

HEADQUARTERS THIRD UNITED STATES ARMY  
Fort McPherson, Georgia

GENERAL COURT-MARTIAL  
ORDER NO. 85

8 July 1957

Before a general court-martial which convened at Redstone Arsenal, Huntsville, Alabama, pursuant to paragraph 10, Special Orders No. 43, this headquarters, 4 March 1957, as amended by paragraphs 8, 9, 10, 11, and 12, Special Orders No. 119, this headquarters, 19 June 1957, was arraigned and tried:

Colonel JOHN C. NICKERSON, JUNIOR, O21170, U. S. Army, Army Ballistic Missile Agency, Redstone Arsenal, Huntsville, Alabama.

CHARGE I: Violation of the Uniform Code of Military Justice, Article 92.

Specification 1: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, during the period from on or about 30 November to 4 December 1956, violate a lawful general regulation, to wit: Paragraphs 12 and 57, Army Regulation 380-5, dated 7 December 1954, by writing a document entitled "Considerations on the Wilson Memorandum", consisting of twelve (12) pages, said document containing secret defense information, the unauthorized disclosure of which could result in serious damage to the United States, without physically marking said document with the proper military security classification, to wit: Secret.

Specification 2: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, during the period from on or about 5 December 1956 to 10 December 1956, violate a lawful general regulation, to wit: Paragraphs 12 and 57, Army Regulation 380-5, dated 7 December 1954, by writing a document entitled "Considerations on the Wilson Memorandum", consisting of fourteen (14) pages, said document containing secret defense information, the unauthorized disclosure of which could result in serious damage to the United States, without physically marking said document with the proper military security classification, to wit: Secret.

Specification 3: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, on or about 4 December 1956, violate a lawful general regulation, to wit: Paragraphs 57 and 79, Army Regulation 380-5, dated 7 December 1954, by causing the reproduction of a document containing secret defense information entitled "Considerations on the Wilson Memorandum", twelve (12) pages in length, and with an inclosure, making a total of twenty-one (21) pages, without marking such document with the classification Secret and without properly safeguarding this secret defense information.

Specification 4: In that Colonel John C. Nickerson, Junior, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, on or about 5 December 1956, violate a lawful general regulation, to wit: Paragraphs 57 and 79, Army Regulation 380-5, dated 7 December 1954, by causing the reproduction of two documents containing secret defense information entitled "Memorandum for the Secretary of the Army/ The Secretary of the Navy, subject, Management of the IREM #2 Development Program", dated 8 November 1955, from C. E. Wilson, Secretary of Defense and

"Memorandum for the Secretary of Defense, subject, Adjustment of Army/Air Force Differences", dated 14 August 1956, from Donald A. Quarles, Secretary of the Air Force, without marking such documents with the classification secret and without properly safeguarding this secret defense information.

Specification 5: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, on or about 10 December 1956, violate a lawful general regulation, to wit: Paragraphs 57 and 79, Army Regulation 380-5, dated 7 December 1954, by causing the reproduction of a document containing secret defense information entitled "Considerations on the Wilson Memorandum", fourteen (14) pages in length, without marking such document with the classification secret and without properly safeguarding this secret defense information.

Specification 6: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, on or about 13 December 1956, violate a lawful general regulation, to wit: Paragraphs 57 and 79, Army Regulation 380-5, dated 7 December 1954, by causing the reproduction of a document containing secret defense information entitled "Memorandum for Secretary of Defense, subject: Adjustment of Army-Air Force Differences", dated 10 September 1956, from Wilber M. Brucker, Secretary of the Army, said document consisting of eight (8) pages, without marking such document with the classification secret and without properly safeguarding this secret defense information.

Specification 7: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, on or about 27 December 1956, violate a lawful general regulation, to wit: Paragraphs 57 and 79, Army Regulation 380-5, dated 7 December 1954, by causing the reproduction of four documents containing secret defense information entitled "Considerations on the Wilson Memorandum", fourteen (14) pages in length; "Memorandum for the Secretary of the Army/The Secretary of the Navy, subject, Management of the IRBM #2 Development Program", dated 8 November 1955, from C. E. Wilson, Secretary of Defense; "Memorandum for the Secretary of Defense, subject, Adjustment of Army/Air Force 'Difference'", dated 14 August 1956, from Donald A. Quarles, Secretary of Air Force; and "Memorandum for Secretary of Defense, Subject: Adjustment of Army/Air Force Differences", dated 10 September 1956, from Wilber M. Brucker, Secretary of the Army, without marking such documents with the classification secret and without properly safeguarding this secret defense information.

Specification 8: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, during the period from on or about 1 December 1956 to 15 December 1956, violate a lawful general regulation, to wit: paragraph 40, Army Regulation 380-5, dated 7 December 1954, by causing Lieutenant Colonel Lee B. James to transmit and deliver secret defense information contained in a document entitled "Considerations on the Wilson Memorandum", twelve (12) pages in length, to the office of Drew Pearson, Washington, D. C., whereby it came into the possession of Jack Anderson, an associate of Drew Pearson, the said Jack Anderson being an individual who had no official duties requiring knowledge or possession of this secret defense information and who had not been properly cleared to receive such information.

Specification 9: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, during the period from on or about 1 December 1956 to 20 December 1956, violate a lawful general regulation, to wit: paragraph 40, Army Regulation 380-5, dated 7 December 1954, by causing Walter Wiesman to transmit and deliver secret defense information contained in three documents entitled "Considerations on the Wilson Memorandum", fourteen (14) pages in length; "Memorandum for the Secretary of the Army/The Secretary of the Navy, subject, Management of the IRBM #2 Development Program", dated 8 November 1955, from C. E. Wilson, Secretary of Defense; and "Memorandum for the Secretary of Defense, subject, Adjustment of Army-Air Force 'Difference'", dated 14 August 1956, from Donald A. Quarles, Secretary of Air Force to William F. Hunt, Reynolds Metal Company, an individual who had no official duties requiring knowledge or possession of this secret defense information and who had not been properly cleared to receive such information.

Specification 10: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, on or about 18 December 1956, violate a lawful general regulation, to wit: Paragraph 40, Army Regulation 380-5, dated 7 December 1954, by delivering secret defense information contained in four documents entitled "Considerations on the Wilson Memorandum", fourteen (14) pages in length; "Memorandum for the Secretary of the Army/The Secretary of the Navy, subject, Management of the IRBM #2 Development Program", dated 8 November 1955, from C. E. Wilson, Secretary of Defense; "Memorandum for the Secretary of Defense, subject, Adjustment of Army-Air Force 'Difference'", dated 14 August 1956, from Donald A. Quarles, Secretary of Air Force; and "Memorandum for Secretary of Defense, Subject: Adjustment of Army/Air Force Differences", dated 10 September 1956, from Wilber M. Brucker, Secretary of the Army, to John A. Baumann, Radio Corporation of America, an individual who had no official duties requiring knowledge or possession of this secret defense information and who had not been properly cleared to receive such information.

Specification 11: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, in his family quarters on the military reservation, at Redstone Arsenal, Huntsville, Alabama, on or about 2 January 1957, violate a lawful general regulation, to wit: paragraphs 36 and 55, Army Regulation 380-5, dated 7 December 1954, by failing to store and safeguard properly secret defense information, consisting of two secret messages from Lieutenant Colonel W. M. Bengtson, Chief, ABMA Field Office, Bureau of Ordnance, to the Commanding General, ABMA, Huntsville, Alabama, dated 16 November 1956.

Specification 12: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, in his family quarters on the military reservation, at Redstone Arsenal, Huntsville, Alabama, on or about 2 January 1957, violate a lawful general regulation, to wit: paragraphs 36 and 55, Army Regulation 380-5, dated 7 December 1954, by failing to store and safe-guard properly secret defense information consisting of a secret document entitled "Army Employment of Jupiter (U)", prepared by Office, Chief of Research and Development, Department of the Army, and reported on 11 May 1956 and 18 May 1956.

Specification 13: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, in his family quarters on the military reservation, at Redstone Arsenal, Huntsville, Alabama, on or about 2 January 1957, violate a lawful general regulation, to wit: paragraphs 36 and 55, Army Regulation 380-5, dated 7 December 1954, by failing to store and safeguard properly secret defense information consisting of a secret document, subject, Transmittal of Memo on Conferences Held at JPL and GCR (U), to Chief of Ordnance, Department of the Army, Washington 25, D. C., Attention: ORDTU, Col. Nickerson, dated 23 June 1955, with one (1) secret inclosure.

Specification 14: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, in his family quarters on the military reservation, at Redstone Arsenal, Huntsville, Alabama, on or about 2 January 1957, violate a lawful general regulation, to wit: paragraphs 36 and 55, Army Regulation 380-5, dated 7 December 1954, by failing to store and safeguard properly secret defense information consisting of a secret document entitled "Picture Report of Redstone Re-entry and Very High Altitude Missiles (U)", dated 21 July 1955.

Specification 15: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, did, at Redstone Arsenal, Huntsville, Alabama, on or about 17 December 1956, violate a lawful general regulation, to wit: paragraph 40, Army Regulation 380-5, dated 7 December 1954, by transmitting and delivering secret defense information, namely three (3) Secret documents as follows: DA Memorandum #172, Aeroballistics Memorandum, dated 21 November 1956, subject, General Preliminary Test Flight Jupiter -C 27 (U); Publication No. 63, Jet Propulsion Laboratory, CIT, dated 13 April 1956, subject, Microlock: A Minimum-Weight Radio Instrumentation System for a Satellite; and Publication No. 68, Jet Propulsion Laboratory, CIT, dated 13 April 1956, subject, Development of the High-Speed Stages for the Re-Entry Test Vehicle, to Mr. Erik Bergaust, Editor, Missiles and Rockets Magazine, an individual who had no official duties requiring knowledge or possession of this secret defense information and who had not been properly cleared to receive such information.

CHARGE II: (Withdrawn by order of the convening authority before arraignment.)

Specification 1: (Withdrawn by order of the convening authority before arraignment.)

Specification 2: (Withdrawn by order of the convening authority before arraignment.)

Specification 3: (Withdrawn by order of the convening authority before arraignment.)

#### PLEAS

To Charge I and each Specification thereunder: Guilty.

#### FINDINGS

Of all Specifications and the Charge: Guilty.

SENTENCE

To be suspended from rank for one year, to forfeit a hundred dollars per month for fifteen months, and to be reprimanded. (No previous convictions considered.)

The sentence was adjudged 29 June 1957.

ACTION OF THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION

HEADQUARTERS THIRD UNITED STATES ARMY  
Fort McPherson, Georgia

8 July 1957

In the foregoing case of Colonel John C. Mickerson, Junior, O21170, Ordnance Corps, United States Army, Army Ballistic Missile Agency, Redstone Arsenal, Huntsville, Alabama, the sentence is approved and will be duly executed.

Pursuant to the sentence the following reprimand is administered:

I

On 28 January 1957, after thorough investigation certain charges were preferred against you under the Uniform Code of Military Justice alleging various violations of Army Regulations under Article 92, and certain other offenses under Article 134.

On 25 June 1957, the allegations under Article 134 were dismissed and you were duly arraigned before a general court-martial upon 15 Specifications under Article 92 alleging specific violations of Army Regulations 380-5 (Military Security). You pleaded guilty thereto, and after a stipulation of facts you were convicted.

Your plea and the stipulation of facts establish that in the latter part of November and in early December 1956 you wrote two versions of a document entitled "Considerations on the Wilson Memorandum," containing secret defense information, the unauthorized disclosure of which could result in serious damage to the United States, which were not properly marked in accordance with security regulations; that in five instances you caused these or other specified classified documents to be reproduced without physically marking them as required by the regulations. Thereafter, through your own action, and that of your subordinates complying with your desires, you caused certain of these documents containing secret defense information to be delivered to three individuals who were not authorized to receive same, and who had no official need to know the information contained therein, for the purpose of securing a reversal of a decision of the Secretary

of Defense made 26 November 1956. In another instance you sent certain other documents to a magazine editor and advised the recipient that inasmuch as they were registered secret documents he should duplicate and return them to you immediately. In addition, you retained in your quarters five documents containing secret defense information which were not properly stored and safeguarded.

II

The safeguarding of classified information and material is of the greatest importance to the security of the United States. Unauthorized disclosure of such information could prejudice our defense, or cause serious damage to the Nation, particularly with regard to vital guided and ballistic missile projects. Responsibility therefor rests upon the individual no less than the commander. You, especially, as a senior officer of wide experience and admitted knowledge of security requirements, could not have been unaware of the dangerous implications inherent in your deliberate compromise of defense information or material.

III

You are hereby reprimanded. Your actions have revealed that you presumed yourself to be above law and regulations and that you attempted to justify your conduct by assuming the right to decide what is in the best interest of the Nation. Such an arrogant attitude showed marked disloyalty to your superiors, and violated the special trust and confidence reposed in you when you were commissioned an officer.

You have been given the best training and extensive opportunity in a highly specialized field of endeavor and because of the importance of this work you were necessarily entrusted with information vital to the security of the Nation. Your betrayal of this trust was knowing and willful. You were not merely careless in administrative matters, you flouted regulations of general application and showed calculated disregard for specific regulations directly affecting the security of the Nation. In pursuing your course of conduct you were deliberately defying your superiors, deluding your subordinates and misusing your authority.

Your actions have brought discredit upon the Army, disrespect upon yourself and could have resulted in a dishonorable termination of your service. The general court-martial has seen fit to retain you in the service. You should, however, be under no misconception as to the gravity of your offense and the low ebb which your career has reached. You have so destroyed confidence in your integrity and judgement as to render you unfit for many assignments.

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Only by exemplary and extraordinary future service can you hope to atone for your unlawful and reprehensible conduct.

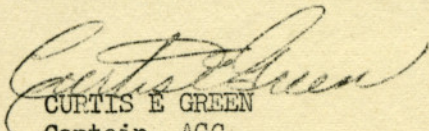
/s/ Thomas F. Hickey  
/t/ THOMAS F. HICKEY  
Lieutenant General, USA  
Commanding

(201-AJAJA)

FOR THE COMMANDER:

OFFICIAL: \*

THOMAS C. FOOTE  
Colonel, GS  
Acting Chief of Staff

  
CURTIS E GREEN  
Captain, AGC  
Assistant Adjutant General