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December 18, 1970

MEMORANDUM FOR MR. KISSINGER

FROM: Helmut Sonnenfeldt

SUBJECT: Chancellor Brandt's Letter to the President; Urgent Need for a Policy Review on Berlin and Ostpolitik; NSSM.

As you know, Brandt wrote identical letters to the President, Heath and Pompidou ostensibly reporting on the Polish treaty but actually to push for an acceleration of the Berlin talks. The fact that Brandt took this initiative at this level is another indicator of the growing nervousness in Bonn that the talks may fail and suspicion that we are blocking a solution, although Brandt in his letter praises Western unity and our support. Having just received the official translation, I have summarized the letter in a memorandum from you to the President, and added a report on the state of play on Berlin in Bonn and the probable attitudes of the British and French.

Before dealing with Brandt's ostensibly procedural proposal, however, there is urgent need for a new study within the NSC system of the status of the Berlin talks and of courses open to us in the New Year. If we are going into marathon negotiations, we will need to review both substance and tactics, particularly since we may well come under new pressures from Bonn to accept a broad agreement on principles and then turn the negotiations over to Bahr and Kohl.

In view of the growing internal problems within the Government on Ostpolitik and mounting German resentment it is also urgent for the NSC system to re-examine problems that will be coming along quite soon if there is a Berlin agreement, and also examine the consequences if there is no agreement.

I have drafted an NSSM calling for these two studies, and your memorandum to the President requests his approval.

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If you prefer not to submit this NSSM request to the President the memorandum could be sent without mention of a new NSSM. Once this is underway, you can consider an interim reply to the Chancellor

RECOMMENDATION

That you urgently forward the memorandum to the President at Tab A.

Approve _____

Disapprove _____

If the President agrees, that you issue the NSSM at Tab B.

Approve _____

Disapprove _____

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MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger

SUBJECT: Letter from Chancellor Brandt; Need for Review of our Policy on Berlin

The Chancellor has written you, Prime Minister Heath and President Pompidou letters reporting generally on his talks in Warsaw, when he signed the German-Polish treaty, and proposing that the Berlin talks be intensified (Tab B).

He notes that the treaty will remove the Oder-Neisse border question as a burden on relations between West Germany and Poland and as an impediment to a wider European detente. He expects on the basis of his conversations to establish a constructive relation with Poland, (this was before the riots). He informed the Polish leaders that the treaty with Warsaw was related to the Soviet treaty, as would become evident in the Bundestag debate. (By this he means that they will not be ratified separately, and the Soviet treaty will have to come first.)

The operational part of the message concerns the Berlin talks. The Chancellor finds that the last sessions produced some points of departure and in order to retain the initiative, he proposes that the negotiations be given a conference-like character. (His advisors have told us they envisage a more or less permanent negotiation at a fairly high level.)

The Chancellor notes that he has written to Kosygin, mainly to reassure him that Bonn continues to want a good relationship with the USSR and to repudiate press reporting that Bonn is taking a tougher stand, as reflected in the NATO meeting and the Berlin talks.

The Chancellor's proposal to speed up the Berlin talks reflects the increasing anxiety in Bonn that the Berlin negotiations may fail, and, as a consequence that the Soviet and Polish treaties cannot be ratified thereby causing the

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collapse of the Chancellor's foreign policy. Some of his advisors, and perhaps the Chancellor as well, have been shaken by some tough talk from the Soviets. Moreover, the Soviets are claiming to the Germans that we are the main sticking point in the Berlin talks. Bonn is also suspicious that we do in fact oppose Ostpolitik, a suspicion that is fed by newspaper speculation here and in Germany.

The French also seem to be wavering on the tactics of the Berlin talks, though not the substance. On the basis of my talks with Ambassador Alphand, I think the French Foreign Ministry will probably want to support an acceleration in the negotiations, though this may not reflect President Pompidou's desires. The British, however, seem more relaxed though they too might see some virtue in more intensive negotiations.

The problem, of course, is not the pace of the negotiations but the substance. The main issue for the Western Allies is access to West Berlin. We have taken the position that any new agreement must include a specific Soviet acceptance or acknowledgment of responsibility for maintaining unhindered access and some of the details of how it will be implemented. The Soviets cannot do this without repudiating to some degree the sovereignty of East Germany. Without this Soviet role, however, we have opposed turning the detailed negotiations over to the East and West Germans to work out the precise procedures for regulation of traffic. To date, the Soviets have fallen well short of the West's requirements since they have not been prepared to accept positions that, in his view, would derogate from GDR "sovereignty".

The second issue relates to the political presence of West Germany in West Berlin. The Soviets have made various proposals for drastic reductions of Federal offices, and prohibition of various political meetings, including the Bundestag. They seem prepared to negotiate on this, but have made it clear that their agreement on access is conditional to a solution of the question of the German political role and presence.

Bonn apparently believes that there can be some skillful manipulation of language and exchange of notes between the Western Allies and the FRG, on the one hand, and the Soviets and GDR on the other, that will circumvent the current stalemate on access. Hence the Chancellor's proposal for conference like talks.

Before replying substantively to this proposal, we will want to discuss it with the British and French. Before committing ourselves, however, it would be advisable to undertake re-examination of our position in preparation for the next Four Power Ambassadorial session on January 19, 1971. German issues were last addressed at the NSC on October 14. (Tab C)

If you agree, I will issue an NSDM asking for a review of the status of the talks and alternative courses for us to follow. I will also ask that we do a longer term paper to examine the consequences of a failure in the talks and also a study of the problems we might face should the talks succeed and the German Eastern treaties be ratified. The issues involved have almost certainly been complicated by the rioting in Poland which is being kept under review for contingency planning purposes in the WSAC.

RECOMMENDATION

1. That you authorize me to direct two new studies on the operational alternatives in the Berlin negotiations, and on longer term implications of Bonn's Eastern policy. (Tab A)

Approve _____ Disapprove _____

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NATIONAL SECURITY STUDY MEMORANDUM

TO: THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE

SUBJECT: Study of Four Power Negotiations on Berlin and
Implications of Ostpolitik

References: NSDM 91; Chancellor Brandt's Letter
of December 15, 1970

1. The President wishes to review the four-power negotiations on Berlin and the alternatives we might adopt in the next phase. The review should include (1) a statement of the main issues, and the positions adopted by the USSR, the Western Allies, and where pertinent, the attitude of the West German government; (2) the currently agreed Western position, including fallback position not presented to the USSR; (3) the view points of our Allies and Bonn on how to proceed in the next phase. On this basis, the study should present and discuss the various approaches we could adopt on the main issues, and evaluate the effects that would result. This evaluation should build on the policy guidelines outlined in NSDM-91. The substantive response to Chancellor Brandt's letter should await completion of this study.
2. This study should be undertaken by a working group established by the Chairman of the European Interdepartmental Group, and should be submitted by January 7, 1971.
3. The President also wishes a longer term study to cover the consequences of various developments in the Eastern policy of the West German government. This study should assume (a) the success of the Berlin talks and subsequent ratification of the Soviet and Polish treaties, and (b) the failure of the Berlin talks and the consequences. In particular, the study should examine longer term problems such as the problems associated with the international recognition of East Germany, admission to the UN, questions relating to our rights and responsibilities for Berlin and Germany as a

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whole, domestic problems inside West Germany, our relations with Bonn, and Bonn's relations with its Western allies, as well as the effects on Soviet policy and Eastern European attitudes under the alternative assumptions.

4. The same group indicated in paragraph 2, will be charged with this study, with completion for early February 1971.

Henry A. Kissinger

cc: The Director of Central Intelligence

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