

1957

The Honorable Ray Jenkins
Attorney
Bank of Knoxville Building
Knoxville, Tennessee

Dear Ray:

I am enclosing a copy of a letter from
the Department of the Army regarding the case
of Colonel John C. Nickerson, Jr.

With kind regards,

Sincerely,

Enclosure

ER:DV

DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON 25, D. C.

Honorable Estes Kefauver

United States Senate

Dear Senator Kefauver:

The Secretary of the Army has requested that I reply to your letter of May 17, 1957 to the Secretary of Defense, inclosing the letter of May 14, 1957, from Mr. Ray H. Jenkins to you concerning the danger of disclosing highly classified material to unauthorized persons in the event Colonel John C. Mickerson, Jr., is tried.

After full consideration, the Department of the Army has concluded that the danger of such disclosure is too minimal to justify directing or advising the convening authority to drop the charges. Arrangements have been made to insure that adequate security measures will be observed throughout the proceedings. In the opinion of the Department of the Army, the slight danger of disclosure should not be permitted to bar the trial of alleged security violations by officers possessing highly secret documents, when violations of this type could seriously jeopardize the national security.

Moreover, it is the view of the Department of the Army that the imposition of non-judicial punishment under Article 15 of the Uniform Code of Military Justice would be legally objectionable, inasmuch as such punishment is authorized only for minor offenses and none of the serious offenses with which Colonel Mickerson is charged is minor. In this connection, it is considered that the imposition of such punishment in this case would not constitute a legal bar to a subsequent court-martial trial for the same alleged offenses.

Sincerely yours,

J. H. MICHAELIS
Major General, GS
Chief of Legislative Liaison



DEPARTMENT OF THE ARMY
WASHINGTON 25, D. C.

IN REPLY REFER TO:

Honorable Everett McKinley Dirksen

United States Senate

Dear Senator Dirksen:

This is in further reply to your letter of 17 May and to your letter of the same date to the Secretary of Defense, which has been referred to my office for reply.

After full consideration of your letters and especially the suggestion that some alternative to court-martial be employed in order to avoid the danger of disclosure of highly classified material to unauthorized persons, I have concluded that the danger of such disclosure is too minimal to justify directing or advising the convening authority to drop the charges. Arrangements have been made to insure that adequate security measures will be observed throughout the proceedings. Also, I am impressed by the consideration that the slight danger of disclosure should not be permitted to bar the trial of alleged security violations by officers possessing highly secret documents, when violations of this type would most seriously jeopardize the national security.

I sincerely appreciate your concern, but I am convinced that the normal processes of military justice can function in this case without endangering our national security.

Sincerely yours,

Wilber M. Brucker
Secretary of the Army