

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 Harri-man, 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 Harri-man 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 redound 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

²In 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, Miscellany, 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 Dobrynin 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.