

Office of the Defense Counsel

23 April 1957

SUBJECT: List of Witnesses for the Defense in the Case of U. S. v. Colonel John G. Nickerson, Jr.

TO: Commanding General, Third United States Army, Fort McPherson, Georgia. ATTENTION: Lt Colonel William G. Barry, Trial Counsel, Office of the Army Staff Judge Advocate.

1. Submitted herewith is a list of witnesses the defense requests be subpoenaed for appearance in the forthcoming trial of Colonel John G. Nickerson, Jr. It is anticipated that a supplementary list of additional witnesses may be submitted in the very near future. If it becomes necessary to submit an additional list it will be done with the utmost dispatch.

2. In accordance with paragraph 115 - MCM 1951 the gist of the expected testimony of each group of witnesses is given together with an explanation of whether the witness is desired for presentation of the case of the defense on the merits or for the purpose of extenuation or mitigation in the event the accused is convicted of any specification of either charge.

- a. Dr. Wernher von Braun
- Dr. Ernst Stuhlinger
- Dr. Charles A. Lundquist
- Mr. W. A. Mrazek
- Mr. Rudolph H. Schlidt.

ABMA

All the above witnesses are located at the Army Ballistic Missile Agency and are desired for the purpose of giving expert testimony as to the classification status of certain documents and as character witnesses for Colonel Nickerson to show his value to the program at the Army Ballistic Missile Agency, his reputation and standing as an officer. Their testimony is to be offered on the merits of the case.

- b. Colonel Miles Chatfield
- Mr. James Fagan

B/S

The witnesses named above are stationed at Redstone Arsenal and are desired for the purpose of giving character evidence. Their testimony is to be offered on the merits of the case. The United States Court of Military Appeals has handed down a clear opinion that character evidence is competent, material and relevant on the merits of a case.

c. Maj, General William G. Weaver USA (Ret)
240 Bushnell Street
San Antonio, Texas

Mr. Ralph Wiltsie, Major
Princeton, Indiana

Mr. Roy Hogan
Hq Combat Command "B", Georgia National Guard
48th, 1st Street
Macon, Georgia

Mr. William Nichols
Sylacauga, Alabama

All the witnesses are located at the addresses shown above and are desired for the purpose of giving character evidence on the merits of the case.

d. Dr. E. Rehtin
Electronics Research Section
Jet Propulsion Laboratory
California Institute of Technology
Pasadena, California

Dr. A. V. Grosse
Director Temple Research Institute
Temple University
Philadelphia, Pennsylvania

Dr. John Vance
New York University
New York City, New York

Dr. John Dunning
Columbia University
New York City, New York

Dr. C.C. Furnas, Chancellor
University of Buffalo
Buffalo, New York

All the above named witnesses may be reached at the addresses shown above and are desired for the purpose of giving expert testimony as to Colonel Nickerson's character and ability and for their knowledge and opinion of certain projects and programs, present and contemplated, of the Army Ballistic Missile Agency. The evidence is to be used on the merits of the case.

- e. Dr. Eger V. Murphree
Special Assistant to the Secretary of Defense
Department of Defense
Washington, D. C.

The above named witness is desired for the presentation of testimony to the effect that the United States Army has a genuine need for operational control of an Intermediate Range Ballistic Missile and other missiles with ranges in excess of two hundred miles and for other purposes. His testimony is to be presented on the merits of the case.

- f. Lt. General Edward M. Almond USA (Ret)
Anniston, Alabama

Lt. General Withers A. Burreas USA (Ret)
107 Seventy-eighth Street
Virginia Beach, Virginia

Lt General Reuben C. Jenkins USA (Ret)
Columbus, Georgia

All the above named witnesses may be found at the addresses given. Their testimony will be offered on the merits of the case and will cover broadly the question of the doctrine of Unity of Command, weapons control by an Army Commander and the roles and missions of the United States Army. If through some chance the testimony of the above named witnesses is not admitted on the merits of the case, it is strongly submitted that such evidence would be admissible in extenuation or mitigation in the event that Colonel Nickerson is found guilty of one or more specifications under either charge.

- g. Lt. Colonel Glenn Crane 046186
Chief, ABMA, Field Office
c/o Western Development Division
U.S. Air Force
P.O. Box 262
Inglewood, California

The above witness is desired to testify concerning his knowledge of certain matters directly related to the Jupiter Program and other questions in issue.

It is suggested that all the above named witnesses be subpoenaed for appearance on the date it is estimated the prosecution will rest its case. In view of the fact that to date no reply has been received from the Department of the Army to the request of the defense, dated 28 March 1957 for Top Secret clearance of the two Civilian Defense Counsels, it is suggested the subpoenas not be dispatched earlier than forty eight hours after receipt of this letter.

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By _____