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DECLASSIFIED
E.O. 12958, as amended, Sect 3.5
NSD Soubers to Smith 9/6/2002
By WAG Date 7/9/07

THE WHITE HOUSE
WASHINGTON

SECRET/EXDIS

September 13, 1971

National Security Decision Memorandum 131

TO: The Secretary of State
The Secretary of Defense


SUBJECT: Panama Canal Treaty Negotiations

I have reviewed Ambassador Anderson's letter of August 20, 1971, as well as the views of the Departments of State and Defense concerning modification of Ambassador Anderson's negotiating instructions on duration of a new treaty as set forth in NSDM 115. On the basis of that review, I have made the following decisions:

- Ambassador Anderson is authorized at the time he feels most appropriate to inform Panama that the U.S., while strongly preferring an open-ended treaty, is willing to consider the possibility of a termination formula, provided that the duration negotiated is a long one and that other provisions of the treaty package are satisfactory to the U.S. If such a formula appears unobtainable, he is authorized to fall back to consideration of a treaty providing for a fixed date of termination. In either case, the U.S. negotiating objective should be a duration of at least fifty years, with provision for an additional 30-50 years if Canal capacity is expanded.
- In addition, he should seek to obtain, as part of any new treaty providing a formula or specific date for termination, a joint U.S. - Panamanian guarantee that upon termination of the treaty, the Canal would be open to all world shipping without discrimination at reasonable tolls and that Panama would take no action that would hamper the efficient operation of the waterway.

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Congressional consultations should be continued to test support for a treaty along the lines outlined above.

A handwritten signature in black ink, appearing to read "Arthur H. Tappan". The signature is written in a cursive style with a large initial "A".

cc: The Chairman, NSC Under Secretaries Committee
The Secretary of the Army
The Chairman, Joint Chiefs of Staff
The Director of Central Intelligence
Special Representative for Interoceanic Canal
Negotiations