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the sponsoring agencies, the Federal Ministry for All German Affairs and the Committee for an Indivisible Germany, have already withdrawn their support from the project and the other sponsors are expected to do so.

2. It was learned that in certain circumstances existing Berlin regulations permit the refusal of applications for new food and drink concessions. In this connection, Mayor Albertz has written a letter (Enclosure 2) to the Mayor of the Kreuzberg district expressing his belief that the granting of further food and drink concessions in the Checkpoint Charlie area would not be in the interest of public safety and order, and requesting that no such new concessions be granted. This is a promising development.

3. Berlin regulations were discussed which might provide a basis for taking prophylactic measures to close down, temporarily or permanently, existing establishments in the Checkpoint Charlie area such as the offices of the German Scene, the Hildebrandt photo exhibition and the Treffpunkt bar. It became apparent that the Senat officials are of the opinion that they lack the necessary authority to take action of this kind except in certain prescribed situations which would not include the ones the Mission has in mind. There is no doubt that this represents the considered view of the Senat, and, insofar as the Mission is able to judge, this position is by and large correct. However, it was agreed that the Berlin police presently have more than adequate authority to take all necessary measures when a threat to the maintenance of public safety and order exists; they can maintain police forces in the Checkpoint Charlie area as necessary, keep a close watch on the establishments concerned, and ensure that order is maintained in the area.

4. As far as we have been able to determine, the Senat has no long-range plans for the Friedrichstrasse area which might realistically be so modified as to offer a solution to some of our problems in this area.

5. Conclusions: The sessions with Senat representatives have clarified the range of possibilities for taking action to eliminate or control undesirable activities in the Checkpoint Charlie area. These possibilities seem adequate to meet the present situation. Should this situation change, the Mission considers that US authorities in Berlin should not resort to closing down undesirable establishments in the Checkpoint Charlie area by fiat. There are, instead, two other feasible alternatives. One is to block the entire area off to all but essential traffic as was done during the August 14 to 17 period. Berlin police presently have authority to take such steps. A second alternative would be for the US Commandant to issue orders that

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certain establishments be temporarily closed when their operations appear to offer a threat to the maintenance of public safety and order. The former alternative would appear to meet most of the situations we could reasonably expect to arise. The latter alternative could be used as a last resort.

6. Next Steps: We plan to keep in touch with Senat officials concerning new developments in the Checkpoint Charlie area and believe we can count on being kept adequately informed in this respect. The Mission is also preparing draft orders to be considered for use should a situation arise where undesirable enterprises in the area must be either permanently or temporarily closed.

For the Assistant Chief of Mission:



Arthur R. Day  
Chief, Political Affairs Section

2 Enclosures:

1. Letter to Federal Minister for All-German Affairs from Albertz dated August 27, 1963.
2. Letter to District Mayor of Administrative District Kreuzberg of Berlin from Albertz dated August 27, 1963.

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