

List of Additional Witnesses

Office of the Defense Counsel
Redstone Arsenal
Huntsville, Alabama

5 June 1957

SUBJECT: List of Additional Witnesses for the Defense in the Case
of the United States v. Colonel John C. 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

- Section A -

1. Submitted herewith is a list of witnesses, in addition to the list submitted on 24 April 1957, the Defense requests be subpoenaed for appearance in the forthcoming trial of Colonel John C. Nickerson, Jr. In Section B of this letter, the approximate date all the witnesses that will be desired for appearance will be set forth.

2. In accordance with paragraph 115-MCM 1951, the gist of the expected testimony is given together with an explanation of whether the witness is desired for presentation of the case by the defense on the merits or for the purpose of extenuation of mitigation in the event the accused is found guilty of any specification of either charge. The statements of the gist of the expected testimony of each witness is given with the express understanding that the defense in no way concedes that the provisions of paragraph 115-MCM 1951 are fair, just or lawful. By setting forth the gist of the expected testimony of each witness, the defense in no way waives the right to raise the issue, during the trial and any appellate proceedings that may follow, of the fairness, equitable treatment and lawfulness of the provisions of the cited paragraph of MCM 1951 which permit the prosecution to call any witnesses the prosecution deems may give material and relevant testimony, but which require the defense to submit to the prosecution a list of witnesses with statements of the testimony expected of each witness. Under the provisions of that paragraph of MCM 1951 the prosecution has the right to disagree that the testimony of any witness or witnesses will be competent, material and relevant to the issues of the case. And, in case of such disagreement, submit the question to the convening authorities who then has the right to decide which witnesses will be subpoenaed.

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A. Colonel James G. Bain
Army Ordnance Liaison Officer
P.O. Box 5100
Sandia Base
Albuquerque, New Mexico.

The above named witness can be located at the address given above, is desired to testify concerning Colonel Nickerson's character and his reputation and standing as an officer, and most importantly, to testify as to very important services rendered by Colonel Nickerson at Sandia Base during the earlier stages of missile and rocket development by the Army.

B. Colonel E.H. Harrison USA (Ret)
2400 North Nelson Street
Arlington, Virginia

The above named witness can be located at the address given above. He is desired for the purpose of giving testimony concerning Colonel Nickerson's character, ability and reputation and standing as an officer and the importance of his duties while stationed at the Pentagon, and the manner of performance of those duties.

C. Colonel Benjamin S. Mesick USA (Ret)
Claremont, California

Mr. Julian Robertson
Salisbury, North Carolina

The above named witnesses can be located at the address given above. They are desired to give testimony showing Colonel Nickerson's character, ability and standing as an officer. All the witnesses listed above are to be presented on the merits of the case.

D. It is requested that a subpoena duces tecum be presented to all the proper officials concerned requiring them to produce all the official press releases on guided missiles and satellites of any kind made by the Department of the Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force and Patrick Air Force Base. It is necessary that these press releases be in the hands of the defense no later than the 17th of June 1957.

In addition, it is requested that a subpoena duces tecum be served on the proper official custodian requiring him to produce the letter of Dr. Eger Murphree to the Secretary of Defense recommending

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that the Jupiter Program be continued, dated November of December 1956.

E. Maj. Gen. Robert A. Schow
Assistant Chief of Staff for Intelligence
Department of the Army, Washington, D. C.

Maj. Gen. Millard Lewis, Director of Intelligence
U. S. Air Force, Department of the Air Force
Washington, D. C.

Rear Admiral L. H. Ross
Director of Naval Intelligence
Department of the Navy, Washington, D. C.

Lt. Gen. Charles P. Cabell, Deputy Director
U. S. Air Force Central Intelligence Agency
Washington, D. C.

All the witnesses above are desired to be presented on the merits of the case to testify concerning the matters listed in my letter of 29 May 1957, addressed to the Commanding General, Third United States Army, Subject, "Request for Access to Classified Information".

F. (Classified, see separate letter).

- Section B-

1. The Trial Counsel has informed me that he estimates that it will take approximately five days to complete the presentation of the prosecution case and hence, it is expected that the prosecution will rest its case on or about the first of July 1957. In accordance with the request of the Trial Counsel contingent upon the information and data requested in my letter of 29 May 1957, Subject: "Request for Access to Classified Information" and a letter of the same general nature dispatched by Mr. Robert K. Bell to the Assistant Chief of Staff for Intelligence dated 3 June 1957 be granted forthwith, the approximate date that all the witnesses for the defense is desired for appearance is set forth below:

A. From 2 July 1957 through 8 July 1957, the following witnesses are desired:

Dr. Wernher von Braun
Dr. Ernst Stuhlinger
Dr. Charles A. Lundquist
Mr. W. A. Mrazek
Mr. Rudolph H. Schlidt
Dr. A. V. Grosse
Dr. C. C. Furnas
Mr. James Fagan
Mr. Ralph Wiltsie
Mr. Roy Hogan
Mr. William Nichols
Dr. E. Rehtin
Lt. Col. Glenn Crane

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B. From 8 July 1957 through 11 July 1957, the following witnesses are desired:

Dr. John Nance
Dr. John Dunning
Col James G. Bain
Col E. H. Harrison USA (Ret)
Col Benjamin S. Mesick, USA (Ret)
Col Miles Chatfield
Dr. Eger V. Murphree
Maj. Gen Robert A. Schow USA
Maj. Gen. Millard Lewis USAF
Rear Adm. L. H. Ross USN
Lt. Gen Charles P. Cabell

C. From 11 July 1957 through 16 July 1957, the following witnesses are desired:

Lt Gen Edward M. Almond, USA (Ret)
Lt. Gen Withers A. Burrell, USA (Ret)
Lt Gen Reuben C. Jenkins, USA (Ret)

CHARLES R. ZIMMER
Lt Colonel JACC
Defense Counsel