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E.O. 12958, as amended, Sect 3.5

NSC/Soubers to Smith  
By LSM Date 02/17/07

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

~~SECRET/LIMDIS~~

November 6, 1970

National Security Decision Memorandum 91

TO: The Secretary of State  
The Secretary of Defense

SUBJECT: United States Policy on Germany and Berlin

As a result of the discussion in the National Security Council meeting of October 14, 1970, the President directs that the following guidelines be used as the basis for (1) our general approach to the problems and issues raised by the further development of the Federal Republic of Germany's relations with the USSR and the Communist countries of Eastern Europe, and (2) the conduct of the negotiations with the USSR over Berlin.

GERMANY

1. Our principal objectives in relations with the FRG will be:

-- to create the conditions and opportunities for the FRG to maintain and deepen its relations with its western allies and western institutions in all respects, political, economic and military;

-- to develop a sense of confidence and trust in relations with the FRG, whether governed by the CDU or SPD;

-- to counteract any impression in the FRG that our longer term commitment to the western alliance is in doubt;

-- to avoid to the fullest extent feasible any involvement, either indirectly or directly, in the internal political affairs of the FRG and, in particular, to avoid any impression that we favor or support any political party in the FRG.

2. Our approach to the specific question raised by the FRG's Eastern policy should continue to be one of general support for the avowed objectives, without obligating ourselves to support particular tactics, measures, timing or interpretations of the FRG's policies. We approve the establishment of

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normal relations between the FRG and the states of Eastern Europe. We should not conceal, however, our longer range concern over the potentially divisive effect in the western alliance and inside Germany of any excessively active German policy in Eastern Europe as well as our concern over the potential risks of a crisis that such a policy might create in relations between Eastern European states and the USSR.

3. We should also ensure that our juridical position with respect to Germany as a whole is in no way impaired by the actions of the FRG or others.

#### BERLIN

1. Whatever the outcome of the negotiations over Berlin, it must be clearly understood by all parties involved that we will continue to exercise our responsibility for the viability, well being and security of the inhabitants of West Berlin. While favoring improvements, the President considers the present arrangement to be an adequate basis for fulfilling our obligations. A new four power agreement is, therefore, not an essential requirement in terms of our interests or our policy.

2. For both humanitarian and political reasons, we can accept practical improvements in the present situation as long as our juridical position is unaffected and our acceptance would not thereby involve us in German domestic political disputes.

3. In light of presently prevailing circumstances, and given the position taken by the present German government, any new four-power agreement concerning Berlin must include the following basic provisions:

-- regular procedures for access to and from the Western Sectors of Berlin for goods and persons, guaranteed by the USSR to the maximum degree feasible;

-- unrestricted opportunities for the further development of economic, cultural and financial links between West Berlin and the Federal Republic of Germany;

-- provisions for the movement of West Berlin residents to Eastern sectors and areas adjoining greater Berlin;

-- an acknowledgement that our rights and responsibilities pertaining to Berlin are in no way affected by any new agreement, and that we continue to hold the USSR responsible for facilitating the exercise of our basic rights;

-- an agreement must include the detailed provisions necessary to implement these requirements; and

-- on matters such as the nature and extent of FRG political activities in Berlin, or the movement of West Berliners into the Eastern sectors, we can abide by the decisions of the FRG, as long as the other requirements of this paragraph are met.

4. It is also desirable, but not essential, that a new agreement allow for the representation of West Berlin's interest abroad by the FRG. If this is not obtainable in agreement with the USSR, however, the United States, assuming agreement with the UK and France, will continue the present practice of permitting the FRG to perform this function.

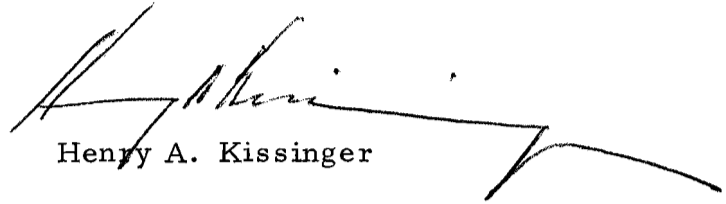
5. The US representatives should not take any initiative in reducing the terms of agreement as outlined in paragraph 3. Agreements on principles only, or secret protocols are unacceptable. Should it become apparent that no agreement is possible, or that only an agreement on lesser terms than outlined in paragraph 3 can be achieved, the President will decide whether any modifications in our basic position could be made, or whether we will terminate the negotiations.

6. The President desires that our negotiators make every effort to demonstrate that our position is a reasonable one and that should negotiations fail it will be the result of the policy of the USSR. Our representatives should not regard themselves as operating under any particular deadlines and should also make every effort to coordinate our policy with the governments of France and the UK.

7. As for the relationship between the Berlin negotiations and the German-Soviet treaty, the United States did not, as a matter of its own initiative, insist on an organic connection between the present four-power discussions and the ratification of the German-Soviet treaty. The disposition of this treaty will be regarded as an internal affair of West Germany, so long as its interpretation or implementation is consistent with the rights and responsibilities of the United States resulting from the wartime and post-war agreements and the unconditional surrender. We support, however, the West German position to maintain a link between the ratification of the treaty and the outcome of the Berlin negotiations. Should, however, the West German government at some point decide to sever this link, our position will be subject to re-examination, consultation with our allies, and a new Presidential decision.

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This policy will be communicated to the British and French governments and to the FRG as part of the normal consultative process.



Henry A. Kissinger

cc: Chairman, Joint Chiefs of Staff  
Director of Central Intelligence