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Authority E.O. 12958
By FV/NARA Date 7-23-02

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AUGUST 15, 197

TO: HENRY A. KISSINGER
FROM: AMBASSADOR RUSH

1. AT OUR MEETING WITH FALIN LAST NIGHT, WE EXPLORED ALMOST EXCLUSIVELY THE ACCESS PROBLEM, AND IT IS NOW CLEAR THAT THE SITUATION WE HOPED TO AVOID IS UPON US AND THAT WE PROBABLY FACE A CRISIS OR TEMPORARY STALEMATE. I WILL OUTLINE THE NATURE OF THIS IN THE NEXT PARAGRAPH, BUT IN ORDER TO PROVIDE TIME FOR COOLING OFF AND REFLECTION IT MAY BE ADVISABLE, AFTER A ONE- OR TWO- OR THREE-DAY SESSION STARTING TOMORROW, TO ADJOURN THE MEETINGS FOR TWO WEEKS OR SO. WE CAN ONLY DETERMINE THIS AS THIS WEEK'S SESSIONS APPROACH A CONCLUSION.

2. THE SITUATION THAT HAS ARISEN IS BRIEFLY AS FOLLOWS: AS I MENTIONED IN MY CABLE OF AUGUST 13, ABRASIMOV, DURING THE AFTERNOON SESSION ON AUGUST 11, GOT INTO A VERY ACRIMONIOUS DISCUSSION WITH JACKLING AND, TO A LESSER DEGREE, WITH SAUVAGNARGUES, IN WHICH ABRASIMOV MADE SOME STRONG PERSONAL ATTACKS ON JACKLING. OUR CABLES COVERING THE SUBJECT GO INTO THIS IN MORE DETAIL. AS A RESULT, THERE WAS A GENERAL HARDENING OF POSITION ON THE PART OF THE BRITISH AND FRENCH AND A BAD PSYCHOLOGICAL CLIMATE WAS CREATED. AT THE SAME TIME, BECAUSE OF THE RAPIDITY OF MOVEMENT WE HAD HAD, THE TRUE REASON FOR WHICH WAS, OF COURSE, NOT KNOWN TO THEM, JACKLING AND SAUVAGNARGUES, ALONG WITH THEIR STAFFS, MY STAFF, THE STATE DEPARTMENT, AND THE VARIOUS FOREIGN OFFICES, CONCLUDED THAT THE RUSSIANS WERE SO ANXIOUS TO MAKE AN AGREEMENT THAT WE COULD REVERT TO MAXIMUM POSITIONS ON ACCESS.

3. WHEN THE DEVELOPING SITUATION BECAME CLEARER TO ME FOLLOWING THE WEDNESDAY SESSION, I DECIDED TO SEND A MESSAGE TO ABRASIMOV THE NEXT MORNING (THURSDAY), SUGGESTING THAT, SINCE LITTLE PROGRESS COULD BE EXPECTED THAT DAY, WE FIRST TAKE UP THE FINAL QUADRIPARTITE PROTOCOL AND THEN RETURN TO ACCESS, BUT THAT HE SHOULD BRING IN NOTHING NEW. HE WAS CHAIRMAN THURSDAY AND IN A STRATEGIC POSITION. MY PLAN WAS TO SLOW DOWN THE PROCEEDINGS ON THURSDAY AND NOT TO BRING UP ANY NEW CONCEPTS WHILE THE PSYCHOLOGICAL ATMOSPHERE WAS BAD. AFTER A DAY OR SO OF STALEMATE AND FOR COOLING OFF, EVERYONE WOULD PROBABLY BECOME RECEPTIVE TO NEW APPROACHES. HOWEVER, SINCE THE DISCUSSIONS OF THE FINAL QUADRIPARTITE PROTOCOL WENT OFF WITHOUT TOO MUCH ACRIMONY AND THE SITUATION SEEMED TO BE BACK ON THE TRACK, ABRASIMOV DECIDED TO TRY TO COMPLETE THE ACCESS PROVISIONS AND BROUGHT OUT HIS NEW "EXCEPTIONS" FORMULA, WHICH I MENTIONED IN MY MESSAGE OF AUGUST 13.

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4. AS BECAME IDENT IN THE AMBASSADORS, THEIR AD GERMAN ADVISERS, ABRASIMOV'S DOING THIS SO PRECIPITOUSLY NOT ONLY FAILED TO CARRY CREDIT FOR BREAKING THE IMPASSE BUT, IN FACT, REINFORCED THE IDEA OF OUR ALLIES AND OF OUR STATE DEPARTMENT THAT THE RUSSIANS WERE OVER-ANXIOUS TO REACH AN AGREEMENT AT ANY PRICE, AND ACCORDINGLY THE BONN GROUP CAME UP WITH A TOUGH THREE-PAGE LIST OF EXCEPTIONS FOR CONSIDERATION AT THE MEETING. THIS WOULD HAVE ENRAGED THE RUSSIANS IF IT HAD BEEN PRESENTED TO THEM. I WAS ABLE TO GET IT CUT BACK TO THE ONE FORWARDED TO YOU WITH MY MESSAGE YESTERDAY AND WE PRESENTED THE TEXT OF THIS TO FALIN LAST NIGHT. HE TOOK A VERY HARD LINE WITH REGARD TO IT AND INSISTED THAT THIS WOULD NEVER BE ACCEPTABLE TO THE GDR OR TO THE RUSSIANS. WE BROKE UP THE MEETING WITH NO PROGRESS.

5. PRIOR TO PRESENTING THAT TEXT TO HIM, WE HAD DISCUSSED VARIOUS IMPROVEMENTS OF THE QUADRIPARTITE AGREEMENT AND HE WAS VERY ACCOMMODATING WITH REGARD TO THESE. HOWEVER, OUR "EXCEPTIONS" DRAFT OBVIOUSLY STRUCK A RAW NERVE, AND WE ARE IN FOR TROUBLE.

6. WE COULD NOT MEET AGAIN TODAY, SO WE WILL NOT HAVE A MEETING AGAIN UNTIL AFTER THE FOUR POWER TALKS STARTING TOMORROW. WE WILL DEVOTE THE FOUR POWER SESSION PRIMARILY TO ATTEMPTING TO BRING TOGETHER THE RUSSIAN VERSION AND OUR VERSION ON "EXCEPTIONS," OR TO FINDING ALTERNATIVES ALTHOUGH THE CHANCE OF DOING SO IS PROBABLY REMOTE IN VIEW OF THE HARDNESS OF THE POSITION ON BOTH SIDES. BAHR, FALIN AND I THEREFORE WILL PROBABLY HAVE TO GET TOGETHER IN BONN THIS WEEK AFTER THE BERLIN TALKS AND TRY TO WORK OUT SOMETHING THAT WILL BE ACCEPTABLE TO ALL PARTIES, ONCE THEY RETURN TO A MORE FLEXIBLE POSITION.

7. ALTHOUGH YOU HAVE RECEIVED THROUGH THE CABLES OR IN MY MESSAGES THE RUSSIAN AND THE WESTERN VERSIONS OF THE "EXCEPTIONS", FOR YOUR CONVENIENCE I AM ATTACHING THE TEXT OF BOTH.

8. SINCE THE CABLES WILL KEEP YOU FULLY INFORMED WITH REGARD TO OUR NEXT WEEK'S TALKS, I WILL NOT BE IN TOUCH WITH YOU AGAIN, UNLESS SOMETHING UNUSUAL HAPPENS, UNTIL AFTER THE NEXT MEETING WITH FALIN, WHICH IS NOT AS YET SCHEDULED.

9. THE DEVELOPMENT THAT HAS OCCURRED IS THE SORT OF THING THAT HAPPENS IN COMPLEX NEGOTIATIONS, AND NO ONE IS PARTICULARLY AT FAULT. I FEEL THAT WE ARE FORTUNATE TO HAVE GOTTEN MUCH OF THE AGREEMENT THROUGH BEFORE IT OCCURRED. IT COULD HAVE COME EARLIER WITH MORE SERIOUS DISRUPTION OF OUR PLANNED PROGRESS.

ALL GOOD WISHES.

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ANNEX I

SOVIET VERSION: "SEARCH, INSPECTION AND DETENTION OF PERSONS, LUGGAGE AND SHIPMENTS MAY TAKE PLACE IN CASES OF THE ABUSE OF COMMUNICATION ROUTES, THE VIOLATION OF THE LEGISLATION OF THE GDR, OR NONCOMPLIANCE WITH THE GENERALLY ACCEPTED INTERNATIONAL PRACTICE OF TRANSIT, SUCH AS, FOR INSTANCE, IN THE TRANSPORT OF WEAPONS, MILITARY MATERIALS, NARCOTICS, CONTRABAND, MATERIALS POSING DANGER TO HUMAN OR ANIMAL LIFE AND SAFETY OF TRAFFIC, AS WELL AS IN CASES OF UNREGISTERED PASSENGERS AND PERSONS WHO HAVE COMMITTED CRIMES."

WESTERN VERSION: THE SOLE EXCEPTIONS TO THE PROVISIONS OF SUB/PARAGRAPHS A AND C ABOVE ARE THAT: SEARCH OR INSPECTION OF PERSONS, LUGGAGE, VEHICLES, AND FREIGHT CONVEYANCES MAY TAKE PLACE IN THOSE CASES WHERE THERE IS SUBSTANTIAL EVIDENCE OF THE ILLICIT TRANSPORT OF NON-SPORTING WEAPONS OR MUNITIONS, NARCOTICS, AND SIMILAR ITEMS TO BE SPECIFIED; OR MATERIALS POSING IMMEDIATE DANGER TO LIFE OR TRAFFIC SAFETY; OR OF UNDECLARED PASSENGERS. THROUGH TRAVELERS MAY BE DETAINED ON THE DESIGNATED ROUTES ONLY FOR SERIOUS CRIMES COMMITTED WHILE ACTUALLY ON THOSE ROUTES. UNLESS CIRCUMSTANCES MAKE THIS IMPOSSIBLE, AN OFFICIAL OF THE FRG OR OF THE WESTERN SECTORS WILL BE INVITED TO BE PRESENT ON SUCH OCCASIONS. PERSONS MAY BE EXCLUDED FROM TRAVEL ON THE DESIGNATED ROUTES ONLY IN THE EXCEPTIONAL CASE WHERE A WARRANT OF ARREST HAS BEEN ISSUED AGAINST THEM BY THE AUTHORITIES OF THE PLACE OF THE OFFENSE FOR CRIMES COMMONLY REGARDED AS SERIOUS COMMITTED ON THEIR TERRITORIES.

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