CHAPTER SIX

FIRST SESSION OF THE STAFF-LEVEL NEGOTIATIONS

(U) Selecting the Negotiating Team

(U) No serious effort was made to select a negotiating team for the USAREUR-GSFG staff-level negotiations* until after the 12 April CINC-to-CINC meeting. Prior to that, Colonel Lajoie had hoped to resolve the Nicholson incident on the USMLM-SERB level, and then General Fiala had recommended that the USAREUR and GSFG chiefs of staff conduct preliminary staff discussions to set up the CINC-to-CINC meeting. As was seen in Chapter 4, neither was to occur due to national-level decisions and General Otis' desire that there be an early meeting between the two CINCs. Although Colonel Lajoie had, and would continue to have, numerous staff-level-like discussions and negotiations with members of the GSFG staff (especially SERB), the USAREUR-GSFG staff-level negotiations would be conducted by formal negotiating teams.

(U) Selecting the USAREUR negotiating team was not a simple, straightforward process. In addition to meeting the protocol requirements of matching the Soviet team in both rank and numbers, it was essential the team represent the different interests of the USAREUR staff. It might seem obvious that USMLM and the USAREUR headquarters Crisis Action Team would provide most of the members for the negotiating team, since they had been taking care of the required actions so far, but that did not occur without a certain amount of discussion.

( ) On 30 April General Gordon recommended that USAREUR headquarters begin creating a negotiating team that would be representative of interested elements of the USAREUR staff. He thought the team should consist of four key participants, supported by two interpreters and two stenographers. He proposed that the team be headed by DCSOPS, and consist of representatives from USMLM, the International Law Division of OJA, and the Counterintelligence (CI) Division of ODCSI. Interpreter and stenographic support would be provided by appropriate agencies or those nearest the meeting location. General Fiala approved this preliminary plan on 2 May.[1]

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* (U) By mid-May the staff-level discussions began to be referred to as negotiations -- a tacit admission that they would involve a great deal of give-and-take, could become protracted, and should result in some sort of an agreement.

( ) General Gordon normally would have been selected to lead the negotiating team due to USMLM being under his supervision. However, he did not recommend that he lead the team because USMLM's assignment to ODCSI was classified, and he thought his direct participation would have been an admission that USMLM was an intelligence-related organization.[2]

( ) Even though it was anticipated the Soviet team would be led by one of GSFG's senior assistant chiefs of staff, there was never any serious consideration given to having General Fiala head the USAREUR team. General Fiala said that GSFG was organized differently than USAREUR, and he simply had too many other responsibilities that would have precluded him from devoting the necessary time to the negotiations. He noted that CINCUSAREUR had used the DCSOPS in a support role during the 1962 CINC-to-CINC meeting, and that it made good sense to do it again. General Fiala anticipated that broad issues that cut across staff lines would be discussed at the staff negotiations, and traditionally the DCSOPS took the lead in such situations.[3]

( ) Prior to General Otis' final decision, however, on 10 May Colonel Lajoie asked General Gordon to consider another alternative. Colonel Lajoie said that as Chief of USMLM he was already recognized by the Soviets as the US representative for this matter, and they had indicated on several occasions that they expected General Serov and him to examine possible measures to prevent similar incidents in the future. In addition to himself as team leader, he recommended the team consist of Lieutenant Colonel Kelley, US Allied Contact Section's Major Wyckoff, and a translator from USMLM. Colonel Lajoie recognized that other USAREUR staff elements might have an interest in the negotiations and suggested organizing a "working group" of these interested parties at the USAREUR headquarters level to serve as a point of contact or conduit between the negotiating team and higher headquarters.

( ) He understood that the counterintelligence people had opposite concerns from his: While he was interested in insuring that the agreements did not hinder USMLM operations, they were concerned that any agreement granting freer operations to USMLM would result also in freer operations for SMLM. He assured General Gordon that he would seek CI's guidance in this area before proceeding.

( ) Colonel Lajoie was not sure what substantive input DCSOPS representatives could provide, but thought it was more appropriate they be on the headquarters "working group" than on the negotiating team.

( ) He contended that international law considerations would impact on the negotiations only indirectly. The Huebner-Malinin Agreement was the only pertinent legal document, and USMLM had argued the finer points of Huebner-Malinin with the Soviets for almost 40 years. He did not think the Soviets would be swayed one way or another by international law arguments in an area that impacted on the security of their forces in East Germany. He felt that a lawyer could serve his legal review function more effectively as a part of the "working group" in Heidelberg.

( ) Colonel Lajoie stated that it was a truism there could only be one negotiator on a side, and both sides had heretofore recognized him as the US representative in this matter. He felt his credibility with the Soviets would be undermined, both then and in the future, if he was not allowed to lead the negotiating team. As the USAREUR organization with the most experience in dealing with GSFG, USMLM had the greatest capability of negotiating with the Soviets in this kind of environment and already knew intimately all of the expected Soviet participants. He added that the Chiefs of the Allied MLMs, on whose operations any agreement would impact, had expressed their trust in him to insure their interests would be considered. He concluded:[4]

> I understand what the CINC needs from these negotiations. I think we [USMLM] can do the best job for the CINC one-on-one with the Soviets, and I hope he has the confidence in us to let us negotiate for him.

( ) While Colonel Lajoie was arguing that the negotiating team should be composed primarily of USMLM personnel, there were those at USAREUR headquarters who thought he and Lieutenant Colonel Kelley should be excluded from the team. There was a perception that both were too emotionally involved in the situation and would be unable to separate their personal feelings from the negotiating process. In addition, it was feared they would take a strictly intelligence viewpoint, and would want to resolve the issues as soon as possible so that USMLM could resume its intelligence-gathering mission at the pre-Nicholson level. The consensus among USAREUR headquarters staffers was that both should be on the team, but Colonel Lajoie should not be the team leader. The addition of the DCSOPS was expected to balance out the military intelligence slant of team.[5]

( ) General Otis was aware of these considerations when he selected the head of the team. He agreed that he could not

select General Gordon because of the intelligence issue, and he did not "want to take it as high as the chief of staff." Since he wanted the team leader to be one of the USAREUR generals involved in operations types of activities, that left the DCSOPS.[6]

( ) The list of proposed team members forwarded to USEUCOM on 22 May included Brigadier General Roger J. Price, Team Leader; Colonel Lajoie; Lieutenant Colonel Kelley; Lieutenant Colonel Ronald L. Gambolati, ODCSI; Major Elliott; and an unnamed translator from USMLM.[7]

( ) The selection of General Price as team leader was a last minute change. Major General George R. Stotser had been the USAREUR DCSOPS when the decision process had begun, but he had received orders to leave USAREUR headquarters prior to a final selection's being made. General Price, the USAREUR Deputy Chief of Staff, Resource Management (DCSRM), was selected to replace General Stotser as DCSOPS, and as team leader.* Although General Price would subsequently be promoted to major general, he was still a brigadier general when he led the USAREUR team at the first session of the negotiations. He would later say that although he did not have any previous experience in negotiating with the Soviets, he had testified extensively before the Congress.[8]

( ) Colonel Lajoie would bring his extensive Soviet expertise and represent USMLM's interests. Not unexpectedly, Major Elliott was selected to participate as an expert on international law.[9] Colonel Lajoie acknowledged that Mr. Gambolati was highly knowledgeable on SMLM operations and would be a valuable addition due to his CI background, but he had reservations about having a civilian on the team when the Soviet team would be composed completely of military officers.[10] Mr. Gambolati -- like Colonel Lajoie and Lieutenant Colonel Kelley -- was fluent in Russian, and was a Soviet area specialist. Mr. Gambolati solved the problem by proposing that he

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* ( ) General Otis' initial choice had been BG Thomas N. Griffin, Jr., commander of the Berlin Brigade. Both the USAREUR ODCSI and the US Mission, Berlin (State Department) considered that Berlin's special status might be confused by General Griffin's participation as leader of the negotiating team. SOURCE: Ltr, Lajoie to Jeszenszky, 6 Jan 88, cited above. OADR.

serve on the negotiating team in his role as a US Army Reserve lieutenant colonel, and General Fiala approved his selection.[11] In addition to the four negotiators, Lieutenant Colonel Kelley and Captain Werner S. Hindrichs, one of the US Air Force members of USMLM, served on the team as translators/interpreters.[12]

( ) After the USAREUR negotiating team was organized, the center of gravity for resolving the Nicholson incident and conducting the USAREUR-GSFG negotiations shifted away from the CAT. The CAT had served its interim purpose well and subsequently would be expanded and institutionalized as the Soviet Military Advisory Committee (SMAC). (For more information on the formation and purpose of SMAC, see Chapter 10.) Colonel Parnell and other members of the CAT would still be involved in many of the upcoming actions, but henceforth the spotlight would be on the USAREUR negotiating team.[13]

(U) Preparations for the Staff-Level Negotiations

( ) The previously agreed-to staff-level negotiations had been put on hold because of the US-Soviet disagreement about what had been said and agreed to at the CINC-to-CINC meeting. (See Chapter 4, "Soviet Countermoves vs US Countermoves.") Realizing it was vital the staff-level negotiations proceed if it was to secure measures that would ensure the safety of MLM members, USAREUR began to plan accordingly, while still trying to clarify with the Soviets what had been agreed to at the CINC-to-CINC meeting. As a consequence, concurrent with the selection process for the USAREUR negotiating team, there were ongoing preparations for the expected staff-level negotiations that involved setting policy, determining procedures, and outlining tactics.

( ) On 14 May Colonel Lajoie said, "It is all too clear that the Soviets consider the Nicholson incident per se to be behind us, except for pro-forma negotiations on measures to prevent recurrences." He went on to predict:[14]

> ...We can expect intransigence at the staff discussions. GSFG admits to no contradiction between its mission detention policy and guard regulations. The Soviets are unwilling to make a distinction, and are not likely to back off this stance in future talks at whatever level.
>
> Their clear and annoyingly consistent prescription for measures to prevent recurrence shines through all their pronouncements:

> Scrupulous observance by the missions of the Soviet interpretation of the Huebner-Malinin Agreement, avoidance of any conduct considered by GSFG to be illegal or provocative, adherence to GDR regulations, and whenever in doubt, immediate and total submission to any command of a Soviet soldier. Thus, whatever corrective action is required, it relates only to the Allied side. The key to solving the problem lies simply in accepting the Soviet position. This neatly shifts responsibility for the Nicholson shooting and all violent incidents involving the missions (past, present, and future) squarely onto Allied shoulders. In such a framework, the concept of "confidence building measures" can only equate to acquiescence. Thus, we can expect the forthcoming negotiations on measures to prevent recurrence to be extremely difficult and frustrating.

( ) If the underlying Soviet goal would be the "emasculation of mission capabilities," how did Colonel Lajoie hope to accomplish his "hidden agenda" of seeking continued "or even broader access to GSFG's intelligence-worthy activities at less risk"? He thought the negotiations should focus on resolving the two conflicting accounts of the incident, reducing the PRAs, agreeing to an absolute prohibition on the use of force by Soviet and East German forces against Allied MLM personnel, and official recognition of observer status for MLM members as a legitimate liaison responsibility.[15]

( ) On 15 May he followed up these observations and goals with "considerations" that should guide the US side in the negotiations:[16]

- The points to be made or goals to be obtained at the negotiations must be well-defined, simple, and accepted in advance by all echelons of command on the US side. It was essential these goals enhance the safety of USMLM personnel without significantly degrading their ability to collect intelligence.

- The negotiations would be bilateral in form, but multilateral in essence. US positions should be coordinated and agreed upon with the Allies.

- Precedents established in over a decade of dealing with the Soviets on analogous issues should be used.

- The Soviet approach would be characterized by intransigence; their negotiators would have specific instructions and limited authority; and they would be repetitious and avoid any spontaneous speculation.

( ) Since the Soviets had already rejected most of the US proposals in advance, Colonel Lajoie predicted the negotiations would be long, difficult, and "may not be crowned with success." He felt the Soviets were in a better negotiating position, and the US side should not be too optimistic about gaining its objectives.[17]

( ) Concurrently, on 15 May JCS suggested that USAREUR begin the staff-level discussions on 16 May. USAREUR said that beginning them on 16 May would not allow time for coordination with the Allies and proposed that they start on 23 or 24 May. Washington approved the delay, and General Zaytsev agreed on 20 May that the discussions could begin on 23 or 24 May. (See Chapter 4, "US-Soviet Agreement to Begin Staff-Level Discussions.")

(S) While discussing the starting date of the negotiations with USEUCOM and JCS, USAREUR also passed on its proposed agenda topics, as requested by Washington:

- Procedures to insure the physical safety of all MLM personnel, irrespective of circumstances or conditions.

- Mutually agreed upon interpretation of movement restrictions of respective missions.

(S) USAREUR was anticipating there would be more than one negotiating session, and they would alternate between US and Soviet sites. There was some thought that it might be necessary to have executive sessions between the USAREUR and GSFG chiefs of staff to confirm results of the working staff sessions and to agree on official minutes. (This was prior to the formation of the USAREUR negotiating team.) At that point, USAREUR was still predicting that the negotiations should be concluded in June or July.[18]

( ) The Joint Chiefs of Staff concurred with USAREUR's proposed agenda topics on 17 May and added two more:

- CINCGSFG should be reminded that apology and compensation issues had been raised anew at the political level by Secretary Shultz, and the US Government continued to expect a positive response. Until then, this matter could not finally be put to rest.

- Positions agreed upon must not reduce the freedom of operation and movement by USMLM personnel below the level existent prior to the Nicholson murder, nor should they detract from the US Government position that Major Nicholson was entirely within his rights under the Huebner-Malinin Agreement when he was killed.

( ) USAREUR was to inform the British and French that the US would allow normal operations for SMLM in the Federal Republic when the following conditions were met by the Soviets:

- An apology was received.

- Compensation had been made.

- The operating conditions for USMLM personnel in East Germany were in full consonance with the provisions of the Huebner-Malinin Agreement.

( ) A comparison of the above-listed, very firm US Government negotiating position with prior Soviet statements revealed great differences, and the potential for resolving these differences at the upcoming staff-level negotiations did not seem promising.[19]

( ) When Colonel Lajoie delivered General Otis' 16 May letter to SERB (see Chapter 4, "US-Soviet Agreement to Begin Staff-Level Discussions"), Colonel Pereverzev said the Soviets shared the US side's desire to begin the staff negotiations promptly but did not believe the first session would require full negotiating teams, as it would be concerned with procedural issues. Procedural issues to be resolved included: venue, rotation of locations, number of meetings, interval between meetings, timing and anticipated duration, translation support, stenographic arrangements, possibility of informal exploratory sessions, and agenda items. He emphasized that this initial session was required to seek agreement on specific agenda items.

( ) Colonel Pereverzev informed Colonel Lajoie that the Soviets had not yet selected a negotiating team but expected it would include 5 or 6 representatives. He added that if the USAREUR delegation was headed by a general officer, GSFG had "adequate generals with which to respond." Colonel Pereverzev did not know whether the Soviet side would agree to a joint protocol, and he did not want to speculate on whether General Zaytsev would agree to ratify anything at the concluding meeting, or simply wanted to meet again with General Otis, as had been discussed at their previous meeting.[20]

( ) Although Colonel Lajoie agreed with the Soviet concept of holding a preliminary meeting prior to a full-scale negotiating session, General Gordon thought it was important that all meetings be attended by the full negotiating team in order to demonstrate USAREUR's interest in all aspects of the negotiations.[21] When Colonel Lajoie was informed on 20 May that General Zaytsev had agreed to the 23-24 May timeframe for beginning the staff-level negotiations, he was also told that General Zaytsev preferred a preliminary meeting be held on 23 May between the chiefs of USMLM and SERB to discuss the mechanics of the official meetings, with the first official meeting to occur on 24 May. General Zaytsev said GSFG representatives would provide a written agenda of items to be discussed at the 24 May meeting and expected the US side to provide a written agenda of US items.[22]

(U) On 21 May Secretary Weinberger made a 1-day visit to Berlin to visit Karen Nicholson and to reemphasize US demands for an apology and compensation for the murder of Major Nicholson. During a private meeting with Mrs. Nicholson, Secretary Weinberger presented to her a book of photographs taken during her husband's burial at Arlington National Cemetery. At a press conference afterwards, he emphasized that the United States was not satisfied with the Soviet response to the incident, and would continue to press for an apology and compensation. In her first public comment on the shooting, Mrs. Nicholson said:[23]

> I am sure that everything is being done that can be done. I think it is very special that someone sort of took up the family position and asked for compensation....I don't think that Nick should have just died and been forgotten.

( ) USAREUR headquarters hosted a tripartite conference in Heidelberg on 21 May for representatives of the British and French forces in the Federal Republic. USAREUR outlined the US position that relations with SMLM would return to normal when an apology was received, compensation was made, and operating conditions for USMLM personnel in East Germany were in full consonance with provisions of the Huebner-Malinin Agreement. The proposed agenda and objectives for the USAREUR-GSFG negotiations were coordinated with the Allies. (The agenda and objectives presented were a combination of the USAREUR and JCS items listed above.)

( ) The British representative expressed concern that the current restrictive climate against SMLM, if continued for a lengthy period, could result in new measures against the

Allied MLMs. He thought there was little chance the Soviets would comply with US demands for an apology and compensation in return for a restoration of normal relations with SMLM. This could result in the current situation of confrontation becoming permanent. Neither the British nor the French were willing to continue restrictions against the Soviets indefinitely, and both believed that at some point they must return to normal relations. They wanted to see a US formula for developing a reasonable timetable for the return of normal SMLM operations. Both representatives emphasized that they wanted to avoid a split in Allied unity, if at all possible.

( ) The French representative requested that the bilateral USAREUR-GSFG negotiations be expanded to quadripartite negotiations, since the outcome would affect all four MLMs. If this was not possible, he said it was essential that the Allied headquarters be kept fully informed on the negotiations. Both representatives said their commanders would not be bound by the results of bilateral USAREUR-GSFG negotiations.

( ) USAREUR solicited continued Allied support of the SMLM restrictions for as long as possible. Both Allies agreed to continue the restrictions for awhile. The British and French stressed the importance of no social contacts with the Soviets -- to include national day celebrations -- and continued denial of interzonal travel for SMLMs. They also agreed to continue overt surveillance of the SMLMs within their capabilities.[24]

( ) It should be noted that while USAREUR headquarters was carefully coordinating with British and French forces headquarters representatives at tripartite conferences, such as the one above, Colonel Lajoie was conferring closely with his counterparts at the British and French MLMs in East Germany.[25]

( ) General Otis met with the newly formed USAREUR negotiating team on 22 May and was briefed on the status of its preparations for the negotiations. General Otis reviewed the draft negotiation plan, which incorporated the JCS and USAREUR objectives and agenda items. The objectives for the negotiations remained unchanged, but General Otis deleted the third item -- Insure operating conditions for USMLM personnel in the GDR are in full consonance with provisions of the Huebner-Malinin Agreement -- from the agenda that would be presented to the Soviets. The team had recommended deleting this item because it would have provided GSFG an opportunity to delve into issues that could further restrict USMLM activities, e.g., the issue of pass exchange procedures. Any move to limit USMLM

to only 14 tour officers, which was all the agreement provided for, would have drastically hindered USMLM's collection operations.*

( ) General Otis agreed to changing the date for the preliminary meeting from 23 May to 24 May and to delaying the initial negotiating session to approximately 5 June. The plan called for the USAREUR-GSFG negotiations to consist of a series of staff-level meetings during June and July, which would be interspersed with chief-of-staff-level meetings and concluded by a CINC-level meeting. Since there would be only a limited number of staff-level meetings, and the negotiating team planned to keep General Fiala fully informed through normal staff channels, it recommended against holding the periodic chief of staff meetings. General Otis agreed that the chief of staff meetings would not be necessary.

( ) Major Elliott had written a draft protocol to the Huebner-Malinin Agreement, which he thought would greatly simplify the negotiations. The protocol focused on the main USAREUR objective of providing personal safety for members of USMLM but did not address the apology and compensation issues. From his viewpoint, Soviet agreement to the protocol would have secured the most achievable goal of the negotiations. Colonel Lajoie, in particular, was against presenting the protocol to the Soviets because their interpretation of its provisions might lead to further restrictions on USMLM operations, and the Allies had made it clear they did not want any changes to existing MLM agreements. He added that it was doubtful the Soviets would agree to sign a protocol. It was agreed that a written protocol was not a likely outcome of the negotiations, and the idea of presenting the Soviets with a draft protocol was dropped.

( ) At this same meeting, General Otis reviewed the results of the 21 May tripartite conference and agreed with the Allies that it was essential to continue with the existing MLM agreements. He said the British and French could not be included in the negotiations, but they should be kept informed every step of the way.

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* ( ) The Huebner-Malinin Agreement provided for only 14 mission personnel. It was USMLM practice to rotate personnel through the exchange of passes. Thus, while no more than 14 would be accredited at any time, many more could serve with the mission on a rotational basis.

( ) General Otis then outlined an overall strategy for conducting the negotiations. Securing personal safety for MLM members would be the primary thrust of the negotiations. USMLM operational capabilities should be considered, but safety was to be the primary goal. In accordance with JCS instructions, no confidence-building measures could be agreed upon until an apology and compensation were received. Although the compensation issue probably would have to be resolved in diplomatic channels, the negotiators were to ensure the Soviets understood the US Government still expected them to apologize and provide compensation. The negotiators were to seek a mutual definition of "places of disposition of military units." A reduction of PRAs and TRAs would be a goal of this part of the negotiations. At either the beginning or the end of the first official session, the US team was to review the actions of the guard in the shooting and the inhuman and callous sequence of Soviet actions immediately following the shooting.

( ) General Otis emphasized that no information on these negotiations would be released at the USAREUR headquarters level. All press releases would be made in Washington.[26]

( ) Later that day, USAREUR informed USEUCOM that the dates for the preliminary meeting and the first official negotiating session had been moved back and confirmed that the agenda it would furnish the Soviets would be in accordance with the 17 May JCS instructions.[27]

( ) The preliminary meeting between Colonel Lajoie and Colonel Pereverzev was held on 24 May, and during the lengthy, drawn-out meeting, the Soviets provided a preview of what could be expected during the actual negotiations. Colonel Pereverzev was uncompromising and inflexible on most things, including the seemingly most innocuous administrative details.

( ) The session began with an exchange of lists of the negotiating teams. The Soviet team would consist of General-Lieutenant (2-star equivalent) Victor A. Semyonov, GSFG First Deputy Chief of Staff; Colonel Yuriy V. Pereverzev, Chief of SERB; Lieutenant Colonel Yuriy I. Tetyakov, a SERB officer; Lieutenant Colonel Valeriy G. Luferenko, a senior GSFG staff officer; Major Sergey D. Savchenko, translator; and Senior Lieutenant Mikhail I. Styopkin, translator.

( ) They agreed that the first formal negotiating session would begin at 1000 on 5 June. Colonel Lajoie agreed to Colonel Pereverzev's proposal that there be 7- to 10-day

intervals between the meetings, with the second session tentatively scheduled for 13 June. It was agreed that the side which hosted the session would define the exact schedule, with each session to run 5 hours, including lunch. The Soviets rejected the use of tape recorders on the grounds that they would inhibit discussion, and it was agreed they would rely on note taking.

( ) Agreement was reached that the sessions would rotate between US and Soviet facilities, but they could not agree on acceptable locations, or who would host the first session. The Soviets proposed the Potsdam Officers' Club, while Colonel Lajoie countered with the Wannsee Guest House in Berlin, which was equally luxurious. Colonel Pereverzev categorically rejected the use of any facility in either East or West Berlin because of the special quadripartite status of the city. He asserted that GSFG did not have any status in Berlin. As the large house at USMLM's Potsdam compound was undergoing renovation, Colonel Lajoie suggested that holding the meetings at the mission's small villa on the same grounds and at SERB's Potsdam offices would be comparable. Unable to resolve the issue of venue, both agreed to meet again on 29 May.

( ) Prior to ending this meeting, however, Colonel Lajoie presented a written list of agenda items, as had been requested by the Soviets:

- Discussion of the discrepancies between the Soviet and US accounts of the circumstances surrounding the Nicholson killing.

- Procedures to ensure the personal security of military liaison personnel in the performance of their duties.

- Freedom of movement as guaranteed by Article 10 of the Huebner-Malinin Agreement.

( ) Colonel Pereverzev agreed to include the last two items in the negotiations, but spent considerable time reiterating the Soviet position on the shooting incident and stressing that the CINCs had closed the issue at their 12 April meeting. Colonel Lajoie would not agree with this position, and stated that measures to prevent recurrence of such incidents could not be devised unless the incident was better understood. Colonel Pereverzev promised to report the proposed agenda item to General Zaytsev but reaffirmed that the Soviet side would be unwilling to discuss the shooting. Although Colonel Pereverzev had previously stressed how important it was

to submit specific agenda items, he did not submit any Soviet agenda items.

( ) Despite the expected refusal of the Soviets to discuss the shooting, the US side was determined to examine the shooting at the negotiating session -- whether or not it was on the approved agenda -- because it would be the major vehicle for addressing the apology and compensation issues.

( ) On a more hopeful note, Colonel Pereverzev mentioned PRA reductions several times. Colonel Lajoie speculated that the Soviets might be planning to offer a PRA reduction as an incentive to close the incident.[28]

( ) What followed the 24 May meeting was a sequence of events familiar to anyone who has studied Soviet negotiating strategies:[29]

> USMLM maintained daily contact with SERB and USAREUR in an effort to devise acceptable solutions to rather straightforward problems, but Soviet inflexibility thwarted progress. GSFG's refusal to compromise either on the agenda or the technical details of the sessions prompted the frustration forecast earlier. Its pettifoggery duplicated the accounts of Soviet negotiating behavior at multiple international forums....Via resourceful argumentation and inexhaustible patience, CSERB [Colonel Pereverzev] gave substance to the oft-quoted adage that, for the Soviets, "What's mine is mine; what's yours is negotiable."

( ) Colonel Lajoie and Colonel Pereverzev met again on 29 May in an attempt to resolve the three main unresolved issues: where the meetings would be held, who would host the first meeting, and Soviet objections to including discussions of the Nicholson incident as an agenda item. The Soviets continued to be inflexible on all three issues.

( ) After a long discussion about the unsuitability of the proposed US sites for the negotiations, they agreed that each side could determine its site. They unofficially agreed the Soviet-hosted meetings would be held at the Potsdam Officers' Club, and the US-hosted meetings would be held at the small villa on the USMLM Potsdam compound.

( ) Although they had agreed at the previous meeting that the venue would rotate, they still could not agree on who

would host the first session. Colonel Lajoie argued that the Soviets had hosted the CINC-to-CINC meeting, and it was the US side's turn to host this meeting. Colonel Pereverzev just argued -- he even refused to resolve the issue by flipping a coin. Colonel Lajoie asked Colonel Pereverzev to report to his headquarters that the US side was willing to decide the issue by chance, but would not allow the Soviet side to dictate the rotation sequence.

( ) By far, the thorniest issue was that of including a discussion of the shooting incident as an agenda item. Colonel Pereverzev said the Soviet position on the facts of the incident had not changed, would not be changed by any amount of discussion, and the inclusion of such an agenda item would only prompt mutual recrimination. He reiterated that the CINCs had agreed to disagree on the particulars of the incident, and the incident had been closed at their 12 April meeting. He further contended that discussions on this agenda item would only detract from more important issues, and its inclusion would convince the Soviet side that the US side was not genuinely interested in pursuing negotiations.

( ) Colonel Lajoie reasoned that measures could not be devised to prevent recurrence, unless both sides had an accurate understanding of what had occurred and why. The CINCs had not closed the incident at the 12 April meeting; the agreement to disagree had only applied to that meeting, and it had not been implied that the discrepancies between the Soviet and US versions of the incident would be forgotten. By demanding that the item be left off the agenda, the Soviet side was attempting to censor in advance the issues which the US side intended to address, and this was completely unacceptable. He concluded his statement by saying that this was an extremely important matter to the US side, and GSFG would not be allowed to veto its inclusion in the negotiations.

( ) Colonel Lajoie provided a way around the impasse by proposing that the US side cover this subject in its opening statement at the first session. (The US plan would be to raise it in the opening statement, and then pursue the points of disagreement during the negotiations.) Colonel Pereverzev had agreed already that it would be appropriate for both sides to present opening statements outlining their expectations for the negotiations. Although Colonel Pereverzev continued to argue against including discussions of the shooting incident as an agenda item, he seemed to be implying that inclusion of the topic in the opening statement would be acceptable, as it would allow the Soviets simply to listen and make no comment.

( ) Colonel Pereverzev concluded the meeting by emphasizing that neither the opening statements nor the negotiations themselves should be publicized. GSFG would consider any such publicity an American attempt to use the negotiations for political purposes.[30]

( ) The curious way the Soviets viewed the world was revealed during a discussion between the US and Soviet Ministers in Berlin on that same day. The Soviet Minister said the Soviet side was prepared for serious discussions at the USAREUR-GSFG negotiations, but he did not think a "constructive exchange" would be possible if the US side kept raising the Nicholson shooting. The US Minister responded that the US side could not accept a Soviet right to shoot anyone they labeled an intruder. The Soviet Minister then asked why Mrs. Nicholson was still living in Berlin. He speculated that the US side might be encouraging her to stay on in order to keep the issue alive. The US Minister rejected this assertion and said she was still there simply because she wished to let her daughter finish the school year before moving back to the United States.[31]

( ) Colonel Lajoie met Colonel Pereverzev on 31 May in still another attempt to resolve the rotation issue. Colonel Pereverzev reported that his headquarters had rejected both the US proposal to hold the initial session in a US facility and its willingness to decide the issue by the flip of a coin. He insisted that the rotation had begun with the first CINC meeting at the Soviets' Potsdam Officers' Club, which had been followed by the second CINC meeting at USMLM's Potsdam compound, and now it was the Soviets' turn again. He added that over the past several years, USMLM had hosted most high-level contacts between representatives of the two headquarters and cited the 1984 meeting between General Fiala and General Krivosheyev. He stated that it was GSFG's turn, and there was no room for compromise.

( ) Colonel Lajoie said the Soviet refusal was yet another attempt to dictate terms to the US side. He observed that US concessions made in regard to venue (it had settled for hosting its meetings in the small villa at Potsdam) obviously had no effect on GSFG, which was continuing to insist on having its own way in all matters. When Colonel Pereverzev asserted that US stubbornness was jeopardizing the very possibility of the talks, Colonel Lajoie replied that in the face of such Soviet obstinacy, the prospects for success at such talks did not appear great in any event.

( ) In his report to USAREUR headquarters, Colonel Lajoie commented:[32]

> I think we have to resist conceding on this admittedly petty point. Too often in such negotiations we allow the Soviets to dictate procedural details which we consider too insignificant to argue about. This habit can creep over into substantive matters as well. They are distorting past USAREUR-GSFG contacts to serve their purposes, when in fact this is an irrelevant argument. There is no precedent for this meeting. It is a unique negotiation to discuss a unique event. We are prepared to be fair and/or arbitrary on this issue, but we should not let Soviet bullheadedness carry the day.

( ) That same day, General Otis held a meeting with members of the USAREUR negotiating team and the CAT. General Price briefed General Otis on preparations for the negotiations, and General Otis made the following comments:[33]

- The issues of apology and compensation could be brought up in the opening statement, but the team should not tie the success of the talks to these two issues.

- The lack of medical care for Major Nicholson should be stressed.

- In the balancing test between mission safety and operational capability, safety was to be primary, but they were to avoid giving up USMLM operational ability.

- PRAs and TRAs were to be discussed within the context of the Huebner-Malinin Agreement article that dealt with "troop disposition."

- PRA and TRA boundary roads should not be a sticking point in the talks. (USAREUR contended that USMLM should be able to use roads on the boundaries of PRAs and TRAs.)

- Increased surveillance of SMLM-F tours was for their protection. Its termination should not be tied to the apology and compensation issues.

- Instructions to Soviet troops in regard to MLMs should be better disseminated.

( ) During this period, a discussion arose in the headquarters about what exactly was meant by an apology and compensation. Although USAREUR understood that it would be only raising the issues at the negotiations, and that these issues would be resolved in diplomatic channels, the negotiating team felt it must be prepared to address these issues if the Soviet team should ask, "What do you want?" USAREUR had not been provided guidance as to what form of apology and compensation would be acceptable, or from what Soviet level they would be accepted. On 31 May USAREUR proposed to higher headquarters the following two definitions:[34]

> APOLOGY - An apology would include a statement written on behalf of CINCGSFG or higher authority expressing official regret over the incident, an admission of culpability on the part of the individual soldier and the Soviet Government, and an explanation of actions taken to prevent such incidents in the future.
>
> COMPENSATION - Compensation must be prompt, adequate and effective. To be prompt, adequate and effective the amount paid is to be a capital sum plus earnings thereon computed at the current rate for safe investments which would equal the amount the decedent would have contributed to his dependents had he lived. This amount is computed using standard principles used by reliable financial institutions. The actual dollar amount is a question for the State Department to pursue diplomatically.

( ) USEUCOM agreed it was important that USAREUR have definitive guidance in this area in order "to establish a clear and consistent posture throughout the US Government discussions." It requested JCS assistance in identifying and clarifying the limits "to which these staff-to-staff discussions on apology/compensation issues should be deferred to diplomatic channels."[35] JCS responded that USAREUR should make an initial statement at the negotiations which clearly stated continued US interest in a Soviet response to the issues of apology and compensation, and it should note that the US Government had defined those terms to the Soviet Government through diplomatic channels. The USAREUR negotiating team was instructed not to attempt to engage the Soviets in a technical debate as to specifics of acceptable or proper language in those matters. Staff talks were to "move as quickly as possible to a resolution of questions pertaining to future MLM operations."[36]

( ) Just prior to the scheduled 5 June meeting, General Price and the Heidelberg portion of the negotiating team flew to Berlin to join with the USMLM portion of the team for briefings on Soviet behavior, positions, personalities, and goals.* General Price brought along General Otis' guidance and approved strategy for the negotiations.

( ) At 1600 on 4 June Colonel Pereverzev called in Colonel Lajoie, and asked if he had any new proposals - an apparent fishing expedition to see if USAREUR had caved in on the rotation issue. When he was informed that there was no change in the US side's position on that issue, Colonel Pereverzev informed Colonel Lajoie that "recent events" made the small villa at USMLM's Potsdam compound unacceptable for a meeting site. When asked to explain "recent events," Colonel Pereverzev said that GSFG's decision had been prompted by steps taken by USMLM on 30 May. He was referring to the dedication of the small villa as "Villa Nicholson" on Memorial Day. Not only did the villa bear Nicholson's name, but his portrait was prominently on display.** Colonel Pereverzev stated that, while he had no intention of meddling in an internal US matter, and USMLM could certainly do with its buildings as it chose, "...Soviet staff representatives would not, under any circumstances, agree to hold talks in that facility."

( ) Colonel Lajoie responded that Colonel Pereverzev was adding yet another contrived complication to the negotiating process. He reminded Colonel Pereverzev that he had agreed to meet at the small villa as late as 31 May, one day after the 30 May dedication.

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* ( ) Although General Price had received some advice on how to negotiate with the Soviets from the USAREUR headquarters Political Adviser, he found the briefings and papers prepared by Lieutenant Colonel Kelley to be the most useful preparation he received for the negotiations. SOURCE: Intvw, Mr. Stacy w/GEN Price, 15 Apr 86. OADR.

** ( ) The memorialization of Villa Nicholson was one of many ongoing actions to honor Major Nicholson and to care for his family. He was posthumously promoted to Lieutenant Colonel on 11 June, which was only an honorary promotion and had no effect on the indemnity compensation his family received. However, a special death gratuity would be paid to his widow by the US Government in the upcoming months, and Mr. Ross Perot would establish an education grant for Jenny Nicholson.[37]

( ) During a discussion on alternate sites, Colonel Pereverzev displayed some interest -- for the first time -- in agreeing to US-hosted meetings being held in Frankfurt. He hinted that the Soviets might agree to the Frankfurt location, if they were allowed to host the first meeting at Potsdam. Colonel Lajoie saw this as a typical Soviet ploy for gaining a concession by holding out the possibility of a future compromise. He insisted to Pereverzev that it made no sense to ask USAREUR headquarters about another site, when they still had not resolved the rotation issue. Colonel Lajoie told him that no substantive response to his "surprising and disappointing news" was possible at this meeting. Colonel Pereverzev said he understood, and asked for USAREUR's reaction within a week, if possible.

( ) Although Colonel Lajoie had in his possession a personal letter from General Otis to General Zaytsev, asking him to overrule the Soviet negotiators on the rotation issue, he chose to withhold the letter because of the new circumstances. Instead, General Price and the negotiating team drafted a proposed letter for General Otis to send to General Zaytsev, which outlined the "continued obstructionism demonstrated by the Soviet side," enumerated the various US compromises, and recommended that the first session be held on 13 June at the Frankfurt Officers Club.[38]

( ) USAREUR headquarters felt that since it had agreed to limit US comments on the Nicholson incident to the opening statement, not to tape record the proceedings, and had been flexible about possible meeting sites, it was essential the US side stand firm on the rotation issue. General Otis proposed to send a memorandum to General Zaytsev that would say "it was time to stop arguing about procedural issues and get on with the talks."[39] USEUCOM concurred with the USAREUR plan to stand firm and send General Otis' memorandum to General Zaytsev.[40]

( ) After reading the USAREUR and USEUCOM message traffic, General Vessey responded:[41]

> I have read your messages, as has the Secretary. Neither of us wants to be in the business of telling you how to suck eggs, but the Soviets appear to be trying to bury the Nicholson issue. The US is going to extraordinary efforts in a number of fora to make sure that the Soviets understand that the Nicholson issue is not buried. The whole business of CINCUSAREUR/GSFG talks or negotiations is to prevent further Nicholson

incidents. Pretending that Major Nicholson's death didn't occur in the fashion that we know it occurred will not help.

( ) General Bernard W. Rogers, USCINCEUR, subsequently replied: "We do not intend to ignore nor overlook the murder of Major Nicholson during the upcoming negotiations between USAREUR/GSFG representatives." He said that continued insistence on including discussions of the murder of Major Nicholson as an agenda item would have prevented the two sides from meeting in order to discuss measures for ensuring the safety of MLM members. However, he assured General Vessey that the "Negotiating team members will ensure that the Soviets are not permitted to 'bury' the Nicholson issue."[42]

( ) On 6 June General Otis' memorandum to General Zaytsev was delivered simultaneously to SERB and SMLM-F. General Otis' memorandum summed up the US position succinctly and will be quoted in its entirety:[43]

> When we last met, it was on your terms and at your facility. I agreed to that.
>
> You have agreed with me that our staffs should now meet, work out the issues according to prearranged agenda, and then you and I meet to discuss what the staffs have sorted out.
>
> Our liaison people have held several preliminary meetings. They appear to have a reasonable agenda - one that your side opted for. However, I am informed they cannot agree on a meeting place for the first meeting - a rather fundamental decision. At the last minute, the US meeting site was categorically rejected by your representatives after an earlier agreement had been made.
>
> Since we met at your place first on the last occasion, I believe it is reasonable that you agree to have our staffs meet first at Frankfurt on June 13, 1985 for the next (and first staff) meeting. The second staff session would be held at a place of your choosing (Potsdam Officers' Club, for example) at a time and date to be set by our staffs, and then the rotation continued as necessary.

> If our liaison people cannot agree on such a reasonable and equitable point as the rotation of meeting places, I believe that we -- as commanders -- must set the tone. Please issue the necessary instructions and I will direct my staff to agree to the alternate meeting sites following the June 13, 1985 meeting in Frankfurt.

( ) The memorandum had been passed by Major Wyckoff to Soviet officers at SMLM-F, who did not seem to be aware that the 5 June meeting had been cancelled. Colonel Lajoie reported that his meeting with Colonel Pereverzev was the shortest and blandest since they had begun discussing procedural issues. Colonel Pereverzev made no comment on the rotation issue and seemed to want to end the meeting as soon as possible. Colonel Lajoie speculated that Pereverzev might have been saving his strength for a subsequent meeting with the Chief of the British MLM, which was expected to be stormy.[44]

( ) On 4 June a British MLM tour vehicle had unexpectedly encountered a Soviet military convoy near Cottbus -- at least 3 miles from any restricted area -- and was rammed by a Soviet jeep so hard that both tires on one side of the vehicle had been forced off the rims. When Soviet soldiers began throwing bricks and shovels at the tour vehicle, the British driver drove to the nearest village. In the village, Soviet soldiers who deployed around the vehicle had been issued live ammunition and were told to fire if anyone attempted to leave the vehicle. After the situation had been defused, and while the crew was changing tires, Soviet soldiers stole equipment from within the vehicle.

( ) The British protested to the Soviets the ramming of their vehicle, the treatment of their crew, and the theft of their equipment. If the Soviet response was not adequate, the British were threatening to withdraw their invitations to the Queen's Birthday celebration and reception, which would be held on 7 June in West Berlin. Colonel Pereverzev responded that the incident had not occurred as described by the British and that GSFG headquarters probably would reject and return the invitations anyway.[45]

( ) With a curious twist in logic, the British had invited the Soviets to the highly-visible Queen's Birthday ceremonies in Berlin, but did not invite them to the more modest reception hosted by the British MLM at Potsdam. In order to avoid giving the impression of slighting the British, US military representatives in Berlin would attend the parade,

but they were to avoid contact with the Soviets during the subsequent reception. By contrast, USMLM personnel would not attend any of the Berlin ceremonies.[46]

( ) During a trip to Berlin on 7 June, General Rogers was briefed by Colonel Lajoie on the upcoming negotiations and the British MLM incident. General Rogers said that Secretary Weinberger was still insisting that resolution of the apology and compensation issues would be "primary considerations," and that he would "never let it go." General Rogers asked Colonel Lajoie to emphasize to all USMLM personnel the possible ramifications of their activities: USMLM was no place for "people with more guts than brains." Colonel Lajoie responded that it was USMLM's intent to exploit rationally a unique access situation without undue risk, but the very nature of the collection environment made it a dangerous and unpredictable pursuit.[47]

( ) On 11 June Colonel Lajoie met with Colonel Pereverzev, and was informed that General Zaytsev had agreed to hold the first negotiating session at the Frankfurt Officers' Club but was requesting that it be held on 14 June rather than 13 June. Colonel Pereverzev said that since the meeting would be in Frankfurt, General Shevtsov, Chief of SMLM, would replace Lieutenant Colonel Luferenko on the Soviet negotiating team. He requested standard general officer courtesies (to include waiving document checks during border crossings), asked that the meetings be held in private, and reiterated that all publicity should be avoided. He emphasized that the number of persons privy to information on the negotiations should be limited and that only authorized personnel should be allowed in the area of the negotiations.[48] (These latter conditions would prove to be difficult to comply with because of the breadth of normal US Army headquarters staffing and the relative openness of US military facilities.)

( ) That same day USAREUR notified USEUCOM and the American Embassy in Bonn of GSFG's agreement to meet in Frankfurt and of USAREUR's agreement to the date change. One day later, on 12 June at 1700 Zulu, USEUCOM passed this information to JCS.[49]

( ) Representatives from USMLM and the Allied Contact Section in Frankfurt met with their Soviet counterparts on 12 June to finalize arrangements for the border crossing and to discuss last minute details. The SERB representative told Lieutenant Colonel Kelley that the Soviets did not intend to exchange any documents at the meeting, and he did not know if General Semyonov would accept a copy of the US opening statement, as was planned by the US side.

( ) Major Wyckoff's meeting with the SMLM representative in Frankfurt was more interesting. Lieutenant Colonel Aleksandr P. Pegov was an extremely positive-thinking individual who thought that the whole business would be resolved expeditiously at the negotiations and that things would soon be back to normal. He even predicted that all restricted areas would be eliminated and that MLMs from both sides would need only to ask to be granted permission to visit military facilities. Major Wyckoff politely did not scoff at these assertions but did ask about the British MLM incident. Lieutenant Colonel Pegov first asserted that the British had wrecked their own vehicle and concluded by saying that the rough treatment and theft during the incident were the result of actions by illiterate soldiers and a lieutenant.[50] Apparently, unauthorized actions by illiterate soldiers was the generic excuse to be offered for all such incidents; SMLM personnel had used a variation of it to explain the Nicholson shooting and were now using it in the British ramming incident.

( ) A noticeably nervous SMLM staff greeted the GSFG negotiators at the SMLM compound in Frankfurt on 13 June at 1645. The Soviet party had been escorted from the border by US security personnel, who would continue to escort them whenever they were out of the compound. The Soviets were told this was for their personal protection.

( ) ACS personnel visiting the compound observed that General Semyonov seemed dour but reasonable. A previous discussion with a knowledgeable SMLM officer had revealed that he had never heard of General Semyonov before, a curious development given the SMLM officer's position. Another curiosity was that General Semyonov's service identification number was of a very recent issue. Colonel Pereverzev remained his normal, contentious self, and complained about a series of perceived inefficiencies and broken promises. General Shevtsov, in contrast, continued to be friendly and introduced the ACS personnel to the other members of the negotiating team.

( ) On the morning of 14 June, when Major Wyckoff came to escort the Soviet negotiating team to the first session, Colonel Pereverzev had still more questions: Why were they going via the Autobahn (highway) route? Was there something the Americans were afraid for them to see? (The Autobahn route had been selected because of road construction on the best city route.) Why were the Americans being represented by a brigadier general, when they had agreed to the teams being headed by 2-star generals? (He was told that General Price would be promoted to major general in the near future.) Did the Americans have a surprise in store for them at the

negotiations? (In response to Major Wyckoff's query as to what kind of surprise, Colonel Pereverzev answered, "...something unexpected being placed on the negotiating table.") The overall impression of the ACS staff from these questions, and others like them from other Soviet personnel, was that the SMLM staff and the GSFG staff were not keeping each other fully informed.

( ) The Soviet entourage departed from the SMLM compound at 0930 and arrived at the Abrams Complex at approximately 0950. The Abrams Complex, a US Army facility in Frankfurt, served as the home of V Corps headquarters, and its Officers' Club would be used for the first session. The dispatch with which the Soviets were brought to the Abrams Complex, passed through the gate with all proper military courtesy, and greeted at the Officers' Club was impressive.[51]

(U) Round One

( ) General Price welcomed the Soviet delegation, and the first session of the USAREUR-GSFG staff-level negotiations began at 0955. Although the session generally would be conducted according to agreements reached during the preliminary meetings, there were two significant changes:

- As previously mentioned, General Shevtsov replaced Lieutenant Colonel Luferenko.

- The Soviets proposed that the translators should translate from their native language into the foreign language, which was a reversal of the accepted practice of translating into one's native language. The US side agreed, and the procedure did not cause any difficulties: Lieutenant Colonel Kelley translated from English into Russian, and Major Savchenko translated from Russian into English.

( ) General Price proposed that the schedule for the session be: opening statements, coffee break, discussions, lunch at 1130, discussions, and close at 1500. He then showed the Soviets their "break room."

( ) Before beginning his opening statement, General Price offered General Semyonov two copies of his statement. General Semyonov declined, saying: "We have been instructed by our command not to exchange any documents or papers; we are military men, and we follow instructions." General Price said the copies were offered as an aid to translation, and they did

not have to be retained. Subsequently, the two Soviet translators referred to the copies while General Price read his statement, with one of them copying the entire statement. At the end of the meeting, they left the furnished copies behind.

( ) It should be remembered that in addition to performing the normal function of an opening statement, General Price's statement also had to refute the Soviet version of the Nicholson shooting, as well as raise the apology and compensation issues. The primary objective of the statement, however, was to establish USAREUR's firm resolve to obtain a guarantee of safety for USMLM personnel, while preserving their freedom-of-travel rights in East Germany.

( ) General Price began by saying:

> I regret that we are unable to meet under more congenial circumstances. It is unfortunate that we need to discuss serious problems which have arisen. The goal of my side, and General Otis personally, is to ensure that an incident such as occurred on 24 March 1985 or any other act of violence against the United States Military Liaison Mission never occurs again.
>
> I understand that the Soviet officials do not wish to discuss the shooting of Major Nicholson -- for you it is a closed issue. I know that discussion of any issues requires mutual participation. Nevertheless, I must take this opportunity to reiterate my commander's position on the death of Major Nicholson.
>
> I do so because Mission safety and movement restrictions are at the the core of these discussions. In order to facilitate such discussion, we must examine the facts and inconsistencies which relate to the shooting of Major Nicholson.

( ) General Price carefully reviewed the Nicholson shooting: He pointed out the inconsistencies of the Soviet version, said that there was never any chance of Major Nicholson getting away, and emphasized the inhumanity of Soviet actions both during and after the shooting. The most damning charge was that the Soviets had refused to provide timely medical treatment - they had even prevented Sergeant Schatz from going to Major Nicholson's aid. General Price outlined

the history of violent acts that Soviet soldiers and other Warsaw Pact soldiers had committed against Allied MLM members. He contrasted their treatment with that of Soviet MLM members in the Federal Republic, who had never been subjected to acts of violence. He emphasized that the incident would not be closed until an appropriate apology was offered and compensation was paid. He reminded General Semyonov that General Zaytsev had agreed to convey the apology and compensation issues to Moscow. General Price said he recognized that these issues would have to be pursued in diplomatic channels.

(C) General Price continued:

> Still the purpose and direction for these negotiations cannot be totally retrospective. The talks must also concern our common future, for both our sides have Missions operating at the present time. Our challenge here is to ensure their safety.
>
> Since 1947 the Huebner-Malinin Agreement has served our two countries well, and we share your desire that it continue in force. However, the events of the past year have clearly shown that, despite its merits, the agreement, as you interpret it, fails to guarantee the safety of the liaison missions.. ..The United States side, therefore, believes it essential to reach an understanding which categorically forbids the use of force or weapons against members of liaison missions under any circumstances.

(C) He stated that, "A cardinal issue inherent in the Nicholson shooting is the question of limitations on movement." He accused the Soviets of having taken the basically useful idea of designating "restricted areas" to protect "places of disposition of military units," and expanding it far beyond reasonable limits. He reminded them that they had begun the current round of greatly expanding the number and size of PRAs and TRAs and should not have been surprised at the Allied response. "After all, our relations are based on reciprocity, and your side seems to understand the point of analogous measures." He said that since the Soviet side had been expressing a desire for over 6 months to reduce the restricted areas -- and General Zaytsev had reiterated this desire during his meeting with General Otis -- the US side was prepared to discuss the mutual reduction of restricted areas. He proposed

that they should "...determine those facilities which genuinely require protection and define them as permanent or temporary restricted areas, and let the areas outside these sectors be open to the liaison missions." (General Price was referring here to the Soviet practice of posting large geographic areas with "mission restricted" signs, which were not accepted by the Allied missions as having the same status as PRAs and TRAs.) He noted that:

> "It is not the imposition of ever greater restrictions on the missions which has made the Huebner-Malinin Agreement effective. Rather, it is the unimpeded work of the missions which ensures effective understanding between our headquarters.
>
> ( ) General Price concluded:
>
> General, it is my duty and my intention to develop with you measures to concurrently improve the effectiveness of the Missions and ensure their safety. I am ready to do so. I trust that you are as well.

( ) The primary reaction to General Price's opening statement was furious note-taking by most of the Soviet delegation, particularly any time actions by General Zaytsev or Moscow were mentioned. Most of the Soviets remained impassive throughout the statement, with General Semyonov and Colonel Pereverzev frequently exchanging glances. When asked by General Price whether he wished to comment on the statement or to deliver his own opening statement, General Semyonov said he would defer his questions until after he had delivered his opening statement.

( ) General Semyonov's opening statement was much shorter and centered around his contention that the talks would be limited to ensuring the development of practical measures for personal safety, and to the strict observance of the Huebner-Malinin Agreement. He said the main objective of the Soviet delegation was to reestablish good relations between the two headquarters. He claimed that the incident was "tragic, regrettable, and not typical of our relations." He asserted that General Zaytsev and General Otis had agreed at their meeting that there was no need for further discussion on the Nicholson shooting, and, as a consequence, "We believe that there is every reason to consider the 24 March incident closed." (With their usual mastery of the subtleties of

language, the Soviets attempted to depersonalize the Nicholson shooting by referring to it as the "24 March incident.") Any US attempt to continue discussing the incident "...would run counter to the Huebner-Malinin Agreement and impede the resolution of more relevant issues." He insisted that they limit themselves to discussing the agenda items and strict observance of the Huebner-Malinin Agreement.

( ) General Price responded:

> I agree that the agenda items are safety, the Huebner-Malinin Agreement, and reduction of the restricted areas. Apology and compensation are not agenda items, and I will not push to discuss them. They are to be discussed at a much higher political level. I mentioned them in my opening statement only to make the point clear that my government still considers this an open issue.

(C) To which General Semyonov replied:

> In this case, I will clarify our position on apology and compensation. At the 12 April meeting, the Commander in Chief of GSFG responded to the question of apology and compensation: Since the entire responsibility for the incident rests with the American side and personally with Major Nicholson, there can be no question of apology and compensation, and there is no need to return to that incident. This was agreed at the 12 April meeting.

( ) General Price said: "General Otis directed that apology and compensation are matters for political discussion and not for staff discussion. I think we have an agreement."

( ) It was now 1044, and the two sides departed for their break rooms.

( ) When the Soviets returned at 1112, General Price began by discussing the agenda items -- emphasizing that procedures must be developed that would ensure the physical safety of all MLM personnel, irrespective of circumstances or conditions. He said that the events surrounding Major Nicholson's death made it obvious the Soviet side must improve the instructions issued to GSFG soldiers pertaining to the treatment of MLM personnel. He proposed adopting the following procedures as minimal steps:

- CINCGSFG should unequivocally guarantee the safety of MLM personnel, as two previous CINCUSAREURs had guaranteed SMLM safety. USMLM would continue to follow strictly the Huebner-Malinin Agreement.

- USMLM would not take, and had not taken, "provocative" actions. Actions which the Soviets believed to be "provocative" should be reported to the Chief of USMLM, who would take appropriate action. Use of deadly force was never justified, and could never be condoned.

( ) General Price continued by saying that MLM vehicles must have distinctive license plates, and uniforms must be clearly marked. He raised the question of the black leather jackets worn by SMLM personnel, which did not have a distinctive military appearance, rank insignia, or other identifiable markings: "We support a requirement for national identification markings on all MLM uniforms."

( ) General Semyonov rebutted:

> Concerning the point of safety, I understand that the most reliable agreement is: Strict observance of the Huebner-Malinin Agreement of 1947; no provocative actions on the side of USMLM, especially while being detained; [and] strict respect by all members of USMLM for the laws and rules of the country in which they are stationed. The normal instructions to personnel in GSFG and USAREUR state that force and weapons will not be used against the military liaison missions.

( ) Colonel Pereverzev interjected: "You raised the issue of defining 'provocation.' Do we have to do that now or later?"

( ) Colonel Lajoie replied: "The point is that provocative acts must be reported to Chief, USMLM, and not dealt with violently on the spot."

( ) To which Colonel Pereverzev responded:

> You also have to understand that this issue must be considered from two points of view. Your MLM [tours] sometimes try to escape from detentions at any cost. When this happens, it is not easy to restrain our soldiers from taking action. Instructions must be similar on

both sides. Our instructions read: "Physical force or weapons cannot be used under any circumstances." But it is very difficult to restrain a soldier who is about to be run over by a vehicle. We will ensure that no threats or violence take place on our side. Yet, General Price, imagine yourself in the shoes of a Soviet soldier about to be run over; rumors of such action spread among our soldiers. Many incidents such as this occur because your soldiers try to escape at any cost.

( ) General Shevtsov, Chief of SMLM, added:

The members of SMLM-F have been told that they cannot leave the scene of a detention. We recall several incidents in which the head of your liaison section had to apologize for a wrongful detention. Our side can be detained, and still our people never try to leave the scene.

( ) General Semyonov continued by reiterating the official GSFG instructions for detaining MLM members. Colonel Lajoie asked if that policy was being followed. General Semyonov said it was, unless MLM personnel violated the terms of the Huebner-Malinin Agreement.

( ) General Price asked if trying to escape was considered a violation. General Semyonov said, "Yes, most detentions take place under such circumstances." Price interrupted, "Are you saying that we are violating PRAs and TRAs?" "Yes," responded Semyonov, "on more than one occasion."

( ) "What do you mean by 'violate the agreement'?" asked General Price. "They must always observe it," replied Semyonov. General Price continued: "Are your soldiers trained to abide by those rules even if the military liaison mission personnel are in PRAs and TRAs?" General Semyonov answered: "Yes, there is to be no use of physical force or weapons."

( ) At that point, Colonel Lajoie asked: "What are your instructions to your troops on when to detain?" General Semyonov answered: "When the agreement is violated." Colonel Lajoie shot back: "Specifics, please." To which General Semyonov responded: "Do you ask if your soldiers never violate PRAs or TRAs?" Lajoie answered: "No. You said that your soldiers follow the rules as long as we do not violate the agreement. What exactly do you mean?" Semyonov stated:

"Soldiers must abide by our detention procedures in all cases." General Price interjected: "Your soldiers must abide by them even if the Mission [member] is in a PRA?" "Yes," agreed Semyonov, "no use of force or weapons."

( ) After further questioning by General Price and Colonel Lajoie about when the Soviets would detain tour personnel, General Semyonov responded, "When the Mission violates PRAs and TRAs, or the Agreement." Colonel Pereverzev said that even though they did not follow USMLM tours, which would have been a violation of the Huebner-Malinin Agreement, in 1984 alone GSFG had detected over 180 violations of PRAs by USMLM tours. When asked to give examples, he provided several, including what he referred to as the "Magdeburg road races," in which a USMLM tour vehicle had outrun pursuing GSFG vehicles. When asked by General Price how many of the violations were in fact only tour vehicles driving along roads that were on the edge of the PRAs ("border road violations"), Colonel Pereverzev replied: "That does not matter. They are still in a PRA. We cannot draw a distinction between a 500-meter violation and a 10-kilometer violation."

( ) It was at this juncture that General Semyonov stated what would develop into a real stumbling block in guaranteeing personal security for MLM personnel. He began, "...I find it necessary to explain that these instructions [GSFG detention rules] do not apply to a sentry who detains a tour. In such a case, the sentry must comply with his guard instructions, which have the force of law and cannot be changed -- not even by a commander in chief." After explaining in not very clear terms how this would work, he concluded: "If any member of a Military Liaison Mission inadvertently finds himself in a guarded installation or area, he will be detained. But his life will not be threatened if he complies with the instructions of the sentry."

( ) When Colonel Lajoie stated that "...the sentry must understand that under no circumstances need he kill," General Shevtsov replied, "If a Military Liaison Mission tour finds itself on a guarded facility, it must obey all commands of the sentry." General Semyonov added: "When a Military Liaison Mission tour penetrates a restricted area, the guard cannot be bound by special instructions not to shoot; the guard regulations tell the sentry how to react."

( ) "Then we have no protection," said Colonel Lajoie.

( ) "[You have] only one measure of protection, which comes from obeying the sentry," replied General Semyonov. "The Military Liaison Missions must obey."

( ) Colonel Lajoie continued: "I know he [the tour member] should not be there, but if he is there, then you say he must obey the instructions of the guard. However, if he disobeys, he [the sentry] is still only authorized to detain." General Semyonov replied: "If he fails to stay put, then the sentry follows his instructions." Following on, Colonel Lajoie asked: "Let's say he shouldn't be there, but if he is, then you say he gets killed?" General Semyonov reiterated: "If a Mission member is in such a place, he must obey the sentry." "That's no guarantee!" stated Colonel Lajoie. General Semyonov and General Shevtsov responded in unison: "Yes it is!"

( ) General Price interjected, "But you have sentries who are not in PRAs or TRAs." "Yes," said Semyonov, "in places of disposition of military units." "How about convoys?" asked Colonel Lajoie. General Price continued: "I understand that you don't want to hear this. Major Nicholson was not in a PRA or TRA, nor in a fenced military installation. Yet you shot him based on a guard regulation. We must come to grips with that."

( ) "It was a guarded military unit," responded Semyonov.

( ) "How can the MLM tell what is guarded?" asked General Price. "Where are these units? How can the Mission tell if it is not identified as a PRA or TRA?"

( ) Colonel Pereverzev answered: "If you come across a sign in Russian and German that reads 'Halt! Shooting!' -- it is a demand that all stop. Then it is clear. If an MLM crew should penetrate during a firing exercise and be killed, then you would accuse us of another incident."

( ) "And how many times has that happened in 38 years?" shot back Colonel Lajoie.

( ) General Price redirected the discussion:

> How do we define...a "place of disposition of military forces"? Our Military Liaison Mission had been to Ludwigslust many times before, many times. At other times there was no guard. It was not a restricted area. We need to define what it is that you want to put off limits. Then we can tell a Mission member that he can or cannot go there, but the Soviet side must also abide by all the rules of the Huebner-

Malinin Agreement. The Soviet side is not abiding by the Agreement, as the restricted areas are now being interpreted.

( ) General Semyonov replied:

The Huebner-Malinin Agreement defines "disposition of military units." This agreement says that Military Liaison Missions cannot go to a place of disposition of a military unit. This was such a place. It was marked with signs.

( ) "There were no signs," stated Colonel Lajoie. "The signs were there," contended Colonel Pereverzev. General Price answered, "...these small signs are not in accordance with the Huebner-Malinin Agreement." (One of the more serious disagreements between the US side and the Soviet side was the US contention that USMLM tours did not have to obey "mission restriction signs" which were in areas other than PRAs and TRAs.) General Semyonov replied: "We have signs that are perimeter markings for the sentry's benefit. USMLM ignored these signs on 24 March."

( ) General Price asked: "Other missions have visited the area when no guard was present. If there is no guard present, is it an installation?" He continued: "We must define this so that everyone knows what is off limits. If you define all the areas that you want the MLM to avoid as a PRA or TRA, we will agree to that. It is either a PRA or TRA, or the area is open to travel by the Mission."

( ) Colonel Pereverzev asked: "What if the entire territory of the German Democratic Republic becomes PRAs or TRAs?" Colonel Lajoie incredulously asked: "Is that what you propose?"

( ) General Price ignored Pereverzev's question and continued: "Let us start with a blank map and identify specific areas to stay away from. I assume that you have been instructed to follow the Huebner-Malinin Agreement, which calls for freedom of movement." General Semyonov interjected, "Except for areas where there are military units." "[Then] define those as PRAs or TRAs," challenged General Price.

( ) The negotiators broke for a joint luncheon at 1200, where, for the most part, the conversation was cordial - except for General Shevtsov's complaints about US restrictions on the movements of SMLM personnel in the Frankfurt area, and the overt surveillance of SMLM tours. He was reminded that these

ATTENTION! PASSAGE OF MEMBERS
OF FOREIGN MILITARY LIAISON
MISSIONS PROHIBITED!

ATTENTION! PASSAGE AUX
MEMBRES des MISSIONS MILITAIRES
ETRANGERES de LIAISON est INTERDIT!

ПРОЕЗД ЧЛЕНАМ ИНОСТРАННЫХ
ВОЕННЫХ МИССИЙ
СВЯЗИ ЗАПРЕЩЕН!

Durchfahrt für das Personal der
ausländischen Militärverbindungs-
Missionen ist VERBOTEN!

Soviet multilanguage mission restriction signs.

measures were being taken in order to ensure the safety of SMLM personnel, which was necessary due to the strong feelings caused by the Nicholson shooting. When asked about the unusual antenna configuration on SMLM's roof, General Shevtsov replied that he had one antenna for each German TV station, and one for the American Forces TV station.

( ) When the negotiations resumed at 1315, General Price continued the discussion on defining what was meant by "places of disposition of military units." He again proposed that any place which required security protection be designated a PRA or TRA, and that any area not so designated be open to travel by MLM personnel. He said that the designation of restricted areas should be done in the spirit of "complete freedom of travel," as was called for in the Huebner-Malinin Agreement. He thought that adoption of this proposal would define completely where MLM personnel could or could not go, and would enhance the safety of all MLM personnel by clearly defining where military units were located.

( ) He added: "Your guards, with their guard orders, still would not have the authority to shoot our people, but it would give our [MLM personnel] clear areas to avoid." He thought this was an area in which they could reach an agreement.

( ) General Semyonov agreed that it was, and then proceeded to cloud the issue: "All military units are marked and fenced. All installations that are not fenced are properly marked with signs that forbid [MLM personnel] to travel there."

( ) General Price noted that -- given the Soviet guard instructions -- the mission restriction signs posed a hazard for USMLM personnel when they were posted in areas other than a PRA or TRA. He gave as an example: The Soviets could go to any area in East Germany, station one motorized rifle squad there, put up a mission restriction sign, and then -- under the Soviet guard rules -- shoot any MLM personnel that happened to go through the area. He added that once the Soviets had put up their mission restriction sign, MLM personnel could still be shot by the guard using their guard rules -- even if the wind had blown down the sign. He reiterated his proposal that they should start with a blank map, and designate as PRAs only those areas which required security, with all other areas being open to MLM travel.

( ) General Semyonov responded:

For 38 years we have been living and abiding by the Huebner-Malinin Agreement. If it were not

> for the tragic incident of 24 March, everything would be fine. We believe that the best guarantee of safety is strict observance of the Huebner-Malinin Agreement. [There should be] free travel anywhere except for PRAs and TRAs, and places of disposition of military units. [Emphasis added.] All military installations are properly marked. The local signs [mission restriction signs] are another safety measure, because they warn the Military Missions that a unit is there, and that all members must strictly observe the Huebner-Malinin Agreement and obey local authorities. This is an area to avoid. [In reference to] the reduction of PRAs and TRAs, we are prepared to reduce the restricted areas in the near future. In order to do so, we now must decide whether this problem is to be resolved by Colonels Lajoie and Pereverzev, or at our level. What is your opinion?

( ) General Price said that talks on the reduction of PRAs and TRAs should begin during the current negotiations. However, he felt that first they should resolve the issue of whether the mission restriction signs were in accordance with the Huebner-Malinin Agreement. He explained: "I am not talking about Kasernes [military installations] with fences and guards. It is clear that, to you, this Kaserne is a restricted area, whether on a [PRA] map or not." However, he was concerned that some training areas were open to USMLM personnel, while others were not: "Major Nicholson went there and was shot. How can I give orders as to where he may or may not go, when you are not consistent in the delineation of restricted areas?"

( ) "We have all the signs necessary to clearly show that a trespasser could be killed by [weapons] fire on the ranges," responded General Semyonov.

( ) General Price asked: "Is there a distinction between mission restriction signs [for MLM personnel] and a sign for a civilian at a firing range?"

( ) Colonel Pereverzev said there was a distinction between the two:

> I will explain the difference between the boundary signs and the firing range signs. Any firing range, where there is day and night

firing must be clearly marked. This applies to everyone. The signs are in two languages: Russian and German. We could add English. As far as the mission restriction signs are concerned, such signs do not run counter to the Huebner-Malinin Agreement. They are to show where a unit is located, for some units...are not located in a PRA. They exist for two reasons: To ensure the safety of the MLM, so that it does not go there by chance, and because there are small areas that are difficult to spot on the map. If all such areas were included in a PRA, then the PRAs would be enlarged, which would escalate the tension between GSFG and USAREUR. If the Chief of USMLM determines that these signs are posted on main transit roads, he may ask SERB to ascertain whether the signs are properly posted. I have already answered the range sign question. The Soviet commander is trying to prevent accidental penetration [of the range].

( ) Colonel Lajoie asked: "Can we then report to the CINC[USAREUR] that you have no enthusiasm for his proposal to reconsider PRAs and TRAs?"

( ) Seemingly misunderstanding the question, Colonel Pereverzev answered: "That would lead to larger restricted areas."

( ) Colonel Lajoie tried another tack: "Do you have to protect everything? The intent was that not all of Germany would be restricted." Colonel Lajoie pointed out that there was no mention of PRAs in the MLM agreement the Soviets had concluded with the British. Colonel Pereverzev first said that the Soviet agreement with the British was of no concern to the United States, and then went on to explain that all British MLM visits to Soviet PRAs, as well as other military facilities, had to be announced in a timely manner.

( ) Colonel Lajoie followed up: "On this point the GSFG position is that all PRAs and TRAs, all locations of military units, forces, training areas, and ranges are off limits. Is that your position?"

( ) "That is correct," interjected General Semyonov. "Why should a human life be put at stake?"

( ) Colonel Lajoie expanded the question: "How do you reconcile that with the Huebner-Malinin Agreement -- which clearly states 'complete freedom to travel' -- if 90 percent of the country is restricted?"

( ) "We can do it the way you suggest," responded Pereverzev. "But why confine ourselves only to installations. We can also cover ranges as PRAs. In principle, we understand that you suggest that all training areas are PRAs."

( ) Colonel Lajoie stated: "We hope that you would do so in the spirit of complete freedom to travel, and would only protect those [military facilities] that are truly important." Colonel Pereverzev replied: "That is exactly what we offer to sit down and discuss."

( ) General Price interrupted to say that his primary task was to ensure safety, and that as long as the Soviets used mission restriction signs in areas other than PRAs and TRAs, he could not do his job of ensuring the safety of MLM personnel. He contended that the way things were, "any farmer in East Germany [could] get [mission restriction signs] and keep everyone out."

( ) Colonel Pereverzev recalled a past situation where, at USMLM's request, SERB had removed signs on transit roads that did not go through military areas. He conceded that there might be some leftover mission restriction signs from past maneuvers, but promised that any unnecessary signs would be removed. He insisted, however, that mission restriction signs were necessary to protect MLM personnel.

( ) General Price said that it still was not clear where mission personnel were allowed to go. He reiterated the US position that restricted areas should be designated as PRAs or TRAs, and suggested that each side consider the other's position. In the meantime, he recommended they move on to another subject: "I propose that we allow the military liaison missions to halt on the Autobahn without regard to restricted areas, whether in or on the boundary of a PRA or TRA."

( ) The Soviets were very interested in this proposal, and -- after extensive discussion among themselves as to what constituted legal stopping on the Autobahn -- agreed to the proposal, with the proviso that it be done without violating traffic rules. Both generals said that they had the authority to discuss and to reach tentative agreement on these types of items, but that the respective CINCs would make the final decisions.

( ) General Price proposed that they next consider the question of whether roads that were on the boundary of a PRA or TRA were defined as being within the restricted area. He asked: "Is it possible to make this road free for transit?"

( ) General Semyonov said his side would consider the question. Colonel Pereverzev explained that the concept of delineating PRAs with roads had been introduced because they had thought it would help the MLMs to identify the boundaries of the PRAs. The issue had been a point of discussion between GSFG and the Allies since the issuance of the latest Soviet PRA map in 1984. He asked if the USAREUR position was to exclude them from the PRAs.

( ) General Price said that it was, and asked that rest areas on the edge of the road also be excluded from PRAs.

( ) "In that case there could be problems," Colonel Pereverzev responded. "Say something happens and the mission must stop, and it will be in a PRA..." Colonel Lajoie interrupted: "You could always give us a buffer zone, say 100 meters." "Hah!" replied Colonel Pereverzev. Colonel Lajoie asked: "How about 25?" General Semyonov closed out the discussion on this item by stating that Colonel Pereverzev and Colonel Lajoie could study this problem.

( ) With the US restrictions on SMLM in mind, General Shevtsov asked:

> Is it really advisable to close off an entire small city just because it has a small garrison? Authorize me to go around the garrison without going inside. There may be a fence, so we can agree that I would not be allowed to climb the fence."

( ) General Price said that the Chief of SMLM had described the US position exactly: "Complete freedom of movement in all areas [that are] not PRAs or TRAs."

( ) Colonel Pereverzev agreed, and pointed out that USMLM could go through Potsdam, but could not go to the two units stationed there: "A city would be open for travel except for those units. If a unit has critical significance, it must be in a PRA." However, just as he seemed to be approaching the US position on freedom of travel in non-PRA areas, he veered off and said he wanted to raise a "more serious issue." Colonel Pereverzev claimed that they were very concerned about

USMLM personnel approaching road and rail convoys. He said the trains were guarded, and USMLM personnel must be made to understand that they must not be approached.

( ) "And sentries must not shoot," added Colonel Lajoie.

( ) Colonel Pereverzev replied: "It is all irrelevant to a sentry."

( ) Colonel Pereverzev reversed the situation and asked what a US sentry would do if an SMLM member jumped on a flat car and approached a tank being transported by the train. Colonel Lajoie answered: "He would not shoot to detain. There is never any question of [USMLM personnel] escaping, because you could always detain our personnel at the [Glienicke] bridge."

( ) "After they have escaped," protested Colonel Pereverzev. "Mission members must not penetrate equipment trains." He continued: "But I pose a question: Is it possible that someone could get onto a flat car by chance?"

( ) Colonel Lajoie replied: "[If that happens,] we ask that -- before the guard shoots -- he convince himself that there is no other resort."

( ) General Price then asked a series of questions in an effort to clarify Soviet intentions in this area:

> Are you proposing that we direct that Mission members never climb on trains, and in return you will not use force? If the Mission member is close enough to climb on a train, then the guard must be close enough to identify him. If the Mission member is inside a tank, it's even easier to detain him. Would you say that the area around a tank, short of getting on it, is open if not in a TRA or PRA?

( ) "It is not a restricted area," replied General Semyonov, "but the train itself is guarded by a sentry." He added that the sentry was instructed to detain any unauthorized person: "The sentry must obey his [guard] orders, if anyone tries to get on."

( ) General Price asked: "Is the area up to the train, but not touching it, open to the Mission?"

( ) "It is a provocation if the Mission pulls right up to a train," answered Colonel Pereverzev.

( ) General Semyonov intervened at that point and said that Colonel Lajoie and Colonel Pereverzev could directly discuss specific issues on which there were disagreements. General Price agreed that the current staff discussions could not anticipate every possible event, but he thought they could establish ground rules for restrictions on MLMs.

( ) General Semyonov requested that USMLM personnel be instructed that both detention and sentry procedures were defined by Soviet guard regulations. He emphasized: "We cannot change the guard regulations. They have the force of law and cannot be changed, even by the CINC."

( ) Colonel Lajoie responded: "Our sentries understand that under no circumstances will they fire on the SMLM. You cannot give us the same guarantee we give you?"

( ) General Semyonov stated: "We give you every guarantee that if a Mission member is caught and obeys orders and the rules of detention, he will not be harmed."

( ) "Then we have a major training challenge," interjected General Price. "We must train your soldiers as to what a Mission member looks like, so that they will not react as your guard did on 24 March."

( ) General Semyonov agreed, and said that they wished to raise the issue of uniforms: "Your personnel must not wear camouflage uniforms. We will enforce reciprocal measures on our side. We want the Mission [personnel] to wear standard service uniforms that are clearly marked."

( ) "The BDU [battle dress uniform] is the standard uniform of the United States Army," protested Colonel Lajoie. "We know that," replied Colonel Pereverzev. "We want to agree that only service uniforms will be worn. They are more easily identified."

( ) Colonel Lajoie responded:

> You should not dictate uniforms, as long as they are clearly identified. The material of our service uniforms is not suitable for touring conditions. I don't think we should get specific, other than to say that it must be a recognized uniform.

( ) Colonel Pereverzev said that they were not dictating on this point, they just did not want USMLM personnel to wear camouflage uniforms. General Price tabled the discussion on this issue: "We will discuss this among ourselves and raise the issue at our next meeting."

( ) General Semyonov raised a new issue:

> We would like to discuss respect of local laws by the Missions. The experience of the SMLM in the FRG shows that the Soviets have never provoked West German authorities. It is not so in the East. We have to ensure that the MLMs respect the laws of the host country. When the Soviets violate laws, the commander puts a stop to such violations. At the 12 April meeting, the CINCs agreed that the Missions are on the territory of sovereign states, and that we must take that into consideration. So we demand that all Military Liaison Missions do so.

( ) General Price replied: "Our CINCs agreed that we will respect* the laws of the host nation. However, the MLM is not subject to the jurisdiction of the GDR. We will continue to respect the laws."

( ) General Semyonov said that the East German police were required to stop USMLM personnel when they violated traffic laws. General Price asked if the Chief of USMLM was provided with police reports of USMLM traffic violations. Colonel Pereverzev coyly replied that GSFG did not monitor USMLM movements, but that they did receive the reports at a later date from the East German police. Colonel Pereverzev reminded them that he had already written two letters during the current year to Colonel Lajoie protesting USMLM traffic violations. Colonel Lajoie asserted that this was an issue

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* (U) Soviet soldiers on "official duty" had immunity from East German law. USAREUR contended that USMLM personnel were on "official duty" when conducting their liaison duties with GSFG, and must be granted the same immunity. As a consequence, USAREUR agreed that USMLM personnel should respect East German laws, but they were not necessarily required to obey them at all times. SMLM personnel were granted reciprocal rights in West Germany. SOURCE: Staff Paper, MAJ H.W. Elliott, C/Intl Law Div, OJA, ca. Jun 85, subj: Questions With Legal Implications. UNCLAS.

that could be resolved at the USMLM-SERB level. He said that USMLM personnel would respect the East German laws. He continued: "These are not serious problems,...the killing of an American officer is serious, and that is what brought about this meeting."

( ) General Price noted that it was 1435, and suggested they agree on potential dates for the next meeting. General Semyonov recommended that first they should draw conclusions about this meeting. General Price gave the following summary:

> We agreed about some points. We discussed the agenda items. We talked a great deal about the safety of the Military Liaison Missions, as related to the restricted areas. We did not agree on how to clarify for the US those areas which you consider to be restricted. Specifically, we continue to object to the use of the mission restriction signs. I object to the mission restriction signs because of the uncertainty they present to our Missions. We did agree to a reduction of restrictions on the Autobahn. We agreed to abide by the Huebner-Malinin Agreement. The US agreed to consider your proposal that the MLM wear service uniforms. I'm not sure what we agreed upon on the train [issue]. I think we agreed that SERB and USMLM would discuss trains.

( ) Colonel Pereverzev said that the issue of opening up roads that bordered on PRAs could by worked out by Colonel Lajoie and himself before the next session. He added that they also might be able to resolve the issues on trains and the reduction of PRAs.

( ) General Price agreed that the two colonels could discuss these three issues, but emphasized that their joint work should in no way conflict with the basic US position of defining restricted areas only by PRAs and TRAs. He proposed that the two colonels draw up a preliminary PRA map, with the goal of significantly reducing PRAs.

( ) General Semyonov said they would study the idea of a new PRA map, but then contended that to do so under the conditions outlined by General Price would be a violation of the Huebner-Malinin Agreement.

( ) General Price responded that although the Huebner-Malinin Agreement did not use the terms "PRA" or "TRA," over 38 years of common usage by the two sides which defined "places of disposition of military units" by these two terms was certainly in the spirit of the agreement. He then asked if there were any other items to be discussed.

( ) General Semyonov said there were none, but General Shevtsov interrupted to ask if the US side would rescind its overt surveillance of the SMLM tours. He said the US guards posted at the SMLM compound were sufficient to guarantee their safety. He also asked that the US side allow SMLM-F personnel:

- To resume direct trips to the other two SMLMs and to the Soviet Embassy in Bonn

- To make escorted visits to repair shops in PRAs

- To use some sections or exits of the Autobahns that had been closed to SMLM

- To resume using the American post exchanges.

(Most of these sanctions or restrictions had been imposed on SMLM-F in response to the Soviet Union's unsatisfactory response to the Nicholson incident.)

( ) A discussion ensued among the US side, which essentially concluded that the last item -- the denial of post exchange privileges -- actually had been only a warning by Allied Contact Section personnel that they could not guarantee the safety of SMLM personnel if they used the post exchanges during the current tense situation.

( ) General Price promised to present the SMLM requests to the USAREUR Chief of Staff for consideration.

( ) General Price again asked if they could decide on possible meeting dates for the next session, which would be held in Potsdam. General Semyonov suggested that they meet on 27 June. General Price said 1 or 2 July would be better, but that the US side would consider all three dates. General Semyonov said the Soviet side would let them know which date was best.

( ) General Price then stated:

I think it has been a profitable day. We have not agreed on all issues, but we have approached

them as soldiers. We have fulfilled what our CINCs told us to do. We will resume by 1 or 2 July.

( ) General Semyonov responded: "I also agree. I am fully satisfied with the results of today, and I believe that in the future we will resolve all of our problems."

( ) General Price asked if the Soviets would furnish a photographer for a group picture at the Potsdam meeting. Colonel Pereverzev replied: "Why don't you bring one of your [USMLM] photographers? They have excellent camera equipment." After more good-natured bantering about the exchange of photographs, the meeting was concluded at 1500.[52]

(U) Assessment of Round One

( ) Throughout this first session, the negotiations were conducted in a business-like manner, with only a limited degree of cordiality. The Soviet negotiators took the anticipated positions on all major issues. Although they were willing to discuss all matters -- except for the actual shooting of Major Nicholson -- they only reiterated proposals made in earlier Soviet Government and GSFG-level statements on the principal issues. In certain areas of decidedly secondary significance, the two delegations found common ground, and on this basis it was anticipated that limited improvements in the operational capabilities of the MLMs might be possible. If so, they would occur at the margin.

( ) The Soviet approach was to take the high road and not be drawn into discussion of past incidents. They clearly tried to characterize the Nicholson shooting as a closed issue. They rejected the US claims for apology and compensation as having no basis, and attempted to dismiss the shooting as a tragic accident that was regrettable, but atypical. The Soviets said that it was essential to reestablish a climate of confidence between the two countries.

( ) As expected, the Soviets revalidated concepts they found useful: The Huebner-Malinin Agreement, PRAs, TRAs, "places of disposition of military units," mission restriction signs, and Soviet guard regulations. However, they would not consider an unequivocal guarantee of personal security: It was the responsibility of the MLM member to comply with the guard's instructions.

( ) The Soviet negotiators were not yet prepared to discuss new definitions or new concepts for defining restricted

areas, but they seemed anxious to achieve an overall reduction of PRAs. They also seemed willing to consider letting MLM personnel stop on Autobahns and to allow them to transit on PRA border roads. The US negotiators thought it was possible the Soviets were ready to provide a long-expected PRA map that would reduce significantly the portions of East Germany covered by PRAs.

( ) Although no major agreements had been reached, USAREUR headquarters' assessment was that the initial meeting had not gone badly. It planned to continue pushing for an apology and compensation, pressing for a clarification of the "places of disposition of military units" phrase, and arguing for a reciprocal guarantee of personal safety for MLM members.[53]

( ) USEUCOM's assessment of the first session mirrored USAREUR's, but was expressed in somewhat stronger terms:[54]

> As feared, it is clear that the Soviets are trying to put the Nicholson murder behind them. While the meeting was business-like and straightforward, it was clearly oriented toward burying any reference to the murder. The Soviets continued to hold the position that Major Nicholson himself was solely responsible. There was minor progress on some small procedural issues and practices at the margin of the meeting, but possibility of any major movement seems totally dependent upon US dropping acknowledgement of apology and compensation issues.
>
> ...We intend to continue to impress upon [the] Soviets the fact that [the] Nicholson tragedy cannot be resolved without proper acknowledgement by the Soviets of their actions together with appropriate apologies and compensation to the family. Negotiators will also make every effort to move [the] Soviets toward the rapid adoption of procedures to improve the safety of MLM operations.

(U) Renaming of Checkpoint Charlie

( ) On 13 June General Maxwell R. Thurman, US Army Vice Chief of Staff, asked about the feasibility of renaming Checkpoint Charlie in Berlin in honor of Arthur D. Nicholson, who had meanwhile been promoted posthumously to lieutenant colonel.

Colonel Lajoie said it was not a good idea in that many US agencies -- particularly the State Department -- would react negatively to renaming this historically significant checkpoint. He pointed out that it was an Allied checkpoint, and he doubted that either the British or the French would go along with renaming it in honor of a national figure.

( ) Recalling the Soviet refusal to negotiate at USMLM's small villa in Potsdam because it had been memorialized as Villa Nicholson, Colonel Lajoie predicted equal problems from the Soviets if Checkpoint Charlie were renamed after him. As Checkpoint Charlie had absolutely no connection with USMLM -- USMLM personnel used the Glienicke Bridge to go back and forth into East Germany -- and Nicholson had already been suitably memorialized in Berlin by both USMLM's Villa Nicholson and the Berlin Community's Arthur D. Nicholson Memorial Library, it did not seem necessary to rename Checkpoint Charlie. The idea was quietly dropped.[55]

CHAPTER SIX FOOTNOTES

1. Memo, MG D.J. Gordon, DCSI, to CofS, 30 Apr 85, subj: USAREUR-GSFG Staff Representatives Meeting. AEAGB. OADR.

2. Intvw, Mr. Stacy w/MG Dudley J. Gordon, USAREUR DCSI, 12 May 86. OADR.

3. MG Fiala Intvw, 4 Jun 86. OADR.

4. Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 101600 May 85, subj: USMLM Input to Negotiations "Working Group" Proposal. OADR.

5. (1) LTC Browder Intvw, 9 Apr 86. (2) Intvw, Mr. Stacy w/Mr. (LTC, USAR) Ronald L. Gambolati, Chief, SMLM Section, Special Operations Br, CI Div, USAREUR ODCSI, 13 Aug 86. Both & OADR.

6. GEN Otis Intvw, 7 Aug 86. OADR.

7. Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECCS/ECJ2), 221640 May 85, subj: USAREUR-GSFG Negotiations. OADR.

8. Intvw, Mr. Stacy w/MG Roger J. Price, USAREUR DCSOPS, 15 Apr 86. OADR.

9. Ibid. OADR.

10. Msg, CUSMLM to ODCSI (AEAGB-G[HO]), 151300 May 85, subj: CINCUSAREUR Response to 13 May Zaytsev Ltr. OADR.

11. Note, "G" (MG Gordon) to C/Coll Div, 16 May 85, no subj. No file. UNCLAS.

12. Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 241730 May 85, subj: 24 May Procedural Meeting on USAREUR-GSFG Negotiations. OADR.

13. (1) MG Price Intvw, 15 Apr 86. (2) COL Parnell Intvw, 20 May 86. (3) MAJ Smith Intvw, 29 Apr 86. All & OADR.

14. Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 141700 May 85, subj: Comments on GSFG Response to 1 May CINCUSAREUR Ltr. OADR.

15. Ibid. OADR.

16. Msg, CUSMLM to CINCUSAREUR (AEAGB-C[HO]), 151300 May 85, subj: Agenda for Negotiations With GSFG on Measures to Prevent Recurrence of Violent Incidents Involving Members of the Military Liaison Missions. OADR.

17. Ibid. OADR.

18. (1) FONECON, CPT Hartge, USEUCOM ECJ2, to CPT Tiffany, USAREUR Intel & Warn Cen, 0230L 15 May 85, subj: Pending JCS Tasking to USAREUR. (2) Msg, CINCUSAREUR (AEACC) to CINCEUR (ECDC/ECCS), 151145 May 85, subj: USAREUR-GSFG Negotiations. (3) Msg, USCINCEUR (ECDC) to JCS (CJCS), 152055 May 85, subj: SAB. All & OADR.

19. (1) Msg, JCS (CJCS) to USCINCEUR, 170054 May 85, subj: USAREUR-GSFG Negotiations. (2) Msg, USCINCEUR (ECDC) to CINCUSAREUR (AEACC), 170903 May 85, subj: SAB. Both OADR.

20. Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 171600 May 85, subj: Delivery of 16 May CINCUSAREUR Response to CINCGSFG Ltr of 13 May. OADR.

21. Memo, w/notes, MG Gordon to CINCUSAREUR, 17 May 85, subj: Delivery of CINC Letter to CINCGSFG. OADR.

22. Memo, COL P.H. Gillespie, Jr., Act DCSI, to CofS, 20 May 85, subj: GSFG Response to CINCUSAREUR Letter of 16 May 85. OADR.

23. (1) The Stars & Stripes (Eur ed), 22 May 85, pp. 1 & 28. (2) Msg, SECSTATE to AMEMBASSY Bonn & USMISSION USBerlin, 222216 May 85, subj: [Washington] Post Article on Nicholson Weinberger Visit to Berlin. Both UNCLAS.

24. (1) Memo, w/incl, COL Gillespie to CofS, 21 May 85, subj: Tripartite Conference, 21 May 85. AEAGB. (2) Msg, CINCUSAREUR (AEAGB) to USCINCEUR (ECDC/ECCS/ECJ2), 231431 May 85, subj: Report of Tripartite Conference, 21 May 85. Both OADR.

25. USMLM Unit Hist, 1985, p. 111. OADR.

26. (1) MFR, w/incls, COL McFadden, 28 May 85, subj: Guidance for Meeting Between USAREUR and GSFG Staffs -- 221230 May 85. AEACC. OADR. (2) LTC Elliott Intvw, 5 May 86. OADR.

27. Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECCS/ECJ2), 221640 May 85, subj: USAREUR-GSFG Negotiations. OADR.

28. (1) Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 241730 May 85, subj: 24 May Procedural Meeting on USAREUR-GSFG Negotiations. OADR. (2) Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECCS/ECJ2), 281700 May 85, subj: USAREUR-GSFG Negotiations. OADR.

29. USMLM Unit Hist, 1985, p. 112. OADR.

30. Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 291830 May 85, subj: 29 May Meeting between CUSMLM and CSERB. OADR.

31. Msg, USMISSION USBerlin to SECSTATE & AMEMBASSY Bonn, 311544 May 85, subj: Berlin: May 29 Meeting with Soviet Embassy Minister. OADR.

32. Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 311830 May 85, subj: 31 May Meeting With SERB to Discuss Procedural Issues. OADR.

33. MFR, MAJ Elliott, 31 May 85, subj: Meeting With General Otis. AEAJA-IL. OADR.

34. (1) Memo, GEN Gordon to CINC, 30 May 85, subj: Apology and Compensation. AEAGB. OADR. (2) Msg, CINCUSAREUR (AEACC) to USCINCEUR (ECDC/ECCS), 311610 May 85, subj: SAB. OADR.

35. Msg, USCINCEUR (ECDC) to JCS (CJCS/J5), 011045 Jun 85, subj: Apology and Compensation. OADR.

36. Msg, JCS (CJCS) to USCINCEUR, 042348 Jun 85, subj: Nicholson Incident - Apology and Compensation. OADR.

37. (1) The Stars & Stripes (Eur ed), 7 Jun 85. UNCLAS. (2) OF 41, CPT Ploen to C/HOB, et al., 14 Jun 85, subj: Posthumous Promotion. (3) OF 41, w/incls, C/HOB to C/COLL, et al., 10 Jun 85, subj: Death Gratuity - MAJ Nicholson. (4) OF 41, CPT Ploen to C/HOB, et al., 14 Jun 85, subj: Scholarship Fund. (2) - (4) & OADR.

38. (1) Msg, CUSMLM to USAREUR (AEAGB-C[HO]), 042200 Jun 85, subj: 4 June Meeting Between CUSMLM and CSERB. (2) Msg, CINCUSAREUR (AEACC) to CINCEUR (ECDC/ECCS/ECJ2), 051007 Jun 85, subj: USAREUR/GSFG Negotiations - Venue. (3) USMLM Unit Hist, 1985, 114. (1) - (3) OADR. (4) Msg, CINCUSAREUR (AEACC) to C/USMLM & C/Allied Contact Sec, 041200 Jun 85, subj: Nicholson Incident. UNCLAS.

39. 051007 Jun 85 CINCUSAREUR Msg. OADR.

40. Msg, USCINCEUR (ECDC) to JCS (CJCS), 051356 Jun 85, subj: Nicholson Incident - USAREUR/GSFG Negotiations - Venue. OADR.

41. Msg, JCS (CJCS) to USNMR, 062325 Jun 85, subj: USAREUR GSFG Talks. OADR.

42. Msg, USNMR (ECCC) to JCS (CJCS), 100930 Jun 85, subj: Nicholson Murder. OADR.

43. Memo, GEN Otis to GEN Zaytsev, 6 Jun 85, subj: Staff Meetings. AEAGS. UNCLAS.

44. (1) MFR, MAJ Wyckoff, 6 Jun 85, subj: CINC-to-CINC Letter. AEAGX-ACS. UNCLAS. (2) Msg, CUSMLM to CINCUSAREUR ODCSI (AEAGB-C[HO]), 061700 Jun 85, subj: short title - Delivery of CINCUSAREUR Memorandum. OADR.

45. (1) Msg, Berlin (AEUS) to USAREUR (AEAGB-C[HO]), 051500 Jun 85, subj: RETRANS of BRIXMIS Message DTG 041845Z Jun 85. (2) Msg, Same to Same, 051530 Jun 85, subj: Report on BRIXMIS Meeting With SERB to Protest Soviet Ramming and Violent Treatment of Tour Vehicle/Personnel. (1) - (2) OADR. (3) The Stars & Stripes (Eur ed), 8 Jun 85, pp. 1 & 28. UNCLAS.

46. (1) Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 290930 May 85, subj: Soviet Attendance at British Social Function. (2) Msg, USAREUR to Berlin, 050655 Jun 85, subj: Queen's Birthday Celebrations, 7 Jun 85. Both & OADR.

47. Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 071800 Jun 85, subj: Conversation With SACEUR. OADR.

48. Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 111445 Jun 85, subj: 11 June Meeting With CSERB. OADR.

49. Msg, w/note, USCINCEUR (ECDC) to JCS (CJCS/J5), 121700 Jun 85, subj: Nicholson Murder. OADR.

50. (1) CUSMLM to ODCSI (AEAGB-C[HO]), 121700 Jun 85, subj: 12 June Meeting With SERB. (2) MFR, MAJ Wyckoff, 12 Jun 85, subj: USAREUR-GSFG Negotiation Issues. AEAGX-ACS. Both & OADR.

51. MFR, MAJ Wyckoff, 14 Jun 85, subj: Pre-negotiation Impressions. AEAGX-ACS. OADR.

52. The Soviet refusal to allow the use of recording equipment required the US delegation to take extensive notes throughout the first session. When the session was over, the US participants cooperated in producing an as-close-to-verbatim transcript of the meeting as was possible from their notes. The final result was the official US transcript of the session: "USAREUR-GSFG Staff-Level Discussions, Round-One - Record," ca. 14 Jun 85. OADR.

53. (1) Msg, CINCUSAREUR (AEACC) to USCINCEUR (ECDC), 141929 Jun 85, subj: 14 Jun 85 USAREUR-GSFG Staff Negotiations. OADR. (2) Memo, MAJ Elliott to DCSOPS, ca. 15 Jun 85, subj: Meeting With Soviets. AEAJA-IL. UNCLAS.

54. Msg, USCINCEUR (ECDC) to JCS (CJCS/J5), 151144 Jun 85, subj: USAREUR-GSFG Staff Negotiations. OADR.

55. (1) Msg, w/MG Gordon note, DA to Berlin & USAREUR, 142310 Jun 85, subj: Renaming of Checkpoint Charlie. (2) Msg, Berlin to USAREUR, 182015 Jun 85, subj: SAB. Both & OADR.

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CHAPTER SEVEN

THE SECOND SESSION

(U) Preparations for Round Two

( ) On 20 June 1985 Colonel Lajoie and Lieutenant Colonel Kelley met with Colonel Pereverzev at the SERB office in Potsdam to discuss issues related to the ongoing USAREUR-GSFG staff negotiations. Colonel Pereverzev informed them the Soviets would host the second session at the Soviet Officers' Club in Potsdam on 1 July, starting at 1000. The schedule would be similar to that used during the 14 June session.

( ) Colonel Lajoie restated the US position that the Nicholson incident could not be closed until the Soviets had provided a suitable apology and paid compensation to the Nicholson family. Colonel Pereverzev said he understood the US position, but "the matter now lay in the hands of the diplomats."

( ) Colonel Pereverzev reported that the GSFG staff was studying closely USAREUR's proposal that all restricted areas be in PRAs or TRAs. However, its preliminary estimates indicated that implementing the proposal would lead to substantial increases, rather than decreases, in the amount of territory that would be included in PRAs. He stated that General Zaytsev had directed prior to the staff negotiations that the GSFG cartographers reduce the area covered by PRAs by approximately 40 percent. Colonel Pereverzev contended that a 40-percent reduction would put Soviet PRA coverage well below the previous level. However, this reduction would be impossible to accomplish if USAREUR insisted on including training areas and firing ranges in PRAs. The good news was that -- as much as was possible -- GSFG planned to allow USMLM to travel on roads that bordered on PRAs. Colonel Pereverzev emphasized that the Soviet side's reduction of its PRA coverage depended upon the US side's reciprocity in reducing its PRA coverage in the Federal Republic and upon the lifting of the travel restrictions it had imposed on SMLM in Frankfurt.

( ) When GSFG had increased the area of its PRA coverage in 1984, USAREUR and the other two Allies had responded by increasing the area of their PRA coverage in the Federal Republic.* Colonel Pereverzev's admission that the GSFG staff

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* ( ) GSFG went from 35 percent to 40 percent PRA. USAREUR convinced the Allies (France, 28 percent; Britain, 22 percent) that all (including USAREUR at 18 percent) should match the Soviet 40 percent PRA. The Allied increase stunned GSFG.

had been instructed to draw up maps decreasing PRA coverage prior to the first negotiating session indicated that the Soviets were responding to the Allies' reciprocal action rather than offering a genuine bargaining chip -- as they were implying.

( ) Colonel Lajoie told Colonel Pereverzev that the Soviets should consider seriously a proposal to formally acknowledge immunity for all MLM personnel. He said adopting such a position would bypass the possible confusion caused by claims of mistaken identity and resisting arrest. Colonel Pereverzev said he was willing to study the proposal, but insisted that the Soviet side would be unwilling to absolve MLM personnel of their responsibility for avoiding military areas. He said that he would not "place the burden of determining the possible course of USAREUR-GSFG relations on the shoulders of a young sentry, who should only carry out explicit guard orders." He repeated the Soviet formula that the best guarantee of MLM safety would be a ban on the presence of MLM personnel in military areas, coupled with a policy that called for their immediate submission to a detention.

( ) Colonel Pereverzev did say that GSFG had re-emphasized its prohibition on the use of force against MLM personnel, and acknowledged -- for the first time -- that GSFG had taken "practical steps" to prevent recurrences. Also -- for the first time -- he showed interest in the MLM reporting cards carried by the Allied soldiers and hinted that General Semyonov might have something to say on this point at the next session.

( ) Colonel Pereverzev announced that the provision for stopping on Autobahns, which had been agreed to at the 14 June meeting, would be implemented as a revised note on the new Soviet PRA map. He turned aside Colonel Lajoie's suggestion that it be implemented immediately, saying that the Soviets wanted to be sure it was understood that stopping would be permitted only "at places specifically designated for that purpose," so as to avoid contravention of the East German traffic laws.

( ) Colonel Pereverzev said that he had been considering what would be an appropriate manner in which to conclude the USAREUR-GSFG staff negotiations. He thought there should be some form of written record that the talks had taken place and of their results. He asked if the US side had any position on this issue. Colonel Lajoie reminded him that without a satisfactory closure of the Nicholson incident, it was unlikely

the US side would be able to sign any kind of document. Colonel Pereverzev said he understood the problem and proposed that an exchange of letters or a joint, translated text might be appropriate. Colonel Lajoie said that a simple, oral summation -- such as had been done at the first session -- might be possible. Although no agreement on this issue was reached, both sides agreed to consider the matter in detail.

( ) As a corollary to the above, Colonel Pereverzev asked whether the US side envisioned another CINC-to-CINC meeting following the close of the staff negotiations. Colonel Lajoie acknowledged that the possibility of another meeting had been raised at the first CINC-to-CINC meeting, but he was skeptical that such a meeting could take place if there had not been a formal closure of the Nicholson incident.

( ) Colonel Lajoie reminded Colonel Pereverzev that many of the issues they had been discussing had implications for the British and French MLMs, and that joint consultations would have to be carried out with the other two Allied headquarters. Colonel Pereverzev seemed to welcome Colonel Lajoie's offer to brief the British and French on the progress of the negotiations.

( ) Colonel Lajoie rated it as a good meeting, and said it had set the stage for the next formal staff negotiations. Colonel Pereverzev had been relaxed and forthcoming and seemed genuinely interested in reaching an agreement that would preclude recurrences -- providing it would have a minimal impact on the security of Soviet military facilities. Colonel Lajoie said it had been his frankest exchange with Colonel Pereverzev since the Nicholson shooting.[1]

( ) The following day, on 21 June, Colonel Lajoie forwarded to General Price his recommendations for the next session of the staff negotiations. He thought the US side should press the MLM immunity issue and not accept the Soviet assertion that it could not be guaranteed under current Soviet law. This position could be countered by asserting that laws often were changed for special circumstances.

( ) Colonel Lajoie said it appeared that the Soviets were prepared to make significant concessions on PRA coverage. However, their contention that shooting ranges and training areas should not necessarily be included in PRAs would leave these Soviet facilities in a "gray area." He was prepared to accept that ambiguity and to renegotiate that part of the agreement in the future, if it proved unworkable. He was sure

the other two Allies would applaud the Soviet initiatives in this area and would want to accept their offer to reduce PRA coverage.

( ) He did not think the Soviets would vigorously pursue the uniform issue, but he was prepared to offer to have USMLM personnel wear an American flag on their right sleeves or that they use non-subdued rank insignia, if the Soviets wanted them to wear more readily identifiable uniforms. He contended that the US side should not agree to cease wearing the camouflage uniforms, because it would give credence to the Soviet claim that Major Nicholson had invited his own killing by wearing this type of uniform.

( ) Colonel Lajoie proposed that, if the sessions should lead to a final statement, the following points should be included:

- The Nicholson incident could not be considered closed until an apology was made and compensation was paid.

- The US side was profoundly disappointed over Soviet unwillingness to issue unequivocal guarantees of safety for MLM personnel, such as were already enjoyed by SMLM in the Federal Republic.

- It should recognize that some steps in the right direction had been taken with the promised improvements in MLM operating conditions, e.g., PRA reductions and a lifting of some restrictions on the freedom of movement.[2]

( ) A tripartite conference was held with the British and French on 21 June. The British had indicated on 14 June that they would raise the question of terminating the Allies' sanctions against the SMLMs. (This was particularly puzzling in view of the Soviet ramming of a British MLM vehicle on 4 June and the Soviets' unsatisfactory response. See Chapter 6, "Preparations for the Staff-Level Negotiations.") When informed of the British proposal, Colonel Lajoie had protested immediately that under no circumstances should the sanctions be lifted until after completion of the ongoing USAREUR-GSFG staff negotiations. At the tripartite conference, the British and French agreed to continue the sanctions until the end of the negotiations, but, at that point, they would reassess their own requirements for improving relations with the Soviets. Both Allies emphasized that they would not be bound by bilateral agreements reached at the USAREUR-GSFG negotiations.

( ) As predicted by Colonel Lajoie, the British and French representatives supported the Soviet initiatives to reduce PRA coverage. They were, however, skeptical that these reductions would be achieved readily. They pointed out that it had already taken the Soviets almost a year to respond to the Allies' reciprocal action of increasing their PRAs. They were not very enthusiastic about the USAREUR proposal that restricted areas be defined as PRAs or TRAs, and wanted to retain their separate definitions, which allowed them to detain SMLM tours when they showed "undue interest" in military activities. The British, in particular, wanted to continue with the vagueness between PRAs and mission restriction signs, which they felt gave them greater latitude in their collection efforts.

( ) Both the British and French thought that -- in view of past Soviet actions -- the apology and compensation demands were unattainable objectives. They said that insisting on these two demands could be a major barrier to the eventual resumption of normal relations.[3]

( ) When Major Wyckoff met with General Shevtsov on 24 June to discuss SMLM matters, General Shevtsov used the occasion to ask Major Wyckoff when the US side would lift the restrictions on SMLM. Major Wyckoff took notes but did not respond to the questions, except to note that he had told General Shevtsov only that USAREUR could not guarantee the safety of SMLM personnel if they went to the US post exchanges -- not that it was prohibited.

( ) General Shevtsov said that it was the Soviet view that PRAs should not be extended to cover all military installations that needed protective coverage -- to do so would restrict all MLM movement. "Only those regions that absolutely needed protection should be enclosed in PRAs." Military areas or installations that were enclosed by fences and manned by sentries obviously were denied to MLM personnel, so it should not be necessary to place them in PRAs.

( ) General Shevtsov concluded the meeting by saying that it was his personal wish the negotiations would lead to "confidence building measures" and a bettering of relations between the two headquarters. Major Wyckoff promised to pass on General Shevtsov's requests and comments to USAREUR headquarters.[4]

( ) In the meantime, USAREUR headquarters was wrestling with the issue of how to conclude the negotiations, as raised

by Colonel Pereverzev on 20 June. On 24 June General Price sent a message to General Otis, who was in Washington, proposing that he and General Semyonov be allowed to initial an agreed summary -- assuming they could narrow the issues and reach agreement -- and that either the CINCs or the chiefs of staff sign the summary. He said this would create a document which would legally define future practices.

( ) General Price noted that along with the mutual reduction of PRA coverage in the two Germanys, the Soviets expected a concurrent lifting of the restrictions on SMLM. He pointed out that the overt surveillance of SMLM personnel and the restrictions on interzonal travel had been in response to Major Nicholson's murder, and presumably could not be lifted until the apology and compensation issues were resolved satisfactorily. He noted that, as a practical matter, both sanctions would have to be lifted eventually. Since the Soviets were sure to bring them up at the negotiations prior to that point, it was important the US side be ready to respond. He recommended that the US response be as follows:

> These measures were instituted for the safety of SMLM-F. Obviously, with the passage of time, popular reactions to the killing of Major Nicholson will subside. In the spirit of HMA [Huebner-Malinin Agreement] we are attempting to insure your safety. When safety is no longer a problem area, you may expect that such measures will be lifted.

General Price thought this approach would permit them to conclude their business at the negotiations and to lift the restrictions in the future.[5]

( ) General Otis informed General Price on 26 June that the restrictions would be lifted when Secretary of Defense Weinberger and General Vessey were satisfied that the apology and compensation issues had been resolved. Therefore, if the subject of the restrictions should come up, General Price was not to say that they would be lifted with the "passage of time," but rather that, until the Nicholson incident was satisfactorily closed, there was a continued danger for SMLM personnel which must be recognized.

( ) Ominously, he noted that General Vessey was trying to convince Secretary Weinberger that the negotiations should be continued at all: Secretary Weinberger was "questioning their value."[6]

( ) On 27 June General Otis met with Secretary Weinberger and General Vessey to discuss the upcoming negotiating session. General Otis began the meeting by describing the results of the first session. He made the point that although the US side had raised the apology and compensation demands numerous times, all the Soviet side was able to do was to acknowledge hearing them and to indicate that these issues were being dealt with at the diplomatic and political levels. General Otis also briefly outlined other issues USAREUR hoped to resolve at the upcoming session (see above).

( ) After some discussion, Secretary Weinberger approved USAREUR's participation in the proposed 1 July session, as well as in an additional meeting to resolve procedural matters and in a meeting between the "principals." Secretary Weinberger said that at the conclusion of the meetings, he expected General Otis to provide him with a "summary of the results of the meetings" that could be used to show that USAREUR had gone as far as it could on procedural matters, and that the apology and compensation issue must continue to be pressed at the diplomatic and political levels. Secretary Weinberger emphasized that although the procedural matters might be resolved at the negotiating sessions, the entire Nicholson incident could not be closed until the apology and compensation issue was resolved.

( ) Secretary Weinberger said he agreed with the contention that the US side got more from the MLMs than did the Soviets and that it was important their existence not be jeopardized.

( ) Secretary Weinberger also approved General Otis' request that USAREUR be released from the requirement to conduct overt surveillance of SMLM vehicles.[7]

( ) Still another issue was resolved prior to the next negotiating session. On 5 June General Fiala had asked General Mitchell, the Berlin commander, what his comments were in regard to USAREUR's interpretation of JCS' guidance on social contacts with the Soviets to mean that no Soviet personnel should be invited to any Berlin Command ceremonies. General Mitchell had responded that he hoped to invite to Berlin Command's annual 4th of July parade and reception Soviet Embassy and consular personnel and their wives, along with Soviet military personnel who were technically members of quadripartite agencies in Berlin rather than GSFG.[8]

Participants in Round 2, held at Potsdam on 1 July 1985 (see captions on next page).

CAPTION for PHOTOGRAPH ON PAGE 195

Back Row L-R:

LTC R.L. Gambolati, HQ USAREUR

MAJ H.W. Elliott, HQ USAREUR

CPT W.S. Hindrichs, Translator (USMLM)

LTC L.G. Kelley, Translator (USMLM)

LTC Y.I. Tetyakov, HQ GSFG

MAJ S.D. Savchenko, Translator (SERB)

SR LT M.I. Styopkin, Translator (SERB)

Front Row L-R:

COL Y.V. Pereverzev, Chief, SERB

MG R.J. Price, DCSOPS USAREUR

GEN-LT V.A. Semyonov, GSFG, 1st Deputy CofS

GEN-MAJ S.S. Shevtsov, Chief, SMLM-F

COL R. Lajoie, Chief, USMLM

( ) USAREUR headquarters formulated four options for the Berlin ceremony:

- Invite no Soviets.

- Invite Soviet civilian officials, but not the Soviet military.

- Invite Soviet civilians plus Soviet military in Berlin who were members of quadripartite agencies and whose functions pertained to Berlin rather than GSFG.

- Invite all Soviets as usual.

( ) USAREUR thought that the first option was unacceptable because of Berlin Command's quasi-diplomatic status. The last option was unacceptable also, because it would make the United States appear to be taking a business-as-usual stance if all of the Soviets were invited. USAREUR did not recommend the second option because the Soviet military assigned to quadripartite agencies were not directly involved in the controversy over the murder of Major Nicholson. On 13 June USAREUR agreed with General Mitchell and recommended to USEUCOM that the third option be selected.[9]

( ) On 15 June USEUCOM concurred with USAREUR's recommendation and noted that the Bonn Embassy had also concurred.[10]

( ) When General Mitchell had not received an answer by 24 June -- and the deadline was fast approaching when he could still gracefully invite the Soviets -- he again asked for JCS guidance. On 28 June JCS concurred with the third option; Secretary Weinberger had approved inviting Soviet civilian personnel as well as Soviet military personnel assigned to quadripartite agencies in Berlin.[11]

(U) Round Two

( ) The second session of the USAREUR-GSFG staff-level negotiations began at 1000 on 1 July 1985 at the Soviet Officers' Club in Potsdam. Both the US and Soviet sides were represented by the same participants, with the meeting primarily revolving around the same agenda items that had been introduced at the first session. (See Chapter 6, "Round One.")

( ) General Semyonov welcomed the US delegation and congratulated General Price on his recent promotion to major

general. He proposed a tentative schedule that would consist of two working sessions that would run for 1 1/2 hours each, with a 15-minute break between the sessions, followed by a luncheon and photography session. General Price approved the schedule.

( ) General Semyonov summarized the points of agreement which he alleged had been resolved by Colonel Pereverzev and Colonel Lajoie at their 20 June meeting (see above). He said that General Price and he should affirm Lajoie's and Pereverzev's agreement that restrictions on MLM travel on roads that bordered PRAs and TRAs and on MLM stops on Autobahns in PRAs and TRAs would be rescinded with the introduction of the new PRA map. In addition, he claimed they had agreed that PRAs in both Germanys would be reduced considerably on a mutual basis, that the cities in which MLMs were quartered should be open except for military installations, and that the MLMs would comply with the provisions of the Huebner-Malinin Agreement which prohibited travel to military installations not located in PRAs.

( ) General Semyonov suggested that each side had the right to restrict passage on roads adjacent to or leading to military installations in non-restricted areas by using mission restriction signs (MRS). He contended this measure would assure free transit in the non-restricted zones as well as provide for the safety of the MLMs. Main highways and transit routes would remain open for transit.

( ) General Semyonov wanted to resume discussions on the unresolved issues of the first session, which he listed as:

- Detention procedures of the MLMs.

- Immunity of the MLMs.

- Regulation of the accreditation system for USMLM.

In addition, he asked what USAREUR's decisions were on the Soviet requests that it end its "discriminatory measures against SMLM-F" and that USMLM personnel not wear camouflage uniforms.

( ) When Colonel Lajoie asked if they could have a copy of his opening remarks, General Semyonov responded: "We have said that we will not exchange official documents." "Then could you restate your points so that we can write them down precisely?" requested Colonel Lajoie. "Slowly," added Captain Hindrichs.

( ) As General Semyonov slowly repeated his points, he was frequently interrupted by Colonel Lajoie's questions about some points and by General Shevtsov's and Colonel Pereverzev's elaborations on others. The first dispute began with a discussion of PRAs in the home cities of the MLMs: The US side contended that any restricted area should be designated as a PRA, while the Soviet side contended that the MLMs should obey mission restriction signs.

( ) General Price stated:

> ...We consistently object to the use of the MRS. The use of the MRS places our mission in danger. If we know what areas you want off limits, we will not go there. Our proposal is to view the entire country. If we have only one hectare to protect, then we will only put that one hectare in a PRA.

( ) Colonel Pereverzev asked: "Why can't we use the mission restriction sign? If we [only] use [PRA] maps, it will place a greater portion of the country off limits than if we use MRS." General Price responded that the MRS was not clear. Colonel Pereverzev continued: "Why do we need to introduce such a measure when the Huebner-Malinin Agreement clearly states that it is forbidden to penetrate areas where troops are deployed?" Colonel Lajoie replied that their positions on MLM restrictions in the cities were quite close, but that the problems arose in the country at such places as training areas and firing ranges.

( ) Further discussion revealed that the US objection centered on the unannounced nature of the mission restriction signs. General Price said:

> ...We can agree [on designating restricted areas] without using MRS, which any unit or farmer can move....What we cannot accept is your closing an area by putting up a sign and not letting us know about it in advance. Had you done so in March, Major Nicholson would not have gone to Ludwigslust. If that had been preannounced, he would not have been shot and these meetings would not be necessary. We cannot accept your right to put up signs and not tell us in advance.

( ) The discussion continued into the gray areas of which portions of a large training area would be declared a PRA and which would be marked with MRS, and with the deployment of units in non-restricted areas. The Soviets seemed to think these were "minor considerations" that could be worked out easily, but Colonel Lajoie pointed out that these were the situations "where [MLM] immunity becomes crucial!"

( ) General Price reemphasized the importance of clearly designating restricted areas:

> If you had your kaserne fenced in, we would agree that this is a place of military disposition, and we would not enter it regardless of the sign. The signs on firing ranges and in areas of impact are acceptable as a measure of safety. It is the unit located in the open field that we happen upon, that we know nothing about....This is where we need your guarantee of safety. We need your assurance that no force will be used.

( ) The Soviets tried to contend that there was agreement on the restricted area issue, but Colonel Lajoie pointed out that they still had not agreed on the question of units in temporary locations in open areas. Both he and General Price reiterated that the US side did not accept the use of mission restriction signs.

( ) Colonel Pereverzev argued that if the Soviets designated everything that needed to be protected as a PRA, they would "have to close almost the entire territory of the German Democratic Republic." He said that it made more sense to close off small areas -- such as one street leading to a kaserne -- with a mission restriction sign rather than designating the whole area as a PRA. He stated that the MRS would be used only in small areas that did not lend themselves to being placed on maps. He promised that MRS would not be used on main highways or transit routes, or around installations that had high fences. He said the Soviets would prefer to restrict only areas close to some facilities rather the whole area, which would be necessary if it was designated as a PRA. Colonel Pereverzev thought that Colonel Lajoie and he could work out the details of this approach.

( ) General Price said that the US side would consider the Soviet position on mission restriction signs, and accepted "the idea of mutual concessions to achieve reductions."

( ) General Semyonov redirected the discussion from the subject of restricted areas to that of "discriminatory measures" against SMLM in Frankfurt.

( ) General Price said that the post exchanges were not off limits and never had been. He stated that overt surveillance of SMLM personnel had been imposed for their security and that its removal could be negotiated by this group. However, he emphasized that the US side was still responsible for the safety of SMLM personnel, and General Otis took that responsibility very seriously.

( ) General Semyonov said that living conditions for USMLM personnel were much better in Potsdam than they were for SMLM personnel in Frankfurt. General Price agreed that this was probably true in the housing situations since USMLM members lived in American housing in West Berlin rather than in the Potsdam compound or in East Berlin -- but, he noted, "one of our mission members was murdered."

( ) Colonel Pereverzev said that if the US side was only interested in safety, the Soviets could arrange for all USMLM cars to be followed: "That way, if you need help, we will be there immediately and you can call for help."

( ) Colonel Lajoie responded: "You already have cars following us!"

( ) "No we don't!" contended Colonel Pereverzev.

( ) The two sides then discussed what measures the Soviets would have to take in order for the restrictions on SMLM to be lifted. General Price stated that the overall purpose of the talks remained MLM safety and compliance with the Huebner-Malinin Agreement, and that it was premature to discuss lifting the restrictions until there was agreement on MLM safety. He also emphasized that the Nicholson incident could not be closed until the apology and compensation issue was resolved.

( ) After some back-and-forth skirmishing on what General Price meant, General Semyonov asked: "Do I understand you as saying that the restrictions will be imposed until the incident of 24 March is closed?"

( ) General Price replied:

> I did not say that. My government will not consider the incident closed until apology and compensation are received. These [restrictive] measures could be removed when we can ensure the safety of the Soviets and when we agree on measures to facilitate the safety of the USMLM.

( ) At that point General Shevtsov told of a recent detention of a SMLM tour by the Federal Republic's police because one of the tour members was wearing a black leather jacket. He said that the tour vehicle was being followed by US security personnel, and they did nothing to prevent or to end the detention. "The fact that there was a detention indicates that those following were not interested in safety or security."

( ) Colonel Lajoie asked: "Were they hurt? Did the German police behave properly?" General Shevtsov answered: "No one was hurt."

( ) General Price stated: "The security forces are instructed to assure the safety of the [Soviet] mission. The security forces are not to interfere unless an unauthorized detention is taking place. That does not guarantee immunity from an authorized detention."

( ) "But we had every right not to obey the Germans," rejoined General Shevtsov. "We were just having lunch. It was then that the German police arrived. We were blocked in by three vehicles, and all of this happened without US interference."

( ) Colonel Lajoie interjected: "That happens to us all the time...on a routine basis. It is common to be detained by the East German police in the presence of Soviet officers." Colonel Lajoie suggested that they not get bogged down in recapitulating incidents -- each side could name many: "The purpose of these talks is to develop procedures."

( ) When General Shevtsov insisted on continuing about how it was obvious that the surveillance was not for the purpose of security, Colonel Lajoie pointed out that there had not been any threats and General Price noted that the SMLM vehicle had not been rammed.

( ) Colonel Pereverzev shot back:

> If you are talking about the British ramming at Cottbus, I suggest you check the facts. I

suggested to the British and French Chiefs that they go to Cottbus and see for themselves: The British rammed us. You can see that the British rammed us. They refused to go.

( ) General Semyonov interposed: "Let us discuss uniforms."

( ) General Price stated:

We believe that our uniform is distinctive. No country in the East has such a uniform. We wear a distinctive patch on the left sleeve. We would, if necessary, add a US flag patch on the right sleeve.

( ) General Semyonov said that the Soviets wanted their soldiers to be able to distinguish USMLM personnel from others. General Price reiterated that they wore a distinctive uniform and offered to provide photographs for Soviet training purposes.

( ) Colonel Pereverzev contended that anyone could buy an American camouflage uniform: "The American side is among the first to know about terrorists and bandits. In raising this issue, we are only interested in the safety of the USMLM,..."

( ) Colonel Lajoie replied:

Look, the uniform you wear is your decision. We wouldn't dictate to you. I cannot believe that [USMLM] safety is affected by the uniform we wear, particularly since we spend most of our time in a vehicle that is also distinctly marked with a US flag. We're willing to add a US flag to the other sleeve. What more can you ask?

( ) Colonel Pereverzev contended that it was difficult to recognize USMLM personnel when they left their vehicles, and that sometimes it was difficult to identify them when they were inside their vehicles because of frosted windows.

( ) General Semyonov added:

We have to admit that, in part, the tragic incident with Major Nicholson happened because he was not properly identified or recognized as an MLM member.

( ) "That's not true!" challenged Colonel Lajoie. "A clearly [license] plated car was also there."

( ) General Price asked: "Are you proposing that you will give us an unequivocal guarantee of safety and not use force if we wear greens?"

( ) General Semyonov backed off from the question and recited the formula answer:

> We will discuss this. The guarantee lies in adherence to the Huebner-Malinin Agreement; if a mission member is in a restricted area, he must under all circumstances comply with the orders of the guard.

( ) Colonel Pereverzev provocatively asked:

> If an MLM member penetrates a command post or a bunker and finds a Soviet service member who tries to detain him -- he fights back. That is only natural. How should we evaluate this?

( ) Colonel Lajoie asked if he was describing an actual situation. Colonel Pereverzev said it was speculation. Colonel Lajoie replied that it was hard to comment on speculation.

( ) General Price said:

> The instructions to the MLM are to comply with the instructions of the guard in the event of an unintentional penetration of a restricted area. They are to submit to detention.

( ) Colonel Pereverzev wondered if it was conceivable that one could inadvertently get inside of a bunker.

( ) General Semyonov said that despite the fact that they had not resolved the problem of the restrictions imposed on SMLM, he wished to move on to the next problem -- detentions.

( ) But Colonel Lajoie wanted to pursue the issue of lifting the restrictions: "As General Price has already stated, lifting these measures is tied to the progress of our talks."

( ) Colonel Pereverzev responded:

> We do not see any progress. We make real proposals and you have predetermined positions. We suggest real measures, yet see no positive steps from the US side.

( ) Colonel Lajoie rebutted:

> These particular security measures did not exist before the shooting of Major Nicholson. General Price has said that they are dependent on these talks. This is not a major stumbling block.

( ) Colonel Pereverzev said that the Soviets were waiting for similar proposals from the US side. When he reported to General Zaytsev on progress at the negotiations, he would have to say that the overt trailing of SMLM personnel would be continued. Colonel Pereverzev predicted that General Zaytsev's response would be to order the overt surveillance of USMLM personnel and that the staff negotiations be ended.

( ) Colonel Lajoie countered that the USAREUR negotiators would have to report to General Otis about the lack of progress on the apology and compensation issue, the personal safety issue, and the absolute freedom of movement issue.

( ) Colonel Pereverzev protested: "There's been no talk of absolute freedom of movement!"

( ) General Price reassured him that the two sides had agreed on freedom of movement, and that it was time to move on to discussions about safety.

( ) Realizing that the break period was near, Colonel Lajoie said to General Semyonov: "Before we break, I want to hear what you have to say about detentions."

( ) General Semyonov made the following statement on detentions:

> In coming back to the issue of detention of USMLM members, I would like to focus your attention on the following points. We have reviewed our instructions covering the detentions of USMLM members and compared them with USAREUR's instructions on detentions of

the SMLM-F. Our instructions have a number of advantages. They tell our soldiers what to do and then set out the rights of the MLM members. I find it necessary to reemphasize that GSFG personnel are regularly given instructions about USMLM. We consider this to be better and more effective than carrying a small card in one's pocket, and this premise is fully corroborated by the fact that the American liaison section [Allied Contact Section] officers have had to apologize a number of times for improper detentions.

Nevertheless, we will prepare a card with both the detention instructions and the rights of the MLM members. Will you also amend your card to reflect these terms? GSFG suggests a uniform approach to this matter.

At the present time, GSFG instructions state that the MLM [tour] will be released as soon as the Commandant in the area has completed his investigation. The detained MLM tour is not deprived of its credentials and departs the area without an escort. [USAREUR's] detention procedures for SMLM [tours] are quite different from [GSFG's]. As a rule, a liaison officer [from ACS] comes to the place of detention, removes their credentials, and then escorts them back to Frankfurt, either to the liaison office or back to the SMLM-F compound. This infringes on freedom of movement and is a violation of the Huebner-Malinin Agreement.

If this procedure is suitable, we are prepared to adjust our procedures for USMLM [tours]: We will collect their credentials, escort the mission [members] back to the SERB office or the USMLM compound, and then await instructions from GSFG headquarters on when or whether to return their credentials. We are willing to do this if you feel that your way is better. We find our way to be more suitable.

( ) At that point the two sides separated for a 20-minute break.

( ) When they returned from the break, General Price said that the US side was very interested in the Soviet proposal on detentions, but that it would have to be studied by the experts on the subject: "I think this is another item we can agree on."

( ) General Semyonov said that Colonel Lajoie and Colonel Pereverzev could discuss the technical procedures of the proposal, and asked that Colonel Lajoie be empowered to resolve the issue.

( ) General Shevtsov reiterated that the detention policies should be the same for both SMLM and USMLM. He pointed out that if a SMLM tour was detained in Munich, it would often take up to 12 hours for it to be released since the ACS officer had to come from Frankfurt. He thought it would be better if the local military police would be allowed to resolve the matter and direct the release of the SMLM tour.

( ) General Price replied: "I think we can use the same terms -- mutual concessions to achieve parity -- to accomplish this. We agree."

( ) General Semyonov said the Soviets were ready to discuss safety measures for MLM personnel. He recalled that, at their last meeting, they had been unable to agree on how to ensure the safety of MLM personnel. He outlined the problem from the Soviet perspective:

> Both sides admit that during a detention, neither MLM should be subjected to the use of force. At the same time, we have no idea on how to reconcile this with the guard orders that govern the actions of the sentry when confronted with a penetrator or intruder. I suggest a more realistic approach.
>
> ...Normal diplomacy does not tolerate attempts to obtain guarantees for penetrating a guarded installation. First, admission to a guarded installation is forbidden to foreign persons as well as to all other unauthorized persons. Second, no one can guarantee that a guard will recognize someone as a diplomat -- or as a liaison officer, for example. Moreover, the guard will always say that he did not identify the intruder and took appropriate action in accordance with his instructions. This

relationship then hinges on the activities of two persons -- the intruder and the guard.

A saboteur or a bandit may raid a guarded post in order to obtain the military equipment or weapons which are kept there. There are many examples of this in history. We have already stated that no one can change the guard regulations. They have the force of law. There is no relationship between our guard regulations and liaison officer detention instructions.

Incidentally, your instructions on detaining military liaison missions, which you circulate in USAREUR, do not define guard orders. A US guard has no specific instructions with respect to MLMs. A guard will act exactly as is required by his orders. Because of these factors, no [examples] exist on guarantees of diplomatic immunity on penetration of a guarded installation. The very act of penetration violates such immunity.

( ) General Semyonov reiterated that the best assurance for MLM safety remained: Strict observance of the Huebner-Malinin Agreement, respect for the law and order of the host country, never engaging in provocative actions, never penetrating a guarded military installation, and unconditionally complying with all instructions by the guard if caught penetrating such a facility. He concluded: "This is our position on the issue of safety of mission members."

( ) General Price said that the issue of penetrating a guarded area came to the crux of the problem. He assured General Semyonov that USMLM tour personnel would not attempt to penetrate GSFG headquarters or nuclear weapons storage sites. The question was what would happen if they inadvertently entered an unmarked guarded area and suddenly came face-to-face with a guard. He asked General Semyonov if he could guarantee that the guard would strictly follow Soviet guard instructions and would only fire at the intruder's legs if he failed to heed the oral and rifle shot warnings.

( ) General Semyonov responded:

A guard is a guard. We say that a guard also enjoys immunity. The law protects him in every

way. The law requires that every person must comply with his commands and orders.

( ) Colonel Lajoie said that the problem was not with USMLM penetrations of known restricted areas, but with the behavior of soldiers who attempted unlawful detentions. The history of detentions indicated that they often occurred in unrestricted areas. He said that the very presence of a USMLM tour vehicle often provoked the detention: "We are not fair game just because we are in a car marked with a US flag." Colonel Lajoie asked: "If we happen to pass a column on the open road and a soldier attempts to stop us -- is that legal?"

( ) Further discussion on USAREUR and GSFG detention policies led to an agreement that Colonel Pereverzev and Colonel Lajoie would try to formulate a proposal to preclude unwarranted detentions.

( ) After reviewing the Soviet formula for ensuring MLM safety, General Price asked if the Soviets would instruct their soldiers on the use of force.

( ) General Semyonov said that such instruction already existed. He asked that the US instruction card for its soldiers be expanded to include the rights of MLM personnel.

( ) Colonel Lajoie asked if the Soviets intended to issue an instruction card for their soldiers. At that point, Colonel Pereverzev displayed a draft copy of a card that appeared to be similar to one issued by USAREUR.

( ) General Price asked if they were suggesting that the US side list the rights of MLM members on the USAREUR card. Instead of responding, Colonel Pereverzev read the portions of the GSFG card that pertained to the rights of MLM members:

- In their tours, members of the MLM are allowed to use hotels, shops, and other places where meals are served, as well as local means of communications such as telephone and telegraph which are located outside the boundaries of restricted areas.

- Members of Foreign Military Liaison Missions are allowed to travel throughout the entire territory of the German Democratic Republic in the mission vehicles, the bumper bars of which are provided with special number plates.

- Mission members must wear uniforms with identifiable insignia and rank.

- Members of Foreign Military Liaison Missions are allowed to travel throughout the entire territory of the German Democratic Republic with the exception of PRA/TRA, places of disposition of military units, training fields, firing ranges, airfields, and other military installations.

- On the basis of an agreement in 1947 concluded with the Commanders in Chief of the American, British, and French forces by which military liaison missions were exchanged, the permanent place of location for all missions is the city of Potsdam.

( ) General Semyonov raised the issue of excessive exchanging of credentials among the members of USMLM. Each MLM was allowed 14 accredited members. USMLM, because of its proximity to Berlin, had adopted the practice of exchanging its 14 credentials or passes among various USMLM members in order to increase the collection coverage of East Germany. Because of the distance from East Germany to Frankfurt, this option of maximizing the use of the credentials was not very practical for the Soviets. General Semyonov noted that it was a long-standing problem, and he had been advised to raise it again since there had been no progress in reducing the number of pass exchanges.

( ) When General Semyonov provided data on the number of pass exchanges for selected years, Colonel Lajoie asked why he did not provide data on the missing years. General Semyonov provided data for those years also. Colonel Lajoie said his records indicated that USMLM had reduced its requests for pass exchanges after the Soviets had protested that the US side was abusing the privilege. He noted that the Soviets had the same option of requesting credential exchanges for its 14 slots, and that "on that basis we have total parity." Colonel Lajoie concluded the exchange by stating: "I don't feel this is a serious problem and I know that we reduced the number of pass exchanges considerably."

( ) General Semyonov said that there were some accredited mission members whose presence was detrimental both to the headquarters to which they were accredited and to the missions. He then reviewed Sergeant Schatz's detention record and stated: "The presence of such an undisciplined service member is detrimental to our relations. GSFG would immediately recall and punish such an undisciplined soldier."

( ) General Price asked: "Are you requesting that Sergeant Schatz be removed?"

( ) "That is up to you," responded General Semyonov. "It is just an example....Such service members must be punished. You must remove undesirable members."

( ) General Price asked if there were procedures for the chiefs of SERB and USMLM to discuss such issues. Colonel Pereverzev said that there were, but he hinted that past Soviet protests had not been adequately handled. He thought the US side should remove such individuals without being asked by GSFG: "For the Soviet side to ask that one be recalled would not contribute to improving relations."

( ) General Price said that the Soviets should inform Colonel Lajoie of incidents that indicated ill discipline; it was his responsibility to insure USMLM members complied with the Huebner-Malinin Agreement and USAREUR instructions. If Colonel Lajoie failed in his duty, they should report that fact to the USAREUR Chief of Staff.

( ) General Price then redirected them to the discussion on exchanging credentials: "The Huebner-Malinin Agreement authorizes 14 members. We never have more than 14 at any one time. Why do you object to what we are doing?" (Actually, USMLM had many more members than the allowed 14, but those not currently accredited worked and resided in West Berlin.)

( ) General Semyonov said they were objecting to the frequency of the exchanges. There were instances where some USMLM members were reissued credentials many times. He cited, as an example, an officer who had been reissued credentials 16 times in one year.

( ) General Price asked: "Why is that bad? Is the issue that Pereverzev has too much paper on his hands?"

( ) "What's a little paper between two great countries," interjected Colonel Lajoie.

( ) Colonel Pereverzev stated: "This is a violation of international practice." Colonel Lajoie responded, "But not of the Huebner-Malinin Agreement." Colonel Pereverzev repeated that the practice violated international law, and contended that there was no provision for exchanges.

( ) Colonel Lajoie summed up the US position:

> The only document that defines the activities of the military liaison missions is the Huebner-Malinin Agreement, and it is the only one that has done so for 38 years now. The credentials exchange is a benign practice that is available to both sides. I will review the numbers and get together with you to discuss it further.

( ) General Semyonov said that they just thought the missions would work together better if the composition of the mission staffs were "more or less permanent."

( ) At that point, General Semyonov said that the Soviet side had raised all of their issues and asked if General Price had any others he wished to discuss.

( ) General Price asked if they were in agreement that Colonel Lajoie and Colonel Pereverzev would develop more detail on the issues that affected safety. General Semyonov agreed that the two colonels should work out the technicalities at their level.

( ) General Price then asked if the two colonels should work on a "written communication on what measures are to be taken by both sides."

( ) Colonel Pereverzev asked: "Is that a proposal or a question?"

( ) "Both," responded General Price. "How do we end these discussions?"

( ) Colonel Pereverzev answered with two questions: "Who would sign this? Should it be exchanged?"

( ) General Semyonov interjected: "Let's summarize and think about it."

( ) General Price said:

> Let us go to the bigger question of what form the summary must take....Back to the issue of safety, I would like to have Lajoie and Pereverzev write it out in more detail than what we have done today.

( ) Colonel Pereverzev agreed that since some of the safety proposals had already been agreed to -- such as observance of the Huebner-Malinin Agreement -- Colonel Lajoie and he could work out the technical details.

( ) General Semyonov added: "Then we state that technical details can be agreed upon by the chiefs."

( ) General Price and General Semyonov agreed that there were still technicalities to be worked out and that the two colonels should "...put down on paper what is agreed upon."

( ) The discussion returned to the mission restriction signs. Colonel Lajoie stated: "We still object to the mission restriction signs. There are too many of them."

( ) Colonel Pereverzev said that even if they developed a new sign, Colonel Lajoie would still be opposed to any signs.

( ) General Price stated: "I agree to abide by signs you place on firing ranges and any sign you wish to put on your permanent installations.....It is the signs that appear out of nowhere that cause us grave concern."

( ) After further discussion, it was agreed that Colonel Pereverzev and Colonel Lajoie would work out the details of the signs to be placed on permanent installations.

( ) General Semyonov returned to the question of lifting the restrictions on SMLM-F. General Price said that he would have to consult with General Otis, but that he thought, based on the current negotiations, they could quickly resolve the issue at their next meeting.

( ) General Semyonov responded: "We have not planned any more meetings. We are not against it, but now the work will be done by the two chiefs."

( ) Colonel Lajoie said: "We will produce a document that might go to the two generals."

( ) Colonel Pereverzev responded: "Even if we do not agree on who should sign it, we should exchange copies of the agreements."

( ) General Price stated: "I expect that my CINC will ask to meet with your CINC at the conclusion of the discussions. By that, I do not suggest that they would sign what we have agreed to, but that they would approve it."

( ) Colonel Pereverzev said that the two sides would have to prepare a written document in English and in Russian.

( ) General Price said that if he signed the document, it would only be to authenticate its accuracy. General Otis would have to approve the document. General Semyonov said that he had similar authority, and asked when the document should be prepared. Colonel Lajoie pointed out that the requirement to discuss the document's contents with the British and French would complicate matters. He asked if they wished for him to brief the Allies on the agreements. Colonel Pereverzev said that the US side should wait until after the Soviet side had discussed the agreements with the British and French before giving them its version.

( ) Colonel Pereverzev hoped they could conclude the negotiations by 10 August. Colonel Lajoie asked if that was when their exercise would be finished. Colonel Pereverzev said that they were ready to begin their exercise immediately. When Colonel Lajoie asked if USMLM would be invited, he was informed by Colonel Pereverzev that "there [were] no planned invitations."

( ) General Price speculated that the next meeting would be short -- he assumed they would review and agree to the work of Colonel Pereverzev and Colonel Lajoie.

( ) Colonel Pereverzev said that another meeting would be necessary only if Colonel Lajoie and he could not agree.

( ) General Price corrected him by saying that there would be another meeting only if they did not agree, or if either General Semyonov or he did not agree with their results.

( ) "Then our meeting has come to an end," announced General Semyonov.

( ) The formal portion of the meeting was followed by a luncheon, and the US representatives departed at 1500 for West Berlin.[12]

(U) Assessment of Round Two

( ) During a toast at the formal luncheon, Colonel Pereverzev stated that the two sides could report in good faith to their superiors that they had done yeoman's service to move the two sides closer to a resolution of the issues.[13] It was on this note of cordiality that the USAREUR negotiators went home and composed their reports on the negotiations.

( ) The USAREUR negotiators reported that the session had been conducted in a business-like manner, punctuated alternately by interludes of confrontation and cordiality. Both sides had approached the second session with a "seriousness of purpose and limited expectations." Although areas of fundamental disagreement remained, they felt the session had produced important gains:

- Both sides had reaffirmed their agreement to abide by the provisions of the Huebner-Malinin Agreement.

- They had agreed that no provocative actions would be taken by either side during detentions. The Soviets took this to mean that USMLM personnel would make no attempt to escape from a Soviet detention, and that they would obey the commands of a sentry.

- Both sides had committed themselves to making significant reductions in their PRA coverage. The Soviets had hedged on their previously-stated goal of a 40 percent reduction of their current PRA coverage (39.2 percent of the GDR), but they insisted the reductions would be "substantial." (See above, 20 June USMLM-SERB working session.)

- The Soviets had promised that prior agreements to permit MLMs to transit on PRA border roads and to stop on Autobahns inside PRAs would be implemented with the publication of the new PRA map.

- In an effort to open up the cities in which MLMs were located, the Soviets had proposed that only fenced and guarded military facilities, their perimeter roads, and the entrance roads leading to the facilities would be declared off-limits to MLM personnel. The discussion on this issue had led to an agreement that this formula would be considered for all urban areas, with the expectation that large population centers would not be completely closed off in PRAs. The US side had accepted this formula in principle, but there remained disagreement about how the off-limit areas would be designated.

- Both sides had committed themselves to reducing unauthorized detentions of MLM personnel.

- Both sides had committed themselves to not penetrating walled and guarded installations.

- The US side had agreed to consider the issue of establishing parity in MLM detention procedures. The US side had a much more punitive procedure in that detained SMLM

personnel had to wait for ACS personnel to arrive from Frankfurt before they could be released, and, normally, they were escorted back to Frankfurt. In contrast, detention of a USMLM tour was usually resolved at the scene by local Soviet authorities, and, normally, they were free to continue with their tour.

- The Soviets had repeated their usual litany when the US side pressed for a guarantee of MLM safety. This time, however, they had added that GSFG had taken "practical steps" to ensure MLM safety and had unveiled a Soviet version of the Allied warning cards, which instructed soldiers in proper detention procedures. The US negotiators thought the adoption of the card would mark a major change in the attitude of GSFG toward the MLMs. The adoption of such a device would indicate implicitly that the Soviet side recognized the incompleteness of its procedures for MLM detentions.

(f) In spite of the above mentioned progress, serious differences remained:

- The Soviet side had still refused to guarantee personal immunity for MLM members; they had even insisted that it was the guard who had immunity when he was faithfully executing his duties.

- Although the US side had repeated on numerous occasions that it did not recognize mission restriction signs, the Soviet side had contended that they were necessary to preclude a huge increase in PRA coverage. The Soviets did promise to survey their MRS and to remove outdated signs.

- The Soviet side had insisted that rural military installations should be considered off-limits to MLMs when marked by MRS or other warning signs. The US side had argued that the nature of these facilities, which were often unfenced, made such restrictions impractical. The US side had acknowledged the danger of intruding onto training areas where firing was conducted.

- The Soviet side had demanded that USMLM personnel wear service uniforms with clearly marked insignia and rank, instead of its current practice of wearing camouflage field uniforms. The US side had repeated its contention that neither side should dictate uniform policy, except to insist that they be standard issue uniforms. The US side did offer to add an American flag on the right sleeve, and the Soviets seemed satisfied with this solution, stating that the most important consideration was that MLM personnel be easily recognizable.

- The Soviet side had contended that USMLM was requesting excessive pass or credential exchanges. The US side had countered that the practice was neither forbidden by the Huebner-Malinin Agreement nor denied to the Soviets.

( ) The Soviets had raised other issues at the meeting which impacted on the resolution of the negotiations. For example, the Soviets had protested the restrictions that had been imposed on the SMLMs in the wake of Major Nicholson's murder, and they had threatened to impose the same restrictions on the Allied MLMs, if they were not lifted. The US side had responded that General Otis had been authorized to rescind the measures, but that his decision would depend on the progress of the negotiations.

( ) Both sides had recognized that the negotiations would impact on the British and French MLMs, and both sides had agreed that they would have to be consulted with at an early date.

( ) Both General Semyonov and General Price agreed to delegate to Colonel Pereverzev and Colonel Lajoie the authority to work out the technical issues associated with the agreements reached at the meeting. If they were able to reach agreements on the issues that were acceptable to both generals, then no further staff-level negotiations would be necessary. However, if either general considered the results unacceptable, the option remained to reconvene the staff-level negotiations.

( ) In addition, the two generals had agreed that Colonel Lajoie and Colonel Pereverzev would summarize the results of the two sessions in a written statement. However, it would only be considered an "oral statement." The statement would be translated into both languages and submitted to General Price and General Semyonov for "disposition." It would not be signed or initialed by the two generals, but might be signed by a "more senior officer in the respective headquarters," depending on decisions made at higher levels.

( ) The US side was to consult with the British and French on the results of the negotiations, and Colonel Pereverzev and Colonel Lajoie were to meet on 9 July to begin their discussions on the unresolved technical issues.[14]

(U) Follow-on Actions to Round Two

( ) As promised at the second session, USAREUR carefully briefed the British and French prior to their expected meetings with the Soviets.

( ) On 2 July Lieutenant Colonel Gambolati, whose normal duties included liaison with British and French intelligence officials at BAOR and FFA, briefed representatives from BAOR headquarters on the results of the second session. He noted the Soviet desire that USAREUR initially brief the two Allies in the hopes of avoiding different policies for each of the Western Allies. The BAOR representatives were concerned that this signaled a Soviet desire to apply a "worst case" approach to MLM policy for all three Allies.

( ) The key concern for the British was that PRA coverage would increase because of USAREUR's insistence that the Soviets use mission restriction signs only in restricted areas. The British thought that USAREUR'S insistence that MRS be used only to designate "places of disposition of military units" -- in conjunction with the USAREUR-GSFG agreement to adhere faithfully to the Huebner-Malinin Agreement -- could lead to the elimination of a "gray area" which all three Allies had been exploiting for intelligence collection. The British said they were comfortable with "busting" MRS in non-PRA areas, since they did not consider them valid signs. The "gray areas" protected by MRS presented them with opportunities which they could exploit, although with risk. Their basic approach was that collection by British MLMs had priority over safety and security considerations, which they did not feel were overriding issues.

( ) The British agreed to continue supporting sanctions against SMLM, but again voiced concern that prolonged imposition of the sanctions could cause Soviet retaliation against Allied MLMs. The British also agreed with the USAREUR position of insisting on the right to unrestricted MLM pass exchanges.[15]

( ) When Lieutenant Colonel Gambolati met with FFA representatives on 4 July, he briefed them on the second session and on his meeting with the BAOR representatives. After outlining the potential problem of recognizing MRS as designating restricted areas, he said that he thought they and the British would not have that problem because of the wording in their bilateral agreements with the Soviets. He emphasized that, from the US perspective, security of MLM members would have to have priority over operational coverage and collection.

( ) The French said that they, like the British, saw MLM security as secondary to operational collection. The French stated, however, that it was absolutely necessary to present a united front to the Soviets and that they were prepared to make sacrifices to ensure Allied unity.

( ) The French were skeptical of the Soviet promise to reduce PRA coverage and thought that the Allies should have 3 to 4 months to respond to a new Soviet PRA map -- strict reciprocity would have to be applied. They were not concerned with the elimination of the "gray areas," as had been the British, and said that they preferred clearly delineated restricted areas.

( ) However, the French were uncomfortable with the prospect of opening up greater portions of the MLMs' home cities and other urban areas. They feared that this expanded access to urban areas would create greater security problems in Baden-Baden and other cities in their area and would create opportunities for entrapment of their MLM tours in East German cities.

( ) They agreed that the proposed Soviet MLM cards were a step in the right direction, but thought that USAREUR should insist that the Soviets accept responsibility for East German actions against Allied MLMs.

( ) The French representatives agreed with Lieutenant Colonel Gambolati that close and continuous coordination among the Allied MLMs would be required.[16]

( ) On 8 July Colonel Lajoie told General Gordon, the USAREUR DCSI, that he had been reviewing the transcript of the second session and that it was not entirely bad that the negotiations had wandered somewhat and had been less definitive than had been planned. Colonel Lajoie thought it would be preferable that some areas not be covered in writing, in that clear agreements might impinge upon the operational flexibility of the MLMs.

( ) Colonel Lajoie said that it might become necessary to separate MLM security, which was the basic issue of the staff negotiations, from PRA coverage issues, if they wanted to close the negotiations at an early date. He proposed that a summary of the negotiations be written which excluded the PRA issues, and that a second "flexibly worded declaration" on PRA reductions and related matters be included in a separate document. He anticipated that this second document would preserve the beneficial agreements reached during the negotiations, and yet would be sufficiently vague to allow continued collection exploitation of the "gray areas."[17]

( ) After reading the USAREUR report on the second session, on 8 July JCS told USEUCOM to ensure that USAREUR did not formally agree to or sign an agreement with GSFG without getting JCS approval. JCS was informed that the upcoming meetings between Colonel Lajoie and Colonel Pereverzev had nothing to do with approving an agreement, but were aimed at getting down on paper the details of the concepts discussed at the negotiating sessions. USAREUR recognized that any agreements would have to be approved at higher levels.[18]

( ) During a 9 July meeting with Soviet Embassy Minister-Counselor O.M. Sokolov, Assistant Secretary of State Richard Burt again raised the issue of the shooting of Major Nicholson. Mr. Burt noted that there had been "positive signs concerning procedures in the recent discussions between military representatives," but he thought there should be a "continuing cooperative effort on procedures that would rule out use of force against" MLM personnel. Mr. Burt emphasized that "any repetition of violence against [US]MLM personnel would be explosive, and the Soviets should not underestimate the danger."

( ) Mr. Burt said that he wished to underline that the United States was not satisfied with the Soviet failure to meet the apology and compensation demands: "Soviet responsiveness on these points would help remove an obstacle in the path of better bilateral relations."

( ) Mr. Sokolov said that he had nothing to add to Ambassador Dobrynin's prior statements, in which the Soviets had refused to accept responsibility for the shooting and had refused to offer an apology or to pay compensation. He said the Soviets were asking themselves why the US side continued to bring up the issue when both sides had already agreed that it would be discussed by the "appropriate authorities on the spot," i.e., USAREUR-GSFG negotiations. He did not see the purpose of raising it to the political level, unless the US side wished "to make the issue an obstacle in relations."

( ) Mr. Burt reminded Mr. Sokolov that it had been the Soviets who had shot an American serviceman, and assured him that the US Government would continue to tell the Soviets what it thought should be done to remove the issue as an obstacle in relations.[19]

( ) Colonel Lajoie met with Colonel Pereverzev at the SERB offices on 10 July in an attempt to formulate a summary of the negotiations. Although they were able to agree on exact phraseology on a number of points, there remained areas of divergence which could become major stumbling blocks to concluding the negotiations.

( ) Both sides were in agreement on eight issues:

- Substantial PRA reductions.

- Lifting of restrictions on transit along PRA border roads and on stops along Autobahns in PRAs.

- Declaring Potsdam and Frankfurt open cities.

- Requiring regular instruction to soldiers on nonuse of force when detaining MLM personnel, to include Soviet use of MLM information cards.

- Respect for laws of host country without accepting jurisdiction of those countries.

- Expeditious release of detained personnel on the spot.

- Ensuring freedom of movement "without surveillance."

( ) Although there were disagreements, Colonel Lajoie thought they could agree on phraseology on the following issues:

- Prohibition of provocative actions.

- Authorized MLM uniforms.

- Plan for declaring urban garrisons not located in PRAs as being off limits.

( ) Colonel Pereverzev had declared the following three issues to be "cardinal," and their resolution was expected to cause major difficulties in formulating the summary:

- A prohibition of the trespassing on firing ranges and training areas located outside of PRAs and TRAs, which, in effect, created additional restricted areas.

- Scrupulous obedience to the orders given by a Soviet sentry.

- Recognition of mission restriction signs.

( ) Colonel Lajoie did not think the Allied MLMs could abide by the last three provisions and still perform their duties.

( ) Colonel Lajoie said that the Soviets seemed to prefer that the negotiations be concluded with an unsigned non-paper. He noted that the US side had previously mentioned an exchange of verbal statements, while leaving open the possibility of a signed or initialed document. A non-paper would be the least formal closing device available to mark the end of the negotiations -- it would also be the least binding on either side.

( ) Although such a document might have been disturbing from the standpoint of guaranteeing MLM personnel safety, Colonel Lajoie pointed out that it also allowed for a certain degree of operational flexibility. In addition, an exchange of non-papers would not be a precedent-setting event, nor would it have a judicial impact on the Huebner-Malinin Agreement. He was sure the British and French would approve of this solution since they had communicated quite clearly that they had no interest in modifying their bilateral agreements with the Soviets.

( ) Colonel Lajoie thought that the two sides could get "semantically" closer at their next meeting, but that the US side might have to reject the summary if he could not convince Colonel Pereverzev to modify or remove the "cardinal" concerns: "There is very little room for compromise here."

( ) Colonel Lajoie wanted to conclude the negotiations as soon as possible in order to secure the "considerable benefits to the missions" of the new PRA map and the Soviet MLM card. He thought these benefits would result in "a perceptible improvement in [USMLM's] collection environment."[20]

(U) <u>The Lajoie Ramming Incident</u>

( ) On 12-13 July Colonel Lajoie went on a USMLM tour for the first time since the Nicholson shooting. Colonel Lajoie had refrained from touring to preclude the possibility of a high-level incident; but, with the negotiations seemingly coming to a close, he had decided to participate in a tour of the local Potsdam area. At 0015 on 13 July, as the tour vehicle was passing stragglers from a Soviet convoy, a Soviet 5.5-ton truck began chasing it at a high speed. The USMLM tour driver continued at a normal speed, but the Soviet driver tailgated the USMLM vehicle and rapidly flashed his high-beam headlights. The tour driver accelerated in the hope that the

Soviet truck would turn back. When the Soviet driver continued to chase the tour vehicle, it was decided to turn off the road and return to USMLM's Potsdam House. As the USMLM vehicle was halfway through the turn, the Soviet truck struck it in the rear with considerable force. The USMLM crew decided that the Soviet truck occupants were dangerous and continued on to the security of Potsdam House.

( ) An inspection of the USMLM vehicle revealed minor damage to the rear end and a compressed fuel tank, which could have resulted in a fire. As the crew was inspecting its vehicle, Soviet soldiers driving a truck with a damaged front end arrived at Potsdam House, stated that they had followed the USMLM vehicle by means of a fuel leak, and said that they had planned to detain the USMLM tour for "passing a column." The Soviet soldiers claimed that when the USMLM vehicle had suddenly turned off the road, they had been unable to avoid hitting the USMLM vehicle.

( ) When the SERB representative and the Potsdam Commandant arrived at 0225, Colonel Lajoie protested "the dangerous and totally unprovoked behavior of the Soviet servicemen."

( ) At first it was thought that none of the tour personnel had been injured by the ramming, but subsequent X-rays revealed a fracture of the lower portion of Colonel Lajoie's eye socket. Neither Major Richard D. Lyons, the other tour officer, nor Sergeant Jesse G. Schatz, the tour driver, had been seriously injured in the incident.[21]

( ) Initially, USMLM had hoped that the ramming incident would be resolved on the local level and that it would not be blown out of proportion, but subsequent events would make that impossible.

( ) On 15 July Lieutenant Colonel Kelley, in his capacity as Acting Chief of USMLM, met with the Chief of SERB to protest verbally the ramming incident and Colonel Lajoie's injury. Kelley made the point that, although it appeared that it had been an accident and not an intentional ramming, such overreactions to the presence of MLM tours were typical, and incidents were sure to recur in the future, if corrective action was not taken. He added that the succession of such incidents had caused the US side to question the good faith of GSFG headquarters, and that the political repercussions of such continued violent behavior could become an "explosive" issue. (The word "explosive" was deliberately used to tie in the protest with the 9 July Burt-Sokolov meeting. See above.)

( ) Colonel Pereverzev was very conciliatory and promised that the Soviet soldiers would be "harshly" punished, if the Soviet investigation showed that they were at fault. However, when Colonel Pereverzev was informed that it was likely that a higher-level, formal protest would be lodged, he said that such an event would force the Soviet side to register a counter-protest of USMLM behavior during the incident. Colonel Pereverzev said that it made more sense to resolve the incident at their level. Lieutenant Colonel Kelley stated that such decisions were beyond his realm of authority, but that he would relay Colonel Pereverzev's proposal. Although Kelley did relay the Soviet proposal, it was his recommendation that USAREUR headquarters lodge a formal protest.[22]

( ) After reviewing Lieutenant Colonel Kelley's report on the meeting, General Fiala thought that it had been inappropriate for Kelley to depart from his prepared text and state that the US side did not attribute the ramming to "premeditation, retribution, or the like." In the future, USAREUR representatives were to refrain from making extraneous comments when delivering a protest.[23]

( ) The "higher-levels" were not inclined to accept the Soviet proposal to handle the incident in a low-key manner. On the same day as the 15 July USMLM-SERB meeting, USAREUR had forwarded to USEUCOM a proposed chief-of-staff-level letter of protest it wanted to deliver to GSFG. USEUCOM forwarded the proposed letter to JCS on 17 July and recommended that "appropriate action be taken to formally protest both the ramming of the USMLM vehicle and the resultant injury to [the Chief of] USMLM."[24]

( ) Concurrently, Mr. Burt had called in Mr. Sokolov on 16 July and protested the ramming incident. Mr. Burt said that the ramming was "the kind of incident involving the aggressive use of force which could have serious consequences for US-Soviet relations." After outlining the US side's version of the incident, Mr. Burt questioned whether the USAREUR-GSFG discussions were having the desired effect of preventing recurrences of such incidents. He said the incident raised serious questions about "how well Soviet authorities were able to control the use of force by the Soviet military."

( ) Mr. Sokolov responded that he did not have any information on the incident other than what he had seen in the news media. He asked Mr. Burt if the US side was saying that the Soviet truck had deliberately rammed the USMLM vehicle. Mr. Burt said that he did not wish to speculate at that time,

but that it was clear the US vehicle had been hit at high speed from behind. Mr. Sokolov promised to pass the US views to Moscow.

( ) After reading a report on this early State Department protest, Colonel Parnell noted that the US side needed to prepare an overall policy for protesting the ramming incident. He was concerned that the protests seemed to be going forward before all of the facts had been determined and before consultations had been held with the Allies. He asked rhetorically if it might be necessary to form a special committee to handle such actions. (As it turned out, the State Department report had used the term "protest" rather loosely, and it would subsequently modify Burt's protest to a query in its press guidance for the incident.)[25]

( ) That there was confusion about the facts of the incident became apparent when JCS queried USEUCOM on 17 July about the apparent disparity between the USAREUR reports on the ramming (and the USMLM-SERB meeting -- both of which had implied that it was an accident) and the USAREUR protest letter, which had called it a deliberate ramming. Discussions between USAREUR and USEUCOM resulted in the following description of the incident being forwarded to JCS: "...rammed by a Soviet vehicle as a result of extremely dangerous, reckless, and overly aggressive driving."[26]

(U) In the meantime, word of the ramming incident began appearing in the news media. The first report of the incident appeared in a Berlin newspaper on 16 July, with the American wire services picking it up the next day. Generally, the American media reported a fairly complete account of the ramming, which had been provided by DoD spokesman Fred Hoffman. They noted in passing that the ramming involved personnel from the same organization as Major Nicholson, and that Sergeant Schatz had been the driver during both incidents. The DoD briefer said that the intent of the Soviets involved in the incident was unknown, but, regardless of whether it was an accident or a deliberate act, it had accentuated the difficulties that USMLM personnel had been experiencing in operating in East Germany. Mr. Hoffman noted that Secretary Weinberger still was not satisfied with the Soviet response to the US demand for an apology and compensation for Major Nicholson's death, and that he was "very disturbed by the latest incident."[27]

( ) On 18 July Colonel Pereverzev met with Lieutenant Colonel Kelley in what may have been the turning point in resolving the Lajoie ramming incident. Colonel Pereverzev commented on the recent news stories about the ramming incident and stated that he did not want to see words that he had said in confidence appear in print the next day. He said that he could not "engage in telling conversation" unless he was confident that his views would not be published or broadcast. Lieutenant Colonel Kelley assured him that he certainly did not intend to release a news statement and that any message would be treated confidentially. (Lieutenant Colonel Kelley subsequently requested that higher echelons respect Colonel Pereverzev's request for confidentiality. Kelley thought that Pereverzev would be unable to deal with USMLM personnel candidly in the future, if his comments were to appear in print.)

( ) Colonel Pereverzev stated in unusually blunt terms that, as a result of the GSFG investigation, Soviet soldiers had been found to be completely at fault in the ramming incident and that they would be severely punished for their actions. Although the soldiers had committed acts which had led to the accident, he emphasized that they had not deliberately rammed the USMLM vehicle. The Soviet investigation had determined that the accident was caused by the Soviet driver's failure to maintain adequate separation between the vehicles and by the poor quality of the road.

( ) Colonel Pereverzev claimed that the incident had "shocked GSFG headquarters," and that it had been "completely unexpected." He asked that his personal condolences be conveyed to Colonel Lajoie.

( ) Lieutenant Colonel Kelley replied that he would report the Soviet findings and intentions regarding their servicemen. He was sure that the Soviet reaction would "find a positive resonance" at USAREUR headquarters and beyond.

( ) Colonel Pereverzev offered his opinion that the incident might have been prevented if the USMLM crew had allowed themselves to be detained. Since the Potsdam Commandant would have found the detention to be completely unwarranted, they would have been released within a short time. Even if they had not accepted the detention, they should have stopped immediately after the accident, which would have allowed for a proper investigation of the circumstances.

( ) Lieutenant Colonel Kelley said that the tour crew had not immediately realized that they were being chased by a Soviet truck and, once it was clear a chase was underway, were afraid to stop because of the threatening behavior of the chase vehicle. The ramming itself showed how unpredictable the situation had become. They decided that it was safer to return to the Potsdam compound than to remain in place and submit to further violence.

( ) Colonel Pereverzev then received a brief lecture on the workings of a free press. Lieutenant Colonel Kelley stated that, once a small amount of information about the incident had appeared in the press, it was better to provide specific information rather than invite unfounded speculation by maintaining silence. Kelley said that the US side had tried to defuse the situation by releasing factual information on the incident, and that it had made no unfounded accusations, e.g., that it had been a deliberate ramming.

( ) Afterwards, Lieutenant Colonel Kelley's assessment of the meeting was that:

> This represents a truly unique and remarkable admission on the part of CSERB. That GSFG should admit to guilt on the part of its soldiers indicates the importance which the Soviets attach to this issue; that they should actually punish their men for such misdeeds may well be unprecedented....
>
> For a variety of reasons the Soviets definitely want to minimize the negative fallout of the 13 July ramming. Its repercussions on relations, both between forces in the theater and between Moscow and Washington, could well have been drastic, as has been stressed by the State Department. These Soviet moves are aimed at appeasing Washington -- as well as at enforcing internal discipline -- and they must be viewed with great seriousness.

( ) Lieutenant Colonel Kelley contrasted the Soviet response to the 4 June ramming of the British MLM vehicle with their response to the Lajoie ramming: After the 4 June incident, they had denied Soviet guilt and accused the British of ramming their vehicle; in this instance, they had quickly admitted that they were at fault and stated that they would punish those responsible. He thought the Soviets clearly

wanted to defuse the situation, conclude the USAREUR-GSFG negotiations, and get their mutual relationship back on track. Kelley recommended that USAREUR interpret the Soviet gesture as an indication that they desired a normalization of relations. He also recommended that the wording in USAREUR's protest letter be adjusted to reflect that day's developments.[28]

( ) However, the consequences of the ramming incident would not be resolved that simply. General Otis was concerned that the ramming incident may have been caused by the USMLM crew's desire to avoid a detention. In addition, a consensus was building that it might be advisable to make it official policy that USMLM personnel submit at the first indication of a desire or intent to detain a tour. It was hoped that such a policy would preclude personnel injury, property damage, and an adverse impact on USAREUR-GSFG relations. General Gordon had passed on these concerns to Colonel Lajoie.

( ) In a 19 July message to General Gordon, Colonel Lajoie responded to General Otis' concern about the 13 July ramming as well as the proposal that USMLM crews immediately accept detentions. He pointed out that freedom of travel in open areas, without surveillance, was one of the specific rights both sides had reaffirmed during the recent negotiations. He explained that the USMLM tour had been engaged in just such an activity when the Soviet soldiers had overreacted to their presence. The Soviet driver clearly had been at fault, whether he had intended to ram them or simply had been reckless. In all countries, the driver in the following vehicle normally was held at fault for rear end collisions.

( ) Colonel Lajoie said that the only thing that had made this an extraordinary event was his presence and the "current superheated atmosphere" due to the Nicholson incident. There had been numerous incidents involving this type of Soviet and East German behavior in the past. It seemed to him that it was the other side's behavior, rather than USMLM's standing operating procedures, that was at fault. GSFG had to be made to understand that the US side would "no longer condone open season on MLM vehicles and personnel."

( ) Colonel Lajoie recognized that, as a practical matter, USAREUR could not afford to have its in-box filled or the front pages of The Stars and Stripes covered by stories of such incidents. Incidents not only complicated USMLM's collection operations, but contaminated US-Soviet bilateral relations at much higher levels, e.g., the forthcoming summit

meeting in Geneva. He reassured General Gordon that USMLM's collection operations were "still throttled back in response to the CINC's guidance in the wake of the shooting." He promised that they would continue to be careful, but, that "short of not crossing the [Glienicke] bridge, we can give no guarantees there will not be more encounters. They come with the territory."

( ) General Gordon supported Colonel Lajoie's contention that USMLM should not immediately submit at the first sign of a detention. He reasoned that the other side would soon become aware of this policy and would use the increased number of detentions for political leverage. He said that there was no question that USMLM personnel "must conduct [their] activities with caution and must exercise reasoned judgment in any decision to accept or to avoid detention." However, General Gordon did not think that the command could afford to establish a policy that mandated USMLM submission at the first indication of a desire or intent to detain the tour. General Otis agreed with their views and said to "Carry on."[29]

( ) The rumors of General Zaytsev's reassignment were confirmed on 22 July when General Shevtsov delivered a farewell letter from General Zaytsev and a letter from his replacement, General Pyotr G. Lushev, announcing that he was assuming command of GSFG. General Shevtsov did not mention the 13 July ramming when he delivered the letters to General Fiala, but he did say that he thought General Lushev would soon be sending a letter concerning "the resolution of recent problems." He also thought that General Lushev would "take the necessary measures to improve relations and to resolve and prevent problems." General Fiala said that he was hoping for such results.[30]

(U) On 23 July Mr. Fred Hoffman, the DoD spokesman, briefed the news media that the ramming might have been accidental. State Department press guidance echoed this interpretation the next day. One reporter speculated that Washington might be interested in resolving the incident in order to remove "one touchy item" from the agenda at the Geneva talks. He and many of his colleagues, however, were not quite ready to forgive and forget. Several of them reviewed the recent violent incidents involving Allied MLM personnel -- the ramming death of the French NCO, Major Nicholson's murder, the British ramming and its violent aftermath, and the Lajoie ramming.[31]

(U) Another reporter asked sarcastically, "So, just how accident-prone can you get?" He mocked the characterization of the ramming incident as an accident and compared it with other

examples of Soviet brutality such as the Korean Airline shootdown and their behavior during and after the above listed Allied MLM incidents. He said that allowing such aggressive behavior to be labeled as accidents might have precluded several wars and gave as examples the firing on Fort Sumter, the attack on Pearl Harbor, and the assassination of Archduke Ferdinand. He reasoned that such an interpretation of Soviet behavior in East Germany would not call for retaliation, but for a better MLM safety program.[32]

( ) Colonel Pereverzev was not pleased with the DoD and State Department news releases that had said the ramming might have been an accident. When he met with Colonel Lajoie on 24 July, Pereverzev said that he did not appreciate seeing his words repeated for public scrutiny. He added that such practices could certainly induce him to be less forthcoming in future discussions.

( ) Colonel Lajoie said that Colonel Pereverzev's comments had been reported accurately up the chain of command, along with his request for confidentiality. He thought that Pereverzev was overreacting and that such benign press releases were actually playing down the significance of the incident.

( ) It also appeared that Colonel Pereverzev had received a garbled version of the different stories, and Colonel Lajoie gave him an accurate account of the news releases. He was unable, however, to convince Colonel Pereverzev that the information should ever have been released, benign or otherwise.

( ) After inquiring about Colonel Lajoie's health, Colonel Pereverzev commented that, normally, such an accident would have caused injuries to the back of his head rather than to the front. Colonel Lajoie assured him that the injury was not self-inflicted.

( ) Colonel Lajoie addressed, in some detail, the wording that should be used in the concluding document -- outlining those portions that were acceptable, those that needed modification, and those that were unacceptable (see above). Lajoie proposed that the three unacceptable points be replaced by the following statement:

> Each side recognizes the authority of the other to take such steps as may be required to implement the provisions of Article 10 of the Huebner-Malinin Agreement.

( ) Colonel Lajoie would subsequently tell USAREUR that he had made the proposal in an attempt to arrive at mutually agreeable wording that would be less specific than that contained in the Soviet proposal. USAREUR, however, thought the word "authority" was too strong to be acceptable. Colonel Lajoie was told that USAREUR might accept the Soviet right to take such steps as may be required to implement provisions of the Huebner-Malinin Agreement, but that it would not recognize their "authority" to do so. Colonel Lajoie said that he would take the necessary action to have the word "authority" changed to "right."

( ) Colonel Pereverzev next brought up the subject of exchanging PRA maps. In the past, when the Soviets had presented the Allies with a PRA map, the Allies would examine it and would respond accordingly in their PRA maps. After the last Soviet increase in PRA coverage in 1984, the Allies had significantly increased their PRA coverage to equal the Soviet's coverage. This new, hard-nosed Allied approach had shocked the Soviets. Subsequently, the Allies and the Soviets had agreed to reduce PRA coverage. The US side had proposed that they agree on an acceptable percentage for PRA coverage, draw up their respective maps, and simultaneously exchange the maps. Colonel Pereverzev had previously rejected that plan but now seemed inclined to proceed in that direction. During his meeting with Colonel Lajoie, he proposed that they agree in advance that they would protect no more than 25 percent of their respective territories with PRAs, that they would open totally the MLM home cities (except for military facilities), that they would open the major cities to MLM travel (except for military facilities), and that they would not create de facto PRAs by such means as making certain areas physically impossible to reach. Colonel Lajoie said that the US side would consider the proposals, and it was agreed that they would meet again on 26 July.

( ) USAREUR headquarters would subsequently tell Colonel Lajoie that the Soviet map exchange proposal was unacceptable. In all recent discussions with the Soviets, the US side had maintained that the Soviets would have to come forward with their proposed PRA map, and that after the revised map had been reviewed, the US side would respond by publishing its revised map. Colonel Lajoie was to inform them at a future meeting that this was still the US position on PRA map exchanges.[33]

( ) In response to Soviet acceptance of responsibility for the ramming incident, on 24 July General Fiala forwarded to USEUCOM a revised version of his protest letter. He said that, even if the US side accepted the Soviet explanation of the ramming as being accidental, it still was appropriate to lodge an official protest based on the improper conduct of the Soviet soldier. Further, since the protest letter had been considerably toned down, he said it could be considered a routine letter to make the incident a matter of record.[34]

( ) USEUCOM concurred that same day and forwarded the revised protest letter to JCS. USEUCOM agreed that it should now be considered a routine letter to make the incident a matter of record. JCS was informed that the letter would be delivered on 25 July, unless USEUCOM was advised to the contrary.[35] JCS agreed that the letter should be treated as a routine response to the Soviet explanation of the incident. However, JCS wanted to tie the incident into the ongoing staff negotiations and inserted the following sentence: "This underscores the importance of our discussions on measures to insure the safety of MLM personnel engaged in performing liaison functions." JCS made several other minor revisions to the letter and approved its delivery on 25 July.[36]

( ) Due to the JCS revisions to the letter, it was not delivered to SERB and SMLM-F until 26 July. At 1000 hours local time, Lieutenant Colonel Kelley delivered General Fiala's letter to the Deputy Chief of SERB:[37]

General Krivosheyev:

> Early on the morning of July 13, 1985, a United States Military Liaison Mission (USMLM) vehicle was damaged as a result of being struck from behind by a Soviet truck. Colonel Lajoie, Chief, USMLM, who was a passenger in the USMLM vehicle, sustained injuries which required him to be hospitalized. While the collision may not have been intentional, it clearly was the result of overly aggressive and reckless behavior on the part of your troops. This underscores the importance of our discussions on measures to insure the safety of MLM personnel engaged in performing liaison functions.

In view of this most recent incident, I must insist that your headquarters take more definitive measures to instruct your soldiers to refrain from actions which threaten the safety of USMLM personnel. Our soldiers are extremely careful to guarantee the safety of Soviet Mission personnel. I ask that you now act urgently to insure that your soldiers conduct themselves in a similar manner.

( ) The Deputy Chief of SERB accepted the letter without substantive comment, but the delivery to General Shevtsov was to be much more informative. The Chief of SMLM-F had been escorted to General Fiala's office at 1540, where General Fiala had handed him the letter and requested that Shevtsov personally convey the letter and his words to General Krivosheyev. General Shevtsov promised to do so.

( ) General Fiala began by stressing that the incident pointed to the need to develop safety measures for mission members, and that he and his headquarters were very upset about the latest incident. General Shevtsov responded that his headquarters also was upset about the incident.

( ) After General Shevtsov had been afforded an opportunity to read a translation of the letter, General Fiala continued by saying that the incident was due to the recklessness and aggressiveness of poorly supervised Soviet troops. To emphasize the seriousness of the incident, General Fiala pointed out that the USMLM vehicle had been hit with such force that the fuel tank had been ruptured. The car could very well have become engulfed in flames, possibly causing severe injury or death to the USMLM members. He noted, in passing, that Colonel Lajoie had been a passenger, and that he had been selected recently for promotion to brigadier general.

( ) General Fiala said that GSFG had to institute and enforce those measures necessary for the safety of mission members, and that this latest incident was tied to the ongoing USAREUR-GSFG negotiations. It showed the need for a rapid, constructive, and positive conclusion to the negotiations -- as well as resolution of those problems surrounding the death of Major Nicholson -- so that the two sides could move toward normalization of relations.

( ) General Fiala hoped that with the arrival of General Lushev, the new CINCGSFG, there would be an opportunity to move on these problems. It was especially necessary for the two

CINCs to start their relationship under normal conditions. As professional soldiers, both sides were concerned with the safety of their personnel. They should be anxious to interact as professional soldiers, and to stay out of the political realm.

( ) General Shevtsov said that he would personally deliver the letter to General Krivosheyev, and that he would report General Fiala's comments. Although he emphasized that all issues currently under negotiation needed to be resolved, Shevtsov conceded that the most important issue was insuring the safety of mission members. General Lushev had said already that the safety of the missions was a matter to be dealt with seriously. Shevtsov insisted that GSFG headquarters had reinforced throughout the command that directives, orders, and regulations relating to such matters would be strictly enforced. He claimed that the soldiers involved in the incident had been dismissed from the army and sent back to the Soviet Union "in servitude."

( ) General Shevtsov concluded by stating that it was his headquarters' desire to insure the safety of mission members, to resolve the outstanding issues at the negotiations, and to move on to normalized relations between the two commands.[38]

( ) USAREUR headquarters reported the results of the two delivery meetings to USEUCOM at 1745 Zulu on 26 July. USEUCOM relayed this information to JCS at 1230 Zulu on 29 July.[39]

( ) General Shevtsov had been particularly pleased when, during the course of meeting, General Fiala had announced that overt surveillance of SMLM vehicles would be terminated that day. During their 27 June meeting, Secretary Weinberger had given General Otis permission to terminate overt surveillance when he thought it was appropriate (see above). General Otis had decided it was time to end overt surveillance based on the Soviet acceptance of responsibility for the Lajoie ramming at the 18 July USMLM-SERB meeting and on General Lushev's 20 July letter expressing "...hope that our relations will develop in the spirit of mutual understanding, on the basis of mutual attempts toward bettering them." Another factor had been the British request that the sanction be ended. Consequently, the Allies and USAREUR personnel were notified that "Operation Remembrance 85" would be terminated at 2400 hours on 26 July.[40]

(U) Based upon DoD briefings and off-the-record interviews, the news media began reporting that the Pentagon had quietly closed the book on the ramming incident. It was reported that direct contact with Soviet military authorities in East Germany had resulted in an explanation for the ramming. Although the word "apologize" had not been used, "Pentagon officials" said that JCS considered the explanation to be an apology. The Soviets had made it clear that the driver had exceeded his instructions and that his actions were not authorized by the Soviet command. "There were indications that the incident was not intentional."

(U) The officials said that, under the rules covering Allied MLM operations in East Germany, they were permitted to observe Soviet military maneuvers, as long as they did not enter restricted areas. The officials stated that this type of incident was:

> ...the kind of clash that happens routinely with the Allied military liaison missions, who play what some officers describe as "grownup cops-and-robbers."
>
> If it hadn't been for the Nicholson killing, the latest incident wouldn't have received any press coverage at all.

(U) It was suggested by the press that the conciliatory Soviet behavior may have been an attempt to avoid any confrontations in advance of the upcoming high-level meeting between the Soviet Foreign Minister and the US Secretary of State.[41]

( ) In any event, resolution of the Lajoie ramming allowed USMLM and USAREUR to get on with the business of resolving the outstanding issues at the USAREUR-GSFG negotiations.

CHAPTER SEVEN FOOTNOTES

1. (1) Msg, CINCUSAREUR (AEAGB-C[HO]) to USCINCEUR (ECJ2), 251349 Jun 85, subj: 20 Jun 85 Meeting With CSERB. (2) Msg, Berlin (AEUS) to Heidelberg (AEAGB & AEAGB-C-[HO]), 202359 Jun 85, subj: SAB. Both & OADR.

2. Ltr, COL Lajoie to BG Price, 21 Jun 85, subj: USAREUR-GSFG Negotiations. AEUS. OADR.

3. (1) Msg, CINCUSAREUR (AEAGB) to USCINCEUR (ECCS & ECJ2-C), 241237 Jun 85, subj: Semiannual Tripartite Conference, 21 Jun 85. OADR. (2) Msg, BAOR to CINCUSAREUR, 140900 Jun 85, no subj. OADR. (3) Msg, Berlin (AEUS) to Heidelberg (AEAGB-C[HO]), 171500 Jun 85, subj: Sanctions Against SMLM in West Germany. OADR. (4) Ltr, COL A.I.H. Fyfe, BAOR G2 Intel, to MG Gordon, ca. 23 Jun 85, no subj. B10205. OADR.

4. MFR, MAJ Wyckoff, 24 Jun 85, subj: USAREUR-GSFG Negotiations. AEAGX-ACS. OADR.

5. Msg, USAREUR to DA, 240721 Jun 85, subj: Nicholson Discussions. OADR.

6. Msg, DA to USAREUR, 261400 Jun 85, subj: Nicholson Discussions. OADR.

7. Msg, OSD to USAREUR, 282000 Jun 85, subj: MLM Meeting. OADR.

8. (1) Msg, USAREUR to Berlin, 050655 Jun 85, subj: Queen's Birthday Celebrations, 7 Jun 85. (2) Msg, w/notes, Berlin to USAREUR, 051645 Jun 85, subj: Soviet Invitees to Berlin Fourth of July Celebration. Both & OADR.

9. (1) Memo, Mr. F.J. Seidner, USAREUR POLAD, to CofS, 7 Jun 85, subj: 4th of July Reception in Berlin. AEAPO. (2) Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECCS), 130704 Jun 85, subj: Berlin 4th of July Celebrations. Both & OADR.

10. Msg, USCINCEUR (ECDC) to JCS (J5), 151143 Jun 85, subj: Berlin 4 July Celebration. OADR.

11. (1) Msg, Berlin to USAREUR, 241545 Jun 85, subj: Soviet Invitees to Berlin Fourth of July Celebration. (2) Msg, USCINCEUR (ECCS) to JCS (DJS), 271237 Jun 85, subj: Berlin 4th of July Celebration. (3) Msg, JCS to USCINCEUR, 281215 Jun 85, subj: SAB. (4) Msg, JCS to USEUCOM, 292135 Jun 85, subj: SAB. All & OADR.

12. The Soviets still would not allow the use of recording equipment and, once again, the US delegation had to compile a written transcript of the proceedings by comparing their notes: "USAREUR-GSFG Staff-Level Discussions, Round Two - Record," ca. 1 Jul 85. OADR.

13. USMLM Unit Hist, 1985, p. 118. OADR.

14. (1) Msg, CUSMLM (AEUS) to CINCUSAREUR (AEAGB/AEAGC), 012200 Jul 85, subj: 1 Jul 85 USAREUR-GSFG Negotiating Session. (2) Msg, ASAC Europe Heidelberg (AEAGB) to USCINCEUR (ECJ2), 021429 Jul 85, subj: SAB. (1) - (2) & OADR. (3) Fact Sheet, Mr. Gambolati, 2 Jul 85, subj: USAREUR-GSFG Staff Negotiations. AEAGB. (info used). OADR.

15. Memo, w/note, LTC Gambolati to MG Price, 3 Jul 85, subj: Discussion with British, 2 Jul 85. AEAGB-CI(SO). OADR.

16. Memo, LTC Gambolati to MG Price, 5 Jul 85, subj: Discussion with French, 4 Jul 85. AEAGB-CI(SO). OADR.

17. Msg, Berlin (AEUS) to USAREUR (AEAGB), 081630 Jul 85, subj: 1 July USAREUR-GSFG Staff Negotiating Session. OADR.

18. FONECON, CAPT Feuerhelm, USEUCOM ECJ2, to COL Gillespie, USAREUR ADCSI, 1745 local/8 Jul 85, subj: USAREUR-GSFG Negotiations. OADR.

19. Msg, SECSTATE to AMEMBASSY Moscow, 100657 Jul 85, subj: Burt Conversation With Sokolov on Nicholson. OADR.

20. (1) Msg, CINCUSAREUR (AEAGB-C[HO]) to USCINCEUR (ECJ2), 111551 Jul 85, subj: 10 Jul 85 Meeting With SERB. OADR. (2) USAREUR-GSFG Proposed "Summary of the Work," ca. 10 Jul 85. UNCLAS.

21. (1) Msg, CINCUSAREUR (AEAGB-C[HO]) to USCINCEUR (ECJ2-C), 130915 Jul 85, subj: USMLM Incident 85-04, 13 Jul 85. (2) USMLM Unit Hist, 1985, p. 118. Both & OADR.

22. Msg, CUSMLM to CINCUSAREUR (AEAGB-C[HO]), 151700 Jul 85, subj: 15 Jul 85 Meeting With CSERB. OADR.

23. Msg, w/MG Fiala note, USAREUR (AEAGB-C[HO]) to EUCOM (ECJ2), 161325 Jul 85, subj: 15 July 85 Meeting With CSERB. OADR.

24. (1) Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECCS/ECJ2) & AMEMBASSY Bonn (POL/MIL), 151600 Jul 85, subj: USAREUR Protest Letter to GSFG. (2) USCINCEUR (ECDC) to JCS (CJCS/J5), 170900 Jul 85, subj: USMLM Incident. Both & OADR.

25. (1) Msg, w/COL Parnell note, SECSTATE to AMEMBASSY Bonn, et al., 171842 Jul 85, subj: July 13 Incident Involving USMLM Vehicle in GDR: Department Protest. . OADR. (2) Msg, SECSTATE to All Eur Dipl Posts, et al., 162242 Jul 85, subj: Eur Daily Press Guidance 7/16/85. UNCLAS.

26. MFR, LTC Johnson, 17 Jul 85, subj: 13 Jul 85 USMLM Incident. AEAGB-C(HO). OADR.

27. (1) USMISSION Berlin to SECSTATE, et al., 161011 Jul 85, subj: Incident Involving US Military Liaison Mission Vehicle in GDR. CONF (info used UNCLAS). (2) The Stars & Stripes (Eur ed), 17 Jul 85, pp. 1 & 28. UNCLAS. (3) International Herald Tribune, 17 Jul 85, p. 3. UNCLAS.

28. Msg, CUSMLM (AEUS) to ODCSI (AEAGB-C[HO]), 182100 Jul 85, subj: 18 Jul 85 Meeting With CSERB. OADR.

29. (1) Memo, w/notes, BG Gordon to CofS, 23 Jul 85, subj: Soviet Detentions of USMLM tours. AEAGB. (2) Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 191600 Jul 85, subj: Incident 13 July 1985. Both & OADR.

30. Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECDC), et al., 230700 Jul 85, subj: SMLM-F Visit to HQ USAREUR. OADR.

31. (1) Msg, SECSTATE to All Eur Dipl Posts, 242152 Jul 85, subj: Eur Daily Press Guidance 7/24/85. (2) Reuters Wire Story, Mr. C. Aldinger, 23 Jul 85, "Pentagon Says US-Soviet Collision May Have Been Accidental." Both UNCLAS.

32. Washington Times, Mr. W.P. Cheshire, 22 Jul 85, "So, Just How Accident-Prone Can You Get?," pp. D-1 & 6F. UNCLAS.

33. (1) Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 242100 Jul 85, subj: 24 Jul Meeting With CSERB. (2) Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECCS/ECJ2), 251710 Jul 85, subj: 24 Jul Meeting With SERB. (3) Mr. Gambolati Intvw, 13 Aug 86. All & OADR.

34. Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECDC), 240753 Jul 85, subj: USMLM Incident. OADR.

35. Msg, USEUCOM (ECDC) to DIA (J5), 241108 Jul 85, subj: USMLM Incident. OADR.

36. Msg, JCS to USEUCOM, 250015 Jul 85, no subj. OADR.

37. (1) Msg, CUSMLM to ODCSI (AEAGB-C[HO]), 261500 Jul 85, subj: 26 Jul Meeting With SERB. OADR. (2) Ltr, GEN Fiala to GEN Krivosheyev, 25 Jul 85, no subj. No file. UNCLAS.

38. (1) MFR, MAJ Wyckoff, 28 Jul 85, subj: Delivery of Letter. AEAGX-ACS. (2) Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECCS/ECJ2), 261745 Jul 85, subj: Delivery of Protest Letter. Both & OADR.

39. (1) 261745 Jul 85 USAREUR Msg. (2) Msg, USCINCEUR (ECJ2) to JCS (J-5), 291230 Jul 85, subj: Delivery of US Protest Letter. Both & OADR.

40. (1) Memo, Gen Gordon to CINC, 25 Jul 85, subj: Operation Remembrance 85. AEAGB. (2) Msg, CINCUSAREUR (AEACC) to USCINCEUR (ECDC/ECJ2), 251130 Jul 85, subj: SAB. Both & OADR.

41. The Stars & Stripes (Eur ed), 25 Jul 85, p. 2. UNCLAS.