

Office of the Army Staff Judge Advocate
HEADQUARTERS THIRD ARMY
FORT McPHERSON, GEORGIA

25 April 1957

Mr. William Nichols,
Sylacauga, Alabama.

Dear Mr. Nichols:

Paragraph 10, Special Orders Number 43, Headquarters Third United States Army, dated 4 March 1957, appoints a general court-martial for the trial of Colonel John C. Nickerson, Junior, O21170, Army Ballistic Missile Agency, Redstone Arsenal, Huntsville, Alabama. The undersigned has been designated as Trial Counsel (prosecution) by the mentioned order. The trial is scheduled to begin at 0900 hours on the morning of 15 May 1957 and is to be held at Redstone Arsenal.

Counsel for Colonel Nickerson have requested me to require your presence at the trial as a defense witness although the request did not set forth in any particularity what your expected testimony would be. I am addressing this letter to you for the purpose of learning in some detail your knowledge of Colonel Nickerson, the charges lodged against him and your expected testimony at the trial. If this information can be furnished to me promptly it will tend to minimize the length of your stay at Redstone Arsenal.

I would appreciate it if you would furnish me with a written statement, under oath if practicable, covering in as much detail as possible, the points listed below. In answering the questions care should be taken to avoid disclosure of classified military defense information. If the answer to any question will involve this type information, it will suffice if you can make a general answer to the question, omit any classified details, and state the reason for any such omission.

- a. What testimony do you expect to give?
- b. Would you relate in detail this expected testimony?

c. Have you discussed this testimony with Colonel Nickerson or his counsel? If so, in person or by other means?

d. Does the defense expect any testimony from you other than that related in answer to the preceding questions? If so, would you state in detail what this other testimony concerns?

e. If not already covered by your answers to the foregoing questions, please relate

(1) How long you have known Colonel Nickerson.

(2) Your association with him officially, socially or otherwise.

(3) Whether you have been previously informed by the defense that you will be needed as a defense witness in the case; or

(4) Whether this letter is the first indication that you would be called by the defense? If the answer here is affirmative please relate in detail any material information you might contribute as a witness at the trial.

f. Would you relate briefly information concerning your present occupation, your professional or business background and any other matters which would bear on the credibility to be accorded any expected testimony from you.

g. Have you been shown any military documents stamped SECRET by the accused or his counsel in connection with this case? If you were shown any such documents, would you relate

(1) Where?

(2) When?

(3) By whom?

(4) Any opinion you might have expressed concerning whether such documents were properly stamped secret?

If the Commanding General, Third United States Army, determines that your presence at Redstone Arsenal is necessary during the trial of Colonel Nickerson, a subpoena will be issued to insure your presence for the stated purpose. It is anticipated that testimony by you would be given during the period from 22 May to 30 May 1957.

Every effort would be made by the prosecution to minimize the length of your stay at Redstone Arsenal. Fees (\$12.00 per diem) and mileage (8¢ per mile) in accordance with Army Regulations will be paid to you for any required attendance at the trial.

I would like to express in advance my appreciation for your consideration and early reply in connection with this matter.

Sincerely yours,

William G. Barry
WILLIAM G. BARRY,
Lieutenant Colonel, JAGC
Trial Counsel

Judge Advocate Section
Headquarters Third United States Army
Fort McPherson, Georgia