

UNITED STATES

v.

COLONEL JOHN C. NICKERSON

ARGUMENT OF ROBERT K. BELL  
Before General Court-Martial  
June 29, 1957  
at Redstone Arsenal  
Huntsville, Alabama

If it please the Court and His Honor the Law Officer, for a trial of this magnitude, this importance, involving the time consumed and the number of witnesses that have appeared, it would normally take two or three hours to adequately evaluate and appraise the testimony that has been presented in this case. Fortunately, that is not true with a military court in that the panel, those who sit in judgment, understand the technical, the tactical details that are presented in evidence. So, for that reason, the arguments presented by the defense, as well as the prosecution, here this afternoon will be very, very brief.

Colonel Nickerson is before this Court today having entered his guilty plea as a convicted man before this bar of justice. The testimony that has been presented in an effort to extenuate or mitigate whatever he might have done is for that purpose and that purpose alone. The Court might wonder, since the defense summonsed or subpoenaed some thirty witnesses, why on yesterday afternoon the defense saw fit to rest the case of Colonel John C. Nickerson. The reason is very, very simple. The Nickerson story had been presented to this panel of judges, to those who must pass sentence on Colonel Nickerson.

Let's take the witnesses that appeared: Dr. Ernst Stuhlinger, Dr. Wernher von Braun, two renowned scientists whose fame and technical abilities are known around the entire world, two gentlemen who are without

counterparts in the field of rocket and missile development. They, like Colonel Nickerson, state that his judgment was bad; that his actions were unfortunate; but they also told the part that this splendid young officer has played in this all-important race and role in which our Government and our Defense Department is so intensively engaged in today. They even went so far as to say that no Colonel Nickerson no Jupiter. They went so far as to say that Colonel Nickerson had fought over the years and his reputation preceded him at ABMA. He enjoyed a reputation throughout the United States Army of a man who would stand up and be counted, of a man who would diligently seek better weapons, more effective weapons for the Army that he is so devoted to. You heard these very fine American citizens and former German scientists say that no project had ever come to Redstone or ABMA that they didn't have to fight to get, that every project had been lost a time or two before it became a reality, and this wonderful team was able to make it into a reality.

You heard one of the most eminent and prominent manufacturers of the Southeast take the stand in behalf of Colonel Nickerson. A man who had known him intimately and well under the most trying of conditions. A man who had made quite a record in World War II as a division staff officer and after giving all of his testimony and after being thoroughly qualified as a man who has worked with people, a man who is a competent judge of human nature, say that, without a moment's hesitation he would give full faith and credit to anything that Colonel John Nickerson might say from the stand under oath. You heard Colonel Hogan, an infantry regimental

commander, a man who fought side by side with Colonel John Nickerson in Normandy, across France into Luxembourg, into that terrific Battle of Huertgen Forest that we all know the full ramifications of, very outspoken, very forthright in his appraisal of Colonel Nickerson's ability, a driver, a man who gets things done, a man who sought out the enemy, a man who expended more fire power and a man who was regarded by officers and men as the finest in the ETO. That's covering a lot of territory for any soldier in this magnificent Army of ours; but that's the words of Colonel Hogan, not mine.

The next witness was Colonel Nickerson himself. Gentlemen, I have lived very close to Colonel Nickerson for the last six months. I have practically slept with him. I have talked with him late at night. I have taken trips with him to Knoxville to talk to Mr. Jenkins. You saw on the witness stand in a very small measure what his defense counsel, the four of us, have had a chance to learn over the past few months; that is, what type fellow is John Nickerson? What makes him tick? What is that driving, determined force within him? We feel like we know. We understand a little of that and we feel like the demeanor and the conduct and the sincerity of John Nickerson was brought forcefully to the attention of this Court by Colonel Nickerson himself. Here is an officer with a flawless record, a man with a magnificent war record, even in the closing days of the war realized the importance of weapons in saving American boys' lives, in accomplishing the objective in wars to come. He transfers to another branch of service in order to be closely and intimately associated with the development of these new weapons, going to California Institute of Technology on

his own in order to better qualify himself to fit into this picture.

You heard the stipulation of General Weaver, one of the most magnificent documents of one individual speaking of his fellowman that I have ever heard read. His division commander. You heard the stipulation of General Pickering, who was the division artillery commander. Who is better able to judge what makes Colonel John C. Nickerson tick that a man who was his division commander or the artillery commanding general in the unit in which he served so admirably during World War II. We would like to have had, as one of my fellow defense counselors pointed out this morning, several other outstanding American military figures. He named them for you: Lt. General Almond, Lt. General Burrell, Lt. General Jenkins. We would have also liked to have had Dr. Grosse, Dr. Dunning, very eminent American scientist, very prominent American educators, very prominent men in the field of rocket and missile development; but we felt like the John Nickerson story had been presented to this Court. We feel like John Nickerson in his truest light appeared from the witness stand.

Not one witness has taken the stand, including the testimony today, that when the Wilson Memorandum came out this installation was shocked; stunned; saw the world in which they had devoted months of brilliant, successful, productive labor falling apart; desperate. Remember, gentlemen, Colonel John C. Nickerson wrote his "Considerations on the Wilson Memorandum" in two short days--his original draft--hurriedly, not time to lay carefully calculated, methodical plans. Colonel Nickerson told you from the stand that he was grieved and distressed; that he went so far as to

express his regrets in writing to some of those involved; that this had gotten into the wrong hands and had cast some questionable doubts upon the Army that he loves. It was not Colonel Nickerson's desire that this thing get around as it did, but it got around, and he has come before this Court and opened up his heart and told you the full Nickerson story.

The defense admits to you, gentlemen, that Colonel Nickerson might have been careless. It is very difficult for a man to, down through the years, handle very sensitive material--a man who is called upon to brief the Secretary of the Army, to brief the Chief of Staff, to have lunch with these distinguished gentlemen in order that these programs can be discussed-- it is very difficult to handle the great volume of this type of material and not have isolated instances of where he might have been careless. Careless? Yes. Imprudent? Yes. Impulsive? Yes. Nobody admits that more readily than the accused. But disloyal? Intentionally disobedient? An effort to promote his own welfare above that of the Army and above that of the national security of this country? Absolutely not. John Nickerson's motives, though his judgment might have been poor; John Nickerson's intentions, though he technically violated Army regulations, were the purest of fine young American manhood; and we of the defense honestly and sincerely believe that this Court appraises Colonel John C. Nickerson in that light. He took these steps because he had taken similar steps before with the knowledge of those around him. He felt it was part of his duty to, with tact and foresight but with drive and determination, to do what was in the best interest of the United States Army and of the particular branch and agency and installation to which he was assigned. I know in my heart--and I would

make the statement before my Maker--that in his desperation, in his stunned and shocked state, that John Nickerson felt his cause was hallowed. John Nickerson's devotion to this missile and rocket program--I know and I sincerely hope you gentlemen believe and know--not for one minute was ever driven by anything but the purest and most patriotic and most devoted intentions and motives that a man could have. Spontaneous? Sure. Forceful? John Nickerson is a man that gets the job done. We could bring out many, many adjectives that tend to describe this impulsive, this dynamic, this determined, brilliant, fine officer. I think we will all agree that it would be an incoherent distortion to say that John Nickerson was not acting in what he thought to be the best interest of the United States, in the best interest of the Army of the United States and in the best interests of winning the next war for the United States--a man with a brilliant record of nineteen years, a man with a flawless record of nineteen years. We submit to you, gentlemen, that here is a man with the technical ability, with a fundamental understanding of these problems; and his loss in this important field and in this terrific race in which we are engaged would be an irreparable loss to our Army. We submit to you, gentlemen, that there are many fields of endeavor where the brilliance, where the technical know-how, where the genuine ability of this man can be used in this great Army of ours; and we implore you to weigh: "Why did John Nickerson do these things?" He has come before you and admitted them in detail. We implore you to keep that uniform on Colonel John C. Nickerson in order that his talents might be saved for a day yet to come .

Thank you very much.