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BERLIN

STATEMENT OF THE ISSUE

1. Berlin and inner-German relations remain critical to prospects for further progress in detente.
2. The US interest is to ensure that neither the Soviets, the East Germans, nor the West Germans do things which could lead to disputes. The necessity for restraint needs to be made clear to the USSR.
3. You have also promised FRG Foreign Minister Genscher to raise with the Soviets our desire to release Rudolf Hess from Spandau prison.

ESSENTIAL ELEMENTS OF THE ISSUE

1. The Situation:

The Quadripartite Agreement of 1971 has worked well and the overall situation in Berlin is stable. However, there have been considerable problems between the West Germans and the Soviets and the East Germans over the extent to which ties between West Berlin and the FRG may be developed.

Another problem is the status of Berlin. For its own reasons, the GDR needs to demonstrate its sovereignty in East Berlin. Several steps were taken recently in an effort to question the Four Power status of East Berlin. If the West allows the GDR to go too far, much of the legal foundation for our presence in West Berlin would be damaged. Especially important is assuring that no action is taken against free movement of Western forces in East Berlin.

Hess' continued imprisonment in Spandau Prison is a problem. He is old and feeble and his continued imprisonment can serve no useful purpose. Other Spandau inmates were released because of old age and poor health. We think the USSR should release him on the same grounds.

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2. Our View:

Given the critical issues on the East-West agenda in coming months, it will be important to make clear to the Soviets the limits of our patience on Berlin matters. If the two sides understand each other from the beginning, it will be easier to avoid serious disputes in the future.

3. Their View:

The Soviets might respond to your presentation by arguing that it is the West Germans who have disturbed the balance by attempting to demonstrate their political authority in Berlin. While it is true that the FRG has at times attempted to stretch the limits of the Berlin Agreement, the Soviets and the GDR have consistently attempted to limit even the most legitimate expressions of ties between the FRG and West Berlin.

SUGGESTED TALKING POINTS

-- East-West relations have been well served by the Berlin Agreement and the agreements between the two German states. We want to maintain the balance which has been achieved.

-- Both sides should avoid acts which could damage broader efforts to improve relations.

-- The Four Power status continues to apply to all of Berlin. Further steps such as those taken by the GDR in December would create tensions in Berlin.

-- Any effort to restrict movement of Western garrisons in East Berlin would be viewed as a serious step against the status of Berlin and lead to major problems.

-- We should also try to avoid problems over ties between the FRG and West Berlin. The United States will continue to ensure that the FRG does nothing in Berlin which affects the status of the city or which violates the Berlin Agreement.

-- (If raised) The United States sees no violation of the Berlin Agreement in West Berlin's continued participation in European integration. An overly

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aggressive Soviet policy on this question would only serve to further heighten suspicions in the FRG and West Berlin about ultimate Soviet intentions in Berlin.

-- As a footnote, the United States continues to believe that Rudolf Hess should be released from Spandau Prison.

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