

outcome.¹ Analogous statements were made also by the Governments of other powers which are allies of the United States of America in NATO. It would seem that after such statements the Government of the United States of America ought also to have acted accordingly by avoiding everything that could complicate the effectuation of the understanding about the carrying out of the conferences.

In the light of these facts the premeditated violations by American planes of the existing procedure of air communications with Berlin is difficult to evaluate otherwise than as an effort by the U.S. to worsen conditions for the meeting of Ministers of Foreign Affairs, if not in general to torpedo the understanding attained about the carrying out of negotiations between East and West.

As for the Soviet Union, for its part not only will nothing be permitted which could worsen the situation on the eve of negotiations, but everything is being done to facilitate the conduct of these negotiations. It goes without saying that the Soviet Government has the firm intention right up to these negotiations to adhere to the existing procedure and established practice of communications along the lines of communication between Berlin and West Germany.

In calling the attention of the U.S. Government to the dangerous character of the actions of the American authorities in Germany, the Soviet Government would like to emphasize that the U.S. Government will bear all responsibility for the violation of the conditions of safety of air flights in the airspace of the German Democratic Republic and the possible complications connected with this.

The Soviet Government expresses the hope that the U.S. Government will adopt measures which would exclude the possibility of complications of this type and will for its part facilitate creation of a favorable atmosphere for the conduct of negotiations between East and West on urgent international questions, the solution of which is being awaited by the peoples who are vitally interested in the preservation and strengthening of peace.

Note from the American Embassy to the Soviet Foreign Ministry, Rejecting Soviet Efforts to Limit the Height for Flights in the Frankfurt-Berlin Air Corridor, April 13, 1959²

The Embassy of the United States of America has been instructed to reply as follows to the note of the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics, No. 25/OSA, dated April 4, 1959 protesting the routine flight of a United States aircraft in the Frankfurt-Berlin air corridor on March 27.

The United States Government rejects the Soviet contention that flights above 10,000 feet are precluded by regulations covering flights in the corridors, and that the flight of the C-130 aircraft in question, duly notified to the Soviet Element in accordance with established practice, constituted a violation of presently existing rules. As stated in letters of June 6 and September 8, 1958 from the United States representative to the Soviet representative in the quadripartite Berlin Air Safety Center, flights by aircraft of the United States do not

¹ Statement made by Ambassador Llewellyn Thompson at the time of delivery of the U.S. note of Mar. 26 regarding the foreign ministers meeting on the problem of Germany.

² Department of State press release 265, April 13, 1959.

require any prior agreement from the Soviet Element, and the United States never has recognized and does not recognize any limitation to the right to fly at any altitude in the corridors. As has been previously pointed out, the altitude at which aircraft fly is determined in accordance with the meteorological conditions prevailing at the time and the operational characteristics of the aircraft. The Government of the Soviet Union, having itself put into service aircraft (such as the TU-104) technical characteristics of which require flight at higher altitudes than those formerly in use, will appreciate the influence of such factors on operating altitudes of United States aircraft. While for some time to come the majority of corridor flights will, under normal circumstances, be made below 10,000 feet, whenever weather or the operational characteristics of equipment require, additional flights at higher altitudes will be undertaken. There can be no doubt that improved air navigational facilities and procedures provide adequate safety for such flights.

The flight by Soviet aircraft in dangerous proximity to the United States C-130 on March 27, as witnessed by thousands of persons in the Berlin area, constituted not only a serious violation of the flight regulations that obtain in the air corridors and the Berlin Control Zone but intentionally created the very hazard to flight safety about which the Soviet representatives have professed concern.

The United States Government fully appreciates the importance of safety of flight through the corridors and acknowledges that its maintenance is a matter of mutual interest to the Soviet authorities in Germany.

The conditions of flight safety can be met if the latter will act in accordance with established procedures and separate their aircraft from Western flights notified to them. Although the right of United States aircraft to fly in the corridors to Berlin does not depend upon advance notice to or permission of the Soviet Element, the flight plan of the C-130 in question was passed to the Soviet Element in the Berlin Air Safety Center sufficiently in advance to provide ample time to notify aircraft likely to be in the vicinity as the C-130 passed through.

Further, the suggestion that the Government of the United States of America is seeking to complicate the carrying out of the agreement which has been reached on holding a Foreign Ministers' Conference is not consonant with the facts of the situation.

On the contrary, it is the Soviet Union which is creating doubt as to its intentions by attempting unilaterally to assert a "right", never recognized by the Western Powers, to forbid flights to Allied aircraft at altitudes above 10,000 feet and by permitting Soviet fighter aircraft to harass United States aircraft in a way dangerous to their safety and to the lives of their crews.

The United States expects the Soviet Government promptly to issue instructions to its personnel in Germany to ensure fulfillment of their responsibility for flight safety in the air corridors to Berlin.