

Huntsville News

2117 CLINTON AVENUE
HUNTSVILLE, ALABAMA 35805
(AREA CODE 205) 532-4500

LEE WOODWARD
EDITOR

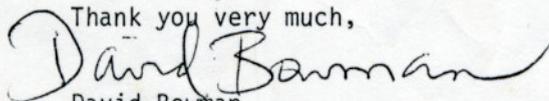
January 5, 1990

U.S. Army Judiciary
Clerk of Court Office
NASSIF Building
5611 Columbia Pike
Falls Church VA 22041

I would like to obtain a copy of the transcript of the 1957 U.S. Army court martial proceedings in the matter of Col. John C. Nickerson, held in late May or early June in Huntsville at Redstone Arsenal.

Please let me know about the costs involved and restrictions about the use of the court documents. I would also like to know if there are other publicly available documents archived at other locations regarding the Nickerson case.

Thank you very much,



David Bowman
Editorial Writer



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041-5013



February 13, 1990

REPLY TO
ATTENTION OF

Office of the Clerk of Court

Mr. David Bowman
Huntsville News
2117 Clinton Avenue
Huntsville, Alabama 35805

Dear Mr. Bowman:

This is in reply to your recent request for a copy of the transcript in the general court-martial case of United States v. Colonel John C. Nickerson (CM 396720).

We have withdrawn the record of trial from our archives. Upon initial inspection, it appears that a large portion of the material is classified and, therefore, not releaseable to you.

We need to know whether you want the classified material reviewed with a view towards declassification. This may be a lengthy process and we cannot estimate the time it will take.

If you are interested, I first want to confirm whether you want to obtain only a copy of the "transcript" (the verbatim testimony and trial exhibits), or a copy of the entire record of trial, which would include any pretrial or post-trial proceedings.

As for other publically available documents, the U.S. Army Military History Institute has suggested the following three sources which may assist in your research: (1) Readers Guide to Periodical Literature; (2) New York Times Index; and (3) A.U.P.I. (Air University Periodical Index).

In the interim, if you have any other questions or wish to discuss this request by telephone, I can be reached at area code 703, 756-1780.

Sincerely,

Mary B. Dennis
Mary B. Dennis
Deputy Clerk of Court



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041-5013



February 13, 1990

REPLY TO
ATTENTION OF

Office of the Clerk of Court

Mr. David Bowman
Huntsville News
2117 Clinton Avenue
Huntsville, Alabama 35805

Dear Mr. Bowman:

This is in reply to your recent request for a copy of the transcript in the general court-martial case of United States v. Colonel John C. Nickerson (CM 396720).

We have withdrawn the record of trial from our archives. Upon initial inspection, it appears that a large portion of the material is classified and, therefore, not releaseable to you.

We need to know whether you want the classified material reviewed with a view towards declassification. This may be a lengthy process and we cannot estimate the time it will take.

If you are interested, I first want to confirm whether you want to obtain only a copy of the "transcript" (the verbatim testimony and trial exhibits), or a copy of the entire record of trial, which would include any pretrial or post-trial proceedings.

As for other publically available documents, the U.S. Army Military History Institute has suggested the following three sources which may assist in your research: (1) Readers Guide to Periodical Literature; (2) New York Times Index; and (3) A.U.P.I. (Air University Periodical Index).

In the interim, if you have any other questions or wish to discuss this request by telephone, I can be reached at area code 703, 756-1780.

Sincerely,

Mary B. Dennis
Mary B. Dennis
Deputy Clerk of Court



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041-5013



March 6, 1990

REPLY TO
ATTENTION OF

Office of the Clerk of Court

Mr. David Bowman
Huntsville News
2117 Clinton Avenue
Huntsville, Alabama 35805

Dear Mr. Bowman:

This is in further reply to your request for a copy of the record of trial in the general court-martial case of United States v. Colonel John C. Nickerson (CM 396720).

Action has been taken to coordinate with the various agencies responsible for review of the classified material in the Nickerson record of trial. After an initial inspection is conducted by these offices, I will be able to better advise regarding which documents are releasable at this time.

Sincerely,

Mary B. Dennis
Mary B. Dennis
Deputy Clerk of Court

Joyce Radson

clerk: "Treasurer of the United States"



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041-5013



April 9, 1990

REPLY TO
ATTENTION OF

Office of the Clerk of Court

\$167.55
146.55

\$314.10

Mr. David Bowman
Huntsville News
2117 Clinton Avenue
Huntsville, Alabama 35805

(Box 34
Huntsville AL
35804)

Dear Mr. Bowman:

The classification review of the Nickerson record of trial is complete. with the exception of two prosecution exhibits, the entire record of trial has been declassified and is now available for public inspection. I have forwarded the two remaining classified prosecution exhibits to another agency for further classification review and I will keep you apprised of the status.

The Nickerson record of trial consists of seven volumes, totaling approximately 2094 pages. (This estimate does not include the two classified exhibits previously mentioned, nor does it include the cost of duplicating six specific exhibits which are large magazines and booklets. The titles and dates of the magazines can be listed for you). The duplication fee for the record of trial proper is \$314.10. Also, there are four volumes of correspondence estimated at approximately 1500 pages, a cost of \$225.00. If you wish to purchase a copy of the record, payment in the appropriate amount should be in the form of a check or money order made payable to the Treasurer of the United States.

Alternatively, you may want to consider reviewing the record in this office and determine which documents would be most valuable to your research. We can duplicate any or all of the documents, as you wish. Our office is located in the Bailey's Crossroads area of Falls Church, one-half mile north of Route 7. You can make arrangements to visit this office by calling me at 202, ~~756-1780~~ between the hours of 0745-1615, Monday through Friday. *681*

If you have any questions regarding this request or if I may be of further assistance, do not hesitate to contact this office.

Sincerely,

703
Mary B. Dennis — 681-6780
Deputy Clerk of Court 681-6758

Huntsville News

2117 CLINTON AVENUE
HUNTSVILLE, ALABAMA 35805
(AREA CODE 205) 532-4500

LEE WOODWARD
EDITOR

May 5, 1990

Mary B. Dennis
Deputy Clerk of Court
United States Army Judiciary
NASSIF Building
Falls Church VA 22041

Dear Ms. Dennis,

I'm sorry it has taken so long for me to reply but I was trying to find a custodial agency to agree to take the court documents and other materials when I am finished working with them. The Space and Rocket Center would be the best repository and may ultimately be where they should go. No one wants to commit sight unseen to the materials.

This leads to my second hitch, the cost, which is about twice what I can afford. I would like to pay for it on a four-segments basis if that is acceptable. This first segment would be the first half of the trial transcript, about ~~\$157~~ worth, * if my arithmetic holds up. I will phone you Monday to make sure this is agreeable and to make sure I have the right payee indicated on the check.

Thanks very much for your assistance in this matter....

Sincerely,

* \$167.55

David Bowman
David Bowman

DAVID H. BOWMAN		May 7 1990 0813	
PHONE 615 363-2971		61-7578	
BOX 34		2622	
HUNTSVILLE, AL 35804-0034			
PAY TO THE ORDER OF	Treasurer of the United States		
	167.55		
	One Hundred Sixty Seven and 55/100 DOLLARS		
To Huntsville Teachers Credit Union			
NCUA			
2309 Whitesburg Drive South			
PHONE 205-534-2423			
Huntsville, Alabama 35801			
MEMO	(Nickersn Trial, vols I+II) David Bowman		
⑆ 262275783⑆		⑆09840019⑆ 0813	



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041-5013



May 16, 1990

REPLY TO
ATTENTION OF

Office of the Clerk of Court

Mr. David Bowman
Huntsville News
2117 Clinton Avenue
Huntsville, Alabama 35805

Dear Mr. Bowman:

We have received your check in the amount of \$167.55 for the first two volumes of the Nickerson court-martial record of trial, which are enclosed.

If you have any questions, my telephone number is area code 703, 756-1780.

Sincerely,

Mary B. Dennis
Mary B. Dennis
Deputy Clerk of Court

Enclosures



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041-5013



July 5, 1990

REPLY TO
ATTENTION OF

Office of the Clerk of Court

Office of the Assistant Secretary
of Defense (Public Affairs)
ATTN: DFOI-SR
Room 2C757, Pentagon
Washington, D.C. 20301-1400

ATTN: Freedom of Information Act Officer

Enclosed are two classified exhibits, marked Prosecution Exhibit 16 and 17, for your review to determine whether the material is currently and properly classified.

These exhibits are from the general court-martial case of United States v. Colonel John C. Nickerson, a trial convened at Redstone Arsenal, Alabama, in 1957. The case centers around the missile research program and the Army's role in missile development. The original classified record of trial which consists of seven volumes and four volumes of correspondence was recently reviewed by the Security Office at Redstone Arsenal. The entire record, with the exception of the two exhibits cited above, has been regraded unclassified.

The two exhibits enclosed for your classification review, have been reviewed by the Office of Classification and Technology Policy, U.S. Department of Energy. It has been determined that the documents do not contain any Department of Energy classified information. The markings indicate: "coordinate with DOD" before declassification and release.

Please return the original documents to my attention when the classification review is complete. If you have any questions, my telephone number is 756-1780.

Sincerely,

Mary B. Dennis
Mary B. Dennis
Deputy Clerk of Court

Enclosures (2)

1. Prosecution Exhibit 16
2. Prosecution Exhibit 17

90-MDR-198



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041-5013



REPLY TO
ATTENTION OF

October 22, 1990

Office of the Clerk of Court

Mr. David Bowman
Huntsville News
2117 Clinton Avenue
Huntsville, Alabama 35805

Dear Mr. Bowman:

The two remaining classified prosecution exhibits in the Nickerson record of trial are still undergoing classification review within the Office of the Secretary of Defense. I will keep you apprised of the status of the review.

I have enclosed the remaining portions of the Nickerson record which you submitted a check for in the amount of \$146.55.

If you have any questions, my telephone number is area code 703, 756-1780.

Sincerely,

Mary B. Dennis
Mary B. Dennis
Deputy Clerk of Court

Enclosure



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041-5013



REPLY TO
ATTENTION OF

October 31, 1990

Office of the Clerk of Court

Mr. David Bowman
Huntsville News
2117 Clinton Avenue
Huntsville, Alabama 35805

Dear Mr. Bowman:

Enclosed are copies of my letter to the Office of the Assistant Secretary of Defense (Public Affairs) requesting classification review of Prosecution Exhibits 16 and 17 of the Nickerson court-martial case. Also enclosed is the reply from the Office of Freedom of Information and Security Review denying release of these documents as they are currently and properly classified.

You have a right to administratively appeal this decision. Any such appeal should offer justification to support reversal of the denial and should be forwarded to the Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Freedom of Information and Security Review, Room 2C757, Pentagon, Washington, D.C. 20301-1400.

Sincerely,

Mary B. Dennis
Mary B. Dennis
Deputy Clerk of Court

Enclosures



PUBLIC AFFAIRS

~~SECRET~~
OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1400

Ref: 90-MDR-198

MEMORANDUM FOR DEPARTMENT OF THE ARMY
OFFICE OF THE CLERK OF COURT
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VA 22041-5013
ATTN: MS. MARY B. DENNIS
DEPUTY CLERK OF COURT

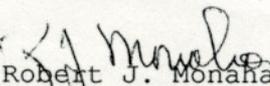
SUBJECT: Mandatory Declassification Review Request -
Mary B. Dennis

This responds to your July 5, 1990, Mandatory Declassification Review request of the attached documents. The documents are identified as follows:

- DOC #16: Classified Exhibit from General Courtmartial Case of COL John C. Nickerson, re: Memo from SECNAV to SECDEF on Revised Navy Fleet Ballistic Missile Program dtd 9 Nov 56 (SECRET - 3 pages)
- DOC #17: Classified Exhibit from General Courtmartial Case of COL John C. Nickerson, re: Memo of Lt Col N. M. Bengtson, BuOrd SP on FBM Program dtd 16 Nov 56 (SECRET - 10 pages)

We have completed our review and the DoD considers that the material should be withheld as it is currently and properly classified. Executive Order 12356, Section 1.3(a)(2) applies. We have returned the original copies of the documents as you requested.

You have the right to administratively appeal this decision. Any such appeal should offer justification to support reversal of the denial and should be forwarded to the Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Freedom of Information and Security Review, Room 2C757, Pentagon, Washington, D.C. 20301-1400.


Robert J. Monahan
Deputy Director
Freedom of Information
and Security Review

Attachments:
As stated

~~SECRET~~

UPON REMOVAL OF ATTACHMENT(S)
DOCUMENT BECOMES UNCLASSIFIED