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Authority E.O. 11652 SEC. 5(A) and (D)
By ins, NARS, Date 4-26-76

ACTION PRIORITY BERLIN 1148 CINCUSAREUR INFO DEPT 4212 USCINCEUR MAY 15, 9 PM

CINCEUR AND USAREUR FOR POLAD

SUBJECT: MOVEMENT OF US ARMY M-108 TO BERLIN

EMBTEL 4169.

1. FOLLOWING US REPLY TO THE SOVIET MAY 6 NOTE WAS AGREED IN WORKING LEVEL QUADRIPARTITE SESSION TODAY FOR REFERENCE TO BERLIN AND MILITARY HEADQUARTERS FOR URGENT CONCURRENCE OR COMMENT. WHEN THESE ARE RECEIVED A FINAL TEXT WILL BE AGREED FOR REFERENCE TO GOVERNMENTS:

BEGIN QUOTE

THE EMBASSY OF THE UNITED STATES HAS BEEN AUTHORIZED BY CFN 1148 4212 15 9 M-108 4169 1 6

ITS GOVERNMENT TO STATE THE FOLLOWING WITH REFERENCE TO THE NOTE OF MAY 6, FROM THE MINISTRY OF FOREIGN AFFAIRS:

THE MINISTRY'S NOTE REFERS TO TWO CIRCUMSTANCES WHICH ARE, IN EFFECT, COMPLETELY UNRELATED. ONE IS THE SHIPMENT OF AN AMERICAN TRACKED VEHICLE TO BERLIN. THE OTHER IS A PASSAGE CONTAINED IN INTERNAL REGULATIONS OF THE BUNDESBAHN OF THE FRG.

IN THE CASE OF THE US TRACKED VEHICLE, A ROUTINE REQUEST FOR ADMINISTRATIVE CLEARANCE OF AN OVERSIZE SHIPMENT WAS SUBMITTED THROUGH THE NORMAL TECHNICAL CHANNEL TO THE REICHSBAHN ON FEB 28, 1964. AS A RESULT OF A CLERICAL

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ERROR, THE VEHICLE WAS WRONGLY DESCRIBED IN THIS REQUEST AS BELONGING TO THE DEFENSE FORCES OF THE FEDERAL REPUBLIC OF GERMANY RATHER THAN TO THE UNITED STATES ARMY, AS WAS, IN FACT, THE CASE. THIS ERROR WAS PROMPTLY CORRECTED AT THE TECHNICAL LEVEL. FURTHER REQUESTS FOR ADMINISTRATIVE CLEARANCE OF THIS OVERSIZE SHIPMENT WERE SUBMITTED TO THE REICHSBAHN ADMINISTRATION ON MARCH 4, MARCH 17 AND APRIL 4. SINCE NO RESPONSE WAS RECEIVED, THE US PROVOST MARSHAL OFFICER AT HELMSTEDT ON APRILL 23 TRANSMITTED THE FACTS IN CFN 6 28 1964 4 17 4 23

THE CASE TO THE SOVIET DUTY OFFICER AT MARIENBORN AND REQUESTED THAT THE CAUSE FOR DELAY OF THIS SHIPMENT BE ELIMINATED. ON MAY 2 THIS REQUEST WAS REPEATED. IN THE ABSENCE OF ANY REPLY, THE CHIEF OF STAFF OF THE UNITED STATES ARMY IN EUROPE SENT A LETTER TO THE CHIEF OF STAFF OF THE GROUP OF SOVIET FORCES IN GERMANY ON MAY 7 RECAPITULATING THE SITUATION AND EXPRESSING HIS CONCERN OVER THE FAILURE OF SOVIET AUTHORITIES TO TAKE THE NECESSARY ACTION TO ENSURE ADMINISTRATIVE CLEARANCE FOR THIS SHIPMENT. THE TEXT OF THIS LETTER IS NO DOUBT AVAILABLE TO THE MFA.

THE UNITED STATES FINDS IT SURPRISING THAT THE MFA IN ALLUDING TO THE AMERICAN SHIPMENT IN THE NOTE UNDER REFERENCE, CHOSE TO IGNORE THE DETAILED INFORMATION WHICH AMERICAN OFFICERS PROVIDED SOVIET OFFICERS IN MARIENBORN ON APRIL 23 AND MAY 2. THE FACT IS THAT A ROUTINE SHIPMENT OF THE UNITED STATES ARMY HAS BEEN SUBJECTED TO AN UNWARRANTED DELAY WHICH AMOUNTS TO AN INFRINGEMENT OF UNITED STATES ACCESS RIGHT TO BERLIN. A CONTINUATION OF THIS SITUATION WOULD BE UNACCEPTABLE. UNITED STATES MILITARY AUTHORITIES HAVE NOW RESCHEDULED SHIPMENT OF THE VEHICLE FOR AN EARLY DATE, NOTIFICATION OF WHICH IS BEING CFN 2 7 23 2

PROVIDED TODAY THROUGH THE NORMAL TECHNICAL CHANNEL. THE UNITED STATES GOVERNMENT MUST INSIST THAT THE SOVIET GOVERN-

-2- 4212, May 15, 9 p.m., From: Bonn
MENT, WHICH B
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MENT, WHICH BEARS RESPONSIBILITY FOR ANY INTERFERENCE WITH ALLIED ACCESS TO BERLIN, TAKE ALL NECESSARY ACTION TO INSURE THAT THERE IS NO FURTHER DELAY IN THE SHIPMENT OF THIS UNITED STATES ARMY VEHICLE.

CONCERNING THE OTHER MATTER RAISED IN THE NOTE OF THE MFA. THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY HAS PROVIDED THE UNITED STATES WITH THE FOLLOWING INFORMATION. THE PASSAGE IN QUESTION CONCERNING "SHIPMENTS OF THE BUNDESWEHR TO AND FROM BERLIN (WEST)" APPEARS IN THE SECOND SENTENCE OF PARA 5, SECTION I OF THE PROVISIONAL FORWARDING REGULATIONS FOR MILITARY FREIGHT OF THE GERMAN BUNDESBAHN (VORLAUEFIGE ABFERTIGUNGS VORSCHRIFTEN FUER DEN MILITAERGUETERVERKEHR). THESE REGULATIONS, WHICH ARE OF A PURELY INTERNAL ADMINISTRATIVE NATURE, WERE DRAFTED AND PUBLISHED BY THE BUNDESBAHN WITHOUT REFERENCE TO HIGHER AUTHORITIES. THE FEDERAL GOVERNMENT IMMEDIATELY INVESTIGATED THE MATTER WHEN THE PARTICULAR SENTENCE CAME TO ITS ATTENTION IN FEB 1964, AND HAS NOW ORDERED THE DELETION OF THIS SENTENCE. THIS WILL BE DONE BY MEANS OF A NOTIFICATION IN THE JUNE 1 ISSUE OF THE RAILROAD BULLETIN (EISENBAHN VERKEHRSBLATT) WHICH WILL STATE: "SINCE SHIPMENTS OF THE FEDERAL DEFENSE FORCES DO NOT OCCUR IN TRAFFIC WITH BERLIN, THE SECOND SENTENCE OF PARA 5, SECTION I, OF THE PROVISIONAL FORWARDING REGULATIONS FOR MILITARY FREIGHT IS DELETED." THE UNITED STATES GOVERNMENT, FOR ITS

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PART, CAN STATE CATEGORICALLY THAT US MILITARY TRAINS TO AND FROM BERLIN HAVE NEVER BEEN USED FOR THE TRANSPORT OF GOODS ASSIGNED TO THE FEDERAL DEFENSE FORCES.

IN THE LIGHT OF THE FACTS GIVEN ABOVE, IT IS EVIDENT THAT THE ALLEGATIONS IN THE MFA'S NOTE OF MAY 6 ARE WITHOUT FOUNDATION.

END QUOTE

2. BRITISH AND FRENCH REPLIES WOULD OMIT DETAILS CONCERNING US HOWITZER, COVERING SUBJECT WITH THE FOLLOWING SENTENCES:

"WITH REGARD TO THE UNITED STATES TRACKED VEHICLE, THE BRITISH/FRENCH GOVERNMENT UNDERSTANDS THAT THE USG IS COMMUNICATING IN DETAIL WITH THE MFA ON THIS SUBJECT. THE BRITISH/FRENCH GOVERNMENT WOULD STRESS THAT THE SOVIET GOVERNMENT BEARS RESPONSIBILITY FOR ANY INTERFERENCE WITH ALLIED ACCESS TO BERLIN." THE TEXTS WOULD OTHERWISE BE THE SAME.

3. WITH REFERENCE TO PARA 4 OF USAREUR'S SXAJ-3824, THE FONOFF STATES CATEGORICALLY THAT THE REICHSBAHN HAS NOT BEEN IN TOUCH WITH THE BUNDESBAHN CONCERNING THE APRIL 4 CLEARANCE REQUEST. THE MINISTRY OF TRANSPORT HAS CHECKED MATTER AND FOUND THAT A FALSE REPORT OF A REICHSBAHN REPLY RESULTED FROM A MISUNDERSTANDING IN HANNOVER BETWEEN THE BUNDESBAHN AND LOCALLY STATIONED USAREUR EMPLOYEE. GP-4. MCGHEE
BT
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