

MEMORANDUM

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NATIONAL SECURITY COUNCIL

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URGENT ACTION  
March 18, 1971

MEMORANDUM FOR MR. KISSINGER

FROM: Helmut Sonnenfeldt

SUBJECT: Berlin Negotiations: The Issue of Soviet Presence  
in West Berlin.

*Berlin file*

We may be reaching a turning point in the negotiations on the issue of Soviet presence in West Berlin. Ambassador Rush has sent Secretary Rogers a cable (Tab A) requesting permission to discuss this issue -- and offer concessions -- in order to signal the Soviets that we are seriously interested in an agreement and also to encourage our allies to maintain a unified position. I thought therefore that you might wish a brief report on this issue. You should also focus on how to deal with State on this matter now that it has spilled into the Rush-Rogers channel.

What is the current Soviet presence?

Since the immediate post-war period, the Soviets have had a physical presence in West Berlin in three locations:

-- the former Allied Control Authority building (currently used for the Four Power talks) houses the Quadripartite Berlin Air Safety Center, in which the Soviets have participated 24 hours a day since 1945;

-- Spandau prison, at which the Soviets are always represented, and for three months each year have 50 armed troops stationed there (when Hess dies, there should be no further need for a Soviet contingent at Spandau, but the Soviets may very well argue that they will have to guard the grave);

-- Soviet War Memorial just inside the wall, where there is a permanent Soviet honor guard.

The first two are the last remaining vestiges of Quadripartite authority in Berlin. All three are well-established and in theory unimpeachable (except perhaps the Spandau operation if the Soviets try to continue after Hess dies).

SECRET

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[pp. 1 of 7]

SECRET

- 2 -

Soviet presence was static until 1960 when they seemed to embark on a program of rapid expansion. There are now separate Soviet offices serving Inturist, Tass, Sovexportfilm and Novosti-Izvestiya (the Inturist office opened in 1960). In 1963 the Soviets tried to put together these various offices and establish them on a Soviet-owned piece of property at Lietzenburgerstr. Their intent evidently was to set up what would amount to a Soviet headquarters at Lietzenburgerstr. At the time, the issue was treated at the Presidential level, and finally the Allies stopped the Soviets from establishing this presence. (You may recall this; it involved John McCone and CIA).

In addition to these offices, the Soviets send a steady stream of extremely well qualified men -- half of whom are identified KGB -- into West Berlin every day. They work closely in setting up exhibits, developing the activities of the German-Soviet Friendship Society, and maintaining relationships with the press, business and political figures (the Soviet correspondents have taken over control of the Foreign Correspondents Association in West Berlin).

From time to time the Soviets use their existing "commercial" facilities for quasi-official functions. For example, recently the Allies stopped a planned gala reception in Sovexportfilm because, inter alia, the invitations clearly indicated that the Soviet Embassy in East Berlin was the sponsor of the party in "West Berlin". (The Soviets were also unhappy recently when the Allies barred the entry of a Soviet correspondent, in retaliation for the GDR's barring of a US correspondent from East Berlin; the Soviets displeasure in this case may have been heightened because the particular Russian correspondent happened to be an important KGB operator.)

Looking at the other side of the coin, there is no permanent Three Power presence in East Berlin (though each of the Three still own property there, the former Embassies). However, military patrols are sent into East Berlin frequently each day by each Power, and of course diplomats of the Three (including the Ambassadors) travel in East Berlin for social occasions and to meet with the Soviets. The French maintain an unofficial trade office in East Berlin, and the British are planning to establish one in the future.

#### What Do the Soviets Want?

The Soviet objectives in seeking for the past decade a significantly enhanced and official presence in West Berlin include the following:

-- to further their theory (and the GDR's) that West Berlin is an independent political entity totally separate from East Berlin;

SECRET

111102-39/12 [on 2 of 7]

~~SECRET~~

- 3 -

-- to expand and facilitate Soviet influence over all aspects of life in West Berlin;

-- and, more importantly in the longer run, to create for themselves a continuing West Berlin basis (Four Power status) for their all-German rights in lieu of the Greater Berlin basis which they have renounced.

While the Soviets have had these goals for some time, they probably have decided that they now have an opportunity to achieve a good part of their aims. Among other things, the Berlin talks provide the Soviets with the ability to spread their pressure to include the FRG by linking this issue to success in the talks and particularly to the German desire to achieve Bonn representation of Berlin abroad. The Soviets may also consider that an increased presence may be necessary to counter whatever concessions they may have to offer on Bonn/Berlin ties.

In the Ambassadorial talks, the Soviets have developed this issue very slowly. It was not until the end of June 1970 that they first proposed in the talks the establishment of an official Soviet installation in West Berlin, somehow vaguely accredited to both the Allies and the Senat. In the fall they hinted at their desire for a consulate general, an official trade center and commercial use of their Lietzenburgerstr property. By December, Abrasimov had raised the issue as one of five that the Ambassadors had to work on for a successful negotiation. During consideration of the Western draft agreement in February, the Soviets raised this issue yet a further notch by insisting that the agreement itself must contain a provision on the principle of non-discrimination of Soviet interests in West Berlin, coupled with a detailed annex covering specifics. Increasingly, the Soviets have insisted that there can be no agreement unless the West offers something on Soviet presence (as well as Federal presence).

#### The Western Position.

The  Germans  have been opposed to the establishment of a Soviet consulate or any other "official" representation in West Berlin, but they leave to the Three Powers the decision with respect to lesser degrees of Soviet presence. The  French  have traditionally been ambiguous on this issue though they generally side with the British. The  UK  has been most forthcoming on the Western side. All current and prospective Soviet presence is in the British Sector of Berlin (with the single exception of the Air Safety Center), and perhaps for that reason the British have tended to be very permissive -- and the Soviet apply direct pressure on them. In the Four Power talks, the British have gotten well in front, even to the point of suggesting that the Soviets could have a consulate and by linking it to the representation abroad issue.

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1111 02-29/12 [DD. 3 of 7]

SECRET

- 4 -

The US position has been that any increase in Soviet presence is undesirable. Thus, the possibility of any increase could come only at the end of a successful negotiation, and only if it was compensated by an increased Western presence in East Berlin. Specifically, we have said that we would want, in exchange, the establishment of an American cultural center in East Berlin. The British and French have not accepted our view, and indeed refuse to believe that we are seriously interested in a cultural center in East Berlin. They, and now the Germans, view our position as a tactical device (a filibuster) which will be misunderstood by the Soviets as an attempt to deadlock the talks. Because of our dogged adherence to our position, there has been no formal agreed Western position on this issue.

There seems to be general agreement, however, on one aspect of the US position: that any ultimate expansion of Soviet presence must not be included in the Berlin agreement. Rather, any increase would be permitted by a unilateral Allied act, underscoring that it is by Western grace that the Soviets may establish their presence, and that the Allies retain the power to terminate any Soviet presence at will (unlike a unilateral termination of the Agreement).

#### Current State of Play.

The British proposed in the Bonn group meeting of March 2 that the Three Powers discuss this issue with the Soviets. The British proposed offering the Soviets two or three new offices (including Aeroflot), permitting the Lietzenburgerstr property to be utilized by any one of these, and authorizing Soviet nationals employed by these offices to reside in West Berlin. However, the British agreed to reject the Soviet request for a consulate. The French and Germans agreed with the British proposal.

The State Department instructed the Embassy to reject the British proposal (Tab B). The reasoning was that if the Soviets are really interested in an agreement, they are not likely to stop negotiating simply because the West refused at this point to offer concessions on Soviet presence. On receiving State's instruction, Ambassador Rush sent in a cable requesting a review of the matter. After almost a week of silence from State, Rush sent in the cable at Tab A -- addressed personally to Secretary Rogers.

The Ambassador's argument is that the Four Power talks are approaching a deadlock which he feels will bring renewed pressures from the FRG (Bahr) and Soviets to permit the Germans to negotiate access, or pressures from our allies

SECRET

11 N 03-39/13 [pp. 4 of 7]

SECRET

- 5 -

to make premature concessions on our positions on access or Federal presence. Thus, he feels that he must be in a position to begin a discussion of Soviet presence both as a signal to the Soviets that we are serious and also as an encouragement to our Allies to maintain a solid position on the other issues. The Ambassador proposes that we offer the Soviets only two additional offices (not Aeroflot) and not offer permission to reside in West Berlin. From the viewpoint of the "negotiator in the field," the Ambassador argues that it is not feasible to postpone all discussion of this issue until all other aspects of the agreement are satisfactorily concluded.

I am not certain how State plans to handle the Rush telegram, or whether and how you wish to become involved. Defense and the CIA appear to be opposed to any change in the present US position; these agencies have traditionally opposed any Soviet increase in West Berlin. Within State, I understand that Under Secretary Irwin also does not wish to alter current policy. The German Desk is reluctant but Marty fears our getting isolated and being charged with blocking the Berlin talks. It is not clear whether Secretary Rogers has a view yet. At least the working level at State fully understands that -- particularly in view of the DOD and CIA positions -- acceptance of the Rush proposal would require White House approval. Their present inclination is to tell Rush that his ideas have to be studied, but we do not know whether this will hold.

On the question of tactics, I find myself unpersuaded by Rush's arguments as they relate to the Soviets. The possible concession from the West on Soviet presence is really a good ace for us, without the complications of German politics as in the concession on Federal presence. I see no strong reason why we should offer a concession now just because the Soviets are stonewalling, hoping to advance their objectives through the Bahr/Kohl and Senat/GDR negotiations. On the other hand, I think Rush has a legitimate concern over the trouble our position is causing with our Allies. We are already isolated on this issue. Admittedly, much of the problem has been caused by the British getting out in front, but as the Four Power talks grind to a total standstill, there will clearly be a good deal of pressure brought on us. The Soviets obviously know what the inter-Allied line-up is. If we are not in a position to yield even a little, inter-Allied friction might spill over onto other issues. A break in Western harmony at this stage would be extremely serious and could force us into worse concessions later.

On the substance, as distinct from timing and tactics, it seems fairly clear that a couple of additional Soviet offices of a "cultural or commercial" nature as such would not radically harm our position in West Berlin, and and we could hardly oppose them at the cost of an otherwise satisfactory

SECRET

NIN 03-39/13 [PR 547]

SECRET

- 6 -

agreement. However, an official or more expanded and visible Soviet presence beyond the limited kinds in the Rush proposal would be qualitatively different. Rush has not proposed this, but this is also not a straw-man, since once we concede just a little on this issue the Soviets will apply enormous pressure for considerably more. It is important, then, to consider the implications of a significant official or highly visible Soviet presence in West Berlin. Aside from how the Soviets would read such a major <sup>Western</sup> concession, there is a serious question of how the Berliners would read it, particularly when added to other Western concessions (cut back of Federal presence, acquiescing in the status of East Berlin, acknowledging a GDR role over access, and perhaps demilitarization and NPD limitations). The Germans would consider it the first step in a new (Four Power) status for West Berlin, and this could affect choices of investment, relocation, etc. Such a significant Soviet presence might also revive for many Berliners the sense of physical danger and insecurity which was so real in the immediate post-war days.

There is another quite important aspect, too. The Three Powers have successfully maintained their military and diplomatic access to East Berlin virtually intact for 25 years. This access is the only physical evidence to support our theory of a Four Power status for all of Berlin. (It also provides us some intelligence, and is a useful showing-the-flag device vis-a-vis the East Germans.) Unquestionably, our continued access has caused friction between the Soviets and the GDR, whose claim to sovereignty is thus undercut.

The Soviets have probably been able to contain GDR pressures in part on the grounds that, if access to East Berlin were cut, the Three Powers would retaliate by cutting off valuable access by the Soviets to West Berlin (except for Spandau, BASC and the war memorial). However, if the Soviets had a consulate (or some other form of official or highly visible and greatly expanded presence) the Soviets might be willing to risk the chance that the West (especially the British) would not cut off the newly acquired Soviet presence in retaliation for a GDR restriction on Allied access to East Berlin. This is another reason why it is so important that any even minor concession (as suggested by Rush) on Soviet presence not be included in the body of any Berlin agreement. If that were to happen, the Soviets would probably reason that the West would certainly not wish to jeopardize the agreement by interfering with Soviet presence and access. Of course, this is likely to happen even if some increase in Soviet presence is arranged outside of the agreement, since it will in any event be seen as a part of the overall settlement, no matter what we say. At a minimum, therefore, we must continue to

SECRET

NLN 03-39/13 [pp. 6 of 7]

SECRET

- 7 -

insulate as much as possible this issue from the main agreement, and in doing so make a maximum effort to arrange it that the increased Soviet presence is clearly by the grace of the Three and can be withdrawn at any time.

intrigued with the thought of proposing a passive Allied war memorial in East Berlin -- a direct parallel to the Soviet memorial in West Berlin; yet, it too is probably infeasible.))

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Please let me know if you wish to become immediately involved in consideration of this issue. It is entirely possible that State will agree with DOD and CIA and reject Rush's proposal. In that event, the issue may not reach the White House. (We will keep an eye on this but some in State are looking for a lead from the White House to use against Defense and CIA. Moreover, Rush may not take "no" for an answer.) If you wish the matter brought here in any case, please let me know.

Procedural Choices

1. We could ask the IG/EUR to reconvene to consider the matter (very cumbersome).
2. You could convene an SRG to consider it.
3. You could raise it with Under Secretary Irwin.
4. You could call Secretary Rogers and, referring to Rush's telegram, get a sense of the Secretary's view. You might then agree that any move in Rush's direction should be approved by the President on the basis at least of a memo laying out the pros and cons or, hopefully, of an oral discussion in the SRG to be followed by a memo (which the Secretary could sign).

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WIN 02-39/12 [pp. 7 of 7]