THE NICHOLSON INCIDENT

A CASE STUDY OF US - SOVIET NEGOTIATIONS

WILLIAM E. STACY

HEADQUARTERS US ARMY, EUROPE AND 7th ARMY
MILITARY HISTORY OFFICE

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AND SEVENTH ARMY

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This book is respectfully dedicated to the tour personnel of the United States Military Liaison Mission in Berlin, who daily are potential victims of the same kind of senseless violence that befell Major Nicholson.

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INTRODUCTION

(U) The murder of Major Arthur D. Nicholson, Jr., by a Soviet sentry on 24 March 1985 had an impact on United States and Soviet relations that is still being felt to this day. A new Soviet premier and a seasoned American president were gently probing to see if there were some areas where they might reach agreements that would reduce tensions between the two nations. Major Nicholson was not the only victim of the sentry's rifle on that fateful day -- US and Soviet relations were equally brutalized, and it would take several years for them to get back on track.

( ) This book tells the story of the Nicholson incident and subsequent attempts by the US Government to ensure that other United States Military Liaison Mission (USMLM) personnel in East Germany would not be victims of such senseless violence. As the wounding of Master Sergeant Charles Barry in September 1987 so clearly indicated, it was not entirely a successful effort. And yet, most would agree that the promises and understandings that emerged from the series of meetings between the US and Soviet military staffs have made it clearer what the rules of the game are for USMLM operations in East Germany. (In any discussion of USMLM the fact that USMLM engages in intelligence-gathering activities, it should be remembered, is classified CONFIDENTIAL.)

( ) Are there any lessons to be learned from these events? Many participants thought the negotiations were so narrowly focused that they would have little long-term impact on US-Soviet relations. But, those who have been observing the Soviets as they negotiate on the elimination or reduction of nuclear weapons of various sizes will recognize many of the same Soviet goals and tactics that occurred after the Nicholson shooting. It is a testament to Soviet dexterity in manipulating Western public opinion that Premier Mikhail Gorbachev was able to launch successfully his various openings to Western nations close upon the heels of such an unfavorable series of events. Moreever, the Soviet response to American protests over the Sergeant Barry shooting seemed to signal a new responsibility on the part of the Soviets in resolving such incidents, and, although it is much too soon to say so, it is possible that future historians may look back at these events and cite them as a turning point in US and Soviet relations in Europe.

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CHAPTER ONE

THE NICHOLSON INCIDENT

(U) Notification of an Accident

( ) Colonel Roland Lajoie, Chief of the USMLM, was just entering his house in Berlin at 1830 when he heard the telephone ringing. It was Sunday, the 24th of March 1985, and he was returning from USMLM's Potsdam House, where he had been serving as duty officer for the day. USMLM's staff duty NCO told Colonel Lajoie that the Soviet External Relations Branch (SERB)* had informed him at 1807 that there had been an accident involving USMLM car #23 and he was to meet Colonel Yuriy V. Pereverzev, Chief of SERB, at the site of the accident. Colonel Lajoie asked, "Where is the site?" The staff duty NCO replied, "I don't know, but they said you knew." Colonel Lajoie told him that this was the first he had heard of the accident and that he was on his way to the mission in Berlin.**

( ) Colonel Lajoie changed his clothes and hurried to the Berlin Mission, arriving there at 1845. By this time the on-call soldiers were beginning to arrive and there was considerable activity at the mission as a result of confusing and conflicting information received from SERB. He kept trying to call SERB, but apparently they were calling the mission and all their lines were tied up. About an hour later, Colonel Lajoie finally got through and was told to report to the Ludwigslust area. Further inquiry revealed that he was to meet Colonel Pereverzev 3 kilometers south of Ludwigslust on Highway 191.

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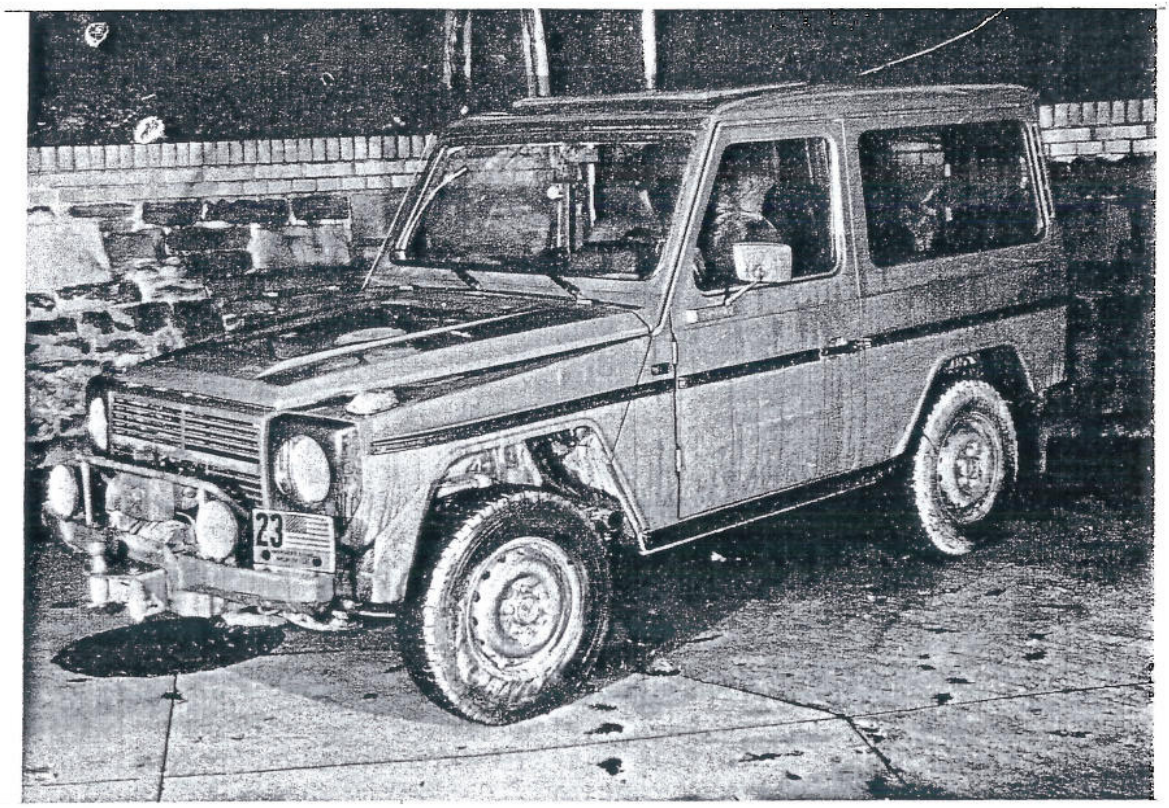
* (U) SERB was USMLM's normal point of contact with the Group of Soviet Forces in Germany (GSFG), USAREUR's Soviet counterpart organization in the German Democratic Republic.

** (U) The USMLM occupied two facilities. Its official "home" was at the house and compound furnished by GSFG at Potsdam, referred to as Potsdam House. USMLM also maintained an administrative headquarters at a site in West Berlin approximately two blocks from the Clayallee compound that housed both the headquarters fo the US Army, Berlin, and the US Mission, Berlin (State Department).

( ) Prior to getting through to SERB, Colonel Lajoie had made arrangements to take two of the mission personnel with him. He would be accompanied by Lieutenant Colonel Lawrence G. Kelley, US Marine Corps, who was the Naval Representative (NAVREP) at the mission as well as being an excellent linguist and familiar with the Ludwigslust area. The driver was to be Staff Sergeant Randy B. Everett, US Army.

( ) With the vehicle ready to go and Colonel Lajoie sure the mission was organized to support the recovery effort, the three left at 1938 for Ludwigslust. After crossing the Glienicke Bridge into East Germany, they averaged 160 kilometers per hour on the way to Ludwigslust, an unusual speed for mission vehicles, which normally tried very hard not to attract undue notice by Soviet and East German personnel. The car arrived in the Ludwigslust area at approximately 2030 and passed a Soviet officer who seemed to be waiting for them. When it backed up to him, he informed Colonel Lajoie that he should continue down the road for 300 meters, where he would be met by an escort officer. Driving down the road, Colonel Lajoie saw standing by a Soviet jeep a SERB officer by the name of Lieutenant Colonel Tetyakov. He wore a particularly somber look, and Colonel Lajoie immediately had a bad feeling that something extremely serious had happened. Tetyakov said, "Please follow me," and Colonel Lajoie got back in the mission car and followed him down the road to an intersection, where a traffic regulator indicated which direction they were to take.

( ) The party drove onto the Ludwigslust Training Area at approximately 2100 and proceeded around a large shed with bay doors that Colonel Lajoie recognized as being the tank range house on Ludwigslust Subcaliber Range 475. There was a large crowd of approximately 50 soldiers standing in a dark field which was partially illuminated by several Soviet vehicles. Getting out of their vehicle, the USMLM party was met by a group of Soviet officers. When Colonel Lajoie asked to speak to Colonel Pereverzev, he was told that he had missed him on the road and that he would be there in a few minutes. Further questioning revealed for the first time that Major Nicholson had been shot and killed by a Soviet guard. At that point Colonel Lajoie could see vehicle #23 and Major Nicholson's body lying next to it. When he tried to walk in that direction, he was blocked by the Soviet officers who insisted that he wait for Colonel Pereverzev. After being assured that Staff Sergeant Jessie G. Schatz, Major Nicholson's driver, was safe inside the tour vehicle, Colonel Lajoie returned to his vehicle to await the arrival of Colonel Pereverzev.[1]



USMLM vehicle, Mercedes 280 Gelaendewagen, used during Nicholson incident.

(U) The Tour

( ) Preparations for the fatal tour had begun routinely enough. Major Nicholson had received his reconnaissance briefing (RECON BRIEF) on Friday, 22 March, from Major Thomas G. Wyckoff. Major Wyckoff later recalled that, "Major Nicholson was an experienced officer, quite familiar with this route, and Ludwigslust 475 was not discussed in particular." A previous tour, led by Major Robert W. Wise, had been in the area on 18 March, and Major Nicholson was sent to discuss his upcoming tour with Major Wise. Ironically, Sergeant Schatz had been Major Wise's driver on that tour. A portion of the 18 March tour had been conducted on Ludwigslust 475; however, while approaching the tank storage shed, Major Wise had spotted two Soviet soldiers standing next to a campfire and had decided immediately to leave the area. It should be pointed out that this brief sighting of Soviet soldiers on the training area was not considered unusual. The Ludwigslust portion of the Nicholson tour was not the priority target, and the tour as a whole was not considered a high risk endeavor. All they were to accomplish at Ludwigslust was to monitor the area for activity, acquire side numbers from armored vehicles and vehicle registration numbers from trucks, and to note the types of equipment used in the area. In addition, standing mission orders for tours in such training areas also included photographing new training boards, acquiring chassis production numbers for unattended vehicles, and gathering technical data on any unattended vehicles of high interest.[2]

( ) Major Nicholson and Sergeant Schatz departed the Berlin Mission at 0900 on 24 March and drove to Potsdam House, where they drew rations and equipment for their tour. Colonel Lajoie, who was serving as staff duty officer that day at Potsdam House, had a lengthy discussion with Major Nicholson before the tour departed at 1015. Their departure was noted by the East German policeman who routinely manned a guard post next to the entrance of Potsdam House. On the way to Ludwigslust they conducted activity checks at several sites, became mired in the mud and had to winch the vehicle out with the help of an East German civilian, and gathered trash at a training area which had recently been vacated by a Soviet unit -- all fairly routine activities for a tour. As they neared Ludwigslust they noticed fresh tank tracks as well as track scars on the asphalt, which, together with other indicators, told them that something might be going on in the vicinity of Training Area 475. They decided to stick with their plan, but to proceed with great caution.[3]

( ) The tour arrived at Ludwigslust Training Area at approximately 1520 by a route that kept them out of the nearby Luebtheen permanently restricted area (PRA),* which was 180 meters away. Ludwigslust 475, typical of Soviet training areas, was not enclosed by a fence and was easily accessible by many forest roads and trails. As the tour approached the subcaliber tank range, it stopped at the woodline and then doubled back along the trail. As they approached the shed on another trail, they twice stopped the vehicle and shut off the engine to listen for indications of a Soviet presence -- none was heard.

( ) They then drove to the woodline where they observed the tank parking shed. Next to the shed was a small, unattended open guard stand with a telephone on it; a three-walled static training aid which contained various training posters; and a tank mock-up. As they drove slowly past the shed in order to check the rear of the shed and the range itself, Major Nicholson scanned the area with his binoculars before deciding it was safe to leave the vehicle. While Major Nicholson photographed training posters on a static training aid located at the rear of the shed, Sergeant Schatz -- in accordance with USMLM operating procedures -- stood on the front seat with the upper half of his body extended through the vehicle's sun roof so that he could provide visual security for Major Nicholson. No Soviet personnel were observed while Major Nicholson was photographing the training posters. Major Nicholson returned to the vehicle; they secured the doors and the sun roof, and then drove to the front of the tank shed.

( ) After once again scanning the area with his binoculars, Major Nicholson instructed Sergeant Schatz to position the vehicle so that he could provide visual security while Major Nicholson approached the shed. Just prior to Major Nicholson's getting out of the vehicle, Sergeant Schatz thought he saw someone on the top floor of the two-tiered range tower mounted on the roof of the shed. Major Nicholson looked at the tower with his binoculars and handed them to Sergeant Schatz so he could see that what he had observed was a uniform shirt or blouse hanging in the window. Satisfied that the area was

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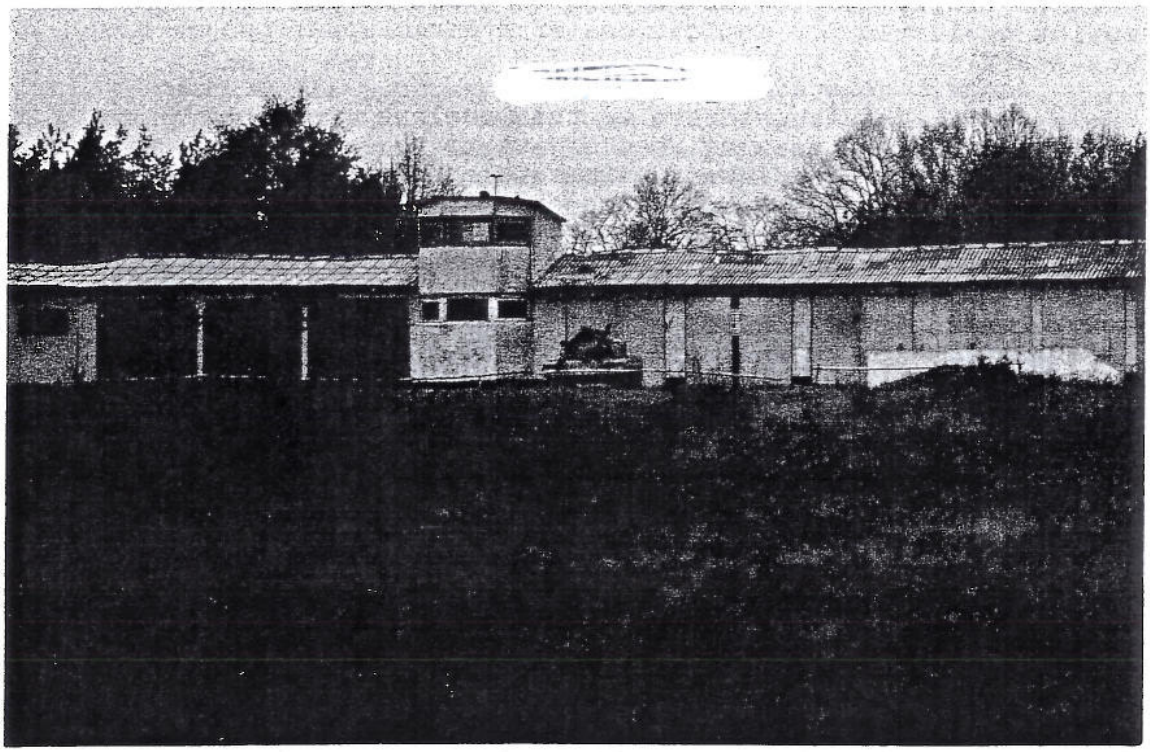
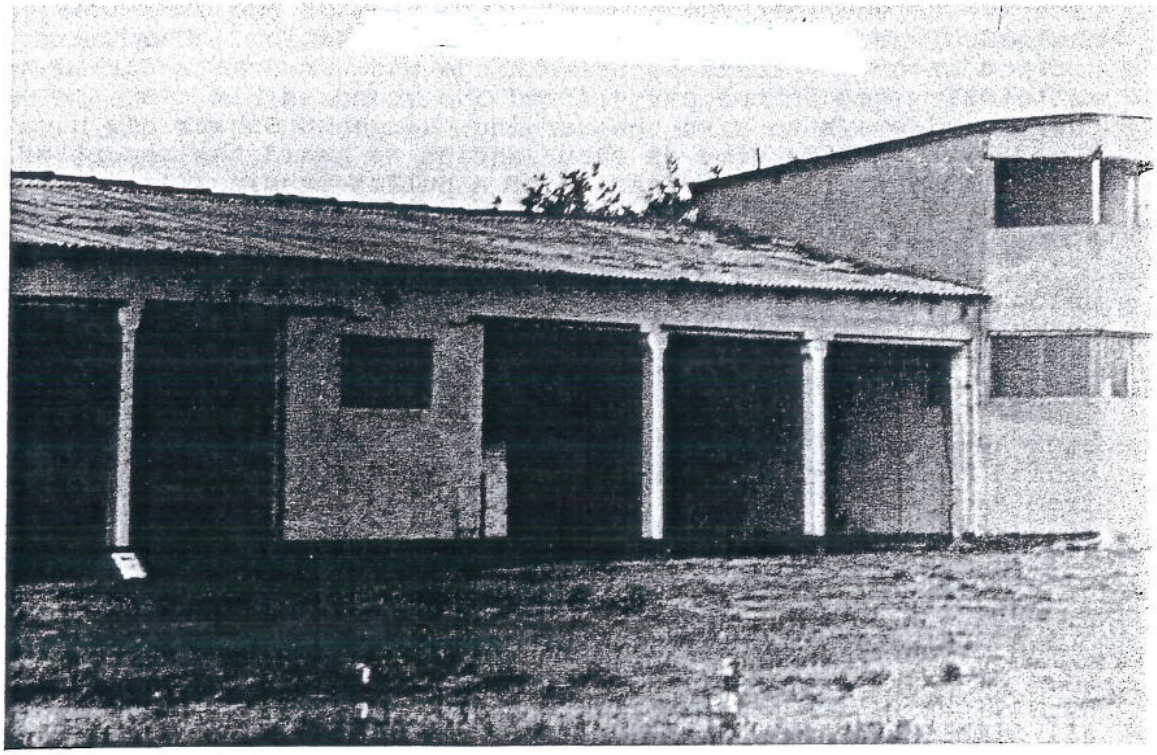
* (U) Periodically, the three Allied headquarters and GSFG exchanged maps showing those parts of their respective zones of responsibility that were "permanently restricted areas" to which the liaison missions of the other headquarters were denied access.



Tank Parking Shed -- Ludwigslust

(photo previously taken on 18 March 1985)



Another view of the tank parking shed on Ludwigslust

(Photo previously taken on 1 December 1977)

clear, Major Nicholson left the vehicle carrying a Nikon L35AF autofocus camera with him. As Major Nicholson left the vehicle, Sergeant Schatz locked the doors and stood up through the sun roof again in order to provide visual security.

About one minute after Major Nicholson left the vehicle, Sergeant Schatz saw a Soviet soldier approximately 75 meters** to the south/southeast on the edge of the woodline; the guard was aiming his rifle in their direction. The guard did not shout any commands or warnings and, as Schatz turned to yell, "Sir, get in the car," fired one round at him. By turning sideways to give the warning, Sergeant Schatz may have saved his own life, for at that instant he heard the report of the rifle and felt the whizzing of a bullet passing close to his head.

Sergeant Schatz dropped down to the driver's seat, unlocked Major Nicholson's door so that he could make a quick entry, and, after starting the vehicle, began backing up toward Major Nicholson -- hoping to speed up his escape and shield him with the vehicle. As he was doing this, he heard two more shots and a scream of pain from Major Nicholson. He looked back and saw Major Nicholson lying on the ground 10 meters behind the vehicle. He kept backing until he was two meters from Major Nicholson and, following standard procedures, relocked the passenger door and closed the sun roof. As Schatz rolled his window down and looked out, Major Nicholson looked up at him and said, "Jess, I've been shot!" He then dropped his head into the dirt and twitched convulsively.

Sergeant Schatz grabbed a first aid kit, started to get out of the vehicle, and was met by a Soviet guard -- in all likelihood, the same one who had just shot Major Nicholson. Although he did not speak Russian, Sergeant Schatz showed the first aid kit to the guard, pointed at the red cross on it, and indicated that he wished to give first aid to Major Nicholson. The guard kept screaming at him and gesturing that he should get back in the vehicle. When Sergeant Schatz persisted in moving in Major Nicholson's direction, the guard

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** Sgt Schatz initially estimated the distance at 100-150 meters, while the Soviets claimed 50 meters. The discrepancy could not be resolved by a map of the area, but COL Lajoie considered 75 meters a more likely distance. (Ltr, BG R. Lajoie, DATT Paris, to COL J.F. Jeszenszky, USAREUR SGS, 6 Jan 88, no subj. OADR.

raised his AK-74 and aimed it at Sergeant Schatz's head. Sergeant Schatz reentered his vehicle, convinced the guard would have shot him if he had disobeyed him further.

( ) Keeping his weapon trained on Sergeant Schatz, the guard backed up to the telephone located on the guard stand and called for help. All Sergeant Schatz could understand was the repetition of the word "Missiya" (Mission) several times. While waiting for other guards to arrive, Sergeant Schatz had a chance to get a fairly good look at the Soviet guard who had shot Major Nicholson. In his sworn statement he described him as follows: "If he was old, he was nineteen. I don't even think he was that old....He appeared to be a White Russian" (i.e., Slavic rather than of one of the Soviet ethnic minorities). He went on to say that the guard appeared to be excited and frightened, which was certainly understandable under the circumstances.

( ) Sergeant Schatz was in a state of shock and just sat there as three other Soviet soldiers arrived a few moments later and took up positions around the vehicle. At that point he began to conceal under blankets and coats various tour equipment, such as a tape recorder, binoculars, and cameras. One of the guards came closer and indicated that he did not want him moving around in the vehicle. Subsequently, he did manage to record one entry on the tape recorder: "At 1545 hours, Major Nicholson was shot." Fearing detection by the guards, he ceased trying to make an audio chronology of events on the tape recorder.

( ) At 1605 a Soviet warrant officer and a dozen armed soldiers arrived. None of them made a move to check Major Nicholson's condition or to provide first aid. At approximately 1620 a soldier arrived with what appeared to be a medical bag, but he did not approach Major Nicholson. Shortly thereafter, an unidentified male wearing a blue jogging suit arrived carrying sheets and bandages. He handed these to the soldier with the medical bag, but, still, neither of them approached Major Nicholson. Finally, at 1650 -- more than one hour after the shooting -- the man in the blue jogging suit knelt beside Major Nicholson and felt for a pulse at his wrist. Sergeant Schatz heard him say, "nyet" (no), as he felt for the pulse. At that point Sergeant Schatz assumed that Major Nicholson was dead.

( ) At 1730 a Soviet major yelled to Sergeant Schatz, "Potsdam telephone," which seemed to indicate that someone had notified the mission people at Potsdam House. Sergeant Schatz partially rolled down the window, handed out a blanket to a

nearby officer, and said," Fuer Major " (for the major).* The Soviet officer placed the blanket over Major Nicholson, covering his head.

( ) Sergeant Schatz noted that more officers and soldiers continued to arrive and that there seemed to be a great deal of confusion. At 1840 he observed a helicopter flying overhead and thought he heard it land a short distance away. Approximately 5 minutes later, a Soviet one-star general arrived, accompanied by a lieutenant who served as his interpreter. They approached the vehicle and the general began shouting at Sergeant Schatz in rapid Russian. The interpreter said the general wanted to know why he was not paying the proper respect to a general officer, even if he was not in the same Army as Sergeant Schatz. Sergeant Schatz opened a window slightly and responded that he meant no disrespect, but that his orders were to remain in the tour vehicle. The general then queried Schatz about whether he and Major Nicholson had families, and was told that both did. When asked how the incident happened, Sergeant Schatz replied: "We stopped here, Major Nicholson got out, and your private started shooting at us." The Soviet general then asked Sergeant Schatz if he knew he was in a permanently restricted area. Sergeant Schatz stated that he was not in a PRA. When the general asked him if he had a map, Sergeant Schatz showed it to him and pointed out that they were not in a PRA.

( ) The general continued the interrogation by asking him what their mission was and if it had been his idea to come to this area. Schatz replied that he was only a driver who took orders from the tour officer. At that point, Sergeant Schatz asked if he might inquire as to what the general's name was since the general had not introduced himself. The interpreter answered, "No." While the general was asking several questions about the tour's use of cameras, three Soviet soldiers tried to open the locked doors. When they discovered they were locked, they did not try to force the locks. After this the general and the interpreter walked off.

( ) When the interpreter returned a moment later, Sergeant Schatz asked him if medical attention would be provided to Major Nicholson. He evaded the question and replied instead: "I know. This is terrible. Terrible for you and terrible for us." The interpreter then asked if "Schatz"

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* (U) Although Sergeant Schatz did not speak Russian, he was fluent in German.

was a German name and where had he learned to speak German. Sergeant Schatz again asked for medical aid for Major Nicholson, to which the interpreter simply answered, "No."

) Shortly after 1900 a jeep arrived which contained two men dressed in civilian clothing and two Soviet majors. After the two majors took pictures of the covered body, the others removed the blanket and searched Major Nicholson's body. When they discovered the autofocus camera, they took several pictures of it lying next to Major Nicholson. They also searched his pockets, but Sergeant Schatz could not see whether they removed anything. Another group arrived soon after and repeated almost exactly the same actions of the first group.

) The Soviet general and the interpreter returned to the vehicle and asked Sergeant Schatz what was the brand name of Major Nicholson's camera. Sergeant Schatz stuck by his story that they did not carry cameras.

) At approximately 2030 a Soviet colonel and a male in civilian clothing approached the vehicle and asked to see Sergeant Schatz's USMLM identification. Sergeant Schatz informed them that he could only show his identification to a representative of the local Kommandatura. The colonel showed Sergeant Schatz his Kommandatura identification and Schatz, in turn, gave the colonel his USMLM identification and the vehicle pass. Both were examined and promptly returned to Sergeant Schatz. The colonel proceeded to ask many of the same questions that had been asked by the Soviet general, with Schatz repeating his denial that they were in a PRA. The colonel further asked if Schatz had observed any signs that indicated he was in a restricted area. Sergeant Schatz replied that he had not seen any such signs. During this round of questioning, Soviet soldiers again tried the door handles to see if they could open the doors. Just prior to leaving the area, the colonel asked Sergeant Schatz to sign an "AKT"* describing the incident, which he refused to do.

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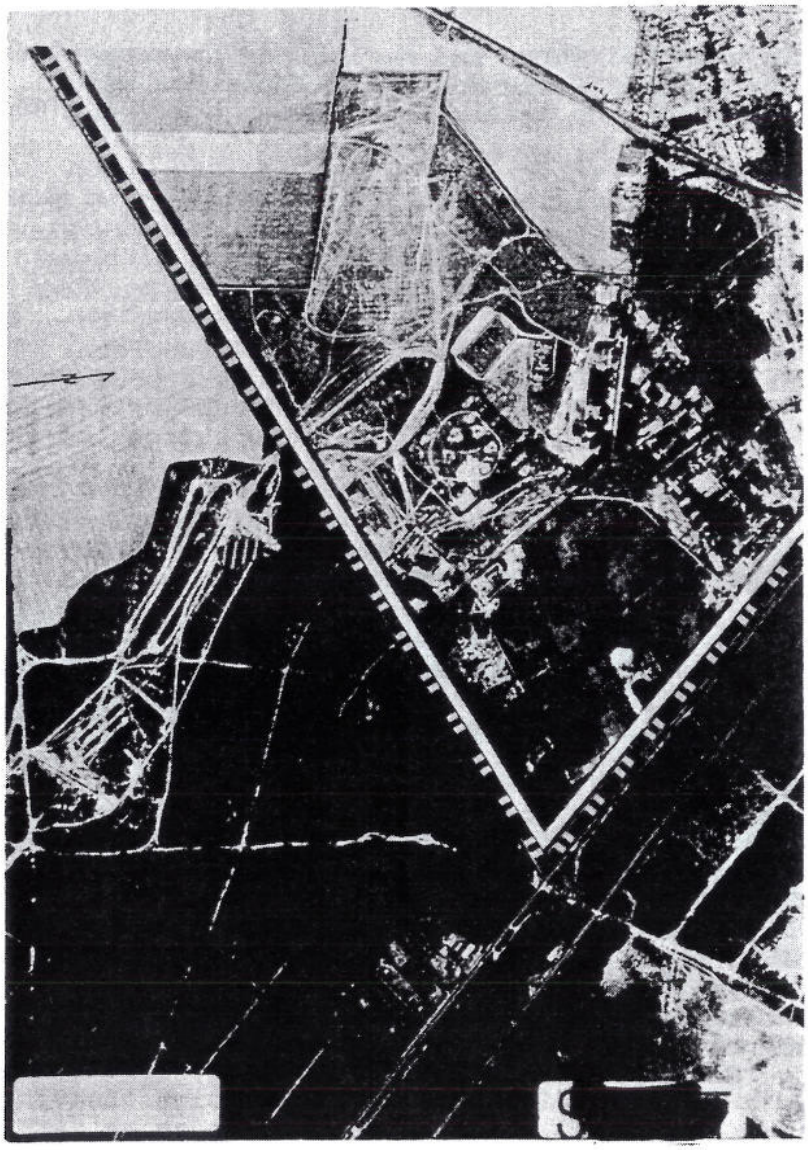
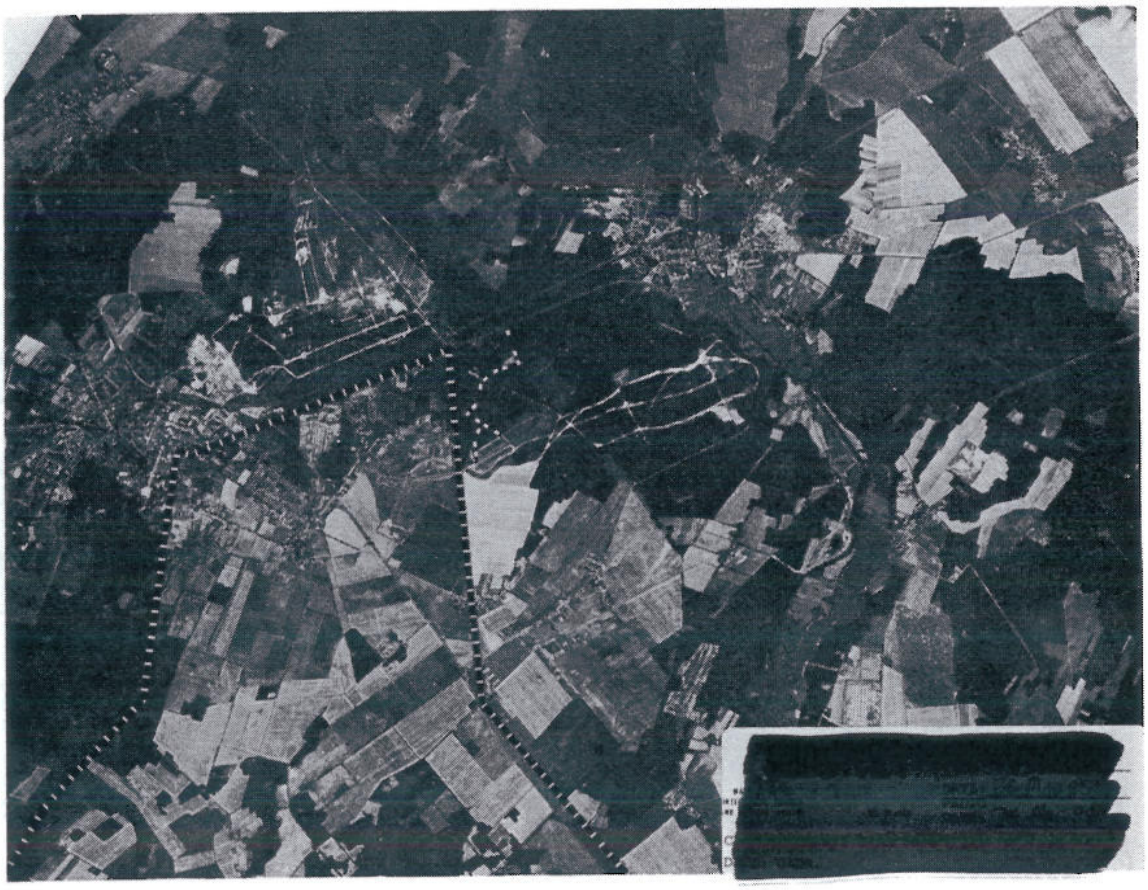
* ( ) An "AKT" (Russian for an act, legal document, or indictment) was a statement of events during a detention of a USMLM tour, as interpreted by the Soviets. It normally included an admission by tour personnel that they had been in the wrong or were in a restricted area. Standard USMLM policy was for tour personnel not to sign "AKTs," but to note their contents for the debriefing. SOURCE: USMLM SOP, Nov 84, p. II-29.



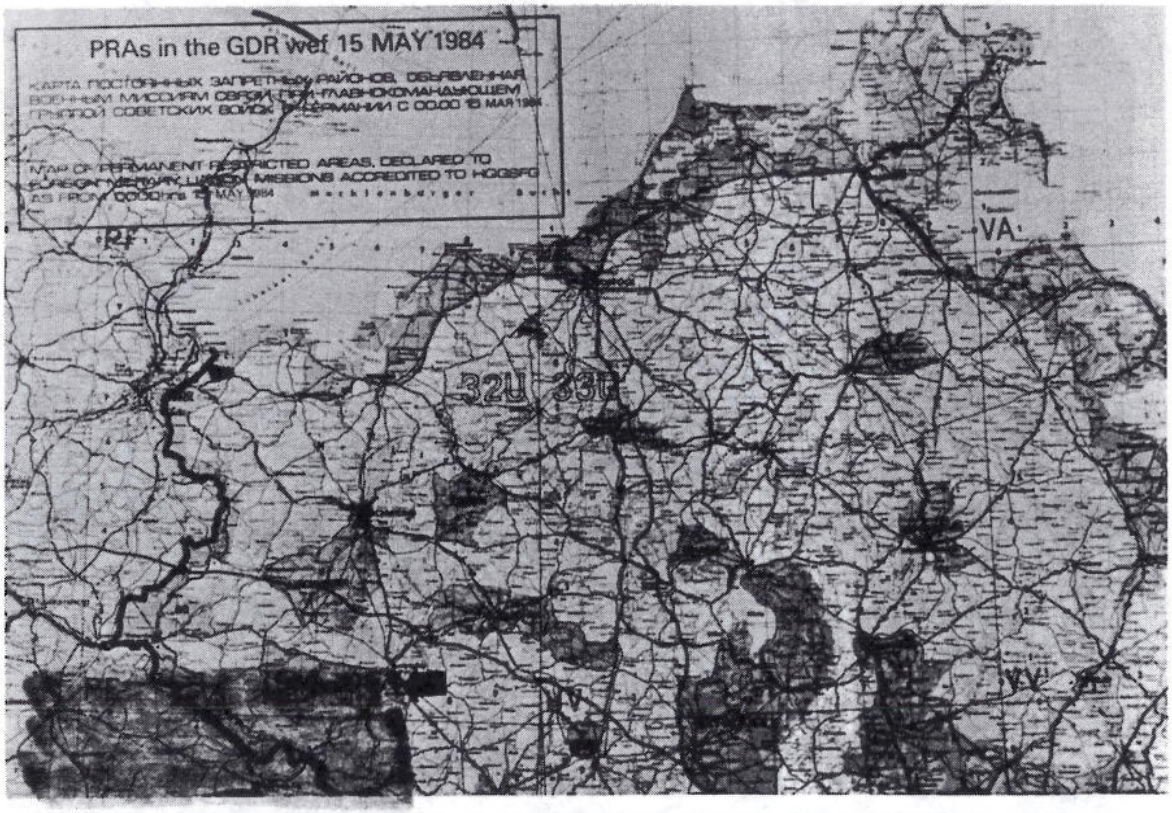
Tank Subcaliber Range

- Luebtheen PRA delineated by broken black and white line.
- Site of shooting indicated by black and white striped arrow.



Aerial photo of Ludwigslust

- Luebtheen PRA indicated as area within black and white broken line.
- Approximate route of Tour GO 74, 24 Mar 85, indicated by small black and white broken line outside Luebtheen PRA. Certain parts of the route were retraced by the tour.



GSFG PRA Map

- Site of shooting indicated by black arrow near left bottom corner.

( ) A Soviet three-star general and a civilian interpreter approached Sergeant Schatz. The interpreter, who seemed to be German since he spoke Russian with a German accent, introduced the general as Colonel-General G.F. Krivosheyev, GSFG Chief of Staff. The interpreter said: "The general would like to know why you killed your major." Sergeant Schatz firmly replied that he had not killed Major Nicholson, but that it had been one of the general's men who had killed him. They walked away from the vehicle. The first interpreter returned shortly and said General Krivosheyev remembered having met or seen Sergeant Schatz before. Schatz subsequently speculated that the general must have remembered seeing him at a USMLM social function at Potsdam House held on Thanksgiving Day in 1984, at which the general had been a guest.

( ) At approximately 2100 the Soviets staked out the sandy area on which Major Nicholson had walked to the shed and covered it with a tarpaulin, presumably to protect any footprints. Shortly thereafter, Schatz saw that Colonel Lajoie had arrived on the scene.[4]

(U) Confrontation at the Scene

Shortly after Colonel Lajoie and his party had returned to their vehicle, Colonel Pereverzev, Chief of SERB, returned to the scene and escorted them over to a group of senior Soviet officers led by General Krivosheyev. Colonel Lajoie properly saluted and reported to him, but the general failed to return the salute and immediately launched into a protest:

> Colonel, I must register the most decisive protest over the conduct of personnel under your command. Major Nicholson and Sergeant Schatz have penetrated a PRA and conducted illegal activities on a Soviet military installation. It was therefore necessary for a Soviet guard to legally discharge his duties. A warning shot was fired and when this failed to stop the major, he was killed by the next round, which was fired at his feet.

He went on to say that the fault of the incident lay entirely with Major Nicholson, who had failed to heed the guard's warning. General Krivosheyev then protested this "serious departure" from established procedures.

( ) At this point, Colonel Lajoie interrupted him and incredulously asked, "General, you have shot and killed one of my officers and you are protesting?"

( ) General Krivosheyev ignored the question and instead began a personal attack on Colonel Lajoie, saying that he was holding him personally accountable for deliberately worsening relations between their two countries. He added that Colonel Lajoie should be prepared to report to CINC GSFG the following day to explain the "provocative espionage operation" that he (Colonel Lajoie) had ordered. Colonel Lajoie was later to observe that from the first, every Soviet at the scene was arrogantly defensive without any hint of remorse.

( ) There followed an exchange over whether the tour personnel actually were in a PRA. Lieutenant Colonel Kelley returned to their vehicle and brought back an official map that clearly indicated the incident location was south of the PRA. General Krivosheyev replied, "No, this is a closed area." General Krivosheyev was described by Lieutenant Colonel Kelley as having been "...awkward, uncertain, aggressive, and cold," and as requiring considerable prompting by one of his subordinate officers.

( ) Further discussion was halted when the Soviets announced that they would now officially search the body of Major Nicholson, a procedure they claimed to have delayed until Colonel Lajoie's arrival in order to insure that it was done in a legal manner. Colonel Lajoie was subsequently informed by Sergeant Schatz that the Soviets had already searched Major Nicholson's body twice prior to his arrival.

( ) Direction of the proceedings was transferred to Colonel V.P. Mel'nichuk, GSFG Deputy Procurator.* As Colonel Lajoie approached the body, he observed that Major Nicholson was lying face down with his hands stretched out in front of him, and his face was partially in the dirt. Even in the

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* (U) The role of the Procurator on the GSFG staff was roughly equivalent to that of a US Army Judge Advocate, with an emphasis on the prosecuting function. The Deputy Procurator, in this instance, seemed to be serving as the investigating officer.

darkness, he could see a hole and blood stains on the back of Major Nicholson's shirt. He immediately said, "You shot him in the back," to which they replied, "No, no, no, that is an exit wound!" Another Soviet officer added, "He was shot as he was charging the guard." It was an absurd statement and Colonel Lajoie gave him an incredulous look, befitting the idea that an unarmed man would charge an armed guard at that distance.

( ) The search was begun and the first thing the Soviets pulled out of Major Nicholson's pocket was the camera. They searched his other pockets and produced a hat and a wallet, whose contents they inventoried. They carefully catalogued every item and took repeated photographs, keying in especially on the camera. They then turned Major Nicholson over and it was not a pleasant sight. Rigor mortis had begun to set in, and his arms stayed above his head. As they undid his uniform shirt, it was apparent he had bled considerably. They removed his USMLM credentials from the blood-soaked shirt and continued photographing everything. For some unknown reason, they lowered his pants and examined his groin area. After pulling his pants back up, they covered the body and said the physical examination was finished.

( ) At that point the Deputy Procurator announced that the next step would be to interrogate Sergeant Schatz. Colonel Lajoie immediately protested that this was out of the question under the circumstances -- given Schatz's emotional state -- and that it was unacceptable under our legal practices for Sergeant Schatz to be interrogated without legal counsel.

( ) The Deputy Procurator responded:

> In our country, in the Soviet Union in other words, a witness who is not accused does not have [a] right to legal counsel and Schatz as the only other witness to the incident [is] merely being asked for his side of the story.

( ) The Soviets tried to make it sound like a reasonable request: They already had a statement from their guard, now they needed a statement from Schatz to complete the initial investigation. The argument went back and forth for some time, with the Soviets claiming that since Schatz was on a Soviet training area, their legal practices dictated, and with Colonel Lajoie contending that since he was located in a USMLM vehicle

and it carried extraterritoriality, they were not authorized to impose their standards and practices on Sergeant Schatz. Finally, Colonel Lajoie stated:

> I'm not absolutely prohibiting Sergeant Schatz from ever making a statement about this, but what I am saying is that now, under these circumstances and without right to counsel, he is not going to make a statement. If you want to talk to him, understanding that he has the right to refuse to answer, that is okay.

( ) The Soviets said this was unacceptable because they thought Colonel Lajoie would use his command influence to tell Schatz not to answer any questions. Colonel Lajoie assured them that he would just tell him that he had the right to refuse to answer, a standard nonnegotiable right that all Americans enjoyed. With the intervention of Colonel Pereverzev at this point, the Soviets reluctantly agreed that Sergeant Schatz would be questioned with his right to refuse to answer questions remaining intact.

( ) Colonel Lajoie led the party over to the tour vehicle and instructed Sergeant Schatz to lower the window slightly. He explained to Schatz the questioning procedure and emphasized that he had a right not to answer any questions. Sergeant Schatz understood immediately what was afoot and cooperated fully as long as the questioning remained in the personal data area. When they reached the first substantive question, which was about his tour's mission and what they were doing in the training area, he simply stated, " I refuse to answer that question." The Soviets insisted to Sergeant Schatz that he must answer the question, but Colonel Lajoie intervened and said: "Now wait a minute. The ground rules are that he doesn't have to answer the question."

( ) The argument continued, with the Deputy Procurator getting more and more annoyed, and finally stating that Schatz would have to be taken to a Soviet facility where he could be interrogated -- because he would be interrogated! At that point Colonel Lajoie turned to Colonel Pereverzev and said, "You must now finish this circus," and asked him to use his influence to secure Sergeant Schatz's release. Colonel Pereverzev conferred with General Krivosheyev and, after a few more moments of uncertainty, the Soviets decided to allow Colonel Lajoie to drive Sergeant Schatz back to Berlin. An "AKT" was again presented and Colonel Lajoie refused to sign it.

( ) Because of Sergeant Schatz's physical condition -- he was extremely cramped up from having sat in the vehicle for this extended period -- Colonel Lajoie planned to have Sergeant Everett drive vehicle #23 back to Berlin and he would drive Schatz in his vehicle. After getting the Soviets to back off a certain distance, Colonel Lajoie carried out an elaborate exchange of drivers that insured Sergeant Schatz did not fall into Soviet hands. Because of his great mistrust of the Soviets, Colonel Lajoie also insisted that Lieutenant Colonel Kelley be allowed to remain with Major Nicholson's body until it was returned to US custody. It was further agreed that a US medical officer would be allowed to observe the autopsy the Soviets said they intended to perform the next morning at a morgue in Potsdam. At approximately 2330 Lieutenant Colonel Kelley entered an ambulance that contained Major Nicholson's body, and all American personnel departed the scene of the tragedy, with the ambulance headed toward Potsdam and the two USMLM vehicles driving toward Berlin.

( ) Sergeant Schatz immediately began pouring out his story to Colonel Lajoie, the basic points being that they had been very cautious and that there had been no need to kill Major Nicholson. Since it was the tour NCO's responsibility to provide visual security, he was feeling great remorse for having let his officer down. Colonel Lajoie reassured him that he knew they were a professional, experienced, and mature team, and that he was convinced Sergeant Schatz had done everything possible to provide visual security for Major Nicholson.

( ) At 2358 Colonel Lajoie stopped at a gas station and telephoned Major James M. Silva, the duty officer at Potsdam House, and asked that he pass on to USMLM headquarters in Berlin that Major Nicholson had been killed and that he was returning to Berlin with Sergeant Schatz. Once again driving at nearly 160 kilometers per hour, the two USMLM vehicles drove toward Berlin, crossed over the Glienicke Bridge and arrived at USMLM headquarters in Berlin at approximately 0200 on the 25th of March.[5]

(U) First Reactions in Berlin

( ) After the physically exhausting and emotionally draining series of events at Ludwigslust, Colonel Lajoie and the mission people still had a long night in front of them. Although USMLM headquarters had initially notified higher headquarters as a result of Colonel Lajoie's telephone call from the gas station, it was essential that Colonel Lajoie provide more detailed information as soon as possible. As a

consequence, at 0220 he called US Army, Europe (USAREUR) headquarters via secure telephone and gave a verbal report to Major General Dudley J. Gordon, USAREUR Deputy Chief of Staff, Intelligence (DCSI). His chain of command ran through the USAREUR DCSI because his secondary, and preponderant, mission was to gather intelligence information on both Soviet and East German military activities.[6]

( ) It might be useful at this point to outline briefly how USMLM fitted into the military organizational structure in Europe. As its name implied, it was the US military liaison mission to GSFG. Although it was a joint organization, with members from all four services eligible to serve at the mission, it was under the direct supervision of USAREUR headquarters in Heidelberg -- the US Army component command in Europe -- rather than the joint command in Europe known as US European Command (USEUCOM). This was due to it having been under the command of USAREUR from the first and no good reason being served by transferring it when USEUCOM was created at a later date. A further anomaly was that although it was physically located in Berlin, it was not directly responsible to US Army, Berlin, which was the Army command for the occupied city. It was not under US Army, Berlin, because its home was officially at Potsdam and, more importantly, because of a desire not to confuse occupation issues -- which were the main concern of the Berlin commander -- with USMLM's liaison duties between the Soviet and US Armies located in the two Germanys. To further complicate matters, the State Department was intimately involved in all relevant issues, both through its mission in Berlin and at the Bonn Embassy for Germany as a whole. As a consequence, reporting procedures and decision-making, both immediately after the incident and during the subsequent negotiations, became very complex and came to involve almost all levels of both the Defense and State Departments.

( ) After his call to USAREUR headquarters, Colonel Lajoie faced the most difficult task of the night -- notifying the next of kin. Accompanied by close friends of the Nicholson family and a Berlin Command chaplain, at 0230 Colonel Lajoie went to the Nicholson house and had to tell Nicholson's wife Karen and daughter Jennifer that he had been killed. This initial effort to soften the blow was but the first step in a long chain of actions by the military organizations and the nation as a whole to care for Major Nicholson's family in the aftermath of the shooting.[7]

( ) When he returned to the mission, Colonel Lajoie made a staff decision that was to reduce much of the confusion in

the upcoming hours. He and the USMLM staff sat down and wrote a complete and sober account of the incident, which was well thought out and outlined the events in clear language. At the end of the report he reflected on the events and drew several conclusions:

- His initial reaction to the Soviets' behavior at the scene was one of revulsion. Every Soviet had been arrogantly defensive without a hint of remorse. It was KAL shootdown revisited. [He was referring here to the Korean civilian airliner that had been shot down by the Soviets in 1983 because it had strayed over a militarily sensitive area.]

- He had been informed that he would be required to appear before the GSFG commander and he fully expected that he and Sergeant Schatz would be declared persona non grata.

- He prophetically predicted that the Soviets would insist that Nicholson and Schatz were in the wrong and that they would never vary from that position.

- He thought the two most damning actions of the Soviets were that they had fired aimed shots without warning and that they had waited over one hour before checking Major Nicholson or making any attempt to render medical aid. In fact, they had prevented Sergeant Schatz from providing first aid.

He finished this initial report by asking that he be furnished with a letter of protest to take with him when he appeared before the Soviet commander and asked that he be provided with public affairs guidance.[8]

(U) The Return of Major Nicholson's Body

( ) After departing Ludwigslust at 2330 on 24 March, Lieutenant Colonel Kelley and Major Nicholson's body arrived at the Potsdam Morgue, which was located at the 63d Medical Examiners Laboratory, at 0315 on 25 March. Apparently, their arrival was unexpected, as the gates were locked and only a single guard was present. Lieutenant Colonel Kelley asked to be taken to Potsdam House so that he could contact Colonel Lajoie. Colonel Lajoie told him on the telephone that due to the family's wishes and instructions from USAREUR headquarters, he was not to allow the Soviets to perform an autopsy on Major Nicholson. He returned to the morgue with Major Silva following in a USMLM vehicle so that the mission would know the exact location of Kelley and the body. The Soviet captain in charge was surprised by the change in the American position on

the autopsy, but as it was only 0500 and no one in authority could be contacted at GSFG, it was decided that they would not proceed until they received instructions from the GSFG Chief of Staff.

( ) Eventually, Lieutenant Colonel Kelley was informed that the GSFG Chief of Staff still insisted on an autopsy being performed, but he had agreed to delay performing the autopsy until a final decision was made by the Commander in Chief of GSFG. Shortly thereafter, Colonel Mel'nichuk arrived and announced that he was aware of the disagreement and that in the meantime Major Nicholson's body would be moved to the Potsdam Army Hospital, where it would be x-rayed and photographed, regardless of objections.

( ) In spite of the Chief of SERB's prior promise that no medical actions would be performed on Nicholson's body without the presence of an American physician, Lieutenant Colonel Kelley discovered that they had already moved the body to the hospital and were preparing to take x-rays. He was able to get SERB to intervene and the x-rays were delayed until the arrival of the American doctor.

( ) In the meantime, the American doctor had been stopped at Glienicke Bridge. Doctor (Major) Michael A. Morgenstern, from the US Army's Berlin Medical and Dental Activity (MEDDAC), had first been notified at 0418 that he might be sent into East Berlin to witness a medical examination that would be performed on a US officer's body. After being briefed at both the hospital and the USMLM headquarters in Berlin, he was sent in an Army ambulance with USMLM's Sergeant Everett as his driver to cross over into East Berlin on the Glienicke Bridge. After being detained at the bridge for over 3 hours, they were finally released at 1015 to proceed to the Soviet military hospital in Potsdam, where Dr. Morgenstern joined Kelley in an examination room.

( ) Colonel Mel'nichuk returned at 1110, and the joint Soviet-American examination began. They made numerous x-rays from a variety of angles, took photographs, and made various scientific measurements. Although seemingly excessive, these actions were within the bounds of the agreement to conduct only an external examination. At 1220 the body was transferred to the morgue, but the issue of conducting an autopsy still had not been resolved.

( ) In the meantime the Soviet autopsy team conducted a surface examination of the body in great detail and other

Honor Guard receives Major Nicholson's body at Glienicke Bridge.

(Photo: Ian Graham)

normal autopsy procedures short of an actual invasion of the body. Even without a complete autopsy, the Soviet team and Doctor Morgenstern were able to come to some preliminary conclusions about the cause of death. Apparently, Major Nicholson had bled to death (exsanguination) with the bullet possibly having passed through the aorta, kidney, and/or spleen.

( ) An autopsy carried out by American doctors at the Army mortuary in Frankfurt basically confirmed these findings. They listed cause of death as a "perforating gunshot wound to abdomen with laceration of aorta, laceration of left renal artery, laceration of left kidney, retroperitoneal hemorrhage, hemoperitoneum, extensive damage to left psoas muscle, [and] multiple perforations of bowel." As USAREUR's Chief Surgeon, MG Frank F. Ledford, commented, "This was almost unquestionably a fatal wound. Aortic laceration was extensive. Only under the most ideal circumstances could the man have been saved."[9]

( ) The rest of the afternoon was spent in thwarting Soviet attempts to conduct a full autopsy and in securing the return of Major Nicholson's uniform. During the medical examination the Soviets had removed all of his clothing, but were refusing to return his blouse, T-shirt, and pants. They did promise to return them unharmed within 48 hours after they had performed the tests needed to complete their investigation. Unable to change the situation through persuasion, Lieutenant Colonel Kelley acquiesced, and the party began preparations for returning the body to Berlin. At approximately 1600 Lieutenant Colonel Kelley, Dr. Morgenstern, and the Soviets gathered to sort out the paperwork. The Soviets wanted the two Americans to sign the Soviet medical report as official witnesses, but both refused on the grounds that they did not have the authority to sign. They did, however, offer no objections to Colonel Mel'nichuk certifying on the report that they had been present. Dr. Morgenstern reviewed the report with the aid of a Soviet interpreter and Kelley, and found the conclusions to be as accurate as could be expected with only an external examination being conducted.[10]

( ) Unknown to Lieutenant Colonel Kelley, the impasse over the release of the body had already been resolved. Earlier in the afternoon the USAREUR Commander in Chief, General Glenn K. Otis, had demanded the immediate return of the body. He told his Soviet counterpart: "This is a very serious matter. No useful purpose is served by the delay in returning the body. We want the body now." General Otis' message was passed to the Soviet Military Liaison Mission, Frankfurt (SMLM-F) at 1355 and in less than one hour Lieutenant Colonel

Kelley noticed a decided change in the Soviets' attitude, with the impasse over the Americans' leaving being resolved soon after that, and the body was released without an autopsy's being performed.[11]

( ) The ambulance passed out of Soviet control on the Glienicke Bridge at 1715. Once on the Allied side of the bridge, the ambulance was stopped so that an American flag could be draped over Major Nicholson's body and a salute be rendered by a military honor guard. All of this was reported by the media as the world began to be aware that an American officer had been murdered in East Germany. The ambulance carried Major Nicholson's body to the Berlin MEDDAC, where it would begin the long journey home.[12]

CHAPTER ONE FOOTNOTES

1. (1) Sworn Statement by COL Roland Lajoie, C/USMLM, 5 Apr 85. (2) Informal Wirenote, CUSMLM to CINCUSAREUR [AEAGB-C (HO)], 250730 Mar 85, subj: Fatal Shooting of USMLM Officer. (3) Msg, USAREUR (AEAGX) to USCINCEUR (ECJ3-CCD), et al., 251320 Mar 85, subj: Fatal Shooting of USMLM Officer. (4) USMLM Unit Hist, 1985, pp. 99-100. All & OADR.

2. (1) Sworn Statement by MAJ T.G. Wyckoff, USMLM Tour Officer, 28 Mar 85. OADR. (2) Msg, SSO Berlin (IAGPE-B) to SSO USAREUR, 252030 Mar 85, subj: Fatal Shooting of USMLM Officer. OADR. (Historian's Note: This message contained the notes from the 766th MI Det's debriefing of Sergeant Schatz.)

3. (1) 252030 Mar 85 Msg. OADR. (2) COL Lajoie Statement, 5 Apr 85. OADR.

4. (1) Sworn Statement by Staff Sergeant Jessie G. Schatz, USMLM Tour NCO/Driver, 4 Apr 85. (2) 250730 Mar 85 Informal Wirenote. (3) 251320 Mar 85 Msg. (4) USMLM Unit Hist, 1985, pp. 98-99. (1) - (4) OADR. (5) 252030 Mar 85 Msg. OADR.

5. (1) COL Lajoie Statement, 5 Apr 85. (2) 251320 Mar 85 Msg. (3) 250730 Mar 85 Informal Wirenote. (4) USMLM Unit Hist, 1985, pp. 100-01. All & OADR.

6. (1) Chronology compiled by MAJ T.E. Smith, USAREUR Asst SGS, 24-25 Mar 85. OADR. (2) USAREUR Reg 383-27, 7 Nov 69, subj: Military Intelligence Collection. (info used).

7. (1) USMLM Unit Hist, 1985, p. 101. OADR. (2) Msg, 1st PERSCOM to DA Casualty Div, et al., 250311 Mar 85, subj: Casualty Report: Nicholson, Arthur Donald, Jr. UNCLAS.

8. 250730 Mar 85 Informal Wirenote. OADR.

9. (1) Msg, FARMC (AEMFK-PA) to 7MEDCOM (AEMCG), 262145 Mar 85, subj: Autopsy Findings RE: Nicholson, Arthur D., MAJ, 6589. OADR. (2) SF 503, Autopsy Protocol, 28 Mar 85, Autopsy No. HPA-012-85, Patient: Nicholson, Arthur D. MAJ/USA. (3) Note, "Frank" (MG F.F. Ledford, USAREUR Chief Surgeon & 7th MEDCOM CDR) to "Quinn" (LTG Q.H. Becker, The US Army Surgeon General), 28/1400 Mar 85, no subj. No file. (2) & (3) Both UNCLAS, but considered very sensitive.

10. Sworn Statement by LTC Lawrence G. Kelley, USMLM NAVREP, 4 Apr 85. (2) USMLM Unit Hist, 1985, pp. 101-02. (1) - (2) CONF & OADR. (3) Sworn Statement by DR (MAJ) Michael A. Morgenstern, Berlin MEDDAC, 28 Mar 85. UNCLAS.

11. MFR, w/incl, MAJ C.D. Wyckoff, C/Allied Contact Sect, 26 Mar 85, subj: CINC to CINC Demand. AEAGX-ACS. UNCLAS.

12. USMLM Unit Hist, 1985, p. 102. . OADR.

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CHAPTER TWO

THE PUBLIC FACE OF THE INCIDENT

(U) First Reactions to the Incident

( ) One of the principles of public affairs is "maximum disclosure in minimum time," the major thrust of this being that the sooner accurate information is on the street, the less chance there is of misinformation being accepted as truth. With this in mind, Colonel Richard O. Hahn, USAREUR Chief of Public Affairs, immediately began pushing for early release of accurate information on the Nicholson incident in order to hinder the Soviets from spreading misinformation. After conferring with the press attache at the American Embassy in Bonn, Colonel Hahn released the following statement at 0950 local time on 25 March:[1]

> According to information received by HQ USAREUR, on Sunday, 24 March 1985, a Soviet guard shot and killed a US Army officer of the US Military Liaison Mission in East Germany. The name of the individual is being withheld pending notification of the next of kin. US officials are discussing the seriousness of the incident with the Soviet authorities. Further information will be furnished as it becomes available.

( ) After notifying his counterpart at USEUCOM, Colonel Hahn thought he had received confirmation of his decision to release the news of Major Nicholson's death. USEUCOM called back in 15 minutes and asked him to hold up the news release, but the statement already had been given to most of the major news agencies. As a consequence, USAREUR had the information on the street first and preempted the Soviets in announcing the incident. Unfortunately, this was to be the last time USAREUR led the way in public affairs, and the American side spent most of the succeeding period in playing "catch-up ball" with the Soviets -- to quote Colonel Hahn's phrase. For soon after this initial announcement, the Department of State issued instructions that it would provide details for future media inquiries. USEUCOM subsequently ordered that it would be the only military headquarters in Germany to release information, both to the media and to other US Government agencies. This effectively precluded USAREUR headquarters from passing on information to anyone other than USEUCOM, and was particularly unfortunate in that USAREUR had developed over the years a very cooperative atmosphere with both State Department elements in Germany and the news media.[2]

(U) When Department of State issued its statement at the daily noon briefing on 25 March, it provided substantially more information, the most important being that the Soviets had expressed their regret over Major Nicholson's death.[3] It should be noted that the Soviets staked out almost immediately a position of "regretting" the death of Major Nicholson, but were never to go beyond that initial expression of regret.

( ) In a very short period of time, it was obvious that one of the serious consequences of Major Nicholson's death would be to focus world media attention on USMLM. As Lieutenant Colonel Kelley noted, "The MLMs [military liaison missions], which had long flourished in the grey half-light of obscurity, became objects of stylish notoriety and far too much fixed attention..."[4] In preparation for the onslaught, the USAREUR staff prepared a series of questions and answers that, hopefully, would anticipate most of the questions that would be asked by the media. According to Colonel Hahn, this information, with a minimum of wordsmithing, eventually made its way to the national level where it was used in briefing the media.[5]

(U) Unfortunately, requirements to secure approval at all levels prior to release slowed the flow of information and immediately produced a public affairs problem. Prior to the arrival of USAREUR's carefully crafted questions and answers, Richard Burt, Assistant Secretary of State for European Affairs, held an on-the-record briefing at 1515 local time on 25 March. One consequence of the briefing was that a certain fuzziness entered into the emerging public debate about the incident, with an unfortunate emphasis on the so-called "intelligence gathering mission" of USMLM. Lack of precise information made Mr. Burt sound less certain than he might have in spelling out who was at fault in the incident. Mr. Burt and other officials were to confuse the situation even more on 27 March, when they held an off-the-record background briefing for the media which could be attributed to "senior officials of the Defense Department and the State Department." The briefing was held in order to respond to Soviet justification of the killing of Major Nicholson on the grounds he was engaged in espionage activities. The primary problems with the interview were that it strayed into the classified area of USMLM's mission and that parts of it passed on incorrect information about the incident and USMLM's operations. As late as 28 March, incorrect information on the incident and USMLM was still being passed out at background briefings in Washington. The cumbersome process of getting information from the participants up to national decision makers and out to the media was to be a problem both during the period immediately after the incident and during the subsequent negotiations with the Soviets.[6]

(U) Just how were the media reacting to the murder of Major Nicholson? As might be expected, there was a wide variety of reactions that depended on the country and the political perspective of the media. The German media, which were representative of much of Western Europe, tended to concentrate on the diplomatic impact of the incident and the personal tragedy for the Nicholson family. They took a realistic approach to the Soviet allegation that Nicholson was engaged in espionage and pointed out that it was quite common for Soviet mission personnel to be caught in restricted areas, and that none of them had been killed. In general, only a few of the far-left newspapers gave any credence to the Soviet contention that the guard had been justified in shooting Major Nicholson in these circumstances. Some compared the shooting to the recent Soviet downing of the Korean airliner, or the infamous "KAL shootdown." They likened Nicholson's fate to that of East Germans being shot while trying to escape to West Germany. In particular, there was a great deal of sympathy expressed for Major Nicholson's family. But the primary concern of the German media was that the incident not be allowed to cool what looked like a general warming of relations between the Soviet Union and the United States.[7]

(U) The Soviets put out their version of the incident in a 27 March TASS story, which was picked up by most of the East Bloc media. The TASS story depicted the incident in a radically different way:[8]

> Moscow (TASS) -- On Sunday, 24 March, around 1600 hours, a Soviet guard securing a combat technology depot, discovered an unknown man in battle dress [uniform] on the territory of a restricted military object [installation] of the Group of Soviet Forces in Germany in the Ludwigslust area of the Schwerin district, who had snuck up to the depot, had opened its window and photographed.
>
> In strict agreement with the regulations, the guard requested the unknown man in [both the] Russian and German language[s] to stand still. When he did not comply and attempted to hide, the guard fired a warning shot in the air. Since the intruder still did not stand still following that, the guard had to make use of his weapon. The intruder was killed by the shot.

It was determined that the intruder was a member of the American Military Liaison Mission, Major A. Nicholson, who, together with Staff Sergeant D.[sic] Schatz, and disregarding the clearly visible signs in [the] Russian and German language[s], had driven onto the territory of a military object with a car. While Nicholson executed the espionage mission, Schatz remained in the car to cover Nicholson's actions. He was arrested by Soviet military members.

The referenced intelligence activities of the American military members therefore constitute a gross violation of the 3 April 1947 agreement about military liaison missions, on the basis of which the USA mission in Potsdam operates. Article 10 of this agreement prohibits mission members from moving in "troop garrison areas."

Illegal actions of this nature by US Army members also occurred previously. USA mission members purposely collided with a Soviet Army officer and injured him severely in August 1982, when they were to be held at bay while conducting military espionage in a restricted area near Rohrbeck in the Potsdam district.

The Soviet side repeatedly pointed out the provocative and dangerous nature of such activities to official USA representatives. The tragic end of the 24 March incident is regrettable; the American side, however, which currently consciously circulates a false version of the incident, bears full responsibility for it.

In view of the referenced espionage action by members of the USA liaison mission, the USSR Ambassador in Washington, per instructions, launched a staunch protest with the USA State Department, and requested the American side take suitable measures for the strict adherence to the 1947 agreement about military liaison missions.

( ) As was common during past incidents, the Soviets immediately went over to the offense and blamed Major Nicholson for his own death. The Soviets added just enough incorrect details or omitted just enough information that it appeared to be a simple story of Major Nicholson having been caught spying and shot while trying to escape. They contended that he was in a restricted area, when it had already been clearly established that he was not. Unfortunately, the average reader would not be aware that USMLM tours were acceptable in unrestricted areas of East Germany and that US soldiers in Germany wore battle dress uniforms while on duty. Sergeant Schatz had reported that the guard had not shouted a warning in Russian, German, or any other language, but had fired at them as soon as he came into sight. It was obvious from the first that the Soviets intended to take a hard line whether it was in face-to-face meetings, such as Colonel Lajoie had encountered at the scene, or in the media. The American side was outraged further when TASS published a story a few days later on the activities of military attaches which implied that the murder of Major Nicholson had been justified since attaches engaged in "nefarious activities."[9]

(U) American media response to the incident was more evenhanded. In addition to quoting the various statements released by USAREUR, the Defense Department, and the Department of State, the American media also quoted extensively from statements made by Soviet diplomats in Washington and the above mentioned TASS stories. Initially, the American media's emphasis was on the tragedy of Major Nicholson's death, but almost immediately it began speculating about what Major Nicholson was "really doing" on the installation.

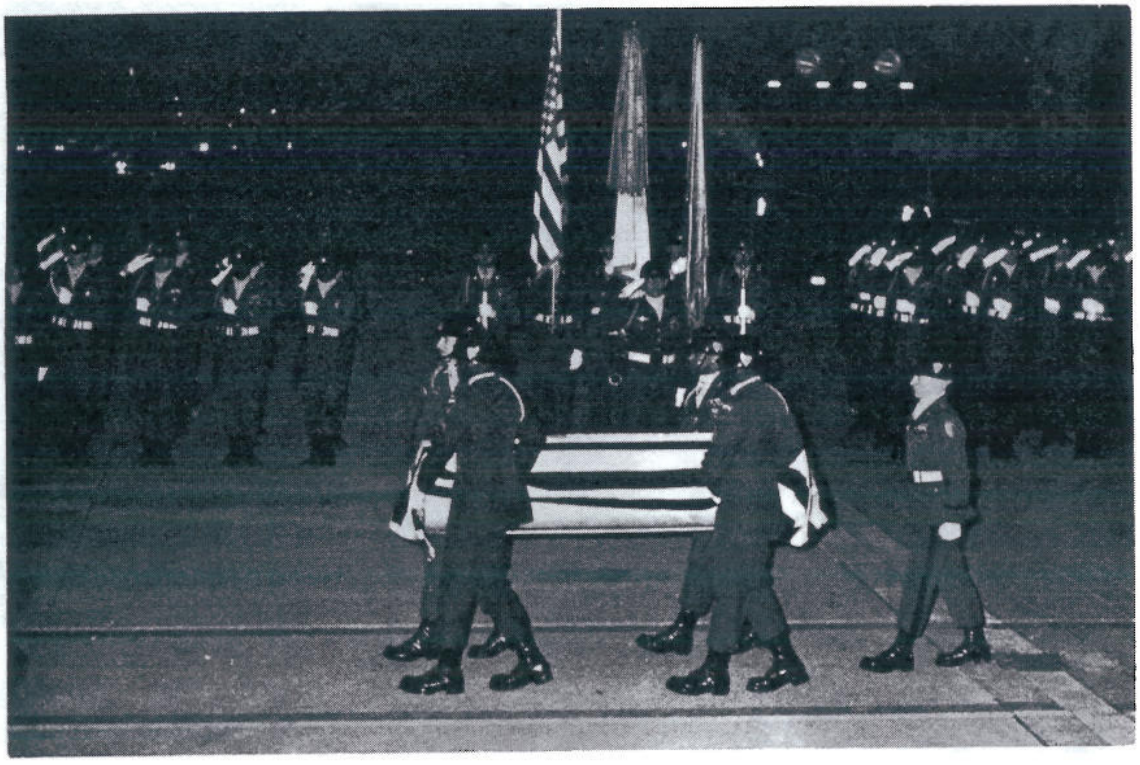
(U) President Ronald Reagan set the American tone the day after the shooting by saying that the slaying was "unjustified" and that all Americans were "shocked and saddened." He went on to say that, "This is a tragedy that never should have happened....We have already registered our protest over the tragic death of this man." When asked if the shooting would harm chances for a summit meeting with Soviet leader Mikhail Gorbachev, he replied that it "...would make me more anxious to go to one." However, American anger was already beginning to build, and the President commented at a breakfast session with reporters, "We're resentful and feel it's an unwarranted tragedy." When told that he did not appear to be outraged by the shooting, President Reagan responded, "You can't print what I'm thinking."[10]

( ) By the 27th of March the American media had begun to emphasize heavily the intelligence aspects of USMLM's mission. Stories began to appear based on information given by unnamed sources at different diplomatic missions in Germany and from alleged former members of USMLM. The basic thrust of these stories was that USMLM was in fact an intelligence gathering organization and that high-risk activities were common. There was a consensus that it was understood it was okay to "hassle" the mission members as they attempted to carry out their tours, but that, "Killing somebody is not playing by the rules." Another source, however, contended: "There aren't any rules. It's a very dangerous job. It doesn't surprise me that someone was killed. I'm surprised it hasn't happened before."

(U) By this time, the stories began to include the Soviet misinformation being passed out by Soviet diplomats and TASS. Even more troubling was the incorrect reporting about USMLM and its operations that had resulted from the above mentioned background briefings by high-level officials from the State and Defense Departments. All of this misinformation about USMLM and confusion about what really transpired at Ludwigslust did much to drain away the justified moral advantage the American side had in the situation.

(U) Secretary of Defense Caspar W. Weinberger attempted to regain the moral high ground by issuing a statement that condemned the shooting as "totally unjustified" and "very reprehensible." He pointed out that, "He was entirely in a place where it was agreed observers can go." He thought the shooting reflected "the KAL mentality...shoot first and investigate later." He went on to say that we had captured Soviet observers in US restricted areas in West Germany, but had only detained them and escorted them back to their mission in Frankfurt. "Our view is that you take their camera away and you send them home. You don't shoot unarmed soldiers."[11]

(U) Major media coverage of the incident had pretty much run out of "fresh news" by the 28th of March. The subtle, but important, differences from prior stories being that "senior State Department and Pentagon officials" were now conceding that Major Nicholson had been taking photographs on a Soviet installation and that it had formerly been a temporary restricted area. They tried to communicate that this was acceptable behavior for "observers" under the ground rules of mission operations, and that "...the use of deadly force is totally out of keeping with the rules. They [USMLM personnel] are not in a position to defend themselves. They do not carry arms." The stories went on to discuss in great detail the two



Departure of Major Nicholson's body from Tempelhof Airport in Berlin, 25 March 1985.

(Photo: Ian Graham)

Departure of Major Nicholson's body from Tempelhof Airport in Berlin, 25 March 1985.

(Photo: Ian Graham)

[redacted]

different interpretations of the incident as presented by the Soviet and American sides. The interviewed officials seemed to be going out of their way to say that the incident would not curtail ongoing negotiations with the Soviets to improve bilateral relations between the two countries.

(U) The tragedy of Major Nicholson's death seemed to have been forgotten except for brief coverage of a memorial fund being set up in Berlin, with donations being accepted for an appropriate memorial for Major Nicholson at Potsdam House. However, media coverage would shift dramatically in upcoming days as America prepared to bring home Major Nicholson.[12]

(U) Major Nicholson Goes Home

(U) A plane-side honor ceremony was held as Major Nicholson's body departed Berlin's Tempelhof Airport at 2200 on Monday, 25 March. Representatives from all three Allied military liaison missions, along with those from various Berlin civilian, military, and diplomatic organizations, were there to show the community's respect to Karen Nicholson. Mrs. Nicholson remained behind in order to participate in a memorial ceremony planned for Thursday, 28 March. The plane was met in Frankfurt by a USAREUR honor guard led by Major General Charles J. Fiala, USAREUR Chief of Staff.[13]

(U) General Otis was in the United States at that time and unable to meet the body on Monday or Mrs. Nicholson when she arrived in Frankfurt later that week. He sent his personal condolences and added:[14]

> I hope it will be of some consolation to you that Nick died while proudly and professionally representing his country. This was in keeping with his reputation as an outstanding military officer who maintained the highest standards of selflessness and dedication.

(U) A multinational memorial service was held for Major Nicholson in Berlin on Thursday morning, 28 March. Over 400 guests joined Lieutenant General Thomas D. Ayers, Deputy CINCUSAREUR, in honoring Major Nicholson and mourning his loss with Karen and Jenny Nicholson. Members from all three Allied military liaison missions participated in the service. The thoughts of many were reflected in the opening words of the moving eulogy delivered by Colonel Lajoie:[15]

Major Arthur D. Nicholson, Jr., and his daughter, Jenny.

> In the aftermath of this great personal tragedy, words, no matter how profound or genuine, invariably ring hollow when compared with the very real and grievous loss suffered by the Nicholson family, Karen and little Jenny. A loss that is shared by all of us at USMLM, by our fellow missions and by so many others within the American and Allied communities. I don't pretend to have particularly profound words for you this morning and actually I feel desperately inadequate for the solemn task. And yet one of us must at least attempt to mark the passing of this beautiful person. I will try, for Nick was after all my officer, my professional colleague, and most importantly my close personal friend -- and except for Jessie Schatz, I was the last of us to see Nick alive and the first to see him dead. I am afraid I will always keep that awful memory....I think you can truthfully say that he fell in battle, but it was not a fair fight. He was unarmed, in a US Army uniform in broad daylight, and he was shot without warning and without provocation....

(U) On Friday morning, 29 March, the Nicholson family and 14 members of USMLM witnessed a plane-side honor ceremony at Rhein-Main Air Base as Major Nicholson's body was loaded onto an Air Force C-141. As a sign of Allied solidarity, one officer each from the British and French military liaison missions accompanied the body from Berlin to the United States, where they participated in all subsequent ceremonies. The plane landed at Andrews Air Force Base and was met by a distinguished party led by Vice President George Bush. High ranking military officers present included both Army and Air Force Chiefs of Staff and General Otis.[16]

(U) Major Nicholson received a hero's funeral on Saturday, 30 March, at Arlington National Cemetery. After funeral services at Fort Meyer, his flag-draped casket was placed on a horse-drawn caisson and escorted by a contingent of the Old Guard to a grave site approximately 100 yards from the Tomb of the Unknown Soldier. At a grave-side ceremony, Mrs. Nicholson -- in addition to the traditional flag -- was presented his awards for the Legion of Merit and the Purple Heart, an award not normally given to peacetime casualties.[17]

(U) Colonel Lajoie might have framed Major Nicholson's epitaph at the funeral service when he said:[18]

> Ironically the Soviets killed a man who respected and studied their culture. He, more than any one of us, was prepared to give them the benefit of the doubt -- something they did not give him.

(U) Honors for Major Nicholson did not end at his funeral. On 2 April a tree planting ceremony was held at Fort Belvoir, Virginia, to create a living memorial for Major Nicholson.[19] The Berlin military community's library was renamed the Major Arthur D. Nicholson Library and one of the buildings on the USMLM compound at Potsdam was named Nicholson Villa.* Subsequently, there was some discussion in Congress to rename Checkpoint Charlie in Berlin after Major Nicholson, but it was pointed out that it was an Allied checkpoint whose name already had great historic import and that it would cause unnecessary difficulties with the Soviets and the East Germans. Other honors for Major Nicholson and substantial financial aid for his family continued to come in throughout the upcoming year. The Army family and other patriotic Americans wrapped their arms around Karen and Jenny Nicholson and did their best to console them for that which was inconsolable.

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* (U) On 26 March 1987 the Defense Language Institute renamed its Russian language facility at Monterey, California, Nicholson Hall.

CHAPTER TWO FOOTNOTES

1. (1) Intvw, Mr. W.E. Stacy, USAREUR Mil Hist Ofc, w/COL R.O. Hahn, C/Pub Aff, 28 Jun 86. . OADR. (2) Msg, CINCUSAREUR (AEAGS) to HQDA, SECSTATE, & SECDEF, 251025 Mar 85, subj: Initial Press Statement. (3) Msg, USCINCEUR (ECPAO-I) to JCS/SECDEF (OASD-PA/DDI) & CINCUSAREUR (AEAPA), 251415 Mar 85, subj: Public Affairs Guidance on Shooting of US Army Officer in East Germany. (2) - (3) UNCLAS.

2. (1) Ibid. (2) Intvw, Mr. Stacy w/LTC R.M. McDowell, OCPA, 1 May 86. (3) Msg, SECSTATE to USMISSION Berlin & AMEMBASSY Bonn, 252052 Mar 85, subj: Press Handling: Shooting of US Officer by Soviet Soldier. (4) Msg, SECSTATE to CINCUSAREUR, 260030 Mar 85, subj: SAB. (2) - (4) . OADR.

3. 252052 Mar 85 SECSTATE Msg. (info used UNCLAS).

4. USMLM Unit Hist, 1985, p. 102. . OADR.

5. (1) COL Hahn Intvw. (2) Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECPAO), 251516 Mar 85, subj: USMLM Incident Q's and A's. (3) Msg, USCINCEUR (ECPAO) to SECSTATE, et al., 252300 Mar 85, subj: Proposed Statement and Q's & A's Regarding Shooting of US Army Officer in East Germany. All OADR.

6. (1) Msg, SECSTATE to All Eur Dip Posts, 260506 Mar 85, subj: A/SEC Burt's Briefing for Press on Soviet Soldier's Shooting of American Military Officer: Transcript. (2) Transcript of Background Briefing, 1007/27 Mar 85, subj: Shooting of American Army Officer in East Germany. (3) US Information Service Article [based on background briefing], 28 Mar 85, subj: No Justification for Soviet Shooting of US Officer. (USIS EUR/WF #59/Item 307). All UNCLAS.

7. (1) Msg, USMISSION Berlin to SECSTATE & AMEMBASSY Bonn, 261823 Mar 85, subj: Berlin: USMLM Shooting Incident in the GDR. (2) German Press Summaries, USAREUR OCPA, 26 Mar 85. AEAPA-PI. (3) Msg, USMISSION Berlin to SECSTATE & AMEMBASSY Bonn, 271859 Mar 85, subj: Berlin: USMLM Shooting Incident in the GDR. (4) Msg, AMEMBASSY Bonn to USIA, et al., 271213 Mar 85, subj: German Press Review, Part I. All UNCLAS.

8. Public Affairs Office of US Command, Berlin, Translation of the TASS article printed in Neues Deutschland, 27 Mar 85, p. 1. UNCLAS.

9. (1) MFR, w/incl, MAJ C.D. Wyckoff, C/Allied Contact Section, 2 Apr 85, subj: Soviet Press Coverage - Murder of MAJ Nicholson. AEAGX-ACS. (2) Msg, AMEMB Moscow to SECSTATE, 011607 Apr 85, subj: Krasnaya Zvezda Names US Attaches. Both & OADR.

10. The Stars & Stripes (Eur ed), 26 Mar 85, pp. 1 & 28. UNCLAS.

11. (1) The Stars & Stripes (Eur ed), 27 Mar 85, pp. 1, 9, & 28. (2) International Herald Tribune, 27 Mar 85, pp. 1-2. Both UNCLAS.

12. (1) The Stars & Stripes (Eur ed), 28 Mar 85, pp. 1 & 24. (2) International Herald Tribune, 28 Mar 85, pp. 1-2. Both UNCLAS.

13. (1) Berlin Observer, 28 Mar 85, p. 1. UNCLAS. (2) USMLM Unit Hist, 1985, p. 102. (3) Msg, USMISSION Berlin to SECSTATE, et al., 252209 Mar 85, subj: Berlin: Shooting of US Officer by Soviet Soldier. (2) - (3) (info used UNCLAS).

14. Ltr, GEN G.K. Otis, CINCUSAREUR, to Mrs. A.D. Nicholson, Jr., 25 Mar 85, no subj. No file. UNCLAS.

15. (1) Program for Memorial Service at the American Community Chapel, 28 Mar 85. (2) Transcript for Eulogy by Colonel R. Lajoie, 28 Mar 85. (3) The Stars and Stripes (Eur ed), 29 Mar 85, p. 1. (4) US Comd Berlin PAO Translation of Berliner Morgenpost articles, 29 Mar 85, pp. 1 & 6. All UNCLAS.

16. (1) USMLM Unit Hist, 1985, p. 104. (info used UNCLAS). (2) The Stars & Stripes (Eur ed), 30 Mar 85, p. 3. UNCLAS.

17. (1) The Stars & Stripes (Eur ed), 31 Mar 85, p. 1. UNCLAS. (2) USMLM Unit Hist, 1985, p. 104. (info used UNCLAS).

18. The Stars & Stripes (Eur ed), 31 Mar 85, p. 1. UNCLAS.

19. Program for tree planting ceremony at Fort Belvoir, 2 Apr 85, "A Living Memorial to Major Arthur D. Nicholson. UNCLAS.

CHAPTER THREE

EARLY PROTESTS AND SANCTIONS

(U) Organizing to Meet the Crisis

(U) Although Colonel Lajoie had notified General Gordon, the USAREUR Deputy Chief of Staff, Intelligence, at 0220 on 25 March of the shooting of Major Nicholson, the information remained primarily in the intelligence-reporting chain of communications until later in the morning. Since it was an intelligence-related event, it was not clear initially that it would assume the international proportions that it did. Normal intelligence reporting procedures tended to cloud how important the incident would become.[1]

(U) As news of the event spread out of intelligence channels, a vacuum developed as to who would coordinate the required actions and message traffic. Into this vacuum stepped the USAREUR Secretary of the General Staff, Colonel William C. Parnell III. When informed of the situation, he realized that it would require a great deal of coordinated staff work and that -- absent any other coordinating body for the wide range of actions that could be expected -- the center for the initial efforts should be in his office. As a consequence, he proposed to the Chief of Staff that an ad hoc Crisis Action Team (CAT)* be formed under his leadership. General Fiala agreed and the CAT was formed at approximately 0830, with the initial goals of:

- developing a strategy and game plan,
- preparing the initial press release,
- developing questions and answers for use in answering media questions,
- and requesting that the senior officer at the Soviet military liaison mission in Frankfurt appear at USAREUR headquarters.[2]

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* (U) When General Fiala had been appointed Chief of Staff in May 1984, General Otis told him that he wanted an operations center organized that would handle major incidents and actions of this nature. Although an operations center cell had been formed in the Office of the Deputy Chief of Staff, Operations, by August 1984, the concept of a crisis action team had not been fully implemented prior to the Nicholson Incident. SOURCE: Intvw, Mr. Stacy w/MG C.J. Fiala, USAREUR CofS, 4 Jun 86. . OADR.

( ) CAT members were hand-picked by Colonel Parnell to include the best available USAREUR headquarters staff members needed in their functional areas. The first member Colonel Parnell selected was Major Thomas E. Smith, an Assistant Secretary of the General Staff (SGS) from his office. Major Smith served as the secretary of the CAT, with many of the key documents being written, staffed, and forwarded under his guidance. Colonel Parnell realized immediately that this was an event of historic importance and directed Major Smith to keep complete and accurate information on all events and actions. Other team members picked the first day or in the next few days were:

- Office of the Deputy Chief of Staff, Intelligence: Lieutenant Colonel Bruce H. Johnson, Jr., Chief of the Human Intelligence (HUMINT) Operations Branch, whose office was the USAREUR headquarters point of contact for USMLM; Captain Jason D. Ploen, the action officer in the HUMINT Operations Branch directly responsible for supporting USMLM; and Mr. Ronald L. Gambolati, Chief, Soviet Military Liaison Mission Section, Special Operations Branch, an acknowledged expert on the Soviets. (Mr. Gambolati was also a Lieutenant Colonel in the US Army Reserve, which enabled him to wear a uniform when he took part in meetings with the Soviet military.)

- Office of the Chief, Public Affairs: Lieutenant Colonel Robert M. McDowell, Deputy Chief; Major C.H. Busch, Chief, Command Information Division; and Major R. Dittmer, Chief, News Branch.

- Political Adviser: Major Dewey A. Browder, Assistant Political Adviser.

- During the first few days, LTC Michael Peters of USMLM also participated in CAT deliberations. He had been visiting friends in Heidelberg when the incident broke, and USMLM advised him to stay temporarily to assist the USAREUR headquarters staff.

( ) Subsequent events were to indicate that staff assistance was needed in the legal area and with the host nation, Germany. As a consequence, individuals from the Office of the Judge Advocate and the Office of the Deputy Chief of Staff, Host Nation Activities, were added at a later date.[3] Although it worked well, General Fiala regretted the necessity of having to organize the CAT on an ad hoc basis. Because the CAT functioned physically in the office area of the Secretary of the General Staff, he noted that the OSGS was "...literally

consumed by the operations of the CAT." It was partly to preclude such disruption that the Soviet Military Advisor Committee (SMAC) was later formed.[4] (This issue is addressed more fully in Chapter 10.)

(U) The Chief of Staff's Protest

( ) At first the emotional impact of Major Nicholson's murder did not hit the USAREUR headquarters staff. The CAT was extremely busy processing information and starting the various administrative actions that would consume the first couple of days. However, American anger was aroused by the time members of the Soviet Military Liaison Mission (SMLM) arrived on the morning of 25 March. USAREUR did not have clearance to present a formal protest letter at that time, but wanted to demonstrate its outrage at the murder of Major Nicholson.[5]

( ) USAREUR headquarters' Allied Contact Section (ACS) had notified Colonel Vladimir Pankratov, Deputy Chief of SMLM in Frankfurt, to be ready to report to the Chief of Staff. (The Chief of SMLM was temporarily out of the country.) Without the usual stalling and hesitation, the mission said that Colonel Pankratov would be ready when the ACS vehicle arrived. The ACS escort, in accordance with his instructions, did not talk to the Soviets during the trip to Heidelberg.

( ) When they arrived at USAREUR headquarters on Campbell Barracks, the vehicle was stopped across from the Command Group building parking lot and the Soviets were made to wait while an official ceremony was concluded. In normal times, they would had received VIP treatment and been whisked into the building through a side door. This time they were marched to the front door past armed guards and made to sign in the building like visitors. Colonel Parnell was waiting inside the door and detected a less than serious expression on Colonel Pankratov's face. He loudly asked him if he was smiling, if there was something funny.[6] This "normal expression" of Colonel Pankratov was commented on by several participants at events that day. It was described by some as arrogant, smirking, or "far from dour," while others described it as blank or stolid.

( ) All along the way to the Chief of Staff's office they passed large, tough-looking military policemen, who had been selected for their imposing physical appearance. When the Soviets arrived at the Chief's outer office, they were made to wait for 5 minutes. After being admitted to the Chief's office

at 1115 local time, they were required to stand in front of his desk while he read the following statement in a cold, dignified, controlled manner:[7]

> This is an unhappy day in our relationships between the Group of Soviet Forces and US Army, Europe. Yesterday, 24 March 1985, one of our mission officers in East Germany was shot and killed by a Soviet soldier. This action was taken without warning, against an innocent individual, in an unrestricted area, and I repeat, unrestricted. The wounded officer was denied medical attention to include life saving first aid by a US Army mission noncommissioned officer who was with him. This lifesaving first aid was denied for over an hour. Our mission personnel are and always are unarmed, no weapons. There was no need for deadly force by a Soviet sentry without warning. This is murder. [It is believed that this was the first time that anyone in an official position told the Soviets that the United States considered it murder.] The fact that the sentry clearly recognized the mission vehicle and mission personnel and still opened fire clearly indicates that his actions were in accordance with directives from Headquarters Group of Soviet Forces, Germany [GSFG]. The guilt lies with the GSFG. Should they take any actions against our mission people, you can expect a similar reaction against your people. The GSFG and East Germans have a history of shootings, rammings and stolen articles as well as physical force (beatings) against our people. I remind you that in March of 1984 a French NCO was killed by East Germans when his vehicle was rammed. Now we on the other hand have always treated your people with respect. We demand an investigation and full explanation of the incident to include what is going to happen to this soldier. This soldier who killed this American officer. I want a guarantee, this Headquarters, US Army, Europe, wants a guarantee, that this will not happen in the future. I want you to pass on to your superiors that all our relationships together are now subject to review. I have nothing more to say. I am terribly upset.

At that point Colonel Parnell stated: "Do you have anything to say to this distinguished soldier, Colonel? Say it!" Colonel Pankratov replied: "We offer you our sympathy with a sensitive hand. We will report back to you as quickly as possible with the information." [He was asked, "When?"] "Tomorrow, sir."

( ) At that point he was dismissed by General Fiala. As he passed out of the Chief's office a controversial incident occurred that sent a strong message to the Soviets. In Colonel Parnell's own words:[8]

> I had previously determined that I would make a statement that would let them know how disgusted we were with the murder. As we were going through the outer office, I told the arrogant colonel what I thought of the Soviet Army's behavior both during the incident and afterwards. I concluded by telling him they had no honor. Although they protested my behavior later, I think it was useful in that it demonstrated to them just how upset we were with their actions and may have sent a clear message to GSFG headquarters that it would not be business as usual in this matter. I was not gameplaying, this was honest emotion!

( ) Although there were some who thought his behavior was inappropriate, the consensus among the the participants seemed to echo General Fiala's sentiment: "Colonel Parnell's emotional outburst at the end of the meeting reinforced in their minds how terribly upset this headquarters was with their behavior. I had particularly emphasized how barbaric I thought it was that they had allowed our officer to lie there for hours, with no attempt being made to provide or allow medical aid."[9]

( ) The meeting did seem to have an impact on the Soviets at SMLM. Several observers noted how shaken they had been during this day's events and during the upcoming period. It must have been obvious to them that surely they would suffer from whatever form of retaliation the American side chose to take for the murder of Major Nicholson.

(U) Official Protests to Soviets

( ) Official protests would be directed at the Soviets from several levels of both the State and Defense Departments. From the first, however, every effort was made to coordinate the protests to insure the Soviets received the right message. These protests, and subsequent actions related to the Nicholson incident, would be coordinated by the Interagency Group in Washington, which was chaired by Assistant Secretary of State Richard Burt, and included representatives from the Office of the Secretary of Defense, Office of the Joint Chiefs of Staff, and the National Security Council.[10] It should be noted early on that the heads of these organizations, in particular Secretary of Defense Weinberger, maintained a continuous personal interest in how the Nicholson incident would be resolved.

( ) Prior to the high-level protests, however, several low-level protests had been lodged. The next protest the Soviets received after Colonel Lajoie's on-the-scene protest had been delivered by an official of the US Mission in West Berlin at the Soviet Embassy in East Berlin at 0900 on 25 March. The Mission official stressed that the incident was very serious and that the US authorities expected a full explanation from the Soviet Embassy since it had occurred in the German Democratic Republic. A Soviet Embassy official responded that the incident was the responsibility of the US military authorities who had sent their personnel on this dangerous mission, and that they would not be responding to the US Military Government in West Berlin since the matter had already been discussed by the competent military authorities on the two sides. The US Mission official stated that those discussions had not resulted in a satisfactory explanation for the incident, nor had the officer's body been released. The Soviet official simply reiterated the Embassy's position.[11]

( ) At a previously scheduled meeting that afternoon at the Soviet East Berlin Embassy, US Minister Nelson C. Ledsky met with two minister-counsellors and brought up the Nicholson incident and the unacceptable response of the Embassy official that morning. In an apparent reversal of position, the two officials told Minister Ledsky that they deeply regretted the shooting death of the US officer. They described it as an "unfortunate accident" and said they had already asked the Soviet military to release the body. However, they continued to contend that Soviet Embassy authorities had no responsibility in this matter, and that they would prefer it to stay in military channels. They would continue to do what they could on an unofficial basis.

( ) Several comments made by the Soviet officials during this informal meeting were interesting in that they reveal the emerging Soviet position on the incident, which was developed very quickly and varied little from this point on. They said privately that they were very sorry about the incident and, leaving aside the questions of legal responsibilities and blame, the loss of life was to be regretted. They had been informed that it had clearly been an accident. No one on the Soviet side wanted to take a life, particularly when it was an officer known to them. They said it was also clear that the USMLM personnel had been in an area where they should not have been, and could only have gotten there by "breaking the rules" -- either by driving on a road in an officially restricted area or by cutting across fields. The Soviet soldier who had done the shooting was described as a lone sentry responsible for patrolling the area around the storage sheds.

( ) They concluded by offering the opinion that it would be best if both sides could play down the incident, but assumed that would not be possible, especially since it had been a Soviet soldier rather than an East German soldier. When told by Ledsky that an official Soviet apology would be appreciated, one Soviet official replied that while in a better world that might be possible, he did not know what the official Soviet approach would be. He did not rule out a reasonable reply, but thought that it would depend on the US approach. If it was aggressive, then the Soviets might respond in the same vein. He added that he hoped the United States would not seek to retaliate against the Soviets in or around Berlin.[12]

( ) On 26 March the Interagency Group in Washington decided to summon the senior Soviet military attaches to the three US service branches in order to protest the murder of Major Nicholson. However, prior to those meetings, on 27 March Assistant Secretary Richard Burt called in Oleg Sokolov, the number two official at the Soviet Embassy, for a 40-minute review of the situation. When called in on 28 March, the attaches received verbal protests based on the approved text of General Otis' protest letter, which was to be officially delivered the next day to his counterpart at GSFG.[13]

( ) USAREUR headquarters had insisted as early as 25 March that it was imperative for General Otis to send as soon as possible an official letter of protest to his counterpart at GSFG. The turnaround time from USMLM's first input at 1000 on 25 March to delivery of the approved letter on the morning of 29 March was an early indication of how difficult it would be to staff actions through all of the

appropriate channels. It would be useful to follow carefully the staffing process for the development of this letter, because it will illustrate how other important actions were completed, and outline the chain of command in this situation.

( ) When USMLM's input for the proposed CINCUSAREUR protest letter was sent at 1000 that first morning, the USAREUR headquarters CAT had only been in existence for a couple of hours. In spite of that, the USAREUR headquarters expanded version of the letter was forwarded to USEUCOM and the American Embassy in Bonn by 1600. The proposed letter was sent jointly to USEUCOM and the Embassy because both organizations had interests and responsibilities in the situation.[14]

(U) When the Federal Republic of Germany had been granted sovereignty in 1955, President Dwight D. Eisenhower had signed Executive Order 10608 which had, among other things, defined the relationship between the Ambassador and the US Commander in Chief, Europe (USCINCEUR). (USCINCEUR was the commander of USEUCOM, a joint command of the US forces in Europe that included USAREUR as well as US Air Force and US Navy elements.) The Ambassador was given supreme authority with respect to all responsibilities, duties, and governmental functions of the United States in the Federal Republic, while USCINCEUR was given authority for all military responsibilities, duties and functions. Any action affecting the foreign policy of the United States could be taken only after "consultation with and agreement by" the Ambassador. It was obvious early on that the Nicholson incident would affect significantly US foreign policy, and that the State Department would be involved closely in all policy and action decisions. As it had done in the past, USAREUR was keeping the American Embassy in Bonn fully informed on military issues that would impact on US foreign policy.[15]

( ) Although USEUCOM did not make any changes in the proposed letter, it did not forward it to the Joint Chiefs of Staff (JCS) until the next day at 0835 Zulu,* 26 March. The JCS changes to the letter arrived at 2128 Zulu that evening and consisted of what were described by General Fiala as "happy-to-glad" changes, i.e., cosmetic changes.[16] The American Embassy in Bonn apparently had forwarded its copy of the letter

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* (U) Zulu time, or Greenwich mean time, was used in official messages to ensure uniformity around the world, regardless of times zones. However, times cited in this study will be local times, unless stated otherwise.

somewhat earlier as the State Department wired back its agreement to USAREUR at 0052 Zulu on 26 March, with the Embassy passing on its concurrence at 0928 Zulu that same morning. In contrast to the JCS wordsmithing, the State Department found the "proposed letter to CINCGSFG an excellent statement of the US position and agrees that it should be delivered to CINCGSFG as soon as appropriate."[17]

( ) Defense Department problems in getting information and decisions through the different levels of the chain of command became even more time consuming when the Office of the Secretary of Defense level was added.* When representatives from the State and Defense Departments met at the Interagency Group, initially the State Department people often had more timely information as they were plugged directly into the American Embassy in Bonn, which seemed to be passing things up the line in a more expeditious manner. Defense Department officials thought the State Department people were processing the information too quickly and sometimes were guilty of passing on incomplete or incorrect information. This problem was resolved in September 1985 when USAREUR headquarters was told that only USEUCOM headquarters would release military information to State Department agencies in Germany, which effectively severed USAREUR headquarters' good working relationships with the Embassy in Bonn and the Mission in Berlin.[18]

( ) The approved USAREUR letter of protest was to be delivered on Friday, 29 March. At a Tripartite Chiefs of Staff Conference, held on 26 March, the British and the French had agreed to follow suit with similar letters. The plan was for protest letters from each of the three commanders to be presented to the chief of the SMLM accredited to their respective headquarters in the Federal Republic, and by the chiefs of their military liaison missions in East Germany to the highest military official possible at GSFG -- preferably the commander, General Mikhail M. Zaytsev.[19]

( ) The protest letters were passed on 29 March in a highly-charged, emotional atmosphere. General Fiala received the Chief of SMLM in his dress blues because he was scheduled

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* ( ) For example, a few times the Executive Officer to the Secretary of Defense called General Fiala to obtain directly information that was in transit from USAREUR headquarters, through USEUCOM, to OSD. SOURCE: Note, MG Fiala to Mil Hist Ofc, 28 December 1987. . OADR.

to depart immediately after the meeting to participate in the plane-side honor ceremony for the departure of Major Nicholson's body, and Colonel Lajoie was scheduled to depart Berlin immediately after delivery of the letter in order to accompany the body to the United States.

( ) General Fiala's meeting with Major General Sergei S. Shevtsov, Chief of SMLM in Frankfurt, was polite, short, and to the point. In contrast to the 25 March meeting with Colonel Pankratov, none of the psychological gameplaying was conducted. General Shevtsov had been given a one-day notice that he was expected, had been brought into the building as expeditiously as possible, and a very mild apology had been passed on from Colonel Parnell to Colonel Pankratov. General Fiala gave General Shevtsov a copy of General Otis' protest letter and asked that he insure CINCGSFG received a copy. General Shevtsov expressed his personal sympathy and that of members of his mission over the death of Major Nicholson, and further stated that he and members of SMLM had tried to maintain cordial and professional relations with the US Forces. General Fiala reiterated the salient points of the protest letter: full investigation and explanation, punishment for those responsible, and measures to insure incidents such as this would not recur. (See APPENDIX A for full text of the letter.) General Fiala told General Shevtsov he was concerned for the safety of SMLM personnel and asked if he required any additional security measures. There had been several threatening telephone calls in both English and German. General Shevtsov answered, "No thank you. I thank you for your care and efforts to insure our safety." Major Claesen D. Wyckoff, the USAREUR liaison officer to SMLM, subsequently reported that the Soviets had already relocated their families to a secure building within the SMLM compound. The brief meeting was concluded without General Shevtsov offering any mitigation for the murder of Major Nicholson or presenting any protests on the treatment of SMLM personnel.[20]

( ) Colonel Lajoie's meeting with the Soviets in East Germany on that same morning did not go as smoothly. He had requested a meeting with the GSFG commander, but was met instead by General Krivosheyev, the GSFG Chief of Staff who had been so aggressive and insensitive at the scene in Ludwigslust. Colonel Lajoie began the protest by asking what would be sufficient grounds for a personal audience with General Zaytsev, if not the shooting of a US officer by a Soviet sentry? He charged that there were no grounds for shooting an unarmed USMLM officer, an act that was made even more reprehensible by the Soviets' refusal to provide first aid or to allow Sergeant Schatz to come to the aid of Major Nicholson. He said the

Soviets had compounded the outrage by consistently failing to accord the body of Major Nicholson the minimal respect due a fallen officer. He further charged that the Soviets had badgered and bullied Lieutenant Colonel Kelley and him at the scene that night.

( ) General Krivosheyev responded that General Zaytsev could not be present due to circumstances beyond his control, but that a later meeting might be arranged. He stated that Major Nicholson had been caught photographing on a Soviet post, had failed to respond to a warning shot, and that anyone -- regardless of nationality -- would have been shot in such circumstances. He insisted that medical assistance was attempted promptly, but that Major Nicholson was already dead. He further contended that Sergeant Schatz had cowered in the USMLM vehicle, even refusing to leave it at a later time when he had personally invited him to exit the vehicle. He said Major Nicholson's remains were treated in the manner required by an investigation of such an incident, and not with disrespect. He countered that he and other Soviets had not badgered or bullied Colonel Lajoie and Lieutenant Colonel Kelley, but in fact it had been Kelley who had shouted angrily at senior Soviet officers!

( ) Charges and countercharges flew back and forth, with Colonel Lajoie having the advantage in that he spoke both languages, while General Krivosheyev spoke only Russian and had to wait for the translator to catch up. The scene became very chaotic, with Colonel Lajoie often interrupting as Krivosheyev tried to launch into diatribes that accused the US Government, in general, and Colonel Lajoie, in particular, of formulating policies that had led to Major Nicholson's death. After several attempts to elicit some statement of remorse from Krivosheyev -- and receiving an emphatic "Nyet!" to the last query -- Lajoie and Kelley cut him off in mid-sentence and walked out of the meeting.* As Lieutenant Colonel Kelley would later recall, "The insult shocked the Soviets."[21]

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* ( ) COL Lajoie and LTC Kelley immediately proceeded to the Glienicke Bridge, boarded a helicopter on the US side, and flew to Tempelhof. They then flew by C-12 to Rhein-Main, where they joined the party accompanying MAJ Nicholson's body to the United States. Their report of the meeting was written en route and presented to MG Fiala upon arrival. SOURCE: Ltr, BG R. Lajoie, DATT Paris, to COL J. Jeszenszky, USAREUR SGS, 6 January 1988. Info used OADR.

( ) Unfortunately, the British and French were not able to deliver their protest letters as promptly as had been planned. The plan was that the MLM representatives would deliver their letters sequentially, with Colonel Lajoie leading the way. After Colonel Lajoie's departure, however, the British Deputy Chief was told that General Krivosheyev had departed for GSFG headquarters. He waited for some other senior Soviet officer to be available and when that became impossible, delivered the letter at 1600 to a Soviet officer who worked as a translator at SERB. The French kept trying to deliver their letter to a high-level Soviet officer, but finally had to settle for delivering it to the Chief of SERB the next morning at 1000, 30 March. The British Army headquarters in the Federal Republic presented their protest letter to the SMLM accredited to their headquarters at 1415 on 29 March, and the French Army headquarters presented their letter at 1200 on 30 March. Although the timing was somewhat off, the Soviets could not doubt that the Allies were united in their repugnance at Soviet behavior in the Nicholson incident.[22]

( ) It remained only for the State Department to deliver the official US Government protest of the murder of Major Nicholson. As early as 25 March, the American Embassy in Bonn had urged the Secretary of State to call in the Soviet Ambassador in Washington, Anatoly F. Dobrynin, and convey to the Soviets the seriousness of the incident.[23] Ironically, the meeting between Secretary of State George P. Shultz and Ambassador Dobrynin was not held until the morning of 30 March, at approximately the same time as Major Nicholson's funeral. During the 70-minute meeting, Secretary Shultz discussed issues covering the entire range of US-Soviet bilateral relations, to include the shooting of Major Nicholson. Dobrynin reiterated that the Soviet assessment of the incident remained the same, but that they had no objection to having the relevant questions discussed by the commanders in chief of GSFG and USAREUR. He concluded by saying that the Soviet Union could not be blamed for the polemics of the situation -- "We did not start such polemics and are not interested in that." -- and would govern its attitude on the incident depending on the attitude taken by the American side. Secretary Shultz was satisfied with the Soviet response and decided that, while sanctions currently in force should be continued, any further retaliatory sanctions should be held in abeyance pending the meeting between the two commanders.[24] (See Chapter 4, The CINC-to-CINC Meeting.)

(U) At this point there appeared to be a split in the Reagan administration as to what impact the Nicholson incident should have on US-Soviet relations. While State Department "spokesmen" were indicating that the Shultz-Dobrynin meeting

had produced the "kind of response the United States wanted" and seemed to be agreeing with Ambassador Dobrynin's hope that the meeting between the two commanders would lead to a "closing of the entire matter," Secretary Weinberger said on the same day, "I don't think the subject is finished by any means." Although he emphasized that the United States would not necessarily allow the Nicholson incident to interrupt efforts to improve relations on a broad range of issues, including arms talks in Geneva and a possible meeting between President Reagan and Soviet Premier Gorbachev, Secretary Weinberger said the administration was studying "other means of conveying to the Soviets our repulsion and supreme anger" over the murder of Major Nicholson.[25]

(U) Initial Sanctions Against the Soviets

( ) In addition to coordinating the protests, the Interagency Group in Washington was also charged with developing other appropriate responses to the Nicholson incident. The American Embassy in Bonn thought that failure on the part of the Soviets to express regret, to investigate and punish those responsible for the shooting, and to give assurances that the act would not be repeated, should be met with high-level pressure on the Soviet Union, in public as well as in private channels. On 25 March the Embassy recommended cancellation of US participation in ceremonies for the upcoming 40th anniversary of the meeting of US and Soviet Forces at Torgau at the end of World War II. It was thought this would be an effective public signal of the outrage the United States felt over the incident. It also recommended direct actions against the Soviet Military Liaison Mission, to include declaring one or more officers persona non grata and imposing temporary restrictions on movements of mission personnel.[26]

( ) The following day, 26 March, USEUCOM elaborated on the Embassy's recommendations and added several others:[27]

- Be prepared to declare persona non grata (PNG) the Chief of SMLM in Frankfurt and one tour officer if the Soviet reply to General Otis' protest letter proved unsatisfactory. Also, be prepared to PNG on a quid-pro-quo basis any Soviet action taken against USMLM members resulting from the US military response to the incident.

- All social and ceremonial events hosted by USMLM would exclude Soviet military participation until further notice.

- Consider an increased level of overt surveillance of the activities of SMLM personnel.

- Concurred with the Embassy recommendation to cancel all official US Government participation in Torgau anniversary ceremonies. It recommended that a publicity campaign be implemented to discourage US veterans' groups from participating in Soviet- or East German-sponsored ceremonies commemorating any 40th anniversary event of World War II.

( ) From the first, USAREUR headquarters and USMLM cautioned restraint in the application of sanctions against SMLM because of the Soviet's ability to apply retaliatory sanctions on USMLM. A virtual moratorium had been placed on USMLM's collection efforts after the shooting to insure that no further incidents would cloud the issue. Although the more extreme restrictions on collecting would last only 2 weeks, it was expected the tours would be operating with extensive restrictions for the foreseeable future.[28] USAREUR pointed out that realism dictated that the relationship with the Soviets not be allowed to deteriorate to the point where USMLM could not function effectively. It was essential that USMLM be allowed to get back to work; the access was just too valuable. In a period of escalating restrictions, it would be the United States that would be the loser, since USMLM's collection activities probably were of greater importance to the US side than SMLM's were to the Soviets. USAREUR thought the United States should register anger and objections in the strongest terms, and then begin to return to normal relations so that USMLM could get on with its important mission.[29]

( ) In addition to being aware of the impact sanctions would have on USMLM, the United States also had to be sensitive to the interests of its British and French Allies and their military liaison missions. There was a longstanding tradition of close consultation and joint action by the three Allies on matters relating to the military liaison missions.

( ) The three Allied military headquarters in West Germany responsible for military liaison missions -- British Army of the Rhine (BAOR), Forces Francaises en Allemagne (FFA) [French Forces in Germany], and USAREUR -- held a tripartite conference at 1330 on 26 March in Heidelberg. The purposes of the conference were to discuss coordinated sanctions against the Soviets as well as issues of joint interest raised by the incident. All three headquarters agreed that SMLM members should be PNGed only in retaliation for any Soviet PNG of USMLM or other Allied mission members. The British proposed that the Soviets be confined to their SMLM compounds for a specific period of time for their own protection, with these periods to coincide with the memorial service in Berlin for Major Nicholson as well as during the weekend of his funeral in

Washington. They also proposed conducting overt surveillance once the confinement period was over in order to protect them from "outraged" soldiers and private citizens. All three headquarters agreed to cancel all social and official contacts with the Soviets except as required to perform necessary ration and maintenance support for the SMLMs. Their military liaison missions in East Germany would continue collection operations, but at a reduced and more careful level. It was expected that full operations would be restored after a suitable period of time. It was also agreed at this meeting to send the aforementioned letters of protest from all three commanders in chief to the GSFG commander. The French thought the Federal Republic should be asked if it could curtail German media coverage on tripartite post-war bilateral agreements with the Soviet Forces in Germany because it was leading to embarrassing questions about German sovereignty.[30]

(C) USEUCOM agreed with most of the tripartite conference's proposals, except that it still thought one or more SMLM members should be PNGed if the Soviets did not respond satisfactorily to the protest letter, and did not think it was appropriate to approach the Federal Republic about curtailing media coverage.[31] The American Embassy in Bonn also agreed with most of the proposals, but expressed some doubt as to the effectiveness of overt surveillance of SMLM tours. It did not even bother passing on to the State Department the French proposal for asking the Federal Republic to control its media on the subject.[32]

(U) Even in this crisis atmosphere, the tripartite proposals that were sent out by USAREUR at 1829 Zulu on 26 March to both the Embassy and USEUCOM, were not forwarded by USEUCOM until 0850 Zulu the next morning, 27 March. The Embassy, in contrast, had staffed and forwarded the proposals by 2112 Zulu that same evening, 26 March. (Zulu, or "Z," time was one hour earlier than local time in Germany.)

( ) The Washington Interagency Group considered the proposals and on 28 March informed the Embassy and USEUCOM that it was important to demonstrate to the Soviets the seriousness with which the United States viewed the shooting. They were told that their general approach to sanctions should be to concentrate on actions that would make clear US unhappiness with the situation, while stimulating positive Soviet moves to meet Allied interests. Although the Interagency Group thought it might become necessary to PNG members of SMLM, it did not want to take actions that would cause undue risks for the Allied military liaison missions in East Germany. It was feared that expelling a SMLM member would initiate a PNG cycle

that would result in a drawdown of MLM members in East Germany. The Interagency Group decided to defer a decision on whether to PNG SMLM members until after an assessment of the Soviet response to the protest letters, which were to be delivered on 29 March (see above).

( ) In general, the Interagency Group concurred with most of the other proposals. SMLM members were to be restricted to their compounds on the requested days. In order to underscore the seriousness with which the United States viewed any violence directed against MLM personnel, they were to be informed of past threats as well as estimates of possible reactions against Soviet personnel due to the current atmosphere of anti-Soviet feeling in the wake of the shooting. Overt surveillance, if conducted at all, was to be tied into providing "protection." The group also concurred with the reduced level of USMLM operations, but USMLM could return to a normal level of operations when the commander thought it was safe. Social and official contacts with the Soviet military were to be curtailed, and were to be limited primarily to those required for support of the SMLMs. The State Department told the Embassy that the Soviets should be informed the US Forces would not participate in Torgau ceremonies.[33]

(U) Timeliness in getting information to USAREUR headquarters was again a factor in this sequence of events. Fortunately, USAREUR had received advance information of the Interagency Group's decisions through informal communications contacts that Major Dewey A. Browder, USAREUR Assistant Political Adviser, had with the Embassy. Mr. Robert Johnson called Major Browder at 1855 on 27 March and informed him that the Interagency Group had approved all of the proposals, except that there would be no surveillance such as had been proposed and that there would be no time limit on the Soviet response to the letters of protest.[34] USAREUR's first message traffic on these important decisions arrived the next morning at 0515Z, 28 March, because the State Department made USAREUR one of the "info" addressees of its message to the Embassy. JCS, in contrast, did not "info" USAREUR on its 0435Z message to USEUCOM. USEUCOM, in turn, did not retransmit the message to USAREUR until 1024Z, and did not send out its 2-sentence implementing message to USAREUR until 1145Z on 28 March, significantly after the first restriction on SMLM was scheduled to begin. It is evident from these times how important USAREUR's informal lines of communication with the State Department agencies in Germany were to its ability to plan and carry out US policy in these time-constrained situations.

( ) Based on Major Browder's telephone call and a subsequent telephone call Colonel Parnell received at 1930 from USEUCOM, USAREUR started the ball rolling to restrict SMLM members to their compounds as of midnight. At approximately 2200 on 27 March, all three Soviet military liaison missions were notified of the potential danger to their members and of the temporary restrictions to their compounds for their safety and protection. They were advised that if a legitimate need existed for travel to East Germany, an escort would be provided to the inner-German border. The restrictions ran from 0001 through 2359 on 28 March, and from 0001 on 30 March through 2359 on 31 March. The military police were told to use normal detention procedures if Soviet personnel tried to leave the compounds, which meant that deadly force would not be used. Social and military contacts were to be cancelled, except for those necessary to provide support to the SMLMs. Only minimum, no-frills support items were to be provided, which was expected to have a significant impact on SMLM morale since they had become used to receiving American-style rations and equipment.

( ) Soviet reaction varied from mission to mission. The Soviets at the French SMLM had blandly accepted the news, while the Soviets at the British SMLM appeared to be shaken and had said they regretted the tragedy as it could have happened to them. Their mission chief had said, "We are all soldiers together." When General Shevtsov was informed by US authorities of the restriction, he once again said he was sorry the incident had happened, and then went on to allege that Major Nicholson had been in a restricted area.[35]

( ) The State Department thought it would be a good idea to keep the Federal Republic of Germany (FRG) informed on measures being taken against the three Soviet military liaison missions located in the Federal Republic. On 29 March the Embassy briefed the FRG Foreign Office on all developments relating to the Nicholson incident and the initial sanctions.[36]

(U) Follow-on Sanctions

( ) The Interagency Group met on 28 March to review actions taken to date and to develop a game plan for military options and diplomatic actions that might be imposed if the Soviets did not respond in a satisfactory manner to the USAREUR protest letter or during the Shultz-Dobrynin meeting. It requested a review of the previously recommended PNG against the Chief of SMLM in Frankfurt as well as other suggested courses of action, to include both pros and cons. The following guidance was to be taken into account when considering each option:

- They should not jeopardize the role or mission of USMLM.
- They should consider holding an urgent meeting between USAREUR and GSFG representatives to review jointly the incident, draft procedures to preclude future incidents, and set the stage for a meeting between the two commanders.
- They should consider both unilateral and tripartite options.
- An effort should be made to shift the focus away from Berlin to a larger, military-to-military context.[37]

( ) In its response USAREUR pointed out that these were unilateral USAREUR proposals that had been informally coordinated with BAOR and FFA, and that formal Allied concurrence would be necessary before implementation. A further caveat was that although General Otis agreed these were potential options, he did not recommend their implementation. Regardless, it was a useful drill in that potential options had been forwarded to Washington, where they could be carefully considered prior to taking any actions against the Soviets if the situation deteriorated further. In order of priority, the proposed options or actions were:[38]

- Deny or limit SMLM access to US or Allied facilities and withdraw ration cards.
PRO: Would reduce Soviet quality of life at SMLMs.
CON: If Soviets reciprocated in kind, might reduce ability for low-level collection in similar facilities in East Germany. Tripartite implementation would be required if action was to apply to all three SMLMs.

- Remove all US-provided entertainment/recreational material at SMLM compound in Frankfurt.
PRO: Would reduce quality of life at SMLM. No quid pro quo available. USAREUR action only, would not require tripartite implementation.
CON: None.

- Limit SMLM interzonal travel to direct travel only to GSFG headquarters as required by existing agreements.
PRO: Would inhibit coordination among three SMLMs and Soviet Embassy in Bonn. It would be an operational impairment. No quid pro quo available.
CON: Would require tripartite implementation.

- Require all three SMLM to enter or exit the Federal Republic through a single checkpoint at Helmstedt.
PRO: Would impede rapid transit to East Germany by SMLM.
CON: Would require tripartite implementation.

- Deny SMLM non-emergency medical care at US medical facilities.

PRO: Would require SMLM members to seek routine medical aid in East Germany or on the local German economy. Cost to the Soviets might be a consideration. No quid pro quo available. Would not require tripartite implementation.

CON: None.

- Direct SMLM wives and children living in Frankfurt to return to East Germany for their own protection.

PRO: Would place hardship on Soviet military assigned to Frankfurt SMLM. No quid pro quo applicable. Would not require tripartite implementation.

CON: SERB might cancel US family member travel to Potsdsam House. (Family members resided in West Berlin.)

( ) General Otis and the BAOR and FFA representatives were particularly skeptical about the utility of the last option. The British and French had expressed reservations about several of the other options near the bottom of the list, primarily on the grounds that they would provoke Soviet reprisals or put the Allies on the same level as the Soviets. It was imperative that the imposition of any of the sanctions be carefully coordinated among the Allies as the Soviets were likely to retaliate against all three Allies. Since Colonel Lajoie would be in Washington during this period, USAREUR suggested that he be included in any Interagency Group deliberations so that he could provide an operator's view of the impact or risks of imposing additional sanctions.[39]

( ) USEUCOM staffed the USAREUR options and passed them on to JCS with the recommendation that none of the options should be implemented at that time. Interestingly enough, the first option they listed was that of returning SMLM members' families to the East, the option which General Otis had recommended against specifically. The second option on the USEUCOM list was that of requiring the three SMLMs to enter or exit through Helmstedt. Third on its list was the denial or limiting of access to US or Allied facilities and the withdrawal of ration cards.

( ) USEUCOM's fourth option resurrected the idea that the SMLM Chief should be PNGed. USEUCOM recognized that it was likely a member of USMLM would be PNGed in retaliation, but thought that the removal of a SMLM officer would directly address the loss of Major Nicholson. USEUCOM did pass on the information that General Otis was not in favor of the PNG option, and recognized that the onus of implementing the PNG

action would fall on USAREUR since SMLM was accredited to that headquarters.

( ) The fifth USEUCOM option was a new one. USEUCOM thought the American side should demand that a USMLM representative be present at all Soviet proceedings investigating the shooting. Although USEUCOM recognized that the Soviets would probably say no, it thought the expected turndown would make the Soviets look bad in the news media. The last two options were rehashes of past proposals: removal of entertainment and recreation equipment, and an extension of the restriction of SMLM members to their compound for an extended period.

( ) USEUCOM responded to the Interagency Group's idea of broadening the issue beyond the Berlin environment by pointing out that the killing of Major Nicholson was completely separate from tripartite Berlin access issues. Any US military responses in geographical areas outside of the Federal Republic would escalate the situation, and should be reserved for major confrontations such as an attempt to restrict Allied access to Berlin.

( ) USEUCOM concluded by agreeing that a meeting between the USAREUR and GSFG commanders would be beneficial.[40]

(U) The JCS tasking message had a date-time of 28 March at 2050Z and a suspense of "opening of business Washington time" on 29 March, which was approximately 1330 local time in Germany. Although several USAREUR headquarters staff members had to work all night, the proposed options were forwarded to General Otis in the United States at 0920Z on 29 March. General Otis telephoned back his comments, and USAREUR's official response to the JCS tasker went out at 1510Z, close to the suspense requested by Washington. USEUCOM took almost an additional day to staff and pass on its options to JCS at 1245Z on 30 March. It was becoming obvious that USEUCOM headquarters was not staffed adequately to handle these fast turnaround actions.

( ) Apparently, Department of Defense (DoD) also was using informal communications networks: The consolidated Office of the Secretary of Defense (OSD) and Office of the JCS (OJCS) "possible response options" -- which included USAREUR and USEUCOM suggestions -- were provided to the Interagency Group on 29 March, one day prior to the USEUCOM submission. It was emphasized that any subsequent sanctions taken against the Soviets must support the following objectives:

- Maintain or expand freedom of operation for Allied military liaison missions while simultaneously obtaining Soviet agreement to protect the personal security of Allied MLM personnel
- Conduct an early meeting between the two commanders to agree on procedures to preclude future episodes of this nature
- Not impact adversely on arms control negotiations or the President's initiative for a summit meeting with Gorbachev
- Not jeopardize Allied rights of access to Berlin

(C) The DoD possible response options included USAREUR and USEUCOM recommendations as well as several additional options:

- Conduct an aggressive, coordinated public diplomacy campaign for a limited period of time, emphasizing the outrageous nature of the action and the inadequacy of the Soviet response
- Extend the restrictions on SMLM personnel
- Declare one or more Soviet attaches in the United States as PNG
- Designate an appropriate period of time during which US military attaches worldwide would wear black arm bands to mourn the death of Major Nicholson
- Direct all US military attaches to take appropriately defined actions toward corresponding Soviet attaches that would reflect the displeasure of the US Government
- Seek opportunities to express US Government displeasure in negotiating forums
- Publicize broadly the next detention of a SMLM tour
- Direct the return of SMLM dependents to the East
- Require personnel from all three SMLMs to transit through Helmstedt
- Obtain a broad interagency determination of contacts with the Soviets and an assessment of where pressure might be applied
- Explore other means of delivering high-level diplomatic and military protests and/or queries to Soviet counterparts

( ) The DoD options were for consideration "should the Soviets stonewall on the military talks proposal and continue [the] propaganda" campaign. Department of Defense recommended that follow-on actions be based on results of the 30 March Shultz-Dobrynin meeting.[41]

( ) The US response to the Nicholson Incident seemed to be heading toward a business-as-usual posture at this point. As was mentioned previously, Secretary Shultz had said that he

was satisfied with the Soviet response after his 30 March meeting with Ambassador Dobrynin. The Interagency Group met on 1 April and recommended that the two commanders should meet at an early date to "work out satisfactory arrangements to prevent further tragic incidents of this nature occurring." A game plan was formulated as to the goals that would be sought at the meeting: To keep pressure on the Soviets, the group agreed that overt surveillance of SMLM should be instituted; to keep the incident in the public eye, press releases should be continued.[42]

( ) Secretary Weinberger, however, was not satisfied with the way the situation was developing. He would not approve the proposed meeting between the two commanders until he had received a fuller explanation about what would be gained at the talks, what the initial US position would be, and "what stick we should use" to gain our ends. He did approve additional pressure on SMLM to include either further restrictions to their compound or overt surveillance of their tours. JCS staff members thought that he would approve the meeting once his request for further information was met.[43]

(U) One day later Secretary Weinberger declared at a news briefing that the shooting of Major Nicholson was a calculated act that amounted to an expression of Soviet policy. He compared the shooting once again to the Soviet downing of the Korean airliner and stated that he could not accept the idea that Major Nicholson's murder was the result of a single "trigger-happy sentry." He pointed out that more than one soldier was involved after the shooting and that they had prevented Sergeant Schatz from providing first aid to Major Nicholson. He said the Soviets had only "expressed regret that the man died, and presumably regret that they didn't get the sergeant." When asked how General Otis should deal with his counterpart at the upcoming meeting, Secretary Weinberger replied:[44]

> I think he should take the approach of waiting until the Soviets make some kind of an apology that verges somewhat more slightly on civilized behavior than they've exhibited so far.

This was the first time that Secretary Weinberger publicly brought up the issue of requiring an apology from the Soviets, a position he was never to back away from throughout the ensuing period.

(U) Secretary Weinberger's public statements were not the only expressions of American disapproval that day.

Although there had been rumors the United States would not participate in joint ceremonies with the Soviets at Torgau on 25 April, the cancellation was not announced formally by the State Department until 2 April. When asked about Secretary Weinberger's comment that there would be no meeting of the commanders until the United States received an apology from the Soviets, State Department spokesman Bernard Kalb answered: "We think it is appropriate for the Soviets to apologize but it is not a precondition for talks already agreed to." He was referring to the agreement reached by Secretary Shultz and Ambassador Dobrynin on 30 March that the two commanders in Germany would hold a meeting. He said the meeting had not yet been scheduled, but that officers from both organizations were expected to meet on 10 April to discuss preparations for the meeting between the two generals.[45]

(U) The Situation at the Missions

( ) The collection mission of USMLM was of great interest to USAREUR headquarters. As the most responsive human intelligence (HUMINT) collector against Soviet and East German Forces in the German Democratic Republic (GDR), it was essential USMLM's collection actions not be hindered. By 3 April most of the large group of USMLM members that had accompanied the Nicholson funeral party were beginning to return home, and USMLM was ready to resume full operations.

( ) A limited tour was conducted on 5 April, with a normal full-tour schedule being implemented on 8 April. However, the tours were to be carefully controlled. Tours would continue to avoid permanent or temporary restricted areas, the only exception to be a collection against extremely important targets or activities. No such penetrations would occur without prior planning and approval by the Chief of USMLM and the concurrence of USAREUR headquarters. This was not likely, as General Gordon had already put out his instructions on 2 April:

> Don't get near PRA/TRA; no provocation of any sort; discretion [is the] better part of valor. Play it cool.

Everyone was in agreement that it was essential the situation not be further complicated by other incidents involving USMLM tours.[46]

(U) Obversely, USAREUR was determined that there not be incidents involving SMLM personnel. On 5 April USAREUR headquarters reminded its subordinate units that detentions of SMLM

tours should be done strictly according to the regulations, and that in no case would a detention be attempted if it would endanger life or property. "SMLM personnel and dependents are to be rendered proper personal and professional courtesies and respect at all times."[47]

( ) USAREUR personnel charged with taking care of SMLM noted that Soviet attitudes and comments in the wake of Major Nicholson's murder were enlightening: "They actually do not seem to comprehend what the problem is."[48] This lack of Soviet sensitivity about why the Americans were still upset was to be noted on many other occasions and would make the upcoming US-Soviet negotiations even more difficult.

CHAPTER THREE FOOTNOTES

1. Intvw, Mr. Stacy w/MG C.J. Fiala, USAREUR CofS, 4 Jun 86. . OADR.

2. (1) Intvw, Mr. Stacy w/COL W.C. Parnell III, USAREUR SGS, 20 May 86. (2) Notes, MAJ T.E. Smith, USAREUR Asst SGS, 25 Mar 85, no subj. No file. Both & OADR.

3. (1) Smith Notes, 25 Mar 85. (2) COL Parnell Intvw. (3) Intvw, Mr. Stacy w/MAJ T.E. Smith, Asst SGS, 29 Apr 86. All & OADR.

4. MG Fiala Intvw. OADR.

5. COL Parnell Intvw. OADR.

6. (1) COL Parnell Intvw. . OADR. (2) MFR, MAJ Wyckoff, C/ACS, 26 Mar 85, subj: USAREUR Protest - Murder of MAJ Nicholson. AEAGX-ACS.

7. (1) MG Fiala Intvw. (2) Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECJ3-CCD), et al., 251329 Mar 85, subj: USAREUR Response to Shooting of MAJ Nicholson by Soviet Sentry. (1)-(2) & OADR. (3) MAJ Wyckoff MFR, 26 Mar 85. (4) MG Fiala's script for protest, 25 Mar 85. UNCLAS.

8. COL Parnell Intvw. OADR.

9. MG Fiala Intvw. OADR.

10. Memo, LTG J.N. Merritt, Dir/JCS Joint Staff, to LTG F.K. Mahaffey, USA, et al., 26 Mar 85, subj: Service Protest of Killing of Major Nicholson. DJSM 579-85. OADR.

11. (1) Msg, USMISSION USBerlin to SECSTATE, et al., 251133 Mar 85, subj: Berlin: USMLM Shooting Incident in the GDR. (2) Msg, USMISSION USBerlin to SECSTATE, et al., 251044 Mar 85, subj: Berlin: Protest to Soviet Embassy Over Shooting Death of US Officer. Both & OADR.

12. Msg, USMISSION USBerlin to AMEMBASSY Moscow, et al., 251541 Mar 85, subj: Berlin: US Minister's Discussion With Soviet Embassy Officials Over USMLM Shooting. OADR.

13. (1) LTG Merritt Memo, 26 Mar 85. (2) Msg, JCS (CJCS) to USCINCEUR (ECDC), 280435 Mar 85, subj: US Actions Against Soviets in Response to Killing of Major Nicholson. (1) - (2) & OADR. (3) The Stars & Stripes (Eur ed), 29 Mar 85, pp. 1 & 28. UNCLAS.

14. (1) Informal Wirenote, CUSMLM to DCSI USAREUR (AEAGB-C[HO]), 251000 Mar 85, subj: Proposed Input to Protest USMLM Fatality. (2) Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECJ5-O/ECJ2-C) & AMEMBASSY Bonn (Pol-Mil), 251601 Mar 85, subj: Protest Letter to CINCGSFG. Both & OADR.

15. (1) Presidential EO No. 10608, 5 May 55, subj: United States Authority and Functions in Germany. UNCLAS. (2) W.E. Stacy, US Army Border Operations in Germany, 1945-1983, USAREUR Monograph, pp. 80-81. (info used UNCLAS).

16. (1) Msg, USCINCEUR (ECCS/ECJ2) to JCS (DJS/J5), 260835 Mar 85, subj: Protest Letter to CINCGSFG. (2) Msg, JCS (J5) to USCINCEUR (ECCS/ECJ2), 262128 Mar 85, subj: SAB. Both & OADR.

17. (1) Msg, SECSTATE to AMEMBASSY Bonn & CINCUSAREUR, 260052 Mar 85, subj: SAB. (2) Msg, AMEMBASSY Bonn to CINCUSAREUR, et al., 260928 Mar 85, subj: SAB. Both & OADR.

18. (1) MG Fiala Intvw. (2) Intvw, Mr. Stacy w/LTC Dewey A. Browder, USAREUR Asst POLAD, 9 Apr 86. Both & OADR.

19. Msg, CINCUSAREUR (AEAGS) to USCINCEUR (ECJ2-C/ECJ5) & AMEMBASSY Bonn (Pol/Mil), 261829 Mar 85, subj: Tripartite (USAREUR, BAOR, FFA) Chief of Staff Conference, 26 Mar 85. & OADR.

20. (1) MFR, MAJ Wyckoff, 31 Mar 85, subj: Letter of Protest. AEAGX-ACS. (2) Msg, CINCUSAREUR (AEAGX) to SECSTATE, et al., 292014 Mar 85, subj: MLM Shooting Incident -- CINC-to-CINC Protest Letter. Both & OADR.

21. (1) 292014 Mar 85 CINCUSAREUR Msg. (2) USMLM Unit Hist, 1985, pp. 103-04. Both & OADR.

22. (1) Msg, Berlin (AEUS) to USAREUR (AEAGB-C[HO]), 011434 Apr 85, subj: Delivery of Allied CINC Letters of Protest. OADR. (2) Army OPS Cen Journal Entry of Sign Info, 300900 Mar 85, subj: The Delivery of Allied Letters of Protest. (3) Info Paper, MAJ Ylinen, DA OPS Cen, 30 Mar 85, subj: Disposition of Allied Letters of Protest Concerning Shooting of Major Nicholson. DAMO-ODS-AOC. UNCLAS.

23. Msg, AMEMBASSY Bonn to SECSTATE, 251611 Mar 85, subj: Killing of US Military Liaison Officer. OADR.

24. (1) USAREUR FONECON Rec, LTC Heden (USEUCOM) to MAJ Picco (USAREUR Cmd Ctr), 302138 Mar 85, no subj. (2) OJCS Sum Sheet, w/incls, MAJ E. Lane, Eur Div, J-5, 1 Apr 85, subj: Response to Killing of Major Nicholson. (1) - (2) & OADR. (3) The Stars & Stripes (Eur ed), 31 Mar 85, p. 1. (4) Msg, SECSTATE to All European Dip Posts, et al., 302137 Mar 85, subj: Press Guidance Secretary's Meeting With Ambassador Dobrynin. (3) - (4) UNCLAS.

25. International Herald Tribune, 1 Apr 85, p. 1. UNCLAS.

26. 251611 Mar 85 AMEMBASSY Bonn Msg. OADR.

27. Msg, USCINCEUR (ECDC) to JCS (ACJCS/DJS), 261415 Mar 85, subj: Proposed US Action Against Soviets in Response to Death of Major Nicholson. (info used). OADR.

28. USMLM Unit Hist, 1985, p. 104. OADR.

29. 292014 Mar 85 CINCUSAREUR Msg. OADR.

30. Msg, CINCUSAREUR (AEAGS) to USCINCEUR (ECJ2-C/ECJ5) & AMEMBASSY Bonn (POL/MIL), 261829 Mar 85, subj: Tripartite (USAREUR, BAOR, FFA) Chief of Staff Conference, 26 Mar 85. OADR.

31. Msg, USCINCEUR (ECDC) to JCS (ACJCS/DJS), 270850 Mar 85, subj: Major Nicholson Death. OADR.

32. Msg, AMEMBASSY Bonn to SECSTATE, 262112 Mar 85, subj: Proposed Responses to MLM Shooting Incident. OADR.

33. (1) Msg, SECSTATE to AMEMBASSY Bonn, 280515 Mar 85, subj: Proposed Responses to MLM Shooting Incident. (2) Msg, JCS (CJCS) to USCINCEUR (ECDC), 280435 Mar 85, subj: US Actions Against Soviets in Response to Killing of Major Nicholson. (Retrans to CINCUSAREUR at 281024 Mar 85.) (3) Msg, USCINCEUR (ECJ2) to CINCUSAREUR (AEAGX), 281145 Mar 85, subj: SAB. All & OADR.

34. MFR, MAJ D.A. Browder, USAREUR Asst POLAD, 28 Mar 85, subj: Interagency Actions on Tripartite Proposals. AEAPO. UNCLAS.

35. (1) Msg, CINCUSAREUR (AEAGX) to AMEMBASSY Bonn (POL/MIL), et al., 281305 Mar 85, subj: MLM Shooting Incident -- Allied Restrictions on Soviet MLM in FRG. (2) Msg, ODCSI (AEAGB-CI) to ODCSI ULO Bonn, 280947 Mar 85, subj: Initial Measures Against Soviets in Aftermath of Death of US Officer.

(3) Chronology for 27 March 1985, Mr. C.C. Cheney, USAREUR ODCSI SMLM Section, no subj. AEAGB-CI(SO). All & OADR.

36. (1) Msg, SECSTATE to AMEMBASSY Bonn, 290457 Mar 85, subj: Informing FRG of Measures Against SMLMs. (2) Msg, AMEMBASSY Bonn to SECSTATE, 291356 Mar 85, subj: Briefing the FRG on MLM Shooting Incident. Both & OADR.

37. Msg, JCS (J5) to USCINCEUR (ECDC), 282050 Mar 85, subj: Follow-on Options Against Soviets in Response to Killing of Major Nicholson. OADR.

38. Msg, CINCUSAREUR (AEAGX) to USCINCEUR (ECJ2), 291510 Mar 85, subj: Follow-on Options Against Soviets in Response to Killing of MAJ Nicholson. OADR.

39. Ibid.

40. Msg, USCINCEUR (ECDC) to JCS (J5), 301245 Mar 85, subj: Follow-on Options Against the Soviets in Response to the Killing of Major Nicholson. OADR.

41. Memo, w/incl, Mr. S.R. Hanmer, Jr., OSD Act Prin Dep Asst Sec, to Asst SECSTATE, Eur & Can Aff, 29 Mar 85, subj: Killing of Major Nicholson (short title). No file. OADR.

42. OJCS Summary Sheet, w/incl, MAJ E. Lane, Eur Div, J-5, to SVCS/ISP, 1 Apr 85, subj: Response to Killing of Major Nicholson. No file. OADR.

43. Memo, COMD J. Darby, OJCS/J-5 (POL/MIL Aff), to MG Craig, EUCOM J-5, 1 Apr 85, subj: Shooting in East Germany. No file. OADR.

44. The Stars & Stripes (Eur ed), 3 Apr 85, p. 28. UNCLAS.

45. (1) Msg, SECSTATE to All Eur Dip Posts, et al., 030127 Apr 85, subj: EUR Daily Press Guidance 4/02/85. (2) International Herald Tribune, 29 Mar 85, pp. 1-2. (3) The Stars & Stripes, 30 Mar 85, p. 8. (4) The Stars & Stripes, 2 Apr 85, p. 1. All UNCLAS.

46. (1) Memo, w/notes, LTC B.H. Johnson, Jr., USAREUR C/HUMINT OPS Br, to USAREUR DCSI, 1 Apr 85, subj: Miscellaneous "Close-the-Loop" Comments Regarding USMLM. No file. (2) OF 41, w/incl, LTC Johnson to USAREUR C/COLL, 3 Apr 85, subj: USMLM -- Future Actions. No file. Both & OADR.

47. Msg, CINCUSAREUR (AEAGX) to AIG 9848, et al., 051520 Apr 85, subj: Treatment of Soviet Military Liaison Mission (SMLM) Personnel. UNCLAS.

48. MFR, MAJ Wyckoff, 31 Mar 85, subj: Soviet Reactions/ Mission Atmosphere. AEAGX-ACS. OADR.

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