229
 Bahr-Kohl (Michael) parallel
 negotiations, 210, 267
 Bahr-Rush relationship,
 development of the, 210
 Bahr's assessments, 67
 Barzel, meetings with, 179, 220,
 251, 328
 Barzel's assessments conveyed to
 U.S. State Department, 69
 Brandt, meetings with, 119
 Brandt's agreement with Allied
 approach, 229
 Comparing tentative agreement
 with Western draft proposal,
 314
 Dean, communications with, 329
 Dean's assessments, 194
 Delaying the conclusion of an
 agreement, 265, 266, 267, 317
 Draft agreement, Soviet, 201, 203,
 204, 210, 222, 229, 230, 234, 235
 Draft agreement, Western, 173, 180
 Draft of preamble, 261, 264

- Rush, Kenneth—*Continued*
 Four Power talks/negotiations on
 Berlin—*Continued*
 East German position, 130
 Fazio, meetings with, 168
 Federal presence in Berlin, West
 German, 183, 210, 241, 248,
 249, 265, 266, 267
 Fessenden, meetings with, 315
 Fessenden's assessments, 95
 Haig, communications with, 266,
 318
 Kissinger, communications with,
 180, 203, 204, 207, 210, 211,
 212, 214, 217, 221, 227, 228,
 234, 236, 237, 238, 243, 247,
 248, 263, 265, 266, 267, 270,
 271, 274, 277, 280, 281, 282,
 290, 294, 299, 302, 308, 320, 329
 Kissinger-Bahr communications,
 264, 275
 Kissinger-Dobrynin meetings, 178,
 180, 183, 211, 262
 Legal formula as to status, 227,
 228, 235
 National Security Council's
 assessments, 126
 Nixon, meetings with, 324, 325, 327
 Nixon-Kissinger meetings, 245, 253
 Nixon-Soviet leadership
 communications, 166
 Passport issues, 281, 290, 306
 Revisions to Soviet Draft
 agreement, 204
 Rogers, communications with, 210,
 288, 289, 297, 301, 303, 306,
 307, 312
 Rogers, meetings with, 317
 Soviet presence in West Berlin, 198,
 199, 250, 258, 270, 272, 274,
 280, 284, 296
 Tactics for the wrap-up
 ambassadorial meetings,
 270
 Traffic issues, 198, 210, 265, 266
 Kiesinger, meetings with, 22
 Nixon, meetings with, 324, 325, 327,
 337
 North Atlantic Treaty Organization,
 39, 82, 142
 Ostpolitik (*see also* Treaty listings
below), 46
 Assessments conveyed to U.S. State
 Department, 92
- Rush, Kenneth—*Continued*
 Ostpolitik—*Continued*
 Bahr, meetings with, 91
 Bahr-Soviet officials, meetings
 between, 141
 Barzel, meetings with, 179, 220
 Barzel's assessments, 69
 Brandt, meetings with, 119
 Christian Democratic Union's
 concerns, 72, 86
 Dean-Barzel meetings, 116
 Dean's assessments, 94
 Hillenbrand's assessments, 53
 National Security Council's
 assessments, 126
 Strauss, meetings with, 82
 Politburo, dispute within the East
 German, 60
 Renunciation-of-force agreements, 43,
 97
 Sonnenfeldt's trip to Europe, 128
 Soviet-U.S. relations, 331
 Soviet-West German relations, 22, 68
 Strategic Arms Limitation Talks, 22,
 241, 243
 Treaty of Moscow (1970):
 Barzel, meetings with, 220, 251
 Dean's assessments, 94
 Kissinger, communications with, 366
 Nixon, meetings with, 337
 Washington Special Action Group,
 report to the, 348
 Treaty of Warsaw (1970):
 Barzel, meetings with, 251
 Kissinger, communications with,
 366
 Troop (U.S.) commitment in Europe,
 82
 Voting rights of Berlin deputies in the
 Bundestag, 30
 West-East German relations, 31, 40,
 43
 Rusk, Dean, 3, 254
- Sahm, Ulrich, 2, 51, 146, 151, 154, 161,
 335
 Samuels, Nathaniel, 80, 81
 Sauvagnargues, Jean, 191, 207, 222, 229,
 264, 272, 291
 Scandinavia, 336
 Scheel, Walter, 43, 45, 68, 146, 315
 European alliance/unity, 336
 Four Power talks/negotiations on
 Berlin, 84, 137

Scheel, Walter—*Continued*

- Ostpolitik:
 Kissinger-Strauss communications, 102
 Nixon, meetings with (proposed), 99, 100
 Rogers, meetings with, 100
 Rogers-Hillenbrand meetings, 118
 Treaty of Moscow (1970), 106, 354
 Treaty of Warsaw (1970), 137, 354
 Strategic Arms Limitation Talks, 100
- Schiller, Karl, 370
- Schiller, Wolf D., 79, 80, 81, 150
- Schmidt, Helmut, 30, 39, 80, 81, 334, 335
 Economic issues, 370
 Ostpolitik, 30, 79, 161, 370
- Schmitt-Vockenhausen, Hermann, 150
- Schroeder, Gerhard, 6, 69, 89, 115, 125, 146, 170, 329, 342, 358
- Schultz, George P., 370
- Schumann, Maurice, 84, 119, 242
- Schütz, Klaus, 2, 115, 150, 154, 161, 170, 187
- Schwarzmann, Hans, 79
- Selden, Armistead, 279
- Semenov, Vladimir S., 7, 24, 233
- Seydoux de Clausonne, Roger, 10, 170
- Shultz, George, 126
- Siemens, 17
- Singh, Swaran, 255
- Skoug, Kenneth N., Jr., 32, 93, 107, 123, 297, 306, 315
- Sloss, Leon, 111
- Smith, Gerard, 79, 108, 233
- Smith, K. Wayne, 111
- Soames, Christopher, 14
- Socialism, 372
- Sonnenfeldt, Helmut, 4, 7, 14, 15, 16, 18, 26, 29, 36, 58, 70, 80, 81, 95, 101, 111, 126, 206, 224, 257, 278, 348, 372
 Berlin, 34, 54
 Bundesversammlung in West Berlin, 9
 Christian Democratic Union, 90
 Coalition policies, new West German, 35
 East German-U.S. relations, 371
 Elections (1972) between Brandt and Barzel, 380
 European alliance/unity, 128, 345
 Four Power talks/negotiations on Berlin, 64
 Access/checkpoint issues, 188, 298

Sonnenfeldt, Helmut—*Continued*

- Four Power talks/negotiations on Berlin—*Continued*
 Agreement (tentative), 298, 326
 Ambassadorial meetings, November 17–18, 1970, 137
 Ambassadorial meetings, February 9, 1971, 174
 Ambassadorial meetings, March 9, 1971, 193
 Ambassadorial meetings, March 27, 1971, 209
 Ambassadorial meetings, May 7, 1971, 222
 Assessments conveyed to Kissinger, 83, 125, 135, 146, 170, 193, 222, 242, 256, 258, 269, 371, 381
 Assessments conveyed to Nixon, 65, 74, 88, 125
 Bahr-Kohl (Michael) parallel negotiations, 170, 193, 222
 Brandt and Barzel, rift between, 189
 Central Intelligence Agency's assessments, 150
 Comparing tentative agreement with Western draft proposal, 311
 Draft agreement, Western, 173, 188, 242
 Federal presence in Berlin, West German, 174, 184, 188
 Kissinger, communications with, 102, 146, 184, 188, 256, 258, 298, 326
 Kissinger-Bahr meetings (proposed), 222
 Linkage between Berlin settlement and treaty issues, 83, 93, 332, 333
 National Security Council's assessments, 131, 136, 139, 176, 216
 Nixon-Brandt communications, 153
Pravda's negative editorials on, 181
 Rights/responsibilities, four power, 371, 376, 381, 382
 Soviet presence in West Berlin, 256, 258, 269
 Study Memorandum (NSC) 111, 176
 Traffic issues, 162
 North Atlantic Treaty Organization, 125, 128

- Sonnenfeldt, Helmut—*Continued*
 Oder-Neisse Line, 52
 Ostpolitik (*see also* Treaty listings below), 46, 74
 Acheson's statements to the *Washington Post*, 146
 Assessments conveyed to
 Kissinger, 55, 75, 125, 150, 223, 345
 Assessments conveyed to Nixon, 71, 88
 Bahr's assessments, 134
 Barzel's assessments, 103
 Central Intelligence Agency's assessments, 150
 Ehmke's trip to U.S. (proposed), 150
 Europe, trip to, 89, 128
 Gromyko-Bahr meetings, 85
 Guttenberg, meetings with, 89
 Kissinger, communications with, 102, 146
 Kissinger-Bahr communications, 102
 Kissinger-Bahr meetings, 76
 Kissinger-Bahr meetings (proposed), 222
 Kissinger-Ehmke meetings, 151
 National Security Council's assessments, 131, 136
New York Times, coverage of, 161
 Opposition camps, 150
 Poland, price increases and worker protests in, 147
Pravda's negative editorials on, 181
 Soviets' souring on, reports of, 174
 Renunciation-of-force agreements, 56, 89
 Soviet-West German relations, 44, 61
 Treaty of Moscow (1970), 113, 318, 339
 Assessments conveyed to
 Kissinger, 345, 354
 Barzel's request for U.S. assistance, 359
 Bundesrat in West Germany votes against, 345
 Europe, trip to, 128
 Kissinger, communications with, 102, 103, 146, 347
 Kissinger-Bahr meetings (proposed), 345
 Kissinger-Pauls meetings, 365
- Sonnenfeldt, Helmut—*Continued*
 Treaty of Warsaw (1970), 339
 Assessments conveyed to
 Kissinger, 163, 345, 354
 Barzel's request for U.S. assistance, 359
 Kissinger, communications with, 347
 Kissinger-Bahr meetings (proposed), 345
 Kissinger-Pauls meetings, 365
 Opposition leaders drop objections to, 368
 Troop (U.S.) commitment in Europe, 128
 United Nations, German membership in the, 371
 Voting rights of Berlin deputies in the Bundestag, 29
 West-East German relations, 343, 345, 371, 383
- Southeast Asia (*see also* China; Vietnam), 67
 Soviet Union (*see also* Abrasimov, Pyotr A.; Brezhnev, Leonid I.; Dobrynin, Anatoly F.; Four Power talks/negotiations on Berlin; Gromyko, Andrei; Ostpolitik):
 Barzel's trip to, 338
 Berlin:
 Access/checkpoint issues, 33
 Allied probe on Berlin: a status report, 47
 Bundestag convening in West Berlin, Soviet protests over, 48
 Bundesversammlung in West Berlin, 4, 7
 Kissinger's assessments, 26
 National Security Council's assessments, 18
 Nixon-Kissinger communications, 42
 Rogers' assessments, 42
 Settlement, suggestion of a, 19
 Tripartite aide mémoire to Soviets, 47
 Western proposal of December 16, 1969, response to, 54
 Bilateral or Four Power talks, 43, 44
 China, relations with, 17, 220, 335
 European alliance/unity, 338
 Federal Republic of Germany, relations with:
 Bahr's Moscow trip (actual), 55

Soviet Union—*Continued*

- Federal Republic of Germany, relations with—*Continued*
- Bahr's Moscow trip (proposed), 51
- Bilateral or Four Power talks, 43, 44
- Brandt upgrades negotiations with Soviets, 50
- Bundesversammlung in West Berlin, 7
- Elections (1972) between Brandt and Barzel, 378, 380
- Gromyko-Bahr meetings, 61, 68
- Kiesinger-Rush meetings, 22
- Kissinger-Bahr communications, 50
- Kissinger-Bahr meetings, 36
- Lodge's assessments, 1
- New York Times*, coverage of, 46
- Nixon-Brandt communications, 44
- Nixon-Brandt meetings, 335
- Nixon-Kissinger meetings, 23
- Rogers' European trip, 45
- Sonnenfeldt's assessments, 61
- Trade issues/policies, 40, 345
- Travel restrictions in Berlin, 7
- German Democratic Republic, relations with (*see also* Four Power talks/negotiations on Berlin; Ostpolitik), 36, 335
- Mediterranean, the, 16
- Nixon-Kiesinger meetings, 15, 16, 23
- Poland, price increases and worker protests in, 147
- Renunciation-of-force agreements, 39, 40, 43, 56, 96
- Social Democratic Party meeting in Berlin, 148
- Strategic Arms Limitation Talks, 336
- Toon's assessments, 11
- Trade issues/policies, 335
- United Nations, German membership in the, 371
- U.S., relations with:
 - Brandt-Brezhnev meetings, 152, 331
 - Brezhnev-Kissinger meetings, 356
 - Kissinger-Bahr communications, 330
 - Kissinger-Rush communications, 280
 - Moscow summit (actual), 369
 - Moscow summit (proposed), 273, 294, 336, 364, 365, 368
 - Mutual and balanced force reductions in Europe, 78, 109, 110, 331, 335, 336

Soviet Union—*Continued*

- U.S., relations with—*Continued*
- Nixon-Brandt meetings, 335
- Nixon-Brandt meetings (proposed), 334
- Nixon-Dobrynin meetings, 37
- Nixon-Kiesinger meetings, 23
- Nixon-McCloy/Dewey/Clay/Acheson meetings, 140
- Nixon-Rogers communications, 364
- Rogers' trip to Bonn, 365
- Rusk-Acheson communications, 254
- Vietnam, 367, 368
- Voting rights of Berlin deputies in the Bundestag, 29
- West-East German relations, 31, 41, 43, 343
- Spiro, Herbert J., 118
- Spreti, Karl G. von, 78
- Staden, Berndt von, 128
- Stans, Maurice H., 16, 335
- Starke, 86
- Stoessel, Walter J., Jr., 52, 374, 375
- Stoltenberg, Gerhard, 115, 219, 344
- Stoph, Willi, 7, 51, 187
 - Four Power talks/negotiations on Berlin, 63, 66, 70, 130
 - Ostpolitik, 74, 96
- Strategic Arms Limitation Talks (SALT), 9, 123
 - Brandt's trip to U.S., 80
 - Brezhnev-Kissinger meetings, 356
 - Dean's assessments, 94
 - European alliance/unity, 110
 - Haig-Dobrynin meetings, 233
 - Kiesinger-Rush meetings, 22
 - Kissinger-Bahr meetings, 108
 - Kissinger-Dobrynin meetings, 228
 - Kissinger-Rush communications, 241
 - Kissinger's assessments, 159
 - National Security Council's assessments, 111, 176
 - Nixon-Brandt communications, 38
 - Nixon-Brandt meetings, 81, 336
 - Nixon-Dobrynin meetings, 37
 - Nixon-Kiesinger meetings, 16, 23
 - Nixon-Kissinger communications, 78
 - Nixon-Kissinger meetings, 243
 - Nixon-Scheel meetings (proposed), 100
 - Rush-Bahr-Falin meetings, 243
 - Semenov's initiative, 233

- Strauss, Franz J., 22, 69, 82, 102, 354
- Brandt, no-confidence motion
 - submitted against, 358
 - Conference on Security and
 - Cooperation in Europe, 372
 - Elections (1972) between Brandt and
 - Barzel, 378
 - European alliance/unity, 372
 - Four Power talks/negotiations on
 - Berlin, 124
 - Middle East, 372
 - Nixon, meetings with, 124, 335, 345
 - North Atlantic Treaty Organization,
 - 82
 - Ostpolitik:
 - Dean-Barzel meetings, 116
 - Kissinger, meetings with, 124,
 - 146
 - Kissinger-Sonnenfeldt
 - communications, 146
 - Rush, meetings with, 82
 - Rush's assessments, 92
 - Treaty of Moscow (1970), 124, 146,
 - 368
 - Treaty of Warsaw (1970), 368
 - Sudan, 335
 - Sutterlin, James S., 32, 40, 46, 47, 70, 79,
 - 80, 81, 94, 95, 114, 116, 123, 154,
 - 206, 210, 224, 257, 260, 276, 288,
 - 312, 317, 362
 - Four Power talks/negotiations on
 - Berlin:
 - Ambassadorial meetings,
 - September 18–19, 1970, 117
 - Ambassadorial meetings,
 - November 17–18, 1970, 137
 - Dean's assessments, 191, 213,
 - 344
 - Senior Review Group (NSC),
 - August 6, 1971, 279
 - Soviet presence in West Berlin, 191,
 - 258
 - Ostpolitik, 77
 - Treaty of Moscow (1970), 344
 - Treaty of Warsaw (1970), 344
 - Swank, Emory C., 10, 25
 - Switzerland, 107
 - Syria, 335

 - Thomas, Joseph J., 79, 80, 81
 - Time* magazine, 146
 - Tito, Josip B., 127, 335
 - Toon, Malcolm, 11
 - Tran Van Dong, 23

 - Treaty of Moscow (1970):
 - Bahr-Lednev meetings, 353
 - Barzel's request for U.S. assistance,
 - 359, 362, 363
 - Brandt, no-confidence motion
 - submitted against, 358
 - Brandt-Brezhnev meetings, 331
 - Brandt-Heath communications, 146
 - Brandt-Kosygin communications, 181
 - Brezhnev-Kissinger meetings, 356
 - Bundesrat in West Germany votes
 - against, 339, 342, 343, 344, 345
 - Christian Democratic Union's
 - position, 318, 337
 - Dean-Bahr communications, 344
 - Dean-Barzel meetings, 116, 220
 - Dean's assessments, 94, 213, 344
 - Embassy (U.S.) in Germany,
 - assessments by, 354
 - German politicians visiting
 - Washington, 342
 - Hillenbrand-Bahr meetings, 107
 - Hillenbrand's assessments, 343, 362
 - Kissinger-Bahr communications, 330,
 - 352
 - Kissinger-Bahr meetings, 348, 353
 - Kissinger-Bahr meetings (proposed),
 - 345
 - Kissinger-Barzel meetings, 115, 219
 - Kissinger-Dobrynin communication,
 - 367
 - Kissinger-Dobrynin meetings, 350,
 - 360, 368
 - Kissinger-Lednev meetings, 353
 - Kissinger-Pauls meetings, 365
 - Kissinger-Rush communications, 366
 - Kissinger-Schmidt meetings, 370
 - Kissinger-Sonnenfeldt
 - communications, 102, 103, 146,
 - 347
 - Kissinger-Strauss meetings, 124, 146
 - Linkage between Berlin settlement
 - and, 93, 101, 246, 332, 333, 335,
 - 336, 350, 352, 354, 367, 368
 - Media reports, 348
 - Moscow summit (proposed), 364
 - Nixon-Barzel meetings, 338
 - Nixon-Brandt communications, 104,
 - 105, 127, 331
 - Nixon-Brandt meetings, 335, 336
 - Nixon-Brezhnev communications,
 - 346
 - Nixon-Kissinger communications,
 - 113, 338, 352

- Treaty of Moscow (1970)—*Continued*
 Nixon-Kissinger meetings, 368
 Nixon-Rush meetings, 337
 Opposition leaders drop objections to, 368
 Ratification, official, 368
 Rogers' assessments, 65
 Rogers-Hillenbrand meetings, 118
 Rogers' trip to Bonn, 365
 Rush-Barzel meetings, 220, 251
 Scheel's assessments, 106
 Sonnenfeldt's assessments, 345, 354
 Sonnenfeldt's trip to Europe, 128
 Soviet position, 345
 U.S. position, 362
 Vietnam linked to, 350, 352, 354, 367, 368
- Treaty of Rome (1954), 71, 128
- Treaty of Warsaw (1970), 137, 141
 Bahr-Lednev meetings, 353
 Bahr's assessments, 141
 Barzel's request for U.S. assistance, 359, 362, 363
 Brandt, no-confidence motion submitted against, 358
 Brandt-Heath communications, 153
 Brandt-Kosygin communications, 146, 181
 Brandt-Pompidou communications, 146, 153
 Brezhnev-Kissinger meetings, 356
 Bundesrat in West Germany votes against, 339, 342, 345
 Central Intelligence Agency's assessments, 146
 Christian Democratic Union's position, 337
 Dean's assessments, 344
 Embassy (U.S.) in Germany, assessments by, 354
 German politicians visiting Washington, 342
 Hillenbrand's assessments, 362
 Kissinger-Bahr communications, 352
 Kissinger-Bahr meetings, 348, 353
 Kissinger-Bahr meetings (proposed), 345
 Kissinger-Barzel meetings, 115, 219
 Kissinger-Dobrynin communication, 367
 Kissinger-Dobrynin meetings, 350, 360, 368
 Kissinger-Lednev meetings, 353
 Kissinger-Pauls meetings, 365
- Treaty of Warsaw (1970)—*Continued*
 Kissinger-Rush communications, 366
 Kissinger-Sonnenfeldt communications, 347
 Linkage between Berlin settlement and, 93, 101, 246, 332, 333, 335, 336, 350, 352, 354, 367, 368
 Media reports, 348
 Moscow summit (proposed), 364
 Nixon-Barzel meetings, 338
 Nixon-Brandt communications, 145, 146, 153, 158
 Nixon-Brandt meetings, 336, 337
 Nixon-Brezhnev communications, 346
 Nixon-Kissinger communications, 338, 352
 Nixon-Kissinger meetings, 354, 368
 Opposition leaders drop objections to, 368
 Ratification, official, 368
 Rogers' trip to Bonn, 365
 Rush-Barzel meetings, 251
 Rush-Strauss meetings, 82
 Sonnenfeldt's assessments, 163, 345, 354
 Soviet position, 345
 U.S. position, 362
 Vietnam linked to, 350, 352, 354, 367, 368
- Trebesch, Rear Adm. Herbert, 79
- Troop (U.S.) commitment in Europe. *See under* Military issues.
- Tsarpakin, Semen K., 7, 13, 43, 146, 181
- Ulbricht, Walter, 13, 17, 62, 76, 115, 139, 222, 232, 234, 335
- United Kingdom (*see also* Four Power talks/negotiations; Ostpolitik), 7
 Berlin, 47
 Bundesversammlung in West Berlin, 10
 Caribbean, the, 335
 European Economic Community, 354
 German Democratic Republic, relations with, 383, 388
 Nixon-Kiesinger meetings, 14
 Voting rights of Berlin deputies in the Bundestag, 29
- United Nations (*see also under* Federal Republic of Germany; German Democratic Republic), 25, 117, 219, 335
- Ussuri River, 17

- Vasev, V.M., 10
Vietnam, 255
 Brezhnev-Kissinger meetings, 356, 373
 Hanoi bombed/Haiphong harbor mined, 367, 368
 Kissinger-Schmidt meetings, 370
 Lodge transferred to, 2
 National Security Council's assessments, 366
 Nixon-Brandt meetings, 336
 Nixon-Dobrynin meetings, 37
 Nixon-Kiesinger meetings, 23
 Nixon-Kissinger communications, 365
 North Vietnamese invasion, 366
 Paris Peace Talks, 2
 Treaty of Moscow (1970):
 Brandt's concern over U.S. bombing of Hanoi/mining harbor at Haiphong, 367, 368
 Hillenbrand disputes link between, 367
 Kissinger-Bahr communications, 352
 Kissinger-Dobrynin meetings, 350
 Nixon-Kissinger meetings, 354
 Treaty of Warsaw (1970):
 Brandt's concern over U.S. bombing of Hanoi/mining harbor at Haiphong, 367, 368
 Kissinger-Bahr communications, 352
 Kissinger-Dobrynin meetings, 350
 Nixon-Kissinger meetings, 354
Vinogradov, Vladimir, 10
Volcker, Paul A., 16, 79, 80, 81
Vorontsov, Yuli M., 159, 160, 174, 181, 217, 251
Voting rights of Berlin deputies in the Bundestag, 29, 30, 31, 36
Wagner, Leo, 328, 329
Walters, Maj. Gen. Vernon, 57
Warsaw Pact countries, 44, 349
Washington Post, 143, 146, 150, 155
Washington Special Action Group (WSAG), 34, 147, 151, 348
Watts, William, 70
Weber, Heinz, 15, 16, 80, 81
Wehmeyer, Donald D., 213
Wehner, Herbert, 82, 150, 154, 220, 251, 358
Weizsäcker, Carl F. von, 39, 342
Well, Guther van, 7, 40, 64, 142, 257
Welles, Benjamin, 149
Welt am Sonntag, 128
Western European Union (WEU), 14, 40
West Germany. *See* Federal Republic of Germany.
Westpolitik, 45
Wheeler, Gen. Earle G., 12
Wickam, Col. John, 111
Wienand, Karl, 150
Wilson, Harold, 7, 10
Wischnewski, Hans-Jürgen, 29, 335
World Health Organization (WHO), 345, 349
Wright, Marshall, 111
Yakubovsky, Ivan, 7, 9
Young, David, 159
Young Socialists, 150
Yugoslavia, 16, 335
Zhukov, Yury, 121, 124
Ziegler, Ronald, 2, 15, 16, 76, 254, 368
Zorin, Valerian A., 170, 230