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ACTION

November 4, 1971

MEMORANDUM FOR MR. KISSINGER

FROM: Helmut Sonnenfeldt
SUBJECT: NSSM on US-Soviet Incidents at Sea Talks

Under Secretary Warner has submitted his report to the President on the outcome of the opening round of US-Soviet talks on incidents at sea. He states that the Soviets will condition their final approval of the ad referendum understandings upon the outcome of a follow-on round of talks in which they would expect some US accommodation of their air-to-air concerns. As NSDM 110 does not provide for such accommodation, he recommends that a follow-on study be undertaken to address the air-to-air problem and to permit a Presidential decision on the desirability of further US-Soviet talks aimed at a more formal understanding.

While I personally believe it is probably in our interests to push forward with the Soviets toward a more formal understanding, I think the advantages and risks will have to be properly vented within the Government. I concur with Warner that a follow-on study will be required to permit a decision on this matter and to ensure that the US negotiating position in any follow-on round of talks would adequately protect our operational and intelligence interests. If you agree, the NSSM for your signature at Tab C would direct an NSC Ad Hoc Group chaired by Defense to develop the study for SRG consideration by December 8. I should point out that the NSSM has been drafted so as not to prejudge a decision on a second round of talks. If you wish to decide in favor of a second round at this point, the NSSM and memoranda will have to be redrafted accordingly.

The memorandum for your signature to Warner at Tab B would acknowledge his report and advise him that the President has directed that a follow-on study be undertaken.

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The memorandum for your signature to the President at Tab A forwards Warner's report (noting that you have acknowledged it) and advises the President that you have issued a NSSM calling for the follow-on study. If you approve the NSSM, Dick Kennedy will do the necessary checks with State and Defense before it is released.

RECOMMENDATION

- That you sign:
- 1) The memorandum to the President at Tab A
 - 2) The memorandum to Warner at Tab B
 - 3) The NSSM at Tab C.

Concurrences Colonel Kennedy

ADC:hc

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November 9, 1971

MEMORANDUM FOR THE PRESIDENT

FROM: Henry A. Kissinger /S/

SUBJECT: Next Step in US-Soviet Incidents at Sea Talks

In accordance with NSDM 110, and under cover of a concurring memorandum from Secretary Laird, Under Secretary of the Navy John Warner has submitted a report (Tab A) on the results of the opening round of US-Soviet incidents at sea talks.

At the conclusion of the initial round, the Chairmen of the two delegations signed an ad referendum understanding incorporating all major US objectives. Warner notes that this favorable outcome was in part possible because of Soviet willingness to defer to a possible future round of talks those issues which the US delegation was not prepared to discuss (issues largely involving aircraft-to-aircraft problems beyond the scope of Warner's negotiating instructions).

Secretary Warner believes that the Soviets will condition their final approval of the ad referendum understandings upon the combined results of at least two rounds of talks. They will expect the next round to take up agenda items of primary concern to them, and they will expect some US accommodation beyond that permitted by the US Delegation's instructions for the opening round. With these considerations in mind, Warner recommends that you call for a study of the political and military factors involved in continuing the incidents at sea talks with the Soviets to provide the basis for a decision on this matter.

I agree that we should begin preparing for a possible second round of talks. I think there can be no doubt that a second round will be required if we are to reach a more formal understanding with the Soviets. Accordingly, I have issued a NSSM requesting State, Defense, CIA and the Joint Chiefs to review the ad referendum understanding, to address the advantages and risks of pursuing the talks with the Soviets, and to prepare a recommended US position for a follow-on round of talks -- including the air-to-air issue -- for consideration by the Senior Review Group in early December.

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I have sent John Warner a note expressing your appreciation for his report. There is no need for any action on your part at this time.

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