

Nickerson Says 'Gross' Over-Emphasis On Air Power Exists With Air Force

Monteville, Ala. — Col. John C. Nickerson Jr. testified today that "gross" over-emphasis on air power exists in the Defense Department.

Beliance on air power alone, the Army missile officer testified at his court martial, might lay the United States open to "total defeat" if Soviet armies

overran most of the Free World. Nickerson was testifying in his own defense in an effort to mitigate his sentence for admitted negligent handling of secret documents and sending classified memos to various outside persons.

But Nickerson almost immediately launched a blistering at-

tack on the air power philosophy of defense which he said has been "glamorized and publicized" by every member of the Air Force.

Nickerson himself had opened a bitter inter-service fight over control of ballistic missiles when he protested Secretary of Defense Charles E. Wilson's de-

cision to turn such weapons in the intermediate range to the Air Force.

Used Secret Data

Nickerson, champion of the Army's Jupiter intermediate missile which he helped develop, admitted he used secret data to get across his case. He awaits sentencing on 15 counts, a sentence to be determined by the 10-member court martial after the defense completes its testimony.

Nickerson said the Air Force decision to build intercontinental ballistic missiles — ocean spanning weapons in contrast to the 1,500-mile Jupiter — was the proper one because the ICBM is a "strategic" weapon.

Then Nickerson began reading a prepared statement.

Speaking loudly and rapidly, the square-jawed 41-year-old colonel said that Soviet armies were constantly poised at the borders of free countries in the Near East, Europe and Asia with at least six months supplies.

Ground Forces Needed

No amount of atomic bombardment could prevent some of these armies from overrunning these countries and ground



COL. NICKERSON Open To 'Total' Defeat

forces should be strengthened to meet them, he said.

But under the present policy of cutting down manpower on the ground, both in this country and among our allies, Nickerson said, our foreign bases

would be overrun, resources lost and the prospects of "total defeat" would be present.

Nickerson's appearance was conducted by his special defense counsel, Ray H. Jenkins, but Nickerson did nearly all the talking.

After Nickerson, 10 more defense witnesses were slated. Jenkins said none would stay on the stand long and predicted Nickerson's sentence would come next Monday.

Defendant Confident

Nickerson began the third day of his trial confident he would come out well, although he had pleaded guilty to 15 specifications of failing to safeguard military secrets.

He was buoyed by the testimony of Dr. Werner von Braun, who developed the German V2 rocket. Von Braun came to the United States at the end of World War II and now is a naturalized citizen.

Von Braun testified for an hour and 45 minutes behind closed doors in an effort to mitigate the 41-year-old Nickerson's admitted guilt.

Fear for the nation's security rather than neglect of it moti-

vated Nickerson when he let secret data creep into communis-

tions to "unauthorized persons," Von Braun said.



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Supreme Court Under Attack as 'Aid and Comfort' To Communism

Washington — The Supreme Court was attacked today as an "aid and comfort" to Communism and defended as a co-equal branch of the government doing its part in safeguarding individual liberties.

The mounting controversy over recent court rulings brought with it new warnings of threats to law enforcement.

The FBI was reported ready to withdraw from prosecutions of espionage and certain other criminal cases if necessary to protect the secrecy of its files. The Justice Department urged laws to safeguard FBI files, and to establish new police procedures to prevent breakdown of prosecutions against hardened criminals.

Senate Debates on Court

The Senate exploded in debate on the court Wednesday. Views ranged from that of Sen. Strom Thurmond (D-S.C.), who charged the tribunal had "gone power wild," to Sen. Alexander Wiley (D-Wis.), who pleaded against "abuse of the highest tribunal of our land."

Rep. Donald L. Jackson (R-Calif.), in a speech prepared for House delivery today, denounced the high court's current course as "lending aid, comfort and assistance" to the Communist "enemy."

Asserting that June 17, when two of the most disputed court rulings were issued, might be celebrated by Communists henceforth as a "red letter day," Jackson said Congress should protect its committees by special legislation or abolish them.

Jackson, a member of the committee on un-American activities, found himself sharply at variance with committee Chairman Francis P. Walter (D-Pa.).

Walter said Wednesday no new legislation is required to meet the Supreme Court's edict in the Watkins case, one of those delivered June 17. That decision said witnesses can refuse to answer committee questions unless the purpose of the inquiry is given and the rele-

vancy of the questions shown.

Walter said recent San Francisco hearings of an un-American activities subcommittee showed the court's ruling could be followed without difficulty.

Sen. Jacob K. Javits (R-N.Y.), in a speech prepared for the New York State Veterans of Foreign Wars convention at Rochester also said it is "entirely practical" to guard against internal subversion while complying with high court rulings in the Watkins and other cases.

Defends Judicial Branch

He said the House and Senate can simply adopt adequate rules of procedure to meet Supreme Court objections, Javits said it would be "unwise and un-

healthy" to "curse the court" because it is a co-equal branch of government with its own share of the duty of safeguarding individual liberty and national security.

The new rulings were already having wide repercussions in law courts.

Playwright Arthur Miller sent his attorney before a federal judge here today to seek a reversal of his contempt of Congress conviction. He acted because of the Supreme Court ruling in the Watkins case, similar to his own. Frank W. Brewster, convicted Wednesday of con-

tempt of Congress announced he would appeal on the basis of the same high court ruling.

Refusal To Submit Non-Red Affidavits May Cost Passports

Washington — The U. S. Court of Appeals upheld today the secretary of state's right to withhold passports from persons who refuse to submit non-Communist affidavits.

The court acted on appeals filed by artist Rockwell Kent and by Walter Briehl, a Los Angeles psychiatrist. Both had declined to say whether they had been Communists, contending that the demand for such a statement was unlawful.

Main Opinion

The cases were heard by an eight-judge bench. The vote was 5 to 3 on the main issue with Chief Judge Henry W. Edgerton and circuit judges Charles Fahy and David L. Bazelon dissenting.

Circuit Judge E. Barrett Prentyman, joined by three other judges wrote the main opinion. It said:

"Analyzed to its underlying elements the critical problem in the case . . . is simply whether the secretary of state may decline to issue a passport to a per-

son who refuses to admit or deny that he is a member of the Communist party. We think he may.

"Or to state the problem in different terms, it is whether membership in or adherence to the Communist party is a valid subject of inquiry prerequisite to the issuance of a passport under world conditions. We think it is."

Edgerton said in his dissent that "we have temporized too long with the passport practices of the State Department."

"Iron curtains have no place in a free world," he said. "I think the secretary should be directed to issue a passport."

Briehl applied for his passport in the spring of 1955. He said he wanted to attend an International Psychoanalytic Congress in Geneva, Switzerland, and a World Mental Health Organization Congress in Istanbul, Turkey.

Kent applied, also in 1955, for the purpose of traveling to Europe to paint.

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