

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 IRBM " 2 Development Program", dated 9 November 1955, from G. 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 9 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 the 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 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 9 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 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 9 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 the 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. Bauman, 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 N. 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 safeguard 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 the Chief of Ordnance, Department of the Army, Washington 25, D. C., Attention: ORDTV, 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 (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 Rocket 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: Violation of the Uniform Code of Military Justice, Article 134.

Specification 1: In that Colonel John C. Nickerson, Junior, U. S. Army, Ordnance Corps, Army Ballistic Missile Agency, having access to and being entrusted with three secret military documents, to wit: 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, each such Secret document relating to the national defense of the United States and containing information which he had reason to believe could be used to the injury of the United States or to the advantage of a foreign nation, did, at Redstone Arsenal, Huntsville, Alabama, on or about 17 December 1956, willfully cause such Secret documents to be transmitted and delivered to Mr. Erik Bergaust, Editor, Missiles and Rockets Magazine, Washington, D. C., a person not entitled to receive such documents and the Secret information contained therein, an offense in violation of Title 18, United States Code, Section 793.

Specification 2: 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 2 January 1957, in a statement to Major General D. A. Ogden, The Inspector General, and Colonel R. J. Conran, Assistant Inspector General, Department of the Army, during the course of an official investigation, wrongfully and unlawfully make under lawful oath a statement in substance as follows: that he had had nothing to do with getting a copy of a document entitled "Considerations on the Wilson Memorandum", to Drew Pearson, in any way, which statement he did not then believe to be true.

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 10 January 1957, in a statement to Colonels Antulio Segarra and D. J. Richardson, Inspectors General, during the course of an official investigation, wrongfully and unlawfully make under lawful oath a statement in substance as follows: that he did not believe that he gave a copy of a document entitled "Considerations of the Wilson Memorandum", to John A. Baumann, Radio Corporation of America, which statement he did not then believe to be true.