

BERGAUST

UNITED STATES

v.

John C. Nickerson, Jr.
U S Army

STIPULATION

It is hereby stipulated by and between the Prosecution and the Defense, with the express consent of the accused, that if Erik Bergaust, American Aviation Publications, Inc., 1001 Vermont Avenue, N. W., Washington 5, D. C., were present in court and sworn as a witness for the Prosecution, he would testify as follows:

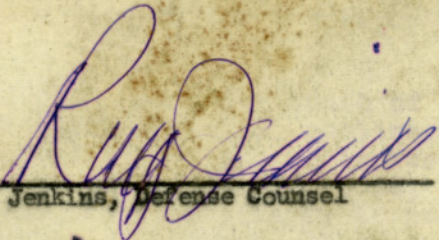
My name is Erik Bergaust and I am now, and was during the month of December 1956, managing editor of Missiles and Rockets Magazine published by American Aviation Publications, Inc. My office is in Washington, D. C. I am not now, nor was I during the month of December 1956 either a member of any of the Armed Forces of the United States or an employee of any branch of the United States Government. Accordingly, I had during December 1956 no duties with the United States Government which required me to have knowledge or possession of official secret defense information belonging to such Government. I do not mean to state or infer that the information later referred to in this stipulation was in fact secret defense information. I did not read it.

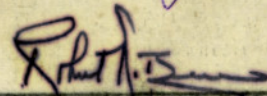
I know the accused in this case, Colonel Nickerson. He telephoned me in Washington, D. C., on either 1 or 8 December 1956, and came to my office subsequent to such call where I met him for the first time. We discussed an article appearing in the November issue of Missiles and Rockets Magazine and Colonel Nickerson offered to send me some background information on the long-range Army rocket record flight. On the afternoon of the 19th of December 1956, a package arrived at my office in Washington, D. C., from Colonel Nickerson and on the morning of the 20th of December 1956, a second package arrived from the same source. The first package was opened by my secretary and Mr. Ed Hull, the assistant managing editor of Missiles and Rockets Magazine. Mr. Hull brought the contents of this first package to me in a manila envelope but I did not read this matter as it was marked "Secret". I did read the transmittal letter accompanying this matter and we preserved this letter. Prosecution Exhibit No. _____ is that letter. I placed the material marked "Secret" which I received from Mr. Hull under the cushions of the sofa in my living room and it remained there during the night of 19 December 1956. The next morning I took this material to my office and a second package had arrived addressed to me. The sender's name was typed with his return address in the upper left hand corner of this second package. This name and address that appeared in the upper left hand corner of this second envelope was Colonel J. C. Nickerson, Qtrs 8-11, Redstone Arsenal, Huntsville, Alabama. I did not open this second package as it appeared to be from the same source and had my secretary consolidate the material from the first package with the second package and then had this consolidated package mailed to the sender addressed as follows: Col. J. C. Nickerson, Qtrs 8-11, Redstone Arsenal, Huntsville, Ala. I did retain the letter of transmittal accompanying the first package and as I stated Prosecution Exhibit No. _____ is that letter.

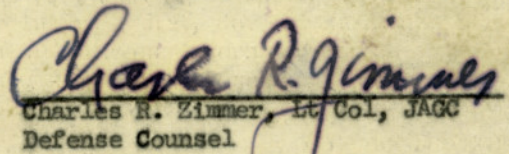
To the best of my knowledge, none of the staff of American Aviation Publications, Inc., were in the active military service of the United States or employed by the United States Government at the times of the events described by me.

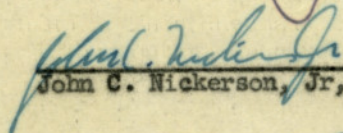
Stipulation (Cont'd) U S v J C Nickerson Jr
Testimony of Erik Bergaust

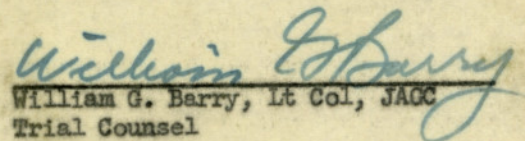
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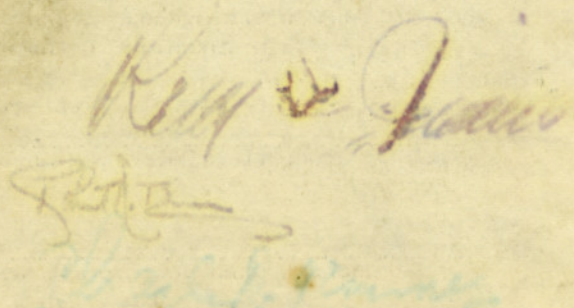

Ray Jenkins, Defense Counsel


Robert K. Bell, Defense Counsel


Charles R. Zimmer, Lt Col, JAGC
Defense Counsel


John C. Nickerson, Jr, Accused


William G. Barry, Lt Col, JAGC
Trial Counsel



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I know the accused in this case, Colonel Nickerson. He telephoned me in Washington, D. C., on either 1 or 8 December 1956, and came to my office subsequent to such call where I met him for the first time. We discussed an article appearing in the November issue of Missiles and Rockets Magazine and Colonel Nickerson offered to send me some further background information on the long-range Army rocket record flight. I never asked Colonel Nickerson to furnish me with any classified information. On the afternoon of the 19th of December 1956, a package arrived at my office in Washington, D. C., from Colonel Nickerson and on the morning of the 20th of December 1956, a second package arrived from the same source. The first package was opened by my secretary and Mr. Ed Hull, the assistant managing editor of Missiles and Rockets Magazine. Mr. Hull brought the contents of this first package to me in a manila envelope but I did not read this matter as it was marked "Secret". I did read the transmittal letter accompanying this matter and we preserved this letter. Prosecution Exhibit No. _____ is that letter. I placed the material marked "Secret" which I received from Mr. Hull under the cushions of the sofa in my living room and it remained there during the night of 19 December 1956. The next morning I took this material to my office and a second package had arrived addressed to me. The sender's name was typed with his return address in the upper left hand corner of this second package. This name and address that appeared in the upper left hand corner of this second envelope was Colonel J. C. Nickerson, Qtrs 8-11, Redstone Arsenal, Huntsville, Alabama. I did not open this second package as it appeared to be from the same source and had my secretary consolidate the material from the first package with the second package and then had this consolidated package mailed to the sender addressed as follows: Col. J. C. Nickerson, Qtrs 8-11, Redstone Arsenal, Huntsville, Ala. I did retain the letter of transmittal accompanying the first package and as I stated Prosecution Exhibit No. _____ is that letter.

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Signature*