

Chief of Manpower Office  
Office Chief of Ordnance  
Department of the Army  
Washington 25

Huntsville, Ala.  
July 17, 1957

Subject: Temporary Reassignment

To: ~~Chief of Manpower~~ <sup>Washington 25, D.C.</sup> ~~Office Chief of Ordnance~~

Throughout the investigation and court proceedings which began early in 1957 <sup>Col. Nedeau</sup> ~~I~~ <sup>he</sup> accepted full responsibility for ~~his~~ <sup>his</sup> efforts to ~~reassign~~ obtain operational use of the pyrites for the Army. I do doubt in the extensive testimony <sup>which Col. Nedeau</sup> gave to the various Inspector Generals or to the <sup>investigating</sup> ~~particular~~ in there the slightest indication that ~~I~~ General Nedeau should be held responsible. On the other hand, General Nedeau has repeatedly ~~and~~ beginning in early January has repeatedly ~~announced~~ and forcefully stated to all investigators and to the court that <sup>Col. Nedeau</sup> ~~I~~ deliberately defied his instructions by attempting to obtain modification of the ~~Warner~~ order. November 20th directive of November 24, 1956. These statements are not true. None of the investigating teams believed <sup>they were</sup> ~~it was~~ true because no charges were preferred which



indicated any disobedience of specific instructions.  
The court did not accept this statement either, from the  
sentence imposed, apparently did not give these statements  
any credence. The only evidence used by the defense against  
these statements was that provided by Gen. Medaris'  
own sworn statements. ~~and by one other officer~~ There is a other  
~~considerable~~ evidence which the defense did not use  
because it was deemed in the Army's interest for  
~~the defense to take to~~ that the C. G. A. B. M. A. be kept  
free from any connection with this case. We were forced  
however to draw the line at permitting Gen. Medaris'  
accusation of insubordination to go unchallenged.  
Lt. Richard made a careful and specific effort to prior to the  
court proceedings to have explained to Gen. Medaris that the  
defense could not permit further accusations of insubordination  
to go unchallenged.

During the court proceedings under oath Gen.  
Medaris stated that Colonel Richard would not be of  
further use to A. B. M. A. ~~He~~

Since reporting for duty on Thursday July 11<sup>th</sup>, 1957,  
Colonel Richard has been ~~as~~ under specific orders that



be not to use duty time in any effort to  
modify the sentence imposed upon him or ~~go~~ in preparation  
of an appeal. A check with the legal staff Third Army  
indicates that this is an <sup>in</sup> inappropriate ~~and~~ perhaps  
illegal order ~~to~~ Col. McKernan under the circumstances.

~~Col. McKernan has shown considerable exemplary~~  
~~loyalty to General Macdonald for exerted efforts to.~~  
~~I am remembering clearly~~  
~~It is in view of these facts the assignment of Col. McKernan to ABMA in~~ <sup>in view of Col. McKernan</sup>  
~~It is therefore requested that Col. McKernan's~~  
~~assignment to ABMA be terminated be assigned~~  
~~to the Redstone Arsenal until all legal proceedings~~  
~~in this case are complete and a new permanent~~  
~~assignment is <sup>given</sup> made to this office to him.~~

Sincerely yours,

Robert H. Bell  
Richardson



BELL, MORRING & RICHARDSON

ATTORNEYS AT LAW

610-14 TERRY-HUTCHENS BUILDING

HUNTSVILLE, ALABAMA

July 19, 1957

ROBERT K. BELL  
CARL A. MORRING, JR.  
PATRICK W. RICHARDSON  
JAMES R. CLEARY

PHONES: JE 2-2437  
JE 2-2438  
CABLE ADDRESS: "BELMON"

Chief of Manpower Office  
Office Chief of Ordnance  
Department of the Army  
Pentagon  
Washington 25, D. C.

Dear Sir:

Throughout the investigation and court proceedings which began early in 1957, Colonel Nickerson has accepted full responsibility for his efforts to obtain operational use of the Jupiter for the Army. Nowhere in the extensive testimony which Colonel Nickerson gave to the various Inspectors General or to the pre-trial investigator is there the slightest indication that General Medaris should be held responsible. On the other hand, General Medaris, beginning in early January, has repeatedly and forcefully stated to all investigators and to the Court that Colonel Nickerson deliberately defied his instructions by attempting to obtain modification of the directive of November 26, 1956. These statements are not true. None of the investigating teams believed they were true because no charges were preferred which indicated any disobedience of specific instructions. The Court, from the sentence imposed, apparently did not give these statements any credence. The only evidence used by the defense against these statements was that provided by General Medaris' own sworn statements. There is other evidence which the defense did not use because it was desirable in the Army's interest that the CG, ABMA be kept free from any connection with this case. We were forced, however, to draw the line at permitting General Medaris' accusation of insubordination to go unchallenged.

During the Court proceedings under oath General Medaris stated that Colonel Nickerson would not be of further use to ABMA.

Since reporting for duty on July 11, 1957, Colonel Nickerson has been under specific orders that he was not to use duty time in any effort to modify the sentence imposed upon him or in preparation of an appeal. Check with the legal staff Third Army indicates that this is an inappropriate and perhaps illegal order to Colonel Nickerson under the circumstances.

In view of these facts the assignment to ABMA is unfair to Colonel Nickerson. It is therefore requested that Colonel



Chief of Manpower Office

-2-

July 19, 1957

Nickerson be assigned to Redstone Arsenal until all legal proceedings in this case are complete and a new permanent assignment is given to him.

Sincerely yours,

BELL, MORRING & RICHARDSON

Patrick W. Richardson