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FM AMEMBASSY BONN

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~~CONFIDENTIAL~~ ACTION IMMEDIATE DEPARTMENT 3406 INFO
PRIORITY BERLIN 947 MOSCOW 593 CINCEUR USAFE USAREUR USELMLO, FROM
BONN, MARCH 20, 8 PM.

REF: MOSCOW'S 2927

SUBJ: SOV NOTES OF MAR 19

1. AT QUADRIPARTITE MEETING THIS AFTERNOON IT WAS AGREED THAT
SOV NOTES MARKED BEGINNING OF NEW IF LIMITED OFFENSIVE AGAINST
FULL ALLIED USE OF AIR CORRIDORS. BRITISH, GERMANS, AND WE
TENDED TO LINK NOTES TO GROMYKO'S PARTIAL MEASURE DEMAND ON
AIR CORRIDORS. ALL AGREED THAT THEY WERE DEFINITE SOV EFFORT

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TO LEND SUPPORT TO GDR PRETENSIONS TO SOVEREIGNTY, AND THUS
PART OF BROADER CAMPAIGN TO ENHANCE STATUS OF ZONE.

2. IT IS STILL TOO EARLY TO KNOW PRECISE SOV AIMS IN
EXERCISE, I.E. DO THEY HAVE DEFINITE OBJECTIVE OF STOPPING
FLIGHTS? WE WILL NOT BE ABLE TO JUDGE SERIOUSNESS OF INTENT
UNTIL SOVS EXEMPLIFY IN PRACTICE JUST WHAT THEY MEAN BY WITHHOLDING
AIR SAFETY. IF THIS IS PASSIVE ACT, THEN SITUATION WILL BE
NOTHING MORE THAN REPETITION OF WITHHOLDING OF SAFETY GUARANTEE
IN SOUTH CORRIDOR FROM FEB - OCT 1962. THE ALTERNATIVE WOULD
BE TO THREATEN TO TREAT AIRCRAFT AS AIR-SPACE VIOLATORS
AND THEN FOLLOW-UP WITH SOME HARASSMENTS POTENTIALLY SERIOUS
ENOUGH TO ENDANGER AIRCRAFT.

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

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3. IT IS LIKELY THAT MAXIMUM SOV POLITICAL AIM WOULD BE TO FORCE ALLIES TO DEAL WITH GDR. SINCE NONE OF US FELT THAT SOVS REGARDED THIS AS REALISTIC, QUADRIPARTITE VIEW WAS TO LOOK FOR MINOR AND MORE LIMITED OBJECTIVES. TWO SUCH OBJECTIVES COULD BE: A) TO SATISFY INSISTENT GDR DEMANDS FOR A SHARE OF AIR SPACE RESPONSIBILITY BY FORMALLY ENDORSING GDR POSITION WITH SPECIFIC SOV BASIC INSTRUCTIONS, WHICH HOWEVER, CAN BE INTERPRETED IN SO SLACK A MANNER AS TO AVOID PRECIPITATING

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SERIOUS SHOWDOWN; AND B) TO PUBLICIZE ENTIRE MATTER IN SUCH WAS AS TO FRIGHTEN FLYING PUBLIC FROM USING THESE FLIGHTS.

4. US REP POINTED OUT THAT SOV NOTES CHOSE LANGUAGE WHICH WAS MUCH MORE RESTRAINED THAN GDR AUSSENPOLITISCHE KORRESPONDENZ COMMENT OF FEB 21, DIRECTED TO PROSPECTIVE PANAM NEW YORK - BERLIN SERVICES. GDR COMMENT WENT SO FAR AS TO CLAIM THAT ARRANGEMENTS FOR AIR CORRIDORS HAS LAPSED. SOV NOTES STOPPED FOR SHORT OF IMPLYING THIS.

5. FRENCH POINTED OUT DISTINCTIONS IN NOTE AND BASIC STATEMENT, IN THAT BOTH FOCUSED ATTENTION ON INTERNATIONAL FLIGHTS FROM FROM BERLIN TO EUROPEAN CITIES NOT SITUATED IN FRANCE OR UK. ALTHOUGH REFERENCE TO FLIGHTS TO "AMERICA" COULD INDIRECTLY REFER TO PANAM'S NEW YORK - BERLIN PLAN, SPECIFIC EMPHASIS WAS ON FLIGHTS TO COUNTRIES OTHER THAN THOSE OF BERLIN PROTECTING POWERS.

6. BRITISH AND FRENCH CONSIDERED THAT SOV RESPONSE TO 1945 CONTROL COUNCIL DISCUSSIONS DID NOT SUPPORT THEIR CASE IN NOTE.

7. ACTION RECOMMENDATIONS OF MEETING WERE REPORTED SEPARATELY.

EMBASSY COMMENT:

IT IS HARD TO SAY EXACTLY WHAT LEGAL IMPLICATIONS SOVS INTEND

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TO ATTACH TO ADMONITION AGAINST INTERNATIONAL FLIGHTS. NOTE SEEMS TO INDICATE THAT USSR WOULD CONTINUE TO HANDLE SUCH FLIGHTS

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IN BASC, PROVIDED THEY WERE REGULARIZED BY GDR CONCURRENCE. IT IS FAIRLY OBVIOUS HOWEVER, THAT ANY ATTEMPTS TO GAIN SUCH CONCURRENCE WOULD PROBABLY BE BROUGHT UNDER PURVIEW OF GDR AIR DECREE OF AUG 1, 1963. PROVISIONS OF THEIR DECREE IN ESSENCE PROVIDE FOR FULL SCALE GDR AIR TRAFFIC CONTROL(ATC), E.G. ALL COMMERCIAL FLIGHTS ARE REQUIRED TO MAINTAIN RADIO CONTACT WITH ZONAL ATC, AND MUST HAVE PRIOR ATC APPROVAL(BERLIN'S TEL 239, AUG 26, 1963). AIRCRAFT WHICH DO NOT COMPLY CAN BE FORCED TO LAND BY GDR AIRCRAFT.

EMB CONSIDERS THAT THERE IS FAIR CHANCE THAT SOVS WILL PUSH ACTION ON NOTE IN LOW KEY AND NON-DANGEROUS MANNER. NOTE IS HOWEVER, MORE SHARPLY DEFINED LEGAL STATEMENT OF POSITION THAN WERE SOV DEMANDS OF FEB 1962. LATTER WERE LARGELY PROCEDURAL, AND CONVEYED ORALLY AT BASC LEVEL. THEY THUS DID NOT FORMALLY ENGAGE SOV PRESTIGE. ALTHOUGH LEVEL OF INTERFERENCE, AND SCOPE OF DEMANDS IN 1962, WERE SUCH AS TO CONSTITUTE MAJOR CHALLENGE TO OUR ENTIRE AIR ACCESS, THEY CONSTITUTED POSITION FROM WHICH

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IT WAS EASIER TO BACK DOWN AND CLOSE OUT EXERCISE. IN CONTRAST THIS NOTE STATES DEMANDS FORMALLY AND UPON BASIS OF LEGAL PREMISES, WHICH SOVS CANNOT REALLY AFFORD OPENLY TO ABANDON.

SINCE NOTE WILL BE ALMOST IMPOSSIBLE TO REMOVE FROM RECORD, IT SEEMS THAT ONLY FREEDOM OF MANEUVER SOVS HAVE LEFT THEMSELVES IS IN WAY THEY REGISTER DISAPPROVAL OF OUR FLIGHTS.

GP-4. HILLENBRAND

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