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EATAWHUMMEL, JR. LIGHALDRICH

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Nonis TOSEC 467

E.O. 116521 008 TAGS: PFOR, CH. US SURJECT: CLAIMS/ASSETS REF: SECTO 170

FOR HABIB FROM ALDRICH AND HUMME!

WE HAVE MET AGAIN WITH TREASURY REPRESENTATIVE SOMMERFIELD AND REVIEWED THE ENTIRE ISSUE OF ADEQUATELY DEFINING "NATIONALS OF THE PRC" OUR RELUCTANT CONCLUSION IS THAT TO RELY SOLELY ON THE LAST SENTENCE OF PARAGRAPH 4 WOULD UNACCEPTABLY INCREASE BOTH THE AMOUNT OF LITIGATION AND THE LIKELIHOOD THAT THE USG WOULD LOSE IN COURT CASES INVOLVING AS MUCH AS DOLS 12 MILLION, WHICH IS AT LEAST ONE EIGHTH OF TOTAL PROZEN ASSETS. PFFECT OF THIS WOULD BE TO REDUCE AMOUNT AVAILABLE TO REIMBURSE U.S. CLAIMANTS TO A LEVEL WHICH WE BELIEVE WOULD NOT REPEAT NOT BE ACCEPTABLE TO THE CLAIMANTS OR TO CONGRESS (WHICH WILL HAVE TO PASS NECESSARY AUTIORIZING LEGISLATION TO IMPLEMENT ANY AGREE. MENT REACHED WITH THE PROJ.

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2. LANGUAGE IN THE LAST SENTENCE OF PARA 4 IS NOT REPEAT NOT ACCEPTABLE ALONE BECAUSE IT DEFINES THE ASSETS REPEAT ASSETS OF "NATIONALS OF THE PRC" WHICH ARE BLOCKED, WITHOUT DEFINING WHAT CONSTITUTES A "NATIONAL." IN ORDER FOR IT TO BE VALID IN U.S. COURTS, THE DEFINITION WHICH WE ARE

SEEKING MUST CONTAIN SOME SPECIFIC REFFRENCE (WHICH THE PRO EXPLICITLY ACCEPTS) TO THE BROAD DEFINITION OF THE TERM CONTAINED IN FOREIGN ASSET CONTROL REGULATIONS, RATHER THAN THE ORDINARY DEFINITION WHICH WOULD OTHERWISE PREVAIL.

ACCORDINGLY, WHETHER WE USE THE PRESENT ADDITIONAL LANGUAGE, SIDE LETTERS OR SOME OTHER DEVICE, HE MUST HAVE AN EXPLICIT LINK BETWEEN TERM "NATIONALS OF THE PRC" USED IN THE AGREEMENT AND THE RELEVANT U.S. LAW AND REGULA-CASE OF SIN HUA TRUST ILLUSTRATES THE DIFFICULTIES WHICH WOULD ARISE IF THE TERM WERE NOT SO DEFINED. IS COMMERCIAL AND SAVINGS BANK INCORPORATED AS LIMITED COMPANY IN HONG KONG. BY VIRTUE OF INCORPORATION IN HONG KONG. BANK WOULD BE CONSIDERED A "BRITISH NATIONALA" NOT A "PRC NATIONAL" AS THAT TERM IS USED IN ORDINARY LAW. THIS IS TRUE EVEN THOUGH SIN HUA IS IN FACT WELL-KNOWN AS ONE OF NINE LEADING PRC BANKS IN HONG KONG. UNLESS WE SOMEHOW INVOKE THE BROAD DEFINITION OF "NATIONAL" CONTAINED IN TREASURY REGULATIONS, U.S. COURTS COULD WELL HOLD THAT ASSIGNMENT DOES NOT COVER ASSETS IN NAMES OF THIRD COUNTRY NATIONALS SUCH AS THIS ONE.

4. ANOTHER CASE IN POINT IS A SWISS FIRM, WHICH IS OWNED BY AN AUSTRIAN CITIZEN. DURING THE FIFTIES, THIS FIRM'S SOLE FUNCTION WAS TO ACT AS A PROCUREMENT AGENT FOR THE PRC, AND IT RECEIVED SUBSTANTIAL DOLLAR TRANSFERS FROM THE PRC. SOME OF WHICH WERE BLOCKED. NEVERTHELESS, IT IS NOT A PRC "NATIONAL" UNDER ORDINARY LAW AND WE SUBSTANTIALLY ENDANGER OUR ABILITY TO COLLECT SUCH OLOCKED ASSETS UNLESS IT IS CLEAR THAT THE AGREEMENT COVERS THIS TYPE OF "PRC NATIONAL"

S. WHILE IT IS NOT CLEAR WE WILL BE SUCCESSFUL IN DEFENDING OUR EFFORTS TO COLLECT FOR U.S. CLAIMANTS, EVEN

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WITH SATISFACTORY WORDING IN THE ASSIGNMENT, AT LEAST SUCH WORDING WOULD MEASUPABLY IMPROVE OUR LITIGATIVE POSTURE TO THE POINT WHERE THE ODDS ARE IN OUR FAVOR, AND THIS IS ABOUT THE BEST WE CAN HOPE FOR. ON THE OTHER HAND, THE ABBENCE OF SATISFACTORY WOPDING MAY JEOPARDIZE OUR PROSPECTS IN U.S. COURTS SO SEVERELY THAT THE MERITS OF THE SETTLEMENT ITSELF ARE QUESTIONABLE.

6. WE NOTE THAT THE PRC HAS NOT REPEAT NOT INDICATED PRECISELY WHY IT HAS FOUND VARIOUS U.S. FORMULATIONS OF THIS DEFINITION UNACCEPTABLE. THE CHINESE MAY FIND IT UNPALATABLE AS A MATTER OF PRINCIPLE TO ASSIGN TO THE USG ASSETS WHICH ARE IN THE NAMES OF THIRD COUNTRY NATIONALS.

WHO MAY NOW HAVE LITTLE OR NO CONNECTION WITH THE PROIF IT BECOMES EVIDENT FROM YOUR DISCUSSIONS THAT THIS IS
IN FACT THE CASE, YOU COULD PROPOSE THAT THE PROCEDIOR
A LUMP-SUM PAYMENT (SIMILAR TO CHOU EN-LAI'S OFFER ON THE
THIRD-COUNTRY BANK ISSUE) TO REIMBURSE THE U.S. FOR
EXCLUDING THIS CATEGORY OF ASSET FROM THE SETTLEMENT,
SUCH A LUMP-SUM PAYMENT SHOULD AMOUNT TO APPROXIMATELY
THE TOTAL OF ASSETS IN THESE QUESTIONABLE CATEGORIES, OR
DOLS 12-15 MILLION, YOU COULD POINT OUT THAT THIS FORM
OF SETTLEMENT WOULD ACTUALLY INVOLVE A U.S. CONCESSION,
IN THAT WE WOULD BE FOREGOING POTENTIAL CLAIM TO MANY
YEARS! INTEREST ON THESE BLOCKED ACCOUNTS. YOU COULD SEEK
AGREEMENT IN PRINCIPLE TO THIS APPROACH WITH DETAILS TO BE
WORKED OUT LATER. INGERSOLL

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TO USLO PEKING IMMEDIATE

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NODIS TOSEC 464

E'.O'. 116521 GDS

TAGS! PFOR, PORG, UN, CB, US, CH

SUBJECT: KHMER IN 20TH UNGA: A POSSIBLE COMPROMISE TO ASSIST IN LAUNCHING NEGOTIATIONS REF: PHNOM PENH 15663

FOR SECRETARY FROM SISCO

I. WE DO NOT RPT NOT THINK SITUATION DESCRIBED PARA I REFTEL IS LIKELY TO ARISE AS WE DOUBT THAT GRUNK SUPPORTERS WOULD ASSOCIATE THEMSELVES WITH EVEN AN AMENDED ASEAN RESOLUTION. IN ANY EVENT, WE DO NOT THINK PROPOSAL REFTEL SHOULD BE PURSUED FOR SEVERAL REASONS!

A. CHINESE TOLD US CATEGORICALLY IN RESPONSE TO OUR PROBE AS TO WHETHER VOTE ON KHMER RESOLUTION MIGHT BE POSTPONED WHILE YOU WERE IN PEKING THAT YOUR TRIP HAD NOTHING TO DO WITH THIS DEBATE AND THEY WOULD NOT AGREE TO SUCH PROPOSAL. THEY ARE MOST UNLIKELY TO WISH UNDERTAKE NEGOTIATION OF THIS KIND.

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B. PROPOSING DEAL OF KIND DUTLINED REFTEL COULD ONLY BE CONSTRUED BY CHINESE AS MEANING WE ARE LEADING FROM WEAKNESS AND EXPECTING A DEPEAT ON OUR RESOLUTION. THIS WOULD CERTAINLY NOT INDUCE THEM TO CONCILIATORY ATTITUDE.

C. PRESENT PRIENDLY TEXT HAS EMFRGED FROM MONTHLONG SERIES OF MOST INTENSIVE NEGOTIATIONS WITH OUR KEY
ASIAN ALLIES, FOR US SUDDENLY TO STRIKE A DEAL CHANGING
THE RESOLUTION (EVEN IF THIS WERF POSSIBLE) WITHOUT
INFORMING OR CONSULTING THEM HOULD BE TAKEN VERY MUCH
AMISS. THIS IS PARTICULARLY TRUP OF JAPANESE, WHO WOULD
BE SENSITIVE ABOUT FAILURE TO DISCUSS DURING VISIT OF
PRESIDENT FORD.

D. VOTE ON KHMER ITEM MAY COME AS EARLY AS MEDNESDAY. KIND OF COMPLICATED TRADE-OFF ENVISAGED REFTEL WITH ALL THE CONSULTATIONS THIS SHOULD INVOLVE COULD UNDER REST OF CIRCUMSTANCES HARDLY BE CONSUMNATED IN THIS TIME!

E. FOREGOING WRITTEN IN FULL AWARENESS THAT IN FACT
OUR VOTING POSITION IN NEW YORK IS GUITE SHAKY. WHILE
WE MAY HAVE MARGIN OF ONE OR TWO VOTES, THIS IS OBVIOUSLY
TOO CLOSE TO COUNT ON. BOUTEFLIKA CLEARLY INTENT ON
PRESSING PROCEDURAL ADVANTAGES HE HAS FROM PRESIDING OVER
GA CONSIDERATION OF THIS ITEM AND RIDING ON CREST OF
SERIES OF ALGERIAN VICTORIES TO DATE, E.G., SUSPENSION OF
SOUTH AFRICA, INVITATION OF ARAFAT, ADOPTION OF PALESTINE
RESOLUTION. WHILE PRO-STHANOUK FORCES CANNOT BE ANY MORE
CERTAIN OF VICTORY THAN WE ARE, WE SEE NO SIGN THEY ARE
SO LACKING IN CONFIDENCE THAT THEY WOULD BE INTERESTED IN
THE KIND OF COMPROMISE INVOLVED IN DEAN'S PROPOSAL. INGERSOLL

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DRAFTED BY ERIJLKATZIJO
APPROVED BY ERIJLKATZ
EUR - MR. HARTMAN (DRAFT)
S/8 - DIPK JOHNSON

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TO USLO PEKING IMMEDIATE

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NODIS TOSEC 466

E.O. 11652: GDS TAGS: EGEN, OTRA SUBJECT: VISIT OF CHANCELLOR SCHNIDT

FOR THE SECRETARY FROM HARTMAN AND KATZ

IN MEETING WITH ENDERS AND BENNETT LAST WEEK, SCHMIDT PROPOSED THAT AFTERNOON BE SET ASIDE DURING HIS VISIT FOR ECONOMIC POLICY DISCUSSIONS. HE SAID THAT PRESIDENT AND HE NEED NOT BE PRESENT, ALTHOUGH THEY MIGHT WISH TO ATTEND. HE PROPOSED THAT GERMAN SIDE BE REPRESENTED BY HISS (FROM CHANCELLOR'S OFFICE) AND INDUSTRIALIST (PROBABLY DR. HERKLE OF BOSCH), A TRADE UNIONIST, AND STATE SECRETARIES FROM MINISTRIES FINANCE AND ECONOMIC. ON OUR SIDE, HE THOUGHT WE WOULD WISH TO HAVE BURNS. SIMON AND GREENSPAN, AMONG OTHERS. WE PROPOSE TO MAKE PROVISION FOR SUCH A MEETING AND PLAN SET ASIDE 4 P.H. TO 7 P.M., DEC. 5.

2. SCHMIDT MENTIONED ALSO INCLUDING AS PARTICIPANT GEORGE SCHULZ, WHO HE GREATLY RESPECTS (HE PLANS TO PRESENT FRO DECLARATION TO SCHULZ DURING HIS VISIT HERE). SINCE SCHULZ MAY BE PERSUASIVE WITH SCHMIDT, BELIEVE SCHULZ

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SHOULD BE BRIEFED FULLY ON OUR ENERGY AND RELATED FINANCIAL STRATEGY. REQUEST YOUR APPROVAL INCLUSION SCHMIDT IN ECONOMIC POLICY DISCUSSIONS AND HIS BRIEFING BY ENDERS. INGERSOL

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TAGS: FR. UK. GE BUBJECT: MESSAGES ON SALT FOR CALLAGHAN, GENSCHER AND SAUVAGNARGUES

FOR THE SECRETARY FROM SONNENFELDT

I BELIEVE IT WOULD BE USEFUL FOR YOU TO SEND PERSONAL MESSAGES TO CALLAGHAN, GENSCHER AND SAUVAGNARGUES ANALOGOUS TO THE ONE YOU SENT THE SHAH GIVING A GENERAL RUNDOWN ON SALT DISCUSSIONS IN VIADIVOSTOK. I CAN DRAFT HERE USING MESSAGE TO SHAH AS MODEL OR YOU MAY WISH TO SEND THEM DIRECTLY FROM PEKING. INGERSOLL

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NODIS TOSEC 490

E.O. 11652: GD8

TAGS! EGEN. DTRA

SUBJECT: VISIT OF CHANCELLOR SCHMIDT

REF: STATE 260368 (TOSEC 466)

NAME IN FINAL SENTENCE PARA 2 REFTEL SHOULD OF COURSE BE

BERALD BE



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NODIS TOSEC 503

E.O. 116521 GDS

TAGS: DVIP (KISSINGER, HENRY A.)

SUBJECT: SECURITY COUNCIL RESOLUTION

REFE PEKING 2096

FOR SECRETARY FROM SISCO

- I. CONVEYED YOUR INSTRUCTIONS TO SCALIFEARLY NOV. 26.
- 2. SCALT FIRST SET UP MEETING WITH SYRIAN AMBASSADOR KELANI TO BE SURE HE WAS FULLY ON BOARD AND WOULD CONFIRM, WHEN ASKED. THAT SYRIA ACCEPTED TEXT OF RESOLUTION ON UNDOF EXTENSION WHICH WAS BEING PROPOSED.
- 3. KELANI WAS MOST COOPERATIVE AND FRIENDLY, CONFIRMING HE HAD RECRIVED INSTRUCTIONS FROM DAMASCUS. HE INDICATED HIS INTERPRETATION OF HIS INSTRUCTIONS WAS TO SEEK GENERAL NON-ALIGNED CO-SPONSORSHIP, AND HE PROPOSED TO PUT TEXT IN

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HANDS OF PERUVIAN AMBASSADOR, WHO IS WIDELY RESPECTED, TO SEEK ADDITIONAL NON-ALIGNED CO-SPONSORS. SCALI CONCURRED.

4. IN CONVERSATION, SCALI MENTIONED THAT STYLISTICALLY CURRENT TEXT EXTENDING PERIOD OF UNDOF FOR ADDITIONAL

PERIOD DID NOT READ WELL AND HE WONDERED IF SYRIANS DID NOT MEAN EXTENDING , MANDATE" OF UNDOF, AS HAD JUST BEEN DONE WITH UNEF. KELANI READILY AGREED AND UNDERTOOK TO PASS TEXT TO PERUVIANS USING WORD "MANDATE" INSTEAD OF "PERTOO". KELANI ALSO UNDERTOOK TO SHOW TEXT TO SOVIET AMBASSADOR MALIK.

5. TEXT WILL START GETTING PASSED AROUND BY PERUVIANS LATER TODAY, AND SC WILL MEET FRIDAY TO VOTE ON IT.

G. I HAVE REPEATED THIS CABLE FOR THE INFORMATION OF DAMASCUS. SECRETARY MAY WISH TO INSTRUCT MURPHY TO GIVE THE ESSENCE OF THE ABOVE TO THE SYRIAN GOVERNMENT AS A REPORT OF DUR EFFORTS THUS FAR. MURPHY SHOULD TAKE NO ACTION UNTIL HE HEARS FROM THE SECRETARY. INGERSOLL

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APPROVED BY S - MR. EAGLEBURGER
S/S - MR. MOFFAT
C - MR. SUNNENFELDT

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NUMIS CHEROKEE TOSEC 499

E.O. 116521 GDS

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TAGS: OVIP (KISSINGER, HENRY A.)

SUBJECT: LETTERS TO LATIN AMERICAN FOREIGN MINISTERS

FOR THE SECRETARY PROM EAGLEBURGER

i. SONNENFELOT HAS TOLD ME OF YOUR DESIRE TO BRIEF SOME LATIN AMERICAN FOREIGN MINISTERS ON THE SUMMIT. I HAVE CHECKED WITH ROGERS WHO SUGGESTS PERSONAL MESSAGES FROM YOU TO THE FOLLOWING FOREIGN MINISTERS: (A) RABASA (MEXICO); (B) SILVEIRA (BRAZIL); (C) VIGNER (ARGENTINA); (D) LIEVANO (COLOMBIA); (E) CARVAJAL (CHILE).

2. THE FOLLOWING IS THE TEXT OF A LETTER I HAVE DRAFTED BASED ON YOUR MESSAGE TO THE SHAH, ALTHOUGH IT IS SUB-STANTIALLY REDUCED IN CONTENT. IN ADDITION, I HAVE SUGGESTED SEVERAL RENTENCES ON THE JAPAN AND KOREA VISITS IN ORDER TO MAKE IT A GENERAL REPORT ON YOUR TRIP RATHER THAN SIMPLY A REPORT ON THE SUMMIT MEPTING ITSELF. IF YOU APPROVE THE TEXT, WE WILL SEND IT OUT PROM HERE FOR DELIVERY

NOT TO BE REPRODUCED WITH SUFFIE AUTHORIZATION OF THE EXECUTIVE SECRETARY

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BY OUR AMBASSADORS. IN SPECIFIC CASES (1.2., RABASA) OF A CLOSE PERSONAL RELATIONSHIP, WE WILL OF COURSE USE FIRST NAMES AND TRY TO ADD A PERSONAL TOUCH.

3. TEXT OF MESSAGE FOLLOWS:

DEAR MR. MINISTER!

3

IN KEEPING WITH MY GENERAL DESIRE OF MAINTAINING CONTACT WITH OUR LATIN AMERICAN PRIENDS ON A RANGE OF SUBJECTS OF INTERNATIONAL CONCERN, I WANTED YOU TO HAVE A PERSONAL REPORT FROM ME ON THE PRESIDENT'S TRIP TO JAPAN, KORFA AND THE SOVIET UNION.

THE VISIT TO JAPAN, THE FIRST BY A PRESIDENT OF THE UNITED STATES, MUST I THINK BE VIEWED AS A MAJOR SUCCESS DESPITE PRIME MINISTER TANAKA'S SUBSEQUENT RESIGNATION. WE HAD FRANK AND FRIENDLY DISCUSSIONS WITH A LARGE NUMBER OF JAPANESE OFFICIALS, INCLUDING MOST OF THE POSSIBLE CANDIDATES TO SUCCEED TANAKA. AS A RESULT IT IS MY BELIEF THAT SENIOR U.S. AND JAPANESE OFFICIALS NOW HAVE A FAR BETTER UNDERSTANDING OF EACH OTHER'S CONCERNS AND AN EVEN FIRMER BELIEF IN THE IMPURTANCE OF THE CONTINUATION OF A CLOSE ALLIANCE BETWEEN THE UNITED STATES AND JAPAN. WE WERE PARTICULARLY PLEASED BY JAPAN'S APPARENT WILLINGNESS TO WORK CLOSELY WITH US ON FOOD AND ENERGY PROBLEMS, THEREBY EXPANDING OUR COOPERATIVE RELATIONSHIP BEYOND SIMPLE SECURITY CONCERNS TO A BROADER RANGE OF ISSUES.

IN KOREA THE PRESIDENT WAS WARMLY RECEIVED BY THE KOREAN POPULACE AND SPENT SEVERAL HOURS IN DETAILED DISCUSSIONS WIT PRESIDENT PARK. ONCE AGAIN IT IS MY CONVICTION THAT THE VISIT SERVED TO STRENGTHEN THE TIES BETWEEN THE TWO COUNTRIES. IN ADDITION IT PROVIDED THE PRESIDENT WITH A CHANCE TO MEET WITH SOME OF THE SOLDIERS WE HAVE STATIONED IN SOUTH KOREA.

THE HIGHLIGHT OF THE TRIP, OF COURSE, WAS THE SUMMIT MEETING AT VIADIVOSTOK AND THE AGREEMENT ON STRATEGIC ARMS THAT CAME FROM THOSE MEETINGS.

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WE HAVE LONG WISHED TO REACH AN AGREFMENT WITH THE SOVIET UNION THAT WOULD FURTHER CURB THE STRATEGIC ARMS RACE, BUT WE HAVE ALWAYS BEEN OPPOSED TO TAKING ANY STEPS THAT WOULD WEAKEN WESTERN DEFENSES OR HINDER OUR OVER-ALL INTERNATIONAL STRATEGY. I AM PLEASED TO REPORT THAT IN THE TALKS BETWEEN PRESIDENT FORD AND GENERAL SECRETARY BREZHNEV WE WERE ABLE TO MAKE SUBSTANTIAL PROGRESS TOWARD A TEN-YEAR FOLLOW-ON AGREEMENT TO THE FIRST SALT AGREEMENT THAT SHOULD BOTH ENHANCE GLOBAL STABILITY AND ASSURE

CONTINUED STRONG WESTERN DEFENSES.

CONCLUSION OF THIS AGREEMENT WAS NOT EASY. THE SOVIET SIDE MADE SEVERAL ATTEMPTS TO GET US TO AGREE TO A FORMULA WHICH WOULD HAVE PERMITTED THEM A MODERATE EDGE IN NUMBERS OF MISSILES BUT THE PRESIDENT HELD FIRM. AS A RESULT THE SOVIET SIDE CHANGED ITS POSITION AND AGREED TO A FORMULA WHICH IN EFFECT MEANS AN EQUAL NUMBER OF MISSILES ON BOTH SIDES. IN SHORT I THINK WE HAVE OVER-COME THE MAJOR POLITICAL AND CONCEPTUAL PROBLEMS INVOLVED IN A NEW SALT AGREEMENT AND THAT THERE IS A GOOD CHANCE THAT WE WILL BE ABLE TO SIGN AN AGREEMENT NEXT SUMMER WHEN GENERAL SECRETARY BREZHNEY VISITS THE UNITED STATES.

WITH WARM REGARDS, SINCERELY, HENRY A. KISSINGER INGERSOLL



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NODIS TOSEC 493

E.O. 11652: GDS TAGS: OVIP (KISSINGER, HENRY A.) SUBJECT: PESENTI DINNER

FOR BREMER FROM GOMPERT

1. JOSEPH REED FROM DAVID ROCKEFELLER'S OFFICE CALLED TO SAY HE HAD JUST RECEIVED WORD THAT THE SECRETARY WOULD PROBABLY NOT ATTEND THE DINNER BUT INSTEAD DROP BY AFTER THE DINNER ON THE NINTH. ROCKEFELLER UNDERSTANDS COMPLETELY WHY THE SECRETARY PROBABLY CANNOT MAKE DINNER. HE WOULD, HOWEVER, APPRECIATE IT IF THE SECRETARY HOULD SEND A REPRESENTATIVE. REED AND I AGREED ON THE FOLLOWING POSSIBILITIES: INGERSOLL, SISCO. SONNENFELDT, BUNKER AND LORD. SINCE MAIN LINE OF CONVERSATION WILL BE EAST-WEST RELATIONS, REED THOUGHT THAT SONNENFELDT WOULD BE BEST CANDIDATE. THEY WOULD, OF COURSE, BE DELIGHTED TO HAVE THE DEPUTY SECRETARY, OR FOR THAT MATTER, ANY OF THE OTHER POSSIBILITIES.

2. IF THE SECRETARY'S ATTENDANCE AT THE DINNER REMAINS DOUBTFUL, WHOM WOULD HE LIKE TO REPRESENT HIM? INGERSOLL

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TO USLO PEKING IMMEDIATE

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NODIS TOSEC 501

E.O. 11652: GDS
TAGS: OGEN
SUBJECT: YOUR PROPOSED TESTIMONY TO THE SENATE
FINANCE COMMITTEE #
TO THE SECRETARY FROM SONNENFELDT

I. FOLLOWING IS A DRAFT TEXT OF YOUR PROPOSED TESTIMONY.
TO THE SENATE FINANCE COMMITTEE ON DECEMBER 3. THIS TEXT
WAS DEVELOPED BY EB. EUR AND STR DURING MY ABSENCE AND MAY
ALREADY BE AVAILABLE TO YOU. BUT I REPEAT IT TO BE SURE.
YOU WILL NOTE THAT ONLY SECTION II DEALS WITH JACKSONVANIK. I MYSELF QUESTION THE DESIRABILITY OF YOUR GOINS
INTO THE OTHER MATTERS IN THE DRAFT, BUT SINCE OTHERS
FEEL STRONGLY THAT YOU DO SO I TRANSMIT IT ANYWAY SO YOU
CAN DETERMINE WHAT COURSE TO TAKE. FOLLOWING THE
BUREAUCRACY'S TEXT, I TRANSMIT HY DWN DRAFT OF WHAT WOULD
EITHER BE SECTION II OR WOULD STAND ALONE SHOULD YOU DECIDE
TO SKIP THE OTHER MATTERS. MY TEXT HAS NOT REPEAT NOT BEEN
SEEN BY L. ONCE A DRAFT WITH WHICH YOU ARE SATISFIED HAS
BEEN DEVELOPED I BELIEVE ALDRICH SHOULD REVIEW IT. WOULD



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APPRECIATE YOUR FURTHER GUIDANCE!

BEGIN AGENCY DRAFT SECTION I. 2. THANK YOU, MR. CHAIRMAN, FOR THIS OPPORTUNITY TO APPEAR BEFORE YOUR COMMITTEE AND PARTICULARLY FOR YOUR CONSIDERATION WHILE OUR SCHEDULING DIFFICULTIES WERE BEING WORKED OUT.

AT THE OUTSET LET ME ADDRESS THE QUESTION OF WHY THE ADMINISTRATION PLACES SUCH HIGH IMPORTANCE ON PASSAGE OF THE TRADE REFORM ACT -- AN IMPORTANCE WHICH HAS INCREASED SINCE THE BILL WAS FIRST INTRODUCED. AT THIS TIME WHEN THE ECONOMIC STABILITY OF THE WORLD HAS BEEN SEVERELY SHAKEN, IT IS OF CRITICAL IMPORTANCE TO DEMONSTRATE THE ABILITY OF COUNTRIES TO SOLVE CRITICAL ECONOMIC PROBLEMS BY WORKING TOGETHER COOPERATIVELY.

4. I MAKE NO PRETENCE THAT THE MULTILATERAL TRADE NEGOTIATIONS -- WHICH CAN GO AHEAD ONLY IF THIS BILL IS ENACTED -- WILL SOLVE THE ENERGY CRISIS, THE RECYCLING OF PETRO-DOLLARS, OR WORLDWIDE INFLATION. THESE ARE PROBLEMS WHICH ARE BEING DEALT WITH IN OTHER FORA AND IN OTHER WAYS. BUT THE TRADE NEGOTIATIONS ARE AN ESSENTIAL PIECE OF THE LARGER PICTURE. IF MAJOR TRADING NATIONS ARE NOT ENGAGED IN THE PROCESS OF TRADE NEGOTIATIONS. THE RISK OF THEIR RESORTING TO UNILATERAL RESTRICTIVE ACTIONS IS GREATLY ENHANCED. THIS CAN ONLY AGGRAVATE SERIOUSLY OUR CURRENT ECONOMIC DIFFICULTIES, INCREASE UNCERTAINTIES, AND MAKE OTHER PROBLEMS MORE DIFFICULT TO SOLVE. FOR THIS TO OCCUR AS A RESULT OF FAILURE TO ACT. ON OUR PART WHEN OTHERS ARE ANXIOUS TO GO AHEAD WOULD BE A BLOW TO U.S. LEADERSHIP OF POTENTIALLY HISTORIC PROPORTIONS.

MR. CHAIRMAN, I AM NOT A DOOMSAYER. INDEED, I AM CONFIDENT THAT OUR ECONOMIC PROBLEMS CAN BE SOLVED. BUT AS WE PROCEED HERE TODAY WE SHOULD BEAR IN MIND THAT THE FOREIGN POLICY IMPLICATIONS OF THE TRADE REFORM ACT ARE NOT LIMITED TO THOSE PROVISIONS ON WHICH I WISH TO DIRECT



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MY MAIN COMMENTS -- OUR TRADE RELATIONS WITH COMMUNIST COUNTRIES AND ALSO GENERALIZED PREFERENCES FOR DEVELOPING COUNTRIES. IN ITS ENTIRETY THE BILL IS AN ABSOLUTELY ESSENTIAL TOOL IF THE UNITED STATES IS TO BE IN A POSITION TO MANAGE EFFECTIVELY ITS OVERALL RELATIONS -- POLITICAL AND ECONOMIC -- AT A TIME WHEN THE WORLD ECONOMY IS AT A CRITICAL POINT. SECTION II'

6. MR. CHAIRMAN, I AM SURE THAT YOU AND THE COMMITTEE MEMBERS WILL HAVE A NUMBER OF QUESTIONS ABOUT TITLE IV AND IN PARTICULAR ABOUT THE STATUS OF THE JACKSON-VANIK RATHER THAN TRYING TO ANTICIPATE YOUR AMENDMENT. QUESTIONS, I WOULD LIKE IN THIS PORTION OF MY TESTIMONY BRIEFLY TO REVIEW THE MAJOR EVENTS CONNECTED WITH THE PROBLEM OF OUR GRANTING MFN STATUS AND MAKING GOVERNMENT CREDITS AVAILABLE TO THE SOVIET UNION,

- 7. FOLLOWING THE MOSCOW SUMMIT OF 1972 WE FELT THAT PROGRESS IN OUR POLITICAL RELATIONS WITH THE SOVIET UNION -- PROGRESS WHICH WAS MANIFEST IN THE GUADRIPARTITE AGREEMENT ON BERLIN, IN ENDING OUR MILITARY INVOLVEMENT IN VIETNAM, IN THE TALKS ON STRATEGIC ARMS LIMITATIONS, AND IN THE STATEMENT OF PRINCIPLES OF US-SOVIET RELATIONS SIGNED AT THE 1972 SUMMIT -- WARRANTED NORMALIZATION OF OUR ECONOMIC RELATIONS WITH THE SOVIET UNION.
- A SERIES OF INTERLOCKING ECONOMIC AGREEMENTS WITH THE USSR WAS CONCLUDED IN OCTOBER 1972. THESE INCLUDED A LEND LEASE AGREEMENT, A TRADE AGREEMENT PROVISION FOR RECIPROCAL NON-DISCRIMINATORY TRADE STATUS, AND A PRESIDENTIAL DETERMINATION MAKING THE SOVIET UNION ELIGIBLE FOR CREDITS FROM THE US EXPORT-IMPORT BANK.
- IN THE SUMMER OF 1972 THE SOVIET UNION ESTABLISHED THE SO-CALLED EDUCATION TAX, UNDER WHICH EACH POTENTIAL SOVIET EMIGRANT WAS REQUIRED TO REIMBURSE THE USSR FOR THE EDUCATION HE HAD RECEIVED THERE, WHEN, IN EARLY 1973, THE ADMINISTRATION SENT TO CONGRESS THE TRADE REFORM BILL, AN AMENDMENT WAS OFFERED BY REPRESENTATIVE VANIK IN THE HOUSE AND SENATOR JACKSON IN THE SENATE WHICH WOULD DENY MOST-FAVORED-NATION TARIFF TREATMENT AND GOVERNMENT

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CREDITS TO ANY "NON-MARKET ECONOMY COUNTRY" THAT DENTED ITS CITIZENS THE RIGHT OF OPPORTUNITY TO EMIGRATE, SPECIFICALLY BY IMPOSING MORE THAN A NOMINAL TAX OR FEE. THE AMENDMENT SEEMED AIMED PRINCIPALLY AT THE ELIMINATION OF THE SOVIET EDUCATION TAX.

10. IN APRIL OF LAST YEAR WE REPORTED TO SENATE AND HOUSE LEADERS THAT THE PRESIDENT HAD BEEN ASSURED BY THE SOVIET GOVERNMENT THAT THE EDUCATION TAX HAD BEEN COMPLETELY AND INDEFINITELY WAIVED. SINCE MARCH 1974 THE TAX IN FACT HAS NOT BEEN APPLIED. AS YOU KNOW, THE JACKSON-VANIK AMENDMENT WAS ADOPTED BY THE HOUSE LAST FALL AND IS INCORPORATED IN TITLE IV OF THE BILL PRESENTLY BEFORE THIS COMMITTEE.

11. AFTER NUMEROUS DISCUSSIONS OF THIS MATTER WITH THE PRINCIPAL SPONSORS OF THE JACKSON-VANIK AMENDMENT AS WELL AS WITH SOVIET REPRESENTATIVES, ON OCTOBER 18 OF THIS YEAR I INFORMED SENATOR JACKSON ON BEHALF OF THE ADMINISTRATION THAT WE HAD RECEIVED ASSURANCES THAT EMIGRATION FROM THE USSR WOULD BE GOVERNED BY THE FOLLOWING CRITERIA:

-- PUNITIVE ACTIONS AGAINST THOSE SEEKING TO EMIGRATE WOULD BE VIOLATIONS OF SOVIET LAW AND REGULATIONS AND THEREFORE WILL NOT BE PERMITTED: -- UNREASONABLE OR UNLAWFUL IMPEDIMENTS WILL NOT BE PLACED IN THE WAY OF PERSONS DESIRING TO MAKE APPLICATION TO EMIGRATE! -- APPLICATIONS FOR EMIGRATION WILL BE PROCESSED IN ORDER OF RECEIPT AND ON A NON-DISCRIMINATORY BASIS:

-- HARDSHIP CASES WILL BE PROCESSED SYMPATHETICALLY AND EXPEDITIOUSLY:

-- COLLECTION OF THE EDUCATION TAX WILL REMAIN SUSPENDED! AND

-- WE WILL BE IN A POSITION TO BRING TO THE ATTENTION OF THE SOVIET LEADERSHIP, FOR ITS SYMPATHETIC CONSIDERATION AND RESPONSE, INDICATIONS WE MAY HAVE THAT

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CRITERIA AND PRACTICES ARE NOT BEING APPLIED.

MY LETTER CONCLUDED WITH THE EXPRESSION OF OUR BELIEF THAT A GOOD BASIS HAD BEEN ESTABLISHED FOR PROCEEDING WITH AN ACCEPTABLE FORMULATION OF TITLE IV SO THAT NORMAL TRADING RELATIONS COULD GO FORWARD FOR THE MUTUAL BENEFIT OF THE US AND THE USSR. SENATOR JACKSON HAS, AS YOU KNOW, INDICATED HIS READINESS TO PROPOSE AN AMENDMENT TO THE BILL ON THE FLOOR OF THE SENATE, AUTHORIZING THE PRESIDENT TO WAIVE THE RESTRICTIONS OF THE JACKSON-VANIK AMENDMENT.

AS I INDICATED TO THIS COMMITTEE IN MARCH, WE SEEK IMPROVED RELATIONS WITH THE SOVIFT UNION BECAUSE IN A NUCLEAR AGE WE AND THE SOVIETS HAVE AN OVERRIDING OBLIGATION TO REDUCE THE LIKELIHOOD OF CONFRONTATION THAT COULD LEAD TO NUCLEAR CATASTROPHE. WE HAVE PROFOUND DIFFERENCES WITH THE SOVIET UNION, AND IT IS THESE VERY DIFFERENCES WHICH COMPEL ANY RESPONSIBLE ADMINISTRATION TO MAKE A MAJOR EFFORT TO CREATE A MORE CONSTRUCTIVE RELATIONSHIP. IN PURSUING THIS POLICY, WE ARE MINDFUL THAT THE BENEFITS MUST BE MUTUAL AND THAT OUR NATIONAL SECURITY MUST BE PROTECTED. WITH RESPECT TO TITLE IV OF THE TRADE REFORM BILL, WE BELIEVE WE ARE NOW IN A POSITION TO MEET THESE VITAL CONCERNS ADEQUATELY AND THUS TO MOVE FROM OUR PRESENT SITUATION TO A SAFER, FREER AND MORE HUMANE WORLD, WHILE AT THE SAME TIME BRINGING IMPORTANT ECONOMIC AND POLITICAL BENEFITS TO THE UNITED STATES. SECTION III.

14. I WOULD BE REMISS IF I DID NOT ALSO TAKE THIS OPPORTUNITY TO BRIEFLY COMMENT ON ANOTHER PART OF THE TRADE BILL WHICH HAS IMPORTANT FOREIGN POLICY IMPLICATIONS.

YOU WILL RECALL, MR. CHAIRMAN, I WROTE TO YOU IN SEPTEMBER TO EXPRESS MY STRONG SUPPORT FOR TITLE V OF THE TRADE REFORM ACT BECAUSE I CONSIDER THE PROMPT IMPLEMENTA-TION OF A MEANINGFUL SYSTEM OF GENERALIZED PREFERENCES IMPORTANT TO U.S. RELATIONS WITH DEVELOPING COUNTRIES. AM GRATIFIED THAT THIS COMMITTEE HAS AGREED TO ENDORSE THE



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CONCEPT OF GENERALIZED TARIFF PREFERENCES. I AM, HOWEVER, SERIOUSLY CONCERNED ABOUT THE DECISION OF YOUR COMMITTEE TO AUTOMATICALLY EXCLUDE CERTAIN CATEGORIES OF DEVELOPING COUNTRIES FROM THE BENEFITS OF THESE PREFERENCES, ; 16. THESE AMENDMENTS, AS WE UNDERSTAND THEM, WOULD RESULT IN THE AUTOMATIC DENIAL OF PREFERENCES TO A NUMBER OF IMPORTANT DEVELOPING COUNTRIES. AMONG THOSE WE WOULD BE REQUIRED TO EXCLUDE WOULD BE ALL THE MEMBER COUNTRIES OF THE ORGANIZATION OF PETROLEUM EXPORTING COUNTRIES. INCLUDING COUNTRIES WHICH DID NOT PARTICIPATE IN LAST YEAR'S OIL EMBARGO SUCH AS ECUADOR, VENEZUELA, NIGERIA, AND INDONESIA. MANY OF THE COUNTRIES AFFECTED ARE JUST THOSE COUNTRIES WITH WHICH WE ARE NOW ACTIVELY ENGAGED IN EFFORTS TO STRENGTHEN OUR RELATIONS AND TO WORK OUT MUTUALLY ACCEPTABLE SOLUTIONS TO DIFFICULT ECONOMIC AND POLITICAL PROBLEMS.

I BELIEVE THAT THE CONCERNS WHICH THESE AMENDMENTS REFLECT ARE SHARED BY ALL IN BOTH THE EXECUTIVE AND LEGISLATIVE BRANCHES OF OUR GOVERNMENT. THE ECONOMIC BENEFITS TO DEVELOPING COUNTRIES OF GENERALIZED PREFERENCES, HOWEVER, ARE MODEST AND THUS THEIR AUTOMATIC DENIAL WILL NOT GIVE THE UNITED STATES THE NEEDED LEVERAGE TO RESOLVE DIFFICULT PROBLEMS SUCH AS OIL PRICING, EXPROPRIATION OF U.S. PROPERTY AND ILLICIT NARCOTICS TRAFFIC. UNDER MANY CIRCUMSTANCES, AUTOMATIC ACTION TO DENY OR WITHDRAW PREFERENCES MAY WELL EXACERBATE THE SITUATION, MAKE COMPROMISE LESS LIKELY AND PROVOKE NATIONALISTIC REACTIONS DAMAGING TO AMERICAN INTERESTS. I AM PARTICULARLY CONCERNED ABOUT THE EFFECT THESE AMENDMENTS WILL HAVE ON U.S. ABILITY TO PLAY A CONSTRUCTIVE ROLE IN PREVENTING RENEWED CONFLICT IN THE MIDDLE EAST. ALSO, WE CAN EXPECT PARTICULARLY STRONG REACTIONS FROM THE LATIN AMERICAN COUNTRIES GIVEN THE IMPORTANCE THEY ATTACH TO A U.S. SYSTEM OF GENERALIZED PREFERENCES.

18. THE ADMINISTRATION'S REQUEST FOR THE AUTHORITY CONTAINED IN TITLE V REFLECTS A U.S. COMMITMENT IN CONCERT WITH OTHER DEVELOPING COUNTRIES, TO EXTEND GENERALIZED, NON-DISCRIMINATORY AND NON-RECIPROCAL TARIFF



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GENERALIZED, NON-DISCRIMINATORY AND NON-RECIPROCAL TARIFF PREFERENCES. WITH THE AMENDMENTS PROPOSED BY YOUR COMMITTEE, THE PROPOSED U.S. PREFERENCE SYSTEM WILL LONGER BE NON-DISCRIMINATORY AND NON-RECIPROCAL. I WOULD EXPECT CHARGES IN THE GATT AND ELSEWHERE THAT THE U.S. HAS VIOLATED ITS INTERNATIONAL COMMITMENTS.

THIS COMMITTEE HAS MADE SEVERAL CHANGES IN TITLE V WHICH WE CONSIDER TO BE DISTINCT IMPROVEMENTS. AT THE SAME TIME, I BELIEVE THAT TITLE V, AS PASSED BY THE HOUSE, CONTAINS AMPLE AUTHORITY TO PROVIDE OR TO DENY GENERALIZED PREFERENCES TO ANY COUNTRY WHENEVER IT, IS IN THE OVERALL INTEREST OF THE UNITED STATES TO DO SO. I CAN ASSURE YOU THAT THE ADMINISTRATION WILL KEEP CONGRESS FULLY INFORMED IN ADVANCE OF THE BASIS FOR ANY DECISIONS ON BENEFICTARY STATUS. I AM CONFIDENT THAT YOU AND YOUR COMMITTEE WILL GIVE SERIOUS CONSIDERATION TO THE PROBLEMS I HAVE RAISED. SECTION IV.

20. MR. CHAIRMAN, I WOULD LIKE TO CONCLUDE MY REMARKS BY EMPHASIZING AGAIN THE URGENCY AND IMPORTANCE I ATTACH TO PASSAGE OF THE TRADE BILL. WITHOUT THE AUTHORITIES THIS BILL WILL PROVIDE:

-- WE WILL COMPOUND THE WORLD'S ECONOMIC DIFFICULTIES AT A TIME WHEN ECONOMIC CHAOS ALREADY THREATENS BY BRINGING TO A HALT EFFORTS TO LIBERALIZE AND REFORM THE WORLD'S TRADING SYSTEM.

-- OUR EFFORTS TO ESTABLISH A FIRMER, MORE STABLE RELATIONSHIP WITH THE DEVELOPING COUNTRIES AND PARTICULARLY OUR LATIN AMERICAN ALLIES WILL FALTER JUST WHEN THESE COUNTRIES AND THEIR RESOURCES ARE INCREASINGLY IMPORTANT TO US.

-- OUR EFFORTS TO NORMALIZE RELATIONS WITH THE SOVIET UNION AND OTHER COMMUNIST COUNTRIES WILL SUFFER A SERIOUS SETBACK.

20. THE BURDEN OF LEADERSHIP THE UNITED STATES MUST BEAR WEIGHS HEAVY BOTH ON THOSE OF US IN THE EXECUTIVE AND THE CONGRESS. IT IS ESSENTIAL THAT THIS LEADERSHIP BE



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EXERCISED POSITIVELY WITH THE RECOGNITION THAT INACTION IS AS SIGNIFICANT AND OFTEN MORE HARMFUL TO OUR INTERESTS THAN ACTION. I STRONGLY URGE THE CONGRESS TO ACT PROMPTLY AND POSITIVELY ON THIS BILL. END AGENCY DRAFT.

BEGIN SONNENFELDT DRAFT.

21. MR. CHAIRMAN. YOU HAVE ASKED ME TO COMMENT SPECIFICALLY ON THE EMIGRATION ISSUE AS IT RELATES TO TITLE IV OF THE TRADE BILL. THIS ISSUE IS OF COURSE DEALT WITH IN THE JACKSON-VANIK AMENDMENT TO TITLE IV.

22. LET ME STATE CLEARLY AT THE OUTSET THAT I DEAL WITH THIS MATTER WITH CONSIDERABLE MISGIVING BECAUSE WHAT IS SAID ON THIS OCCASION COULD, IF NOT HANDLED WITH UTMOST CARE, DEAL A SERIOUS SETBACK BOTH TO THE CAUSE OF FREER EMIGRATION FROM THE USSR AND TO THE MORE HOPEFUL TREND IN US-SOVIET RELATIONS THAT HAS BEEN MAINTAINED FOR THE LAST FEW YEARS AND WAS RECENTLY CONFIRMED AND STRENGTHENED IN. THE PRESIDENT'S MEETING WITH MR. BREZHNEV IN VLADIVOSTOK.

23. AS YOU ARE WELL AWARE, THE ADMINISTRATION DID NOT THINK IT WISE TO MAKE THE QUESTION OF EMIGRATION FROM THE USSR A MATTER OF DOMESTIC US LEGISLATION. ITS VIEW WAS THAT THIS MIGHT HAVE ADVERSE EFFECTS ON EMIGRATION FROM THE USSR AND MORE BASICALLY CREATE A PRECEDENT IN INTERNATIONAL RELATIONS WHICH WE MIGHT EASILY SOME DAY

COME TO REGRET WHEN SOME OTHER NATION MAKES US NATIONAL PRACTICES SURJECT TO ITS LEGISLATION OR THE OBJECT OF ITS FOREIGN POLICY. 1 NEVERTHELESS, WE WERE AWARE THAT SUBSTANTIAL OPINION IN THE CONGRESS RAN IN A DIFFERENT DIRECTION AND THAT IF OUR GOVERNMENT WAS TO BE EQUIPPED WITH THE NECESSARY INSTRUMENTALITIES FOR THE CONDUCT OF AN EFFECTIVE POLICY TOWARD THE USSR IT WOULD BE NECESSARY TO DEAL WITH THE EMIGRATION ISSUE IN THE TRADE BILL, YOU ARE WELL AWARE FROM MY PREVIOUS TESTIMONY BEFORE THIS COMMITTEE AND OTHER AUTHORITATIVE ADMINISTRATION STATEMENTS, THAT WE REGARD MUTUALLY BENEFICIAL ECONOMIC INTERCOURSE WITH THE USSR AS AN IMPORTANT ELEMENT IN OUR OVERALL- EFFORT TO DEVELOP A





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MORE CONSTRUCTIVE RELATIONSHIP WITH THAT COUNTRY AND TO PROVIDE THE SOVIET UNION WITH INCENTIVES FOR RESPONSIBLE AND RESTRAINED INTERNATIONAL CONDUCT.

IT BECAME APPARENT EARLIER THIS YEAR, THAT A SATISFACTORY COMPROMISE ON THE JACKSON-VANIK AMENDMENT REQUIRED CERTAIN CONTACTS WITH THE SOVIET GOVERNMENT ON OUR PART IN ORDER TO OBTAIN ASSURANCES THAT SOVIET EMIGRATION POLICY WOULD SATISFY WIDESPREAD HUMANITARIAN CONCERNS CONCERNING THE ABILITY OF PERSONS WHO WISHED TO DO SO TO LEAVE THE USSR. AT THE SAME TIME IT WAS CLEAR THAT ANY EFFORT TO OBTAIN A FORMAL AGREEMENT WITH THE SOVIET GOVERNMENT IN THIS AREA WAS FOREDOOMED TO FAILURE. INDEED THE EFFORT TO OBTAIN SUCH AN AGREEMENT WOULD SET AN UNDESTRABLE PRECEDENT FOR OUR OWN INTERESTS. LET ME STATE FLATLY TO THIS COMMITTEE THAT IF I WERE TO COME BEFORE YOU AND ASSERT THAT A FORMAL AGREEMENT IN THIS AREA EXISTS BETWEEN OUR GOVERNMENT AND THAT OF THE USSR IT WOULD BE IMMEDIATELY REPUDIATED BY THE SOVIET GOVERNMENT.

LAST SPRING, THEREFORE, IN A SERIES OF DISCUSSIONS WITH SOVIET FOREIGN MINISTER GROMYKO AND THE SOVIET AMBASSADOR HERE WE SOUGHT TO CLARIFY SOVIET EMIGRATION PRACTICES AND SOVIET INTENTIONS WITH RESPECT TO THEM. IT WAS IN THESE DISCUSSIONS -- SOME OF WHICH WERE CONDUCTED DURING MY MEETINGS WITH MR. GROMYKO IN GENEVA AND IN CYPRUS -- THAT INFORMATION WAS OBTAINED WHICH SUBSEQUENTLY FORMED THE BASIS OF MY CORRESPONDENCE WITH SENATOR JACKSON, WITH WHICH YOU ARE FAMILIAR.

IN PARTICULAR, WE WERE ASSURED THAT NO ILLEGAL OR UNREASONABLE IMPEDIMENTS WOULD BE PLACED IN THE WAY OF PERSONS WISHING TO EMIGRATE; THAT ALL WHO WISHED TO EMIGRATE WOULD BE PERMITTED TO DO SO EXCEPT FOR THOSE HOLDING SECURITY CLEARANCES; THAT THERE WOULD BE NO HARRASSMENT OR PUNISHMENT OF THOSE APPLYING FOR EMIGRATION; THAT THERE WOULD BE NO DISCRIMINATORY CRITERIA APPLIED TO APPLICANTS FOR EMIGRATION, AND THAT THE SO-CALLED EMIGRATION TAX WHICH WAS SUSPENDED IN 1973 WOULD REMAIN 80.





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IN THE COURSE OF THOSE DISCUSSIONS IT WAS 28. INDICATED TO US THAT WE WOULD BE ENTITLED TO SPECULATE OR ASSUME THAT THE NUMBER OF EMIGRANTS MIGHT RISE TO SOME 45,000 PERSONS PER YEAR. IT WAS SUBSEQUENTLY MADE CLEAR TO US, HOWEVER, THAT IF ANY NUMBER WAS USED IN REGARD TO SOVIET EMIGRATION THIS WOULD BE WHOLLY OUR RESPONSIBILITY, THAT IS, THE SOVIET GOVERNMENT COULD NOT BE HELD RESPONSIBLE FOR OR BOUND BY ANY SUCH NUMBER. THIS POINT HAS BEEN CONSISTENTLY MADE CLEAR TO MEMBERS OF CONGRESS WITH WHICH WE HAVE DEALT ON THIS ISSUE.

FINALLY, THE DISCUSSIONS OF LAST SPRING INDICATED THAT WE WOULD HAVE AN OPPORTUNITY TO RAISE WITH SOVIET AUTHORITIES ANY INDICATION WE MIGHT HAVE THAT EMIGRATION

WAS IN FACT BEING INTERFERED WITH OR THAT APPLICANTS FOR EMIGRATION WERE BEING SUBJECTED TO HARRASSMENT OR PUNITIVE ACTION.

THE POINTS I HAVE JUST CITED HAVE ALWAYS BEEN THE BASIS FOR MY CONTACTS WITH SENATORS JACKSON, JAVITS AND RIBICOFF WHO, AS YOU ARE AWARE, PLAYED THE LEADING ROLE IN THE EFFORT TO GET THIS SET OF ISSUES RESOLVED. I MAY ADD THAT THESE POINTS HAVE BEEN REITERATED TO US BY SOVIET LEADERS ON SEVERAL OCCASIONS, INCLUDING IN PRESIDENT FORD'S INITIAL CONTACTS WITH, SOVIET REPRESENTA-TIVES AND MOST RECENTLY AT VLADIVOSTOK. IVES AND MOST RECENTLY AT VLADIVOSTOK.

MY DISCUSSIONS WITH THE THREE ABOVE-NAMED SENATORS EVENTUALLY LED TO THE DRAFTING OF THE EXCHANGE OF CORRESPONDENCE PUBLICIZED ON OCTOBER 18. THE PROCESS, HOWEVER, TOOK TIME BECAUSE OF THE ADMINISTRATION'S SCRUPULOUS CONCERN THAT THERE BE NO INFERENCE THAT COMMITMENTS HAD BEEN OBTAINED FROM THE SOVIET UNION, EITHER IN FORM OR SUBSTANCE, WHICH IN FACT HAD NOT BEEN OBTAINED. I AM SURE THAT YOU WILL APPRECIATE THAT DURING THE SUMMER OF THIS YEAR CIRCUMSTANCES WITHIN OUR OWN GOVERNMENT DID NOT PERMIT THE PROCESS OF FINDING AN ACCEPTABLE COMPROMISE TO BE COMPLETED.





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FOLLOWING HIS ASSUMPTION OF THE PRESIDENCY, HOWEVER, PRESIDENT FORD TOOK A DIRECT AND PERSONAL INTEREST IN SETTLING THE OUTSTANDING ISSUES. HE MET OR HAD DIRECT CONTACT WITH THE THREE SENATORS (AS WELL AS WITH YOU. MR. CHAIRMAN) ON SEVERAL OCCASIONS. IN ADDITION TO CLARIFYING POINTS OF SUBSTANCE, THESE CONTACTS EVENTUALLY RESULTED IN THE DRAFTING OF TWO LETTERS: ONE FROM ME TO SENATOR JACKSON AND ONE FROM THE SENATOR TO ME. THE FIRST OF THESE LETTERS CONTAINS THE TOTAL OF ASSURANCES WHICH THE ADMINISTRATION FELT IN A POSITION TO MAKE ON THE BASIS OF CONTACTS WITH SOVIET REPRESENTATIVES. SECOND LETTER CONTAINED CERTAIN INTERPRETATIONS AND ELABORATIONS BY SENATOR JACKSON WHICH WHILE REASONABLE EXTRAPOLATIONS OF THE POINTS CONTAINED IN MY LETTER ARE NOT SPECIFICALLY ENDORSED BY THE ADMINISTRATION. BUT AS MY LETTER TO SENATOR JACKSON INDICATED, THEY WILL BE AMONG THE CONSIDERATIONS WHICH THE PRESIDENT WILL APPLY IN JUDGING SOVIET PERFORMANCE WHEN HE MAKES HIS DETERMINA-TION AS TO THE CONTINUANCE OF THE MEASURES PROVIDED FOR IN THE TRADE BILL, I.E., EXTENSION OF THE CREDIT FACILITIES OF THE EXIM BANK AND OF MOST-FAVORED-NATION TREATMENT. WE RECOGNIZE OF COURSE THAT THESE SAME POINTS MAY BE APPLIED BY THE CONGRESS IN REACHING ITS OWN DECISIONS UNDER THE PROCEDURES TO BE PROVIDED IN THE TRADE BILL.

33. WITH THE EXCHANGE OF CORRESPONDENCE AGREED, IT BECAME POSSIBLE TO WORK OUT A SET OF PROCEDURES -- WHICH, I UNDERSTAND ARE TO BE OFFERED IN THE FORM OF A FURTHER AMENDMENT TO TITLE IV FROM THE SENATE FLOOR -- WHEREBY THE PRESIDENT WILL BE AUTHORIZED TO WAIVE THE PROVISIONS OF THE ORIGINAL JACKSON-VANIK AMENDMENT AND TO PROCEED WITH THE EXTENSION OF MEN AND EXIM BANK FACILITIES FOR AT LEAST AN INITIAL PERIOD OF 18 MONTHS. THESE PROCEDURES WILL ALSO PROVIDE FOR MEANS WHEREBY THE INITIAL EXTENSIONS CAN BE CONTINUED FOR ADDITIONAL ONE YEAR PERIODS.

34. THUS, MR. CHAIRMAN, I BELIEVE A SATISFACTORY COMPROMISE WAS ACHIEVED ON AN UNPRECEDENTED AND EXTRA-ORDINARILY SENSITIVE SET OF ISSUES. WHILE IT IS NOT



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WHAT THE ADMINISTRATION ORIGINALLY PREFERRED, IT APPEARS TO US TO PROTECT THE INTERESTS AND CONCERNS OF ALL PARTIES.

I BELIEVE IT IS NOW ESSENTIAL TO LET THESE PROVISIONS AND UNDERSTANDINGS PROCEED IN PRACTICE. AM CONVINCED THAT ADDITIONAL COMMENTARY, OR CLAIMS THAT THIS OR THAT PROTAGONIST HAS WON OUT, CAN ONLY JEOPARDIZE THE PURPOSES WE ARE ALL SEEKING TO ACHIEVE. I WOULD HOPE THEREFORE THAT YOUR QUESTIONS TO ME AFTER I HAVE COMPLETED THIS STATEMENT WILL TAKE FULL ACCOUNT OF THE SENSITIVITY OF THE ISSUES. THERE WILL BE AMPLE OPPORTUNITY TO TEST IN PRACTICE WHAT HAS BEEN SET DOWN ON PAPER AND TO DERATE THESE MATTERS AGAIN FULLY WHEN THE TIME FOR STOCKTAKING COMES AFTER THE INITIAL PERIOD OF OPERATION OF THE WAIVERS TO BE PROVIDED FOR IN THE FLOOR AMENDMENT. WHILE I WILL OF COURSE ANSWER YOUR. QUESTIONS TO THE BEST OF MY ABILITY, I WANT YOU TO BE IN NO DOUBT AS TO THE CONSTRAINTS UNDER WHICH I WILL BE DOING SO. END SONNENFELDT DRAFT. INGERSOLL



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E.O. 11652; GDS TAGS: GVIP (KISSINGER, HENRY A.) SUBJECT: ALLON VISIT

REF: DAMASCUS 2824

FOR THE SECRETARY FROM SISCO

I. UPON RECEIPT OF DAMABOUS 2824 IN WHICH IT IS REPORTED THAT RADIO ISRAEL ANNOUNCED THAT ALLON WILL SHORTLY REGOING TO WASHINGTON FOR DISCUSSIONS BEARING ON THENEXT STAGE OF DISENGAGEMENT TO TAKE PLACE IN SINAI," I CALLED DINITZ TO EXPRESS MY CONCERN THAT THIS KIND OF A REPORT WILL BE MOST EMBARRASSING FOR BOTH THE EGYPTIANS AND THE SYRIANS. DINITZ SAID HE WANTS YOU TO KNOW THAT THIS WAS SPECULATION BY THE RADIO COMMENTATOR AND NOTHING TO THIS EFFECT WAS PUT OUT BY THE ISRAELI GOVERNMENT. I ASKED HIM TO REITERATE TO JERUSALEM ONCE AGAIN, AS HE DID YESTERDAY, OF THE GENERAL ANNOUNCEMENT THAT WAS PUT OUT TODAY WITHOUT PINPOINTING EITHER EGYPT OR SYRIA. HE ASSURED ME THAT HE MOULD OD SO, BUT HE WANTED YOU TO BE SURE TO UNDERSTAND THAT THEY MAVE ADHERED STRICTLY TO YOUR BUGGESTION AND

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THAT NOTHING OFFICIAL HAS BEEN SAIDCONTRARY TO OUR UNDER-

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NODIS ...

E.O. 11652: GD8

TAGS: PFOR, IR

SUBJECT: INFORMATION FOR SHAH ON TRAG AND ETHIOPIA

REF.: TEHRAN 1000! FOR THE SECRETARY FROM SISCO 1. SUGGEST REPLY ALONG FOLLOWING LINES TO TEHRAN REFTEL:

2. BEGIN QUOTE:

PEKING 2082 AND 2091 RESPOND TO SHAH'S PERSONAL REQUEST FOR

3. EMBASSY MAY PASS FOLLOWING TO ALAM FOR TRANSMITTAL TO SHAH ON ETHIOPIA AND IRAG.

A. ETHIOPIA: WE SHARE SHAH'S CONCERN AT VIOLENT TURN OF EVENTS IN ADDIS ABABA AND POSSIBILITY IT RAISES FOR SERIOUS

R. FORO WERRAP



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INSTABILITY IN ETHIOPIA AND HORN OF AFRICA.

WE DO NOT YET HAVE A CLEAR UNDERSTANDING OF EXACT MOTIVES FOR EXECUTION OF GENERAL AMAN AND OTHER PRISONERS. IT SEEMS, HOWEVER, THAT ONE OF PRINCIPAL CAUSES WAS FEAR ON PART OF MEMBERS OF DOMINANT PROVISIONAL MILITARY COUNCIL THAT GENERAL AMAN WAS PREPARING AN ATTEMPT TO INCREASE HIS AUTHORITY AT THEIR EXPENSE. IT IS NOT APPARENT WHAT EFFECT THIS EVENT WILL HAVE ON ETHIOPIA'S DOMESTIC AND FOREIGN POLICIES. WE UNDERSTAND THAT ONE SUBSTANTIVE ISSUE WHICH MAY HAVE BEEN INVOLVED CONCERNED SITUATION IN ERITREA, WHERE GENERAL AMAN HAD STILL HOPED TO BEACH NEGOTIATED SOLUTION WITH INSURGENTS, WHILE MILITARY RADICALS APPEAR INTENT ON PROSECUTING WAR. ANOTHER ISSUE WAS ALLEGED FEAR THAT AMAN WAS TOO FRIENDLY TO EMPEROR AND MEMBERS OF FORMER GOVERNMENT.

GIVEN SHARP DIFFERENCES OVER SOCTAL REFORMS WHICH EXIST EVEN WITHIN MILITARY, AND ETHIOPIA'S LONG-STANDING PROBLEMS OF NATIONAL INTEGRATION. IT IS POSSIBLE THAT THIS WEEKEND'S VIOLENCE MAY LEAD TO SERIOUS SPLITS WITHIN MILITARY. IF THIS DEVELOPS, CONSEQUENCES FOR ETHIOPIA'S STABILITY AND INTEGRITY COULD BE VERY GRAVE.

WE ARE FOLLOWING SITUATION CLOSELY AND WILL WELCOME ANY INFORMATION IRANIANS CAN CONTRIBUTE.

B. IRAG. OUR INFORMATION IS THAT IPAGI-SOVIET RELATIONS CURRENTLY UNDERGOING BTRAIN, WITH IRAGIS UNHAPPY ABOUT SOVIET FAILURE TO DELIVER ALL THE MILITARY SUPPLIES THEY FEEL THEY MEED TO PRESS CAMPAIGN AGAINST KURDS. ON OTHER HAND CERTAIN SOPHISTICATED MILITARY ITEMS HAVE BEEN DELIVERED RECENTLY (FYIL REFERENCE IS PRIMARILY TO MIG-23 FLOGGER AIRCRAFT. BUT ALSO REFERS TO CERTAIN NAVAL ITEMS END FYI).

IRAGIS ARE PROBABLY ALSO UNHAPPY THAT SOVIETS HAVE SHOWN GOOD DEAL OF PUBLIC RESTRAINT IN COMMENTING ON IRAG-IRAN DIFFERENCES.

FORTHCOMING BREZHNEY VISIT TO IRAG IS PART OF BREZHNEY





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GRAND TOUR INVOLVING THREE MOST IMPORTANT STATES IN REGION. FROM STANDPOINT OF SOVIET INVOLVEMENT. WHILE BILATERAL ISSUES WILL, OF COURSE, RE DISCUSSED IN EACH OF THE CAPITALS, AND WILL BE PARTICULARLY IMPORTANT IN CAIRO, PRIMARY SIGNIFICANCE OF TRIP IS AS DEMONSTRATION OF CONTINUING SOVIET CONCERN FOR AND INVOLVEMENT IN THE MIDDLE EAST.

A. SHAH SHOULD BE ASSURED, HOWEVER, THAT DESPITE FOREGOING USG HAS MO ILLUSIONS OVER COURSE OF POLICY IN
IRAG. WE DO NOT VIEW CURRENT IRRITATION IN RELATIONS
BETWEEN IRAG AND USSR AS FORESHADOWING RIFT OF MAJOR
PROPORTIONS BETWEEN IRAGIS AND SOVIETS. BOTH SIDES CONTINUE TO HAVE STRONG INTEREST IN MAINTAINING CLOSE TIES;
SOVIETS VALUE THEIR FOOTHOLD IN IRAG, AND IRAGIS FEEL
THEY NEED SOVIET ARMS AND POLITICAL SUPPORT. NONETHELESS,

WE DO THINK THERE IS EVIDENCE THAT IRAD, WITH ITS NEWLYFOUND OIL WEALTH, IS ATTEMPTING TO LEGSEN ITS DEPENDENCE
ON USSR AND EXPAND ITS TIES BOTH WITH MODERATE ARABS AND
WITH WEST. THIS IS A TREND WHICH WE THINK IT WOULD BE IN
INTEREST OF NEITHER IRAN NOR USG TO DISCOURAGE. MEANWHILE,
WE ARE WELL AWARE THAT RADICAL TENDENCIES IN IRADI
LEADERSHIP REMAIN STRONG AND THAT IRAD IS PURSUING
VARIOUS POLICIES THAT ARE CURRENTLY OR POTENTIALLY DISRUPTIVE OF AREA STABILITY. WE WISH ASSURE HIS IMPERIAL
MAJESTY THAT WE REMAIN ALEFT TO THESE RISKS IN DEALING
WITH IRADIS AND LOOK FORWARD TO CONTINUING EXCHANGES OF
VIEWS WITH GOVT OF IRAN ON THIS SUBJECT. END QUOTE.
INGERSOLL

-BECRET

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 012803

REASON FOR WITHDRAWAL National security restriction
TYPE OF MATERIAL Telegram
CREATOR'S NAME Secstate RECEIVER'S NAME USLO Peking
CREATION DATE
VOLUME 4 pages
COLLECTION/SERIES/FOLDER ID . 032400153 COLLECTION TITLE NATIONAL SECURITY ADVISER. PRESIDENTIAL COUNTRY FILES FOR EAST ASIA AND THE PACIFIC
BOX NUMBER
DATE WITHDRAWN

EXEMPTED

11/24/10

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Department of State

CONFIDENTIAL

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TELEGRAM

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TO USLO PEKING IMMEDIATE

CONFIDENTIAL STATE 261162

NODIS CHEROKEE, TOSEC 520

E.O. 11652: GDS TAGS: DVIP (KISSINGER, HENRY) SUBJECT: BOUTEFLIKA

FOR THE SECRETARY FROM EAGLEBURGER

I HAVE SEEN YOUR TELEGRAM AUTHORIZING SCALT TO BEAT UP ON SOUTEFLIKA (SECTO 201).

2. YOU SHOULD KNOW THAT YESTERDAY THE WHITE HOUSE INFORMED US THAT THE PRESIDENT HAS AGREED TO SEE BOUTE-FLIKA AT 12:30 P.M. ON DECEMBER 9. THIS INFORMATION HAS BEEN PASSED TO BOUTEFLIKA IN NEW YORK. THIS, AS YOU WILL RECALL, IS THE RESULT OF AN EARLYER LETTER FROM YOU TO BOUTEFLIKA AND A PROPOSAL TO THE WHITE HOUSE THAT THE PRESIDENT SEE THE ALGERIAN FOREIGN MINISTER.

3. WHILE YOU DO NOT NECESSARILY NEED TO DO ANYTHING ABOUT THIS NOW, YOU MAY WANT TO CONSTDER THE POSSIBILITY OF WITHDRAWING THE INVITATION TO BOUTEFLIKA. INGERSOLL

CONFIDENTIAL HR S/11/01

