

## NOTES ON THE NICKERSON CASE

Col. Nickerson wrote the paper "Considerations on the Wilson Memorandum" to explain the Jupiter missile situation to certain Congressmen. He wrote it to specifically exclude any defense secrets. Although some of the information was claimed by the Pentagon to be secret, all of it had appeared in the technical press. It was thus available to Russian Intelligence, for we know that Russian Intelligence scans our press for such material. Most of it was also available in other ways to the Soviets; i. e., there were many ways to verify the information.

Of all the so-called "experts" in the Pentagon or elsewhere Col. Nickerson was probably the best qualified to determine the classification of these materials.

Another point is that had any high administration official chosen for any reason to divulge publicly this information he would not have been criticized for so doing. In fact, one of the items--the operational dates for Polaris--was released about the same time (December 1956) by Mr. Norton, Assistant Secretary of the Navy for Air. The release was made to a reporter from "Missiles and Rockets" magazine.

The Colonel also transmitted documents on the Jupiter C to Erik Bergaust of "Missiles and Rockets" in a direct effort to prevent a Russian satellite first by obtaining permission to make a Jupiter C satellite attempt. These documents were prepared by agencies under the control of ABMA or under contract to it. ABMA, therefore, had legal authority over the classification of these documents. Col. Nickerson's recommendations, especially on declassification, had always been accepted up to that time. OSD had ordered that the Jupiter C flight of September 20, 1956 be kept classified, but a SNARK flight out of control to Brazil in early December 1956 went a distance of 3,000 miles. The C. G., ABMA, at Colonel Nickerson's suggestion had officially requested that this order be rescinded. We fully expected immediate release of this information as there was no logical reason to keep it classified. Incidentally, this Jupiter C flight had already been described in the press.

Dr. von Braun and others testified that these documents (Jupiter C documents) contained no secret or confidential technical material at the pre-trial investigation, but that these documents did refer to the September Jupiter C firing which had been ordered classified by the Defense Department. When Col. Nickerson decided to plead guilty this presented quite a problem because we could not present witnesses who said flatly that in their opinion the documents could be declassified. They finally decided that they could say the



documents contained some small bit of classified information on the basis that Mr. Wilson or someone in OSD had ordered the September 20 shot to be treated as secret.

The guilty plea was considered advisable in order to get the espionage charge dropped. Although we had an air-tight defense against this charge, it was considered sound tactics to get it officially dropped as soon as possible. We think it was very unfair that this charge was ever brought--it's the old tactic, familiar in military justice circles, of overcharging a defendant if the big boss is after him. It was particularly unfair after the investigating officer recommended dropping this charge. Normally such recommendations by the investigating officer are accepted. The investigating officer was a non West-Pointer with considerable legal training who had never met Colonel Nickerson.

The investigating officer also recommended that the charge concerning delivery of a copy of "Considerations on the Wilson Memorandum" to Mr. Pearson be dropped. We had strong defenses against this charge as well as all the others, which defense was forfeited because of the unfair espionage charge.

The basic situation was obvious. The Defense Department had made a serious error and in doing so had favored certain large corporations in which the persons who made the decision were interested. Col. Nickerson had reported these facts to Congressmen. Mr. Wilson, then Secretary of Defense, was furious. Material about to be officially released or being kept classified by persons serving private monetary interests were used against Col. Nickerson to silence and discredit him. Representative Moss is right--the defense secret label is being used improperly to cover up administration errors and raids for money on the Treasury--all to the detriment of real national security at a very critical time.

Two men made the decisions listed in Mr. Wilson's memo of November 26, 1956. These were Wilson and Quarles. General Motors gained a considerable competitive advantage from the decision. General Motors A. C. Sparkplug Division had the contract for the vertical guidance system--a real plum. The Jupiter system was virtually killed whose guidance system was two years further along and much better thought out and engineered. Sperry Rand, Minneapolis Honeywell and others were much better qualified than A. C. Sparkplug.

The Wilson Memo was based primarily on advice given by Mr. Quarles. Mr. Quarles was a high ranking officer of the Bell System. The memo jeopardized two missile systems out of a total of



over thirty. Both of these missiles--Talos and Jupiter--were competitors of Bell System missiles--Nike and Thor. The odds that this decision was made without Mr. Quarles leaning unduly toward Bell are over 200 to 1.

"Considerations on the Wilson Memorandum" contained a statement to the effect that the September 20 Jupiter C flight proved that this missile could be used for a satellite attempt and stated that other missiles were available at Huntsville for such an attempt. Mr. Wilson, Mr. Quarles, and a great many others read this paper in December 1956. U. S. Intelligence knew about the Soviet satellite attempt at this time or shortly thereafter. Vanguard was running into delay after delay. Why wasn't the Army given the go ahead at this time? Remember Wilson and Quarles had just decided to discontinue the Jupiter missile. The old song about ABMA being too busy did not apply.

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