

Outline of Testimony

Charge I, Spec. 1-7

1. Document made up out of my own mind without reference to or extraction from a classified document.

Col. Conran - Important to trace out importance of this statement.
Bengtson - Check if he disagrees.

2. J. C. N. had authority to classify documents and declassify them. Such classification is a question of judgment. Can only use best judgment.

Killough -

3. Declassification at politically opportune time was job both here and in Washington.

1) Pentagon

Declassified parts of Redstone on my own initiative.

Mrs. Westbrook

Mrs. Hawkins

Signed many declassifications as a matter of routine.

Mrs. Westbrook

Mrs. Hawkins

Army PIO and Secretary of Defense came to me through Fred McHugh asking about classification of information.

Fred McHugh

Tom Dement

2) Was job here

Field Coordination took over Redstone & Jupiter ORDTU duties.

Started publicity release on No. 27.

Gordon Harris

Planned Medaris speech before AUS Army.

deBeck

Koelle

Medaris

This speech (slides) declassified Jupiter dimensions.

4. J. C. N. considered document to be unclassified.
Witness considered document to be unclassified.

James

Wiesman

Morring

Drewry

Ledford

Nelson

Willbanks

Prichard

Bengtson

5. Classification of information is usually a matter of judgment.
 - 1) Many classified documents could be declassified.
 - 2) Items frequently given security classification to be sure no security criticism will be incurred, or to avoid argument as to whether they are classified or not.
 - 3) Experts can frequently declassify confidently when others cannot.
 - 4) Security checklists are guides.
 - 5) Ex-Secretary states classification is a matter of judgment.
(Moss Committee)

6. Security system is unprecise at best, inconsistent, and confusing.
 - 1) Moss Committee.
 - 2) Pate incident.
 - 3) Quarles-Twining-AF incident.
 - 4) AF weather clipping.

7. J.C.N. qualifies as expert on this program, including classification and declassification.
 - 1) Col. Lewis
 - 2) Col. Swenson
 - 3) Gavin
 - 4) O'Meara
 - 5) von Braun
 - 6) Rees
 - 7) Stuhlinger
 - 8) Killough
 - 9) Dr. Dunning
 - 10) Cliff Cummings
 - 11) Daly - wanted me in Col. Lewis job
 - 12) Phillips - JCN cleared special top secret - show total number cleared.

8. Early discussions in FC office mentioned press relations and contacts with press but JCN had no intention that "Considerations . . ." would be handed to press. Were to obtain press support for Army - a field obviously neglected.
 - 1) Wiesman
 - 2) Moring
 - 3) Drewry
 - 4) Ledford
 - 5) James - States I did not link specific newsmen to idea they should get copy of "Considerations . . ."

9. Show inconsistencies of opinion on classification of "Considerations . . ."
 - 1) Documents in the case show inconsistency.

10. Judgment of damage to U. S. depends upon knowledge of how advanced Soviet techniques are and how much J.C.N. or U. S. Intelligence knows of these techniques. Use "state secret" plea.
 - 1) Notrodt
 - 2) Pickering
 - 3) Phillips
11. Show material claimed classified in newspapers.
12. Scientists testify on points remaining.
 - 1) Dimensions
 - 2) Gross Weight
 - 3) Motor thrust

-Carl Sandler - Boat ride at Canaveral
13. Reproduction room was in "restricted area."
14. Instructed careful reproduction as paper was "sensitive."
Handled as carefully as if it were classified.
 - 1) Capt. Ledford
 - 2) Jane Nelson
 - 3) Willbanks
 - 4) Morring
 - 5) Wiesman
15. Handled all material as if it were classified. Includes these documents.
 - 1) Jane Nelson
 - 2) Ledford
 - 3) Willbanks
 - 4) James
 - 5) Wiesman
 - 6) Morring
 - 7) Drewry
16. Wilson's memo is unclassified.
17. Three Secret Inclosures
 - 1) Preliminary to Wilson memo which was published.
 - 2) Security Information had been released by this publication.
 - 3) Not distributed except to cleared personnel with a need to know.
 - 4) Reproduced and kept as if classified.

Charge I, Spec. 8

1. Document not classified. See Charge I, Spec. 1-7, § 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16
2. There were no "classified" inclosures - only Wilson memo which had been published verbatim in press.
3. Investigating officer recommended dropping this charge.
4. All personnel informed JCN could not order them to participate in this operation. JCN was taking action as a private citizen. JCN encouraged them to take part as a private citizen. Did not intend to penalize them in any way if they refused to participate.

- 1) James - Does not remember
- 2) Wiesman - Remembers
- 3) Morring - Remembers
- 4) Drewry -
- 5) Ledford -
- 6) Nelson

5. Never indicated in any way to James that Pearson should get copy of "Considerations . . . "

James - verifies. Connected Pearson with document at later date.

6. JCN knew James was going to contact Pearson on her own responsibility re support for the Army. But did not expect "Considerations . . ." would be handed to him.

7. James came back reported to JCN briefly in doorway of FC office.

- 1) Made note which indicates Lee saw Pearson.
- 2) Note also indicates JCN did not think Pearson had been copy.
- 3) James stated Anderson would not agree to protect source and said he did mail one to Pearson's office.

JCN shocked at idea of giving him copy and was not sure James said he "did" or "didn't." give him one. Note made accordingly.

Charge I, Spec. 9

1. Hunt was and is officially cleared.
 - 1) Killough.
2. Hunt had a need to know.
 - 1) Sheffield Plant
 - 2) Hunt
 - 3) Wiesman
 - 4) Nickerson
3. Material was handled as "sensitive" document within Reynolds Metals Co.
 - 1) Hunt states it laid out on his desk.
 - 2) Was sent to Ed Hyde in Washington who may not be cleared. Hyde was former Sparkman secretary.
 - 3) Material was reproduced.
4. Did not cause Wiesman to take it to Hunt.
 - 1) Witness: Wiesman
 - 2) Wiesman agrees to fact JCN said could not order them to participate.
 - 3) Wiesman suggested Hunt.
 - 4) JCN has never met Hunt.
5. Was up to JCN's and Wiesman's judgment as to whether Hunt had a need to know, according to regulations.

Charge I, Spec. 10

1. RCA intimately connected with ABMA on reconnaissance work.

- 1) Stuhlinger
- 2) Koelle
- 3) Bauman

2. Continuation of reconnaissance work depended on whether or not ABMA could continue with Jupiter. RCA was not interested unless Army would continue struggle to develop Jupiter. Bauman had a need to know.

- 1) Bauman
- 2) Nickerson
- 3) Stuhlinger
- 4) Koelle

3. Bauman was cleared.

- 1) Killough

4. RCA protected as if classified because of sensitive nature. RCA did reproduce but copies also protected.

- 1) Bauman

Charge I, Spec. 11 and 12

1. Were in brief case JCN brought to quarters afternoon of 2 Jan.
 - 1) Nickerson
2. Documents were found in brief case.
 - 1) Sheeron or other M. P.
3. Was escorted out of house by M. P. 's and not permitted to bring brief case. Obvious search was going to be made.
 - 1) Mrs. Nickerson
 - 2) Col. Nickerson
 - 3) Capt. Willard
 - 4) Lavin Carroll
4. House was under guard when JCN left. Search had been ordered. So when JCN left material was properly guarded. Would have taken material with me if given opportunity.
5. House was located on isolated southern end of well guarded government installation. Surrounded on three sides by Wheeler Reservoir and security fenced areas. Reservoir and river are patrolled by security police.
6. Material was properly safeguarded.

Charge I, Spec. 13

1. JCN held declassification authority over document. On old job in Washington, D. C. declassified it but did not so mark on document.

2. Info. does not require classification

Schlidt
Stuhlinger

Charge 1, Spec. 14

1. See ¶ 1, 2, Charge 13
2. JCN made error on this for atomic warhead weight for Redstone should be classified.

Charge I, Spec. 15

1. Documents could and should be declassified and, therefore, contain no secret defense information.

- 1) von Braun
- 2) Stuhlinger
- 3) Schlidt
- 4) Heller
- 5) Lundquist
- 6) Cummings
- 7) Sandler

2. Jupiter - C not usable as a weapon.

All witnesses noted in ¶ 1.

3. Key information had already been released.

- 1) Through Congressional Committee
- 2) Through leaks to newspapers.
- 3) von Braun
- 4) Stuhlinger

4. DOVAP is unclassified. Broadcast in clear. DA 172 is reduction of this information to tabular form.

Carl Sandler

5. Missile always intended to be a propaganda missile by high defense department officials.
6. No others like it to be built.
7. Was primarily of basic scientific interest.
8. Usable as a satellite. Comparable to Vanguard, much of which has been declassified. Design not as advanced as Vanguard.
9. Guidance was same as for V-2.
10. Spinning upper stages used in Vanguard. This fact has been published.
11. Propulsion system is five years old design.
12. Redstone soon in troop use and must be completely declassified.

13. Solid Propelants can be declassified.

1) DIPL 136

- 1) Adkins
- 2) Swann
- 3) Fagan
- 4) Chatfield
- 5) Froelich
- 6) Cummings
- 7) Pickering
- 8) Bartley - GCR
- 9) Robeloy

14. Microlock

- 1) Unclassified version is out and should be obtained without telegraphing to prosecution.
- 2) Rehtin Statement.

15. JCN phoned Revis O'Neale and asked for return of documents on or about 19 Dec.

Revis O'Neale

16. Documents never opened by magazine people.

Bergaust

Charge 2, Spec. 1 (Espionage)

1. Recommended dropped by pre-trial investigation.
2. See defense against Charge 1, Spec. 15. All paragraphs.
3. "Wilfully" means with "bad intent" or "legal malice," in criminal code according to Supreme Court decisions.
4. Ask friendly witnesses this question:

"Do you believe that there is any possibility that Col. Nickerson would wilfully take part in any action which he thought could result in harm to the United States or provide advantage to a foreign power?"

Charge 2, Spec. 2 (False Swearing)

1. J.C.N. had nothing to do with getting copy to Pearson except writing of document which had previously been admitted.
 - 1) James
 - 2) Wiesman
 - 3) Moring
 - 4) Ledford

2. See defense against Charge 1, Spec. 8.

3. Voluntary statement blurted out in state of mental shock. Dept. Army IG testimony shows this.
 - 1) Brucker and Taylor wonderful leaders. Shocked when found they had been personally embarrassed.
 - 2) Carol (Mrs. J.C.N.) states I did not find out for sure on James until evening of January 2.

4. Asked for testimony to look over it and correct it after I found out James had mailed copy to Pearson's office.
 - 1) Mrs. Louise Parker (0800 Jan. 3)
 - 2) Conran (1600 Jan. 3)

Charge 2, Spec. 3 (False Swearing)

1. Did not remember giving copy to Bauman.

1) Polygraph on this - If can't get good enough proof.

2. Still do not remember giving a copy to Bauman. Remember discussion with Bauman during which I must have given him copy.

3. Seems important now but just another piece of paper when it occurred last December.

4. No motive for hiding this from the inspector.

1) If they asked me, they were sure to ask him.

2) Trying to help locate documents for Brucker in order to:

(1) Get him and Taylor off the hook.

(2) Maybe Brucker and Taylor might help me.

3) No offense connected with giving copy to Bauman

In same testimony admitted sending documents to Bergaust of Missiles and Rockets. This was far more serious act to admit to.

5. Very conscious during testimony of danger of false swearing.

1) Jane Nelson 3 Jan.

2) 3 Jan.

6. Highly upset state of mind.

1) Connally

2) Conran

7.

1) Entire testimony amounted to a confession. If it were false swearing it would have been entirely inconsistent with attitude normal for a confession.

8. Handled large numbers of classified documents.

1) Killough

2) Handled large stacks of documents with Bauman.

9. Asked for permission to go over testimony to be sure answers were all precise.

1) See Third Army testimony.

10. Persistently insisted on truth being told to high officials when trying to get program. This was usually against the very objective JCN was fighting hardest for. Most services and companies stretch it far beyond truth.

- 1) von Braun
- 2) Koelle
- 3) Stuhlinger
- 4) Cummings
- 5) Rehtin

11. General reputation for telling truth.

- 1) All witnesses
- 2) Have never made false official statement
- 3) Never had lied to subordinates (22 years)
- 4) Never have lied to children even about Santa Claus.