

SECRET

60-9151

9:00 a.m. in the Secretary's conference room

Subj: Negotiations on Berlin

Present: American - Secretary

Mr. Ball, Mr. Kohler, Mr. McNamara, Ambassador Bowling
Mr. Bohlen, Mr. Witzke, Mr. Hillenbrand

German: Foreign Minister Schroeder, Defense Min ~~Strauss~~ Strauss,
Under Sec Carstens; Ambassador ~~Mr Krapf~~ Grewe, Mr. Krapf
Mr. Schnippenkoetter, General Schnez, Mr. Simon
Mr. Hilla

Starting with the status of Berlin, the Secretary said he did not know whether the ~~difference~~ ⁱⁿ difference in legal interpretation between us and the Germans would make much difference ⁱⁿ with respect to what we said to the Soviets. He supposed we might try at the outset to get some sort of all-Berlin arrangement and try to bring down the wall. There was no reason to think this would succeed. We might then insist on the status quo, maintaining our rights or moving towards some sort of independent city of West Berlin free to make its own arrangements with the rest of the world. We would not contemplate anything which would weaken its ties with the Federal Republic.

Foreign Minister Schroeder said the Germans thought it would be best to maintain the occupation rights as the ~~best~~ source of rights. There was no reason to change the position of the three occupying powers, as the Soviets demanded, since there was no legal basis for the Communist claim that this would take place. On the basis of the maintenance of occupation rights the relationship ~~xxxxxxxx~~ between Berlin and the Federal Republic could be built.

The Secretary asked whether the Foreign Minister could comment on how he saw this working out in actual discussions with the Soviets. If the Soviets said that there was nothing to be discussed ^{in respect} with respect to East Berlin, then the harder we would presumably stress the point that they would have correspondingly less right to have a voice in the affairs of West Berlin.

STATE review(s) completed.

Schroeder observed that the Soviets accept the fact of the Western presence in Berlin on the basis of the right of conquest. There was no reason to eliminate ~~these~~ ^{this} ~~rights~~ ^{rights}. The relations of the Federal Republic to Berlin had to be associated with ~~these~~ ^{this} right of conquest. If the existing status were changed, then the West would be starting from a zero point and all relationships with Berlin would have to be established from the beginning. The West should, therefore, start with what it had now in any negotiations.

The Secretary indicated we could agree that in negotiations we should start with occupation rights. Any fresh arrangement would be superimposed on occupation rights which would remain in the background to be called upon if required. Schroeder agreed this was the German view. In dealing with the Soviets, the Secretary continued, we may find that agreed practical arrangements may turn out to rest upon different theories. For example, in agreeing on an independent city, the Soviets could claim their view while we would maintain occupation rights in the background. Schroeder pointed out that, from the aspect of international law, the West must emphasize legal occupation rights because this was the most convincing public argument open to it. The Secretary said he did not see how we could agree to a de facto incorporation of West Berlin into the Federal Republic and at the same time find a solid basis for access to West Berlin. Schroeder commented that there were mixed views in Germany on complete incorporation of West Berlin in the Federal Republic. His government took the view that, at least for the time being, there could be no full incorporation for the reason indicated. The western source of access rights was linked directly to occupation rights and the Germans had no share of those rights.

The Secretary observed that we did not want to make too much a point of this, ~~he~~ ^{he} but ~~we~~ might mention that there was no question but that West Berlin was now our specific responsibility. The American people understood this. If West Berlin were incorporated into the Federal Republic, then we would in a sense become

gendarmes for the Federal Republic. This would not be easy for the American public to understand. Schroeder said he fully agreed. Allied rights must overshadow the rights of the Federal Republic which must remain in the background. The Secretary wondered if we could not agree that what we are saying with respect to the status of West Berlin is essentially for ourselves. What we may say to the Soviets may go beyond this. For example, we might propose an all-Berlin solution, or we might say that if you claim East Berlin is gone, then West Berlin is gone for you. We will strive very hard to protect the full freedom of action of West Berlin to maintain ties with the Federal Republic.

Schroeder indicated that the question of a plebiscite might arise in negotiations with the Soviets. If it did, it should first be proposed for all of Berlin and only later for West Berlin.

The Secretary said he wondered if it made any difference to the Federal Republic if these relationships which were under discussion took the form of contractual arrangements or agreements. Schroeder commented that this, in fact, did create a problem because of the West German constitution. If relationships were put on a contractual basis then an amendment of the constitution might be necessary and this would be difficult in an internal constitutional sense. The Berliners and the West Germans would consider it the status quo minus. The problem was essentially a psychological one. The answer also depended partly on whether any great improvement of access could be achieved. If so, this would perhaps make handling of the constitutional problem somewhat easier. The Secretary asked if there could not be an understanding between West Berlin and the Federal Republic introduced by ~~xxx~~ the statement that pending reunification or full implementation of the constitution, the Federal Republic and West Berlin would establish the following relationships. Schroeder said he believed the decision of the Supreme Constitutional Court ~~in the Republic~~ was that Berlin was LAND of the Federal Republic;

apart from certain Allied reservations. The Secretary's question could not be answered without further study. If, in a complete arrangement on Berlin, access thereto were improved, the status question would lose importance. This might be a means of bringing ^{ing} pressure on the Soviets. These legal questions were not so important from the viewpoint of the Federal Republic, but the Berliners' feeling of security depended on (a) the Allied guarantee, and (b) maintenance of vital ties with the Federal Republic. The Berliners were especially sensitive ^{regarding} ~~threatening~~ the latter, and the psychological factor was, therefore, more important than the purely legal. There were many federal offices in Berlin--some slightly in all. From the viewpoint of the Federal Republic these were perhaps not so important, but from the viewpoint of West Berlin the departure of any of them would be interpreted as the beginning of a general exodus. Removal of the Federal coat of arms from a building would be taken as a signal of withdrawal by the Berlin population. Mr. Koehler commented that we agreed the ties would stay as they are. The question was how to do this. The ^Ministers might even find independent status for the city consistent with our legal position, but this was obviously related to the improvements we could get. The question should be further studied.

Dr. Carstens asked whether the Soviets would not, in talks, say that the Berliners should decide their economic and cultural relations, but would strongly object to the maintenance of political ties. He, therefore, questioned whether this whole approach was useful. If we discussed relationships, the Soviets would try to impose all sorts of conditions on their agreement. The Secretary commented that if the Soviets insisted that East Berlin could not be discussed, then we would say ^{that} West Berlin could not be discussed. We cannot accept the claim that what's mine is mine and what yours is negotiable as a basis for discussion. But we may need some formula ~~to add to terms of classification~~ so that the Soviets could say that this is what they were talking about.

With respect to access, the Secretary stated that, in his talks with Gromyko, ~~wh~~ ~~xxxx~~ he had emphasized that there could be no diminution in our access to West Berlin. We have the impression that the Soviets will try to apply pressure to uncontrolled forms of access, especially air. We have taken the view that both military and civilian access is a part of our occupation rights. We have taken the position that civilian access is important. We would not accept East German ~~x~~ censorship on air access; they would use this to suffocate the city. We have also taken the position that our access rights are not subject to negotiation between ~~with~~ the Soviets ~~xx~~ and the GDR. The Soviets cannot give away something they do not have. If we could improve or reinforce our rights, so much the better, but it seems that the West Germans want to add to our rights by specific coverage of civilian access. Schroeder said the Federal Republic would like to see the agreement specifically cover civilian rights of access. He could see that there is a difference in view. The Federal Republic ^{says} said that civilian rights depended on Allied rights. This was recognized in the ~~the~~ Jessup-Malik agreement of 1949. The IZT agreement of 1960, which was the first to link the trade agreement ~~x~~ to Berlin access, used very vague ^{Jan 70} access to the effect that any concern that traffic might be disturbed or impaired by either of the participating parties was completely unfounded. A permanent solution to the civilian access problem could only be reached if this were blanketed into occupation access rights.

The Secretary observed that our position was that the right of the occupying powers is that Berlin have free access. ~~and~~ Any mention in the IZT of ~~x~~ civilian access was in addition thereto. The Secretary asked whether the Germans could see any practical effect in covering German access in an agreement. Dr. Carstens said an agreement should include civilian access. After some discussion it was agreed that the term "civilian access" rather than "German access" should be used for purposes of clarity.

Mr. Kohler observed that the problem seemed to be more a semantic one than a substantive one. What we want is ~~xxx~~ at least one uncontrolled means of access.

If this can be obtained on the Autobahn so much the better, but at least it should be uncontrolled in the air. But we can never establish this as a formal right in an agreement at the present time. As in the period of the air lift, under crisis conditions we would assimilate civilian access into military access. Ambassador Grewe commented that the crucial problem is in the wording of the access guarantee. We cannot refer only to Allied personnel. German civilian traffic must be covered as well. The Federal Republic was not seeking express guarantees or a formula seeking new rights. Mr. Koehler made the point that the longer civilian traffic could be covered by the IZT the better. We do not want the present practical arrangements for civilian access to be disturbed. If after the peace treaty the East Germans want to deal with the Federal Republic on a government-to-government level regarding trade, they would have to consider the question before throwing the responsibility for access to the Allies. Schroeder said that the Federal Republic had no agreement on access with the East Germans outside of the IZT. It could not be assumed that this would suffice in the long run. Civilian access had to be covered by the Allied mantle to avoid pressure in the years to come.

The Secretary said that if you and we are clear that we will not accept any diminution in our access rights and these include both military and civilian access, and at least one important means of access must be beyond East German control, then it did not seem necessary to go beyond this. He asked Dr. Carstens and Mr. Koehler to try to arrive at an agreed formulation of the discussion.

With respect to "dealings" with the GDR, Foreign Minister Schroeder said here was a subject on which the Federal Republic had considerable skepticism. One overestimated the capacity of the Federal Republic if one imagined that anything reasonable could come out of negotiations between the West Germans, acting on behalf of the Western powers, and the East Germans. The Federal Republic has no real means of exercising pressure on the GDR. The Allies must therefore keep matters on their own hands without regard to how unpleasant this might be in terms of dealing with

the GDR. He cited his own experience as Minister of the Interior to show how the GDR could bring pressure on the Federal Republic with respect to Berlin access. The Federal Republic was not able to tighten border ~~and~~ controls directed against the GDR because it feared reprisals against Berlin access. This weakness arose from the pure facts of geography. If the GDR deliberately disturbed Allied access, the Federal Republic could not do very much. It was ready to help on technical difficulties. The Secretary commented that we have said to the Soviets that we will not negotiate with the GDR on access. We have said such negotiations must be between the three Allied powers and the Soviets. Under the circumstances such an understanding might be superimposed on the Soviet-GDR peace treaty. This could clarify the access problem, but the sanction behind access would still be our presence in West Berlin as well as ^{the} Federal Republic's trade with ^{the} GDR. What we are concerned about is the situation which would result if there is a peace treaty and the Soviets simply leave the access checkpoints. No one will then be there except East German officials. We had assumed that the Federal Republic would prefer to handle technical arrangements with the East Germans through West Germans.

Schroeder commented that the GDR would respect the Allies more than the Federal Republic. It would be a difficult situation if the Federal Republic were to discuss procedures and formalities with the GDR and then arrived at agreements which affected the Allies. He could understand the Allied principle that the ~~Western~~ powers did not speak with the GDR. The solution, therefore, was to set forth the arrangements so clearly in an agreement with the Soviets that everything thereafter would be automatic and no further discussions would be necessary. The Secretary observed that perhaps some measure of ^{the} understanding arose out of a different view as to the kind of dealings we had in mind. ~~This~~ would not involve the question of our rights but such matters as traffic control. If our rights were established we had thought the Federal Republic would prefer to do that sort of thing rather than ^{have us do it} directly. Schroeder said he could understand how the U.S. could say that it is in the interests of the Federal Republic to deal with the GDR

rather than the Allies. But the other side was full of tricks. If you have an agreement on access the GDR will want to codify this. It will make additional demands which are not acceptable to the West. The Federal Republic could not reduce these demands and the ~~W~~estern powers would have to intervene. This would put the Federal Republic in an impotent and laughable position. He referred particularly here to such matters as inspection, documentation, etc. Ambassador Grewe said the Federal Republic would always be willing to talk to the East Germans as far as controls applying to civilian traffic were concerned. Allied traffic was now being discussed. If the Soviets disappeared, a problem would be to whom the Allies might talk. The difficulty was that Federal Republic discussions with the GDR on control procedures at the checkpoints, documentation, stamps, inspections left the Federal Republic in a weak position because these matters were too ~~intimately~~ ^{inextricably} connected with Allied access rights.

The Secretary said that we needed to make our understanding with the Soviets sufficiently clear. We would hold them responsible under the agreement. If differences arose and no satisfaction was obtainable, then we would complain to the Soviets. Indeed if the West Germans made an unacceptable agreement for us, we would say we did not like it. The point really was whether, with respect to the some 5% ^{total} of traffic involved, the Germans would prefer that we make the arrangements ~~that~~ ^{the} checkpoints or whether the Federal Republic would prefer to do this as a part of the total picture. Schroeder commented that he thought it would be better for the Allies to do it despite the unpleasant implications for recognition. This was more consistent with the German position on civil traffic which they wished to have protected under the Allied umbrella. In this instance the legal point of non-recognition was less important than effective maintenance of access. Dr. Carstens observed that if there were physical interference, for example, damage to a bridge, this could be taken care of by the Federal Republic. If, however, it were a question of checkpoint procedures, control of luggage, identification of personnel, etc.,

there was no purpose in having West Germans talk to East Germans about this. This was the very issue to be discussed with the Soviets. The principle was that the Federal Republic would talk to the East Germans so far as it could. For the rest, the Western powers should talk to the Soviets. The Secretary noted that talking in Moscow would not help much ~~ix~~ when a practical problem arose at the checkpoints. Dr. Carstens observed that if the East Germans made trouble it would only be with Soviet approval. The Secretary said we may be using "talk" in a different sense. We would not negotiate with the GDR regarding our rights of access, but if a car breaks down and needs ~~xxxx~~ help or there are traffic questions that would be something different. Dr. Carstens said he thought this point required more study. It was necessary to distinguish between the different types of cases which might arise. ~~xxx~~

The Secretary ~~suggxxxxxxx~~ suggested that perhaps UN assistance on the access routes might help solve some of these problems. International civil servants might serve a useful function in this connection. Dr. Carstens commented that they would also add to the difficulties of the situation. If an International Access Authority were obtained that would solve the problem. Even without such an Authority, the Secretary observed, international officials at the key points might provide the answer. Schroeder said he saw no trouble in this. Dr. Carstens ^{however,} indicated he did not have much confidence in such a solution. The Foreign Minister ~~however,~~ maintained ^{his} the view that if this point arose in discussions, the Federal Republic could not object. The Secretary said the Soviets might claim that this would interfere with GDR sovereignty. ~~X~~ He said an agreement might attempt to specify a little more ^{in detail} specifically the kinds of arrangements now in effect with the Soviets at the checkpoints. In any case there could be no negotiations with respect to Allied rights of access.

GERMANY "

Chancellor Adenauer
Foreign Minister Schroeder
Defense Minister Strauss
Under Secretary Carstens
Mr. Franz Krapf
Mr. von Eckhardt
Mr. Schnippenkoetter
Ambassador Grewe
Heinz Weber (interpreter)

UNITED STATES

President Kennedy
Secretary Rusk
Secretary McNamara
Undersecretary Ball
Mr. Kohler
Mr. Bohlen
Ambassador Dowling
Gen. Ambassador Clay (~~should be General~~)
Mr. Rudy
Mr. Hillenbrand
Mrs. Lejins (interpreter)

Drafts : M.H. Hillenbrand / N Lejins

SECRET

S. Grant: Negotiations on Berlin
MEETING IN THE CABINET ROOM - 11 a.m. - Tues - 11/21/61
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Secretary Rusk ^{said} indicated that he had met earlier this morning for over an hour with Foreign Minister ~~Schroeder~~ Schroeder and other members of the German delegation to discuss some of the questions on the present agenda. As usual, when Ministers do the talking, the experts must tidy up matters afterwards. One of the matters discussed was the legal position of West Berlin, which ^{is a} ~~is a~~ ^{difference} ~~is a~~ difference between US and Germany. While ~~Western~~ Germany considered West Berlin ^{to be} ~~like~~ a German "Land", with a certain suspension of its status on the basis of the 1949 ^{agreement} ~~agreement~~, the US ~~did~~ not consider West Berlin a "Land". Whether this difference in view ^{would} ~~would~~ have any serious effect on the projected negotiations with the Soviets ~~was~~ ^{is} not quite clear at this point. Both Germany and the US agree that the ultimate aim ^{of the US and the FR} ~~of both sides~~ is to retain the freedom of West Berlin to establish its own relations and other ties with the Federal Republic, which ties ^{are} ~~are~~ vital to the maintenance ^{of} ~~to~~ Berlin's existence and prosperity. The US recognizes the importance of the psychological ~~and~~ aspects of the situation, since Berlin feels its existence closely tied to Allied rights, ^{and} ~~and~~ at the same time has ^{West Berlin} ~~intimate~~ intimate ties with the Federal Republic. The US may ^{have} ~~need~~ to take the view that the German ^{Basic Law} ~~Constitution~~ with reference ^{to} ~~to~~ Berlin is inoperative and that Berlin can make its own contractual arrangements for its ties with the Federal Republic. If the negotiations which the US envisages with the Soviet Union will assure improved access conditions, then the Federal Republic ^{might} ~~may~~ be willing to ^{put into the background} ~~disregard or discount~~ the constitutional aspects of this matter. It ~~is~~ ^{is} hoped that something more definite can be written up on this ^{subject} ~~matter~~ before the end of these present meetings. The Secretary ~~of State~~ wondered whether the German Foreign Minister might like to make ^{any} ~~any~~ comment on his summary of the discussion of this point. The German Foreign Minister ^{declined} ~~declined~~.

^{to add}
~~XXXX~~
The Secretary ~~of State~~ ^{of} continued that not all aspects ~~concerning~~ access to Berlin had of course been covered, but only certain ones ~~with reference~~ ^{on} to which there might be a difference between the US and West Germany. Germany was ^{to} ~~extremely~~ anxious ^{to make it clear} ~~to make it clear~~ that everything was done to guarantee German access ^{to} ~~to~~ Berlin. The US ^{took} ~~took~~ the stand that free access to Berlin was

The problem before us was what might happen after the Soviet Union enters into ^a separate peace treaty with the GDR. What will happen if the Soviets should subsequently disappear from the checkpoints and withdraw from administrative arrangements with reference to access. [?] Who in that case should take over dealing with the GDR on the implementation of ~~the~~ access rights. [?]

In order to minimize the international aspects of the GDR, we ~~xxx~~ have suggested ^{the West} to Germany that they undertake to maintain the necessary contacts in technical matters. Apparently there has been some misunderstanding on what we mean when we speak about "talking" to the GDR. We do not mean negotiations, but only practical day-by-day dealings, such as might be involved in clearing up traffic jams, doing certain repair work, or getting a barge through a canal. ^{deliberate} The question of the access rights themselves, or any indicated political obstruction of access, is something entirely different. Then we look to the Soviet Union for satisfaction and neither we nor ~~Western Germany~~ ^{the Federal Republic} will negotiate on such matters with the GDR. ^{we} The Federal Republic is ~~apparently~~ ^{at this point} ~~not~~ ^{quite sure} whether ~~they~~ ^{it} would prefer the Western powers to ~~do the technical~~ ^{take over} dealings with the GDR or whether ~~Western Germany~~ ^{they themselves} should assume this responsibility itself.

The German Foreign Minister stated that this is a problem which does not involve the matter of recognition ^{of the GDR}, but that Germany is concerned ^{about} ~~with the~~ safeguarding of civilian access. [?] The Federal Republic fears chicanery on the part of East ~~the~~ Germany, which may demand unreasonable controls, inspections and institute other forms of harassment. This type of thing will be much more difficult for Germany to deal with than for the Allied powers. It is a purely practical ^{matter} ~~issue~~ for ~~Western Germany~~ ^{the} Federal Republic. [?] The Secretary of State voiced the opinion that on the basis of what has transpired in ^{the} ~~conversations~~ ^{of} this morning, it would appear that it might be necessary to prepare a detailed description of what the present exercise of ~~exercise~~ the right of access consists of, so that we can insist vis-a-vis the Soviet Union that East Germany must permit the exercise of access at least on the level described in this document. This would require a great deal of detail in order to avoid new ~~xxx~~ access formulas by Eastern Germany. This description of the exact character of the access to be exercised ~~should~~ ^{should} be included in whatever agreement we reach with the Soviets.

The President indicated that in his ^{discussions} talks with the German Ambassador, he had learned that talks of the nature now discussed ^{had} were already ^{being} taking place between East and West Germany on a number of technical matters.

The Secretary of State then pointed out that the real problem left now was how to handle the 5% of traffic which was the military part of the total. He did not anticipate too much of a problem with the ^{Commercial} ~~economic~~ ^{or} civilian traffic. ^P The President pointed out that it was very important that every detail of this be worked out.

The Secretary of State then recalled that at one point in the mornings ^{the possibility of} discussions, a certain amount of UN participation in this matter had been brought up. He felt that there might be a certain advantage ~~to~~ to having international civil servants enter the access-control picture ^{Policy} ~~who~~ ~~the~~ would be individuals on the spot, without political implications, to whom either side could talk. Such a ~~possibility~~ of UN participation might prove to be a barrier to bad faith.

The German Foreign Minister then indicated that, if the UN were brought into the picture in this manner, the occasion would certainly arise where the Secretary General of the UN would have the authority and the need to talk to the GDR. The Foreign Minister felt that this constituted an element of recognition ^{of the GDR} which, to him, represented a much greater danger and was less desirable than direct talks between the Allied Powers and the GDR.

The Secretary ~~of State~~ ^{had} added that ^{there would be no such complications} ~~such fears would be unfounded~~, of course, if there were an international autobahn authority. The Secretary of State then pointed out that the morning's discussion had not gotten around to ~~a~~ ~~discussion of the~~ stationing of UN troops in West Berlin. To be sure, the Soviets had offered Soviet forces to be placed in West Berlin as guarantors of freedom of ^{the} ~~the~~ ^{the city} ~~the city~~ Berlin. We opposed the stationing of Soviet troops in West Berlin. We were strong enough to safeguard and defend ^{West} Berlin ourselves. Moreover, we did not feel that the Soviets had any experience in safeguarding ~~the~~ democratic freedoms ⁱⁿ ~~of~~ any area. He felt sure, however, that the question of stationing a UN contingent in Berlin ~~was~~ might well arise. ~~He was not~~ ^{inclined} ~~particularly worried about this, since~~ ~~He~~ did not feel that the UN was ~~implying~~ to assume additional expenses and responsibilities such as would be involved in stationing a contingent of troops in Berlin. He also knew that ~~West~~

Germany ^{was} skeptical about such a contingent ^{to}.

The German Foreign Minister confirmed the Secretary of State's statement, indicating that the Federal Republic much preferred to see their share of UN troops in the form of British, French or American troops. Germany was truly skeptical, however, about UN forces as such.

The Secretary of State stated that we did not assume, by any means, that such UN forces would replace the forces of the Three Western Allies. Nor -- ^{as} the President interjected -- ^{assumed} your responsibility.

The Secretary of State continued that the stationing of a UN contingent would make it much more difficult for the Soviets to resume their pressure on Berlin. Moreover, if UN organizations ^{and activity} were brought into ^{West} Berlin, the significance of the city would be greatly increased and this measure might put a stop to further harassment by the Soviets. It was no guarantee, however.

The German Foreign Minister pointed out that if it were possible to bring UN authorities and activity into West Berlin this would be highly desirable, but he would first see whether this is really possible before he would consider ~~plan~~ ^l placing a UN contingent there. The ^{stationing} ~~placement~~ of a UN contingent in Berlin would really be contrary to the usual UN practice. Usually the ~~max~~ host country is ^cexpedited to guarantee the safety of the UN activity in a given locality. In this case, it would appear as though the UN itself were having to protect its own organization. Thus, he would prefer that the matter of stationing UN activities in Berlin ~~would~~ be taken up first, and the UN contingent left for later eventualities. ^{ff} The Chancellor interjected at this point that he ~~xxxxx~~ considered the establishment of UN activities in West Berlin extremely important, especially as a psychological measure, since it would convince the ^{Berlin} ~~Western~~ population that there was no intention of ~~xxxxx~~ ever sacrificing them to the Soviet Union. UN soldiers, on the other hand, did not constitute such a guarantee.

The ~~Sec~~ ^(Sec) of State indicated that this was not a matter which the US felt we should press. It remained to be seen whether some UN ~~xxxxx~~ contingent might be advantageous, but it was a question to be left open.

The President then asked whether the Chancellor would like to comment on the points thus far covered.

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The Chancellor indicated that ^{the first} that point ^{that is the}, ~~xxxx~~ ~~xxxx~~ ~~xxxx~~ constitutional status of Berlin, is what he considers most important of all. While Western Germany is ready to do everything in its power for the benefit of the Berlin population, he feels that what is right is right and must be upheld.

He himself was the chairman of the constitutional committee that drafted ^{the basic law, which} the suspension provisions concerning Berlin's status, and he was therefore well acquainted with what ^{had} happened. He realized that certain things had happened subsequently, which were not quite in accord with these provisions, but the Allies ~~had~~ had not objected, since they had not considered these matters particularly serious. Only in one instance had they vetoed a measure thus ^{of international law,} undertaken. But, from the constitutional standpoint, the Chancellor felt, the status of Berlin was very clear and had to be upheld -- including the suspension provisions.

The Secretary of State pointed out that there had been general agreement in the earlier morning meeting to do everything possible to uphold West Berlin's freedom of action and its right to maintain its ties with Western Germany, since these were fundamental to Berlin's well-being.

The German Foreign Minister recalled a discussion carried on during the ^{morning meeting} ~~xxxx~~ ~~xxxx~~ about the existence of about 80 Federal German ^{agencies} ~~offices~~ in West Berlin. While the Federal Republic did not consider many of these particularly important, ^K they felt nevertheless that as long as they were there, ~~their~~ their removal would be a psychological blow to the Berlin population, who were very sensitive on such matters. Thus, if the Federal German coat of arms were to be taken down in even one of these offices, it would be interpreted by the Berlin population as a sign of retreat and withdrawal. Thus, the Foreign Minister ~~again~~ reiterated ~~that~~ this matter was a psychological rather than a constitutional one.

The Chancellor on his part reiterated that he considered this a purely psychological problem, and he wanted to hear no further talk about the removal of coats of arms. He felt certain that in their talks with the Soviet Union the US would be called upon to make certain concessions. ^{the US} If this were so, ~~they~~ they could insist on the introduction of UN activities in Berlin as a sort of replacement, and this would help the situation.

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The President confirmed that we should start negotiating on the basis of a position, such as outlined by the Secretary of State, which would insist on the complete freedom of Berlin to ~~maintain~~ maintain its relations with West Germany and ^{with} whomever it pleased. He had understood that Ambassador Kroll told Khrushchev that the ties between West Germany and West Berlin were not negotiable. Nevertheless, before we were through negotiating, there might, ^{if necessary,} develop some limitations on the freedom of Berlin.

The German Foreign Minister reiterated what he had said in the ~~the~~ earlier morning meeting; ^{namely,} ~~mainly~~ that if the negotiations with the Soviets would result in greatly improved and more secure access, this might ease many of the ~~the~~ ^{many of the} other Berlin problems, which ~~the~~ would then be viewed in a somewhat different light.

The President then stated he understood that ^{just} point 5 had not been covered in the earlier meeting and he proposed ~~a~~ that he and the Chancellor withdraw to his office for private conversations, ^a while the remaining members of the two delegations went over the unresolved points of the agenda.

Memo of Conversation
[Handwritten signature]

At this point (11:45 a.m.) the President and the Chancellor withdrew to the President's office ~~for further private discussions~~, and the Foreign Ministers ~~continued in the~~ their review of existing differences with respect to the Western negotiation position on Berlin.

The Secretary noted that, in his ^{discussion} discussions with Gromyko he had the impression that the latter was not only talking about the external boundary of Germany but also about the internal demarcation line. It is clear that we are not going to recognize this demarcation line as an international frontier nor are we going to recognize the GDR. As to the external boundary, we see no way of changing the Oder-Neisse line in the foreseeable future. Admittedly this point should not be given away free, but we should have it in the background as a possibility for discussion if something valuable could be gained thereby. The Secretary did not see how in this country we could keep this open the question of moving the frontier further to the East. We recognize of course that in the past the Federal Republic has renounced the use of force in this context and is willing to repeat this assurance. We on our side are prepared to consider postponing any formal recognition until reunification and the Peace Treaty can be worked out but support of revision of this line to a point further east is not our policy. ⁴ Foreign Minister Schroeder said that the Federal Republic was prepared to consider repeating to the Soviet Union its undertaking never to have recourse to force to modify the boundary ~~line~~ of Germany or to achieve reunification. It is prepared to accept a guarantee of this by the three Western Powers. However, if it were to go beyond this

it would be giving up the last thing which could play a role in East-West negotiations. Something which could be used for profit would be abandoned here without profit in unfavorable psychological circumstances. Moreover, he did not believe ^{we} he could get much from the Soviets for acknowledgment of the Oder-Neisse boundary. He was aware that in 1946 Secretary of State ^JByrnes had stated that the United States would support a revision of German frontiers in Poland's favor. However, the extent of the area to be ceded to Poland ^{was} had to be determined only in the final peace settlement. This left open the question of how far any border rectifications had to go. In summary then, ~~Mr~~ ^{en} Schroeder continued, the Federal Republic was opposed to going beyond renunciation of the use of force. It was opposed to narrowing down the field of future maneuver at the time of a peace settlement without benefit ~~at~~ at the present time.

The Secretary said he was not at all sure that this was a point which gave us great bargaining value. The Soviets know that in general, the Western countries are not prepared to support a movement of the line to the East. There has been the de Gaulle statement and public opinion in most Western countries would agree with it. Therefore we would probably not get much for ^{as a final definition of the boundary} it in any event. If, however, the impression were left that despite its declaration of renunciation of force the Federal Republic intended to pursue an active policy ^{with respect to} on its Eastern boundary, this would become an element of instability in Central Europe. It would enable the Soviets to keep Central Europe stirred up regarding German long range intentions. He believed it correct to say that Germany's reconciliation with the West after WW/II/ World War II was of utmost importance in historical terms. The Eastern countries regarded this process in a different light. They did not believe ⁱⁿ from the purely defensive purposes

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of the Alliance or the peacefulness of German intentions.

Foreign Min. Schroeder said he understood the points the Secretary had made. If we were now at the stage of an East-West detente, then we could discuss frontier question quite intensively. But today Germany is divided and the Eastern boundary of the Country is within the GDR. The East German regime has solemnly recognized this ~~new~~ boundary. The subject of discussion with the Soviets at the present time is Berlin -- a question which the Soviets unnecessarily and artificially raised. To discuss the boundary question in this context would be to discuss it in the wrong context. It would create serious political difficulties within the Federal Republic. It would effect a boundary settlement unaccompanied by any other ~~and~~ normal aspects of a peace settlement. To sum up, Schroeder concluded, this was the wrong time, ~~wrong~~ place and context for resolution of the Oder-Neisse question.

Defense Minister Strauss asked facetiously whether it would not be a violation of GDR sovereignty if the Western Powers attempted to guarantee one of its borders.

Secretary commented that, as far as we are concerned, we have emphasized to the Soviets the problem of buying the same horse over again. The President had put it in terms of their attempting to sell an apple for an orchard. We do not believe we should once again be called upon to purchase our basic rights in Berlin. The Soviets will, however, ~~as~~ surely raise the boundary question, and he did not believe that the American people were interested in any change in the Oder-Neisse line.

Foreign Minister Schroeder said he could accept what the Secretary said. *If* the Soviets were really prepared to make a satisfactory Berlin arrangement, then the question would arise whether the matter of peace treaty negotiations ^{would not} ~~would~~ become pertinent, but outside of the forum of Berlin discussions. If, however, the West gave up in advance, all questions related to the peace treaty, then the Federal Republic would have nothing to gain from a peace treaty. This would destroy the best theory we have, which is that a Germany unified on a basis of self-determination is in ^{the best} ~~a most favorable~~ position to negotiate a peace treaty. Although it is true that many people in the

world consider the Oder-Neisse line settled, certain facts also remain on the ~~other~~^{other} side of the argument. He could also agree that the longer the West waited on this the weaker its position became, but he had grave reservations ^{relative} on settling the Oder-Neisse question within the Berlin context.

The Secretary asked Foreign Minister ^{the} whether he would be willing to present his thoughts as to how he ~~xx~~ saw the future of reunification. We on our side ~~we~~ believed it important to sustain the principle of unification and self-determination in Germany. He wondered how Foreign Minister Schroeder saw movement coming in this direction. How could a solution be advanced.

Schroeder said that the basis for reunification is a free Germany and a ~~free peace~~^{piece of} of this free Germany is our battle over Berlin. If the Federal Republic could "radiate" its influence, this would prevent a further decline of the GDR into total communism. Maintenance of psychological connections ^{was} is important. To reiterate, the Foreign Minister continued, it was necessary to maintain and strengthen ~~the basis of~~ Free Germany, that is the Federal Republic. It was necessary to increase possible contacts ^{with the GDR.} It was clear, of course, that a totalitarian system such as that in the GDR could only be eliminated from the outside, but the West could not contemplate forceful intervention in the GDR. A difficult historical process was involved, for which no schedule could be set. But, Schroeder continued, we have experienced an acceleration of historical developments in the past because of ~~x~~ a shift in the basic forces involved. In 1953, he recalled, Defense Minister Strauss and he had come to Washington, and the main subject of discussion then had been the Saar problem. This seemed beyond solution at the time. Yet 8 years afterwards no one even mentions the subject. Certainly the Saar question is more simple than the present problem ~~of Germany~~, but it was nevertheless a complicated problem in its own right with deep and difficult historical roots. Schroeder referred to the fact that he had used the word contacts, but he wanted to point out that he meant it in a somewhat different sense than that normally ~~xxx~~ attributed to it by the US. He did not believe you could overcome a system such as that in the GDR ~~x~~ by administrative contacts, ^{if} the system was not already shattered internally. The Federal Republic was however, prepared to increase its economic ^{and} cultural, ~~and other non-political~~ contacts, even if it did not believe these would bring on reunification. Such a program was not entirely lacking

in danger. If such contacts tended to make GDR leaders seem socially acceptable, then the people of the GDR would ~~be~~ hold responsible those who contributed to this. In addition to the factors he had already mentioned, Schroeder concluded, ~~that~~ a long term program for reunification also required maintenance of ~~the free~~ Western ~~system~~ of strength and unity.

Secretary commented that he was not at all sure that ~~it~~ there was much difference between us when we speak of contacts. There is some evidence that the people of central and eastern Europe feel themselves part of the tradition of Western civilization. They are attracted to the West. In the case of Poland we feel that the multiplication of our contacts tends to move the Poles in a direction we want to see them move. We have trade ^{with} ~~in~~ Poland and a lively exchange program. We assume that this great underlying sense of wanting to belong to the West also applies to East ~~&~~ Germany. Our effort therefore is to get in ^{to} ~~xxxxx~~ contact with the feelings indicated, even if it ~~is~~ involved some official dealings.

Foreign Minister Schroeder said it was sometimes easier for the Federal Republic to do this with ~~foreigners~~ ~~xxxxxxxx~~ under an ideological system completely different ~~rather~~ than with the GDR. In other words, were ^{it} not for the Oder-Neisse question, the Federal Republic would find it easier to have relations with Poland ~~is~~ than with the East German system. There was no doubt of course that 90% of the population of the GDR ~~opposed~~ posed the regime, but the iron band of the power system in control made all the difference. If the West did anything to encourage an uprising in East Germany, it must be prepared to help the uprising. Otherwise such action would be irresponsible. This consideration sets a limit on the kind of activity which the Federal Republic can undertake. ~~In response~~

In response to the Secretary's query as to whether the frequently ~~completed~~ ^{heard} ~~convenient~~ statement that there is no alternative to Ulbricht meant that the Soviets could not rely on the ^{bureaucracy} ~~bureaucracy~~ of the governmental structure ~~of~~ of the GDR, Schroeder indicated that comments on this subject had to be largely based on speculation. People ~~is~~ often think of the Ulbricht problem in terms of his special relationship with Moscow as a result of his many years there. He believed that any successor would not conduct ~~xxxxxx~~ policy in a greatly different fashion or basically alter the structure of ^{the} ~~xxxxx~~ government, and what would take place would be a pure ^{power} struggle. The regime in the GDR ~~is~~

was a fairly stable one.

Turning to the subject of European security, the Secretary pointed out that the US is not interested in disengagement. We had had an experience in Korea with disengagement and the results were unhappy. As the Secretary had previously indicated, this would involve an abandonment by the US of its responsibility as a member of NATO. We expect to have a continuing substantive commitment of US power to the NATO Alliance. We were not interested in discrimination against the Federal Republic. In the past the point had been made that the essential confrontation of the East-West power blocs physically occurs in Germany. Attempts to reduce this ^{confrontation} were interpreted as aimed at the Federal Republic. This is not what we have in mind. He wondered whether ^{Schroeder} ~~any thing~~ saw ^{any} advantage in the disarmament field of ~~anything~~ which might help reduce the scale of Soviet forces in East Germany. Did he see any ^{basis} on which the concentration of Soviet forces could be reduced?

^{ForMin} Schroeder observed that the Federal Republic considered that the subject of European Security could only be discussed in the context of German reunification and not ^{solely} raised purely in a Berlin context. The principle is the same as in the case of the Oder-Neisse line. As to the confrontation question, he did not believe that a reduction in Soviet troop strength would change the ^{political} basic situation in the GDR, or solve any of its other problems, even if the Soviets were willing.

Defense Minister Strauss said he agreed with Schroeder's general assessment of this question but one aspect was worth further study. Decrease or withdrawal of Soviet forces from the area could be considered if a change of the political situation in the area affected would automatically or gradually be introduced from the outside. Kennan had ^{raised} this question. However, he (Strauss) considered it an optimistic speculation that withdrawal of Soviet troops from the area would prevent their speedy return. NATO was not in a position to ~~prevent~~ ^{the} prevent the re-entry of Soviet ~~armies~~ ^{the} because of its basically defensive nature and ^{the} grave risks of nuclear war which would be involved. Disengagement is a useful means to reduce tension ^{where} both sides are prepared to give self-determination to people in the area of control. Under current circumstances however, he did not believe that it would ~~lower~~ lower tension but would instead create a political vacuum which would bring all sorts of military and political dangers with it. He did not believe that

Khrushchev was merely a Russian nationalist interested in securing the frontiers of Russia. He saw Germany as a strategic objective necessary to the further onward march of Communism. ~~XXXXXXXXXX~~ Co-existence was merely a methodology to achieve this. If the Soviet Union could pry loose Germany from NATO it would have achieved ~~the~~^{its} next step of marching to the Rhine. As long as the Communists speak of world conquest and act on the basis of this objective the prerequisite of disengagement is lacking. The Communists are not interested in moving their influence back. At this point Strauss produced a map which, he explained, showed that the Western European potential ~~is~~ was equal to that of the Soviet bloc up to the Urais. However, 90% of the European potential was concentrated in an area containing only 25% of the Communist potential. Europe could not be backed up any ~~of~~ further without ~~losing-~~ suffering mortally. Therefore a firm line of defense was essential.

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Remarks:

Attached herewith are advance copies of minutes of the two principal policy discussions which took place during Chancellor Adenauer's recent visit.

(EXECUTIVE SECRET) *Stat*

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