

the Soviets might change their position. Chancellor Brandt stated that he was not sure; he thought so but that, in any event, he looked for ratification of the treaty sometime in May and hoped that there would be improved transit to East Berlin by Eastertime, so that the reverse linkage problem may ultimately be finessed. Foreign Minister Scheel stated that the Soviets had not been particularly intelligent about this issue. He had raised it with Gromyko in Moscow¹² and Gromyko had informed him that Brezhnev had his reputation intertwined with the Moscow treaty and, therefore, they had to be secure with respect to its ratification. Secretary Rogers stated that the problem was that they had moved from a position of no linkage to reverse linkage and that, in effect, this helped us.

The group bade farewell and President Nixon issued instructions for the departure ceremony and the movement of the Chancellor and his party by helicopter back to Sarasota.¹³

¹² Scheel was in Moscow November 25–30 for meetings with Brezhnev, Kosygin, and Gromyko. For the text of an announcement on the visit, issued by the West German Foreign Office on December 2, see *Texte zur Deutschlandpolitik*, Vol. 9, pp. 241–244.

¹³ For the text of remarks exchanged between Nixon and Brandt at the end of the meeting on December 29, as well as the text of the joint statement issued on the same day, see Department of State *Bulletin*, January 24, 1972, pp. 96–97.

337. Memorandum of Conversation¹

Washington, January 10, 1972, 12:30 p.m.

PARTICIPANTS

President Nixon
Amb. Kenneth Rush, U.S. Ambassador to Federal Republic of Germany
Richard T. Kennedy, Acting Assistant to the President for National Security
Affairs

President: Where are you staying?

Rush: I stay at a cove in the Bahamas. We spend two or three weeks a year there. It's like San Clemente or Key Biscayne.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 1331, NSC Unfiled Materials, 1972 [6 of 8]. Secret; Nodis; XGDS. Drafted by Kennedy, based on his attached handwritten notes. The meeting was held in the Oval Office. A tape recording of the conversation is *ibid.*, White House Tapes, Recording of Conversation Between Nixon and Rush, January 10, 1972, 12:35–1:24 p.m., Oval Office, Conversation 644–14.

President: The weather's better in Key Biscayne except in the summer. The views in San Clemente are spectacular.

Rush: They have great charm.

President: Is the Mitchell decision a possibility?² Where does it stand?

Rush: I would do whatever you wish.

President: When do you have to go back?

Rush: I'm due to go back later this week. I could change my plan.

President: There's plenty of time to get the wheels in motion. I want you to see Mel Laird.

Rush: I will see him tomorrow and his people about the financial aspects.

President: The problem is Laird. He had wanted some people from inside. Your experience in government, on MBFR and SALT, and in business, will be helpful.

Rush: Laird is mostly interested in discussing the financial aspects.

President: I want to do it soon. How quickly should it be? How about the Germans?

Rush: A new man just went over.³ Fessenden was abler. He's now Deputy Assistant Secretary.

President: We must have a name out to replace you fast. Do you have any thoughts?

Rush: I would like to think about it a little.

President: Please see Peter Flanigan this afternoon and discuss the people we should consider. Between the two of you, come up with a recommendation. I want to be ready to move on both simultaneously.⁴

Rush: Yes, the Germans will be anxious as to who it will be.⁵ Many of the old timers are living in the past.

President: The Clay's, the McCloy's, are just not with it any more.

² Mitchell told Haldeman on January 6 that Rush had agreed to the President's request that he replace David Packard as Deputy Secretary of Defense. (Entry for January 6; Haldeman, *Haldeman Diary: Multimedia Edition*) Although Laird opposed the appointment, Rush was sworn in on February 23.

³ Frank Cash replaced Fessenden as Deputy Chief of Mission in June 1971; Cash also served as Chargé d'Affaires for 4 months after Rush left Bonn on February 20.

⁴ On April 17 the White House announced Hillenbrand's nomination as Ambassador; the Senate confirmed the nomination on April 27. (Department of State *Bulletin*, May 15, 1972, p. 714) Rogers, however, asked Hillenbrand to remain as Assistant Secretary through the Moscow Summit in May and the subsequent signing of the Quadripartite Agreement on Berlin. (Hillenbrand, *Fragments of Our Time*, p. 307) Hillenbrand presented his credentials in Bonn on June 27.

⁵ In a special channel message on January 26, Bahr reminded Kissinger "how much we regret Rush's departure and how important it still is to have a man here who has the personal trust of the President." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

Rush: Brandt is going to be in. He runs Foreign Affairs. Scheel is the traveler but he works mostly with Brandt.

President: Scheel's party is small.

Rush: But it's indispensable to them.

President: Brandt is running strong.

Rush: He's now 49/33 to 47/35 against Barzel. The next elections will be in September 1973.

The CDU is against ratification of the eastern treaties. All the leaders now believe there will be no defections. Brandt has 250 votes in the Bundestag; he needs 249. Another defection means no Berlin agreement, no European Security Conference, no détente. Brandt would have to have an election. He would win, if the economic situation is O.K.

The earliest that ratification could be is early May; the latest is late June. If they're not ratified by then, there'll be an election probably in September. Otherwise it'll be one year later.

President: Is Brandt satisfied with our meetings? There is not much to decide, but a lot to talk about.

Rush: Yes. Relations are better with Germany than with almost any other ally. There are no divisions. I have close relations personally. They are our staunchest ally in Europe.

President: They're the only ones with any guts as a country; the others can't play a great role.

Rush: They have the strength and they are on the firing line. Brandt knows this. The troop question is the most important factor in their security and even the left wing socialists know this.

President: It makes the post very important. We need to put a good man in.

Rush: There are no pressing problems.

President: Yes.

Rush: I'm worried about MBFR.

President: It will string out, but I sense that Brandt told Brezhnev to be satisfied with the idea. It would be devastating to move too fast. The Germans will see we are holding firm. Will Brandt give way? Out of a desire for détente, is he willing to pay too big a price?

Rush: No. I'm convinced Brandt's approach is to have strong relations with us and a strong Western alliance as the basis for détente. He wants to improve the lot of East Berliners and East Germans. He's motivated also by a desire to seem attractive toward the East.

They are concerned by press reports on Mansfield and our problems.

President: I can see how he feels. What is Barzel's position?

Rush: Politically he has the CSU, Strauss, on his extreme right. They oppose détente. They're Catholic and feel you can't deal with the

devil. Barzel needs the CSU to support the CDU. Barzel is one of the most moderate. If not for the political pressures, he would see it's stupid to fight ratification.

President: He would fight but lose.

Rush: Yes.

President: Can't an economic and internal political issue bring down Brandt.

Rush: He could still have an anti-Russian posture. All the détente measures could go ahead.

President: Barzel is coming. I'll see him.

Rush: I urge that you do. It's likely he'll be the next chancellor.

President: Things shift quickly. Nobody ever knows.

338. Memorandum for the President's File by the President's Assistant for National Security Affairs (Kissinger)¹

Washington, January 28, 1972.

SUBJECT

Your Meeting with CDU Chairman Rainer Barzel on Friday, January 28, 1972
11:32–12:16 p.m.²

¹ Source: National Archives, Nixon Presidential Materials, White House Special Files, President's Office Files, Box 87, Memoranda for the President, Beginning January 23, 1972. Top Secret; Sensitive; Exclusively Eyes Only. No drafting information appears on the memorandum. A tape recording of the conversation is *ibid.*, White House Tapes, Recording of Conversation Between Nixon and Barzel, January 28, 1972, 11:32 a.m.–12:16 p.m., Oval Office, Conversation 659–3. For Barzel's memoir account of the meeting, see *Im Streit und umstritten*, pp. 170–172.

² Before the meeting with Barzel, Nixon and Kissinger discussed the U.S. attitude toward the CDU/CSU and ratification of the Eastern treaties. Kissinger: "I think this, Barzel's party, is essentially the party of our friends." Nixon: "I know." Kissinger: "And we should just take the position it's up to them, that we're not advising them anything. If we want to bring pressure on them for ratification, we should do it a little later as a result of a deal with the Soviets." Nixon: "Yep." Kissinger: "The more domestic trouble Brandt has the more the Russians need us." After further discussion of the "position of neutrality," Nixon commented: "Brandt, in my opinion, has made a major error in doing what he's done but he's done it now." Kissinger: "Well, the only thing is, it is in our interests for the Russians to have, not to have their flank completely clear in Germany." The two men restated the Soviet factor in their calculations. Kissinger: "And then we can help them [the Soviets] at the right moment, that we'll moderate Barzel if necessary. But not now; it's much too early." Nixon: "I couldn't agree more." (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, January 28, 1972, 11:17–11:27 a.m., Oval Office, Conversation 659–2) The editor transcribed the portion of the conversation printed here specifically for this volume.

PARTICIPANTS

The President
 Mr. Barzel
 Dr. Henry A. Kissinger

Mr. Barzel: I want to thank you for your very kind invitation.³ I must also congratulate you on your Vietnam speech.⁴ I was happy that you took the initiative to see the European leaders; this has counteracted the Soviet shadow. I think it is essential to have visible cooperation between the EEC and the United States. I hope you will visit. It may not be possible in an election year but I hope you can soon afterwards. Naturally the initiative must come from the Europeans. We shall be working on it in the coming weeks.

Moscow attacked the EEC in my talks there.⁵ The results of your Peking policy are already noticeable. The PRC is offering to send an ambassador to the EEC.⁶ You'll soon be in Peking and Moscow. Moscow's policy is very tough.

The President: I am not surprised. Despite the change in Soviet statements there is no change in Soviet policy. They still want to have

³ Barzel, who had requested the invitation in November, asked that Pauls be excluded from his meetings in Washington; Kissinger discussed this request in a telephone conversation with McCloy on January 22. According to McCloy, Birrenbach told him that Pauls had argued in telegrams from Washington that "if [the] treaties are not ratified it is the end of cordial relations between the U.S. and Germany." Kissinger replied: "Baloney." (Library of Congress, Manuscript Division, Kissinger Papers, Box 370, Telephone Conversations, Chronological File) In a January 28 memorandum to Kissinger, Sonnenfeldt reported, however, that Averell Harriman warned Pauls the previous evening that "if the CDU manages to defeat the Moscow Treaty 'we' will have to rethink our entire European policy." (National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI)

⁴ In a televised address on January 25, Nixon revealed the secret talks with North Vietnam in Paris and unveiled his latest peace proposal. For the text, see *Public Papers: Nixon, 1972*, pp. 100–106.

⁵ During his visit to Moscow December 10–16, Barzel met various Soviet leaders, including Gromyko and Kosygin. For Barzel's memoir account of the visit, see *Auf dem Drahtseil*, pp. 140–154; and *Im Streit und umstritten*, pp. 157–168. In a January 27 memorandum to the President, Kissinger noted that, when Barzel insisted in Moscow that the Soviets accept the European Community, Kosygin replied that the Community was "a hostile anti-Soviet grouping." "This last point," Kissinger explained, "was a coup for Barzel because Brandt had said that Moscow accepted the European Community and heralded this as a major turning point. No doubt Barzel's aggressive tactics baited Kosygin. But Barzel now can claim that the [Moscow] treaty, with its unreciprocated concessions, with no agreed interpretation on German self-determination, and with the Soviet opposition to the EEC, all make clear that Moscow will try to isolate and then neutralize the Federal Republic." (National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI)

⁶ The People's Republic of China and the European Community established diplomatic relations on May 6, 1975.

domination of Europe and to neutralize the FRG. I know that the Soviet change in tone is greatly influenced by our China policy. Their desire for détente has more to do with China than with Europe. They remain eager to fragment Europe, but they use softer tactics now. I see the Communists for my reasons and they see me for their reasons.

We will not interfere in the ratification process in Bonn. It is a German domestic problem. We recognize your party's views. We understand your concern that treaties would perpetuate the division of Germany. We consider the FRG an old friend. Our only concern is that détente doesn't become a way to weaken Germany's ties with the West. We are not for a security conference for the sake of a conference. We recognize that Western and Eastern interests are different. Our policy is to seek concrete agreements concretely arrived at.

Mr. Barzel: Kosygin told me that total peace in Europe was insane. When I said everywhere, he changed the subject.⁷

⁷ According to Barzel, Nixon pulled him aside at the end of the meeting and said: "Good Luck. We stand by our old friends. Please give my regards to Kiesinger and Schroeder." (Barzel, *Im Streit und umstritten*, p. 172) Dobrynin raised the Barzel visit in his meeting with Kissinger on February 7. The memorandum of conversation records the following brief exchange on the subject: "Dobrynin then mentioned the Soviets' impression of what Barzel had been told in the United States. It was that the United States was technically neutral with respect to ratification of the treaties, but in fact leaned towards it. This was sufficient help and was within the spirit of our arrangement. I did not contradict the point, but simply said that we wanted a relaxation of tensions and that we were pursuing a positive course." (National Archives, Nixon Presidential Materials, NSC Files, Box 493, President's Trip Files, Dobrynin/Kissinger, 1972, Vol. 9 [Part 1])

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

Washington, February 10, 1972.

SUBJECT

German Bundesrat Vote Against the Eastern Treaties

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI. Secret; Eyes Only; (Outside System.) Sent for information. Haig and Kissinger both initialed the memorandum, indicating that they had seen it.

As you probably saw, the Bundesrat, in a straight party-line vote, rejected the Eastern treaties yesterday 21 to 20. The next steps will be a series of three Bundestag readings beginning with the first on February 23–24. In each of these a simple majority (of those present and voting) will be required for passage. After the third reading, the treaties will go back to the Bundesrat. There can then either be a conference committee in which differences between the two houses might be ironed out. Or there could be a second Bundesrat reading without a conference committee. Assuming no change in government in Baden-Wuerttemberg as a result of the election there in April, the Bundesrat presumably would again reject the treaties. In the then-required fourth reading in the Bundestag an absolute majority would be needed for passage. As you are aware, the timing of these actions could coincide roughly with the May summit unless both the German parties agree to delay the procedure until afterwards. (If the CDU loses the Minister Presidency in Stuttgart in April, the Bundesrat would agree to the treaties in its second reading and no further Bundestag vote would be required.)

In yesterday's Bundesrat debate, Brandt partly followed the script I understand he outlined to the President:² he said that the treaties had been negotiated in closest cooperation with the Allies.³ But he also went beyond what he had told the President: he said the Eastern treaties had broken the ice for the Berlin agreement which President Nixon has just termed a milestone on the way to détente in Europe.⁴ This of course represents the not unexpected effort to engage the President's interest in ratification of the treaties.

The CDU spokesman, Kohl, on the other hand, noted that the Allies, particularly the US, had made clear that the decision on the treaties was a German one.⁵ This, I think, reflects accurately what the President told both Brandt and Barzel. It is of course a useful line

² For the meetings between Brandt and Nixon on December 28 and 29, see Documents 335 and 336.

³ For the text of Brandt's address to the Bundesrat on February 9, see *Texte zur Deutschlandpolitik*, Vol. 10, pp. 79–90.

⁴ Reference is to the President's Annual Report on Foreign Policy, submitted to the Congress on February 9, in which Nixon hailed the quadripartite agreement on Berlin as a "milestone achievement." For the full text of the report, see *Department of State Bulletin*, March 13, 1972, pp. 313–418.

⁵ For the text of Kohl's address to the Bundesrat on February 9, see *Texte zur Deutschlandpolitik*, Vol. 10, pp. 43–53.

for the opponents since it decouples the Berlin agreement from the treaties.

Efforts by both sides in the debate to involve the US, and the President personally, will no doubt continue.

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

Washington, February 16, 1972.

SUBJECT

U.S. Policy Toward the German Democratic Republic (East Germany)

Secretary Rogers has sent you a memorandum (Tab C) recommending a redefinition of our policy toward the GDR and attaching a draft telegram of instruction to our Embassy in Bonn and Mission in Berlin.² The instruction would postpone the establishment of diplomatic relations with the GDR, at least until entry of West Germany and the GDR into the UN and would subject establishment of relations to two conditions: (a) West German agreement; and (b) Soviet (and GDR) acknowledgement that recognition of the GDR will not affect Four Power agreements, rights, and responsibilities for Berlin and Germany as a whole.

The instruction goes on to propose that, in the interim, the U.S. seek to activate its presence in the GDR and East Berlin. Specifically that we:

- try to increase trade, travel and contacts generally;
- facilitate unofficial cultural and academic exchanges.

State's instruction to the field, as Secretary Rogers observes in his memorandum to you, deals with policy affecting an area of major concern to the United States. Under these circumstances, I believe that you

¹ Source: National Security Council, Secretariat Files, NSSM Files, NSSM 146. Top Secret; Sensitive. Sent for action. No drafting information appears on the memorandum. Sonnenfeldt forwarded a copy to Kissinger on February 16. (Ibid.)

² The memorandum, dated February 14, and the draft telegram are attached at Tab C but not printed. Both are also in the National Archives, RG 59, Central Files 1970–73, POL 1 GER E–US.

should make the appropriate policy decision only after full consideration by the National Security Council.³

The memorandum at Tab A from you to Secretary Rogers acknowledges the importance of the issues he has raised and states that they require NSC consideration. With your approval I will issue a NSSM (draft at Tab B)⁴ calling for an interagency study of all the issues which any alteration of our present policy toward the GDR might raise. I will discuss this NSSM with Secretary Rogers before issuing it.

Recommendation

1. That you sign the memorandum to the Secretary of State at Tab A.⁵
2. That you authorize issuance of the NSSM at Tab B.

³ In a February 11 memorandum to Rogers, Hillenbrand stated his belief that, since there was “no divergence of views” in the interagency clearance process, “an elaborate NSC procedure” to approve the policy was unnecessary. (Ibid.) Kissinger, however, disagreed in a telephone conversation with Haldeman on February 16. Noting that Rogers intended to recognize East Germany, Kissinger insisted that the policy “should never be put into a cable before it is discussed in the NSC. It’s another attempt to bust the system.” The two men agreed that the White House should postpone a decision until a “full discussion” after the President returned from China. “This is a major decision and it basically builds a confrontation between him and the President,” Kissinger explained. “If it is disapproved, he can say he is a great hero. We should sell it to the Russians if we are going to do it.” Kissinger also told Haldeman that the telegram would be withdrawn at his initiative. (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File)

⁴ Tab B is not printed. For the NSSM as issued, see Document 341.

⁵ Although he did not indicate a decision on the memorandum, Nixon signed the memorandum to Rogers on February 17. The text reads: “Your thoughtful memorandum of February 14 raises important issues for US policy which I believe should have a full airing in the NSC. I have asked Dr. Kissinger to issue an appropriate NSSM and he will be in touch with you before doing so.” (National Security Council, Secretariat Files, NSSM Files, NSSM 146)

341. National Security Study Memorandum 146¹

Washington, February 17, 1972.

TO

The Secretary of State

SUBJECT

US Policy Toward the GDR

The President has directed that a study be prepared on US interests and policies with respect to the German Democratic Republic.

This study should examine the relevant issues in the context of:

- (a) Four Power responsibilities for Germany;
- (b) our position in Berlin;
- (c) our relations with the Federal Republic of Germany;
- (d) the development of the FRG's relationship with the GDR;
- (e) our relations with other East European countries;
- (f) the attitudes of our allies and third countries.

The study should consider US policy options over the next few years, including timing of possible US actions. Each option should include a full discussion of probable implications for US interests. Attention should also be given to the implications of possible GDR participation in international organizations and conferences such as the Conference on Security and Cooperation in Europe (CSCE).

The President has directed that the study should be undertaken by the NSC Interdepartmental Group for Europe and should be completed by March 30, 1972, for consideration by the NSC Senior Review Group and, subsequently, by the NSC.

Henry A. Kissinger

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 365, Subject Files, National Security Study Memoranda (NSSM's), Nos. 104–206. Top Secret. Copies were sent to the Secretaries of Treasury, Defense, and Commerce, and to the Director of Central Intelligence. In the absence of Kissinger, who left Washington that morning to accompany the President to China, Haig asked Kennedy to clear the memorandum with the Department of State. (Memorandum from Haig to Kennedy, February 17; National Security Council, Secretariat Files, NSSM Files, NSSM 146) On February 18 Kennedy noted that Rogers had "no objection to the NSSM as written" and that the memorandum "should be issued with a date of February 17." (Memorandum for the Record by Kennedy, February 18; *ibid.*)

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

Washington, March 10, 1972, 6:15 p.m.

42053. Subj: Washington Visits by German Political Leaders. Ref: Bonn 3247.² From the Secretary.

1. Given the uncertain situation which has developed in Bonn concerning ratification of the Moscow and Warsaw treaties, both the government and opposition parties are likely to be inclined to send high level representatives to Washington in the hope of gaining some support for their positions or at least some expression of US views which they can utilize in the domestic debate. Von Weizsaecker's idea that Schroeder should visit Washington in order to explain to the President the CDU's concepts concerning relations with the Soviet Union is a case in point.

2. The United States is determined to avoid involvement in the Bundestag's decision on the Eastern treaties. In responding to press questions I have made clear that we view this as a German matter to

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 7 GER W. Secret; Exdis. Drafted by Sutterlin on March 9, cleared by Springsteen, and approved by Rogers. Repeated to London, Moscow, Paris, Warsaw, and Berlin. The time and date of transmission, which are illegible on the telegram, are taken from a notation on an action memorandum from Springsteen to Rogers, March 10. (Ibid.) Rogers also enclosed a copy of the telegram in a March 10 memorandum to Nixon. "While we cannot prevent German politicians from coming to Washington," Rogers explained, "I think that it is in our interest to discourage such visits to the extent we can tactfully do so during the current period of intensive controversy in the Federal Republic. I am sending a message to this effect to our Embassy in Bonn and wished to let you know since the White House and the Department will no doubt have to work in close coordination in handling the various visit proposals which can be anticipated despite best efforts of our Embassy in Bonn to discourage them." (Ibid., Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI) Kissinger briefly summarized Rogers' memorandum in a March 20 memorandum to Nixon; Butterfield stamped the latter to indicate that the President had seen it. (Ibid.)

² In telegram 3247 from Bonn, March 8, the Embassy reported that Richard von Weizsäcker, then a liberal member of the CDU/CSU parliamentary group, told an Embassy officer that "the consequences of defeating the Eastern treaties has been, at least until now, underestimated by CDU leaders including Barzel." Weizsäcker, therefore, proposed that "Schroeder, as shadow foreign minister and in the role of special emissary from Barzel to President Nixon, ought to visit Washington and explain what the Ostpolitik of a CDU-CSU government would be and also to express willingness to do what it reasonably could to bring the Berlin agreement into force." (Ibid., RG 59, Central Files 1970–73, POL 12–6 GER W) After discussing the proposal with Schröder, however, Weizsäcker told an Embassy officer on March 14 the proposed visit was "undesirable" and "that any contact therefore would be between the CDU/CSU and Western embassies in Bonn." (Telegram 3659 from Bonn, March 15; *ibid.*)

be decided by the German people.³ Our involvement and interest in the Berlin Agreement is evident but we view this Agreement as desirable on its own merits and we hope it will come into effect whatever the decision of the German Government may be concerning the Eastern treaties.

3. I feel that visits by high level Germans can only make more difficult during the present period our objective of avoiding involvement in the internal German political scene. Therefore, to the extent that this can be done without offense to German leaders, Embassy Bonn should do what it can to discourage such visits. The President's trip to Moscow, the dates of which have not yet been determined, the NATO Ministerial meeting which will require my attendance, and the fact that this is an election year in the United States can all perhaps be used to good advantage in turning aside or discouraging visit proposals while the controversy over the treaties and the future of the Brandt Government remain intense.⁴

³ Rogers fielded several questions on the political situation in Bonn during his news conference on March 7. When a reporter asked what the administration would do if the Bundestag failed to ratify the Eastern treaties and the Soviets then refused to sign the final protocol of the Berlin agreement, Rogers replied: "Well, I am not going to make any answer to a hypothetical question of that kind. You know our position about the Berlin agreements. You know that we hope that the protocol that we worked out will be signed. We don't want to say anything that interferes with the internal affairs of the Federal Republic at this time. If that should happen, then we will have to consider what to do." (Department of State *Bulletin*, March 27, 1972, pp. 472–473)

⁴ The telegram is unsigned.

343. Information Memorandum From the Assistant Secretary of State for European Affairs (Hillenbrand) to Secretary of State Rogers¹

Washington, March 16, 1972.

IMPLICATIONS OF NON-RATIFICATION OF THE FRG'S TREATY WITH MOSCOW

A political situation has developed in Bonn which raises a serious question as to whether the Bundestag will ratify the FRG's treaty with

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–USSR. Confidential; Exdis. Drafted by Sutterlin and Perry.

Moscow. Analysts within the Government coalition parties and the opposition CDU/CSU both conclude that at the moment the chances are about 50/50, with a slight edge in favor of ratification. The latest intelligence reports² suggest that the Soviets intend to put great pressure on the East Germans to make concessions in the current inner-German talks. This could tip the scales further toward ratification but the reliability of these reports remains to be proven.

The one clear fact is that the Government now has a margin of only one vote above the required minimum if, as is expected, an absolute majority is required; and this one vote is in doubt.³ If the Government cannot muster an absolute majority for the third reading in early May, its prospects for doing so during a fourth and final reading in June will be poor. It is therefore conceivable that while final action will not have been taken in the Bundestag prior to the President's Moscow trip, the prospects for ratification will have become clear—either better or much worse. Almost all of the détente measures foreseen for Europe are tied in one way or another to the Bundestag action. Even the decision of the Norwegians and Danes on EC membership could be affected.⁴ Given the time frame, both the atmosphere and results of the President's Moscow visit are likely to be substantially influenced by concurrent developments in Bonn. Under the circumstances we need to consider the situation which would arise if ratification fails.

² Not further identified. Sonnenfeldt summarized several intelligence information cables in a March 14 memorandum to Kissinger, including one regarding Soviet efforts to press the East Germans to make further concessions. "Bahr has been told by the Soviet Ambassador (Falin) that the USSR had started talking with the East Germans about concessions in the field of human improvements," Sonnenfeldt reported. "Falin said that the Soviets had proposed to the East Germans that they lower the age limit for the old people they permit to visit the FRG, liberalize local trips across the border, or arrange more bus tours for West Germans to the GDR. He described a Soviet-East German division of labor on the treaties—Moscow warning of dire consequences if the treaties fail, the GDR acting in a forthcoming fashion." (Ibid., Nixon Presidential Materials, NSC Files, Box 718, Country Files, Europe, USSR, Vol. 21)

³ On February 29 Herbert Hupka, a member of the SPD parliamentary group and spokesman for Silesian expellees, announced both his defection to the CDU/CSU opposition and his intention to vote against ratification of the Eastern treaties. In a March 2 memorandum to Kissinger, Sonnenfeldt explained that, although the defection was not unexpected, the SPD "seems less sure about ratification that it has been." (Ibid., Box 686, Country Files, Europe, Germany (Bonn), Vol. XI) One week earlier Kurt von Kühlmann-Stumm, a member and former chairman of the FDP parliamentary group, told an Embassy officer in Bonn that he would not defect but would probably not vote for ratification. "If any other Government Deputy joins Kuehlmann-Stumm and SPD Deputy Hupka on this issue," the Embassy commented, "the Treaties' ratification bills will fail, unless at least one opposition Deputy votes for them, a most unlikely possibility." (Airgram A-195 from Bonn, February 24; *ibid.*, RG 59, Central Files 1970-73, POL GER W-POL)

⁴ Norway and Denmark signed the Treaty of Accession to the European Communities on January 22, 1972. Although Denmark formally acceded on January 1, 1973, the Norwegian people rejected membership by referendum in September 1972.

Possible German Actions

The following courses are open to the Government and opposition parties in Bonn in the event the Government does not have the absolute majority which it requires:

(a) Brandt can connect the vote on the treaty with a vote of confidence in his Government. If he fails to receive an absolute majority, he can request the President to call for new elections.⁵ The President is also a member of the SPD and can be expected to cooperate within the bounds of his constitutional limitations. If new elections are held during the summer on the Eastern policy issue, the SPD probably will gain strength and would re-submit the treaty for ratification after forming a new government with the FDP. Under these circumstances ratification and all of the things connected with it would be delayed but nothing more serious would necessarily be involved.

(b) The opposition leader, Dr. Barzel, is not bullish on the CDU's prospects in an early election. If he senses that the Government does not have the necessary absolute majority on the treaty, he may propose that the critical vote be postponed until such time as the current inner-German negotiations have been completed and humanitarian alleviations achieved for Germans living in the GDR. This course could delay ratification indefinitely and leave the Berlin Agreement in limbo until after the next German elections in the fall of 1973.

(c) If the FDP does poorly in provincial elections which are scheduled in Baden-Wuerttemberg for April 23, Barzel may find enough FDP members in the Bundestag who are willing to switch to the CDU and give him an absolute majority necessary for his election as Chancellor to replace Brandt under a procedure in the German Constitution known as a constructive vote of no confidence.⁶ Should this occur, Barzel would quickly make a conciliatory statement to the Soviets, possibly suggesting that the FRG would be prepared to participate in a CSCE if the USSR would sign the Final Berlin Protocol without requiring prior ratification of the Moscow Treaty. A totally new situation could then develop, depending on the Soviet reaction.

Effect on the Soviet Union

In assessing the impact of non-ratification upon the Soviet Union, two levels of analysis are necessary. In the broadest, long range sense nothing fundamental is likely to be changed in Soviet policy. Soviet Westpolitik is not a short-term, tactical maneuver, but a long-range policy based upon lasting determinations of Soviet interests. There has

⁵ Article 68 of the West German Basic Law.

⁶ Article 67 of the West German Basic Law.

been debate about the priority the Soviets attach to these interests, but most observers would agree that the following should be included:

- A strong desire to cement the political and geographical status quo in Eastern and Central Europe;
- The need for greater access to Western credits and technology via increased East-West economic intercourse;
- The desire for a stable and relatively relaxed Western front in order to leave more room for maneuver in the contest with China;
- A long-term drive towards predominant influence throughout Europe, and therefore the desire to see US presence and influence diminish.

All of these desiderata have been linked to Brandt's Ostpolitik. If Brandt fails, Soviet hopes would be set back and timetables revised. The Soviet need for détente in Europe goes far beyond Brandt, however, and far beyond the short term. If the treaty fails of ratification, they will adopt new tactics but will pursue the same long-term ends.

Nevertheless we would consider the failure of ratification to be potentially of high importance since it could cause repercussions within the Soviet leadership. We believe that great controversy has attended the formulation of Soviet policy in response to the Ostpolitik. Policy towards Germany has always been highly sensitive, and the "German Question" figured in the downfall of both Beria and Khrushchev.⁷ It is significant that Brezhnev has attached his personal prestige to the FRG/USSR treaty from the beginning. While Brezhnev's position appears solid, it is impossible to say with any confidence what the effect on the Kremlin lineup would be if a new debate arose about German policy.

The Soviets have already issued editorial warnings that "any attempt to return to the past as leaders of the CDU/CSU are urging could bring with it the most serious, perhaps irremediable damage for the FRG."⁸ Therefore Moscow can be expected to take a fairly tough stance initially, at least, should there be a new CDU government. If, on the other hand, new elections are scheduled, the Soviets presumably will do what they can to ensure an SPD victory. Logically this should mean that the Soviet Union will not react with sharp pressure on Berlin in

⁷ Deputy Chairman of the Council of Minister's Lavrenti Beria, who considered abandoning socialism in East Germany, was arrested on June 26, 1953, 10 days after a major uprising in East Berlin and other East German cities. Chairman of the Council of Ministers Nikita Khrushchev, who advocated improving relations with West Germany, was ousted on October 14, 1964, 6 weeks after he announced his intention to visit Bonn in 1965.

⁸ The warning appeared in *Pravda* on March 4. For additional excerpts from an English translation of the editorial, see *Current Digest of the Soviet Press*, March 29, 1972, Vol. XXIV, No. 9, pp. 18–19.

the event that failure of the Bundestag to ratify the Moscow Treaty is linked with early elections. The Soviet Union can be expected, however, to put additional pressure on the Western Europeans to drop the linkage between signature of the Final Berlin Protocol and multilateral preparations for a CSCE, on the ground that the Germans themselves are standing in the way of signature of the Protocol. We do not believe that the Soviets will sign the Berlin Protocol until the Moscow Treaty is ratified, unless the United States would more or less guarantee achievement of the same results through a CSCE as the Soviets hoped to achieve through the Moscow Treaty, something we consider out of the question.

US Contingency Planning

It would be premature to conclude at this point what attitude the President should take during his Moscow visit on the ratification question. After the Baden-Wuerttemberg elections, we will be better able to make recommendations. For the present it seems to us that we should continue our strict policy of non-involvement in the internal German debate over the Moscow Treaty, and be prepared to proceed on the following basis if ratification fails:

(a) Continue to emphasize that the Berlin Agreement stands on its own merits, is in the interest of the Berliners and of a relaxation of tensions in Europe and should be signed. There is no linkage in the Quadripartite Agreement to ratification of the Moscow Treaty by the FRG.

(b) Maintain the position that multilateralization of preparations for a CSCE should not take place until after the Berlin Agreement is in effect. The Berlin Agreement is too central to a successful CSCE to go ahead before it is signed.

(c) Proceed on the assumption that bilateral US/Soviet relations need not be affected by a failure of the FRG to ratify the Moscow Treaty, unless the USSR reacts in such a way as to threaten the security of Berlin or the integrity of the FRG. On this understanding, we should continue our dialogue with the Soviet Union on a normal basis in continuing negotiations, including efforts to initiate discussions on MBFR.

(d) Make clear that we will respect the democratic decision of the FRG whatever it is, and will continue to place the highest value on the FRG's contribution to the security of the Alliance and to the maintenance of peace, which is the clear and demonstrated intent of all major political parties in the FRG.

344. Letter From the Political Counselor at the Embassy in Germany (Dean) to the Director of the Office of German Affairs (Sutterlin)¹

Bonn, March 21, 1972.

Dear Jim:

Washington has taken the position that we should not intervene in the inner-German conflict over ratification of the Eastern Treaties.² This position is certainly correct and we here have been abiding by it. I should tell you, however, that in his discussions of the ratification situation with me on March 3 and March 20,³ State Secretary Bahr requested a personal intervention with Barzel by either Mr. Rush or Dr. Kissinger acting in the name of the White House.

On the first occasion, I referred to our established policy of non-intervention but, on the second one, Bahr made it clear that he expects at least that his message be sent through to Mr. Rush with whom, as you know, he had a very close working relationship. Bahr pointed out that he expected that the Administration would have a direct interest in preventing a situation where treaty ratification might fail and the Berlin Agreement went into limbo just before the President's trip to Moscow. He is hoping that Barzel can be persuaded to urge Kohl and Stoltenberg not to vote against the treaties in the Bundesrat⁴ if the CDU majority there is confirmed by the Baden-Wuerttemberg elections and that a direct expression of concern by the Administration might be a factor in Barzel's decision.

My own worry is that if the tight situation here continues, and the Brandt Government nevertheless survives, it may for some time to come resent the inactivity of our government at the time of its own greatest need. On the other hand, the risks of intervention with Barzel are considerable even on a private basis and the effects on him uncertain, also with some chance of resentment if it becomes public and even

¹ Source: Department of State, EUR/CE Files: Lot 85 D 330, JD—Correspondence 1972. Secret; Official–Informal. A copy was sent to Cash.

² See Document 342.

³ The Embassy forwarded accounts of these discussions in telegrams 3029 and 3902 from Bonn, March 3 and March 21. (National Archives, RG 59, Central Files 1970–73, POL 15 GER W and POL GER W–USSR)

⁴ As Minister Presidents of the Rheinland-Pfalz and Schleswig-Holstein, Kohl and Stoltenberg each controlled four votes of the CDU/CSU majority (21 to 20) in the Bundesrat.

if it does not. In any event, I believe that the state of our relations with the FRG requires that Bahr should be told that his message has reached Ambassador Rush.

With best regards,

Jock

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

Washington, March 24, 1972.

SUBJECT

Your Meeting with Egon Bahr, March 28²

Bahr is coming at a moment when the fate of the Eastern treaties in the Bundestag hangs by a one vote thread (see the intelligence memorandum at Tab A,³ already somewhat outdated). The Coalition is at odds with itself on several issues, including whether to seek new

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI. Secret. Sent for action. The memorandum was pouched to Kissinger, who was on vacation in Acapulco, Mexico. According to another copy, Livingston drafted and Kissinger noted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 270, Memoranda of Conversations, 1968–77, Chronological File)

² In a special channel message to Kissinger on January 26, Bahr requested a meeting sometime in March to discuss “our ideas” for Ostpolitik. (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3]) Kissinger replied on February 8: “You would be very welcome in March or whenever it suits your schedule. It is important for us to talk.” (Ibid.) On March 1 Bahr reminded Kissinger by special channel that he had “no cover for the trip.” In order to avoid political trouble in Bonn, Bahr suggested that Kissinger formally request the meeting through Pauls in Washington; Kissinger could then argue that he needed to see Bahr before the Moscow summit, since “there are not many people in the West who know Brezhnev as well, except the Chancellor, who is difficult to ‘summon’.” (Ibid.) In a special channel message on March 16, Kissinger offered an appointment on March 28; Pauls accepted the “invitation” on Bahr’s behalf one week beforehand. (Ibid.)

³ In the attached March 8 intelligence memorandum, entitled “Moment of Truth for West Germany’s Ostpolitik,” the CIA concluded: “At this point in time, the treaties seem likely to be ratified—albeit by a very small margin—and a court battle is far from certain. The odds, then, are that Brandt will pass the first important domestic test of his Ostpolitik, and he will be able to look with confidence to the 1973 elections.”

elections if the treaties fail. The Soviets, and to a lesser extent the East Germans, have been making some concessions to help ease the treaties through. Bahr himself is visibly in the forefront as the chief negotiator with the GDR and has been getting much press coverage, not all of it favorable (for example, the *Christ und Welt* profile at Tab B).⁴

The situation looks like this:

Soviet Stand on the Treaties. Recent Soviet moves designed to help Brandt and counter CDU accusations include:

(a) A letter of March 9 from Falin, the Soviet Ambassador, to Scheel transmitting a *Pravda* article⁵ that says the German and Russian texts of the treaties are identical. (Some treaty opponents in Bonn had claimed that the Russian word for “inviolable” frontiers was more definitive than the German and precludes negotiated changes.)

(b) Falin suggested to State Secretary Frank about the same time that the USSR and the FRG should sign a general economic agreement right after treaty ratification, adding the important additional observation that a clause making the agreement applicable to Berlin should be no problem. (For years, the two countries have been unable to conclude a new trade agreement because the Russians haven’t wanted it to apply to West Berlin.) Brandt subsequently publicized this.⁶

(c) Brandt reported to the Bundestag Foreign Affairs Committee that he had met March 13 with Falin who had told him that Scheel’s August 1970 letter asserting the Germans’ right to unity would be brought to the Supreme Soviet’s attention.⁷

(d) Brandt also announced that he had reason to believe the Soviet Union was reconsidering its attitude toward the EEC. Brezhnev subsequently said on this point that the Soviet Union is “far from

⁴ Not printed. The article, “Bahrs inneres Gelände: Gespräch mit dem Staatssekretär im Kanzleramt” by Jürgen Engert, was published on March 17.

⁵ The article, which appeared under the name “Spectator,” was published on February 20. For a German translation, see Meissner, ed., *Moskau-Bonn*, Vol. 2, pp. 1431–1432.

⁶ Brandt revealed that the Soviet Union was prepared to negotiate a trade agreement, with language that would apply in principle to West Berlin, during his presentation to the Bundestag foreign affairs committee on March 16. (See footnote 7 below.) After less than one week of formal negotiation, the Soviet Union and West Germany initialed a Treaty on Trade and Cooperation in Moscow on April 7. For text of the agreement, which was signed in Bonn on July 5, see Meissner, ed., *Moskau-Bonn*, Vol. 2, pp. 1559–1561.

⁷ Brandt appeared before the Bundestag foreign affairs committee on March 16 to address concerns raised by Barzel and other opposition leaders during the parliamentary debate. During his presentation, Brandt gave an account of Soviet concessions based largely on a meeting 3 days earlier with Falin; according to Brandt, Falin also predicted “a serious crisis of confidence, as well as the failure of the Berlin agreement, should the treaties not be ratified.” (Telegram 3822 from Bonn, March 17; National Archives, RG 59, Central Files 1970–73, POL GER W–USSR) For his memoir account of the meeting with Brandt, see Falin, *Politisches Erinnerungen*, p. 190. For an English translation of the “Letter on German Unity,” which Scheel had delivered to the Soviet Foreign Ministry on August 12, 1970, see *Documents on Germany, 1944–1985*, p. 1105.

ignoring the actually existing situation in Western Europe, including the existence of . . . the Common Market.”⁸ This is being interpreted as Soviet “recognition” in contrast to Kosygin’s denunciation of the EEC as a Chinese wall when he saw Barzel.⁹

These last two points ((c) and (d)) are designed to undercut objections which Barzel has been making to the treaties. At the same time, Brezhnev took a very tough line should the treaties fail.

GDR Moves. The GDR has recently:

(a) Unilaterally announced that it will issue West Berliners passes to visit East Berlin during Eastertide and Whitsun. Applications are now flowing in.

(b) Announced that it will ease administrative processing of Autobahn traffic to Berlin during these holidays.

(c) Hinted—but only hinted—that it would be willing to permit some local traffic across the FRG–GDR frontier (kleiner Grenzverkehr).

(d) Hinted that it might be willing to reduce the minimum age of East German pensioners who can travel to the FRG from 65 to 60. (This might even double the present volume of travellers, about a million annually.)

In addition, Honecker has made a surprisingly conciliatory speech on the possibility of “co-existence” with the Federal Republic.¹⁰

Bahr’s Activities. Bahr has started weekly sessions with his GDR counterpart in an effort to conclude a GDR–FRG traffic treaty before the treaties come up for the final ratification reading, probably in June. He is telling our chargé in Bonn that he has been using a tough line with the East Germans, saying the FRG won’t modify its stand against GDR membership in international organizations, particularly the World Health Organization (WHO), pressing him on the pensioners’

⁸ Brezhnev made these remarks in an important speech at the 15th Congress of Soviet Trade Unions in Moscow on March 20. In his attempt to support the government in Bonn, Brezhnev also attacked the opposition for refusing to recognize such political realities as the inviolability of postwar borders in Europe. “The F.R.G. now faces a crucial choice,” he declared, “one that will determine the destiny of its people and the attitudes of other states toward the F.R.G. for many years to come. This is a choice between cooperation and confrontation, between détente and the aggravation of tensions, and in the final analysis it is a choice between a policy of peace and a policy of war.” (*The Current Digest of the Soviet Press*, April 19, 1972, Vol. XXIV, No. 12, pp. 1–9)

⁹ See footnote 5, Document 338.

¹⁰ Honecker discussed the prospects for “peaceful coexistence” with West Germany in an address at Leipzig on March 10. For text of the speech, see *Texte zur Deutschlandpolitik*, Vol. 10, pp. 393–397.

age limit, and warning him that Bonn won't conclude the agreement unless there are travel improvements.¹¹

Bahr is also predicting to our Embassy that the treaties will pass, for the SPD hopes to win over some CDU votes for them.¹² He says Brandt does not now intend to introduce a confidence vote in early May, when the treaties come up for their next-to-last readings. According to a sensitive report of information which Bahr apparently intends to reach the US Government (Tab C),¹³ Bahr believes that a defeat for the treaties will usher in a crisis and Berlin blockade. One way to manage such a crisis, in Bahr's opinion, would be for the Western allies to recognize the GDR.

Your Meeting with Bahr

The fact of your meeting, which is known to State and elsewhere in the government, will be interpreted here and in Germany as indicating US concern and foreshadowing American intervention of some sort on behalf of the treaties. Most likely it will also cause the CDU to review its plan, shelved ten days ago, to send an emissary like Schroeder to Washington to discuss the treaties.¹⁴ Bahr certainly knows of the President's assurances to Brandt that we intend to stay neutral in the treaty debate.¹⁵ But he must assume that our interests may dictate otherwise in the crunch. He will presumably seek to confirm this assumption. His inventive brain may have some suggestions on how we should proceed.

I don't know what your preferences are. Mine would be simply to ask Bahr whether he anticipates further Soviet and East German concessions and whether they will be enough to get the treaties through, and for the rest to maintain the neutrality line.

It seems to me that for many reasons you should in any discussion of the consequences of a defeat of the treaties (or of the postponement of action on them or of several of the contingencies other than ratification) *not take the position that all hell will break loose*. Bahr is not a discreet man, whatever his other virtues and uses, and I do not

¹¹ The East German Government announced the temporary relaxation of travel restrictions for Berlin on March 14. For text of the announcement, see *ibid.*, pp. 398–400.

¹² Bahr made these points in a March 21 briefing of Cash, Sauvagnargues, and Jackling on his talks with Kohl. The Embassy forwarded an account of the discussion in telegram 4019 from Bonn, March 22. (National Archives, RG 59, Central Files 1970–73, POL GER E–GER W)

¹³ Attached at Tab C but not printed is an intelligence information cable dated March 23.

¹⁴ See Document 342.

¹⁵ See Documents 335 and 336.

think it would be in our interest to reinforce the notion that the President's fortunes (or the world's) depend on the skill or the luck or the longevity of the present German government.

Perhaps the best outcome would be to learn from Bahr quite frankly what Brandt intends to do in each of the likely contingencies, mainly because of the President's trip to Moscow. We need to know if Brandt intends anything dramatic if he gets into further difficulties.

Apart from the treaty issue, you will presumably want to have Bahr's observations about the Soviet leaders. He is an astute observer who has of course seen a great deal of them in recent years.¹⁶

Caution. You are probably not fully informed about the complex minuet that is being danced on CSCE/MBFR, although we have a book on it for you for next Wednesday's SRG.¹⁷ To avoid confusion and crossed wires with State, *I think you may want to keep any comments on a very general plane.* Let him talk.

¹⁶ In a March 24 follow-up note to Haig, Sonnenfeldt reported on "a little problem with the serpent." "As was to be expected," he explained, "the German press has the story of his [Bahr's] trip and has asked State for confirmation." Sonnenfeldt noted that he had called Kissinger, who was on vacation at Acapulco, to discuss the issue; the two men agreed that "if the pressure for comment built up there should be a very low-key line that Bahr is coming to talk about European developments in the context of our preparations for the summit." "A more serious problem," he continued, "which I did not discuss with Henry, is that Rogers does not know about the trip. As you know he just sent the President a memo [see footnote 1, Document 342] saying that we should have no Germans come at present. The State man has no access to Rogers (who is away anyhow) and Hillenbrand is in Brussels. But I think before this thing blows in our press you ought to say something to Rogers. I think you can tell him the truth (Bahr's initiative, talk about Brezhnev) and add that since he was so pressing HAK decided to do it now rather than closer to the German vote; it was only recently arranged and you were going to mention it after Rogers' return Monday." "I gather Bahr will also see Rush," Sonnenfeldt added, "(but this is grapevine and I have made no checks)." (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

¹⁷ Reference is to Kissinger's briefing book for the meeting of the Senior Review Group on March 29. (National Security Council, Secretariat Files, SRG Meeting Files, European Security Conference & MBFR, 3–29–72) For a brief excerpt from the minutes of the meeting, see footnote 2, Document 348.

346. Editorial Note

Before his luncheon with German State Secretary Bahr on March 28, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House to discuss the upcoming summit in Moscow. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No substantive record has been found. Dobrynin briefly described the discussion in his memoirs. (Dobrynin, *In Confidence*, p. 242) During the meeting, Dobrynin delivered a letter to President Nixon from Soviet Communist Party General Secretary Brezhnev. The letter, which included an exchange of views on the Strategic Arms Limitation Talks, Middle East, and Vietnam, first addressed the importance of the Berlin agreement and of ratification of the Eastern treaties in the Bundestag:

“Both in public statements and confidentially we repeatedly outlined our views and put forward certain specific proposals concerning Europe. We understand the readiness expressed by you to a confidential exchange of opinion on this score, in such a way that in the course of the preparation for the meeting appropriate specific considerations will be expressed by the American side as well.

“You, Mr. President, noted on a number of occasions the great significance of the quadripartite agreement on West Berlin. Such is our appraisal of that agreement, too. Its entry into force will indeed make a major step on the way to strengthening the détente and ensuring security in Europe. It is clear at the same time that the agreement on West Berlin is inseparable from other European problems and, above all, from the entry into force of the treaties of the Soviet Union and Poland with the FRG. We therefore believe it very important for all the participants of the quadripartite agreement on West Berlin, including the United States, to actively facilitate, with all the means at their disposal, completion of the ratification of the above treaties with West Germany.

“I want to use this occasion to emphasize anew the positive significance of the fact that both the Soviet Union and the United States have worked hard enough to make their contribution to the attainment of the above agreement on West Berlin.” (National Archives, Nixon Presidential Materials, NSC Files, Box 493, President’s Trip Files, Dobrynin/Kissinger, 1972, Vol. 10)

The full text of the letter is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII.

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

Washington, March 28, 1972.

SUBJECT

Additional Material for Bahr Meeting

State has sent over a paper (Tab A) containing, first, a series of questions relating to Brezhnev and Soviet policy and, second, comments and talking points relating to treaty ratification issue.²

In regard to the latter, you should note that Bahr has twice talked to our Political Counselor in Bonn, Jock Dean, concerning possible White House intervention with Barzel.³ The purpose would be to persuade Barzel to get two CDU Land Minister Presidents (Kohl and Stoltenberg) not to vote against the treaties in the Bundesrat, thereby removing the need for an absolute majority in the Bundestag.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI. Secret. Sent for action. Another copy indicates that it was drafted by Hyland. (Library of Congress, Manuscript Division, Kissinger Papers, Box CL.270, Memoranda of Conversations, 1968–77, Chronological File) According to an attached routing form, Kissinger noted the memorandum on March 29, i.e. after his meeting with Bahr. (National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI)

² Attached but not printed at Tab A is a briefing paper forwarded under cover of a memorandum from Eliot to Kissinger, March 27. The paper included the following discussion on ratification: "It has been our policy to avoid direct involvement in the Bundestag debate on the Eastern treaties. On March 22 the White House provided guidance on the subject with an indication that the President wished all American officials to observe it strictly. Underlying this policy are evident disadvantages which could result from direct American intervention: (a) These treaties are of historic importance to the German people and the German Parliament should bear full responsibility for the ultimate decision. (b) The USSR will gain certain long held objectives through the treaties. It has shown a readiness to clarify several points at issue in FRG/USSR relations to achieve its ratification. If we push the Bundestag to ratify the treaty in Moscow, the Soviets and the East Germans will be relieved of the necessity to take further steps to ensure ratification which could be quite beneficial to the Western side. (c) Finally, there is the question of how the United States could take a more active posture without giving the impression of direct involvement in German domestic affairs, in which case the results would be unpredictable." (Ibid., Box 286, Agency Files, State, Vol. 16) In a March 22 memorandum to Eliot, Haig forwarded the President's instructions that all U.S. officials adopt the following line in response to questions on the ratification debate: "It would be quite improper for me to comment on the vote in the West German Parliament. Moreover, I will not speculate on the effect of their decision, one way or another. As for the Berlin agreements, they have an intrinsic merit. We are prepared to sign them at any time. The relaxation of tension over this issue should be in the interest of all parties concerned." (Ibid.)

³ See Document 344.

If Bahr does indeed raise such a proposition, it has to be seen against the background of the President's statements to both Brandt and Barzel that we consider the ratification issue an internal German one.⁴

The US has only two ways in which to influence the outcome in Bonn: (1) to urge the Germans to ratify and (2) to urge the Soviets to make additional concessions which take the wind out of the sails of the CDU/CSU. The first is much the trickier since, however confidential, it will leak and eventually place responsibility for the treaties on us, not the Germans. It would of course also constitute a departure from what the President told Barzel and Brandt.

A variant of (1) would be to paint a grim future for East-West relations in the event the treaties fail. But we cannot have an interest in creating self-fulfilling prophecies in this respect. The Soviets should not be absolved of responsibility for their actions ahead of time; and we should not assume that the conjunction of interests that have led the Brezhnev coalition to its present policies would automatically lapse with the failure of the German treaties.

I think our best posture right now is to await the results of the B-W⁵ elections on April 23. If the SPD/FDP squeaks through to be able to form a government (one current poll suggests this), there will be no problem. Even if the CDU wins out but with the FDP still running reasonably well, chances are that Brandt can hold the majority in the Bundestag. The most difficult case would be the one where the CDU wins and the FDP is so badly trounced that its Bundestag members begin to run for cover in the CDU. This could lead either to new federal elections, or a constructive vote of no confidence replacing Brandt, or simply defeat of the treaties.

In any case, we should wait to take stock on April 24, meanwhile telling the Soviets to keep anteing up.

⁴ See Documents 335, 336, and 338.

⁵ Baden-Württemberg.

348. Memorandum of Conversation¹

Washington, March 28, 1972, 1 p.m.

SUBJECT

Prospects for Ratification of Moscow Treaty

PARTICIPANTS

German Side

State Secretary Egon Bahr
Ambassador Rolf Pauls

U.S. Side

Dr. Henry Kissinger, Asst. to the President
Martin J. Hillenbrand, Asst. Secty. for
European Aff.
Helmut Sonnenfeldt, Senior Member,
NSC Staff

State Secretary Bahr assessed the prospects for ratification of the Moscow Treaty between the FRG and the USSR along the following lines:

It would be difficult to have any meaningful discussions with the CDU prior to the Baden-Wuerttemberg elections since the CDU was totally preoccupied with the campaign. Thereafter, it should be possible for leaders of the two parties to talk. Gerhard Schroeder was in a pivotal role. He was really in favor of ratification of the treaty, but if he saw he had any possibility of becoming Chancellor, he would come out against it. The CDU party leader Barzel wants to avoid a constructive vote of no confidence at all costs, since he knows that some members of his own party would not support him as Chancellor candidate and Schroeder would probably win out in the end.

Chancellor Brandt would not make the second reading in the Bundestag scheduled for early May an issue of confidence for his government. The SPD tactic would be to try to obtain a free vote.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–US. Secret; Exdis. Drafted by Hillenbrand; approved by Kissinger. (Memorandum from Davis to Eliot, April 5; *ibid.*) The meeting was held in Kissinger’s office at the White House. The memorandum is part 1 of 4. The remaining parts, on Currency Exchange Problems, European Community Relations, and Presidential Visit to the Soviet Union, are *ibid.* According to Kissinger’s Record of Schedule, the meeting lasted from 1:22 to 3:08 p.m. (Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) For Bahr’s memoranda on his meeting with Kissinger, see *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1972*, Vol. 1, pp. 347–351.

If that succeeded, there was no doubt that the treaty would carry with some 257–258 votes in favor. It was likely that the Bundesrat would not send back the treaty to the Bundestag for a third reading in June, even with its 21 to 20 CDU majority. If it did, Brandt would make the vote in June a vote of confidence. It seems likely, however, that Brandt would obtain an absolute majority in the second reading.

Turning to the Baden-Wuerttemberg Landtag elections to be held on April 23, Bahr conceded that if the FDP fell under 5% the Brandt government would thereafter immediately fall. This was not likely, however. The fact that the NPD vote had gone over to the CDU would drive back some of the old liberals to the FDP, despite their alienation by the unskillful electoral campaign conducted by the FDP so far. The possibility of throwing some SPD votes behind the FDP, as had occurred in Hesse, was also something to be considered.

Bahr's personal estimate was that the FDP would get 7% of the total vote in Baden-Wuerttemberg, with the SPD moving up from 29% to 39% and the CDU getting some 51% to 52%.

A procedural possibility being considered in the event that the Moscow treaty obtained only a simple majority in the second reading was to have a vote taken in the Bundestag on a procedural resolution (*Abschliessung*) that Bundesrat action was not required. Under existing rules this would permit the Berlin members to vote, which meant that the resolution would undoubtedly be carried by the Bundestag and the bill would never go back to the Bundesrat.

Dr. Kissinger commented that, after an initial period of optimism in January about ratification of the treaties, the defection of Hupka and other developments had seemed to make the government's majority more precarious.² Bahr observed that this was essentially a psychological matter that would straighten itself out. As a matter of fact, most of the principal leaders of the CDU wanted the treaty to be ratified. After Easter, Barzel and Brandt would get together to avoid too much broken crockery, although their decisive talks could only take place after the Baden-Wuerttemberg elections.

In response to Dr. Kissinger's question as to whether there was a possibility that the Bundestag might accept the Polish treaty while rejecting the Soviet treaty, Bahr said that this could not take place since the government would not put forward the Polish treaty under those circumstances. Moreover, the Poles would not be in a position to have

² See footnote 3, Document 343.

the treaty come into effect in the absence of ratification of the Moscow treaty.³

Turning to his current negotiations with the East Germans on a traffic treaty, State Secretary Bahr noted that there were three material points of consequence: movement of East Germans westward; movement of West Germans into East Germany and the problem of crossing points. However, it was the political issues which would be decisive, and he was not at all sure if agreement could be reached on these. Soviet pressure would only be maintained on the GDR until after ratification of the Moscow treaty. It was obvious that the GDR leaders would prefer no agreement at all and reversal to the status quo ante. After completion of the inner-German talks on the Berlin agreement, the Soviets had at first refused to bring pressure on the GDR in connection with the traffic treaty, but when they were told that a more forthcoming GDR attitude in these negotiations would be helpful in the ratification process, they obviously brought some pressure to bear.⁴

³ Rush gave a brief report on ratification of the Eastern treaties during a meeting of the Washington Special Actions Group on March 29: "Let me say a word about the treaties, if I may. Bahr called me yesterday, Henry, before he saw you, and he expressed some optimism about the outcome of the voting. I had also investigated the vote problem before I left Germany. The Bundestag votes on May 4, and if there are 249 votes for ratification the whole thing is just about over. Then, of course, the Bundesrat votes. If the Bundesrat sends the treaties back, there will probably be another vote in the Bundestag in June. In any case, we should know in early May if there is a problem in Germany. My prognosis is that the treaties will be ratified." (National Security Council, Secretariat Files, Minutes Files, SRG Minutes, 1972 thru 1973 (Originals)) Kissinger also met Rush for 10 minutes after the SRG meeting. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No record of the discussion, however, has been found.

⁴ In a memorandum to Kissinger on March 29, Sonnenfeldt reported: "I have learned that Bahr and Pauls held a press conference for German correspondents yesterday after Bahr's meeting with you. Bahr put out the agreed statement. The correspondents then pressed hard on the *Spiegel's* story about a telegram Pauls purportedly sent home reporting widespread media and official support in the US for ratification of the Eastern Treaties. By sitting silently at first and then remarking that Pauls' views were highly respected in Bonn, Bahr left newsmen with the impression that he shared Pauls' reported assessment. Asked by the journalists if the State Department's earlier public statement of non-intervention in the treaty issue still stood up after his meeting with you, Bahr gave a lengthy reply, the key sentence of which was that non-intervention was not identical with lack of interest. Some correspondents present thought he tried to leave the impression that the US was indeed shifting its position." (National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI) Birrenbach called Kissinger at 2:30 p.m. on March 31 to ask about reports that Washington might abandon its policy of neutrality in the ratification debate. "We will not take any position from here," Kissinger replied. "What we told [Barzel] remains our position and will remain our position." Kissinger quickly added: "but I want to make sure this is not put out publicly." (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File)

349. **Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)**¹

Washington, April 1, 1972.

1) Many thanks for our discussion² to which I would like to add the following: I am working under the assumption that the Soviet Union sees the USA as a guarantor for the situation in Europe. In any case, Soviet approval of the permanent presence of the USA in the middle of Europe through the Berlin Agreement is an indication of this. In my view, it is absurd to speak of the Soviet wish for the withdrawal of Americans from Europe, since Moscow, in so far as it still has such a wish, must consider it unrealistic and unrealizable.

Such a wish would also contradict the Soviet interest in a stabilization of the status quo in Europe, which is only possible with the USA.

It corresponds to well-known realities, and the Russian understanding of them, that the USA should participate in a conference on security and cooperation in Europe.

In the interest of détente and security, it would be important to include language to this effect in the communiqué,³ in so far as there is agreement on the matter.

2) We are hoping to be able to regulate by treaty the Fundamental relationship between the two states no later than November 1. This treaty will be handled at the same time in the Bundestag as the legislation we need to apply for membership in the UN.

To encourage this possibility, we will adopt a hard line against the East German efforts for membership in the ECE in April and the WHO in May.⁴ We may reconsider the question of the environmental

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3]. Top Secret. A copy was sent to Sonnenfeldt. The message, translated here from the original German by the editor, was sent through the special Navy channel in Frankfurt. For the German text, see also *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland, 1972, Vol. 1* pp. 351–353.

² See Document 348.

³ Reference is apparently to the communiqué issued by the North Atlantic Council at its ministerial session in Bonn on May 31. For the text, see *Documents on Disarmament, 1972*, pp. 247–250.

⁴ East Germany became a member of the Economic Commission for Europe in December 1972; its membership in the World Health Organization was deferred in May 1972 and approved in May 1973.

conference⁵ if [the treaties] are ratified in the first week of May without the requirement for referral again to the Bundesrat.

3) At the Prague Conference, [the Warsaw Pact] agreed to prepare an expert's paper on the relationship between COMECON and the EEC.⁶ The substantive statement by Brezhnev on the EEC⁷ was the most possible at this point without submitting a formal report on the matter for political decision.

4) The Soviet side has transmitted a kind of memorandum to the Chancellor regarding its attitude on ratification, that he then used privately in the Bundestag foreign affairs committee. Something similar from the American side would be used only in the talks between the Chancellor, Scheel, Barzel, and Schroeder. In this regard, I am assuming that the President's trip to Moscow will take place in any event and be seen in a positive light if the treaties have been ratified and we are able to agree on a date for signature of the final protocol. An explanation of the American position and interests is as important and necessary as ever for a free decision of responsible men in the opposition.

Warm regards.

⁵ Reference is to the United Nations Conference on the Human Environment, which was held in Stockholm June 5–16, 1972; the Soviet Union and other East European countries refused to attend when East Germany was invited to observe but not vote during the proceedings.

⁶ The members of the Warsaw Pact met in Prague on January 25 and 26, 1972. For the text of the declaration issued at the conclusion of the meeting, see *Documents on Disarmament, 1972*, pp. 1–8.

⁷ See Document 345.

350. Editorial Note

On April 3, 1972, Assistant to the President Kissinger met Soviet Ambassador Dobrynin in the Map Room at the White House from 5:37 to 6:15 p.m. to discuss several issues, including the impact of the recent North Vietnamese offensive on ratification in Bonn of the Moscow and Warsaw treaties. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No substantive record has been found. Both participants later described the conversation in their memoirs. According to his account, Kissinger accused the Soviets of “complicity in Hanoi’s attack,” arguing that Moscow had supplied the military equipment necessary for the oper-

ation. He then emphasized the linkage between North Vietnam and West Germany:

“If the offensive continued, we would be forced into measures certain to present Moscow with difficult choices before the summit. In the meantime we would have to call off some steps of special concern to Moscow. For example, Moscow had asked us to send a message to West German leaders to urge the ratification of the Eastern treaties, scheduled for a vote in about a month’s time. We had been reluctant to intervene to such an extent in Germany’s internal politics. We used the North Vietnamese offensive as a pretext to avoid what we were reluctant to do in any event. Under current conditions, I told Dobrynin, we could not be active in Bonn. Moscow could not ask for our assistance in Europe while undermining our position in Southeast Asia. The Kremlin was put on notice that North Vietnamese actions might jeopardize some fundamental Soviet goals.” (Kissinger, *White House Years*, page 1114; see also Dobrynin, *In Confidence*, page 243)

President Nixon called Kissinger at 6:19 p.m. to review the meeting with Dobrynin. Kissinger reported that he had raised “the Berlin thing” in order to emphasize Nixon’s determination on Vietnam.

“K: I said, ‘Look, here we are. We get the ratification thing coming up in Germany, the President has been asked to write to Brandt, but he can’t under these circumstances and he wants you to know if we should lose in Vietnam that is the last concession we will make this year.’ He said, ‘You aren’t going to lose. In our assessment you can’t lose.’

“P: I think he’s right.

“K: I think we are going to see this through.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File; and National Archives, Nixon Presidential Materials, White House Central Files, President’s Daily Diary)

The two men again discussed the connection between developments in Vietnam and Germany when Kissinger telephoned Nixon at 7:10 p.m. During the conversation, the President reiterated his resolve to avoid defeat on the battlefield.

“P: I will do everything necessary including taking out Haiphong.

“K: The more we shock them the better.

“P: Is there anything we could do in the Haiphong area?

“K: I think it is still too early. I think the Russians will do something. They are not going to risk everything.

“P: They will [not] risk Summit, Berlin, German treaty—correct.

“K: That’s right. I told Dobrynin. We can’t consider sending a message to Brandt under these conditions.

“P: I won’t.

“K: I don’t think you should send it anyway—so any excuse.” (Ibid.)

During a meeting in the Oval Office the following afternoon, Nixon and Kissinger discussed the linkage in Soviet policy between the summit and ratification.

Kissinger: "They're not doing the summit to do you a favor."

Nixon: "Oh, no."

Kissinger: "In fact, when they thought the summit was doing you a favor, they played a damn tough game."

Nixon: "That's right."

Kissinger: "They gave you an answer only—They started coming the other way only when they started needing you. They need you now on the Berlin ratification. If they have a big crisis—"

Nixon: "Does that make any, any imprint—"

Kissinger: "Oh, yeah."

Nixon: "—on Dobrynin's mind?"

Kissinger: "Well, and he knows it's a fact. 'If you start raising hell with us, that strengthens the enemies of ratification in Germany.' That's a fact."

Nixon: "I see."

Kissinger: "And—"

Nixon: "You told him that."

Kissinger: "Oh, yeah."

Nixon: "Good." (National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon and Kissinger, April 4, 1972, 1:17–1:32 p.m., Oval Office, Conversation 701–17) The editor transcribed the portion of the conversation printed here specifically for this volume.

351. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Deputy Secretary of Defense (Rush)¹

Washington, April 8, 1972, 12:43 p.m.

[Omitted here is discussion of the U.S. response to the North Vietnamese offensive.]

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File. No classification marking.

K: I was calling you because we have some sensitive German intelligence in which you told Bahr you might write Barzel.

R: Bahr wanted me to write Barzel.

K: While this crisis goes on we have to be sure there is no move which gives aid and comfort to the Soviets. If you can tell Bahr we cannot consider it, it would be helpful.

R: I don't know how he got that.

K: You know what an oily guy he is.

R: I told Pauls when he saw Barzel that he (Pauls) could say he was talking to me and I worried about the image of the German people.

K: Yes, you told this to me.

R: Bahr called me and asked if I would write Barzel, and I said no.

K: Can you get it across to the Germans—say to Bahr you and I have been talking and we are working in this direction. But we are confronted a second time in four months with an offensive backed by Soviet arms, and we have to reassess our whole situation.

R: I can get word to him on that.

K: How?

R: I can think of four ways: (1) go through your backchannel; (2) go through the State Department; (3) go through Rolf Pauls . . .

K: Why not go through Pauls. That is the most likely to leak. Do it in a way saying we are not going to do it because we have to reassess. Do it as an individual and not as a government. Can you do it this weekend?

R: I will do it right now.

K: Can you let me know after you do it?

R: Certainly.²

² In a return telephone call at 1:05 p.m., Rush reported that Pauls had agreed to send an urgent message to Bahr. Rush: "I told him I told Bahr I would not write a letter. This was all we could do. However, there was no [reluctance?] on your part or on my part personally with regard to changing of position, but as of now we could do nothing with regard to approving something for the Russians. Rolf understood completely." Kissinger: "Did you put it in the context of this offensive?" Rush: "I said in light of this heavy invasion with nothing but Russian equipment we obviously could not get behind something the Russians wanted." Kissinger: "Okay, Ken; well done." (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File)

352. Editorial Note

On April 8, 1972, Assistant to the President Kissinger sent a special channel message to German State Secretary Bahr on ratification of the Moscow and Warsaw treaties. After thanking Bahr for his previous message (Document 349), Kissinger linked political developments in Bonn to military developments in Vietnam:

“With respect to sending a memorandum to the Chancellor on our view of long-range East-West relationships into which we could fit the Berlin treaty and the general issue of ratification, we now confront the problems posed by a massive invasion of South Vietnam based on Soviet arms. We are undertaking an urgent review of the implications of that situation and will communicate with you after it is completed.” (National Archives, Nixon Presidential Materials, NSC Files, Box 424, Backchannel Files, Europe, 1972)

Kissinger reported his message to Bahr in a telephone conversation with President Nixon the next morning:

“I sent a message to Bahr. They requested a letter from you recommending ratification of the treaties. I was against it and sent a message saying under the circumstances—since this is the second time Soviet arms are engaged in an offensive—we are reassessing the whole policy. He will run to the Soviet ambassador [Falin]—we have some intelligence on him. He gave back exactly what we gave him here.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations, Chronological File)

During a meeting in the Oval Office at 12:44 p.m. on April 10, Nixon and Kissinger briefly reviewed their strategy to link U.S. policy on Germany to Soviet policy on Vietnam:

Kissinger: “If the Soviets start a major crisis with us [in Vietnam], their Berlin treaties are down the drain.”

Nixon: “And he [Dobrynin] knows that?”

Kissinger: “That’s right. So this is the worst month—”

Nixon: “Does Dobrynin know that we could ruin the Berlin treaties—”

Kissinger: “Two phone calls and I’ll ruin them. Look, Ken Rush and I between us could ruin those treaties in one afternoon.”

Nixon: “Could you really, Henry?”

Kissinger: “Oh yeah.”

Nixon: “Great.”

Kissinger: “So they just are in a hell of a spot.” (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, April 10, 1972, 12:44–1:06 p.m., Oval Office, Conversation 705–13) The editor transcribed the portion of the conversation printed here specifically for this volume.

Later that afternoon, the two men continued their discussion in the Executive Office Building. "If the Soviet Union and we are hostile to each other," Kissinger explained, "then there is no *détente* in Central Europe. If there is no *détente* in Central Europe, there is no basis for Brandt's policy. They need our summit for their German policy. That's what they learned in '70." After an exchange on the role of troop withdrawals in Vietnam, Nixon declared that, if the Chinese and Soviets persisted in playing games there, "we're going to play it tough." "We're going to have to tell Dobrynin," he said, "Well, the Berlin game is off." When Kissinger mentioned his message to Bahr, Nixon asked: "What did you say to the son-of-a-bitch?" According to Kissinger, the message stated that "the President was seriously considering the request for a memorandum on the possibilities of *détente*" and on support for treaty ratification, but, in light of the North Vietnamese invasion, was "engaged in an intensive review of the situation." Nixon then asked: "Are you sure Bahr will pass it on?" Kissinger replied: "I'll tell him to." "I had Rush, who had been asked by the Germans to write a personal letter to Barzel, communicate with Barzel that we cannot now [write] the letter," Kissinger further reported. "And I told him to give this to Pauls, the Ambassador. The Ambassador has to report back through channels, so many people in the German Foreign Office will read it. It's certain to be picked up." (*Ibid.*, Recording of Conversation Between Nixon and Kissinger, April 10, 1972, 3:10–3:55 p.m., Executive Office Building, Conversation 330–31) The editor transcribed the portion of the conversation printed here specifically for this volume.

353. Memorandum From Peter Rodman of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, April 13, 1972.

SUBJECT

Talk Between Bahr and Emissary of Brezhnev

[*less than 1 line not declassified*] report of a conversation on March 30 between Egon Bahr and Valery Lednev, an editor of *Izvestia* and personal emissary of Brezhnev (Tab A).²

Bahr briefed the Russian on his talks with you and Rush, and explained the parliamentary processes and prospects of treaty ratification. [2 lines not declassified]

Among the interesting points:

—Bahr said you were working on the premise that the Treaties would be ratified [*less than 1 line not declassified*].

—Bahr had asked Rush to write to Barzel to push the Treaties along [*less than 1 line not declassified*].

—Bahr was concerned that the U.S. stance appeared to be neutral, which was not consistent with the President's statements on Berlin [*less than 1 line not declassified*].

—Bahr was hoping the U.S.-Soviet summit would produce a joint statement on the Berlin Accords, which would imply that international policies depended on Treaty ratification [*less than 1 line not declassified*].

—Bahr interpreted a remark by you to mean that the U.S. and PRC had concluded a non-aggression pact in Peking [*less than 1 line not declassified*].

¹ Source: Ford Library, National Security Advisor Files, Kissinger & Scowcroft West Wing Office Files, Box 35, West Germany—Egon Bahr Communications. Secret; Sensitive. Sent for information. A handwritten note indicates that the memorandum was "OBE," overtaken by events. According to another covering memorandum, Kissinger received a copy of the attached report on April 7. For a discussion between Kissinger and Rush on the report, see Document 351.

² Tab A, a report of a conversation between Bahr and Valeriy Vladimovich Lednev, which took place in Berlin on March 30 (9 pages), was not declassified. For Bahr's record of the meeting, see *Dokumente zur Deutschlandpolitik*, Series VI, Vol. 2/1, 1. Januar 1971 bis 31. Dezember 1972: *Die Bahr-Kohl Gespräche 1970–1973*, pp. 503–505. For background on the relationship between Bahr and Lednev, see Document 138.

—Bahr emphasized that the GDR should concede nothing on liberalizing West-East Travel until the CDU made concessions on the Treaties. [*less than 1 line not declassified*].

—[*2 lines not declassified*]

Should this go to Sonnenfeldt?³

³ Kissinger did not indicate a decision on this question.

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

Bonn, April 14, 1972, 1850Z.

5272. Subject: CDU Leader Barzel on Present German Political Situation.

1. *Summary.* In discussion April 14 with EmbOff, CDU Party Chairman Rainer Barzel indicated that he and other CDU leaders are feeling pressures from the public campaign on ratification of the treaties launched by the Brandt government over the past ten days with Soviet help. Barzel said the CDU lead in Baden-Wuerttemberg had decreased and that an SPD/FDP government was now a possibility although the odds still favored an absolute CDU majority. Barzel indicated that he had made up his mind fairly firmly to try to bring down the Brandt government on a constructive vote of non-confidence if the occasion presented itself. However, he considered it somewhat more probable that the treaties would be ratified by a one-vote margin and that the Brandt government would stay in power until the end of the electoral period in 1973. *End summary.*

2. Barzel said that the CDU lead in Baden-Wuerttemberg had been reduced in the last two weeks. Although he still considered a CDU absolute majority more probable for the first time there was a possibility that the SPD and FDP together could get enough votes to form a gov-

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 15 GER W. Secret; Exdis. Repeated to Bremen, Düsseldorf, Frankfurt, Hamburg, Munich, and Stuttgart. Sonnenfeldt briefly summarized the telegram in an April 19 memorandum to Kissinger. (Ibid., Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII)

ernment. Barzel described the decrease in the CDU lead to the combined impact of the Soviet help for Brandt, including the passes for Berliners at Easter, and of the “fear and pressure campaign” being systematically waged by both the Soviets and the SPD against both the Baden-Wuerttemberg electorate and the CDU. During the last three weeks, a very large number of Soviet representatives of all kinds, diplomats, professors, journalists, and plain “visitors,” had called on nearly every leading CDU politician in the country, painting the blackest picture of the consequences for Germany if the Eastern treaties were rejected. Some of these Soviet emissaries had even used the term “hot war” in this connection. At present CDU deputies were under great pressure in their constituencies. A considerable number had been threatened with violence and kidnapping of their families. Barzel attributed this development to an organized Communist campaign. Under the present rules of the game, the CDU stood alone in the West in a contest with the Soviets without any help from anyone.

3. Barzel said, that he did not wish to advance a proposal on the matter, but that he believed that the fear and whispering campaign was making so much progress that it would leave a serious residue in German opinion if something were not done about it. It would be useful in this context if there could be a high-level American statement that US defense support of the Federal Republic would, of course, continue no matter the outcome of the domestic political decision process.

4. Barzel reviewed his April 12 discussion with Brandt and Scheel. Scheel had presented an overdramatized picture of the catastrophe which would befall the Federal Republic if the treaties were not ratified. As evidence that the political leaders of Germany’s allies shared this view, Scheel had cited only three persons: his liberal party friend, the Luxembourg Foreign Minister, Moro of Italy, and the Yugoslav Ambassador in Paris. Barzel said he had not been impressed by this recitation. Scheel had also hinted that a public US statement might still be in the offing to the effect that the USG did not wish its insistence on remaining outside the German parliamentary struggle of ratification to be mistaken for indifference towards the treaties or Brandt’s Eastern policy.

5. Barzel said that a similar rumor had followed Bahr’s recent visit to the US.² He was grateful for the neutrality of the USG in this matter and assumed that it would continue.³ Barzel said the only new el-

² See footnote 3, Document 348.

³ During a meeting in the Executive Office Building with Kissinger on April 15 at 1 p.m., Nixon mentioned the possibility of abandoning this neutrality if the Soviet Union failed to produce “concrete progress” on Vietnam. “I don’t know if the blockade [of Haiphong] is going to worry them,” Nixon commented, “but the German thing [will].”

ement in the talk with Brandt was that Brandt announced that some concessions on travel improvements might be forthcoming from the GDR.

6. EmbOff asked Barzel for his reaction to recent Soviet moves in support of the treaties, particularly the Gromyko statement concerning the Scheel letter on self-determination.⁴ Barzel said he had been visited by the Soviet intermediary V. Lednev on March 25. Lednev had asked Barzel to tell him what he really needed in order to change or moderate the CDU's opposition on the treaties. Barzel had told him that what he wanted was a formal Soviet written reply to the Scheel letter. Lednev had promised to return in a few days to discuss the matter further but had not yet done so. Barzel believed that Gromyko's action in presenting the Scheel letter to the Supreme Soviet was in response to the pressures brought to bear by the CDU. But this action did not go far enough.

7. Barzel said his recent trip to France had been much more pleasant than anticipated.⁵ He had received very friendly treatment from the French, perhaps because at that time the furor about change of governments in the FRG had been at its height. He had received a very strong impression from his talk with Pompidou that the latter was considerably more interested in successfully furthering French policy towards Western Europe than he was in the success of Brandt's Eastern treaties. Perhaps Pompidou would like both, but he seemed to attach much greater importance to moving ahead on European policy, telling

And it's been a hell of a thing but I'll sink that without question. We'll just tell Barzel and the Russians now we're against it. Do you agree?" Kissinger replied: "Right." (National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon and Kissinger, April 15, 1972, 1:00–2:00 p.m., Executive Office Building, Conversation 329–42) Nixon reiterated this point in a meeting with Kissinger in the Oval Office 2 days later. "I'd be very tough [with Dobrynin]," Nixon suggested. "Cause I'd very much like to see Johann [Franz Josef] Strauss. I like the old fart." Kissinger replied: "Right, right." Kissinger laughed when Nixon then asked if he understood. Nixon persisted: "Don't you think that's the way we play it?" Kissinger: "Absolutely." Nixon: "I think Dobrynin expects you to play that way." (Ibid., Recording of Conversation Between Nixon and Kissinger, April 17, 1972, 8:59–9:24 a.m., Oval Office, Conversation 709–8) The editor transcribed the portion of the conversations printed here specifically for this volume.

⁴ Gromyko reported on the ratification debate at a joint session of the foreign affairs committees from both houses of the Supreme Soviet on April 12. During his remarks, Gromyko acknowledged receipt on August 12, 1970, of the "Letter of German Unity" from Scheel, thereby implying its relevance to the Moscow Treaty. For a published account of the session, see Meissner, ed., *Moskau–Bonn*, Vol. 2, pp. 1453–1462. For an English translation of the letter, see *Documents on Germany, 1944–1985*, p. 1105.

⁵ Barzel visited Paris March 21 and 22. For his published account of the visit, including extracts from a record of his discussion with Pompidou, see Barzel, *Im Streit und umstritten*, pp. 177–183.

Barzel that following the referendum⁶ France's commitment to Europe would be total, that he intended to play a very active role in this development and hinting, according to Barzel, that he would welcome a more energetic German partner in this regard. Barzel said there was a distinct difference between the position on the ratification taken by the Foreign Minister Schumann who had told Kurt Birrenbach, Barzel's advance envoy, that failure to ratify could be catastrophic, and the position taken by Pompidou.

8. Treaty ratification. Barzel said he expected the Brandt government to try to field 249 votes for treaty ratification in the May 4 Bundestag reading in order to demonstrate that it had an absolute majority at its command. The greater possibility was that this effort would succeed, but this was not certain. Barzel said he had specific information on a coalition deputy who had not yet come to the public attention who was seriously considering a change in his vote on patriotic grounds, although he had not yet made up his mind. Barzel did not identify the individual more closely. With regard to the Bundesrat vote on the treaties, Barzel said that it was out of the question that any CDU Land Minister-President would vote for the treaties. Barzel claimed that even if the CDU lost the Baden-Wuerttemberg elections, Minister-President Filbinger who according to the Baden-Wuerttemberg constitution need not leave office for a month or more, would nonetheless still cast the votes of Baden-Wuerttemberg against the treaties. (*Comment*: Although possible, we doubt that this would take place. It would on the one hand be a violation of strong local attachment to democratic principles and does not seem practically feasible because a decision on the Bundesrat vote presumably would be based on a decision of the CDU/SPD cabinet in Stuttgart, possibly giving the SPD an opportunity to dissolve the government beforehand if the CDU insists on opposing.)

9. Constructive vote of non-confidence. Barzel said he had decided during the last few days to try bring about a constructive vote of non-confidence against Brandt even if the CDU were sure of only a one-vote majority. This was a firm decision, at least under present circumstances. There was no reason why a majority of one vote was not good enough to establish a government committed to improving the Eastern treaties if one vote were considered good enough to ratify the treaties. Barzel said he believed he could continue to successfully govern with a one or two vote majority until the 1973 elections because he

⁶ On March 16 Pompidou announced that a referendum would soon be held on the long standing proposal to include Great Britain in the European Economic Community. The referendum, which was held on April 23, resulted in French approval of British membership.

would himself pose the confidence question on all important votes and a lot of deputies did not want to have elections before the scheduled time in 1973. Barzel said that he was now trying to find out whether he could collect the necessary votes for this action. If he did and the outcome in Baden-Wuerttemberg was positive for the CDU, the attempt would be made during the Bundestag debate on the budget for the Chancellor's office in the week of April 23. Barzel told EmbOff he would try to inform him in advance if the decision was taken to try the non-confidence vote. He reminded EmbOff, however, that at the beginning of the year he had forecast to him that the CDU would win an absolute majority in the Baden-Wuerttemberg elections and that Eastern treaties would scrape through the Bundestag. This still seemed the greater probability.

10. *Comment:* We agree with Barzel in his analysis. The latest estimates available to us make it appear that the CDU is falling off in Baden-Wuerttemberg, but most observers continue to forecast a slight absolute majority for the CDU, although if the present adverse trend continues, this evaluation may have to be revised. As Barzel complains, the numerous steps taken by the Soviets or East Germans in the last several weeks have cumulatively had effects on German opinion. These steps include a Soviet statement that controversial Russian language translations of key sections of the treaty on the inviolability of borders were identical in sense to the German language version; the Soviet treatment of the Scheel letter on self-determination; conclusion of a trade agreement with the Berlin clause; Brezhnev's statements that the Soviets considered the European Community as a reality; Brezhnev's statement of refusal to renegotiate the Eastern treaties with any German Government, a statement which undercuts the CDU position; Soviet agreement announced April 13 to permit 700 ethnic Germans to emigrate to the FRG from the USSR; and a statement that the FRG would assure consular protection for West Berliners in the USSR on lines at least roughly comparable to those followed with regard to permanent residents of the FRG.⁷ We would add to this list the Lednev visit of which Barzel speaks. Above all, the unilateral GDR travel easements at Easter have had a considerable effect on political opinion in the FRG and, according to sources from all three major parties, on public opinion in Baden-Wuerttemberg. The announcement two days ago that FDP Deputy Kienbaum who has been listed as a waiverer would

⁷ Sonnenfeldt listed the Soviet carrots and sticks in his March 24 memorandum (Document 345) and in an April 13 memorandum to Kissinger. "All told," he concluded, "the situation continues to argue strongly in favor of our keeping hands off for now." (National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII) Sonnenfeldt also submitted a similar status report in the memorandum cited in footnote 1 above.

vote for the treaties has for the moment halted speculation on FDP defections. The FDP leadership itself now believes it will exceed the critical 5 percent hurdle in the Baden-Wuerttemberg elections and may get even over seven percent of the popular vote; this is not much, but more than earlier expected. Taken together, these factors have created more confidence among coalition leaders and have tended to place the CDU on the defensive at this point in time. Barzel's decision to try to bring down the Brandt government even with a one-vote majority, which he implied had the approval of his party Presidium, does not seem a sound one from the viewpoint of CDU party interests and illustrates that the CDU is becoming increasingly obstinate under what it feels is a telling public attack.

Cash

**355. Paper Prepared in Response to National Security Study
Memorandum 146¹**

Washington, April 20, 1972.

[Omitted here is the table of contents]

SUMMARY

The present paper provides an analysis of US interests and possible policy moves with respect to the German Democratic Republic (GDR). Conclusions and recommendations are contained in the draft National Security Decision Memorandum which is attached as Annex A.²

Geographically, the territory of the GDR surrounds Berlin and forms the Warsaw Pact's longest frontier with the NATO Alliance. It

¹ Source: National Security Council, Secretariat Files, NSSM Files, NSSM 146. Secret. The date is taken from an April 20 memorandum from Hillenbrand forwarding the paper to Kissinger. NSSM 146 is Document 341. Hillenbrand, acting as chairman of the Interdepartmental Group on Europe, noted that the Departments of State, Defense, Treasury, and Commerce, as well as the Central Intelligence Agency and the United States Information Agency, all participated in its preparation. Davis circulated the paper for discussion at the Senior Review Group meeting on April 26. (Memorandum from Davis to Johnson, Rush, Moorer, Helms, and Under Secretary of Treasury Walker; *ibid.*) The meeting, however, was postponed, presumably as Kissinger was busy preparing the President for his televised address that evening on Vietnam. See also Document 383.

² Attached but not printed.

constitutes the principal foreign stationing area of Soviet forces. Politically, the GDR is part of a larger German entity where the Four Powers continue to have special rights and responsibilities. It will remain a major concern for the Federal Republic of Germany and a factor of great sensitivity in the relationship between the FRG and its allies, particularly the US, UK, and France. For these reasons, what happens in the GDR is of special importance for the United States and is certain to remain so. Our main interest there will be to ensure that the GDR does not utilize its geographic position, its political status, or the strategic leverage resulting from the Soviet military presence, to undermine the security or viability of West Berlin. In addition, it will be to our advantage: (a) to open up the GDR to the liberalizing influence of increased contact with the West; (b) to encourage acceptance by the GDR leadership of a reasonable and constructive relationship with the FRG; (c) to obtain as much information as possible concerning developments in the GDR; (d) to expand economic relations; and (e) to afford consular services and protection to Americans traveling, or having business, in the GDR and East Berlin.

In considering a policy which will best conform with US interests, two principles must be taken into account as of overriding importance. First, as long as the United States retains primary responsibility for the security of the Western sectors of Berlin, the quadripartite rights and responsibilities with regard to Berlin and Germany as a whole must not be prejudiced. Second, no actions should be taken which would seriously strain relations with the FRG, since the FRG will remain vastly more important to the United States than the GDR.

In the past, these two principles have severely circumscribed the flexibility of the United States and the other Western Powers in dealing with the GDR. This situation is changing since the FRG now acknowledges the GDR's existence as a separate state and is prepared to see it accepted as a UN member, if certain conditions are met. In addition, the Quadripartite Berlin Agreement includes Soviet recognition of the continuing validity of the Four Power rights and responsibilities and thus provides useful assurance that an enhanced status for the GDR need not affect these rights and responsibilities, particularly insofar as unimpeded access to Berlin is concerned.

The United States can, therefore, contemplate changes in its policy toward the GDR and, indeed, needs to do so, since events in train connected with the Federal Republic's Eastern policy can lead to a fairly early enhancement in the status of the GDR. Since the UK and France share responsibility with us on the Western side, and since any Western moves affecting the GDR are of critical importance to the FRG, most changes can be undertaken only after consultation, and in many cases agreement, with the other Three Powers in the Bonn Group.

Possible initiatives and changes in US policy fall within three general areas:

—*A more active American presence in the GDR and East Berlin.* The United States, without recognizing the GDR or causing serious concern in Bonn, could pursue trade possibilities with the GDR more energetically, and seek to encourage more unofficial exchanges in the academic, cultural and scientific fields. As part of such initiatives, we could authorize US representatives to travel more widely in the GDR and deal more freely with East Germans as long as the East Germans are not functioning as members of the East German Government. The degree of success of such initiatives would depend on the reaction of the GDR, which until now has not been particularly cooperative.

—*GDR membership in the United Nations and participation in international organizations and agreements.* The Four Western Powers presently contemplate that after the Berlin Agreement comes into effect negotiations will be undertaken with the Soviets and the East Germans to establish the conditions of UN membership for the two German states. These conditions are: (a) an understanding between the Three Powers and the Soviets, in which the FRG and the GDR would be associated, that UN membership will not alter the rights and responsibilities of the Four Powers; and (b) an agreement between the FRG and the GDR establishing a basis satisfactory to the FRG for their bilateral relationship. If these conditions are achieved, the Four Powers would jointly sponsor UN membership applications on behalf of the FRG and the GDR. It is possible that these conditions cannot be achieved before the GDR gains, through its own efforts, membership in a specialized agency of the United Nations. Similarly, meetings connected with a CSCE may begin first in which the GDR will participate and thus gain substantial enhancement. Several options would be open to the Western Powers under such circumstances, but the most likely course would be to continue efforts to achieve the conditions for UN membership while dealing pragmatically with the GDR's participation in other fora on a basis of continued non-recognition.

—*US recognition of the GDR.* If the conditions for UN membership can be achieved, the way would be open for the Three Western Powers to recognize the GDR bilaterally. The major advantage for the United States would be that we would then be in a better position to ensure that US interests in the GDR are effectively pursued. The major disadvantage would be the impression thereby created that we accept the division of Germany as more or less permanent, thus possibly raising some question as to the continued relevancy of Four Power rights and responsibilities for Germany as a whole. Difficult negotiations with the GDR would undoubtedly be required to establish a satisfactory basis for the operation of an American Embassy accredited to

the GDR. The location of the Embassy would itself raise a problem—though not of an insuperable nature—since East Berlin, while patently serving as the capital of the GDR, is not recognized as part of the GDR by the Three Western Powers.

[Omitted here is the body of the 43-page paper.]

356. Editorial Note

On April 20, 1972, Assistant to the President Kissinger arrived in Moscow for a series of secret meetings with Soviet General Secretary Brezhnev to discuss the upcoming summit. Although Vietnam and the Strategic Arms Limitation Talks dominated the discussion, Kissinger and Brezhnev also reviewed the political situation in Germany. During a meeting on April 22, Brezhnev expressed concern on the prospects for Chancellor Brandt and ratification of the Moscow and Warsaw treaties:

“Brezhnev: I would like to ask you to tell President Nixon that we value highly the President’s position on this matter, the support he is giving to ratification of the treaties and the agreement on Berlin. I would like you to bear in mind this is not [just] a compliment to the President, this is the truth. At the same time, I don’t want to be too reticent or shy in speaking my mind on other aspects. I want to express the wish that at this decisive stage for Chancellor Brandt and the FRG the President should say a still more weighty word in favor of ratification. This would have a considerable significance and would be much appreciated in the Soviet Union and throughout the world. I would like to ask you Dr. Kissinger to draw President Nixon’s attention to this.

“Kissinger: You can be sure I will.

“Brezhnev: President Nixon does have an unlimited capacity in this respect. It would be a very important step toward very successful negotiations.

“Kissinger: In what respect ‘unlimited’?

“Brezhnev: If I were elected President, I would show you. It would be good if I were elected President, but I don’t seek the nomination!

“Kissinger: With respect to influencing the Germans?

“Brezhnev: The President has unlimited capacity with respect to ratification. We do highly appreciate his position. The point I make is that we would appreciate any further efforts he could make in favor of it. Intuition is sometimes a good guide, and I have the impression President Nixon will respond favorably.

“Kissinger: As you know, there are elections tomorrow in the German state of Baden-Württemberg. If these go badly, that is, if the Free Democrats get wiped out or get reduced substantially, or if the Social Democrats don’t do well, then I don’t think anything we do can make any difference. I think the Brandt Government will fall. I give you my best judgment.

“Brezhnev: Would that be to our advantage for the Brandt Government to fall?

“Kissinger: No, we don’t want this, but I state it as an objective fact.

“Brezhnev: The U.S. President still has 24 hours to act. I know you sometimes put out surprise press conferences. Well, the President knows better how to do it.

“Kissinger: No, we cannot influence a State election in Germany. It is too difficult. I don’t think it will happen, but I wanted to say it would be difficult.

“Brezhnev: You are a difficult man to come to terms with. We came to agreement immediately before, and we have already notified Semenov immediately.

“Kissinger: But can you influence elections for us?

“Brezhnev: Isn’t all this understanding we have reached in favor of that? On SALT, ABM, European issues, long-term credits, the whole radical improvement in the atmosphere of U.S.-Soviet relations?

“[The Russians conferred among themselves briefly, at which Dr. Kissinger remarked: “Every time I say something, there is a brawl on the Russian side.”]

“Brezhnev: Because, after all, the President is a politician, not a merchant. Politics covers all questions. The important thing is for us to reach agreement.

“Kissinger: Realistically, what I would like to do is claim credit when the elections go well tomorrow and then ask you for concessions.

“Brezhnev: What concessions?

“Kissinger: I’ll think of one.

“Brezhnev: I’ll be prepared to give you credit if it goes well, but if things go badly, I’ll say it was your fault.

“Kissinger: You must have read in the Ambassador’s cables that I am vain.

“Brezhnev: I have never read that.

“Dobrynin: I have told them you are modest.

“Kissinger: I will have revolution on my hands. Realistically, it is too late to do anything. If the elections go as expected without radical change in Bonn, we will see what can be done.

“Brezhnev: What is your general forecast?

“Kissinger: My forecast is that tomorrow’s election will not affect the parliamentary situation in Bonn. Perhaps some minor parliamentary changes, but it will not affect the situation. Confidentially, we have attempted to be helpful. We invited Bahr to Washington and let it be known, and we have not received anyone from the Opposition. This is a fairly clear signal in Germany. We have not seen Barzel since the ratification debate started. He wanted to come in April and we did not receive him.

“Brezhnev: I know you received Bahr.

“Kissinger: And when Barzel came in January, your Ambassador in Bonn can confirm we did not encourage him.

“I want to be honest with you. I had arranged with Bahr to send a memo that perhaps he could use confidentially in early April. But this became impossible because of the Vietnam situation. Our domestic situation became more complicated. We will review what can be done between now and May 4.

“Brezhnev: This is a very important component of the general package of problems we will be having discussions on and hoping to resolve. We feel that on all the issues, agreements should be reached that will be worthy of our two countries.

“Kissinger: Mr. General Secretary, we have invested so much in the Berlin Agreement that we are in favor of ratification of these agreements. In light of these discussions, we will see what additional steps we can take to assist ratification.”

After an exchange on the need to discuss European security at the summit, Brezhnev asked Kissinger about membership for East and West Germany in the United Nations.

“Brezhnev: [O]n the subject of the admission of the 2 German states to the U.N., you know when we signed the treaty with the FRG, there was a clause in the statement on efforts of the sides to secure the admission of the 2 Germanies. Since at the Summit we will be discussing important issues, it would not be understood by the public in the USSR or the GDR or also in the U.S. if nothing was said on that subject.

“Kissinger: The Foreign Minister knows the sequence. It is possible that the treaties won’t be ratified by the Summit. They may pass on May 4 and then be rejected by the Bundesrat, then go back to parliament for a full majority in June.

“If this is the sequence, then a successful Summit would be a guarantee of ratification. It would be impossible that a German Parliament could reject them after a successful U.S. and Soviet meeting. Secondly as regards the GDR, I don’t want to raise the wrong expectations as regards what we can say at the meeting. I don’t think we can go much beyond the Berlin Agreement. With respect to admission of the 2

Germanies to the U.N., we frankly have not yet taken a position. My informal view is that we will back whatever Chancellor Brandt wants to do. If he proposes it, we will be prepared to support these steps.

“Brezhnev: Brandt did register in a document his readiness to support entry.

“Kissinger: We will check with Brandt before the Summit. We will not be an obstacle. If he is willing, we have no American interest to oppose it.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 72, Country Files, Europe, USSR, HAK Moscow Trip–April 1972, Memcons)

Kissinger later sent the following undated message to Bahr on the subject: “Brezhnev has approached us with a request to support UN membership for the GDR and the FRG. We have told him that we will be guided by the FRG’s approach on this matter. I would greatly appreciate your suggestions on how we should handle this in Moscow.” (Ibid., NSC Files, Box 424, Backchannel Files, Backchannel Messages, Europe, 1972)

Before the final meeting with Brezhnev on April 24, Sonnenfeldt briefed Kissinger on the growing political crisis in Bonn. The previous day, the Christian Democratic Union won the state election in Baden-Württemberg, and Wilhelm Helms, a member of the Free Democratic parliamentary party group, announced his defection from the governing coalition. While the opposition thus maintained its majority in the Bundesrat, the government was now in danger of losing its majority in the Bundestag. The loss of one more vote there would mean defeat not only for Brandt but also, in all likelihood, for ratification of the Eastern treaties. In a note to Kissinger, Sonnenfeldt wrote that the electoral results “will look ominous to Soviets.” He then offered the following advice on the Soviet request for U.S. intervention: “B[rezhnev] may believe *we* could have done something. *Let him believe it.* You held out hope, indeed virtually promised to do something before May *if* Brandt survives.” “*If US-Soviet relations deteriorate* (because of V[iet]N[am]),” Sonnenfeldt concluded, “[Barzel] may well defeat German treaties and—before that—topple Brandt.” (Library of Congress, Manuscript Division, Kissinger Papers, Box CL 230, Geopolitical File, 1964–78, Soviet Union, Trips, 1972, April, Notes)

Although he saw “no great sensations” regarding the outcome in Baden-Württemberg, Brezhnev reiterated his plea to Kissinger for U.S. intervention during their meeting on April 24. “Now is a decisive moment,” he declared, “when our two countries should take the necessary steps to further ratification of the treaties and sign a protocol on West Berlin.” After a discussion on summit preparations, Kissinger assessed the recent German developments.

“Dr. Kissinger: I have not seen our official analyses yet, but my personal analysis is that there has been a slight weakening of the Brandt

Government but not a significant weakening of the Brandt Government. In my judgment—again I am only speaking personally—it means that the treaties will be rejected by the upper house and will therefore have to come back to Parliament to pass by an absolute majority in June. It is my judgment that they will still pass. We will use our influence where we can.

“Brezhnev: America can certainly speak in a loud voice when it wants to.

“Dr. Kissinger: As I told the General Secretary, when I return I will discuss with the President what we can do. Having worked so long on the Berlin agreement, we want to see it achieved. It is one of the useful results of the exchanges between the President and the General Secretary.

“Brezhnev: I trust you will convey the general tenor and our tone to the President on our policy toward Europe, which contains nothing bad for Europe or for the U.S.

“Dr. Kissinger: You can be sure. We will see what we can do, possibly a letter to the Chancellor, or something else.

“Brezhnev: This requires looking at things thru realistic eyes, and perhaps everything will fall into place. I’m not in any way suggesting any concrete steps, because I am sure the President knows better. To help your own ally. I already told Chancellor Brandt in the Crimea that we had nothing whatsoever against the allied relationship between the FRG and the U.S. I am sure Chancellor Brandt told the President this but I wanted to reassure you.

“Dr. Kissinger: We will approach it in a constructive spirit. I will communicate thru the special channel. I will see your Ambassador Friday, but I can tell you now we will approach it in a constructive spirit, and with a desire to get the Treaties ratified.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Box 72, Europe, USSR, HAK Moscow Trip—April 1972, Memcons)

Later that day, Kissinger adopted a different line in a memorandum to Nixon on his trip to Moscow. “Brezhnev and his colleagues displayed obvious uneasiness over the outcome of the *German treaties*,” he reported, “and made repeated pitches for our direct intervention. The results of Sunday’s election and the FDP defection have heightened their concern, and the situation gives us leverage. I made no commitment to bail them out and indeed pointed out that we had been prepared to assist them through Bahr but had not done so because of the North Vietnamese offensive. We will see to it that we give them no help on this matter so long as they don’t help on Vietnam.” (Ibid.) As Kissinger later explained: “the Soviets’ eagerness to complete these treaties would be one of our assets if Vietnam should reach crisis proportions in the weeks ahead. From our point of view, having the Eastern treaties in abeyance was exactly the ideal posture.” (Kissinger, *White House Years*, page 1150)

357. Memorandum From Secretary of State Rogers to President Nixon¹

Washington, April 24, 1972.

Evening Report

No-Confidence Motion Submitted Against Brandt—In the immediate wake of the provincial elections held in Baden-Wuerttemberg on April 23, the CDU/CSU opposition in the German Bundestag has submitted a motion for a constructive vote of no-confidence in Chancellor Brandt.² The objective is to elect Rainer Barzel as Chancellor. The critical vote will take place on April 27. This is the first time in the history of the Federal Republic that such a vote has occurred.

The results in Baden-Wuerttemberg were not in themselves sufficient to undermine the Brandt Government. The FDP, Brandt's small coalition partner, did better than expected and the SPD, itself, registered a small gain over its vote in Baden-Wuerttemberg in the last Federal elections. A CDU victory had been expected and discounted in advance. The size of the CDU victory—53% of the vote—was surprising, however, and since Eastern policy was the most prominent election issue, it has been interpreted by the CDU as a popular rejection of Brandt's foreign policy. A second unexpected development was the resignation from the FDP on April 23 of one of its Bundestag representatives.³ He took this step because of dissatisfaction with the Government's social policy and not because of its Eastern policy. As a result the Brandt coalition's Bundestag strength was reduced to 249, the bare minimum needed for an absolute majority, without which the Eastern treaties cannot be approved.

This combination of circumstances has impelled the CDU/CSU to seize the moment to try and unseat Brandt. The vote of non-confidence

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 40, President's Daily Briefs, April 18–29, 1972. Confidential. Eliot signed the memorandum for Rogers. Butterfield stamped the memorandum to indicate that the President had seen it.

² In telegram 5733 from Bonn, April 24, the Embassy reported that Barzel had given one of its officers advance warning on the decision to file a motion of no-confidence against Brandt. When asked about the likely outcome, Barzel expressed some uncertainty, since "no one could be absolutely sure what every deputy in every party, including the CDU would do in this situation." "We doubt from his own words and our observations," the Embassy commented, "that Barzel has commitments from more than two or three coalition deputies to vote for the CDU no-confidence motion, not enough to provide a reliable cushion if a few CDU deputies should decide to vote for the Brandt government in the ballot, which will be secret. Consequently, the outcome of the vote appears uncertain and likely to be close either way. If the CDU wins, it is doubtful that its majority will be large or the resultant government very stable." (Ibid., RG 59, Central Files 1970–73, POL 15 GER W)

³ Wilhelm Helms.

will be based on the entire policy of the Brandt Government, with heavy stress on social and economic “failures.” If the move succeeds, however, and Brandt falls, his Eastern policy will be viewed as the decisive factor.

With the margin so small, it is impossible to predict whether the CDU move will succeed or fail. If Barzel is elected, it will be by a very small majority but he will have the advantage of a one-party administration rather than a coalition. The reaction in both Eastern and Western Europe will be negative at least initially. Ratification of the Eastern treaties and the coming into effect of the Berlin Agreement will be indefinitely delayed.⁴

T.L. Eliot Jr.⁵

⁴ Kissinger also briefed Nixon on the no-confidence motion in a memorandum on April 25. “One positive outcome from the vote, regardless of which way it goes,” he concluded, “will be a clearing of the air on the treaties. If Brandt wins, his treaties will probably be ratified, for the CDU/CSU will hardly challenge him again. If Barzel wins, he will have overturned the government—at least formally—on an issue other than the treaties. Whether the Soviets, or the French and British for that matter, will look at it that way is another question.” (National Archives, Nixon Presidential Materials, NSC Files, Box 40, President’s Daily Briefs, April 18–29, 1972)

⁵ Eliot signed for Rogers above Rogers’ typed signature.

358. Editorial Note

On April 27, 1972, the Bundestag voted on the first motion of no-confidence in the history of the Federal Republic of Germany. Under Article 67 of the Basic Law, Rainer Barzel, chairman of the Christian Democratic Union, needed a “constructive” majority of 249 votes to replace Chancellor Brandt. During a conversation in the Executive Office Building the previous day, Assistant to the President Kissinger briefed President Nixon on the vote of no-confidence and the pending vote for ratification of the Eastern treaties. “Frankly, I would prefer it if he [Brandt] didn’t fall,” Kissinger explained, “because if he did fall, we might not be able to get the treaties ratified.” He then continued his assessment:

“Brezhnev will be finished if the treaties don’t get ratified and, therefore, we will be in trouble too. If Brandt maintains himself tomorrow, he will still be so weakened. This is the first time in the whole postwar history that anyone has attempted a vote of no confidence. It shows how weak the government is. Because to overthrow the government it isn’t enough to get a majority against it, you have to get

a majority for somebody else. And that's never even been attempted. Then he has to pass the treaties by a relative majority. Then they go to the upper house, which we know will turn it down as a result of those elections. Then it comes back to the lower house after your trip to Moscow, where he's got to get an absolute majority, which is almost—which he cannot get without us. So we have a hell of a lot of leverage if he wins tomorrow." (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger April 26, 1972, 9:26–10:29 a.m., Executive Office Building, Conversation 333–7) The editor transcribed the portion of the conversation printed here specifically for this volume.

Kissinger also briefed Nixon on the situation in a memorandum that morning:

"Nobody can say with any certainty how the vote will go. Our Embassy thinks that Brandt will squeak by. Barzel himself told our Political Counselor on Monday that he is not sure of the 249 vote absolute majority required. Brandt himself is reportedly confident and seems to relish the contest. His speech yesterday in the Bundestag was a strong one. In the end, Germans' reluctance to see a government overthrown may influence CDU/CSU deputies to cast blank ballots or abstain, thus depriving Barzel of his majority.

"Bonn is tense. A torchlight parade and possible counter-demonstration are scheduled in front of the Chancellery. Bundestag deputies' houses are under guard. There have been reports of labor unrest elsewhere in the country and even of a general strike, but the SPD is reported working hard on the trade union federation to dampen the labor agitation.

"The CDU/CSU is under strain. Barzel implied to our Embassy that he had been pushed against his will into calling for the vote by Schroeder, Kohl, and Strauss. He or one of his confidants probably fed this same line to the *New York Times* Bonn correspondent, whose story appeared Tuesday. Strauss, on the other hand, is asserting, according to a [*less than 1 line not declassified*] report, that the no-confidence vote now, during the budget debate, was Barzel's idea.

"The East Germans apparently are trying to help Brandt. The FRG government announced yesterday that negotiations on the FRG–GDR traffic treaty had been concluded. The East German party chief Honecker told the press April 25 that the Bundestag vote would be a choice for the FRG between détente and 'cold war' and that the GDR, Poland, and Moscow would not renegotiate the Eastern treaties with a CDU government." (Ibid., NSC Files, Box 40, President's Daily Briefs, April 18–29, 1972)

Before the balloting began, Herbert Wehner, chairman of the Social Democratic parliamentary group, instructed his delegation to re-

frain from voting while Wolfgang Mischnick, chairman of the Free Democratic parliamentary group, instructed several reliable members to vote against the motion. This parliamentary maneuver served to discourage dissidents within the governing coalition and to encourage those within the opposition. Bundestag President von Hassel finally announced the results at 1:22 p.m.: 247 votes for, 10 against, and 3 abstentions. The motion of no-confidence had failed by two votes.

Four hours after the vote (11:30 a.m., EST), the Washington Special Actions Group, chaired by Deputy Assistant to the President Haig, briefly reviewed the outcome during a meeting in the White House Situation Room.

“Mr. Rush: The best news the President could have gotten was the vote in the Bundestag.

“Gen. Haig: In a sense, though, the vote could encourage the Soviets to get tougher.

“Mr. Rush: All this is part of the East-West fabric. The situation could have taken a serious turn for the worse if Brandt’s government had fallen. And that in turn would have serious implications on such things as CES and MBFR. It would all be reflected in the Summit, which would undoubtedly not turn out well.

“Gen. Haig: The Soviets made major concessions in order to have the Brandt government stay in power and in order to get the treaties ratified. If things were to turn sour with a Barzel government, there would be no ratification. And there would be serious implications with other things, such as CES. In fact, there could very well be a serious revanchist attack on Germany. I’m sure the President’s trip to Moscow would be affected.

“Mr. Johnson: I agree.” (National Security Council, Minutes Files, WSAG Meeting Minutes, Originals 1972)

In a special channel message to German State Secretary Bahr on April 27, Kissinger also expressed satisfaction with the news from Bonn, which, he wrote, was “most gratifying.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 74, Country Files, Europe, USSR, Moscow Summit, 1972 [2 of 2])

Secretary of State Rogers reported on the day’s events in a memorandum to the President that evening:

“The Opposition’s bid to unseat the Brandt Government today through a constructive vote of no-confidence failed. However, the results have not resolved the Government’s problems or clarified the prospects of ratification of the Eastern treaties. Barzel, the Opposition leader, gained 247 votes, two short of the 249 necessary for election as Chancellor. The ballot was secret but it appears that at least two

members of the FDP, Brandt's small coalition partner, either voted for Barzel or abstained while one or more of Barzel's own party voted against him. As a result, the Government, while remaining in office, does not have a clear majority on which it can rely in future Bundestag votes.

"This situation was immediately apparent since the no-confidence vote was to be followed by a debate and vote on the budget for the Chancellor's office. The Government felt that it did not have the necessary majority to gain approval for the budget and Brandt during the afternoon sought to persuade Barzel to postpone consideration of the budget until mid-May, after the vote on the Eastern treaties. Brandt may have made other compromise proposals as well. Barzel was negative and the budget debate began early in the evening.

"As this is written the FRG Cabinet is in session and it is understood that new elections are under urgent consideration. According to reports we have received, Federal President Heinemann is of the opinion that only through political elections can the situation be stabilized. If Brandt decides to pursue this course he will presumably ask for a vote of confidence in the Bundestag under circumstances that will ensure his defeat. He will then ask the Federal President to dissolve the Bundestag and call for new elections which would then probably be held sometime in June.

"I would emphasize that the situation is extremely fluid at the moment. The picture may be clearer tomorrow. I think it is safe to conclude, however, that a period of unusual political turmoil is at hand in Germany." (Ibid., NSC Files, Box 40, President's Daily Briefs, April 18–29, 1972)

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

Washington, April 28, 1972.

SUBJECT

Barzel on Fate of Eastern Treaties; Wants a Message From Us

Barzel this afternoon told our Political Counselor in Bonn, Jock Dean (Tab A)² that his main objective now was to keep pressure on Brandt to oblige him to move toward a bipartisan Eastern policy. Specifically Barzel wants to delay ratification of the Eastern treaties for two or three weeks, during which time West Germany would seek concessions from the Soviets and East Germans. These concessions should be (a) *written* Soviet acceptance of the fact that the treaties did not bar German self-determination; and (b) a *binding commitment* from the GDR to improve intra-German travel.

Barzel said that he needs such a concession to achieve his ultimate objective of turning his party around on the treaties. He assumed that the US government would not consider such a two or three week delay as having a negative effect on the Moscow Summit, if it were designed to achieve a bipartisanship in Eastern policy.

Barzel said the Eastern treaties would likely not get even a *simple* majority if a vote on them were held as scheduled on May 4. This is because of the likelihood that several FDP deputies would either vote or abstain.

After asking whether there was any message from Washington for him, Barzel said he thought that a confidential message from

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 686, Country Files, Europe, Germany (Bonn), Vol. XI. Secret; Exdis; (Outside System). Urgent; sent for action. This memorandum, and the one attached at Tab A, are based in part on telegram 6023 from Bonn, April 28. (National Archives, RG 59, Central Files 1970–73, POL 15 (GER W))

² Attached at Tab A is an informal memorandum, April 28 (7:30 p.m.), in which Sonnenfeldt informed Kissinger that “the German situation is getting messier by the minute.” “[W]e obviously cannot accept Barzel’s request for a message,” he argued, “since it would favor his position (even if that position could be construed to be statesmanlike and honorable). We simply cannot afford to intervene in this highly fluid situation. Moreover, in terms of our Soviet policy right now, while I think the delay Barzel is shooting for would in fact objectively help us, we clearly should not be caught with our hand in the jam pot.” Sonnenfeldt further suggested that Kissinger might mention to Dobrynin that “we expressed gratification to Brandt on his defeat of the no-confidence motion (which we did in the backchannel to Bahr reporting on your Moscow trip).” For the April 27 message, see Document 358.

Washington to both him and Brandt urging renewed efforts toward bipartisanship would be helpful “even if it meant a limited delay in the ratification process.”

Comment: The situation is very fluid in Bonn and Brandt’s plans uncertain. One group of his advisors, and also President Heinemann, evidently wants him to try to bring about new national elections *before* submitting the treaties for ratification. Another group favors pushing for a ratification vote next week. According to Barzel, Brandt is inclining to the latter group and wants to force the treaty issue to a vote.

In a separate discussion with our chargé in Bonn this afternoon, Bahr confirmed that Brandt does *not* want to change the ratification scenario and is determined to hold the treaty vote as scheduled, May 4 or 5.³ Bahr said the Chancellor wants to adhere to the schedule so that the Bundesrat can act as planned on May 19. Thus when the President goes to Moscow he will know where he stands on this particular aspect of East-West relations.

Under these circumstances, I think it would be very unwise to send any messages. Our political counselor thinks Barzel is serious in his wish to achieve bipartisanship. But who knows whether the Soviets and East Germans will grant the concessions he says he requires? And if they should, who knows whether his authority over the CDU/CSU is strong enough to turn his party around?⁴

Recommendation

That we make no communication to Bonn.⁵

³ The Embassy reported the discussion in telegram 6020 from Bonn, April 28. (National Archives, RG 59, Central Files 1970–73, POL 15–1 GER W)

⁴ In telegram 6035 from Bonn, April 29, the Embassy reported that Barzel had met an Embassy officer that morning to review his discussions the previous evening with Brandt and other coalition leaders. During the meeting, Barzel repeated his request for a message from Washington. “He said it would be useful,” the Embassy explained, “if a private US statement could be made to the leaders of all three Bundestag parties to the effect that if there was a prospect to achieve a broader base of support of German Eastern policy in order to avoid the damage resulting from continuation of controversy over this issue, it should be pursued.” (Ibid., POL 15 GER W)

⁵ In spite of this recommendation, Kissinger sent the following undated message to Bahr: “We have had a suggestion from Barzel that we make a confidential statement to both the Chancellor and Barzel that we would welcome it if renewed efforts were made in the present situation to achieve a more bipartisan approach to the Eastern treaties even if this means a certain limited delay in the ratification process. Obviously, the President would wish to undertake nothing that would complicate the Chancellor’s situation. I would therefore appreciate your urgent reaction to the above suggestion—to which there has, of course, been no reply—and any other comments you think it is useful for me to have at this time.” (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany—Egon Bahr Communications)

360. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Soviet Ambassador (Dobrynin)¹

Washington, April 29, 1972, 11:55 a.m.

D: You are still here?

K: You are making me go to dinner tonight when I have options which are more attractive.²

D: I want to make a proposal at the beginning of dinner.

K: Your proposals always deprive me of any real options.

D: You taught me how to find a compromise.

K: You better be friendly to me tonight or they will think we had a bad fight in Moscow.

D: I will make the concession.

K: I will let you have on Monday the rough estimate on figures. We are working on it this weekend, but by Monday noon, I will let you know.³

D: I won't ask you across the table tonight.

K: Anatoliy, we have the German problem I want to discuss. Our information is that the CDU may be looking for a way out of the German treaties.

D: Barzel?

K: If we can get the votes delayed a little bit . . . One way is by looking for a face-saving formula by which there can be a minor concession. They want language from us asking for the restoration of bipartisanship in Germany. We are asking Brandt if he wants us to do it. We are also asking you.

D: I will have to check.

K: We have not answered the communication from Barzel. He is proposing that we in some form write him and say we hope he restores the spirit of bipartisanship.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations. No classification marking.

² Kissinger left his office at 4:45 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No record has been found of his dinner discussion that evening with Dobrynin.

³ The two men met in the Map Room at the White House from 12:15 to 12:40 p.m. on Monday, May 1. (Ibid.) The note Kissinger gave Dobrynin during the meeting on freezing the number of submarine-launched ballistic missiles, is scheduled for publication in *Foreign Relations, 1969–1976*, volume XIII.

D: Not any specific question mentioned, but bipartisanship on treaties?

K: Then he would ask for some additional minor concession about ratification. Then he will make a very reasonable proposal and that enables the treaties to go through. On the other hand, we have not replied. If we reply now, it may delay the vote on May 4. When you are in direct communication with Brezhnev you can ask what he wants—say I have just gotten a message to check Gromyko or Brezhnev's judgment in Moscow. We want to work cooperatively with you.

D: It is very important now.

K: None of this is known to our people. Keep this in mind. You understand the problem.

D: I understand; it is clear. They will appreciate your call in Moscow.⁴

K: I would like Mr. Brezhnev to know that we sent yesterday a message to Brandt congratulating him on [defeating] a vote of no confidence.⁵ He can use that.

D: From the President?

K: Yes. Your people will recognize that as positive.

D: Until this evening . . .

K: I am reluctant, as fond of you as I am.

D: I shall accompany your date.

K: I don't know.

D: You should say yes or no.

K: I would like to say no to you on something.

D: We will talk it over during dinner.

K: Okay, bye.

⁴ Kissinger called Dobrynin back at 12:15 p.m. to discuss whether Washington should intervene to encourage bipartisanship in Bonn by a private message, as suggested by Barzel, or by a public statement from the White House. Kissinger: "One other thing we want Gromyko's judgement on. We were prepared to say something [publicly] in general along lines we discussed yesterday, on Monday. Under these conditions it may precipitate a vote. Brandt may lose." Dobrynin: "You mean before." Kissinger: "If he wants us to follow Barzel's suggestion this may mean delays in vote. We will hold that with a statement until we hear reply from Brandt." Dobrynin: "You will ask him about statement from White House—Barzel, you are going to ask him too." Kissinger: "No. I just want to explain to Gromyko the reason we are holding up on statement until we have the reply from Brandt because practical consequences of our making statement might be to precipitate vote on Thursday and it may not be desirable. If we get a reply from Brandt before Monday we will make it Monday." Dobrynin: "I understand. You will just await reply from Brandt. You will give this to Barzel and second, you will make a statement." Kissinger: "If we write this for Barzel we wouldn't make a public statement." Dobrynin: "Yes, if he says he doesn't like Barzel you will not make a statement." (Library of Congress, Manuscript Division, Kissinger Papers, Box 371, Telephone Conversations)

⁵ See Document 358.

361. **Message From the State Secretary for Foreign, Defense, and German Policy in the German Federal Chancellery (Bahr) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, undated.

The Chancellor has offered to collaborate [with the opposition] on ratification of the treaties. We are working on a joint resolution of the Bundestag, which will state the principles of foreign policy that will remain unaffected by the Eastern treaties. If we reach an agreement with the opposition by the middle of next week, we are prepared to postpone for several days the decision in the Bundestag, which had been scheduled for May 4th. Otherwise we will force a decision so the President can go to Moscow with the situation here resolved. (The second reading in the Bundesrat could happen as scheduled on May 19th, if the Bundestag votes on May 4th. Agreement with the opposition would also mean that the Bundesrat reading is unnecessary.)

Barzel's position within his party is becoming more difficult due to growing public pressure on the opposition to abandon its untenable stance and refrain from blocking ratification. In this situation, he is trying to achieve a kind of government participation [eine Art Regierungsverteilerung zu erreichen], which we refuse to do. Any identical recommendation of the President to both the Chancellor and him would strengthen [Barzel] and would not be acceptable for the Chancellor.

A state [from the President] to him on international developments, including connections to Berlin and the treaties, could be useful for Barzel and us. It should say that the President is interested in having the situation resolved before he goes to Moscow.

We would be informed about such a statement to Barzel.

It would be good to know tomorrow confidentially what the President decides to do.²

Warm regards.

¹ Source: Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications. Top Secret. The message translated here from the original German by the editor, is in response to one from Kissinger, undated but probably sent on April 28; see footnote 5, Document 359.

² Kissinger replied by special channel on April 30: "Thank you for your prompt reply. Under the current circumstances it is best that we not intervene with the message at this time. However, Press Secretary Ziegler may say something in support of the Berlin Treaty at a future press briefing." (Ibid.)

362. Action Memorandum From the Assistant Secretary of State for European Affairs (Hillenbrand) to Secretary of State Rogers¹

Washington, May 1, 1972.

US MESSAGE TO GERMAN POLITICAL LEADERS
IN CURRENT CRISIS

In talking with an Embassy officer in Bonn, Opposition leader Barzel on two recent occasions has raised the possibility of the President sending a message to German political leaders in the current crisis.² Barzel maintains that he is seeking a reasonable solution if the Government will move to a bi-partisan foreign policy. He believes that message from the President to the Chancellor and to him emphasizing the advantages of a bi-partisan approach even if it entails delay in ratification would be very helpful in resolving the present polarization.

We continue to feel that any direct intervention from Washington in the German situation would be unwise. A self-explanatory telegram in response to the messages from Bonn is attached for your consideration. Since the question of a message from the President is involved I believe you may wish to refer the message to the White House for clearance, in the event that it has your approval.

Recommendation:

That you sign the attached telegram.³

¹ Source: National Archives, RG 59, Central Files 1970–73, POL GER W–US. Secret. Drafted by Sutterlin. The memorandum is uninitialed.

² See Document 359.

³ Although he initialed his approval on the draft, Rogers decided against sending the telegram. In a May 2 memorandum to Dean, David Anderson, an Embassy political officer, reported discussing the decision by telephone with Sutterlin: "Sutterlin said that Cash's message over the weekend had been carefully considered and that it had been decided that no message should be sent to the German parties in question. A reply to Cash's message had been drafted, indicating the Department's strong belief that no message should be forwarded, but the Secretary decided that even this message of reply should not be sent. According to Sutterlin, Rogers was afraid that even the existence of an exchange between the Embassy and the Department on this topic might somehow be misused and might prove embarrassing to the United States Government. Sutterlin said that this general sentiment against the sending of a message reflected the strong feeling of the White House as well." (Department of State, EUR/CE Files: Lot 85 D 330, JD Correspondence 1972) Livingston briefly informed Haig and Kissinger of Rogers' decision in a memorandum on May 2. (National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII)

Attachment

Draft Telegram From the Department of State to the Embassy in Germany⁴

Washington, May 1, 1972.

Subject: FRG Political Crisis. Ref: Bonn 6023 and Bonn 6035.⁵

1. Barzel's willingness to give Embassy such a full account of critical developments in the current FRG political crisis has greatly enhanced our understanding of the forces at play. With the assistance of the Embassy's outstanding reporting we are following the situation closely, recognizing that it constitutes not only a test of the statesmanship of government and opposition leaders but, potentially at least, also of the cohesion of the FRG's population in pursuit of common goals which has been generally present since the FRG's establishment. The United States welcomes signs that the coalition parties and the opposition are seeking to bridge their differences on the Eastern treaties and is hopeful that in this way a measure of stability can be restored, even if some delay in the ratification process is entailed.

2. We have given careful consideration to Barzel's suggestion of a message from the White House to the German political leaders urging a bi-partisan approach on Eastern policy and sufficient delay to make this possible. We have concluded that this is not desirable for the following reasons:

(A) The advantages of avoiding acute polarization on the Eastern treaties must be apparent both to Brandt and Barzel. For the US to point this out in an official message at this stage would be a statement of the obvious which could risk offense as direct US intervention.

(B) Such a message could be interpreted by the Chancellor as favoring the CDU and as implied criticism of him since the CDU has charged him with neglecting bi-partisanship and since any delay could conceivably run counter to his tactical interests.

(C) Most importantly, much more is involved in the current German instability than Eastern policy. Any US intervention in connection with Eastern policy would tend to put us right into the middle of the larger complex which because of its nature must be resolved by the political forces in Germany, including if necessary the electorate.

⁴ Secret; Immediate; Exdis. Drafted by Sutterlin; cleared by Hillenbrand, and initially approved by Rogers (see footnote 3 above). A handwritten note indicates that the original was returned to EUR on May 2.

⁵ See footnotes 1 and 4, Document 359.

3. The US position on Brandt's Eastern policy and on the Moscow and Warsaw treaties is well and publicly documented. We think it best to leave it at that, and to allow the German body politic to resolve the difficult questions it now faces on its own responsibility without intervention from Washington.⁶

⁶ In telegram 6128 from Bonn, May 2, the Embassy reported an exchange that day between Barzel and an Embassy officer on this subject: "At the beginning of the conversation, Barzel asked EmbOff if he had any message from Washington. EmbOff said no. At the end of the conversation Barzel said he wished to make an explicit request in view of the great damage to the political fabric of the Federal Republic which would be caused by continued controversy over the Eastern treaties. He wanted to ask for a statement from the USG to the effect that it considered attaining a bipartisan approach on the treaties highly important. EmbOff said he would report Barzel's request but did not hold out any prospects of a response." (National Archives, RG 59, Central Files 1970-73, POL GER W-USSR)

363. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and John J. McCloy¹

Washington, May 3, 1972, 3:36 p.m.

M: Henry, I don't know that I need to bother you or should bother you about it but I've got now two calls pending coming from Germany and they must be in relation to this [crisis?] they are in over there and I gather that well one of them I know is from Birrenbach. I have an idea the other one is from Barzel. I don't know the latter but I do know the former. And they have now put the date off to another hour from now. I don't know whether they want me to do anything or say anything or I just was wondering if there was any aspect of that German thing that I ought to know about in talking to them. If they ask . . .

K: Well, here is what . . . Barzel has asked us for a plea to restore bipartisanship to German policies.

M: Yes.

K: We talked to Brandt.² He doesn't want us to do it. And therefore we are deciding to stay out of it.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 368, Telephone Conversations. No classification marking.

² See Document 361.

M: Yes.

K: Because we will be blamed either way.

M: Well it seems to me so.

K: Now what we do not want to have done is to have us urge these Treaties.

M: Us do what?

K: We do not want—we do not urge ratification of these Treaties. You know we won't oppose them either obviously.

M: You know I have been rather unsympathetic to Brandt's approach on this whole thing. I just think his technique wasn't very good and I guess some people over there know that although I have only communicated that to Brandt. But I happen to know they have been after Lucius Clay. And I think he said he was going to send me over a statement to see whether I thought he ought to make it. I haven't seen it yet.

K: Well, I would strongly urge him to stay away from it.

M: That's what I was going to do.

K: Would you do that for me? Would you call him for me? I really do not think it is right for us. The Russians have been so bloody-minded to us in Vietnam and elsewhere.

M: Well, I think this is right. You saw that Carmen (Sp?)³ intervened.

K: Well, yeah, but.

M: You can expect that.

K: You can expect that.

M: I would think that would be counterproductive with the Germans.

K: No one takes him too seriously.

M: Well, I am going to tell Barzel that I am going to stay out of it and not make any statement. That I feel if I make any statement I feel that this is a matter for the Germans to determine and that it is an important moment to them that no outsiders should be interfering with it.

K: That's right.

³ Reference is apparently to W. Averell Harriman, who wrote an editorial entitled "Giving Brandt a Chance" for the May 2 edition of *The New York Times* (p. 43). In the editorial, Harriman argued: "The Christian Democrats have taunted Brandt over lack of American support for his *ostpolitik*." "Certainly the United States should bring strong pressure quietly but firmly on the Christian Democrats making plain our concern over their opposition to ratification. They should understand that if they come into power by blocking the treaties this will adversely affect our relations. It is hard to believe that if such representations were made by the United States they would not sway the few votes which are necessary to insure ratification. I earnestly hope that the United States Government will act before it is too late."

M: Is that okay.

K: That would be fine.

M: Okay. One other thing while you are on the phone is the situation in Vietnam as bad as it seems to be in the paper? Or do you think you could hold it?

K: Well.

M: I think maybe you don't want to talk about it.

K: No, no. I am trying to give you a responsible answer. And frankly, I don't know. It is not as bad as it is discussed in the papers but how far that retreat will go I am not yet absolutely sure.

M: You just have to hope for the Monsoons.

K: Well the Monsoon isn't going to hit up in that area.

M: Oh, it doesn't have that effect.

K: No.

M: Okay, I am debating whether to—I've got a business session of no great moment over in Athens this coming week but I am sort of hesitating to go over because of some possibility that something might develop in the disarmament of the Moscow business that might want the Committee—for me to talk about.⁴ I am inclined to beg off but I may have to go and be away for a week. Though it would be okay with you either way I imagine.

K: Well, there is a chance that we will bring that thing off in the next two or three weeks.

M: Uh-huh. Well maybe I better stick around.

K: Well, it may not be a bad idea.

M: Okay, well forgive me for calling but I did want to get a little background on the German affair.

K: Not at all.

M: If I get any dope from them I will give you a ring. If I think it is worthwhile passing on.

K: Yeah, but call me in any event.

M: Okay.

K: But tell Clay to stay out of it.

M: I will tell Clay to stay out of it.

K: Good.

M: Okay, thank you.

⁴ McCloy served as chairman of the General Advisory Committee on Arms Control and Disarmament.

364. Backchannel Message From President Nixon to Secretary of State Rogers in London¹

Washington, May 3, 1972.

WH21242. Deliver at Opening of Business.

We have noted reports² of an informal understanding between you and Scheel to the effect that the treaties should be settled by the time of the summit so that I can participate in the completion of the Berlin Four-Power protocol.

1. As you know, under no circumstances do I wish to sign or participate in the completion of the Berlin Four-Power protocol at or in conjunction with the Moscow summit.

2. Under no circumstances do I want to intervene in any way directly or indirectly in the issue of the treaties.

I know I can count on you to deflect any efforts to engage us in the treaties issue and to avoid situations which might contribute to erroneous rumors on the subject.³

¹ Source: Department of State, S/S Files: Lot 73 D 443, WPR—President Nixon. Top Secret; Sensitive; Exclusively Eyes Only. The message was sent at 0403Z on May 4 (11:03 p.m., EST, May 3). Rogers was in London May 3 and 4 for consultations with British leaders on the President's trip to Moscow at the end of the month.

² Not further identified.

³ Rogers replied by backchannel on May 4: "I have received your telegram about reported informal understanding between Scheel and me about completion of the Berlin Four-Power Protocol. There has never been any such agreement and I have not seen or been in touch with Scheel since December 1971. I have scrupulously avoided any suggestion of any intervention by you or anyone in the U.S. Government directly or indirectly on the issue of the treaties. In fact it is not even possible to have the treaties ratified until at the earliest June 4, and it has been understood by everyone that the Protocol could not be signed until the treaties were ratified so whoever gave you that information did not even understand the parliamentary situation. I would be interested in knowing from whom you received such information to the contrary." (Department of State, S/S Files: Lot 73 D 443, WPR—President Nixon)

365. Memorandum for the Record¹

Washington, May 8, 1972.

SUBJECT

Dr. Kissinger's Meeting with Ambassador Pauls, Friday, May 5, 1972²

Replying to Dr. Kissinger's question of how he has been doing, Pauls said "not so good, not so bad." He asked whether Dr. Kissinger had been busy. Dr. Kissinger agreed that he had.

Pauls then said he wanted to describe the present situation in Bonn in regard to the ratification of the Eastern treaties. Efforts to reach common ground had as yet neither succeeded or failed. The leaders on both sides were trying hard to find a solution, but they have difficulties within their Parties. Neither group of leaders has a free hand. There would be continuing efforts over the weekend and the debate could begin on May 9. On the other hand, the CDU might succeed in getting an indefinite postponement. The government may not have a majority. This would mean stalemate, to Pauls a very discouraging situation.

Pauls then talked about the difficulty of having new elections before autumn. He pointed out that summer vacations begin in North Rhine-Westphalia on June 20th and would then continue in the rest of Germany throughout the summer. Then there would be the Olympics at the end of the summer.³ Pauls reviewed the difficulties involved in dissolving Parliament stemming from the no confidence system set up in the Basic Law and from such selfish reasons of Parliamentarians as their concern over pensions. Pauls concluded that everything argues in favor of finding common ground, but given the difficulties he could only give a 50–50 chance.

Dr. Kissinger said we were watching the situation with interest. He is taking no calls from Germany. Pauls noted that Secretary Rogers would be in Germany Sunday and Monday and would be seeing Brandt. Dr. Kissinger said "I don't think he will express a view."⁴

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII. Confidential; Nodis. Sent for information. Drafted by Sonnenfeldt. According to an attached correspondence profile, Kissinger noted the memorandum on May 20.

² The meeting was held at the White House from 3:15 to 3:25 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76)

³ The 1972 Summer Olympics were held in Munich, August 26–September 10.

⁴ Rogers was in Bonn May 6 and 7 as part of a 9-day tour to consult with European leaders on the upcoming Moscow summit. Upon his arrival in Bonn, Rogers made

Pauls then said that perhaps the Secretary or Hillenbrand could see Barzel, Schroeder or Strauss.⁵ It was after all in the US interest to find a solution and the CDU leadership was having great difficulties with parts of the Party membership. It takes much convincing and it would be useful, especially now, to strengthen the hands of those who are trying, that is the leaders of the CDU. Pauls said that he was speaking without instructions but he was deeply concerned about failure. Dr. Kissinger asked Pauls if he thought the current efforts would fail. Pauls said he was not too hopeful on the basis of the information he was getting, but because success is “the only way” it was his “feeling” that things will work out. The basic problem was how to work out a compromise that could be presented to the Soviets. Dr. Kissinger said he thought that the Soviets would be reasonable. Pauls said it seemed that the Soviets were prepared to receive a resolution worked out by the Parties in Bonn.

Dr. Kissinger said that as a German expert he had always believed that the treaties would pass but he was not saying this as an official. Pauls recalled that Dr. Kissinger had stated this belief before. Pauls commented that postponement might not be failure. Dr. Kissinger asked how long a postponement there might be. Could the government reintroduce the treaties in June. Pauls said that it could but of course the situation of no majority remains and so would the stalemate. Dr. Kissinger commented that it used to be said that a situation like the present one—a stalemate—was impossible but now the Germans had proved it could be done. Dr. Kissinger said he would talk to the President about the situation, but officially we would stay out of it. However, he would talk to Pauls if there was a change. Pauls said he was not suggesting anything official or public, he was suggesting that secretly and privately we make our interests clear and that failure would not serve our interests.

the following statement on ratification: “Although my visit here happens now to coincide with the effort in Bonn to resolve the question of the ratification of the treaties with Poland and the Soviet Union, I want to emphasize that my visit has been planned for many weeks. I had expected to be here after the parliamentary vote on the treaties. While in the Federal Republic I intend to avoid any comment publicly or privately which in any way could be considered as interference by the United States Government in what is entirely an internal matter for the Federal Republic. I am confident that the Government and the people of the Federal Republic understand that any such comment would be inappropriate and contrary to the purpose of my visit.” (Department of State *Bulletin*, May 29, 1972, pp. 773–774) Rogers interrupted his trip on May 7 and returned to Washington for an emergency meeting of the National Security Council the next day on Vietnam.

⁵ During a meeting with an Embassy officer on May 5, Bahr requested the opposite, i.e. that Rogers refrain from any contact with opposition leaders during his visit to Bonn. “Bahr said he believed that if the Secretary were to see Barzel,” the Embassy reported, “latter would inevitably attempt to publicize the content of the discussion, the Government would then reply, and the US would be caught in between.” (Telegram 6326 from Bonn, May 5; National Archives, RG 59, Central Files 1970–73, ORG 7 S)

Dr. Kissinger said as he saw it, three things could happen: a compromise this weekend; if not, the treaties would either pass or fail. He asked Pauls to keep him posted, which Pauls said he would do. He added that if the treaties passed by a simple majority, Barzel and Strauss might still try to prevent the Bundesrat from vetoing [*voting?*]. Dr. Kissinger asked Pauls to stay in touch over the weekend.

Pauls then said he was watching the Vietnam situation with compassion. He asked what impact it would have on relations with Moscow. Dr. Kissinger said we will not accept defeat. There probably would be an impact if things go beyond a certain point, but we will do what is necessary. Pauls asked what the “certain point” was.

At this point Dr. Kissinger was called away to see the President.⁶ He suggested that the conversation might be continued later the following week but meanwhile asked Pauls to stay in touch on the German situation over the weekend.⁷

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⁶ According to his Daily Diary, Nixon met Kissinger in the Executive Office Building from 3:36 to 3:46 p.m. (National Archives, Nixon Presidential Materials, White House Central Files) The two men discussed the military situation in Vietnam. (Ibid., White House Tapes, Recording of Conversation Between Nixon and Kissinger, May 5, 3:36–3:46 p.m., Executive Office Building, Conversation 336–7)

⁷ On May 7 Pauls called Kissinger at 5:45 p.m. to report on negotiations in Bonn for a joint parliamentary resolution on ratification. Pauls: “I told you on Friday that I thought, on the group of the information that I got, that it sounds 50–50. I would say today it’s 65 to 35.” Kissinger: “Good.” Pauls: “In moving toward a compromise solution. Draft resolution seems to be acceptable for all sides including the Soviets—I think we are going to get the answer tomorrow, and Barzel has found some more backing inside of his party and this also maybe will be decided tomorrow, and Barzel and the Chancellor are going to see each other privately again tomorrow evening.” Kissinger: “I see.” Pauls: “So that I hope that until Tuesday [May 9] the state will be certain in Parliament.” Kissinger: “I see.” Pauls: “It’s not yet decided but it looks somewhat better than the day before yesterday.” Kissinger: “And would they then vote on Tuesday.” Pauls: “No, on Wednesday.” Kissinger: “I see.” Pauls: “On Wednesday. And I wanted to give you this information.” Kissinger: “Well, I am very grateful.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations)

366. **Conversation Between the President's Assistant for National Security Affairs (Kissinger) and the Deputy Secretary of Defense (Rush)**¹

Washington, May 8, 1972.

Kissinger: Hello?

Rush: Hello, Henry.

Kissinger: Ken, how are you?

Rush: Fine, thank you. [How did] things go this morning?²

Kissinger: Well, your leader [Laird] fought with, you know what his position is.

Rush: Yes, I do.

Kissinger: And he defend—and he, that's the position he took.

Rush: Hm-mm.

Kissinger: The President is in the process of making up his mind.

Rush: Well, I hope he makes it up the way you and I think.

Kissinger: Right. Ken, what I called you about is to see whether we could get that German vote delayed a week.

Rush: The, which one?

Kissinger: The German vote which is now set for Wednesday [May 10].

Rush: Oh, oh, oh, right.

Kissinger: Do you think we can do something without getting caught at it?

Rush: I doubt that we can. In Germany today, Henry, both parties are—well you might say both groups because each one has two so-called parties—are in disarray.

¹ Source: National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Kissinger and Rush, May 8, 1972, Time Unknown, White House Telephone, Conversation 024–4. The editor transcribed the portion of the conversation printed here specifically for this volume. The exact time of the conversation is unknown. Kissinger placed the call during a meeting with Nixon and Haldeman from 1:36 to 2:35 p.m. in the Executive Office Building. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) During the telephone call, Nixon and Haldeman continued their own discussion; a tape is in the National Archives, Nixon Presidential Materials, White House Tapes, Conversation Between Nixon, Haldeman, and Kissinger, May 8, 1972, 1:15–2:30 p.m., Executive Office Building, Conversation 336–8. Two instances when Nixon can be clearly heard on the telephone recording, apparently commenting on that conversation, are noted in footnotes 4 and 5 below.

² Nixon convened a meeting of the National Security Council from 9:10 a.m. to 12:07 p.m. to discuss a military response to the North Vietnamese invasion, including the mining and blockading of the harbor at Haiphong. (President's Daily Diary; National Archives, Nixon Presidential Materials, White House Central Files)

Kissinger: Yeah.

Rush: Brandt is fighting for his life.

Kissinger: Right.

Rush: Brandt and Wehner are very anxious to bring this thing to a vote this week.

Kissinger: Yeah.

Rush: And to vote—really to start tomorrow and have it voted on the following day.

Kissinger: Well, you see, they want a message from the President, but I don't want to waste a presidential message on these guys.³

Rush: But they—yes they want the President. Well, they both want a message from the President. Barzel wants a message from the President saying that he's in favor of a bipartisan foreign policy. And Brandt wants some help, of course, for his Moscow agreement.

Kissinger: Yeah.

Rush: So that anything—

Kissinger: You see I would be glad⁴ to recommend a message to the President if in return the Soviets lay off, let us go through with what we are thinking of.

Rush: Yes, yes.

Kissinger: But for that we need a week.

Rush: Yes. Well, without, without bringing Brandt into it directly,⁵ it would be impossible for us to intervene, I think, and not be very, very seriously misunderstood.

Kissinger: Yeah.

Rush: And probably permanently damage for quite some time. But what you have now, Henry, is a fight for control of the government and for domination of the party.

Kissinger: Look, I've got to see the President. I'll call you in about half an hour, if you can give some more thought to it.

Rush: I will, Henry. Thanks very much.

³ Kissinger received a telephone call from Bahr at 1:15 p.m.; the two men talked in German for about 6 minutes. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No record of the discussion has been found. Kissinger reported, when he met Nixon at 1:36 p.m., that Bahr "wants a message from you on the treaties." According to this account, Kissinger promised to submit the request to the President and suggested that Bahr call again the next day. (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon, Haldeman and Kissinger, May 8, 1972, 1:15–2:30 p.m., Executive Office Building, Conversation 336–8)

⁴ At this point, Nixon commented in the background: "No, no."

⁵ At this point, Nixon commented in the background: "I personally wouldn't."

Kissinger: Right.

Rush: Good.⁶

⁶ Although no record has been found that Kissinger called Rush back that afternoon, the two men met from 5:23 to 5:34 p.m. after both attended a meeting of the Washington Special Actions Group. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) During his meeting with Rush, Kissinger called Nixon at 5:30 p.m. After reviewing the President's televised address on Vietnam that evening, the two men discussed linkage between the Eastern treaties and the Moscow summit: "P: Do you think you can do anything about the Germans? K: Well, I'm getting Rush to call Bahr as soon as your speech is finished and say they cannot use the argument that you need this for your trip to Moscow. P: Who—the Germans? K: Brandt is using the argument that the reason they must ratify it is because you need it for your trip to Moscow. P: Um-humm. What is your view as to what that does then? K: That may delay it. P: Um-humm. Well, that'll put a little pressure on the Russians wouldn't it? K: That's right. P: Um-humm. Good, good." (Ibid., Box 372, Telephone Conversations)

367. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and Soviet Ambassador Dobrynin¹

Washington, May 9, 1972, 10:09 a.m.

K: Hello.

D: Hello, Henry.

K: Anatoliy, how are you?

D: Thank you.

K: I just wanted to tell you—I have just talked to Bahr² and we've also been in touch with Barzel, and I think we can assure now that the treaty will be ratified by tomorrow evening.

D: They are beginning today and tomorrow. Two days, yes?

K: That's right. Formally, only starting tomorrow.

D: Tomorrow, but how could they be ratified tomorrow?

K: Well, at any rate, I don't know whether they start today. All I know is that our understanding now is that due to our joint efforts, it's now worked out so that by tomorrow evening the treaties will be ratified.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations. No classification marking.

² Bahr called Kissinger at 10:02 a.m. on May 9; the two men conversed in German for 5 minutes. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No other record of the conversation has been found.

D: Tomorrow evening?

K: By tomorrow evening.

D: It's from both, then, Bahr and Barzel.

K: That's correct.

D: You don't know the details. Did they work out the joint . . .

K: Well, they worked out a joint declaration³ which we have urged Barzel to accept, and they are taking it up with Falin. And my understanding is that this will be acceptable.

D: That it will be acceptable. I see. Okay; thank you.

K: I wanted you to know that at least in areas outside Southeast Asia, we have continued to do business as we promised.⁴

D: Okay. Thank you, Henry. I will be in touch with you, I'm sure.

K: I don't think so.

D: No, I think . . .

K: You think there's going to be a message?

D: I think there will be a message or statement.

K: No, I'm sure. I was pulling your leg.

D: Yeah; I understand. You picked out a day which is really a national holiday in Russia.⁵

K: I'll hear from you. There's no question.

D: Well, bye-bye. I'll be in touch with you.

K: Bye.

³ For the final text of the joint resolution, see *Documents on Germany, 1944–1985*, pp. 1188–1190.

⁴ The previous evening, Nixon announced his decision not only to bomb Hanoi but also to mine the harbor at Haiphong. Kissinger later argued that the Soviet reaction to the decision was restrained due to their concern for ratification. Citing his call to Dobrynin on the joint resolution as evidence, Kissinger asserted: "We had not planned it this way—we had no influence over the procedures of the German Parliament—but the linkage so disparaged by commentators was obvious." (Kissinger, *White House Years*, p. 1192) Hillenbrand challenged this linkage in his memoirs by discounting the implication that Kissinger had given Dobrynin confidential information: "The Soviets, of course, knew about the German situation directly from their able ambassador in Bonn, Valentin Falin, who had been negotiating with the Germans about the declaration and reporting fully on German political developments to Moscow." (Hillenbrand, *Fragments of Our Time*, pp. 305–306) Brandt, however, also linked developments in Vietnam and Germany. According to Bahr, who discussed the situation with an Embassy officer on May 9, Barzel agreed to support the joint resolution after Brandt expressed concern that "the Soviet reaction to the mining of Haiphong might amount to a second Cuban crisis," possibly including "measures against Berlin." "If in addition to the pressures on the Soviet leadership from the American position on Vietnam," Brandt argued, "the German Bundestag rejected the treaties to which Brezhnev and other top Soviet leaders had attached their personal prestige, this action might tip the balance towards an overall East-West breakdown." (Telegram 6516 from Bonn, May 9; National Archives, RG 59, 1970–73, POL GER W–USSR)

⁵ May 9, 1945, was the day that Stalin announced the end of World War II in Europe to the Russian people.

368. Editorial Note

As Chancellor Brandt prepared for the vote in the Bundestag on ratification of the Moscow and Warsaw treaties, President Nixon and Assistant to the President Kissinger were preparing for the upcoming U.S.-Soviet summit in Moscow. After the decision to mine the harbor at Haiphong, Nixon and Kissinger were concerned that the Soviets might retaliate by canceling the summit. During a meeting at 3:09 p.m. on May 11, the two men discussed issuing a public statement supporting ratification to discourage this eventuality.

Kissinger: "They [Soviets] won't do a damn thing until the German treaties are ratified."

Nixon: "You don't think so?"

Kissinger: "No. And they want a statement from you."

Nixon: "Well, we'll get it to them, you know. When is that? When do we have to have that done?"

Kissinger: "I guess Tuesday [May 16] would be a good day to have it. Monday or Tuesday. Until that they won't do a thing."

Nixon: "But if we give them that it has to be a straight quid pro quo, don't you think?"

Kissinger: "They won't cancel it now. There's nothing in it for them to cancel it a day before you go." (National Archives, Nixon Presidential Materials, White House Tapes, Recording of Conversation Between Nixon and Kissinger, May 11, 1972, 3:09–3:24 p.m., Oval Office, Conversation 723–10) The editor transcribed the portion of the conversation printed here specifically for this volume.

During a telephone conversation with Soviet Ambassador Dobrynin at 11:15 a.m. on May 12, Kissinger raised the possibility of issuing a public statement on ratification.

"K: We are thinking now very seriously of a public statement on Monday.

"D: On what?

"K: On the German thing.

"D: Oh, I think it's—

"K: That will have the maximum effect.

"D: Oh, I think it's very [important]. Could I send this or are you just thinking? Better not to make disappointment. Sorry I really ask you blunt question. If you are really so, I will send them but if you change your mind—

"K: Let me say, you know, if there is no, which I don't anticipate, no [further] aggravation of this situation.

"D: Oh, I don't think—I think for our part could say this, whether you do or not. Don't you think so?

"K: What?

"D: About whether it will be an aggravation or not.

"K: What do you mean we can say?

"D: No, I think we could judge—I think you and me could fairly say whether there would be aggravation or will not be before Monday.

"K: Yeah. My impression is there will not be.

"D: You mean about [Barzel?] and Bonn [Brandt?]?

"K: No, no; I mean in the overall world situation.

"D: Oh, well, this is what I think is my impression. . . . So if your impression is the same, so I think we are on the same ground.

"K: Right. So I just wanted to tell you that. In that framework I think you are pretty safe assuming it.

"D: Yeah. It would be White House statement?

"K: A White House statement.

"D: A special statement?

"K: Well, we've planned it in answer to a question.

"D: Okay, an answer to a question.

"K: And I will work that out and give it to you Monday morning.

"D: Okay. I think it's fair enough and good enough." (Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations)

Before the White House issued the statement, the CDU executive board met on May 15 to consider the joint parliamentary resolution on ratification. Helmut Sonnenfeldt of the National Security Council staff sent Kissinger the following Associated Press release soon after the meeting: "Leaders of West Germany's opposition announced today they have dropped final objections to Chancellor Willy Brandt's treaties with the Soviet Union and Poland—all but guaranteeing the pacts will be ratified by a broad majority in parliament." Sonnenfeldt suggested, therefore, that the White House issue its statement at a press conference that afternoon. (Memorandum from Sonnenfeldt to Kissinger, May 15; National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII) When a reporter sought reaction to the news from Bonn, White House Press Secretary Ziegler responded as follows:

"Well, this is of course a decision for the Germans themselves to take. It is of central importance to their future, so the decision must be theirs. That has been and is our position.

"Now, the President recognizes that the Berlin agreement, to which we are a party and which we think is a very good one, has been made

dependent on the ratification of the German treaties. He obviously would like the Berlin agreement to take effect. He understands that the leaders of both the government and the opposition in Bonn have made efforts to achieve a common approach and that seems to him a wise course." (Telegram 85265 to Bonn, May 15; *ibid.*, RG 59, Central Files 1970–73, POL GER W–POL)

On May 17 Nixon and Kissinger discussed another important German matter: the signing of the final protocol for the quadripartite agreement on Berlin. At a senior-level meeting in Washington on May 16, Allied representatives agreed that the protocol should be signed the next month in Berlin with the participation of the four Foreign Ministers. The representatives also decided to approach the Soviets "informally during the President's Moscow visit on timing, and that if a favorable Soviet response is received, a specific date for the signing be fixed at the quadripartite dinner in Bonn on May 29." (Telegram 86030 from Bonn, May 16; *ibid.*, POL 28 GER B) In a telephone conversation at 9:52 a.m. on May 17, Nixon and Kissinger interpreted this decision in a different light:

"K: Another thing that's come up is that apparently State is again talking to the Russians and the Germans about signing the Berlin agreement while we are in Moscow. And I just think that's a mistake.

"P: Just . . . sit . . . and we'll put out a . . .

"K: I'll take care of it.

"P: Just say that from me, I do not want any agreements . . . I don't want anything done except by ourselves, I don't want anybody else there.

"K: Yeah, well the present plan is for Rogers and Gromyko to come back to Berlin, but it would . . . I don't see why we should do that. We can do it later. Of course the treaties may not pass in time. There's another chance now to pull another little wrinkle which we've discovered which is that the German upper house we thought it had automatically to vote on it on Friday [May 19] but we found that if there's one German state that wishes a delay in the debate they can delay it. So now we're looking around whether we can find a state that can ask for a delay without our getting caught at it. Because that's the best insurance you have for good Soviet behavior." (Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations)

Kissinger then raised this issue during a meeting with Dobrynin in the Map Room at the White House at noon. According to a memorandum of conversation, Kissinger "said that the President did not wish the Berlin agreement signed during the visit to Moscow because he did not want to get Four Power activities mixed up with the summit. Dobrynin agreed that this was so, but said the initiative did not come from them; it came from the State Department." (National Archives, Nixon

Presidential Materials, NSC Files, Box 494, President's Trip Files, Dobrynin/Kissinger, 1972, Vol. 12 [Part 2])

The Bundestag, meanwhile, began its vote on ratification of the Moscow and Warsaw treaties. Although the opposition had agreed to allow its members to vote for the treaties, Franz Josef Strauss, leader of the Christian Social Union, reversed his position: he insisted at a meeting of the CDU/CSU parliamentary party group on May 16 that members could vote for the resolution but not for the treaties. In a choice between cohesion and conscience, Rainer Barzel, leader of the Christian Democratic Union, decided that the opposition should remain united by abstention. On May 17 the Bundestag, therefore, approved the bills of ratification by simple majority of 248 votes and the joint resolution by an absolute majority of 513 votes. Kissinger reviewed the outcome in a telephone conversation with Nixon at 11:12 a.m.:

"K: The German vote has come out very well.

"P: Oh.

"K: They fell short of an absolute majority by one, but they have a relative majority so now it has to go to the upper house. They were going to vote on it Friday, but the two German states have . . . it has to lie before that house for six days unless they unanimously vote to accept the consideration immediately.

"P: And they didn't?

"K: They refused . . . they couldn't get a unanimous vote so now they will vote next on the 24th, next Wednesday, and then it won't get signed until the following Friday. So that will cover most of your visit there. That removes even the one percent chance that they [Soviets] might kick over the traces.

"P: Yeah, they . . . they'd be playing a damn dangerous game.

"K: That's right.

"P: That's right. Well they're not anyway . . . they can't now anyway Henry; it's too late.

"K: No, exactly.

"P: Well, they can but they're . . . then they're proving that they're utterly stupid, and if they're utterly stupid we should be smart.

"K: But it also means that we have a pretty clear run for the better part of that week while we are there [Moscow]. I mean we would have it anyway, but this gives us a little insurance." (Library of Congress, Manuscript Division, Kissinger Papers, Box 372, Telephone Conversations)

Robert McCloskey, Department of State spokesman, called Kissinger at 11:58 a.m. to discuss an official response on ratification. McCloskey explained that the Department had prepared a statement for the Secretary, including the following sentence: "In light of this action we would hope for an early signature of the final quadripartite

protocol which will bring the Berlin agreement into effect, an accord which President Nixon described as a milestone [achievement].”

“K: Well, the only thing that the President . . . it so happened I talked to him about this early signature business in a different context.

“M: I see.

“K: He does not want to build a fire that any of that be done in the next two or three weeks. If you said ‘In light of this we should not proceed to the signature . . .’

“M: Uh, hm. ‘The way is open for early signature.’

“K: Well, he doesn’t want to use . . . I know he won’t want to use the word ‘early.’

“M: Yeah, I see.

“K: For the signature.

“M: All right. ‘In light of this action, the way is open for signature.’

“K: Yes.

“M: Okay. Otherwise all right?

“K: Yeah.” (Ibid.)

Secretary of State Rogers also called Kissinger at 2:20 p.m. to confirm the decision to delay the official response:

“R: [O]n the matter of the statement on the German matter—you and I saw eye to eye. I called [McCloskey] just before you did and told him I didn’t think it was a very good idea.

“K: Yes, because their constitutional process hasn’t completed yet—

“R: That’s what I said. There is no point putting it up to the President.

“K: Okay, I will hold it Bill.

“R: I heard on the radio and called him and said hell it isn’t finished so there is no point—we have taken the position until it is final or almost final we shouldn’t say anything.

“K: I completely agree.” (Ibid.)

The ratification process in Bonn, however, proceeded ahead of expectations in Washington. On May 19 the Bundesrat followed the Bundestag by approving the bills of ratification by simple majority. Rogers, therefore, delivered the official U.S. response in a press conference at the Department of State that morning:

“First, I would like to say that it looks now as if the German Parliament has ratified the Eastern treaties with the Soviet Union and Poland. And although the final act of ratification has not occurred, I think it is now fairly certain that it will take place. And that provides an opportunity for me to state that the United States Government views with satisfaction the action taken by the Parliament of the Federal

Republic and the ratification of these treaties with the Soviet Union and with Poland. The path will now be open for signature of the final Four Power protocol which will bring the Berlin agreement into effect, an agreement which President Nixon has called a milestone achievement." (Department of State *Bulletin*, June 5, 1972, page 779)

On May 23, the day after Nixon arrived in Moscow, President Heinemann signed the bills of ratification in Bonn. West Germany exchanged the formal instruments of ratification with the Soviet Union and Poland in Bonn on June 3. On the same day, the United States, Soviet Union, Great Britain, and France signed the final protocol for the quadripartite agreement in Berlin. For the text of the joint resolution, see *Documents on Germany, 1944–1985*, pages 1188–1190; for the text of the final protocol, see *ibid.*, pages 1204–1206.

369. Paper Prepared by the National Security Council Staff¹

Washington, undated.

UN MEMBERSHIP FOR EAST GERMANY

As part of their effort to solidify the status of the GDR, the *Soviets want* it admitted to the UN. From the Soviet standpoint, once both the FRG and GDR are admitted to the UN (the Soviets also support FRG membership), it will be difficult to contest the legal status of the GDR as a separate, sovereign state.

Our position has been to support West Germany's policy on this point. The situation is as follows:

1. Since Brandt came to power in 1969, he has repeatedly expressed willingness to treat East Germany (the German Democratic Republic) as a second state in one German nation.² This is a major change of policy and doctrine. He has met with the East German leaders, and his government has also indicated its readiness to see East Germany en-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 487, President's Trip Files, For the President's Personal Briefcase, May 1972 [Part 2]. Secret; Exclusively Eyes Only. Butterfield stamped the paper to indicate that the President had seen it. The paper was part of the President's briefing material for the Moscow summit, which began on May 22.

² Brandt first announced this position in his government declaration on October 28, 1969. See footnote 4, Document 39.

ter the United Nations, along with West Germany, *provided* the GDR first agrees by treaty to a *modus vivendi* that (a) improves contact between people in the two Germanies; and (b) recognized the principle, important to Bonn, that the relationship between West and East Germany is “special” and different than that between other states.

2. At the time of the West German-Soviet treaty in 1970, the two sides also signed a declaration of intent “in accordance with their different circumstances” to promote entry of the two Germanies into the UN.³ The declaration, which has no legal force, also stated that the West German-Soviet and the West German-East German treaties were part of a single whole, so that UN membership is linked with the intra-German treaty process.

3. On May 12, West and East Germany initialed a transportation treaty, the first treaty between them and a major step toward the *modus vivendi*.⁴ Bonn still wants to conclude a basic treaty embodying the special relationship. It has requested friendly governments *not* to support UN membership for East Germany until it has completed this entire process. We have honored that request.

4. *For us there is also the problem of quadripartite rights, which are vital to our position in West Berlin.* The Berlin agreements, which include a separate section of implementing measures worked out by East and West Germany, are a step toward our acceptance of East Germany as a state, but we have made no commitments on recognition or on UN entry. We have, however, agreed with West Germany, France, and the UK at the Ministerial level, that before we support UN membership for both Germanies we should seek an understanding with the Soviet Union that four-power rights and responsibilities will not be affected by UN entry.⁵ We do not know, of course, whether the Soviet Union would agree to such an understanding.

Issues and Talking Points

Brezhnev has directly appealed to us to take a position favorable to UN membership of both German states.⁶ He asserts that Soviet and East German public opinion would not understand if he did not raise this question at the summit where important issues would be dis-

³ Reference is to the seventh article of the so-called “Bahr Paper.” For the text, see *Documents on Germany, 1944–1985*, pp. 1101–1103.

⁴ Bahr and Kohl signed the traffic treaty in Berlin on May 26. For the text, see *ibid.*, pp. 1191–1198.

⁵ The Allied Foreign Ministers approved a statement to this effect at the quadripartite dinner in Brussels on December 8, 1971; Rogers presented the statement at a meeting of the North Atlantic Council the next day. (Telegram 5154 from USNATO, December 9, 1971; National Archives, RG 59, Central Files 1970–73, POL 38–6)

⁶ See Document 356.

cussed. He will most likely claim that Brandt supports UN admission and in this connection Brezhnev may refer to the Soviet-German declaration of intent of last year.

Brezhnev and Dobrynin have been told that our position will be guided by the views of the Federal Republic and that you would check with Brandt. (A message has been sent to Egon Bahr to ask how Brandt wishes the subject handled at the summit.)⁷

If Brezhnev pursues the subject you *should make the following points*:

—On this specific issue we must follow the lead of our Ally in Bonn. You are aware of the Chancellor's attitude on this question; he has endorsed the UN admission, but as a part of a larger process of establishing a *modus vivendi* between the two German states. He wishes to put this in treaty form and *then* support UN admission.

—We have not taken a position, but you can tell the General Secretary that we would not oppose UN admission as a matter of principle, providing that the West German government agrees, and that the rights of the Four Powers are not affected.

—You have checked this position with Brandt and this is your understanding of the current state of the issue.

—In any case, we have the Berlin agreements, including the inner-German agreements, and this is an indicator of our position.

If the situation in your talks warrants a gesture toward the Soviets on this issue, you could

—suggest that they and we now approach the UK and France to undertake a joint examination of the manner in which Four Power rights regarding Germany would be safeguarded once the two Germanies enter the UN.⁸

⁷ See Document 356.

⁸ Although other issues predominated at the summit, Nixon and Brezhnev discussed European affairs during their noon meeting on May 24. After raising the proposed conference on European security, Brezhnev remarked: "now [that] we have through joint cooperation settled the matter of the ratification of the treaties and the question of West Berlin, another important matter arises and this is a simultaneous admission of the two German states, the Federal Republic of Germany and the German Democratic Republic, to the United Nations. The possible solution to this question would certainly remove much tension in Europe and the sources of friction between us on those grounds. This is a major issue, and we feel we should be entitled to count on the positive attitude of your part on this also. Although it is an international problem, it also relates to bilateral relations between our two countries. It would help to create a better climate for the relations between us. And that is something to which you made frequent reference during this visit, Mr. President." Nixon replied: "The second point, with regard to UN representation of East Germany, this is a problem where we, of course, will have to be guided by the attitude of the Federal Republic. And when the Federal Republic has discussed this matter and indicated it is ready to move forward, we will, of course, cooperate. We will be prepared to discuss it with the British and the French. There is the very sensitive problem of four-power rights that might be affected by this action." (National Archives, Nixon Presidential Materials, NSC Files, Box 487, President's Trip Files, The President's Conversations in Salzburg, Moscow, Tehran, and Warsaw, May 1972 [Part 1])

(*Note:* The four powers would probably issue a joint declaration in connection with FRG and GDR admission into the UN.)

(*Note:* The above gesture has been endorsed by Brandt in a confidential message from Bahr to us⁹ following our request for German advice on how we should handle the UN issue in Moscow.)

⁹ In the message, dated May 16, Bahr reported: "The Federal Government stands by its position: an article of the Basic Treaty with the DDR will express the wish of both states to apply for admission in the UN. Already in the spring of 1970, I told Gromyko that our readiness in this regard also corresponds to Ulbricht's recommendation. That was not possible earlier. We will next discuss membership of the DDR in international organizations internally. Here there could be some room for maneuver. For the DDR, full UN membership is, as a sign of equal rights, its highest goal, in other words, more valuable than it is really worth. The quicker the negotiations lead to agreement on relations between the two states, the sooner will UN membership be possible. That is still attainable by the end of this year." Bahr also added the following postscript: "It might be taken as a gesture of good will in Moscow, if the President and Brezhnev agree to establish contacts immediately in Paris and London with the goal to work out the necessary joint declaration reaffirming four-power rights upon entry of both German states." (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany—Egon Bahr Communications) The foregoing excerpts were translated from the original German by the editor.

370. Memorandum for the Record¹

Washington, July 20, 1972.

SUBJECT

Meeting between Helmut Schmidt, Minister of Economics and Finance, Federal Republic of Germany and Dr. Kissinger, July 20, 1972, 2:40–3:30 p.m., Dr. Kissinger's Office (Also present were Rolf Pauls, Ambassador to the United States, Federal Republic of Germany, and R.G. Livingston, NSC Staff (note-taker))

Minister Schmidt: I want to discuss international monetary affairs. We are facing a very bad situation.

Dr. Kissinger: The Minister now has an opportunity to talk with one of the leading experts in this field. But you probably don't know much more yet than I. Whenever you come through Washington you

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII. Secret; Sensitive. Sent for information. Drafted by Livingston on July 22. According to an attached routing slip, Kissinger approved the memorandum on July 26.

should come in for a talk. I value your opinion on the German and US political situation. If the monetary situation was indeed becoming very bad, I could help perhaps.

Minister Schmidt: It is bad and could become worse. I thought that even ten days ago before I took on this portfolio.² Last year I tried to make you understand that the political effects in Europe of Secretary Connally's actions.³ The United States cannot embark on international monetary reform before its elections. Nor is this necessary.

Dr. Kissinger: Nor desirable. Will there also be elections in Germany in the fall which will have a bearing on the situation?

Minister Schmidt: It is 99% sure that elections will take place, probably the first Sunday in December. Schiller's resignation has damaged the government coalition and will damage it further. The government has a chance—which I put at 51 to 49 percent—to win, however.

Dr. Kissinger: Is there any chance that the government would have to resign before December?

Minister Schmidt: Probably not. If there is a change in government, however, foreign, defense, financial, and European Community policies will remain unchanged. The changes will be in personalities and domestic policies only.

Dr. Kissinger: Will the FDP change sides?

Minister Schmidt: The FDP cannot switch without losing its credibility. In the public eye, it is too committed to the Social Democrats. The FDP will get at least five and maybe more than seven percent in the national elections.

Dr. Kissinger: The CDU/CSU will in this case have to come out way ahead of the SPD in the elections and win an absolute majority.

Minister Schmidt: If the present government wins again it will form the same coalition. Brandt will be Chancellor and Scheel Foreign Minister. This will be the outcome if the FDP/SPD wins 20–25 additional seats and even if the CDU does not get more than 12 additional seats. If the CDU should win 20 more seats, however, it will form the government.

Dr. Kissinger: What about the Minister's own plans after the elections?

² Schmidt, who had been Minister of Defense, was appointed Minister of Economic Affairs and Finance on July 7; his predecessor, Karl Schiller, had resigned on July 2 due to differences over economic and monetary policy.

³ Reference is presumably to the New Economic Policy, which Nixon announced, at the urging of then Secretary of the Treasury Connally, on August 15, 1971. The policy included a 90-day freeze on wages, rents, and prices; an end to the convertibility of dollars into gold (the Bretton Woods system); and a 10 percent surcharge on imported goods. Connally resigned from Treasury on May 16, 1972; he was replaced on the same day by George P. Shultz, former Director of the Office of Management and Budget.

Minister Schmidt: Until 10 days ago I had fully expected to return to the Bundestag as floor leader of the SPD. Wehner had planned to give up this job six months or so after the elections. The plan had been to make Arndt Economics Minister and another man Finance Minister. But Schiller's resignation occurred *after* the Bundestag had recessed. Had the Chancellor wanted to name a replacement who was not now in the cabinet, he would have had to recall the Bundestag, since the constitution provides that ministers must take the oath before it. Brandt did not want to recall the parliament. So he was obliged to replace Schiller by a man already in the cabinet.

Dr. Kissinger: I know your replacement as Defense Minister. [Georg] Leber is very solid although he doesn't know much about defense.

Minister Schmidt: He knows enough about the Alliance, however.

Dr. Kissinger: One can't conduct policy in Washington because statements made in interdepartmental meetings keep getting into the press. Any sarcastic remark I make is written down by the agencies' note-takers and, misinterpreted and distorted, finds its way into the press.

Minister Schmidt: Bonn is worse in this respect.

Dr. Kissinger: The situation is impossible here. Even remarks made at cabinet meetings appear in the papers soon afterwards. In this room and within the NSC itself the record on leaks is very good: We have had none. Maybe the way is to tell the bureaucracies nothing.

Minister Schmidt: I have a personal rule never to mind what others make of comments of mine which leak to the press. I want to turn the conversation back to international monetary issues, however. Billions of dollars are floating about the world and Germany is taking in too many of them.

Dr. Kissinger: What is the cause of this?

Minister Schmidt: The US economic situation is improving. Within two years or so this may have an impact on the US trade balances. Meanwhile, there are too many dollars circulating in the world. New York bankers are selling dollars and the German Federal Reserve System is having to buy them up at a fixed rate to prevent the dollar from falling below 3.15 against the DM. The German Federal Bank is handing out far too many DMarks, billions in a week. This has a very bad internal effect. The German price level is rising far too fast. The inflation rate is 5.4 percent at present. This will be the number one campaign issue. If I am to survive politically, I will have to do something about this as Minister of Finance and Economics.

Dr. Kissinger: We want you to survive, which is not to say, necessarily that we want your government to do so. We appreciate how much you have done as Defense Minister.

Minister Schmidt: My main objective is to have US-German cooperation survive. The dollar problem remains and the German inflation rate may reach 6 percent. To prevent this I may have to cut off the purchase of the dollars "immediately." This will be done by means of regulations on capital inflows and corresponding regulations on trade.

Dr. Kissinger: Like the French.

Minister Schmidt: There is no other way. Schiller was against that but the whole cabinet was for it. That is why Schiller had to go. Last year there had been a DM float and DM revaluation. There can be no revaluation this year. I want you to understand the situation and the background to the action I may have to take.

Yesterday, however, Chairman Burns has done what I came to the United States to ask him to do. By intervening in the international monetary market to sell DM he took an action which serves as a token of US determination to defend the Smithsonian Agreement.⁴ That is essential: to defend the Smithsonian Agreement and not let the situation get out of control.

There has as yet been no German cabinet decision to stop buying dollars. I am not going to ask for one, if the United States government continues actions such as the Federal Reserve Bank's of yesterday. The difficulties may be ironed out in that case. The problem is the rumor mill among international bankers. The meeting of the EEC finance ministers July 17–18, and the rumors coming out of it has made the July 19 intervention of the Federal Reserve Bank necessary.

Ambassador Pauls: The Fed's action has raised the dollar by a point and a half.

Dr. Kissinger: Last year the situation had to get very bad before I was able to intervene within the government. Then the crisis was brought under control. You should know that Secretary of the Treasury Shultz thinks that floating is the right policy. However, I understand that a US float will make it impossible for the German government to control inflationary pressures. The Germans are saying to the US that either you defend the Smithsonian Agreement by intervention of your own to strengthen the dollar or we will defend it by means of controls.

Minister Schmidt: That is the choice. An important aspect is the psychological impact of US action on bankers in New York and in Frankfurt, whose psychology I do not understand very well.

⁴ The Smithsonian Agreement, signed in Washington on December 18, 1971, realigned the currencies of the so-called Group of Ten, the United States, Canada, United Kingdom, France, Belgium, Netherlands, West Germany, Italy, Sweden, and Japan; the agreement included a 8.57 percent devaluation of the dollar.

Dr. Kissinger: I cannot give you an answer right now. What is required is day-to-day actions, a series of them. This is not an issue which you can bring up to the President in the form of a single paper to be signed. Secretary Shultz and Chairman Burns will have to take actions daily. It is the totality of these, no single action, which is important. This is different than the situation last year. Then there was a concrete set of decisions to be taken.

I will talk with Secretary Shultz and Chairman Burns. I need two weeks time for this.

Minister Schmidt: I want the White House to understand that even a strong supporter of cooperation with the United States such as I am may have to act suddenly in the international monetary field.

Dr. Kissinger: Our situation with the Europeans is precarious. I know that. A unilateral European move in the monetary field could trigger an unexpected reaction in the United States. Strangely, the old internationalists in the United States have now become isolationists. And the old isolationists, who have become internationalists now, are good on defense but remain isolationists at heart in economic affairs. I hope you will hold off any restrictive move for at least ten days.

Minister Schmidt: I am not going to act within the next ten days.

Dr. Kissinger: I know that you are meeting with Shultz and Burns today. I will call Shultz and explain to him that you are no anti-American economic nationalist. Mr. Burns needs no convincing. The problem with him is the way he presents his views. He is a difficult personality to orchestrate in a coordinated policy. However, Burns favors the Smithsonian Agreement and the need to defend it.

Minister Schmidt: The Agreement must be defended until the elections.

Dr. Kissinger: After I have been in touch with Burns and Shultz I will inform you confidentially of the outcome through Rolf Pauls. That way the communication will remain completely private.

What do you think about European-American relations?

Minister Schmidt: The greatest present uncertainty is how soon the European Community will clarify its views on relations with third countries, particularly the United States, on European economic and monetary union, and on European political consultations. None of this depends on the United States; it depends on Pompidou's interpretation of France's interests and on the strength of the British Pound. I don't understand the significance of the French Cabinet reshuffle.⁵

⁵ Jacques Chaban-Delmas resigned as French Prime Minister on July 5; the next day, Pierre Messmer, a close associate of the late Charles de Gaulle, formed a new Cabinet.

Dr. Kissinger: It may be a move in the Gaullist direction.

Minister Schmidt: The central problem is whether the European Community would be outward-looking, as Germany wants, or inward-looking, as the French want. Germany does not want the European Community to become a currency bloc against the dollar. Schiller's problem was his inability to deal with the French tactfully on this issue. As Economics and Finance Minister I will try to establish cooperation with Giscard as I did with Debre.⁶

Dr. Kissinger: I want you to know that we will miss you in the Defense Ministry. As far as you personally are concerned, I am happy you can leave this suicidal post.

What do you think of US policy?

Minister Schmidt: You made two mistakes in 1971, the first in handling of Japan and the second in handling the Europeans until Secretary Connally was called home.

Dr. Kissinger: To some degree the Japanese are making a profession out of being hurt. What could we have done to handle them better?

Minister Schmidt: When I was in Japan I got the impression that the Japanese are somehow stirred up, intrigued with the potentiality of relations with mainland China. They couldn't seem to see that mainland China can't buy any more from Japan, that it is no bigger a market than Taiwan. Somehow the Japanese have lost direction and feel dropped by the United States.

This year the United States has done well—with the Moscow Summit and the Berlin Agreement, on which the Germans and the Americans had cooperated. You helped Brandt to carry out his Eastern policy while strengthening the security foundation in the West.

Dr. Kissinger: We helped the Eastern policy as much as we could without going public about it.

Minister Schmidt: We have nothing to complain about.

Dr. Kissinger: As far as our handling of the Europeans last year is concerned, you should understand that Texans like Secretary Connally are used to dealing with problems in a forceful way. The Secretary is a strong, able, and attractive man.

Minister Schmidt: Yes, he is. I advised the Chancellor last year that financial and economic matters should be taken out of the hands of men like Connally, Giscard and Schiller and put into the hands of statesmen. With billions of dollars floating around, the monetary crisis of 1971 can easily repeat itself.

⁶ Valéry Giscard d'Estaing, French Minister of Finance and National Economy; and Michel Debré, French Minister of State for National Defense.

Dr. Kissinger: Give me two weeks time to determine attitudes in the United States on international monetary policy. I will let you know candidly about these attitudes.

Minister Schmidt: How influential is Mr. Eberle?⁷ He seems to understand these problems.

Dr. Kissinger: Eberle is somewhere between the first and second levels in the government structure. He does indeed understand the problems but he is not too influential.

Turning to United States election politics, I think that McGovern will either win or else lose disastrously. Our internal, unpublished, polls are so favorable that they scare one. It is eerie. The polls give the Republicans a 20 point lead, and they could win every state, except South Dakota.

McGovern is a phenomenon like Goldwater. His constituency has never before been represented in national affairs. It is undefinable, a group which is united only by its frustrations. McGovern's supporters have never dealt with the problem of managing a bureaucracy.

I know and like McGovern. But his election could be a disaster, for he means exactly what he says. The important thing about (Ted) Kennedy is that he is not a loser, although he is not quick to learn. McGovern can't learn and he can't change his mind. He is a missionary. His present constituency is up in arms, its expectations in McGovern are high. Among my friends in the film industry who support him, there is a feeling of exaltation. In America today the family, the Church, and even psychiatry are losing their appeal. The institution of the Presidency is the focus of exaggerated expectations. If McGovern wins and is unable to meet these expectations—and no man can meet them—his constituency might turn on him.

Despite the indications of the private polls, I would not rule out that McGovern might find 10 million voters whom nobody knew were there. Muskie, Humphrey, or Jackson, wouldn't be able to find these voters. But I would not be astonished if McGovern could.

Minister Schmidt: Both West German parties, the SPD and the CDU, look to President Nixon, although not necessarily to the Republican Party. We like the calculability of the present Administration.

Dr. Kissinger: No professional can figure out how McGovern might win.

Ambassador Pauls: There is a desire for change in this country, however.

Dr. Kissinger: Two important facts in the primaries have been overlooked. First, McGovern's opponents together got more votes than he.

⁷ William D. Eberle, Special Representative for Trade Negotiations.

Second, McGovern lost as many primaries as he won. He was, however, clever in picking his primaries. Muskie, on the other hand, was foolish to get into the Florida primary where he had no chance. He wasted a month there. McGovern ran a smart primary campaign but won only a single two-man race, California, where his vote was less than had been expected.

Minister Schmidt: What about Vietnam?

Dr. Kissinger: Were it not for our election, I am certain that the war could be settled within six months. There are several reasons for this. First the North Vietnamese have been “stopped” militarily even if one could not yet say they had been defeated. We are likely to see a big attack within the next two weeks. I regard this as a sign of despair. If the North Vietnamese can take Hue it will be worth it. If not, it will be a very bad setback. The North Vietnamese are strapped for manpower. They are moving their 320th *training* division south, a division which they have never used before and which consists of new recruits who have never fired a shot in anger. If we cannot stop them with air power and with four of the best South Vietnamese divisions, we can never stop them.

The North Vietnamese have not won a battle since May. When they were winning it was very costly for them. We thought at one juncture, and I told the President, that they might take Kontum within four days. We didn’t know when we made that estimate that the North Vietnamese had already lost two thirds of a division which was attacking the city. They were being defeated by the second worst South Vietnamese division. In some ways, without being tactless, one can compare the North Vietnamese situation today with that of Germany at the time of the Battle of the Bulge. Even if they score a limited victory, it will be a defeat.

Secondly, the North Vietnamese are isolated politically. You have just to read what the Chinese and the Soviets are saying. The North Vietnamese Ambassador the other day presented a list of charges to the Chinese leadership. What did Chou reply, according to Peking radio? That the Chinese supported their North Vietnamese people in their just struggle. Imagine if we should give such a reply to one of our allies asking for help!

The Chinese are giving the North Vietnam supplies but no diplomatic support. And they are not giving enough supplies to reverse the situation. After their next offensive has been stopped the North Vietnamese will have used two dry seasons worth of supplies. That means that they cannot launch another attack until February, 1974.

What the North Vietnamese do have going for them, however, is that McGovern is offering to give them their maximum program. So perhaps they believe they should wait. But the North Vietnamese must

consider that the polls show that McGovern won't win, that the North Vietnamese forces have been seriously weakened, and that they cannot be sure that McGovern will actually do for them what he says he will do. A Chinese commentary is very interesting in this respect; it says that the American domestic structure won't permit McGovern to scale down our military support. I like such commentaries, for their impact in Hanoi.

I think that there is a 50–50 chance of a Vietnam settlement *before* the elections and a four to one chance of one afterward. We will be down to 39,000 troops, all volunteers, by September 1 and down to 35,000 by November. We have withdrawn 525,000 troops since the present Administration came in.

Minister Schmidt: You fail to exploit these facts enough with the European publics, who are down on you because of Vietnam. Your figures are unknown, especially to young people in Europe.

Dr. Kissinger: How can we exploit these facts with the European publics?

Ambassador Pauls: You are doing better in Vietnam than you are in selling that policy in Europe.

Dr. Kissinger: Everybody in this country said that the Administration's decision to blockade Haiphong would ruin the Summit.

Minister Schmidt: Bonn hasn't said that.

Dr. Kissinger: We have no complaint about the Germans on this score.

Since the blockade, the North Vietnamese have become more flexible. We are still not sure if they want to settle before the elections, however. There has been only one meeting with them in Paris, the one of yesterday.

Minister Schmidt: You are not fully aware of the growing proportion of Europeans who dislike the United States because of Vietnam. You must tell these Europeans more about your withdrawals.

Dr. Kissinger: And about what we have offered the North Vietnamese. The only thing we have not offered is to collude with them in the overthrow of a government that is allied with us. What would the Europeans say if we did that? Perhaps a few months after the settlement they would be saying that the United States, when the going really gets tough, simply jettisons the governments of its allies. It is strange that the men who resist are always those who are vilified by the left wing. It was the same with Adenauer at the time of the Berlin crisis in 1961.

Minister Schmidt: It is not governments to whom you need to explain these things but to the European publics. You need to show in some dramatic way how much you have done to get your soldiers out.

Dr. Kissinger: I hope that we can count on seeing you when you come through Washington again in September.

I will try to call Secretary Shultz before your appointment at 4 this afternoon.

The meeting ended at 3:30.

Robert Gerald Livingston

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

Washington, August 26, 1972.

SUBJECT

West and East Germany in the United States

At our request, State has prepared a good background memorandum (Tab A)² on the current stage of negotiations between the FRG and the GDR, the question of UN membership for the two, and on the issue of a covering Four Power declaration in connection with that membership. The last may eventually cause us some trouble with the West Germans and possibly the Soviets. You should be aware of the present state of play, which is likely to move ahead rapidly in September and October.

A summary of State's memorandum follows:

Bahr-Kohl Talks

The two state secretaries have been negotiating since August 16 on a FRG–GDR modus vivendi in the form of a “Basic Treaty.” Kohl's draft treaty is unsatisfactory to Bonn in several respects. The two main problems with it are:

—How to include the FRG's wish for language that indicates there is a “special relationship” between the two Germanies and reunifica-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 303, Agency Files, USUN, Vol. X [Part 3]. Confidential. Sent for information. Kissinger initialed the memorandum; an attached routing slip indicates that it was noted by him on September 7. According to another copy, Livingston drafted the memorandum. (Library of Congress, Manuscript Division, Kissinger Papers, Chronological File, 1969–75, Box CL 26)

² Attached but not printed at Tab A is a memorandum from R.T. Curran, Acting Executive Secretary, to Kissinger, August 26.

tion is eventually possible. Bahr would like to have the treaty refer to the FRG and GDR constitutions, both of which mention a single German nation.

—Whether to include a clause affirming quadripartite rights and responsibilities in some way.

UN Membership and Four Power Rights—The Issues

When the Berlin protocol was signed last June, the Three Western Powers presented Gromyko with the agreed Western position. It is:

(a) The Berlin agreement opens the way to UN membership for the two Germanies.

(b) First, however, there must be an FRG–GDR general treaty, then Bundestag approval of it and a *written* understanding among the Four Powers (USSR, US, France, and UK) that UN membership of the GDR and FRG will not affect Four Power responsibilities for Berlin and Germany as a whole. Then the two Germanies can enter first UN specialized agencies and later the UN itself.³

Gromyko was initially unreceptive to the Four Power statement idea, and the Soviets started sending out negative signals.⁴ But on August 17, the Soviet Ambassador in East Berlin told Marty Hillenbrand that Moscow's reply would be positive.⁵

³ After signature of the final quadripartite protocol on June 3, Rogers gave Gromyko both an oral presentation and written talking points outlining the Allied position on German membership in the United Nations. (Telegram 7809 from Bonn, June 3; National Archives, RG 59, Central Files 1970–73, UN 6 GER W)

⁴ In a June 13 memorandum to Kissinger, Sonnenfeldt reported that, when Bahr outlined the Allied position in a meeting with Gromyko on June 3, the Soviet Foreign Minister replied that “the two Germanies should enter the UN *first*, then the FRG could more easily and to its better advantage regulate its relations with the GDR. The ‘fetishism’ of Quadripartite rights could hurt GDR–FRG relations. Moscow would not go along with any attempt to establish Four Power rights if the sole purpose was to bind the two Germanies together.” (Ibid., Nixon Presidential Materials, NSC Files, Box 718, Country Files, Europe, USSR, Vol. 20)

⁵ The Mission reported on this meeting between Hillenbrand and Yefremov, which was held at the Soviet Embassy in East Berlin, in telegram 1460 from Berlin, August 18. (Ibid., RG 59, Central Files 1970–73, POL 17 USSR–GER E)

Some issues have also cropped up with the West Germans in this connection:

—Whether the FRG and the GDR should formally associate themselves with a Four Power Declaration. The FRG thinks this is neither necessary nor desirable.⁶

—Whether there should be formal Four Power “support and sponsorship” of the two Germanies’ entry into the UN. The FRG is against, the Three Powers for, although they believe it not essential.

Additionally, there is some apprehension, particularly in Paris and London, about parallelism between the Bahr–Kohl negotiations and those by the Three Powers with the Soviets. The two Germanies might, if Bahr presses ahead, come to an agreement well before the Three, putting them under undue pressure to settle for less in a quadripartite declaration than they consider necessary. The fear here is that the Western Allies could be put into the position of appearing to block a German–German treaty which Brandt would want, for domestic reasons, to submit to the Bundestag quickly.

If the Bundestag is dissolved in mid-September,⁷ however, this will probably be no problem. Ahlers did feel it necessary on August 9 to deny, however, that the Three are concerned about Bahr’s negotiating “haste.”

US–GDR Relations

Besides this major issue of what our policy should be toward East Germany’s entering the UN, there are two minor policy questions which State has recently addressed. You should be aware of these. Both are referred to in the NSSM–146 response (Policy Toward the GDR),⁸ which awaits SRG action. These issues are:

—Should the State Department now modify its regulations to permit our diplomats to travel more widely in the GDR? NATO rules, hitherto fairly restrictive, are going to be relaxed. State wants to follow suit.

⁶ In a September 7 memorandum to Kissinger, Sonnenfeldt revised this statement: “Initially the West Germans were much opposed to an association, but their position has softened in the past few weeks. After Marty Hillenbrand discussed this problem with the Auswärtiges Amt, State now believes the FRG would go along with formal association.” “We consider a formal *East German* (and hence an FRG) association important,” Sonnenfeldt further explained, “because in the event that GDR pressure on Berlin one day resumes, we will need the most unambiguous possible political and legal basis to sustain our Four Power position in the city.” (Ibid., Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 24, HAK Trip Files, Briefing Book, Henry A. Kissinger Germany Trip, Secret)

⁷ The Bundestag was dissolved on September 22 when Brandt arranged to lose a vote of confidence; under Article 68 of the Basic Law, Federal elections were then scheduled for November 19.

⁸ See Documents 341 and 355.

—Should we allow high-ranking GDR officials to travel in the US? We have been against this so far, although our NATO Allies have been far more permissive. State now favors visits by such officials for specific purposes, such as trade promotion.

You should be aware of these proposed policy changes. Others may arise soon.

372. Memorandum of Conversation¹

Munich, September 10, 1972, 4:15–4:45 p.m.

PARTICIPANTS

Minister of State Franz Heubl
Franz Josef Strauss
Henry A. Kissinger
Helmut Sonnenfeldt

Strauss: I want to ask you first of all about the CSCE.

Kissinger: It is probably inevitable some time next year.

Strauss: Are you sure it is inevitable?

Kissinger: We did not favor it but all our allies do; the French do, the British do and your government does.

Strauss: Well, we do not and we will go slow once we are elected. You have to realize that with these socialists there is nothing but concessions.

Kissinger: Why do you say that?

Strauss: My dear Henry, because socialism is synonymous with concessions. They can't help themselves. And we are really faced with a socialist belt now. First there are the Scandinavians and we all know about them. Then there is Austria, although [Chancellor Bruno] Kreisky is trying to follow his own policy. In Italy by sheer luck there isn't a socialist government yet but who can tell in that country how long the present setup will last. And in France you have Mitterand,² who is already in bed with the Communists. Pompidou, who is a good man,

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 24, HAK Trip Files, HAK European Trip Sept. 1972, FRG Memcons Brandt, Strauss (Originals), Eyes Alone. Confidential; Eyes Only. Kissinger, an avid soccer fan, was in Munich to attend the Olympic Games. The meeting was held at the Arabaella House.

² François Mitterand, First Secretary of the French Socialist Party.

will probably win in the elections next year but don't discount Mitterand and the socialists. And then our socialists. Well, the chances are you will have this socialist belt from the North Cape to the Mediterranean.

Heubl: There has been a story, just in the last few days, that the Chinese will somehow want to participate in the CSCE.

Kissinger: I cannot believe that Mao will die unfulfilled if there is never a conference. For obvious reasons, this is not a favorite idea of the Chinese. They are the best members of NATO these days. You mentioned the election. What do you think the outcome will be?

Strauss: It looks as though we will win it. The Olympics have probably hurt Brandt.³ There also was the Schiller affair and the Quick affair⁴—the practice of persecuting journalists for minutia. You are laughing. But I am not sensitive when I say this because I think there is a difference between printing a letter of resignation of a minister and the nuclear target list of NATO.⁵ So I am not sensitive. You should know there is an underground attack against our system. Communists and anarchists pervade the youth organizations of the SPD and even the Free Democrats. And of course the Russians support the Government and have a mammoth propaganda machinery against us. This could result in a close election.

Kissinger: What is the best time for you?

Heubl: December 3 is optimal, after that is is unpredictable.

Strauss: There is a story that Brandt in the next two weeks will send a letter to the President of the Bundestag and ask him to pose the confidence question. Brandt does not want to pose it himself. But under our constitutional system that would be a very questionable procedure.

Heubl: I had not heard of this.

³ On September 5 eight Arab terrorists of the Black September organization stormed the quarters of the Israeli athletic team at the Olympic village in Munich, killing two and taking nine hostage. In a gun battle with German security forces that night at a nearby military airport, five of the terrorists were killed but not before killing all of the hostages.

⁴ *Quick*, a popular illustrated magazine, published Schiller's private letter of resignation on July 26; the magazine had also published without permission the "Bahr Paper" in June/July 1970 and several drafts of the quadripartite agreement on Berlin in July 1971. On August 29 two state secretaries resigned from the Federal Government after a police raid on the *Quick* offices in Munich and Hamburg revealed that they had received consulting contracts from a publishing company associated with the magazine.

⁵ In November 1962 Strauss, then Minister of Defense, was forced to resign due to his role in the so-called *Spiegel* affair in which his concern for national security, the unauthorized disclosure in *Der Spiegel* of a NATO exercise on nuclear war, led to the controversial arrest of several representatives of the German newsmagazine.

Strauss: I heard about it just in the last few days. I don't know what von Hassel will do. But I think it is impossible.

Kissinger: What will be the effect of the completion of the treaty with East Germany?

Strauss: Well they could have that; and Scheel will go to China; and there could be an agreement on CSCE; and the Poles could agree to repatriate Germans from their Western territories. But I think people are not so much concerned about foreign policy as they are about security ("Sicherheit").

Heubl: Anyway, it could be close. But if Brandt ends up with just a one-vote majority, the legislative period will not last four years.

Sonnenfeldt: What if you end up with one-vote [majority]?

Heubl: Then we have to govern; there would be no alternative.

Strauss: Of course we will have to keep Barzel tied down.

Kissinger: But you supported him.

Strauss: What was the alternative? But he would have to go if he does not perform after the election.

Heubl: But with Franz-Josef running economics and finances and Schroeder foreign policy it should be possible to keep Barzel in line.

Strauss: Barzel lost a lot because of his wavering on the Eastern treaties. But if he does not perform, he will have to go.

Kissinger: We are talking completely privately? No press leaks?

Strauss: None whatsoever.

Kissinger: Not even hints or statements attributed to me by implication?

Strauss: Nothing traceable to you. That is how it should be between old friends.

Kissinger: Who would be the alternatives to Barzel?

Strauss: Well—Schroeder or Stoltenberg.

Kissinger: Do you think the evolution would have been the same if the small coalition had continued in 1966?

Heubl: I don't think so.

Strauss: It is very hard to say; it is speculative.

Heubl: I know your time is short. I want to ask you three questions. One, what do you think will be the reaction in Moscow if there is a CSU/CDU Government? Two, what are the prospects for US troop cuts in Europe? (Strauss: Application of the Nixon doctrine to Europe.) Three, how do you see the developments in the Middle East and will this come up in your talks in Moscow?

Strauss: Yes, and then there have recently been many stories, especially from the French that say you and the Russians will get together

on a combined attack on the EEC. Of course, the French have a reason for saying this. Pompidou is an intelligent man but the French use this to argue against any derogation of sovereignty in Europe.

Kissinger: (Asks for repetition of first question.) Let me tell you about our experience. We were warned that when President Nixon became President, the Russians would see him as a cold warrior and things would be rough. Everyone was making proposals to us: that we should go to the summit immediately; that we should start SALT; that we should make concessions; that we should move quickly on trade. The *New York Times* and other papers were full of this. Well, we did nothing like that. We took our time. The Russians tried to build a submarine base in Cuba and we reacted tough; they tried to inject themselves in the Middle East and we reacted. Then things began to change. Now we are prepared to move on trade and we will do many things because we have gotten some political things. We moved very coldly and concretely and deliberately. That is what the Russians respect because they also calculate coldly.

Strauss: That is exactly my approach.

Kissinger: You may have a similar experience. Lots of threats beforehand. And maybe some kind of crisis after you are elected. But then they may be ready to do business. In any case, we won't permit a crisis to happen.

Strauss: I find this very interesting. There actually are some signs already of their trying to communicate with us. But this is very interesting.

Kissinger: The Russians have no use for sentimental people.

Heubl: Well, Franz-Josef is not sentimental.

Kissinger: Now on the second question. We will use MBFR to reduce troops as slowly as possible—not more than 10–15% over five years and then only reciprocally. But of course the Europeans have to do their share.

Strauss: Burden-sharing. A Nixon doctrine modified for Europe. I have advocated it for eight years.

Kissinger: Yes, burden-sharing. The Europeans have to stop using our troops for their détente policies.

Strauss: I hope you have said this to Helmut Schmidt.

Kissinger: If you are defense oriented, we won't reduce. Of course, I can't guarantee some small number like 20,000. But . . .

Strauss: I have always said that if the Americans reduce in Europe, *mutatis mutandis* have to make up the difference.

Kissinger: I agree. You simply cannot expect the US to defend an economic competitor. I mean there will be competition; but it has to be within bounds. You simply cannot expect this to go on indefinitely.

Strauss: Well, I agree with that.

Kissinger: Now on the Middle East. Well—this is really too complicated and I don't really want to say anything about it now. It is very dangerous and there has recently been a substantial US success because of the removal of the Russian troops.⁶ But we do need a united Western policy on energy sources. We can't let them—cites example of Libya—play us off one against the other. So we really should do what we can to get a united policy on that.

Strauss: Well, I agree with you on that, too.

Kissinger: Now about the EEC. It is absolutely essential—and I have said this to the members of the Government with whom I have spoken—that after we have had our elections that we have a fundamental review of our relations, the relationship between the US—America—and Western Europe. I think this is absolutely essential or we will find ourselves fighting about individual issues year after year. And after a while the economic problems will make it impossible to maintain the security relationship. You should be aware that if it were not for Richard Nixon—this extraordinary political phenomenon who does not come from the American political establishment—if it were not for him we would already be in the midst of a major fight with Europe. You could very well get this. I wouldn't say that there will be a joint US-Soviet attack. But there will be real pressures against Europe. So we need to get our relations fundamentally looked at. I don't mean that you would agree with us in every detail.

Strauss: Obviously, that would not be the case. But I completely agree with you. We are exactly in agreement on this. But I doubt that the other party, the present majority party, is.

Kissinger: Well, as soon as the elections are over, we must get in touch. I may send somebody over. All this is of course on the premise that the President will be elected. I remember the advice you gave me once that after defense one should turn to economics. Maybe this is what I should do.

Strauss: I hope you will do nothing that can be used by the Government as being your blessing of its eastern policy. I mean the sort of thing the Secretary of State said, though he hasn't recently.

Kissinger: There is no reason to say anything. But we will do nothing like that.

Strauss: Well, we really hope so because it gets used in the debates with us constantly.

⁶ On July 18 Egyptian President Sadat announced his order for the immediate withdrawal of Soviet military personnel from Egypt.

Kissinger: Well, I am afraid the time is running out. I have to get to Moscow to see Brezhnev. I hope we can stay in touch. We are old friends.

Strauss: I tried to get in touch in April—about those statements that the Secretary of State was making. But you were away.

Kissinger: Yes, I think I was out of town. But let me know when you come so we can talk.

Strauss: Well, I don't like to trade on old personal friendship. But we will stay in touch.

373. Memorandum of Conversation¹

Moscow, September 13, 1972, 11:10 a.m.–3:50 p.m.

PARTICIPANTS

Leonid I. Brezhnev, General Secretary of the Central Committee of the CPSU
Andrei A. Gromyko, Soviet Foreign Minister
Anatoli Dobrynin, Soviet Ambassador to the United States
A.M. Aleksandrov, Assistant to the General Secretary
Viktor M. Sukhodrev, Interpreter
Soviet Notetaker

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
Winston Lord, NSC Staff Member
Jonathan T. Howe, NSC Staff Member
John D. Negroponte, NSC Staff Member

SUBJECTS

Vietnam; Middle East; Germany; Far East

[Omitted here is a discussion on Vietnam and the Middle East.]

Mr. Brezhnev: What else. Perhaps German affairs.

Dr. Kissinger: Yes, the General Secretary mentioned German affairs yesterday, and then perhaps I can make some comments regarding the Far East.

Mr. Brezhnev: We have all along sought to promote a settlement between the two German states to the best of our ability. You and we

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Country Files, Box 74, Europe, USSR, HAK Trip to Moscow Sept. 1972, Memcons (Originals). Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held in the Kremlin. Kissinger visited Moscow from September 10 to 13 for "a general review of all aspects of US-Soviet relations." (Kissinger, *White House Years*, p. 1271)

helped Brandt on the ratification but that is past. There are still further outstanding issues. One of the most important is the admission of the two Germanies to the UN, then negotiations between the two Germanies. That is their own business, but we have an interest. My latest information is that there has been some progress. There is also the question of quadrilateral rights of the allies arising from the post-war agreement. This arises because of the UN issue. We have drafted a formula here relating to the rights of the four powers. [Brezhnev reads a text which he then hands to Dr. Kissinger. Text at Tab A.]²

“The Governments of the Soviet Union, Great Britain, the United States and France note the existence of the necessary prerequisites for the admission of the German Democratic Republic and the Federal Republic of Germany to the United Nations and state in this connection that the admission of the GDR and the FRG to the UN does not affect the question of the rights and responsibility of the four powers under the wartime and post-war agreements and decisions.”

When do you think we can practically expect a settlement of the question of the admission of two Germanies to the United Nations?

Dr. Kissinger: I talked to Bahr and Brandt in Munich.³ As you know, in principle we are not opposed to the admission of two German states. We believe that if a satisfactory formula can be found for the four power responsibilities, and I frankly want to examine this, then I propose the following process. My understanding from Bahr is that he expects to conclude the agreement with the GDR by November 1.

We’ll certainly encourage this from our side and if you could encourage your German allies it would be helpful. After the agreement is signed, we are prepared at this UN session, to support observer status for both Germanies at the UN and, after it is ratified, we are prepared to support membership.

It looks all right to me, but there are always details. But I am sure we can settle it.

² The text of the note attached but not printed at Tab A is identical to the text quoted in the memorandum. Brackets in the original.

³ Kissinger met Brandt on September 10 at the Chancellor’s villa in Feldafing outside Munich; Bahr and Hillenbrand also attended the meeting “except during the last twenty minutes which were private.” In telegram 1583 from Berlin, September 12, Hillenbrand forwarded the following account of the discussion on UN membership: “Reporting on his recent lightning trip to East Berlin, Egon Bahr said he had undertaken it to head off an East German initiative to seek observer status in the UN. Dr. Kissinger noted that the President had said in Moscow that in this area we would follow the lead of the Federal Republic. Brandt observed that the Soviets tell the Germans this implies that there is no real US objection to UN membership for the GDR. Dr. Kissinger pointed out that for us to have said otherwise would have caused the Soviets to apply even heavier pressure on the FRG.” (National Archives, RG 59, Central Files 1970–73, POL GER W–US)

Mr. Brezhnev: We are encouraging our allies.

Dr. Kissinger: I have that impression. We can be in touch.

Mr. Gromyko: We do, however, still have some serious disagreements. To a great extent it will depend on the attitude of the West Germans.

Dr. Kissinger: You are, of course, informed of the latest meeting.

Mr. Brezhnev: You mean the one of two days ago?

Dr. Kissinger: Yes. I had the impression from Bahr that he was optimistic that it could be settled by November 1 and I strongly urged him in this direction. Speaking confidentially, I urged him that those issues related to Berlin that he simply say that they should be handled in accord with the Berlin Agreement so we do not have to get into new legal arguments. But this is between us. This was my advice to him.⁴

Mr. Alexandrov: In order not to go through this once more.

Dr. Kissinger: In order not to negotiate again.

Mr. Brezhnev: That is the right thing to do.

Mr. Dobrynin: Otherwise it's a waste of time.

Dr. Kissinger: But what I told Bahr, my remarks to Bahr, should be treated especially confidentially and not repeated to him. It's my idea.

Mr. Brezhnev: Don't worry.

⁴ In a September 18 memorandum to Kissinger, Helms forwarded a report on Bahr's account of his meeting with Kissinger: "1. First, Bahr said, he had told Dr. Kissinger that he was having difficulties with the State Department and the U.S. Embassy in Bonn with respect to the Four-Power Declaration, since both were demanding much more than he considered possible or necessary. Bahr had explained his own formula to Dr. Kissinger and had noted that it would appear to be quite adequate. He would be very happy, he had said, if Dr. Kissinger would tell the Soviets that the formula was satisfactory, so that there was an understanding at the highest level. Dr. Kissinger had replied that he had heard Bahr's explanation, and that Bahr's proposal for a Four-Power Declaration was indeed satisfactory. He had advised Bahr not to worry about the State Department. Bahr should tell him if he had problems with those people, and 'we will roll over them.' Dr. Kissinger had promised to inform the Soviets to this effect. Thus, Bahr told [his interlocutor], he could now say that he had reached an agreement with Dr. Kissinger—over the head of and against the State Department—on a formula which, he knew for certain, was acceptable to the Soviets. 2. Bahr said he had then told Kissinger that he had reached an agreement with the East Germans to the effect that the German Democratic Republic would attain sovereign status as soon as the Basic Treaty had been completed. When Dr. Kissinger had asked whether he might tell this to the Soviets, Bahr had responded that he would be very happy if Dr. Kissinger did. That, Bahr explained, would put the seal on this agreement, because the Soviets could tell the East Germans that the Americans had endorsed it. Very clever, wasn't it, Bahr asked rhetorically." (Ibid., Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 60, Country Files, Europe, Egon Bahr, Berlin File [1 of 3])

Dr. Kissinger: I was also urged by opposition leaders to use my influence in the opposite direction.⁵

Mr. Gromyko: Are you going to do it?

Dr. Kissinger: No, I am going to do it in the direction I indicated to you. We will use our influence to settle by November 1 and then support observer status afterwards, before ratification.

Mr. Gromyko: Although in all fairness we should say that the GDR is already entitled to ask for observer status. We must be clear on this issue. The Federal Republic already has observer status.

Dr. Kissinger: I understand your point but it is a complex issue which will create enormous debate, and we are only talking really only about a period of six weeks.

Mr. Brezhnev: But perhaps that step—observer status—now could have some positive role for subsequent events. I ask you to put that to President Nixon in my name.

Dr. Kissinger: If it were done now, before the signing of the general treaty, there would be an enormous crisis in Germany. Moreover Brandt doesn't want it. It would complicate our relations with him. It would reduce our influence in the treaty negotiations. I will, of course, mention everything you say to the President, and your views are always taken seriously. But, I believe it is more practical not to mention observer status now and raise it immediately after signature and then I can assure you it will go through quickly.

Mr. Brezhnev: I just want President Nixon to hear this is my name as I said it.

Dr. Kissinger: I will convey what you said to the President.

Mr. Brezhnev: I would see this as an important step in our relations.

Dr. Kissinger: I will raise it with him.

Mr. Brezhnev: We will have to come to it sometime.

Dr. Kissinger: I will raise it, but I think it will be settled anyway before the end of the General Assembly. But I will mention it to the President.

Mr. Gromyko: It also would certainly produce a very favorable impression in the GDR. We cannot conduct negotiations only on the strings of tension. This would be a great positive effect.

⁵ In addition to his meeting with Strauss on September 10 (see Document 372), Kissinger was scheduled to see Barzel in Munich on September 9. (Memorandum from Kennedy to Haig, September 5; National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 24, HAK Trip Files, HAK's Germany, Moscow, London, Paris Trip, Sep 9–15, 1972, Misc. Cables & Documents) No record of the conversation has been found.

Mr. Brezhnev: I am sure this would prompt the GDR to take a more amenable stand and to make more concessions. It would show that an objective approach was being taken to the whole situation.

Dr. Kissinger: I will report fully to the President. I will discuss the matter and I will let your Ambassador know our reaction, that is if we ever see him again in Washington.

Mr. Brezhnev: That depends on how you act to prepare all these questions for agreement. If not, I will send him to the Crimea and keep him there.

Dr. Kissinger: He will be badly missed. I do not know if you saw the photograph of him in Hollywood, the one in which he was holding a rock over my head in his usual negotiating method.⁶

Mr. Brezhnev: I have no knowledge of this so far.

Dr. Kissinger: It was his usual method—a big rock over my head.

Mr. Gromyko: There is a famous sculpture in clay by the Soviet sculptor Chadre which shows a Soviet worker bending to pick up a rock and the title is “Weapon of the Proletariat.”

Mr. Brezhnev: Did Brandt ask you to convey anything to us?

Dr. Kissinger: There was no special request but he did confirm his desire to come to an agreement by November 1. But his basic attitude towards relations with the East, as you know, is extremely positive.

Mr. Brezhnev: What is his assessment of his prospects for the elections?

Dr. Kissinger: All leaders to whom I spoke were confident they would win the elections. My assessment is that if he completes the treaty before November 1 and there is no crisis which we don't expect, then I think his chances are reasonably good. Whatever the result, it will be very close, and therefore, the management of the government will be very difficult no matter who wins the election. He has been hurt by the events at the Olympics, not in a negative sense of losing votes, but because he thought the good sentiment created by the Olympics and himself being photographed there and so forth would add to his votes. He has lost that possibility. The Olympics hurt him, Schiller's resignation hurt, and the scandal of the two secretaries paid by the German magazine hurt him. It will be a very close election. If the Christian Democrats win, it should be by a narrow margin and the possibilities of radical changes in policy will be very limited. We will use our influence in the direction of the continuation of the present course.

⁶ Dobrynin visited Hollywood during a trip to San Clemente in mid-July for meetings with Nixon and Kissinger. For his published account of the visit, see Dobrynin, *In Confidence*, pp. 257–260.

We, in any event, will not attempt to influence the outcome of the elections. We will do nothing to encourage Brandt's opponents and we are thinking of doing a few things that will show our close association with the policies of Brandt.

Mr. Brezhnev: That is extremely important indeed, because I think given the desire President Nixon can do a great deal to help Brandt.

Dr. Kissinger: Everything here is confidential. These are very sensitive comments when we talk about the domestic situation of other countries, but the General Secretary has correctly understood our attitude, and indeed we have asked Brandt to suggest some symbolic steps which we could take to help him.

Mr. Brezhnev: In all confidence, too, I had occasion to observe over the past two years the policies and actions of Brandt. He is a wise politician and it is wise to go on dealing with him. He is better than the others. Because Brandt should, of course, be regarded as a politician whose general line is leading towards the general reduction of tensions in Europe. Both you and we are interested in seeing that happen. That should be the principal criterion, especially since the alternative is someone else in office who will want to return to the past situation. We shall pay attention to Brandt and if you and we are of like opinion, we should find a way of helping Brandt.

Dr. Kissinger: There's no need to discuss this now because the elections are two months away. We'll pursue the course discussed with the General Secretary. If for some reason the opponents should win, we will use our influence with them not to change policy, but if that happens we will be in touch before then anyway. There is no need to discuss this now, and I don't expect this.⁷

[Omitted here is a discussion on the Far East.]

⁷ In a special channel message to Bahr on September 22, Kissinger reported on his discussion of German matters with Brezhnev: "Regarding Germany I had the distinct impression that Brezhnev wants an early agreement between you and the East Germans and is exerting himself in that direction. Brezhnev of course also wants the GDR in the UN as soon as possible, at least as an observer but I think he recognizes and accepts our common point that observer status can come only after your treaty is signed and membership not until ratification. My impression also was that there should be no serious problem about an appropriate four-power declaration regarding four-power rights and responsibilities." (National Archives, Nixon Presidential Materials, NSC Files, Box 424, Backchannel Files, Backchannel Messages, Europe, 1972) For the full text of Kissinger's message, see *Dokumente zur Deutschlandpolitik, 1971–1972, Vol. 1, Nr. 173*, p. 609.

374. Memorandum of Conversation¹

Washington, October 2, 1972, 1:20–3:45 p.m.

PARTICIPANTS

Andrei Gromyko, Foreign Minister of the USSR
Anatoliy F. Dobrynin, Soviet Ambassador
Victor M. Sukhodrev, Interpreter
Henry A. Kissinger, Assistant to the President for National Security Affairs
Peter W. Rodman, NSC Staff

SUBJECTS

Europe; Nuclear Understanding; Jackson Amendment; Middle East

[Omitted here is an exchange of pleasantries.]

[The Foreign Minister began speaking in Russian.]²

Europe

FM Gromyko: On the question of the rights of the four powers, the formula that our Ambassador received from you [U.S. draft of September 18, Tab A]³ is something that simply cannot be discussed. It cannot be discussed. I can't imagine who it was prepared for. Let's agree this way! With regard to the admission of the two Germanies to the United Nations—this is why the matter of rights and responsibilities was raised in the first place—the matter of rights and responsibilities simply is not touched upon; it does not arise. This is the best formula for us and for you. So as not to create the impression that it was discussed. Otherwise someone might develop a taste for review-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 495, President's Trip Files, Dobrynin/Kissinger, 1972, Vol. 13. Top Secret; Sensitive; Exclusively Eyes Only. The meeting was held at the Soviet Embassy. Gromyko, who had recently attended the opening session of the United Nations General Assembly in New York, was in Washington for his third annual review of U.S.-Soviet relations at the White House.

² All following brackets are in the original.

³ The text of the U.S. draft of September 18 (Tab A) reads as follows: "The governments of the Soviet Union, Great Britain, the United States and France . . . have agreed to support the application for UN membership when submitted by the FRG and GDR and to affirm in this connection that such membership shall in no way affect or change the four power rights and responsibilities, which they retain pending a peace settlement for Germany, or the agreements, decisions, and practices and procedures which relate to them." Kissinger apparently gave Dobrynin the draft during their meeting in the Map Room at the White House on September 18 from 1:10 to 3:20 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) The draft is largely based on a text suggested by the Department in telegram 167644 to Bonn, September 13. (National Archives, RG 59, Central Files 1970–73, POL 38–6)

ing these matters, and in some years from now they may want to review them.

Dr. Kissinger: I don't understand. How does it differ from what you said?

Ambassador Dobrynin: Your's said [shows copy of Soviet text handed over in Moscow, Tab B]⁴—it mentions all sorts of things about a peace settlement and unification and so forth.

Dr. Kissinger: Unification? Where does it say that? Peace settlement? We can take that out. [He puts brackets around the clause "which they retain pending a peace settlement for Germany"].

FM Gromyko: First, the word "Germany" is mentioned. We do not know such a phenomenon. Second, a peace treaty is mentioned; this cannot be. Third, everything is in terms of whether these rights exist or they do not exist, whether we respect rights or do not respect them. We think all three points are not justified. We should not create the impression that this is being discussed, or else three or five years from now someone will develop a taste to take up the matter of rights and responsibilities.

Dr. Kissinger: I can see your point with respect to the clause "which they retain pending a peace settlement for Germany." Two of your points apply to this clause; that can be deleted. Let me tell you that the main operational difference between your version and our version, in our mind, was that we added the phrase about practices and procedures to the clause about rights and responsibilities. That was the important part for us. Your third point is about whether we should affirm these rights and responsibilities at all. On this there is a difference of opinion. The reason we feel we must have it is because by entrance into the United Nations the GDR acquires a character of sovereignty which up to now we have not admitted, and transit rights across a sovereign country are not the same as transit rights across a country whose sovereignty we did not admit.

FM Gromyko: But the strongest possible guarantee of your and the British and the French position is our wording "does not affect the question of."

Dr. Kissinger: The real difference is that our version says, "does not affect the rights." Your version says, "does not affect the question of the rights."

FM Gromyko: The difference is that ours does not imply anything about substance.

⁴ For the text of the Soviet draft of September 13 (Tab B), see Document 373.

Dr. Kissinger: I would say just the opposite. To affirm the rights is not to detract from them. The implication of yours is that the question is still open. So sometime in the future or someone—for example your German allies—could take advantage of this. If you affirm that it does not affect the rights and the responsibilities, then the only question open is what are these rights. The answer is in the Berlin Agreement.

FM Gromyko: But we are saying that the question can never be raised. In connection with UN membership. The phrase “does not affect [nye zatragivayetsa]” is in the sense of “is not involved.”

Dr. Kissinger: What is your objection to the other language?

FM Gromyko: It means that we are discussing the question of rights and admit the possibility of changing them.

Dr. Kissinger: I understand. It is an interesting point. Let me think. Now if we agreed to drop this clause about a peace settlement and if we agreed to add the phrase “the question of,” would you agree to add the phrase about practices and procedures?

Ambassador Dobrynin: Why do you need that? What does it mean?

Dr. Kissinger: If it is not affected, what difference does it make? Of course, this whole thing has already been discussed with our allies and we will have to discuss it again. Now if we take your phrase we are saying that the whole complex of the Berlin machinery is not affected. Is that right?

FM Gromyko: The whole question is not affected.

Dr. Kissinger: That I am willing to concede. But we will place great stress on this phrase with respect to what has developed in the body of arrangements on Berlin. I can understand that you don't want to affirm them individually, but we need some reference to the whole body.

FM Gromyko: But which “procedures”? Several questions arise from this phrase. Do you mean multilateral, bilateral?

Dr. Kissinger: But all we are saying is that they cannot be challenged on the basis of UN membership. We are not codifying them for all eternity. Our concern is not to create new pressures as a result of voting for UN membership.

FM Gromyko: Maybe we will give thought to it.

Dr. Kissinger: We will give thought to it. We ought to handle it like the Berlin thing. I understand your point exactly, and I think you understand mine. I'll talk to Stoessel. We will give you a document which you won't find acceptable, but we will agree ahead of time on how it will come out.

FM Gromyko: When can we get a final result?

Dr. Kissinger: What I have given you is what the allies want. We will try to nudge them in the direction of what you want.⁵ Would you consider something like “procedures, decisions and practices?”—we’ll leave out “procedures”—if we dropped out the clause about peace settlement and added “the question of”?

FM Gromyko: It creates difficulties for us.

Dr. Kissinger: What I am proposing will create difficulties for me too. Home came to me⁶ and you told him that you didn’t think any declaration at all was required. Or so he thought you meant. He said to me Britain would not go along unless there was some declaration that rights and responsibilities were not affected. I will talk to Stoessel tonight and tell him what we want.⁷ I wanted it to develop more slowly, but let’s get it done. I don’t think we can do less than what I have told you. We can insert the phrase “question of,” but we need “decisions and practices.”

⁵ In a special channel message to Bahr on October 4, Kissinger reported: “As regards the four-power declaration, our talks with Gromyko show that the Soviets remain quite willing to have such a declaration. They are also close to us on the language but some details remain. As soon as there is a text that seems satisfactory, we will of course be in touch and nothing will be made final without participation and agreement of all the Allies. For the moment, would you keep the fact that we are talking to the Russians about the text just between yourself and the Chancellor. On this particular subject, it would probably be helpful for you to tell Brezhnev that a declaration satisfactory to all concerned is an essential part of the package.” (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35 West Germany—Egon Bahr Communications)

⁶ Kissinger met Home on September 29 from 3:40 to 4:05 p.m. and for dinner from 7:50 to 10:07 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) A memorandum of conversation is in the National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 62, Country Files, Europe, UK Memcons 1972 (Originals).

⁷ According to Sutterlin and Klein, when Kissinger called to discuss the quadripartite declaration, “Stoessel proposed that the text be shown to Secretary Rogers, but Kissinger demurred on the ground that this raised various questions of responsibility that could only cause problems.” (Sutterlin and Klein, *Berlin*, pp. 174–175) Kissinger also met Stoessel on October 3 from 11:01 to 11:15 a.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No record of either conversation has been found. The two men reviewed the quadripartite declaration by telephone at 11:28 a.m. on October 4. After an exchange on revisions to the text, Stoessel mentioned that he had raised the issue with Rogers: “WS: I talked with the Secretary yesterday and told him that there have been discussions by you with the Russians on this and that they in general seem to be disposed to talk about it and we thought agreement was possible and they suggested that discussions be between Ambassadors in Bonn and also that we had shown them our text—he didn’t say anything about agreeing. HK: What did he say? WS: And he said that sounds reasonable and apparently he also had mentioned this subject to Gromyko yesterday morning and apparently gotten the answer that yes this could be worked out so he seemed fairly relaxed about it—. HK: Well, let’s get the text agreed and then how you handle it in your shop is your business.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File)

FM Gromyko: What decisions? Joint decisions?

Dr. Kissinger: Yes.

FM Gromyko: Decisions of the four parties?

Dr. Kissinger: That's right. You will still get a document that looks a bit different. Then we will handle it like the Berlin negotiation. You make a counter proposal.

FM Gromyko: Not unilateral decisions, just multilateral decisions.

Dr. Kissinger: Right.

FM Gromyko: Why do you want to lay yourselves at a future time open to some review?

Dr. Kissinger: I don't. All I am doing is to describe the body that cannot be reviewed, if we put in "question of."

FM Gromyko: Then it is "the question of the rights, responsibilities, agreements, decisions and practices is not involved."

Dr. Kissinger: Right.

FM Gromyko: Please think it over.⁸

[Omitted here is unrelated discussion.]

⁸ Kissinger called Dobrynin at 11:34 a.m. on October 3 to discuss how to handle the proposed quadripartite declaration. After tentatively agreeing to hold the formal talks in Bonn, the two men reviewed the informal procedures: "K: The only thing, Anatol, is we have to play the game again like we did with Berlin. D: Yes. K: Because we will give you the unacceptable version, you give us your unacceptable version, and we compromise on this. D: Oh, and so it will be precisely like this—you will send it, Gromyko will look if it's all right so you put the thing in Bonn in our channel, yes? K: Right. D: Did you already present your text on this or not yet? K: No, no; we want to wait until we hear from you. D: No, I mean the previous one. K: We haven't presented that. D: And so then you will present your old one or you will present the new one? K: No, we will present the old one, and you present your old one. D: I see and then it comes to compromise. K: Exactly. D: Okay, I think it is fine. Just fine." (Library of Congress, Manuscript Division, Kissinger Papers, Box 395, Telephone Conversations, Dobrynin, Anatoliy Fedorovich)

375. Editorial Note

On October 6, 1972, Assistant to the President Kissinger and Soviet Ambassador Dobrynin discussed revisions to the quadripartite declaration on German membership in the United Nations. In a telephone conversation on October 4, the two men had considered the operative phrase: "that such membership shall in no way affect the question of the four power rights and responsibilities and the appropriate agreements, decisions, and practices which relate to them." (Library of Congress, Manuscript Division, Kissinger Papers, Box 395, Telephone

Conversations, Dobrynin, Anatoliy Fedorovich)

On October 6 Kissinger called Assistant Secretary of State Stoessel at 10:10 a.m. to review this formulation:

"K[issinger]: On that Four-Power declaration, the major thing that the Russians claim that they are worried about when they say, 'which relate to them,' is to make clear that we are talking about the Four-Power thing and not unilateral Three-Power things.

"S[toessel]: Well, then we can come up with something—

"K: Now my experience with the Russians has been, you know, once Gromyko digs himself in like this, it's better if we can offer him something else which meets our point and so he can say he got something.

"S: Sure.

"K: Would you give it a try?

"S: We'll try some language.

"K: And I told him I would let him know before the end of the day.

"S: What about that, 'appropriate.'

"K: Well, they insist on that too but if we give him something to meet the other point, I'll just insist that that go out." (Ibid., Box 374, Telephone Conversations, Chronological File)

When he called back that afternoon, Stoessel suggested that Kissinger drop the word "appropriate" and revise the phrase to read "and the agreements, decisions and practices involving the four powers which relate to them." Although Stoessel thought this would satisfy the Soviets, Kissinger replied: "nothing will satisfy these bastards." (Ibid.)

Before he could ask Dobrynin about this proposal, Kissinger responded to questions on the declaration from the British Government and the German opposition. Kissinger first met British Ambassador Cromer in the White House at 12:10 p.m.

"Amb. Cromer: I came here for just one thing, to clear up what happened with Gromyko on the matter of quadripartite rights.

"Dr. Kissinger: Yes, I should have informed you. They have agreed to a four-power declaration.

"Amb. Cromer: One which is more or less similar . . .

"Dr. Kissinger: Very similar to an admission that the entry into the UN of the Germanies—which will be more or less simultaneous with finalization of the German Treaty—will not affect the rights and responsibilities. Their draft is close enough to the four-power draft to be negotiated.

"Amb. Cromer: That's fine.

"Dr. Kissinger: It is close enough so that the Ambassadors in Bonn can do it. They would prefer Bonn because Falin knows the issue better than their man in Berlin.

“Amb. Cromer: We prefer Berlin but don’t feel very strongly about it.

“Dr. Kissinger: I told him I had spoken with Sir Alec [Douglas-Home] about it. I told him regretfully that we couldn’t support UN admission without it.” (National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 62, Country Files, Europe, UK Memcons 1972 (Originals))

Soon after Cromer left, Kissinger received a telephone call from Kurt Birrenbach, a foreign policy expert in the Christian Democratic Union. When he learned that Kissinger was considering “a four power declaration or something like that,” Birrenbach argued that “this would appear like a blessing” for the proposed treaty on basic relations between East and West Germany. “[B]ut the Four Power Declaration,” Kissinger explained, “would only say it doesn’t affect our rights and responsibilities.” Although he appreciated the explanation, Birrenbach urged Kissinger to be sure that “this declaration will not be misused” in the upcoming election in Germany. (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File)

At 5:50 p.m. Kissinger called Dobrynin to discuss the language Stoessel had proposed earlier that afternoon:

“K: I have a text for you now on Berlin which I think meets all your points.

“D: Yes, what is the text, or you could send me.

“K: Let me send it to you.

“D: How [does] it sound . . .

“K: Let me read it—‘shall [in] no way affect the question of the four-power rights and responsibilities [a]nd the agreements, decisions and practices involving the four-powers which relate to them.’

“D: ‘Involving four powers’?

“K: ‘Which relate to them.’

“D: Why do we need ‘which relate to them’? ‘Involving four powers’ . . . I think it is better. You are going to introduce this “relate,” and here we are going around and around.

“K: But ‘relate’ is the same as ‘appropriate’—which relate to the four-power responsibilities.

“D: Practices of the four powers. What do you say, ‘Agreed among them’?

“K: No, ‘involving the four powers.’ That’s as far as we can go.

“D: Four powers—again you leave room for a possibility of three together but—separately from the fourth.

“K: No, I mean—give us an alternative to that—I mean you can’t agree to practices as such, that’s our concern.

"D: Yeah, but I mean 'involving the four powers' is still—If you say 'agreed among them,' it is clear that they are agreed among them. But if you just say 'involving' you couldn't prevent that there is a situation where not only four powers but maybe three or two powers. You would still count their involvement.

"K: Anatol . . .

"D: Yeah.

"K: If you had the right religion you would be a great Talmudic scholar.

"D: [Laughter] Well maybe I will after having experience with you, I'm gaining some points in my own domestic . . .

"K: Oh, come on, you've got to give ground once just to prove that I have some persuasive powers left.

"D: You already have some—you have taken off 'appropriate' already. Now we come to 'which relate to them'—involving four powers.

"K: Yes.

"D: And then relating . . .

"K: Let me send it over to you and then you can yell about a piece of paper you actually have.

"D: Yes, I could, then you will disappear today.

"K: No, no, I will be here at night. It is coming now by messenger.

"D: I understand. Okay, I will look at this. But this is my personal reaction because I am afraid it will be the same two powers business.

"K: I take it back. I used to say I could settle with you faster than I could with Le Duc Tho. I take it back.

"D: Oh, you are going to stay with him for a few days and you give me only a few minutes. It is a rather nice ratio, I should say. I will look at it and then I will call you back." (Ibid., Box 395, Telephone Conversations, Dobrynin, Anatoliy Fedorovich)

Kissinger called Stoessel at 6 p.m. to explain that Dobrynin was concerned that the phrase "involving the four powers" might imply that "two or three powers can act," i.e. that the Allies could take action in Germany without Soviet approval:

"K: I told him he should change his religion and become a Talmudic student.

"S: My God, yeah, I think that is too much.

"K: But another possibility, he said, was just to drop the phrase 'which relate to them.'

"S: So you have '[the] question of four power [rights] and responsibilities and the agreements, decisions and practices involving the four powers.'

"K: Yeah. But I don't know what [that] adds to it.

“S: Well, that might be a possibility. Do you think he would accept that?

“K: Probably.

“S: Yeah.

“K: But he [will] probably accept the next round if I kick him in the teeth.

“S: Yeah. Yeah. We could probably drop ‘agreements,’ too. I don’t know if that would help.

“K: That won’t help. Don’t drop anything he hasn’t asked for.

“S: That’s what we thought—maybe we would do that later. It’s decisions and practices that I am concerned about on the Autobahn, the air corridor, you know things that have been sort of understood and accepted but not really written down in any precise way. That is what we want to preserve.

“K: Yeah.

“S: Well, shall I check on this?

“K: Yeah, would you?

“S: ‘Agreements, decisions [and] practices involving the four powers.’ Okay. I’ll get back to you tonight.

“K: That would be helpful.” (Ibid., Box 374, Telephone Conversations, Chronological File)

Stoessel soon called Kissinger back to report his approval of the following formulation: “relevant agreements, decisions and practices involving the four powers.” “I’ll tell him that’s our final position,” Kissinger replied, “and one more word and I’ll kill him.” (Ibid.) Kissinger gave Dobrynin the revised text over the telephone that evening. (National Archives, Nixon Presidential Materials, NSC Files, Box 495, President’s Trip Files, Dobrynin/Kissinger, 1972, Vol. 13)

376. **Telegram From Helmut Sonnenfeldt of the National Security Council Staff to the President's Deputy Assistant for National Security Affairs (Haig) in Paris**¹

Washington, October 10, 1972, 1620Z.

TOHAK 26. Hold Until General Haig Arrives.

Assistant Secretary Stoessel just called me deeply distressed concerning a development in the matter of the proposed quadripartite declaration on Allied rights and responsibilities in Germany. It appears that at today's Bonn Group meeting the British Ambassador there reported to his colleagues that Dr. Kissinger had informed Lord Cromer of the fact that we have been negotiating a text with the Soviets.² Hillenbrand, who had been informed by Stoessel of the situation, declined to comment on his British colleague's remarks or to respond to the immediate requests by the three Western members of the Bonn Group that we "come clean" on what we have been doing. Hillenbrand feels that he cannot avoid reporting the episode by telegram to the Department of State, if only because the other members of the Bonn Group will be reporting to their governments as well. Stoessel, needless to say, is deeply worried that the Secretary of State will now discover the existence of the texts that have been exchanged with the Soviets as well as the fact that Stoessel has been involved in this exercise without informing the Secretary. Stoessel called to ask advice as to whether Hillenbrand should send his reporting telegram; he personally feels there is no alternative but is pleading that he be protected as regards his own involvement vis-à-vis Secretary Rogers.

As you may be aware this is one of the matters to which I have not been privy for a week, neither as regards to the latest language that has been exchanged nor as to who knows what.

The most immediate question is the Hillenbrand reporting cable and what Stoessel should tell Hillenbrand about that. (I told Stoessel I would report my conversation with him immediately but had no advice of my own until some word could be gotten from Dr. Kissinger.) The second problem is the protection of Stoessel.

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, HAK Trip Files, Box 23, HAK's Secret Paris Trip, HAKTO/TOHAK, October 7–12, 1972. Secret; Exclusively Eyes Only. Haig was in Paris with Kissinger for secret peace talks with North Vietnamese negotiator Le Duc Tho.

² See Document 375.

Incidentally, I do know, since I have been involved to that extent, that Dr. Kissinger has informed Bahr of the fact that a text is under negotiation and indeed asked Bahr to tell Brezhnev that it was essential that a mutually satisfactory formula be worked out.³ To their credit, the Germans, at least so far, have not divulged their knowledge but with the British statement in the Bonn Group they will be hard put to keep quiet. Unless something has been said to the French that I am not aware of, they will then be the only ones who were not be informed.⁴

Since Stoessel is deeply concerned and also owes Hillenbrand some guidance, it would be extremely helpful if you could try to get some sort of word back here on a most urgent basis.⁵

³ See footnote 5, Document 374.

⁴ In message Tohak 29 to Haig in Paris, Sonnenfeldt reported: "Further to my message on the Four Power Declaration on Germany, the French Embassy in Washington has now begun inquiring at State and here concerning the report in the Bonn Group that Dr. Kissinger has been negotiating on a text with the Soviets. No response is being made to these inquiries from here." (National Archives, Nixon Presidential Materials, NSC Files, Box 495, President's Trip Files, Dobrynin/Kissinger, 1972, Vol. 13)

⁵ In telegram 13865 from Bonn, October 10, Hillenbrand informed the Department that there had been "some discussion of contacts between the US and the Soviets" on the quadripartite declaration. (Ibid., RG 59, Central Files 1970–73, POL 38–6) On October 12 Hillenbrand reported, however, that, on the basis of information received from the British Ambassador, "Soviets have conveyed certain views in Washington with respect to language." Hillenbrand also asked for instructions. (Telegram 13941 from Bonn; *ibid.*, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V) In an October 12 memorandum to Kissinger, Sonnenfeldt suggested that Haig provide some "useful background" in a memorandum to Eliot; the Department would then draft a reply to Hillenbrand "which if sent immediately will probably not draw any further attention, since Secretary Rogers is in New York." Although he disapproved this suggestion, Kissinger agreed to discuss the incident with Cromer. (Ibid.) Kissinger called Cromer at 3:40 p.m. on October 14: "K: Your ambassador in Bonn has a little problem. He stated that the four power group—. C: I thought he had—. K: And, you know, things I tell you shouldn't go into those—. C: I'm extremely sorry about this, I don't know what the hell happened. Quite honestly. And I apologize. K: Now, could he sort of square it away? C: Yes, what is the scenario going to be? Are they going to produce—. K: Well, we will produce whatever text they've agreed on, and the Russians will produce something, and let's agree on something in common. C: Yes sure. K: I mean, all I wanted from the Russians was something that was close enough to what we had so that it could be negotiated." (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File)

377. **Message From the German State Secretary for Foreign, Defense, and German Policy (Bahr) to the President's Assistant for National Security Affairs (Kissinger)**¹

Bonn, October 10, 1972.

1) In the conversation with Br[ezhnev], he indicated that he would like to promote the completion of our treaty with the DDR.² After the inevitable public speculation, he was most anxious to emphasize that we had only exchanged information and that concrete decisions could only be made in the negotiations themselves. Regarding the issues of the [German] nation and of reference to the outstanding peace treaty, he declared himself unconvinced by my arguments. Although he will still think about these issues, he believes that the material advantages of the treaty for us are so great that we would also reach an agreement without these two points. I denied this.

2) In connection with the Soviet proposals before the United Nations, Br[ezhnev] also mentioned the subject we discussed in Munich.³ This was intended only for the Chancellor.

3) He asked whether or not Washington also could help somehow. In this connection, I informed him about our possible meeting.⁴

4) I mentioned to him the points on MBFR. He emphasized that he also wanted to make real progress there. In general he places great value on the talks.

¹ Source: Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications. Top Secret. The message, translated here from the original German by the editor, was received in Washington on October 11 at 1457Z. No time of transmission is on the message.

² In a special channel message on October 4, Bahr informed Kissinger of his plans to visit Moscow, October 8–10. "Since the negotiations with the DDR have hardened on the fundamental issues of the goal of [national] unity and of the outstanding peace treaty," Bahr reported, "we will make an attempt to further a settlement via Moscow. If that works, we could initial the Basic Treaty around the end of the month. Otherwise, we will hardly finish the negotiations before the election. I will give the General Secretary a message from the Chancellor, in which he points out the necessity of formulating the Basic Treaty in such a way that it corresponds to our constitution and does justice to the special situation in Germany. For the public we will emphasize bilateral issues and issues related to European developments. It is clear that we must avoid any public reference to the Basic Treaty." (Ibid.) The editor translated the foregoing excerpt from the original German. For his memoir account of the trip, see Bahr, *Zu meiner Zeit*, pp. 416–420.

³ See footnotes 3 and 4, Document 371.

⁴ Due to their negotiations with East Germany and North Vietnam, respectively, Bahr and Kissinger were unable to meet as planned at the end of October. Messages on their efforts to arrange a meeting are in Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications. See also footnote 5, Document 381.

5) It would be helpful if you could transmit to me via the embassy an invitation for a meeting on 28. 10., perhaps in connection with the four-power declaration.⁵

Warm regards.

⁵ In a special channel message on October 5, Bahr reminded Kissinger that the four-power declaration was essential for the completion of the Basic Treaty by the end of the month. (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications) Kissinger replied on the same day: “We are of course quite prepared to get the four power declaration settled by the end of the month and fully understand your desire to accomplish this so that it will not delay the completion of your negotiations. The essential point is that the text is satisfactory to all concerned. I assume you will make clear to the Soviets that this is essential.” (Ibid.)

378. Editorial Note

On October 14, 1972, Roy L. Ash, former Chairman of the President’s Advisory Council on Executive Organization, met White House Chief of Staff Haldeman to discuss a personal message from Franz Josef Strauss, Chairman of the Christian Social Union. According to Haldeman’s handwritten notes, Strauss had asked Ash in a meeting 3 days earlier to convey his views on the upcoming German election to President Nixon rather than Assistant to the President Kissinger. When Haldeman questioned this, Ash replied that Strauss, uncertain of Kissinger’s attitude, probably wanted to be sure that the President received the message. Although the race between Chancellor Brandt and Christian Democratic Chairman Barzel was “50–50,” Strauss had received an alarming intelligence report: Brandt was seeking Soviet support to give West Berlin full voting rights in the Bundestag. If the Soviet Union agreed, the balance of power there would shift to Brandt. The proposal, however, required four-power approval. If the United States disagreed, Barzel and the opposition could well regain the majority. There were many reasons, Strauss told Ash, why Washington should intervene in Bonn: as a conservative, Barzel was more congenial to Nixon; the interests of the United States and the Christian Democratic Union were mutual. Strauss, therefore, requested a reply from Nixon not only to hinder Brandt on the proposal but also to help Barzel in the election. (National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H. R. Haldeman, Box 46, Haldeman Notes, Oct–Nov–Dec 1972, Part I) “I reported this,”

Haldeman wrote in his diary on October 14. “Well, that’s the end of that one.” (Haldeman, *Haldeman Diary: Multimedia Edition*)

Nixon and Haldeman, however, discussed how to handle the message the next morning. Although conceding that his Soviet policy complicated German politics, the President decided that he could not help Strauss. In order to avoid Kissinger, Nixon instructed Haldeman to tell Deputy Assistant to the President Haig that the White House should “drag [its] feet.” Ash should inform Strauss that his message had been received at the highest level in Washington and that his views would be “taken into account.” Haig meanwhile gave Haldeman another interpretation of Nixon’s decision: “we should *not* help Brandt.” (National Archives, Nixon Presidential Materials, White House Special Files, Staff Member and Office Files, H. R. Haldeman, Box 47, Haldeman Notes, April 1973, Part I [*sic*]) A tape recording of the conversation between Nixon and Haldeman, in which the latter read from the handwritten notes of his meeting with Ash the previous day, is *ibid.*, White House Tapes, Recording of Conversation Between Nixon and Haldeman, October 15, 1972, 9:16–10:55 a.m., Camp David Hard Wire, Conversation 220–12.

Although he apparently did not learn of the Strauss initiative, Kissinger had already discussed by telephone the question of Berlin voting rights with Assistant Secretary of State Stoessel on October 6:

“S[toessel]: Henry, another point—on this question of voting rights for Berlin. I don’t know if you’ve gotten into this at all.

“K[issinger]: No, but I know the issue. We’re against it, aren’t we?”

“S: We’re against it, Marty’s against it; I’ve told the Germans we’re against it.

“K: Well, what’s the problem.

“S: Ken Rush is for it.

“K: Well, the hell with him.

“S: Well, I didn’t know if he had been in touch with you or—

“K: No. What does he want—to get Brandt re-elected?

“S: Well, he thinks this would be a help to Brandt and then that you’d buy the Russians, and so on.

“K: But would that be good, to help Brandt?

“S: Well, I think it would cause trouble with the Russians too in the Quadripartite Agreement.

“K: I don’t think we should go that way.

“S: Well, I just wanted to check with you. I don’t think it’s an active thing now but Rush may approach you sometime on it.

“K: Yeah. Okay.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File)

Stoessel reported the decision on Berlin voting rights in a memorandum to Deputy Secretary of State Irwin on October 17:

“In accordance with your request, I spoke by telephone today with Deputy Secretary of Defense Rush and told him that, after careful review of the question concerning Berlin voting rights in the light of his comments, you had decided that it would be best not to change our position on this matter, i.e., we would continue to oppose action looking to the granting of voting rights in the Bundestag to the Berlin deputies.

“Mr. Rush reviewed the arguments in favor of a change in this position. After further discussion, he said he could see both sides to the matter and he did not wish to insist further regarding it. He said he appreciated very much our consideration of his views and our interest in informing him of the results of our study.” (Department of State, EUR Files: Lot 82 D 307, Memorandum for the Record, 1972)

379. Editorial Note

On October 25, 1972, Soviet Ambassador Dobrynin called Assistant to the President Kissinger at 4:27 p.m. to discuss a personal appeal from Soviet Foreign Minister Gromyko regarding the quadripartite declaration on German membership in the United Nations.

“D[obrynin]: I just received a telegram from Gromyko and he asked me on his behalf—or rather from his name to discuss with you one point. You mentioned yesterday about this profile of the discussion on this Germany and United Nations.

“K[issinger]: Yes.

“D: And he asked you, couldn’t you in a few weeks—how to say—go fast on the whole declaration to make it a little bit weaker than its—

“K: Well, I’ll do my best.

“D: Because he’s even mentioned tomorrow they have about—you couldn’t really [do this?] for tomorrow?

“K: Let me call immediately and see what I can do.

“D: Yes, because this is his personal approach to you and he would like—

“K: I appreciate it and we will do our best.

“D: Yes, but you will notify [me] today whether it’s possible or not?

“K: I’ll call you back within an hour.

“D: Within an hour. Oh, thank you very much, Henry.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 395, Telephone Conversations, Dobrynin, Anatoliy Fedorovich)

Deputy Assistant to the President Haig called Executive Secretary Eliot at the Department of State that afternoon with instructions for Ambassador Hillenbrand to introduce a “fall-back position” after the Allied and Soviet texts had been tabled at the formal talks in West Berlin. (Memorandum from Haig to Eliot, October 25; National Archives, Nixon Presidential Materials, NSC Files, Box 1001, Haig Special File, Haig (General Files) 1972 [1 of 3])

The revised or “fall-back” text, which Dobrynin had given Kissinger on October 24, reads as follows: “The Governments of the Soviet Union, Great Britain, and the United States and France . . . have agreed to support the applications for UN membership when submitted by the FRG and the GDR and affirm in this connection that such membership shall in no way affect the question of the four power rights and responsibilities and the related quadripartite agreements, decisions and practices.” (Ibid., Box 495, President’s Trip Files, Dobrynin/Kissinger, 1972, Vol. 14)

Kissinger called Dobrynin back at 7:25 p.m. to report on his response to Gromyko’s appeal:

“K: Anatol, I just wanted to tell you we’ve given instructions now through official channels to avoid this dancing around.

“D: Yeah, I understand.

“K: To Hillenbrand to move in this direction.

“D: Um-humm.

“K: I hope they get there fast enough for tomorrow but you can certainly count on the fact that we will now energetically move in that direction.

“D: Directly by orders from you from White House, yes?

“K: From the White House but we gave it through the State Department.

“D: Yes, I think it will—

“K: It makes it less complicated.

“D: Yes. I’m sure Mr. Gromyko will appreciate it.

“K: Well, you tell him that this is—that this has been done.” (Library of Congress, Manuscript Division, Kissinger Papers, Box 395, Telephone Conversations, Dobrynin, Anatoliy Fedorovich)

In an undated backchannel message, Kissinger instructed Hillenbrand as follows: “The President would like you to work to a conclusion of the four power talks on four power rights and responsibilities as promptly as possible. Accordingly, using tactics which you consider most effective, you should secure Allied approval of the following text

[see above] which we know to be acceptable to the Soviets and which we regard as acceptable to us." (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany—Egon Bahr Communications) On October 26 the Department of State also sent Hillenbrand the "fall-back" text, which it considered "an acceptable minimum position for the Western side provided it is part of a scenario which meets the Western requirements." (Telegram 194544 to Berlin, October 26; National Archives, RG 59, Central Files 1970–73, POL 38–6) Although he agreed with this assessment, Hillenbrand replied the same day that "it will take a little time before our allies can be brought around to this position." (Telegram 1848 from Berlin, October 26; *ibid.*)

When he floated the text on October 27, the French and British responded as Hillenbrand expected. "They have not yet specifically reacted," he reported, "except that the French Ambassador [Sauvagnargues] said the phrase 'the question of [quadripartite rights and responsibilities]' was completely unacceptable to him. The British Chargé [Hibbert] observed that, on the basis of his current instructions, he had no latitude in moving beyond the substantive content of the draft declaration given to the Soviets during our initial October 23 meeting, although he had some discretion as to form." (Telegram 1853 from Berlin, October 27; *ibid.*)

Hillenbrand explained the reason behind this reaction in his memoirs: "My British and French colleagues immediately jumped to the obvious conclusion that there had been Soviet-American collusion of the kind previously experienced during the negotiation of the Quadripartite Agreement itself. My embarrassment was as obvious as the irritation of Sauvagnargues and Henderson." (Hillenbrand, *Fragments of Our Time*, p. 322) Nicholas Henderson, the British Ambassador, provided further testimony in his diary entry for October 27. "One of the underlying problems of this whole negotiation," he wrote, "is that Kissinger appears to have done some deal with the Russians over the heads of the other powers. There is really little that we can usefully do round the negotiating table in trying to persuade the Russians to accept something when the American government has already reached an agreement with them bilaterally." (Henderson, *Mandarin*, page 41)

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

Washington, October 30, 1972.

SUBJECT

Soviet Intelligence Said to Support Brandt

CIA has sent you a *background use only* memorandum (Tab A)² reporting that the Soviet government wants the SPD–FDP coalition to win the elections and that KGB headquarters has instructed its chief operatives abroad to mobilize all resources in support of their victory this November 19. The report is attributed to “a Soviet source with plausible access.”

According to the reported KGB directive, KGB field offices should carefully disseminate the following line through the media:

a. Only the Brandt–Scheel government can carry out an Ostpolitik which is in the FRG interest;

b. If the coalition continues in power this will contribute to relaxation of tensions and a CSCE but if the CDU/CSU comes in this would revive Cold War politics;

c. The CDU/CSU is leaning on reactionaries in its campaign, and according to secret information it has agreed to cooperate with the right-wing NPD and *Deutsche Union*.

The Source of the report says that this line suggests that the Foreign Ministry has prevailed over the KGB, which three years ago preferred a CDU/CSU government because it could attack one more easily.

Several other reports provide some supporting evidence, both ideological and tactical. One sensitive CIA report (Tab B)³ [*less than 1 line not declassified*] says that at an August 1972 meeting in the Crimea Soviet Party officials agreed with at least some West European communist party counterparts on a cooperative line toward Social Democrats. The aim is to increase the desire among Social Democrats, particularly on the left, for cooperation with the Communists. Attention should be focussed on (a) forming left-wing factions within the Social Democratic parties;

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 721, Country Files, Europe, USSR, Vol. XXVI. Secret; Background Use Only. Sent for information. Kissinger initialed the memorandum indicating that he had seen it.

² Attached but not printed at Tab A is a memorandum from Karamessines to Kissinger and Cline, October 27.

³ Dated October 27; attached but not printed.

(b) maintaining liaison with prominent Social Democratic leaders to explain the need for cooperation and the opportunities for political decisions on the basis of equality.

There have also been several intelligence reports recently of West German Communist Party (DKP) decisions to back SPD candidates in key constituencies. According to one, DKP headquarters directed lower units to throw their votes at the last minute to the SPD in those electoral districts where the SPD–CDU race looks close. (The DKP’s very poor showing in the local elections in Hesse and Lower Saxony a week ago Sunday⁴ will convince the party’s locals that they haven’t a prayer in any case and render them more willing to cast their ballots for the SPD as directed.)

Comment: The reports sound logical enough, given the Soviets’ evident preference for Brandt. There is the obvious inconsistency in the reported Crimean guidance, which is inherent in all Popular Front tactics, between working *with* the Socialists against the center and right and *within* their parties to promote left-wingers. But in the case of West Germany, overriding Soviet interests in Brandt’s victory probably dictate emphasis on the former for the moment.

Should Soviet and DKP support for Brandt become public knowledge and an election issue, of course, the SPD would hardly profit.

⁴ October 22.

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

Washington, October 30, 1972.

SUBJECT

Four-Power Talks in Berlin: Problems with the Allies

Ambassador Hillenbrand made little progress in trying to persuade the Allies and Bonn to accept the text you worked out with Gromyko and Dobrynin.² Indeed, *Egon Bahr has now indicated that he needs to gain some concessions in the four-power talks that he failed to gain in his negotiations with Kohl.*

Moreover, Bahr claims that his talks with Kohl are virtually completed and in order to make a deadline for a West German cabinet review of the inner-German treaty on November 7, he needs a four-power text by Monday³ at the latest.

The French and British showed no enthusiasm for our text. The British, at least in Bonn, believe it falls below a tolerable minimum. The French are more relaxed, but are resisting the use of the one phrase *the question of "quadripartite rights and responsibilities . . ."*

*Bahr made the following points in a discussion on Saturday:*⁴

—A reference to "Berlin and Germany as a whole" would be highly desirable, but probably unattainable; a fallback could be a reference to rights and responsibilities "concerning Germany"; a second fallback, which he described as "tolerable if necessary," would be to mention the locale of the negotiations as the building of the former Allied Control Council "for Germany."

—This last position may not be too difficult since part of it has been used in the communiqué of each meeting. However, the addition of "for Germany" will not easily slip by the Soviets.

Bahr's second point: Bonn would prefer a reference to the fact that a "peace settlement" is still outstanding, but realizes that this too may

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V. Secret; Exclusively Eyes Only. Urgent; sent for information. Kissinger and Haig both initialed the memorandum indicating that they had seen it. The memorandum is largely based on the reporting in telegrams 14751 and 14756 from Bonn, October 28 and 30, respectively. (Both National Archives, RG 59, Central Files 1970–73, POL 38–6)

² See Document 379.

³ November 6.

⁴ October 28.

not be possible. He would settle for a clear description of four-power rights and responsibilities.

—Such a clear description means that the phrase “the question of . . .” would have to be dropped so that the declaration would affirm “rights and responsibilities of the four powers,” rather than “the question of rights and responsibilities.”

Bahr wants a reference to the “peace treaty,” but again realizes that this is difficult, and would therefore settle for its use in the exchange between Bonn and the Allies.

Finally, Bahr wants a formulation that indicates the FRG and the GDR would notify the four powers of their intention to apply for UN membership, and mention in the four-power declaration of “simultaneous admission.”

The French stressed two points: dropping “the question of . . .” and some reference to “Germany,” the latter being “vital.”

The British indicated they wanted to work from maximum positions, and depart from them very gradually.

In sum, *we are faced with a difficult road in order to reach the outcome we already agreed on with the Soviets*. Bahr’s position is, upon close examination, fairly flexible but boils down to the *three essentials*:

1. Some reference to Germany in the text.
2. Elimination of the phrase the “question of . . .”
3. A substitution of “their” for “such” in the phrase “such UN memberships does not affect . . .”

Assuming Bahr knows or senses the real status of the text that Hillenbrand introduced, he may be posturing in front of the other Allies since his real requirements do not seem all that difficult. At the same time, he has already alerted you to his probable need for help in the next few days in regard to the Four-Power Declaration.⁵

The net effect of Bahr’s discussion was to confirm the British and French in their desire to obtain better terms. Meetings are continuing to devise bracketed texts. Completing an agreed text by Bahr’s deadline, however, would seem highly unlikely, unless you reopen the disputed points with Dobrynin.

⁵ Bahr alerted Kissinger by special channel on October 26 that he might still need some help over the next several days in negotiating the four-power declaration. (Ford Library, National Security Adviser Files, Kissinger and Scowcroft West Wing Office Files, Box 35, West Germany–Egon Bahr Communications) In a special channel message to Bahr on November 11, Kissinger regretted the delay in his response but remarked that “the acute problems relating to your agreement with the GDR and the four power declaration have all been satisfactorily settled.” (Ibid.)

As I understand the various positions, the following would be a text that *might* get by the Allies (changes from your text are underlined⁶ or bracketed):

"The Governments of the US, Great Britain, France and the Soviet Union, *represented by their Ambassadors, who met in the building formerly occupied by the Allied Control Council for Germany*,⁷ have agreed to support the application for UN membership when submitted by the FRG and the GDR and affirm in this connection that *their*⁸ membership shall in no way affect [the question of the four-power]⁹ rights and responsibilities *of the four powers* and the related quadripartite agreements, decisions and practices."

I am not recommending that you reopen this with Dobrynin but this is how it looks today.¹⁰

⁶ Printed here in italics.

⁷ This is in place of "... " in the present US/Soviet text; the addition of "for Germany" is the key. The current Western text uses "American Sector of Berlin" at this point. [Footnote in the original.]

⁸ In place of "such." [Footnote in the original.]

⁹ This alters the meaning by affirming that four power rights and responsibilities are not affected, whereas the Soviet text literally says that the question is not affected. Moreover, the Russian text could be translated "the problem of," since the word for question and problem is the same. [Footnote in the original.]

¹⁰ Kissinger met Dobrynin at the White House from 10:20 to 11:58 a.m. on November 3 (except from 11:16 to 11:28 when he saw the President in the Oval Office); Kissinger then met Cromer from 12:02 to 12:12 p.m. (Record of Schedule; Library of Congress, Manuscript Division, Kissinger Papers, Box 438, Miscellany, 1968–76) No other record of their meeting has been found.

382. Transcript of Telephone Conversation Between the President's Assistant for National Security Affairs (Kissinger) and William Hyland of the National Security Council Staff¹

Washington, November 4, 1972, 9:10 a.m.

K: Bill?

H: Yeah.

K: On that Berlin thing.

¹ Source: Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File. No classification marking.

H: Yeah.

K: What is the situation, we did check it through our people, we did tell the Russians it was ok.

H: Well, the problems are with the allies, the French and British Ambassadors are behaving pretty wildly.

K: But why, what the hell difference does it make?

H: It doesn't, but you know they feel they're in a contest with the Russians. Bahr is also insisting that certain things get in there because he can't get them from the East Germans² and he gets the support of the British and French and now the Russians in Berlin have ended the subterfuge with Hillenbrand and they are talking to him privately.

K: Now, then what can we do?

H: Well, I think it boils down to one simple phrase right now, it's weird but there—

K: What is the phrase?

H: "The question of four power rights."

K: What difference does it make?

H: Well, literally we're saying it doesn't "affect the question of" and everybody, the allies would rather say it doesn't "affect the rights." And the second—

K: It doesn't say it cannot raise the issue of the rights.

H: Well, the text that Marty's working from³—

K: "The question—"

H: "The question of."

K: Well why does that—what the Russians don't want to do is reaffirm the rights again, they just want to keep it in the status quo.

H: Yeah and the British, French and Germans are all disturbed about the vagueness of "the question of." That seems—they all come back to that every damn time. If they could—if the Russians could back away from that phrase it might unlock it. But it may all come down to Bahr. Bahr has now thrown in a real ringer by saying that if he can't get a reference to Germany in his treaty or preamble then some reference to Germany has to be in the four power document. And this morning they are going to press Bahr to find out whether that's really a demand of his or whether he's just bargaining.

K: Couldn't I talk to Cromer and tell him—

² Reference is to the negotiations for a treaty on basic relations between East and West Germany. See Document 383.

³ See Document 379.

H: That would be very helpful because the British damn near walked out of the talks last night.⁴

K: OK, I'll talk to Cromer.

H: But if Marty could, if they could have a little flexibility in Berlin, sometimes this comes down to a word and Hillenbrand is so damn scared to—but now that the Russians are talking to him there are a couple of minor changes that would placate people that have no substance.

K: Right. Like what?

H: Well, for example there's a phrase "the four powers have agreed to support." Now the Germans don't want this, they say it's condescending to their sovereignty and they would like to say, "state that they will support." Now that's minor. I'm sure the Russians would buy it.

K: OK.

H: Then there's another "that they will support such membership" and the Germans would like to say "this membership." But Marty's afraid to make these changes because he's been told this is—

K: OK, OK, good I understand.

H: OK.

K: Can you get this memo over to me?⁵

H: Yeah, I'm working on it right now and the text is so—

⁴ In telegram 1923 from Berlin, November 3, the Mission reported that, in a meeting of the three Western Ambassadors that afternoon, Henderson stated his belief that, if Bahr insisted on inserting a reference to Germany in the declaration, "the Western side would have to make a dramatic presentation in order to convince the Soviets that we meant business. He went so far as to mention the possibility of a 'walk-out' should the Soviets turn it down again, although he quickly retreated from this and agreed with the US and French Ambassadors that a walk-out would be undesirable." (National Archives, RG 59, Central Files 1970–73, POL 38–6)

⁵ Reference is presumably to an unsigned memorandum from Sonnenfeldt to Kissinger on November 4. In an attached typed note to Kissinger, Hyland reported: "Since writing this, we are informed that Bahr has agreed to drop effort to get 'Germany' in the four power text but suggest trading it for 'the question of.' The French want to drop 'practices' in trade for 'the question of' but we must oppose this; it is important on its merits and is in the agreed text with Sovs. State is instructing Hillenbrand to oppose." Hyland added a handwritten postscript: "We do *not* have results of today's meeting, which is still on." (National Archives, Nixon Presidential Materials, NSC Files, Box 692, Country Files, Europe, Germany (Berlin), Vol. V) The Department forwarded the instructions referred to in telegram 201380 to Berlin, November 4. (Ibid., RG 59, Central Files 1970–73, POL 38–6)

K: Can we do it fairly quickly?

H: Yeah.

K: Good.⁶

⁶ Kissinger called Hyland back at 10:58 a.m. and asked: "If they [Soviets] drop the phrase, 'the question of' can we then guarantee that the God damn document will be accepted[?]" Hyland replied: "I think we have about a 90% chance of getting everybody on board if they make the semantic concession." "But if we want to guarantee that they [Soviets] drop 'the question of,'" he added, "it would be good to have the British with us." (Library of Congress, Manuscript Division, Kissinger Papers, Box 374, Telephone Conversations, Chronological File) Kissinger called Cromer at 11:15 to see if the British Government, and its "temperamental ambassador there," would support this proposal; Cromer promised to "be back to you soon." (Ibid.) Kissinger meanwhile called Dobrynin at 11:25 to confirm the agreement. "HK: If you drop 'the question of' and keep in the word 'practices'—'practices' is in our text anyway—then we will support it. I have talked to the British and they will also support it. They will take one more run at the specialized agencies and if you reject it they will break off on it. I am telling you this confidentially. AD: Good. I will mention it. If we drop 'the question of' then you will send a telegram and your ambassador will be in touch with ours. HK: If you can say this—. AD: I will give the message to our ambassador and you to yours and then we'll use it together." (Ibid., Box 395, Telephone Conversations, Dobrynin, Anatoliy Federovich) Kissinger then called Hyland again at 11:35 with the necessary instructions for Hillenbrand. (Ibid., Box 374, Telephone Conversations, Chronological File) In telegram 1936 from Berlin, November 4, the Mission reported that the Ambassadors had finally agreed on the text of the quadripartite agreement. (National Archives, RG 59, Central Files 1970–73, POL 38–6) For the full text, which the four governments issued simultaneously on November 9, see *Documents on Germany, 1944–1985*, p. 1213.

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

Washington, November 7, 1972.

SUBJECT

FRG–GDR Treaty and Our GDR NSSM

The West German Cabinet today approved the West German–East German Basic Treaty.² Initialing and publication of the text is sched-

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII. Confidential. Urgent; sent for action. Haig initialed the memorandum indicating that he had seen it.

² For the text of the treaty and related documentation, see *Documents on Germany, 1944–1985*, pp. 1215–1230.

uled for tomorrow, November 8. Brandt has already made a campaign speech hailing the practical advantages which the treaty brings for Germans in both states.

What the FRG Gained

a. GDR agreement (Article 7) to regulate practical and humanitarian questions and promote exchanges in commerce, health, science and technology, environment, transport, justice, post and telecommunications, and the exchange of books, periodicals, and radio and TV programs. Bahr and Kohl made separate agreements outside the treaty to open new border-crossing points, reunite divided families, and increase travel and trade.

b. A reference (preamble) to the existence of “the national question”—about which the two sides disagree—and one (Article 2) to “the right of self-determination.” Also a separate exchange of letters by which the FRG and GDR will notify each other that they have informed their respective Big Four allies that the treaty cannot affect Quadripartite agreements, decisions and practices. These references will enable Brandt’s government to claim in the Bundestag that the treaty has not permanently closed off reunification.

c. GDR willingness to accept separately and without contradiction a letter from the FRG on German unity.

d. From the three Western allies separately—a letter (preliminary draft at Tab A)³ confirming that Quadripartite Declaration does not affect the 1952 (1954) convention on relations between the FRG and the three Western allies.⁴ This will enable Brandt to assert that the allies too still support German unity and that the treaty does not undermine the FRG’s link to NATO, for which the 1954 convention paved the way.

e. Agreement (Article 8) to exchange “permanent representations,” rather than Embassies.

f. Finally—GDR agreement (in a separate oral exchange) that the West German permanent representative will represent West Berlin and that the FRG–GDR agreements on commerce, health, etc., will apply to West Berlin too.

What the GDR Got

a. Virtually complete FRG acceptance (Articles 2 and 3) of its sovereignty and equality. The long-sought goal of East Berlin.

³ Attached but not printed at Tab A is telegram 15132 from Bonn, November 6; also in the National Archives, RG 59, Central Files 1970–1973, POL 38–6.

⁴ Reference is to the Final Act of the Nine-Power Conference, signed in London on October 3, 1954. For the text and context of the agreement, see *Documents on Germany, 1944–1985*, pp. 419–438.

b. An FRG undertaking (Article 3) to respect the GDR's frontiers and its territorial integrity and to refrain from the threat of the use of force. Almost as important for a regime as apprehensive as the East Germans have been.

c. A final burial of the Hallstein Doctrine⁵ in all its forms (Article 4).

d. An FRG pledge (Article 7 supplementary protocol)—of considerable economic benefit to East Berlin—to continue to trade in the advantageous “inter-zonal” framework which gives GDR products duty-free entry into the Common Market.

e. FRG support (Article 7 supplementary protocol) for GDR membership in the Universal Postal Union and the International Telecommunications Union.

Comment

The treaty in effect fully Germanizes the German question, with the Allied role even in West Berlin being relegated to minor importance. It is astonishing in how many areas the East Germans have agreed to open themselves up to dealings with the FRG. Brandt has gone a long way toward achieving the *Annäherung* which Bahr set as a policy objective a decade ago.⁶ The East German regime, to ensure his success at the polls, has decided to take the risk that this will cause some *Wandel* in its internal structure too and in its relations with West Germany.

What about the GDR NSSM (No. 146)?⁷

Originally requested nine months ago, the response to NSSM 146 has been awaiting Senior Review Group consideration since April.⁸ The rapid pace of Four Power negotiations on a Quadripartite Declaration, the Bahr–Kohl treaty, and the international upgrading of the GDR which has occurred over the past few months (e.g., India's recognition and Fin-

⁵ Reference is to the policy, announced in December 1955, by which West Germany refused to maintain diplomatic relations with any country, other than the Soviet Union, that maintained diplomatic relations with East Germany. Although associated with State Secretary Walter Hallstein, the doctrine was formulated by Wilhelm Grewe, Director of the Political Division in the West German Foreign Office. See Grewe, *Rückblenden*, pp. 251–262.

⁶ In an address before the Evangelical Academy in Tutzing on July 15, 1963, Bahr first discussed *Wandel durch Annäherung*, or “change through rapprochement,” a phrase that soon became the maxim most associated with Brandt's *Ostpolitik*.

⁷ Document 341.

⁸ See Document 355. The Interdepartmental Group for Europe issued an updated, and nearly identical, version of the response to NSSM 146 on June 29. Davis circulated the paper to members of the Senior Review Group on September 25 for a September 28 meeting, but the meeting was postponed. (National Security Council, Secretariat Files, NSSM Files, NSSM 146)

land's likely recognition within a few weeks)⁹ have solved many of the issues treated in the NSSM response. Only two major ones remain:

a. *Whether, how and when we begin negotiating with the GDR on the question of opening up bilateral relations.* Timing should be related to (1) the outcome of the FRG elections, November 19; (2) consequent prospects for signing and ratification of the GDR–FRG basic treaty; (3) FRG, British and French attitudes.

b. *How do we regard our longer-term relations with the GDR as a State?*

(Conceivably, if the CDU/CSU should win the elections—a possibility—and want to renegotiate the Bahr–Kohl treaty—less likely—we will have to deal with the minor issue of how to deal with GDR pressures to enter UN organizations. But this can be handled by normal State Department strategies.)

On a. The British are already pressing us to begin preliminary exchanges on how the Three Powers go about establishing relations with the GDR. The French no doubt feel the same way. Timing of our negotiations could be early (as soon as the GDR–FRG treaty is signed, perhaps) or late (after the GDR is finally in the UN). *We need to decide this now.* I understand that Secretary Rogers is sending a memorandum to the President proposing that we begin discussions with the British and French soon.¹⁰

On b. We need to consider what sort of an establishment, if any, we will have in the GDR and what we want it to do. This is of course less pressing.

Your Decision

Two courses of action are possible:

—hold the long-delayed SRG meeting, addressing ourselves only to those parts of the NSSM response which relate to the two remaining major issues. (We can use the NSSM response as is for the discussion, focussing the SRG discussion only on the pertinent sections).

—reply to the forthcoming memorandum from Secretary Rogers that asks for authority to consult with the British and French by issuing a decision memorandum that will lay down a timetable for opening up relations with the GDR.

It would be preferable to air the issues in an SRG meeting, which will besides dealing with the GDR give the agencies a needed opportunity to discuss German issues and provide them with guidance for

⁹ India established diplomatic relations with East Germany on October 8; Finland unilaterally extended diplomatic recognition to both East and West Germany on November 24.

¹⁰ See Document 386.

the coming months. The best time to schedule it would be after the German elections.

Recommendation

That you indicate your preference:

Schedule an SRG meeting on the GDR NSSM.¹¹

No meeting needed. Timetable on opening relations to be decided by memorandum to State.

¹¹ Kissinger checked and initialed his approval of this recommendation. According to an attached routing form, the SRG meeting was approved on November 13. Kennedy also wrote on the memorandum: "Per discussion with Livingston meeting scheduled 29 Nov 72."

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

Bonn, November 10, 1972, 1715Z.

15432. Subj: Conversation With CDU Party Leader Rainer Barzel.

Summary: When I called this afternoon on CDU Party Leader and Chancellor-candidate Rainer Barzel as the first of the four Ambassadors (US, French, British, Soviet) whom he had asked to see, he was visibly disturbed and unhappy. He sharply criticized the basic treaty initialed on November 8 by the FRG and the GDR, and characterized the 4-power declaration as an unfortunate interference in the German electoral campaign. I explained to him some of the background of the 4-power negotiations and denied that there was any Allied intention to interfere in the German political process.

1. In a polite but heated manner, Barzel said he had been shocked by the developments of the last few days. Having studied the text of the basic treaty, he could only describe it as being a bad thing for Germany. He felt betrayed by the Allied haste in arriving at a 4-power declaration in a way that he thought constituted intervention in a West German electoral campaign. He did not see why the three Western powers could not have waited until after the elections to conclude their negotiations in Berlin.

¹ Source: National Archives, RG 59, Central Files 1970–73, POL 12–6 GER W. Confidential; Priority; Exdis.

2. I commented that interference in the German political process was certainly not our intention, and that a deliberate slowing up on our part could also have been regarded as such interference. I explained the background of the 4-power negotiations, pointing out that initial contacts were made by the three Allied Foreign Ministers with Gromyko in Berlin on June 3, and that these contacts were continued in September in connection with UNGA. Thus, the basic groundwork for the negotiations had been laid months ago. Moreover, it had always been understood that we should maintain a parallelism with the FRG–GDR negotiations on a basic treaty which would, inter alia, open the way to eventual application by the two German states for UN entry. It was the exchange of letters between Bahr and Kohl on UN entry² which required that we react quickly by concluding an agreement which would protect quadripartite rights and responsibilities.

3. Although some of my arguments made an impression, Barzel was basically not persuaded. He observed that, if elections had been held last Sunday, the CDU/CSU would have won a victory, but now he could not be sure of the outcome. Returning to the basic treaty, he noted that while there were many things wrong with the Moscow and the Warsaw treaties, he had been willing to make compromises in order to blunt an all-out CDU attack on them. But the basic treaty was unacceptable as it stood. In order to remove it from the present political campaign, he had offered a truce (*Burgfriede*) for the next ten days on discussion of the treaty, but the Chancellor had rejected this and was insisting on a clear-cut definition of the CDU position. Barzel would accordingly have to make a comprehensive statement on the subject before November 19. He did not, however, intend to criticize the three Allies in that statement. It was obviously impossible to mount an effective counter-attack on such a complicated document during the next 9 days. Brandt was massively manipulating the Ostpolitik in order to divert attention away from domestic issues.

4. Barzel then asked what the position of the three powers would be in the event that the CDU/CSU did win the election, chose to insist on changes in the basic treaty, and then the GDR, supported by the Soviet Union, submitted its application for UN membership. I pointed out that the wording of the 4-power declaration was very precise on this point. We had agreed to support the applications of the FRG and the GDR to membership in the UN only when they were submitted by the two countries, and not in isolation. He also asked why we had been unable to get a reference to Germany in the declaration. I went over the history of this point, starting with the negotiation of the Berlin

² For the text of the letter from Bahr to Kohl on November 8, see *Documents on Germany, 1944–1985*, p. 1212; the letter from Kohl to Bahr on the same date was identical.

agreement, but stressed that the all-German connotation of the declaration was apparent from the very way in which it had been negotiated by the four Ambassadors in Berlin, and that the Western powers clearly understood that their rights and responsibilities included those for Germany as a whole.

5. Barzel said he had one request to make. If it were intended to make a response to the Chancellor's message of congratulations on the re-election of the President,³ then he hoped he too would receive some reply to his similar message.⁴ If this type of equal treatment were not observed, the Chancellor would undoubtedly make use of any message to him as campaign material.

Comment: Barzel had cooled down somewhat by the end of our conversation, but his general appearance was more agitated than I have ever seen before. He is clearly chagrined at being out-manuevered by the Chancellor, and the constant unfavorable comparisons between him and Brandt have clearly been taking their toll on his nerves. He now feels that Brandt has pulled a great coup which may tip the scales in favor of the SPD. His agitation may well have been increased by the latest election poll. We understand from the head of the Infas Polling Institute that the SPD/FDP is given a 20-seat majority over the CDU at this point.

I would urge, if the intention is to respond to the Chancellor's congratulatory message on the re-election of the President, that consideration be given to sending a similar message to Barzel. This may help to correct in his mind what he considers to be the current imbalance in our approach.

Hillenbrand

³ Nixon defeated George McGovern, the Democratic candidate for President, on November 7 by a landslide in both the popular vote and electoral college. The texts of Brandt's congratulatory message of November 8 and Nixon's reply of December 16 are in the National Archives, Nixon Presidential Materials, NSC Files, Box 754, President's Correspondence File, Germany, Willy Brandt, 1972.

⁴ Neither the congratulatory message from Barzel nor a response from Nixon has been found.

385. Backchannel Message from Helmut Sonnenfeldt of the National Security Council Staff to the President's Assistant for National Security Affairs (Kissinger)¹

Washington, November 20, 1972, 0146Z.

TOHAK 9. Deliver to Winston Lord for Dr. Kissinger at Opening of Business.

Following is State Department's preliminary analysis of the West German elections (edited slightly).²

The Brandt government has emerged from the November 19 elections with some 48 more seats in the Bundestag than the opposition CDU/CSU and with an absolute majority for the coalition of more than 20 Bundestag votes. This will enable Brandt to form a stable government with his FDP coalition partner, which he and Walter Scheel will quickly do. The election outcome constitutes a personal triumph for Brandt and a popular mandate for him to continue his foreign policy both in the East and in the West. It also indicates that a majority of the German public is confident that Brandt will, if given time, be able to deal successfully with domestic issues of inflation and social reform.

The following conclusions emerge from the election outcome:

—The SPD, under Brandt's leadership, has for the first time become the largest political party in the FRG. It is thus clear that the German population now view both major parties as competent to govern but, by giving more than 8 percent to the small FDP, have also shown a desire to maintain a third party as a guarantee against excessive orientation toward the right or the left on the part of the CDU or SPD.

—Extreme parties of the right and left were practically eliminated in the election. This is complemented by the extraordinary voter participation of 90 percent of the eligible voters despite bad weather in many areas. It is evident from this record how closely the West German population feels involved in the free political system which has been developed in the Federal Republic in the post-war period.

—While the CDU has suffered a major defeat it still retains the support of some 45 percent of the population. Its future as a viable party is not in doubt. There will unquestionably be wide ranging

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Kissinger Office Files, Box 26, HAK Trip Files, HAK Paris Trip, TOHAK [2 of 2]. Confidential. Kissinger was in Paris for private discussions with Le Duc Tho to negotiate a settlement of the Vietnam War. A memorandum from Kissinger, briefly summarizing Sonnenfeldt's message, was forwarded to the President on November 20. (Ibid., NSC Files, Box 47, President's Daily Brief, November 17–30, 1972)

² The "preliminary analysis" by the Department of State has not been found.

changes in leadership, however, and Barzel may find it difficult to retain his hold on the top.³

The first steps of the new Brandt government to gain major public attention are likely again to be in the field of Eastern policy. The Chancellor will sign the general relations treaty with the GDR in East Berlin before Christmas.⁴ This will be accompanied by the full-scale emergence of the GDR on the international scene. The FRG will involve itself deeply in the CSCE and MBFR talks which it will view as an extension of the Brandt Eastern policy. (On MBFR in particular, this may produce some problems for us. A memorandum will be sent separately on this.)⁵

Brandt will continue to place major importance on his bilateral relations with the United States and on enhancing the cohesion and stability both of the European Community and the Atlantic Alliance. The governmental stability which the election outcome has assured is bound to give the FRG an even stronger voice in these organizations and we can expect the German Government to speak and act with increased self-confidence. This should serve the ultimate interests of the United States since an essential requirement for a peaceful structure in Europe is the existence of a stable and responsible government in Bonn.

³ Barzel resigned as chairman of the CDU/CSU parliamentary party group on May 9, 1973; one week later, he also renounced his candidacy to remain CDU chairman.

⁴ Bahr and Kohl signed the Basic Treaty in East Berlin on December 21; due to difficulties in fixing a date, Brandt and East German Prime Minister Stoph did not attend the ceremony.

⁵ Not found.

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

Washington, November 30, 1972.

SUBJECT

East Germany

Secretary Rogers has sent you a memorandum (at Tab 1)² pointing out that initialling of the Basic Treaty between West Germany and East Germany (the GDR) last week opens a new chapter in German history. It renders imminent the entry of the GDR (and West Germany) into the United Nations, GDR participation in international organizations and conferences, and the exchange of permanent representatives between Bonn and East Berlin, which will symbolize both states' acceptance for the foreseeable future of the division of Germany.

The Secretary believes that it is in our long-range interest to be adequately represented in the GDR. The British and French want to move quickly toward recognition of the GDR. The Secretary intends to consult with them and with the West German Foreign Minister on this question early next month, during the NATO Ministerial Meeting.

The emergence of the GDR onto the international scene will pose some problems for us which deserve consideration by the agencies. To this end, I have scheduled a Senior Review Group meeting to be held before the end of this month, so that the Secretary's consultation and other necessary government policy actions can take place on the basis of a coordinated policy decision approved by you. Until this SRG meeting, there is no need for action on your part.³

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, East Germany, Vol. I. Confidential. Sent for information. Butterfield stamped the memorandum to indicate that the President had seen it.

² Dated November 8; attached but not printed.

³ The SRG meeting, originally scheduled for November 29 (see Document 383 and footnote 8 thereto) was cancelled. Nixon marked the last two paragraphs and wrote on the memorandum: "K—*Don't rush*—we don't have to be the first to go pandering to them." Kissinger initialed the memorandum to indicate that he had seen the President's remarks.

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

Washington, December 16, 1972.

SUBJECT

Brandt May Have Throat Cancer

Director Helms has sent us a highly sensitive report² which suggests that Chancellor Brandt may have cancer of the vocal cords. [3 lines not declassified] it revealed a malignance "indicative" of cancer. But his diagnosis is tentative, and further experiments are to be made. He recommended that Brandt cut back on his activities for several weeks. As of December 1, he had not told Brandt of his diagnosis but at least four other Social Democratic leaders have been informed. So the Chancellor must know by now.

The Chancellor seems to be conducting business normally, however. Last week he received Senator Humphrey, who, we understand, found him in apparent good health. He has also been meeting with the SPD parliamentary group and preparing his state of the nation speech. Possibly his reported condition accounts for his decision not to travel to East Berlin for the December 21 signature of the GDR–FRG Basic Treaty. On December 18, he is scheduled to appear publicly in the Bundestag to accept designation as Chancellor. This will provide an opportunity to judge the state of his health.

If Brandt retires, is incapacitated or dies, the most likely successor is Helmut Schmidt, who was Defense Minister from 1969 until last summer and since then Minister of Economics and Finance, and whom you met in November 1969 when NATO's Nuclear Planning Group met in Washington. At the moment it looks as if the succession would be smooth, although Schmidt is less popular with the Social Democrats' steadily stronger left wing than Brandt is. However, he will probably exercise firmer control over the party as a whole than the Chancellor has. He is as popular, perhaps even more popular, in the country at large. He is a good and long-standing friend of the United States and

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 687, Country Files, Europe, Germany (Bonn), Vol. XII. Secret; Sensitive; Eyes Only. Sent for information. Butterfield stamped the memorandum to indicate that the President had seen it. No drafting information appears on the memorandum. Sonnenfeldt forwarded a draft to Kissinger on December 14. (Ibid.)

² Dated December 5; on December 12 Helms also sent Kissinger a memorandum analyzing the West German leadership question. Both are attached but not printed.

as widely experienced in US-European politics, economics and strategy. He is more his own man intellectually too, less receptive to the ideas and projects of Brandt's close advisors like Bahr. He has, however, been critical of some of our foreign economic policies and can be quite hard-nosed as a negotiator.

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

Washington, December 20, 1972.

SUBJECT

Initial Contacts with East Germany

As a consequence of West Germany's treaty with East Germany, we and our Allies are close to making our own first official contacts with East Germany (the GDR). Secretary Rogers has sent you a memorandum (at Tab A)² informing you of how he plans to go about this. He also points out that the British and, especially, the French want to move more rapidly than we. It is possible that the French will send a message to the GDR proposing discussions on diplomatic relations as early as December 22, the day after West Germany signs its Basic Treaty with the GDR.

The Secretary proposes in his memorandum that we use the opportunity of a courtesy call on Ambassador Bush by the GDR observer at the United Nations to indicate to him our willingness to start discussing relations. The French and possibly the British may want to send a message directly to the GDR government. The Secretary believes that

¹ Source: National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, East Germany, Vol. I. Confidential. Sent for information. Butterfield stamped the memorandum to indicate that the President had seen it; according to a typewritten note attached to a copy, Nixon still had the memorandum as of December 26. (Ibid.) In a memorandum forwarding a draft to Kissinger on December 19, Sonnenfeldt wrote: "We have now reached the stage where the State Department is about to initiate contacts with the GDR. Steps in this direction so far have been made without overall guidance from us, except on the Four-Power Declaration, and indeed without the President having been fully informed. The contact with the GDR now proposed by State will put us on the path to diplomatic relations. I think the time has therefore come to give Secretary Rogers Presidential guidance for the steps which he proposes to take." (Ibid.)

² Dated December 18; attached but not printed. Butterfield stamped the memorandum to indicate that the President had seen it.

our approach on this initial contact makes us look less eager since we will be utilizing an already existing channel and permitting the East Germans to talk with us without their feeling required to reply to a formal message such as the British and French want to send them. In both our approach and the British and French, however, care would be taken to make specific reference to the Quadripartite rights and responsibilities for Germany as a whole so that we all three are on record in our first dealings with the GDR that our diplomatic relations with them will be within that framework.

Once the initial contact is made by us and by the British and French, there will be tripartite consultations, probably in January, to harmonize our further steps toward establishment of formal diplomatic relations and to make certain that there is tripartite agreement on how to handle issues such as claims and the practical problems connected with setting up embassies in East Berlin. Then formal negotiations will begin. A possible timetable is:

- December 21: signature of FRG–GDR Basic Treaty;
- December 22 or before January 1: French (and possibly British) messages to the GDR;
- early January: our initial talks at the U.N. with the GDR observer;
- late January: Tripartite (US, UK, France) meeting to harmonize formal approach to the GDR;
- post-January: formal discussions, probably in Washington, London, and Paris;
- late April: FRG parliament's ratification of the Basic Treaty with the GDR;
- early May: FRG "permanent representation" established in East Berlin;
- post-May: France, UK, and US embassies established in East Berlin.

Once we make the initial contact with the GDR the path to establishment of formal relations is probably irreversible, though we can retain some control over timing.

The West Germans have agreed to this general scenario. They will be kept informed as it unfolds. Their main concern is that the three and especially the US avoid any dramatic statements in initiating contacts or establishing relations with the GDR, that we avoid saying we are "recognizing" the GDR, and that we delay sending an ambassador to East Berlin until the FRG has installed its permanent representative there.

I believe that the Secretary's proposed approach is generally satisfactory. It is preferable for the British and French to take the lead, and there is no disadvantage to us if they use a slightly different method of making their initial contacts with the GDR. (There are domestic political pressures from the left on Pompidou to move quickly and pressures on Heath from commercial circles.)

It is essential, however, that we avoid a situation where the East Germans manage to respond to our, later, preliminary contact *first*, engaging us in formal talks *before* the British and French. It is also important that we keep in closest possible touch with the FRG on our East German policy, even if this risks delays and frictions with the British and the French. For Brandt's government relations with the GDR remain the most sensitive and emotional of all foreign policy issues. Our interest in good relations with his government on East-West security issues generally dictates maximum accommodation to Brandt on East Germany, where our interests, except for Berlin, are minor.³

In informing the Secretary that his proposed approach is satisfactory, I have urged (a) that he take care that we not get out ahead of the British and French in talking with the GDR either in the initial or the subsequent, more formal phase, and (b) that he make sure as an overriding requirement that the West Germans are carefully consulted as we go down the road to establishment of diplomatic relations with the GDR.

There is no need for action on your part at this time, unless you believe that we should adopt a different approach.⁴

³ Nixon wrote and circled "no" at the end of this paragraph. He also wrote in the margin nearby: "K—Do *absolutely* nothing which plays to Brandt (regardless of his election)."

⁴ Nixon wrote at the end of the memorandum: "I *disagree*. No courtesy call. Keep it cool. K—In the future submit this type of decision to me *only*— Don't leave to N.S.C. staff or State Bureaucrats—. K—the State Bureaucracy is *pro-Brandt* + *pro-Socialist*—I *totally* disagree with their approach. From now on all decisions are to be submitted to me on *German* matters." Kissinger, who initialed the memorandum to indicate he had seen these remarks, also wrote the following message to Sonnenfeldt: "Hal did you notice the P's notes?" Nixon, however, either did not write or did not forward his instructions before December 26 (see footnote 1 above). By then, Kissinger had already replied on his behalf. In a memorandum to Rogers on December 20, Kissinger approved the proposed telegram subject to the following points: 1) the French and British should take the lead; 2) the President should review the "harmonized" approach after the tripartite meeting in January; and 3) West Germany should be consulted "on our initial contact, formal bilateral discussions, and all other aspects of our negotiations" with East Germany. (National Archives, Nixon Presidential Materials, NSC Files, Box 689, Country Files, Europe, East Germany, Vol. I) The Department sent the revised telegram to the Embassy in Germany on December 21. (Telegram 230126 to Bonn; *ibid.*, RG 59, Central Files 1970–73, POL 16 GER E)